

# HR Compliance Assist – Japan – HR Record Retention Requirements

**\*Note:** Some employers choose to retain important documents (e.g. termination documents, wage and hour documents) for 10 years from an employee's termination since the statute of limitation on breach of contract claims is 10 years.

JAPAN*			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>EMPLOYMENT RECORDS</b>			
Contracts (new hire agreements, severance, etc.)	Minimum 3 years from last date of employment or death	From creation of contract	Article 109 of Labor Standards Act
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Minimum 3 years from date of last entry (per record) and last date of employment or death	From paydate for relevant wage period	Article 109 of Labor Standards Act
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Minimum 3 years from last date of employment or death	From creation of record	Article 109 of Labor Standards Act
Data and personnel files	Minimum 3 years from last date of employment or death	From creation of record	Article 109 of Labor Standards Act
Government verification records (work papers, immigration, eligibility to work, etc.)	Not specified by law. Best practice minimum 3 years from last date of employment or death	Date of completion of the process	Best practice based on Article 109 of Labor Standards Act
Collective bargaining/union	Minimum 3 years from last date of employment or death	Date of completion of the process	Article 109 of Labor Standards Act
Background checks and drug tests	Not specified by law. Best practice minimum 3 years from last date of employment or death	Date of completion of the process	Best practice based on Article 109 of Labor Standards Act
Acknowledgements, policy agreements and required notices	Not specified by law. Best practice minimum 3 years from last date of employment or death	Date of completion of the process	Best practice based on Article 109 of Labor Standards Act
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Minimum 3 years from last date of employment or death if hired. If never employed, there are no specific recordkeeping requirements	From creation of record	Article 109 of Labor Standards Act

# HR Compliance Assist – Japan – HR Record Retention Requirements

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>EMPLOYMENT RECORDS (continued)</b>			
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	Not specified by law. Best practice minimum 3 years from last date of employment or death	Date of completion of the process	Best practice based on Article 109 of Labor Standards Act
Miscellaneous 1	Retirement, resignation and dismissal records: Minimum 3 years from last date of employment or death	Date of separation or death	Article 109 of Labor Standards Act
Miscellaneous 2	Employee List: Minimum 3 years	From employee termination	Article 109, 107 of Labor Standards Act
Miscellaneous 3	Wage Book: 3 years	From last entry	Article 109, 108 of Labor Standards Act
Miscellaneous 4	List to Manage Temporary Workers (if receive temp. workers from staffing agency): 3 years	From end of day received work from applicable temporary worker	Article 42 of Worker Dispatch Act
<b>BENEFIT/PENSION/EQUITY RECORDS</b>			
	Employment health insurance records - minimum 2 years from end of employment or death;		Article 34 of the Ordinance for Enforcement of Health Insurance Act;
Benefits (plan documents, enrollment records)	Employment insurance records - minimum 2 years (4 years from end of event for records concerning those insured, ex. claim forms; 3 years ) from end of event for documents related to the payment of premiums)	From creation of record	Article 143 of the Ordinance for Enforcement of Employment Insurance Act;  Article 72 of Ordinance for Enforcement of Collecting of Premiums of Employment Related Insurance
Pension records	Minimum 2 years from end of employment or death	Date of completion of the process	Article 28 of Ordinance for Enforcement of Welfare Pension Insurance Act
Equity records	Not specified by law. Best practice minimum 3 years from last date of employment or death	Date of completion of the process	Best practice based on Article 109 of Labor Standards Act

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>PAYROLL/WAGE/TAX RECORDS</b>			
Payroll and wage data (payslips, etc.)	Minimum 3 years from end of employment or death	From creation of record	Article 109 of Labor Standards Act
Tax records	Minimum 7 years	From statutory due date for the tax filing	Article 70.4 of Act on General Rules for National Taxes
<b>MEDICAL/SAFETY/LEAVE RECORDS</b>			
Leave (family, medical, etc.)	Minimum 3 years from end of employment or death	From creation of record	Article 109 of Labor Standards Act
Injury and illness incident reports	Accident compensation records minimum 3 years from the completion of compensation	From creation of record	Article 109 of Labor Standards Act
Medical records	Statutory checkups - Minimum 5 years - from day of each health checkup;  Documents to Certify disability of employee - 3 years from employee's termination	From creation of record	Article 43, 44, 51 of Ordinance for Enforcement of Industrial Safety and Health Act;  Article 45 of Ordinance of Enhancement of Employment for Disabled Employees
Hazardous material and other exposure records	Accident compensation records minimum 3 years from the completion of compensation	From creation of record	Article 109 of Labor Standards Act
Miscellaneous 1	Important Minutes of Safety and Health Committee: 3 years	From creation of record	Article 23 of Ordinance of Industrial Safety and Health Act

Last updated May 2021.

DISCLAIMER: The information contained in this document is for general information purposes only and is not intended to be a source for legal, tax, or any other professional advice and should not be relied upon as such. This information is not intended to create, and the receipt of it by the reader does not constitute, an attorney-client relationship. All legal or tax questions or concerns should be directed to your legal counsel or tax consultant. Laws and regulations may change and UKG Inc. ("UKG") cannot guarantee that all the information in this document is accurate, current or complete. UKG MAKES NO REPRESENTATION OR WARRANTIES WITH RESPECT TO THE ACCURACY OR COMPLETENESS OF THE DOCUMENT OR THE INFORMATION OR CONTENT CONTAINED HEREIN AND SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES INCLUDING BUT NOT LIMITED TO ANY EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY, SUITABILITY, OR COMPLETENESS OF THIS INFORMATION. TO THE EXTENT PERMITTED UNDER APPLICABLE LAW, NEITHER UKG, NOR ITS AGENTS, OFFICERS, EMPLOYEES, SUBSIDIARIES, OR AFFILIATES, ARE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES (INCLUDING PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, LOSS OF USE OR PROFITS, OR BUSINESS INTERRUPTION), EVEN IF THE UKG HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY, OR TORT, ARISING IN ANY WAY OUT OF THE USE OF OR INABILITY TO USE THIS INFORMATION. This document and the content are proprietary and confidential information of UKG. No part of this document or its content may be reproduced in any form, or by any means, or distributed to any third party without the prior written consent of UKG © 2021 UKG Inc. All rights reserved.