

Outline of the Act on Childcare Leave/Caregiver Leave

For a safe and sustainable society, the issue of having to choose between work and childbirth/childcare (or work and providing care to a loved one) and then establishing a manageable work-life balance needs to be addressed. With this in mind, the Act on Childcare Leave/Caregiver Leave promotes support for those working individuals to accommodate both their home and work needs, whose time is constrained due childcare or providing care to family members.

1 Childcare Leave <Articles 5 ~ 9.2>

Definition:	Leave is defined as the time a working individual takes in order to take care of a child who is less than 1 year of age. * "Child" here means a young person who is in a legally-binding parent-child relationship (incl. adoption) with the working adult individual, a young person under a pilot adoptive period ahead of adoption, and a young person with foster parent(s).
Who Can Apply:	<ul style="list-style-type: none"> • Working individuals (excl. temporary day-workers), • Limited-term contract workers, who need to fulfill the following requirement when applying for leave: It has not yet been established whether the work contract will be renewed upon completion before the time their child reaches 18 months of age (24 months if the childcare period ends when their child reaches 24 months of age). <p>< Working individuals in a labor-management agreement who are <u>not</u> eligible :></p> <p>(1) The individual has been employed at their current workplace for less than 1 year. (2) The working relationship is set to end within a year from the date of application (6 months in cases where the childcare leave ends when their child reaches 18/24 months of age). (3) The individual works only 2 scheduled working days or less per week.</p>
Period of Leave:	<ul style="list-style-type: none"> • Until the child reaches 1 year of age (18 months in cases where admission to a nursery school has been unsuccessful; up to 24 months if admission remains unsuccessful). • If both parents take childcare leave, a period of up to one year can be taken before the child reaches 14 months of age (<i>Papa Mama Kyūka Purasu</i>, "Mother and Father Childcare Leave Plus").
Frequency:	<ul style="list-style-type: none"> • In general, one period of leave may be taken per child (in cases where childcare leave for the period before their child reaches 18 months or 24 months of age is necessary, this is to be obtained separately). • If the individual is a working mother who takes no postpartum leave during the 8 weeks following their child's birth (i.e. their working partner completes a short period of Childcare Leave during this time instead), then their partner is free to take another period of Childcare Leave thereafter without the need to claim mitigating circumstances (<i>Papa Kyūka</i>, "Paternity Leave").
Application Process:	<p>The working individual needs to apply for leave to their employer in writing, at least 1 month before the planned starting date of the leave (2 weeks before if the childcare leave is taken before their child reaches 18/24 months of age).</p> <p>* If a working individual's child is born prematurely, or in the event of other such unforeseeable circumstances, the starting date of their leave may be brought forward once. Provided an application is made at least 1 month before the leave is due to end (2 weeks before if the leave is taken before their child reaches 18/24 months of age), a deferred start to the leave will be possible irrespective of circumstances until their child reaches one year of age (or 18/24 months).</p>

2 Caregiver Leave <Articles 11 ~ 15>

Definition:	Leave that is taken by a working individual in order to provide care to family members who need it (due to injury, illness, or a physical/mental disability that requires constant care for 2 weeks or more).
Who Can Apply:	<ul style="list-style-type: none"> • Working individuals (excl. temporary day-workers), • Limited-term contract workers, who need to fulfill the following requirement when applying for leave: It has not yet been established whether the work contract will be renewed upon completion within the 6 months following the 93rd day of caregiver leave. <p>< Working individuals in a labor-management agreement who are <u>not</u> eligible :></p> <p>(1) The individual has been employed at their current workplace for less than 1 year. (2) The working relationship is set to end within 93 days after the application is made. (3) The individual works only 2 scheduled working days or less per week.</p>
Eligible Family Members:	<p>Spouses (including common-law partners), parents, children, spouses' parents, grandparents, siblings and grandchildren</p> <p>* The "child" in this clause refers only to a child in a legally-binding parent-child relationship (including adoption).</p>
Period/Frequency:	A total of 93 days per family member / the 93 days can be split into up to three separate blocks.
Application Process:	<p>The working individual needs to apply for leave to their employer in writing, at least 2 weeks before the planned starting date of the leave.</p> <p>* Provided an application is made at least 2 weeks before the planned ending date of the leave, the working individual may extend their leave by up to 93 days.</p>

3 Time-Off for Sick/Injured Childcare <Articles 16.2 ~ 16.3>

Details:	<ul style="list-style-type: none"> Working individuals who take care of a child below primary school age may take up to 5 days a year (10 days if there are 2 children) to care for them if they get ill or injured, or for the purposes of vaccinations and/or medical examinations Sick/Injured Childcare Leave may be taken by the hour or by the day, as applicable. * Working individuals whose work makes it difficult for them to take time off by the hour may request their leave to be taken in one-day increments, as per the terms of their labor-management agreement. * "Before primary school age" refers to the period before March 31st of the school year when their child reaches 6 years of age (the same applies hereafter).
Who Can Apply:	<ul style="list-style-type: none"> Working individuals (excl. day laborers). <p>< Working individuals in a labor-management agreement who are <u>not</u> eligible :-></p> <p>(1) The individual has been employed at their current workplace for less than 6 months. (2) The individual works only 2 scheduled working days or less per week.</p>

4 Caregiver Leave <Articles 16.5 ~ 16.6>

Details:	<ul style="list-style-type: none"> Working individuals who provide care to family members in need may take up to 5 days a year (10 days if there are 2 or more such family members) to care for them and assist them in any related matters. Caregiver Leave may be taken by the hour or by the day, as applicable. * Working individuals whose work makes it difficult for them to take time off by the hour may request their leave to be taken in one-day increments, as per the terms of their labor-management agreement. * "Associated issues" refers to matters such as accompanying their family member to medical institutions, and/or handling procedures for the family member to receive nursing care services.
Who Can Apply:	<ul style="list-style-type: none"> Working individuals (excl. day laborers). <p>< Working individuals in a labor-management agreement who are <u>not</u> eligible :-></p> <p>(1) The individual has been employed at the current workplace for less than 6 months (2) The individual works only 2 scheduled working days or less per week.</p>

5 Limit on Working in Excess/Overtime, for the Purposes of Childcare and/or Caregiving <Articles 16.8, 16.9, 17, and 18>

	Limit on Working in Excess, for the Purposes of Childcare and/or Caregiving	Limit on Overtime Work, for the Purposes of Childcare and/or Caregiving
Details:	<ul style="list-style-type: none"> Employers are not permitted to make an individual work in excess of their scheduled working hours if said individual has a child less than 3 years of age and/or a family member in need of care, and said individual has applied for leave in order to provide this care. 	<p>Employers are not permitted to make an individual work in excess of their overtime limit (24 hours/month, 150 hours/year) if said individual has a child below primary school age and/or a family member in need of care, and said individual has applied for leave in order to provide this care.</p>
Who Can Apply:	<ul style="list-style-type: none"> Working individuals taking care of a child less than 3 years of age and/or a family member requiring care (excl. temporary day laborers). <p>< Working individuals in a labor-management agreement who are <u>not</u> eligible :-></p> <p>(1) The individual has been employed at the current workplace for 1 year or less;</p> <p>(2) The individual works only 2 scheduled working days or less per 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>< Working individuals who are <u>not</u> eligible: ></p> <p>(1) Temporary day laborers,</p> <p>(2) The individual has been employed at the current workplace for 1 year or less;</p> <p>(3) The individual works only 2 scheduled working days or less per week.</p>
Period/Frequency:	For a period of 1 month to 1 year, per application / there is no limit on the possible number of applications.	
Application Process:	The working individual needs to apply for leave to their employer in writing, at least 1 month before the planned starting date of the leave.	
Exceptions:	Employers may reserve the right to reject an application if it impedes upon normal business operation.	

6 Limit on Nighttime Work, for the Purposes of Childcare and/or Caregiving <Articles 19 ~ 20>

Details:	Employers are not permitted to make an individual work between the hours of 22:00 and 05:00 (late at night) if the individual is taking care of a child below primary school age and/or a family member in need of care, and said individual has applied for leave in order to provide this care.	
Who Can Apply:	<ul style="list-style-type: none"> Working individuals taking care of a child below primary school age and/or a family member requiring care. 	<p>< Working individuals who are <u>not</u> eligible: ></p> <ul style="list-style-type: none"> (1) Temporary day laborers, (2) The individual has been employed at their current workplace for 1 year or less; (3) The individual lives with family members who are 16 or older and who can hence take care of the child or family member requiring care, to whom i-iii below applies: <ul style="list-style-type: none"> i. The working individual does not work late at night (incl. those who work 3 late nights or less per month); ii. The working individual has not sustained any injury, illness or physical/mental disability rendering childcare or nursing care difficult; iii. The working individual is not due to give birth in 6 weeks (14 weeks for more than one child), nor have they had a child less than 8 weeks prior. (4) The individual works only 2 scheduled working days or less per week; (5) The individual's scheduled working hours are originally all late night hours.
Period/Frequency:	For a period of 1 month to 6 months, per application / there is no limit on the possible number of applications.	
Application Process:	The working individual needs to apply for leave to their employer in writing, at least 1 month before the planned starting date of the leave.	
Exceptions:	Employers may reserve the right to reject an application if it impedes upon normal business operation.	

7 Reduction of Scheduled Working Hours for the Purposes of Childcare and/or Caregiving <Article 23>

Reduction of Scheduled Working Hours: Childcare		Reduction of Scheduled Working Hours: Caregiving	
Measures:	Employers must establish a reduced working hour system, generally of 6 hours per day, for workers taking care of a child less than 3 years of age.	Measures:	Employers must establish a reduced working hour system, and other such measures, for workers taking care of family members requiring care.
Who Can Apply:	<ul style="list-style-type: none"> Workers (excl. day laborers and working individuals whose scheduled working hours are 6 hours or less). <p>< Working individuals in a labor-management agreement who are <u>not</u> eligible : ></p> <ul style="list-style-type: none"> (1) The individual has been employed at their current workplace for less than 1 year; (2) The individual works for only 2 scheduled working days or less per week; (3) Individuals, the nature or structure of whose work makes reducing their working hours fundamentally difficult (*it is essential to clearly define how they may be non-eligible). 	Who Can Apply:	<ul style="list-style-type: none"> Workers (excl. day laborers). <p>< Working individuals in a labor-management agreement who are <u>not</u> eligible :></p> <ul style="list-style-type: none"> (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:	<p>For workers for whom shorter working hours are hard to apply, one of the following measures must be established.</p> <ul style="list-style-type: none"> Measures that supplement the childcare leave system; A flex-time system; Bringing forward or pushing back their work's start/end time; Installing and operating a childcare facility within the workplace, or other amenities to that effect. 	Measures:	<p>One of the following measures must be established.</p> <ul style="list-style-type: none"> A system to reduce scheduled working hours; A flex-time system; Bringing forward or pushing back their work's start/end time; Supporting the nursing care service that the worker is using, or other services to that effect.
Period:	Until their child reaches 3 years of age	Period/Frequency:	A working individual may make 2 or more applications for reduced working hours within a continuous period of 3 years or more from the established starting date, for every 1 eligible family member.

8 Measures to be Established by Employers <Articles 21 ~ 22, 24, 26>

Notifying Working Individuals about the Childcare/Caregiving Leave System:	< Childcare > When a working individual informs their employer of their (or their partner's) pregnancy and/or childbirth, their employer is required to inform the working individual about the childcare leave available to them and then confirm the working individual's intention of whether or not they will avail themselves of it.	< Caregiving >
	<ul style="list-style-type: none"> Employers must make efforts to document the following in their rules of employment rules, and proceed to share this information with their employees: <ol style="list-style-type: none"> Available compensation, and any other services, during childcare and/or caregiver leave; Changes to salary, job assignments and any other work conditions following the childcare and/or caregiver leave; The date they are to resume work, along with any other terms, if their childcare leave period ends because their child no longer needs care and/or their caregiver period ends because their family member no longer requires care; Any social insurance payment terms during their caregiver leave. Employers must make efforts to notify the worker individually of all systems available to them (incl. those outside of childcare and caregiving leave) as soon as they come to know that a working individual (or their partner) is pregnant/gave birth, or they are providing care to a family member. 	
Improvement of Working Environment:	<p>One of the following measures must be taken so that the application for childcare leave by a working individual can be carried out smoothly:</p> <ul style="list-style-type: none"> Implementation of training for childcare leave; Establishing a consultation system for childcare leave; Collecting and providing cases of childcare leave taken by previous employees; Notifying employees regarding the system and promotional policy regarding childcare leave. 	
Measures for Working Individuals Taking Care of a Child Below Primary School Age and/or a Family Member Requiring Care:	< Childcare > <ul style="list-style-type: none"> Obligation to make efforts to establish measures needed for those working individuals taking care of a child below primary school age, such as the implementation of a childcare leave system, a system to limit work in excess of scheduled working hours, and introducing flexible working hours. Obligation to make efforts to establish a childcare leave system for those working individuals taking care of a child below primary school age, such as a childcare leave system for their partners. 	< Caregiving > <ul style="list-style-type: none"> Obligation to make efforts to establish measures needed for those working individuals taking care of family members requiring care, pursuant to a caregiver leave system and/or reduced scheduled working hours, with considerations to accommodate the necessary period and frequency their care mandates.
Measures Regarding Job Assignment:	If the working location is to be changed, employers must consider the circumstances of those working individuals for whom relocation will make providing care to their child and/or family members requiring care difficult, whilst still maintaining their position.	

Inquiries: Employment / Equal Opportunity Division (Office), Municipal Labour Bureau

Hours: 08:30-17:15 (closed on Saturdays, Sundays, national holidays, end of year and New Year's holiday)

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	0952-32-7218
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 of Application] 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 Situation of Child Requiring Care:	(1) Name:	
	(2) Date of Birth:	
	(3) Relation to the Applicant:	
	(4) If Adopted, Official Date of Adoption:	DD/MM/YY
	(5) If the Child (1) is under a Pilot Period before Adoption/is with an Adoptive or Foster Family, the Date the Procedure was Completed:	DD/MM/YY
2 Situation of Expectant Parent (if the Child (1) has yet to be Delivered):	(1) Name: (2) Child's Due Date: (3) Relation to the Applicant:	
3 Leave Period:	From DD/MM/YY to DD/MM/YY (Expected Return to Work: DD/MM/YY)	
4 Application Status:	(1) I applied for leave 1 month before the starting date of the leave, as my child has not reached 1 year of age; or 2 weeks before the starting date of the leave, as my child has reached 1 year of age.	Yes/No → Reason application is late: []
	(2) I have withdrawn an application for leave for the child (1).	No / Yes → Reason for re-application: []
	(3) I have previously taken childcare leave for the child (1) * No need to fill out this section if the leave is for a child over 1 year of age.	No / Yes Reason for taking leave again: []
	(4) My partner is also on childcare leave and is applying to extend their leave after our child reaches 1 year of age, pursuant to Item XX, Article XX.	Starting date (planned) of partner's leave: DD/MM/YY
	(5) I am applying for leave for reasons other than (4), after the child reaches 1 year of age.	Reason for leave: []
	(6) I am applying for leave after the child reaches 1 year of age, and am not currently on childcare leave.	Partner (is / is not) on leave.