

Overview of Revised Child and Family Care Leaves Act and Equal Employment Opportunities Act

Working environments will be improved so that both men and women can continue to work without leaving their jobs during a period of pregnancy/childbirth/child-rearing and when they need to take care of their family members, with an aim to realize a society where they can balance work and family lives.

1. Establishment of systems to prevent separation from employment due to family care and realize work-and-family care balance

- To allow employees to take family care leaves in separate periods for up to three times and for a total of 93 days per family member concerned.
- To allow employees to take time-off for family care by half-day.
- To allow employees to take measures, such as, reduction of scheduled working hours for family care, apart from family care leaves, twice or more within a period of three years from the time when they first start taking them.
- To newly establish a system of exemption from overtime work as a right which employees can claim until the period of family care ends.
- To relax requirements for taking family care leaves for fixed-term contract workers.

2. Establishment of systems to support work-and-family balance during a period of child care, etc. in response to various family structures/employment forms.

- To allow employees to take time-off for sick and injured children by half-day.
- The requirements for taking child care leaves for fixed-term contract workers will be relaxed as follows:
 - ① To be continuously employed by the same employers for a period of one year or more.
 - ② To be persons who are uncertain whether their labour contracts will expire and not renewed until their children become one and half-year-old.
- Children under a care period before special adoption, foster children to be adopted, and other children under equivalent situations will be added to children subject to the child care leave system, etc.

3. Development of working environments for male and female workers who try to continue working during pregnancy, childbirth, and child care/family care leaves

- To oblige employers to take necessary measures for employment management aimed at preventing supervisors and co-workers from resorting to actions that cause harm to working environments on the grounds of pregnancy, childbirth, acquisition of child care and family care leaves, and others.

Revision of Work-and-Family Care Balance Support System

Purpose of Revision

- Need to construct a system that allows workers with family members requiring long-term care to balance work and family care by mixing various measures, such as, the family care leave system and flexible working hour system, enabling them to fully make use of long-term care services, etc.

Revised Points [Establishment of systems to prevent separation from employment due to family care and enable balancing work and family care]

	Revision	Current	After Revision
1	Acquisition of family care leaves (93 days : The leaves are for the purpose of arranging care for family members) in separate periods	Can be taken once in principle and up to 93 days	Allow workers to acquire family care leaves in separate periods for up to three times for a total of 93 days per family member concerned, taking into consideration the number of times these leaves are actually taken, and from the standpoint of enabling them to respond to initial, latter, and interim family care periods.
2	Making the units of time-off for family care flexible (five days per year)	Can be taken by day	Allow workers to acquire family care leaves by half-day (one-half of scheduled working hours) . <Measures for responding to daily long-term care needs> The same system as sick/injured child care leave
3	Measures to shorten scheduled working hours for family care, etc. (measures employers are obliged to choose from)	Can be taken within the limit of 93 days together with family care leaves	Allow workers to take the measures for twice or more in a period of 3 years from the time they first start taking them, separately from family care leaves. <Measures for responding to daily long-term care needs> Employers must take one of the following measures : (The measures are the same as the present system) ①Reduction of scheduled working hours (short working hours); ②Flexible working hours system; ③Moving up/down of start/finish time of work; ④Provision of benefits to cover the expenses of long-term care services and other equivalent systems
4	Exemption from overtime work for family care (a new provision)	None	Newly established as a right which workers can claim until a family care period ends. <Measures for responding to daily long-term care needs> <ul style="list-style-type: none"> • Workers and others continuously employed by the same employers for less than one year may be excluded from this provision based on labour-management agreements. • Workers can ask for exemption of overtime work for a period between a month and less than a year per claim; when normal operation of businesses is prevented, however, employers can reject their claims.
5	Relaxation of requirements for fixed-term contract workers to take family care leaves	①To be continuously employed by the same employers for one or more years; ②Their employment is expected to continue after 93 days from the date family care leaves are scheduled to begin; ③Persons whose contracts are certain not to be renewed after the 93-day period and 1 year pass are excluded from this provision.	Requirements for acquisition of the family care leaves are follows: ①To be continuously employed by the same employers for a year or more; ②To be persons whose labour contracts (renewed contracts in case they are renewable contracts) are not certain to expire after the 93-day period and 6 months pass from the scheduled start date of family care leaves.

Expansion of the scope of family members subject to the family care leaves, etc. [The ministerial ordinance]

Grandparents, siblings, and grandchildren not living together and supported are added. (The present system covers spouses, parents, children, parents-in-law, grandparents living together and supported, siblings, and grandchildren)

Revised Work-and-Family Care Balance Support System (Image)

Care requiring condition
(Conditions workers can apply for the use of the system)

※ Workers can use the following system for each family member concerned in a state requiring long-term care

: Present system
 : Obligation to make efforts
 : Revised parts

End of long-term care
(death of family members concerned)

Family care leaves (93 days)

Measures employers are obliged to choose from★
(These measures can be taken while employees are not on family care leaves)

93 days

Family care leaves① + ② + ③ = 93 days

Family care leaves
①

Family care leaves
②

Family care leaves
③

Selection of measures employers are obliged to take

The same measures as in ★ (Employers may choose one of them)

- ① Measures to shorten statutory working hours per week or month (short working hours)
- ② The flexitime system
- ③ Moving up and down start/finish time of work (staggered working hours system)
- ④ Benefits to cover expenses incurred by workers in case they use long-term care services and other equivalent systems.

Can be taken twice or more within a period of three years

Exemption from overtime work

Time-off of care

(Granted five days per year for each family member concerned and 10 days per year for those with two or more subject family members)

To be taken in half-day units
(one-half of statutory working hours)

Limitation of overtime/late-night work

An obligation of employers to take necessary measures that take into consideration of the length of time, frequency, etc. needed for workers to take care of their family members, in line with the family care leave system, measures for reduction of weekly or monthly statutory working hours, etc.

Revision of Work-Child Care Balance Support System

Purpose of Revision

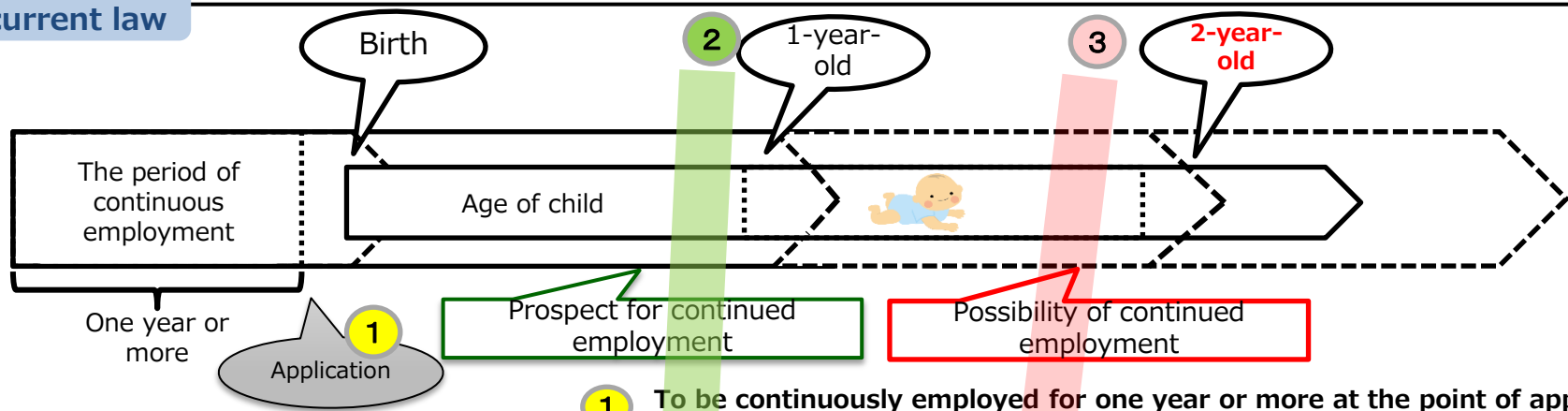
- Need to take measures to promote non-regular workers to take child care leaves and prevent unfavorable treatment, etc. based on pregnancy, child birth, acquisition of child and family care leaves, and other reasons.

Revised Points [Improvement of a work-home balance support system during a child-rearing period to address diverse family structures/employment forms]

	Revision	Current System	After Revision
1	Making the units of time-off for sick/injured child flexible (five days per year)	To be taken by day	<p>Allow acquisition of time-off for sick/injured child by half-day (half of scheduled working hours)</p> <ul style="list-style-type: none"> ※Workers with less than four scheduled working hours are excluded from this provision; they are to take time-off by day. ※Workers recognized to be difficult to take time-off by half-day due to the nature of work and the implementation structure of work may be excluded from this provision based on labour-management agreements. ※The labour-management agreement may specify "half-day" to be other than half of statutory working hours (e.g. : Three hours in the morning, five hours in the afternoon, etc.)
2	Relaxation of requirements for fixed-term contract workers to take child care leaves	<ul style="list-style-type: none"> ①To be continuously employed by the same employers for one year or more; ②Their employment is expected to continue after their child reaches one; ③Persons whose contracts are certain not to be renewed by the time their children turn two are excluded from this provision. 	Requirements for the acquisition of child care leaves are follows: ①To be continuously employed by the same employers for one year or more; ②To be persons whose labour contracts (renewed contracts in case they are renewable contracts) are not certain to expire by the time their children become one and half-year-old.
3	The scope of children subject to child care leaves, etc.	Natural/adopted children in legal parent-child relationships	<p>Children in relationships equivalent to legal parent-child relationships, such as, those under a care period before special adoption and foster children to be adopted will be added to children subject to the child care leave system, etc.</p> <ul style="list-style-type: none"> ※Children in relationships equivalent to parent-child relationships will be stipulated in the Ministerial Ordinance.
4	Development of working environments for male and female workers who try to continue working during pregnancy/ childbirth and the child care/family care leaves	Prohibition of unfavorable treatment by employers (including harming working environments)	<ul style="list-style-type: none"> • Employers are obliged to establish necessary measures in terms of employment management in order to prevent supervisors and co-workers from resorting to actions that harm working environments based on pregnancy, child birth, acquisition of child care leaves and family care leaves, and other reasons. • Client companies of dispatch workers will be deemed as employers and thus obliged to take the above prevention measures. The prohibition of unfavorable treatment by employers on the grounds of acquisition of child care leaves will be applied to the client businesses.

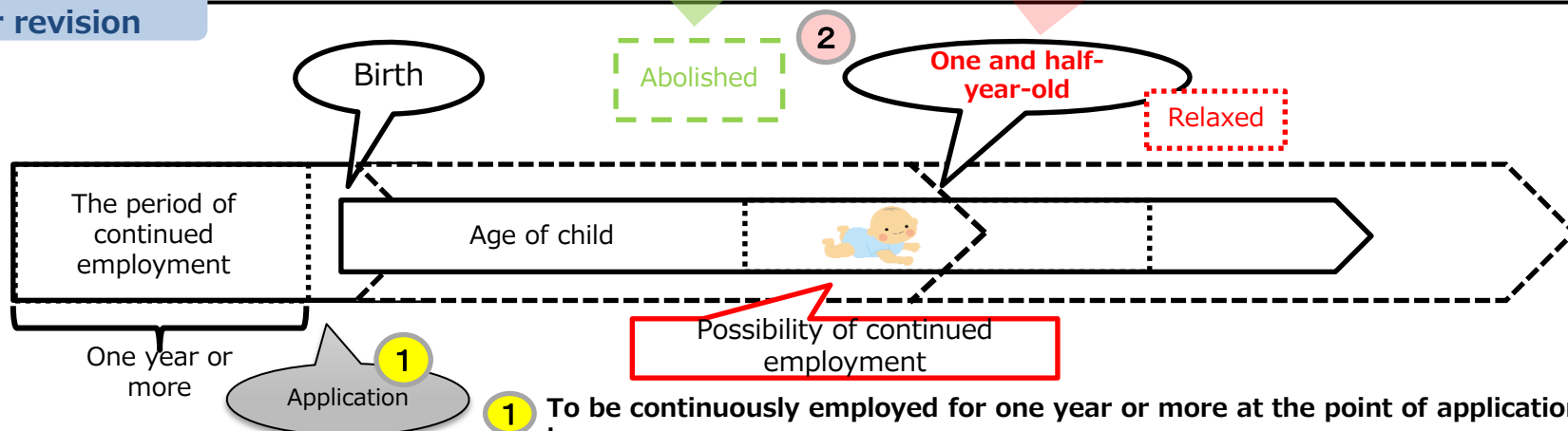
Revision of Requirements for Acquisition of Child Care Leaves for Fixed-term Contract Workers

Requirements under current law



- 1 To be continuously employed for one year or more at the point of application for the leaves
 - 2 To have a prospect for continued employment even after a child turns one
 - 3 To exclude persons whose employment contracts are certain not be renewed by the time a child reaches two
- ※2&3 to be assessed at the time of application (at ①)

Requirements after revision



- 1 To be continuously employed for one year or more at the point of application for the leaves
 - 2 To exclude persons whose employment contracts are certain not to be renewed by the time a child becomes one and half-year-old
- ※2 to be assessed at the time of application (at ①)

Overview of Current System

○Employers shall not dismiss or otherwise treat their employees unfavorably by reasons of pregnancy, childbirth, child/family care leaves, etc.

By reasons of

Female workers during pregnancy and after birth

- Pregnancy, childbirth
- Prenatal checkup and other maternal health management measures
- Maternal leaves before or after birth
- Transfer to light work
- Unable to work or labour efficiency has declined due to morning sickness, threatened miscarriages, etc.
- Time for child care
- Do not work overtime, on days off, and late at night

Workers with children/taking care of family members

- Child care leaves, family care leaves, etc.
- Measures to shorten scheduled working hours for child care (short working hours), measures to shorten scheduled working hours for family care, etc.
- Time-off for sick/injured child, time-off for family care
- Do not work overtime or late at night ※The above are only the major ones

Unfavorable treatment is illegal

- Dismissal
- Termination of employment
- Reduction of the number of contract renewals
- Pressuring to retire or to change the contents of contracts to make regular employees non-regular employees
- Demotion
- Salary cuts
- Unfavorable assessment of bonuses, etc.
- Unfavorable changes in job placement
- Unfavorable order for temporary layoff (stand-by at home)
- Conduct unfavorable personnel reviews for promotion/demotion
- Keeping employees concerned away from work and making them do only miscellaneous tasks and other acts that harm working environments

Relationship between current prohibition and preventative measures for unfavorable treatment

		After Revision
	Prohibition of unfavorable treatment (Art.9-3 of Equal Employment Opportunities Act, Art.10 of Child/Family Care Leaves Act, etc.)	An obligation to take preventative measures are added
Subject to prohibition/obligation	Employers	Employers
Contents	Shall not treat workers unfavorably because of pregnancy, childbirth, child/family care leaves, etc. ※Including acts that harm working environments	Shall take measures that prevent bosses and colleagues from resorting to actions that harm working environments on the grounds of pregnancy, child birth, child/family care leaves, etc. (※) ※ Measures assumed include informing and increasing awareness of workers and the establishment of consultation mechanisms, which will be prescribed in guidelines.