

育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律

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

(平成三年五月十五日法律第七十六号)

(Act No. 76 of May 15, 1991)

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第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、育児休業及び介護休業に関する制度並びに子の看護休暇及び介護休暇に関する制度を設けるとともに、子の養育及び家族の介護を容易にするため所定労働時間等に関し事業主が講ずべき措置を定めるほか、子の養育又は家族の介護を行う労働者等に対する支援措置を講ずること等により、子の養育又は家族の介護を行う労働者等の雇用の継続及び再就職の促進を図り、もってこれらの者の職業生活と家庭生活との両立に寄与することを通じて、これらの者の福祉の増進を図り、あわせて経済及び社会の発展に資することを目的とする。

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

(定義)

(Definitions)

第二条 この法律（第一号に掲げる用語にあっては、第九条の七並びに第六十一条第三十三項及び第三十六項を除く。）において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

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)):

一 育児休業 労働者（日々雇用される者を除く。以下この条、次章から第八章まで、第二十一条から第二十四条まで、第二十五条第一項、第二十五条の二第一項及び第三項、第二十六条、第二十八条、第二十九条並びに第十一章において同じ。）が、次章に定めるところにより、その子（民法（明治二十九年法律第八十九号）第八百

十七条の二第一項の規定により労働者が当該労働者との間における同項に規定する特別養子縁組の成立について家庭裁判所に請求した者（当該請求に係る家事審判事件が裁判所に係属している場合に限る。）であって、当該労働者が現に監護するもの、児童福祉法（昭和二十二年法律第百六十四号）第二十七条第一項第三号の規定により同法第六条の四第二号に規定する養子縁組里親である労働者に委託されている児童及びその他これらに準ずる者として厚生労働省令で定める者に、厚生労働省令で定めるところにより委託されている者を含む。第四号及び第六十一条第三項（同条第六項において準用する場合を含む。）を除き、以下同じ。）を養育するためにする休業をいう。

- (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));

二 介護休業 労働者が、第三章に定めるところにより、その要介護状態にある対象家族を介護するためにする休業をいう。

- (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;

三 要介護状態 負傷、疾病又は身体上若しくは精神上の障害により、厚生労働省令で定める期間にわたり常時介護を必要とする状態をいう。

- (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;

四 対象家族 配偶者（婚姻の届出をしていないが、事実上婚姻関係と同様の事情にある者を含む。以下同じ。）、父母及び子（これらの者に準ずる者として厚生労働

省令で定めるものを含む。)並びに配偶者の父母をいう。

(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

五 家族 対象家族その他厚生労働省令で定める親族をいう。

(v) family member: applicable family members and other relatives as specified by Order of the Ministry of Health, Labour and Welfare.

(基本的理念)

(Basic Principles)

第三条 この法律の規定による子の養育又は家族の介護を行う労働者等の福祉の増進は、これらの者がそれぞれ職業生活の全期間を通じてその能力を有効に発揮して充実した職業生活を営むとともに、育児又は介護について家族の一員としての役割を円滑に果たすことができるようにすることをその本旨とする。

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 子の養育又は家族の介護を行うための休業をする労働者は、その休業後における就業を円滑に行うことができるよう必要な努力をするようにしなければならない。

(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.

(関係者の責務)

(Responsibilities of Persons Concerned)

第四条 事業主並びに国及び地方公共団体は、前条に規定する基本的理念に従って、子の養育又は家族の介護を行う労働者等の福祉を増進するように努めなければならない。

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.

第二章 育児休業

Chapter II Childcare Leave

(育児休業の申出)

(Application for Childcare Leave)

第五条 労働者は、その養育する一歳に満たない子について、その事業主に申し出ることにより、育児休業（第九条の二第一項に規定する出生時育児休業を除く。以下この条から第九条までにおいて同じ。）をすることができる。ただし、期間を定めて雇用される者にあつては、その養育する子が一歳六か月に達する日までに、その労働契約（労働契約が更新される場合にあつては、更新後のもの。第三項、第九条の二第一項及び第十一条第一項において同じ。）が満了することが明らかでない者に限り、当該申出をすることができる。

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 前項の規定にかかわらず、労働者は、その養育する子が一歳に達する日（以下「一歳到達日」という。）までの期間（当該子を養育していない期間を除く。）内に二回の育児休業（第七項に規定する育児休業申出によりする育児休業を除く。）をした場合には、当該子については、厚生労働省令で定める特別の事情がある場合を除き、前項の規定による申出をすることができない。

(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 労働者は、その養育する一歳から一歳六か月に達するまでの子について、次の各号のいずれにも該当する場合（厚生労働省令で定める特別の事情がある場合には、第二号に該当する場合）に限り、その事業主に申し出ることにより、育児休業をすることができる。ただし、期間を定めて雇用される者（当該子の一歳到達日において育児休業をしている者であつて、その翌日を第六項に規定する育児休業開始予定日とする申出をするものを除く。）にあつては、当該子が一歳六か月に達する日までに、その労働契約が満了することが明らかでない者に限り、当該申出をすることができる。

(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.

一 当該申出に係る子について、当該労働者又はその配偶者が、当該子の一歳到達日において育児休業をしている場合

(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;

二 当該子の一歳到達日後の期間について休業することが雇用の継続のために特に必要と認められる場合として厚生労働省令で定める場合に該当する場合

(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

三 当該子の一歳到達日後の期間において、この項の規定による申出により育児休業をしたことがない場合

(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 労働者は、その養育する一歳六か月から二歳に達するまでの子について、次の各号のいずれにも該当する場合（前項の厚生労働省令で定める特別の事情がある場合には、第二号に該当する場合）に限り、その事業主に申し出ることにより、育児休業をすることができる。

(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)).

一 当該申出に係る子について、当該労働者又はその配偶者が、当該子の一歳六か月に達する日（以下「一歳六か月到達日」という。）において育児休業をしている場合

(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");

二 当該子の一歳六か月到達日後の期間について休業することが雇用の継続のために特に必要と認められる場合として厚生労働省令で定める場合に該当する場合

(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

三 当該子の一歳六か月到達日後の期間において、この項の規定による申出により育児休業をしたことがない場合

(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 第一項ただし書の規定は、前項の規定による申出について準用する。この場合において、第一項ただし書中「一歳六か月」とあるのは、「二歳」と読み替えるものとする。

(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 第一項、第三項及び第四項の規定による申出（以下「育児休業申出」という。）は、厚生労働省令で定めるところにより、その期間中は育児休業をすることとする一の期間について、その初日（以下「育児休業開始予定日」という。）及び末日（以下「育児休業終了予定日」という。）とする日を明らかにして、しなければならない。この場合において、次の各号に掲げる申出にあっては、第三項の厚生労働省令で定める特別の事情がある場合を除き、当該各号に定める日を育児休業開始予定日としなければならない。

(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).

一 第三項の規定による申出 当該申出に係る子の一歳到達日の翌日（当該申出をする労働者の配偶者が同項の規定による申出により育児休業をする場合には、当該育児休業に係る育児休業終了予定日の翌日以前の日）

(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

二 第四項の規定による申出 当該申出に係る子の一歳六か月到達日の翌日（当該申出をする労働者の配偶者が同項の規定による申出により育児休業をする場合には、当該育児休業に係る育児休業終了予定日の翌日以前の日）

(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 第一項ただし書、第二項、第三項（第一号及び第二号を除く。）、第四項（第一号及び第二号を除く。）、第五項及び前項後段の規定は、期間を定めて雇用される者であって、その締結する労働契約の期間の末日を育児休業終了予定日（第七条第三項の規定により当該育児休業終了予定日が変更された場合にあっては、その変更後の育児休業終了予定日とされた日）とする育児休業をしているものが、当該育児休業に係る子について、当該労働契約の更新に伴い、当該更新後の労働契約の期間の初日を育児休業開始予定日とする育児休業申出をする場合には、これを適用しない。

(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.

（育児休業申出があった場合における事業主の義務等）

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

第六条 事業主は、労働者からの育児休業申出があったときは、当該育児休業申出を拒むことができない。ただし、当該事業主と当該労働者が雇用される事業所の労働者の過半数で組織する労働組合があるときはその労働組合、その事業所の労働者の過半数で組織する労働組合がないときはその労働者の過半数を代表する者との書面による協定で、次に掲げる労働者のうち育児休業をすることができないものとして定められた労働者に該当する労働者からの育児休業申出があった場合は、この限りでない。

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:

一 当該事業主に引き続き雇用された期間が一年に満たない労働者

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

二 前号に掲げるもののほか、育児休業をすることができないこととすることについて合理的な理由があると認められる労働者として厚生労働省令で定めるもの

(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 前項ただし書の場合において、事業主にその育児休業申出を拒まれた労働者は、前条第一項、第三項及び第四項の規定にかかわらず、育児休業をすることができない。

(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 事業主は、労働者からの育児休業申出があった場合において、当該育児休業申出に係る育児休業開始予定日とされた日が当該育児休業申出があった日の翌日から起算して一月（前条第三項の規定による申出（当該申出があった日が当該申出に係る子の一歳到達日以前の日であるものに限る。）又は同条第四項の規定による申出（当該申出があった日が当該申出に係る子の一歳六か月到達日以前の日であるものに限る。）にあっては二週間）を経過する日（以下この項において「一月等経過日」という。）前日の日であるときは、厚生労働省令で定めるところにより、当該育児休業開始予定日とされた日から当該一月等経過日（当該育児休業申出があった日までに、出産予定日前に子が出生したことその他の厚生労働省令で定める事由が生じた場合にあっては、当該一月等経過日前の日で厚生労働省令で定める日）までの間のいずれかの日を当該育児休業開始予定日として指定することができる。

(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 第一項ただし書及び前項の規定は、労働者が前条第七項に規定する育児休業申出をする場合には、これを適用しない。

(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.

(育児休業開始予定日の変更の申出等)

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

第七条 第五条第一項の規定による申出をした労働者は、その後当該申出に係る育児休業開始予定日とされた日（前条第三項の規定による事業主の指定があった場合にあっては、当該事業主の指定した日。以下この項において同じ。）の前日までに、前条第三項の厚生労働省令で定める事由が生じた場合には、その事業主に申し出ることにより、当該申出に係る育児休業開始予定日を一回に限り当該育児休業開始予定日とされた日前の日に変更することができる。

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 事業主は、前項の規定による労働者からの申出があった場合において、当該申出に係る変更後の育児休業開始予定日とされた日が当該申出があった日の翌日から起算して一月を超えない範囲内で厚生労働省令で定める期間を経過する日（以下この項において「期間経過日」という。）前の日であるときは、厚生労働省令で定めるところにより、当該申出に係る変更後の育児休業開始予定日とされた日から当該期間経過日

(その日が当該申出に係る変更前の育児休業開始予定日とされていた日(前条第三項の規定による事業主の指定があった場合にあっては、当該事業主の指定した日。以下この項において同じ。))以後の日である場合にあっては、当該申出に係る変更前の育児休業開始予定日とされていた日)までの間のいずれかの日を当該労働者に係る育児休業開始予定日として指定することができる。

(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 育児休業申出をした労働者は、厚生労働省令で定める日までにその事業主に申し出ることにより、当該育児休業申出に係る育児休業終了予定日を一回に限り当該育児休業終了予定日とされた日後の日に変更することができる。

(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.

(育児休業申出の撤回等)

(Withdrawal of Applications for Childcare Leave)

第八条 育児休業申出をした労働者は、当該育児休業申出に係る育児休業開始予定日とされた日(第六条第三項又は前条第二項の規定による事業主の指定があった場合にあっては当該事業主の指定した日、同条第一項の規定により育児休業開始予定日に変更された場合にあってはその変更後の育児休業開始予定日とされた日。以下同じ。)の前日までは、当該育児休業申出を撤回することができる。

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 前項の規定により第五条第一項の規定による申出を撤回した労働者は、同条第二項の規定の適用については、当該申出に係る育児休業をしたものとみなす。

(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 第一項の規定により第五条第三項又は第四項の規定による申出を撤回した労働者は、当該申出に係る子については、厚生労働省令で定める特別の事情がある場合を除き、同条第三項及び第四項の規定にかかわらず、これらの規定による申出をすることができない。

(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 育児休業申出がされた後育児休業開始予定日とされた日の前日までに、子の死亡その他の労働者が当該育児休業申出に係る子を養育しないこととなった事由として厚生労働省令で定める事由が生じたときは、当該育児休業申出は、されなかったものとみなす。この場合において、労働者は、その事業主に対して、当該事由が生じた旨を遅滞なく通知しなければならない。

(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.

(育児休業期間)

(Period of Childcare Leave)

第九条 育児休業申出をした労働者がその期間中は育児休業をすることができる期間（以下「育児休業期間」という。）は、育児休業開始予定日とされた日から育児休業終了予定日とされた日（第七条第三項の規定により当該育児休業終了予定日に変更された場合にあつては、その変更後の育児休業終了予定日とされた日。次項において同じ。）までの間とする。

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 次の各号に掲げるいずれかの事情が生じた場合には、育児休業期間は、前項の規定にかかわらず、当該事情が生じた日（第三号に掲げる事情が生じた場合にあっては、その前日）に終了する。

(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:

一 育児休業終了予定日とされた日の前日までに、子の死亡その他の労働者が育児休業申出に係る子を養育しないこととなった事由として厚生労働省令で定める事由が生じたこと。

(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;

二 育児休業終了予定日とされた日の前日までに、育児休業申出に係る子が一歳（第五条第三項の規定による申出により育児休業をしている場合にあっては一歳六か月、同条第四項の規定による申出により育児休業をしている場合にあっては二歳）に達したこと。

(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

三 育児休業終了予定日とされた日までに、育児休業申出をした労働者について、労働基準法（昭和二十二年法律第四十九号）第六十五条第一項若しくは第二項の規定により休業する期間、第九条の五第一項に規定する出生時育児休業期間、第十五条第一項に規定する介護休業期間又は新たな育児休業期間が始まったこと。

(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 前条第四項後段の規定は、前項第一号の厚生労働省令で定める事由が生じた場合について準用する。

(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.

(出生時育児休業の申出)

(Application for Parental Leave)

第九条の二 労働者は、その養育する子について、その事業主に申し出ることにより、出生時育児休業（育児休業のうち、この条から第九条の五までに定めるところにより、子の出生の日から起算して八週間を経過する日の翌日まで（出産予定日前に当該子が出生した場合にあっては当該出生の日から当該出産予定日から起算して八週間を経過する日の翌日までとし、出産予定日後に当該子が出生した場合にあっては当該出産予定日から当該出生の日から起算して八週間を経過する日の翌日までとする。次項第一号において同じ。）の期間内に四週間以内の期間を定めてする休業をいう。以下同じ。）をすることができる。ただし、期間を定めて雇用される者にあつては、その養育する子の出生の日（出産予定日前に当該子が出生した場合にあっては、当該出産予定日）から起算して八週間を経過する日の翌日から六月を経過する日までに、その労働契約が満了することが明らかでない者に限り、当該申出をすることができる。

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 前項の規定にかかわらず、労働者は、その養育する子について次の各号のいずれか

に該当する場合には、当該子については、同項の規定による申出をすることができない。

(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:

一 当該子の出生の日から起算して八週間を経過する日の翌日までの期間（当該子を養育していない期間を除く。）内に二回の出生時育児休業（第四項に規定する出生時育児休業申出によりする出生時育児休業を除く。）をした場合

(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

二 当該子の出生の日（出産予定日後に当該子が出生した場合にあっては、当該出産予定日）以後に出生時育児休業をする日数（出生時育児休業を開始する日から出生時育児休業を終了する日までの日数とする。第九条の五第六項第三号において同じ。）が二十八日に達している場合

(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 第一項の規定による申出（以下「出生時育児休業申出」という。）は、厚生労働省令で定めるところにより、その期間中は出生時育児休業をすることとする一の期間について、その初日（以下「出生時育児休業開始予定日」という。）及び末日（以下「出生時育児休業終了予定日」という。）とする日を明らかにして、しなければならない。

(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 第一項ただし書及び第二項（第二号を除く。）の規定は、期間を定めて雇用される者であって、その締結する労働契約の期間の末日を出生時育児休業終了予定日（第九条の四において準用する第七条第三項の規定により当該出生時育児休業終了予定日が変更された場合にあつては、その変更後の出生時育児休業終了予定日とされた日）とする出生時育児休業をしているものが、当該出生時育児休業に係る子について、当該

労働契約の更新に伴い、当該更新後の労働契約の期間の初日を出生時育児休業開始予定日とする出生時育児休業申出をする場合には、これを適用しない。

- (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.

(出生時育児休業申出があった場合における事業主の義務等)

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

第九条の三 事業主は、労働者からの出生時育児休業申出があったときは、当該出生時育児休業申出を拒むことができない。ただし、労働者からその養育する子について出生時育児休業申出がなされた後に、当該労働者から当該出生時育児休業申出をした日に養育していた子について新たに出生時育児休業申出がなされた場合は、この限りでない。

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 第六条第一項ただし書及び第二項の規定は、労働者からの出生時育児休業申出があった場合について準用する。この場合において、同項中「前項ただし書」とあるのは「第九条の三第一項ただし書及び同条第二項において準用する前項ただし書」と、「前条第一項、第三項及び第四項」とあるのは「第九条の二第一項」と読み替えるものとする。

(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 事業主は、労働者からの出生時育児休業申出があった場合において、当該出生時育

児休業申出に係る出生時育児休業開始予定日とされた日が当該出生時育児休業申出があった日の翌日から起算して二週間を経過する日（以下この項において「二週間経過日」という。）前の日であるときは、厚生労働省令で定めるところにより、当該出生時育児休業開始予定日とされた日から当該二週間経過日（当該出生時育児休業申出があった日までに、第六条第三項の厚生労働省令で定める事由が生じた場合にあっては、当該二週間経過日前の日で厚生労働省令で定める日）までの間のいずれかの日を当該出生時育児休業開始予定日として指定することができる。

(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 事業主と労働者が雇用される事業所の労働者の過半数で組織する労働組合があるときはその労働組合、その事業所の労働者の過半数で組織する労働組合がないときはその労働者の過半数を代表する者との書面による協定で、次に掲げる事項を定めた場合における前項の規定の適用については、同項中「二週間を経過する日（以下この項において「二週間経過日」という。）」とあるのは「次項第二号に掲げる期間を経過する日」と、「当該二週間経過日」とあるのは「同号に掲げる期間を経過する日」とする。

(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."

一 出生時育児休業申出が円滑に行われるようにするための雇用環境の整備その他の厚生労働省令で定める措置の内容

(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
二 事業主が出生時育児休業申出に係る出生時育児休業開始予定日を指定することができる出生時育児休業申出があった日の翌日から出生時育児休業開始予定日とされた日までの期間（二週間を超え一月以内の期間に限る。）

(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 第一項ただし書及び前三項の規定は、労働者が前条第四項に規定する出生時育児休業申出をする場合には、これを適用しない。

(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.

(準用)

(Applications, Mutatis Mutandis)

第九条の四 第七条並びに第八条第一項、第二項及び第四項の規定は、出生時育児休業申出並びに出生時育児休業開始予定日及び出生時育児休業終了予定日について準用する。この場合において、第七条第一項中「（前条第三項」とあるのは「（第九条の三第三項（同条第四項の規定により読み替えて適用する場合を含む。））」と、同条第二項中「一月」とあるのは「二週間」と、「前条第三項」とあるのは「第九条の三第三項（同条第四項の規定により読み替えて適用する場合を含む。））」と、第八条第一項中「第六条第三項又は前条第二項」とあるのは「第九条の三第三項（同条第四項の規定により読み替えて適用する場合を含む。）又は第九条の四において準用する前条第二項」と、「同条第一項」とあるのは「第九条の四において準用する前条第一項」と、同条第二項中「同条第二項」とあるのは「第九条の二第二項」と読み替えるものとする。

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)."

(出生時育児休業期間等)

(Period of Parental Leave)

第九条の五 出生時育児休業申出をした労働者がその期間中は出生時育児休業をすることができる期間（以下「出生時育児休業期間」という。）は、出生時育児休業開始予定日とされた日（第九条の三第三項（同条第四項の規定により読み替えて適用する場合を含む。）又は前条において準用する第七条第二項の規定による事業主の指定があった場合にあっては当該事業主の指定した日、前条において準用する第七条第一項の規定により出生時育児休業開始予定日が変更された場合にあってはその変更後の出生時育児休業開始予定日とされた日。以下この条において同じ。）から出生時育児休業終了予定日とされた日（前条において準用する第七条第三項の規定により当該出生時育児休業終了予定日が変更された場合にあっては、その変更後の出生時育児休業終了予定日とされた日。第六項において同じ。）までの間とする。

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 出生時育児休業申出をした労働者（事業主と当該労働者が雇用される事業所の労働者の過半数で組織する労働組合があるときはその労働組合、その事業所の労働者の過半数で組織する労働組合がないときはその労働者の過半数を代表する者との書面による協定で、出生時育児休業期間中に就業させることができるものとして定められた労働者）

働者に該当するものに限る。)は、当該出生時育児休業申出に係る出生時育児休業開始予定日とされた日の前日までの間、事業主に対し、当該出生時育児休業申出に係る出生時育児休業期間において就業することができる日その他の厚生労働省令で定める事項(以下この条において「就業可能日等」という。)を申し出ることができる。

(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 前項の規定による申出をした労働者は、当該申出に係る出生時育児休業開始予定日とされた日の前日までは、その事業主に申し出ることにより当該申出に係る就業可能日等を変更し、又は当該申出を撤回することができる。

(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 事業主は、労働者から第二項の規定による申出(前項の規定による変更の申出を含む。)があった場合には、当該申出に係る就業可能日等(前項の規定により就業可能日等が変更された場合にあっては、その変更後の就業可能日等)の範囲内で日時を提示し、厚生労働省令で定めるところにより、当該申出に係る出生時育児休業開始予定日とされた日の前日までに当該労働者の同意を得た場合に限り、厚生労働省令で定める範囲内で、当該労働者を当該日時に就業させることができる。

(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 前項の同意をした労働者は、当該同意の全部又は一部を撤回することができる。ただし、第二項の規定による申出に係る出生時育児休業開始予定日とされた日以後においては、厚生労働省令で定める特別の事情がある場合に限る。

(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 次の各号に掲げるいずれかの事情が生じた場合には、出生時育児休業期間は、第一項の規定にかかわらず、当該事情が生じた日（第四号に掲げる事情が生じた場合にあつては、その前日）に終了する。

(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):

一 出生時育児休業終了予定日とされた日の前日までに、子の死亡その他の労働者が出生時育児休業申出に係る子を養育しないこととなった事由として厚生労働省令で定める事由が生じたこと。

(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;

二 出生時育児休業終了予定日とされた日の前日までに、出生時育児休業申出に係る子の出生の日の翌日（出産予定日前に当該子が出生した場合にあつては、当該出産予定日の翌日）から起算して八週間を経過したこと。

(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;

三 出生時育児休業終了予定日とされた日の前日までに、出生時育児休業申出に係る子の出生の日（出産予定日後に当該子が出生した場合にあつては、当該出産予定日）以後に出生時育児休業をする日数が二十八日に達したこと。

(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

四 出生時育児休業終了予定日とされた日までに、出生時育児休業申出をした労働者

について、労働基準法第六十五条第一項若しくは第二項の規定により休業する期間、育児休業期間、第十五条第一項に規定する介護休業期間又は新たな出生時育児休業期間が始まったこと。

(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 第八条第四項後段の規定は、前項第一号の厚生労働省令で定める事由が生じた場合について準用する。

(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.

(同一の子について配偶者が育児休業をする場合の特例)

(Special Provisions for Childcare Leave Taken by Spouses for the Same Child)

第九条の六 労働者の養育する子について、当該労働者の配偶者が当該子の一歳到達日以前のいずれかの日において当該子を養育するために育児休業をしている場合における第二章から第五章まで、第二十四条第一項及び第十二章の規定の適用については、第五条第一項中「一歳に満たない子」とあるのは「一歳に満たない子（第九条の六第一項の規定により読み替えて適用するこの項の規定により育児休業をする場合にあつては、一歳二か月に満たない子）」と、同条第三項ただし書中「一歳到達日」とあるのは「一歳到達日（当該労働者が第九条の六第一項の規定により読み替えて適用する第一項の規定によりした申出に係る第九条第一項（第九条の六第一項の規定により読み替えて適用する場合を含む。）に規定する育児休業終了予定日とされた日が当該子の一歳到達日後である場合にあつては、当該育児休業終了予定日とされた日）」と、同項第一号中「又はその配偶者が、当該子の一歳到達日」とあるのは「が当該子の一歳到達日（当該労働者が第九条の六第一項の規定により読み替えて適用する第一項の規定によりした申出に係る第九条第一項（第九条の六第一項の規定により読み替えて適用する場合を含む。）に規定する育児休業終了予定日とされた日が当該子の一歳到達日後である場合にあつては、当該育児休業終了予定日とされた日）」において育児休業をしている場合又は当該労働者の配偶者が当該子の一歳到達日（当該配偶者が第九条の六第一項の規定により読み替えて適用する第一項の規定によりした申出に係る第九条第一項（第九条の六第一項の規定により読み替えて適用する場合を含む。）に規定する育児休業終了予定日とされた日が当該子の一歳到達日後である場合にあつては、当該育児休業終了予定日とされた日）」と、同項第三号中「一歳到達日」とあるのは「一歳到達日（当該子を養育する労働者が第九条の六第一項の規定により読み替えて適用する第一項の規定によりした申出に係る第九条第一項（第九条の六第一項の規定により読み替えて適用する場合を含む。）に規定する育児休業終了予定日とされた日

が当該子の一歳到達日後である場合にあっては、当該育児休業終了予定日とされた日」と、同条第六項第一号中「一歳到達日」とあるのは「一歳到達日（当該子を養育する労働者又はその配偶者が第九条の六第一項の規定により読み替えて適用する第一項の規定によりした申出に係る第九条第一項（第九条の六第一項の規定により読み替えて適用する場合を含む。）に規定する育児休業終了予定日とされた日が当該子の一歳到達日後である場合にあっては、当該育児休業終了予定日とされた日（当該労働者に係る育児休業終了予定日とされた日と当該配偶者に係る育児休業終了予定日とされた日が異なるときは、そのいずれかの日）。次条第三項において同じ。）」と、第九条第一項中「変更後の育児休業終了予定日とされた日。次項」とあるのは「変更後の育児休業終了予定日とされた日。次項（第九条の六第一項の規定により読み替えて適用する場合を含む。）において同じ。）」（当該育児休業終了予定日とされた日が当該育児休業開始予定日とされた日から起算して育児休業等可能日数（当該育児休業に係る子の出生した日から当該子の一歳到達日までの日数をいう。）から育児休業等取得日数（当該子の出生した日以後当該労働者が労働基準法（昭和二十二年法律第四十九号）第六十五条第一項又は第二項の規定により休業した日数と当該子について育児休業及び次条第一項に規定する出生時育児休業をした日数を合算した日数をいう。）を差し引いた日数を経過する日より後の日であるときは、当該経過する日。次項（第九条の六第一項の規定により読み替えて適用する場合を含む。）」と、同条第二項第二号中「第五条第三項」とあるのは「第九条の六第一項の規定により読み替えて適用する第五条第一項の規定による申出により育児休業をしている場合にあっては一歳二か月、同条第三項（第九条の六第一項の規定により読み替えて適用する場合を含む。）」と、「同条第四項」とあるのは「第五条第四項」と、第二十四条第一項第一号中「一歳（）」とあるのは「一歳（当該労働者が第九条の六第一項の規定により読み替えて適用する第五条第一項の規定による申出をすることができる場合にあっては一歳二か月、）」とするほか、必要な技術的読替えは、厚生労働省令で定める。

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 前項の規定は、同項の規定を適用した場合の第五条第一項の規定による申出に係る育児休業開始予定日とされた日が、当該育児休業に係る子の一歳到達日の翌日後である場合又は前項の場合における当該労働者の配偶者がしている育児休業に係る育児休業期間の初日前である場合には、これを適用しない。

(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.

(公務員である配偶者がする育児休業に関する規定の適用)

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

第九条の七 第五条第三項、第四項及び第六項並びに前条の規定の適用については、労働者の配偶者が国会職員の育児休業等に関する法律（平成三年法律第百八号）第三条第二項、国家公務員の育児休業等に関する法律（平成三年法律第百九号）第三条第二項（同法第二十七条第一項及び裁判所職員臨時措置法（昭和二十六年法律第二百九十九号）（第七号に係る部分に限る。）において準用する場合を含む。）、地方公務員の育児休業等に関する法律（平成三年法律第百十号）第二条第二項又は裁判官の育児休業に関する法律（平成三年法律第百十一号）第二条第二項の規定によりする請求及び当該請求に係る育児休業は、それぞれ第五条第一項、第三項又は第四項の規定によりする申出及び当該申出によりする育児休業とみなす。

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.

(不利益取扱いの禁止)

(Prohibition of Disadvantageous Treatment)

第十条 事業主は、労働者が育児休業申出等（育児休業申出及び出生時育児休業申出をいう。以下同じ。）をし、若しくは育児休業をしたこと又は第九条の五第二項の規定による申出若しくは同条第四項の同意をしなかったことその他の同条第二項から第五項までの規定に関する事由であつて厚生労働省令で定めるものを理由として、当該労働者に対して解雇その他不利益な取扱いをしてはならない。

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.

第三章 介護休業

Chapter III Caregiver Leave

(介護休業の申出)

(Application for Caregiver Leave)

第十一条 労働者は、その事業主に申し出ることにより、介護休業をすることができる。ただし、期間を定めて雇用される者にあつては、第三項に規定する介護休業開始予定日から起算して九十三日を経過する日から六月を経過する日までに、その労働契約が満了することが明らかでない者に限り、当該申出をすることができる。

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 前項の規定にかかわらず、介護休業をしたことがある労働者は、当該介護休業に係る対象家族が次の各号のいずれかに該当する場合には、当該対象家族については、同項の規定による申出をすることができない。

(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:

一 当該対象家族について三回の介護休業をした場合

(i) with regard to the applicable family member, caregiver leave has been taken three times; or

二 当該対象家族について介護休業をした日数（介護休業を開始した日から介護休業を終了した日までの日数とし、二回以上の介護休業をした場合にあつては、介護休業ごとに、当該介護休業を開始した日から当該介護休業を終了した日までの日数を合算して得た日数とする。第十五条第一項において「介護休業日数」という。）が九十三日に達している場合

(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 第一項の規定による申出（以下「介護休業申出」という。）は、厚生労働省令で定めるところにより、介護休業申出に係る対象家族が要介護状態にあることを明らかにし、かつ、その期間中は当該対象家族に係る介護休業をすることとする一の期間について、その初日（以下「介護休業開始予定日」という。）及び末日（以下「介護休業終了予定日」という。）とする日を明らかにして、しなければならない。

(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 第一項ただし書及び第二項（第二号を除く。）の規定は、期間を定めて雇用される者であつて、その締結する労働契約の期間の末日を介護休業終了予定日（第十三条において準用する第七条第三項の規定により当該介護休業終了予定日に変更された場合にあつては、その変更後の介護休業終了予定日とされた日）とする介護休業をしているものが、当該介護休業に係る対象家族について、当該労働契約の更新に伴い、当該更新後の労働契約の期間の初日を介護休業開始予定日とする介護休業申出をする場合には、これを適用しない。

(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.

（介護休業申出があつた場合における事業主の義務等）

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

第十二条 事業主は、労働者からの介護休業申出があつたときは、当該介護休業申出を拒むことができない。

Article 12 (1) Employers may not, when an application for caregiver leave is filed by a worker, refuse the application for caregiver leave.

2 第六条第一項ただし書及び第二項の規定は、労働者からの介護休業申出があつた場合について準用する。この場合において、同項中「前項ただし書」とあるのは「第十二条第二項において準用する前項ただし書」と、「前条第一項、第三項及び第四項」とあるのは「第十一条第一項」と読み替えるものとする。

(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 事業主は、労働者からの介護休業申出があった場合において、当該介護休業申出に係る介護休業開始予定日とされた日が当該介護休業申出があった日の翌日から起算して二週間を経過する日（以下この項において「二週間経過日」という。）前の日であるときは、厚生労働省令で定めるところにより、当該介護休業開始予定日とされた日から当該二週間経過日までの間のいずれかの日を当該介護休業開始予定日として指定することができる。

(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 前二項の規定は、労働者が前条第四項に規定する介護休業申出をする場合には、これを適用しない。

(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.

(介護休業終了予定日の変更の申出)

(Application for a Change to the Scheduled End Date for Caregiver Leave)

第十三条 第七条第三項の規定は、介護休業終了予定日の変更の申出について準用する。

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.

(介護休業申出の撤回等)

(Withdrawal of Applications for Caregiver Leave)

第十四条 介護休業申出をした労働者は、当該介護休業申出に係る介護休業開始予定日とされた日（第十二条第三項の規定による事業主の指定があった場合にあっては、当該事業主の指定した日。第三項において準用する第八条第四項及び次条第一項において同じ。）の前日までは、当該介護休業申出を撤回することができる。

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 前項の規定による介護休業申出の撤回がなされ、かつ、当該撤回に係る対象家族について当該撤回後になされる最初の介護休業申出が撤回された場合においては、その後になされる当該対象家族についての介護休業申出については、事業主は、第十二条第一項の規定にかかわらず、これを拒むことができる。

(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 第八条第四項の規定は、介護休業申出について準用する。この場合において、同項中「子」とあるのは「対象家族」と、「養育」とあるのは「介護」と読み替えるものとする。

(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."

(介護休業期間)

(Period of Caregiver Leave)

第十五条 介護休業申出をした労働者がその期間中は介護休業をすることができる期間（以下「介護休業期間」という。）は、当該介護休業申出に係る介護休業開始予定日とされた日から介護休業終了予定日とされた日（その日が当該介護休業開始予定日とされた日から起算して九十三日から当該労働者の当該介護休業申出に係る対象家族についての介護休業日数を差し引いた日数を経過する日より後の日であるときは、当該経過する日。第三項において同じ。）までの間とする。

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 この条において、介護休業終了予定日とされた日とは、第十三条において準用する第七条第三項の規定により当該介護休業終了予定日に変更された場合にあっては、その変更後の介護休業終了予定日とされた日をいう。

(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 次の各号に掲げるいずれかの事情が生じた場合には、介護休業期間は、第一項の規定にかかわらず、当該事情が生じた日（第二号に掲げる事情が生じた場合にあっては、その前日）に終了する。

(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):

一 介護休業終了予定日とされた日の前日までに、対象家族の死亡その他の労働者が介護休業申出に係る対象家族を介護しないこととなった事由として厚生労働省令で定める事由が生じたこと。

(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

二 介護休業終了予定日とされた日までに、介護休業申出をした労働者について、労働基準法第六十五条第一項若しくは第二項の規定により休業する期間、育児休業期間、出生時育児休業期間又は新たな介護休業期間が始まったこと。

(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 第八条第四項後段の規定は、前項第一号の厚生労働省令で定める事由が生じた場合について準用する。

(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

(不利益取扱いの禁止)

(Prohibition of Disadvantageous Treatment)

第十六条 事業主は、労働者が介護休業申出をし、又は介護休業をしたことを理由とし

て、当該労働者に対して解雇その他不利益な取扱いをしてはならない。

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.

第四章 子の看護休暇

Chapter IV Short-term Leave for Sick/Injured Childcare

(子の看護休暇の申出)

(Applications for Short-term Leave for Sick/Injured Childcare)

第十六条の二 小学校就学の始期に達するまでの子を養育する労働者は、その事業主に申し出ることにより、一の年度において五労働日（その養育する小学校就学の始期に達するまでの子が二人以上の場合にあつては、十労働日）を限度として、負傷し、若しくは疾病にかかった当該子の世話又は疾病の予防を図るために必要なものとして厚生労働省令で定める当該子の世話をを行うための休暇（以下「子の看護休暇」という。）を取得することができる。

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 子の看護休暇は、一日の所定労働時間が短い労働者として厚生労働省令で定めるもの以外の者は、厚生労働省令で定めるところにより、厚生労働省令で定める一日未満の単位で取得することができる。

(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 第一項の規定による申出は、厚生労働省令で定めるところにより、子の看護休暇を取得する日（前項の厚生労働省令で定める一日未満の単位で取得するときは子の看護休暇の開始及び終了の日時）を明らかにして、しなければならない。

(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 第一項の年度は、事業主が別段の定めをする場合を除き、四月一日に始まり、翌年三月三十一日に終わるものとする。

(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.

(子の看護休暇の申出があった場合における事業主の義務等)

(Obligations of Employers when an Application for Short-term Leave for Sick/Injured Childcare is Filed)

第十六条の三 事業主は、労働者からの前条第一項の規定による申出があったときは、当該申出を拒むことができない。

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 第六条第一項ただし書及び第二項の規定は、労働者からの前条第一項の規定による申出があった場合について準用する。この場合において、第六条第一項第一号中「一年」とあるのは「六月」と、同項第二号中「定めるもの」とあるのは「定めるもの又は業務の性質若しくは業務の実施体制に照らして、第十六条の二第二項の厚生労働省令で定める一日未満の単位で子の看護休暇を取得することが困難と認められる業務に従事する労働者（同項の規定による厚生労働省令で定める一日未満の単位で取得しようとする者に限る。）」と、同条第二項中「前項ただし書」とあるのは「第十六条の三第二項において準用する前項ただし書」と、「前条第一項、第三項及び第四項」とあるのは「第十六条の二第一項」と読み替えるものとする。

(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)."

(準用)

(Applications, Mutatis Mutandis)

第十六条の四 第十六条の規定は、第十六条の二第一項の規定による申出及び子の看護休暇について準用する。

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).

第五章 介護休暇

Chapter V Short-term Leave for Caregiver

(介護休暇の申出)

(Applications for Short-term Leave for Caregiver)

第十六条の五 要介護状態にある対象家族の介護その他の厚生労働省令で定める世話を
行う労働者は、その事業主に申し出ることにより、一の年度において五労働日（要介
護状態にある対象家族が二人以上の場合にあつては、十労働日）を限度として、当該
世話をを行うための休暇（以下「介護休暇」という。）を取得することができる。

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 介護休暇は、一日の所定労働時間が短い労働者として厚生労働省令で定めるもの以外の者は、厚生労働省令で定めるところにより、厚生労働省令で定める一日未満の単位で取得することができる。

(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 第一項の規定による申出は、厚生労働省令で定めるところにより、当該申出に係る対象家族が要介護状態にあること及び介護休暇を取得する日（前項の厚生労働省令で定める一日未満の単位で取得するときは介護休暇の開始及び終了の日時）を明らかにして、しなければならない。

(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 第一項の年度は、事業主が別段の定めをする場合を除き、四月一日に始まり、翌年三月三十一日に終わるものとする。

(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.

(介護休暇の申出があった場合における事業主の義務等)

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

第十六条の六 事業主は、労働者からの前条第一項の規定による申出があったときは、当該申出を拒むことができない。

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 第六条第一項ただし書及び第二項の規定は、労働者からの前条第一項の規定による申出があった場合について準用する。この場合において、第六条第一項第一号中「一年」とあるのは「六月」と、同項第二号中「定めるもの」とあるのは「定めるもの又は業務の性質若しくは業務の実施体制に照らして、第十六条の五第二項の厚生労働省令で定める一日未満の単位で介護休暇を取得することが困難と認められる業務に従事する労働者（同項の規定による厚生労働省令で定める一日未満の単位で取得しようとする者に限る。）」と、同条第二項中「前項ただし書」とあるのは「第十六条の六第二項において準用する前項ただし書」と、「前条第一項、第三項及び第四項」とあるのは「第十六条の五第一項」と読み替えるものとする。

(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)."

(準用)

(Applications, Mutatis Mutandis)

第十六条の七 第十六条の規定は、第十六条の五第一項の規定による申出及び介護休暇について準用する。

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).

第六章 所定外労働の制限

Chapter VI Limitations on Unscheduled Work

第十六条の八 事業主は、三歳に満たない子を養育する労働者であつて、当該事業主と当該労働者が雇用される事業所の労働者の過半数で組織する労働組合があるときはその労働組合、その事業所の労働者の過半数で組織する労働組合がないときはその労働者の過半数を代表する者との書面による協定で、次に掲げる労働者のうちこの項本文の規定による請求をできないものとして定められた労働者に該当しない労働者が当該子を養育するために請求した場合においては、所定労働時間を超えて労働させてはならない。ただし、事業の正常な運営を妨げる場合は、この限りでない。

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:

一 当該事業主に引き続き雇用された期間が一年に満たない労働者

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

二 前号に掲げるもののほか、当該請求をできないこととするについて合理的な理由があると認められる労働者として厚生労働省令で定めるもの

(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 前項の規定による請求は、厚生労働省令で定めるところにより、その期間中は所定労働時間を超えて労働させてはならないこととなる一の期間（一月以上一年以内の期間に限る。第四項において「制限期間」という。）について、その初日（以下この条において「制限開始予定日」という。）及び末日（第四項において「制限終了予定日」という。）とする日を明らかにして、制限開始予定日の一月前までにしなければならない。この場合において、この項前段に規定する制限期間については、第十七条第二項前段（第十八条第一項において準用する場合を含む。）に規定する制限期間と重複しないようにしなければならない。

(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 第一項の規定による請求がされた後制限開始予定日とされた日の前日までに、子の死亡その他の労働者が当該請求に係る子の養育をしないこととなった事由として厚生労働省令で定める事由が生じたときは、当該請求は、されなかったものとみなす。この場合において、労働者は、その事業主に対して、当該事由が生じた旨を遅滞なく通知しなければならない。

(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 次の各号に掲げるいずれかの事情が生じた場合には、制限期間は、当該事情が生じた日（第三号に掲げる事情が生じた場合にあっては、その前日）に終了する。

(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):

一 制限終了予定日とされた日の前日までに、子の死亡その他の労働者が第一項の規定による請求に係る子を養育しないこととなった事由として厚生労働省令で定める事由が生じたこと。

(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;

二 制限終了予定日とされた日の前日までに、第一項の規定による請求に係る子が三歳に達したこと。

(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

三 制限終了予定日とされた日までに、第一項の規定による請求をした労働者について、労働基準法第六十五条第一項若しくは第二項の規定により休業する期間、育児休業期間、出生時育児休業期間又は介護休業期間が始まったこと。

(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 第三項後段の規定は、前項第一号の厚生労働省令で定める事由が生じた場合について準用する。

(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.

第十六条の九 前条第一項から第三項まで及び第四項（第二号を除く。）の規定は、要介護状態にある対象家族を介護する労働者について準用する。この場合において、同条第一項中「当該子を養育する」とあるのは「当該対象家族を介護する」と、同条第三項及び第四項第一号中「子」とあるのは「対象家族」と、「養育」とあるのは「介護」と読み替えるものとする。

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 前条第三項後段の規定は、前項において準用する同条第四項第一号の厚生労働省令

で定める事由が生じた場合について準用する。

- (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.

第十六条の十 事業主は、労働者が第十六条の八第一項（前条第一項において準用する場合を含む。以下この条において同じ。）の規定による請求をし、又は第十六条の八第一項の規定により当該事業主が当該請求をした労働者について所定労働時間を超えて労働させてはならない場合に当該労働者が所定労働時間を超えて労働しなかったことを理由として、当該労働者に対して解雇その他不利益な取扱いをしてはならない。

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).

第七章 時間外労働の制限

Chapter VII Limitations on Overtime Work

第十七条 事業主は、労働基準法第三十六条第一項の規定により同項に規定する労働時間（以下この条において単に「労働時間」という。）を延長することができる場合において、小学校就学の始期に達するまでの子を養育する労働者であつて次の各号のいずれにも該当しないものが当該子を養育するために請求したときは、制限時間（一月について二十四時間、一年について百五十時間をいう。次項及び第十八条の二において同じ。）を超えて労働時間を延長してはならない。ただし、事業の正常な運営を妨げる場合は、この限りでない。

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:

- 一 当該事業主に引き続き雇用された期間が一年に満たない労働者
- (i) a worker employed by the employer for a continued period of less than one year; or
- 二 前号に掲げるもののほか、当該請求をできないこととするについて合理的な理由があると認められる労働者として厚生労働省令で定めるもの
- (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 前項の規定による請求は、厚生労働省令で定めるところにより、その期間中は制限時間を超えて労働時間を延長してはならないこととなる一の期間（一月以上一年以内の期間に限る。第四項において「制限期間」という。）について、その初日（以下この条において「制限開始予定日」という。）及び末日（第四項において「制限終了予定日」という。）とする日を明らかにして、制限開始予定日の一月前までにしなければならない。この場合において、この項前段に規定する制限期間については、第十六条の八第二項前段（第十六条の九第一項において準用する場合を含む。）に規定する制限期間と重複しないようにしなければならない。
- (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 第一項の規定による請求がされた後制限開始予定日とされた日の前日までに、子の死亡その他の労働者が当該請求に係る子の養育をしないこととなった事由として厚生労働省令で定める事由が生じたときは、当該請求は、されなかったものとみなす。この場合において、労働者は、その事業主に対して、当該事由が生じた旨を遅滞なく通知しなければならない。
- (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 次の各号に掲げるいずれかの事情が生じた場合には、制限期間は、当該事情が生じた日（第三号に掲げる事情が生じた場合にあつては、その前日）に終了する。

(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):

一 制限終了予定日とされた日の前日までに、子の死亡その他の労働者が第一項の規定による請求に係る子を養育しないこととなった事由として厚生労働省令で定める事由が生じたこと。

(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;

二 制限終了予定日とされた日の前日までに、第一項の規定による請求に係る子が小学校就学の始期に達したこと。

(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

三 制限終了予定日とされた日までに、第一項の規定による請求をした労働者について、労働基準法第六十五条第一項若しくは第二項の規定により休業する期間、育児休業期間、出生時育児休業期間又は介護休業期間が始まったこと。

(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 第三項後段の規定は、前項第一号の厚生労働省令で定める事由が生じた場合について準用する。

(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.

第十八条 前条第一項、第二項、第三項及び第四項（第二号を除く。）の規定は、要介護状態にある対象家族を介護する労働者について準用する。この場合において、同条第一項中「当該子を養育する」とあるのは「当該対象家族を介護する」と、同条第三項及び第四項第一号中「子」とあるのは「対象家族」と、「養育」とあるのは「介護」と読み替えるものとする。

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 前条第三項後段の規定は、前項において準用する同条第四項第一号の厚生労働省令で定める事由が生じた場合について準用する。

(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.

第十八条の二 事業主は、労働者が第十七条第一項（前条第一項において準用する場合を含む。以下この条において同じ。）の規定による請求をし、又は第十七条第一項の規定により当該事業主が当該請求をした労働者について制限時間を超えて労働時間を延長してはならない場合に当該労働者が制限時間を超えて労働しなかったことを理由として、当該労働者に対して解雇その他不利益な取扱いをしてはならない。

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).

第八章 深夜業の制限

Chapter VIII Limitations on Late-Night Work

第十九条 事業主は、小学校就学の始期に達するまでの子を養育する労働者であって次の各号のいずれにも該当しないものが当該子を養育するために請求した場合においては、午後十時から午前五時までの間（以下この条及び第二十条の二において「深夜」という。）において労働させてはならない。ただし、事業の正常な運営を妨げる場合は、この限りでない。

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:

- 一 当該事業主に引き続き雇用された期間が一年に満たない労働者
 - (i) a worker employed by the employer for a continued period of less than one year;
 - 二 当該請求に係る深夜において、常態として当該子を保育することができる当該子の同居の家族その他の厚生労働省令で定める者がいる場合における当該労働者
 - (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
 - 三 前二号に掲げるもののほか、当該請求をできないこととすることについて合理的な理由があると認められる労働者として厚生労働省令で定めるもの
 - (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 前項の規定による請求は、厚生労働省令で定めるところにより、その期間中は深夜において労働させてはならないこととなる一の期間（一月以上六月以内の期間に限る。第四項において「制限期間」という。）について、その初日（以下この条において「制限開始予定日」という。）及び末日（同項において「制限終了予定日」という。）とする日を明らかにして、制限開始予定日の一月前までにしなければならない。
 - (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 第一項の規定による請求がされた後制限開始予定日とされた日の前日までに、子の死亡その他の労働者が当該請求に係る子の養育をしないこととなった事由として厚生労働省令で定める事由が生じたときは、当該請求は、されなかったものとみなす。この場合において、労働者は、その事業主に対して、当該事由が生じた旨を遅滞なく通知しなければならない。
 - (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 次の各号に掲げるいずれかの事情が生じた場合には、制限期間は、当該事情が生じ

た日（第三号に掲げる事情が生じた場合にあっては、その前日）に終了する。

(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):

一 制限終了予定日とされた日の前日までに、子の死亡その他の労働者が第一項の規定による請求に係る子を養育しないこととなった事由として厚生労働省令で定める事由が生じたこと。

(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;

二 制限終了予定日とされた日の前日までに、第一項の規定による請求に係る子が小学校就学の始期に達したこと。

(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

三 制限終了予定日とされた日までに、第一項の規定による請求をした労働者について、労働基準法第六十五条第一項若しくは第二項の規定により休業する期間、育児休業期間、出生時育児休業期間又は介護休業期間が始まったこと。

(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 第三項後段の規定は、前項第一号の厚生労働省令で定める事由が生じた場合について準用する。

(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.

第二十条 前条第一項から第三項まで及び第四項（第二号を除く。）の規定は、要介護状態にある対象家族を介護する労働者について準用する。この場合において、同条第一項中「当該子を養育する」とあるのは「当該対象家族を介護する」と、同項第二号中「子」とあるのは「対象家族」と、「保育」とあるのは「介護」と、同条第三項及び第四項第一号中「子」とあるのは「対象家族」と、「養育」とあるのは「介護」と読み替えるものとする。

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 前条第三項後段の規定は、前項において準用する同条第四項第一号の厚生労働省令で定める事由が生じた場合について準用する。

(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.

第二十条の二 事業主は、労働者が第十九条第一項（前条第一項において準用する場合を含む。以下この条において同じ。）の規定による請求をし、又は第十九条第一項の規定により当該事業主が当該請求をした労働者について深夜において労働させてはならない場合に当該労働者が深夜において労働しなかったことを理由として、当該労働者に対して解雇その他不利益な取扱いをしてはならない。

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).

第九章 事業主が講ずべき措置等

Chapter IX Measures to be Taken by Employers

(妊娠又は出産等についての申出があった場合における措置等)

(Measures to Be Taken when a Report on Pregnancy or Childbirth is Filed)

第二十一条 事業主は、労働者が当該事業主に対し、当該労働者又はその配偶者が妊娠し、又は出産したことその他これに準ずるものとして厚生労働省令で定める事実を申し出たときは、厚生労働省令で定めるところにより、当該労働者に対して、育児休業に関する制度その他の厚生労働省令で定める事項を知らせるとともに、育児休業申出等に係る当該労働者の意向を確認するための面談その他の厚生労働省令で定める措置を講じなければならない。

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 事業主は、労働者が前項の規定による申出をしたことを理由として、当該労働者に対して解雇その他不利益な取扱いをしてはならない。

(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.

(育児休業等に関する定め等の周知等の措置)

(Measures for the Dissemination of Childcare Leave Provisions)

第二十一条の二 前条第一項に定めるもののほか、事業主は、育児休業及び介護休業に関して、あらかじめ、次に掲げる事項を定めるとともに、これを労働者に周知させるための措置（労働者若しくはその配偶者が妊娠し、若しくは出産したこと又は労働者が対象家族を介護していることを知ったときに、当該労働者に対し知らせる措置を含む。）を講ずるよう努めなければならない。

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):

一 労働者の育児休業及び介護休業中における待遇に関する事項

(i) particulars related to treatment for a worker during a period of childcare leave and caregiver leave;

二 育児休業及び介護休業後における賃金、配置その他の労働条件に関する事項

(ii) particulars related to working conditions after childcare leave and caregiver leave, such as wages and assignments; and

三 前二号に掲げるもののほか、厚生労働省令で定める事項

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

2 事業主は、労働者が育児休業申出等又は介護休業申出をしたときは、厚生労働省令で定めるところにより、当該労働者に対し、前項各号に掲げる事項に関する当該労働者に係る取扱いを明示するよう努めなければならない。

(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.

(雇用環境の整備及び雇用管理等に関する措置)

(Measures for Improving the Employment Environment and Managing Employment)

第二十二條 事業主は、育児休業申出等が円滑に行われるようにするため、次の各号のいずれかの措置を講じなければならない。

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

一 その雇用する労働者に対する育児休業に係る研修の実施

(i) provide training courses related to childcare leave to workers employed by that employer;

二 育児休業に関する相談体制の整備

(ii) develop a system for consulting on childcare leave; or

三 その他厚生労働省令で定める育児休業に係る雇用環境の整備に関する措置

(iii) other measures to improve the employment environment for childcare leave specified by Order of the Ministry of Health, Labour and Welfare.

2 前項に定めるもののほか、事業主は、育児休業申出等及び介護休業申出並びに育児休業及び介護休業後における就業が円滑に行われるようにするため、育児休業又は介護休業をする労働者が雇用される事業所における労働者の配置その他の雇用管理、育児休業又は介護休業をしている労働者の職業能力の開発及び向上等に関して、必要な措置を講ずるよう努めなければならない。

(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.

(育児休業の取得の状況の公表)

(Public Announcement of Status of Childcare Leave Taken)

第二十二條の二 常時雇用する労働者の数が千人を超える事業主は、厚生労働省令で定めるところにより、毎年少なくとも一回、その雇用する労働者の育児休業の取得の状況として厚生労働省令で定めるものを公表しなければならない。

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.

(所定労働時間の短縮措置等)

(Measures including the Shortening of Prescribed Working Hours)

第二十三条 事業主は、その雇用する労働者のうち、その三歳に満たない子を養育する労働者であって育児休業をしていないもの（一日の所定労働時間が短い労働者として厚生労働省令で定めるものを除く。）に関して、厚生労働省令で定めるところにより、労働者の申出に基づき所定労働時間を短縮することにより当該労働者が就業しつつ当該子を養育することを容易にするための措置（以下この条及び第二十四条第一項第三号において「育児のための所定労働時間の短縮措置」という。）を講じなければならない。ただし、当該事業主と当該労働者が雇用される事業所の労働者の過半数で組織する労働組合があるときはその労働組合、その事業所の労働者の過半数で組織する労働組合がないときはその労働者の過半数を代表する者との書面による協定で、次に掲げる労働者のうち育児のための所定労働時間の短縮措置を講じないものとして定められた労働者に該当する労働者については、この限りでない。

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:

一 当該事業主に引き続き雇用された期間が一年に満たない労働者

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

二 前号に掲げるもののほか、育児のための所定労働時間の短縮措置を講じないこととすることについて合理的な理由があると認められる労働者として厚生労働省令で定めるもの

(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

三 前二号に掲げるもののほか、業務の性質又は業務の実施体制に照らして、育児のための所定労働時間の短縮措置を講じることが困難と認められる業務に従事する労働者

(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 事業主は、その雇用する労働者のうち、前項ただし書の規定により同項第三号に掲げる労働者であってその三歳に満たない子を養育するものについて育児のための所定労働時間の短縮措置を講じないこととするときは、当該労働者に関して、厚生労働省令で定めるところにより、労働者の申出に基づく育児休業に関する制度に準ずる措置又は労働基準法第三十二条の三第一項の規定により労働させることその他の当該労働者が就業しつつ当該子を養育することを容易にするための措置（第二十四条第一項において「始業時刻変更等の措置」という。）を講じなければならない。

(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 事業主は、その雇用する労働者のうち、その要介護状態にある対象家族を介護する労働者であって介護休業をしていないものに関して、厚生労働省令で定めるところにより、労働者の申出に基づく連続する三年の期間以上の期間における所定労働時間の短縮その他の当該労働者が就業しつつその要介護状態にある対象家族を介護することを容易にするための措置（以下この条及び第二十四条第二項において「介護のための所定労働時間の短縮等の措置」という。）を講じなければならない。ただし、当該事業主と当該労働者が雇用される事業所の労働者の過半数で組織する労働組合があるときはその労働組合、その事業所の労働者の過半数で組織する労働組合がないときはその労働者の過半数を代表する者との書面による協定で、次に掲げる労働者のうち介護のための所定労働時間の短縮等の措置を講じないものとして定められた労働者に該当する労働者については、この限りでない。

(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.

一 当該事業主に引き続き雇用された期間が一年に満たない労働者

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

二 前号に掲げるもののほか、介護のための所定労働時間の短縮等の措置を講じないこととすることについて合理的な理由があると認められる労働者として厚生労働省令で定めるもの

(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 前項本文の期間は、当該労働者が介護のための所定労働時間の短縮等の措置の利用を開始する日として当該労働者が申し出た日から起算する。

(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.

第二十三条の二 事業主は、労働者が前条の規定による申出をし、又は同条の規定により当該労働者に措置が講じられたことを理由として、当該労働者に対して解雇その他不利益な取扱いをしてはならない。

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.

(小学校就学の始期に達するまでの子を養育する労働者等に関する措置)

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

第二十四条 事業主は、その雇用する労働者のうち、その小学校就学の始期に達するま

での子を養育する労働者に関して、労働者の申出に基づく育児に関する目的のために利用することができる休暇（子の看護休暇、介護休暇及び労働基準法第三十九条の規定による年次有給休暇として与えられるものを除き、出産後の養育について出産前において準備することができる休暇を含む。）を与えるための措置及び次の各号に掲げる当該労働者の区分に応じ当該各号に定める制度又は措置に準じて、それぞれ必要な措置を講ずるよう努めなければならない。

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:

一 その一歳（当該労働者が第五条第三項の規定による申出をすることができる場合にあつては一歳六か月、当該労働者が同条第四項の規定による申出をすることができる場合にあつては二歳。次号において同じ。）に満たない子を養育する労働者（第二十三条第二項に規定する労働者を除く。同号において同じ。）で育児休業をしていないもの 始業時刻変更等の措置

(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;

二 その一歳から三歳に達するまでの子を養育する労働者 育児休業に関する制度又は始業時刻変更等の措置

(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

三 その三歳から小学校就学の始期に達するまでの子を養育する労働者 育児休業に関する制度、第十六条の八の規定による所定外労働の制限に関する制度、育児のための所定労働時間の短縮措置又は始業時刻変更等の措置

(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 事業主は、その雇用する労働者のうち、その家族を介護する労働者に関して、介護休業若しくは介護休暇に関する制度又は介護のための所定労働時間の短縮等の措置に準じて、その介護を必要とする期間、回数等に配慮した必要な措置を講ずるように努めなければならない。

- (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.

(職場における育児休業等に関する言動に起因する問題に関する雇用管理上の措置等)

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

第二十五条 事業主は、職場において行われるその雇用する労働者に対する育児休業、介護休業その他の子の養育又は家族の介護に関する厚生労働省令で定める制度又は措置の利用に関する言動により当該労働者の就業環境が害されることのないよう、当該労働者からの相談に応じ、適切に対応するために必要な体制の整備その他の雇用管理上必要な措置を講じなければならない。

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 事業主は、労働者が前項の相談を行ったこと又は事業主による当該相談への対応に協力した際に事実を述べたことを理由として、当該労働者に対して解雇その他不利益な取扱いをしてはならない。

- (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.

(職場における育児休業等に関する言動に起因する問題に関する国、事業主及び労働者の責務)

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

第二十五条の二 国は、労働者の就業環境を害する前条第一項に規定する言動を行ってはならないことその他当該言動に起因する問題（以下この条において「育児休業等関係言動問題」という。）に対する事業主その他国民一般の関心と理解を深めるため、広報活動、啓発活動その他の措置を講ずるように努めなければならない。

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 事業主は、育児休業等関係言動問題に対するその雇用する労働者の関心と理解を深めるとともに、当該労働者が他の労働者に対する言動に必要な注意を払うよう、研修の実施その他の必要な配慮をするほか、国の講ずる前項の措置に協力するように努めなければならない。

(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 事業主（その者が法人である場合にあっては、その役員）は、自らも、育児休業等関係言動問題に対する関心と理解を深め、労働者に対する言動に必要な注意を払うように努めなければならない。

(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 労働者は、育児休業等関係言動問題に対する関心と理解を深め、他の労働者に対する言動に必要な注意を払うとともに、事業主の講ずる前条第一項の措置に協力するように努めなければならない。

(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.

（労働者の配置に関する配慮）

(Considerations Regarding the Assignment of Workers)

第二十六条 事業主は、その雇用する労働者の配置の変更で就業の場所の変更を伴うものを行おうとする場合において、その就業の場所の変更により就業しつつその子の養育又は家族の介護を行うことが困難となることとなる労働者がいるときは、当該労働者の子の養育又は家族の介護の状況に配慮しなければならない。

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.

(再雇用特別措置等)

(Special Measures for Re-Employment)

第二十七条 事業主は、妊娠、出産若しくは育児又は介護を理由として退職した者（以下「育児等退職者」という。）について、必要に応じ、再雇用特別措置（育児等退職者であつて、その退職の際に、その就業が可能となったときに当該退職に係る事業の事業主に再び雇用されることの希望を有する旨の申出をしていたものについて、当該事業主が、労働者の募集又は採用に当たって特別の配慮をする措置をいう。第三十条において同じ。）その他これに準ずる措置を実施するよう努めなければならない。

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.

(指針)

(Guidelines)

第二十八条 厚生労働大臣は、第二十一条から第二十五条まで、第二十六条及び前条の規定に基づき事業主が講ずべき措置等並びに子の養育又は家族の介護を行い、又は行うこととなる労働者の職業生活と家庭生活との両立が図られるようにするために事業主が講ずべきその他の措置に関して、その適切かつ有効な実施を図るための指針となるべき事項を定め、これを公表するものとする。

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.

(職業家庭両立推進者)

(Promoters of Work-Life Balance)

第二十九条 事業主は、厚生労働省令で定めるところにより、第二十一条第一項、第二十一条の二から第二十二条の二まで、第二十三条第一項から第三項まで、第二十四条、第二十五条第一項、第二十五条の二第二項、第二十六条及び第二十七条に定める措置等並びに子の養育又は家族の介護を行い、又は行うこととなる労働者の職業生活と家庭生活との両立が図られるようにするために講ずべきその他の措置の適切かつ有効な実施を図るための業務を担当する者を選任するように努めなければならない。

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.

第十章 対象労働者等に対する国等による援助

Chapter X Support for Applicable Workers from the National Government

(事業主等に対する援助)

(Support for Employers)

第三十条 国は、子の養育又は家族の介護を行い、又は行うこととなる労働者（以下「対象労働者」という。）及び育児等退職者（以下「対象労働者等」と総称する。）の雇用の継続、再就職の促進その他これらの者の福祉の増進を図るため、事業主、事業主の団体その他の関係者に対して、対象労働者の雇用される事業所における雇用管理、再雇用特別措置その他の措置についての相談及び助言、給付金の支給その他の必要な援助を行うことができる。

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.

(相談、講習等)

(Counseling and Training)

第三十一条 国は、対象労働者に対して、その職業生活と家庭生活との両立の促進等に資するため、必要な指導、相談、講習その他の措置を講ずるものとする。

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 地方公共団体は、国が講ずる前項の措置に準じた措置を講ずるように努めなければならない。

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

(再就職の援助)

(Support for Re-Employment)

第三十二条 国は、育児等退職者に対して、その希望するときに再び雇用の機会が与えられるようにするため、職業指導、職業紹介、職業能力の再開発の措置その他の措置が効果的に関連して実施されるように配慮するとともに、育児等退職者の円滑な再就職を図るため必要な援助を行うものとする。

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.

(職業生活と家庭生活との両立に関する理解を深めるための措置)

(Measures for Increasing Awareness of Work-Life Balance)

第三十三条 国は、対象労働者等の職業生活と家庭生活との両立を妨げている職場における慣行その他の諸要因の解消を図るため、対象労働者等の職業生活と家庭生活との両立に関し、事業主、労働者その他国民一般の理解を深めるために必要な広報活動その他の措置を講ずるものとする。

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.

(勤労者家庭支援施設)

(Family Support Facilities for Workers)

第三十四条 地方公共団体は、必要に応じ、勤労者家庭支援施設を設置するように努めなければならない。

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

2 勤労者家庭支援施設は、対象労働者等に対して、職業生活と家庭生活との両立に関

し、各種の相談に応じ、及び必要な指導、講習、実習等を行い、並びに休養及びレクリエーションのための便宜を供与する等対象労働者等の福祉の増進を図るための事業を総合的に行うことを目的とする施設とする。

(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 厚生労働大臣は、勤労者家庭支援施設の設置及び運営についての望ましい基準を定めるものとする。

(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 国は、地方公共団体に対して、勤労者家庭支援施設の設置及び運営に関し必要な助言、指導その他の援助を行うことができる。

(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.

(勤労者家庭支援施設指導員)

(Advisors of Family Support Facilities for Workers)

第三十五条 勤労者家庭支援施設には、対象労働者等に対する相談及び指導の業務を担当する職員（次項において「勤労者家庭支援施設指導員」という。）を置くように努めなければならない。

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 勤労者家庭支援施設指導員は、その業務について熱意と識見を有し、かつ、厚生労働大臣が定める資格を有する者のうちから選任するものとする。

(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.

第三十六条から第五十二条まで 削除
Articles 36 through 52 Deleted

第十一章 紛争の解決

Chapter XI Dispute Resolution

第一節 紛争の解決の援助等

Section 1 Assistance in Dispute Resolution

(苦情の自主的解決)

(Voluntary Resolution of Complaints)

第五十二条の二 事業主は、第二章から第八章まで、第二十一条、第二十三条、第二十三条の二及び第二十六条に定める事項に関し、労働者から苦情の申出を受けたときは、苦情処理機関（事業主を代表する者及び当該事業所の労働者を代表する者を構成員とする当該事業所の労働者の苦情を処理するための機関をいう。）に対し当該苦情の処理を委ねる等その自主的な解決を図るように努めなければならない。

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).

(紛争の解決の促進に関する特例)

(Special Provisions for Promotion of Resolution of Disputes)

第五十二条の三 第二十五条に定める事項及び前条の事項についての労働者と事業主との間の紛争については、個別労働関係紛争の解決の促進に関する法律（平成十三年法律第百十二号）第四条、第五条及び第十二条から第十九条までの規定は適用せず、次条から第五十二条の六までに定めるところによる。

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.

(紛争の解決の援助)

(Assistance in Dispute Resolution)

第五十二条の四 都道府県労働局長は、前条に規定する紛争に関し、当該紛争の当事者の双方又は一方からその解決につき援助を求められた場合には、当該紛争の当事者に対し、必要な助言、指導又は勧告をすることができる。

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 第二十五条第二項の規定は、労働者が前項の援助を求めた場合について準用する。

(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.

第二節 調停

Section 2 Conciliation

(調停の委任)

(Delegation of Conciliation)

第五十二条の五 都道府県労働局長は、第五十二条の三に規定する紛争について、当該紛争の当事者の双方又は一方から調停の申請があった場合において当該紛争の解決のために必要があると認めるときは、個別労働関係紛争の解決の促進に関する法律第六条第一項の紛争調整委員会に調停を行わせるものとする。

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 第二十五条第二項の規定は、労働者が前項の申請をした場合について準用する。

(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.

(調停)

(Conciliation)

第五十二条の六 雇用の分野における男女の均等な機会及び待遇の確保等に関する法律（昭和四十七年法律第百十三号）第十九条から第二十六条までの規定は、前条第一項の調停の手續について準用する。この場合において、同法第十九条第一項中「前条第一項」とあるのは「育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第五十二条の五第一項」と、同法第二十条中「事業場」とあるのは「事業所」と、同法第二十五条第一項中「第十八条第一項」とあるのは「育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第五十二条の三」と読み替えるものとする。

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."

第十二章 雑則

Chapter XII Miscellaneous Provisions

(育児休業等取得者の業務を処理するために必要な労働者の募集の特例)

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

第五十三条 認定中小企業団体の構成員たる中小企業者が、当該認定中小企業団体をして育児休業又は介護休業（これらに準ずる休業を含む。以下この項において同じ。）をする労働者の当該育児休業又は介護休業をする期間について当該労働者の業務を処理するために必要な労働者の募集を行わせようとする場合において、当該認定中小企業団体が当該募集に従事しようとするときは、職業安定法（昭和二十二年法律第四百一十一号）第三十六条第一項及び第三項の規定は、当該構成員たる中小企業者については、適用しない。

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 この条及び次条において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(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:

一 中小企業者 中小企業における労働力の確保及び良好な雇用の機会の創出のための雇用管理の改善の促進に関する法律（平成三年法律第五十七号）第二条第一項に規定する中小企業者をいう。

(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

二 認定中小企業団体 中小企業における労働力の確保及び良好な雇用の機会の創出

のための雇用管理の改善の促進に関する法律第二条第二項に規定する事業協同組合等であって、その構成員たる中小企業者に対し、第二十二條第二項の事業主が講ずべき措置その他に関する相談及び援助を行うものとして、当該事業協同組合等の申請に基づき厚生労働大臣がその定める基準により適当であると認定したものをいう。

(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 厚生労働大臣は、認定中小企業団体が前項第二号の相談及び援助を行うものとして適当でなくなつたと認めるときは、同号の認定を取り消すことができる。

(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 第一項の認定中小企業団体は、当該募集に従事しようとするときは、厚生労働省令で定めるところにより、募集時期、募集人員、募集地域その他の労働者の募集に関する事項で厚生労働省令で定めるものを厚生労働大臣に届け出なければならない。

(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 職業安定法第三十七條第二項の規定は前項の規定による届出があつた場合について、同法第五条の三第一項及び第四項、第五条の四第一項及び第二項、第五条の五、第三十九條、第四十一條第二項、第四十二條、第四十八條の三第一項、第四十八條の四、第五十條第一項及び第二項並びに第五十一條の規定は前項の規定による届出をして労働者の募集に従事する者について、同法第四十條の規定は同項の規定による届出をして労働者の募集に従事する者に対する報酬の供与について、同法第五十條第三項及び第四項の規定はこの項において準用する同條第二項に規定する職権を行う場合について準用する。この場合において、同法第三十七條第二項中「労働者の募集を行おうとする者」とあるのは「育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第五十三條第四項の規定による届出をして労働者の募集に従事しようとする者」とする。

る者」と、同法第四十一条第二項中「当該労働者の募集の業務の廃止を命じ、又は期間」とあるのは「期間」と読み替えるものとする。

(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 職業安定法第三十六条第二項及び第四十二条の二の規定の適用については、同法第三十六条第二項中「前項の」とあるのは「被用者以外の者をして労働者の募集に従事させようとする者がその被用者以外の者に与えようとする」と、同法第四十二条の二中「第三十九条に規定する募集受託者」とあるのは「育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第五十三条第四項の規定による届出をして労働者の募集に従事する者」と、「同項に」とあるのは「次項に」とする。

(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 厚生労働大臣は、認定中小企業団体に対し、第二項第二号の相談及び援助の実施状況について報告を求めることができる。

(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).

第五十四条 公共職業安定所は、前条第四項の規定により労働者の募集に従事する認定中小企業団体に対して、雇用情報、職業に関する調査研究の成果等を提供し、かつ、これに基づき当該募集の内容又は方法について指導することにより、当該募集の効果的かつ適切な実施の促進に努めなければならない。

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.

(調査等)

(Research)

第五十五条 厚生労働大臣は、対象労働者等の職業生活と家庭生活との両立の促進等に資するため、これらの者の雇用管理、職業能力の開発及び向上その他の事項に関し必要な調査研究を実施するものとする。

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 厚生労働大臣は、この法律の施行に関し、関係行政機関の長に対して、資料の提供その他必要な協力を求めることができる。

(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 厚生労働大臣は、この法律の施行に関し、都道府県知事から必要な調査報告を求めることができる。

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

(報告の徴収並びに助言、指導及び勧告)

(Collecting Reports and Providing Advice, Guidance and Recommendations)

第五十六条 厚生労働大臣は、この法律の施行に関し必要があると認めるときは、事業主に対して、報告を求め、又は助言、指導若しくは勧告をすることができる。

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.

(公表)

(Public Announcements)

第五十六条の二 厚生労働大臣は、第六条第一項（第九条の三第二項、第十二条第二項、第十六条の三第二項及び第十六条の六第二項において準用する場合を含む。）、第九条の三第一項、第十条、第十二条第一項、第十六条（第十六条の四及び第十六条の七において準用する場合を含む。）、第十六条の三第一項、第十六条の六第一項、第十六条の八第一項（第十六条の九第一項において準用する場合を含む。）、第十六条の十、第十七条第一項（第十八条第一項において準用する場合を含む。）、第十八条の二、第十九条第一項（第二十条第一項において準用する場合を含む。）、第二十条の二、第二十一条、第二十二条第一項、第二十二条の二、第二十三条第一項から第三項まで、第二十三条の二、第二十五条第一項若しくは第二項（第五十二条の四第二項及び第五十二条の五第二項において準用する場合を含む。）又は第二十六条の規定に違反している事業主に対し、前条の規定による勧告をした場合において、その勧告を受けた者がこれに従わなかったときは、その旨を公表することができる。

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.

(労働政策審議会への諮問)

(Consultation with the Labour Policy Council)

第五十七条 厚生労働大臣は、第二条第一号及び第三号から第五号まで、第五条第二項、第三項及び第四項第二号、第六条第一項第二号（第九条の三第二項、第十二条第二項、第十六条の三第二項及び第十六条の六第二項において準用する場合を含む。）及び第三項、第七条第二項及び第三項（第九条の四及び第十三条において準用する場合を含む。）、第八条第三項及び第四項（第九条の四及び第十四条第三項において準用する場合を含む。）、第九条第二項第一号、第九条の三第三項及び第四項第一号、第九条の五第二項、第四項、第五項及び第六項第一号、第十条、第十二条第三項、第十五条第三項第一号、第十六条の二第一項及び第二項、第十六条の五第一項及び第二項、第十六条の八第一項第二号、第三項及び第四項第一号（これらの規定を第十六条の九第一項において準用する場合を含む。）、第十七条第一項第二号、第三項及び第四項第一号（これらの規定を第十八条第一項において準用する場合を含む。）、第十九条第一項第二号及び第三号、第三項並びに第四項第一号（これらの規定を第二十条第一項において準用する場合を含む。）、第二十一条第一項、第二十二條第一項第三号、第二十二條の二、第二十三條第一項から第三項まで並びに第二十五條第一項の厚生労働省令の制定又は改正の立案をしようとするとき、第二十八條の指針を策定しようとするとき、その他この法律の施行に関する重要事項について決定しようとするときは、あらかじめ、労働政策審議会の意見を聴かなければならない。

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.

(権限の委任)

(Delegation of Authority)

第五十八条 この法律に定める厚生労働大臣の権限は、厚生労働省令で定めるところにより、その一部を都道府県労働局長に委任することができる。

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.

(厚生労働省令への委任)

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

第五十九条 この法律に定めるもののほか、この法律の実施のために必要な手続その他の事項は、厚生労働省令で定める。

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.

(船員に関する特例)

(Special Provisions for Mariners)

第六十条 第六章、第七章、第五十二条の六から第五十四条まで及び第六十二条から第六十五条までの規定は、船員職業安定法（昭和二十三年法律第百三十号）第六条第一項に規定する船員になろうとする者及び船員法（昭和二十二年法律第百号）の適用を受ける船員（次項において「船員等」という。）に関しては、適用しない。

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 船員等に関しては、第二条第一号及び第三号から第五号まで、第五条第二項から第四項まで及び第六項、第六条第一項第二号（第九条の三第二項、第十二条第二項、第十六条の三第二項及び第十六条の六第二項において準用する場合を含む。）及び第三項、第七条（第九条の四及び第十三条において準用する場合を含む。）、第八条第三項及び第四項（第九条の四及び第十四条第三項において準用する場合を含む。）、第九条第二項第一号及び第三項、第九条の二第三項、第九条の三第三項及び第四項第一号、第九条の五第二項、第四項、第五項、第六項第一号及び第七項、第九条の六第一

項、第十条、第十一条第三項、第十二条第三項、第十五条第三項第一号及び第四項、第十六条の二第一項から第三項まで、第十六条の五第一項から第三項まで、第十九条第一項第二号及び第三号、第二項、第三項並びに第四項第一号（これらの規定を第二十条第一項において準用する場合を含む。）並びに第十九条第五項、第二十条第二項、第二十一条第一項、第二十一条の二第一項第三号及び第二項、第二十二条第一項第三号、第二十二条の二、第二十三条第一項から第三項まで、第二十五条第一項、第二十九条、第五十七条、第五十八条並びに前条中「厚生労働省令」とあるのは「国土交通省令」と、第九条第二項第三号中「労働基準法（昭和二十二年法律第四十九号）第六十五条第一項若しくは第二項の規定により休業する」とあるのは「船員法（昭和二十二年法律第百号）第八十七条第一項若しくは第二項の規定により作業に従事しない」と、第九条の五第六項第四号中「労働基準法第六十五条第一項若しくは第二項の規定により休業する」とあるのは「船員法第八十七条第一項若しくは第二項の規定により作業に従事しない」と、第九条の六第一項中「労働基準法（昭和二十二年法律第四十九号）第六十五条第一項又は第二項の規定により休業した」とあるのは「船員法（昭和二十二年法律第百号）第八十七条第一項又は第二項の規定により作業に従事しなかった」と、第十五条第三項第二号及び第十九条第四項第三号中「労働基準法第六十五条第一項若しくは第二項の規定により休業する」とあるのは「船員法第八十七条第一項若しくは第二項の規定により作業に従事しない」と、第二十三条第二項中「労働基準法第三十二条の三第一項の規定により労働させること」とあるのは「短期間の航海を行う船舶に乗り組ませること」と、同項及び第二十四条第一項中「始業時刻変更等の措置」とあるのは「短期間航海船舶に乗り組ませること等の措置」と、同項中「労働基準法第三十九条の規定による年次有給休暇」とあるのは「船員法第七十四条から第七十八条までの規定による有給休暇」と、同項第三号中「制度、第十六条の八の規定による所定外労働の制限に関する制度」とあるのは「制度」と、第二十八条及び第五十五条から第五十八条までの規定中「厚生労働大臣」とあるのは「国土交通大臣」と、第五十二条の二中「第二章から第八章まで」とあるのは「第二章から第五章まで、第八章」と、第五十二条の三中「から第五十二条の六まで」とあるのは「、第五十二条の五及び第六十条第三項」と、第五十二条の四第一項、第五十二条の五第一項及び第五十八条中「都道府県労働局長」とあるのは「地方運輸局長（運輸監理部長を含む。）」と、同項中「第六条第一項の紛争調整委員会」とあるのは「第二十一条第三項のあっせん員候補者名簿に記載されている者のうちから指名する調停員」と、第五十六条の二中「第十六条の六第一項、第十六条の八第一項（第十六条の九第一項において準用する場合を含む。）、第十六条の十、第十七条第一項（第十八条第一項において準用する場合を含む。）、第十八条の二」とあるのは「第十六条の六第一項」と、第五十七条中「第十六条の五第一項及び第二項、第十六条の八第一項第二号、第三項及び第四項第一号（これらの規定を第十六条の九第一項において準用する場合を含む。）、第十七条第一項第二号、第三項及び第四項第一号（これらの規定を第十八条第一項において準用する場合を含む。）」とあるのは「第十六条の五第一項及び第二項」と、「労働政策審議会」とあるのは「交通政策審議会」とする。

(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 雇用の分野における男女の均等な機会及び待遇の確保等に関する法律第二十条から第二十六条まで並びに第三十一条第三項及び第四項の規定は、前項の規定により読み替えて適用する第五十二条の五第一項の規定により指名を受けて調停員が行う調停について準用する。この場合において、同法第二十条から第二十三条まで及び第二十六条中「委員会は」とあるのは「調停員は」と、同法第二十条中「事業場」とあるのは「事業所」と、同法第二十一条中「当該委員会が置かれる都道府県労働局」とあるのは「当該調停員を指名した地方運輸局長（運輸監理部長を含む。）が置かれる地方運輸局（運輸監理部を含む。）」と、同法第二十五条第一項中「第十八条第一項」とあ

るのは「育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律（平成三年法律第七十六号）第五十二条の三」と、同法第二十六条中「当該委員会に係属している」とあるのは「当該調停員が取り扱っている」と、同法第三十一条第三項中「前項」とあるのは「育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第五十二条の五第一項」と読み替えるものとする。

- (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."

（公務員に関する特例）

(Special Provisions for Public Employees)

第六十一条 第二章から第九章まで、第三十条、前章、第五十三条、第五十四条、第五十六条、第五十六条の二、前条、次条から第六十四条まで及び第六十六条の規定は、国家公務員及び地方公務員に関しては、適用しない。

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 国家公務員及び地方公務員に関しては、第三十二条中「育児等退職者」とあるのは「育児等退職者（第二十七条に規定する育児等退職者をいう。以下同じ。）」と、第三十四条第二項中「対象労働者等」とあるのは「対象労働者等（第三十条に規定する

対象労働者等をいう。以下同じ。) 」とする。

(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 独立行政法人通則法（平成十一年法律第百三号）第二条第四項に規定する行政執行法人（以下この条において「行政執行法人」という。）の職員（国家公務員法（昭和二十二年法律第百二十号）第六十条の二第一項に規定する短時間勤務の官職を占める者以外の常時勤務することを要しない職員にあつては、第十一条第一項ただし書の規定を適用するとしたならば同項ただし書に規定する者に該当するものに限る。）は、当該職員の勤務する行政執行法人の長の承認を受けて、当該職員の配偶者、父母若しくは子（これらの者に準ずる者として厚生労働省令で定めるものを含む。）又は配偶者の父母であつて負傷、疾病又は身体上若しくは精神上的の障害により第二条第三号の厚生労働省令で定める期間にわたり日常生活を営むのに支障があるもの（以下この条において「要介護家族」という。）の介護をするため、休業をすることができる。

(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 前項の規定により休業をすることができる期間は、行政執行法人の長が、同項に規定する職員の申出に基づき、要介護家族の各々が同項に規定する介護を必要とする一の継続する状態ごとに、三回を超えず、かつ、合算して九十三日を超えない範囲内で指定する期間（第三十項において「指定期間」という。）内において必要と認められる期間とする。

(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 行政執行法人の長は、第三項の規定による休業の承認を受けようとする職員からその承認の請求があったときは、当該請求に係る期間のうち業務の運営に支障があると認められる日又は時間を除き、これを承認しなければならない。ただし、国家公務員法第六十条の二第一項に規定する短時間勤務の官職を占める者以外の常時勤務することを要しない職員のうち、第三項の規定による休業をすることができないこととすることについて合理的な理由があると認められる者として厚生労働省令で定めるものに該当する者からの当該請求があった場合は、この限りでない。

(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 前三項の規定は、地方公務員法（昭和二十五年法律第二百六十一号）第四条第一項に規定する職員（同法第二十二條の四第一項に規定する短時間勤務の職を占める職員以外の非常勤職員にあっては、第十一条第一項ただし書の規定を適用するとしたならば同項ただし書に規定する者に該当するものに限る。）について準用する。この場合において、第三項中「当該職員の勤務する行政執行法人の長」とあるのは「地方公務員法（昭和二十五年法律第二百六十一号）第六条第一項に規定する任命権者又はその委任を受けた者（地方教育行政の組織及び運営に関する法律（昭和三十一年法律第百六十二号）第三十七条第一項に規定する県費負担教職員については、市町村の教育委員会。次項及び第五項において同じ。）」と、第四項中「行政執行法人の長」とあるのは「地方公務員法第六条第一項に規定する任命権者又はその委任を受けた者」と、「同項」とあるのは「前項」と、前項中「行政執行法人の長」とあるのは「地方公務員法第六条第一項に規定する任命権者又はその委任を受けた者」と、「業務」とあるのは「公務」と、同項ただし書中「国家公務員法第六十条の二第一項に規定する短時間勤務の官職を占める者以外の常時勤務することを要しない職員」とあるのは「同法第二十二條の四第一項に規定する短時間勤務の職を占める職員以外の非常勤職員」と

読み替えるものとする。

(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 行政執行法人の職員（国家公務員法第六十条の二第一項に規定する短時間勤務の官職を占める者以外の常時勤務することを要しない職員にあっては、第十六条の三第二項において準用する第六条第一項ただし書の規定を適用するとしたならば第十六条の三第二項において読み替えて準用する第六条第一項ただし書各号のいずれにも該当しないものに限る。）であって小学校就学の始期に達するまでの子を養育するものは、当該職員の勤務する行政執行法人の長の承認を受けて、負傷し、若しくは疾病にかかった当該子の世話又は疾病の予防を図るために必要なものとして第十六条の二第一項の厚生労働省令で定める当該子の世話を行うため、休暇を取得することができる。

(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 前項の規定により休暇を取得することができる日数は、一の年において五日（同項に規定する職員が養育する小学校就学の始期に達するまでの子が二人以上の場合にあつては、十日）を限度とするものとする。

(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 第七項の規定による休暇は、一日の所定労働時間が短い行政執行法人の職員として厚生労働省令で定めるもの以外の者は、厚生労働省令で定める一日未満の単位で取得することができる。

(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 行政執行法人の長は、第七項の規定による休暇の承認を受けようとする職員からその承認の請求があつたときは、業務の運営に支障があると認められる場合を除き、これを承認しなければならない。

(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 第七項から前項までの規定は、地方公務員法第四条第一項に規定する職員（同法第二十二條の四第一項に規定する短時間勤務の職を占める職員以外の非常勤職員にあつては、第十六條の三第二項において準用する第六條第一項ただし書の規定を適用するとしたならば第十六條の三第二項において読み替えて準用する第六條第一項ただし

書各号のいずれにも該当しないものに限る。)について準用する。この場合において、第七項中「当該職員の勤務する行政執行法人の長」とあるのは「地方公務員法第六条第一項に規定する任命権者又はその委任を受けた者（地方教育行政の組織及び運営に関する法律（昭和三十一年法律第百六十二号）第三十七条第一項に規定する県費負担教職員については、市町村の教育委員会。第十項において同じ。）」と、第九項中「行政執行法人の」とあるのは「地方公務員法第四条第一項に規定する」と、前項中「行政執行法人の長」とあるのは「地方公務員法第六条第一項に規定する任命権者又はその委任を受けた者」と、「職員」とあるのは「同法第四条第一項に規定する職員」と、「業務」とあるのは「公務」と読み替えるものとする。

(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."

1 2 行政執行法人の職員（国家公務員法第六十条の二第一項に規定する短時間勤務の官職を占める者以外の常時勤務することを要しない職員にあつては、第十六条の六第二項において準用する第六条第一項ただし書の規定を適用するとしたならば第十六条の六第二項において読み替えて準用する第六条第一項ただし書各号のいずれにも該当しないものに限る。）は、当該職員の勤務する行政執行法人の長の承認を受けて、当該職員の要介護家族の介護その他の第十六条の五第一項の厚生労働省令で定める世話

を行うため、休暇を取得することができる。

(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.

1 3 前項の規定により休暇を取得することができる日数は、一の年において五日（要介護家族が二人以上の場合にあっては、十日）を限度とするものとする。

(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).

1 4 第十二項の規定による休暇は、一日の所定労働時間が短い行政執行法人の職員として厚生労働省令で定めるもの以外の者は、厚生労働省令で定める一日未満の単位で取得することができる。

(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.

1 5 行政執行法人の長は、第十二項の規定による休暇の承認を受けようとする職員からその承認の請求があったときは、業務の運営に支障があると認められる場合を除き、これを承認しなければならない。

(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.

1 6 第十二項から前項までの規定は、地方公務員法第四条第一項に規定する職員（同法第二十二條の四第一項に規定する短時間勤務の職を占める職員以外の非常勤職員にあっては、第十六條の六第二項において準用する第六條第一項ただし書の規定を適用する）としたならば第十六條の六第二項において読み替えて準用する第六條第一項ただ

し書各号のいずれにも該当しないものに限る。)について準用する。この場合において、第十二項中「当該職員の勤務する行政執行法人の長」とあるのは「地方公務員法第六条第一項に規定する任命権者又はその委任を受けた者（地方教育行政の組織及び運営に関する法律（昭和三十一年法律第百六十二号）第三十七条第一項に規定する県費負担教職員については、市町村の教育委員会。第十五項において同じ。）」と、第十四項中「行政執行法人の」とあるのは「地方公務員法第四条第一項に規定する」と、前項中「行政執行法人の長」とあるのは「地方公務員法第六条第一項に規定する任命権者又はその委任を受けた者」と、「職員」とあるのは「同法第四条第一項に規定する職員」と、「業務」とあるのは「公務」と読み替えるものとする。

(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 行政執行法人の長は、三歳に満たない子を養育する当該行政執行法人の職員（国家公務員法第六十条の二第一項に規定する短時間勤務の官職を占める者以外の常時勤務することを要しない職員にあっては、第十六条の八第一項の規定を適用するとしたならば同項各号のいずれにも該当しないものに限る。）が当該子を養育するために請求した場合において、業務の運営に支障がないと認めるときは、その者について、所定労働時間を超えて勤務しないことを承認しなければならない。

(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.

1 8 前項の規定は、要介護家族を介護する行政執行法人の職員について準用する。この場合において、同項中「第十六条の八第一項」とあるのは「第十六条の九第一項において準用する第十六条の八第一項」と、「同項各号」とあるのは「第十六条の九第一項において準用する第十六条の八第一項各号」と、「当該子を養育する」とあるのは「当該要介護家族を介護する」と読み替えるものとする。

(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."

1 9 地方公務員法第六条第一項に規定する任命権者又はその委任を受けた者（地方教育行政の組織及び運営に関する法律（昭和三十一年法律第百六十二号）第三十七条第一項に規定する県費負担教職員については、市町村の教育委員会。以下この条において同じ。）は、三歳に満たない子を養育する地方公務員法第四条第一項に規定する職員（同法第二十二条の四第一項に規定する短時間勤務の職を占める職員以外の非常勤職員にあっては、第十六条の八第一項の規定を適用するとしたならば同項各号のいずれにも該当しないものに限る。）が当該子を養育するために請求した場合において、公務の運営に支障がないと認めるときは、その者について、所定労働時間を超えて勤務しないことを承認しなければならない。

(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 前項の規定は、要介護家族を介護する地方公務員法第四条第一項に規定する職員について準用する。この場合において、前項中「第十六条の八第一項」とあるのは「第十六条の九第一項において準用する第十六条の八第一項」と、「同項各号」とあるのは「第十六条の九第一項において準用する第十六条の八第一項各号」と、「当該子を養育する」とあるのは「当該要介護家族を介護する」と読み替えるものとする。

(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 行政執行法人の長は、当該行政執行法人の職員について労働基準法第三十六条第一項の規定により同項に規定する労働時間を延長することができる場合において、当該職員であって小学校就学の始期に達するまでの子を養育するもの（第十七条第一項の規定を適用するとしたならば同項各号のいずれにも該当しないものに限る。）が当該子を養育するために請求した場合で業務の運営に支障がないと認めるときは、その者について、制限時間（第十七条第一項に規定する制限時間をいう。第二十三項において同じ。）を超えて当該労働時間を延長して勤務しないことを承認しなければならない。

(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.

2 2 前項の規定は、行政執行法人の職員であって要介護家族を介護するものについて準用する。この場合において、同項中「第十七条第一項の」とあるのは「第十八条第一項において準用する第十七条第一項の」と、「同項各号」とあるのは「第十八条第一項において準用する第十七条第一項各号」と、「当該子を養育する」とあるのは「当該要介護家族を介護する」と読み替えるものとする。

(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."

2 3 地方公務員法第六条第一項に規定する任命権者又はその委任を受けた者は、同法第四条第一項に規定する職員について労働基準法第三十六条第一項の規定により同項に規定する労働時間を延長することができる場合において、当該職員であって小学校就学の始期に達するまでの子を養育するもの（第十七条第一項の規定を適用するとしたならば同項各号のいずれにも該当しないものに限る。）が当該子を養育するために請求した場合で公務の運営に支障がないと認めるときは、その者について、制限時間を超えて当該労働時間を延長して勤務しないことを承認しなければならない。

(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.

2 4 前項の規定は、地方公務員法第四条第一項に規定する職員であって要介護家族を介護するものについて準用する。この場合において、前項中「第十七条第一項」とあるのは「第十八条第一項において準用する第十七条第一項」と、「同項各号」とあるのは「第十八条第一項において準用する第十七条第一項各号」と、「当該子を養育する」とあるのは「当該要介護家族を介護する」と読み替えるものとする。

(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 行政執行法人の長は、小学校就学の始期に達するまでの子を養育する当該行政執行法人の職員であって第十九条第一項の規定を適用するとしたならば同項各号のいずれにも該当しないものが当該子を養育するために請求した場合において、業務の運営に支障がないと認めるときは、深夜（同項に規定する深夜をいう。第二十七項において同じ。）において勤務しないことを承認しなければならない。

(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 前項の規定は、要介護家族を介護する行政執行法人の職員について準用する。この場合において、同項中「第十九条第一項」とあるのは「第二十条第一項において準用する第十九条第一項」と、「同項各号」とあるのは「第二十条第一項において準用する第十九条第一項各号」と、「当該子を養育する」とあるのは「当該要介護家族を介護する」と読み替えるものとする。

(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 地方公務員法第六条第一項に規定する任命権者又はその委任を受けた者は、小学校就学の始期に達するまでの子を養育する同法第四条第一項に規定する職員であって第十九条第一項の規定を適用するとしたならば同項各号のいずれにも該当しないものが当該子を養育するために請求した場合において、公務の運営に支障がないと認めるときは、深夜において勤務しないことを承認しなければならない。

(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 前項の規定は、要介護家族を介護する地方公務員法第四条第一項に規定する職員について準用する。この場合において、前項中「第十九条第一項」とあるのは「第二十条第一項において準用する第十九条第一項」と、「同項各号」とあるのは「第二十条第一項において準用する第十九条第一項各号」と、「当該子を養育する」とあるのは「当該要介護家族を介護する」と読み替えるものとする。

(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 行政執行法人の職員（国家公務員法第六十条の二第一項に規定する短時間勤務の官職を占める者以外の常時勤務することを要しない職員にあつては、第二十三条第三項ただし書の規定を適用するとしたならば同項ただし書各号のいずれにも該当しないものに限る。）は、当該職員の勤務する行政執行法人の長の承認を受けて、要介護家族の介護をするため、一日の勤務時間の一部につき勤務しないことができる。

(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 前項の規定により勤務しないことができる時間は、要介護家族の各々が同項に規定する介護を必要とする一の継続する状態ごとに、連続する三年の期間（当該要介護

家族に係る指定期間と重複する期間を除く。) 内において一日につき二時間を超えない範囲内で必要と認められる時間とする。

(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.

3 1 行政執行法人の長は、第二十九項の規定による承認を受けようとする職員からその承認の請求があったときは、当該請求に係る時間のうち業務の運営に支障があると認められる時間を除き、これを承認しなければならない。

(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.

3 2 前三項の規定は、地方公務員法第四条第一項に規定する職員（同法第二十二條の四第一項に規定する短時間勤務の職を占める職員以外の非常勤職員にあっては、第二十三條第三項ただし書の規定を適用するとしたならば同項ただし書各号のいずれにも該当しないものに限る。）について準用する。この場合において、第二十九項中「当該職員の勤務する行政執行法人の長」とあるのは「地方公務員法第六條第一項に規定する任命権者又はその委任を受けた者」と、前項中「行政執行法人の長」とあるのは「地方公務員法第六條第一項に規定する任命権者又はその委任を受けた者」と、「職員」とあるのは「同法第四条第一項に規定する職員」と、「業務」とあるのは「公務」と読み替えるものとする。

(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."

3 3 行政執行法人の長は、職場において行われる当該行政執行法人の職員に対する国家公務員の育児休業等に関する法律第三条第一項の規定による育児休業、第三項の規定による休業その他の子の養育又は家族の介護に関する厚生労働省令で定める制度の利用に関する言動により当該職員の勤務環境が害されることのないよう、当該職員からの相談に応じ、適切に対応するために必要な体制の整備その他の雇用管理上必要な措置を講じなければならない。

(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.

3 4 第二十五条第二項の規定は、行政執行法人の職員が前項の相談を行い、又は行政執行法人の長による当該相談への対応に協力した際に事実を述べた場合について準用する。この場合において、同条第二項中「解雇その他不利益な」とあるのは、「不利益な」と読み替えるものとする。

(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."

3 5 第二十五条の二の規定は、行政執行法人の職員に係る第三十三項に規定する言動について準用する。この場合において、同条第一項中「事業主」とあるのは「行政執行法人の長」と、同条第二項中「事業主」とあるのは「行政執行法人の長」と、「その雇用する労働者」とあるのは「当該行政執行法人の職員」と、「当該労働者」とあるのは「当該職員」と、同条第三項中「事業主（その者が法人である場合にあっては、その役員）」とあるのは「行政執行法人の役員」と、同条第四項中「労働者は」とあるのは「行政執行法人の職員は」と、「事業主」とあるのは「行政執行法人の長」と、「前条第一項」とあるのは「第六十一条第三十三項」と読み替えるものとする。

(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 地方公務員法第六条第一項に規定する任命権者又はその委任を受けた者は、職場において行われる同法第四条第一項に規定する職員に対する地方公務員の育児休業等に関する法律第二条第一項の規定による育児休業、第六項において準用する第三項の規定による休業その他の子の養育又は家族の介護に関する厚生労働省令で定める制度の利用に関する言動により当該職員の勤務環境が害されることのないよう、当該職員からの相談に応じ、適切に対応するために必要な体制の整備その他の雇用管理上必要な措置を講じなければならない。

(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 第二十五条第二項の規定は、地方公務員法第四条第一項に規定する職員が前項の相談を行い、又は同法第六条第一項に規定する任命権者又はその委任を受けた者による当該相談への対応に協力した際に事実を述べた場合について準用する。この場合において、第二十五条第二項中「解雇その他不利益な」とあるのは、「不利益な」と読み替えるものとする。

(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 第二十五条の二の規定は、地方公務員法第四条第一項に規定する職員に係る第三十六項に規定する言動について準用する。この場合において、第二十五条の二第一項中「事業主」とあるのは「地方公務員法（昭和二十五年法律第二百六十一号）第六条第一項に規定する任命権者又はその委任を受けた者（以下「任命権者等」という。）」と、同条第二項中「事業主」とあるのは「任命権者等」と、「その雇用する労働者」とあるのは「地方公務員法第四条第一項に規定する職員」と、「当該労働者」とあるのは「当該職員」と、同条第三項中「事業主（その者が法人である場合にあっては、その役員）」とあるのは「任命権者等」と、同条第四項中「労働者は」とあるのは「地方公務員法第四条第一項に規定する職員は」と、「事業主」とあるのは「任命権者等」と、「前条第一項」とあるのは「第六十一条第三十六項」と読み替えるものとする。

(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)."

第十三章 罰則

Chapter XIII Penal Provisions

第六十二条 第五十三条第五項において準用する職業安定法第四十一条第二項の規定による業務の停止の命令に違反して、労働者の募集に従事した者は、一年以下の懲役又は百万円以下の罰金に処する。

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.

第六十三条 次の各号のいずれかに該当する者は、六月以下の懲役又は三十万円以下の罰金に処する。

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:

- 一 第五十三条第四項の規定による届出をしないで、労働者の募集に従事した者
(i) a person who is engaged in the recruitment of workers without making a notification pursuant to the provisions of Article 53, paragraph (4);
- 二 第五十三条第五項において準用する職業安定法第三十七条第二項の規定による指示に従わなかった者
(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
- 三 第五十三条第五項において準用する職業安定法第三十九条又は第四十条の規定に違反した者
(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).

第六十四条 次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

Article 64 A person who falls under any of the following items is subject to a fine of not more than 300,000 yen:

- 一 第五十三条第五項において準用する職業安定法第五十条第一項の規定による報告をせず、若しくは虚偽の報告をし、又は第五十三条第五項において準用する同法第五十条第二項の規定による立入り若しくは検査を拒み、妨げ、若しくは忌避し、若しくは質問に対して答弁をせず、若しくは虚偽の陳述をした者
(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

二 第五十三条第五項において準用する職業安定法第五十一条第一項の規定に違反して秘密を漏らした者

(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).

第六十五条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関し、前三条の違反行為をしたときは、行為者を罰するほか、その法人又は人に対して各本条の罰金刑を科する。

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.

第六十六条 第五十六条の規定による報告をせず、又は虚偽の報告をした者は、二十万円以下の過料に処する。

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.

附 則 [抄]

Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成四年四月一日から施行する。

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

附 則 [平成十六年十二月八日法律第百六十号] [抄]

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

(施行期日)

(Effective Date)

第一条 この法律は、平成十七年四月一日から施行する。

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

(検討)

(Review)

第二条 政府は、この法律の施行後適当な時期において、第一条の規定による改正後の

育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律（以下「新法」という。）の施行状況を勘案し、期間を定めて雇用される者に係る育児休業等の制度等について総合的に検討を加え、その結果に基づいて必要な措置を講ずるものとする。

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.

（育児休業の申出に関する経過措置）

(Transitional Measures concerning Applications for Childcare Leave)

第三条 この法律の施行の日（以下「施行日」という。）以後において新法第五条第三項の規定による育児休業をするため、同項の規定による申出をしようとする労働者は、施行日前においても、同項及び同条第四項の規定の例により、当該申出をすることができる。

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.

附 則 〔平成二十一年七月一日法律第六十五号〕 〔抄〕

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

（施行期日）

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

一 附則第三条及び第六条の規定 公布の日

(i) provisions of Articles 3 and 6 of the Supplementary Provisions: The date of promulgation;

二 第一条及び附則第五条の規定 公布の日から起算して三月を超えない範囲内において政令で定める日

(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;

三 第二条のうち育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律目次の改正規定（「第八章 紛争の解決（第五十二条の二―第五十二条の四）」を「第十一章 紛争の解決 第一節 紛争の解決の援助（第五十二条の二―第五十二条の四） 第二節 調停（第五十二条の五・第五十二条の六）」に改める部分に限る。）、第五十六条の二の改正規定（「第五十二条の四第二項」の下に「（第五十二条の五第二項において準用する場合を含む。）」を加える部分に限る。）、第六十条第一項の改正規定（「第五十三条、第五十四条」を「第五十二条の六から第五十四条まで」に改める部分に限る。）、同条第二項の改正規定（「第五十二条の四第一項及び第五十八条中「都道府県労働局長」とあるのは「地方運輸局長（運輸監理部長を含む。）」を「第五十二条の三中「から第五十二条の六まで」とあるのは「、第五十二条の五及び第六十条第三項」と、第五十二条の四第一項、第五十二条の五第一項及び第五十八条中「都道府県労働局長」とあるのは「地方運輸局長（運輸監理部長を含む。）」と、同項中「第六条第一項の紛争調整委員会」とあるのは「第二十一条第三項のあっせん員候補者名簿に記載されている者のうちから指名する調停員」に改める部分に限る。）、同条に一項を加える改正規定、第八章中第五十二条の二の前に節名を付する改正規定、第五十二条の三の改正規定、第八章中第五十二条の四の次に一節を加える改正規定、第三十八条の改正規定及び第三十九条第一項の改正規定並びに附則第四条及び第十一条の規定 平成二十二年四月一日

(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.

(常時百人以下の労働者を雇用する事業主等に関する暫定措置)

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

第二条 この法律の施行の際常時百人以下の労働者を雇用する事業主及び当該事業主に雇用される労働者については、公布の日から起算して三年を超えない範囲内において政令で定める日までの間、第二条の規定による改正後の育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律（以下「新法」という。）第五章、第六章及び第二十三条から第二十四条までの規定は、適用しない。この場合において、第二条の規定による改正前の育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第二十三条及び第二十四条の規定は、なおその効力を有する。

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.

(育児休業の申出に関する経過措置)

(Transitional Measures for Applications for Childcare Leave)

第三条 この法律の施行の日（以下「施行日」という。）以後において新法第九条の二第一項の規定により読み替えて適用する新法第五条第一項又は第三項の規定による育

児休業をするため、これらの規定による申出をしようとする労働者は、施行日前においても、これらの規定及び新法第九条の二第一項の規定により読み替えて適用する新法第五条第四項の規定の例により、当該申出をすることができる。

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.

(紛争の解決の促進に関する特例に関する経過措置)

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

第四条 附則第一条第三号に掲げる規定の施行の際現に個別労働関係紛争の解決の促進に関する法律（平成十三年法律第百十二号）第六条第一項の紛争調整委員会又は同法第二十一条第一項の規定により読み替えて適用する同法第五条第一項の規定により指名するあっせん員に係属している同項（同法第二十一条第一項の規定により読み替えて適用する場合を含む。）のあっせんに係る紛争については、新法第五十二条の三（新法第六十条第二項の規定により読み替えて適用する場合を含む。）の規定にかかわらず、なお従前の例による。

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).

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第五条 附則第一条第二号に掲げる規定の施行の日前にした行為に対する罰則の適用に

については、なお従前の例による。

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.

(政令への委任)

(Delegation to Cabinet Orders)

第六条 この附則に定めるもののほか、この法律の施行に関して必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

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.

(検討)

(Review)

第七条 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

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.

附 則 〔平成二十二年十二月三日法律第六十一号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成二十三年四月一日から施行する。

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

附 則 〔平成二十八年三月三十一日法律第十七号〕〔抄〕

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

[Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成二十九年一月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

- 一 第七条の規定並びに附則第十三条、第三十二条及び第三十三条の規定 公布の日
(i) provisions of Article 7 as well as provisions of Articles 13, 32, and 33 of the
Supplementary Provisions: Date of promulgation

(雇用の分野における男女の均等な機会及び待遇の確保等に関する法律等の紛争の解決の促進に関する特例に関する経過措置)

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

第十一条 この法律の施行の際現に個別労働関係紛争の解決の促進に関する法律（平成十三年法律第百十二号）第六条第一項の紛争調整委員会又は同法第二十一条第一項の規定により読み替えて適用する同法第五条第一項の規定により指名するあっせん員に係属している同項のあっせんに係る紛争については、第五条の規定による改正後の雇用の分野における男女の均等な機会及び待遇の確保等に関する法律第十六条及び第八条の規定による改正後の育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第五十二条の三の規定にかかわらず、なお従前の例による。

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.

(罰則に関する経過措置)

(Transitional Measures concerning Penal Provisions)

第十三条 附則第一条第一号に掲げる規定の施行前にした行為に対する罰則の適用については、なお従前の例による。

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.

(検討)

(Review)

第十四条 政府は、この法律の施行後五年を経過した場合において、第五条、第六条及び第八条の規定による改正後の規定の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

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.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第三十三条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

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.

附 則 〔平成二十九年三月三十一日法律第十四号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成二十九年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

一 第一条中雇用保険法第六十四条の次に一条を加える改正規定及び附則第三十五条の規定 公布の日

(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;

二 略

(ii) omitted;

三 第二条中雇用保険法第六十一条の四第一項の改正規定及び第七条（次号に掲げる規定を除く。）の規定並びに附則第十五条、第十六条及び第二十三条から第二十五条までの規定 平成二十九年十月一日

(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;

四 第二条中雇用保険法第十条の四第二項、第五十八条第一項、第六十条の二第四項、第七十六条第二項及び第七十九条の二並びに附則第十一条の二第一項の改正規定並びに同条第三項の改正規定（「百分の五十を」を「百分の八十を」に改める部分に限る。）、第四条の規定並びに第七条中育児・介護休業法第五十三条第五項及び第六項並びに第六十四条の改正規定並びに附則第五条から第八条まで及び第十条の規定、附則第十三条中国国家公務員退職手当法（昭和二十八年法律第百八十二号）第十条第十項第五号の改正規定、附則第十四条第二項及び第十七条の規定、附則第十八条（次号に掲げる規定を除く。）の規定、附則第十九条中高年齢者等の雇用の安定等に関する法律（昭和四十六年法律第六十八号）第三十八条第三項の改正規定（「第四条第八項」を「第四条第九項」に改める部分に限る。）、附則第二十条中建設労働者の雇用の改善等に関する法律（昭和五十一年法律第三十三号）第三十条第一項の表第四条第八項の項、第三十二条の十一から第三十二条の十五まで、第三十二条の十六第一項及び第五十一条の項及び第四十八条の三及び第四十八条の四第一項の項の改正規定、附則第二十一条、第二十二條、第二十六条から第二十八条まで及び第三十二条の規定並びに附則第三十三条（次号に掲げる規定を除く。）の規定 平成三十年一月一日

(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.

(育児休業の申出に係る施行前の準備)

(Preparation Prior to Enforcement Regarding Applications for Childcare Leave)

第十一条 附則第一条第三号に掲げる規定の施行の日（以下この条において「第三号施行日」という。）以後において第七条の規定による改正後の育児・介護休業法（以下この条及び次条第二項において「新育児・介護休業法」という。）第五条第四項の規定による育児休業（育児・介護休業法第二条第一号に規定する育児休業をいう。次条第二項において同じ。）をするため、新育児・介護休業法第五条第四項の規定による申出をしようとする労働者は、第三号施行日前においても、同項及び同条第六項の規定の例により、当該申出をすることができる。

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 厚生労働大臣は、新育児・介護休業法第五条第四項第二号の厚生労働省令を定めようとするときは、第三号施行日前においても、労働政策審議会に諮問することができる。

(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).

(検討)

(Review)

第十二条 2 政府は、この法律の施行後五年を目途として、新育児・介護休業法の規定の施行の状況、保育の需要及び供給の状況、男性労働者の育児休業の取得の状況、女性労働者の育児休業後における就業の状況その他の状況の変化を勘案し、新育児・介護休業法の規定について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

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.

(罰則に関する経過措置)

(Transitional Measures Regarding Penal Provisions)

第三十四条 この法律（附則第一条第四号に掲げる規定にあっては、当該規定）の施行前にした行為に対する罰則の適用については、なお従前の例による。

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.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Orders)

第三十五条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

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.

附 則 〔令和三年六月九日法律第五十八号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、令和四年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

一 第一条中育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法

律第十二条第二項、第十六条の三第二項及び第十六条の六第二項の改正規定並びに附則第十二条中労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（昭和六十年法律第八十八号）第四十七条の三の改正規定（「、第二十五条第一項」を「、第二十五条」に改める部分に限る。）及び附則第十四条の規定 公布の日

(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;

二 略

(ii) omitted;

三 第二条及び第五条の規定並びに附則第四条、第七条、第九条、第十一条及び第十三条の規定 公布の日から起算して一年六月を超えない範囲内において政令で定める日

(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

四 第三条の規定及び附則第五条の規定 令和五年四月一日

(iv) provisions of Article 3, and provisions of Article 5 of the Supplementary Provisions: April 1, 2023

(検討)

(Review)

第二条 政府は、この法律の施行後五年を目途として、第一条から第三条までの規定による改正後の育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律の規定の施行の状況、男性労働者の育児休業（同法第二条第一号に規定する育児休業をいう。附則第四条において同じ。）の取得の状況その他の状況の変化を勘案し、同法の規定について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

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.

(育児休業に関する経過措置)

(Transitional Measures concerning Childcare Leave)

第四条 附則第一条第三号に掲げる規定の施行の日（附則第七条において「第三号施行日」という。）前の日に開始した育児休業（当該育児休業に係る子の出生の日から起算して八週間を経過する日の翌日まで（出産予定日前に当該子が出生した場合にあっては当該出生の日から当該出産予定日から起算して八週間を経過する日の翌日までとし、出産予定日後に当該子が出生した場合にあっては当該出産予定日から当該出生の日から起算して八週間を経過する日の翌日までとする。）の期間内に、労働者が当該子を養育するためにする最初の育児休業に限る。）は、第二条の規定による改正後の育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第五条第二項及び第九条の二第二項の規定の適用については、同条第一項の規定による申出によりした同項に規定する出生時育児休業とみなす。

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.

(育児休業の取得の状況の公表に関する経過措置)

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

第五条 第三条の規定による改正後の育児休業、介護休業等育児又は家族介護を行う労働者

働者の福祉に関する法律第二十二條の二の規定は、附則第一條第四号に掲げる規定の施行の日以後に開始する事業年度から適用する。

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.

(政令への委任)

(Delegation to Cabinet Orders)

第十四条 この附則に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

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.