

Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members

(Act No. 76 of May 15, 1991)

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Chapter 1 General Provisions

(Purpose)

Article 1 The purpose of this Act is to promote the welfare of workers, etc. who engage in childcare or nursing care of family members by contributing to the balance of the working and family lives of said workers, etc., through taking steps such as establishing a system for Childcare Leave, Caregiver Leave, Time Off for Sick/Injured Childcare, and Time Off for Caregivers; establishing measures employers must follow regarding scheduled working hours, etc. in order to facilitate childcare and nursing care of family members; establishing measures to support workers who engage in childcare and nursing care of family members; and promoting the continuation of the employment of, and re-employment of said workers, etc., thereby contributing to the development of the economy and society.

(Definitions)

Article 2 In this Act, the meanings of the terms in the following items shall be as prescribed respectively in those items (excluding Article 9-3 as regards the term set forth in item (i)):

- (i) **Childcare Leave:** leave that a worker (excluding persons employed on a day-to-day basis; the same shall apply hereinafter in this Article, the following Chapter through Chapter 8, Articles 21 through 26, Article 28, Article 29 and Chapter 11) takes pursuant to the provisions of the following Chapter in order to provide childcare to a child;
- (ii) **Caregiver Leave:** leave that a worker takes pursuant to the provisions of Chapter 3 in order to provide nursing care to a Subject Family Member in a Care-requiring Condition;
- (iii) **Care-requiring Condition:** a condition requiring constant nursing care for a period specified by Ordinance of the Ministry of Health, Labour and Welfare due to injury, sickness, or physical or mental disability;
- (iv) **Subject Family Member:** a spouse (including a person in a de facto marital relationship with the worker, though an application to register marriage has not been filed; the same shall apply hereinafter), parents, children (including equivalent persons as specified by Ordinance of the Ministry of Health, Labour and Welfare) or parents of a spouse; or
- (v) **Family Member:** a Subject Family Member and other relatives as specified by Ordinance of Ministry of Health, Labour and Welfare.

(Basic Principle)

Article 3 (1) Under this Act, the promotion of the welfare of workers, etc. who undertake childcare or nursing care of Family Members has the principal objective of enabling such workers to engage in a productive working life by making effective use of their abilities throughout their working life, as well as smoothly fulfilling their role as a Family Member with regard to raising their children or providing nursing care to Family Members.

(2) Workers who take leave in order to take care of children or other Family Members must endeavor to make efforts necessary to smoothly recommence work following said leave.

(Responsibilities of Persons Concerned)

Article 4 Employers, the State, and local governments must, in compliance with the basic principles prescribed in the preceding Article, endeavor to promote the welfare of workers, etc. who take care of children or other Family Members.

Chapter 2 Childcare Leave

(Application for Childcare Leave)

Article 5 (1) A worker may take Childcare Leave upon applying to their employer if the child he or she takes care of is less than one year of age; provided, however, that persons employed for a fixed period of time shall only be able to file such an application in cases where he or she falls under both of the following items:

(i) A person employed by said employer for a continued period of at least one year;

(ii) A person likely to be kept employed at the same place after the day on which the dependent child reaches one year of age (hereinafter referred to as the "Date of One Year of Age") (excluding persons whose labor contract will expire and will clearly not be renewed during the subsequent year after the Date of One Year of Age).

(2) Notwithstanding the provisions of the preceding paragraph, a worker who has taken Childcare Leave (excluding Childcare Leave taken by a worker (excluding workers who take leave during the period between the date of birth of the child to the day following the day on which eight weeks elapse from the date of birth of the child (or the period between the date of birth of the child to the day following the day on which eight weeks elapse from the expected date of confinement in cases where the child is born before the expected date of confinement, or the period between the expected date of confinement to the day following the day on which eight weeks elapse from the date of birth in cases where the child is born after the expected date of confinement) pursuant to the provision of Article 65 paragraph 2 of the Labor Standards Act (Act No. 49 of 1947)) within said period upon the first application under the preceding paragraph for taking care of the child) may not file an application set forth in the preceding paragraph with regard to a child whom the worker has already been taking care of on the day on which said Childcare Leave commenced, except in cases where there are special circumstances specified by Ordinance of the Ministry of Health, Labour and Welfare.

(3) A worker may take Childcare Leave upon applying to their employer if the child he or she takes care of is between one year and one year and six months of age, only when he or she falls under both of the following items; provided, however, that a person employed for a fixed period of time and whose spouse is taking Childcare Leave on the Date of One Year of Age may file said application only when he or she falls under both of the items of paragraph 1:

(i) The worker or the worker's spouse is taking Childcare Leave for a child pertaining to said application until said child's Date of One Year of Age;

(ii) Leave during the period after said child's Date of One Year of Age is applicable to cases specified by Ordinance of the Ministry of Health, Labour

and Welfare where taking leave would be found to be particularly necessary for continuing employment.

- (4) An application pursuant to the provision of paragraph 1 and the preceding paragraph (hereinafter referred to as "Childcare Leave Application") must be filed, with regard to a continued period for Childcare Leave, by making clear the first day thereof (hereinafter referred to as "Childcare Leave Scheduled Start Date") and the last day thereof (hereinafter referred to as "Childcare Leave Scheduled End Date") pursuant to Ordinance of the Ministry of Health, Labour and Welfare. In this case, applications pursuant to the provision of paragraph 3 must be filed by deeming the following day of said child's Date of One Year of Age as the Childcare Leave Scheduled Start Date.
- (5) The provisions of the proviso of paragraph 1, paragraph 2, the proviso of paragraph 3 and the second sentence of the preceding paragraph shall not apply to cases where a person employed for a fixed period of time who takes Childcare Leave having designated the last day of the labor contract period as the Childcare Leave Scheduled End Date (or, in cases where said Childcare Leave Scheduled End Date is changed pursuant to the provision of Article 7 paragraph 3, the changed Childcare Leave Scheduled End Date) files a Childcare Leave Application, due to the renewal of said labor contract, in which the first day of the renewed labor contract period is the Childcare Leave Scheduled Start Date.

(Obligations, etc. of Employers when a Childcare Leave Application is Filed)

- Article 6 (1) Employers may not refuse a Childcare Leave Application filed by a worker; provided, however, that this shall not apply to cases where a Childcare Leave Application is filed by a worker who falls under any of the following items and who is set forth as a person who may not take Childcare Leave under a written agreement between said employer and either a labor union, if any, organized by a majority of workers at the place of business where said worker is employed or between said employer and a person who represents the majority of such workers when there is no labor union organized by the majority of workers at the place of business where said worker is employed:
- (i) A worker employed by said employer for a continued period of less than one year;
 - (ii) In addition to what is listed in the preceding item, a person specified by Ordinance of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds not to grant said Childcare Leave.
- (2) In the case referred to in the proviso of the preceding paragraph, a worker whose Childcare Leave Application has been refused by an employer may not take Childcare Leave, notwithstanding the provisions of paragraphs 1 and 3 of the preceding Article.

- (3) An employer may, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, in cases where a worker files a Childcare Leave Application, when the Childcare Leave Scheduled Start Date in said application falls before the day on which one month (or two weeks when an application is filed pursuant to the provision of paragraph 3 of the preceding Article) from the day following the date of said application has elapsed (referred to as "One Month, etc. Expiry Date" hereinafter in this paragraph), designate as the Childcare Leave Scheduled Start Date any day during the period between said Childcare Leave Scheduled Start Date and said One Month, etc. Expiry Date (or a day which falls before the One Month, etc. Expiry Date and which is specified by Ordinance of the Ministry of Health, Labour and Welfare in cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare, such as the birth of a child before the expected date, before the day of said Childcare Leave Application).
- (4) The provisions of the proviso of paragraph 1 and the preceding paragraph shall not apply to cases where a worker files a Childcare Leave Application prescribed in paragraph 5 of the preceding Article.

(Application, etc. for Change of the Childcare Leave Scheduled Start Date)

- Article 7 (1) A worker who has filed a Childcare Leave Application pursuant to the provision of Article 5 paragraph 1 may, in cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in paragraph 3 of the preceding Article on or before the day preceding the Childcare Leave Scheduled Start Date in said application (in cases where the employer designates the day pursuant to the provision of paragraph 3 of the preceding Article, the day designated by said employer; the same shall apply hereinafter in this paragraph), change the Childcare Leave Scheduled Start Date only once in said application to a day before said Childcare Leave Scheduled Start Date, by notifying said employer.
- (2) An employer may, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, in cases where a worker files an application pursuant to the provision of the preceding paragraph, when the changed Childcare Leave Scheduled Start Date in said application falls before the day on which the period specified by Ordinance of the Ministry of Health, Labour and Welfare within a period not exceeding one month from the day following the date of the application elapses (referred to as "Period Expiry Date" hereinafter in this paragraph), designate as a Childcare Leave Scheduled Start Date for said worker any day during the period from the changed Childcare Leave Scheduled Start Date in said application until said Period Expiry Date (in cases where the day falls after the original Childcare Leave Scheduled Start Date (in cases where the employer designates the day pursuant to the provisions of paragraph

3 of the preceding Article, the day designated by said employer. The same shall apply hereinafter in this paragraph), the original Childcare Leave Scheduled Start Date in said application).

- (3) A worker who has filed a Childcare Leave Application may, by notifying the employer on or before the day specified by Ordinance of the Ministry of Health, Labour and Welfare, change the Childcare Leave Scheduled End Date only once in said application to the day which falls after said Childcare Leave Scheduled End Date.

(Withdrawal, etc. of a Childcare Leave Application)

Article 8 (1) A worker who has filed a Childcare Leave Application may withdraw said application on or before the day preceding the Childcare Leave Scheduled Start Date in said application (in cases where the employer designates the day pursuant to the provision of Article 6 paragraph 3 or paragraph 2 of the preceding Article, the day designated by said employer; or in cases where the Childcare Leave Scheduled Start Date is changed pursuant to the provision of paragraph 1 of the preceding Article, the changed Childcare Leave Scheduled Start Date; the same shall apply hereinafter).

- (2) A worker who has withdrawn a Childcare Leave Application pursuant to the provision of the preceding paragraph may not, except in cases where there are special circumstances specified by Ordinance of the Ministry of Health, Labour and Welfare, file an application again for Childcare Leave with regard to the child pertaining to said application, notwithstanding the provisions of Article 5 paragraphs 1 and 3.

- (3) In the event that there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare why the worker comes to cease taking care of the child pertaining to the Childcare Leave Application, such as the death of the child, on or before the day preceding the Childcare Leave Scheduled Start Date after the Childcare Leave Application, said Childcare Leave Application shall be deemed as having not been filed. In this case, the worker must notify the employer without delay of the reason for such cancellation.

(Period of Childcare Leave)

Article 9 (1) The period for which a worker who has filed a Childcare Leave Application may take said Childcare Leave (hereinafter referred to as "Period of Childcare Leave") shall be between the Childcare Leave Scheduled Start Date and the Childcare Leave Scheduled End Date (or, in cases where said Childcare Leave Scheduled End Date is changed pursuant to the provision of Article 7 paragraph 3, the changed Childcare Leave Scheduled End Date; the same shall apply in the following paragraph).

- (2) A Period of Childcare Leave shall be terminated on the day on which any of

the circumstances listed in the following items occurs (or on the preceding day in the case of item (iii)), notwithstanding the provisions of the preceding paragraph:

- (i) On or before the day preceding the Childcare Leave Scheduled End Date, there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare why the worker comes to cease taking care of the child pertaining to the Childcare Leave Application, such as the death of the child;
 - (ii) On or before the day preceding the Childcare Leave Scheduled End Date, a child pertaining to said Childcare Leave Application reaches one year of age (or one year and six months of age with regard to Childcare Leave for which an application was filed pursuant to the provision of Article 5 paragraph 3);
or
 - (iii) On or before the Childcare Leave Scheduled End Date, a leave period pursuant to the provision of Article 65 paragraph 1 or 2 of the Labor Standards Act, a Period of Caregiver Leave prescribed in Article 15 paragraph 1 of this Act, or a new Period of Childcare Leave has begun with regard to a worker who has filed the Childcare Leave Application.
- (3) The provisions of the second sentence of paragraph 3 of the preceding Article shall apply mutatis mutandis to cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in item (i) of the preceding paragraph.

(Special Provisions for Childcare Leave Taken by Spouses for the Same Child)
Article 9-2 (1) With regard to the application of the provisions of Chapters 2 through 5, Article 24 paragraph 1 and Chapter 12 in cases where the spouse of a worker is taking Childcare Leave for taking care of the worker's child on any day before the Date of One Year of Age of said child, the term "less than one year of age" in Article 5 paragraph 1 shall be deemed to be replaced with "less than one year of age (or less than one year and two months of age in cases where Childcare Leave is taken pursuant to the provision of this paragraph as applied by replacing terms pursuant to the provision of Article 9-2 paragraph 1)"; the term "Date of One Year of Age" in the non-itemized part of Article 5 paragraph 3 shall be deemed to be replaced with "Date of One Year of Age (in cases where the Childcare Leave Scheduled End Date prescribed in Article 9 paragraph 1 (including the cases where applied by replacing terms pursuant to the provision of Article 9-2 paragraph 1) pertaining to an application filed by said spouse pursuant to the provision of paragraph 1 as applied by replacing terms pursuant to the provision of Article 9-2 paragraph 1 falls after the Date of One Year of Age of said child, said Childcare Leave Scheduled End Date); the term "or the worker's spouse...the said child's Date of One Year of Age" in Article 5 paragraph 3 item (i) shall be deemed to be replaced with "...the said

child's Date of One Year of Age (in cases where the Childcare Leave Scheduled End Date prescribed in Article 9 paragraph 1 (including the cases where applied by replacing terms pursuant to the provision of Article 9-2 paragraph 1) pertaining to an application filed by said worker pursuant to the provision of paragraph 1 as applied by replacing terms pursuant to the provision of Article 9-2 paragraph 1 falls after the Date of One Year of Age of said child, said Childcare Leave Scheduled End Date; in cases where the Childcare Leave Scheduled End Date prescribed in Article 9 paragraph 1 (including the cases where applied by replacing terms pursuant to the provision of Article 9-2 paragraph 1) pertaining to an application filed by the spouse of said worker pursuant to the provision of paragraph 1 as applied by replacing terms pursuant to the provision of Article 9-2 paragraph 1 falls after the Date of One Year of Age of said child, said Childcare Leave Scheduled End Date)"; the term "Date of One Year of Age" in Article 5 paragraph 4 shall be deemed to be replaced with "Date of One Year of Age (in cases where the Childcare Leave Scheduled End Date prescribed in Article 9 paragraph 1 (including the cases where applied by replacing terms pursuant to the provision of Article 9-2 paragraph 1) pertaining to an application filed by the worker taking care of said child or the spouse of said worker pursuant to the provision of paragraph 1 as applied by replacing terms pursuant to the provision of Article 9-2 paragraph 1 falls after the Date of One Year of Age of said child, said Childcare Leave Scheduled End Date (or either of the Childcare Leave Scheduled End Date pertaining to said worker or the Childcare Leave Scheduled End Date pertaining to said spouse if the two dates are different))"; the term "the changed Childcare Leave Scheduled End Date; the same shall apply in the following paragraph" in paragraph 1 of the preceding Article shall be deemed to be replaced with "the changed Childcare Leave Scheduled End Date; the same shall apply in the following paragraph (including the cases where applied by replacing terms pursuant to the provision of paragraph 1 of the following Article)) (or, in cases where said Childcare Leave Scheduled End Date falls after the period of days elapses from said Childcare Leave Scheduled Start Date, which are obtained by subtracting from the number of days for which Childcare Leave, etc. may be taken (the number of days from the date of birth of the child pertaining to said Childcare Leave to the Date of One Year of Age of said child) the number of days for Childcare Leave, etc. taken (the total number of days of leave taken by said worker pursuant to the provision of Article 65 paragraph 1 or 2 of the Labor Standards Act and days of Childcare Leave taken by said worker for said child on and after the date of birth of said child), the day on which said period elapses; the same shall apply in the following paragraph (including the cases where applied by replacing terms pursuant to the provision of paragraph 1 of the following Article))"; the term "

Article 5 paragraph 3" in Article 9 paragraph 2 item (ii) shall be deemed to be replaced with "or one year and two months of age with regard to Childcare Leave for which an application was filed pursuant to the provision of Article 5 paragraph 1 as applied by replacing terms pursuant to the provision of paragraph 1 of the following Article, paragraph 3 of the same Article (including the cases where applied by replacing terms pursuant to the provision of paragraph 1 of the following Article)"; the term ", one year and six months of age" in the same item shall be deemed to be replaced with "one year and six months of age"; the term "one year of age (" in Article 24 paragraph 1 item (i) shall be deemed to be replaced with "one year of age (or one year and two months of age in cases where said worker may file an application pursuant to the provision of Article 5 paragraph 1 as applied by replacing terms pursuant to the provision of Article 9-2 paragraph 1,"; the term ", one year and six months of age" in the same item shall be deemed to be replaced with "one year and six months of age"; and any other necessary technical replacement of terms shall be specified by Ordinance of the Ministry of Health, Labour and Welfare.

(2) The provision of the preceding paragraph shall not apply to cases where the Childcare Leave Scheduled Start Date pertaining to an application filed pursuant to the provision of Article 5 paragraph 1 in the case of application of the preceding paragraph falls after the day following the Date of One Year of Age of the child pertaining to the Childcare Leave or before the first day of the Period of Childcare Leave pertaining to Childcare Leave taken by the spouse of the worker in the case referred to in the preceding paragraph.

(Application of Provisions for Childcare Leave Taken by Spouses Who are Government Employees)

Article 9-3 With regard to the application of the provisions of Article 5 paragraph 3 and the preceding Article, a request made, or childcare leave taken based on said request, by the spouse of a worker pursuant to the provisions of Article 3 paragraph 2 of the Act on Childcare Leave, etc. of Diet Officers (Act No. 108 of 1991), Article 3 paragraph 2 of the Act on Childcare Leave, etc. of National Government Employees (Act No. 109 of 1991) (including cases where applied mutatis mutandis pursuant to Article 27 paragraph 1 of the same Act and the Act on Temporary Measures concerning Court Officers (Act No. 299 of 1951) (limited to the part pertaining to item (vii)), Article 2 paragraph 2 of the Act on Childcare Leave, etc. of Local Government Employees (Act No. 110 of 1991), or Article 2 paragraph 2 of the Act on Childcare Leave, etc. of Judges (Act No. 111 of 1991), shall be deemed an application filed, or childcare leave taken based on said application, pursuant to the provision of Article 5 paragraph 1, respectively.

(Prohibition of Disadvantageous Treatment)

Article 10 An employer shall not dismiss or otherwise treat a worker disadvantageously due to said worker making a Childcare Leave Application or taking Childcare Leave.

Chapter 3 Caregiver Leave

(Application for Caregiver Leave)

Article 11 (1) A worker may take Caregiver Leave upon applying to their employer; provided, however, that persons employed for a fixed period of time shall only be able to file such an application in cases where he or she falls under both of the following items.

(i) A person employed by said employer for a continued period of at least one year; and

(ii) A person likely to be kept employed after the day on which 93 days elapse from the Caregiver Leave Scheduled Start Date prescribed in paragraph 3 (referred to as "93-day Expiry Date" hereinafter in this item) (excluding a person whose labor contract will expire and clearly not be renewed during the subsequent year following the 93-day Expiry Date).

(2) Notwithstanding the provisions of the preceding paragraph, a worker who has taken Caregiver Leave may not file an application set forth in the preceding paragraph with regard to a Subject Family Member for whom the worker has already taken Caregiver Leave in cases where the Subject Family Member pertaining to said Caregiver Leave falls under any of the following items:

(i) The Subject Family Member has continued to be in a Care-requiring Condition from the day on which said Caregiver Leave commenced (excluding special circumstances specified by Ordinance of the Ministry of Health, Labour and Welfare); or

(ii) With regard to the Subject Family Member, the total of the number of days described in the following items (referred to in Article 15 paragraph 1 and Article 23 paragraph 3 as "Number of Days for Caregiver Leave, etc.") has reached 93 days.

(a) The number of days for Caregiver Leave (the number of days from the day on which Caregiver Leave commenced until the day on which Caregiver Leave ended; in cases of multiple periods of Caregiver Leave, the number of days obtained by totaling the number of days for each period of Caregiver Leave from the day on which Caregiver Leave commenced until the day on which Caregiver Leave ended); and

(b) The number of days for which shortening scheduled working hours and other measures from among those set forth in Article 23 paragraph 3 and for which measures specified by Ordinance of the Ministry of Health,

Labour and Welfare were taken (the number of days as counted from the day on which the first measure of said measures commenced until the day on which the last measure of said measures ended (when there is a period of Caregiver Leave during that time, the number of days from the day on which Caregiver Leave commenced until the day on which Caregiver Leave ended shall be subtracted); when said measures are taken for two or more Care-requiring Conditions, the number of days obtained by totaling the number of days spent for each Care-requiring Condition from the day on which the first measure commenced until the day on which the last measure ended (when there is a period of Caregiver Leave during that time, the number of days from the day on which Caregiver Leave commenced until the day on which Caregiver Leave ended shall be subtracted)).

- (3) An application pursuant to the provision of paragraph 1 (hereinafter referred to as "Caregiver Leave Application") must be filed by making clear that the Subject Family Member pertaining to said Caregiver Leave Application is in a Care-requiring Condition and, with regard to a continued period for Caregiver Leave pertaining to the Subject Family Member, and the first day thereof (hereinafter referred to as "Caregiver Leave Scheduled Start Date") and last day thereof (hereinafter referred to as "Caregiver Leave Scheduled End Date") pursuant to Ordinance of the Ministry of Health, Labour and Welfare.
- (4) The provisions of proviso of paragraph 1 and paragraph 2 (excluding item (ii)) shall not apply to cases where a person employed for a fixed period of time who takes Caregiver Leave having designated the last day of said person's labor contract period as the Caregiver Leave Scheduled End Date (or, in cases where said Caregiver Leave Scheduled End Date is changed pursuant to the provision of Article 7 paragraph 3, as applied mutatis mutandis pursuant to Article 13, the changed Caregiver Leave Scheduled End Date) files a Caregiver Leave Application, due to the renewal of said labor contract, in which the first day of the renewed labor contract period is the Caregiver Leave Scheduled Start Date.

(Obligations, etc. of Employers when a Caregiver Leave Application is Filed)

Article 12 (1) Employers shall not refuse a Caregiver Leave Application filed by a worker.

- (2) The provisions of the proviso of Article 6 paragraph 1 and the provisions of paragraph 2 of the same Article shall apply mutatis mutandis to cases where a worker files a Caregiver Leave Application. In this case, the term "the proviso of the preceding paragraph" in Article 6 paragraph 2 shall be deemed to be replaced with "the proviso of the preceding paragraph, as applied mutatis mutandis pursuant to Article 12 paragraph 2," and the term "paragraphs 1 and 3 of the preceding Article" in the same paragraph shall be deemed to be replaced with "Article 11 paragraph 1."

- (3) An employer may, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, in cases where a worker files a Caregiver Leave Application, when the Caregiver Leave Scheduled Start Date in said application falls before the day on which two weeks from the day following the date of said application have elapsed (referred to as "Two Week Expiry Date" hereinafter in this paragraph), designate as the Caregiver Leave Scheduled Start Date any day during the period from said Caregiver Leave Scheduled Start Date until said Two Week Expiry Date.
- (4) The provisions of the preceding two paragraphs shall not apply to cases where a worker files a Caregiver Leave Application prescribed in paragraph 4 of the preceding Article.

(Applications for Change of the Caregiver Leave Scheduled End Date)

Article 13 The provisions of Article 7 paragraph 3 shall apply mutatis mutandis to an application for a change of the Caregiver Leave Scheduled End Date.

(Withdrawal, etc. of Caregiver Leave Applications)

Article 14 (1) A worker who has filed a Caregiver Leave Application may withdraw said application on or before the day preceding the Caregiver Leave Scheduled Start Date in said application (in cases where an employer designates the day pursuant to the provision of Article 12 paragraph 3, the day designated by said employer; the same shall apply in Article 8 paragraph 3, as applied mutatis mutandis pursuant to paragraph 3 of this Article, paragraph 1 of the following Article, and Article 23 paragraph 3).

- (2) In cases where a Caregiver Leave Application is withdrawn pursuant to the provision of the preceding paragraph, an employer may refuse a new Caregiver Leave Application with regard to the Subject Family Member pertaining to said withdrawal, excluding the first Caregiver Leave Application filed after said withdrawal, notwithstanding the provisions of Article 12 paragraph 1.
- (3) The provisions of Article 8 paragraph 3 shall apply mutatis mutandis to a Caregiver Leave Application. In this case, the terms "child" and "taking care of the child" in the same paragraph shall be deemed to be replaced respectively with "Subject Family Member" and "taking care of the Subject Family Member."

(Period of Caregiver Leave)

Article 15 (1) A period for which a worker who has filed a Caregiver Leave Application may take said Caregiver Leave (hereinafter referred to as a "Period of Caregiver Leave") shall be between the Caregiver Leave Scheduled Start Date and the Caregiver Leave Scheduled End Date in said application (or, when the scheduled end date falls after the period of days elapses from the

Caregiver Leave Scheduled Start Date, which are obtained by subtracting from 93 days the Number of Days for Caregiver Leave, etc. taken for the Subject Family Member in said Caregiver Leave Application filed by said worker, the day on which said period elapses; the same shall apply in paragraph 3 of this Article).

- (2) In this Article, the Caregiver Leave Scheduled End Date shall, in cases where said Caregiver Leave Scheduled End Date is changed pursuant to the provision of Article 7 paragraph 3, as applied mutatis mutandis pursuant to Article 13, refer to the changed Caregiver Leave Scheduled End Date.
- (3) The Period of Caregiver Leave shall be terminated on the day on which any of the circumstances listed in the following items occurs (or on the preceding day in the case of item (ii)), notwithstanding the provisions of paragraph 1:
 - (i) On or before the day preceding the Caregiver Leave Scheduled End Date, there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as to why the worker comes to cease taking care of the Subject Family Member pertaining to a Caregiver Leave Application, such as the death of the Subject Family Member; or
 - (ii) On or before the Caregiver Leave Scheduled End Date, a leave period pursuant to the provision of Article 65 paragraph 1 or 2 of the Labour Standards Act, a Period of Childcare Leave, or a new Period of Caregiver Leave has begun with regard to the worker who has filed a Caregiver Leave Application.
- (4) The provisions of the second sentence of Article 8 paragraph 3 shall apply mutatis mutandis to the cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in item (i) of the preceding paragraph.

(Application, Mutatis Mutandis)

Article 16 The provisions of Article 10 shall apply mutatis mutandis to a Caregiver Leave Application and taking Caregiver Leave.

Chapter 4 Time Off for Sick/Injured Childcare

(Applications for Time Off for Sick/Injured Childcare)

Article 16-2 (1) A worker who is taking care of a child before the commencement of elementary school may obtain leave to look after said child as specified by Ordinance of the Ministry of Health, Labour and Welfare as necessary for taking care of or preventing the illness of said child in the event of injury to or the illness of said child (referred to as "Time Off for Sick/Injured Childcare" hereinafter in this chapter) upon application to said worker's employer, with a limit of up to five working days per fiscal year (or ten working days in cases

where said worker has two or more children before the commencement of elementary school to take care of).

- (2) An application pursuant to the provision of the preceding paragraph must be filed by making clear the days to be obtained as a Time Off for Sick/Injured Childcare, pursuant to Ordinance of the Ministry of Health, Labour and Welfare.
- (3) A fiscal year, as referred to in paragraph 1 shall refer to a period that begins on April 1 and ends on March 31 of the following year unless otherwise provided for by the employer.

(Obligations, etc. of Employers when an Application for Time Off for Sick/Injured Childcare is Filed)

Article 16-3 (1) Employers must not refuse an application by a worker pursuant to the provision of paragraph 1 of the preceding Article.

- (2) The provisions of the proviso of paragraph 1 of Article 6 and the provisions of paragraph 2 of the same Article shall apply mutatis mutandis to cases where a worker files an application pursuant to the provision of paragraph 1 of the preceding Article. In this case, the term "one year" in Article 6 paragraph 1 item (i) shall be deemed to be replaced with "six months," the term "the proviso of the preceding paragraph" in paragraph 2 of the same Article shall be deemed to be replaced with "the proviso of the preceding paragraph, as applied mutatis mutandis pursuant to Article 16-3 paragraph 2," and the term "paragraphs 1 and 3 of the preceding Article" in paragraph 2 of the same Article shall be deemed to be replaced with "Article 16-2 paragraph 1."

(Applications, Mutatis Mutandis)

Article 16-4 The provisions of Article 10 shall apply mutatis mutandis to applications and Time Off for Sick/Injured Childcare prescribed in Article 16-2 paragraph 1.

Chapter 5 Time Off for Caregivers

(Application for Time Off for Caregivers)

Article 16-5 (1) A worker who looks after a Subject Family Member in a Care-requiring Condition as specified by Ordinance of the Ministry of Health, Labour and Welfare, including nursing care, may obtain leave to look after said Subject Family Member (hereinafter referred to as "Time Off for Caregivers") upon application to said worker's employer, with limits of up to five working days per fiscal year (or ten working days in cases where said worker has two or more Subject Family Members in a Care-requiring Condition).

- (2) An application pursuant to the provision of the preceding paragraph must be

filed by making clear that the Subject Family Member pertaining to said application is in a Care-requiring Condition and the days required as Time Off for Caregivers, pursuant to Ordinance of the Ministry of Health, Labour and Welfare.

- (3) A fiscal year as referred to in paragraph 1 shall refer to a period that begins on April 1 and ends on March 31 of the following year unless otherwise provided for by the employer.

(Obligations, etc. of Employers when an Application for Time Off for Caregivers is Filed)

Article 16-6 (1) Employers shall not refuse an application by a worker pursuant to the provision of paragraph 1 of the preceding Article.

- (2) The provisions of the proviso of Article 6 paragraph 1 and the provisions of paragraph 2 of the same Article shall apply mutatis mutandis to cases where a worker files an application pursuant to the provision of paragraph 1 of the preceding Article. In this case, the term "one year" in Article 6 paragraph 1 item (i) shall be deemed to be replaced with "six months," the term "the proviso of the preceding paragraph" in paragraph 2 of the same Article shall be deemed to be replaced with "the proviso of the preceding paragraph, as applied mutatis mutandis pursuant to Article 16-6 paragraph 2," and the term "paragraphs 1 and 3 of the preceding Article " in paragraph 2 of the same Article shall be deemed to be replaced with "Article 16-5 paragraph 1."

(Applications, Mutatis Mutandis)

Article 16-7 The provisions of Article 10 shall apply mutatis mutandis to applications and Time Off for Caregivers prescribed in Article 16-5 paragraph 1.

Chapter 6 Limitations on Unscheduled Work

Article 16-8 (1) Employers must not make a worker who is taking care of a child less than three years of age work in excess of the scheduled working hours upon said worker's request in order to take care of said child unless said worker falls under either of the following kinds of worker, specified as one who may not make said request pursuant to the main clause of this paragraph under a written agreement between said employer and either a labor union, if any, organized by a majority of workers at the place of business where said worker is employed or between said employer and a person who represents the majority of such workers when there is no labor union organized by the majority of workers at the place of business where said worker is employed; provided, however, that this shall not apply to cases where said request would

impede normal business operations:

- (i) A worker employed by said employer for a continued period of less than one year; or
 - (ii) In addition to what is listed in the preceding item, a person specified by Ordinance of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds for said request not being granted.
- (2) A request pursuant to the provision of the preceding paragraph must be made, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, with regard to a continued period where an employer must not make the worker work in excess of the scheduled working hours (limited to a period from one month to one year; referred to in paragraph 4 as the "Limitation Period"), by making clear the first day thereof (referred to as "Limitation Period Scheduled Start Date" hereinafter in this Article) and last day thereof (referred to in paragraph 4 as "Limitation Period Scheduled End Date") on or before the day one month prior to the Limitation Period Scheduled Start Date. In this case, the limitation period prescribed in the first sentence of this paragraph must not overlap with the limitation period prescribed in the first sentence of Article 17 paragraph 2.
- (3) In the event that there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as to why the worker comes to cease taking care of the child pertaining to the request, such as the death of the child, on or before the day preceding the Limitation Period Scheduled Start Date after the request was made pursuant to the provision of paragraph 1, said request shall be deemed as not having been made. In this case, the worker must notify the employer without delay of the reason for such cancellation.
- (4) Limitation Periods shall be terminated on the day on which any of the circumstances listed in the following items occurs (or on the preceding day in the case of item (iii)):
- (i) On or before the day preceding the Limitation Period Scheduled End Date, there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as to why the worker comes to cease taking care of the child pertaining to the request pursuant to the provision of paragraph 1, such as the death of the child;
 - (ii) On or before the day preceding the Limitation Period Scheduled End Date, the child pertaining to the request which has been made pursuant to the provision of paragraph 1 reaches three years of age; or
 - (iii) On or before the Limitation Period Scheduled End Date, a leave period pursuant to the provisions of Article 65 paragraph 1 or 2 of the Labor Standards Act, a Period of Childcare Leave, or a Period of Caregiver Leave has begun with regard to a worker who has made a request pursuant to the provision of paragraph 1.

(5) The provisions of the second sentence of paragraph 3 shall apply mutatis mutandis to cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in item (i) of the preceding paragraph.

Article 16-9 Employers must not dismiss or otherwise treat a worker disadvantageously on the grounds that said worker makes a request pursuant to the provision of paragraph 1 of the preceding Article or does not work in excess of scheduled working hours, in cases where said employer is not to have said worker making said request work in excess of the scheduled working hours pursuant to the provision of the same paragraph.

Chapter 7 Limitations on Overtime Work

Article 17 (1) An employer shall not, in cases where he or she may extend, pursuant to the main clause of paragraph 1 of Article 36 of the Labour Standards Act, a worker's working hours prescribed in the same paragraph (referred to as "Working Hours" hereinafter in this Article), extend Working Hours beyond the limit on overtime work (24 hours per month and 150 hours per year, the same shall apply in the following paragraph and Article 18-2) when a worker who is taking care of a child prior to the commencement of elementary school and who does not fall under any of the following items makes a request in order to take care of said child; provided, however, that this shall not apply to cases where said request would impede normal business operations:

- (i) A worker employed by said employer for a continued period of less than one year;
- (ii) In addition to what is listed in the preceding item, a person specified by Ordinance of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds for said request not being granted.

(2) A request pursuant to the provision of the preceding paragraph shall be made, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, with regard to a continued period where an employer must not extend Working Hours beyond the limit on overtime work (limited to a period from one month to one year; referred to in paragraph 4 as "Limitation Period"), by making clear the first day thereof (referred to as "Limitation Period Scheduled Start Date" hereinafter in this Article) and last day thereof (referred to in paragraph 4 as "Limitation Period Scheduled End Date") on or before the day one month prior to the Limitation Period Scheduled Start Date. In this case, the limitation period prescribed in the first sentence of this paragraph must not overlap with the limitation period prescribed in the first sentence of Article 16-8 paragraph

- 2.
- (3) In the event that there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as to why the worker comes to cease taking care of the child pertaining to the request, such as the death of the child, on or before the day preceding the Limitation Period Scheduled Start Date after the request was made pursuant to the provision of paragraph 1, said request shall be deemed as not having been made. In this case, the worker must notify the employer without delay of the reason for such cancellation.
- (4) A Limitation Period shall be terminated on the day on which any of the circumstances listed in the following items occurs (or on the preceding day in the case of item (iii)):
 - (i) On or before the day preceding the Limitation Period Scheduled End Date, there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as to why the worker comes to cease taking care of the child pertaining to the request pursuant to the provision of paragraph 1, such as the death of the child;
 - (ii) On or before the day preceding the Limitation Period Scheduled End Date, the child pertaining to the request which has been made pursuant to the provision of paragraph 1 reaches the stage of commencement of elementary school; or
 - (iii) On or before the Limitation Period Scheduled End Date, a leave period pursuant to the provisions of Article 65 paragraph 1 or 2 of the Labor Standards Act, a Period of Childcare Leave, or a Period of Caregiver Leave has begun with regard to a worker who has made a request pursuant to the provision of paragraph 1.
- (5) The provisions of the second sentence of paragraph 3 shall apply mutatis mutandis to cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in item (i) of the preceding paragraph.

Article 18 (1) The provisions of paragraphs 1, 2, 3, and 4 (excluding item (ii)) of the preceding Article shall apply mutatis mutandis to a worker who takes care of a Subject Family Member in a Care-requiring Condition. In this case, the term "take care of said child" in paragraph 1 of the same Article shall be deemed to be replaced with "take care of said Subject Family Member", and the terms "child" and "taking care of the child" in paragraph 3 and paragraph 4 item (i) of the same Article shall be deemed to be replaced respectively with "Subject Family Member" and "taking care of the Subject Family Member."

- (2) The provisions of the second sentence of paragraph 3 of the preceding Article shall apply mutatis mutandis to the cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in

paragraph 4 item (i) of the same Article, as applied mutatis mutandis pursuant to the preceding paragraph.

Article 18-2 Employers must not dismiss or otherwise treat a worker disadvantageously on the grounds that said worker makes a request pursuant to the provision of Article 17 paragraph 1 (including cases where applied mutatis mutandis pursuant to paragraph 1 of the preceding Article; the same shall apply hereinafter in this Article) or does not work beyond the limit on overtime work in cases where said employer must not extend the Working Hours of said worker making said request beyond the limit on overtime work pursuant to the provision of Article 17 paragraph 1.

Chapter 8 Limitations on Late-Night Work

Article 19 (1) Employers must not, in cases where a worker who is taking care of a child before the commencement of elementary school and who does not fall under any of the following items makes a request in order to take care of said child, make said worker work in the period between 10 p.m. and 5 a.m. (referred to as "Late-Night" hereinafter in this Article and Article 20-2); provided, however, that this shall not apply to cases where said request would impede normal business operations:

- (i) A worker employed by said employer for a continued period of less than one year;
 - (ii) A worker who has a person specified by Ordinance of the Ministry of Health, Labour and Welfare, such as a Family Member who is living in the same household with said child, and who can normally take care of said child during Late-Night pertaining to said request; or
 - (iii) In addition to what is listed in the preceding two items, a person specified by Ordinance of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds for said request not being granted.
- (2) A request pursuant to the provision of the preceding paragraph must be made, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, with regard to a continued period where an employer shall not make a worker work Late-Night (limited to a period between one month to six months; referred to in paragraph 4 as the "Limitation Period"), by making clear the first day thereof (referred to as "Limitation Period Scheduled Start Date" hereinafter in this Article) and last day thereof (referred to as "Limitation Period Scheduled End Date" in paragraph 4) on or before the day one month prior to the Limitation Period Scheduled Start Date.
- (3) In the event that there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as to why the worker comes to cease taking care

of the child pertaining to the request, such as the death of the child, on or before the day preceding the Limitation Period Scheduled Start Date after the request was made pursuant to the provision of paragraph 1, said request shall be deemed as not having been made. In this case, the worker must notify the employer without delay of the reason for such cancellation.

- (4) A Limitation Period shall be terminated on the day on which any of the circumstances listed in the following items occurs (or on the preceding day in the case of item (iii)):
- (i) On or before the day preceding the Limitation Period Scheduled End Date, there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as to why the worker comes to cease taking care of the child pertaining to the request pursuant to the provision of paragraph 1, such as the death of the child;
 - (ii) On or before the day preceding the Limitation Period Scheduled End Date, the child pertaining to the request which has been made pursuant to the provision of paragraph 1 reaches commencement of elementary school; or
 - (iii) On or before the Limitation Period Scheduled End Date, a leave period pursuant to the provisions of Article 65 paragraph 1 or 2 of the Labor Standards Act, a Period of Childcare Leave, or a Period of Caregiver Leave has begun with regard to a worker who has made a request pursuant to the provision of paragraph 1.
- (5) The provisions of the second sentence of paragraph 3 shall apply mutatis mutandis to cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in item (i) of the preceding paragraph.

- Article 20 (1) The provisions of paragraphs 1 through 3 and paragraph 4 (excluding item (ii)) of the preceding Article shall apply mutatis mutandis to a worker who takes care of a Subject Family Member in a Care-requiring Condition. In this case, the term "take care of said child" in Article 19 paragraph 1 shall be deemed to be replaced with "take care of said Subject Family Member", the terms "child" and "take care of said child" in item (ii) of the same paragraph shall be deemed to be replaced respectively with "Subject Family Member" and "take care of said Subject Family Member", and the terms "child" and "taking care of the child" in paragraph 3 and paragraph 4 item (i) of the same Article shall be deemed to be replaced respectively with "Subject Family Member" and "taking care of the Subject Family Member."
- (2) The provisions of the second sentence of paragraph 3 of the preceding Article shall apply mutatis mutandis to cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in paragraph 4 item (i) of the same Article, as applied mutatis mutandis pursuant

to the preceding paragraph.

Article 20-2 Employers must not dismiss or otherwise treat a worker disadvantageously on the grounds that said worker makes a request pursuant to the provision of Article 19 paragraph 1 (including cases where applied mutatis mutandis pursuant to paragraph 1 of the preceding Article; the same shall apply hereinafter in this Article) or does not work Late-Night in cases where said employer may not have said worker work late at night, pursuant to the provision of Article 19 paragraph 1.

Chapter 9 Measures to be Taken by Employers

(Measures for the Dissemination, etc. of the Provision of Childcare Leave, etc.)

Article 21 (1) Employers must, with regard to Childcare Leave and Caregiver Leave, endeavor to specify the following items in advance and take measures to make them known to workers:

(i) Particulars related to treatment for a worker during a period of Childcare Leave and Caregiver Leave;

(ii) Particulars related to working conditions after the Childcare Leave and the Caregiver Leave, such as wages and assignments; and

(iii) In addition to what is listed in the preceding two items, particulars specified by Ordinance of the Ministry of Health, Labour and Welfare.

(2) Pursuant to Ordinance of the Ministry of Health, Labour and Welfare, employers must, in cases where a worker files a Childcare Leave Application or a Caregiver Leave Application, endeavor to clearly notify said worker of the procedures specified in all items of the preceding paragraph pertaining to said worker.

(Measures related to Employment Management, etc.)

Article 22 Employers must, for the purpose of smooth implementation of Childcare Leave Applications and Caregiver Leave Applications, and employment after said leave, endeavor to take necessary measures with regard to workers' assignment and other employment management at a place of business where workers who take Childcare Leave or Caregiver Leave are employed, and the development and improvement, etc. of the vocational ability of workers who are taking Childcare Leave or Caregiver Leave.

(Measures including Measures to Shorten Prescribed Working Hours)

Article 23 (1) Employers must, with regard to an employed worker who takes care of a child under three years of age, but who does not take Childcare Leave (excluding workers specified by Ordinance of the Ministry of Health, Labour

and Welfare as workers whose scheduled working hours per day are short), take measures to shorten scheduled working hours that make it easier for said worker to take care of said child while continuing working (referred to as "Measures to Shorten Prescribed Working Hours"), upon application from said worker, pursuant to Ordinance of the Ministry of Health, Labour and Welfare; provided, however, that this shall not apply to workers who fall under any of the following items and who are set forth as persons for whom Measures to Shorten Prescribed Working Hours are not taken under a written agreement between said employer and either a labor union, if any, organized by a majority of workers at the place of business where said worker is employed or between said employer and a person who represents the majority of such workers when there is no labor union organized by the majority of workers at the place of business where said worker is employed:

- (i) A worker employed by said employer for a continued period of less than one year;
 - (ii) In addition to what is listed in the preceding item, a person specified by Ordinance of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds for Measures to Shorten Prescribed Working Hours not being taken; or
 - (iii) In addition to what is listed in the preceding two items, a worker who is engaged in work for which it is considered difficult to take Measures to Shorten Prescribed Working Hours in light of the nature of the work or the work system.
- (2) Employers must, if they decide not to take Measures to Shorten Prescribed Working Hours pursuant to the provision of the proviso of the preceding paragraph with regard to an employed worker described in item (iii) of the same paragraph who takes care of a child under three years of age, take measures equivalent to the system of Childcare Leave for said worker, make said worker work pursuant to the provision of Article 32-3 of the Labor Standards Act, or take other measures that make it easier for said worker to take care of said child while continuing working (referred to as "Measures Including a Change of the Starting Time" in Article 24 paragraph 1), upon application from said worker, pursuant to Ordinance of the Ministry of Health, Labour and Welfare.
- (3) Employers must, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, with regard to an employed worker who takes care of a Subject Family Member in a Care-requiring Condition, take measures that facilitate the worker to take care of the Subject Family Member in a Care-requiring Condition while continuing working, such as shortening of working hours, for a period exceeding 93 consecutive days upon application from the worker (or a period which is obtained by subtracting from 93 days the Number of Days for

Caregiver Leave, etc., in cases where the worker takes one or more days of Caregiver Leave, etc. during the period from the day on which said worker was first employed until the day prior to the first day of said continued period; a period in which the worker did not take Caregiver Leave for the Subject Family Member within the continued period from the Caregiver Leave Scheduled Start Date for the first Caregiver Leave pertaining to said Care-requiring Condition of the Subject Family Member, in cases where said worker has taken Caregiver Leave for said Care-requiring Condition for the Subject Family Member).

Article 23-2 Employers must not dismiss or otherwise treat a worker disadvantageously on the grounds that said worker files an application pursuant to the provision of the preceding Article or that measures are taken for said worker pursuant to the provision of the same Article.

(Measures related to Workers, etc. who Take Care of a Child Before Commencement of Elementary School)

Article 24 (1) Employers must, with regard to an employed worker who takes care of a child before the commencement of elementary school, endeavor to take necessary measures according to the system or measures prescribed for the category of said worker listed in the following items:

(i) A worker (excluding a worker prescribed in Article 23 paragraph 2; the same shall apply in the following item) who takes care of a child under one year of age (or one year and six months of age in cases where said worker may file an application pursuant to the provision of Article 5 paragraph 3; the same shall apply in the same item) and has not taken Childcare Leave: Measures Including a Change of the Starting Time

(ii) A worker who takes care of a child from one year to three years of age: System for Childcare Leave or Measures Including a Change of the Starting Time

(iii) A worker who takes care of a child over three years of age, before the commencement of elementary school: System for Childcare Leave, system for limitation on unscheduled work under Chapter 6, Measures to Shorten Prescribed Working Hours, or Measures Including a Change of the Starting Time

(2) Employers must, with regard to an employed worker who takes care of a Family Member, endeavor to take necessary measures according to the system of Caregiver Leave or Time Off for Caregivers or the measures prescribed in Article 23 paragraph 3 by giving consideration for the period, the frequency, etc. for said care.

Article 25 Deleted

(Consideration Regarding Assignment of Workers)

Article 26 Employers must, in making a change to assignment of an employed worker which results in a change in the said worker's workplace, give consideration for the worker's situation with regard to childcare or family care, when such a change would make it difficult for the worker to take care of children or other Family Members while continuing working.

(Special Measures, etc. for Re-employment)

Article 27 Employers must, with regard to a person who resigned due to pregnancy, childbirth, childcare, or family care (hereinafter referred to as a "Former Employee who Resigned due to Childcare, etc."), endeavor, as necessary, to implement special measures for re-employment (measures in which the employer of the businesses pertaining to said resignation gives, in recruitment and hiring of a worker, special consideration for a Former Employee who Resigned due to Childcare, etc. and who had notified, in resigning, said employer of the intention of being re-employed when it becomes possible to work again; the same shall apply in Article 30 and Article 39 paragraph 1 item (i)) and other measures equivalent to the ones above.

(Guidelines)

Article 28 The Minister of Health, Labour and Welfare shall, with regard to measures to be taken by employers pursuant to the provision of Articles 21 through 27 and other measures to be taken by employers to help balance work life and family life for workers who take or are taking care of children or other Family Members, specify and make public the particulars required for the guidelines in order to promote appropriate and effective implementation of said measures.

(Promoter for Balancing Work Life and Family Life)

Article 29 An employer shall, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, endeavor to appoint a person who takes charge of duties for appropriate and effective implementation of measures set forth in Articles 21 through 27 and other measures to be taken for the purpose of balancing work life and family life for workers who take or are taking care of children or other Family Members.

Chapter 10 Measures for Supporting Subject Workers, etc.

Section 1 Support from the National Government, etc.

(Support for Employers, etc.)

Article 30 The State may, for the purpose of continuing employment and promoting re-employment of a worker who takes care of or is taking care of children or other Family Members (hereinafter referred to as a "Subject Worker") and Former Employees who Resigned due to Childcare, etc. (hereinafter referred to collectively as "Subject Workers, etc.) and of promoting the welfare of said workers, provide employers, employers' associations and other parties concerned with counseling services and advice with regard to the employment management, special measures for re-employment and other measures at a place of business where the Subject Worker is employed, and with benefits and other necessary support.

(Counseling, Training, etc.)

Article 31 (1) The State shall provide Subject Workers with necessary guidance, counseling services, training and other measures for the purpose of contributing to the promotion, etc. of balancing the work life and family life of said workers.

(2) Local governments must endeavor to take measures equivalent to those taken by the State as set forth in the preceding paragraph.

(Support for Re-employment)

Article 32 The State shall, for the purpose of providing re-employment opportunities for Former Employees who Resigned due to Childcare, etc. when they come to intend to work again, give consideration so that vocational guidance, employment placement, redevelopment of vocational ability and other measures can be implemented in an effective and coordinated way and provide necessary support for the promotion of smooth re-employment of Former Employees who Resigned due to Childcare, etc.

(Measures for Increasing Awareness of Balancing Work Life and Family Life)

Article 33 The State shall take necessary measures, including publicity activities, to increase awareness of employers, workers, and the general public with regard to balancing the work life and family life of Subject Workers, etc. in order to eliminate workplace practices and other factors that prevent Subject Workers, etc. from balancing work life and family life.

(Family Support Centers for Workers)

Article 34 (1) Local governments must, as necessary, endeavor to establish family support centers for workers.

(2) Family support centers for workers shall be established for the purpose of implementing a comprehensive set of activities designed to promote the welfare of Subject Workers, etc., such as the provision of counseling services, necessary

guidance, training and lectures with regard to balancing work life and family life for Subject Workers, etc., and opportunities for rest and recreation.

- (3) The Minister of Health, Labour and Welfare shall specify desirable standards required for the establishment and administration of family support centers for workers.
- (4) The State may provide local governments with necessary advice, guidance and other support with regard to the establishment and administration of family support centers for workers.

(Advisors of Family Support Centers for Workers)

Article 35 (1) Local governments must, in family support centers for workers, endeavor to appoint personnel who take charge of providing counseling services and guidance for Subject Workers, etc. (referred to in the following paragraph as an "Advisor of Family Support Centers for Workers").

- (2) Advisors of Family Support Centers for Workers shall be selected from among persons who have enthusiasm for and insight into their duties, and who have the qualifications specified by the Minister of Health, Labour and Welfare.

Section 2 Designated Corporations

(Designation, etc.)

Article 36 (1) The Minister of Health, Labour and Welfare may designate, upon application, a general incorporated association or general incorporated foundation which was established for the purpose of promoting the welfare of Subject Workers, etc. and found to conform with the standards listed in the following items with regard to the business prescribed in Article 38, as one sole entity for the entire nation executing the business prescribed in the same Article:

- (i) The corporation is recognized as having appropriate plans for the conducting of business with regard to particulars such as employees and business methods, and possessing a financial and technical basis for sufficient execution of said plans; and
 - (ii) In addition to what is provided for in the preceding item, the corporation is recognized as carrying out appropriate and steady operations and contributing to the promotion of the welfare of Subject Workers, etc.
- (2) The Minister of Health, Labour and Welfare must, upon making a designation as set forth in the preceding paragraph, give public notification of the name, address and office location of the corporation designated pursuant to the provision of the same paragraph (hereinafter referred to as a "Designated Corporation").
 - (3) A Designated Corporation must, in intending to change its name, address or

office location, notify in advance the Minister of Health, Labour and Welfare thereof.

- (4) The Minister of Health, Labour and Welfare must, when notified pursuant to the provision of the preceding paragraph, give public notification of the particulars with regard to said notification.

(Conditions of Designation)

Article 37 (1) New conditions may be attached to those of the designation prescribed in paragraph 1 of the preceding Article, and such conditions may be changed.

- (2) The conditions set forth in the preceding paragraph shall be limited to the minimum but enough to secure steady implementation of the particulars pertaining to said designation, and shall not result in imposing undue obligation on the corporation subject to the said designation.

(Business)

Article 38 Designated Corporations shall conduct the following business:

- (i) Comprehensively collecting information and materials with regard to the work life and family life of Subject Workers, etc., and providing said information and materials to the Subject Workers, etc., employers and other persons concerned;
- (ii) Conducting the business set forth in paragraph 1 of the following Article; and
- (iii) In addition to what is listed in the preceding two items, conducting business required for promotion of the welfare of Subject Workers, etc.

(Welfare-Related Business to be Conducted by Designated Corporations)

Article 39 (1) The Minister of Health, Labour and Welfare shall, after designating a Designated Corporation, have said corporation conduct all or part of the following business among that to be conducted by the State prescribed in Articles 30 through 34 (hereinafter referred to as "Welfare-Related Business"):

- (i) Providing employers and other parties concerned with counseling services and other support related to technical matters with regard to employment management and special measures for re-employment of a Subject Worker;
- (ii) Providing benefits prescribed in Article 30 and specified by Ordinance of the Ministry of Health, Labour and Welfare;
- (iii) Providing a Subject Worker with counseling services, training, and other support required for balancing work life and family life;
- (iv) In addition to what is listed in the preceding three items, conducting necessary business for the purpose of the continuing of employment and

promoting re-employment of Subject Workers, etc. and of promoting the welfare of said workers.

- (2) The requirements for provision of benefits and the amount thereof referred to in item (ii) of the preceding paragraph must be prescribed by Ordinance of the Ministry of Health, Labour and Welfare.
- (3) Designated Corporations must, in commencing all or part of the Welfare-Related Business, notify the Minister of Health, Labour and Welfare, by type of business, of the scheduled start date of said business and the location of the office conducting said business. The provisions above shall apply to cases where a designated corporation intends to change the location of the office conducting said business.
- (4) The Minister of Health, Labour and Welfare must publicly notify types of Welfare-Related Business which the Minister has a Designated Corporation conduct pursuant to the provision of paragraph 1 and the particulars pertaining to the notification prescribed in the preceding paragraph.

(Approval of Operational Rules)

- Article 40 (1) Designated Corporations must, in carrying out Welfare-Related Business, prepare regulations required for the conducting of said business (hereinafter referred to as "Operational Rules") and obtain the approval of the Minister of Health, Labour and Welfare prior to commencing said business. The provisions above shall apply to cases where the Designated Corporation intends to change said regulations.
- (2) The Minister of Health, Labour and Welfare may, when cases occur in which the approved Operational Rules provided for in the preceding paragraph become inappropriate in terms of proper and steady execution of the Welfare-Related Business, order a change of said operational rules.
 - (3) Matters to be specified in the Operational Rules shall be prescribed by Ordinance of the Ministry of Health, Labour and Welfare.

(The Minister of Health, Labour and Welfare's Approval for Provision of Welfare-Related Benefits)

Article 41 Designated Corporations must, in the case of carrying out, among its Welfare-Related Businesses, the business pertaining to Article 39 paragraph 1 item (ii) (referred to in the following Article and Article 48 as "Benefits Business") and intending to receive the benefits set forth in the same item, obtain the approval from the Minister of Health, Labour and Welfare, pursuant to Ordinance of the Minister of Health, Labour and Welfare.

(Reports)

Article 42 Designated Corporations may, in conducting Benefits Business and

finding it necessary with regard to said business, request an employer to submit reports on necessary matters.

(Business Plans, etc.)

Article 43 (1) Designated Corporations must, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, prepare a business plan and a budget for income and expenditure for each business year, and obtain the approval of the Minister of Health, Labour and Welfare. The provisions above shall apply to cases where the Designated Corporation intends to change said plan or budget.

(2) Designated Corporations must, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, prepare a business report, a balance sheet, a statement of accounts, and an inventory of assets, and submit said documents to the Minister for approval after each business year ends.

(Separate Accounting)

Article 44 Designated Corporations must, in conducting Welfare-Related Business, separate the accounts for Welfare-Related Business and those for other business.

(Grants)

Article 45 The State may, within the limits of the budget, grant a Designated Corporation the amount of money equivalent to all or part of the costs required for the Welfare-Related Business.

(Referral to an Ordinance of the Ministry of Health, Labour and Welfare)

Article 46 In addition to what is provided for in this Section, the financial and accounting particulars required for a Designated Corporation to conduct Welfare-Related Business shall be prescribed by Ordinance of the Ministry of Health, Labour and Welfare.

(Appointment and Dismissal of Officers)

Article 47 (1) No appointment or dismissal of an officer of a Designated Corporation shall be effective without approval of the Minister of Health, Labour and Welfare.

(2) The Minister of Health, Labour and Welfare may, in the event that an officer of a Designated Corporation commits any act in violation of the provisions of this section (including orders and dispositions pursuant to said provisions) or the Operational Rules approved under Article 40 paragraph 1, or commits a grossly improper act with regard to the business prescribed in Article 38, order the Designated Corporation to dismiss said officer.

(Status of Officers and Personnel as Public Employees)

Article 48 Officers and personnel of a Designated Corporation who are engaged in Benefits Business shall, pursuant to laws and regulations, be deemed as personnel engaged in public service when subject to the Criminal Code (Act No. 45 of 1907) and other penal provisions.

(Reports and Inspections)

Article 49 (1) The Minister of Health, Labour and Welfare may, within the limit necessary for securing the proper conducting of the businesses prescribed in Article 38, have a Designated Corporation submit necessary reports with regard to the business prescribed in the same Article or the assets, or may permit the Ministry personnel to enter the offices of the Designated Corporation and inspect the business, accounting books, documents or other articles.

(2) An official who enters and inspects pursuant to the provision of the preceding paragraph must carry a certificate for identification and present it to the people concerned.

(3) The authority to enter and inspect pursuant to the provision of paragraph 1 must not be construed as the authority to conduct criminal investigations.

(Supervision Orders)

Article 50 The Minister of Health, Labour and Welfare may, within the limit necessary for implementing the provisions of this section, give a Designated Corporation orders necessary for the supervision of the business prescribed in Article 38.

(Rescission, etc. of Designation)

Article 51 (1) The Minister of Health, Labour and Welfare may, in the event that a Designated Corporation falls under any of the following items, rescind the designation prescribed in Article 36 paragraph 1 (hereinafter referred to as "Designation") or set a period of time for suspension of all or part of the business prescribed in Article 38:

(i) When said Designated Corporation is recognized as being unable to conduct the business prescribed in Article 38 appropriately and reliably;

(ii) When said Designated Corporation has committed an unjust act with regard to said Designation;

(iii) When said Designated Corporation is in violation of the provisions of this section, or orders or dispositions in accordance therewith;

(iv) When said Designated Corporation is in violation of the conditions prescribed in Article 37 paragraph 1; or

- (v) When said Designated Corporation conducts Welfare-Related Business in defiance of operational rules approved pursuant to the provision of Article 40 paragraph 1.
- (2) The Minister of Health, Labour and Welfare must, in the event of rescinding said Designation or ordering the suspension of all or part of the business prescribed in Article 38 pursuant to the provision of the preceding paragraph, give public notification of said rescission or order.

(Welfare-related Business to be Conducted by the Minister of Health, Labour and Welfare)

Article 52 (1) The Minister of Health, Labour and Welfare shall, in the event of rescinding said designation or ordering the suspension of all or part of the Welfare-Related Business pursuant to the provision of paragraph 1 of the preceding Article, or in the event of finding it necessary when it becomes difficult for the Designated Corporation to conduct the Welfare-Related Business, personally conduct said business.

- (2) The Minister of Health, Labour and Welfare must, when the Minister intends to carry out Welfare-Related Business pursuant to the provision of the preceding paragraph or intends to cease Welfare-Related Business which is being conducted pursuant to the provision of the same paragraph, give public notice of said intention in advance.
- (3) In cases where the Minister of Health, Labour and Welfare intends to conduct Welfare-Related Business pursuant to the provision of paragraph 1 or intends to cease said business which is being conducted pursuant to the provision of the same paragraph, necessary particulars required for the succession of said Welfare-Related Business or other duties shall be prescribed by Ordinance of the Ministry of Health, Labour and Welfare.

Chapter 11 Resolution of Disputes

Section 1 Assistance in Resolution of Disputes

(Voluntary Resolution of Complaints)

Article 52-2 Employers must, upon receiving a complaint from a worker about any of the matters set forth in Chapters 2 through 8, Article 23, Article 23-2 and Article 26, endeavor to resolve said complaint voluntarily by means such as referring said complaint to a complaint processing body (referring to a body for processing complaints from the workers a place of business, composed of representatives of the employer and representatives of the workers of said place of business).

(Special Provisions for Promotion of the Resolution of Disputes)

Article 52-3 The provisions of Article 4, Article 5 and Articles 12 through 19 of the Act on Promoting the Resolution of Individual Labor-Related Disputes (Act No. 112 of 2001) shall not apply to disputes between a worker and said worker's employer over the matters set forth in the preceding Article; instead, said disputes shall be subject to the provisions of the following Article through Article 52-6.

(Assistance in the Resolution of Disputes)

Article 52-4 (1) The Director-General of the Prefectural Labour Bureau may, if asked by both parties or either party to a dispute prescribed in the preceding Article for assistance in the resolution of said dispute, give necessary advice, guidance or recommendations to the parties to said dispute.

(2) Employers must not dismiss or otherwise treat a worker disadvantageously due to said worker having asked for the assistance set forth in the preceding paragraph.

Section 2 Conciliation

(Delegation of Conciliation)

Article 52-5 (1) In cases where both parties or either party to a dispute prescribed in Article 52-3 files an application for conciliation, the Director-General of the Prefectural Labour Bureau shall delegate conciliation to the Dispute Coordinating Committee set forth in Article 6 paragraph 1 of the Act on Promoting the Resolution of Individual Labor-Related Disputes if the Director-General finds it necessary for the resolution of said dispute.

(2) The provision of paragraph 2 of the preceding Article shall apply mutatis mutandis to the case where a worker files the application set forth in the preceding paragraph.

(Conciliation)

Article 52-6 The provisions of Article 19, Article 20 paragraph 1 and Articles 21 through 26 of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113 of 1972) shall apply mutatis mutandis to the conciliation procedure set forth in paragraph 1 of the preceding Article. In this case, the term "paragraph 1 of the preceding Article" in Article 19 paragraph 1 of the same Act shall be deemed to be replaced with "Article 52-5 paragraph 1 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave," the term "the parties concerned" in Article 20 paragraph 1 thereof shall be deemed to be replaced with "the parties concerned, or workers employed at the same place of business as the parties concerned or other

witnesses," and the term "Article 18 paragraph 1" in Article 25 paragraph 1 thereof shall be deemed to be replaced with "Article 52-5 paragraph 1 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave."

Chapter 12 Miscellaneous Provisions

(Special Provisions of the Recruitment of Workers Needed to Handle Business concerning Persons Obtaining Childcare Leave, etc.)

Article 53 (1) In cases where a Small and Medium Sized Enterprise who is a member of an Authorized Association of Small and Medium Sized Enterprises intends to have said association recruit workers needed to handle business concerning persons who take Childcare Leave or Caregiver Leave (including leave equivalent to the leave above, the same shall apply hereinafter in this paragraph) during the period said persons take said Childcare Leave or Caregiver Leave, and then said association intends to engage in said recruitment, the provisions of Article 36 paragraphs 1 and 3 of the Employment Security Act (Act No. 141 of 1947) shall not apply to said Small and Medium Sized Enterprise who is a member of said association.

(2) In this Article and the following Article, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

(i) Small and Medium Sized Enterprise: a small and medium sized enterprise prescribed in Article 2 paragraph 1 of the Act on the Promotion of Improvement of Employment Management in Small and Medium-sized Enterprises for Securing Manpower and Creating Quality Jobs (Act No. 57 of 1991); and

(ii) Authorized Association of Small and Medium Sized Enterprises: a business cooperative association, etc. prescribed in Article 2 paragraph 2 of the Act on the Promotion of Improvement of Employment Management in Small and Medium-sized Enterprises for Securing Manpower and Creating Quality Jobs, which has been authorized, upon application from said business cooperative association, etc., to be appropriated pursuant to the standards set by the Minister of Health, Labour and Welfare, as an entity which provides a Small and Medium Sized Enterprise who is a member of the association with counseling services and support with regard to the measures to be taken by employers referred to in Article 22 or other matters.

(3) The Minister of Health, Labour and Welfare may, when cases occur which an Authorized Association of Small and Medium Sized Enterprises has become inappropriate as an entity that provides counseling services and support set forth in item (ii) of the preceding paragraph, rescind the authorization set forth in the same item.

- (4) The Authorized Association of Small and Medium Sized Enterprises set forth in paragraph 1 must, in intending to engage in said recruitment, then pursuant to Ordinance of the Ministry of Health, Labour and Welfare, notify the Minister of Health, Labour and Welfare of the recruitment period, the number of workers to be recruited, the recruitment area, and other particulars with regard to the recruitment of workers and which are specified by Ordinance of the Ministry of Health, Labour and Welfare.
- (5) The provisions of Article 37 paragraph 2 of the Employment Security Act shall apply mutatis mutandis to the case where the notification prescribed in the provision of the preceding paragraph is made; the provisions of paragraphs 1 and 3 of Article 5-3, Article 5-4, Article 39, Article 41 paragraph 2, Article 48-3, Article 48-4, Article 50 paragraphs 1 and 2, and Article 51-2 of the same Act shall apply mutatis mutandis to an entity that engages in recruitment of workers by making a notification referred to in the provisions of the preceding paragraph; the provisions of Article 40 of the same Act shall apply mutatis mutandis to the payment of remuneration to an entity that engages in recruitment of workers by making a notification referred to in the provisions of the same paragraph; and the provisions of Article 50 paragraphs 3 and 4 of the same Act shall apply mutatis mutandis to the case where an administrative agency exercises official authority referred to in paragraph 2 of the same Article, as applied mutatis mutandis pursuant to this paragraph. In this case, the term "an entity that intends to carry out labor recruitment" in Article 37 paragraph 2 of the same Act shall be deemed to be replaced with "an entity that intends to engage in recruitment of workers by making a notification referred to in Article 53 paragraph 4 of the Act on the Welfare of Workers Who Take Care of a Child or a Family Member, Including Child Care and Family Care Leave," and the term "order to abolish recruitment business with regard to said workers, or period" in Article 41 paragraph 2 of the same Act shall be deemed to be replaced with "period."
- (6) With regard to the application of the provisions of Article 36 paragraph 2 and Article 42-2 of the Employment Security Act, the term "set forth in the preceding paragraph" in Article 36 paragraph 2 of the Employment Security Act shall be deemed to be replaced with "which is to be paid by a person who intends to make people not under said person's employment engage in the recruitment of workers and is to be paid to said people," and the term "a recruitment contractor prescribed in Article 39" in Article 42-2 of the same Act shall be deemed to be replaced with "an entity which engages in the recruitment of workers by making a notification referred to in Article 53 paragraph 4 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members, Including Child Care and Family Care Leave."
- (7) The Minister of Health, Labour and Welfare may request an Authorized

Association of Small and Medium Sized Enterprises to submit a report with regard to the status of provision of counseling services and support referred to in item (ii) of paragraph 2.

Article 54 The Public Employment Security Office must, with regard to an Authorized Association of Small and Medium Sized Enterprises which engages in recruitment of workers pursuant to the provision of paragraph 4 of the preceding Article, endeavor to promote the effective and appropriate implementation of said recruitment of workers by means of providing employment information, the results of research and study about employment, etc. and by providing guidance on details and measures of said employment based on these information.

(Research, etc.)

Article 55 (1) The Minister of Health, Labour and Welfare shall, for the purpose of contributing to the promotion, etc. of balancing work life and family life of Subject Workers, etc., implement research and studies required for the employment management, development and improvement of vocational ability and other matters with regard to the subject workers, etc.

(2) The Minister of Health, Labour and Welfare may request the heads of relevant Administrative Organs to offer information and other necessary cooperation required for the enforcement of this Act.

(3) The Minister of Health, Labour and Welfare may, with regard to the enforcement of this Act, request necessary research reports from prefectural governors.

(Collecting Reports and Providing Advice, Guidance and Recommendations)

Article 56 The Minister of Health, Labour and Welfare may, when he or she finds it necessary for the enforcement of this Act, request reports from employers or give advice, guidance, or recommendations thereto.

(Public Announcements)

Article 56-2 The Minister of Health, Labour and Welfare may publicly announce an employer's failure to follow a recommendation given pursuant to the provision of the preceding Article for said employer's violation of the provisions of Article 6 paragraph 1 (including cases where applied mutatis mutandis pursuant to Article 12 paragraph 2, Article 16-3 paragraph 2 and Article 16-6 paragraph 2), Article 10 (including the cases where applied mutatis mutandis pursuant to Article 16, Article 16-4 and Article 16-7), Article 12 paragraph 1, Article 16-3 paragraph 1, Article 16-6 paragraph 1, Article 16-8 paragraph 1, Article 16-9, Article 17 paragraph 1 (including the cases where applied mutatis

mutandis pursuant to Article 18 paragraph 1), Article 18-2, Article 19 paragraph 1 (including the cases where applied mutatis mutandis pursuant to Article 20 paragraph 1), Article 20-2, Article 23, Article 23-2, Article 26, or Article 52-4 paragraph 2 (including cases where applied mutatis mutandis pursuant to Article 52-5 paragraph 2).

(Consultation with the Labour Policy Council)

Article 57 The Minister of Health, Labour and Welfare must hear in advance the opinions of the Labour Policy Council in intending to enact or revise an Ordinance of the Ministry of Health, Labour and Welfare referred to in Article 2 items (iii) through (v), Article 5 paragraph 2 and paragraph 3 item (ii), Article 6 paragraph 1 item (ii) (including the cases where applied mutatis mutandis pursuant to Article 12 paragraph 2, Article 16-3 paragraph 2, and Article 16-6 paragraph 2), Article 6 paragraph 3, Article 7 paragraphs 2 and 3 (including the cases where applied mutatis mutandis pursuant to Article 13), Article 8 paragraphs 2 and 3 (including the cases where applied mutatis mutandis pursuant to Article 14 paragraph 3), Article 9 paragraph 2 item (i), Article 11 paragraph 2 items (i) and (ii) (b), Article 12 paragraph 3, Article 15 paragraph 3 item (i), Article 16-2 paragraph 1, Article 16-5 paragraph 1, Article 16-8 paragraph 1 item (ii), paragraph 3 and paragraph 4 item (i), Article 17 paragraph 1 item (ii), paragraph 3 and paragraph 4 item (i) (including the cases where applied mutatis mutandis pursuant to Article 18 paragraph 1), Article 19 paragraph 1 items (ii) and (iii), paragraph 3 and paragraph 4 item (i) (including the cases where applied mutatis mutandis to Article 20 paragraph 1), Article 23, and Article 39 paragraph 1 item (ii) and paragraph 2; in intending to formulate the guidelines referred to in Article 28 or in specifying other important matters with regard to the enforcement of this Act.

(Delegation of Authority)

Article 58 Part of the authority of the Minister of Health, Labour and Welfare provided for in this Act may be delegated to the Director-General of the Prefectural Labour Bureau pursuant to Ordinance of the Ministry of Health, Labour and Welfare.

(Referral to the Ordinance of the Ministry of Health, Labour and Welfare)

Article 59 In addition to what is provided for in this Act, procedures and other matters required for the implementation of this Act shall be prescribed by Ordinance of the Ministry of Health, Labour and Welfare.

(Special Provisions for Mariners)

Article 60 (1) The provisions of Chapter 6, Chapter 7, Chapter 10 Section 2, Articles 52-6 through Article 54, and Articles 62 through 67 shall not apply to persons intending to become mariners prescribed in Article 6 paragraph 1 of the Act Relating to the Security of Employment of Mariners (Act No. 130 of 1948) and mariners subject to the provisions of the Mariners Act (Act No. 100 of 1947) (referred to in the following paragraph as "Mariners, etc.).

(2) With regard to Mariners, etc., certain terms of this Act shall be replaced as stated below. The term "Ordinance of the Ministry of Health, Labour and Welfare" in the following provisions shall be deemed to be replaced with "Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism": Article 2 items (iii) through (v); Article 5 paragraph 2, paragraph 3 item (ii) and paragraph 4; Article 6 paragraph 1 item (ii) (including the cases where applied mutatis mutandis pursuant to Article 12 paragraph 2, Article 16-3 paragraph 2 and Article 16-6 paragraph 2) and paragraph 3; Article 7 (including the cases where applied mutatis mutandis pursuant to Article 13); Article 8 paragraphs 2 and 3 (including the cases where applied mutatis mutandis pursuant to Article 14 paragraph 3); Article 9 paragraph 2 items (i) and paragraph 3; Article 9-2 paragraph 1; Article 11 paragraph 2 items (i) and (ii) (b), and paragraph 3; Article 12 paragraph 3; Article 15 paragraph 3 item (i) and paragraph 4; Article 16-2 paragraphs 1 and 2; Article 16-5 paragraphs 1 and 2; Article 19 paragraph 1 items (ii) and (iii), paragraphs 2 and 3, and paragraph 4 item (i) (including the cases where applied mutatis mutandis pursuant to Article 20 paragraph 1); Article 19 paragraph 5; Article 20 paragraph 2; Article 21 paragraph 1 item (iii) and paragraph 2; Article 23; Article 29; Article 57; Article 58; and the preceding Article. The term "takes leave...pursuant to the provision of Article 65 paragraph 2 of the Labor Standards Act (Act No. 49 of 1947)" in Article 5 paragraph 2 shall be deemed to be replaced with "is not engaged in work...pursuant to the provision of Article 87 paragraph 2 of the Mariners Act (Act No. 100 of 1947)." The term "a leave period pursuant to the provision of Article 65 paragraph 1 or 2 of the Labor Standards Act" in Article 9 paragraph 2 item (iii), Article 15 paragraph 3 item (ii) and Article 19 paragraph 4 item (iii) shall be deemed to be replaced with "a period of absence from work pursuant to the provision of Article 87 paragraph 1 or 2 of the Mariners Act." The term "takes leave...pursuant to the provision of Article 65 paragraph 1 or 2 of the Labor Standards Act" in Article 9-2 paragraph 1 shall be deemed to be replaced with " is not engaged in work...pursuant to the provision of Article 87 paragraph 1 or 2 of the Mariners Act." The term "make...work pursuant to the provision of Article 32-3 of the Labor Standards Act" in Article 23 paragraph 2 shall be deemed to be replaced with "make...board a ship making a short voyage." The term "Measures Including a Change of the Starting Time" in Article 23 paragraph 2 and Article

24 paragraph 1 shall be deemed to be replaced with "Measures Including Boarding a Ship Making a Short Voyage." The term "System for Childcare Leave, system for limitation on unscheduled work under Chapter 6" in Article 24 paragraph 1 item (iii) shall be deemed to be replaced with "System for Childcare Leave." The term "Minister of Health, Labour and Welfare" in Article 28 and Articles 55 through 58 shall be deemed to be replaced with "Minister of Land, Infrastructure, Transport, and Tourism." The term "Chapters 2 through 8" in Article 52-2 shall be deemed to be replaced with "Chapters 2 through 5, Chapter 8." The term "through Article 52-6" in Article 52-3 shall be deemed to be replaced with ", Article 52-5 and Article 60 paragraph 3." The term "Director-General of the Prefectural Labour Bureau" in Article 52-4 paragraph 1, Article 52-5 paragraph 1 and Article 58 shall be deemed to be replaced with "Director-General of the District Transport Bureau (including the Director of the Transport Supervision Department)." The term "the Dispute Coordinating Committee set forth in Article 6 paragraph 1" in Article 52-5 paragraph 1 shall be deemed to be replaced with "a conciliator appointed from among those listed in the mediator candidate list set forth in Article 21 paragraph 3." The term "Article 16-6 paragraph 1, Article 16-8 paragraph 1, Article 16-9, Article 17 paragraph 1 (including the cases where applied mutatis mutandis pursuant to Article 18 paragraph 1), Article 18-2" in Article 56-2 shall be deemed to be replaced with "Article 16-6 paragraph 1." The term "Article 16-5 paragraph 1, Article 16-8 paragraph 1 item (ii), paragraph 3 and paragraph 4 item (i), Article 17 paragraph 1 item (ii), paragraph 3 and paragraph 4 item (i) (including the cases where applied mutatis mutandis pursuant to Article 18 paragraph 1)" in Article 57 shall be deemed to be replaced with "Article 16-5 paragraph 1." The term ", Article 23 and Article 39 paragraph 1 item (ii) and paragraph 2" in Article 57 shall be deemed to be replaced with "and Article 23." The term "Labour Policy Council" in Article 57 shall be deemed to be replaced with "Council for Transport Policy."

- (3) The provisions of Article 20 paragraph 1, Articles 21 through 26, and Article 31 paragraphs 3 and 4 of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment shall apply mutatis mutandis to conciliation by a conciliator appointed pursuant to the provision of Article 52-5 paragraph 1 as applied by replacing terms pursuant to the provision of the preceding paragraph. In this case, the term "The Commission" in Article 20 paragraph 1, Articles 21 through 23, and Article 26 of the same Act shall be deemed to be replaced with "A conciliator." The term "the parties concerned" in Article 20 paragraph 1 shall be deemed to be replaced with "the parties concerned, or workers employed at the same place of business as the parties concerned or other witnesses." The term "the Prefectural Labour Office where said Commission is established" in Article 21 thereof shall be deemed to

be replaced with "the District Transport Bureau (including the Transport Supervision Department) where the Director-General of the District Transport Bureau (including the Director of the Transport Supervision Department) who has appointed said conciliator is assigned." The term "Article 18 paragraph 1" in Article 25 paragraph 1 thereof shall be deemed to be replaced with "Article 52-5 paragraph 1 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave." The term "pending before the Commission" in Article 26 thereof shall be deemed to be replaced with "handled by the conciliator." The term "the preceding paragraph" in Article 31 paragraph 3 thereof shall be deemed to be replaced with "Article 52-5 paragraph 1 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave."

(Special Provisions for Government Employees)

Article 61 (1) The provisions of Chapters 2 through 9, Article 30, the preceding Chapter, Article 53, Article 54, Article 56, Article 56-2, the preceding Article, the following Article, Article 63, Article 65 and Article 68 shall not apply to the national and local government employees.

(2) With regard to national and local government employees, the term "Former Employee who Resigned due to Childcare, etc." in Article 32 shall be deemed to be replaced with "Former Employee who Resigned due to Childcare, etc. (which are prescribed in Article 27; the same shall apply hereinafter)"; and the term "Subject Workers etc." in Article 34 paragraph 2 shall be deemed to be replaced with "Subject Workers, etc. (which are prescribed in Article 30; the same shall apply hereinafter)."

(3) An employee of a specified Incorporated Administrative Agency prescribed in Article 2 paragraph 2 of the Act on the General Rules for Incorporated Administrative Agency (Act No. 103 of 1999) (referred to as the "Specified Incorporated Administrative Agency" hereinafter in this Article) (in the case of an employee who is not required to work full-time other than those who hold a part-time government position prescribed in Article 81-5 paragraph 1 of the National Public Service Act(Act No. 120 of 1947), said employee shall be limited to a person who falls under both the items of the proviso of Article 11 paragraph 1 when the provision of the proviso of the same paragraph applies to said employee) may, upon obtaining an approval of the head of the Specified Incorporated Administrative Agency for which said employee works, take leave in order to take care of a person who is a spouse, a parent, a child, or a parent of a spouse of said national government employee and who, due to injury, sickness, or physical or mental disability, has difficulty in leading daily life for a period specified by Ordinance of the Ministry of Health, Labour and Welfare

provided for in Article 2 item (iii) (referred to as a "Family Member in a Care-requiring Condition" hereinafter in this Article).

- (4) A period pursuant to the provision of the preceding paragraph for which leave may be taken shall be a period that is found necessary, with regard to each Family Member in a Care-requiring Condition, for each continued care-requiring condition prescribed in the same paragraph, up to three consecutive months.
- (5) The head of the Specified Incorporated Administrative Agency must, when an approval for leave is requested from an employee who intends to obtain said approval pursuant to the provisions of paragraph 3, approve said request, excluding days or hours, within the period pertaining to the request, which are found to impede the administration of business; provided, however, that this shall not apply if said request is made by an employee who is not required to work full-time other than those who hold a part-time government position prescribed in Article 81-5 paragraph 1 of the National Public Service Act, as specified by Ordinance of the Ministry of Health, Labour and Welfare as a person for whom there are reasonable grounds for the leave under paragraph 3 not being granted.
- (6) The provisions of the preceding three paragraphs shall apply mutatis mutandis to an employee prescribed in Article 4 paragraph 1 of the Local Public Service Act (Act No. 261 of 1950) (in the case of part-time personnel other than those who hold a part-time official post prescribed in Article 28-5 paragraph 1 of the same Act, said personnel shall be limited to a person who falls under both the items of the proviso of Article 11 paragraph 1 when the provision of the proviso of the same paragraph applies to said person). In this case, the term "the head of the Specified Incorporated Administrative Agency at which said employee works" in paragraph 3 shall be deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act (Act No. 261 of 1950) (or the municipal board of education with regard to the educational personnel whose wages are paid by a prefectural government prescribed in Article 37 paragraph 1 of the Act on the Organization and Operation of Local Educational Administration (Act No. 162 of 1956), the same shall apply hereinafter)"; the term "the head of a Specified Incorporated Administrative Agency" in the main clause of the preceding paragraph" shall be deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act"; the term "business" in the same paragraph shall be deemed to be replaced with "public duties"; and the term "employee who is not required to work full-time other than those who hold a part-time government position prescribed in Article 81-5 paragraph 1 of the National Public Service Act" in the proviso of

the same paragraph shall be deemed to be replaced with "part-time personnel other than those who hold a part-time official post prescribed in Article 28-5 paragraph 1 of the same Act."

- (7) An employee of a Specified Incorporated Administrative Agency an employee of a Specified Incorporated Administrative Agency (in the case of an employee who is not required to work full-time other than those who hold a part-time government position prescribed in Article 81-5 paragraph 1 of the National Public Service Act, said employee shall be limited to a person who does not fall under any of the items of the proviso of Article 6 paragraph 1, as applied mutatis mutandis by replacing terms pursuant to Article 16-3 paragraph 2, when the provision of the proviso of Article 6 paragraph 1, as applied mutatis mutandis pursuant to Article 16-3 paragraph 2, applies to said person) and is taking care of a child before the commencement of elementary school may, with the approval of the head of the Specified Incorporated Administrative Agency for which the employee works, obtain leave to take such care of said child as specified by Ordinance of the Ministry of Health, Labour and Welfare set forth in Article 16-2 paragraph 1 as necessary for taking care or preventing the sickness of said child in the event of injury or sickness to said child.
- (8) The number of days for leave that the employee may obtain pursuant to the provision of the preceding paragraph shall be five days per year (or ten days in cases where the employee prescribed in the same paragraph is taking care of two or more children before the commencement of elementary school).
- (9) The head of a Specified Incorporated Administrative Agency must, when an approval for leave is requested from an employee who intends to obtain said approval pursuant to the provisions of paragraph 7, approve said request, except in cases where said request would be found to impede the administration of business.
- (10) The provisions of the preceding three paragraphs shall apply mutatis mutandis to an employee prescribed in Article 4 paragraph 1 of the Local Public Service Act (in the case of part-time personnel other than those who hold a part-time official post prescribed in Article 28-5 paragraph 1 of the same Act, said personnel shall be limited to a person who does not fall under any of the items of the proviso of Article 6 paragraph 1, as applied mutatis mutandis by replacing terms pursuant to Article 16-3 paragraph 2, when the provision of the proviso of Article 6 paragraph 1, as applied mutatis mutandis pursuant to Article 16-3 paragraph 2, applies to said employee). In this case, the term "An employee of a Specified Incorporated Administrative Agency (in the case of an employee who is not required to work full-time other than those who hold a part-time government position prescribed in Article 81-5 paragraph 1 of the National Public Service Act" in paragraph 7 shall be deemed to be replaced with "An employee prescribed in Article 4 paragraph 1 of the Local Public

Service Act (in the case of part-time personnel other than those who hold a part-time official post prescribed in Article 28-5 paragraph 1 of the same Act"; the term "the head of the Specified Incorporated Administrative Agency for which the employee works" in the same paragraph shall be deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act (or the municipal board of education with regard to the educational personnel whose wages are paid by a prefectural government prescribed in Article 37 paragraph 1 of the Act on the Organization and Operation of Local Educational Administration (Act No. 162 of 1956); the same shall apply hereinafter"; the term "The head of a Specified Incorporated Administrative Agency" in the preceding paragraph shall be deemed to be replaced with "an appointer or a person to whom the appointer delegated the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act"; the term "national public officer" in the same paragraph shall be deemed to be replaced with "employee prescribed in Article 4 paragraph 1 of the same Act"; and the term "business" in the same paragraph shall be deemed to be replaced with "public duties."

- (11) An employee of a Specified Incorporated Administrative Agency (in the case of an employee who is not required to work full-time other than those who hold a part-time government position prescribed in Article 81-5 paragraph 1 of the National Public Service Act, said employee shall be limited to a person who does not fall under any of the items of the proviso of Article 6 paragraph 1, as applied mutatis mutandis by replacing terms pursuant to Article 16-6 paragraph 2, when the provision of the proviso of Article 6 paragraph 1, as applied mutatis mutandis pursuant to Article 16-6 paragraph 2, applies to said person) may, with the approval of the head of the Specified Incorporated Administrative Agency for which said employee works, obtain leave to take such care of a Family Member in a Care-requiring Condition of said employee as specified by Ordinance of the Ministry of Health, Labour and Welfare set forth in Article 16-5 paragraph 1, including nursing care.
- (12) The number of days for leave that the employee may obtain pursuant to the provision of the preceding paragraph shall be five days per year (or ten days in cases where the employee has two or more Family Members in a Care-requiring Condition).
- (13) The head of a Specified Incorporated Administrative Agency must, when an approval for leave is requested from an employee who intends to obtain said approval pursuant to the provision of paragraph 11, approve said request, except in cases where said request would be found to impede the administration of business.
- (14) The provisions of the preceding three paragraphs shall apply mutatis mutandis to an employee prescribed in Article 4 paragraph 1 of the Local

Public Service Act (in the case of part-time personnel other than those who hold a part-time official post prescribed in Article 28-5 paragraph 1 of the same Act, said personnel shall be limited to a person who does not fall under any of the items of the proviso of Article 6 paragraph 1, as applied mutatis mutandis by replacing terms pursuant to Article 16-6 paragraph 2, when the provision of the proviso of Article 6 paragraph 1, as applied mutatis mutandis pursuant to Article 16-6 paragraph 2, applies to said employee). In this case, the term "An employee of a Specified Incorporated Administrative Agency (in the case of an employee who is not required to work full-time other than those who hold a part-time government position prescribed in Article 81-5 paragraph 1 of the National Public Service Act" in paragraph 11 shall be deemed to be replaced with "an employee prescribed in Article 4 paragraph 1 of the Local Public Service Act (in the case of part-time personnel other than those who hold a part-time official post prescribed in Article 28-5 paragraph 1 of the same Act"; the term "the head of the Specified Incorporated Administrative Agency for which said employee works" in the same paragraph shall be deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the same Act (or the municipal board of education with regard to the educational personnel whose wages are paid by a prefectural government prescribed in Article 37 paragraph 1 of the Act on the Organization and Operation of Local Educational Administration (Act No. 162 of 1956); the same shall apply hereinafter)"; the term "the head of a Specified Incorporated Administrative Agency" in the preceding paragraph" shall be deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act"; the term "national government employee" in the same paragraph shall be deemed to be replaced with "employee prescribed in Article 4 paragraph 1 of the same Act"; and the term "business" in the same paragraph shall be deemed to be replaced with "public duties."

(15) The head of a Specified Incorporated Administrative Agency must, in cases where an employee of a Specified Incorporated Administrative Agency who is taking care of a child under three years of age (in the case of an employee who is not required to work full-time other than those who hold a part-time government position prescribed in Article 81-5 paragraph 1 of the National Public Service Act, said employee shall be limited to a person who does not fall under any of the items of Article 16-8 paragraph 1 when the provision of the same paragraph applies to said person) makes a request in order to take care of said child, approve the employee not working in excess of the scheduled working hours as long as no impediment is found to the administration of business.

(16) An appointer or a person to whom the appointer delegates the authority

prescribed in Article 6 paragraph 1 of the Local Public Service Act (or the municipal board of education with regard to the educational personnel whose wages are paid by a prefectural government prescribed in Article 37 paragraph 1 of the Act on the Organization and Operation of Local Educational Administration (Act No. 162 of 1956); the same shall apply hereinafter in this Article) must, in cases where an employee prescribed in Article 4 paragraph 1 of the Local Public Service Act who is taking care of a child under three years of age (in the case of part-time personnel other than those who hold a part-time official post prescribed in Article 28-5 paragraph 1 of the same Act, said personnel shall be limited to a person who does not fall under any of the items of Article 16-8 paragraph 1 when the provision of the same paragraph applies to said personnel), makes a request in order to take care of said child, approve the employee not working in excess of the scheduled working hours as long as no impediment is found to the administration of public duties.

(17) The head of a Specified Incorporated Administrative Agency must, in cases where the head may extend the working hours prescribed in Article 36 paragraph 1 of the Labor Standards Act for an employee of said Specified Incorporated Administrative Agency pursuant to the main clause of the same paragraph, when said employee who is taking care of a child before the commencement of elementary school (when the provisions of Article 17 paragraph 1 apply, said employee shall be limited to a person who does not fall under any of the items therein) makes a request in order to take care of said child, approve not extending said employee's working hours beyond a limit (which is prescribed in Article 17 paragraph 1; the same shall apply in paragraph 19 of this Article) as long as no impediment is found to the administration of business.

(18) The provisions set forth in the preceding paragraph shall apply mutatis mutandis to an employee of a Specified Incorporated Administrative Agency who is taking care of a Family Member in a Care-requiring Condition. In this case, the term "Article 17 paragraph 1" in the same paragraph shall be deemed to be replaced with "Article 17 paragraph 1, as applied mutatis mutandis pursuant to Article 18 paragraph 1"; the term "any of the items in the same paragraph" shall be deemed to be replaced with "any of the items of Article 17 paragraph 1, as applied mutatis mutandis pursuant to Article 18 paragraph 1"; and the term "take care of said child" in the same paragraph shall be deemed to be replaced with "take care of said Family Member in a Care-requiring Condition."

(19) An appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act must, in cases where the appointer or person may extend the working hours prescribed in Article 36 paragraph 1 of the Labor Standards Act for an employee

- prescribed in Article 4 paragraph 1 of the Local Public Service Act pursuant to the main clause of the same paragraph, when said employee prescribed in Article 4 paragraph 1 of the Local Public Service Act who is taking care of a child before the commencement of elementary school (when the provisions of Article 17 paragraph 1 apply, said employee shall be limited to a person who does not fall under any of the items therein) makes a request in order to take care of said child, approve not extending said employee working hours beyond a limit as long as no impediment is found to the administration of public duties.
- (20) The provisions of the preceding paragraph shall apply mutatis mutandis to an employee prescribed in Article 4 paragraph 1 of the Local Public Service Act who is taking care of a Family Member in a Care-requiring Condition. In this case, the term "Article 17 paragraph 1" in the preceding paragraph shall be deemed to be replaced with "Article 17 paragraph 1, as applied mutatis mutandis pursuant to Article 18 paragraph 1"; the term "any of the items in the same paragraph" shall be deemed to be replaced with "any of the items of Article 17 paragraph 1, as applied mutatis mutandis pursuant to Article 18 paragraph 1"; and the term "take care of said child" in the same paragraph shall be deemed to be replaced with "take care of said Family Member in a Care-requiring Condition."
- (21) The head of a Specified Incorporated Administrative Agency must, in cases where an employee of said Specified Incorporated Administrative Agency who is taking care of a child before the commencement of elementary school and does not fall under any of the items of Article 19 paragraph 1 when the said provisions above apply to said employee, makes a request in order to take care of said child, approve the employee not working Late-Night (which is prescribed under the same paragraph; the same shall apply in paragraph 23 of this Article) as long as no impediment is found to the administration of business.
- (22) The provisions of the preceding paragraph shall apply mutatis mutandis to an employee of a Specified Incorporated Administrative Agency who is taking care of a Family Member in a Care-requiring Condition. In this case, the term "Article 19 paragraph 1" in the same paragraph shall be deemed to be replaced with "Article 19 paragraph 1, as applied mutatis mutandis pursuant to Article 20 paragraph 1"; the term "any of the items in the same paragraph" shall be deemed to be replaced with "any of the items of Article 19 paragraph 1, as applied mutatis mutandis pursuant to Article 20 paragraph 1"; and the term "take care of said child" in the same paragraph shall be deemed to be replaced with "take care of said Family Member in a Care-requiring Condition."
- (23) An appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act must, in cases where an employee prescribed in Article 4 paragraph 1 of the same Act

who is taking care of a child before the commencement of elementary school and does not fall under any of the items of Article 19 paragraph 1 when the provisions above apply to said person, makes a request in order to take care of said child, approve the employee not working Late-Night as long as no impediment is found to the administration of public duties.

(24) The provisions of the preceding paragraph shall apply mutatis mutandis to an employee prescribed in Article 4 paragraph 1 of the Local Public Service Act who is taking care of a Family Member in a Care-requiring Condition. In this case, the term "Article 19 paragraph 1" in the preceding paragraph shall be deemed to be replaced with "Article 19 paragraph 1, as applied mutatis mutandis pursuant to Article 20 paragraph 1"; the term "any of the items in the same paragraph" in the same paragraph shall be deemed to be replaced with "any of the items of Article 19 paragraph 1, as applied mutatis mutandis pursuant to Article 20 paragraph 1"; and the term "take care of said child" in the same paragraph shall be deemed to be replaced with "take care of said Family Member in a Care-requiring Condition."

Chapter 13 Penal Provisions

Article 62 A person who is engaged in the recruitment of workers in violation of a business suspension order of pursuant to the provision of Article 41 paragraph 2 of the Employment Security Act as applied mutatis mutandis pursuant to Article 53 paragraph 5, shall be punished by imprisonment with required labor not more than one year or a fine of not more than 1,000,000 yen.

Article 63 A person who falls under any of the following items shall be punished by imprisonment with required labor for not more than 6 months or a fine of not more than 300,000 yen:

A person who is engaged in the recruitment of workers without notification prescribed in Article 53 paragraph 4; A person who is engaged in the recruitment of workers without notification prescribed in Article 53 paragraph 4;

(ii) A person who did not obey the instructions prescribed in Article 37 paragraph 2 of the Employment Security Act as applied mutatis mutandis pursuant to Article 53 paragraph 5; or

(iii) A person who violates the provisions of Article 39 or 40 of the Employment Security Act as applied mutatis mutandis pursuant to Article 53 paragraph 5.

Article 64 A person who falls under any of the following items shall be punished by a fine of not more than 500,000 yen:

(i) A person who fails to submit a report prescribed in Article 42, or makes a

- false report; or
- (ii) A person who fails to submit a report prescribed in Article 49 paragraph 1, makes a false report, or refuses, obstructs or evades entry or an inspection prescribed in the same paragraph.

Article 65 A person who fails to submit a report prescribed in Article 50 paragraph 1 of the Employment Security Act as applied mutatis mutandis pursuant to Article 53 paragraph 5, or makes a false report, or refuses, obstructs or evades entry or an inspection prescribed in Article 50 paragraph 2 of the same Act as applied mutatis mutandis pursuant to Article 53 paragraph 5, or fails to answer a question or makes a false statement shall be punished by a fine of not more than 300,000 yen.

Article 66 When a representative of a corporation, an agent of a corporation or an individual, a worker or other employee has committed an act in violation of Articles 62 through 65 with regard to the business of said corporation or individual, not only the offender but also said corporation or individual shall be punished by the fine prescribed in the respective Articles.

Article 67 When an officer of a Designated Corporation failed to obtain an approval from the Minister of Health, Labour and Welfare in cases where said approval is necessary pursuant to the provisions of Article 41, the officer who committed the violation shall be punished by a civil fine of not more than 200,000 yen.

Article 68 A person who fails to submit a report or makes a false report pursuant to the provision of Article 56 shall be punished by a non-criminal fine of not more than 200,000 yen.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act shall come into force as from April 1, 1992.

Supplementary Provisions [Act No. 160 of December 8, 2004] [Extract]

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2005.

(Review)

Article 2 When an appropriate period of time elapses after the execution of this

Act, the government shall take necessary measures based on a comprehensive review of the system, etc. of Childcare Leave, etc. pertaining to persons employed for a fixed period of time, by considering the implementation of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave revised by the provision of Article 1 (hereinafter referred to as the "New Act").

(Transitional Measures concerning Applications for Childcare Leave)

Article 3 A worker who intends to file an application pursuant to the provision of Article 5 paragraph 3 of the New Act in order to take Childcare Leave prescribed in the same paragraph on and after the day on which this Act comes into force (hereinafter referred to as "Effective Date") may file said application according to the provisions of paragraphs 3 and 4 of the same Article even prior to the effective date.

Supplementary Provisions [Act No. 65 of July 1, 2009] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions listed in the following items shall come into effect as of the day set forth in the respective items:

- (i) Provisions of Articles 3 and 6 of the Supplementary Provisions: The day of promulgation
- (ii) Provisions of Article 1 and of Article 5 of the Supplementary Provisions: The day specified by Cabinet Order within a period not exceeding three months from the date of promulgation
- (iii) The provision in Article 2 to revise the table of contents of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (limited to the part revising "Chapter 8 Resolution of Disputes (Article 52-2 - Article 52-4)" to "Chapter 11 Resolution of Disputes, Section 1 Assistance in Resolution of Disputes (Article 52-2 - Article 52-4) and Section 2 Conciliation (Article 52-5 - Article 52-6)"), the provision to revise Article 56-2 (limited to the part adding "(including the cases where applied mutatis mutandis pursuant to Article 52-5 paragraph 2)" after "Article 52-4 paragraph 2"), the provision to revise Article 60 paragraph 1 (limited to the part revising "Article 53, Article 54" to "Articles 52-6 through 54"), the provision to revise paragraph 2 of the same Article (limited to the part revising "The term 'Director-General of the Prefectural Labour Bureau' in Article 52-4 paragraph 1 and Article 58 shall be deemed to be replaced with 'Director-General of the District Transport

Bureau (including the Director of the Transport Supervision Department)" to "The term 'through Article 52-6' in Article 52-3 shall be deemed to be replaced with ', Article 52-5 and Article 60 paragraph 3.' The term 'Director-General of the Prefectural Labour Bureau' in Article 52-4 paragraph 1, Article 52-5 paragraph 1 and Article 58 shall be deemed to be replaced with 'Director-General of the District Transport Bureau (including the Director of the Transport Supervision Department).' The term 'the Dispute Coordinating Committee set forth in Article 6 paragraph 1' in Article 52-5 paragraph 1 shall be deemed to be replaced with 'a conciliator appointed from among those listed in the mediator candidate list set forth in Article 21 paragraph 3.'"), the provision to add one paragraph to Article 60, the provision to add the name of section before Article 52-2 in Chapter 8, the provision to revise Article 52-3, the provision to add one section after Article 52-4 in Chapter 8, the provision to revise Article 38, the provision to revise Article 39 paragraph 1, and the provisions of Articles 4 and 11 of the Supplementary Provisions: April 1, 2010

(Temporary Measures for Employers, etc. Continuously Employing Not More Than 100 Workers)

Article 2 The provisions of Chapter 5, Chapter 6, and Articles 23 through 24 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave revised pursuant to the provision of Article 2 (hereinafter referred to as the "New Act") shall not apply to employers who are continuously employing not more than 100 workers at the time of the enforcement of this Act or workers employed by said employers until the day specified by Cabinet Order within a period not exceeding three years from the date of promulgation. In this case, the provisions of Articles 23 and 24 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave prior to revision pursuant to the provision of Article 2 shall remain in force.

(Transitional Measures for Application for Childcare Leave)

Article 3 A worker who intends to file an application for Childcare Leave pursuant to the provision of Article 5 paragraph 1 or 3 of the New Act as applied by replacing terms pursuant to the provision of Article 9-2 paragraph 1 of the New Act in order to take said Childcare Leave on or after the effective date of this Act (hereinafter referred to as "Effective Date") may file said application prior to the Effective Date pursuant to the above provision and the provision of Article 5 paragraph 4 of the New Act as applied by replacing terms pursuant to the provision of Article 9-2 paragraph 1 of the New Act.

(Transitional Measures for Special Provisions for Promotion of Resolution of Disputes)

Article 4 With regard to disputes over mediation set forth in Article 5 paragraph 1 of the Act on Promoting the Resolution of Individual Labor-Related Disputes (Act No. 112 of 2001) (including the cases where applied by replacing terms pursuant to the provision of Article 21 paragraph 1 of the same Act) that are actually pending at the time of enforcement of the provisions listed in Article 1 item (iii) of the Supplementary Provisions before the Dispute Coordinating Committee set forth in Article 6 paragraph 1 of the same Act or a mediator appointed pursuant to the provision of Article 5 paragraph 1 of the same Act as applied by replacing terms pursuant to the provision of Article 21 paragraph 1 of the same Act, the provisions then in force shall remain applicable, notwithstanding the provision of Article 52-3 of the New Act (including the cases where applied by replacing terms pursuant to the provision of Article 60 paragraph 2 of the New Act).

(Transitional Measures for the Penal Provisions)

Article 5 With regard to the application of penal provisions to acts committed prior to the effective date of the provisions listed in Article 1 item (ii) of the Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 6 In addition to those provided for in these Supplementary Provisions, necessary transitional measures for the enforcement of this Act (including transitional measures for penal provisions) shall be specified by Cabinet Order.

(Review)

Article 7 When five years have elapsed after the enforcement of this Act, the government shall review the status of enforcement of the provisions revised by this Act and, if necessary, take required measures based on the results of the review.

Supplementary Provisions [Act No. 61 of December 3, 2010] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of April 1, 2011.