

Legal Concerns regarding COVID-19 Outbreak Q&A

If you are concerned about legal issues
please do not hesitate
to call Houterasu

Houterasu Multilingual Information Service

0570-078377

Weekdays (excluding year-end and New Year holidays) 9 am - 5 pm
The interpreter will connect you to your preferred Houterasu office and interpret
for you.

◆ Supported languages ◆

English, Chinese, Korean, Spanish, Portuguese, Vietnamese
Tagalog, Nepali, Thai, Indonesian

- Call charges depend on the type of phone you are using, contract and distance.
- If you are calling from a VoIP phone or a prepaid mobile phone, please contact us on the following number instead: 050-3754-5430.

The Japan Legal Support Center (Houterasu)
is a national public corporation.
For more information, please visit the Houterasu website.
<https://www.houterasu.or.jp/en/index.html>



When I lost my job and was at a loss, a friend introduced me to an ad that claimed I “could borrow a salary in advance.” Apparently the Japanese text states that they are “not a money lending business.” Would it be problematic for me to borrow money for current living expenses?

Since there are many dishonest vendors out there, it would be dangerous to borrow money. There have been reports of high-interest money lenders who are not registered as money lenders profiting from the turmoil caused by COVID-19. Money lenders have also reportedly solicited people with claims of providing “advance loans, not loans,” calling it “salary factoring.”

Borrowing from these vendors quickly leads to a vicious cycle of also borrowing from other high-interest vendors in order to pay off interest from the first loans.

If you are struggling to pay living expenses, please contact the municipal office in your neighborhood.

Due to the effects of the COVID-19 outbreak, I was unable to pay rent for a month. Do I have to vacate my place immediately?

The lease contract cannot be canceled unless the failure to pay rent breaches the relationship of trust between the lessor and lessee. Generally, the relationship of trust is recognized to be breached when rent isn't paid for three months or more.

Therefore, you do not need to vacate your place just from failing to pay the rent once. Even if you have a special contract where you must vacate immediately in the case of one instance of failing to pay rent, it is possible to nullify it.

For more information, please consult with a specialist such as an attorney or judicial scrivener.

I had been planning a wedding but decided to cancel it due to the effects of the COVID-19 outbreak. The hotel that was going to host the reception charged a high cancellation fee. Do I have to pay it?

As a general rule, the cancellation fee amount is subject to the provisions of the contract (terms and conditions) between the parties.

However, even if the contract (terms and conditions) stipulates a cancellation fee, if that amount exceeds the average damages for the same type of business (average damage), it is not necessary to pay the amount that exceeds the average damage. The amount of this “average damage” will be comprehensively determined per contract type considering factors like the reason for cancellation, timing of cancellation, specificity of contract, costs for preparation or profits that may have been obtained, and the possibility of substituting or altering the contract.

In addition, it seems that some hotels are flexibly responding to cancellations due to the effects of the COVID-19 outbreak, such as limiting the cancellation fee to an amount equivalent to the actual costs.

For more information, please consult with a specialist such as a consumer affairs center or lawyer, etc.

Since my income suddenly decreased due to the effects of the COVID-19 outbreak, it has become difficult to pay electricity bills, etc.

Electric companies, gas companies, mobile phone companies, and insurance companies (life insurance, general insurance) have taken measures to defer payment of fees, etc. for policyholders whose income has decreased due to the effects of the COVID-19 outbreak.

For more details such as whether payment deferment measures are available, you are eligible for deferment, and how long the deferment period is, please ask the respective representative.

I work as a contract employee. The other day, the company told me, “Since our business has been flagging due to the effects of the COVID-19 outbreak, we will not be able to renew our contract with you.” I was planning on renewing the contract and working at the same company for a long time. Is my only option to accept the company’s statement?

For labor contracts with a fixed employment period (fixed-term employment contracts), employment ends when the contract period ends, if the employer refuses to renew the contract. This is called “employment contract termination.” However, employment contract termination is invalid in certain cases in terms of worker protection.

If a worker repeatedly renews a fixed-term contract and works in conditions substantially similar to an indefinite-term employment contract with no fixed term, or has a reasonable reason to expect continued employment after the term of their fixed-term employment contract expires, employment contract termination is invalid. In this case, if the employer’s employment contract termination lacks an objectively rational reason and is deemed inappropriate per conventional wisdom, the fixed-term employment contract would be considered renewed (signed).

Also, if you wish to invalidate the employment contract termination and continue employment, you need to apply for renewal of a fixed-term employment contract.

For more information, please consult with a specialist such as a general labor consulting center of the Labor Bureau or lawyer, etc.

The company that I work for is having financial difficulty due to the effects of the COVID-19 outbreak. The other day, they suddenly told me, “You don’t have to come in today.” It was sudden and I don’t know what to do.

Except for reasons where dismissal is individually prohibited by law, it is necessary to take appropriate measures in accordance with the following rules per judicial precedents and provisions of the Labor Contract

Act. Cases of being affected by the COVID-19 outbreak are no exception.

The recognition of laying off (dismissal for reducing surplus personnel due to management reasons) is valid depending on consideration of four items: 1) necessity of reducing personnel, 2) whether efforts for avoiding dismissal were exhausted, 3) rationality of criteria for selecting employees to dismiss and 4) appropriateness of dismissal procedure (explanation, meeting, etc.).

The above four items will be considered for workers with a fixed employment period (fixed-term employment contractors) as well. Regarding fixed-term employment contracts, the Labor Contract Act states that “the employer shall not dismiss a worker until the end of the contract period for labor contracts that have a fixed employment period (fixed-term labor contracts), unless there is an unavoidable reason,” and dismissal is determined more strictly compared to labor contracts that don’t have fixed employment periods (indefinite labor contracts).

Labor contract termination (the employer refusing to renew a fixed-term labor contract) is also not permitted without conditions. For example, it’s not permitted for the employer to refuse a worker’s application for renewal when a fixed-term labor contract was repeatedly renewed up until then and not renewing this time is equivalent with dismissing an indefinite-term employment contractor according to conventional wisdom.

For more information, please consult with a specialist such as a general labor consulting center of the Labor Bureau or lawyer, etc.

I was working as a chef at a restaurant. Due to the effects of the coronavirus, I was dismissed because the restaurant business was not sustainable. I am looking for a new job but have not been able to find one. What should I do?

It is not allowable to casually dismiss workers even if they are foreign nationals (regardless of the status of residence). Dismissing foreign employees has the same strict conditions as for Japanese employees. If only foreign employees are dismissed, they may consult with a lawyer, revoke the dismissal, and request payment of leave allowance while the restaurant is on hiatus.

On the other hand, if the restaurant is almost out of business and the Japanese employees are also dismissed, there is no other option but to look for another job. However, due to the effects of COVID-19, it may be difficult to find a new job that fits the conditions of your status of residence (in this case, a “skilled labor” chef).

Special measures have been established for status of residence in order to support the continued employment of foreign nationals who have been dismissed due to the effects of the COVID-19 outbreak. If certain requirements are met such as having signed an employment contract after finding a job in a specific industrial field, a status of residence of “designated activities (employment possible)” is approved for a maximum of one year. Also, if it’s difficult to find a job, you can get support for connecting you with one per a recruiter through federal support. Please consult with a Regional Immigration Bureau.

I am an international student attending a Japanese language school. I was planning on getting a job in Japan after graduating from the Japanese language school, but my job offer was canceled due to the worsening financial situation of the company due to coronavirus. Once I reach the end of my residence period as an international student, is my only option to return to my home country?

Before your status of residence expires, you will need to find a place of employment that supports changes to status of residence.

The Immigration Services Agency has established special measures to support foreign nationals whose employment is under danger in Japan due to the effects of the COVID-19 outbreak. If international students whose employment offers have been canceled meet certain requirements such as having signed an employment contract after finding a job in a specific industrial field, a status of residence of “designated activities (employment possible)” is approved.

Since we also provide support for connecting those who are having difficulty finding a job to employers through recruiters, please contact the Regional Immigration Bureau as soon as possible, consulting with them on changes to status of residence.

If you wish to get a job categorized as a specified skilled worker, please use the following service as well.

<Specified Skilled Worker Portal Site>

<http://www.ssw.go.jp>

* Information sessions on the overall specified skilled worker system for foreign nationals who wish to work as specified skilled workers and companies wishing to hire foreign nationals as specified skilled workers, as well as information on face-to-face (or online) consultations between foreign nationals and companies are provided.

I am an international student attending a Japanese university. I was planning on getting a job in Japan, but my job offer was revoked due to the worsening financial situation of the company due to coronavirus. I will reach the end of my residence period as an international student soon. Is my only option to return to my home country?

You can change your status of residence from “student” to “designated activities.”

In order to support job searching of international students who have graduated or completed a Japanese university (limited to those who have graduated from a university, graduate school, technical college, or vocational school.), those who meet certain conditions are recognized to have “designated activities” as their status of residence while job searching for a one-year period after graduation. If you want to continue your job searching beyond the one-year “designated activities” residence period due to the spread of the COVID-19 outbreak, you can renew your residence period. Please contact the Regional Immigration Bureau as soon as possible regarding requirements and required documents.

Also, if you have already switched to a status of residence of “designated activities” because you were given a job offer, you will still have the same status of residence of “designated activities” but will need to change the sub-category from “waiting for job offer” to “job searching.” If you meet certain requirements,

you can engage in activities outside of your residence status (part-time jobs) for up to 28 hours a week with permission for such activities. Please consult with a Regional Immigration Bureau regarding the procedure.

I have completed the technical intern training, but I cannot return to my home country due to the effects of the COVID-19 outbreak. If I don't make income by the time I can return to my home country, I'm afraid I won't be able to sustain a living in Japan.

Regarding those who have completed their technical intern training but are having difficulty returning home due to the effects of the COVID-19 outbreak, the Immigration Services Agency approves changes to the status of residence of “designated activities (employment possible)” for a maximum of one year in the case that certain requirements are met such as having signed an employment contract after finding a job in a specific industrial field.

Also, if it's difficult to find a job, you can get support for connecting you with one per a recruiter through national support. Please consult with a local Regional Immigration Bureau regarding this as well.

I am a business owner. Due to the effects of the COVID-19 outbreak, business performance has worsened, requiring reduction of the business. It seems that there is a support system. What kind of system is it?

There is a system of employment adjustment subsidies that supports business owners who have been forced to reduce their business activities due to economic reasons.

This subsidizes part of the leave allowance, wages, etc. if a worker is temporarily put on leave, receives training or loaned to another department. In response to the effects of the COVID-19 outbreak, special measures have been established to ease these payment requirements. For the latest information, please check the Ministry of Health, labor and Welfare website or inquire with the call centers for employment adjustment subsidies, leave subsidies or funding for schools, Hello Work (employment service) centers and regional labor bureaus.

<Call center for employment adjustment subsidy> * Only available in Japanese

Phone number: 0120-60-3999

Reception hours: 9 am to 9 pm (including Saturdays, Sundays, and holidays)

Houterasu Information Services and Civil Legal Aid

What kind of services can I receive by calling the multilingual information services of Houterasu?

Users who speak a foreign language as their native tongue can use these services if they wish to get information on the Japanese legal system or consultation services.

This is done via a three-way call between the user, interpreter and Houterasu staff member. In the three-way call, the user calls the phone number of the multilingual information service (0570-078377), the interpreter transfers the call to the user's preferred local office or branch, and the user and Houterasu staff member have a three-way call through the interpreter.

If you want to know specific methods of solving legal issues, you need legal advice from an expert. In the multilingual information service, we will introduce you to points of contact that will help you solve issues including Houterasu's free legal consultation services.

Can anyone get free legal consultation from Houterasu?

Houterasu provides free legal consultation to those who have problems with private or domestic affairs but cannot receive legal assistance from lawyers and judicial scriveners due to lack of money (civil legal aid/legal consultation aid). To use this system, the following requirements must be met.

- Income and assets are under a certain amount
- Having an address in Japan and residing legally (However, if your status of residence is problematic and you file a lawsuit against the administrative authority that deals with your status of residence, bringing it to court where it can be confirmed that they recognize your status of residence, the requirement will be considered satisfied even without a status of residence, as an exception.)

In addition to the Houterasu office, legal consultation aid is available at registered consultation centers where civil legal aid and consultation can take place, such as bar associations and judicial scrivener associations.

For more information, please call the multilingual information service (0570-078377). The interpreter will connect you to your local Houterasu office and work with you through a three-way call (user, interpreter, Houterasu staff member).

If you do not meet the requirements for civil legal aid, we will introduce you to consultation centers that provide legal advice such as bar associations, judicial scrivener associations and municipalities. The legal consultation may require a fee depending on the consultation center.

<Conditions for Legal Consultation Aid>

Both Criterion A and Criterion B must be met.

Criterion A Income, etc. is below certain amount

Except in the case of a dispute between a husband and wife, assistance will be determined based on income and assets including those of the spouse, in principle.

The guidelines for monthly income (1/12 of take-home annual income including bonuses) are as follows.

Single person	Family of two	Family of three	Family of four
182,000 yen or less (200,200 yen or less)	251,000 yen or less (276,100 yen or less)	272,000 yen or less (299,200 yen or less)	299,000 yen or less (328,900 yen or less)

*The numbers in parentheses are the amount standards for large cities like Tokyo and Osaka.

*For families of five or more, 30,000 yen (33,000 yen) will be added for each additional person.

*If there are expenses such as medical expenses and educational expenses, the corresponding amount will be deducted.

*If you are paying rent or mortgage, the full amount is accounted for within the range of the following limits to the above income standards. The amounts in parentheses are the limits on added amounts for residents of special wards in Tokyo.

Single person	Family of two	Family of three	Family of four or more
41,000 yen (53,000 yen)	53,000 yen (68,000 yen)	66,000 yen (85,000 yen)	71,000 yen (92,000 yen)

Criterion B Owned assets are below certain amount

The total amount of cash and savings must meet the following criteria.

Single person	Family of two	Family of three	Family of four or more
1.8 million yen or less	2.5 million yen or less	2.7 million yen or less	3 million yen or less

I would like to ask a lawyer/judicial scrivener to resolve my issue. What kind of costs will there be and how much will they be?

Generally, the types of expenses paid to lawyers and judicial scriveners include legal advice fees, start-up fees, remuneration, handling fees, actual expenses, daily wages and consulting fees.

There is no standard price for these costs, as individual lawyers and judicial scriveners set those standards.

In addition, Houterasu has a civil legal aid system that provides free legal advice to those who have problems with private or domestic affairs but cannot receive legal assistance from lawyers and judicial scriveners due to lack of money, and pays the costs of lawyers, judicial scriveners and trials up front to be paid back later.

In order to use the civil legal aid system, it is necessary to meet the requirements that income and assets are within a certain amount, that there is a chance of winning the case, and that the case is suitable for the purpose of civil legal aid. If you use the lawyer/judicial scrivener fee reimbursement system, the fees are set based on the standards of Houterasu. The established fees will be paid by Houterasu up front and paid to the lawyer and judicial scrivener in a lump sum. As a general rule, users will pay back the full amount to Houterasu in installments.

For inquiries regarding the reimbursement system, please call the multilingual information service (0570-078377). A Houterasu staff person will explain the system via an interpreter.

