

Worker's Compensation Insurance Application Guidance for Foreign Workers

Volume 1

Introduction of Insurance
Benefits for which Claims
(Application) can be Made

***Workers may be entitled to worker's
compensation insurance if involved in an
accident or injured while working in Japan.***



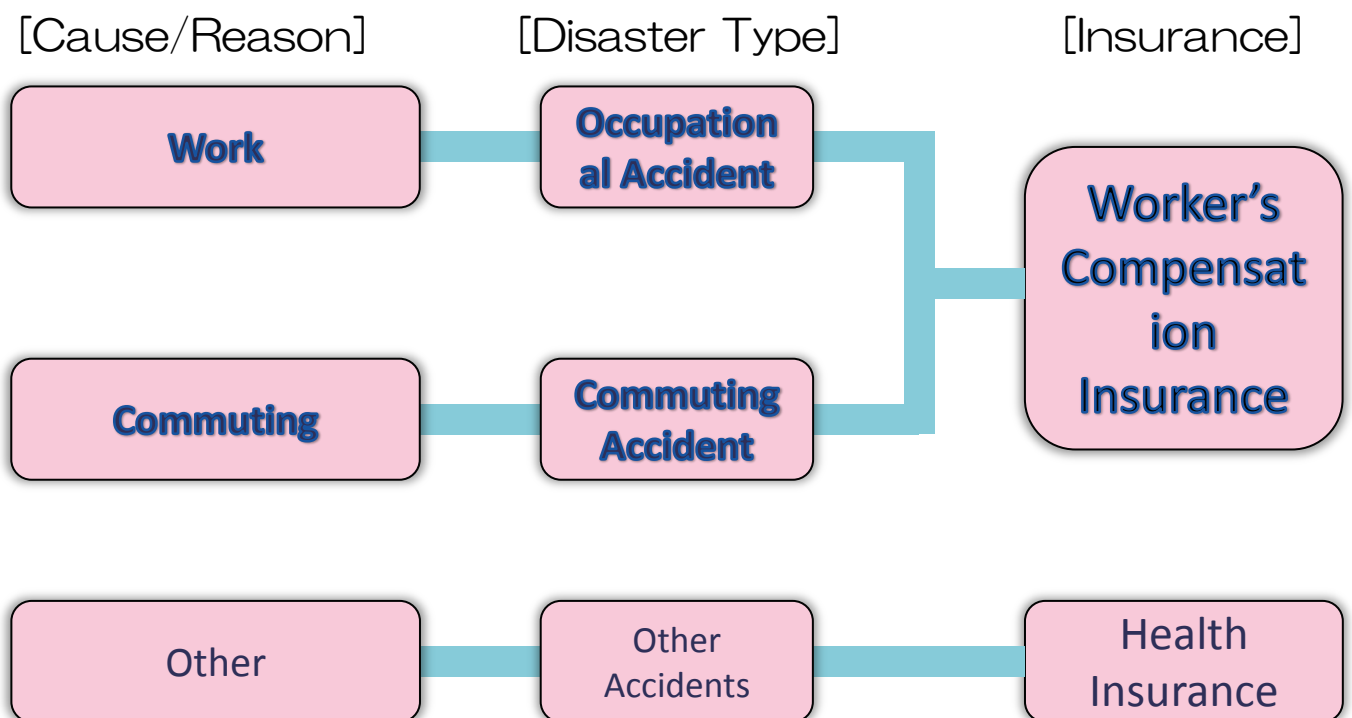
Ministry of Health Labour and Welfare、Labour
Standards Bureau, Worker's Compensation
Department, Compensation Division

-Introduction-

Worker's compensation insurance is a system which provides insurance benefits needed for treatment expenses, etc. when a worker is injured, becomes ill, or dies as a result of work or commuting. As long as they work within Japan, non-Japanese are also eligible for Worker's Compensation Insurance.

This pamphlet provides easy to understand explanations of the types of benefits non-Japanese workers can receive from Worker's Compensation Insurance. Consult with a labor standards inspection office for details on payment conditions etc.

Be aware that some benefits can no longer be received if the worker returns to their home country.



*Health insurance cannot be used for occupational accidents.

[Contents]

- I. If you are injured or become ill because of work or commuting – P2
- II. If your relative dies because of work or commuting- P6
- III. If already receiving worker's compensation insurance benefits – P9
- IV. Other - P13
- V. Precautions when returning to home country – P15

I If you are injured or become ill because of work or commuting

Q. If I become ill because of work or commuting, will worker's compensation insurance pay for expenses incurred from care at a hospital (treatment costs)?



A.

- ① If a rosai (worker's compensation) hospital or other worker's compensation designated medical facility is used, treatment is, in principle, free (**Care Benefits**). In this case, submit a Medical Treatment Benefit Claims Form to the medical facility.
- ② If treatment is received at a medical facility other than a worker's compensation designated medical facility, the patient must initially pay the treatment costs, however if a claim is later submitted, the full amount paid by the patient will be reimbursed (**Treatment Expense Payment**).
- ③ Travel expenses incurred for hospital visits can also be reimbursed in full if a set of fixed conditions are met (**Treatment Expense Payment**).

Care Benefit, Treatment Expense Payment

<Claim Method>

For situation ① (**Care Benefits**)- submit claim form to worker's compensation designated medical facility

For situation ② (**Treatment Expense Payment**)- directly submit a claims form for the paid treatment expenses to the labor standards inspection office

<Important Points>

① In principle medical examination and treatment should be carried out at a rosai hospital or worker's compensation designated medical facility.

② **Care benefits and treatment expense payment** can both be received until the injury or illness has been cured (stabilized symptoms).

Statute of Limitations - Claim rights are earned for each day on which expenses for care are paid and can be used within 2 years of following day (There is no statute of limitations on care benefits)

Hospital Travel Costs

<Payment Conditions>

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

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

② The worker must 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).

<Payment Details>

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

<Claim Method>

Patient should directly submit a claims form to the labor standards inspection office

Statute of Limitations - Claim rights are earned for each day on which expenses for care are paid and can be used within 2 years of following day

- Volume 2 **Care (compensation) benefit/Treatment expense benefit** → **To page 9**
- **Care (compensation) benefit/Treatment expense claims form** → **To page 32**

Benefit Procedures after Receiving Treatment for Injuries or Illnesses

Occupational Accident Occurs

Consultation at **worker's compensation designated medical facility etc.** *1

Obtain certification from business proprietor on claims form

Consultation at **other** medical facility*2

Payment to medical facility for treatment

Obtain certification from business proprietor/medical facility on *4claims form

Submit *3**claims form to designated medical facility**

Submit *3**claims form to labor standards inspection office**

Attach receipts for any nursing or travel expenses

Claims form is received at **labor standards inspection office**

When necessary, the claimant and other related parties may be requested to submit other materials or to have a hearing.

Examination at labor standards inspection office

Examination at labor standards inspection office

Payment is made to the specified claimant's bank account by bank transfer

Treatment costs etc. are paid to designated medical facility

It generally takes **1 month** from receipt of a claim to determination of benefits, however in some cases **it may require more than 1 month.**

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

*4 Medical Treatment Expense Payment Claims Form (Form No. 7)

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

*3 Medical Treatment Benefit Claims Form (Form No. 5)

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

Q. What type of compensation can I receive if I am injured during work and must miss work for treatment?



A.

If a person misses work for medical treatment and loses wages, they can receive loss of earnings (compensation) benefits.

- Beginning when - The 4th day of missed work
- How much - 80% of the base daily benefit payment amount (*) per day (insurance benefits 60%+special allowance 20%)

* The “base daily benefit payment amount” is an amount (average wages) calculated by dividing the wages from the 3 months before the accident by the number of calendar days.

(Example) The victim receives wages of 200,000 yen per month, with a wage calculation cut-off date of the last day of the month with the accident occurring in October.

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

→ In short, 5,217 yen, 80% of the benefit daily basic payment amount is paid per day of lost work.

Lost of Earnings (Compensation) Benefits

<Payment Conditions>

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

- ① Care must be for injuries or illnesses caused by work or commuting
- ② The worker must be unable to work
- ③ The worker must be receiving no wages

<Payment Details>

From the 4th day of missed work 80% of the daily basic payment amount (insurance benefit 60%+special allowance 20%) is paid per day of lost work.

<Important Points>

No payments are made from worker's compensation insurance for the 1st through 3rd days of missed work. For occupational accidents, during this time the business proprietor shall provide lost work compensation (60% of average wages per day).

<Claim Method>

Patient should directly submit a claims form to the labor standards inspection office

Statute of Limitations - Claim rights are earned for each day on which wages are not paid and can be used within 2 years of following day

Volume 2 • Loss of Earnings (Compensation) Benefits → To page 11
 • Loss of Earnings (Compensation) Benefit Claim → To page 35

Procedure for Receiving Loss of Earnings (Compensation) Benefits

Occupational Accident Occurs

Obtain certification from doctor, business proprietor on claims form

Submit claims form to the labor standards inspection office

*This business proprietor's certification is not needed from the second submission of a claims form onward after leaving work.

Examination at labor standards inspection office

When necessary, the claimant and other related parties may be requested to submit other materials or to have a hearing.

- Is the injury/illness the result of work
- Is it necessary for the victim to miss work
- Calculation of insurance benefits
- Etc.

Determination of whether or not benefits will be provided

It generally takes 1 month from receipt of a claim to determination of benefits, however in some cases it may require more than 1 month.

Notification of provision (or refusal) of benefits is sent to claimant

Insurance benefits are transferred to the specified bank account

II If you lose a family member because of work or commuting-related injuries or illness

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



A.

- ① The family can receive Surviving Relative (Compensation) Pension, or lump sum Funeral Costs (Funeral Benefits).
- ② The surviving relative can also receive unpaid benefits if the worker died before care (compensation) benefits or loss of earnings (compensation) benefits were paid.

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

OSurviving Relative (Compensation) Pension

Related insurance benefits, etc.: unpaid insurance benefits, special allowances, worker's compensation retraining support allowance, worker's compensation childcare support allowance

<Surviving Relative Eligible to Make Claims>

Spouse, children, parents and grandparents of the worker who depended on the worker's income for the livelihood at the time of death, however for surviving relative other than the spouse the individuals must be above or below set ages or suffering from regular disabilities to be eligible.

<Payment Details>

Eligible recipients will receive payments in order of priority according to age as follows.

No. of surviving family	Surviving Family (Compensation) Pension	Special Survivor Payment (Lump Sum)	Special Survivor Pension
1	153 days of base daily benefit amount (175 days of days of base daily benefit amount for surviving spouse of over 55 years old, or with a designated disability).	3,000,000 yen	153 days of base daily calculation amount (175 days of days of base daily benefit payment amount for surviving spouse of over 55 years old, or with a designated disability).
2	201 days of days of base daily benefit amount		201 days of days of base daily calculation amount
3	223 days of days of base daily benefit amount		223 days of days of base daily calculation amount
4 or more	245 days of days of base daily benefit amount		245 days of days of base daily calculation amount

<Claim Method>

Surviving relative should directly submit a claims form to the labor standards inspection office

OSurviving Relative (Compensation) Lump Sum

<Payment Conditions/Payment Details>

- If no surviving relative member eligible to receive surviving relative (compensation) pension exists at the time of the worker's death:
 - 1000 days of base daily benefit amount, special survivor payment of 3,000,000 yen, and 1,000 days of base daily calculation amount will be paid to worker's family in order of priority.
- If all eligible surviving relative (compensation) pension recipients should die or if the total amount of pension and surviving relative (compensation) pension prepaid lump sum paid to eligible surviving relative totals less than 1000 days worth of the base daily benefit amount or base daily calculation amount:
 - The total surviving relative (compensation) pension etc. amount minus the portion of 1000 days of base daily benefit amount and 1,000 days of base daily calculation amount already paid to surviving relative will be paid to the worker's family in order of priority.

<Claim Method>

Surviving relative should directly submit a claims form to the labor standards inspection office

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

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

Occupational Accident Occurs



Worker Dies

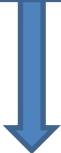


Obtain certification from business proprietor on claims form

<Attachments>

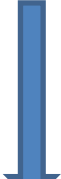
- Death certificate
 - Materials proving relationship with deceased (Family register extract or certified copy)
 - Materials showing that the claimant's livelihood depended on the deceased's income
 - Etc.
- *If any of these materials are unavailable for certain countries, then materials which prove the claimant is a blood relative of the deceased

The surviving relative should submit the **claims form** and **attachments** to the labor standards inspection office.



Examination at labor standards inspection office

- Was the death the result of work
- Verification of eligible recipients
- Calculation of insurance benefits
- Etc.



Determination of whether or not benefits will be provided

*It generally takes **1 month** from receipt of a claim to determination of benefits, however in some cases **it may require more than 1 month.**



Notification of provision (or refusal) of benefits is sent to claimant

Insurance benefits are transferred to the specified bank account

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

Funeral Expenses (Funeral Benefits)

<Payment Conditions>

Provided to the party holding the funeral if the surviving relative holds a funeral or a company funeral is held at the company of the deceased.

<Payment Details>

- ① 315,000 yen + 30 days of base daily benefit payment amount
- ② 60 days of base daily benefit payment amount if the amount from ① does not equal 60 days of base daily benefit payment amount

<Claim Method>

Surviving relative should directly submit a claims form to the labor standards inspection office

Statute of Limitations - 2 years from the day after the victim died.

- Volume 2 •Funeral Expenses (Funeral Benefits) → To page 27
 •Funeral Expenses (Funeral Benefits) Claims Form → To page 39

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



A. Yes.

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 relative of the deceased who fulfill a fixed set of conditions can receive insurance benefits and special allowances.

Unpaid Insurance Benefits/Special Allowances

Related insurance benefits, etc.: Care (compensation) benefits, loss of earnings (compensation) benefits, disability (compensation) benefits, injury and illness (compensation) pension, surviving relative (compensation) benefits

<Surviving Relative Eligible to Make Claims>

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

- ① Must be the spouse, child, parent, grandchild, grandparent or sibling of the deceased eligible recipient
- ② Livelihood must have been tied to that of the deceased eligible recipient at the time of death (this does not necessarily mean they had to live together)

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

Surviving relative who are eligible to make claims - The next qualified recipient from among the surviving relative of the deceased worker consisting of spouse, children, parents, grandchildren, grandparents and siblings, in that order (NOT the spouse of the person who was receiving the pension)

Statute of Limitations - Same as for the individual insurance benefits

<Claim Method>

Surviving relative should directly submit a claims form to the labor standards inspection office

III If already receiving worker's compensation insurance benefits

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



A. Care (compensation) benefits can be received until the injury or illness has been cured (stabilized symptoms).
 If 1 year and 6 months after beginning treatment the injury or illness is still not cured (stabilized symptoms), and the degree of disability is high, you can receive injury and illness (compensation) pension.

Injury and Illness (Compensation) Pension

Related insurance benefits, etc.:
 Nursing care (Compensation) benefits

<Payment Conditions/Payment Details>

If the injury or illness falls within the legally designated injury and illness classifications and the condition is continuous, injury and illness (compensation) pension, injury and illness special allowance and injury and illness special pension can be provided.

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

<Important Points>

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

Q. I have been told I am cured (symptoms stabilized) although my treatment is not complete, can I receive some sort of compensation?



A. Yes.
 Conditions which are not likely to improve even if they continue to be treated under worker's 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, etc.: 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 illness resulting from work or commuting have been **cured (symptoms stabilized)**, if any regular disability remains which falls within the legally designated injury and illness classifications legally, various pension 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 days of base daily benefit payment	Lump Sum	3,420,000 yen	Pension	313 days of days of base daily calculation amount	/		
Class 2		277 days of days of base daily benefit payment		3,200,000 yen		277 days of days of base daily calculation amount			
Class 3		245 days of days of base daily benefit payment		3,000,000 yen		245 days of days of base daily calculation amount			
Class 4		213 days of days of base daily benefit payment		2,640,000 yen		213 days of days of base daily calculation amount			
Class 5		184 days of days of base daily benefit payment		2,250,000 yen		184 days of days of base daily calculation amount			
Class 6		156 days of days of base daily benefit payment		1,920,000 yen		156 days of days of base daily calculation amount			
Class 7		131 days of days of base daily benefit payment		1,590,000 yen		131 days of days of base daily calculation amount			
Class 8	Lump Sum	503 days of days of base daily benefit payment	650,000 yen					Lump Sum	313 days of days of base daily calculation amount
Class 9		391 days of days of base daily benefit payment	500,000 yen						391 days of days of base daily calculation amount
Class 10		302 days of days of base daily benefit payment	390,000 yen						302 days of days of base daily calculation amount
Class 11		223 days of days of base daily benefit payment	290,000 yen						223 days of days of base daily calculation amount
Class 12		156 days of days of base daily benefit payment	200,000 yen						156 days of days of base daily calculation amount
Class 13		101 days of days of base daily benefit payment	140,000 yen						101 days of days of base daily calculation amount
Class 14		56 days of days of base daily benefit payment	80,000 yen						56 days of days of base daily calculation amount

<Claim Method>

Patient should directly submit a claims form to the labor standards inspection office

Statute of Limitations - 5 years from the day after the injury or illness is cured

- Volume 2 ▪Disability (Compensation) Benefits → To page 13
- Disability (Compensation) Benefits Claims Form → To page 36

Benefit Procedures in the Event of Remaining Disabilities

Occupational Accident Occurs



Medical treatment



Symptoms Stabilized



Submit **claims form** to the labor standards inspection office



Disability Class Verification



Insurance benefits are transferred to the specified bank account

<Attachments>

- X-rays, etc.
- If receiving disability pension, basic disability pension, etc. for the same reasons, materials showing the amount of benefits received.

*when verifying stabilization of symptoms and disability class, claimants may be required to be examined by a specialized doctor to verify symptoms.

*It generally takes **3 months** from receipt of a claim to determination of benefits.

Notification of provision of insurance benefits is sent to claimant

Q. What type of compensation can I receive if severe disabilities remain after treatment and I require care from my family or a nursing service?



A. Nursing Care (Compensation) Benefits can be received within a fixed amount.

Nursing Care (Compensation) Benefits

Related insurance benefits, etc.: 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 If there are remaining disability (compensation) pension or injury and disease (compensation) pension class 1 or class 2 higher brain function disability or physical function disabilities or other disabilities which require constant or on call nursing care
- ② If currently receiving nursing care from a private sector for-profit nursing service or from family, friends or acquaintances
- ③ Must not be currently hospitalized in a hospital or clinic
- ④ Must not be currently admitted to a elderly healthcare facility

<Payment Details>

Provided amounts for constant and on call nursing care are as follows.

- Constant nursing care: Monthly 56,720 yen to 104,530 yen
- On call nursing care: Monthly 28,360 yen to 52,270 yen

<Claim Method>

Patient should directly submit a claims form to the labor standards inspection office

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

Volume 2 **•Nursing Care (Compensation) Benefits** → To page 28
•Nursing Care (Compensation) Benefits Claims Form → To page 40

Other Support Systems

① Aftercare

If after injuries and illnesses are cured (symptoms stabilized), there is still unease due to remaining symptoms or risk of development of illnesses which accompany remaining disabilities, victims can approximately once per month receive medical examinations and health guidance for applicable injuries and illnesses (20 injuries and illnesses). Victims can also receive expenses for travel to and from hospitals required for these visits as well.

② 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, victims can receive payment for expenses for purchase (repair) of artificial limbs and other assistive devices within base cost limits. Victims can also receive expenses for travel required to purchase (repair) these items as well.

③ Post-surgical Treatment

If a victim received disability (compensation) benefits, they can receive further treatment and examination such as further surgery for attachment of artificial limbs, lessening of appearance issues, etc. after their injury or illness is cured (symptoms stabilized) at rosai (worker's compensation) hospitals or other designated hospitals free of charge. Victims can also receive expenses for travel to and from hospitals required for these visits as well.

④ Worker's Compensation Retraining Support Allowance

If recipients or surviving children are attending school and receiving surviving relative (compensation) pension and fulfill a fixed set of conditions, they can receive a periodic assistance payment within set limits (worker's compensation retraining support allowance or worker's compensation childcare support allowance)

IV Other Situations

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



A. In principle, there is no reason an accident victim (or surviving relative) cannot initiate worker's compensation insurance proceedings on their own. In the event unavoidable obstacles such as the company refusing to provide business proprietor certification, worker's compensation insurance claims forms can be accepted without business proprietor certification.

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



A. If the statute of limitations set for each type of insurance benefit is exceeded, benefits cannot be received.

Each of the benefit items notes the relevant statute of limitations, so refer to those sections.

Q. Can worker's compensation be claimed even if I have already retired of the company where the accident occurred 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 business proprietor and co-workers from the company.

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



A.

① In principle, workers can receive worker's compensation benefits if they suffer an injury or illness caused by work, even if the company is not enrolled in the worker's compensation insurance program.

② Worker's compensation benefits can be received even if subject to company, organization or other special insurance systems.

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

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

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

In these circumstances can worker's compensation benefits still be received?



A. ①Yes.

②For 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 Accidents

Commuting accidents refers to worker injuries, illnesses etc. 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 Ministry of Health, Labour and Welfare ordinance stipulated work place 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) *See the relevant pages in volume 2 for details.

<Payment Details>

The same as for occupational accidents.

(For loss of earnings compensation, 200 yen is excluded from the benefit amount as a burden charge.)

<Claim Method>

The same as for occupational accidents.

Attachments: Accident Certificate (For traffic accidents)

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. You can still receive worker's compensation insurance in that situation, however the amount provided will be reduced by the amount provided from the compulsory automobile liability insurance etc.

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.

Precautions when Returning to Home Country

<Some insurance benefits cannot be received outside of Japan.>

Items 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
 - Worker's compensation retraining support allowance (Limited to attendance at schools within Japan.)
- Etc.

<Handling of claims from outside Japan>

Various insurance benefit 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.))