

\* v The Japanese version is the authoritative version, and this English translation is intended for reference purposes only. Should any discrepancies or doubts arise between the two versions, the Japanese version will prevail.

## **The University of Tokyo Regulations on Discretionary Accident Compensation for Academic and Administrative Staff**

Established: The University of Tokyo Rules No. 33; April 1, 2004

Revised: The University of Tokyo Rules No. 362; March 28, 2005

Revised: The University of Tokyo Rules No. 123; March 30, 2006

Revised: The University of Tokyo Rules No. 76; March 22, 2017

Revised: The University of Tokyo Rules No. 77; March 20, 2018

### **Article 1 Purpose**

The purpose of these Regulations is to provide for discretionary accident compensation rendered by the National University Corporation the University of Tokyo (hereinafter referred to as the “University”) to University academic and administrative staff (hereinafter collectively referred to as “employees”) who suffered injury, illness, disability, or death (hereinafter collectively referred to as “physical disability or death”) in the course of their employment for accident compensation pursuant to Articles 75 to 77, Article 79 and Article 80 of the Labor Standards Act (Act No. 49 of 1947; hereinafter, the term “work-related reason” shall refer to the reason for accident compensation under the Labor Standards Act), where the discretionary accident compensation represents compensation provided in addition to compensation pursuant to the Labor Standards Act and the Workers’ Accident Compensation Insurance Act (Act No. 50 of 1947; hereinafter referred to as “Accident Compensation Act”) and insurance benefits.

### **Article 2 Compensation for Work-related Accidents**

1. In cases where an employee suffers a physical disability or death due to a work-related reason, the University shall provide discretionary accident compensation to the employee or the surviving members of the family of the employee who has suffered a physical disability or death.
2. These Regulations shall not apply, except under special circumstances, to employees who suffered physical disability or death as prescribed in the preceding paragraph when the physical disability or death was the result of any of the causes listed in the following items below:
  - (1) physical disability or death resulting from an intentional act by the employee, or solely

- from the employee's gross negligence;
- (2) physical disability or death resulting from an accident that occurred during the employee's operation of a motor vehicle without legal qualification to do so, while intoxicated or without a driver's license;
  - (3) physical disability or death resulting from an intentional criminal act committed by the employee;
  - (4) physical disability or death resulting from an earthquake or a volcanic eruption, or a tsunami resulting from either;
  - (5) physical disability or death resulting from war, military action taken by a foreign nation, revolution, coup d'etat, insurrection or armed uprising, or an incident or riot similar thereto;
  - (6) physical disability or death resulting from the radioactive, explosive or other hazardous properties of nuclear fuel material or material contaminated by nuclear fuel material, or from the effect of the properties; or
  - (7) physical disability or death resulting from an endemic disease or occupational illness.

### **Article 3 Compensation for Commuting Injuries**

A physical disability or death that resulted from what is deemed under the Accident Compensation Act to be a non-work-related reason and that qualifies under the act as a commuting injury shall be deemed equivalent to a physical disability or death resulting from a work-related reason and accordingly be made subject to the application of these Regulations.

### **Article 4 Scope of Compensation**

1. Discretionary accident compensation provided under these Regulations shall comprise the following types:
  - (1) Special Aid Compensation for Disabilities; and
  - (2) Special Aid Compensation for the Bereaved Family.
2. The amount of each type of compensation prescribed in the preceding paragraph shall be as prescribed in the appended table.

### **Article 5 Employees Eligible for Compensation**

The scope of employees eligible for the compensation provided under these Regulations is as follows:

- (1) full-time employees;
- (2) fixed-term project employees;
- (3) reinstated employees;
- (4) exclusive occupational staff
- (5) fixed-term, part-time employees; and
- (6) fixed-term, part-time project employees.

(7) Part-time lecturer

**Article 6            Scope and Order of Precedence of the Bereaved Family**

The scope and the order of precedence of the bereaved family shall be as prescribed under Articles 42 to 45 of the Ordinance for Enforcement of the Labor Standards Act (Ministry of Health and Welfare Ordinance No. 23 of 1947).

**Article 7            Accidents Caused by Third Parties**

1. In the case of accidents subject to discretionary accident compensation that result from an act by a third party, the University shall, if it pays discretionary accident compensation for the accident, acquire the compensation beneficiary's right to claim damages against the third party, for damages up to the value of the compensation paid.
2. In the case of the preceding paragraph, the University may, if the beneficiary entitled to receive discretionary accident compensation receives damages from the third party for the same reason, abstain from paying compensation, up to the value of the damages received.
3. The provisions of the preceding two paragraphs shall not apply to the University if the application of the provisions is deemed inappropriate due to special circumstances.

**Article 8            Adjustment of Damages Pursuant to the Civil Code**

In cases where compensation is provided under these Regulations, the University shall not be held liable for damages in Civil Code-based claims for the same reason, up to the value of the compensation paid.

**Article 9            Treatment of Doubts in Interpretation**

Any doubt that arises over the interpretation of matters under these Regulations such as settlement of non-work-related matters shall be resolved based on the provisions of the Labor Standards Act and the Accident Compensation Act, and the operational interpretations thereof.

**Supplementary Provisions**

These Regulations shall come into force on April 1, 2004.

**Supplementary Provisions**

These Rules shall come into force on April 1, 2005.

**Supplementary Provisions**

These Rules shall come into force on April 1, 2006.

**Supplementary Provisions**

These Rules shall come into force on April 1, 2018.

**Supplementary Provisions**

These Rules shall come into force on September 1, 2018.

Appended Table

Types and Amounts of Compensation

1. Special Aid Compensation for Disabilities

If a disability remains after recovery from an injury or illness sustained while at work, depending on the degree of that disability, the compensation shall be paid according to the amounts in the following table. The level of disability shall be determined in accordance with the provisions of the Worker’s Accident Compensation Insurance Act. If an employee is suffering from two or more disabilities or the severity of the disability worsens, the level of disability shall be determined in accordance with the provisions of the Worker’s Accident Compensation Insurance Act.

Amount of Compensation

After Effects	Amount of Compensation	
	Work-related Accidents (thousands of yen)	Commuting Injuries (thousands of yen)
Level 1	15,400	9,750
Level 2	15,000	9,400
Level 3	14,600	9,050
Level 4	8,750	5,500
Level 5	7,450	4,700
Level 6	6,150	3,900
Level 7	4,850	3,100
Level 8	3,200	1,950
Level 9	2,500	1,550
Level 10	1,950	1,200
Level 11	1,450	900
Level 12	1,050	650
Level 13	750	450
Level 14	450	300

## 2. Special Aid Compensation for the Bereaved Family

In the case of death while at work, the following compensation shall be paid to the bereaved family. However, in the case of death after the payment of Special Aid Compensation for Disabilities due to recurrence of the disability, the amount paid to the bereaved family shall be the amount in the following table, less the amount already paid in the form of Special Aid Compensation for Disabilities.

### Amount of Compensation

	Amount of Compensation	
	Work-related Accidents (thousands of yen)	Commuting Injuries (thousands of yen)
Death	18,600	12,000