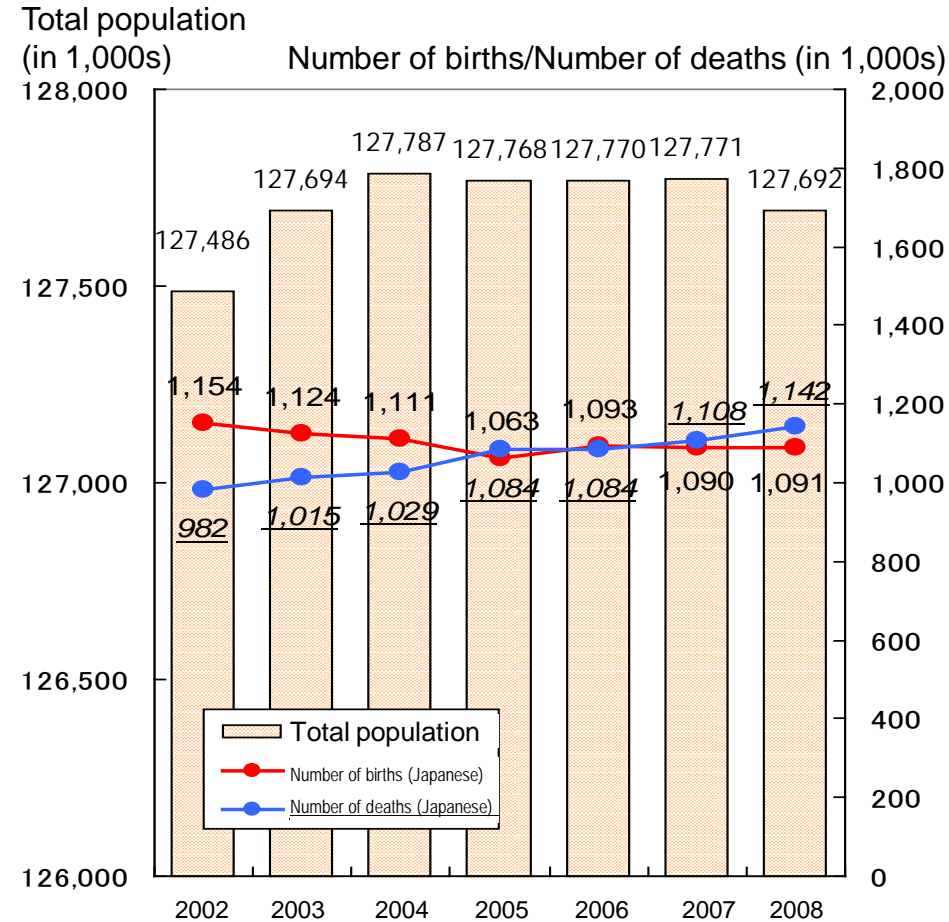
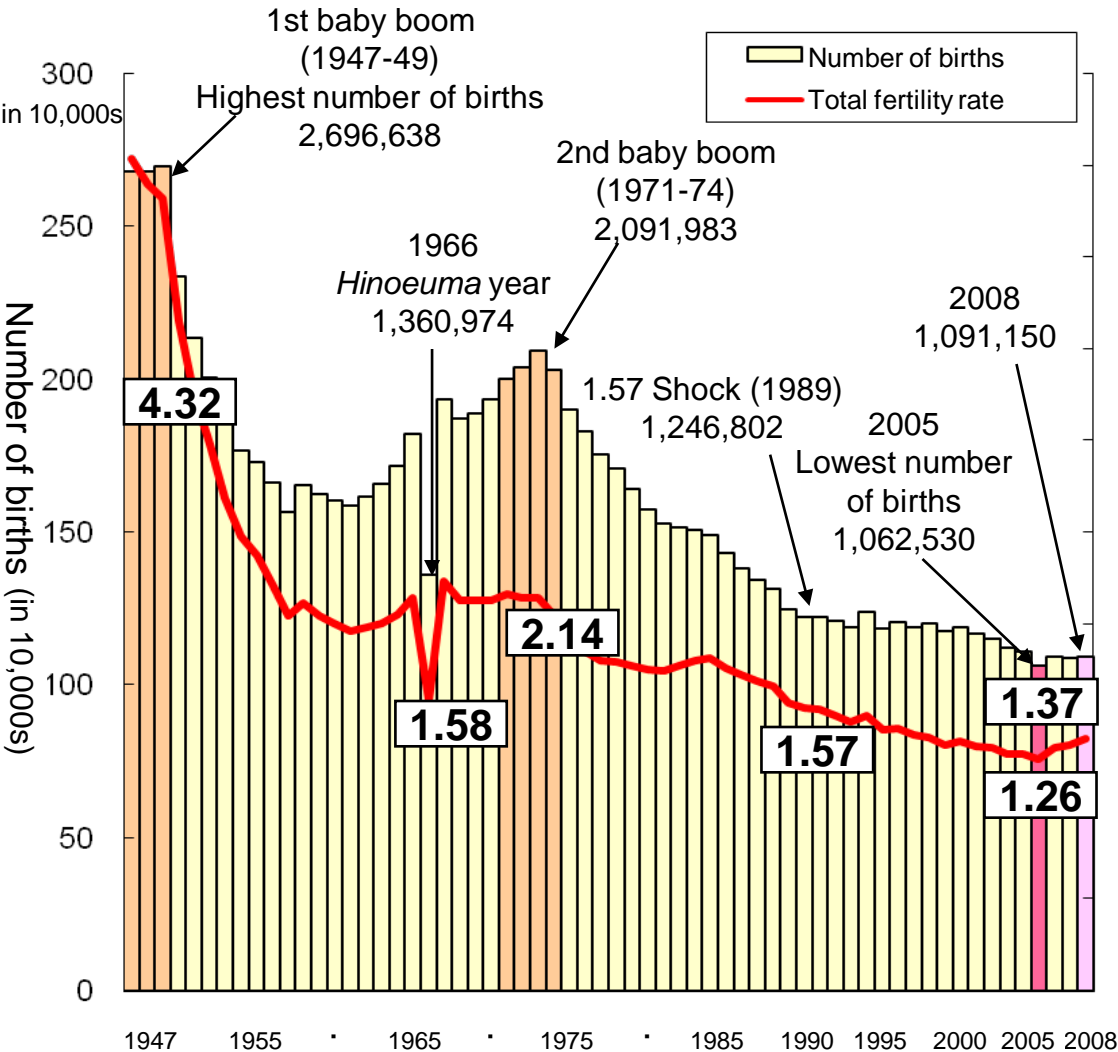


**Introduction to the revised
Child Care and Family Care
Leave Law**

Ministry of Health, Labour and Welfare

The falling birthrate and the start of population decline

- Japan's birthrate is rapidly falling. Its total fertility rate recorded a new low in 2005, dropping to 1.26. Although birthrates in 2006-2008 were higher than the previous year, the situation is still severe.
- In 2005, Japan's population began to decrease, with the number of deaths exceeding the number of births and the Population Census showing a total population below that of the previous year.



Note 1: The numbers of births and deaths refer to Japanese citizens in Japan.

Note 2: The total population includes foreign residents in Japan.

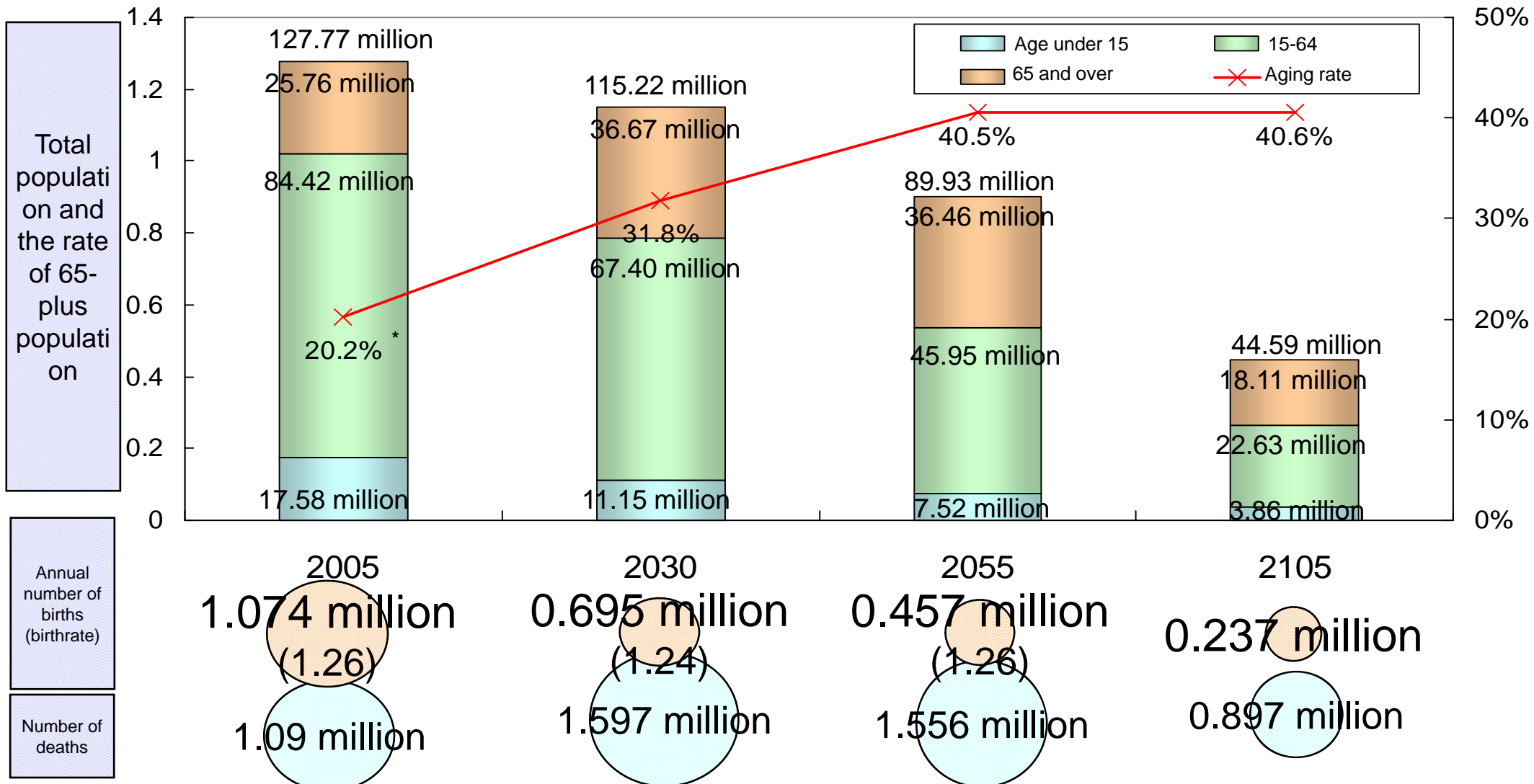
Note 3: The increase and decrease in the total population include social increase and decrease (inbound and outbound flows) as well as natural increase and decrease (the number of births and deaths).

Source: "Vital Statistics," MHLW, "Population Projection as of October 1st, 2008," MIC

Rapid change expected in Japan's demographic structure

- Population Projection for Japan (December 2006) -

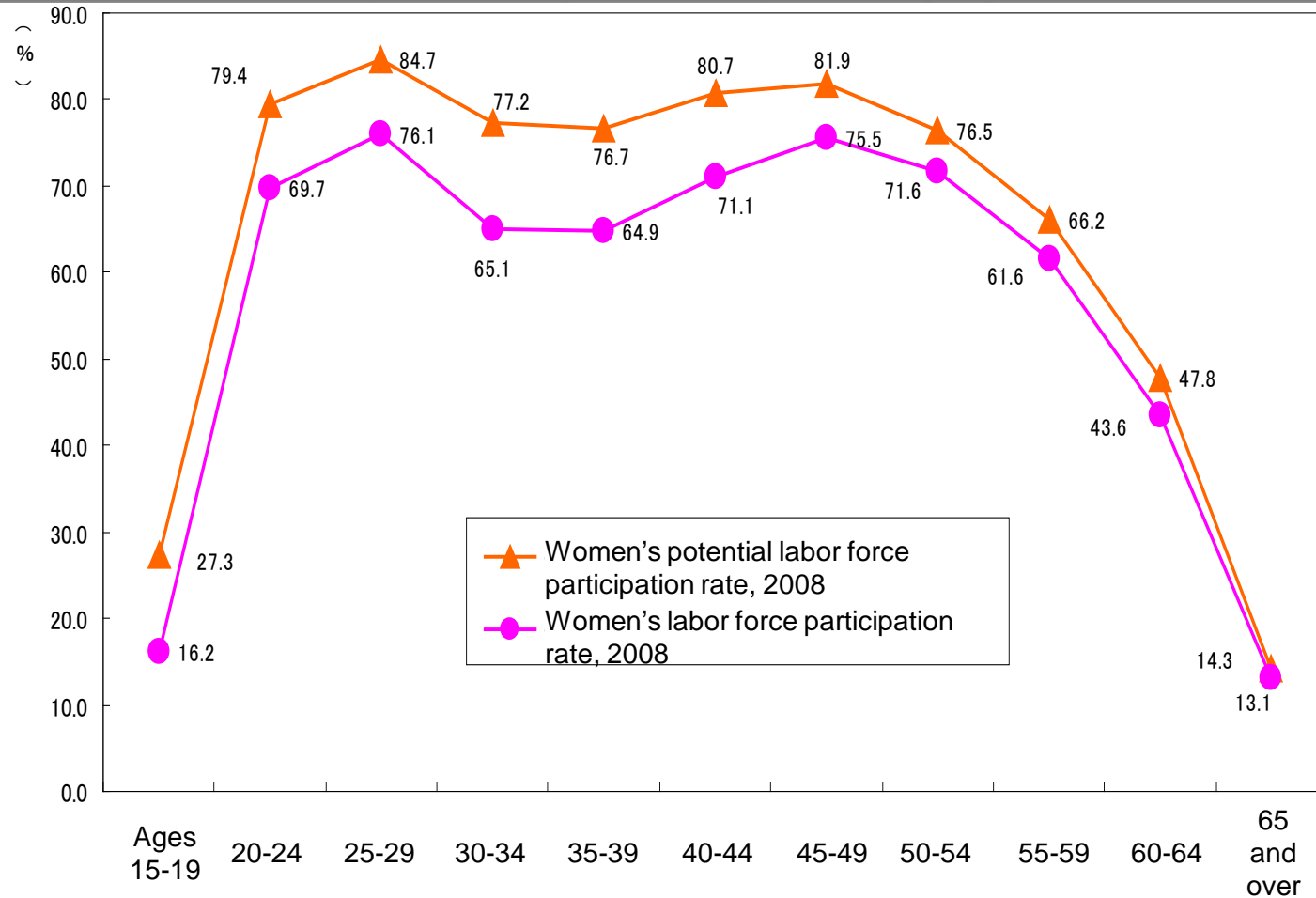
- Japan's total fertility rate recorded a new low in 2005, at 1.26. Its population has begun to decrease.
- According to a new population projection (medium variant), the number of births in 2055 will be about 40% of the current level, the aging rate will be double the current level (40.5%), and the working age population (ages 15-64) will decrease to nearly half that of today.



Source: "Population Projection for Japan: 2006-2055, December 2006," National Institute of Population and Social Security Research (medium-fertility, medium-mortality projection)

Women's employment situation

Many women leave the labor market when they give birth to children and start child care. The gap between the actual labor force participation rate and the potential labor force participation rate is particularly wide for parenting-age women.



- Women's labor force population: 27.62 million (men: 38.88 million)
- Women's labor force participation rate - Age 15 and over: 48.4% (men: 72.8%)
Ages 15-64: 62.3% (men: 85.2%)

Source: "Labour Force Survey" and "Labour Force Survey Detailed Tabulation" (2008), Statistics Bureau, MIC

* Labor force participation rate = $\frac{\text{Those employed} + \text{Those unemployed and looking for work}}{\text{Age 15 and older population}}$

Potential labor force participation rate = $\frac{\text{Those employed} + \text{Those unemployed and looking for work} + \text{Those not looking for work but wanting to work}}{\text{Age 15 and older population}}$

Gap between the reality and people's desire concerning marriage, childbirth and parenting

- Social factors contributing to the rapid decline in the birthrate -

- There is a wide gap between the future of Japan assumed by the population projection (2006, medium variant) and what the Japanese people actually desire.
- The gap is mainly attributable to issues concerning childbirth, parenting and the work style, such as employment security and continuity, the degree of work life balance, and anxiety about parenting, as pointed out by experts.

**Japan in 2055 estimated
by the population projection
(December 2006 projection)**

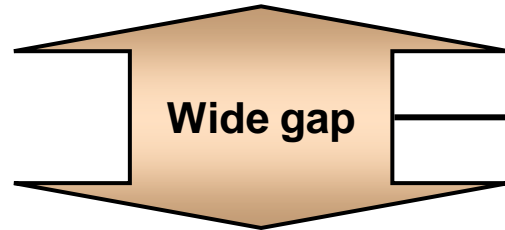
Those unmarried
throughout
their lifetime: 23.6%

×

Children per couple: 1.69

Total fertility rate: 1.26

Wide gap



What people desire now

Over 90% want to marry

×

Married couples want
2 or more children

Total fertility rate: 1.75

Factors of the gap (based on surveys and demonstration research)

**Marriage: Financial base, employment and career prospects,
stability**

- Men with low income and unstable jobs are more likely to be unmarried.
- Women working on a non-permanent basis or unable to take child care leave are more likely to be unmarried.

**Childbirth: Likelihood of being able to continue to work while
rearing children, the degree of work-life balance**

- Women working for employers who allow them to take child care leave are more likely to have babies.
- Families whose members work long hours are less likely to have babies.

**Second and subsequent children, in particular: The
degree of housework and child care sharing between
the couple, the degree of anxiety about parenting**

- When the husband's share of housework and child care is high, the couple is more willing to have the second and subsequent children and the wife more likely to continue to work.
- Couples more anxious about parenting are less willing to have the second and subsequent children.

Need to provide WLB as a means to address the falling birthrate

Perspectives on the formulation of priority strategy to make Japan friendlier to children and families

- Projections of rapid decline in the labor force population and the widening gap between the reality and desires about marriage and child bearing and rearing
- As the foundation for sustainable economic development in the face of the declining population, Japan needs to simultaneously seek to
 - Facilitate participation of youth, women and the elderly in the labor market; and
 - Allow people to fulfill their desires about marriage and child bearing and rearing.

The key is breaking the situation forcing people to choose between work or marriage/child

Two driving forces to break the work-or-marriage/child situation → Need to be quickly put into practice

Providing work-life balance by changing the work style

Building a framework (social infrastructure) to comprehensively help parents balance work and child rearing and support families' child care

Work-Life Balance Charter and Action Policy

“Work-Life Balance Charter”

→ Showing the overall direction of national efforts

“Action Policy for Promoting Work-Life Balance”

→ A policy for effective corporate and workers’ efforts and national and local government measures

A society where people can balance work and life

A society where each citizen works with a sense of satisfaction, finding his/her job rewarding, executes work-related responsibilities, and at the same time, chooses and lives a variety of lifestyles in different stages of life (e.g. during childrearing, middle and old ages) as a member of a family and a community.

(1) Society where economic independence can be achieved by working

(2) Society where time for healthy and affluent lives can be secured

(3) Society where choosing a variety of ways of working and living is possible

Set the targets for the whole society to promote the efforts of respective entities

(The figures denote [current figure] → [figure in 10 years])

(Typical examples)

○ Employment rate (also related to (2) and (3))

< Women (ages 25-44) >
64.9% → 69-72%

< Older people (ages 60-64) >
52.6% → 60-61%

○ Number of “freeters”
1.87 million → 1.447 million or less

○ Percentage of employees working 60 hours or more per week

10.8% → decrease by half

○ Rate of use of annual paid leave
46.6% → 100%

○ Women’s work continuity after the first childbirth

38.0% → 55%

○ Rate of use of child care leave

(Women) 72.3% → 80%

(Men) 0.50% → 10%

○ Hours spent by men on child care and housework (households with a child under 6 years of age)

60 minutes/day → 2.5 hours/day

Identify and evaluate the state of progress throughout society to reflect the results in policies

Outline of the Child Care and Family Care Leave Law (before the 2008 revision)

Child/family care leave system

- Secures the right to take child care leave until the child reaches one year of age (or one year and six months of age in specific cases)*.
- Secures the right to take family care leave once for each occurrence of circumstances where the family member falls in a condition requiring constant care, with limits of up to 93 separate days for each subject family member*.

* Fixed-term employees meeting specific criteria may take such leave.

Sick/injured child care leave system

- Obliges employers to give leave to an employee with a pre-school-age child in the event of the child's injury or sickness with limits of up to five days per year.

Limitation on overtime work

- Prevents employers from having a worker work overtime in excess of 24 hours per month and 150 hours per year if the worker is taking care of a pre-school-age child or a family member and requests so.

Limitation on late-night work

- Prevents employers from having a worker work late at night if the worker is taking care of a pre-school-age child or a family member and requests so.

Consideration for transfer

- Obliges employers to give consideration to the worker's situation with regard to child care or family care

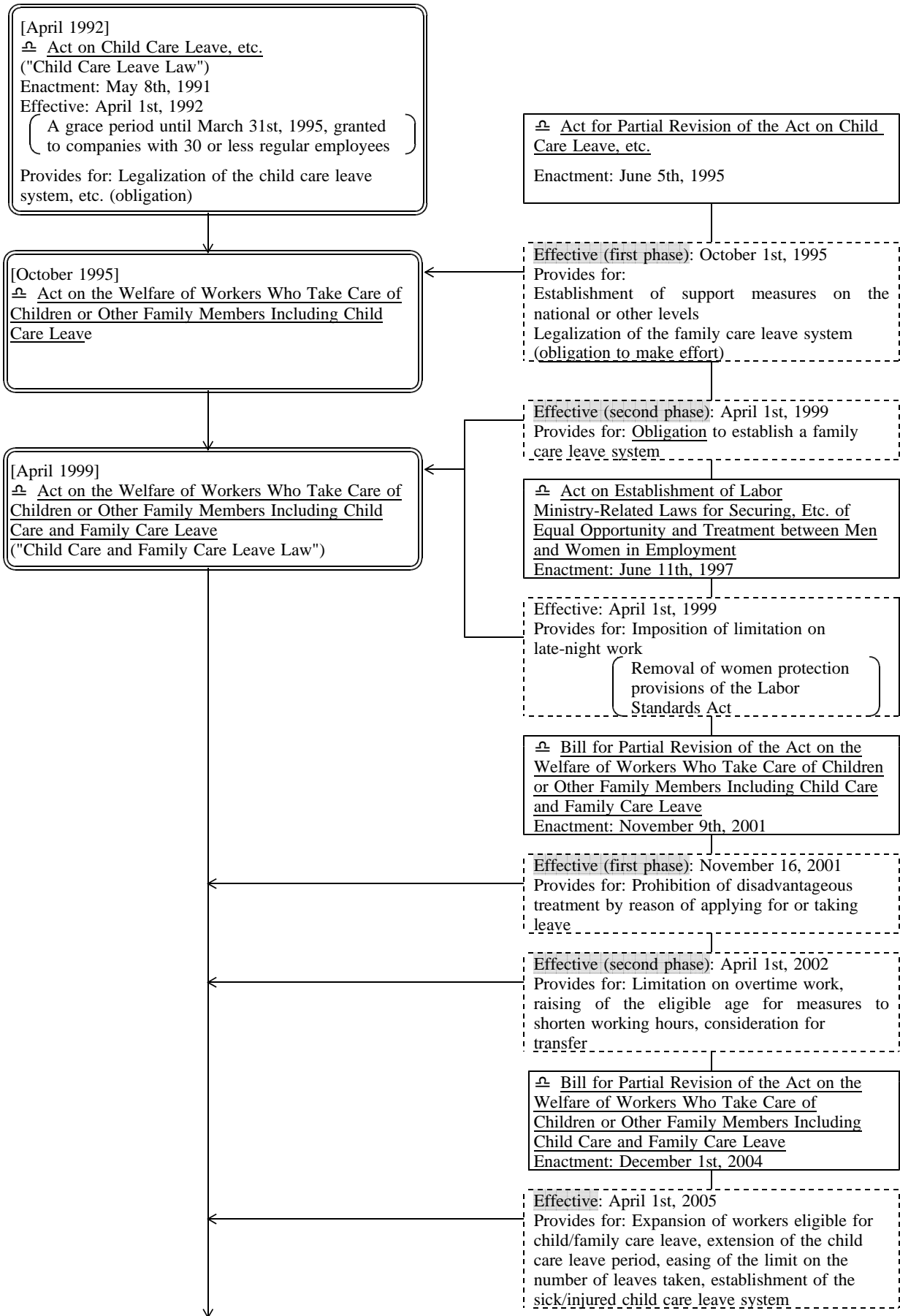
Measures to shorten working hours, etc.

- Obliges employers to take any of the following measures with regard to workers taking care of a child less than three years of age or a subject family member in a condition requiring constant care:
 - (1) Short working hour system
 - (2) Flextime system
 - (3) Advancement/postponement of the hours for starting/finishing work,
 - (4) Exemption from overtime work (for child care only)
 - (5) Establishment and operation of a day care center (for child care only)
 - (6) Subsidization of financing child/family care costs
 - (7) Measures equivalent to a child care leave system (for child care only)
- With respect to workers taking care of a pre-school-age child over three years of age, the obligation to make efforts toward the above applies.

Prohibition of disadvantageous treatment

- Prohibits employers from dismissing or otherwise treating a worker disadvantageously by reason of his/her taking child care leave.

Child Care and Family Care Leave Law revision history chart



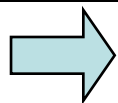
Process leading up to the revision of the child care and family care leave systems

New measures to reverse the falling birthrate (June 2006)

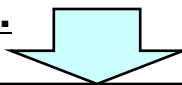
... Enhance child care support, especially at SMEs, such as redefining work procedures and using alternative personnel. Facilitate social recognition of companies making proactive efforts. Through these measures, encourage workers, especially men, to take child care leave under the child care leave system. Consider revising the Child Care and Family Care Leave Law, including the enhancement of the short working hour system for parenting workers and the promotion of telecommuting

Final report of the National Commission on Social Security (November 2008)

... The child care leave system should emphasize supporting flexible work styles, including the short working hour system. At the same time, people's way of working needs to be changed by reducing long working hours for men (fathers) and encouraging them to take child care leave



Government decisions, including the above, require the revision of the child care and family care leave systems.



Deliberation, etc. by MHLW

July 2008

Report by the Study Group on Future Work-Family Life Balance Support (expert group)

August-December 2008

11 sessions by the Equal Employment Subcommittee, Labour Policy Council, to discuss the revision

December 25th, 2008

Labour Policy Council's proposal "Enhancing Measures to Support Work-Family Life Balance"

April 15th, 2009

Labour Policy Council's report responding to the government's request for advice on the "Outline of the Bill to Revise the Child Care and Family Care Leave Law"

April 21st, 2009

Submission of the "Bill to Revise the Child Care and Family Care Leave Law" to the Diet

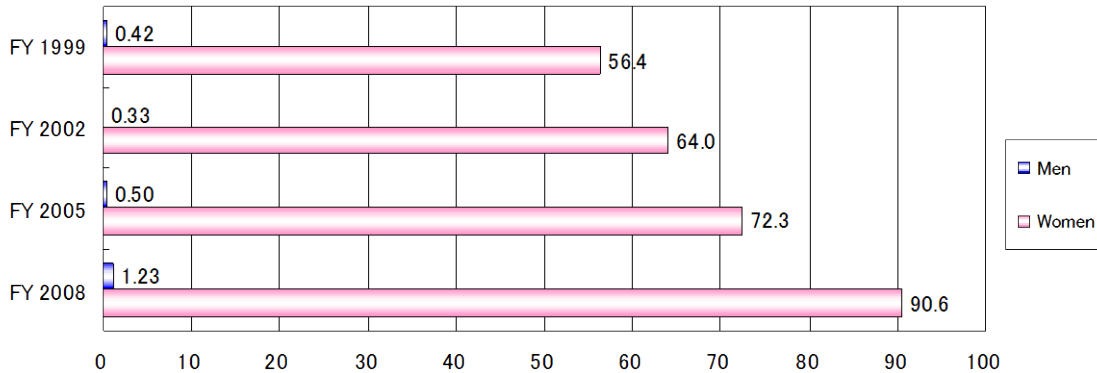
June 24th, 2009

"Bill to Revise the Child Care and Family Care Leave Law" passed into law by the Diet (unanimously)

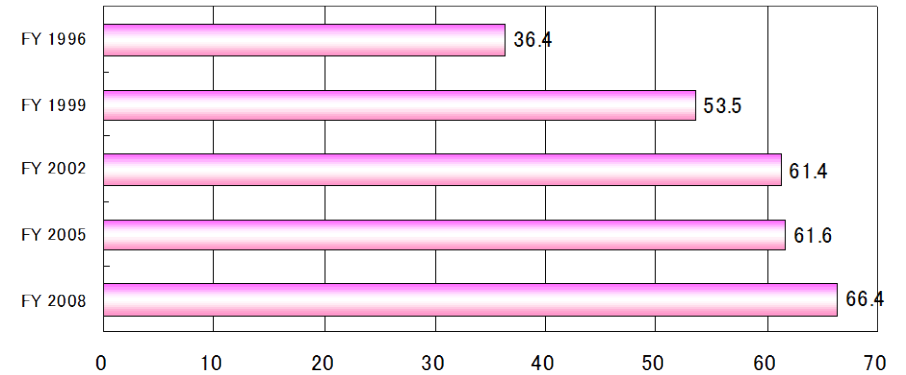
Child care leave system establishment status and leave-taking rate

The percentage of companies that have established rules for the child care leave system increased to 66.4%, and that of women taking child care leave to 90.6% (FY 2008).

Change in the child care leave-taking rate

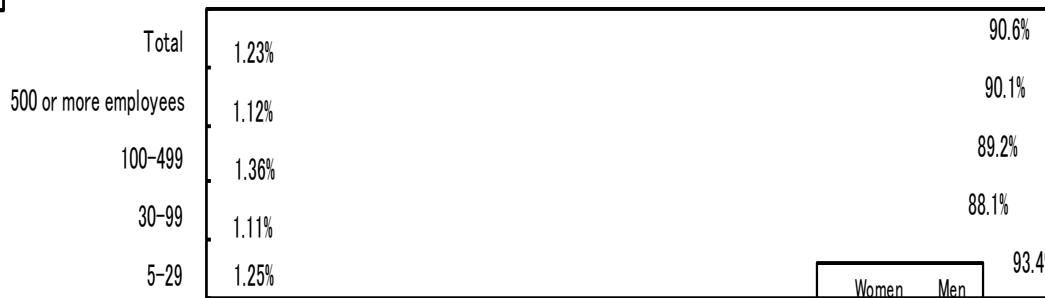


Change in the child care leave system establishment rate

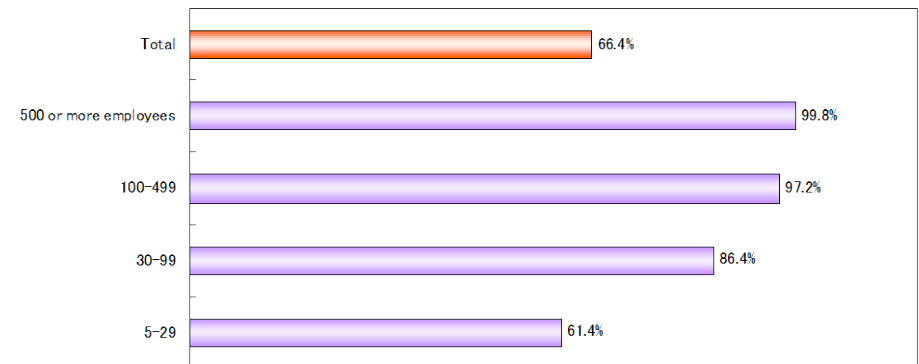


Children and Childcare Support Plan (a society to aim for)
Women: 80% Men: 10%

Child care leave-taking rate, by company size (FY 2008)



Child care leave system establishment rate, by company size (FY 2008)

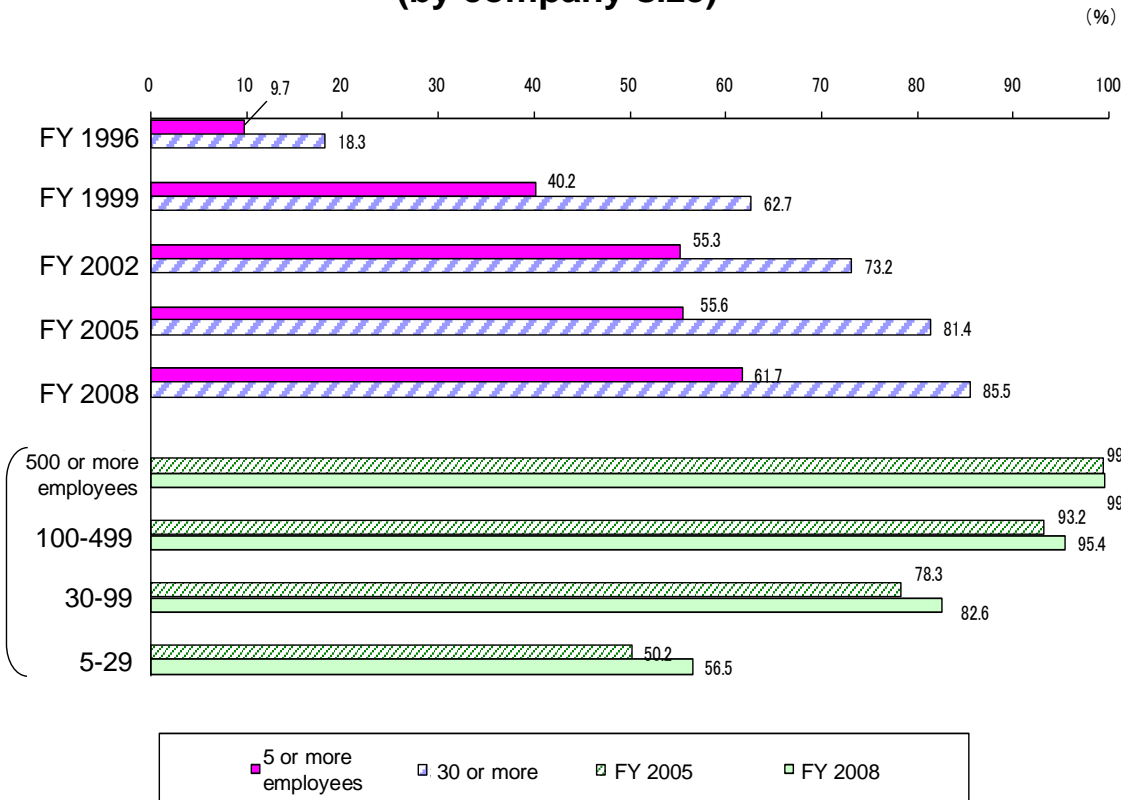


Child care leave-taking rate = $\frac{\text{Number of workers who gave birth to a child and started child care leave before the survey (incl. those having applied for leave)}}{\text{Number of workers who gave birth to a child (or workers whose spouse gave birth to a child, in the case of men) in the year preceding the survey}}$

Family care leave system establishment status (by company size)

Companies whose rules of employment provide for family care leave account for 61.7%.

Family care leave system establishment status (by company size)



Family care leave-taking rate, by gender, by company size (%)

	Family care leave-taking rate among female regular workers (%)	Family care leave-taking rate among male regular workers (%)
Total	0.11 《0.08》	0.03 《0.02》
[Company size]		
500 or more employees	0.10 《0.08》	0.02 《0.01》
100-499	0.12 《0.07》	0.02 《0.01》
30-99	0.13 《0.07》	0.02 《0.01》
5-29	0.10 《0.11》	0.04 《0.03》
30 or more [re-counted]	0.12 《0.07》	0.02 《0.01》

Note: The family care leave-taking rate among workers refers to the percentage of those who started their family care leave anytime between April 1st, 2007 and March 31st, 2008.

Note: The numbers enclosed in << >> are results of FY 2005 survey (the percentage of those who started their family care leave anytime between April 1st, 2004 and March 31st, 2005).

Percentage of companies with/without a sick/injured child care leave system, etc., by company size

**Companies stipulating (e.g., in the office regulations) sick/injured child care leave account for a little less than 50%.
Among workers with pre-school-age children, women are more likely to have taken such leave.**

Percentage of companies with/without a sick/injured child care leave system, by company size (%)

	Total	Have a system	Have no system	Unknown
Total	100.0	46.2	53.6	0.2
[Company size]				
500 or more employees	100.0	94.2	5.8	-
100-499	100.0	82.9	17.1	-
30-99	100.0	62.6	37.4	-
5-29	100.0	41.5	58.2	0.3
30 or more [re-counted]	100.0	67.2	32.8	-

Sick/injured child care leave-taking rate among workers with pre-school-age children, by company size, by gender (%)

	Workers with pre-school-age children	Those having taken sick/injured child care leave			Sick/injured child care leave-taking rate among female workers with pre-school-age children	Sick/injured child care leave-taking rate among male workers with pre-school-age children
			Women	Men		
Total	100.0	6.1 (100.0)	(66.6)	(33.4)	15.2	2.8
[Company size]						
500 or more employees		4.8			13.8	2.3
100-499		7.0			20.5	2.7
30-99		6.0			12.8	2.4
5-29		6.1			13.8	3.3
30 or more [re-counted]		6.1			15.9	2.5

Source: "Basic Survey on Equal Employment" (2008), MHLW

Percentage of companies with/without a system for shortening working hours for child care, etc., by company size

In FY 2008, companies with a system for measures to shorten working hours etc. accounted for about 50%.

The short working hour system has been adopted by 38.9% of companies, and exemption from overtime work by 26.8%.

(%)

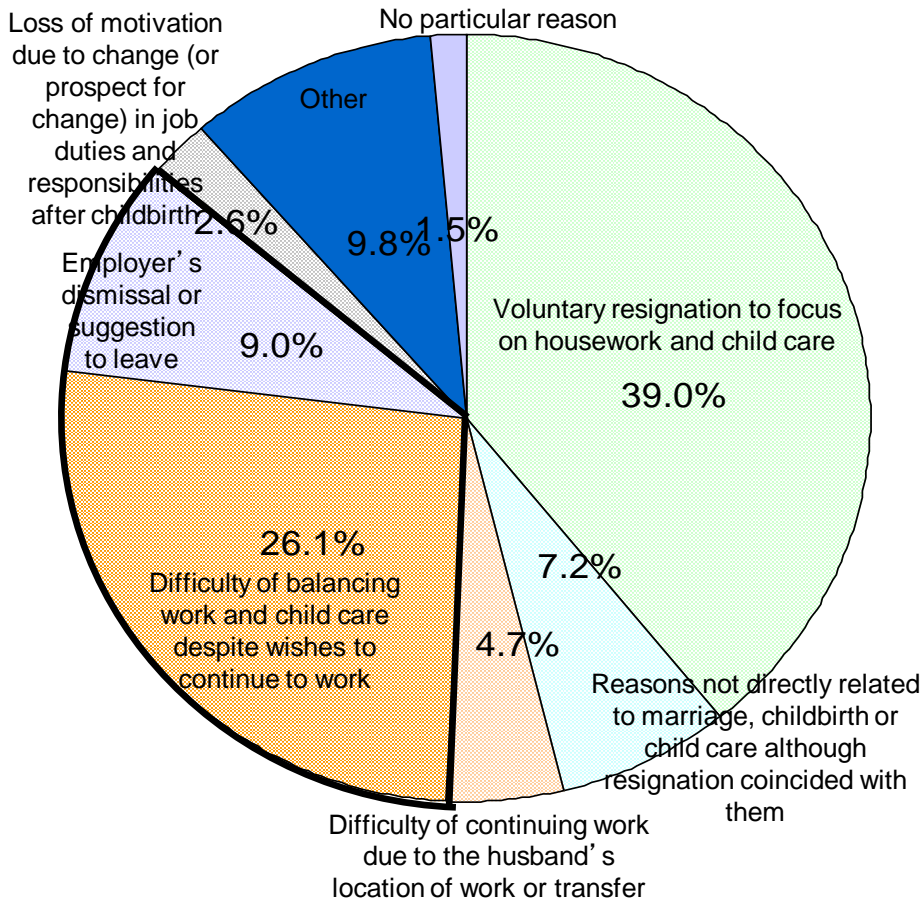
	Total	Have a system for measures to shorten working hours, etc. (M.A.)	Short working hour system	Flextime system for parents when taking care of their children	Advancement/postponement of the hours for starting/finishing work	Exemption from overtime work	On-site day-care center	Subsidization of child care costs	Child care leave for parents of children over 1 year old	Have no system for measures to shorten working hours, etc.	Unknown
[Total]	100.0	49.3	38.9	7.8	22.0	26.8	1.6	4.3	7.5	50.2	0.5
[Company size]											
500 or more employees	100.0	95.8	80.1	21.4	43.3	67.1	12.2	19.7	27.2	4.1	0.0
100-499	100.0	83.8	68.0	12.8	38.8	53.4	6.3	8.2	15.4	16.2	0.1
30-99	100.0	64.5	51.9	8.3	26.5	34.9	3.1	6.0	8.2	35.1	0.5
5-29	100.0	45.0	35.2	7.5	20.4	24.1	1.1	3.8	7.0	54.4	0.6
30 or more [re-counted]	100.0	68.9	55.6	9.4	29.2	39.2	3.9	6.7	10.0	30.7	0.4

Source: "Basic Survey on Equal Employment" (2008), MHLW

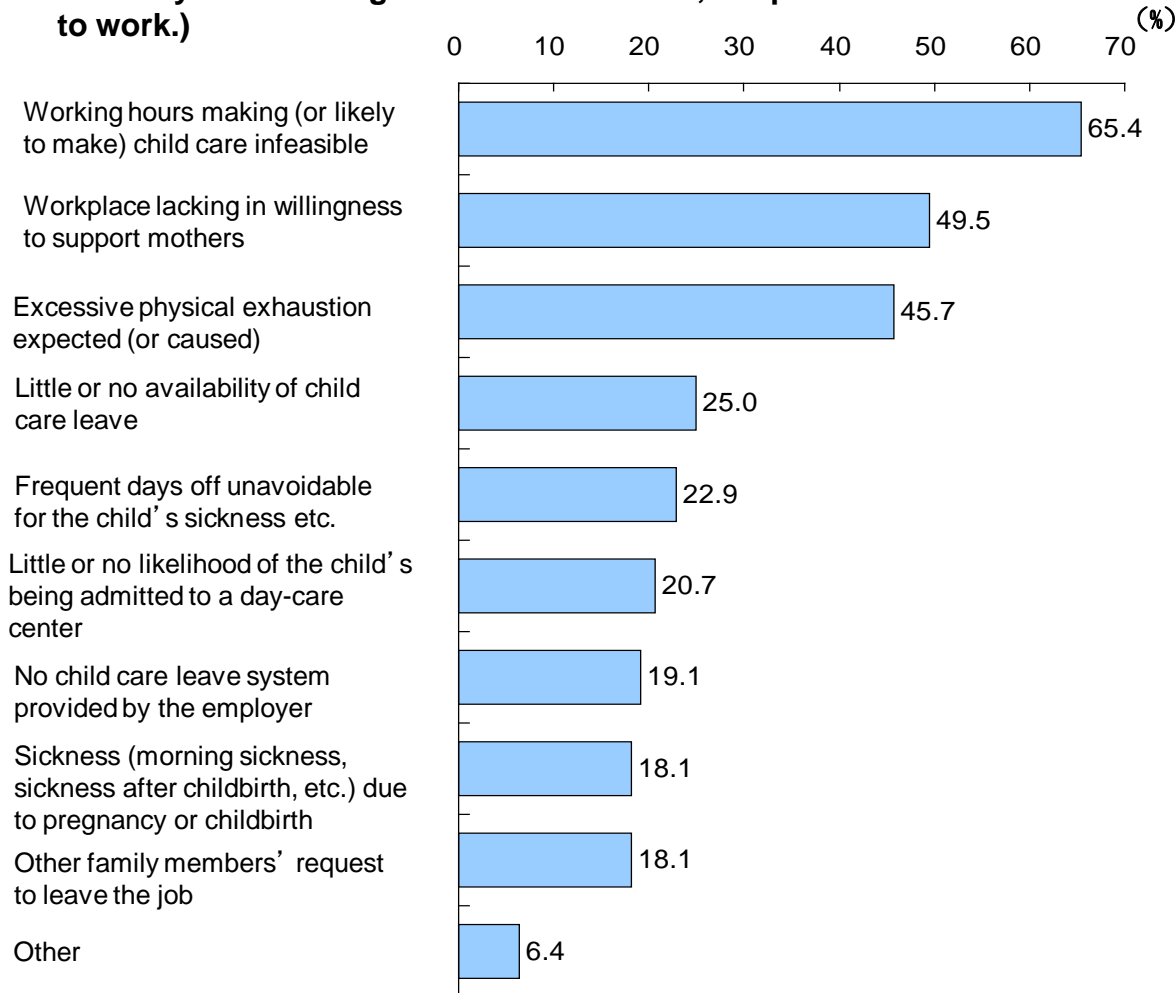
Reasons for leaving jobs on the occasion of childbirth

As the reason for having left their jobs after pregnancy or before/after childbirth, about 35% of workers cited the difficulty of balancing work and child care or the employer's dismissal or suggestion to leave.

Reasons for having left a job after pregnancy or before/after childbirth
(cited by women who have left jobs before and answered they had left their full-time jobs after pregnancy or before/after childbirth)

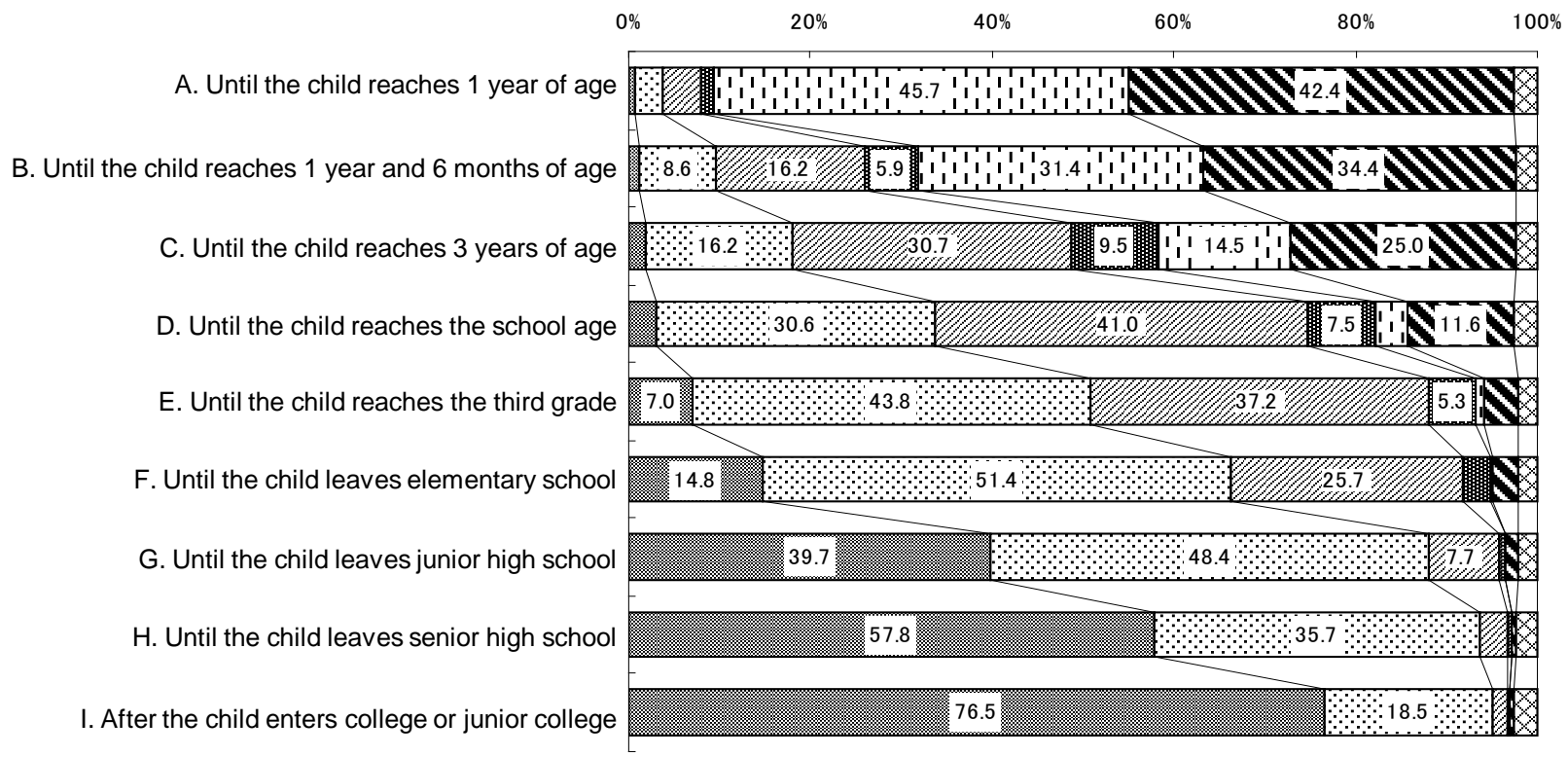
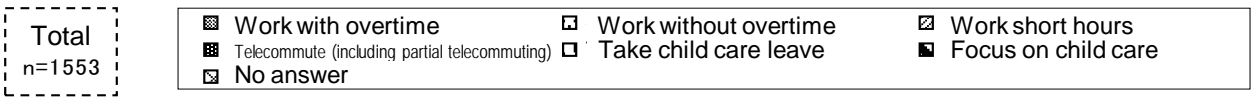


Specific reasons for the difficulty of balancing work and child care
(Cited by respondents who answered they had left their jobs due to difficulty of balancing work and child care, despite their wish to continue to work.)



Desirable work styles for mothers, by age of children (survey of employees)

The work style considered the most desirable for mothers with children up to one year of age is taking child care leave. For mothers with children before school age, working short hours and working without overtime are the two most desirable work styles.



Note: For the sake of visibility, figures are not indicated for items accounting for less than 5.0%.

Source: "Survey on Future Work-Family Life Balance Support" (2008), NLI Research Institute

Willingness to use systems to support work-family life balance, etc.

Over 30% of men want to use a child care leave system and a short working hour system.

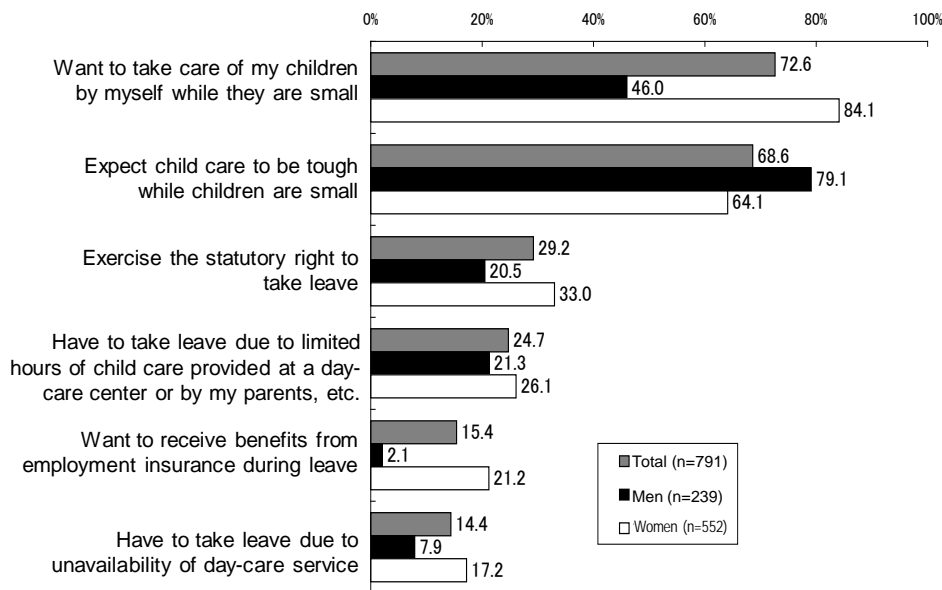
Willingness to use systems to support work-family life balance (survey of employees)
(%)

	Total	Those with children	Men		Women	
			Total	Those with children	Total	Those with children
Number of respondents (n)	1553	1104	752	589	801	515
Child care leave system	50.9	50.0	31.8	33.1	68.9	69.3
Short working hour system for child care	48.9	48.8	34.6	35.1	62.3	64.5

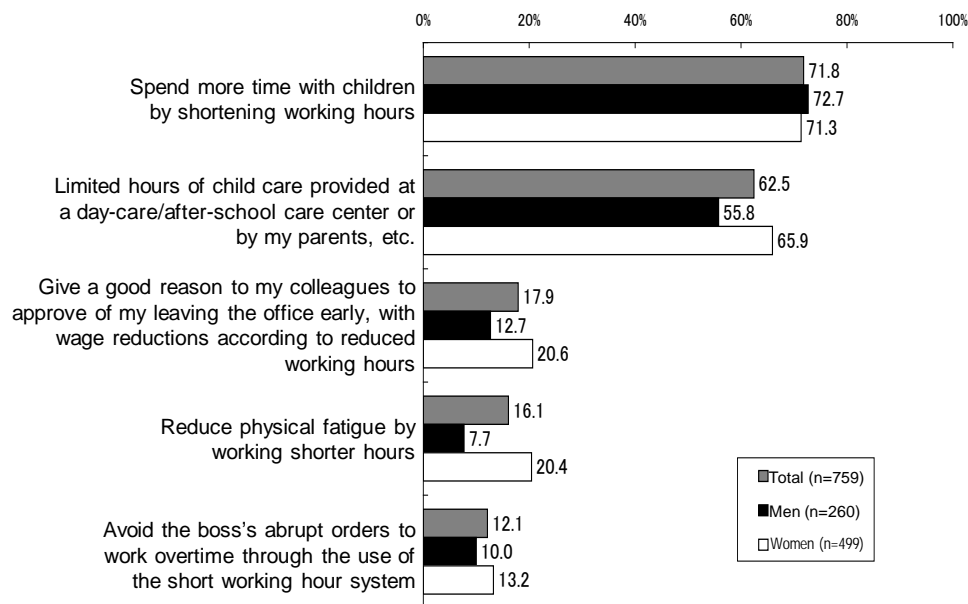
Note: The figures for the child care leave system refer to those who want to use the system, and those for the short working hour system are the sum of the figures referring to those who are currently using the system and the figures referring to those who want to use it.

Reasons for the willingness to use the system (survey of employees)

[Child care leave system]



[Short working hour system for child care]

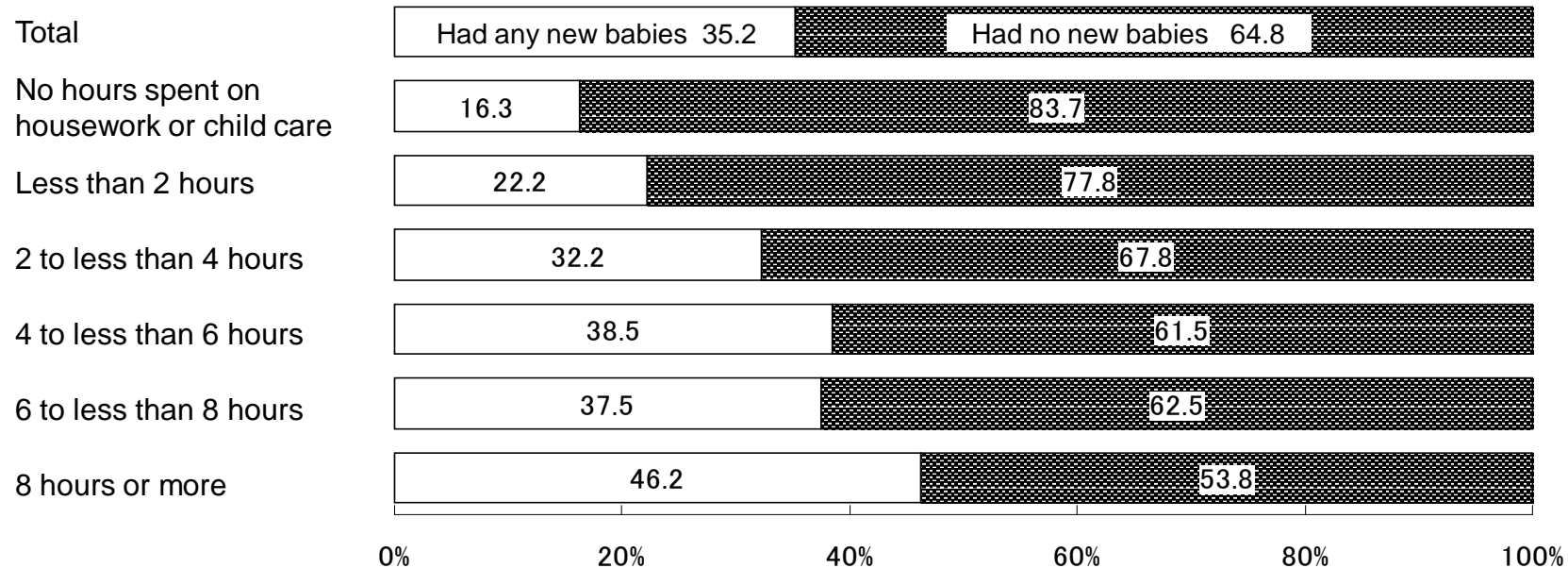


Note 1: The data refers to employees who noted a willingness to use each system.

Note 2: Multiple answers were permitted. The data for “Other” “Do not know,” and “No answer” is not indicated.

Birth of the second and subsequent children over the past five years among couples with children, by the husband's hours of housework and child care on his days off

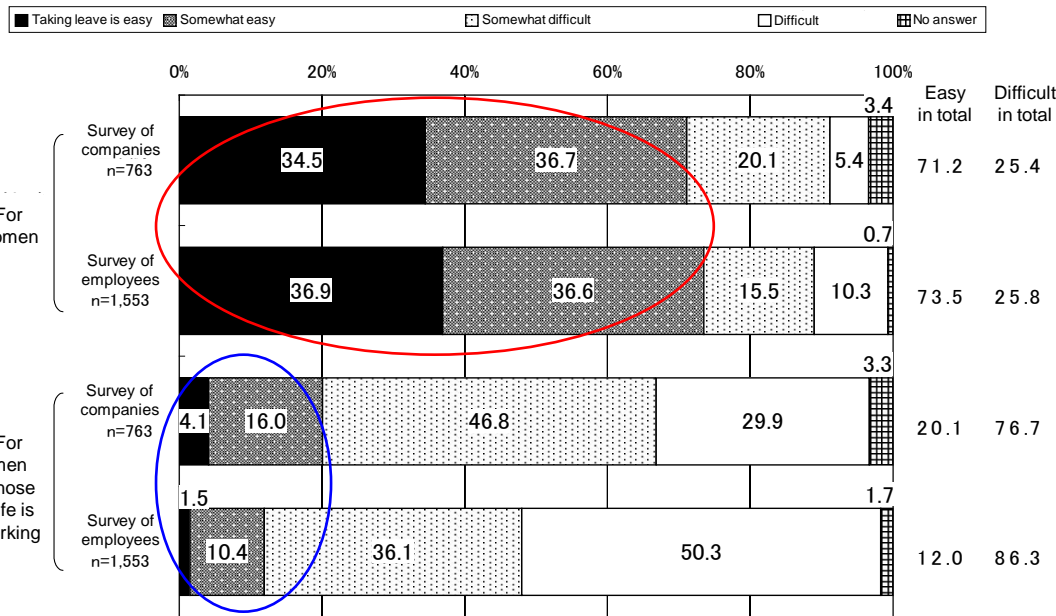
The longer the husband does housework and child care, the more likely the couple has the second and subsequent children.



- Note: 1. The survey covered couples living together and falling under either of the following criteria. Couples of which the wife's "pre-childbirth data" was unavailable were excluded.
- (i) Couples of which both the husband and the wife responded to the first to sixth surveys
 - (ii) Couples who were not married in the first survey and got married up until the fifth survey and of which both the husband and the wife responded to all surveys until the sixth after marriage
2. The hours spent on housework and child care are based on the situation before childbirth for couples with new babies, and that in the fifth survey for couples with no new babies.
3. "Total" includes those who did not answer specific hours of housework or child care.

Ease of taking child care leave in different conditions (survey of companies / employees)

Child care leave is difficult to take for men in companies of all sizes, and more difficult for women in small companies.



Survey of companies	Sample size (n)	"Easy" in total (%)		
		For women	For men whose wife is working	
Total	763	71.2	20.1	
Company size	10 - 29	61.4	16.4	
	30 - 99	57.2	15.0	
	100 - 299	81.3	23.4	
	300 - 999	100	22.0	
	1000 or more employees	96	95.8	27.1
Total	1,553	73.5	12.0	
Company size	10 - 29	53.5	10.2	
	30 - 99	54.3	9.1	
	100 - 299	74.0	11.8	
	300 - 999	264	78.8	9.8
	1000 or more employees	400	91.8	17.5

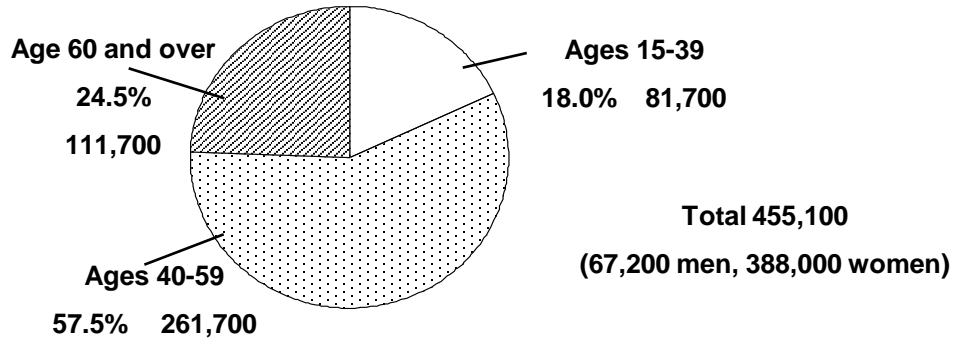
Note 1: "Easy in total" is the sum of the data for "Easy" and "Somewhat easy." "Difficult in total" is the sum of the data for "Somewhat difficult" and "Difficult."

Note 2: The data by company size does not indicate the figures for the "9 or less" category (38 firms, 28 respondents) because the sample size is too small.

Number of employees having left/changed jobs for family care and its breakdown by age

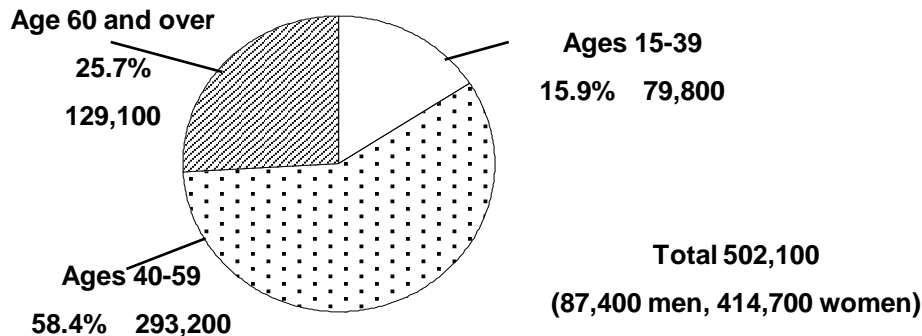
Workers having left/changed their jobs for family care amounted to about 450,000 during the five years from 1997 and about 500,000 during the five years from 2002. A majority of them are in their forties or fifties, a generation often holding important posts in companies.

Number of employees having left/changed jobs for family care and its breakdown by age (persons, %)



Note: The sample consists of employees who have left or changed their last jobs for family care during the five years, from October 1997 to September 2002.

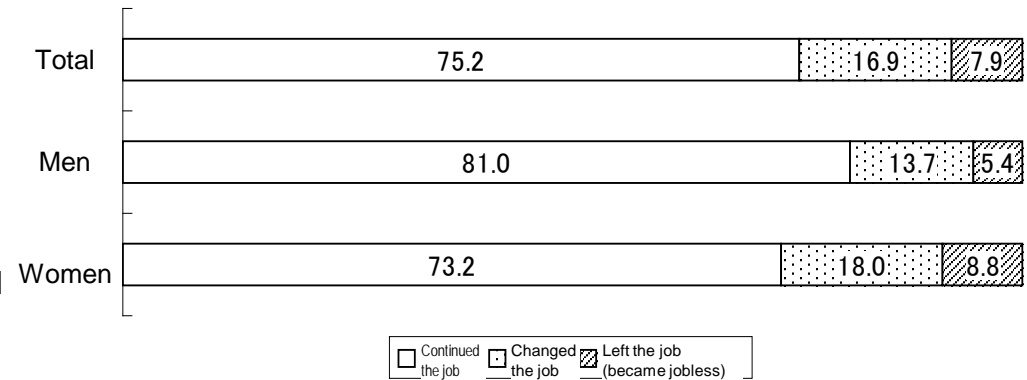
Source: "Employment Status Survey" (2002), MIC



Note: The sample consists of employees who have left or changed their last jobs for family care during the five years, from October 2002 to September 2007.

Source: "Employment Status Survey" (2007), MIC

Job continuity at the time of starting family care (%)



Note: Total n = 634, 168 men and 466 women
 Note: The sample consists of people who are currently taking care of family members (age 40 or over) in care-requiring condition and was employed at the time of starting family care.

Source: "For Expanded Use of Family Care Leave System" (2006), JILPT

Outline of the revised Child Care and Family Care Leave Law

1 Changing the work style of parenting workers

- Allow parenting workers to work shorter hours or be exempted from overtime work.
- Expand the sick/injured child care leave system.

2 Establishing work styles allowing fathers to participate in child care

- Establish a system to encourage fathers to take child care leave.

3 Assisting workers in balancing work and family care

- Establish a system to allow workers to take leave for family care on a daily basis.

4 Ensuring effectiveness

- Establish a system to quickly settle disputes.
- Establish a system to publish the names of violators of the law.

[Effective date] June 30th, 2010 (For companies with 100 or less regular employees, certain provisions will come into force on the day specified by Cabinet Order within three years.)
The effective date is April 1st, 2010, for arbitration provisions in 4, and September 30th, 2009, for the other provisions in 4.

1. Changing the work style of parenting workers

Present

- About 90% of female workers take child care leave, although about 70% leave their jobs on the birth of the first child.
- Given that the most common factor of making it difficult for mothers to balance work and child care is excessive physical exhaustion, attention should be focused on the work style after the resumption of work following child care leave.
- Many parenting female workers call for shorter working hours and an exemption from overtime work.
- The more children a worker has, the more days off he/she needs for taking care of sick children. However, the limit to the number of days of sick/injured child care leave is five per year, regardless of the number of children.



Revisions

Obligation to establish a short working hour system

- Employers will be obliged to take measures to establish a short working hour system for workers taking care of children less than three years of age.

Obligation to offer exemption from overtime work

- A system for exemption from overtime work will be applicable to workers taking care of children less than three years of age upon request.

Enhancement of sick/injured child care leave

- Present: Up to 5 days per year for workers regardless of the number of pre-school-age children
After revision: Up to 5 days per year for workers with a pre-school-age child, and up to 10 days for those with two or more pre-school-age children

2. Establishing work styles allowing fathers to participate in child care

Present

- With more than half the workers' households being double-income families, an environment where fathers as well as mothers can take care of children and parents can spend quality time with their children are called for.
- Although about 30% of men want to take child care leave, their actual leave-taking rate is 1.56%. The hours spent by Japanese men on child care and housework are shorter than men in any other developed country.
- Men's little involvement in child care and housework, along with excessive child care and housework burdens on women as a result, it is making it more difficult for women to continue to work and contributing to the declining birthrate.



Revisions

Extension of the period during which child care leave may be taken in cases where both parents take child care leave (Mom & Dad Child Care Leave Plus)

- When both parents take child care leave, the period during which child care leave may be taken will be extended to a period until the child reaches one year and two months of age.
- The maximum leave period available to each parent (a period including the post-childbirth leave for a mother) will remain the same as before the revision (one year).

Encouragement of fathers' child care leave during the 8 weeks following childbirth

- When a father takes child care leave during the 8 weeks following childbirth by the spouse, he will be able to take child care leave again as an exception.

Abolishment of provisions to exclude a worker with a full-time housewife (househusband) by management-labor agreement

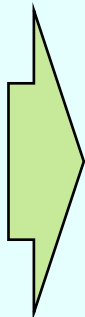
- The law's provisions that allow employers, under a management-labor agreement, to exclude workers with a full-time housewife from eligibility for child care leave will be abolished in order to allow all father to take child care leave as needed.

*** Necessary revisions will be made to child care leave benefits in line with the above.**

3. Assisting workers in balancing work and family care

Present

- About 500,000 workers left or changed their jobs by reason of family care during the five years from 2002.
- Many workers take paid or unpaid leave during a period they have to take day-to-day care of family members requiring care.



Revisions

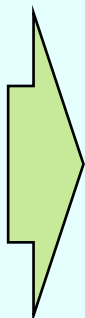
Establishment of a short-term leave system for family care

- A short-term family care leave system to allow workers to take their family members in care-requiring condition to hospitals or otherwise take care of them (5 days/year, or 10 days/year if there are two or more such family members)

4. Ensuring effectiveness

Present

- The current arbitration system covers disputes between employees and employers over pregnancy and childbirth but is not applicable to those over the acquisition of child care leave.
- With the Child Care and Family Care Leave Law not providing for punishment for violators, the effectiveness of the law is ensured only by patient advice and guidance, etc. by officials.



Revisions

Establishment of dispute settlement support and an arbitration system, etc.

- To handle complaints and disputes between employees and employers over the acquisition of child care leave, Prefectural Labour Bureau Directors-General will assist dispute settlement and a system for arbitration by arbitrators will be established.

Establishment of systems for publishing names and imposing non-penal fines

- A system to publish the names of parties neglecting recommendations and a system to impose non-penal fines on parties having submitted false reports will be established.

Revision of the child care and family care leave system (conceptual chart)

Present

Child care

Birth Age 1 Age 3 Start school

Child care leave (Right to request leave until the child reaches 1 year of age; extendable to the day on which the child reaches 1 year and 6 months of age in specific cases (e.g. unavailability of day-care service))

Measures to shorten working hours, etc.
 (1) **Shortening working hours**
 (2) **Exemption from overtime work**
 (3) Flextime system
 (4) Advancement/postponement of the hours for starting/finishing work
 (5) Establishment & operation of an on-site day-care center
 (6) Benefits equivalent to (5)
 (7) A system equivalent to child care leave

An employer is obliged to take **any of these measures**

Obligation to make effort

Sick/injured child care leave (up to 5 days/yr.)

Limitation on work in excess of statutory working hours (up to 24 hrs/mo., 150 hrs/yr.)
 Exemption from late-night work

Family care

Family care leave (up to 93 days per subject family member)

Measures to shorten working hours, etc. (up to 93 days including family care leave)

After revision

Child care

Birth Age 1 Age 3 Start school

Child care leave (Right to request leave until the child reaches 1 year of age (or 1 year and 2 months of age if both parents take leave); extendable to the day on which the child reaches 1 year and 6 months of age in specific cases (e.g. unavailability of day-care service))

Measures to shorten working hours

Exemption from overtime work

Measures
 (3) Flextime system
 (4) Advancement/postponement of the hours for starting/finishing work
 (5) Establishment & operation of an on-site day-care center
 (6) Benefits equivalent to (5)
 (7) A system equivalent to child care leave

Obligation to make effort

Sick/injured child care leave (5 days/yr. per child, with limits of 10 days/yr.)

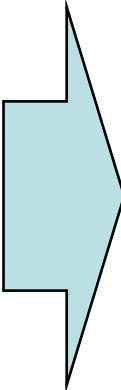
Limitation on work in excess of statutory working hours (up to 24 hrs/mo., 150 hrs/yr.)
 Exemption from late-night work

Family care

Family care leave (up to 93 days per subject family member)

Measures to shorten working hours, etc. (up to 93 days including family care leave)

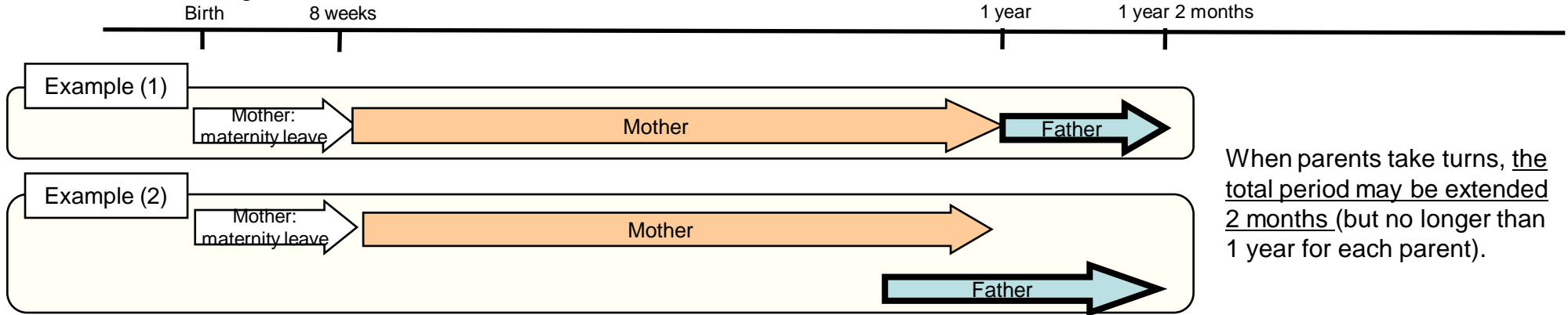
Short-term Family care leave (5 days/yr. per subject family member, with limits of 10 days/yr.)



Establishing work styles allowing fathers to participate in child care

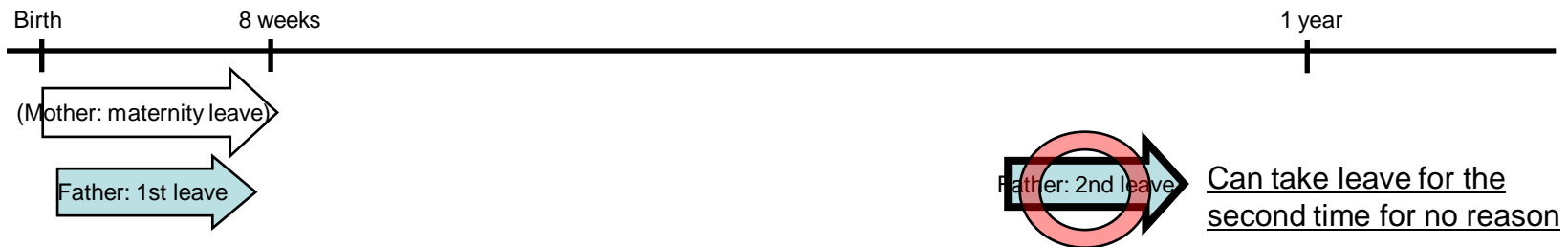
(1) Mom & Dad Child Care Leave Plus

- If both parents take child care leave, both of them can take child care leave for up to 1 year during a period until the child reaches 1 year and 2 months of age.



(2) Encouragement of fathers' child care leave during the 8 weeks following childbirth

- Eligibility rules will be relaxed so that a father who has taken child care leave during the 8 weeks following childbirth by the spouse can take child care leave again as an exception.



(3) Abolishment of provisions to exclude a worker with a full-time housewife (househusband) by management-labor agreement

- A system that allows employers, under a concluded management-labor agreement, to deny application for child care leave from workers who have a full-time housewife (househusband) or other means of constant child care will be abolished.

Outline of the Child Care and Family Care Leave Law

* The text revised in the June 2009 revision is underlined.

Effective date: June 30th, 2010, in principle (with respect to 4 to 6, suspended until June 30th, 2010[provisional], for companies with 100 or less employees)

1 Child care leave system

A worker (excluding a person employed on a day-to-day basis; the same shall apply hereinafter) may take child care leave upon application to his/her employer during the period until his/her child reaches one year of age (for a period of one year during the period until the child reaches one year and two months of age, if both parents take child care leave)(Under specific circumstances where taking a leave would be found to be necessary after said child becomes one year of age, until the child reaches one year and six months of age.).

* Child care leave also applies to a person employed for a fixed period of time only when he or she falls under both of the following items:

- (i) A person employed by the same employer for a continued period of at least one year;
- (ii) A person likely to be kept employed after the day on which his/her child reaches one year of age (excluding a person whose employment relationship is clearly known, at the time of application, to be terminated during the subsequent year from the day on which the child reaches one year of age).

2 Family care leave system

A worker may take family care leave upon application to his/her employer once for each occurrence of circumstances where the family member falls in a condition requiring constant care, with limits of up to 93 separate days for each subject family member.

** Family care leave also applies to a person employed for a fixed period of time, based on the same criteria as above.

3 Sick/injured child care leave system

A worker who is taking care of a pre-school-age child may obtain leave to look after the child in the event of injury or sickness to the child upon application to his/her employer, with limits of up to five days per year if he or she has one pre-school-age child or up to ten days per year if he or she has two or more such children.

4 Short-term family care leave system

A worker who takes care of a subject family member in care-requiring condition may obtain leave to take care of the family member upon application to his/her employer, with limits of up to five days per year if he or she has one subject family member in care-requiring condition or up to ten days per year if he or she has two or more such family members.

5 Measures to shorten working hours, etc.

An employer shall, with regard to a worker who takes care of a child less than three years of age but does not take child care leave, take measures of shortening working hours according to application from the worker.

An employer shall, with regard to an employed worker who takes care of a subject family member in constant-care-requiring condition and does not take family care leave, take any of the following measures:

- a short working hour system, a flextime system, advancement or postponement of the hours for starting/finishing work, subsidization of family care costs

6 Exemption from overtime work

An employer shall not, in cases where a worker who is taking care of a child less than three years of age makes a request, have the worker work in excess of the prescribed working hours.

7 Limitation on overtime work

An employer shall not, in cases where a worker who is taking care of a pre-school-age child or a subject family member in constant-care-requiring condition makes a request, have the worker work overtime in excess of 24 hours per month and 150 hours per year.

8 Limitation on late-night work

An employer shall not, in cases where a worker who is taking care of a pre-school-age child or a subject family member in constant-care-requiring condition makes a request, have the worker work late at night.

9 Prohibition of disadvantageous treatment

An employer shall not dismiss or otherwise treat a worker disadvantageously by reason of the worker's making application or taking other actions under 1 to 8 above. (*Provisions for 4 to 8 have been added by the present revision)

10 Consideration for transfer

An employer shall, in transferring a worker, give consideration for the worker's situation with regard to child care or family care.

Overview of the systems under the Child Care and Family Care Leave Law

© This table provides an overview of the systems required under the law. Companies are recommended to establish broader systems than these.

* Items pertinent to the 2009 revision are underlined.

		Child care	Family care
Leave system	Definition of leave	<ul style="list-style-type: none"> ○ Leave that a worker takes for the purpose of taking care of his or her child less than one year of age, in principle 	<ul style="list-style-type: none"> ○ Leave that a worker takes for the purpose of taking care of a subject family member in care-requiring condition (a condition requiring constant care for a period of two weeks or more due to injury, sickness, or physical or mental disability)
	Subject workers	<ul style="list-style-type: none"> ○ Workers (excluding those employed on a day-to-day basis) ○ Includes fixed-term workers meeting the following requirements at the time of application: <ul style="list-style-type: none"> - A person employed by the same employer for a continued period of at least one year; - A person likely to be kept employed after the day on which his/her child reaches one year of age (excluding a person whose labor contract will expire and clearly not be renewed during the subsequent year from the day on which his/her child reaches one year of age) ○ Workers who may be excluded by management-labor agreement <ul style="list-style-type: none"> - Workers employed by the employer for less than one year - Workers whose employment relationship is to be terminated within one year (or six months if child care leave continues until the child reaches one year and six months of age) - Workers whose prescribed number of working days per week is two or less 	<ul style="list-style-type: none"> ○ Workers (excluding those employed on a day-to-day basis) ○ Includes fixed-term workers meeting the following requirements at the time of application: <ul style="list-style-type: none"> - A person employed by the same employer for a continued period of at least one year; - A person likely to be kept employed after the day on which 93 days elapse from the scheduled start date of family care leave ("93-day Expiry Date") (excluding a person whose labor contract will expire and clearly not be renewed during the subsequent year from the 93-day Expiry Date). ○ Workers who may be excluded by management-labor agreement <ul style="list-style-type: none"> - Workers employed by the employer for less than one year - Workers employment relationship is to be terminated within 93 days - Workers whose prescribed number of working days per week is two or less
	Subject family members	<ul style="list-style-type: none"> ○ Children 	<ul style="list-style-type: none"> ○ A spouse (including a partner in a common-law marriage; the same applies hereinafter), parents, children, parents of a spouse; grandparents, siblings and grandchildren who are the worker's dependents and living in the same household
	Frequency	<ul style="list-style-type: none"> ○ In principle, once for each child (<u>but excluding the first child care leave taken within eight weeks from the date of birth of the child</u>) ○ Another child care leave may be taken if any of the following circumstances occurs: <ul style="list-style-type: none"> - After child care leave ends due to the start of new post-childbirth leave, child care leave or family care leave, the child or the family member pertaining to the new leave dies; - The spouse dies or comes to have difficulty in taking care of the child due to injury, sickness, or disability; - The spouse ceases living with the child due to divorce, etc.; - <u>The child needs care for a period of two weeks of more due to injury, sickness or disability;</u> - <u>Admission to a day-care center is requested but not accepted.</u> ○ Child care leave until the child reaches 	<ul style="list-style-type: none"> ○ Once for each subject family member for each occurrence of circumstances where the family member falls in care-requiring condition

	<p>one year and six months of age may be taken apart from one until the child reaches one year of age.</p>	
Period	<p>○ In principle, a continuous period until the child reaches one year of age</p> <p>○ <u>However, in such cases as the spouse is on child care leave, a worker may take leave of up to one year until the child reaches one year and two months of age. The leave period includes the periods for post-childbirth leave and child care leave.</u></p> <p>○ The period may be extended to the day on which the child reaches one year and six months of age if either of the parents is still on child care leave on the day on which the child reaches one year of age (<u>or the scheduled end date of child care leave, in cases where child care leave is allowed until the child reaches one year and two months of age and child care leave is taken beyond the day on which the child reaches one year of age</u>) and any of the following circumstances occurs:</p> <ul style="list-style-type: none"> - Admission to a day-care center is requested but not accepted; - The spouse taking care of the child (another parent) who was expected to take care of the child beyond one year of age becomes unable to do so due to death, injury, sickness, etc. 	<p>○ Up to 93 days for each subject family member (including, if any, the days on which measures such as shortening working hours are taken)</p>
Procedure	<p>○ Application in writing with the employer</p> <ul style="list-style-type: none"> - The employer may request the submission of a certificate. - <u>The employer shall notify the worker of the scheduled date of start and end of child care leave in writing.</u> <p>○ An application shall be filed no later than one month in advance (the period in which the employer may postpone the scheduled start date of leave) (or a week in advance in circumstances such as the birth of a child before an expected date of confinement). For leave until the child reaches one year and six months of age, an application shall be filed no later than two weeks in advance.</p> <p>○ In circumstances such as the birth of a child before an expected date of confinement, the scheduled start date may be advanced only once.</p> <p>○ By applying no later than a month in advance, the scheduled end date may be postponed only once within the period until the child reaches one year of age. For leave until the child reaches one year and six months of age, by applying no later than two weeks in advance, the scheduled end date may be postponed only once within the period until the child reaches one year and six months of age.</p> <p>○ An application may be withdrawn until the day before the scheduled start date of leave.</p> <p>○ A person who has done this may not apply again, in principle.</p>	<p>○ Application in writing with the employer</p> <ul style="list-style-type: none"> - The employer may request the submission of a certificate. - <u>The employer shall notify the worker of the scheduled date of start and end of family care leave in writing.</u> <p>○ An application shall be filed no later than two weeks in advance (the period in which the employer may postpone the scheduled start date of leave).</p> <p>○ By applying no later than two weeks in advance, the scheduled end date may be postponed only once within the limit of 93 days.</p> <p>○ An application may be withdrawn until the day before the scheduled start date of leave.</p> <p>○ A person who has done this may apply again only once.</p>

Sick/injured child care leave system	Description	○ A worker who is taking care of a child before the time of commencement of elementary school may obtain leave to look after the child in the event of injury or sickness to the child or to <u>have the child vaccinated or undergo a health examination</u> , with limits of up to five days per year (<u>or up to ten days if the worker has two or more such children</u>).	
	Subject workers	○ Workers who takes care of a child before the time of commencement of elementary school, excluding those employed on a day-to-day basis, and those falling under any of the following and excluded by management-labor agreement: - Workers employed by the employer for less than six months - Workers whose prescribed number of working days per week is two or less	
Family care leave system	Description	○ A worker who takes care of a subject family member in care-requiring condition may obtain leave to take care of the family member, with limits of up to five days per year (or up to ten days if the worker has two or more such family members).	
	Subject workers	○ <u>Workers taking care of a subject family member in care-requiring condition, excluding those employed on a day-to-day basis, and those falling under any of the following and excluded by management-labor agreement:</u> - <u>Workers employed by the employer for less than six months</u> - <u>Workers whose prescribed number of working days per week is two or less</u>	
Overtime work exemption system	Description	○ An employer shall not, in cases where a <u>worker taking care of a child less than three years of age makes a request in order to take care of the child, have the worker work in excess of the prescribed working hours.</u>	-
	Subject workers	○ <u>Workers taking care of a child less than three years of age, excluding those employed on a day-to-day basis and those falling under any of the following and determined to be unable to make such request by management-labor agreement:</u> 1. <u>Workers employed by the employer for less than one year</u> 2. <u>Workers whose prescribed number of working days per week is two or less</u>	-
	Period and frequency	○ <u>A period of one month to one year by each request</u> ○ <u>No limits on the number of requests that can be made</u>	-
	Procedure	○ <u>Request shall be made no later than one month prior to the start date.</u>	-
	Exception	○ <u>An employer may refuse a request if it would impede normal business operations.</u>	-
Overtime work limitation system	Description	○ An employer shall not, in cases where a worker who is taking care of a child before the time of commencement of elementary school makes a request in order to take care of the child, extend working hours beyond the limits (24 hours per month and 150 hours per year).	○ An employer shall not, in cases where a worker who is taking care of a subject family member in care-requiring condition makes a request in order to take care of the family member, extend working hours beyond the limits (24 hours per month and 150 hours per year).
	Subject workers	○ Workers taking care of a child before the time of commencement of elementary school, excluding those falling under any of the following: 1. Workers employed on a day-to-day basis 2. Workers employed by the employer for less than one year 3. Workers whose prescribed number of working days per week is two or less	○ Workers taking care of a subject family member in care-requiring condition, excluding those falling under any of the following: 1. Workers employed on a day-to-day basis 2. Workers employed by the employer for less than one year 3. Workers whose prescribed number of working days per week is two or less
	Period and frequency	○ A period of one month to one year by	○ A period of one month to one year by each

		each request ○ No limits on the number of requests that can be made	request ○ No limits on the number of requests that can be made
	Procedure	○ Request shall be made no later than one month prior to the start date.	○ Request shall be made no later than one month prior to the start date.
	Exception	○ An employer may refuse a request if it would impede normal business operations.	○ An employer may refuse a request if it would impede normal business operations.
Late-night work limitation system	Description	○ An employer shall not, in cases where a worker who is taking care of a child before the time of commencement of elementary school makes a request in order to take care of the child, make the worker work in the period between 10 p.m. and 5 a.m. ("late-night").	○ An employer shall not, in cases where a worker who is taking care of a subject family member in care-requiring condition makes a request in order to take care of the family member, make the worker work in the period between 10 p.m. and 5 a.m. ("late-night").
	Subject workers	○ Workers taking care of a child before the time of commencement of elementary school, excluding those falling under any of the following: 1. Workers employed on a day-to-day basis 2. Workers employed by the employer for less than one year 3. Workers with a family member who is living in the same household and can take care of the child, which means a family member who is 16 years of age or older and a. is not working late-night (including cases where the number of late-night working days is three or less per month); b. is not unable to take care of the child due to injury, sickness, or mental or physical disability; and c. is not shortly before or after childbirth. 4. Workers whose prescribed number of working days per week is two or less 5. Workers whose prescribed working hours all fall in the late-night period.	○ Workers taking care of a subject family member in care-requiring condition, excluding those falling under any of the following: 1. Workers employed on a day-to-day basis 2. Workers employed by the employer for less than one year 3. Workers with a family member who is living in the same household and can take care of the family member, which means a family member who is 16 years of age or older and a. is not working late-night (including cases where the number of late-night working days is three or less per month); b. is not unable to take care of the child due to injury, sickness, or mental or physical disability; and c. is not shortly before or after childbirth. 4. Workers whose prescribed number of working days per week is two or less 5. Workers whose prescribed working hours all fall in the late-night period.
	Period and frequency	○ A period of one to six months by each request ○ No limits on the number of requests that can be made	○ A period of one to six months by each request ○ No limits on the number of requests that can be made
	Procedure	○ Request shall be made no later than one month prior to the start date.	○ Request shall be made no later than one month prior to the start date.
	Exception	○ An employer may refuse a request if it would impede normal business operations.	○ An employer may refuse a request if it would impede normal business operations.

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Measures to shorten working hours, etc.</p>	<p>○ An employer is obliged to, with regard to <u>an employed worker who takes care of a child less than three years of age (excluding those employed on a day-to-day basis) and does not take child care leave (excluding those whose prescribed working hours per day is six hours or less), take measures, including changing the prescribed working hours per day to six, in principle.</u> <u>However, this does not apply to workers who are determined, by management-labor agreement, not to be subjected to measures to shorten the prescribed working hours.</u> <u>1. Workers employed by the employer for less than one year</u> <u>2. Workers whose prescribed number of working days per week is two or less</u> <u>3. Workers for whom taking measures to shorten the prescribed working hours is found to be difficult in light of the nature of the work or the implementation structure of the work</u></p> <p>○ If an employer decides not to take <u>measures to shorten the prescribed working hours for workers falling under 3 above, the employer is obliged to take any of the following measures for those workers:</u> - <u>A measure according to the child care leave system</u> - <u>Flextime system</u> - <u>Advancement or postponement of the hours for starting/finishing work</u> - <u>Establishment and operation of an on-site day-care center or provision of equivalent benefits</u></p>	<p>○ An employer is obliged to, with regard to an employed worker who takes care of a subject family member in constant-care-requiring condition (excluding those employed on a day-to-day basis), take any of the following measures for a period exceeding 93 consecutive days (counted including the period of family care leave and, where applicable, the period of family care leave already taken for another occurrence of care-requiring condition) for each subject family member for each occurrence of care-requiring condition: - A system to shorten the prescribed working hours - Flextime system - Advancement or postponement of the hours for starting/finishing work - Subsidization of the cost of family care services that the worker uses, or an equivalent system</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Measures related to a worker taking care of a pre-school-age child or a family member</p>	<p>○ Obligation to make efforts, with regard to an employed worker who takes care of a child before the time of commencement of elementary school, to take necessary measures according to the child care leave system, the <u>system for limiting overtime work, measures to shorten the prescribed working hours, the flextime system or other measures</u></p>	<p>○ Obligation to make efforts, with regard to an employed worker who takes care of his/her family member, to take necessary measures according to the family care leave system or to measures to shorten the prescribed working hours, by giving consideration for the period, the frequency, etc. of the care</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Consideration for assignment of workers</p>	<p>○ Obligation to, in making a change to assignment of an employed worker which results in a change in the workplace and give consideration for the worker's situation with regard to child care or family care, when such a change would make it difficult for the worker to take care of his/her children or other family members while continuing to work</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Prohibition of disadvantageous treatment</p>	<p>○ Prohibition of dismissal or other disadvantageous treatment of a worker by reason of the worker's having applied for or taken child/family care leave, sick/injured child care leave, family care leave, limitation on overtime work, limitation on late-night work, <u>measures to shorten the prescribed working hours, etc.</u></p>	

Child Care and Family Care Leave Law will be revised!

The Child Care and Family Care Leave Law will be revised with the goal of reversing the falling birthrate and creating a society where both men and women can continue to work while taking care of children and family members.

Key points of the revisions to the Child Care and Family Care Leave Law

(1) Obligation to (i) establish a short working hour system for working parents and (ii) exemption of overtime work

Present

Employers are obliged to choose and establish one of the specified systems (a short working hour system, an overtime work exemption system, etc.) for workers taking care of children less than 3 years of age.

After revision

- (i) **Employers will be obliged to establish a short working hour system (6 working hours per day)** ^(*1) available upon request to workers taking care of children less than 3 years of age ^(*2).
- (ii) Workers taking care of children less than 3 years of age will be **exempted from overtime work** by request ^(*2).

*1 The obligation to establish a short working hour system is expected to require at least a short working hour system based on six-hour working days, but employers will be permitted to provide some other short working hour options.

*2 This does not apply to workers excluded by collective labor agreement in accordance with specific criteria (e.g. those employed for less than one year).

(2) Enhancement of the sick/injured child care leave system

Present

Every worker can take leave up to five days per year to look after sick or injured pre-school-age children.

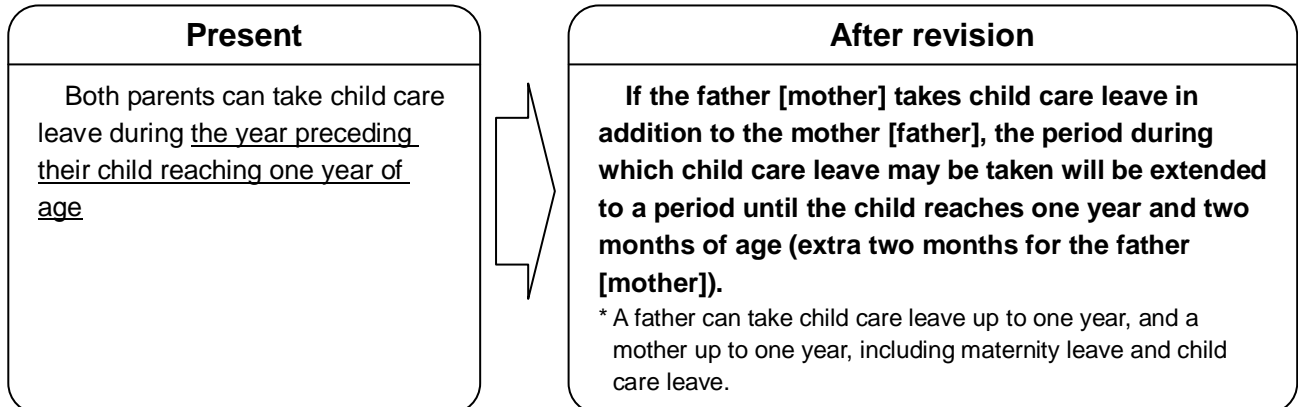
After revision

The number of days of leave will be **five per year** for workers with **one pre-school-age child** and **ten per year** for those with **two or more such children**.

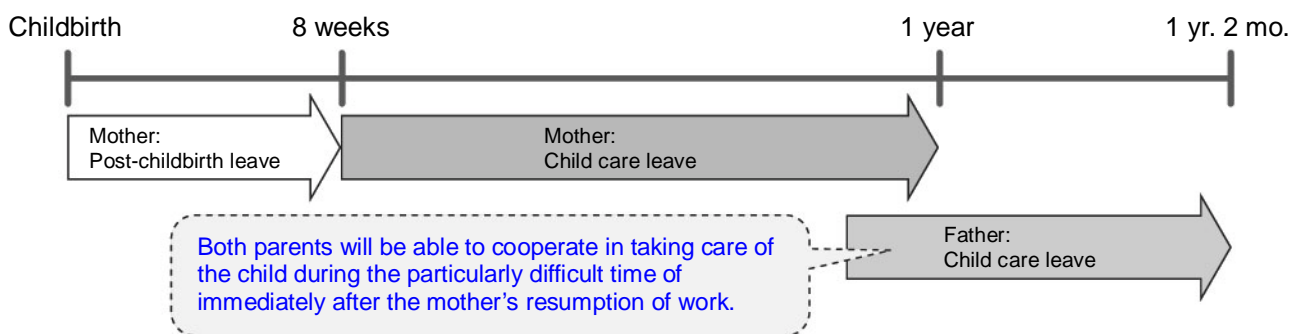


(3) Promotion of fathers' child care leave

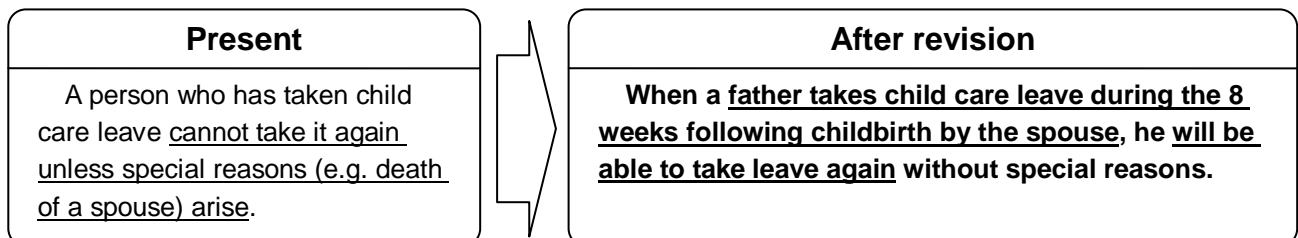
(i) Mom & Dad Child Care Plus (extension of the period during which child care leave may be taken, if both parents take child care leave)



Example of the leave period



(ii) Encouragement of fathers' child care leave during 8 weeks following childbirth



(iii) Abolishment of provisions to exclude a worker whose spouse is a full-time housewife (househusband) by collective labor agreement

- A system that allows employers, under a concluded management-labor agreement, to refuse application for child care leave from workers whose spouse is a full-time housewife (househusband), on child care leave or otherwise available for child care is to be abolished. All workers, including those whose spouse is a full-time housewife (househusband), will become able to take child care leave.

(4) New provisions for family care leave

- Upon request, a worker can take family care leave of up to five days per year if he/she is taking care of one subject family member^(*1) in care-requiring condition^(*2), or up to ten days per year if taking care of two or more such family members^(*3).

- *1 a spouse (including a person in a relationship with the employee where the marital relationship is de facto, though a marriage has not been registered), parents, children, and a spouse's parents, as well as grandparents, siblings and grandchildren who are living in the same household and the employee's dependents
- *2 a condition that requires constant care for a period of two weeks or more due to injury, sickness, or physical or mental disability
- *3 This does not apply to employees determined to be not eligible for leave by management-labor agreement among employees meeting specific criteria (e.g. those employed for less than six months).
- *4 In addition to this family care leave, an employee can take family care leave under the current system (once for each subject family member in care-requiring condition for each occurrence of such condition to the family member, with limits of up to 93 separate days).

(5) Measures to secure the effectiveness of the law

(i) Establishment of support and arbitration systems for handling complaints and solving disputes

To address labor-management disputes over the acquisition of child care leave, the government will establish a support program in which Prefectural Labour Bureau Directors-General will help solve disputes and a system for arbitration by arbitrators.

(ii) Establishment of a system to publish the names of non-cooperative entities and imposition of non-penal fines on entities having neglected the authorities' request for reporting or having submitted false reports

The government will establish a system to publish the names of companies not complying with recommendations with respect to violation of the law, and a system to impose non-penal fines on companies having submitted false reports.

Effective date of the revised Child Care and Family Care Leave Law

- The effective date of the revised law is "the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation (July 1, 2009) of the revised law".
- However, the effective date is "April 1, 2010", for arbitration described in (5) and "September 30, 2009", for the other items in (5).

Note: For companies with 100 or less regular employees, the following requirements will come into force on the day specified by Cabinet Order within a period not exceeding three years from the date of promulgation: the obligation to establish a short working hour system in (1) (i); establishment of a system for exemption from overtime work in (1) (ii); and establishment of family care leave system in (4).

Under the law, it is prohibited for employers to dismiss or otherwise treat employees disadvantageously by reason of their pregnancy, childbirth, or making application for or taking maternity leave, child care leave, etc.

- The Equal Employment Opportunity, Law Child Care and the Family Care Leave Law **prohibit** employers from **dismissing or otherwise treating employees disadvantageously** by reason of their pregnancy, childbirth, or making application for or taking maternity leave, child care leave, etc.

* For more information, visit the following website of the Ministry of Health, Labour and Welfare.

“Strict actions against incidents involving dismissal or other disadvantageous treatment of employees by reason of their pregnancy, childbirth, or taking maternity leave, child care leave, etc. in accordance with the current employment and labor trends”

<http://www.mhlw.go.jp/houdou/2009/03/h0316-2.html>

Do you know that the procedure to apply for child care leave is provided by law?

- Please be aware that when a worker applies for child care leave, he/she **must submit a child care leave application stating the following information to the employer.**

(Necessary information)

(1) Date of application, (2) name of the employee, (3) name and the date of birth of the child pertaining to the application and his/her relation with the employee, (4) the scheduled start and end date of the leave

* There is other information that must be stated in specific cases.

- Employers must regulate, in their office regulations or other documents, a procedure to be followed by employers taking child care leave.

Employees are recommended to carefully read the procedure specified in the office regulations or other documents.

* Typical formats of application for child care leave and other purposes are available at the following website of the Ministry of Health, Labour and Welfare.

<http://www.mhlw.go.jp/general/seido/koyou/ryouritu/index/html>

* The Ministry plans to require that a worker, after submitting a child care leave application, receive from the employer a document stating the receipt of the application.

For more information about the Child Care and Family Care Leave Law, please contact the Equal Employment Opportunity Office of the nearest Prefectural Labour Bureau near you .

● Hokkaido	011-709-2715	● Tokyo	03-3512-1611	● Shiga	077-523-1190	● Kagawa	087-811-8924
● Aomori	017-734-4211	● Kanagawa	045-211-7380	● Kyoto	075-241-0504	● Ehime	089-935-5222
● Iwate	019-604-3010	● Niigata	025-234-5928	● Osaka	06-6941-8940	● Kochi	088-885-6041
● Miyagi	022-299-8844	● Toyama	076-432-2740	● Hyogo	078-367-0820	● Fukuoka	092-411-4894
● Akita	018-862-6684	● Ishikawa	076-265-4429	● Nara	0742-32-0210	● Saga	0952-32-7218
● Yamagata	023-624-8228	● Fukui	0776-22-3947	● Wakayama	073-488-1170	● Nagasaki	095-801-0050
● Fukushima	024-536-4609	● Yamanashi	055-225-2859	● Tottori	0857-29-1709	● Kumamoto	096-352-3865
● Ibaraki	029-224-6288	● Nagano	026-227-0125	● Shimane	0852-31-1161	● Oita	097-532-4025
● Tochigi	028-633-2795	● Gifu	058-263-1220	● Okayama	086-224-7639	● Miyazaki	0985-38-8827
● Gunma	027-210-5009	● Shizuoka	054-252-5310	● Hiroshima	082-221-9247	● Kagoshima	099-222-8446
● Saitama	048-600-6210	● Aichi	052-219-5509	● Yamaguchi	083-995-0390	● Okinawa	098-868-4380
● Chiba	043-221-2307	● Mie	059-226-2318	● Tokushima	088-652-2718		

Schedule following the revision

	Major provisions
1st phase enforcement (September 30th, 2009)	(1) A system to support dispute settlement (2) A system to publish the names of companies neglecting recommendations and the imposition of non-penal fines on entities having neglected the authorities' request for reporting
2nd phase enforcement (April 1st, 2010)	○ Establishment of an arbitration system
3rd phase enforcement (June 30th, 2010)	(1) Obligation to provide short working hours and exemption from overtime work (2) Enhancement of sick/injured child care leave (3) Measures to encourage men to take child care leave (Mom & Dad Child Care Leave Plus, etc.) (4) Establishment of short-term family care leave * For companies with 100 or less employees, the provisions concerning (1) and (4) will come into force on June 30th, 2012.

▷ Short working hour system under the revised law (1)

○ The short working hour system applies to workers that fall under all the criteria below.

- (1) Workers taking care of children less than three years of age**
- (2) Workers whose prescribed working hours are not six hours or less**
- (3) Workers not employed on a day-to-day basis**
- (4) Workers not on child care leave during the period to which the short working hour system applies**
- (5) Workers who are not excluded by management-labor agreement**
 - **Workers employed by the employer for a continued period of less than one year**
 - **Workers whose prescribed number of working days per week is two or less**
 - **Workers engaged in work that is found to be difficult to perform under a short working hour system when the nature or the operational structure of the work is considered (If such work is to be excluded, a flexible working time system or other alternatives must be provided.)**

▷ **Short working hour system under the revised law (2)**

○ Requirements for a short working hour system

A short working hour system must include a measure to reduce the prescribed working hours per day to six hours, in principle.

In addition to a measure to reduce the prescribed working hours per day to six hours, an employer may take other measures to shorten the prescribed working hours, such as one to reduce the prescribed working hours per day to seven hours and/or one to reduce the prescribed working days (e.g. to work every other day). This will benefit workers by increasing the options available to them.

▷ **Revisions to ministerial ordinances and guidelines**

- (1) ○ Issuance of a document stipulating the leave period by the employer in response to application for child care and family care leave

An employer who received a formal application for child care and family care leave from an employed worker must quickly notify him/her of the following information (in a paper document or, if requested by the worker, by transmission by fax or e-mail [only in a form that the worker can print out]):

- (1) Reception of the application;
- (2) The scheduled dates of start and end of the leave; and
- (3) (when denying the application) Denial of the application and reason for the denial

▷ **Revisions to ministerial ordinances and guidelines**

(2)

○ Revision of eligibility for another child care leave

Eligibility for another child care leave for workers who have already taken a leave or who have withdrawn an application for leave will be expanded to include cases where (1) the child needs care for a period of two weeks or more due to injury, sickness, etc. and (2) admission to a day-care center has been requested but denied for the time being.

○ Revision of the guidelines concerning prohibition of disadvantageous treatment

- In line with the revision of the law, the prohibition will be extended to disadvantageous treatment associated with family care leave, measures to shorten the prescribed working hours, limitation on overtime work, and limitation on late-night work.
- “Disadvantageous performance appraisal in connection with promotion” will be added to the list of examples of disadvantageous treatments.

► Prohibition of disadvantageous treatment by reason of taking a child care leave, etc

➔ The law prohibits employers from dismissing or otherwise treating workers disadvantageously by reason of their pregnancy, childbirth, or making application for or taking maternity leave, child care leave, etc.

Clauses concerning pregnancy, childbirth, and maternity leave

- Act on Securing of Equal Opportunity and Treatment between Men and Women in Employment, Etc. (Law No. 113 of 1972) (excerpts) (Prohibition of Disadvantageous Treatment by Reason of Marriage, Pregnancy, Childbirth, etc.)
Article 9 (omitted)
(2) (omitted)
(3) Employers shall not dismiss or take disadvantageous treatment to women workers by reason of pregnancy, childbirth, or requesting a leave in accordance with Article 65, paragraph 1, of the Labor Standards Act (Act No. 49 of 1947) or having taken leave in accordance with in the same Article, paragraph 1 or 2, of the same act, or by other reasons relating to pregnancy, childbirth as provided by Ordinance of the Ministry of Health, Labor and Welfare.
- (4) Dismissal of women workers who are pregnant or in the first year after childbirth shall be void. However, this shall not apply if the employers prove that dismissals are not for the reason of prescribed in the preceding paragraph.

Clause concerning child care leave, etc.

- Act on the Welfare of Workers Who Take Care of Children or Family Members (Law No. 76 of 1991) (excerpts) (Prohibition of Disadvantageous Treatment)
Article 10 Employers shall not dismiss or otherwise treat a worker disadvantageously by reason of applying to Child Care Leave or taking Child Care Leave.

(For reference) Requests for advice from workers (cases)

	FY 2007	FY 2008
Those concerning dismissal or other disadvantageous treatment by reason of pregnancy, childbirth, etc.	1,711	2,030
Those concerning dismissal or other disadvantageous treatment by reason of taking a child care leave, etc.	882	1,262

Outline of child care leave benefits

1 Objective

To provide workers with child care leave benefits so as to help them take child care leave more easily and assist and facilitate smooth continuation of their work life.

2 Details of the benefits

(1) Criteria for providing the benefits

The benefits are provided for a worker who takes child care leave to take care of his/her child under one year of age* (or one year and six months of age in specific cases where taking a leave would be found to be necessary after the child becomes one year of age).

* One year and two months of age if the spouse of the worker has taken leave to take care of the child on any day before the child reaches one year of age (effective on June 30th, 2010).

(2) Eligibility

When a person covered by unemployment insurance takes child care leave, he/she is eligible for benefits if there are at least 12 months in total, during the two years preceding the date on which the leave started, in which the number of days on which his/her wage payment is based is 11 or more.

(3) Amount

An amount equal to 40% of the wage before the start of the leave

* An amount equal to 30% of the wage before the start of the leave is paid during the child care leave, and an amount equal to 10% of that wage is paid after the worker is kept employed for the six months following the resumption of work ("work resumption benefits after child care leave") (see *3 below).

(4) Government contribution

One-eighth of the benefits

* For the time being, the government contribution will be 55% of the specified amount of contribution.

3 Measures effective after the 2009 revision

From April 1st, 2010, onward, the basic child care leave benefits and the work resumption benefits after child care leave will be consolidated into the "child care leave benefits," and the full amount will be paid during leave. The current measure to raise the benefit rate will be extended for the time being.

(Note) The 2007 revision provides that the rate of the work resumption benefits after child care leave shall be temporarily raised to 20% for those who meet the following criteria: Workers who resume/resumed work on March 31st, 2007, and beyond and whose child care leave starts/started on March 31st, 2010, or earlier. For this reason, the total benefits for the present are equal to 50% of the wage before the start of leave.

<For reference: Past revisions>

*1 Establishment of child care leave benefits: Effective on April 1st, 1995

*2 Benefit rate raised from 25% to 40% on January 1st, 2001

(basic child care leave benefits: 20% → 30%, work resumption benefits after child care leave: 5% → 10%)

*3 Benefit payment period extended on April 1st, 2005: a period until the child being taken care of reaches one year of age → a period until the child reaches one year and six months of age in specific cases

Outline of work and family-life balance measures

Enforcement of the Child Care and Family Care Leave Law, etc.

Maternity protection and health care during pregnancy and after childbirth

- Maternity leave (6 weeks before childbirth, 8 weeks after childbirth)
- Transfer to light activities, limitation on overtime work and late-night work
- Employers' obligation to take measures to ease commuting difficulties and ensure appropriate breaks and leave according to the doctor's instructions
- Prohibition of dismissal by reason of pregnancy or childbirth

Systems to help parents balance work and family-life

- Securing the right to take child care leave until the child reaches 1 year of age (or 1 year and 2 months of age if both parents take child care leave*) (or 1 year and 6 months of age if day-care service is unavailable)
- Obliging employers to establish a short working hour system for workers with children under 3 years of age and exempt them from overtime work*
- Prohibiting dismissal or other disadvantageous treatment by reason of e.g. taking child care leave

* Expanded by the revised law promulgated on July 1st, 2009. The effective date is the day specified by Cabinet Order within a period not exceeding 1 year from the promulgation date.

Support and incentives to employers

Promotion of employers' efforts under the Law for Measures to Support the Development of the Next Generation

- Formulating and publishing an action plan for creating an environment facilitating work and family-life balance and communicating it to employees
(Companies with 301 or more employees are obliged, and those with 300 or less obliged to make efforts; all companies with 101 or more employees will be obliged from April 2011)
- Certifying companies meeting the specified criteria, e.g. having achieved planned targets ("Kurumin" logo)

Support for employers with subsidies

- Providing subsidies for companies active in supporting work and family-life balance, e.g. establishing an on-site day-care center, a short working hour system, etc.

Employers' awareness raised through award programs

- Giving awards ("Excellent Equal Opportunity / Work and Family-Life Balance Companies") to companies providing flexible work patterns that consider work and family-life balance
- Developing and disseminating "work and family-life balance indicators" as a measure of how pro-work-and-family-life balance the company is

Support for workers

Support for workers

- Promoting the "new zero wait listed children strategy" and providing diverse day-care services, e.g. extended day care and holiday day care
- Promoting after-school children's clubs
- Accelerating the establishment of Family Support Centers

Reemployment support for people having left their jobs for child care

- Periodical provision of information for registered subscribers and assisting the formulation of reemployment plans according to personal needs
- Support services at Mothers' Hello Work, e.g. detailed one-on-one counseling
- Entrepreneurial support through mentor referral services, etc.

A society where everyone can work comfortably while taking care of children if they want

Law for Measures to Support the Development of the Next Generation (outline of the revised law)

(enacted in April 2005 with a 10-year term limit)

○ Obliges local governments and employers to formulate action plans to support the development of the next generation, and promotes intensive efforts according to the plans for 10 years.

Action Plan Formulation Guidelines

○ The central government established guidelines that local governments and employers should follow in developing their action plans.

* The central government shall establish standards (reference standards) to be used as a guide when municipal governments set, in their action plans, (quantitative) goals concerning projects for day-care service, sound after-school care for children, etc.

Formulate local government action plans

(1) Municipal action plan

(2) Prefectural action plan

→ Reflection of local residents' opinions, involvement of workers and employers, announcement of the plan and its implementation status, periodical evaluation and review, etc.

Formulate, announce, and communicate employer action plans

(1) General employer action plans (companies, etc.)
→ Obligation on large companies (with 301 or more employees)

Obligation on SMEs (101 or more) (from April 2011)

Obligation to make effort on SMEs (100 or less)

Certify companies meeting the specified criteria (Kurumin logo)

(2) Specific employer action plans (central and local governments, etc.)

Cooperation on measures and efforts

Support for formulation

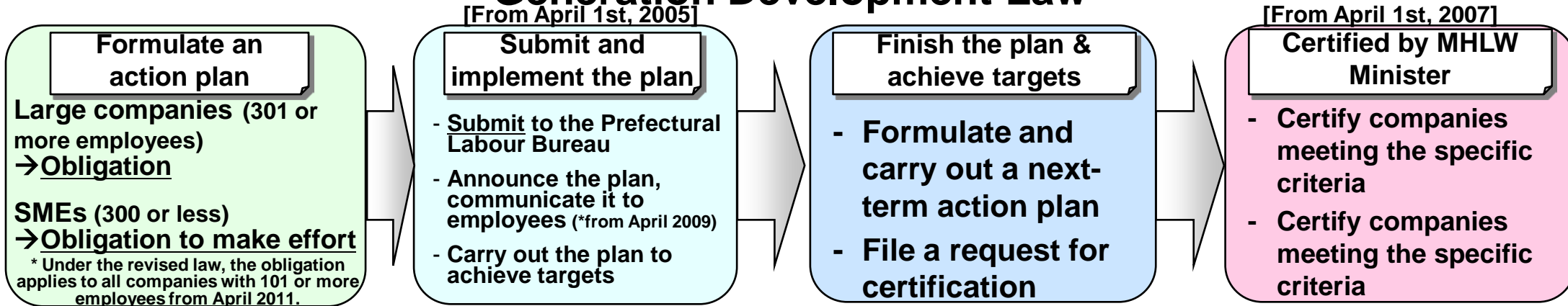
Regional Council for Supporting the Development of the Next Generation

- Consisting of prefectural and municipal government officials, employers, workers, parties engaged in social welfare and education, etc.

Center for the Promotion of Next-Generation Development Support Measures

- Information and counseling services by business associations

Formulation and implementation of company action plans under the Next-Generation Development Law



Action plan sample

1 Plan period From dd/mm/yy to dd/mm/yy

2 Description

Target 1: Increase the acquisition of child care leave to the following levels during the plan period.

Men: xx men take leave in a year.

Women: At least x percent of women take leave.

Actions: mm/yy Hold a seminar for management

mm/yy Hold seminars x times a year on resumption of work for employees on child care leave who apply

Target 2: Designate a No Overtime Day once a month.

Actions: mm/yy Set up a study group in each department

mm/yy Conduct a campaign through house journals

Target x:

Actions:

○ Plans submitted by (as of end-September 2009)

98.2% of companies with 301 or more employees

21,070 companies with 300 or less employees (8.1% of companies with 101 to 300 employees)

In total, 34,548 companies (of all sizes) submitted plans

○ Certification received by (as of end-September 2009)
780 companies



Next-generation support certification logo
 “Kurumin”

Certification criteria

- The action plan period is between two and five years.
- The company carried out the action plan and achieved the targets set in the plan.
- The company has taken measures equivalent to either a child care leave system or measures to shorten working hours etc. for workers with pre-school-age children over 3 years of age.
- During the plan period, any male employee took child care leave and over 70% of female employees took child care leave. etc.

Work-Family Life Balance Support Square (announcement site)

A website to provide information on work-family life balance programs conducted by companies

URL: <http://www.ryouritsushien.jp/>

Work-Family Life Balance Support Square

Current registered companies

1,574

(as of September 8th, 2009)

MAIN MENU

HOME

Company programs

Search for company programs

Register your program

Update your program

General employer action plan

What is a general employer action plan?

What is the Next-Generation Development Law?

What is a certified company?




Family-friendly companies

Company evaluation by balance indicators

Excellent Equal Opportunity / Work-Family Life Balance Companies

Successful practices

Company profile

Company name	Nagaoka Painting Co., Ltd.	
Trade	Construction	
Company size	22 people	
Size in detail	20 employees (including 5 women)	
Address	1-2-14 Nishi-yomeshima, Matsue, Shimane	
Telephone	0852-26-1641	
FAX	0852-26-1643	
Description	Painting work, waterproofing work, scaffolding and earthwork, general construction	
Certification status	Certification in 2007 and 2009	
Excellent Equal Opportunity / Work-Family Life Balance Companies award	Awarded	
General employer action plan	General employer action plan 1.pdf Posted: September 2nd, 2009	
	General employer action plan 2.pdf Posted: September 2nd, 2009	
Our work-family life balance programs (ongoing and past programs, their results, etc.)	<ul style="list-style-type: none">◆2007 - Certified under the Law for Measures to Support the Development of the Next Generation<ul style="list-style-type: none">- Paid leave of up to 5 days per year per child to take care of sick/injured children (at any age before graduation from senior high school)- Subsidization of one-third of day-care expenses- Advancement/postponement of the hours for starting/finishing work- A short working hour system (1 hour at minimum) for child care- Establishment of a resting room for pregnant employees and purchase of a massage chair and an air cleaner for them- Reduction of the prescribed working hours per week by 1 hour- Securing of substitutes for employees taking child care leave- A short working hour system (1 hour at minimum) for child care (on a 30 minutes basis)- Children's Day to encourage employees to bring their children to watch them at work- A paid child care leave system (up to 3 days) and a system to offer leave more than once◆2004 - FY 2003 Excellent Company for Workers and Families award (Department of Commerce, Industry and Labor, Shimane Prefectural Government)◆2006 - Shimane Labour Bureau Director-General's Award for Family-Friendly Companies◆2008 - Shimane Excellent Company Award for Child Care Support◆2008 - 2nd "Work-Family Life Balance Award" First Prize in the Organizational Activity category◆2008 - 1st Award for Excellent Children and Family Supporters in Japan, Prime Minister's Award	
URL	http://www.nagaoka-toso.co.jp/	

Action plan formulation

To create an environment where employees can balance work and child care and every employee can comfortably work, we must build teamwork that allows employees to share information and problems and to complement one another while taking advantage of their strengths. We will formulate a more specific action plan so that employees in different positions, with different senses of values, can deepen mutual understanding, and carry out the plan carefully.

1. Plan period Two years, from April 1st, 2009 to March 31st, 2011

2. Description

Target 1: To ensure health care of female workers during pregnancy and after childbirth, communicate systems available to workers, provide relevant information, and establish a counseling system.

<Measures>

- Jul. 2009 Hold a seminar for management
- Aug. 2009 Set up a counseling system
- Sep. 2009 Conduct an educational campaign by means of in-house journals and brochures

Target 2: Review work descriptions and work structures in order to facilitate employees' return after child care leave to their previous job or equivalent.

<Measures>

- Jan. 2010 Hold a seminar/discussion session for management
- Mar. 2010 Conduct an educational campaign by means of in-house journals and brochures

Target 3: Provide information and hold seminars in order to change the work-first attitude and preconceptions about the division of roles between men and women

<Measures>

- Jul. 2009 Prepare the company president's message
- Oct. 2009 Hold a seminar for management
- Jan. 2010 Conduct an educational campaign by means of house journals
- Jun. 2010 Hold a seminar for employees

Maternity health care measures

Pursuant to the Equal Employment Opportunity Law, employers shall take the following "maternity health care measures."

- Employers shall secure the necessary time off so that women employees may receive medical examinations etc. for expectant and nursing mothers.
 - (1) Frequency of health examinations during pregnancy (subject to change according to instructions of the attending or other doctor)
 - Once every four weeks until the 23rd week of pregnancy
 - Once every two weeks between the 24th and 35th weeks of pregnancy
 - Once a week between the 36th week of pregnancy and childbirth
 - (2) The necessary time off shall be secured for health examinations after childbirth (within one year from childbirth) according to instructions of the attending or other doctor.

- Employers shall take necessary measures, such as change of working hours and reduction of work, in order to enable the women employees to comply with the directions they receive based on medical examinations etc.
 - (Examples of measures according to directions)
 - (1) Easing commuting difficulties during pregnancy → Allowing off-peak commuting, shortening working hours, etc.
 - (2) Increasing rests during pregnancy → Extending time for rests, increasing the frequency of rests, etc.
 - (3) Responding to symptoms during pregnancy or after childbirth → Limiting work, shortening working hours, giving days off, etc.

Maternity protection provisions

The Labor Standards Act stipulates the following with respect to maternity protection.

○ Maternity leave before and after childbirth

If a woman expected to give birth within 6 weeks (or within 14 weeks in the case of multiple fetuses) or a woman within 8 weeks (in principle) after childbirth may request maternity leave, an employer shall not make her work. However, an employer can have such woman work, if she has so requested, after 6 weeks have passed since childbirth, in activities which a doctor has approved as having no adverse effect on her.

○ Transfer of pregnant women to light activities

If a pregnant woman requests so, an employer shall transfer her to other light activities.

○ Limitation on dangerous and injurious work for expectant or nursing mothers

An employer shall not assign expectant or nursing mothers to work injurious to pregnancy, childbirth, nursing and the like.

○ Limitation on application of flexible working time to expectant or nursing mothers

If an expectant or nursing mother requests so, an employer shall not make her work exceeding 8 hours per day or 40 hours per week, even where flexible working time applies.

○ Limitation on overtime work, holiday work, and night work for expectant or nursing mothers

If an expectant or nursing mother requests so, an employer shall not have her work overtime, holiday work, or night work.

○ Child care time

A woman raising an infant less than the age of one year may request child care time for at least 30 minutes twice a day.