MEMORANDUM OF COOPERATION
ON THE EMPLOYMENT FOR SKILL DEVELOPMENT PROGRAM

BETWEEN

THE MINISTRY OF JUSTICE, THE MINISTRY OF FOREIGN AFFAIRS,
THE MINISTRY OF HEALTH, LABOUR AND WELFARE AND
THE NATIONAL POLICE AGENCY OF JAPAN

AND

THE MINISTRY OF HOME AFFAIRS OF THE SOCIALIST REPUBLIC OF
VIET NAM

The Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Health, Labour and Welfare and the National Police Agency of Japan (hereinafter referred to as "the Ministries and Agencies of Japan") and the Ministry of Home Affairs of the Socialist Republic of Viet Nam (hereinafter referred to as "Viet Nam" for the country name and "the Ministry of Viet Nam" for the Ministry of Home Affairs), shared the view that the purpose of the Employment-for-Skill-Development Program (hereinafter referred to as "ESDP") is to develop and secure human resources in Employment-for-Skill-Development industrial fields in Japan and thus to promote bilateral cooperation by contributing to the human resource development in Viet Nam, and others. Based on this view, the Ministries and Agencies of Japan and the Ministry of Viet Nam (hereinafter referred to collectively as "both sides") have decided as follows in order to adequately advance the ESDP:

1. Purpose

The purpose of this Memorandum of Cooperation (hereinafter referred to as "MOC") is to protect Skill Development Employees, and to promote ESDP adequately under bilateral cooperation by setting out the commitments between both sides to sending and accepting Skill Development Employees.

2. Terminologies

Unless otherwise specified, the terms used in the MOC should be interpreted in a manner consistent with the Act on Proper Implementation of Employment for Skill Development and Protection of Skill Development Employees (hereinafter referred to as "the ESD Act") and the

Ordinance for the ESD Act (hereinafter referred to as "the ESD Act Ordinance") of Japan. For the purpose of this MOC:

(1) The term "Employment for Skill Development" or "ESD" refers to Individual-enterprise-type ESD and Supervising-organization-type ESD;

(2) The term "Individual-enterprise-type ESD" refers to a form of acceptance under which a Japanese public or private organization accepts a Vietnamese national who is an employee of its place of business in Viet Nam to enter Japan with the status of residence of ESD to attend the necessary lectures and to work in the place of business in Japan of the said organization in order to acquire skills in ESD Industrial Fields.

For the purpose of this paragraph, the term "place of business in Viet Nam," in principle, means as follows;

- An establishment in Viet Nam which is the head office or a branch office of a Japanese public or private organization;
- An establishment in Viet Nam which is the parent company or a subsidiary of a Japanese public or private organization; or
- An establishment in Viet Nam which has the same parent company as a Japanese public or private organization.

(3) The term "Supervising-organization-type ESD" refers to a form of acceptance in which a Vietnamese national with the status of residence of ESD attends the necessary lectures and works in order to acquire skills in ESD Industrial Fields under the supervision and support of a Japanese non-profit corporation.

This type includes:

(a) Supervising-organization-type I ESD

This refers to a case in which a Vietnamese national is accepted by a Japanese non-profit corporation to attend the necessary lectures and to work at the place of business in Japan of a Japanese public or private organization; and

(b) Supervising-organization-type II ESD

This refers to a case in which a Vietnamese national, who is an employee of a place of business in Viet Nam of a Vietnamese public or private organization that has a close business relationship with a Japanese public or private organization, is accepted by the said Japanese public or private organization to attend the necessary lectures and work at its place of business in Japan.

For the purpose of this paragraph, the term "a Vietnamese public or private organization that has a close business relationship with a Japanese public or private organization" means as follows:

- an organization having a track record in international trade continuously for at least one year, or a track record in international trade worth of at least one billion yen in the past year, with a Japanese public or private organization; or

- an organization that the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare recognize as an organization forming an international operational partnership, or having any other close trade relationships, with a Japanese public or private organization.

(4) The term "Skill Development Employee" refers to a Vietnamese national who engages in ESD and meets the criteria set forth in Attachment 9;

(5) The term "ESD Industrial Field" refers to the industrial fields in which Skill Development Employees are to be accepted in line with the ESD Act Ordinance;

(6) The term "ESD Implementing Organization" refers to an individual or a corporation in Japan who carries out the ESD based on an ESD plan accredited in line with the ESD Act;

(7) The term "Supervising and Support Organization" refers to a Japanese non-profit corporation that supervises the implementation of the ESD with the license granted by the Ministries and Agencies of Japan; and

(8) The term "sending organization" refers to an organization that intends to send, is sending, or has sent Skill Development Employees to Japan, and "Recommended Sending Organization" refers to a sending organization which has been confirmed by the Ministry of Viet Nam to have committed itself to meeting Standards for Recommending Sending Organization in line with Japanese laws and regulations in Attachment 1, and has been recommended by the Ministry of Viet Nam.

3. Commitments by the Ministries and Agencies of Japan

The Ministries and Agencies of Japan, in cooperation with the Embassy of Japan in Viet Nam, where appropriate, will carry out the following commitments related to the acceptance of Skill Development Employees in line with the relevant laws and regulations of Japan:

(a) To make it widely known that, under Vietnamese laws and regulations, Individual-enterprise-type ESD and Supervising-organization-type II ESD are implemented through public service units under the Ministries or ministerial-level agencies assigned to send Vietnamese workers to work abroad under contracts (hereinafter referred to as "public service units"), and ESD Implementing Organizations conclude labour supply contracts and pay administrative fees to public service units;

(b) To make publicly available in Japan the information on Recommended Sending Organizations which the Ministries and Agencies of Japan receive from the Ministry of Viet Nam;

(c) To provide the Ministry of Viet Nam with a list of Supervising and Support Organizations;

(d) Not to accept Skill Development Employees who are sent by sending organizations other than Recommended Sending Organizations. However, the Ministries and Agencies of Japan may not accept Skill Development Employees even if they are sent by Recommended Sending Organizations in such case as the ESD plan relating to the Skill Development Employee is not approved in line with the ESD Act;

(e) Not to require a letter of recommendation for the Recommended Sending Organization issued by the Ministry of Viet Nam on the condition that the Ministries and Agencies of Japan receive from the Ministry of Viet Nam a full list of the Recommended Sending Organizations;

(f) In case of Supervising-organization-type I ESD, to accept only the Skill Development Employees on the list of recommended Skill Development Employees as described in Attachment 3 confirmed by the Department of Overseas Labour (hereinafter referred to as "DOLAB"), which is the agency assigned by the Ministry of Viet Nam;

(g) To make publicly available in Japan the information on the revocation of a recommendation of Recommended Sending Organization which the Ministries and Agencies of Japan receive from the Ministry of Viet Nam;

(h) To conduct administrative work relating to the license and the approval in line with the Criteria for the license of Supervising and Support Organizations described in Attachment 4 and with the Criteria for Accreditation of the ESD plan described in Attachment 5 in an appropriate manner;

(i) To take appropriate measures including revocation of license when a Supervising and Support Organization commits an act that falls under any of the items described in Attachment 6;

(j) To take appropriate measures including revocation of accreditation of the ESD plan when a case that falls under any of the items described in Attachment 7 arises;

(k) To require the ESD Implementing Organization or the Supervising and Support Organization submission of necessary documents regarding the Standards of Treatment of Skill Development Employees described in Attachment 8 and to take appropriate measures including revocation of the accreditation of the ESD plan in the event that the actual treatment is found to differ from what is described in the submitted documents;

(l) To investigate, instruct, and supervise relevant ESD Implementing Organization and to take appropriate action and communicate the results to the Ministry of Viet Nam if the Ministries and Agencies of Japan are informed by the Ministry of Viet Nam about the actual condition of ESD that is not in conformity with the Criteria for Accreditation described in the ESD Act or is different from the accredited ESD plan;

(m) To notify the Ministry of Viet Nam of the administrative measures taken as well as their results if the Ministries and Agencies of Japan take administrative measures with an order of improvement, revoking the license, or issuing an order for suspension of operation against a Supervising and Support Organization, or administrative measures with an order of improvement or revoking accreditation of an ESD plan against an ESD Implementing Organization in line with Articles 15, 16, 36 or 37, including the case of violations of Article 46 to 49 of the ESD Act;
(n) To establish a system to provide necessary support for Skill Development Employees in order to respond to their requests, including support required when a Skill Development Employee requests to be transferred to another ESD Implementing Organization;
(o) To provide necessary information when any of the Ministries and Agencies of Japan receives inquiries regarding ESDP from the Ministry of Viet Nam;
(p) To conduct investigations over the Supervising and Support Organization, ESD Implementing Organization in question, to provide necessary guidance and supervision, and to report the results to the Ministry of Viet Nam if the Ministries and Agencies of Japan are informed by the Ministry of Viet Nam that the Supervising and Support Organization or the ESD Implementing Organization is considered to have carried out act inconsistent with regulations or other improper act;
(q) To suspend the acceptance of new employees from the Recommended Sending Organization in the event that the Ministries and Agencies of Japan find that such Recommended Sending Organization has violated the standards set forth in Attachment 1, and to notify the Ministry of Viet Nam for joint implementation of this measure;
(r) To cooperate on surveys conducted by the Embassy of Viet Nam in Japan and the Ministry of Viet Nam concerning the situation of acquisition of skills of Skill Development Employees residing in Japan, such as by informing the Skill Development Employees concerned of the survey through the Supervising and Support Organizations; and
(s) To cooperate with Ministry of Viet Nam to implement solutions aimed at eliminating intermediaries, including promoting the use of public platform.

4. Commitments by the Ministry of Viet Nam

The Ministry of Viet Nam, in line with the relevant laws and regulations of Viet Nam, will carry out the following commitments with regard to sending Skill Development Employees:

(a) To closely coordinate with the Ministries and Agencies of Japan to prepare guidelines and provide detailed information on the recruitment process, the criteria for the selection and deployment of Skill Development Employees in line

with the regulations of Japan, and to implement sending of Skill Development Employees from Viet Nam to Japan;

(b) To make it widely known that, under Vietnamese laws and regulations, Individual-enterprise-type ESD and Supervising-organization-type II ESD are implemented through public service units, and ESD Implementing Organizations conclude labour supply contracts and pay administrative fees to public service units;

(c) To ensure that public authorities other than the Ministry of Viet Nam do not make any recommendation on a sending organization's ability to properly coordinate the applications of a Viet Nam national who intends to engage in ESD for the Supervising-organization-type I ESD to Supervising and Support Organizations (the recommendation stipulated in item 1, Article 20 of the ESD Act Ordinance);

(d) To recommend to the Ministries and Agencies of Japan the sending organization that complies with the laws of Viet Nam (including Vietnamese enterprises engaged in sending Vietnamese workers to work abroad under contracts and public service units) and has been confirmed by the Ministry of Viet Nam to have committed itself to meeting the standards stipulated in Attachment 1;

(e) To make publicly available the names and other information of Recommended Sending Organization in Viet Nam set out in 4(c) and to provide the Ministries and Agencies of Japan with information on the Recommended Sending Organization in the form specified in Attachment 2;

(f) To confirm the list of recommended Skill Development Employees described in Attachment 3;

(g) To conduct investigations over the Recommended Sending Organization in question, to provide necessary guidance and supervision, and to report the results to the Ministries and Agencies of Japan if the Ministry of Viet Nam is informed by the Ministries and Agencies of Japan that the Recommended Sending Organization is considered to have carried out act inconsistent with Recommending Standards or other improper act;

(h) To revoke the recommendation and report the reason and the result to the Ministries and Agencies of Japan in case of recognizing that the Recommended Sending Organization does not meet the standards stipulated in Attachment 1;

(i) To develop and utilize a public platform to provide Vietnamese nationals who intend to engage in ESD with easy access to information on Recommended Sending Organizations and the job applications coordinated through this platform;

(j) To cooperate on follow-up surveys conducted by the Ministries and Agencies of Japan such as ones concerning the situation of utilization of acquired technical skills, etc. after the Skill Development Employees return to Viet Nam, by, in particular, providing

guidance to Recommended Sending Organizations in order to obtain accurate feedback as much as possible from those former Skill Development Employees;

(k) To provide necessary information when the Ministry of Viet Nam receives inquiries regarding ESDP from the Ministries and Agencies of Japan;

(l) To inform Recommended Sending Organization that a Vietnamese national who intends to engage in ESD should be sent only after verifying that he/she is not subject to a certain criminal record, by means of an official document issued by Viet Nam, obtained based on his/her own initiative and submitted by himself/herself, in line with the laws and regulations of Japan and Viet Nam; and

(m) To require the sending organizations to take support measures for Skill Development Employees in line with the laws and regulations of Viet Nam.

5. Treatment of Skill Development Employees

Both sides reconfirm the following matters:

(a) An organization which intends to carry out ESD or a Supervising and Support Organization will explain working conditions in Japan to a Vietnamese national who intends to engage in ESD in person or online in order that the national recognizes his/her working conditions sufficiently before he/she signs a labour contract;

(b) Skill Development Employees are applicable for Labor Standards Act, Industrial Safety and Health Act, Act on Equal Opportunity and Treatment between Men and Women in Employment, and other laws and regulations relating to labour, and they are protected during their work in Japan, just as Japanese workers are;

(c) The employers are not allowed to give disadvantageous treatments such as dismissal to workers by reason of pregnancy, childbirth, etc., under Act on Equal Opportunity and Treatment between Men and Women in Employment;

(d) Any disadvantageous provisions that are against the laws and regulations of Japan, such as an obligation to return to home country by reason of pregnancy, childbirth, etc. are not to be included in the contract among the Supervising and Support Organizations, the ESD Implementing Organizations, the Recommended Sending Organizations, or the Skill Development Employees;

(e) The Recommended Sending Organization will collect from the Supervising and Support Organization and/or the ESD Implementing Organization minimum fees and other expenses, which include the travel expenses for the Skill Development Employees to travel to Japan, equal to the difference between those collected from Skill Development Employees in line with Japanese and Vietnamese laws and regulations provided that written agreements between the Recommended Sending Organization and the

Supervising and Support Organization and/or the ESD Implementation Organization are in place;

(f) If Vietnamese Skill Development Employees and their spouses or children are not permitted to reside in Japan, the Ministry of Viet Nam, within its assigned functions and responsibilities, should take the necessary procedures together with the diplomatic missions of Viet Nam in Japan, including the issuance of travel documents for return to Viet Nam on request of the Ministries and Agencies of Japan, in order to ensure their smooth return to Viet Nam; and

(g) Supervising and Support Organizations and ESD Implementing Organizations are to bear the costs of language training for Skill Development Employees required under the laws and regulations of Japan. These costs of the training are not included in the fees and other expenses provided for in 5(e).

6. Designation of Contact Points

Both sides will designate respectively contact points related to communications and coordination between both countries in order to effectively implement the activities under this MOC as follows:

(a) For Japan, the International Affairs Department of the ESD Organization (hereinafter referred to as "ESDO") (Organization for Technical Intern Training as the contact point before the ESD Act comes into effect.). Except for an intent to modify or supplement this MOC and an intent to discontinue the cooperation under this MOC, which should be addressed to the Residency Management Division, Residency Management and Support Department of Immigration Services Agency, the Ministry of Justice as well as the Office of the Counselor for Overseas Human Resources Development to the Director-General for Human Resources Development, the Ministry of Health, Labour and Welfare.

(b) For Viet Nam, DOLAB, Ministry of Home Affairs.

7. Settlement of Issues

Both sides will consult with respect to the implementation of activities under this MOC or issues arising therefrom, including occurrences of Skill Development Employees' disappearances, deportations of illegally-staying Skill Development Employees and frequent specific troubles between the sending organizations and the Supervising Support Organizations or ESD Implementing Organizations, and will settle such issues amicably and in close cooperation through diplomatic channels as deemed appropriate, in cooperation with each country's relevant ministries and agencies.

8. Implementation within the Scope of Laws and Regulations

(1) Cooperation under this MOC will be conducted in line with the functions, duties and authorities of each side, and in compliance with the laws and regulations of each country and the international treaties to which each country is a party.
(2) Neither side will disclose to any third-party confidential information obtained from the other side through cooperation and exchange of information within the framework of this MOC without the written consent of the other side.

9. Consultation

Representatives of both sides will consult from time to time, as necessary. Both sides will consult through diplomatic channels as deemed appropriate. ESDO and the Embassy of Viet Nam in Japan will communicate as necessary concerning the implementation of the ESDP.

10. Temporary Suspension of Acceptance

If it is found that the Ministry of Viet Nam has not properly implemented its commitments under 4 of this MOC and a resolution has not been reached through consultations under 7 of this MOC, the Ministries and Agencies of Japan may, when it is deemed truly unavoidable, restrict the acceptance of the Skill Development Employees sent out from Viet Nam (including temporary suspension) by notifying in writing.

11. Temporary Suspension of Sending

If it is found that the Ministries and Agencies of Japan have not properly implemented its commitments under 3 of this MOC and a resolution has not been reached through consultations under 7 of this MOC, the Ministry of Viet Nam may, when it is deemed truly unavoidable, restrict the sending of the Skill Development Employees to Japan (including temporary suspension) by notifying in writing.

12. Temporary Suspension of Accreditation of Employment for Skill Development Plan Due to Fulfillment of Expected Acceptance Quota

The Ministries and Agencies of Japan, in cooperation with the relevant ministries and agencies, will determine and announce the expected number of acceptance in each ESD Industrial Field, and basically treat that number as the upper limit of the number of

acceptance of Skill Development Employees, including those from Viet Nam. In case that the actual number of acceptance exceeds the expected number of it in a specific ESD Industrial Field, the Ministries and Agencies of Japan may temporarily suspend the accreditation of ESD plan for Skill Development Employees in that ESD Industrial Field in line with the provisions of the ESD Act. In this case, the Ministries and Agencies of Japan will notify the Ministry of Viet Nam of temporary suspension in writing in advance, and will take an appropriate measure in line with the laws and regulations of Japan concerning immigration with regard to matters concerning the residency status of the Skill Development Employees taking into consideration the status of the employment contract between the Skill Development Employee and their accepting organization, the state of implementation, and living conditions, etc.

13. Miscellaneous

(1) This MOC does not constitute an international treaty and does not create, neither for Viet Nam nor for Japan, any rights or obligations under international law.

(2) This MOC was signed at Tokyo on 9 November 2026 in duplicate, in the English language. The cooperation under this MOC will commence on the date of signature. With the commencement of this MOC, the cooperation between both sides on the ESDP will be conducted under this MOC.

(3) The cooperation under this MOC will continue for a period of five years from the date of signature and will be extended automatically for additional five years unless either side communicates to the other side not to intend to extend it in a written notice sixty days prior to the discontinuance date. In case either side intends to discontinue the cooperation based on this MOC before the end of the five-year period mentioned above, it may notify the other side in writing of its intention to discontinue the cooperation, not later than ninety days before the intended discontinuance date.

(4) The contents of this MOC may be modified or supplemented as necessary with written consent of both sides. Such modification or supplements will form an integral part of this MOC.

FOR THE MINISTRY OF JUSTICE OF JAPAN

FOR THE MINISTRY OF HOME AFFAIRS OF THE SOCIALIST REPUBLIC OF VIET NAM

FOR THE MINISTRY OF FOREIGN AFFAIRS OF JAPAN

FOR THE MINISTRY OF HEALTH, LABOUR AND WELFARE OF JAPAN

FOR THE NATIONAL POLICE AGENCY OF JAPAN

Attachment 1

Standards for Recommending Sending Organization in Viet Nam in line with Japanese Laws and Regulations

A Vietnamese Recommended Sending Organization must meet all of the following standards:

(1) To appropriately select and send to Japan only those who intend to engage in ESD with recognition of the objectives of the ESDP;

(2) When collecting fees and other expenses from a Skill Development Employee, a Vietnamese national who intends to engage in ESD (hereinafter referred to collectively as Skill Development Employee and Candidate) or a Supervising and Support Organization in line with the laws and regulations of Viet Nam and Japan, clearly specify the method of calculating such fees and other expenses, and publish them on a website or elsewhere, and clearly explain the details of said fees and other expenses to the Skill Development Employee and Candidate and the Supervising and Support Organization so that they can fully understand them.

In such cases, the details of the fees and other expenses to be collected from Skill Development Employee and Candidate, must be published on the public platform;

(3) To respond to requests from the Minister of Justice, the Minister of Health, Labour and Welfare, or ESDO regarding the proper implementation of the ESDP and the protection of Skill Development Employees. Such requests include follow-up surveys on the situation of utilization of acquired technical skills, and others, of those who have returned to Viet Nam after finishing ESD;

(4) As for a sending organization and its board members, if they had been sentenced to imprisonment or more severe penalty in Japan or in Viet Nam, at least five years have elapsed after the penalty had been completed or the penalty had been exempted from the execution;

(5) To carry out operations in line with the laws and regulations of Viet Nam on sending Vietnamese workers to work abroad under contract;

(6) As for a sending organization and its board members, to have never conducted any of the following acts within the preceding five years;

(a) In connection with ESD, the act of managing money or other property of the Skill Development Employee and Candidate, his/her spouse, lineal relatives or relatives living together, or any other person who has a close relationship in social life with the Skill Development Employee and Candidate, regardless of any purpose such as collecting deposits and others;

(b) Finalizing any contracts that stipulate monetary penalties or that expect undue transfer of money or other properties, for the violation of the contracts in connection with ESD;

(c) Receiving expenses* exceeding the amount of two months remuneration which is described in ESD plan from the Supervising-organization-type I Skill Development Employee and Candidate, his/her spouse, lineal relatives or relatives living together, or any other person who has a close relationship in social life with him/her;

(*The expenses here include all expenses paid by the Skill Development Employee and Candidate to the Recommended Sending Organization in the process of being sent to Japan, regardless of the item of expense.)

(d) Infringing human rights against Skill Development Employee and Candidate such as assaults, intimidation, and restrictions of freedom*

(*including compulsory sending back to Viet Nam by reason of pregnancy, childbirth, etc.);

(e) Using or providing a forged or altered document or drawing, or a false document or drawing, or putting an illegally created electronic or magnetic record into use for processing of matters of another person or using it with the intent of fraudulently obtaining permission, etc. in relation to procedures under the ESDP and procedures under the immigration control and residency management system in Japan;

(f) Providing money, goods, other economic benefits or entertainment or a treat beyond what is considered appropriate based on socially accepted standards, or offering or promising to do so to the ESD Implementing Organization or those who intend to conduct ESD, or the Supervising and Support Organization or those who intend to conduct supervising and support business; and

(g) Regarding Technical Intern Training and Technical Intern Trainees, acts listed in (a), (b), (d), and (e) of this item.

(7) To have never allowed the practice of brokers intervening in the recruitment of Skill Development Employee and Candidate or in the process of sending and accepting Skill Development Employees between sending organizations and Supervising and Support Organizations to collect fees and other expenses from Skill Development Employee and Candidate, or the practice of brokers paying bribes or fees to Supervising and Support Organizations;

(8) In coordinating applications for ESD to Supervising and Support Organizations, to require Skill Development Employee and Candidate, their relatives or other persons concerned to commit not to be involved in the acts set out in (a) and (b) of (6) of this item;

(9) Acknowledging the importance of addressing illegally-staying of Skill Development Employees, to cooperate with Supervising and Support Organizations and to make efforts in order to prevent Skill Development Employees from illegally-staying;

(10) To have other necessary capacities to appropriately coordinate applications for ESD to Supervising and Support Organizations; and

(11) To send the Vietnamese national who intends to engage in ESD only after verifying that he/she is not subject to a certain criminal record*, by means of an official document issued by Viet Nam, obtained based on his/her own initiative and submitted by himself/herself.

* No certain criminal record means that the following does not specifically apply:

- Has been sentenced to imprisonment or equivalent punishment for violating laws and regulations in Viet Nam. (Except when ten years have elapsed since the day on which the execution of the sentence was completed or the sentence was commuted, or when the sentence was suspended or a measure equivalent thereto was obtained and the period of suspension or a period equivalent thereto has elapsed, when the qualification has been restored due to reinstatement of rights)

Attachment 2
Date:

Outline of Recommended Sending Organization

Name of Organization:_____.
Name of Representative:_____.
(Address)_____.
_____
TEL: _____.
E-mail:_____.
URL:_____.
Date of Recommendation:_____.
Contact Point in Japan
(Name) :_____ .
(Name of Representative (In the case of a company/organization)) :
_____.
(Address) :_____.
(TEL) :_____:
(E-mail) :_____:

Attachment 3

List of Recommended Skill Development Employees

1. Information of Vietnamese Recommended Sending Organization

Name:

License No.:

Name of Representative:

Address:

Tel: E-mail:

2. Information of Japanese Supervising and Support Organization

Name:

License No.:

Name of Representative:

Address:

Tel: E-mail:

3. Information of Japanese ESD Implementing Organization

Name:

Name of Representative:

Address:

Tel: E-mail:

4. Information of Skill Development Employees

No.	Name	Date of birth	Gender	Occupation

Date/Month/Year

Recommended by Department of Overseas Labour (DOLAB)

(signature and stamp)

Name and title

Attachment 4

Criteria for the License of Supervising and Support Organizations

Pursuant to the provisions provided for in Article 25 of the ESD Act, an organization must meet all of the following conditions in order to obtain the license of Supervising and Support Organizations. In addition, those whose license has been revoked due to an act provided for in Attachment 6 (including those whose supervisory license has been revoked under the Technical Intern Training Program) will not be permitted to obtain a license for a period of five years thereafter:

(1) To be a Japanese nonprofit corporation as provided for in Article 44 of the ESD Act Ordinance;

(2) To have sufficient capability to appropriately conduct the supervising and supporting business in line with the criteria as provided for in Article 45 of the ESD Act Ordinance;

(3) To possess a sufficient financial basis to soundly conduct the supervising and supporting business in line with the criteria as provided for in Article 46 of the ESD Act Ordinance;

(4) To have taken the necessary measures to properly manage personal information (information on an individual that can identify the specific individual) and to maintain the confidentiality of the ESD Implementing Organization of the Supervising-organization-type ESD, etc. and the Supervising-organization-type Skill Development Employees, etc.;

(5) To have an audit by inspectors or by persons responsible for auditing the business of the corporation, and to take measures to have an audit relating to the performance of duties pertaining to the supervising and supporting business by the board members in line with paragraph (1), Article 47 of the ESD Act Ordinance, conducted by a person who does not have a close relationship with the ESD Implementing Organization of Supervising-organization-type ESD as provided for in paragraph (2), Article 47 of the ESD Act Ordinance and has knowledge or experience that enables the fair and proper execution of audits and thus satisfies the requirements as provided for in paragraph (3), Article 47 of the ESD Act Ordinance;

(6) In cases where an organization intends to receive job applications from a person applying to become a Supervising-organization-type I Skill Development Employee through a Recommended Sending Organization in Viet Nam, the organization must enter into a contract with that Recommended Sending Organization in Viet Nam concerning the cooperation in sending and receiving Vietnamese workers under the ESD program, in line with the laws of Japan and Viet Nam; and

(7) In addition to the matters provided for in the items (1) to (6) above, to possess the capability to enable it to perform the supervising and supporting business appropriately.

Attachment 5

Criteria for Accreditation of the ESD Plan

Pursuant to the provisions provided for in Article 9, paragraph (1) of the ESD Act, an ESD plan must meet all of the following conditions in order to have it accredited. In addition, those whose accreditation of ESD plan has been revoked due to an act provided for in Attachment 7 (including those whose accreditation of the Technical Intern Training plan has been revoked under the Technical Intern Training Program) will not be permitted to obtain an accreditation of ESD plan for a period of five years thereafter:

(1) The field in which the skills required for the work must be in the ESD Industrial Fields;

(2) The work to be engaged in, the skills required for the work, Japanese language proficiency, and other matters specified as the goal and content of the ESD must conform to the criteria provided for in Article 13 of the ESD Act Ordinance (including those set out in Attachment 9) in line with the category of ESD;

(3) The period of the ESD will be a maximum of three years;

(4) The evaluation of the skills and Japanese language skill, which the Skill Development Employee has acquired, should be conducted as provided for in Article 14 of the ESD Act Ordinance before the completion of the ESD;

(5) The structure and the equipment of the place of business based on which the ESD is to be conducted must conform to the criteria provided for in Article 15 of the ESD Act Ordinance;

(6) A person responsible for implementation of the ESD has been appointed at each place of business as provided for in Article 16 of the ESD Act Ordinance;

(7) In cases of Individual-enterprise-type ESD, the system of audits concerning the implementation of Individual-enterprise-type ESD for the Individual-enterprise-type ESD Implementing Organization must conform to the criteria provided for in Article 17 of the ESD Act Ordinance;

(8) In cases of Supervising-organization-type ESD, an individual or a corporation in Japan who intends to conduct ESD (hereinafter referred to as “applicant”) will be supervised or supported by a Supervising and Support Organization from which it has received guidance on preparation of the ESDP;

(9) Treatment of the Skill Development Employees must conform to the criteria provided for in Article 18 of the ESD Act Ordinance;

(10) In cases where an applicant is to conduct ESD for multiple Skill Development Employees at the same time during the ESD period, such number of employees must conform to the criteria provided for in Article 19 of the ESD Act Ordinance; and

(11) In the case of a Skill Development Employee who has been sent by a Recommended Sending Organization in a foreign country, the maximum expenses paid by the Skill Development Employee to the Recommended Sending Organization must not exceed the amount of two months remuneration which is described in the ESD plan.

* In addition to the above, the ESD plan in the case where a Skill Development Employee works in the form of worker dispatch, or in the case where a Skill Development Employee transferred to another ESD Implementing Organization, must conform to the standards of Article 9, paragraph (2), Article 9-2 or Article 9-3 of the ESD Act.

Attachment 6

Revocation of the License of Supervising and Support Organizations

Pursuant to the provisions provided for in Article 37 of the ESD Act, the Minister of Justice and the Minister of Health, Labour and Welfare of Japan may revoke the license to supervise if a Supervising and Support Organization falls under any of the following cases:

(1) It is deemed that the Supervising and Support Organization no longer conforms to any of the items listed in paragraph (1), Article 25 of the ESD Act;
(2) The Supervising and Support Organization falls under one of the items listed in Article 26 of the ESD Act (excluding item (ii), item (iii), and item (v) (c) and (d));
(3) The Supervising and Support Organization has violated the conditions attached to the license to supervise pursuant to the provisions of paragraph (1), Article 30 of the ESD Act; and
(4) The Supervising and Support Organization has violated the provisions of the ESD Act or laws relating to immigration or labour that are provided for by a Cabinet Order, or an order or disposition based on these provisions.

* If the Supervising and Support Organization receives a give of money, objects, or other economic benefits or provided entertainment or a treat beyond what is considered appropriate based on socially accepted standards from the Recommended Sending Organization, or requests to the Recommended Sending Organization or accepts such offers, the license of the Supervising and Support Organization may be revoked.

In addition, if a Supervising and Support Organization receives any money that does not fall under the category of fees for supervision and support from any person related to ESD, including Recommended Sending Organizations, the license may be revoked, and in line with the provisions of Article 111 of the ESD Act, the person may be punished with imprisonment for not more than 6 months or a fine of not more than 300,000 yen.

Attachment 7

Revocation of Accreditation of the ESD Plan

Pursuant to the provisions provided for in Article 16 of the ESD Act, the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare of Japan may revoke the accreditation of the ESD plan in following cases:

(1) In case that the ESD Implementing Organization is deemed to have not conducted the ESD in line with the accredited ESD plan;

(2) In case that the accredited ESD plan is not deemed to conform to any of the items of Article 9, paragraph (1) or (2), any of the items of Article 9-2, any of the items of Article 9-3 of the ESD Act;

(3) The ESD Implementing Organization has come to fall under one of the items of Article 10 of the ESD Act;

(4) The ESD Implementing Organization has omitted to give a report or to submit or present books or records pursuant to the provisions of paragraph (1), Article 13 of the ESD Act, has given a false report or submitted or presented false books or records, or has not given an answer or has given a false answer to questions pursuant to the provisions of the same paragraph, or refused, interfered with or evaded an inspection pursuant to the provisions of the same paragraph;

(5) The ESD Implementing Organization has made a false report or submitted or presented false books or records in response to a request from ESDO to make the report or submit or present books or records pursuant to the provisions of paragraph (1), Article 14 of the ESD Act, or has given a false answer to questions asked by ESDO's staff pursuant to the provisions of the same paragraph; and

(6) The ESD Implementing Organization has violated the order prescribed under the provisions of paragraph (1), Article 15 of the ESD Act.

* If the ESD Implementing Organization or the Supervising and Support Organization receives a give of money, goods, other economic benefits or entertainment or a treat beyond what is considered appropriate based on socially accepted standards from the Recommended Sending Organization, or requests to the Recommended Sending Organization or accepts such offers, the accreditation of ESD plan may be revoked.

In addition, in cases where a contract which provides for a penalty for non-fulfillment of a contract pertaining to the ESD or any other contract which provides for the undue transfer of money or other property is made among the Skill Development Employee, the Supervising and Support Organization, or the Recommended Sending Organization in relation to the ESD conducted by Skill Development Employee and Candidate, the ESD plan may be revoked.

Attachment 8

Standards of Treatment of Skill Development Employees

The ESD Implementing Organization or the Supervising and Support Organization must conform to the following standards regarding treatment of Skill Development Employees:

(1) In cases of Supervising-organization-type ESD, to ensure that such employee will not be made to directly or indirectly pay for the expenses collected as fees for supervision and support pursuant to the provisions of paragraph (2), Article 28 of the ESD Act (applicable only to the Supervising-organization-type ESD Implementing Organization or the Supervising and Support Organization);
(2) With regard to the expenses to be paid regularly by the Skill Development Employee regardless of whether they are food expenses, accommodation expenses or other expenses, to have the Skill Development Employee sufficiently recognize the contents of the meals, accommodation facilities and other benefits to be provided in exchange for the expenses, to reach consensus with the employee about such conditions and to ensure that the amount of the expenses is equivalent to the actual expenses or is otherwise an appropriate amount and is clearly stated in the employment contract;
(3) To secure appropriate accommodation for the Skill Development Employees; and
(4) To pay the travel expenses required for the employee's return to home country upon the termination of the ESD, and such expenses should be borne by the ESD Implementing Organization in the case of Individual-enterprise-type ESD, or by the Supervising and Support Organization in the case of Supervising-organization-type ESD.

Attachment 9

Criteria for the Skill Development Employee and Candidate in line with Japanese Laws and Regulations

The Skill Development Employee and Candidate must meet all of the following criteria:

(1) To be 18 years of age or above;
(2) To be in good health;
(3) To have no certain criminal record;
(4) To have a passport issued by an organization with authority of the foreign government that will cooperate with the smooth enforcement of deportation orders;
(5) In cases where he/she has a period of residence in Japan under the status of residence of "Specified Skilled Worker," to be considered appropriate to be a subject of the ESD from the perspective of proper implementation of the ESD, in light of the nature of the work engaged in during that period;
(6) In the case of the Individual-enterprise-type ESD, to be a full-time employee who has continuously engaged in work for at least one year at the place of business in Viet Nam set out in 2(2), and to be transferred or seconded from that place of business;
(7) In the case of the Supervising-organization-type ESD, to fall under one of the following conditions;
    (a) To be a Vietnamese national who seeks to become eligible for ESD recommended by the Ministry of Viet Nam in the form of Attachment 3; or
    (b) To have continuously engaged in work at the place of business in Viet Nam of a Vietnamese public or private organization that has a close business relationship with a Japanese public or private organization set out in 2(3)(b) for at least one year.
(8) Not to have his/her money or other property managed regardless of any purpose such as collecting deposits and others in connection with the ESDP, and not to finalize any contracts that stipulate monetary penalties that expect undue transfer of money or other properties, for the violation of the contracts in connection with ESD;

(9) In the case of the Supervising-organization-type I ESD, to sufficiently understand the amount and breakdown of expenses to be paid to the sending organization for sending the Skill Development Employees, or those to be paid to the preparatory organization* in Viet Nam for the preparation of ESD, and have entered into an agreement on it with those organizations; and

*"Preparatory organization" refers to entities other than the sending organization that are involved in the preparation of the worker (Japanese language schools, visa application agents, etc.).

(10) To have either passed a Japanese language test equivalent to A1 level or completed a Japanese language course of equivalent standard before commencing work.