

## Frequently Asked Questions and Answers

- Q** Who will answer our questions ?
- A** The attorneys at Migrant Worker Research Group - Legal Counseling for Foreigners will be responsible for answering your questions.
- Q** Can we consult in languages other than Japanese?
- A** We can provide consultation in Chinese (Mandarin), Portuguese, Spanish, Tagalog, Vietnamese and English.
- Q** Could you explain how to ask for consultation with you ?
- A** Please call our office in Nagoya or Osaka and tell them your name, phone number, and preferred language. An interpreter will call you back (with his / her number uninformed).
- Q** What are the consultation fees ?
- A** There is no charge for the initial telephone consultation. Consultation in person may be subject to a consultation fee and an interpretation fee.
- Q** Can we consult with you from any place in Japan?
- A** Our research group is mainly active in the Kansai and Tokai regions. Depending on where you live, we may not be able to provide in-person consultations.
- Q** Can we hire a lawyer ?
- A** If it is necessary to take legal procedures, you can request a lawyer. If it is difficult to ask a lawyer from our institute due to geographical circumstances, we may be able to refer you to a lawyer or labor union in your area.

## What is Migrant Worker Research Group ?

The Migrant Worker Research Group is an organization made up of lawyers, leading members of labor unions, researchers, interpreters, and others who study issues involving foreign workers in Japan. In addition, lawyers with a wealth of experience in cases involving foreign workers provide labor law consultation and give advice to foreigners. Depending on the cases, they take charge of court proceedings or refer their consultants to appropriate organizations or institutions.



 For inquiries or strictly confidential consultations, call

Osaka office ☎ 06-4708-3631  
Nagoya office ☎ 052-414-5971

Both are open Monday - Friday (except holidays)  
from 10:00 to 17:00

### Migrant Worker Research Group Office

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2-6-13 Hiranomachi, Chuo-ku, Osaka  
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Tel: 06-4708-3631

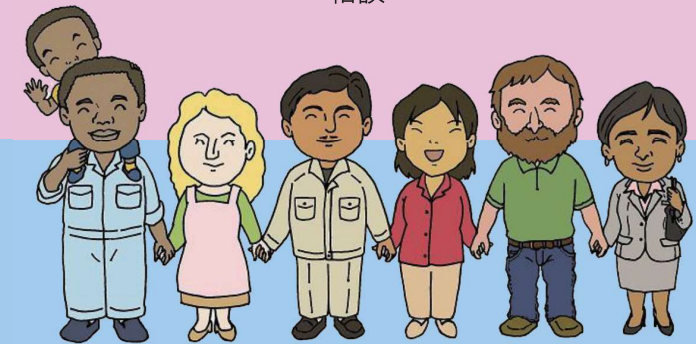
# Legal Consultation on Labor Issues for Foreign Workers

外国人

労働

法律

相談



MIGRANT WORKER  
RESEARCH GROUP

<http://migrant-worker.org>

# We counsel issues related to labor and traffic accidents.



## Unpaid Overtime

**Consultation :** I work 11 hours per day, 6 days a week, but the company won't pay for overtime.

**Counsel :** You can claim premium wages of 1.25 times the regular hourly wage for hours worked in excess of 8 hours a day and 40 hours a week. In order to claim unpaid overtime wages, you need to prove your working hours. In addition to time cards, handwritten notes that show the exact starting and ending times of work can be presented as evidence. If your wages are below the legal minimum wage, you can also claim the difference between your wages and the minimum wage. Wages are subject to the statute of limitations which expires three years after the date of monthly payment, so you should file a claim as soon as possible.

## Employment Terminated Suddenly

**Consultation :** I have been working under the status of residence of "Specialist in Humanities/International Services," but I was suddenly fired two months before the visa expiration date.

**Counsel :** They need to have a proper reason for dismissal, and without one, dismissal is invalid. There are two ways to solve the problem : 1) to have your employer recognize your status as an employee, let you work at your current workplace and pay your salary, or 2) to have your employer pay you compensation in exchange for resigning. In your case, there is not much time left before the residency term expiration, so you should consult with us as soon as possible.

## Death due to Overwork

**Consultation :** My father, who worked overtime until late every day and also went to work on weekends, suddenly died of heart failure.

**Counsel :** If a worker works more than 80 hours of overtime per month on average and dies of a heart or brain disease, it is likely to be recognized as death due to overwork and the bereaved family will receive compensation from Workers' Accident Compensation Insurance. If death due to overwork or suicide due to overwork is recognized, there are many cases where a claim for damages can be made against the company in addition to the compensation provided by Workers' Accident Compensation Insurance. Since there are detailed standards for certifying overwork death as a work-related injury and evidence needs to be collected to prove the working hours, it is recommended to ask a lawyer for help.



## Injuries at Work

**Consultation :** I was injured at work by a press machine and had three fingers amputated, but the company did nothing to help me.

**Counsel :** If you apply for Workers' Accident Compensation Insurance, you can receive 80% of your salary for the period you were absent from work, medical expenses, and a pension or lump sum payment to compensate for any after effects. In some cases, you may also be able to claim compensation from the company for your losses.

## Sudden Termination of Internship

**Consultation :** I have been working as a trainee, but was suddenly told by my training provider to terminate my training and return home.

**Counsel :** If you are not responsible for the reason why you are no longer able to continue technical training, you can demand that the supervising organization or company find you a new place to train. OTIT also has a consultation service for technical intern trainees. If you are unable to find a new internship site, in the worst scenario, you will have to return to your home country. Therefore, we recommend you to consult with a lawyer who is familiar with foreign workers' cases as soon as possible. It is fundamentally illegal to send foreign employees back to their home country against their will.



## Traffic Accident

**Consultation :** I was seriously injured when I was hit by a car.

**Counsel :** When injured in a car accident, you may be able to claim medical expenses, compensation, and wages that were not paid to you because you missed work. In addition, if you are left with after-effects, you may be able to claim additional compensation and lost earnings. However, the amount you can claim will depend on the circumstances of the accident and your status of residence.



If you have any questions or concerns, don't hesitate to call us at our Osaka office :06-4708-3631 or Nagoya office :052-414-5971