



### 5 Dismissal and resignation

Both “dismissal” and “resignation” refer to the act of leaving a company, but the contents of these two acts differ considerably.

#### 5-1 Dismissal

##### (1) What is dismissal?

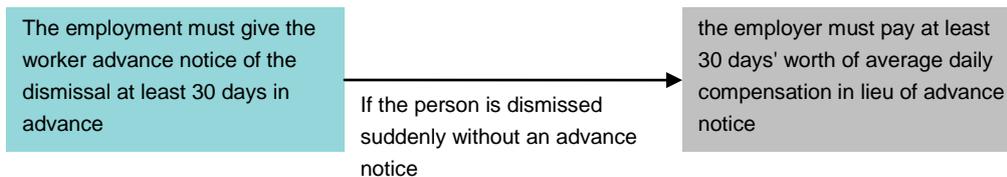
When an employer terminates on his or her side only the employment contract (job) with you, this is referred to as "dismissal, i.e. forcing the person to leave his or her job." However, for an employer to dismiss a worker, there must be a proper reason for this.

Dismissing a worker for any of the following reasons is prohibited.

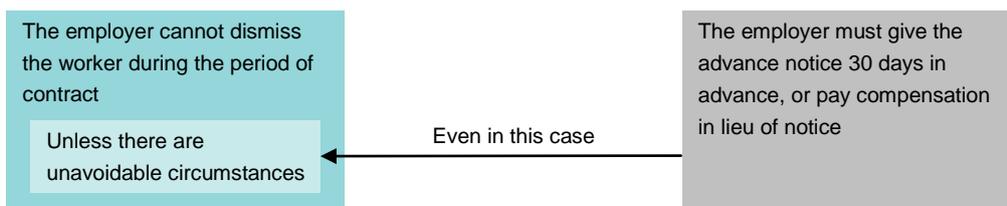
- 1 Dismissal during a period when a worker is on work leave due to sickness or injury caused by his or her job, or for a period of 30 days following this
- 2 Dismissal during a period when a worker is on work leave before or after giving birth, or for a period of 30 days following this
- 3 Dismissal on the grounds of the worker's nationality, religion or social position
- 4 Dismissal on the grounds of the worker having reported to the Labor Standards Supervision Office violations of the Labor Standards Law etc.
- 5 Dismissal on the grounds of the worker being a member of a labor union, or have carried out valid activities of a labor union
- 6 Dismissal on the grounds of being female, on the grounds of a female worker marrying, becoming pregnant or giving birth, or on the grounds of a female workers being on work leave before or after giving birth
- 7 Dismissal on the grounds of having put in a request for maternity leave, or having taken maternity leave

In addition, the conditions for dismissal vary depending on the employment contract.

In the case of an employment contract where the period of employment is not decided



In the case of an employment contract where the period of employment is decided





### **(2) If you are dissatisfied with the dismissal**

If you are dissatisfied with the dismissal, you should first of all communicate this to your employer. After this, it is important to have a leaving certificate issued in order to clarify questions such as whether the reason for the termination of the contract constitutes dismissal or personal resignation (where the person resigns due to his or her own circumstances), and the reason for dismissal. If you are not satisfied by the reasons for dismissal, you should consult with your nearest Labor Standards Supervision Office, labor office, your prefectural office's labor department or a lawyer.

If you are dismissed without a valid reason, you should consult with your nearest Labor Standards Supervision Office or labor-related consultation center immediately.