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).

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.

<table>
<thead>
<tr>
<th>Year</th>
<th>Age under 15</th>
<th>15-64</th>
<th>65 and over</th>
<th>Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>17.58 million</td>
<td>84.42 million</td>
<td>25.76 million</td>
<td>127.77 million</td>
</tr>
<tr>
<td>2030</td>
<td>11.15 million</td>
<td>67.40 million</td>
<td>36.67 million</td>
<td>115.22 million</td>
</tr>
<tr>
<td>2055</td>
<td>7.52 million</td>
<td>45.95 million</td>
<td>89.93 million</td>
<td>40.5%</td>
</tr>
<tr>
<td>2105</td>
<td>3.66 million</td>
<td>44.59 million</td>
<td>81.11 million</td>
<td>40.6%</td>
</tr>
</tbody>
</table>

Total population and the rate of 65- plus population

- Annual number of births (birthrate)
- Number of deaths

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 potential labor force participation rate, 2008
Women’s labor force participation rate, 2008

- 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%)

Potential labor force participation rate = Those employed + Those unemployed and looking for work + Those not looking for work but wanting to work

* Labor force participation rate = Those employed + Those unemployed and looking for work

Age 15 and older population

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

**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.

What people desire now

- Over 90% want to marry
- Married couples want 2 or more children
- Total fertility rate: 1.75
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
### 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.

### 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.

### Consideration for transfer
- Obliges employers to give consideration to the worker’s situation with regard to child care or family care

### 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

[April 1992]
.FileWriter on Child Care Leave, etc.
("Child Care Leave Law")
Enactment: May 8th, 1991
Effective: April 1st, 1992
A grace period until March 31st, 1995, granted to companies with 30 or less regular employees
Provides for: Legalization of the child care leave system, etc. (obligation)

[October 1995]
 FileWriter on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care Leave

[April 1999]
 FileWriter on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave
("Child Care and Family Care Leave Law")

Act for Partial Revision of the Act on Child Care Leave, etc.
Enactment: June 5th, 1995
Effective: October 1st, 1995
Provides for:
Establishment of support measures on the national or other levels
Legislation of the family care leave system (obligation to make effort)

Act on Establishment of Labor Ministry-Related Laws for Securing, etc. of Equal Opportunity and Treatment between Men and Women in Employment
Enactment: June 11th, 1997
Effective: April 1st, 1999
Provides for:
Imposition of limitation on late-night work
Removal of women protection provisions of the Labor Standards Act

Bill for Partial Revision of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave
Enactment: November 9th, 2001
Effective: November 16, 2001
Provides for:
Prohibition of disadvantageous treatment by reason of applying for or taking leave

Bill for Partial Revision of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave
Enactment: December 1st, 2004
Effective: April 1st, 2005
Provides for:
Expansion of workers eligible for child/family care leave, extension of the child care leave period, easing of the limit on the number of leaves taken, establishment of the sick/injured child care leave system
### 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...

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

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### Deliberation, etc. by MHLW

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2008</td>
<td>Report by the Study Group on Future Work-Family Life Balance Support (expert group)</td>
</tr>
<tr>
<td>August-December 2008</td>
<td>11 sessions by the Equal Employment Subcommittee, Labour Policy Council, to discuss the revision</td>
</tr>
<tr>
<td>April 15th, 2009</td>
<td>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”</td>
</tr>
<tr>
<td>April 21st, 2009</td>
<td>Submission of the “Bill to Revise the Child Care and Family Care Leave Law” to the Diet</td>
</tr>
<tr>
<td>June 24th, 2009</td>
<td>“Bill to Revise the Child Care and Family Care Leave Law” passed into law by the Diet (unanimously)</td>
</tr>
</tbody>
</table>
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

Children and Childcare Support Plan (a society to aim for)

Women: 80%  Men: 10%

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

Number of workers who gave birth to a child and started child care leave before the survey (incl. those having applied for leave) = 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

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

<table>
<thead>
<tr>
<th>Company size</th>
<th>Female Regular Workers (%)</th>
<th>Male Regular Workers (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>0.11 (0.08)</td>
<td>0.03 (0.02)</td>
</tr>
<tr>
<td>500 or more</td>
<td>0.10 (0.08)</td>
<td>0.02</td>
</tr>
<tr>
<td>100-499</td>
<td>0.12 (0.07)</td>
<td>0.02</td>
</tr>
<tr>
<td>30-99</td>
<td>0.13 (0.07)</td>
<td>0.02</td>
</tr>
<tr>
<td>5-29</td>
<td>0.10 (0.11)</td>
<td>0.04</td>
</tr>
<tr>
<td>30 or more</td>
<td>0.12 (0.07)</td>
<td>0.02</td>
</tr>
<tr>
<td>[re-counted]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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).

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

<table>
<thead>
<tr>
<th>[Company size]</th>
<th>Have a system</th>
<th>Have no system</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>100.0</td>
<td>46.2</td>
<td>53.6</td>
</tr>
<tr>
<td>500 or more employees</td>
<td>100.0</td>
<td>94.2</td>
<td>5.8</td>
</tr>
<tr>
<td>100-499</td>
<td>100.0</td>
<td>82.9</td>
<td>17.1</td>
</tr>
<tr>
<td>30-99</td>
<td>100.0</td>
<td>62.6</td>
<td>37.4</td>
</tr>
<tr>
<td>5-29</td>
<td>100.0</td>
<td>41.5</td>
<td>58.2</td>
</tr>
<tr>
<td>30 or more [re-counted]</td>
<td>100.0</td>
<td>67.2</td>
<td>32.8</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>[Company size]</th>
<th>Total</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>100.0</td>
<td>(6.1)</td>
<td>(15.2)</td>
</tr>
<tr>
<td>500 or more employees</td>
<td>100.0</td>
<td>(4.8)</td>
<td>(13.8)</td>
</tr>
<tr>
<td>100-499</td>
<td>100.0</td>
<td>(7.0)</td>
<td>(20.5)</td>
</tr>
<tr>
<td>30-99</td>
<td>100.0</td>
<td>(6.0)</td>
<td>(12.8)</td>
</tr>
<tr>
<td>5-29</td>
<td>100.0</td>
<td>(6.1)</td>
<td>(13.8)</td>
</tr>
<tr>
<td>30 or more [re-counted]</td>
<td>100.0</td>
<td>(6.1)</td>
<td>(15.9)</td>
</tr>
</tbody>
</table>

Source: “Basic Survey on Equal Employment” (2008), MHLW
<table>
<thead>
<tr>
<th>[Total]</th>
<th>Total</th>
<th>Have a system for measures to shorten working hours, etc. (M.A.)</th>
<th>Short working hour system</th>
<th>Flextime system for parents when taking care of their children</th>
<th>Advancement/postponement of the hours for starting/finishing work</th>
<th>Exemption from overtime work</th>
<th>On-site day-care center</th>
<th>Subsidization of child care costs</th>
<th>Child care leave for parents of children over 1 year old</th>
<th>Have no system for measures to shorten working hours, etc.</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>100.0</td>
<td>49.3</td>
<td>38.9</td>
<td>7.8</td>
<td>22.0</td>
<td>26.8</td>
<td>1.6</td>
<td>4.3</td>
<td>7.5</td>
<td>50.2</td>
<td>0.5</td>
</tr>
<tr>
<td>[Company size]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>500 or more employees</td>
<td>100.0</td>
<td>95.8</td>
<td>80.1</td>
<td>21.4</td>
<td>43.3</td>
<td>67.1</td>
<td>12.2</td>
<td>19.7</td>
<td>27.2</td>
<td>4.1</td>
<td>0.0</td>
</tr>
<tr>
<td>100-499</td>
<td>100.0</td>
<td>83.8</td>
<td>68.0</td>
<td>12.8</td>
<td>38.8</td>
<td>53.4</td>
<td>6.3</td>
<td>8.2</td>
<td>15.4</td>
<td>16.2</td>
<td>0.1</td>
</tr>
<tr>
<td>30-99</td>
<td>100.0</td>
<td>64.5</td>
<td>51.9</td>
<td>8.3</td>
<td>26.5</td>
<td>34.9</td>
<td>3.1</td>
<td>6.0</td>
<td>8.2</td>
<td>35.1</td>
<td>0.5</td>
</tr>
<tr>
<td>5-29</td>
<td>100.0</td>
<td>45.0</td>
<td>35.2</td>
<td>7.5</td>
<td>20.4</td>
<td>24.1</td>
<td>1.1</td>
<td>3.8</td>
<td>7.0</td>
<td>54.4</td>
<td>0.6</td>
</tr>
<tr>
<td>30 or more [re-counted]</td>
<td>100.0</td>
<td>68.9</td>
<td>55.6</td>
<td>9.4</td>
<td>29.2</td>
<td>39.2</td>
<td>3.9</td>
<td>6.7</td>
<td>10.0</td>
<td>30.7</td>
<td>0.4</td>
</tr>
</tbody>
</table>

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%.

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)

- Voluntary resignation to focus on housework and child care: 39.0%
- Difficulty of balancing work and child care despite wishes to continue to work: 26.1%
- No particular reason: 9.0%
- Employer’s dismissal or suggestion to leave: 7.2%
- Other: 4.7%
- Loss of motivation due to change (or prospect for change) in job duties and responsibilities after childbirth: 2.6%

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.)

- Working hours making (or likely to make) child care infeasible: 65.4%
- Workplace lacking in willingness to support mothers: 49.5%
- Excessive physical exhaustion expected (or caused): 45.7%
- Little or no availability of child care leave: 25.0%
- Frequent days off unavoidable for the child’s sickness etc.: 22.9%
- Little or no likelihood of the child’s being admitted to a day-care center: 20.7%
- No child care leave system provided by the employer: 19.1%
- Sickness (morning sickness, sickness after childbirth, etc.) due to pregnancy or childbirth: 18.1%
- Other family members’ request to leave the job: 18.1%
- Other: 6.4%

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
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)

<table>
<thead>
<tr>
<th>System</th>
<th>Total (n=791)</th>
<th>Men (n=260)</th>
<th>Women (n=552)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child care leave system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Want to take care of my children by myself while they are small</td>
<td>72.8%</td>
<td>84.1%</td>
<td>69.3%</td>
</tr>
<tr>
<td>Expect child care to be tough while children are small</td>
<td>68.6%</td>
<td>79.1%</td>
<td>64.5%</td>
</tr>
<tr>
<td>Exercise the statutory right to take leave</td>
<td>29.2%</td>
<td>33.0%</td>
<td>26.1%</td>
</tr>
<tr>
<td>Have to take leave due to limited hours of child care provided at a day-care center or by my parents, etc.</td>
<td>24.7%</td>
<td>26.1%</td>
<td>21.2%</td>
</tr>
<tr>
<td>Want to receive benefits from employment insurance during leave</td>
<td>21.2%</td>
<td>26.1%</td>
<td>19.2%</td>
</tr>
<tr>
<td>Have to take leave due to unavailability of day-care service</td>
<td>9.1%</td>
<td>17.2%</td>
<td>6.2%</td>
</tr>
<tr>
<td>Total (n=791)</td>
<td>Men (n=260)</td>
<td>Women (n=552)</td>
<td></td>
</tr>
<tr>
<td>Short working hour system for child care</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spend more time with children by shortening working hours</td>
<td>71.8%</td>
<td>72.7%</td>
<td>71.3%</td>
</tr>
<tr>
<td>Limited hours of child care provided at a day-care/after-school care center or by my parents, etc.</td>
<td>62.5%</td>
<td>65.9%</td>
<td>62.5%</td>
</tr>
<tr>
<td>Give a good reason to my colleagues to approve of my leaving the office early, with wage reductions according to reduced working hours</td>
<td>17.9%</td>
<td>20.6%</td>
<td>16.1%</td>
</tr>
<tr>
<td>Reduce physical fatigue by working shorter hours</td>
<td>16.1%</td>
<td>20.4%</td>
<td>13.2%</td>
</tr>
<tr>
<td>Avoid the boss’s abrupt orders to work overtime through the use of the short working hour system</td>
<td>12.1%</td>
<td>13.2%</td>
<td>10.0%</td>
</tr>
</tbody>
</table>

**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]

- Want to take care of my children by myself while they are small: 72.8%
- Expect child care to be tough while children are small: 68.6%
- Exercise the statutory right to take leave: 29.2%
- Have to take leave due to limited hours of child care provided at a day-care center or by my parents, etc.: 24.7%
- Want to receive benefits from employment insurance during leave: 21.2%
- Have to take leave due to unavailability of day-care service: 9.1%

#### [Short working hour system for child care]

- Spend more time with children by shortening working hours: 71.8%
- Limited hours of child care provided at a day-care/after-school care center or by my parents, etc.: 62.5%
- Give a good reason to my colleagues to approve of my leaving the office early, with wage reductions according to reduced working hours: 17.9%
- Reduce physical fatigue by working shorter hours: 16.1%
- Avoid the boss’s abrupt orders to work overtime through the use of the short working hour system: 12.1%

Notes:

1. The data refers to employees who noted a willingness to use each system.
2. Multiple answers were permitted. The data for “Other” “Do not know,” and “No answer” is not indicated.

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

<table>
<thead>
<tr>
<th>Total</th>
<th>Had any new babies 35.2</th>
<th>Had no new babies 64.8</th>
</tr>
</thead>
<tbody>
<tr>
<td>No hours spent on</td>
<td></td>
<td></td>
</tr>
<tr>
<td>housework or child</td>
<td>16.3</td>
<td>83.7</td>
</tr>
<tr>
<td>care</td>
<td>Less than 2 hours</td>
<td></td>
</tr>
<tr>
<td></td>
<td>22.2</td>
<td>77.8</td>
</tr>
<tr>
<td>2 to less than 4</td>
<td>32.2</td>
<td>67.8</td>
</tr>
<tr>
<td>hours</td>
<td>4 to less than 6 hours</td>
<td></td>
</tr>
<tr>
<td></td>
<td>38.5</td>
<td>61.5</td>
</tr>
<tr>
<td>6 to less than 8</td>
<td>37.5</td>
<td>62.5</td>
</tr>
<tr>
<td>hours</td>
<td>8 hours or more</td>
<td></td>
</tr>
<tr>
<td></td>
<td>46.2</td>
<td>53.8</td>
</tr>
</tbody>
</table>

0% 20% 40% 60% 80% 100%

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.

Source: “6th Comprehensive Survey of Adults in the 21st Century” (2008), MHLW
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.

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.

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

<table>
<thead>
<tr>
<th>Age</th>
<th>Total</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ages 15-39</td>
<td>81,700</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ages 40-59</td>
<td>261,700</td>
<td>293,200</td>
<td>293,200</td>
</tr>
<tr>
<td>Ages 60 and over</td>
<td>111,700</td>
<td>129,100</td>
<td>129,100</td>
</tr>
<tr>
<td>Ages 40-59</td>
<td>57.5%</td>
<td>25.7%</td>
<td>58.4%</td>
</tr>
<tr>
<td>Ages 15-39</td>
<td>18.0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ages 40-59</td>
<td>57.5%</td>
<td>25.7%</td>
<td>58.4%</td>
</tr>
<tr>
<td>Ages 60 and over</td>
<td>24.5%</td>
<td>25.7%</td>
<td>25.7%</td>
</tr>
</tbody>
</table>

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.


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

<table>
<thead>
<tr>
<th>Age</th>
<th>Total</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ages 15-39</td>
<td>81.0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ages 40-59</td>
<td>73.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ages 60 and over</td>
<td>75.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ages 40-59</td>
<td>81.0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ages 60 and over</td>
<td>75.2%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.
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.

1. Changing the work style of parenting workers

Present

- 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.

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

- 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**

- **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

- **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

**After revision**

- **Birth**
  - **Age 1**
  - **Age 3**
  - **Start school**

  - **Mom & Dad Child Care Leave Plus**
    - 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

- **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.

Example (1)

- Mother: maternity leave
- Father

Example (2)

- Mother: maternity leave
- Father

When parents take turns, the total period may be extended 2 months (but no longer than 1 year for each parent).

(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.

Example (2)

- Mother: maternity leave
- Father: 1st leave
- Father: 2nd leave

Can take leave for the second time for no reason

(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)

<table>
<thead>
<tr>
<th>1</th>
<th>Child care leave system</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.).</td>
<td></td>
</tr>
</tbody>
</table>

* 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:
  1. A person employed by the same employer for a continued period of at least one year;
  2. 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). |

<table>
<thead>
<tr>
<th>2</th>
<th>Family care leave system</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>3</th>
<th>Sick/injured child care leave system</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4</th>
<th>Short-term family care leave system</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5</th>
<th>Measures to shorten working hours, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>6</th>
<th>Exemption from overtime work</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7</th>
<th>Limitation on overtime work</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8</th>
<th>Limitation on late-night work</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9</th>
<th>Prohibition of disadvantageous treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10</th>
<th>Consideration for transfer</th>
</tr>
</thead>
<tbody>
<tr>
<td>An employer shall, in transferring a worker, give consideration for the worker's situation with regard to child care or family care.</td>
<td></td>
</tr>
</tbody>
</table>
## 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.

<table>
<thead>
<tr>
<th>Definition of leave</th>
<th><strong>Child care</strong></th>
<th><strong>Family care</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Leave</td>
<td>○ Leave that a worker takes for the purpose of taking care of his or her child less than one year of age, in principle</td>
<td>○ 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)</td>
</tr>
</tbody>
</table>

| Subject workers | ○ Workers (excluding those employed on a day-to-day basis) | ○ Workers (excluding those employed on a day-to-day basis) |
|                 | ○ Includes fixed-term workers meeting the following requirements at the time of application: | ○ Includes fixed-term workers meeting the following requirements at the time of application: |
|                 | - 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). |
|                 | - 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 |
| ○ Workers who may be excluded by management-labor agreement | ○ Workers employed by the employer for less than one year | - Workers employed by the employer for less than one year |
|                 | - Workers employed by the employer for less than one year | - Workers whose employment relationship is to be terminated within 93 days |
|                 | - 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 |
|                 | - Workers whose prescribed number of working days per week is two or less | |

<table>
<thead>
<tr>
<th>Subject family members</th>
<th>○ Children</th>
<th>○ 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</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frequency</td>
<td>○ In principle, once for each child (but excluding the first child care leave taken within eight weeks from the date of birth of the child)</td>
<td>○ Once for each subject family member for each occurrence of circumstances where the family member falls in care-requiring condition</td>
</tr>
<tr>
<td></td>
<td>○ Another child care leave may be taken if any of the following circumstances occurs:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 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;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- The spouse dies or comes to have difficulty in taking care of the child due to injury, sickness, or disability;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- The spouse ceases living with the child due to divorce, etc.;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- The child needs care for a period of two weeks of more due to injury, sickness or disability;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Admission to a day-care center is requested but not accepted.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>○ Child care leave until the child reaches</td>
<td></td>
</tr>
<tr>
<td>Period</td>
<td>Procedure</td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td>one year and six months of age may be taken apart from one until the child reaches one year of age.</td>
<td>One year and six months of age may be taken apart from one until the child reaches one year of age.</td>
<td></td>
</tr>
<tr>
<td>○ In principle, a continuous period until the child reaches one year of age</td>
<td>○ Application in writing with the employer - The employer may request the submission of a certificate.</td>
<td></td>
</tr>
<tr>
<td>○ 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.</td>
<td>- The employer shall notify the worker of the scheduled date of start and end of child care leave in writing.</td>
<td></td>
</tr>
<tr>
<td>○ 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 (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) and any of the following circumstances occurs: - 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.</td>
<td>○ 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).</td>
<td></td>
</tr>
<tr>
<td>○ Up to 93 days for each subject family member (including, if any, the days on which measures such as shortening working hours are taken)</td>
<td>○ By applying no later than two weeks in advance, the scheduled end date may be postponed only once within the limit of 93 days.</td>
<td></td>
</tr>
<tr>
<td>Procedure</td>
<td>○ An application may be withdrawn until the day before the scheduled start date of leave. ○ A person who has done this may apply again only once.</td>
<td></td>
</tr>
<tr>
<td>○ Application in writing with the employer - The employer may request the submission of a certificate. - The employer shall notify the worker of the scheduled date of start and end of family care leave in writing.</td>
<td>○ An application may be withdrawn until the day before the scheduled start date of leave. ○ A person who has done this may apply again only once.</td>
<td></td>
</tr>
<tr>
<td>○ 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).</td>
<td>○ By applying no later than two weeks in advance, the scheduled end date may be postponed only once within the limit of 93 days.</td>
<td></td>
</tr>
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<tr>
<td></td>
<td>Child Care Leave System</td>
<td>Family Care Leave System</td>
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</tr>
<tr>
<td><strong>Description</strong></td>
<td>○ 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 have the child vaccinated or undergo a health examination, with limits of up to five days per year (or up to ten days if the worker has two or more such children).</td>
<td>○ 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).</td>
</tr>
<tr>
<td><strong>Subject workers</strong></td>
<td>○ 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:</td>
<td>○ 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:</td>
</tr>
<tr>
<td></td>
<td>- Workers employed by the employer for less than six months</td>
<td>1. Workers employed by the employer for less than one year 2. Workers whose prescribed number of working days per week is two or less</td>
</tr>
<tr>
<td><strong>Period and frequency</strong></td>
<td>○ A period of one month to one year by each request</td>
<td>○ A period of one month to one year by each request</td>
</tr>
<tr>
<td><strong>Procedure</strong></td>
<td>○ Request shall be made no later than one month prior to the start date.</td>
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</tr>
<tr>
<td><strong>Exception</strong></td>
<td>○ An employer may refuse a request if it would impede normal business operations.</td>
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<tr>
<td>Late-night work limitation system</td>
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<tr>
<td>○ 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”).</td>
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<tr>
<td>○ 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”).</td>
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<tr>
<td>○ Workers taking care of a child before the time of commencement of elementary school, excluding those falling under any of the following:</td>
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</tr>
<tr>
<td>1. Workers employed on a day-to-day basis</td>
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<tr>
<td>2. Workers employed by the employer for less than one year</td>
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<tr>
<td>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</td>
<td></td>
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</tr>
<tr>
<td>a. is not working late-night (including cases where the number of late-night working days is three or less per month);</td>
<td></td>
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<tr>
<td>b. is not unable to take care of the child due to injury, sickness, or mental or physical disability; and</td>
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<tr>
<td>c. is not shortly before or after childbirth.</td>
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<tr>
<td>4. Workers whose prescribed number of working days per week is two or less</td>
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<tr>
<td>5. Workers whose prescribed working hours all fall in the late-night period.</td>
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<tr>
<td>Measures to shorten working hours, etc.</td>
<td>Measures related to a worker taking care of a pre-school-age child or a family member</td>
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<td>----------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
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<tr>
<td>○ An employer is obliged to, with regard to 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. 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. 1. Workers employed by the employer for less than one year 2. Workers whose prescribed number of working days per week is two or less 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.</td>
<td>○ 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 system for limiting overtime work, measures to shorten the prescribed working hours, the flextime system or other measures.</td>
<td></td>
</tr>
<tr>
<td>○ If an employer decides not to take 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: - A measure according to the child care leave system - Flextime system - Advancement or postponement of the hours for starting/finishing work - Establishment and operation of an on-site day-care center or provision of equivalent benefits</td>
<td>○ 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</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Measures related to a worker taking care of a pre-school-age child or a family member</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ 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 system for limiting overtime work, measures to shorten the prescribed working hours, the flextime system or other measures.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Consideration of assignment of workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ 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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Prohibition of disadvantageous treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ 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, measures to shorten the prescribed working hours, etc.</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>Present</th>
<th>After revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>(i) <strong>Employers will be obliged to establish a short working hour system (6 working hours per day)</strong> (<em>1</em>) available upon request to workers taking care of children less than 3 years of age (<em>2</em>).&lt;br&gt; (ii) Workers taking care of children less than 3 years of age will be <strong>exempted from overtime work</strong> by request (<em>2</em>).</td>
</tr>
</tbody>
</table>

*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

<table>
<thead>
<tr>
<th>Present</th>
<th>After revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every worker can take up to five days per year to look after sick or injured pre-school-age children.</td>
<td>The number of days of leave will be <strong>five per year</strong> for workers with one pre-school-age child and <strong>ten per year</strong> for those with two or more such children.</td>
</tr>
</tbody>
</table>
(3) Promotion of fathers’ child care leave

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

<table>
<thead>
<tr>
<th>Present</th>
<th>After revision</th>
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</thead>
</table>
| Both parents can take child care leave during the year preceding their child reaching one year of age | If the father [mother] takes child care leave in addition to the mother [father], 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 (extra two months for the father [mother]).

* A father can take child care leave up to one year, and a mother up to one year, including maternity leave and child care leave. |

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

<table>
<thead>
<tr>
<th>Present</th>
<th>After revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>A person who has taken child care leave cannot take it again unless special reasons (e.g. death of a spouse) arise.</td>
<td>When a father takes child care leave during the 8 weeks following childbirth by the spouse, he will be able to take leave again without special reasons.</td>
</tr>
</tbody>
</table>

(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*


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

1. 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. Employers 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
Aomori 017-734-4211
Iwate 019-604-3010
Miyagi 022-299-8844
Akita 018-862-6684
Yamagata 023-624-8228
Fukushima 024-536-4609
Ibaraki 029-224-6288
Tochigi 028-633-2795
Gunma 027-210-5009
Saitama 048-600-6210
Chiba 043-221-2307

Tokyo 045-211-7380
Niigata 025-234-5928
Toyama 076-432-2740
Ishikawa 076-285-4429
Fukui 0776-22-3947
Wakayama 073-488-1170
Shiga 075-251-1611
Kanagawa 045-211-7380
Kyoto 075-241-0504
Osaka 06-6941-8940
Hyogo 078-346-3700
Nara 0742-32-0210

Kagawa 087-811-8924
Ehime 089-753-0522
Kochi 088-885-6041
Fukuoka 092-411-4894
Oita 097-532-4025

Prepared in August 2009  Leaflet No. 10

Recyclability This printed material can be recycled into printing paper.
## Schedule following the revision

<table>
<thead>
<tr>
<th>Phase Enforcement</th>
<th>Major Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st phase enforcement</td>
<td>(1) A system to support dispute settlement</td>
</tr>
<tr>
<td>(September 30th, 2009)</td>
<td>(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</td>
</tr>
<tr>
<td>2nd phase enforcement</td>
<td>Establishment of an arbitration system</td>
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<tr>
<td>(April 1st, 2010)</td>
<td></td>
</tr>
<tr>
<td>3rd phase enforcement</td>
<td>(1) Obligation to provide short working hours and exemption from overtime work</td>
</tr>
<tr>
<td>(June 30th, 2010)</td>
<td>(2) Enhancement of sick/injured child care leave</td>
</tr>
<tr>
<td></td>
<td>(3) Measures to encourage men to take child care leave (Mom &amp; Dad Child Care Leave Plus, etc.)</td>
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<td></td>
<td>(4) Establishment of short-term family care leave</td>
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<td></td>
<td>* For companies with 100 or less employees, the provisions concerning (1) and (4) will come into force on June 30th, 2012.</td>
</tr>
</tbody>
</table>
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.)
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
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.

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 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)

<table>
<thead>
<tr>
<th></th>
<th>FY 2007</th>
<th>FY 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Those concerning dismissal or other disadvantageous treatment by reason of pregnancy, childbirth, etc.</td>
<td>1,711</td>
<td>2,030</td>
</tr>
<tr>
<td>Those concerning dismissal or other disadvantageous treatment by reason of taking a child care leave, etc.</td>
<td>882</td>
<td>1,262</td>
</tr>
</tbody>
</table>
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 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

**Maternity protection and health care during pregnancy and after childbirth**

- 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
  - 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
  - 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.

**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

**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 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.

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### 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**
  - Reflection of local residents’ opinions, involvement of workers and employers, announcement of the plan and its implementation status, periodical evaluation and review, etc.

- **(2) Prefectural Action Plan**

### 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.)**

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### 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

**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.

**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/yyyy Hold a seminar for management
- mm/yyyy 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/yyyy Set up a study group in each department
- mm/yyyy 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

**Formulate and implement the plan**

- Submit to the Prefectural Labour Bureau
- Announce the plan, communicate it to employees (*from April 2009)
- Carry out the plan to achieve targets

**Finish the plan & achieve targets**

- Formulate and carry out a next-term action plan
- File a request for certification

**Certified by MHLW Minister**

- Certify companies meeting the specific criteria
- Certify companies meeting the specific criteria

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

- [From April 1st, 2005]
- [From April 1st, 2007]

**Large companies (301 or more employees) → Obligation**

**SMEs (300 or less) → Obligation to make effort**

* Under the revised law, the obligation applies to all companies with 101 or more employees from April 2011.
Current registered companies
1,574 (as of September 8th, 2009)

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

General employer action plan
Our work-family life balance programs (ongoing and past programs, their results, etc.)

- 2007 - Certified under the Law for Measures to Support the Development of the Next Generation
- 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/
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.