

# **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 I General Provisions**

(Purpose)

Article 1 The purpose of this Act is to promote the welfare of workers, etc. who engage in childcare or the caregiving of family members by contributing to the balance of the working and family lives of those workers, etc., through taking steps such as establishing a system for childcare leave, caregiver leave, leave for sick/injured childcare, and leave 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 those 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 are as prescribed respectively in those items (excluding Article 9-3 as well as Article 61 paragraphs (33) and (34) 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 applies hereinafter in this Article, the following Chapter through Chapter VIII, Articles 21 through 26, Article 28, Article 29 and Chapter XI) takes pursuant to the provisions of the following Chapter in order to provide childcare to a child (including a person with regard to whom a worker, pursuant to the provisions of Article 817-2, paragraph (1) of the Civil Code (Act No. 89 of 1896), filed an application to the family court for special adoption with the worker as stipulated in the same paragraph (only if a case for adjudication of domestic relations for the relevant application is pending in court), and who is currently in the custody of the worker, as well as a child who is entrusted, pursuant to the provisions of Article 27, paragraph (1), item (iii) of the Child Welfare Act (Act No. 164 of 1947), to a worker who is a foster parent under the adoption system as stipulated in Article 6-4, item (ii) of the same Act, and any other person who is entrusted, pursuant to Order of the Ministry of Health, Labour and Welfare, to someone specified by Order of the Ministry of Health, Labour and Welfare, as being equivalent to any of the above persons; the same applies hereinafter except for item (iv) and Article 61, paragraph (3) (including the case of mutatis mutandis application to paragraph (6) of the same Article)).
- (ii) caregiver leave: leave that a worker takes pursuant to the provisions of Chapter III in order to provide nursing care to a subject family member in a condition that requires caregiving;
- (iii) condition that requires caregiving: a condition requiring constant nursing care for a period specified by Order 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 applies hereinafter), parents, children (including equivalent persons as specified by Order 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 Order of the Ministry of Health, Labour and Welfare

(Basic Principles)

Article 3 (1) Under this Act, the promotion of the welfare of workers, etc. who undertake childcare, or the nursing care of family members has the principal objective of enabling those 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 regarding 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 to re-commence work in a smooth manner following that leave.

(Responsibilities of Persons Concerned)

Article 4 Employers, the national government, 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 II Childcare Leave**

(Application for Childcare Leave)

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

- (i) a person employed for a continued period of at least one year by an employer;
- (ii) a person whose labor contract will expire before the day on which a dependent child reaches one year and six months of age (if the labor contract has been renewed, the renewed contract).

(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 provisions of Article 65, paragraph (2) of the Labor Standards Act (Act No. 49 of 1947)) within the relevant 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 the childcare leave commenced, except in cases where there are special circumstances specified by

Order of the Ministry of Health, Labour and Welfare.

- (3) A worker may take childcare leave upon applying to their employer if the child that worker takes care of is between one year and one year and six months of age, only when that worker 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 the child reaching one year of age (hereinafter referred to as "date the child reaches one year of age") may file the application only when falling under both of the items of paragraph (1):
- (i) the worker or the worker's spouse is taking childcare leave for a child in an application until the date the child reaches one year of age; and
  - (ii) leave during the period after the date the child reaches one year of age is applicable to cases specified by Order of the Ministry of Health, Labour and Welfare where taking leave would be found to be particularly necessary for continuing employment.
- (4) A worker may take childcare leave upon applying to their employer if the child the worker takes care of is between one year and six months, and two years of age; only when the worker falls under both of the following items:
- (i) the worker or the worker's spouse is taking childcare leave for a child in the application until the day on which the child reaches one year and six months of age (hereinafter referred to as "date the child reaches one year and six months of age" in the following item and in paragraph (6)); and
  - (ii) leave during the period after the date the child reaches one year and six months of age is applicable to cases specified by Order of the Ministry of Health, Labour and Welfare where taking leave would be found to be particularly necessary for continuing employment.
- (5) The provisions of the proviso of paragraph (1) apply mutatis mutandis to the application filed under the preceding paragraph. In this case, the term "one year and six months" in paragraph (1), item (ii) is to be replaced with "two years."
- (6) An application pursuant to the provisions of paragraphs (1), (3), and (4) (hereinafter referred to as an "application for childcare leave") must be filed, with regard to a continued period for childcare leave, by making clear the first day thereof (hereinafter referred to as the "scheduled start date for childcare leave") and the last day thereof (hereinafter referred to as the "scheduled end date for childcare leave") as prescribed by Order of the Ministry of Health, Labour and Welfare. In this case, applications pursuant to the provisions of paragraph (3) and applications pursuant to the provisions of paragraph (4) must be filed by deeming the day following the date the child reaches one year of age and the following day of the relevant child's date of turning one year and six months of age, respectively, as the scheduled start date for childcare leave.
- (7) The provisions of the proviso of paragraph (1), paragraph (2), the proviso of

paragraph (3), paragraph (5), and the second sentence of the preceding paragraph do 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 scheduled end date for childcare leave (or, in cases where the relevant scheduled end date for childcare leave is changed pursuant to the provisions of Article 7, paragraph (3), the changed scheduled end date for childcare leave) files an application for childcare leave, due to the renewal of the labor contract, in which the first day of the renewed labor contract period is the scheduled start date for childcare leave.

(Obligations of Employers when an Application for Childcare Leave is Filed)

Article 6 (1) Employers may not refuse an application for childcare leave filed by a worker; provided, however, that this does not apply to cases where an application for childcare leave 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 their employer and either a labor union, if any, organized by a majority of workers at the place of business where the worker is employed or between the employer and a person who represents the majority of workers when there is no labor union organized by the majority of workers at the place of business where the worker is employed:

- (i) a worker employed by an employer for a continued period of less than one year; or
  - (ii) beyond what is listed in the preceding item, a person specified by Order of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds not to grant childcare leave.
- (2) In the case referred to in the proviso of the preceding paragraph, a worker whose application for childcare leave has been refused by an employer may not take childcare leave, notwithstanding the provisions of paragraphs (1), (3), and (4) of the preceding Article.
- (3) An employer may, as prescribed by Order of the Ministry of Health, Labour and Welfare, in cases where a worker files an application for childcare leave, when the scheduled start date for childcare leave in the application falls before the day on which one month (or two weeks when an application is filed pursuant to the provisions of paragraph (3) or (4) of the preceding Article) from the day following the date of the relevant application has elapsed (referred to as "one month, etc. expiry date" hereinafter in this paragraph), designate as the scheduled start date for childcare leave any day during the period between the scheduled start date for childcare leave and the one month, etc. expiry date (or a day which falls before the one month, etc. expiry date and which is specified by Order of the Ministry of Health, Labour and Welfare in cases where there occur reasons specified by Order of the Ministry of Health, Labour

and Welfare, such as the birth of a child before the expected date, before the day of the application for childcare leave).

- (4) The provisions of the proviso of paragraph (1) and the preceding paragraph do not apply to cases where a worker files an application for childcare leave prescribed in paragraph (7) of the preceding Article.

(Application for a Change to the Scheduled Start Date for Childcare Leave)

Article 7 (1) A worker who has filed an application for childcare leave pursuant to the provisions of Article 5, paragraph (1) may, in cases where there occur reasons specified by Order of the Ministry of Health, Labour and Welfare provided for in paragraph (3) of the preceding Article on or before the day preceding the scheduled start date for childcare leave in the application (in cases where the employer designates the day pursuant to the provisions of paragraph (3) of the preceding Article, the day designated by the employer; the same applies hereinafter in this paragraph), change the scheduled start date for childcare leave only once in the application to a day before the scheduled start date for childcare leave, by notifying the employer.

- (2) An employer may, as prescribed by Order of the Ministry of Health, Labour and Welfare, in cases where a worker files an application pursuant to the provisions of the preceding paragraph, when the changed scheduled start date for childcare leave in the application falls before the day on which the period specified by Order of the Ministry of Health, Labour and Welfare within a period not exceeding one month from the day following the date the application elapses (referred to as the "period expiry date" hereinafter in this paragraph), designate as a scheduled start date for childcare leave for the worker, any day during the period from the changed scheduled start date for childcare leave in the application until the period expiry date (in cases where the day falls after the original scheduled start date for childcare leave (in cases where the employer designates the day pursuant to the provisions of paragraph (3) of the preceding Article, the day designated by the employer. The same applies hereinafter in this paragraph), the original scheduled start date for childcare leave in the application).

- (3) A worker who has filed an application for childcare leave may, by notifying the employer on or before the day specified by Order of the Ministry of Health, Labour and Welfare, change the scheduled end date for childcare leave only once in the application, to the day which falls after the scheduled end date for childcare leave.

(Withdrawal of Applications for Childcare Leave)

Article 8 (1) A worker who has filed an application for childcare leave may withdraw the application on or before the day preceding the scheduled start

date for childcare leave in the application (in cases where the employer designates the day pursuant to the provisions of Article 6, paragraph (3) or paragraph (2) of the preceding Article, the day designated by the employer; or in cases where the scheduled start date for childcare leave is changed pursuant to the provisions of paragraph (1) of the preceding Article, the changed scheduled start date for childcare leave; the same applies hereinafter).

- (2) A worker who has withdrawn an application for childcare leave pursuant to the provisions of the preceding paragraph may not, except in cases where there are special circumstances specified by Order of the Ministry of Health, Labour and Welfare, file an application again for childcare leave with regard to the child subject to the application, notwithstanding the provisions of Article 5, paragraphs (1), (3), and (4).
- (3) In the event that there occur reasons specified by Order of the Ministry of Health, Labour and Welfare for the worker to cease taking care of the child subject to the application for childcare leave, such as the death of the child, on or before the day preceding the scheduled start date for childcare leave after the application for childcare leave, the application for childcare leave is considered not to have been filed. In this case, the worker must notify the employer without delay of the reason for the cancellation.

(Period of Childcare Leave)

Article 9 (1) The period for which a worker who has filed an application for childcare leave may take that childcare leave (hereinafter referred to as the "period of childcare leave") is between the scheduled start date for childcare leave and the scheduled end date for childcare leave (or, in cases where the scheduled end date for childcare leave is changed pursuant to the provisions of Article 7, paragraph (3), the changed scheduled end date for childcare leave; the same applies in the following paragraph).

- (2) The period of childcare leave terminates 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 scheduled end date for childcare leave, there occur reasons specified by Order of the Ministry of Health, Labour and Welfare why the worker comes to cease taking care of the child subject to the application for childcare leave, such as the death of the child;
  - (ii) on or before the day preceding the scheduled end date for childcare leave, a child subject to the application for childcare leave 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 provisions of Article 5, paragraph (3), and two years of age with regard to childcare leave for which an application

was filed pursuant to the provisions of paragraph (4) of the same Article); or (iii) on or before the scheduled end date for childcare leave, a period of leave pursuant to the provisions 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 application for childcare leave.

- (3) The provisions of the second sentence of paragraph (3) of the preceding Article apply mutatis mutandis to cases where there occur reasons specified by Order 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 application of the provisions of Chapters II through V, Article 24, paragraph (1) and Chapter XII 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 on which that child reaches one year of age, the term "less than one year of age" in Article 5, paragraph (1) is 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 provisions of this paragraph as applied by replacing terms pursuant to the provisions of Article 9-2, paragraph (1))"; the term "the day on which the child reaches one year of age (hereinafter referred to as the "date the child reaches one year of age")" in the proviso of Article 5, paragraph (3) is to be replaced with "the day on which the child reaches one year of age (hereinafter referred to as the "date the child reaches one year of age") (in cases where the scheduled end date for childcare leave prescribed in Article 9, paragraph (1) (including cases where applied by replacing terms pursuant to the provisions of Article 9-2, paragraph (1)) regarding an application filed by the spouse pursuant to the provisions of paragraph (1) as applied by replacing terms pursuant to the provisions of Article 9-2, paragraph (1) falls after the date the child reaches one year of age, that scheduled end date for childcare leave)"; the term "or the worker's spouse... the date the child reaches one year of age" in Article 5, paragraph (3), item (i) is to be replaced with "...the date the child reaches one year of age (in cases where the scheduled end date for childcare leave prescribed in Article 9, paragraph (1) (including the cases where applied by replacing terms pursuant to the provisions of Article 9-2, paragraph (1)) regarding an application filed by the worker pursuant to the provisions of paragraph (1) as applied by replacing terms pursuant to the provisions of Article 9-2, paragraph (1) falls after the date the child reaches one year of age, the scheduled end date for childcare leave); (in cases where the scheduled end date for childcare leave prescribed in Article 9, paragraph (1) (including cases where applied by replacing terms



pursuant to the provisions of Article 9-2, paragraph (1)) regarding an application filed by the spouse of the worker pursuant to the provisions of paragraph (1) as applied by replacing terms pursuant to the provisions of Article 9-2, paragraph (1) falls after the date the child reaches one year of age, the relevant scheduled end date for childcare leave); the term "date the child reaches one year of age" in Article 5, paragraph (6) is to be replaced with "date the child reaches one year of age (in cases where the scheduled end date for childcare leave prescribed in Article 9, paragraph (1) (including the cases where applied by replacing terms pursuant to the provisions of Article 9-2, paragraph (1)) regarding an application filed by the worker taking care of the child or the spouse of the worker pursuant to the provisions of paragraph (1) as applied by replacing terms pursuant to the provisions of Article 9-2, paragraph (1) falls after the date the child reaches one year of age, the scheduled end date for childcare leave (or either of the scheduled end date for childcare leave for the worker or the scheduled end date for childcare leave for the spouse if the two dates are different))"; the term "the changed scheduled end date for childcare leave; the same applies in the following paragraph" in paragraph (1) of the preceding Article is to be replaced with "the changed scheduled end date for childcare leave; the same applies in the following paragraph (including cases where applied by replacing terms pursuant to the provisions of paragraph (1) of the following Article)) (or, in cases where the scheduled end date for childcare leave falls after the period of days elapses from the scheduled start date for childcare leave, 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 subject to childcare leave to the date the child reaches one year of age) the number of days for childcare leave, etc. taken (the total number of days of leave taken by the worker pursuant to the provisions of Article 65, paragraph (1) or (2) of the Labor Standards Act and days of childcare leave taken by the worker for the child on and after the date of birth of the child), the day on which the period elapses; the same applies in the following paragraph (including cases where applied by replacing terms pursuant to the provisions of paragraph (1) of the following Article)"; the term " Article 5, paragraph (3)" in Article 9, paragraph (2), item (ii) is 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 provisions of Article 5, paragraph (1) as applied by replacing terms pursuant to the provisions of paragraph (1) of the following Article, paragraph (3) of the same Article (including the cases where applied by replacing terms pursuant to the provisions of paragraph (1) of the following Article)"; the term ", one year and six months of age" in the same item is to be replaced with "one year and six months of age"; the term "one year of age (" in Article 24, paragraph (1), item (i) is to be

replaced with "one year of age (or one year and two months of age in cases where that worker may file an application pursuant to the provisions of Article 5, paragraph (1) as applied by replacing terms pursuant to the provisions of Article 9-2, paragraph (1),"; the term ", one year and six months of age" in the same item is to be replaced with "one year and six months of age"; and any other necessary technical replacement of terms are specified by Order of the Ministry of Health, Labour and Welfare.

(2) The provisions of the preceding paragraph does not apply to cases where the scheduled start date for childcare leave under an application filed pursuant to the provisions of Article 5, paragraph (1) in cases where an application in the preceding paragraph falls after the day following the date the child subject to childcare leave child reaches one year of age or before the first day of the period of 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, paragraphs (3) and (4) as well as the preceding Article, a request made, or childcare leave taken based on that request, by the spouse of a worker pursuant to the provisions of Article 3, paragraph (2) of the Act on Childcare Leave of Diet Officers (Act No. 108 of 1991), Article 3, paragraph (2) of the Act on Childcare Leave 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 of Local Government Employees (Act No. 110 of 1991), or Article 2, paragraph (2) of the Act on Childcare Leave of Judges (Act No. 111 of 1991), is considered to be a filed application, or childcare leave taken based on the application, pursuant to the provisions of Article 5, paragraph (1) or (3), respectively.

(Prohibition of Disadvantageous Treatment)

Article 10 An employer must not dismiss or otherwise treat a worker disadvantageously due to the worker making an application for childcare leave or taking childcare leave.

### **Chapter III 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 are only able to file such an application in cases where that worker falls under both of the following items.

- (i) a person employed by the employer for a continued period of at least one year; and
  - (ii) a person with regard to whom it is not clear whether his or her labor contract (if the labor contract has been renewed, the renewed contract) will expire from the day on which 93 days elapse from the caregiver leave scheduled start date prescribed in paragraph (3), until the day upon which six months elapse.
- (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 subject to the caregiver leave falls under any of the following items:
- (i) with regard to the subject family member, caregiver leave has been taken three times; or
  - (ii) with regard to the subject family member, the total of the number of days on which caregiver leave has been taken (meaning the number of days from the start day until the end day of caregiver leave, and in the case of taking caregiver leave for two or more times, the number of days obtained by addition of the total numbers of days of each caregiver leave from the start day until the end day; referred to in Article 15, paragraph (1) 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 Order of the Ministry of Health, Labour and Welfare were taken (the number of days as counted 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 is subtracted); when the measures are taken for two or more conditions that require caregiving, the number of days obtained by totaling the number of days spent for each condition that requires caregiving 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 are subtracted)).

- (3) An application pursuant to the provisions of paragraph (1) (hereinafter referred to as "application for caregiver leave") must be filed by making clear that the subject family member in the application for caregiver leave is in a condition that requires caregiving 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 "scheduled start date for caregiver leave") and last day thereof (hereinafter referred to as "scheduled end date for caregiver leave") as prescribed by Order of the Ministry of Health, Labour and Welfare.
- (4) The provisions of the proviso of paragraph (1) and paragraph (2) (excluding item (ii)) do not apply to cases where a person employed for a fixed period of time who takes caregiver leave having designated the last day of the person's labor contract period as the scheduled end date for caregiver leave (or, in cases where the caregiver leave scheduled end date is changed pursuant to the provisions of Article 7, paragraph (3), as applied mutatis mutandis pursuant to Article 13, the changed scheduled end date for caregiver leave) files an application for caregiver leave, due to the renewal of the labor contract, in which the first day of the renewed labor contract period is the scheduled start date for caregiver leave.

(Obligations of Employers when an Application for Caregiver Leave is Filed)

Article 12 (1) Employers may not refuse an application for caregiver leave 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 apply mutatis mutandis to cases where a worker files an application for caregiver leave. In this case, the term "the proviso of the preceding paragraph" in Article 6, paragraph (2) is 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 is to be replaced with "Article 11, paragraph (1)."
- (3) An employer may, as prescribed by Order of the Ministry of Health, Labour and Welfare, in cases where a worker files an application for caregiver leave, when the scheduled start date for caregiver leave in the application falls before the day on which two weeks from the day following the date of the application have elapsed (referred to as "two week expiry date" hereinafter in this paragraph), designate as the scheduled start date for caregiver leave any day

during the period from the scheduled start date for caregiver leave until the two week expiry date.

- (4) The provisions of the preceding two paragraphs do not apply to cases where a worker files an application for caregiver leave prescribed in paragraph (4) of the preceding Article.

(Applications for Changes to Scheduled End Dates for Caregiver Leave)

Article 13 The provisions of Article 7, paragraph (3) apply mutatis mutandis to an application for a change of the scheduled end date for caregiver leave.

(Withdrawal of Applications for Caregiver Leave)

Article 14 (1) A worker who has filed an application for caregiver leave may withdraw the application on or before the day preceding the scheduled start date for caregiver leave in the application (in cases where an employer designates the day pursuant to the provisions of Article 12, paragraph (3), the day designated by the employer; the same applies in Article 8, paragraph (3), as applied mutatis mutandis pursuant to paragraph (3) of this Article and paragraph (1) of the following Article).

- (2) In cases where an application for caregiver leave is withdrawn pursuant to the provisions of the preceding paragraph, and the first application for caregiver leave filed after the withdrawal with regard to the subject family member subject to the withdrawal, an employer may refuse a subsequent application for caregiver leave with regard to the subject family member, notwithstanding the provisions of Article 12, paragraph (1).

- (3) The provisions of Article 8, paragraph (3) apply mutatis mutandis to an application for caregiver leave. In this case, the terms "child" and "taking care of the child" in the same paragraph are 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 an application for caregiver leave may take caregiver leave (hereinafter referred to as a "period of caregiver leave") is to be between the scheduled start date for caregiver leave and the scheduled end date for caregiver leave in the application (or, when the scheduled end date falls after the period of days elapses from the scheduled start date for caregiver leave, which are obtained by subtracting from 93 days the number of days for caregiver leave taken for the subject family member in the application for caregiver leave filed by the worker, the day on which the period elapses; the same applies in paragraph (3) of this Article).

- (2) In this Article, the scheduled end date for caregiver leave, in cases where the scheduled end date for caregiver leave is changed pursuant to the provisions of

Article 7, paragraph (3), as applied mutatis mutandis pursuant to Article 13, refers to the changed scheduled end date for caregiver leave.

- (3) The period of caregiver leave is 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 scheduled end date for caregiver leave, there occur reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker comes to cease taking care of the subject family member subject to an application for caregiver leave, such as the death of the subject family member; or
  - (ii) on or before the scheduled end date for caregiver leave, a period of leave pursuant to the provisions 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 an application for caregiver leave.
- (4) The provisions of the second sentence of Article 8, paragraph (3) apply mutatis mutandis to cases where there occur reasons specified by Order 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 apply mutatis mutandis to an application for caregiver leave and taking caregiver leave.

#### **Chapter IV 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 that child starts elementary school may obtain leave to look after the child as specified by Order of the Ministry of Health, Labour and Welfare as necessary for taking care of the child in the event of injury to or illness or preventing illness (hereinafter referred to as "time off for sick/injured childcare") upon application to the worker's employer, with a limit of up to five working days per fiscal year (or ten working days in cases where the worker has two or more children to take care of who have yet to start elementary school).

- (2) Time off for sick/injured childcare may be obtained in units of less than one day as prescribed by Order of the Ministry of Health, Labour and Welfare by persons other than those prescribed by Order of the Ministry of Health, Labour and Welfare as employees whose scheduled working hours per day are short.
- (3) An application pursuant to the provisions of paragraph (1) must be filed by making clear the days to be obtained as time off for sick/injured childcare (in

the case of taking time off in a unit of less than one day as prescribed by Order of the Ministry of Health, Labour and Welfare according to the preceding paragraph, the time and date of starting and ending the time off for sick/injured childcare), as prescribed by Order of the Ministry of Health, Labour and Welfare.

(4) A fiscal year, as referred to in paragraph (1), refers 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 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 provisions of paragraph (1) of the preceding Article.

(2) The provisions of the proviso to paragraph (1) of Article 6 and the provisions of paragraph (2) of the same Article apply mutatis mutandis to cases where a worker files an application pursuant to the provisions of paragraph (1) of the preceding Article. In this case, the term "one year" in Article 6, paragraph (1) item (i) is to be replaced with "six months," the term "a person specified ..." in item (ii) of the same paragraph is to be replaced with "a person specified ... or, in light of the nature of the work or the work system, a worker who is engaged in work for which it is considered difficult to take time off for sick/injured childcare in a unit of less than one day as prescribed by Order of the Ministry of Health, Labour and Welfare pursuant to Article 16-2, paragraph (2) (limited to a person who intends to take time off in a unit of less than one day as prescribed by Order of the Ministry of Health, Labour and Welfare pursuant to the provisions of the same paragraph)," and the term "the proviso of the preceding paragraph" in paragraph (2) of the same Article is 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 is to be replaced with "Article 16-2, paragraph (1)."

(Applications, Mutatis Mutandis)

Article 16-4 The provisions of Article 10 apply mutatis mutandis to applications and time off for sick/injured childcare prescribed in Article 16-2, paragraph (1).

## **Chapter V Caregiver Leave**

(Application for Caregiver Leave)

Article 16-5 (1) A worker who looks after a subject family member in a condition that requires caregiving as specified by Order of the Ministry of Health,

Labour and Welfare, including nursing care, may obtain leave to look after the subject family member (hereinafter referred to as "caregiver leave") upon application to the worker's employer, with limits of up to five working days per fiscal year (or ten working days in cases where the worker has two or more subject family members in a condition that requires caregiving).

- (2) Caregiver leave may be obtained in a unit of less than one day as prescribed in the Order of the Ministry of Health, Labour and Welfare by persons other than those prescribed in the Order of the Ministry of Health, Labour and Welfare as employees whose scheduled working hours per day are short.
- (3) An application pursuant to the provisions of paragraph (1) must be filed by making clear that the subject family member subject to the application is in a condition that requires caregiving and the days required as caregiver leave (in the case of taking time off in a unit of less than one day as prescribed by Order of the Ministry of Health, Labour and Welfare according to the preceding paragraph, the time and date of starting and ending the caregiver leave), as prescribed by Order of the Ministry of Health, Labour and Welfare.
- (4) A fiscal year as referred to in paragraph (1) refers 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 of Employers when an Application for Caregiver Leave is Filed)

Article 16-6 (1) Employers may not refuse an application by a worker pursuant to the provisions 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 apply mutatis mutandis to cases where a worker files an application pursuant to the provisions of paragraph (1) of the preceding Article. In this case, the term "one year" in Article 6, paragraph (1), item (i) is to be replaced with "six months", the term "a person specified ..." in item (ii) of the same paragraph is to be replaced with "a person specified ... or, in light of the nature of the work or the work system, a worker who is engaged in work for which it is considered difficult to take caregiver leave in a unit of less than one day as prescribed in the Order of the Ministry of Health, Labour and Welfare pursuant to Article 16-5, paragraph (2) (limited to a person who intends to take time off in a unit of less than one day as prescribed in the Order of the Ministry of Health, Labour and Welfare pursuant to the provisions of the same paragraph)"; the term "the proviso of the preceding paragraph" in paragraph (2) of the same Article is 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 is to be replaced with "Article 16-5, paragraph (1)."



(Applications, Mutatis Mutandis)

Article 16-7 The provisions of Article 10 apply mutatis mutandis to applications and caregiver leave prescribed in Article 16-5, paragraph (1).

### **Chapter VI Limitations on Unscheduled Work**

- Article 16-8 (1) Employers must not have a worker who is taking care of a child less than three years of age work in excess of scheduled working hours upon the worker's request to take care of the child, unless the worker falls under either of the following categories, specified as one who may not make the request pursuant to the main clause of this paragraph under a written agreement between the employer and either a labor union, if any, organized by a majority of workers at the place of business where the worker is employed or between the employer and a person who represents the majority of the workers when there is no labor union organized by the majority of workers at the place of business where the worker is employed; provided, however, that this does not apply to cases where the request would impede normal business operations:
- (i) a worker employed by the employer for a continued period of less than one year; or
  - (ii) beyond what is listed in the preceding item, a person specified by Order of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds for the request not being granted.
- (2) A request pursuant to the provisions of the preceding paragraph must be made, as prescribed by Order 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 "limited period"), by making clear the first day thereof (referred to as "scheduled start date of the limited period" hereinafter in this Article) and last day thereof (referred to in paragraph (4) as "scheduled end date of the limited period") on or before the day one month prior to the scheduled start date of the limited period. In this case, the limited period prescribed in the first sentence of this paragraph must not overlap with the limited period prescribed in the first sentence of Article 17, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 18, paragraph (1)).
- (3) In the event that reasons specified by Order of the Ministry of Health, Labour and Welfare occur as to why the worker comes to cease taking care of the child subject to the request, such as the death of the child, on or before the day preceding the scheduled start date for the limited period after the request was made pursuant to the provisions of paragraph (1), the request is deemed to

have not been made. In this case, the worker must notify the employer without delay of the reason for the cancellation.

(4) Limited periods are terminated on the day on which any of the circumstances listed in the following items occur (or on the preceding day in the case of item (iii)):

(i) on or before the day preceding the scheduled end date of the limited period, there occur reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker comes to cease taking care of the child subject to the request pursuant to the provisions of paragraph (1), such as the death of the child;

(ii) on or before the day preceding the scheduled end date of the limited period, the child subject to the request which has been made pursuant to the provisions of paragraph (1) reaches three years of age; or

(iii) on or before the scheduled end date of the limited period, a period of leave 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 provisions of paragraph (1).

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

Article 16-9 (1) The provisions of paragraphs (1) through (3) (excluding item (ii)) of the preceding Article apply mutatis mutandis to a worker who takes care of a subject family member in a condition that requires caregiving. In this case, the term "take care of the child" in paragraph (1) of the same Article is to be replaced with "take care of the 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 are 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 apply mutatis mutandis to cases where there occur reasons specified by Order 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 16-10 Employers must not dismiss or otherwise treat a worker disadvantageously on the grounds that the worker makes a request pursuant to the provisions of Article 16-8, paragraph (1) (including cases where applied mutatis mutandis pursuant to paragraph (1) of the preceding Article; the same

applies hereinafter in this Article) or does not work in excess of scheduled working hours, in cases where the employer is not to have the worker making the request work in excess of the scheduled working hours pursuant to the provisions of Article 16-8, paragraph (1).

## **Chapter VII Limitations on Overtime Work**

- Article 17 (1) An employer must 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 applies in the following paragraph and Article 18-2) when a worker who is taking care of a child prior to starting elementary school and who does not fall under any of the following items makes a request in order to take care of the child; provided, however, that this does not apply to cases where the request would impede normal business operations:
- (i) a worker employed by the employer for a continued period of less than one year;
  - (ii) beyond what is listed in the preceding item, a person specified by Order of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds for the request not being granted.
- (2) A request pursuant to the provisions of the preceding paragraph must be made, as prescribed by Order 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 "limited period"), by making clear the first day thereof (referred to as "scheduled start date of the limited period" hereinafter in this Article) and last day thereof (referred to in paragraph (4) as "scheduled end date of the limited period") on or before the day one month prior to the scheduled start date of the limited period. In this case, the limited period prescribed in the first sentence of this paragraph must not overlap with the limited period prescribed in the first sentence of Article 16-8, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 16-9, paragraph (1)).
- (3) In the event that there occur reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker ceases to take care of the child subject to the request, such as the death of the child, on or before the day preceding the scheduled start date of the limited period after the request was made pursuant to the provisions of paragraph (1), the request is deemed to have not been made. In this case, the worker must notify the employer without

delay of the reason for the cancellation.

(4) A limited period terminates 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 scheduled end date of the limited period, there occur reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker ceases to take care of the child subject to the request pursuant to the provisions of paragraph (1), such as the death of the child;

(ii) on or before the day preceding the scheduled end date of the limited period, the child subject to the request, which has been made pursuant to the provisions of paragraph (1), reaches the stage of starting elementary school; or

(iii) on or before the scheduled end date of the limited period, a period of leave 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 provisions of paragraph (1).

(5) The provisions of the second sentence of paragraph (3) apply *mutatis mutandis* to cases where there occur reasons specified by Order 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 apply *mutatis mutandis* to a worker who takes care of a subject family member in a condition that requires caregiving. In this case, the term "take care of the child" in paragraph (1) of the same Article is to be replaced with "take care of the 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 are 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 apply *mutatis mutandis* to the cases where there occur reasons specified by Order 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 the worker makes a request pursuant to the provisions of Article 17, paragraph (1) (including cases where applied *mutatis mutandis* pursuant to paragraph (1) of the preceding Article; the same

applies hereinafter in this Article) or does not work beyond the limit on overtime work in cases where the employer must not extend the working hours of the worker making the request beyond the limit on overtime work pursuant to the provisions of Article 17, paragraph (1).

### **Chapter VIII Limitations on Late-Night Work**

Article 19 (1) Employers must not, in cases where a worker who is taking care of a child before starting elementary school and who does not fall under any of the following items makes a request in order to take care of the child, make the worker work in hours 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 does not apply to cases where the request would impede normal business operations:

- (i) a worker employed by the employer for a continued period of less than one year;
  - (ii) a worker who has a person specified by Order of the Ministry of Health, Labour and Welfare, such as a family member who is living in the same household with the child, and who can normally take care of the child during late-night subject to the request; or
  - (iii) beyond what is listed in the preceding two items, a person specified by Order of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds for the request not being granted.
- (2) A request pursuant to the provisions of the preceding paragraph must be made, as prescribed by Order of the Ministry of Health, Labour and Welfare, with regard to a continued period where an employer must not make a worker work late-night (limited to a period between one month to six months; referred to in paragraph (4) as the "limited period"), by making clear the first day thereof (referred to as the "scheduled start date of the limited period" hereinafter in this Article) and last day thereof (referred to as "scheduled end date of the limited period" in paragraph (4)) on or before the day one month prior to the scheduled start date of the limited period.
- (3) In the event that there occur reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker ceases to take care of the child subject to the request, such as the death of the child, on or before the day preceding the scheduled start date of the limited period after the request was made pursuant to the provisions of paragraph (1), the request is deemed as having not been made. In this case, the worker must notify the employer without delay of the reason for the cancellation.
- (4) Limited periods terminate on the day on which any of the circumstances listed in the following items occur (or on the preceding day in the case of item (iii)):

- (i) on or before the day preceding the scheduled end date of the limited period, there occur reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker ceases to take care of the child subject to the request pursuant to the provisions of paragraph (1), such as the death of the child;
  - (ii) on or before the day preceding the scheduled end date of the limited period, there occur reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker ceases to take care of the child subject to the request pursuant to the provisions of paragraph (1), such as the death of the child; or
  - (iii) on or before the scheduled end date of the limited period, a period of leave 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 provisions of paragraph (1).
- (5) The provisions of the second sentence of paragraph (3) apply mutatis mutandis to cases where there occur reasons specified by Order 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 apply mutatis mutandis to a worker who takes care of a subject family member in a condition that requires caregiving. In this case, the term "take care of the child" in Article 19, paragraph (1) is to be replaced with "take care of the subject family member", the terms "child" and "take care of the child" in item (ii) of the same paragraph are to be replaced respectively with "subject family member" and "take care of the 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 are 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 apply mutatis mutandis to cases where there occur reasons specified by Order 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 the worker makes a request pursuant to the provisions of Article 19, paragraph (1) (including cases where applied mutatis mutandis pursuant to paragraph (1) of the preceding Article; the same

applies hereinafter in this Article) or does not work late-night in cases where the employer may not have the worker work late at night, pursuant to the provisions of Article 19, paragraph (1).

### **Chapter IX Measures to be Taken by Employers**

(Measures for the Dissemination of the Provisions of Childcare Leave)

Article 21 (1) Employers must, with regard to childcare leave and caregiver leave, endeavor to specify the following particulars in advance and take measures to make them known to workers (including the measure of informing a worker who becomes pregnant or whose spouse becomes pregnant, or who gives birth or whose spouse gives birth, or who takes care of a subject family member, at the time of learning about that fact):

- (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) beyond what is listed in the preceding two items, particulars specified by Order of the Ministry of Health, Labour and Welfare.

(2) As prescribed by Order of the Ministry of Health, Labour and Welfare, employers must, in cases where a worker files an application for childcare leave or an application for caregiver leave, endeavor to clearly notify the worker of the procedures specified in all items of the preceding paragraph in relation to that worker.

(Measures for Managing Employment)

Article 22 Employers must, for the purpose of smooth implementation of applications for childcare leave and applications for caregiver leave, and employment after 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 Shortening of 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 Order 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 the worker to take care of the child while continuing working (referred to as

"measures to shorten prescribed working hours for childcare" hereinafter in this Article and Article 24, paragraph (1), item (iii)), upon application from the worker, as prescribed by Order of the Ministry of Health, Labour and Welfare; provided, however, that this does 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 for childcare are not taken under a written agreement between the employer and either a labor union, if any, organized by a majority of workers at the place of business where the worker is employed or between the employer and a person who represents the majority of the workers when there is no labor union organized by the majority of workers at the place of business where the worker is employed:

- (i) a worker employed by the employer for a continued period of less than one year;
  - (ii) beyond what is listed in the preceding item, a person specified by Order of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds for measures to shorten prescribed working hours for childcare not being taken; or
  - (iii) beyond 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 for childcare 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 for childcare pursuant to the provisions 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 the worker, make the worker work pursuant to the provisions of Article 32-3, paragraph (1) of the Labor Standards Act, or take other measures that make it easier for the worker to take care of the child while continuing working (referred to as "measures including a change of the starting time" in Article 24, paragraph (1)), upon application from the worker, as prescribed by Order of the Ministry of Health, Labour and Welfare.
- (3) Employers must, with regard to an employee who take cares of subject family member in a condition that requires caregiving but has not taken caregiver leave, take measures to make it easier for the worker to take care of the subject family member in a condition that requires caregiving for the period of at least three consecutive years while continuing working (referred to as "measures to shorten prescribed working hours for caregivers" in this Article and Article 24, paragraph (2)), upon application from the worker, as prescribed by Order of the Ministry of Health, Labour and Welfare; provided, however, that this does 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 for caregivers are not taken under a written agreement between the employer and either a labor union, if any, organized by a majority of workers at the place of business where the worker is employed or between the employer and a person who represents the majority of these workers when there is no labor union organized by the majority of workers at the place of business where the worker is employed.

(i) a worker employed by the employer for a continued period of less than one year; or

(ii) beyond what is listed in the preceding item, a person specified by Order of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds for measures to shorten prescribed working hours for caregivers not being taken.

(4) The period according to the main clause of the preceding paragraph starts from the day requested by the worker as the day for starting the use of the measures to shorten prescribed working hours for caregivers.

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

(Measures Related to Workers who Take Care of a Child Before Starting Elementary School)

Article 24 (1) Employers must, with regard to an employed worker who takes care of a child before starting elementary school, endeavor to take measures to grant leave which a worker, upon request, can use for purposes related to childcare (other than time off for sick/injured childcare, caregiver leave, and leave which is granted as annual paid leave pursuant to the provisions of Article 39 of the Labor Standards Act, including leave which allows a worker to prepare for childcare after childbirth) and take necessary measures according to the system or measures prescribed for the category of the worker listed in the following items:

(i) a worker (excluding a worker prescribed in Article 23, paragraph (2); the same applies 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 the worker may file an application pursuant to the provisions of Article 5, paragraph (3), and two years of age in cases where the worker may file an application pursuant to the provisions of paragraph (4) of the same Article; the same applies 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; or
  - (iii) a worker who takes care of a child over three years of age, before starting elementary school: system for childcare leave, system for limitation on unscheduled work under Article 16-8, measures to shorten prescribed working hours for childcare, 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 in accordance with the system of caregiver leave or caregiver leave or measures to shorten prescribed working hours for caregivers by giving taking into consideration the period, the frequency, etc. for care.

(Employment Management Regarding Issues Arising from Conduct toward  
Childcare Leave at Workplaces)

Article 25 Employers must, with regard to conduct at the workplace toward an employed worker concerning the use of childcare leave, caregiver leave, or other systems or measures prescribed by Order of the Ministry of Health, Labour and Welfare on raising a child or taking care of a family member, provide counseling services to the worker, improve the system necessary for appropriately handling the matters, and take necessary employment management measures so that the employee does not suffer any disadvantage in his or her working conditions.

(Considerations Regarding the Assignment of Workers)

Article 26 Employers must, in making a change to the assignment of an employed worker which results in a change in the worker's workplace, take into consideration the worker's circumstances regarding 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 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 handling the business to which the resignation applies, in recruitment and hiring of a worker, special consideration to a former employee who resigned due to childcare, etc. and who notified the employer, in resigning, of the intention of being re-employed when it becomes possible to work again;

the same applies in Article 30) and other measures equivalent to the ones above.

(Guidelines)

Article 28 The Minister of Health, Labour and Welfare is to, with regard to measures to be taken by employers pursuant to the provisions 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 the measures.

(Promoters of Work-Life Balance)

Article 29 An employer must, as prescribed by Order 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 X Support from the National Government for Subject Workers**

(Support for Employers)

Article 30 The national government may, for the purpose of continuing employment and promoting re-employment of a worker who takes care of or will take 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 workers, provide employers, employers' associations and other parties concerned with counseling services and advice with regard to managing employment, 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)

Article 31 (1) The national government is to 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 the workers.

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

(Support for Re-Employment)

Article 32 The national government is to, 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, make considerations for vocational guidance, employment placement, redevelopment of vocational skills 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 Work-Life Balance)

Article 33 The national government is to take necessary measures, including publicity activities, to increase awareness of employers, workers, and the general public with regard to the work-life balance of subject workers, etc. in order to eliminate workplace practices and other factors that prevent subject workers, etc. from having a healthy work-life balance.

(Family Support Facilities for Workers)

- Article 34 (1) Local governments must, as necessary, endeavor to establish family support centers for workers.
- (2) Family support centers for workers are 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 is to specify desirable standards required for the establishment and administration of family support centers for workers.
- (4) The national government 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 Facilities 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 are to 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.

## Articles 36 through 52 Deleted

### (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 II through VIII, Article 23, Article 23-2 and Article 26, endeavor to resolve the complaint voluntarily by means such as referring the complaint to a complaint processing body (referring to a body for processing complaints from the workers of a place of business, composed of representatives of the employer and representatives of the workers of the place of business).

### (Special Provisions for Promotion of 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) do not apply to disputes between a worker and the worker's employer over the matters set forth in Article 25 and the preceding Article; instead, the disputes are subject to the provisions of the following Article through Article 52-6.

### (Assistance in Dispute Resolution)

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 the dispute, give necessary advice, guidance or recommendations to the parties to the dispute.

(2) Employers must not dismiss or otherwise treat a worker disadvantageously due to the 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 is to 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 resolution of the dispute.

(2) The provisions of paragraph (2) of the preceding Article 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 of Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113 of 1972) 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 is to be replaced with "Article 52-5, paragraph (1) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members," the term "the parties concerned" in Article 20, paragraph (1) thereof is 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 is to be replaced with "Article 52-5, paragraph (1) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members."

## **Chapter XII Miscellaneous Provisions**

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

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 the 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 applies hereinafter in this paragraph) during the period the persons take the childcare leave or caregiver leave, and then the association intends to engage in the recruitment, the provisions of Article 36, paragraphs (1) and (3) of the Employment Security Act (Act No. 141 of 1947) do not apply to the small and medium sized enterprise who is a member of the association.

(2) In this Article and the following Article, the meanings of the terms listed in the following items are 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 the 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 the recruitment, then as prescribed by Order 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 Order of the Ministry of Health, Labour and Welfare.
- (5) The provisions of Article 37, paragraph (2) of the Employment Security Act apply mutatis mutandis to the case where the notification prescribed in the provisions of the preceding paragraph is made; the provisions of paragraphs (1) and (4) of Article 5-3, Article 5-4, Article 39, Article 41, paragraph (2), Article 42, paragraph (1), Article 42-2, Article 48-3, paragraph (1), Article 48-4, Article 50, paragraphs (1) and (2), and Article 51 of the same Act 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 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 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 is 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 the workers, or period" in Article 41, paragraph (2) of the same Act is to be replaced with "period."

- (6) With regard to the application of the provisions of Article 36, paragraph (2) and Article 42-3 of the Employment Security Act, the term "set forth in the preceding paragraph" in Article 36, paragraph (2) of the Employment Security Act is to be replaced with "which is to be paid by a person who intends to make people not under that person's employment engage in the recruitment of workers and is to be paid to those people," and the term "a recruitment contractor prescribed in Article 39" in Article 42-3 of the same Act is 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 Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members."
- (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 provisions of paragraph (4) of the preceding Article, endeavor to promote the effective and appropriate implementation of the 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 the employment based on these information.

(Research)

- Article 55 (1) The Minister of Health, Labour and Welfare is to, 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 management of employment, 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 finding it necessary for the enforcement of this Act, request reports from employers or



give relevant advice, guidance, or recommendations.

(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 provisions of the preceding Article for the 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) (including the cases where applied mutatis mutandis pursuant to Article 16-9, 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, paragraphs (1) through (3), Article 23-2, Article 25, 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 Order of the Ministry of Health, Labour and Welfare referred to in Article 2, item (i) and items (iii) through (v), Article 5, paragraph (2) and paragraph (3), item (ii) and paragraph (4), 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 12, paragraph (3), Article 15, paragraph (3), item (i), Article 16-2, paragraphs (1) and (2), Article 16-5, paragraphs (1) and (2), Article 16-8, paragraph (1), item (ii), paragraph (3) and paragraph (4), item (i) (including the cases where applied mutatis mutandis to Article 16-9, paragraph (1)), 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, paragraphs (1) through (3) as well as Article 25; 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 as prescribed by Order of the Ministry of Health, Labour and Welfare.

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

Article 59 Beyond what is provided for in this Act, procedures and other matters required for the implementation of this Act are prescribed by Order of the Ministry of Health, Labour and Welfare.

(Special Provisions for Mariners)

Article 60 (1) The provisions of Chapter VI, Chapter VII, Articles 52-6 through Article 54, and Articles 62 through 65 do 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 are to be replaced as national government below. The term "Order of the Ministry of Health, Labour and Welfare" in the following provisions is to be replaced with "Order of the Ministry of Health, Labour and Welfare": Article 2, item (i) and items (iii) through (v); Article 5, paragraph (2), paragraph (3), item (ii), paragraph (4), item (ii), and paragraph (6); 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 (3); Article 12, paragraph (3); Article 15, paragraph (3), item (i) and paragraph (4); Article 16-2, paragraphs (1) through (3); Article 16-5, paragraphs (1) through (3); 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, paragraphs (1) through (3); Article 25; Article 29; Article 57; Article 58; and the preceding Article. The term "takes

leave...pursuant to the provisions of Article 65, paragraph (2) of the Labor Standards Act (Act No. 49 of 1947)" in Article 5, paragraph (2) is to be replaced with "is not engaged in work...pursuant to the provisions of Article 87, paragraph (2) of the Mariners Act (Act No. 100 of 1947)." The term "a period of leave pursuant to the provisions 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) is to be replaced with "a period of absence from work pursuant to the provisions of Article 87, paragraph (1) or (2) of the Mariners Act." The term "takes leave...pursuant to the provisions of Article 65, paragraph (1) or (2) of the Labor Standards Act" in Article 9-2, paragraph (1) is to be replaced with "is not engaged in work...pursuant to the provisions of Article 87, paragraph (1) or (2) of the Mariners Act." The term "make...work pursuant to the provisions of Article 32-3 of the Labor Standards Act" in Article 23, paragraph (2) is 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) is to be replaced with "measures including boarding a ship making a short voyage." The term "annual paid leave pursuant to the provisions of Article 39 of the Labor Standards Act" in Article 24, paragraph (1) is to be replaced with "paid leave pursuant to the provisions of Articles 74 through 78 of the Mariners Act." The term "system for childcare leave, system for limitation on unscheduled work under Article 16-8" in Article 24, paragraph (1), item (iii) is to be replaced with "system for childcare leave." The term "Minister of Health, Labour and Welfare" in Article 28 and Articles 55 through 58 is to be replaced with "Minister of Land, Infrastructure, Transport, and Tourism." The term "Chapters II through VIII" in Article 52-2 is to be replaced with "Chapters II through V, Chapter VIII." The term "through Article 52-6" in Article 52-3 is 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 is 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) is 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) (including the cases where applied mutatis mutandis pursuant to Article 16-9, paragraph (1)), Article 16-10, Article 17, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 18, paragraph (1)), Article 18-2" in Article 56-2 is to be replaced with "Article 16-6, paragraph (1)." The term "Article 16-5, paragraphs (1) and (2), Article 16-8, paragraph (1), item (ii),

paragraph (3) and paragraph (4), item (i) (including the cases where applied mutatis mutandis to Article 16-9, paragraph (1)), 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 is to be replaced with "Article 16-5, paragraphs (1) and (2)." The term "Labour Policy Council" in Article 57 is 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 of Equal Opportunity and Treatment between Men and Women in Employment apply mutatis mutandis to conciliation by a conciliator appointed pursuant to the provisions of Article 52-5, paragraph (1) as applied by replacing terms pursuant to the provisions 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 is to be replaced with "a conciliator"; the term "the parties concerned" in Article 20, paragraph (1) is 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 the commission is established" in Article 21 thereof is 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 the conciliator is assigned", the term "Article 18, paragraph (1)" in Article 25, paragraph (1) thereof is to be replaced with "Article 52-5, paragraph (1) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members"; the term "pending before the commission" in Article 26 thereof is to be replaced with "handled by the conciliator"; the term "the preceding paragraph" in Article 31, paragraph (3) thereof is to be replaced with "Article 52-5, paragraph (1) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members."

(Special Provisions for Government Employees)

- Article 61 (1) The provisions of Chapters II through IX, Article 30, the preceding Chapter, Article 53, Article 54, Article 56, Article 56-2, the preceding Article, the following Article through Article 64 and Article 66 do not apply to 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 is to be replaced with "former employee who resigned due to childcare, etc. (which are prescribed in Article 27; the same applies hereinafter)"; and the term "subject

workers etc." in Article 34, paragraph (2) is to be replaced with "subject workers, etc. (which are prescribed in Article 30; the same applies hereinafter)."

- (3) An employee of an agency engaged in administrative execution prescribed in Article 2, paragraph (4) of the Act on the General Rules for Incorporated Administrative Agency (Act No. 103 of 1999) (referred to as the "agency engaged in administrative execution" 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), the employee is limited to a person who falls under both the items of the proviso of Article 11, paragraph (1) when the provisions of the proviso of the same paragraph applies to the employee) may, upon obtaining an approval of the head of the agency engaged in administrative execution for which the employee works, take leave in order to take care of a person who is a spouse, a parent, a child (including equivalent persons as specified by Order of the Ministry of Health, Labour and Welfare), or a parent of a spouse of the employee and who, due to injury, sickness, or physical or mental disability, has difficulty in leading daily life for a period specified by Order of the Ministry of Health, Labour and Welfare provided for in Article 2, item (iii) (referred to as a "family member in a condition that requires caregiving" hereinafter in this Article).
- (4) A period pursuant to the provisions of the preceding paragraph for which leave may be taken is to be a period that is found necessary and is specified by the head of the agency engaged in administrative execution (hereinafter referred to as "specified period" in paragraph (30)), based on a request by the employee prescribed in the preceding paragraph, with regard to each family member in a condition that requires caregiving, for each continued condition that requires caregiving prescribed in the same paragraph, up to three instances and not more than a total of 93 days.
- (5) The head of the agency engaged in administrative execution must, when an approval for leave is requested from an employee who intends to obtain the approval pursuant to the provisions of paragraph (3), approve the 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 does not apply if the 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 Order 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 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, the personnel is to be limited to a person who falls under both the items of the proviso of Article 11, paragraph (1) when the provisions of the proviso of the same paragraph applies to the person). In this case, the term "the head of the agency engaged in administrative execution for which the employee works" in paragraph (3) is 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 applies hereinafter in the following paragraph and paragraph (5))"; the term "the head of the agency engaged in administrative execution" in paragraph (4) is 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 "same paragraph" is to be replaced with "preceding paragraph"; the term "head of the agency engaged in administrative execution" in the preceding paragraph is 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 is 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 is 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 an agency engaged in administrative execution (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, the employee is 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 provisions of the proviso of Article 6, paragraph (1), as applied mutatis mutandis pursuant to Article 16-3, paragraph (2), apply to the person) and is taking care of a child before starting elementary school may, with the approval of the head of the agency engaged in administrative execution for which the employee works, obtain leave to take the care of the child as specified by Order 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 the child in the event of injury or sickness to the child.

- (8) The number of days for leave that the employee may obtain pursuant to the provisions of the preceding paragraph is to be up to 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 starting elementary school).
- (9) The leave according to the provisions of paragraph (7) may be taken in a unit of less than one day as prescribed in the Order of the Ministry of Health, Labour and Welfare by persons other than those prescribed by Order of the Ministry of Health, Labour and Welfare as employees of the agency engaged in administrative execution whose scheduled working hours per day are short.
- (10) The head of an agency engaged in administrative execution must, when an approval for leave is requested from an employee who intends to obtain the approval pursuant to the provisions of paragraph (7), approve the request, except in cases where the request would be found to impede the administration of business.
- (11) The provisions of paragraphs (7) through the preceding paragraph 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, the personnel is 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 provisions of the proviso of Article 6, paragraph (1), as applied *mutatis mutandis* pursuant to Article 16-3, paragraph (2), apply to the employee). In this case, the term "the head of the agency engaged in administrative execution for which the employee works" in the same paragraph is 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 applies hereinafter in paragraph (10)); the term "of the agency engaged in administrative execution" in paragraph (9) is to be replaced with "prescribed in Article 4, paragraph (1) of the Local Public Service Act; the term "the head of an agency engaged in administrative execution" in the preceding paragraph is 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 "employee" in the same paragraph is to be replaced with "employee prescribed in Article 4, paragraph (1) of the same Act"; and the term "business" in the

same paragraph is to be replaced with "public duties."

- (12) An employee of an agency engaged in administrative execution (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, the employee is to 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 provisions of the proviso of Article 6, paragraph (1), as applied mutatis mutandis pursuant to Article 16-6, paragraph (2), apply to the person) may, with the approval of the head of the agency engaged in administrative execution for which the employee works, obtain leave to take the care of a family member in a condition that requires caregiving of the employee as specified by Order of the Ministry of Health, Labour and Welfare set forth in Article 16-5, paragraph (1), including nursing care.
- (13) The number of days for leave that the employee may obtain pursuant to the provisions of the preceding paragraph is to be up to five days per year (or ten days in cases where the employee has two or more family members in a condition that requires caregiving).
- (14) The leave pursuant to paragraph (12) may be taken in a unit of less than one day as prescribed by Order of the Ministry of Health, Labour and Welfare by persons other than those prescribed in the Order of the Ministry of Health, Labour and Welfare as employees of the agency engaged in administrative execution whose scheduled working hours per day are short.
- (15) The head of an agency engaged in administrative execution must, when an approval for leave is requested from an employee who intends to obtain the approval pursuant to the provisions of paragraph (12), approve the request, except in cases where the request would be found to impede the administration of business.
- (16) The provisions of from paragraph (12) to the preceding paragraph 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, the personnel is to 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 provisions of the proviso of Article 6 paragraph (1), as applied mutatis mutandis pursuant to Article 16-6, paragraph (2), apply to the employee). In this case, the term "the head of the agency engaged in administrative execution for which the employee works" in paragraph (12) is 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 applies hereinafter in paragraph (15)); the term "of the agency engaged in administrative execution" in paragraph (14) is to be replaced with "prescribed in Article 4, paragraph (1) of the Local Public Service Act; the term "the head of an agency engaged in administrative execution" in the preceding paragraph is 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 "employee" in the same paragraph is to be replaced with "employee prescribed in Article 4, paragraph (1) of the same Act"; and the term "business" in the same paragraph is to be replaced with "public duties."

- (17) The head of an agency engaged in administrative execution must, in cases where an employee of the agency engaged in administrative execution 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, the employee is limited to a person who does not fall under any of the items of Article 16-8, paragraph (1) when the provisions of the same paragraph apply to the person) makes a request in order to take care of the child, approve the employee not working in excess of the scheduled working hours as long as no impediment to the administration of business is found.
- (18) The provisions set forth in the preceding paragraph apply mutatis mutandis to an employee of an agency engaged in administrative execution who is taking care of a family member in a condition that requires caregiving. In this case, the term "Article 16-8, paragraph (1)" in the same paragraph is to be replaced with "Article 16-8, paragraph (1), as applied mutatis mutandis pursuant to Article 16-9, paragraph (1)"; the term "any of the items of Article 16-8, paragraph (1)" is to be replaced with "any of the items of Article 16-8, paragraph (1), as applied mutatis mutandis pursuant to Article 16-9, paragraph (1)"; and the term "take care of the child" in the same paragraph is to be replaced with "take care of the family member in a condition that requires caregiving."
- (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 (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 applies 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, the personnel must be limited to a person who does not fall under any of the items of Article 16-8, paragraph (1) when the provisions of the same paragraph apply to the personnel), makes a request in order to take care of the 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.
- (20) The provisions of the preceding paragraph 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 condition that requires caregiving. In this case, the term "Article 16-8, paragraph (1)" in the same paragraph is to be replaced with "Article 16-8, paragraph (1), as applied mutatis mutandis pursuant to Article 16-9, paragraph (1)"; the term "any of the items of Article 16-8, paragraph (1)" is to be replaced with "any of the items of Article 16-8, paragraph (1), as applied mutatis mutandis pursuant to Article 16-9, paragraph (1)"; and the term "take care of the child" in the same paragraph is to be replaced with "take care of the family member in a condition that requires caregiving."
- (21) The head of an agency engaged in administrative execution 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 the agency engaged in administrative execution pursuant to the main clause of the same paragraph, when the employee who is taking care of a child before starting elementary school (when the provisions of Article 17, paragraph (1) apply, the employee is to be limited to a person who does not fall under any of the items therein) makes a request in order to take care of the child, approve not extending the employee's working hours beyond a limit (which is prescribed in Article 17, paragraph (1); the same applies in paragraph (23) of this Article) as long as no impediment is found to the administration of business.
- (22) The provisions set forth in the preceding paragraph apply mutatis mutandis to an employee of an agency engaged in administrative execution who is taking care of a family member in a condition that requires caregiving. In this case, the term "Article 17, paragraph (1)" in the same paragraph is 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" is 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 the child" in the same paragraph is to be replaced with "take care of the family member in a condition that requires caregiving."
- (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 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 the employee who is taking care of a child before starting elementary school (when the provisions of Article 17, paragraph (1) apply, the employee is limited to a person who does not fall under any of the items therein) makes a request in order to take care of the child, approve not extending the employee working hours beyond a limit as long as no impediment is found to the administration of public duties.

- (24) The provisions of the preceding paragraph 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 condition that requires caregiving. In this case, the term "Article 17, paragraph (1)" in the preceding paragraph is 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" is 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 the child" in the same paragraph is to be replaced with "take care of the family member in a condition that requires caregiving."
- (25) The head of an agency engaged in administrative execution must, in cases where an employee of the agency engaged in administrative execution who is taking care of a child before starting elementary school and does not fall under any of the items of Article 19, paragraph (1) when the provisions above apply to the employee, makes a request in order to take care of the child, approve the employee not working late-night (which is prescribed under the same paragraph; the same applies in paragraph (27) of this Article) as long as no impediment is found to the administration of business.
- (26) The provisions of the preceding paragraph apply mutatis mutandis to an employee of an agency engaged in administrative execution who is taking care of a family member in a condition that requires caregiving. In this case, the term "Article 19, paragraph (1)" in the same paragraph is 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" is 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 the child" in the same paragraph is to be replaced with "take care of the family member in a condition that requires caregiving."
- (27) 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 starting elementary school and does not fall under any of the items of Article 19, paragraph (1) when the provisions above apply to the person, makes a request in order to take care of the child, approve the employee not working late-night as long as no impediment is found to the administration of public duties.

- (28) The provisions of the preceding paragraph 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 condition that requires caregiving. In this case, the term "Article 19, paragraph (1)" in the preceding paragraph is 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 is 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 the child" in the same paragraph is to be replaced with "take care of the family member in a condition that requires caregiving."
- (29) An employee of an agency engaged in administrative execution (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, the employee is limited to a person who does not fall under any of the items of the proviso of Article 23, paragraph (3), when the provisions of the proviso of the same paragraph apply to the person) may, with the approval of the head of the agency engaged in administrative execution for which the employee works, take time off from part of his or her scheduled working hours to take the care of a family member in a condition that requires caregiving.
- (30) A period pursuant to the provisions of the preceding paragraph for which the employee can take time off his or her work is a period that is found necessary, up to two hours per day for a period of no more than three consecutive years (excluding the period which overlaps with the specified period pertaining to the family member in a condition that requires caregiving), with regard to each family member in a condition that requires caregiving, for each continued condition that requires caregiving prescribed in the same paragraph.
- (31) The head of an agency engaged in administrative execution must, when an approval for leave is requested from an employee who intends to obtain the approval pursuant to the provisions of paragraph (29), approve the request, except for the hours with regard to which the request would be found to impede the administration of business.
- (32) The provisions of paragraphs (29) through (31) apply mutatis mutandis to an employee prescribed in Article 4, paragraph (1) of the Local Public Service Act (in the case of an employee who is not required to work full-time other than

those who hold a part-time official post prescribed in Article 28-5, paragraph (1) of the same Act, the employee is limited to a person who does not fall under any of the items of the proviso of Article 23, paragraph (3), when the provisions of the proviso of the same paragraph apply to the person). In this case, the term "the head of the agency engaged in administrative execution for which the employee works" in paragraph (29) is to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 4, paragraph (1) of the Local Public Service Act; the term "the head of the agency engaged in administrative execution" in the preceding paragraph is 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 "employee" in the same paragraph is to be replaced with "employee prescribed in Article 4, paragraph (1) of the same Act"; and the term "business" in the same paragraph is to be replaced with "public duties."

(33) The head of the agency engaged in administrative execution must, with regard to workplace conduct towards an employee of the agency engaged in administrative execution concerning the use of childcare leave, as prescribed in Article 3, paragraph (1) of the Act on Childcare Leave of National Public Officers, leave pursuant to paragraph (3), or other systems prescribed by the Order of the Ministry of Health, Labour and Welfare pertaining to the raising of a child or taking care of a family member, provide counseling services to the employee, improve the system necessary for appropriately handling the matters, and take necessary measures of employment management so that the employee does not suffer any disadvantage in his or her working conditions.

(34) 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, with regard to workplace conduct towards an employee prescribed in Article 4, paragraph (1) of the same Act concerning the use of childcare leave, as prescribed in Article 2, paragraph (1) of the Act on Childcare Leave of Local Public Officers, leave pursuant to paragraph (3) as applied mutatis mutandis pursuant to paragraph (6), or other systems prescribed by the Order of the Ministry of Health, Labour and Welfare pertaining to the raising of a child or taking care of a family member, provide counseling services to the employee, improve the system necessary for appropriately handling the matters, and take necessary measures of employment management so that the employee does not suffer any disadvantage in his or her working conditions.

### **Chapter XIII Penal Provisions**

Article 62 A person who is engaged in the recruitment of workers in violation of a business suspension order pursuant to the provisions of Article 41, paragraph

(2) of the Employment Security Act as applied mutatis mutandis pursuant to Article 53, paragraph (5), is subject to imprisonment for 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 is subject to imprisonment for not more than 6 months or a fine of not more than 300,000 yen:

- (i) 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 is subject to a fine of not more than 300,000 yen:

- (i) 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);
- (ii) a person who divulges confidential information in violation of the provisions of Article 51, paragraph (1), as applied mutatis mutandis pursuant to Article 53, paragraph (5).

Article 65 If 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 the preceding three Articles with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is subject to the fine prescribed in the respective Article.

Article 66 A person who fails to submit a report or makes a false report pursuant to the provisions of Article 56 is subject to a non-criminal fine of not more than 200,000 yen.

#### **Supplementary Provisions [Extract]**

(Effective Date)

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

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

(Effective Date)

Article 1 This Act comes 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 is to take necessary measures based on a comprehensive review of the system, etc. of childcare leave, etc. regarding persons employed for a fixed period of time, by considering the implementation of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other family members revised by the provisions 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 provisions 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 the 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] [Extract]**

(Effective Date)

Article 1 This Act comes 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 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 provisions in Article 2 to revise the table of contents of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (limited to the part

revising "Chapter VIII Resolution of Disputes (Article 52-2 - Article 52-4)" to "Chapter XI 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 provisions 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 provisions to revise Article 60, paragraph (1) (limited to the part revising "Article 53, Article 54" to "Articles 52-6 through 54"), the provisions 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 is 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 is 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 is 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) is to be replaced with 'a conciliator appointed from among those listed in the mediator candidate list set forth in Article 21, paragraph (3).")", the provisions to add one paragraph to Article 60, the provisions to add the name of section before Article 52-2 in Chapter VIII, the provisions to revise Article 52-3, the provisions to add one section after Article 52-4 in Chapter VIII, the provisions to revise Article 38, the provisions 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 Continuously Employing Not More Than 100 Workers)

Article 2 The provisions of Chapter V, Chapter VI, and Articles 23 through 24 of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members revised pursuant to the provisions of Article 2 (hereinafter referred to as the "New Act") do 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 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 Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members prior to revision pursuant to the provisions of Article 2 remain in force.



(Transitional Measures for Applications for Childcare Leave)

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

(Transitional Measures for Special Provisions for the Promotion of Dispute Resolution)

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 provisions 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 provisions of Article 5, paragraph (1) of the same Act as applied by replacing terms pursuant to the provisions of Article 21, paragraph (1) of the same Act, the provisions in force at the time of the relevant dispute remain applicable, notwithstanding the provisions of Article 52-3 of the New Act (including the cases where applied by replacing terms pursuant to the provisions of Article 60, paragraph (2) of the New Act).

(Transitional Measures for Penal Provisions)

Article 5 With regard to the application of penal provisions to acts committed prior to the effective date listed in Article 1, item (ii) of the Supplementary Provisions, the provisions that were in force at the time of commitment of that act remain applicable.

(Delegation to Cabinet Orders)

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

(Review)

Article 7 When five years have elapsed after the enforcement of this Act, the

government is to 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]  
[Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 17 of March 31, 2016 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of January 1, 2017; provided, however, that the provisions listed in the following items comes into effect as of the day set forth in the respective items:

- (i) provisions of Article 7 as well as provisions of Articles 13, 32, and 33 of the Supplementary Provisions: Date of promulgation

(Transitional Measures concerning Special Provisions for Promoting Resolution of Disputes Regarding the Act on Securing of Equal Opportunity and Treatment of Men and Women in Employment)

Article 11 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) that are actually pending at the time of enforcement of this Act before the Dispute Coordinating Committee set forth in Article 6, paragraph (1) of the same Act or a mediator appointed pursuant to the provisions of Article 5, paragraph (1) of the same Act as applied by replacing terms pursuant to the provisions of Article 21, paragraph (1) of the same Act, the provisions that were in force at the time of the dispute remain applicable, notwithstanding the provisions of Article 16 of the Act on Securing of Equal Opportunity and Treatment between Men and Women in Employment, as revised pursuant to the provisions of Article 5, and the provisions of Article 52-3 of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members, as revised pursuant to the provisions of Article 8.

(Transitional Measures concerning Penal Provisions)

Article 13 With regard to the application of penal provisions to actions taken prior to the enforcement of the provisions listed in Article 1, item (i) of the

Supplementary Provisions, the provisions in force at the time when the actions were taken remain applicable.

(Review)

Article 14 When five years have elapsed after the enforcement of this Act, the government is to review the status of enforcement of the provisions revised by the provisions of Articles 5, 6, and 8 and, if necessary, take required measures based on the results of the review.

(Referral of Other Transitional Measures to Cabinet Order)

Article 33 In addition to what is provided for in these Supplementary Provisions, the transitional measures required for the enforcement of this Act are prescribed by Cabinet Order.

**Supplementary Provisions [Act No. 14 of March 31, 2017 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2017; provided, however, that the provisions listed in the following items comes into effect as of the day set forth in the respective items:

(i) in Article 1, the provisions for revision by addition of one Article after Article 64 of the Employment Insurance Act and the provisions of Article 35 of the Supplementary Provisions: Date of promulgation;

(ii) omitted;

(iii) in Article 2, the provisions for revision of Article 61-4, paragraph (1) and the provisions of Article 7 of the Employment Insurance Act (excluding the provisions listed in the following item), as well as the provisions of Articles 15, 16, and 23 through 25 of the Supplementary Provisions: October 1, 2017;

(iv) in Article 2, the provisions of Article 10-4, paragraph (2), Article 58, paragraph (1), Article 60-2, paragraph (4), Article 76, paragraph (2), and Article 79-2 of the Employment Insurance Act; the provisions for revision of Article 11-2, paragraph (1) and the provisions for revision of paragraph (3) of the same Article (limited to the part for revising "fifty out of one hundred" to "eighty out of one hundred"), and the provisions of Article 4 of the Supplementary Provisions; in Article 7, Article 53, paragraphs (5) and (6), and the provisions for revision of Article 64 of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members; the provisions of Articles 5 through 8 and the provisions of Article 10 of the Supplementary Provisions; in Article 13 of the Supplementary Provisions, the provisions for revision of Article 10,

paragraph (10) item (v) of the Act on National Public Officers' Retirement Allowance (Act No. 182 of 1953); the provisions of Article 14, paragraph (2) and Article 17 of the Supplementary Provisions; the provisions of Article 18 (excluding the provisions listed in the following item) of the Supplementary Provisions; in Article 19 of the Supplementary Provisions, the provisions for revision of Article 38, paragraph (3)(limited to the part for revising "Article 4, paragraph (8)" through "Article 4 paragraph (9)") of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971); in Article 20 of the Supplementary Provisions, the provisions for revision with regard to the paragraph of Article 4, paragraph (8) in the table of Article 30, paragraph (1), and the paragraphs of Articles 32-11 through 32-15, Article 32-16, paragraph (1), Article 51, and the paragraphs of Article 48-3 and Article 48-4, paragraph (1) of the Act on the Improvement of Employment of Construction Workers (Act No. 33 of 1976); the provisions of Articles 21 and 22, Articles 26 through 28, and Article 32 of the Supplementary Provisions; and the provisions of Article 33 (excluding the provisions listed in the following items) of the Supplementary Provisions: January 1, 2018

- (Preparation Prior to Enforcement Regarding Applications for Childcare Leave)
- Article 11 (1) A worker who intends to file an application pursuant to the provisions of Article 5 paragraph (4) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (hereinafter referred to as "New Act" in this Article and the following Article paragraph (2)), as revised pursuant to the provisions of Article 7, on and after the day on which the provisions listed in Article 1, item (iii) of the Supplementary Provisions come into force (hereinafter referred to as effective date of item (iii)" in this Article) in order to take childcare leave prescribed in Article 5, paragraph (4) (meaning the childcare leave as prescribed in Article 2, item (i) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members; the same applies in the following Article paragraph (2)) may file the application in accordance with the provisions of the same paragraph and paragraph (6) of the same Article even prior to the effective date of item (iii).
- (2) The Minister of Health, Labour and Welfare may request consultation with the Labour Policy Council whenever intending to establish an Order of the Ministry of Health, Labour and Welfare pursuant to Article 5, paragraph (4), item (ii) of the New Act even prior to the effective date for item (iii).

(Review)

Article 12 (2) Approximately five years after the execution of this Act, the

government is to take into consideration the status of enforcement of the provisions of the New Act, demand for childcare and the status of services provided, status of acquisition of childcare leave by male workers, status of employment by female workers after taking childcare leave, and changes to other circumstances, review the provisions concerning the New Act, and, if necessary, take required measures based on the results of the review.

(Transitional Measures Regarding Penal Provisions)

Article 34 With regard to the application of penal provisions to actions taken prior to the enforcement of this Act (in the case of the provisions listed in Article 1, item (iv) of the Supplementary Provisions, the provisions), the provisions in force at the time when such an action was taken remains applicable.

(Referral of other Transitional Measures to Cabinet Orders)

Article 35 Beyond what is provided for in these Supplementary Provisions, the transitional measures required for the enforcement of this Act are prescribed by Cabinet Order.