

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

For a safe and sustainable society, the issues of having to choose between work and marriage / childbirth / childcare, or work and caregiving, and establishing work-life balance need to be resolved. Based on this idea, the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members promotes support for workers to accommodate both home and work needs, when their time is constrained due to private situations like childcare and caring for family members.

1 Childcare leave <Article 5 to 9-2>

Definition	In principle, leave that a worker takes to take care of a child who is less than one year of age * “Child” means a child (including an adopted child) who is legally in a parent-child relationship with the worker, as well as a child under a pilot adoptive period ahead of adoption, and a child with foster parent(s).
Target	<ul style="list-style-type: none"> Workers (excluding temporary daily workers) Limited-term contracted workers need to fulfill the following requirements when applying for the leave. <ol style="list-style-type: none"> The worker has been employed at the current workplace for a year or more. It is not established that the work contract ends and does not get updated by the time the child reaches 18 months of age (24 months if the childcare period ends when the child reaches 24 months of age). <Workers in a labor-management agreement who are excluded from the eligibility> <ol style="list-style-type: none"> The worker has been employed at the current workplace for less than a year. The work relationship ends within a year from the date of application (six months, if the childcare leave ends when the child reaches 18 months or 24 months of age). The worker works for two scheduled working days or less a week.
Period	<ul style="list-style-type: none"> In principle, until the child reaches one year of age (14 months in certain cases, 18 months for reasons such as admission to a nursery school has not been available, and 24 months if the child still cannot be admitted to a nursery school). If the father and mother both take childcare leave, the leave shall be one year until the child reaches 14 months of age (Father and Mother Child Care Leave Plus).
Frequency	<ul style="list-style-type: none"> In principle, one leave per child (childcare leave for the period before the child reaches 18 months or 24 months of age is obtainable separately). If a worker who has not taken prenatal leave within eight weeks after the child’s date of birth or estimated date of birth (whichever happened later) takes the first childcare leave, the worker can take leave again without any special circumstances
Procedures	The worker shall apply for the leave to the employer in writing, at least one month before the planned starting date of the leave (two weeks before, if the childcare leave is taken before the child reaches 18 months or 24 months of age). * For unexpected circumstances such as the child was delivered before the planned date of birth, the worker can advance the leave’s starting date once. By applying for the leave at least one month before the ending date of the leave (two weeks before, if the child leave is taken before the child reaches 18 months or 24 months of age), a deferred start of the leave will be possible irrespective of circumstances until the child reaches one year of age (or 18/24 months).

2 Caregiver leave <Article 11-15>

Definition	Leave taken by the worker to take care of family members who need care (due to injury, illness, or physical or mental disability that requires constant care for over two weeks)
Target	<ul style="list-style-type: none"> Workers (excluding temporary daily workers) Limited-term contracted workers need to fulfill the following requirements when applying for the leave. <ol style="list-style-type: none"> The worker has been employed at the current place for a year or more It has not been established that the work contract ends and does not get updated within six months from day 93 after the starting date of the caregiver leave. <Workers in a labor-management agreement who are excluded from the eligibility> <ol style="list-style-type: none"> The worker has been employed at the current workplace for less than a year. The work relation ends by day 93 from the date of application. The worker works for two scheduled working days or less a week.
Eligible family members	Partner (including common-law partners), parents, children, parents of the partner, grandparents, siblings and grandchildren * The “child” in this clause refers only to a child in a legal parent-child relationship (including adopted children)
Period/Frequency	A total of 93 days per family member / the 93 days can be split into up to three installments.
Procedures	The worker shall apply for the leave to the employer in writing at least two weeks before the planned starting date of the leave. *By applying at least two weeks before the planned ending date of the leave, the worker can defer the leave once within the scope of 93 days.

3 Time off for sick/injured childcare <Act 16-2 to 16-3>

Provisions	<ul style="list-style-type: none"> Workers who take care of a child before primary school age can take up to five days a year (10 days if there are two children) to care for them if they get ill or injured, or for their vaccinations or medical examinations The leave can be taken at an increment of half days (half the scheduled work hours) or the whole day. * Workers whose work makes it difficult for them to take half a day off can enter a labor-management agreement to limit their leave to be taken in one-day increments. * "Before primary school age" refers to the period before March 31 of the school year when the said child reaches 6 years of age (the same applies hereafter).
Target	<ul style="list-style-type: none"> Workers (excluding temporary daily workers. Workers who work for four hours or less a day can only apply for one-day leave) <p><Workers in a labor-management agreement who are excluded from the eligibility></p> <p>(1) The worker has been employed at the current workplace for less than 6 months. (2) The worker works for two scheduled working days or less a week.</p>

4 Caregiver leave <Article 16-5 and 16-6>

Provisions	<ul style="list-style-type: none"> Workers who take care of eligible family members in need of care can take up to five days a year (10 days if there are two or more such family members) off to take care of them and associated issues The worker can take the leave in increments of half a day (half the scheduled work hours) or one whole day. * Workers whose work makes it difficult for them to take half a day off can enter a labor-management agreement to limit their leave to be taken in one-day increments. * "Associated issues" refer to accompanying the said family member to medical institutions, and handling procedures for the family member to receive nursing care services.
Target	<ul style="list-style-type: none"> Workers (excluding temporary daily workers. Workers who work for four scheduled work hours or less a day can only take the leave in one-day increments.) <p><Workers in a labor-management agreement who are excluded from the eligibility></p> <p>(1) The worker has been employed at the current workplace for less than 6 months (2) The worker works for two scheduled working days or less a week.</p>

5 Prohibition of working in excess of scheduled working hours or overtime work for childcare or caregiving <Article 16-8, 16-9, 17, and 18>

	Limitation of working in excess of scheduled working hours for childcare or nursing care for family members	Limitation of overtime work for childcare and nursing care for family members
Provisions	<ul style="list-style-type: none"> Employers must not make a worker work in excess of scheduled working hours if the worker with a child less than three years of age or a family member needing care applies for leave to take care of such family members. 	<p>Employers must not make a worker work overtime exceeding the limit (24 hours a month, 150 hours a year) if the worker with a child below primary school age or a family member needing care applies for leave to take care of such family members.</p>
Target	<ul style="list-style-type: none"> Workers taking care of a child that is less than three years of age or a said family member requiring care (excluding temporary daily workers) <p><Workers in a labor-management agreement who are excluded from the eligibility></p> <p>(1) The worker has been employed at the current workplace for a year or less</p> <p>(2) The worker works two or less scheduled working days a week.</p>	<ul style="list-style-type: none"> Workers taking care of a child before primary school age or a said family member requiring care <p><Workers excluded from the eligibility></p> <p>(1) Temporary daily workers</p> <p>(2) The worker has been employed at the current workplace for a year or less.</p> <p>(3) The worker works two or less scheduled working days a week.</p>
Period/ Frequency	For one month to a year per application / no limit on the number of applications	
Procedures	The worker shall apply for the leave to the employer in writing, at least one month before the starting date of the leave.	
Exceptions	The employer can reject the application if it impedes normal business operation.	

6 Limiting late night work for childcare or nursing care for family members <Article 19-20>

Provisions	The employer must not make a worker work between 10 p.m. and 5 a.m. (late night) if the worker taking care of a child before primary school age or a family member requiring care applies for leave to take care of such family members.	
Target	<ul style="list-style-type: none"> Workers taking care of a child before primary school age or a family member requiring care 	<Workers excluded from the eligibility> (1) Temporary daily workers (2) Workers who have worked at the current workplace for a year or less (3) Workers living with family members who are 16 years old or older who can take care of the child or family member requiring care, to whom i-iii below applies: i. The worker is not working late at night (including those who work for three late nights or less per month). ii. The worker has not sustained injury, illness or physical or mental disability that makes childcare or nursing care difficult. iii. The worker is not giving birth in six weeks (14 weeks for twins or more) or had a child less than eight weeks earlier. (4) Workers who work for two scheduled working days a week or less (5) Workers whose scheduled working hours are all late night hours
Period/Frequency	A one-to-six month leave per application / no limit on the number of applications	
Procedures	The worker shall apply for the leave to the employer in writing, at least one month before the planned starting date of the leave	
Exceptions	The employer can reject the application if it impedes normal business operation.	

7 Reducing scheduled working hours for childcare or nursing care <Article 23>

Reducing scheduled working hours for childcare		Reducing scheduled working hours for nursing care	
Measures	Employers must establish a reduced working hour system of six hours a day in principle for workers taking care of a child who is less than three years of age.	Measures	Employers must establish a reduced working hour system and other measures for workers taking care of said family members requiring care.
Target	<ul style="list-style-type: none"> Workers taking care of a child below three years of age (Excludes temporary daily workers and workers whose scheduled working hours is six hours or less) <Workers in a labor-management agreement who are excluded from the eligibility> (1) The worker has been employed at the current workplace for less than a year. (2) The worker works for two scheduled working days or less a week. (3) Workers whose work makes reducing working hours difficult by nature or structure (*It is essential to clearly define the scope of non-eligibility).	Target	<ul style="list-style-type: none"> Workers taking care of said family members requiring care (excluding temporary daily workers) <Workers in a labor-management agreement who are excluded from the eligibility> (1) The worker has been employed at the current workplace for less than a year. (2) The worker works for two scheduled working days or less a week.
Alternative measures	For workers for whom shorter working hours are hard to apply, one of the following measures must be established. <ul style="list-style-type: none"> Measures that supplement the childcare leave system Flex-hour system Advancing or deferring work starting / ending time Installing and operating a childcare facility within the workplace or supplementary benefits 	Measures	One of the following measures must be established. <ul style="list-style-type: none"> A system to reduce scheduled working hours Flex-hour system Advancing or deferring work starting / ending time Supporting the nursing care service that the worker is using, or a supplementary system
Period	Until the child reaches three years of age	Period/Frequency	For a continuous period of three years or more per said family member, from the starting date of the system / two or more installments

8 Measures to be established by employers <Article 21, 24, 26>

Measures for Workers who take care of a child below primary school age or a family member requiring care	<p><Childcare></p> <ul style="list-style-type: none"> Obligation to make efforts to establish measures needed for workers taking care of a child below primary school age, such as implementing a childcare leave system, system to limit work in excess of scheduled working hours, and introducing flex hours Obligation to make efforts to establish a childcare leave system for workers taking care of a child below primary school age, such as a childcare leave system for partners 	<p><Nursing care for family members></p> <ul style="list-style-type: none"> Obligation to make efforts to establish measures needed for workers taking care of their family members requiring care, pursuant to a caregiver leave system or reduced scheduled working hours, with considerations to accommodate the period and frequencies required for the care leave
Measures about job assignment	When the work location is changed, employers must consider the circumstances of the worker for whom the relocation will make it difficult to take care of their child or family members requiring care while maintaining his / her job.	
Notifying individual workers of childcare / nursing care availabilities	<ul style="list-style-type: none"> Employers must make efforts to document the following in employment rules and share them with workers <ol style="list-style-type: none"> Compensation and other terms during childcare or caregiver leave Salary, job assignment and other work conditions after the childcare or caregiver leave Work restarting date and other terms if the childcare leave period ended because the child no longer needed care or the caregiver period ended because the worker no longer needed to take care of the said family member Social insurance payment terms during caregiver leave Employers must make efforts to notify the worker individually of systems they can use, when they come to know that the worker or his / her partner is pregnant or gave birth, or is engaged in nursing care for family members. 	

Inquiries: Employment / Equal Opportunity Division (Office), Municipal Labour Bureau
Hours: 8:30-17:15 (closed on Saturdays, Sundays, national holidays, end of year and the New Year)

Area	Phone	Area	Phone	Area	Phone	Area	Phone
Hokkaido	011-709-2715	Tokyo	03-3512-1611	Shiga	077-523-1190	Kagawa	087-811-8924
Aomori	017-734-4211	Kanagawa	045-211-7380	Kyoto	075-241-3212	Ehime	089-935-5222
Iwate	019-604-3010	Niigata	025-288-3511	Osaka	06-6941-8940	Kochi	088-885-6041
Miyagi	022-299-8844	Toyama	076-432-2740	Hyogo	078-367-0820	Fukuoka	092-411-4894
Akita	018-862-6684	Ishikawa	076-265-4429	Nara	0742-32-0210	Saga	0952-32-7167
Yamagata	023-624-8228	Fukui	0776-22-3947	Wakayama	073-488-1170	Nagasaki	095-801-0050
Fukushima	024-536-4609	Yamanashi	055-225-2851	Tottori	0857-29-1709	Kumamoto	096-352-3865
Ibaraki	029-277-8295	Nagano	026-227-0125	Shimane	0852-31-1161	Oita	097-532-4025
Tochigi	028-633-2795	Gifu	058-245-1550	Okayama	086-225-2017	Miyazaki	0985-38-8821
Gunma	027-896-4739	Shizuoka	054-252-5310	Hiroshima	082-221-9247	Kagoshima	099-223-8239
Saitama	048-600-6210	Aichi	052-857-0312	Yamaguchi	083-995-0390	Okinawa	098-868-4380
Chiba	043-221-2307	Mie	059-226-2318	Tokushima	088-652-2718		

Please note: Interpreters are not provided. Please bring someone who can interpret for you.

Childcare leave application form

To:

[Date applied] DD/MM/YY
 [Applicant] Department:
 Name:

I hereby apply for childcare leave as shown below, pursuant to the childcare and nursing care regulations (Article #).

1 The situation of the child involved in the leave	(1) Name	
	(2) Date of birth	
	(3) Relation to the applicant	
	(4) If the child was adopted, the official date of adoption	DD/MM/YY
	(5) If child (1) is now on a pilot period before adoption, is with an adoptive or foster family, the date the procedure was completed	DD/MM/YY
2 The situation of the person expecting childbirth when the child (1) has not been delivered yet	(1) Name (2) Estimated date of birth (3) Relation to the applicant	
3 Leave period	From DD/MM/YY to DD/MM/YY (Expected to return to work on DD/MM/YY)	
4 Application status	(1) I applied for leave one month before the starting date of the leave as my child has not reached one year of age, or two weeks before the starting date of the leave as my child has reached one year of age	Yes/No→The reason my application is late []
	(2) I have withdrawn a leave application for a child (1)	No/Yes→Reason I am applying again []
	(3) I have taken childcare leave for a child (1) * No need to fill out this section if the leave is for a child that is over one year of age	No/Yes The reason I am taking leave again []
	(4) If the partner is also on childcare leave and is applying to extend the leave after the child reaches one year of age, pursuant to Item XX, Article XX.	The (planned) starting date of my partner's leave DD/MM/YY
	(5) If applying for leave for situations other than (4), after the child reaches one year of age	Reason for the leave []
	(6) If applying for leave after the child reaches one year of age and if the applicant is not on childcare leave	The partner is on/not on leave