

Industrial Accident Compensation Insurance Application Guidance for Foreign Workers <Volume 1>

Applicable Insurance Benefits

Industrial Accident Compensation Insurance Act applies to foreigners who work as employees in Japan regardless of nationality. Not only those who have resident status which allows work but also foreign students who have part time jobs are also covered by Industrial Accident Compensation Insurance when they get injured.

This outlines the types and contents of Industrial Accident Compensation Insurance that foreign workers in Japan can receive.

Feel free to contact nearby Labour Standards Inspection Office regarding any further details such as the requirements for payment.

Please note that some benefits can no longer be received after the benefits claimant return home country.

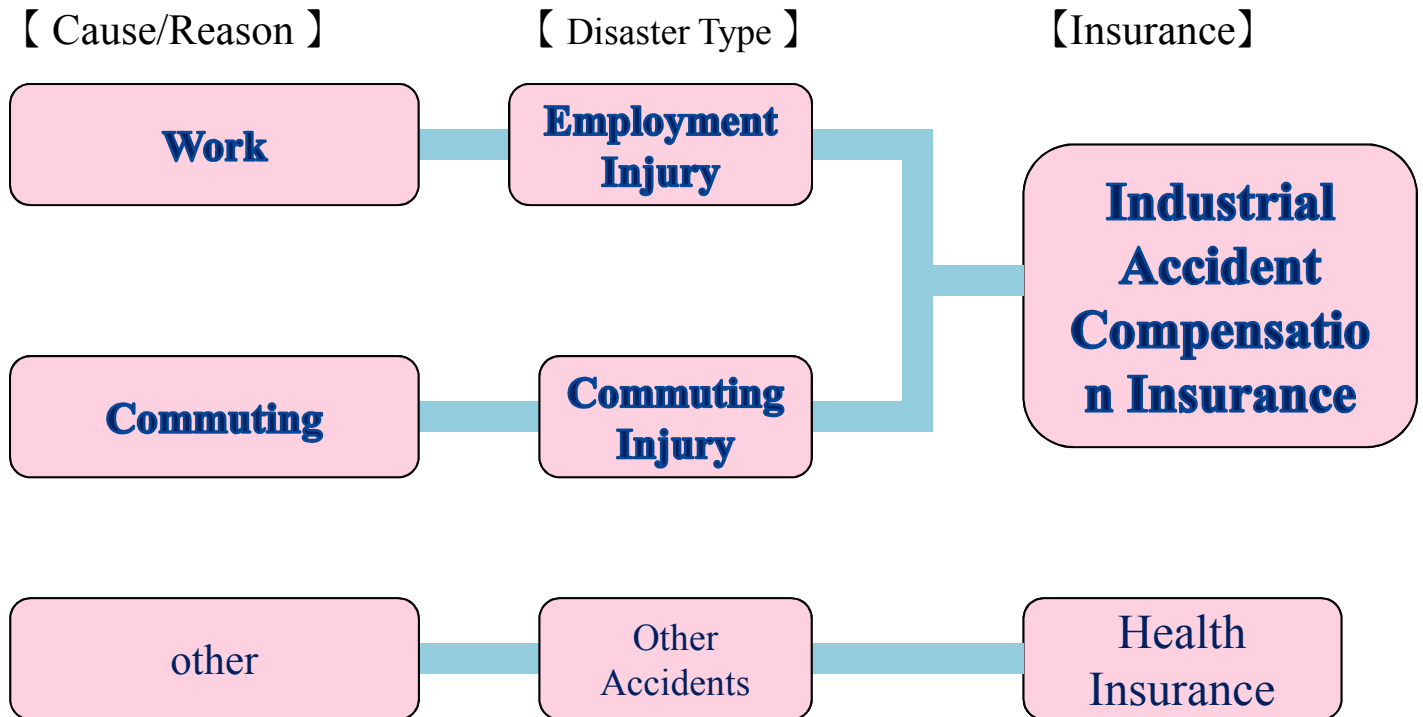
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Industrial Accident Compensation Insurance

This insurance is a system which provides insurance benefits such as medical expenses for workers who get injured, become ill or die due to work or commuting. As long as they work in Japan, non-Japanese are also eligible for Industrial Compensation Insurance.



*Health insurance is not applicable for industrial accidents.

Types of Industrial Accident Compensation Insurance Benefits

- ◆ Medical (Compensation) Benefits : A worker who is injured or becomes ill due to work or commuting is eligible to receive this benefits for the medical treatment.
- ◆ Temporary Absence from Work (Compensation) Benefits: A worker who is injured or becomes ill due to work or commuting and unable to work in order to receive treatment is eligible to receive this benefits for compensation of wages.
- ◆ Injury and Disease (Compensation) Pension: In case of not recovering from the injury or disease after 1 year and 6 months from the beginning of treatment and the severity of disability falls in certain physical disability certificate.
- ◆ Disability (Compensation) Benefits: A worker who is injured or becomes ill due to work or commuting and the disabilities remain is eligible to receive this benefits.
- ◆ Surviving Family (Compensation) Benefits : When a worker died due to work or commuting, the bereaved family is eligible to receive this benefits.
- ◆ Funeral Rites Benefits: The benefits cover the deceased worker's funeral expenses.
- ◆ Nursing Care (Compensation) Benefits: The benefits cover the expenses of nursing care for recipients of Disability (Compensation) Pension or Injury and Disease (Compensation) Pension.

In case of Injury or disease due to work or commuting

Q. If I get injured or become ill resulting from work or commuting, can I receive benefits from Industrial Accident Compensation Insurance for the medical treatment?



- ① You can receive medical treatment free of charge at Rosai hospitals or other medical facilities designated by Industrial Accident Compensation Insurance.
- ② If treatment is received at a medical facility other than Rosai or the designated hospital, the patient initially pay the treatment cost, however the full payment will be reimbursed later by claiming.
- ③ Transportation expenses incurred for hospital visits can also be reimbursed in full if certain conditions are met.

Medical Compensation Benefits: Payment for medical treatment

<Claim Method>

The case ①-submit the claims form to the designated medical facility.

The case ②-submit the claims form directly to the labour standards inspection office.

<Important Points>

①In principle medical examination and treatment should be received at a Rosai (Industrial Accident Compensation Insurance) hospital or a hospital designated by Industrial Accident Compensation Insurance.

②Medical Care can be received until the injury or disease has been cured (stabilized symptoms).

Statute of Limitations--Claim rights are earned from the day of expense paid and the claims are valid for two years from the following day of the date of payment.

(There is no statute of limitations on medical compensation benefits)

Transportation expense

<Payment Details>

The actual costs required for travel to and from the medical facility will be reimbursed.

<Payment Conditions>

Payment will be made when the conditions of both ①and ②are met.

①The distance between worker's residence or workplace and the medical facility must in principle, be 2km or more.

②In the case that the worker travel to an appropriate medical facility in the same village, city or town as the worker's workplace or residence (exceptions may be made for cases where there is no appropriate medical facility in the worker's village, city or town).

<Claim Method>

Submit a claims form directly to the labour standards inspection office

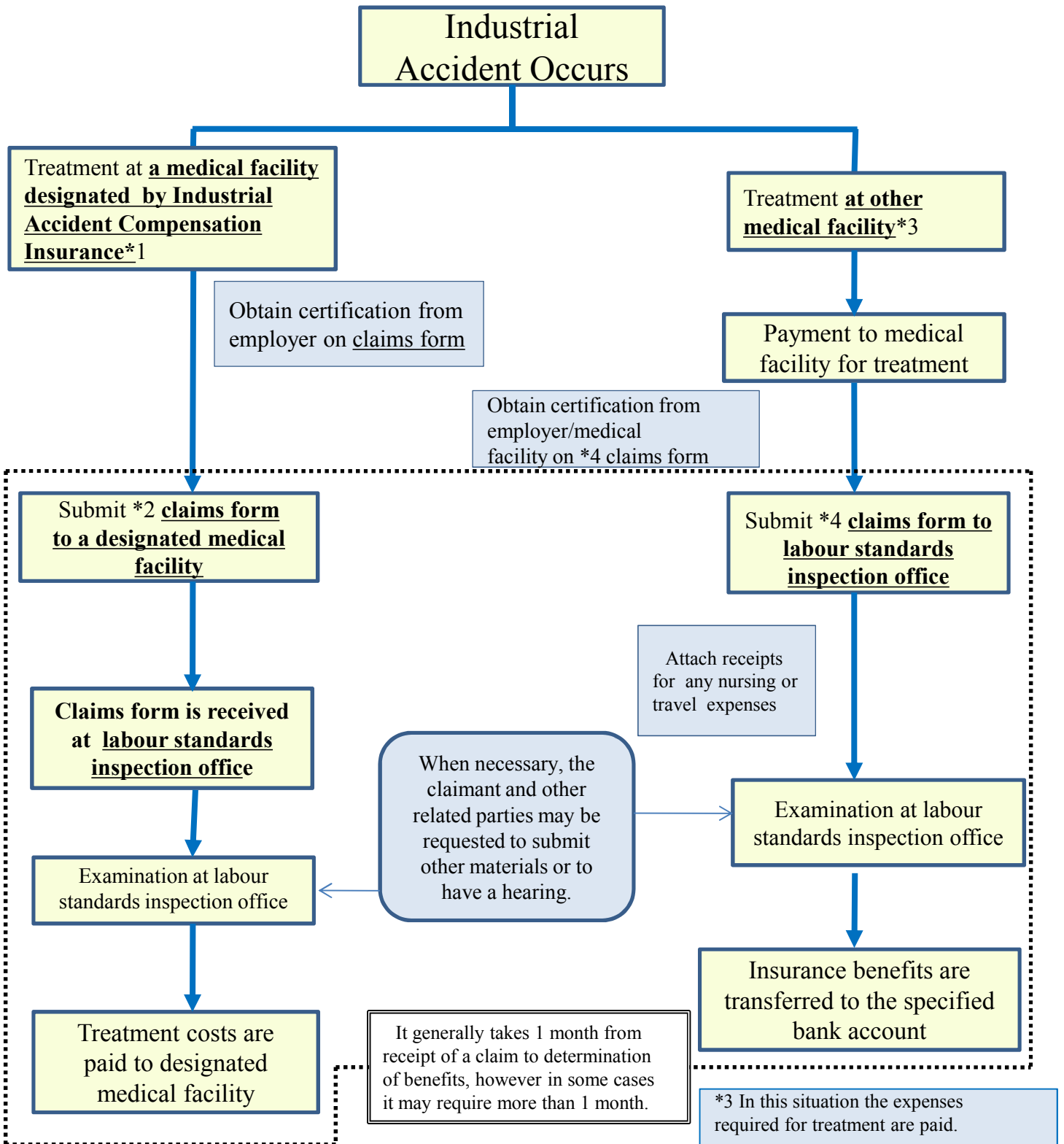
Statute of Limitations--Claim rights are earned from the day of expense paid and the claims are valid for two years from the following day of the date of payment.

【For more Details】

Volume 2 ▪Medical (compensation) Benefits/Treatment Expense Benefits → P13

▪Medical (compensation) Benefits/Treatment Expense claims form → P36

Procedures for Receiving Medical (Compensation) Benefits



*1 In this situation the treatment required for injuries or disease. is provided free of charge.

*2 Medical Compensation Benefits Claims Form (In the case of employment injury, Form No. 5. In the case of commuting injury, Form 16-3)

*3 In this situation the expenses required for treatment are paid.

*4 Medical Care Expense Payment Claims Form (In the case of employment injury, Form No. 7. In the case of commuting injury, Form 16-5)

For commuting injury Form No. 16 (Attachment) "Commuting Related Items" must be submitted in addition to the claims form

Q. What type of compensations can I receive if I am injured during work and forced to be absent from work for the treatment ?



A.

If a worker is absent from work for medical treatment and loses wages, he/she can receive Temporary Absence from Work (Compensation) Benefits.

- From when—the 4th day of the absence
- How much –80% of the basic daily benefits (*) per day (insurance benefits 60%+special allowance 20%)

* The ‘basic daily benefits’ amount (average wages) is calculated by dividing the wages of total of the 3 months before the accident by the number of calendar days.

(Example) In case the worker receives wages of 200,000 yen per month, with end of month when the wage calculation closes. The accident occurs in October.

$200,000 \text{ yen} \times 3 \text{ months} \div 92 \text{ days (July (31 days) + August (31 days) + September (30 days))} \doteq 6,522 \text{ yen}$

$6,522 \times 80\% \doteq 5,217 \text{ yen}$

→ 5,217 yen, 80% of the basic daily benefits amount is paid per day of lost work.

Temporary Absence from Work (Compensation) Benefits

<Payment Conditions>

Payment will be made when all of the conditions in ①-③ are met.

- ① Absence from work for treatment must be resulting from injuries or diseases due to work or commuting
- ② The worker must be unable to work
- ③ The worker must be receiving no wages

<Payment Details>

80% of the basic daily benefits (insurance benefits 60%+special allowance 20%) will be paid from the 4th day of absence.

<Claim Methods>

Submit a claims form directly to the labour standards inspection office

<Important Points>

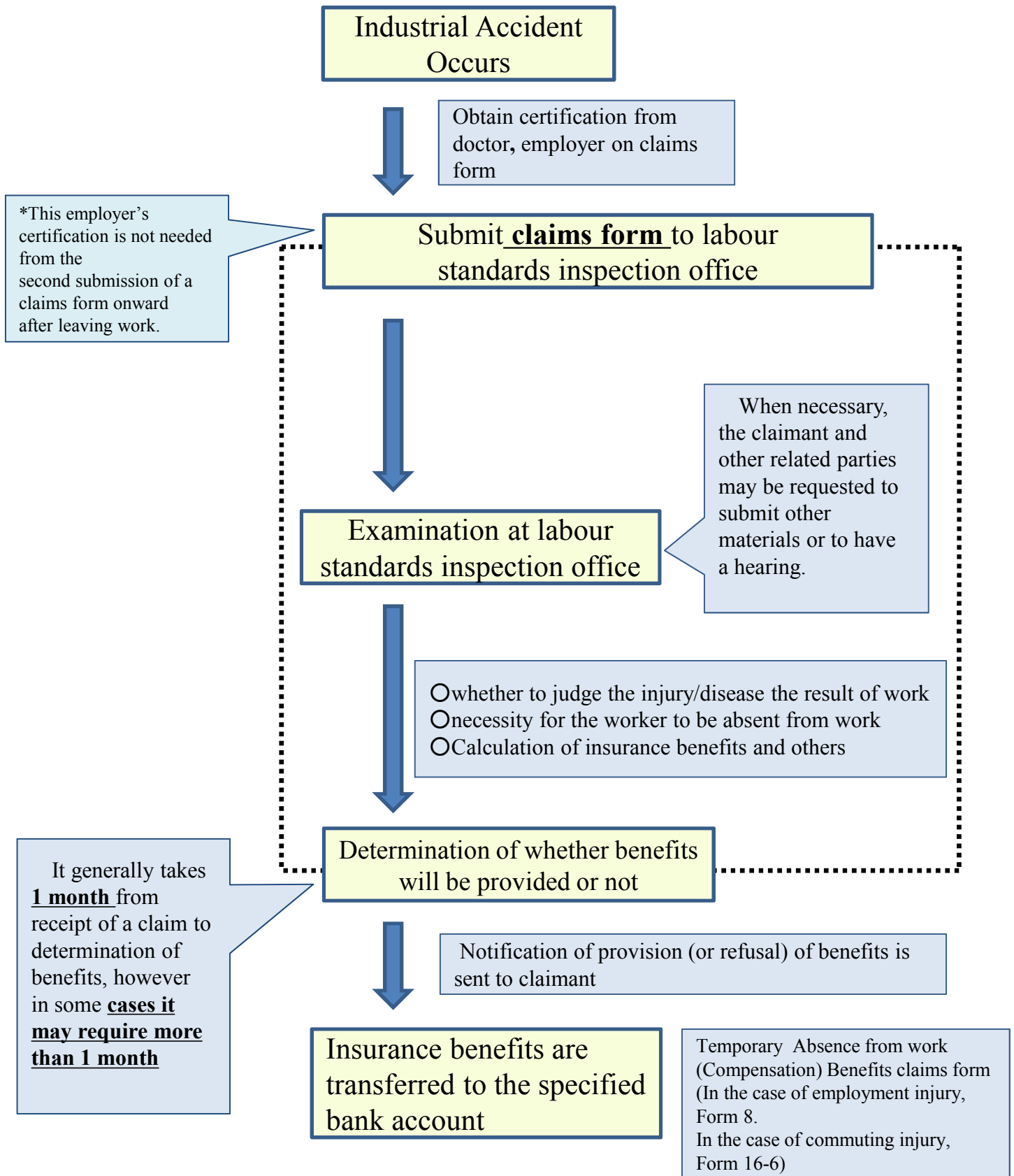
No payments are made from Industrial Accident Compensation Insurance for the 1st through 3rd days of missed work. For employment injury, during this time the employer shall provide Temporary Absence from Work Compensation Benefits (60% of average wages per day).

Statute of Limitations –Claim rights are earned for each day on which wages are not paid and claims are valid for two years from the following day.

【For more Details】

- Volume 2**
- Temporary Absence from Work (Compensation) Benefits → P15
 - Temporary Absence from Work (Compensation) Benefits Claims form → P39

Procedure for Receiving Temporary Absence from Work (Compensation) Benefits



In case of a family member died due to work or commuting

Q. What type of compensations can family members receive if the household income provider dies as a result of a work or commuting related injury or disease?



- ①The family can receive Surviving Family (Compensation) Pension, Surviving Family (Compensation) Lump-sum and Funeral Expenses.
- ②The family can also receive unpaid benefits such as Medical (Compensation) Benefits and Temporary Absence from Work Benefits if the worker died before those benefits were paid.

Surviving Family (Compensation) Pension, Surviving Family (Compensation) Lump Sum

○ Surviving Family (Compensation) Pension

<Family Eligible to Claim>

Spouse, child, parent, grandchild, grandparent and sibling who depended on the worker's income for the livelihood at the time of death, however for surviving family other than the wife, the individuals must be above or below set ages or suffering from designated level of disabilities.

<Related insurance benefits> unpaid insurance benefits, special allowances, industrial compensation retraining support allowance, industrial compensation childcare support allowance

<Payment Details>

Eligible recipients will receive payments in order of priority according to the number of surviving family as follows.

No. of surviving family	Compensation Pension for Surviving Family	Lump-sum for Surviving family	Special Pension for Surviving Family
1	153 days of basic daily benefits (175 days of days of basic daily amount benefits for surviving wife of over 55 years old, or with a designated disability).	3,000,000 yen	153 days of basic daily calculation amount (175 days of days of basic daily benefits payment amount for surviving wife of over 55 years old, or with a designated disability).
2	201 days of basic daily benefits amount		201 days of basic daily benefits amount
3	223 days of basic daily benefits amount		223 days of basic daily benefits amount
4 or more	245 days of basic daily benefits amount		245 days of basic daily benefits amount

<Claim Method>

※basic daily calculation amount→Volume2, P8

Submit a claims form directly to the labour standards inspection office

○Surviving Family (Compensation) Lump-Sum

< Payment Conditions/Payment Details >

- In case no surviving family member eligible to receive surviving Family (Compensation) Pension exists at the time of the worker's death:
→ 1000 days of basic daily benefits amount, Lump-sum for surviving family of 3,000,000 yen, and 1000 days of basic daily benefits amount will be paid to worker's family in order of priority.
- In case all eligible Surviving Family (Compensation) Pension recipients lose their rights to claim or if the total amount of pension and Surviving Family (Compensation) Pension prepaid lump-sum paid to eligible surviving family are less than 1000 days worth of the basic daily benefits or basic daily calculation amount:
→ The lump-sum will be paid to the surviving family in order. The amount which already paid to the surviving family will be deducted from the portion of 1000 days of basic daily benefits and 1,000 days of basic daily calculation.

<Claim Method>

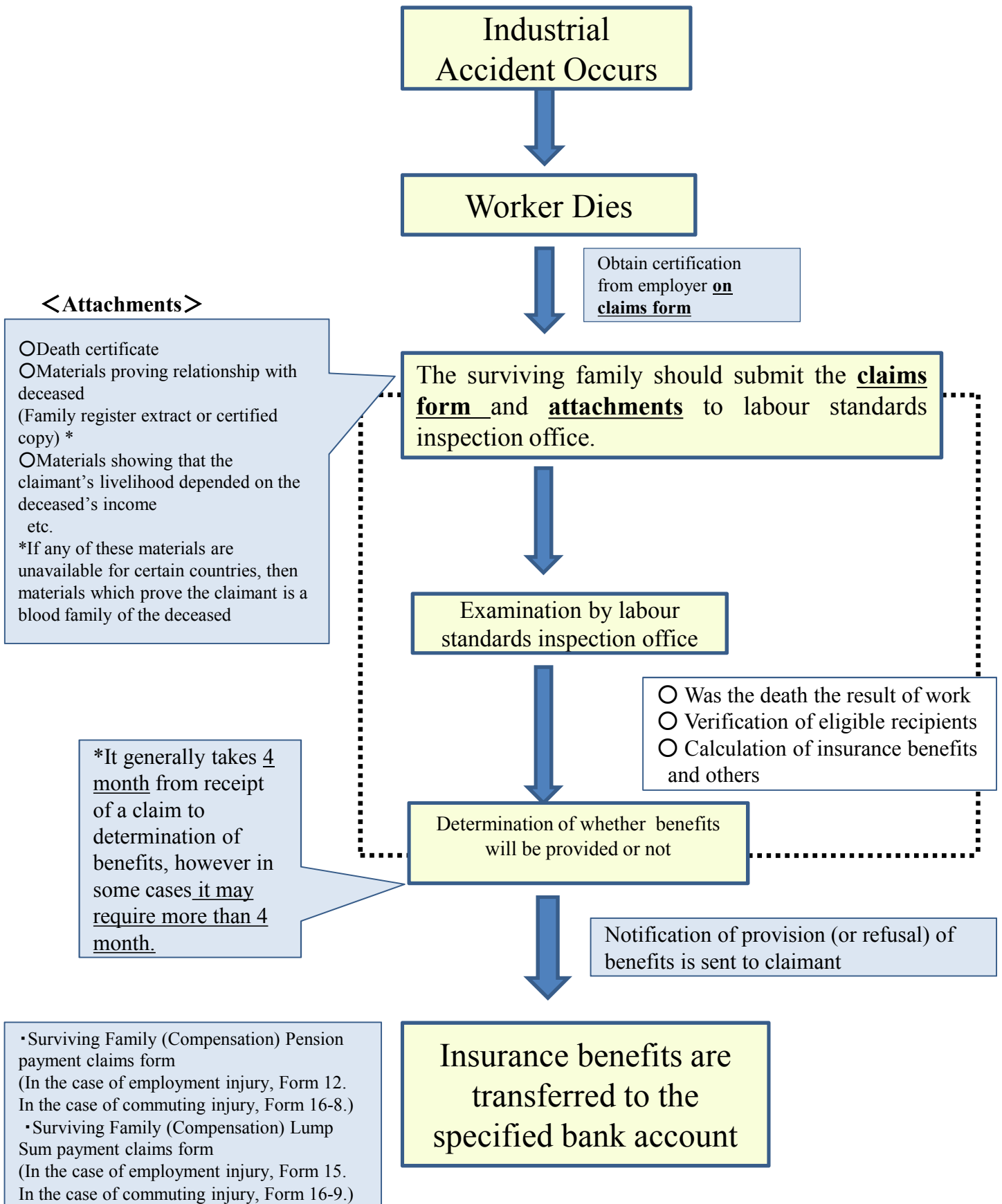
Submit a claims form directly to the labour standards inspection office

Statute of Limitations – 5 years from the following day after the worker died.

【For more Details】 Volume 2

- Surviving Family (Compensation) Benefits → P25
- Surviving Family (Compensation) Benefits Claims Form → P41

Procedure for Receiving Surviving Family (Compensation) Pension/Lump Sum



*Submission of materials other than those listed may be required

Funeral Expenses (Funeral Rites Benefits)

<Payment Conditions>

Funeral expenses will be provided to the party holding the funeral if the surviving family holds a funeral or a company funeral is held at the company of the deceased.

<Payment Details>

① 315,000 yen + 30 days of basic daily benefits payment amount

② 60 days of basic daily benefits payment amount if the amount of ① is less than 60 days of basic daily benefits payment amount

<Claim Method>

Submit a claims form directly to the labour standards inspection office

Statute of Limitations – 2 years from the following day after the worker died.

【For more details】 Volume 2

- Funeral Expenses (Funeral Rites Benefits) → P 31
- Funeral Expenses (Funeral Rites Benefits) Claims Form → P 43

Q. If the deceased worker underwent medical treatment or missed work before dying and would have been eligible for industrial compensation benefits, but died before receiving the benefits, can someone else receive the benefits in his/her place?



If someone who is eligible to receive insurance benefits dies and the deceased:

- ① had cause to receive benefits but had not yet made a claim
- ② made a claim for benefits but payment determination for the claim had not yet been made
- ③ was determined eligible to receive benefits, but had not yet received payment then members of the surviving family of the deceased who fulfill a fixed set of conditions can receive insurance benefits and special allowances.

(Unpaid Insurance Benefits)

Unpaid Insurance Benefits Special Allowances

< Related insurance benefits > Medical(Compensation) Benefits, Absence from Work (Compensation) Benefits, Disability (Compensation) Benefits, Injury and Disease (Compensation) Pension, Surviving Family (Compensation) Benefits

< Surviving family Eligible to Make Claims >

Claims can be made if the conditions of both ① and ② are met.

① Eligible recipient must be the spouse, child, parent, grandchild, grandparent or sibling of the deceased.

② Eligible recipient must have been made living by the deceased at the time of death (this does not necessarily mean they had to live together)

If no one fills the requirements of ① and ②, the heir can make the claim.

< If the Recipient of the Surviving family (Compensation) Pension Dies >

Surviving family who are eligible to make claims – The next qualified recipient from among the surviving family of the deceased worker (spouse, child, parent, grandchild, grandparent and sibling) according to priority (NOT the spouse of the person who was receiving the pension)

< Claim Method >

Submit a claims form to the labour standards inspection office

Statute of Limitations – Same as for the individual insurance benefits

If already receiving Industrial Accident Compensation Insurance Benefits

Q. How long can I continue to make hospital visits for treatment?



A. Medical(Compensation) Benefits can be received until the injury or disease has been cured (stabilized symptoms). If the injury or disease is still not recovered after 1 year and 6 months after beginning of the treatment, and the degree of disability is high, Injury and Disease (Compensation) Pension will be received.

Injury and Disease (Compensation) Pension

Related insurance benefits: Nursing Care (Compensation) Benefits

< Payment Conditions/Payment Details >

If the injury or disease falls within the legally designated injury and disease classifications and the condition is continuous, Injury and Disease (Compensation) Pension, Injury and Disease Special Allowance and Injury and Disease Special Pension can be provided.

injury/disease class	injury/disease (compensation) pension	injury/disease special allowance (lump sum)	injury/disease special pension
Class 1	313 days of basic daily benefit payment amount	1,140,000 yen	313 days of basic daily calculation amount
Class 2	277 days of basic daily benefit payment amount	1,070,000 yen	277 days of basic daily calculation amount
Class 3	245 days of basic daily benefit payment amount	1,000,000 yen	245 days of basic daily calculation amount

< Important Points >

These benefits are not automatically issued for a claim but determined based on the authority of the chief of the relevant labour standards inspection office.

Q. I have been told that your symptoms are ‘cured’ (stabilized) although I have not made a full recovery. Can I receive some sort of compensation?



A. Conditions which are not likely to improve even if they continue to be treated under Industrial Accident Compensation Insurance are treated as cured (symptoms stabilized). If disabilities remain even after a condition is considered cured (symptoms stabilized), Disability (Compensation) Benefits can be received.

Disability (Compensation) Benefits

< Related insurance benefits >

Nursing Care (Compensation) Benefits, post-surgical treatment, aftercare, provision of expenses for artificial limbs and other assistive devices

< Payment Conditions/Payment Details >

Once injuries or disease resulting from work or commuting have been cured (symptoms stabilized), if disability remains which falls within the legally designated injury and disease classifications, various pensions and lump sum benefits can be provided based on the degree of severity of the disability as shown below.

Disability Class	Disability (compensation) benefits		Disability special allowance		Disability special pension		Disability special lump sum	
Class 1	Pension	313 days of basic daily benefit payment	Lump Sum	3,420,000 yen	Pension	313 days of basic daily calculation amount	/	
Class 2		277 days of basic daily benefit payment		3,200,000 yen		277 days of basic daily calculation amount		
Class 3		245 days of basic daily benefit payment		3,000,000 yen		245 days of basic daily calculation amount		
Class 4		213 days of basic daily benefit payment		2,640,000 yen		213 days of basic daily calculation amount		
Class 5		184 days of basic daily benefit payment		2,250,000 yen		184 days of basic daily calculation amount		
Class 6		156 days of basic daily benefit payment		1,920,000 yen		156 days of basic daily calculation amount		
Class 7		131 days of basic daily benefit payment		1,590,000 yen		131 days of basic daily calculation amount		
Class 8	Lump Sum	503 days of basic daily benefit payment	650,000 yen	/	Lump Sum	503 days of basic daily calculation amount		
Class 9		391 days of basic daily benefit payment	500,000 yen			391 days of basic daily calculation amount		
Class 10		302 days of basic daily benefit payment	390,000 yen			302 days of basic daily calculation amount		
Class 11		223 days of basic daily benefit payment	290,000 yen			223 days of basic daily calculation amount		
Class 12		156 days of basic daily benefit payment	200,000 yen			156 days of basic daily calculation amount		
Class 13		101 days of basic daily benefit payment	140,000 yen			101 days of basic daily calculation amount		
Class 14		56 days of basic daily benefit payment	80,000 yen			56 days of basic daily calculation amount		

Statute of Limitations –5 years from the following day after the injury or disease is cured (stabilized)

< Claim Method >

Submit a claims form to the labour standards inspection office

【For more information】 Volume 2

• **Disability (Compensation) Benefits** → **P17**

• **Disability (Compensation) Benefits Claims Form** → **P40**

Procedure receiving Disability (Compensation) Benefits

Industrial Accident Occurs

Medical Treatment

Symptoms Stabilized

Obtain certification from employer **on claims form**

Submit **claims form** to labour standards inspection office

*If necessary, claimants may be required to be examined by a specialized doctor to verify symptoms.

Disability Class Verification

Notification of provision of insurance benefits is sent to claimant

Insurance benefits are transferred to the specified bank account

<Attachments>

- X - rays, etc.
- In case receiving disability pension, basic disability pension and others for the same reasons, materials showing the amount of benefits

*It generally takes 3 months from receipt of a claim to determination of benefits, however in some cases it may require more than 3 months.

Disability (Compensation) Benefits Claims Form
(In the case of employment injury, Form 10.
In the case of commuting injury, Form 16-7.)

*Submission of materials other than those listed may be required.

Q. What type of compensations can I receive if severe disabilities remain and I need care from my family or a nursing service?



A. Nursing Care (Compensation) Benefits can be received within the range of amount.

Nursing Care (Compensation) Benefits

< Related insurance benefits >
Disability (Compensation) Benefits,
Injury and Disease (Compensation) Pension

< Payment Conditions >

Payment will be made if all of the conditions in ①-④ are met.

- ① the recipient should have remaining disability which falls under Disability(Compensation) Pension class1 or Injury and Disease (Compensation) Pension class 1 or higher brain function disability class 2, and constant or on call nursing care is required.
- ② the recipient should be currently receiving nursing care from a private nursing service or from family, friends or acquaintances
- ③ the recipient is not currently hospitalized in a hospital or a clinic
- ④ the recipient is not currently admitted to an elderly healthcare facility

< Payment Details >

Provided amounts for constant and on call nursing care are as follows. (April 1st, 2013)

○ Constant nursing care: Monthly 56,600 yen to 104,290 yen

○ On call nursing care: Monthly 28,300 yen to 52,150 yen

< Claim Method >

Submit a claims form to the labour standards inspection office

Statute of Limitations – 2 years from the 1st day of the month following the beginning of nursing care

【For more information】 Volume 2 ▪ Nursing Care (Compensation) Benefits → P32
▪ Nursing Care (Compensation) Benefits Claims Form → P 44

Other Support Systems

● Aftercare

In case after injuries and disease are cured (symptoms stabilized), the symptoms become worse or having risk of development of disease accompanying remaining disabilities, the recipient can receive medical examinations and health guidance about once a month for designated injuries and diseases (20 injuries and diseases). The person can also receive expenses for travel to and from hospitals required for these visits.

● Provision of Expenses for Artificial Limbs and Other Assistive Devices

If receiving Disability (Compensation) Benefits or expected to receive them and meeting a fixed set of conditions, the person can receive payment for expenses for purchase (repair) of artificial limbs and other assistive devices within base cost limits. The person can also receive expenses for travel required to purchase (repair) these items.

● Post-surgical Treatment

If the person received Disability (Compensation) Benefits, he/she can receive further treatment and examinations such as further surgery for attachment of artificial limbs, for improvement of the scar, etc. at Rosai (Industrial Accident Compensation) hospitals or other designated hospitals free of charge. The person can also receive expenses for travel to and from hospitals required for these visits.

● Industrial Accident Compensation Insurance school support allowance

If recipients or surviving children are attending school and receiving Surviving Family Compensation Pension and fulfill a fixed set of conditions, they can receive assistance payment within certain limits

(Industrial Accident Compensation school support allowance or Industrial Accident Compensation Childcare support Allowance)

Other Situations

Q. The company where I work is not cooperative and insists the accident I suffered was not eligible for Industrial Accident Compensation, and will not assist with procedures such as providing employer's certification, what should I do?

A. In principle, there is no reason a worker (or surviving family) cannot initiate Industrial Accident Compensation insurance proceedings on their own. In the event unavoidable obstacles such as the company refusing to provide employer's certification, Industrial Accident Compensation insurance claims forms can be accepted without Employer's certification.

Q. Is it possible to have an accident which occurred at a company a long time ago recognized as an industrial accident?

A. If the statute of limitations set for each type of insurance benefits is exceeded, benefits cannot be received.
Each of the benefit items notes the relevant statute of limitations, so refer to those sections

Q. Can Industrial Accident Compensation be claimed even if I have already retired of the company the accident occurred or if the company no longer exists?

A. Claims can be made even in the above circumstances.
However, in these situations you may be asked to provide the names and addresses of the employer and co-workers from the company.

Q. The company told me that ①the company does not participate in the industrial compensation system and ②a different special insurance is used instead of industrial compensation. In these circumstances can worker's compensation benefits still be received?

A. ① In principle, workers can receive industrial compensation benefits if they suffer an injury or disease caused by work, even if the company is not enrolled in the industrial compensation insurance program.
② industrial compensation benefits can be received even if the company subject to covered by special insurance systems.

※*if there is any compensation provided by the company (provision of medical treatment costs, compensation for lost work time, compensation for loss, etc.), the benefits may not be able to be provided (or the provided amounts may be reduced).

Q. Can I receive benefits from Industrial Compensation Insurance in the following cases?

① While commuting I was hit by a bicycle and injured. I do not know who the other person was.

② I was injured while going to work using a different route than usual.

In these circumstances can industrial compensation benefits still be received?

① Benefits from Industrial compensation Insurance can be received.

A. ② For cases where a different commuting route than normal is used, the case may be eligible for insurance benefits if a fixed set of conditions are met.

Commuting Injury

commuting injury refers to worker's injuries or disease which occur as a result of "commuting".

"Commuting" refers to the reasonable routes and methods used by workers for the travel related to work noted in ① to ③ below, excluding those items which themselves are characteristic of work.

① Round trip travel between a worker's residence and place of work

② Travel between a work place stipulated in ordinance Ministry of Health, labour and Welfare and another work place (referring to travel between work places for workers with multiple jobs)

③ Travel preceding or continuing on from the round trip travel noted in ① (limited to travel which corresponds to the requirements in Ministry of Health, Labour and Welfare ordinances)

< Payment Details >

The same as for employment injury.

(For Temporary Absence from Work Compensation, 200 yen is excluded from the benefits amount as a burden charge.)

< Claim Method >

The same as for employment injury.

Attachments: Accident Certificate (For traffic accidents) etc.

【For more details】 Volume 2 ▪ commuting injury → P 5

Q. I was injured in a traffic accident while commuting. Can I still receive worker's compensation benefits if I have already received insurance money from the other party's compulsory automobile liability insurance etc.?

A. Under the same accident, the amount of the Industrial Accident Compensation Benefits you receive will be deducted the amount of compulsory automobile liability insurance etc. from total of Industrial Accident Insurance. Special allowances received if any work is missed or if any after effects remain will be paid regardless of whether payment was received from compulsory automobile liability insurance etc.

Important reminder when returning to home country

<Handling of claims from outside Japan>

Insurance benefits amounts

The provided amounts will be the amount in Japanese yen at the exchange rate (sales rate) of the payment day.

Receiving treatment overseas

Payment can be made if the medical treatment details are verified to be appropriate. (The expenses required for treatment will be paid)

Support system limited to Japan (main examples)

- Aftercare
 - Provision of expenses for artificial limbs and other assistive devices (Wheelchairs and other devices can be provided in some situations.)
 - Post-surgical treatment
 - Industrial Accident Compensation Insurance school support allowance (Limited to attendance at schools within Japan)
- etc.

(March, 2014)