

# **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 continuation of the employment, and the re-employment of the workers who engage in childcare and caregiving for family members, by establishing a system for childcare leave and caregiver leave, and, a system for short-term leave for sick/injured childcare and short-term leave for caregivers, prescribing the measures to be taken by employers regarding scheduled working hours in order to facilitate childcare and caregiving for family members as well as taking measures to support those workers, thereby to promote the welfare of those workers by contributing to the balance of their working and family lives, while contributing to the development of the economy and society

### (Definitions)

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed respectively in those items (excluding Article 9-7 as well as Article 61, paragraphs (33) and (36) 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 24, Article 25, paragraph (1), Article 25-2, paragraphs (1) and (3), Article 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 a person 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 as applied mutatis mutandis pursuant to the provisions of 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 caregiving to an applicable family member requiring caregiving;
- (iii) requiring caregiving: a condition in which constant caregiving is required for a period specified by Order of the Ministry of Health, Labour and Welfare due to injury, sickness, or physical or mental disability;
- (iv) applicable 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 and 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: applicable family members and other relatives as specified by Order of the Ministry of Health, Labour and Welfare.

(Basic Principles)

Article 3 (1) The promotion of the welfare of workers who engage in childcare and caregiving for family members under the provisions of this Act 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 in terms of raising their children or providing caregiving for family members.

- (2) Workers who take leave in order to engage in childcare and caregiving for family members must endeavor to make efforts for a smooth return to work in 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 the workers who engage in childcare and caregiving for family members.

## **Chapter II Childcare Leave**

(Application for Childcare Leave)

Article 5 (1) A worker may take childcare leave (excluding the parental leave prescribed in Article 9-2, paragraph (1); the same applies in this Article through Article (9) upon applying to their employer if the child that worker takes care of is less than one year of age; provided, however, that a person employed for a fixed period of time may only file that application in cases where it is not clear that the term of that person's labor contract (or, if the labor contract has been renewed, the renewed labor contract; the same applies in paragraph (3), Article 9-2, paragraph (1), and Article 11, paragraph (1)) expires before the date on which the child that worker takes care of reaches one year and six months of age.

- (2) Notwithstanding the provisions of the preceding paragraph, a worker who has taken childcare leave (excluding childcare leave to be taken based on the application for childcare leave set forth in paragraph (7)) twice within the period before the date on which the child that worker takes care of reaches one year of age (hereinafter referred to as "date on which the child reaches one year of age") (excluding the period during which the worker does not take care of that child) may not file the application under the provisions of the preceding paragraph with regard to that child, 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 (or, in cases where there are special circumstances specified by Order of the Ministry of Health, Labour and Welfare, when that worker falls under item

- (ii)); provided, however, that a worker employed for a fixed term (excluding a worker who takes childcare leave on the date on which the child reaches one year of age and files an application in which the day following that day is deemed as the scheduled start date for childcare leave set forth in paragraph (6)) may only file that application, in cases where it is not clear that their labor contract expires before the date on which the child reaches one year and six months of age.
- (i) the worker or the worker's spouse is taking childcare leave for a child in the application until the date on which the child reaches one year of age;
  - (ii) leave during the period after the date on which the child reaches one year of age falls under the 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; and
  - (iii) the worker has never taken childcare leave based on the application under the provisions of this paragraph for any period after the date on which the child reaches one year of age.
- (4) A worker may take childcare leave upon applying to their employer if the child that worker takes care of is between one year and six months and two years of age, only when that worker falls under both of the following items (or, in cases where there are special circumstances specified by Order of the Ministry of Health, Labour and Welfare referred to in the preceding paragraph, if that worker falls under item (ii)).
- (i) the worker or the worker's spouse is taking childcare leave for a child in the application on the day on which the child reaches one year and six months of age (hereinafter referred to as "date on which the child reaches one year and six months of age");
  - (ii) leave during the period after the date the child reaches one year and six months of age falls under the 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; and
  - (iii) the worker has never taken childcare leave under the application under the provisions of this paragraph for any period after the date on which the child reaches one year and six months of age.
- (5) The provisions of the proviso of paragraph (1) apply mutatis mutandis to the application pursuant to the provisions of the preceding paragraph. In this case, the term "one year and six months" in the proviso of paragraph (1) is deemed to be replaced with "two years."
- (6) An application under 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 the first day thereof clear (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 set forth in the following items must be filed by deeming the day prescribed respectively in those items as the scheduled start date for childcare leave, except in cases where there are special circumstances specified by Order of the Ministry of Health, Labour and Welfare referred to in paragraph (3).

(i) application under the provisions of paragraph (3): the day following the date on which a child in the application reaches one year of age (or, in cases where a spouse of the applying worker takes childcare leave upon filing the application under the provisions of the same paragraph, the day or prior to the day following the scheduled end date for that childcare leave); or

(ii) application under the provisions of paragraph (4): the day following the date on which a child in the application reaches one year and six months of age (or, if a spouse of the applying worker takes childcare leave upon filing an application under the provisions of the same paragraph, the day or prior to the day following the scheduled end date for that childcare leave).

(7) The provisions of the proviso of paragraph (1), paragraph (2), paragraph (3) (excluding items (i) and (ii)), paragraph (4) (excluding items (i) and (ii)), 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 that 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.

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

Article 6 (1) Employers may not, when an application for childcare leave is filed by a worker, refuse the application for childcare leave; 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 set forth 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 date on which one month (or two weeks when an application is filed pursuant to the provisions of paragraph (3) of the preceding Article (limited to the date of the application occurring on or prior to the date on which a child in the application reaches one year of age) or when an application is filed pursuant to the provisions of paragraph (4) of the preceding Article (limited to the date of the application occurring on or prior to the date on which a child in the application reaches one year and six months of age) from the day following the date of the relevant application for childcare leave) elapses (referred to as "one month 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 expiry date (or a day which falls before the one month expiry date and which is specified by Order of the Ministry of Health, Labour and Welfare in cases where there are 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 are 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 of 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 change the scheduled end date for the childcare leave to the day which falls after the scheduled end date for the childcare leave only once in the application, by notifying the employer on or before the day specified by Order of the Ministry of Health, Labour and Welfare.

#### (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 the application filed under the provisions of Article 5, paragraph (1) pursuant to the provisions of the preceding paragraph is deemed to have taken childcare leave based on the application with regard to application of the provisions of paragraph (2) of the same Article.
- (3) A worker who has withdrawn an application for childcare leave under the provisions of Article 5, paragraph (3) or (4) pursuant to the provisions of paragraph (1) 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 in the application under those provisions, notwithstanding the provisions of paragraphs (3), and

(4) of the same Article.

- (4) In the event that there are reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker comes to cease childcare 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 to the effect that those reasons have occurred.

(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) In cases where any of the circumstances listed in the following items occurs, the period of childcare leave ends on the day on which the relevant circumstance occurs (or, in cases where the circumstance set forth in item (iii) occurs, the preceding day), notwithstanding the provisions of the preceding paragraph:

(i) on or before the day preceding the scheduled end date for childcare leave, there are reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker comes to cease childcare 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 (Act No. 49 of 1947), a period of parental leave prescribed in Article 9-5, paragraph (1) of this 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 (4) of the preceding Article apply mutatis mutandis to cases where there are reasons specified by

Order of the Ministry of Health, Labour and Welfare provided for in item (i) of the preceding paragraph.

(Application for Parental Leave)

Article 9-2 (1) A worker may take parental leave (meaning the childcare leave that is to be taken pursuant to the provisions of this Article through Article 9-5 by designating a period of not more than four weeks during the period between the date of birth of the child and the day following the date on which eight weeks elapse from the date of birth of the child (or, in cases where the child is born before the expected date of confinement, the period between the date of birth of the child and the day following the date on which eight weeks elapse from the expected date of confinement or, in cases where the child is born after the expected date of confinement, the period between the relevant expected date of confinement and the day following the date on which eight weeks elapse from the date of birth; the same applies in item (i) of the following paragraph); the same applies hereinafter) for the child that worker takes care of upon applying to their employer; provided, however, that a person employed for a fixed period of time may only file that application in cases where it is not clear that the term of that person's labor contract expires before the day on which six months elapse from the day following the day on which eight weeks elapse from the date of birth of the child that person takes care of (or, in cases where the relevant child is born before the expected date of confinement, the expected date of confinement).

(2) Notwithstanding the provisions of the preceding paragraph, a worker may not file an application under the provisions of the preceding paragraph with regard to the child that worker takes care of, in cases where the worker falls under either of the following items:

(i) when a worker has taken parental leave (excluding the parental leave taken based on the application for parental leave set forth in paragraph (4)) twice within the period before the day following the day on which eight weeks elapse from the date of birth of the child (excluding the period during which the worker does not take care of the child); or

(ii) when the number of days during which a worker takes parental leave on and after the date of birth of the child (or, in cases where the relevant child is born after the expected date of confinement, the expected date of confinement) (referring to the number of days between the day on which the worker starts the parental leave and the day on which the worker ends the parental leave; the same applies in Article 9-5, paragraph (6), item (iii)) reaches twenty-eight days.

(3) The application under the provisions of paragraph (1) (hereinafter referred to as "application for parental leave") must be filed, with regard to a continued

period for parental leave, by making clear the first day thereof (hereinafter referred to as the "scheduled start date for parental leave") and the last day thereof (hereinafter referred to as the "scheduled end date for parental 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 parental leave having designated the last day of the labor contract period as the scheduled end date for parental leave (or, in cases where the relevant scheduled end date for parental leave is changed pursuant to the provisions of Article 7, paragraph (3) as applied mutatis mutandis pursuant to the provisions of Article 9-4, the changed scheduled end date for parental leave) files an application for parental 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 parental leave.

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

Article 9-3 (1) Employers may not, when an application for parental leave is filed by a worker, refuse the application for parental leave; provided, however, that this does not apply to cases where a new application for parental leave is filed by a worker with regard to a child that worker has already been taking care of on the day on which the application for parental leave had been filed by that worker after the application for parental leave is filed by that worker with regard to a child that worker takes care of.

- (2) The provisions of Article 6, the proviso of paragraph (1) and paragraph (2) apply mutatis mutandis to cases where a worker files an application for parental leave. In this case, the term "the proviso of the preceding paragraph" in the same paragraph is deemed to be replaced with "Article 9-3, the proviso of paragraph (1) and the proviso of the preceding paragraph as applied mutatis mutandis pursuant to Article 9-3, paragraph (2)," and the term "paragraphs (1), (3) and (4) of the preceding Article" in the same paragraph is deemed to be replaced with "Article 9-2, 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 parental leave, when the scheduled start date for parental leave in the application falls before the day on which two weeks elapse from the day following the date of the relevant application (referred to as "two weeks expiry date" hereinafter in this paragraph), designate as the scheduled start date for parental leave any day during the period between the scheduled start date for parental leave and the two weeks expiry date (or, in cases where there are reasons specified by Order of the Ministry of Health, Labour and Welfare provided for in Article 6, paragraph (3) before the day of the application for parental leave, a day which

falls before the two weeks expiry date and which is specified by Order of the Ministry of Health, Labour and Welfare).

- (4) In regard to the application of the provisions under the preceding paragraph in cases where the following matters are set forth in a written agreement between the employer and a labor union, if any, organized by a majority of workers at the place of business where the worker is employed or, when there is no labor union organized by the majority of workers at the place of business where the worker is employed, a person who represents the majority of workers, the term "the day on which two weeks elapse (referred to as "two week expiry date" hereinafter in this paragraph) in the same paragraph refers to "the day on which the period set forth in item (ii) of the following paragraph elapse," and "the two week expiry date" in the same paragraph refers to "the day on which the period set forth in the same item elapsed."
- (i) details of improvement of the employment environment and other measures specified by Order of the Ministry of Health, Labour and Welfare for the purpose of smooth implementation of applications for parental leave; and
- (ii) period between the day following the day on which an application for parental leave is filed for which an employer may designate the scheduled start date for parental leave in the application for parental leave and the day designated as the scheduled start date for parental leave (limited to a period of over two weeks but not more than one month).
- (5) The provisions of the proviso of paragraph (1) and the preceding three paragraphs do not apply to cases where a worker files an application for parental leave prescribed in paragraph (4) of the preceding Article.

(Applications, Mutatis Mutandis)

Article 9-4 The provisions of Article 7, and Article 8, paragraphs (1), (2) and (4) apply mutatis mutandis to applications for parental leave, and the scheduled start date for parental leave and scheduled end date for parental leave. In this case, the term "(paragraph (3) of the preceding Article" in Article 7, paragraph (1) is deemed to be replaced with "(Article 9-3, paragraph (3) (including the cases where applied by replacing terms pursuant to the provisions of paragraph (4) of the same Article)"; the term "one month" in paragraph (2) of the same Article is deemed to be replaced with "two weeks"; the term "paragraph (3) of the preceding Article" in paragraph (2) of the same Article is deemed to be replaced with "paragraph (3) of Article 9-3 (including the cases where applied by replacing terms pursuant to the provisions of paragraph (4) of the same Article)"; the term "Article 6, paragraph (3) or paragraph (2) of the preceding Article" in Article 8, paragraph (1) is deemed to be replaced with "Article 9-3, paragraph (3) (including the cases where applied by replacing terms pursuant to the provisions of paragraph (4) of the same Article) or

paragraph (2) of the preceding Article as applied mutatis mutandis pursuant to Article 9-4"; the term "paragraph (1) of the same Article" in Article 8, paragraph (1) is deemed to be replaced with "paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to Article 9-4"; and the term "paragraph (2) of the same Article" in Article 8, paragraph (2) is deemed to be replaced with "Article 9-2, paragraph (2)."

(Period of Parental Leave)

Article 9-5 (1) The period for which a worker who has filed an application for parental leave may take that parental leave (hereinafter referred to as the "period of parental leave") is between the scheduled start date for parental leave (or, in cases where an employer designates any day pursuant to the provisions of Article 9-3, paragraph (3) (including the cases where applied by replacing terms pursuant to the provisions of paragraph (4) of the same Article) or Article 7, paragraph (2) as applied mutatis mutandis in the preceding Article, the day designated by that employer or, in cases where the scheduled start date for parental leave is changed pursuant to the provisions of Article 7, paragraph (1) as applied mutatis mutandis in the preceding Article, the changed scheduled start date for parental leave; the same applies hereinafter in this Article) and the scheduled end date for parental leave (or, in cases where the scheduled end date for parental leave is changed pursuant to the provisions of Article 7, paragraph (3) as applied mutatis mutandis in the preceding Article, the changed scheduled end date for parental leave; the same applied in paragraph (6)).

- (2) A worker who has filed an application for parental leave (limited to the person falling under the worker who is set forth as a person who is permitted to work during the period of parental leave under a written agreement between the employer and a labor union, if any, organized by a majority of workers at the place of business where the worker is employed or, when there is no labor union organized by the majority of workers at the place of business where the worker is employed, persons who represent the majority of workers) may apply to that worker's employer for dates on which the worker can work during the period of parental leave in the application or other matters specified by Order of the Ministry of Health, Labour and Welfare (referred to as "days available for work or other matters" hereinafter in this Article) for any period before the day preceding the scheduled start date for parental leave in the application.
- (3) A worker who has filed an application pursuant to the provisions of the preceding paragraph may change the days available for work or other matters in the application or withdraw the application upon applying to their employer, on or before the day preceding the scheduled start date for parental leave in the application.

- (4) In cases where a worker has filed an application pursuant to the provisions of paragraph (2) (including the application for change pursuant to the provisions of the preceding paragraph), the employer may propose the time and date within the scope of the days available for work or other matters in the application (or, in cases where the days available for work or other matters are changed pursuant to the provisions of the preceding paragraph, the changed days available for work or other matters) and permit that worker to work on that time and date within the scope as prescribed by Order of the Ministry of Health, Labour and Welfare, only with the consent of that worker on or prior to the day preceding the scheduled start date for parental leave in the application pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (5) The worker who has given the consent referred to in the preceding paragraph may withdraw a part of or the entire consent; provided, however, that this applies only in cases where there are special circumstances specified by Order of the Minister of Health, Labour and Welfare on and after the scheduled start date for parental leave in the application pursuant to the provisions of paragraph (2).
- (6) In cases where any of the circumstances listed in the following items occurs, the period of parental leave ends, notwithstanding the provision of paragraph (1), on the day on which the relevant circumstance occurs (or, in cases where the circumstance set forth in item (iv) occurs, the previous day):
- (i) there are reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker comes to cease childcare subject to the application for parental leave, such as the death of the child, on or before the day preceding the scheduled end date for parental leave;
  - (ii) eight weeks from the day following the date of birth of the child subject to the application for parental leave (or, in cases where the child is born before the expected date of confinement, the day following the expected date of confinement) have elapsed on or before the day preceding the scheduled end date for parental leave;
  - (iii) the number of days during which the worker takes parental leave after the date of birth of the child subject to the application for parental leave (or, in cases where the child is born after the expected date of confinement, the expected date of confinement) has reached twenty-eight days on or before the day preceding the scheduled end date for parental leave; or
  - (iv) a period of leave taken pursuant to the provisions of Article 65, paragraph (1) or (2) of the Labor Standards Act, a period of childcare leave, a period of caregiver leave prescribed in Article 15, paragraph (1), or a new period of parental leave has begun with regard to a worker who has filed the application for parental leave on or before the scheduled end date for

parental leave.

- (7) The provisions of the second sentence of Article 8, paragraph (4) apply mutatis mutandis to cases where there are reasons specified by Order of the Ministry of Health, Labour and Welfare referred to in item (i) of the preceding paragraph.

(Special Provisions for Childcare Leave Taken by Spouses for the Same Child)  
Article 9-6 (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 9-6, paragraph (1))"; the term "date on which the child reaches one year of age" in the proviso of Article 5, paragraph (3) is to be replaced with "date on which 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 9-6, 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 9-6, paragraph (1) falls after the date on which the child reaches one year of age, that scheduled end date for childcare leave)"; the term "or the worker's spouse... the date on which the child reaches one year of age" in Article 5, paragraph (3), item (i) is to be replaced with "...takes childcare leave on the date on which 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 9-6, 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 9-6, paragraph (1) falls after the date on which the child reaches one year of age, the scheduled end date for childcare leave), or the worker's spouse ...the date on which 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 9-6, paragraph (1)) regarding an application filed by the worker's spouse pursuant to the provisions of paragraph (1) as applied by replacing terms pursuant to the provisions of Article 9-6, paragraph (1) falls after the date on which the child reaches one year of age, the relevant scheduled end date for childcare leave)";

the term "date on which the child reaches one year of age" in item (iii) of the same paragraph is to be replaced with "date on which the child reaches one year of age (or, 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 9-6, paragraph (1)) regarding an application filed by the worker taking care of the child pursuant to the provisions of paragraph (1) as applied by replacing terms pursuant to the provisions of Article 9-6, paragraph (1) falls after the date on which the child reaches one year of age, the scheduled end date for childcare leave)"; the term "date on which the child reaches one year of age" in Article 5, paragraph (6), item (i) is to be replaced with "date on which 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 9-6, paragraph (1)) regarding an application filed by the worker taking care of the child pursuant to the provisions of paragraph (1) as applied by replacing terms pursuant to the provisions of Article 9-6, paragraph (1) falls after the date on which 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 same applies in the paragraph (3) of the following Article); the term "the changed scheduled end date for childcare leave; ... the following paragraph" in Article 9, paragraph (1) 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 Article 9-6, paragraph (1)) (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 may be taken (the number of days from the date of birth of the child subject to childcare leave to the date on which the child reaches one year of age) the number of days for the childcare leave taken (meaning the total number of days of the leave taken by the worker pursuant to the provisions of Article 65, paragraph (1) or (2) of the Labor Standards Act (Act No. 49 of 1947) and days of the childcare leave and the parental leave specified in paragraph (1) of the following Article 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 following paragraph (including cases where applied by replacing terms pursuant to the provisions of Article 9-6, paragraph (1))"; 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 Article 9-6, paragraph (3) of the same Article (including the cases where applied by replacing terms pursuant to the of Article 9-6, paragraph (1))"; the term "paragraphs (4) of the same Article" in Article 9, paragraph (2), item (ii) is to be replaced with "Article 5, paragraph (4)"; the term "one year of age" in Article 24, paragraph (1), item (i) is to be replaced with "one year of age (or, 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 9-6, paragraph (1), one year and two 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 Public Employees)

Article 9-7 With regard to the application of the provisions of Article 5, paragraphs (3), (4), and (6) 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 as applied mutatis mutandis pursuant to the provisions of 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), (3) or (4), respectively.

(Prohibition of Disadvantageous Treatment)

Article 10 An employer must not dismiss or otherwise treat a worker disadvantageously due to the worker having filed an application for childcare leave (meaning the application for childcare leave and the application for parental leave; the same applies hereinafter) or having taken childcare leave,

or not having filed the application pursuant to the provisions of Article 9-5, paragraph (2) or not having given the consent referred to in paragraph (4) of the same Article, or such other causes related to the provisions of paragraphs (2) through (5) of the same Article as specified by Order of the Ministry of Health, Labour and Welfare.

### **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 a worker employed for a fixed period of time may only file that application in cases where it is not clear that the term of the person's labor contract expires before the day on which six months elapse from the day on which ninety-three days elapse from the scheduled start date for caregiver leave prescribed in paragraph (3).
- (2) Notwithstanding the provisions of the preceding paragraph, a worker who has taken caregiver leave may not file an application under the provisions of the preceding paragraph with regard to an applicable family member for whom the worker has already taken caregiver leave in cases where the relevant applicable family member falls under any of the following items:
- (i) with regard to the applicable family member, caregiver leave has been taken three times; or
  - (ii) with regard to the applicable 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") has reached 93 days.
- (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 applicable family member in the application for caregiver leave is requiring caregiving and, with regard to a continued period for caregiver leave pertaining to the applicable 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, when an application for caregiver leave is filed by a worker, refuse the application for caregiver leave.

(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 the same paragraph is deemed to be replaced with "the proviso of the preceding paragraph, as applied mutatis mutandis pursuant to Article 12, paragraph (2)," and the term "paragraphs (1), (3) and (4) of the preceding Article" in the same paragraph is deemed 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 the caregiver leave in the application falls before the day on which two weeks from the day following the date of the application elapse (referred to as "two week expiry date" hereinafter in this paragraph), designate as the scheduled start date for the caregiver leave any day during the period from the scheduled start date for the 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.

(Application for a Change to the Scheduled End Date 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 the 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 (4), 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 the 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 applicable family member subject to the withdrawal is withdrawn, an employer may refuse a subsequent application for caregiver leave with regard to the applicable family member, notwithstanding the provisions of Article 12, paragraph (1).
- (3) The provisions of Article 8, paragraph (4) apply mutatis mutandis to an application for caregiver leave. In this case, the terms "child" and "childcare" in the same paragraph are deemed to be replaced respectively with "applicable family member" and "caregiving."

(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 applicable 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 the provisions of Article 13, means the changed scheduled end date for caregiver leave.
- (3) In cases where any of the circumstances listed in the following items occurs, the period of caregiver leave ends on the day on which the relevant circumstance occurs (or, in cases where the circumstance set forth in item (ii) occurs, the preceding day), notwithstanding the provisions of paragraph (1):
  - (i) on or before the day preceding the scheduled end date for caregiver leave, there are reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker comes to cease caregiving of the applicable family member subject to an application for caregiver leave, such as the death of the applicable 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, a period of parental 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 (4) apply mutatis mutandis to cases where there are reasons specified by Order of the Ministry of Health, Labour and Welfare provided for in item (i) of the preceding paragraph

(Prohibition of Disadvantageous Treatment)

Article 16 An employer must not dismiss or otherwise treat a worker disadvantageously due to the worker having filed an application for caregiver leave or having taken caregiver leave.

#### **Chapter IV Short-term Leave for Sick/Injured Childcare**

(Applications for Short-term Leave 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 short-term 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 "short-term leave 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) Short-term leave 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 short-term leave for sick/injured childcare (in the case of taking short-term leave 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 short-term leave 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 Short-term Leave for Sick/Injured Childcare is Filed)

Article 16-3 (1) Employers may not, when an application pursuant to the provisions of paragraph (1) of the preceding Article is filed by a worker, refuse

the application.

- (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 deemed to be replaced with "six months"; the term "a person specified ... " in item (ii) of the same paragraph is deemed 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 short-term leave 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 short-term leave 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 deemed to be replaced with "the proviso of the preceding paragraph, as applied mutatis mutandis pursuant to Article 16-3, paragraph (2)"; and the term "paragraphs (1), (3) and (4) of the preceding Article" in paragraph 2 of the same Article is deemed to be replaced with "Article 16-2, paragraph (1)."

(Applications, Mutatis Mutandis)

- Article 16-4 The provisions of Article 16 apply mutatis mutandis to applications and short-term leave for sick/injured childcare pursuant to the provisions of Article 16-2, paragraph (1).

## **Chapter V Short-term Leave for Caregiver**

(Applications for Short-term Leave for Caregiver)

- Article 16-5 (1) A worker who looks after a applicable family member requiring caregiving as specified by Order of the Ministry of Health, Labour and Welfare, including caregiver, may obtain short-term leave to look after the applicable family member (hereinafter referred to as "short-term leave for caregiver") 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 applicable family members requiring caregiving).
- (2) Short-term leave for caregiver may be obtained in a unit of less than one day as prescribed in 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 applicable family member subject to the application is requiring caregiving and the days required as short-term leave for caregiver (in the case of taking short-term leave 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 short-term leave for caregiver), 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 Short-term Leave for Caregiver is Filed)

Article 16-6 (1) Employers may not, when an application pursuant to the provisions of paragraph (1) of the preceding Article is filed by a worker, refuse the application.

- (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 deemed to be replaced with "six months"; the term "a person specified ... " in item (ii) of the same paragraph is deemed 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 short-term leave for caregiver 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 short-term leave 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 deemed to be replaced with "the proviso of the preceding paragraph, as applied mutatis mutandis pursuant to Article 16-6, paragraph (2)"; and the term "paragraphs (1), (3) and (4) of the preceding Article" in paragraph (2) of the same Article is deemed to be replaced with "Article 16-5, paragraph (1)."

(Applications, Mutatis Mutandis)

Article 16-7 The provisions of Article 16 apply mutatis mutandis to applications and short-term leave for caregiver pursuant to the provisions of 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 set forth 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 as the "limited period" in paragraph (4)), 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 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. 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 as applied *mutatis mutandis* pursuant to the provisions of 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 childcare 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 to the effect that those reasons have occurred.
- (4) In cases where any of the circumstances listed in the following items occurs, the limited period ends on the day on which the relevant circumstance occurs (or, in cases where the circumstance set forth in item (iii) occurs, the preceding

day):

- (i) on or before the day preceding the scheduled end date of the limited period, there are reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker comes to cease childcare 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, a period of parental 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 are 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 an applicable family member requiring caregiving. In this case, the term "take care of the child" in paragraph (1) of the same Article is deemed to be replaced with "provide caregiving for the applicable family member", and the terms "child" and "childcare" in paragraph (3) and paragraph (4) item (i) of the same Article are deemed to be replaced respectively with "applicable family member" and "caregiving."

- (2) The provisions of the second sentence of paragraph (3) of the preceding Article apply mutatis mutandis to cases where there are 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 as applied mutatis mutandis pursuant to the provisions of 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 the employer may extend a worker's working hours as prescribed in paragraph (1) of Article 36 of the Labour Standards Act pursuant to the provisions of that paragraph (referred to as "working hours" hereinafter in this Article), extend working hours beyond the limit on overtime (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; or
  - (ii) beyond what is set forth 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 (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 as applied mutatis mutandis pursuant to the provisions of Article 16-9, paragraph (1)).
- (3) In the event that there are reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker comes to cease childcare 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 to the effect that those reasons have occurred.
- (4) In cases where any of the circumstances listed in the following items occurs, the limited period ends on the day on which the relevant circumstance occurs (or, in cases where the circumstance set forth in item (iii) occurs, the preceding day):
- (i) on or before the day preceding the scheduled end date of the limited period,

there are reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker comes to cease childcare 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, a period of parental 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 are 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 an applicable family member requiring caregiving. In this case, the term "take care of the child" in paragraph (1) of the same Article is deemed to be replaced with "provide caregiving for the applicable family member", and the terms "child" and "childcare" in paragraph (3) and paragraph (4), item (i) of the same Article are deemed to be replaced respectively with "applicable family member" and "caregiving".

(2) The provisions of the second sentence of paragraph (3) of the preceding Article apply *mutatis mutandis* to the cases where there are 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 as applied *mutatis mutandis* pursuant to the provisions of paragraph (1) of the preceding Article; the same applies hereinafter in this Article) or does not work beyond the limit on overtime in cases where the employer must not extend the working hours of the worker making the request beyond the limit on overtime 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 set forth 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 "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 are reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker comes to cease childcare 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 to the effect that those reasons have occurred.
- (4) In cases where any of the circumstances listed in the following items occurs, the limited period ends on the day on which the relevant circumstance occurs (or, in cases where the circumstance set forth in item (iii) occurs, the preceding day):
- (i) on or before the day preceding the scheduled end date of the limited period, there are reasons specified by Order of the Ministry of Health, Labour and Welfare as to why the worker comes to cease childcare 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, a period of parental 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 are 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 an applicable family member requiring caregiving. In this case, the term "take care of the child" in Article 19, paragraph (1) is deemed to be replaced with "provide caregiving for the applicable family member"; the terms "child" and "take care" in item (ii) of the same paragraph are to be replaced respectively with "applicable family member" and "caregiving"; and the terms "child" and "childcare" in paragraph (3) and paragraph (4), item (i) of the same Article are deemed to be replaced respectively with "applicable family member" and "caregiving."

(2) The provisions of the second sentence of paragraph (3) of the preceding Article apply mutatis mutandis to cases where there are 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 as applied mutatis mutandis pursuant to the provisions of 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 to Be Taken when a Report on Pregnancy or Childbirth is Filed)

Article 21 (1) In the event that a worker files a report to their employer on the pregnancy or childbirth of that worker herself or that worker's spouse or any other fact specified by Order of the Ministry of Health, Labour and Welfare as

being equivalent thereto, the employer must inform that worker of the childcare leave systems and other matters specified by Order of the Ministry of Health, Labour and Welfare, as prescribed by Order of Ministry of Health, Labour and Welfare, and conduct interviews with that worker or take other measures specified by Order of the Ministry of Health, Labour and Welfare to confirm the intention of that worker in the application for childcare leave.

- (2) An employer must not dismiss or otherwise treat a worker disadvantageously due to the worker having filed the report under the provision of the previous paragraph.

(Measures for the Dissemination of Childcare Leave Provisions)

Article 21-2 (1) Beyond what is provided for in paragraph (1) of the preceding Article, 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 informing any worker who becomes pregnant or whose spouse becomes pregnant, or who gives birth or whose spouse gives birth, or who takes care of an applicable 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 childcare leave and caregiver leave, such as wages and assignments; and
- (iii) beyond what is set forth 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 treatment for that worker concerning the particulars listed in all items of the preceding paragraph.

(Measures for Improving the Employment Environment and Managing Employment)

Article 22 (1) An employer must, for the purpose of smooth implementation of application for childcare leave, take any of the following measures:

- (i) provide training courses related to childcare leave to workers employed by that employer;
- (ii) develop a system for consulting on childcare leave; or
- (iii) other measures to improve the employment environment for childcare leave specified by Order of the Ministry of Health, Labour and Welfare.

- (2) Beyond what is provided for in the preceding paragraph, employers must, for the purpose of smooth implementation of applications for childcare leave,

applications for caregiver leave, and smooth return to work in following the childcare leave and caregiver leave, endeavor to take necessary measures with regard to the assignment of workers 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 of the vocational ability of workers who are taking childcare leave or caregiver leave.

(Public Announcement of Status of Childcare Leave Taken)

Article 22-2 An employer with over 1,000 continuously employed workers must publicly announce information that is specified by Order of the Ministry of Health, Labour and Welfare as on the status of childcare leave taken by workers employed by that employer at least once a year, as prescribed by Order of the Ministry of Health, Labour and Welfare.

(Measures including the 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 set forth 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 set forth 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 with regard to an employed worker set forth in item (iii) of the same paragraph who takes care of a child under three years of age pursuant to the provisions of the proviso of the preceding paragraph, take measures equivalent to the system of childcare leave for the worker, measures to make the worker work pursuant to the provisions of Article 32-3, paragraph (1) of the Labor Standards Act, or 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 care of applicable family member requiring caregiving but has not taken caregiver leave, take measures to shorten prescribed working hours for the period of at least three consecutive years or other measures to make it easier for the worker to take care of the applicable family member requiring caregiving 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 set forth 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 referred to in 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 short-term leave which a worker, upon request, can use for purposes related to childcare (other than short-term leave for sick/injured childcare, short-term leave for caregiver, and leave which is granted as annual paid leave pursuant to the provisions of Article 39 of the Labor Standards Act, including short-term leave which allows a worker to prepare for childcare after childbirth) and take necessary measures respectively in accordance with the system or measures provided for in the following items in accordance with the category of the worker listed in those 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 short-term leave for caregiver or measures to shorten prescribed working hours for caregivers by giving taking into consideration the period, the frequency for care.

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

Article 25 (1) 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 childcare and caregiving for family members, 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 their working conditions.

- (2) Employers must not dismiss or otherwise treat workers disadvantageously on the grounds that the worker has sought the counseling services referred to in the preceding paragraph or has told the truth when cooperating with the employer in providing the counseling service.

(Responsibilities of the National Government, Employers and Workers  
Regarding Issues Arising from Conduct toward Childcare Leave at  
Workplaces)

Article 25-2 (1) The national government must endeavor to take measures, such as publicity and educational activities, to deepen the interest and understanding of employers and the general public with respect to prohibited conduct as prescribed in paragraph (1) of the preceding Article that is harmful to the working environment and other issues attributable to that conduct (referred to as "issues with childcare leave-related conduct" hereinafter in this Article).

- (2) Employers must endeavor to deepen the interest and understanding of workers with respect to issues with childcare leave-related conduct, give necessary consideration, such as providing training programs, to ensure that those workers pay necessary attention to their conduct towards other workers, and cooperate with the measures taken by the national government referred to in the preceding paragraph.
- (3) Employers (or officers of corporations) must endeavor to deepen their interest and understanding of issues with childcare leave-related conduct and pay necessary attention to their conduct towards workers.
- (4) Workers must endeavor to deepen their interest and understanding of issues with childcare leave-related conduct, pay necessary attention to other workers, and cooperate with the measures to be taken by their employers referred to in paragraph (1) of the preceding Article.

(Considerations Regarding the Assignment of Workers)

Article 26 Employers must take into consideration the circumstances surrounding childcare and caregiving for family members in making a change to the assignment of an employed worker which results in a change in their workplace, if such a change would make it difficult for the worker to engage in childcare and caregiving for family members while continuing to work.

(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"), endeavor, as necessary, to implement special measures to promote re-employment (measures in which the relevant employer, in the recruitment and hiring of a worker, gives special consideration to former employee who resigned due to childcare, and who notified the employer, in resigning, of their intention of being re-employed when they are able 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 25, Article 26 and the preceding Article and other measures to be taken by employers to help balance working and family life for workers who engage or will engage in childcare and caregiving for 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 Employers must, as prescribed by Order of the Ministry of Health, Labour and Welfare, endeavor to appoint a person who takes charge of appropriate and effective implementation of the measures set forth in Article 21, paragraph (1), Articles 21-2 through 22-2, Article 23, paragraphs (1) through (3), Article 24, Article 25, paragraph (1), Article 25-2, paragraph (2), Article 26 and Article 27 and other measures for the work-life balance of workers who engage or will engage in childcare and caregiving for family members.

## **Chapter X Support for Applicable Workers from the National Government**

(Support for Employers)

Article 30 The national government may, for the purpose of continuing the employment of and promoting re-employment of workers who engage or will engage in childcare and caregiving for family members (hereinafter referred to as an "applicable worker") and former employee who resigned due to childcare (hereinafter referred to collectively as "applicable workers, etc."), and promoting the welfare of these persons, 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 applicable worker is employed, and with benefits and other necessary support.

(Counseling and Training)

Article 31 (1) The national government is to provide applicable workers with necessary guidance, counseling services, training and other measures to contribute to the promotion of the work-life balance of workers, etc.

(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 providing re-employment opportunities for former employee who resigned due to childcare, when they intend to work again, make considerations to assure 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 the smooth re-employment of former employee who resigned due to childcare.

(Measures for Increasing Awareness of Work-Life Balance)

Article 33 The national government is to take necessary measures, including publicity activities, to increase the awareness of employers, workers, and the general public with regard to the work-life balance of applicable workers, etc., in order to eliminate workplace practices and other factors that prevent applicable 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 applicable workers, etc., such as the provision of counseling services, necessary guidance, training and lectures with regard to balancing working and family life for applicable 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 applicable workers, etc., (referred to as an "advisor of family support centers for workers" in the following paragraph).

(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

## **Chapter XI Dispute Resolution**

### **Section 1 Assistance in Dispute Resolution**

(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 21, 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 (meaning 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 matters referred to in 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) The provisions of the Article 25, paragraph (2) apply mutatis mutandis to cases where the worker has 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 Article 25 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 Articles 19 through 26 of the Act on Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113 of 1972) apply mutatis mutandis to the conciliation procedure referred to 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 deemed 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 workplace" in Article 20 thereof is deemed to be replaced with "the place of business"; and the term "Article 18, paragraph (1)" in Article 25, paragraph (1) thereof is deemed to be replaced with "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."

## **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 a certified 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) certified association of small and medium sized enterprises: a business cooperative association 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 certified, upon application from the business cooperative association, to be appropriated in accordance with 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, paragraph (2) or other matters.
- (3) If The Minister of Health, Labour and Welfare finds that a certified association of small and medium sized enterprises has ceased to be appropriate as an entity that provides counseling services and support referred to in item (ii) of the preceding paragraph, the Minister may rescind the certification referred to in the same item..
- (4) The certified association of small and medium sized enterprises referred to 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 pursuant to the provisions of the preceding paragraph is made; the provisions of paragraphs (1) and (4) of Article 5-3, Article 5-4, paragraphs (1) and (2), Article 5-5, Article 39, Article 41, paragraph (2), Article 42, 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 a person that engages in recruitment of workers by making a notification pursuant to the provisions of the preceding paragraph; the provisions of Article 40 of the same Act apply mutatis mutandis to the payment of remuneration to a person that engages in recruitment of workers by making a notification pursuant to 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 prescribed in paragraph (2) of the same Article, as applied mutatis mutandis pursuant to this paragraph. In this case, the term "a person that intends to carry out labor recruitment" in Article 37, paragraph (2) of the same Act is deemed to be replaced with "a person that intends to engage in 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," 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 deemed to be replaced with "period."

(6) With regard to the application of the provisions of Article 36, paragraph (2) and Article 42-2 of the Employment Security Act, the term "referred to in the preceding paragraph" in Article 36, paragraph (2) of the same 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"; the term "a recruitment contractor prescribed in Article 39" in Article 42-2 of the same Act is to be replaced with "a person which engages in the recruitment of workers by making a notification pursuant to the provisions of 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"; and the term "the same paragraph" is to be replaced with "the following paragraph."

(7) The Minister of Health, Labour and Welfare may request a certified 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 a certified 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 by means of providing employment information, the results of research and study about vocation and by providing guidance on details and means of the recruitment 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 of balancing working and family life of applicable workers, etc., implement research and studies required for management of employment, development and improvement of vocational

ability and other matters with regard to the relevant workers.

- (2) The Minister of Health, Labour and Welfare may request the heads of relevant administrative organs to offer information and other necessary cooperation for the enforcement of this Act.
- (3) The Minister of Health, Labour and Welfare may request necessary research reports from prefectural governors for the enforcement of this Act.

(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 as applied mutatis mutandis pursuant to the provisions of Article 9-3, paragraph (2), Article 12, paragraph (2), Article 16-3, paragraph (2) and Article 16-6, paragraph (2)), Article 9-3, paragraph (1), Article 10, Article 12, paragraph (1), Article 16 (including as applied mutatis mutandis pursuant to the provisions of Article 16-4 and Article 16-7), Article 16-3, paragraph (1), Article 16-6, paragraph (1), Article 16-8, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of Article 16-9, paragraph (1)), Article 16-10, Article 17, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of Article 18, paragraph (1)), Article 18-2, Article 19, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of Article 20, paragraph (1)), Article 20-2, Article 21, Article 22, paragraph (1), Article 22-2, Article 23, paragraphs (1) through (3), Article 23-2, Article 25, paragraph (1) or paragraph (2) (including as applied mutatis mutandis pursuant to the provisions of Article 52-4, paragraph (2) and Article 52-5, paragraph (2)) , or Article 26.

(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 amend 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) and paragraph (4), item (ii), Article 6, paragraph (1), item (ii) (including as applied mutatis mutandis pursuant to the provisions of Article 9-3, paragraph (2), 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 as applied mutatis mutandis pursuant to the provisions of Article 9-4 and Article 13), Article 8, paragraphs (3) and (4) (including as applied mutatis mutandis pursuant to the provisions of Article 9-4 and Article 14, paragraph (3)), Article 9, paragraph (2), item (i), Article 9-3, paragraph (3) and paragraph (4), item (i), Article 9-5, paragraph (2), (4), (5) and (6), item (1), Article 10, 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 as applied mutatis mutandis pursuant to the provisions of Article 16-9, paragraph (1)), Article 17, paragraph (1), item (ii), paragraph (3) and paragraph (4), item (i) (including as applied mutatis mutandis pursuant to the provisions of Article 18, paragraph (1)), Article 19, paragraph (1), items (ii) and (iii), paragraph (3) and paragraph (4), item (i) (including as applied mutatis mutandis pursuant to the provisions of Article 20, paragraph (1)), Article 21, paragraph (1), Article 22, paragraph (1), item (3), Article 22-2, Article 23, paragraphs (1) through (3) as well as Article 25, paragraph (1); 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.

(Delegation 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 Mariners' Employment Security Act (Act No. 130 of 1948) and mariners subject to the provisions of the Mariners Act (Act No. 100 of 1947) (referred to as "mariners" in the following paragraph).

(2) With regard to mariners 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 Land, Infrastructure, Transport, and Tourism": Article 2, item (i)

and items (iii) through (v); Article 5, paragraphs (2) through (4), and paragraph (6); Article 6, paragraph (1), item (ii) (including as applied mutatis mutandis pursuant to the provisions of Article 9-3, paragraph (2), Article 12, paragraph (2), Article 16-3, paragraph (2) and Article 16-6, paragraph (2)) and paragraph (3); Article 7 (including as applied mutatis mutandis pursuant to the provisions of Article 9-4 and Article 13); Article 8, paragraph (3) and (4) (including as applied mutatis mutandis pursuant to the provisions of Article 9-4, Article 14, paragraph (3)); Article 9, paragraph (2), items (i) and paragraph (3); Article 9-2, paragraph (3); Article 9-3, paragraph (3), paragraph (4), item (1); Article 9-5, paragraph (2) , paragraph (4) , paragraph (5) , paragraph (6), item (1) and paragraph (7), Article 9-6, paragraph (1), Article 10; 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 as applied mutatis mutandis pursuant to the provisions of Article 20, paragraph (1)); Article 19, paragraph (5); Article 20, paragraph (2); Article 21, paragraph (1); Article 21-2, paragraph (1), item (iii) and paragraph (2); Article 22, paragraph (1), item (iii); Article 22-2; Article 23, paragraphs (1) through (3); Article 25, paragraph (1); Article 29; Article 57; Article 58; and the preceding Article. The term "leave pursuant to the provisions of Article 65, paragraph (1) or (2) of the Labor Standards Act (Act No. 49 of 1947)" in Article 9, paragraph (2), 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 (Act No. 100 of 1947)." The term "leave pursuant to the provisions of Article 65, paragraph (1) or (2) of the Labor Standards Act" in Article 9-5, paragraph (6), item (iv) 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 "has taken leave pursuant to the provisions of Article 65, paragraph (1) or (2) of the Labor Standards Act (Act No. 49 of 1947)" in Article 9-6, paragraph (1) is to be replaced with "was absent from work pursuant to the provisions of Article 87, paragraph (1) or (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 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 "make...work pursuant to the provisions of Article 32-3, paragraph (1) 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 as applied mutatis mutandis pursuant to the provisions of Article 16-9, paragraph (1)), Article 16-10, Article 17, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of 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 as applied mutatis mutandis pursuant to the provisions of Article 16-9, paragraph (1)), Article 17, paragraph (1), item (ii), paragraph (3) and paragraph (4), item (i) (including as applied mutatis mutandis pursuant to the provisions of 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 Articles 20 through 26, and Article 31, paragraphs (3) and (4) of the Act on 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 through 23, and Article 26 of the same Act is deemed to be replaced with "a conciliator"; the term "the workplace" in Article 20 is deemed to be replaced with "the place of business"; the term "the Prefectural Labour Office where the commission is established" in Article 21 thereof is deemed to be replaced with "the District Transport

Bureau (including the transport supervision department) where the Director-General of the District Transport Bureau (including the Director of the Transport Supervision Department) who has appointed the conciliator is assigned", the term "Article 18, paragraph (1)" in Article 25, paragraph (1) thereof is deemed to be replaced with "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 (Act No. 76 of 1991)"; the term "pending before the commission" in Article 26 thereof is deemed to be replaced with "handled by the conciliator"; the term "the preceding paragraph" in Article 31, paragraph (3) thereof is deemed 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 Public 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" in Article 32 is to be replaced with "former employee who resigned due to childcare (meaning former employee who resigned due to childcare prescribed in Article 27; the same applies hereinafter)"; and the term "applicable workers, etc." in Article 34, paragraph (2) is to be replaced with "applicable workers, etc. (meaning applicable workers, etc. 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 General Rules for Incorporated Administrative Agencies (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 60-2, paragraph (1) of the National Public Service Act(Act No. 120 of 1947), the employee is limited to a person prescribed in 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 requiring caregiving" hereinafter in this Article).

- (4) A period for which leave may be taken pursuant to the provisions of the preceding paragraph 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 requiring caregiving, for each continued condition that requires caregiving prescribed in the same paragraph, up to three times 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 60-2, 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 22-4, paragraph (1) of the same Act, the personnel is to be limited to a person prescribed in 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 deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6, paragraph (1) of the Local Public Service Act (Act No. 261 of 1950) (or the municipal board of education with regard to the educational personnel whose wages are paid by a prefectural government prescribed in Article 37, paragraph (1) of the Act on the Organization and Operation of Local Educational Administration (Act No. 162 of 1956); the same applies hereinafter in the following paragraph and paragraph (5))"; the term "the head of the agency engaged in administrative execution" in paragraph (4) is deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6, paragraph (1) of the Local Public Service Act"; the term "same paragraph" is

deemed to be replaced with "preceding paragraph"; the term "head of the agency engaged in administrative execution" in the preceding paragraph is deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6, paragraph (1) of the Local Public Service Act"; the term "business" in the same paragraph is deemed to be replaced with "public duties"; and the term "employee who is not required to work full-time other than those who hold a part-time government position prescribed in Article 60-2, paragraph (1) of the National Public Service Act" in the proviso of the same paragraph is deemed to be replaced with "part-time personnel other than those who hold a part-time official post prescribed in Article 22-4, 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 60-2, 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 short-term 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 short-term 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 short-term leave pursuant 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 short-term 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 22-4, 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 deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6, paragraph (1) of the Local Public Service Act (or the municipal board of education with regard to the educational personnel whose wages are paid by a prefectural government prescribed in Article 37, paragraph (1) of the Act on the Organization and Operation of Local Educational Administration (Act No. 162 of 1956); the same applies hereinafter in paragraph (10)); the term "of the agency engaged in administrative execution" in paragraph (9) is deemed 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 deemed to be replaced with "an appointer or a person to whom the appointer delegated the authority prescribed in Article 6, paragraph (1) of the Local Public Service Act"; the term "employee" in the same paragraph is deemed to be replaced with "employee prescribed in Article 4, paragraph (1) of the same Act"; and the term "business" in the same paragraph is deemed 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 60-2, 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 short-term leave to take care of a family member requiring 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 caregiving.
- (13) The number of days for short-term 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 requiring caregiving).

- (14) The short-term leave pursuant to the provisions of 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 short-term 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 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 22-4, 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 deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6, paragraph (1) of the Local Public Service Act (or the municipal board of education with regard to the educational personnel whose wages are paid by a prefectural government prescribed in Article 37, paragraph (1) of the Act on the Organization and Operation of Local Educational Administration (Act No. 162 of 1956); the same applies hereinafter in paragraph (15))"; the term "of the agency engaged in administrative execution" in paragraph (14) is deemed 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 deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6, paragraph (1) of the Local Public Service Act"; the term "employee" in the same paragraph is deemed to be replaced with "employee prescribed in Article 4, paragraph (1) of the same Act"; and the term "business" in the same paragraph is deemed 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 60-2, 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 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 requiring caregiving. In this case, the term "Article 16-8, paragraph (1)" in the same paragraph is deemed 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 the same paragraph" is deemed 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 deemed to be replaced with "take care of the family member requiring 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 22-4, 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 requiring caregiving. In this case, the term "Article 16-8, paragraph (1)" in the same paragraph is deemed 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 the same paragraph" is deemed 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 deemed to be replaced with "take care of the family member requiring caregiving."

- (21) The head of an agency engaged in administrative execution must, in cases where the head may extend the working hours as prescribed in paragraph (1) of Article 36 of the Labour Standards Act pursuant to the provisions of that paragraph for an employee of the agency engaged in administrative execution, 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 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 requiring caregiving. In this case, the term "Article 17, paragraph (1)" in the same paragraph is deemed to be replaced with "Article 17, paragraph (1), as applied mutatis mutandis pursuant to Article 18, paragraph (1)"; the term "any of the items in the same paragraph" is deemed to be replaced with "any of the items of Article 17, paragraph (1), as applied mutatis mutandis pursuant to Article 18, paragraph (1)"; and the term "take care of the child" in the same paragraph is deemed to be replaced with "take care of the family member requiring 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 as prescribed in paragraph (1) of Article 36 of the Labour Standards Act pursuant to the provisions of that 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 requiring caregiving. In this case, the term "Article 17, paragraph (1)" in the preceding paragraph is deemed to be replaced with "Article 17, paragraph (1), as applied mutatis mutandis pursuant to Article 18, paragraph (1)"; the term "any of the items in the same paragraph" is deemed to be replaced with "any of the items of Article 17,

- paragraph (1), as applied mutatis mutandis pursuant to Article 18, paragraph (1)"; and the term "take care of the child" in the same paragraph is deemed to be replaced with "take care of the family member requiring 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 (meaning late-night prescribed in 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 requiring caregiving. In this case, the term "Article 19, paragraph (1)" in the same paragraph is deemed to be replaced with "Article 19, paragraph (1), as applied mutatis mutandis pursuant to Article 20, paragraph (1)"; the term "any of the items in the same paragraph" is deemed to be replaced with "any of the items of Article 19, paragraph (1), as applied mutatis mutandis pursuant to Article 20, paragraph (1)"; and the term "take care of the child" in the same paragraph is deemed to be replaced with "take care of the family member requiring 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 requiring caregiving. In this case, the term "Article 19, paragraph (1)" in the preceding paragraph is deemed to be replaced with "Article 19, paragraph (1), as applied mutatis mutandis pursuant to Article 20, paragraph (1)"; the term "any of the items in the same paragraph" in the same paragraph is deemed to be replaced with "any of the items of Article 19, paragraph (1), as applied mutatis mutandis pursuant to Article 20, paragraph (1)"; and the term "take care of the child" in the same paragraph is deemed to be replaced with "take care of the family member requiring 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 60-2, 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 their scheduled working hours to take the care of a family member requiring caregiving.

(30) A period for which the employee can take time off their work pursuant to the provisions of the preceding paragraph 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 requiring caregiving), with regard to each family member requiring 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 the preceding three paragraphs 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 22-4, 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 deemed 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 deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6, paragraph (1) of the Local Public Service Act; the term "employee" in the same paragraph is deemed to be replaced with "employee prescribed in Article 4, paragraph (1) of the same Act"; and the term "business" in the same paragraph is deemed 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 pursuant to the provisions of Article 3, paragraph (1) of the Act on Childcare Leave of National Public Officers, leave pursuant to the provisions of paragraph (3), or other systems prescribed by the Order of the Ministry of Health, Labour and Welfare on childcare and caregiving for family members, 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 their working conditions.

(34) The provisions of Article 25, paragraph (2) apply mutatis mutandis to cases where an employee of the agency engaged in administrative execution has sought provision of the counseling services referred to in the preceding paragraph or has told the truth when cooperating with the head of the agency engaged in administrative execution in providing the counseling services. In this case, the term "dismiss or otherwise ... disadvantageously" in paragraph (2) of the same Article is deemed to be replaced with "... disadvantageously."

(35) The provisions of Article 25-2 apply mutatis mutandis to conduct prescribed in paragraph (33) in which an employee of the agency engaged in administrative execution is involved. In this case, the term "employer" in paragraph (1) of the same Article is deemed to be replaced with "the head of the agency engaged in administrative execution"; the term "employer" in paragraph (2) of the same Article is deemed to be replaced with "the head of the agency engaged in administrative execution"; the term "an employed worker" in paragraph (2) of the same Article is deemed to be replaced with "an employee of the agency engaged in administrative execution"; the term "the worker" in paragraph (2) of the same Article is deemed to be replaced with "the employee"; the term "employer (or, if a corporation, its officers) in paragraph (3) of the same Article is deemed to be replaced with "officer of the agency engaged in administrative execution"; the term "worker" in paragraph (4) of the same Article is deemed to be replaced with "the employee of the agency engaged in administrative execution"; the term "employer" in paragraph (4) of the same Article is deemed to be replaced with "the head of the agency engaged in administrative execution"; and the term "paragraph (1) of the preceding Article" in paragraph (4) of the same Article is deemed to be replaced with "Article 61, paragraph (33)."

(36) 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 on childcare and caregiving for family members, 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 their working conditions.

- (37) The provisions of Article 25, paragraph (2) apply mutatis mutandis to cases where an employee prescribed in Article 4, paragraph (1) of the Local Public Service Act tells the truth in providing counseling services referred to in the preceding paragraph or cooperating with an appointer or a person to whom the appointer delegates the authority prescribed in Article 6, paragraph (1) of the same Act on provision of counseling services. In this case, the term "dismiss or otherwise ... disadvantageously" in Article 25, paragraph (2) is deemed to be replaced with "... disadvantageously."
- (38) The provisions of Article 25-2 apply mutatis mutandis to conduct specified in paragraph (36) in which an employee prescribed in Article 4, paragraph (1) of the Local Public Service Act is involved. In this case, the term "employer" in Article 25-2, paragraph (1) is deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6, paragraph (1) of the Local Public Service Act (Act No. 261 of 1950) (hereinafter referred to as "appointer")"; the term "employer" in paragraph (2) of the same Article is deemed to be replaced with "appointer"; the term "employed worker" in paragraph (2) of the same Article is deemed to be replaced with "employee prescribed in Article 4, paragraph (1) of the Local Public Service Act"; the term "the worker" in paragraph (2) of the same Article is deemed to be replaced with "the employee"; the term "employer (or, if a corporation, its officer)" in paragraph (3) of the same Article is deemed to be replaced with "appointer"; the term "workers" in paragraph (4) of the same Article is deemed to be replaced with "the employees prescribed in Article 4, paragraph (1) of the Local Public Service Act"; the term "employer" in paragraph (4) of the same Article is deemed to be replaced with "appointer"; and the term "paragraph (1) of the preceding Article" in paragraph (4) of the same Article is deemed to be replaced with "Article 61, paragraph (36)."

### **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 making a notification pursuant to the provisions of Article 53, paragraph (4);
- (ii) a person who did not obey the instructions pursuant to the provisions of 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 pursuant to the provisions of Article 50, paragraph (1) of the Employment Security Act as applied mutatis mutandis pursuant to the provisions of Article 53, paragraph (5), or makes a false report; or refuses, obstructs or evades entry or an inspection pursuant to the provisions of Article 50, paragraph (2) of the same Act as applied mutatis mutandis pursuant to the provisions of Article 53, paragraph (5), or fails to answer or makes a false answer to a question; or
- (ii) a person who divulges confidential information in violation of the provisions of Article 51, paragraph (1), as applied mutatis mutandis pursuant to the provisions of 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 civil fine of not more than 200,000 yen.

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

(Effective Date)

Article 1 This Act comes into effect as of April 1, 1992.

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

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2005.

(Review)

Article 2 When an appropriate period of time elapses after the enforcement of this Act, the government is to consider the status of enforcement of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other family members amended by the provisions of Article 1 (hereinafter referred to as the "new Act"), comprehensively review the systems such as childcare leave regarding persons employed for a fixed period of time, and take necessary measures based on the results thereof.

(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 effect (hereinafter referred to as the "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 date 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 amend 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 amending "Chapter VIII Resolution of Disputes (Article 52-2 to Article 52-4)" to "Chapter XI Resolution of Disputes, Section 1 Assistance in Resolution of Disputes (Article 52-2 to Article 52-4) and Section 2 Conciliation (Article 52-5 and Article 52-6)"), the provisions to amend Article 56-2 (limited to the part

adding "(including as applied mutatis mutandis pursuant to the provisions of Article 52-5, paragraph (2))" after "Article 52-4, paragraph (2)", the provisions to amend Article 60, paragraph (1) (limited to the part amending "Article 53, Article 54" to "Articles 52-6 through 54"), the provisions to amend 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 amend Article 52-3, the provisions to add one section after Article 52-4 in Chapter VIII, the provisions to amend Article 38, the provisions to amend 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 amended by 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 by the relevant employers until the day specified by Cabinet Order within a period not exceeding three years from the date of promulgation. In this case, the provisions of Articles 23 and 24 of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members prior to amendment by 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 date on which this Act comes into effect (hereinafter referred to as "effective date") may file the application even prior to the effective date pursuant to these 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 then in force remain applicable.

(Delegation to Cabinet Orders)

Article 6 Beyond what is 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 amended by this Act and, if necessary, take required measures based on the results of the review.

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

(Effective Date)

Article 1 This Act 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 Dispute Resolution Regarding the Act on Equal Opportunity and Treatment between 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 Equal Opportunity and Treatment between Men and Women in Employment, amended by 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, amended by the provisions of Article 8.

(Transitional Measures concerning Penal Provisions)

Article 13 With regard to the application of penal provisions to acts committed prior to the enforcement of the provisions listed in Article 1, item (i) of the Supplementary Provisions, the provisions then in force 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 amended by the provisions of Articles 5, 6, and 8 and, if necessary, take required measures based on the results of the review.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 33 Beyond 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 amendment 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 amendment 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 amendment of Article 11-2, paragraph (1) and the provisions for amendment of paragraph (3) of the same Article (limited to the part for amending "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 amendment 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 amendment 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 amendment of Article 38, paragraph (3)(limited to the part for amending "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 amendment 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)), amended by 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 effect (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 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 childcare leave taken by male workers, status of female workers' return to work in following that 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 acts committed 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 then in force remain applicable.

(Delegation 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.

### **Supplementary Provisions [Act No. 58 of June 9, 2021] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as from April 1, 2022; provided, however, that the provisions listed in the following items come into effect as of the day set forth in the respective items:

- (i) amended provisions of Article 12, paragraph (2), Article 16-3, paragraph (2), and Article 16-6, paragraph (2) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members in Article 1, and amended provisions of Article 47-3 (limited to the parts changing ", Article 25, paragraph (1)" to ", Article 25") of the Act on Securing the Proper Operation of Worker Dispatching Businesses and Protecting Dispatched Workers (Act No. 88 of 1985) in Article 12 of the Supplementary Provisions and provisions of Article 14 of the Supplementary provisions : the date of promulgation;
- (ii) omitted;
- (iii) provisions of Articles 2 and 5, and provisions of Articles 4, 7, 9, 11 and 13 of the Supplementary Provisions: The day specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation; and
- (iv) provisions of Article 3, and provisions of Article 5 of the Supplementary Provisions: April 1, 2023

(Review)

Article 2 Approximately five years after the enforcement of this Act, the government is to take into consideration changes to the status of enforcement of the provisions of the Act on Childcare Leave, Caregiver Leave, and Other

Measures for the Welfare of Workers Caring for Children or Other Family Members amended by the provisions of Articles 1 through 3, status of childcare leave taken by male workers (meaning the childcare leave specified in Article 2, item (i) of the same Act; the same applies in Article 4 of the Supplementary Provisions), or other circumstances, review the provisions concerning the same Act, and, if necessary, take required measures based on the results of the review.

(Transitional Measures concerning Childcare Leave)

Article 4 The childcare leave that a worker has taken on the day before the date of enforcement of the provisions set forth in Article 1, item (iii) of the Supplementary Provisions (referred to as "effective date of item (iii)" in Article 7 of the Supplementary Provisions) (limited to the first childcare leave the worker takes to take care of the relevant child within 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 and 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 and 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)) is considered, with regard to the application of the provisions of Article 5, paragraph (2) and Article 9-2, paragraph (2) of the Act on Childcare Leave, Caregiver leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members amended by the provisions of Article 2, as the parental leave prescribed in the provisions of paragraph (1) of the same Article that is taken based on the application under the provisions of the same paragraph.

(Transitional Measures concerning Public Announcements of Status of Childcare Leave Taken)

Article 5 The provisions of Article 22-2 of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring For Children or Other Family Members amended by the provisions of Article 3 apply from the business year starting on or after the date of enforcement of the provisions set forth in Article 1, item (iv) of the Supplementary Provisions.

(Delegation to Cabinet Orders)

Article 14 Beyond what is provided for in these Supplementary Provisions, the transitional measures required for the enforcement of this Act are prescribed by Cabinet Order.