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This English translation of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave has been translated (through the revisions of Act No. 160 of 2004 (Effective April 1, 2005)) in compliance with the Standard Bilingual Dictionary (March 2006 edition).

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# **Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave**

**(Act No. 76 of May 15, 1991)**

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## **Chapter 1 General Provisions**

### **Article 1 (Purposes)**

The purposes of this Act are to promote the welfare of workers, etc. who take care of children or other family members and to contribute to the development of the

economy and society. These purposes will be accomplished by helping balance such persons' work life and family life by means of continuing employment and promoting re-employment of said workers, etc. through such steps as establishing a system for Child Care Leave, Family Care Leave, and Sick/Injured Child Care Leave; prescribing measures to be taken by employers concerning working hours, etc. with the view to facilitating the care of children and other family members; and taking measures to support said workers, etc.

## **Article 2 (Definitions)**

In this Act, the meanings of the terms listed in the following items shall be as prescribed respectively in those items.

- (i) Child Care Leave: a leave that a worker (excluding a day laborer; the same shall apply hereinafter in this Article, the following chapter through Chapter 5, Articles 21 through 26, Article 28 and Article 29) takes pursuant to the provisions of Chapter 2 for the purpose of taking care of his/her child;
- (ii) Family Care Leave: a leave that a worker takes pursuant to the provisions of Chapter 3 for the purpose of taking care of a Subject Family Member in Care-requiring Condition;
- (iii) Care-requiring Condition: a condition requiring constant care for a period specified by Ordinance of the Ministry of Health, Labour and Welfare due to injury, sickness, or physical or mental disability;
- (iv) Subject Family Member: a spouse (including a person in a relationship with the worker where marital relationship is de facto, though a marriage has not been registered; the same shall apply hereinafter in this item and Article 61 paragraph 3 (including the cases where it is applied mutatis mutandis pursuant to paragraphs 6 through 8 of the same Article)), parents, children (including equivalent persons specified by Ordinance of the Ministry of Health, Labour and Welfare) or parents of a spouse; or
- (v) Family Member: a Subject Family Member and other relatives specified by Ordinance of Ministry of Health, Labour and Welfare.

## **Article 3 (Basic Principles)**

- (1) As set forth in this Act, the promotion of the welfare of workers, etc. who take care of children or other Family Members has the principal objective of enabling such workers to engage in a full work life by making effective use of their abilities throughout their working life, and to smoothly fulfill their roles as a Family Member with regard to taking care of their children or other Family Members.
- (2) A worker who takes leave for the purpose of taking care of children or other Family Members shall endeavor to make necessary efforts in order to smoothly recommence his/her work following the leave.

#### **Article 4 (Responsibilities of Persons Concerned)**

An employer, the State, and a local government shall, in compliance with the basic principles prescribed in the preceding Article, endeavor to promote the welfare of workers, etc. who take care of children or other Family Members.

#### **Chapter 2 Child Care Leave**

#### **Article 5 (Application for Child Care Leave)**

- (1) A worker may take Child Care Leave upon application to his/her employer with regard to the child he or she takes care of is less than one year of age; provided, however, that persons employed for a fixed period of time shall only be able to file such application in cases where he or she falls under both of the following items.
  - (i) A person employed by said employer for a continued period of at least one year;
  - (ii) A person likely to be kept employed after the day on which his/her dependent child reaches one year of age (referred to as "Date of One Year of Age" hereinafter in this Article) (excluding a person whose labor contract will expire and clearly not be renewed during the subsequent year from the Date of One Year of Age).
- (2) Notwithstanding the provisions of the preceding paragraph, a worker who has taken Child Care Leave may not file an application set forth in the preceding paragraph with regard to a child whom the worker has already taken care of on the day on which said Child Care Leave commenced, except in cases where there are special circumstances specified by Ordinance of the Ministry of Health, Labour and Welfare.
- (3) A worker may take Child Care Leave upon application to his/her employer with regard to the child he or she takes care of is from one year to one year and six months of age, only when he or she falls under both of the following items; provided, however, that a person employed for a fixed period of time and whose spouse is taking Child Care Leave on the Date of One Year of Age may file said application only when he or she falls under both of the items of paragraph 1.
  - (i) A worker or the worker's spouse is taking Child Care Leave for a child pertaining to said application until the said child's Date of One Year of Age;
  - (ii) A leave during the period after said child's Date of One Year of Age is applicable to the cases specified by Ordinance of the Ministry of Health, Labour and Welfare as a case where taking a leave would be found to be particularly necessary for continuing employment.
- (4) An application pursuant to the provision of paragraph 1 and the preceding paragraph (hereinafter referred to as "Child Care Leave Application") shall be

filed, with regard to a continued period for Child Care Leave, by making clear the first day thereof (hereinafter referred to as "Child Care Leave Scheduled Start Date") and the last day thereof (hereinafter referred to as "Child Care Leave Scheduled End Date") pursuant to Ordinance of the Ministry of Health, Labour and Welfare. In this case, applications pursuant to the provision of paragraph 3 shall be filed by deeming the following day of the said child's Date of One Year of Age as the Child Care Leave Scheduled Start Date.

- (5) The provisions of the proviso of paragraph 1, paragraph 2, the proviso of paragraph 3 and the second sentence of the preceding paragraph shall not apply to the case where a person employed for a fixed period of time who takes Child Care Leave having designated the last day of his/her labor contract period as the Child Care Leave Scheduled End Date (or, in cases where said Child Care Leave Scheduled End Date is changed pursuant to the provision of Article 7 paragraph 3, the changed Child Care Leave Scheduled End Date) files a Child Care Leave Application, due to the renewal of said labor contract, in which the first day of the renewed labor contract period is the Child Care Leave Scheduled Start Date.

**Article 6 (Obligations, etc. of Employers when a Child Care Leave Application is Filed)**

- (1) An employer shall not refuse a Child Care Leave Application filed by a worker; provided, however, that this shall not apply to the case where a Child Care Leave Application is filed by a worker who falls under any of the following items and who is set forth as a person who may not take Child Care Leave under a written agreement between said employer and either a labor union, if any, organized by a majority of workers at the workplace where said worker is employed or between said employer and a person who represents the majority of such workers when there is no labor union organized by the majority of workers at the workplace where said worker is employed.
- (i) A worker employed by said employer for a continued period of less than one year;
  - (ii) A worker whose spouse is the parent of a child pertaining to said Child Care Leave Application and is specified by Ordinance of the Ministry of Health, Labour and Welfare as a person who can normally take care of said child; or
  - (iii) In addition to what is listed in the preceding two items, a person specified by Ordinance of the Ministry of Health, Labour and Welfare as a worker who has a reasonable reason for said Child Care Leave not being granted.
- (2) In the case referred to in the proviso of the preceding paragraph, a worker whose Child Care Leave Application has been refused by an employer may not take Child Care Leave, notwithstanding the provisions of paragraphs 1 and 3 of the preceding Article.

- (3) An employer may, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, in cases where a worker files a Child Care Leave Application, when the Child Care Leave Scheduled Start Date in said application falls before the day on which one month (or two weeks when an application is filed pursuant to the provision of paragraph 3 of the preceding Article) from the day following the date of said application have elapsed (referred to as "One Month, etc. Expiry Date" hereinafter in this paragraph), designate as the Child Care Leave Scheduled Start Date any day during the period from said Child Care Leave Scheduled Start Date until said One Month, etc. Expiry Date (or a day which falls before the One Month, etc. Expiry Date and which is specified by Ordinance of the Ministry of Health, Labour and Welfare in cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare, such as the birth of a child before the expected date, before the day of said Child Care Leave Application).
- (4) The provisions of the proviso of paragraph 1 and the preceding paragraph shall not apply to the case where a worker files a Child Care Leave Application prescribed in paragraph 5 of the preceding Article.

**Article 7 (Application, etc. for Change of the Child Care Leave Scheduled Start Date)**

- (1) A worker who has filed a Child Care Leave Application pursuant to the provision of Article 5 paragraph 1 may, in cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in paragraph 3 of the preceding Article on or before the day preceding the Child Care Leave Scheduled Start Date in said application (in cases where the employer designates the day pursuant to the provision of paragraph 3 of the preceding Article, the day designated by said employer; the same shall apply hereinafter in this paragraph), change only once the Child Care Leave Scheduled Start Date in said application to a day before said Child Care Leave Scheduled Start Date, by notifying his/her employer.
- (2) An employer may, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, in cases where a worker files an application pursuant to the provision of the preceding paragraph, when the changed Child Care Leave Scheduled Start Date in said application falls before the day on which the period specified by Ordinance of the Ministry of Health, Labour and Welfare within a period not exceeding one month from the day following the date of the application elapses (referred to as "Period Expiry Date" hereinafter in this paragraph), designate as a Child Care Leave Scheduled Start Date for said worker any day during the period from the changed Child Care Leave Scheduled Start Date in said application until said Period Expiry Date (in cases where the day falls after the original Child Care

Leave Scheduled Start Date (in cases where the employer designates the day pursuant to the provisions of paragraph 3 of the preceding Article, the day designated by said employer. The same shall apply hereinafter in this paragraph), the original Child Care Leave Scheduled Start Date in said application).

- (3) A worker who has filed a Child Care Leave Application may, by notifying his/her employer on or before the day specified by Ordinance of the Ministry of Health, Labour and Welfare, change only once the Child Care Leave Scheduled End Date in said application to the day which falls after said Child Care Leave Scheduled End Date.

#### **Article 8 (Withdrawal, etc. of Child Care Leave Application)**

- (1) A worker who has filed a Child Care Leave Application may withdraw said application on or before the day preceding the Child Care Leave Scheduled Start Date in said application (in cases where the employer designates the day pursuant to the provision of Article 6 paragraph 3 or paragraph 2 of the preceding Article, the day designated by said employer; or in cases where the Child Care Leave Scheduled Start Date is changed pursuant to the provision of paragraph 1 of the preceding Article, the changed Child Care Leave Scheduled Start Date; the same shall apply in paragraph 3 of this Article and paragraph 1 of the following Article).
- (2) A worker who has withdrawn a Child Care Leave Application pursuant to the provision of the preceding paragraph may not, except in cases where there are special circumstances specified by Ordinance of the Ministry of Health, Labour and Welfare, file an application again for Child Care Leave with regard to the child pertaining to said application, notwithstanding the provisions of Article 5 paragraphs 1 and 3.
- (3) In the event that there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as a reason why the worker comes to cease taking care of the child pertaining to the Child Care Leave Application, such as the death of the child, on or before the day preceding the Child Care Leave Scheduled Start Date after the Child Care Leave Application, said Child Care Leave Application shall be deemed as not having been filed. In this case, the worker shall notify the employer without delay of the reason for such cancellation.

#### **Article 9 (Child Care Leave Period)**

- (1) A period for which a worker who has filed a Child Care Leave Application may take said Child Care Leave (hereinafter referred to as "Child Care Leave Period") shall be between the Child Care Leave Scheduled Start Date and the Child Care Leave Scheduled End Date (or, in cases where said Child Care Leave Scheduled End Date is changed pursuant to the provision of Article 7 paragraph 3, the changed Child Care Leave Scheduled End Date; the same shall apply in the

following paragraph).

- (2) A Child Care Leave Period shall be terminated on the day on which any of the circumstance listed in the following items occurs (or on the preceding day in the case of item (iii)), notwithstanding the provisions of the preceding paragraph:
  - (i) On or before the day preceding the Child Care Leave Scheduled End Date, there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as a reason why the worker comes to cease taking care of the child pertaining to the Child Care Leave Application, such as the death of the child;
  - (ii) On or before the day preceding the Child Care Leave Scheduled End Date, a child pertaining to said Child Care Leave Application reaches one year of age (or one year and six months of age with regard to Child Care Leave for which an application was filed pursuant to the provision of Article 5 paragraph 3); or
  - (iii) On or before the Child Care Leave Scheduled End Date, a leave period pursuant to the provision of Article 65 paragraph 1 or 2 of the Labor Standards Act (Act No. 49 of 1947), a Family Care Leave Period prescribed in Article 15 paragraph 1 of this Act, or a new Child Care Leave Period has begun with regard to a worker who has filed the Child Care Leave Application.
- (3) The provisions of the second sentence of paragraph 3 of the preceding Article shall apply mutatis mutandis to the cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in item (i) of the preceding paragraph.

#### **Article 10 (Prohibition of Disadvantageous Treatment)**

An employer shall not dismiss or otherwise treat a worker disadvantageously by reason of said worker's making Child Care Leave Application or taking Child Care Leave.

### **Chapter 3 Family Care Leave**

#### **Article 11 (Application for Family Care Leave)**

- (1) A worker may take Family Care Leave upon application to his/her employer; provided, however, that persons employed for a fixed period of time shall only be able to file such application in cases where he or she falls under both of the following items.
  - (i) A person employed by said employer for a continued period of at least one year; and
  - (ii) A person likely to be kept employed after the day on which 93 days elapse from the Family Care Leave Scheduled Start Date prescribed in paragraph 3 (referred to as "93-day Expiry Date" hereinafter in this item) (excluding a person whose labor contract will expire and clearly not be renewed during the

subsequent year from the 93-day Expiry Date).

- (2) Notwithstanding the provisions of the preceding paragraph, a worker who has taken Family Care Leave may not file an application set forth in the preceding paragraph with regard to a Subject Family Member for whom the worker has already taken Family Care Leave in cases where the Subject Family Member pertaining to said Family Care Leave falls under any of the following items.
  - (i) A Subject Family Member has still been in Care-requiring Condition from the day on which said Family Care Leave commenced (excluding special circumstances specified by Ordinance of the Ministry of Health, Labour and Welfare); or
  - (ii) With regard to the Subject Family Member, addition of the number of days described in the following items (referred to in Article 15 paragraph 1 and Article 23 paragraph 2 as "Number of Days for Family Care Leave, etc.") has reached 93 days.
    - (a) The number of days for Family Care Leave (the number of days from the day on which Family Care Leave commenced until the day on which Family Care Leave ended; in the case of multiple Family Care Leaves, the number of days obtained by totaling the number of days for each Family Care Leave from the day on which Family Care Leave commenced until the day on which Family Care Leave ended); and
    - (b) The number of days for which shortening working hours and other measures from among those set forth in Article 23 paragraph 2 and for which measures specified by Ordinance of the Ministry of Health, Labour and Welfare were taken (the number of days as counted from the day on which the first measure of said measures commenced until the day on which the last measure of said measures ended (when there is a period of Family Care Leave during that time, the number of days from the day on which Family Care Leave commenced until the day on which Family Care Leave ended shall be subtracted)); when said measures are taken for two or more Care-requiring Conditions, the number of days obtained by totaling the number of days spent for each Care-requiring Condition from the day on which the first measure commenced until the day on which the last measure ended (when there is a period of Family Care Leave during that time, the number of days from the day on which Family Care Leave commenced until the day on which Family Care Leave ended shall be subtracted)).
- (3) An application pursuant to the provision of paragraph 1 (hereinafter referred to as "Family Care Leave Application") shall be filed by making clear that the Subject Family Member pertaining to said Family Care Leave Application is in Care-requiring Condition and, with regard to a continued period for Family Care Leave pertaining to the Subject Family Member, and the first day thereof



(hereinafter referred to as "Family Care Leave Scheduled Start Date") and last day thereof (hereinafter referred to as "Family Care Leave Scheduled End Date") pursuant to Ordinance of the Ministry of Health, Labour and Welfare.

- (4) The provisions of proviso of paragraph 1 and paragraph 2 (excluding item (ii)) shall not apply to the case where a person employed for a fixed period of time who takes Family Care Leave having designated the last day of his/her labor contract period as the Family Care Leave Scheduled End Date (or, in cases where said Family Care Leave Scheduled End Date is changed pursuant to the provision of Article 7 paragraph 3, as applied mutatis mutandis pursuant to Article 13, the changed Family Care Leave Scheduled End Date) files a Family Care Leave Application, due to the renewal of said labor contract, in which the first day of the renewed labor contract period is the Family Care Leave Scheduled Start Date.

**Article 12 (Obligations, etc. of Employers when a Family Care Leave Application is Filed)**

- (1) An employer shall not refuse a Family Care Leave Application filed by a worker.
- (2) The provisions of the proviso of Article 6 paragraph 1 (excluding item (ii)) and the provisions of paragraph 2 of the same Article shall apply mutatis mutandis to the case where a worker files a Family Care Leave Application. In this case, the term "the proviso of the preceding paragraph" in Article 6 paragraph 2 shall be deemed to be replaced with "the proviso of Article 6 paragraph 1, as applied mutatis mutandis pursuant to Article 12 paragraph 2," and the term "paragraphs 1 and 3 of the preceding Article" in the same paragraph shall be deemed to be replaced with "Article 11 paragraph 1."
- (3) An employer may, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, in cases where a worker files a Family Care Leave Application, when the Family Care Leave Scheduled Start Date in said application falls before the day on which two weeks from the day following the date of said application have elapsed (referred to as "Two Weeks Expiry Date" hereinafter in this paragraph), designate as the Family Care Leave Scheduled Start Date any day during the period from said Family Care Leave Scheduled Start Date until said Two Weeks Expiry Date.
- (4) The provisions of the preceding two paragraphs shall not apply to the case where a worker files a Family Care Leave Application prescribed in paragraph 4 of the preceding Article.

**Article 13 (Application for Change of the Family Care Leave Scheduled End Date)**

The provisions of Article 7 paragraph 3 shall apply mutatis mutandis to an application for a change of the Family Care Leave Scheduled End Date.

#### **Article 14 (Withdrawal, etc. of Family Care Leave Application)**

- (1) A worker who has filed a Family Care Leave Application may withdraw said application on or before the day preceding the Family Care Leave Scheduled Start Date in said application (in cases where an employer designates the day pursuant to the provision of Article 12 paragraph 3, the day designated by said employer; the same shall apply in Article 8 paragraph 3 as applied mutatis mutandis pursuant to paragraph 3 of this Article, paragraph 1 of the following Article, and Article 23 paragraph 2).
- (2) In cases where a Family Care Leave Application is withdrawn pursuant to the provision of the preceding paragraph, an employer may refuse a new Family Care Leave Application with regard to the Subject Family Member pertaining to said withdrawal, excluding the first Family Care Leave Application filed after said withdrawal, notwithstanding the provisions of Article 12 paragraph 1.
- (3) The provisions of Article 8 paragraph 3 shall apply mutatis mutandis to a Family Care Leave Application. In this case, the terms "child" and "taking care of the child" in the same paragraph shall be deemed to be replaced respectively with "Subject Family Member" and "taking care of the Subject Family Member."

#### **Article 15 (Family Care Leave Period)**

- (1) A period for which a worker who has filed a Family Care Leave Application may take said Family Care Leave (hereinafter referred to as "Family Care Leave Period") shall be between the Family Care Leave Scheduled Start Date and the Family Care Leave Scheduled End Date in said application (or, when the scheduled end date falls after the period of days elapses from the Family Care Leave Scheduled Start Date, which are obtained by subtracting from 93 days the Number of Days for Family Care Leave, etc. taken for the Subject Family Member in said Family Care Leave Application filed by said worker, the day on which said period elapses; the same shall apply in paragraph 3 of this Article).
- (2) In this Article, the Family Care Leave Scheduled End Date shall, in cases where said Family Care Leave Scheduled End Date is changed pursuant to the provision of Article 7 paragraph 3, as applied mutatis mutandis pursuant to Article 13, refer to the changed Family Care Leave Scheduled End Date.
- (3) The Family Care Leave Period shall be terminated on the day on which any of the circumstances listed in the following items occurs (or on the preceding day in the case of item (ii)), notwithstanding the provisions of paragraph 1:
  - (i) On or before the day preceding the Family Care Leave Scheduled End Date, there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as a reason why the worker comes to cease taking care of the Subject Family Member pertaining to a Family Care Leave Application, such as the death of the Subject Family Member; or

- (ii) On or before the Family Care Leave Scheduled End Date, a leave period pursuant to the provision of Article 65 paragraph 1 or 2 of the Labour Standards Act, a Child Care Leave Period, or a new Family Care Leave Period has begun with regard to the worker who has filed a Family Care Leave Application.
- (4) The provisions of the second sentence of Article 8 paragraph 3 shall apply mutatis mutandis to the cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in item (i) of the preceding paragraph.

**Article 16 (Application, Mutatis Mutandis)**

The provisions of Article 10 shall apply mutatis mutandis to a Family Care Leave Application and taking Family Care Leave.

**Chapter 3-2 Sick/Injured Child Care Leave**

**Article 16-2 (Application for Sick/Injured Child Care Leave)**

- (1) A worker who is taking care of a child before the time of commencement of elementary school may obtain leave to look after said child in the event of injury or sickness to said child (referred to as "Sick/Injured Child Care Leave" hereinafter in this chapter) upon application to his/her employer, with limits of up to five working days per fiscal year.
- (2) An application pursuant to the provision of the preceding paragraph shall be filed by making clear the days to be obtained as a Sick/Injured Child Care Leave, pursuant to Ordinance of the Ministry of Health, Labour and Welfare.
- (3) Fiscal year referred to in paragraph 1 shall refer to a period that begins on April 1 and ends on March 31 of the following year unless otherwise provided for by the employer.

**Article 16-3 (Obligations, etc. of Employers when an Application for Sick/Injured Child Care Leave is Filed)**

- (1) An employer shall not refuse an application by a worker pursuant to the provision of paragraph 1 of the preceding Article.
- (2) The provisions of the proviso of paragraph 1 of Article 6 (excluding item (ii)) and the provisions of paragraph 2 of the same Article shall apply mutatis mutandis to the case where a worker files an application pursuant to the provision of paragraph 1 of the preceding Article. In this case, the term "one year" in Article 6 paragraph 1 item (i) shall be deemed to be replaced with "six months," the term "the proviso of the preceding paragraph" in paragraph 2 of the same Article shall be deemed to be replaced with "the proviso of paragraph 1 of Article 6, as applied mutatis mutandis pursuant to Article 16-3 paragraph 2," and the term

"paragraphs 1 and 3 of the preceding Article" in paragraph 2 of the same Article shall be deemed to be replaced with "Article 16-2 paragraph 1."

#### **Article 16-4 (Application, Mutatis Mutandis)**

The provisions of Article 10 shall apply mutatis mutandis to an application and Sick/Injured Child Care Leave prescribed in Article 16-2 paragraph 1.

### **Chapter 4 Limitation on Overtime Work**

#### **Article 17**

- (1) An employer shall not, in cases where he or she may extend, pursuant to the main clause of paragraph 1 of Article 36 of the Labour Standards Act, a worker's working hours prescribed in the same paragraph (referred to as "Working Hours" hereinafter in this Article), extend Working Hours beyond a limit on overtime work (24 hours per month and 150 hours per year, the same shall apply in the next paragraph) when a worker who is taking care of a child before the time of commencement of elementary school and does not fall under any of the following items makes a request in order to take care of said child; provided, however, that this shall not apply to the case where said request would impede normal business operations:
  - (i) A worker employed by said employer for a continued period of less than one year;
  - (ii) A worker whose spouse is a parent of a child pertaining to said request and is specified by Ordinance of the Ministry of Health, Labour and Welfare as a person who can normally take care of said child; or
  - (iii) In addition to what is listed in the preceding two items, a person specified by Ordinance of the Ministry of Health, Labour and Welfare as a worker who has a reasonable reason for said request not being granted.
- (2) A request pursuant to the provision of the preceding paragraph shall be made, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, with regard to a continued period where an employer shall not extend Working Hours beyond a limit on overtime work (limited to a period from one month to one year; referred to in paragraph 4 as "Limitation Period"), by making clear the first day thereof (referred to as "Limitation Period Scheduled Start Date" hereinafter in this Article) and last day thereof (referred to in paragraph 4 as "Limitation Period Scheduled End Date") on or before the day one month prior to the Limitation Period Scheduled Start Date.
- (3) In the event that there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as a reason why the worker comes to cease taking care of the child pertaining to the request, such as the death of the child, on or

before the day preceding the Limitation Period Scheduled Start Date after the request was made pursuant to the provision of paragraph 1, said request shall be deemed as not having been made. In this case, the worker shall notify the employer without delay of the reason for such cancellation.

- (4) A Limitation Period shall be terminated on the day on which any of the circumstances listed in the following items occurs (or on the preceding day in the case of item (iii)):
  - (i) On or before the day preceding the Limitation Period Scheduled End Date, there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as a reason why the worker comes to cease taking care of the child pertaining to the request pursuant to the provision of paragraph 1, such as the death of the child;
  - (ii) On or before the day preceding the Limitation Period Scheduled End Date, the child pertaining to the request which has been made pursuant to the provision of paragraph 1 reaches time of commencement of elementary school; or
  - (iii) On or before the Limitation Period Scheduled End Date, a leave period pursuant to the provisions of Article 65 paragraph 1 or 2 of the Labor Standards Act, a Child Care Leave Period, or a Family Care Leave Period has begun with regard to a worker who has made a request pursuant to the provision of paragraph 1.
- (5) The provisions of the second sentence of paragraph 3 shall apply mutatis mutandis to the cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in item (i) of the preceding paragraph.

#### **Article 18**

- (1) The provisions of paragraph 1 (excluding item (ii)) and paragraphs 2, 3, and 4 (excluding item (ii)) of the preceding Article shall apply mutatis mutandis to a worker who takes care of a Subject Family Member in Care-requiring Condition. In this case, the term "take care of said child" in paragraph 1 of the same Article shall be deemed to be replaced with "take care of said Subject Family Member", and the terms "child" and "taking care of the child" in paragraph 3 and paragraph 4 item (i) of the same Article shall be deemed to be replaced respectively with "Subject Family Member" and "taking care of the Subject Family Member."
- (2) The provisions of the second sentence of paragraph 3 of the preceding Article shall apply mutatis mutandis to the cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in paragraph 4 item (i) of the same Article, as applied mutatis mutandis pursuant to the preceding paragraph.

## Chapter 5 Limitation on Late-Night Work

### Article 19

- (1) An employer shall not, in cases where a worker who is taking care of a child before the time of commencement of elementary school and who does not fall under any of the following items makes a request in order to take care of said child, make said worker work in the period between 10 p.m. and 5 a.m. (referred to as "Late-Night" hereinafter in this Article); provided, however, that this shall not apply to the case where said request would impede normal business operations:
  - (i) A worker employed by said employer for a continued period of less than one year;
  - (ii) A worker who has a person specified by Ordinance of the Ministry of Health, Labour and Welfare, such as a Family Member who is living in the same household with said child and can normally take care of said child during Late-Night pertaining to said request; or
  - (iii) In addition to what is listed in the preceding two items, a person specified by Ordinance of the Ministry of Health, Labour and Welfare as a worker who has a reasonable reason for said request not being granted.
- (2) A request pursuant to the provision of the preceding paragraph shall be made, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, with regard to a continued period where an employer shall not make a worker work at Late-Night (limited to a period from one month to six months; referred to in paragraph 4 as "Limitation Period"), by making clear the first day thereof (referred to as "Limitation Period Scheduled Start Date" hereinafter in this Article) and last day thereof (referred to as "Limitation Period Scheduled End Date" in paragraph 4) on or before the day one month prior to the Limitation Period Scheduled Start Date.
- (3) In the event that there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as a reason why the worker comes to cease taking care of the child pertaining to the request, such as the death of the child, on or before the day preceding the Limitation Period Scheduled Start Date after the request was made pursuant to the provision of paragraph 1, said request shall be deemed as not having been made. In this case, the worker shall notify the employer without delay of the reason for such cancellation.
- (4) A Limitation Period shall be terminated on the day on which any of the circumstances listed in the following items occurs (or on the preceding day in the case of item (iii)):
  - (i) On or before the day preceding the Limitation Period Scheduled End Date, there occur reasons specified by Ordinance of the Ministry of Health, Labour

and Welfare as a reason why the worker comes to cease taking care of the child pertaining to the request pursuant to the provision of paragraph 1, such as the death of the child;

- (ii) On or before the day preceding the Limitation Period Scheduled End Date, the child pertaining to the request which has been made pursuant to the provision of paragraph 1 reaches time of commencement of elementary school; or
  - (iii) On or before the Limitation Period Scheduled End Date, a leave period pursuant to the provisions of Article 65 paragraph 1 or 2 of the Labor Standards Act, a Child Care Leave Period, or a Family Care Leave Period has begun with regard to a worker who has made a request pursuant to the provision of paragraph 1.
- (5) The provisions of the second sentence of paragraph 3 shall apply mutatis mutandis to the cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in item (i) of the preceding paragraph.

#### **Article 20**

- (1) The provisions of paragraphs 1 through 3 and paragraph 4 (excluding item (ii)) of the preceding Article shall apply mutatis mutandis to a worker who takes care of a Subject Family Member in Care-requiring Condition. In this case, the term "take care of said child" in Article 19 paragraph 1 shall be deemed to be replaced with "take care of said Subject Family Member", the terms "child" and "take care of said child" in item (ii) of the same paragraph shall be deemed to be replaced respectively with "Subject Family Member" and "take care of said Subject Family Member", and the terms "child" and "taking care of the child" in paragraph 3 and paragraph 4 item (i) of the same Article shall be deemed to be replaced respectively with "Subject Family Member" and "taking care of the Subject Family Member."
- (2) The provisions of the second sentence of paragraph 3 of the preceding Article shall apply mutatis mutandis to the cases where there occur reasons specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in paragraph 4 item (i) of the same Article, as applied mutatis mutandis pursuant to the preceding paragraph.

#### **Chapter 6 Measures to be Taken by Employers**

- (1) An employer shall, with regard to Child Care Leave and Family Care Leave, endeavor to specify the following items in advance and take measures to make them known to workers:
- (i) Matters related to treatment for a worker during a period of Child Care

Leave and Family Care Leave;

- (ii) Matters related to working conditions after the Child Care Leave and the Family Care Leave, such as wages and assignments; and
  - (iii) In addition to what is listed in the preceding two items, matters specified by Ordinance of the Ministry of Health, Labour and Welfare.
- (2) Pursuant to Ordinance of the Ministry of Health, Labour and Welfare, an employer shall, in cases where a worker files a Child Care Leave Application or a Family Care Leave Application, endeavor to notify clearly said worker of the treatment specified in all items of the preceding paragraph pertaining to said worker.

**Article 22 (Measures related to Employment Management, etc.)**

An employer shall, for the purpose of smooth implementation of a Child Care Leave Application and a Family Care Leave Application, and employment after said leave, endeavor to take necessary measures with regard to workers' assignment and other employment management at a workplace where workers who take Child Care Leave or Family Care Leave are employed, and the development and improvement, etc. of vocational capability of workers who are taking Child Care Leave or Family Care Leave.

**Article 23 (Measures, etc. including Shortening of Working Hours)**

- (1) An employer shall, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, take measures of shortening of working hours and other measures that facilitate a worker to take care of a child while continuing working, upon application from a worker (referred to as "Measures including Shortening of Working Hours" hereinafter in this paragraph and in paragraph 1 of the following Article), with regard to an employed worker who takes care of a child under one year of age (or one year and six months of age, in cases where said worker files an application set forth in Article 5 paragraph 3; the same shall apply hereinafter in this paragraph) but who does not take Child Care Leave, and shall also take measures equivalent to the system of Child Care Leave or Measures including Shortening of Working Hours, with regard to an employed worker who takes care of a child over one year of age and under three years of age.
- (2) An employer shall, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, with regard to an employed worker who takes care of a Subject Family Member in Care-requiring Condition, take measures that facilitate the worker to take care of the Subject Family Member in Care-requiring Condition while continuing working, such as shortening of working hours, for a period exceeding 93 consecutive days upon application from the worker (or a period which is obtained by subtracting from 93 days the Number of Days for Family Care Leave, etc., in



cases where the worker takes one or more days of Family Care Leave, etc. during the period from the day on which said worker was first employed until the day prior to the first day of said continued period; a period in which the worker did not take Family Care Leave for the Subject Family Member within the continued period from the Family Care Leave Scheduled Start Date for the first Family Care Leave pertaining to said Care-requiring Condition of the Subject Family Member, in cases where said worker has taken Family Care Leave for said Care-requiring Condition for the Subject Family Member).

**Article 24 (Measures related to a Worker, etc. who Takes Care of a Child over Three Years and Before the Time of Commencement of Elementary School)**

- (1) An employer shall, with regard to an employed worker who takes care of a child over three years and before the time of commencement of elementary school, endeavor to take necessary measures according to the system of Child Care Leave or to Measures including Shortening Working Hours.
- (2) An employer shall, with regard to an employed worker who takes care of his/her Family Member, endeavor to take necessary measures according to the system of Family Care Leave or measures prescribed in paragraph 2 of the preceding Article by giving consideration for the period, the frequency, etc. for said care.

**Article 25 Deleted**

**Article 26 (Consideration for Assignment of Workers)**

An employer shall, in making a change to assignment of an employed worker which results in a change in the said worker's workplace, 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 working.

**Article 27 (Special Measures, etc. for Re-employment)**

An employer shall, with regard to a person who resigned by reason of pregnancy, childbirth, child care, or family care (hereinafter referred to as a "Former Employee who Resigned due to Child Care, etc."), endeavor, as necessary, to implement special measures for re-employment (measures in which the employer of the businesses pertaining to said resignation gives, in recruitment and hiring of a worker, special consideration for a Former Employee who Resigned due to Child Care, etc. and who had notified, in resigning, said employer of his/her intention of being re-employed when it becomes possible to work again; the same shall apply in Article 30 and Article 39 paragraph 1 item (i)) and other measures equivalent to the ones above.

### **Article 28 (Guidelines)**

The Minister of Health, Labour and Welfare shall, with regard to measures to be taken by employers pursuant to the provision of Articles 21 through 27 and other measures to be taken by employers to help balance work life and family life for workers who take or are taking care of children or other Family Members, specify and make public the matters required for the guidelines in order to promote appropriate and effective implementation of said measures.

### **Article 29 (Promoter for Balancing Work Life and Family Life)**

An employer shall, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, endeavor to appoint a person who takes charge of duties for appropriate and effective implementation of measures set forth in Articles 21 through 27 and other measures to be taken for the purpose of balancing work life and family life for workers who take or are taking care of children or other Family Members (referred to in Article 39 paragraph 1 item (v) as a "Promoter for Balancing Work Life and Family Life").

## **Chapter 7 Measures for Supporting Subject Workers, etc.**

### **Section 1 Support from the State, etc.**

#### **Article 30 (Support for Employers, etc.)**

The State may, for the purpose of continuing employment and promoting re-employment of a worker who takes care of or are taking care of children or other Family Members (hereinafter referred to as "Subject Worker") and a Former Employee who Resigned due to Child Care, etc. (hereinafter referred to collectively as "Subject Workers, etc.) and of promoting the welfare of said workers, provide employers, employers' associations and other parties concerned with counseling services and advice with regard to the employment management, special measures for re-employment and other measures at a workplace where the Subject Worker is employed , and with benefits and other necessary supports.

#### **Article 31 (Counseling, Training, etc.)**

- (1) The State shall provide a Subject Worker with necessary guidance, counseling services, training and other measures for the purpose of contributing to the promotion, etc. of balancing work life and family life of said workers.
- (2) Local governments shall endeavor to take measures equivalent to those taken by the State as set forth in the preceding paragraph.

#### **Article 32 (Support for Re-employment)**

The State shall, for the purpose of providing re-employment opportunities for a Former Employee who Resigned due to Child Care, etc. when they come to intend to work again, give consideration so that vocational guidance, employment placement, redevelopment of vocational capability and other measures can be implemented in an effective and coordinated way and provide necessary support for promotion of smooth re-employment of Former Employees who Resigned due to Child Care, etc.

**Article 33 (Measures for Increasing Awareness of Balancing Work Life and Family Life)**

The State shall take necessary measures, including publicity activities, to increase awareness of employers, workers, and the general public with regard to balancing work life and family life of Subject Workers, etc. in order to eliminate workplace practices and other factors that prevent Subject Workers, etc. from balancing work life and family life.

**Article 34 (Family Support Facilities for Workers)**

- (1) Local governments shall, as necessary, endeavor to establish family support facilities for workers.
- (2) Family support facilities for workers shall be established for the purpose of implementing a comprehensive set of activities designed to promote the welfare of Subject Workers, etc., such as provision of counseling services, necessary guidance, training and lectures with regard to balancing of work life and family life for Subject Workers, etc., and opportunities for rests and recreation.
- (3) The Minister of Health, Labour and Welfare shall specify desirable standards required for the establishment and operation of the family support facilities for workers.
- (4) The State may provide local governments with necessary advice, guidance and other support with regard to the establishment and operation of the family support facilities for workers.

**Article 35 (Advisors of Family Support Facilities for Workers)**

- (1) Local governments shall, in family support facilities for workers, endeavor to appoint personnel who take charge of providing counseling services and guidance for Subject Workers, etc. (referred to in the following paragraph as "Advisor of Family Support Facilities for Worker").
- (2) An Advisor of Family Support Facilities for Workers shall be selected from among persons who have zeal for and insight into their duties, and who have the qualifications specified by the Minister of Health, Labour and Welfare.

**Section 2 Designated Juridical Person**

**Article 36 (Designation, etc.)**

- (1) The Minister of Health, Labour and Welfare may designate, upon application, a juridical person under Article 34 of the Civil Code (Act No. 89 of 1896) which was established for the purpose of promoting the welfare of Subject Workers, etc. and found to be conforming with the standards listed in the following items with regard to the business prescribed in Article 38, as one sole entity for the entire nation executing the business prescribed in the same Article:
  - (i) A juridical person is recognized as having appropriate plans for execution of business with regard to matters such as employees and business methods, and possessing a financial and technical basis for sufficient execution of said plans; and
  - (ii) In addition to what is provided for in the preceding item, the juridical person is recognized as carrying out appropriate and steady operations and contributing to promotion of the welfare of Subject Workers, etc.
- (2) The Minister of Health, Labour and Welfare shall, upon making designation set forth in the preceding paragraph, publicly notify the name, address and office location of the juridical person designated pursuant to the provision of the same paragraph (hereinafter referred to as "Designated Juridical Person").
- (3) A Designated Juridical Person shall, in intending to change its name, address or office location, notify in advance the Minister of Health, Labour and Welfare thereof.
- (4) The Minister of Health, Labour and Welfare shall, when notified pursuant to the provision of the preceding paragraph, publicly notify the matters with regard to said notification.

**Article 37 (Conditions of Designation)**

- (1) New conditions may be attached to those of designation prescribed in paragraph 1 of the preceding Article, and such conditions may be changed.
- (2) The conditions set forth in the preceding paragraph shall be limited to the minimum but enough to secure steady implementation of the matters pertaining to said designation, and shall not result in imposing unreasonable duties on the juridical person subject to the said designation.

**Article 38 (Business)**

A Designated Juridical Person shall execute the following businesses:

- (i) Conducting research and study on the work life and family life of Subject Workers, etc.;
- (ii) Comprehensively collecting information and materials with regard to the work life and family life of Subject Workers, etc., and providing said information

and materials to the Subject Workers, etc., employers and other persons concerned;

- (iii) Executing the business set forth in paragraph 1 of the following Article; and
- (iv) In addition to what is listed in the preceding three items, executing business required for promotion of the welfare of Subject Workers, etc.

**Article 39 (Welfare-Related Business to be Executed by Designated Juridical Person)**

- (1) The Minister of Health, Labour and Welfare shall, after designating a Designated Juridical Person, make said juridical person execute all or part of the following businesses among the businesses to be executed by the State prescribed in Articles 30 through 34 (hereinafter referred to as "Welfare-Related Business"):
  - (i) Providing employers and other parties concerned with counseling services and other support related to technical matters with regard to employment management and special measures for re-employment of a Subject Worker;
  - (ii) Providing benefits prescribed in Article 30 and specified by Ordinance of the Ministry of Health, Labour and Welfare;
  - (iii) Providing a Subject Worker with counseling services, training, and other support required for balancing work life and family life;
  - (iv) Providing re-employment support for Former Employees who Resigned due to Child Care, etc.;
  - (v) Providing Promoters for Balancing Work Life and Family Life with training to help said promoters acquire the knowledge required for smooth implementation of the duties prescribed in Article 29;
  - (vi) Carrying out publicity or other activities to increase awareness with regard to balancing work life and family life for Subject Workers, etc.; and
  - (vii) In addition to what is listed in the preceding items, executing necessary businesses for the purpose of the continuing employment and promoting re-employment of Subject Workers, etc. and of promoting the welfare of said workers.
- (2) The requirements for provision of benefits and the amount thereof referred to in item (ii) of the preceding paragraph shall be prescribed by Ordinance of the Ministry of Health, Labour and Welfare.
- (3) A Designated Juridical Person shall, in commencing all or part of the Welfare-Related Business, notify the Minister of Health, Labour and Welfare, by type of the business, of the scheduled start date of said business and the location of the office executing the business. The provisions above shall apply to the case where a designated juridical person intends to change the location of the office executing said business.
- (4) The Minister of Health, Labour and Welfare shall publicly notify types of Welfare-Related Business which the Minister makes a Designated Juridical Person

execute pursuant to the provision of paragraph 1 and the matters pertaining to the notification prescribed in the preceding paragraph.

**Article 40 (Approval of Business Regulations)**

- (1) A Designated Juridical Person shall, in carrying out the Welfare-Related Business, prepare regulations required for the execution of said business (hereinafter referred to as "Business Regulations") and obtain an approval of the Minister of Health, Labour and Welfare prior to commencing said business. The provisions above shall apply to the case where the Designated Juridical Person intends to change said regulations.
- (2) The Minister of Health, Labour and Welfare may, when cases occur which the Business Regulations approved provided for in the preceding paragraph as becoming inappropriate in terms of proper and steady execution of the Welfare-Related Business, order a change of said business regulations.
- (3) Matters to be specified in the Business Regulations shall be prescribed by Ordinance of the Ministry of Health, Labour and Welfare.

**Article 41 (The Minister of Health, Labour and Welfare's Approval for Provision of Welfare-Related Benefits)**

A Designated Juridical Person shall, in the case of carrying out, among its Welfare-Related Businesses, the business pertaining to Article 39 paragraph 1 item (ii) (referred to in the following Article and Article 48 as "Benefits Business") and intending to receive the benefits set forth in the same item, obtain an approval from the Minister of Health, Labour and Welfare, pursuant to Ordinance of the Minister of Health, Labour and Welfare.

**Article 42 (Reports)**

A Designated Juridical Person may, in executing a Benefits Business and finding it necessary with regard to said business, request an employer to submit reports on necessary matters.

**Article 43 (Business Plan, etc.)**

- (1) A Designated Juridical Person shall, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, prepare a business plan and a budget for revenue and expenditure for each business year, and obtain an approval of the Minister of Health, Labour and Welfare. The provisions above shall apply to the case where the Designated Juridical Person intends to change said plan or budget.
- (2) A Designated Juridical Person shall, pursuant to Ordinance of the Ministry of Health, Labour and Welfare, prepare a business report, a balance sheet, a statement of accounts, and an asset inventory, and submit said documents to the

Minister for approval after each business year ends.

**Article 44 (Separate Accounting)**

A Designated Juridical Person shall, in executing the Welfare-Related Business, separate the accounts for the Welfare-Related Business and those for other businesses.

**Article 45 (Grants)**

The State may, within the limits of the budget, grant a Designated Juridical Person the amount of money equivalent to all or part of the cost necessary for the Welfare-Related Business.

**Article 46 (Referral to an Ordinance of the Ministry of Health, Labour and Welfare)**

In addition to what is provided for in this Section, the financial and accounting matters required for a Designated Juridical Person to execute the Welfare-Related Business shall be prescribed by Ordinance of the Ministry of Health, Labour and Welfare.

**Article 47 (Appointment and Dismissal of Officers)**

- (1) No appointment or dismissal of an officer of a Designated Juridical Person shall be effective without approval of the Minister of Health, Labour and Welfare.
- (2) The Minister of Health, Labour and Welfare may, in the event that an officer of a Designated Juridical Person commits any act in violation of the provisions of this section (including orders and dispositions pursuant to said provisions) or the Business Regulations approved under Article 40 paragraph 1, or commits a grossly improper act with regard to the business prescribed in Article 38, order the Designated Juridical Person to dismiss said officer.

**Article 48 (Status of Officers and Personnel as Public Employees)**

Officers and personnel of a Designated Juridical Person who are engaged in a Benefits Business shall, pursuant to laws and regulations, be deemed as personnel engaged in public service when subject to the Criminal Code (Act No. 45 of 1907) and other penal provisions.

**Article 49 (Reports and Inspections)**

- (1) The Minister of Health, Labour and Welfare may, within the limit necessary for securing the proper execution of the businesses prescribed in Article 38, make a Designated Juridical Person submit necessary reports with regard to the business prescribed in the same Article or the assets, or may permit the Ministry personnel to enter the offices of the Designated Juridical Person and inspect the businesses,

accounting books, documents or other articles.

- (2) An official who enters and inspects pursuant to the provision of the preceding paragraph shall carry a certificate for identification and produce it to the people concerned.
- (3) The authority to enter and inspect pursuant to the provision of paragraph 1 shall not be construed as the authority to conduct criminal investigations.

#### **Article 50 (Supervisory Orders)**

The Minister of Health, Labour and Welfare may, within the limit necessary for implementing the provisions of this section, give a Designated Juridical Person orders necessary for the supervision of the businesses prescribed in Article 38.

#### **Article 51 (Rescission, etc. of Designation)**

- (1) The Minister of Health, Labour and Welfare may, in the event that a Designated Juridical Person falls under any of the following items, rescind the designation prescribed in Article 36 paragraph 1 (hereinafter referred to as "Designation") or set a period of time for suspension of all or part of the businesses prescribed in Article 38:
  - (i) When said Designated Juridical Person is recognized as being unable to execute the businesses prescribed in Article 38 appropriately and steadily;
  - (ii) When said Designated Juridical Person has committed an unjust act with regard to said Designation;
  - (iii) When said Designated Juridical Person is in violation of the provisions of this section, or orders or dispositions in accordance therewith;
  - (iv) When said Designated Juridical Person is in violation of the conditions prescribed in Article 37 paragraph 1; or
  - (v) When said Designated Juridical Person executes the Welfare-Related Business in defiance of business regulations approved pursuant to the provision of Article 40 paragraph 1.
- (2) The Minister of Health, Labour and Welfare shall, in the event of rescinding said Designation or ordering the suspension of all or part of the businesses prescribed in Article 38 pursuant to the provision of the preceding paragraph, publicly notify said rescission or order.

#### **Article 52 (Welfare-related Business to be Executed by the Minister of Health, Labour and Welfare)**

- (1) The Minister of Health, Labour and Welfare shall, in the event of rescinding said designation or ordering suspension of all or part of the Welfare-Related Businesses pursuant to the provision of paragraph 1 of the preceding Article , or in the event of finding it necessary when it becomes difficult for the Designated



Juridical Person to execute the Welfare-Related Business, execute said businesses by himself or herself.

- (2) The Minister of Health, Labour and Welfare shall, when the Minister intends to execute a Welfare-Related Business pursuant to the provision of the preceding paragraph or intends to cease a Welfare-Related Business which is being executed pursuant to the provision of the same paragraph, publicly notify said intention in advance.
- (3) In cases where the Minister of Health, Labour and Welfare intends to execute the Welfare-Related Business pursuant to the provision of paragraph 1 or intends to cease said business which is being executed pursuant to the provision of the same paragraph, necessary matters required for the succession of said Welfare-Related Business or other duties shall be prescribed by Ordinance of the Ministry of Health, Labour and Welfare.

## **Chapter 8 Miscellaneous Provisions**

### **Article 53 (Special Provisions of the Recruitment of Workers Needed to Handle the Business concerning Persons Obtaining Child Care Leave, etc.)**

- (1) In cases where a Small and Medium Sized Enterprise Operator who is a member of an Authorized Association of Small and Medium Sized Enterprises intends to make said association recruit workers needed to handle the business concerning persons who take Child Care Leave or Family Care Leave (including leaves equivalent to the leave above, the same shall apply hereinafter in this paragraph) during the period said persons take said Child Care Leave or Family Care Leave, and then said association intends to engage in said recruitment, the provisions of Article 36 paragraphs 1 and 3 of the Employment Security Act (Act No. 141 of 1947) shall not apply to said Small and Medium Sized Enterprise Operator who is a member of said association.
- (2) In this Article and the following Article, the meanings of the terms listed in the following items shall be as prescribed respectively in those items.
  - (i) Small and Medium Sized Enterprise Operator: a small and medium sized enterprise operator prescribed in Article 2 paragraph 1 of the Act on the Promotion of Improvement of Employment Management in Small and Medium-sized Enterprises for Securing Manpower and Creating Quality Jobs (Act No. 57 of 1991); and
  - (ii) Authorized Association of Small and Medium Sized Enterprises: a business cooperative association, etc. prescribed in Article 2 paragraph 2 of the Act on the Promotion of Improvement of Employment Management in Small and Medium-sized Enterprises for Securing Manpower and Creating Quality Jobs, which has been authorized, upon application from said business cooperative

association, etc., to be appropriated pursuant to the standards set by the Minister of Health, Labour and Welfare, as an entity which provides a Small and Medium Sized Enterprise Operator who is a member of the association with counseling services and support with regard to the measures to be taken by employers referred to in Article 22 or other matters.

- (3) The Minister of Health, Labour and Welfare may, when cases occur which an Authorized Association of Small and Medium Sized Enterprises has become inappropriate as an entity that provides counseling services and support set forth in item (ii) of the preceding paragraph, rescind the authorization set forth in the same item.
- (4) The Authorized Association of Small and Medium Sized Enterprises set forth in paragraph 1 shall, in intending to engage in said recruitment, then pursuant to Ordinance of the Ministry of Health, Labour and Welfare, notify the Minister of Health, Labour and Welfare of the recruitment period, the number of workers to be recruited, the recruitment area, and other matters with regard to the recruitment of workers and which are specified by Ordinance of the Ministry of Health, Labour and Welfare.
- (5) The provisions of Article 37 paragraph 2 of the Employment Security Act shall apply mutatis mutandis to the case where the notification prescribed in the provision of the preceding paragraph is made; the provisions of paragraphs 1 and 3 of Article 5-3, Article 5-4, Article 39, Article 41 paragraph 2, Article 48-3, Article 48-4, Article 50 paragraphs 1 and 2, and Article 51-2 of the same Act shall apply mutatis mutandis to an entity that engages in recruitment of workers by making a notification referred to in the provisions of the preceding paragraph; the provisions of Article 40 of the same Act shall apply mutatis mutandis to the payment of remuneration to an entity that engages in recruitment of workers by making a notification referred to in the provisions of the same paragraph; and the provisions of Article 50 paragraphs 3 and 4 of the same Act shall apply mutatis mutandis to the case where an administrative agency exercises official authority referred to in paragraph 2 of the same Article, as applied mutatis mutandis pursuant to this paragraph. In this case, the term "an entity that intends to carry out labor recruitment" in Article 37 paragraph 2 of the same Act shall be deemed to be replaced with "an entity that intends to engage in recruitment of workers by making a notification referred to in Article 53 paragraph 4 of the Act on the Welfare of Workers Who Take Care of a Child or a Family Member, Including Child Care and Family Care Leave," and the term "order to abolish recruitment business with regard to said workers, or period" in Article 41 paragraph 2 of the same Act shall be deemed to be replaced with "period."
- (6) With regard to the application of the provisions of Article 36 paragraph 2 and Article 42-2 of the Employment Security Act, the term "set forth in the preceding

paragraph" in Article 36 paragraph 2 of the Employment Security Act shall be deemed to be replaced with "which is to be paid by a person who intends to make people out of his/her employment engage in recruitment of workers and is to be paid to said people," and the term "a recruitment contractor prescribed in Article 39" in Article 42-2 of the same Act shall be deemed to be replaced with "an entity which engages in recruitment of workers by making a notification referred to in Article 53 paragraph 4 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members, Including Child Care and Family Care Leave."

- (7) The Minister of Health, Labour and Welfare may request an Authorized Association of Small and Medium Sized Enterprises to submit a report with regard to the status of provision of counseling services and support referred to in item (ii) of paragraph 2.

#### **Article 54**

The Public Employment Security Office shall, with regard to an Authorized Association of Small and Medium Sized Enterprises which engages in recruitment of workers pursuant to the provision of paragraph 4 of the preceding Article, endeavor to promote the effective and appropriate implementation of said recruitment of workers by means of providing employment information, the results of research and study about employment, etc. and by providing guidance on details and measures of said employment based on these information.

#### **Article 55 (Research, etc.)**

- (1) The Minister of Health, Labour and Welfare shall, for the purpose of contributing to the promotion, etc. of balancing work life and family life of Subject Workers, etc., implement research and study required for the employment management, development and improvement of vocational capability and other matters with regard to the subject workers, etc.
- (2) The Minister of Health, Labour and Welfare may request the heads of relevant Administrative Organs to offer information and other necessary cooperation required for the enforcement of this Act.
- (3) The Minister of Health, Labour and Welfare may, with regard to the enforcement of this Act, request necessary research reports from prefectural governors.

#### **Article 56 (Collecting Reports and Providing Advice, Guidance and Recommendations)**

The Minister of Health, Labour and Welfare may, when he or she finds it necessary for the enforcement of this Act, request reports from employers or give

advice, guidance, or recommendations thereto.

**Article 57 (Consultations with the Labour Policy Council)**

The Minister of Health, Labour and Welfare shall hear in advance the opinions of the Labour Policy Council in intending to enact or revise an Ordinance of the Ministry of Health, Labour and Welfare referred to in Article 2 items (iii) through (v), Article 5 paragraph 2 and paragraph 3 item (ii), Article 6 paragraph 1 items (ii) and (iii) (including cases where the provisions above apply mutatis mutandis to Article 12 paragraph 2 and Article 16-3 paragraph 2), Article 6 paragraph 3, Article 7 paragraphs 2 and 3 (including cases where the provisions above apply mutatis mutandis in Article 13), Article 8 paragraphs 2 and 3 (including cases where the provisions above apply mutatis mutandis to Article 14 paragraph 3), Article 9 paragraph 2 item (i), Article 11 paragraph 2 items (i) and (ii) (b), Article 12 paragraph 3, Article 15 paragraph 3 item (i), Article 17 paragraph 1 items (ii) and (iii), paragraph 3 and paragraph 4 item (i) (including cases where the provisions above apply mutatis mutandis to Article 18 paragraph 1), Article 19 paragraph 1 items (ii) and (iii), paragraph 3 and paragraph 4 item (i) (including cases where the provisions above apply mutatis mutandis to Article 20 paragraph 1), Article 23, and Article 39 paragraph 1 item (ii) and paragraph 2; in intending to formulate the guidelines referred to in Article 28 or in specifying other important matters with regard to the enforcement of this Act.

**Article 58 (Delegation of Authority)**

Part of the authority of the Minister of Health, Labour and Welfare provided for in this Act may be delegated to the Director-General of the Prefectural Labour Bureau pursuant to Ordinance of the Ministry of Health, Labour and Welfare.

**Article 59 (Referral to the Ordinance of the Ministry of Health, Labour and Welfare)**

In addition to what is provided for in this Act, procedures and other matters required for the implementation of this Act shall be prescribed by Ordinance of the Ministry of Health, Labour and Welfare.

**Article 60 (Special Provisions for Mariners)**

- (1) The provisions of Chapter 4, Articles 36 through 54, and Articles 62 through 67 shall not apply to persons intending to become mariners prescribed in Article 6 paragraph 1 of the Act Relating to the Security of Employment of Mariners (Act No. 130 of 1948) and mariners subject to the provisions of the Mariners' Act (Act No. 100 of 1947) (referred to in the following paragraph as "Mariners, etc.").
- (2) With regard to the Mariners, etc., certain terms of this Act shall be replaced as stated below. The term "Ordinance of the Ministry of Health, Labour and Welfare"

in the following provisions shall be deemed to be replaced with "Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism": Article 2 items (iii) through (v); Article 5 paragraph 2; paragraph 3 item (ii) and paragraph 4; Article 6 paragraph 1 items (ii) and (iii) (including cases where the provisions above apply mutatis mutandis to Article 12 paragraph 2 and Article 16-3 paragraph 2), Article 6 paragraph 3; Article 7 (including cases where the provisions above apply mutatis mutandis to Article 13); Article 8 paragraphs 2 and 3 (including cases where the provisions above apply mutatis mutandis to Article 14 paragraph 3); Article 9 paragraph 2 items (i) and paragraph 3; Article 11 paragraph 2 items (i) and (ii) (b), and paragraph 3; Article 12 paragraph 3; Article 15 paragraph 3 items (i) and paragraph 4; Article 16-2 paragraph 2; Article 19 paragraph 1 items (ii) and (iii), paragraphs 2 and 3, and paragraph 4 item (i) (including cases where the provisions above apply mutatis mutandis to Article 20 paragraph 1); Article 19 paragraph 5; Article 20 paragraph 2; Article 21 paragraph 1 item (iii) and paragraph 2; Article 23; Article 29; Article 57; Article 58; and Article 59. The term "a leave period pursuant to the provision of Article 65 paragraph 1 or 2 of the Labor Standards Act (Act No. 49 of 1947)" in Article 9 paragraph 2 item (iii) shall be deemed to be replaced with "a period of absence from work pursuant to the provision of Article 87 paragraph 1 or 2 of the Mariners' Act (Act No. 100 of 1947)". The term "a leave pursuant to the provision of Article 65 paragraph 1 or 2 of the Labour Standards Act" in Article 15 paragraph 3 item (ii) and Article 19 paragraph 4 item (iii) shall be deemed to be replaced with "a period of absence from work in accord pursuant to the provision of Article 87 paragraph 1 or 2 of the Seafarers' Act. The term "Minister of Health, Labour and Welfare" in Article 28 and Articles 55 through 58 shall be deemed to be replaced with "Minister of Land, Infrastructure, Transport and Tourism." The term "paragraph 3 item (i), Article 17 paragraph 1 items (ii) and (iii), Article 17 paragraph 3 and paragraph 4 item (i) (including cases where the provisions above apply mutatis mutandis to Article 18 paragraph 1)" in Article 57 shall be deemed to be replaced with "paragraph 3 item (i)." The term "Article 23, and Article 39 paragraph 1 item (ii) and paragraph 2" in the same Article shall be deemed to be replaced with "and Article 23." The term "Labour Policy Council" in the same Article shall be deemed to be replaced with "Seafarers' Central Labour Commission." The term "Director-General of Prefectural Labour Bureau" in Article 58 shall be deemed to be replaced with "Director-General of District Transport Bureau (including the Director of Transport Supervision Department)."

#### **Article 61 (Special Provisions for Public Officers)**

- (1) The provisions of Chapters 2 through 6, Article 30, Article 53, Article 54, Article 56, the preceding Article, the following Article, Article 63 and Article 65 shall not

apply to the national and local public officers.

- (2) With regard to national and local public officers, the term "Former Employee who Resigned due to Child Care, etc." in Article 32 shall be deemed to be replaced with "Former Employee who Resigned due to Child Care, etc. (which are prescribed in Article 27; the same shall apply hereinafter)"; and the term "Subject Workers etc." in Article 34 paragraph 2 shall be deemed to be replaced with "Subject Workers, etc. (which are prescribed in Article 30; the same shall apply hereinafter)."
- (3) A national public officer who is subject to the Special Act on Wages, etc. of Personnel Working in National Enterprises Managing National Forest (Act No. 141 of 1954; referred to as "Special Wage Act" hereinafter in this Article) (excluding a national public officer who is not required to work full-time or does not hold an official post with part-time working hours prescribed in Article 81-5 paragraph 1 of the National Public Service Act (Act No. 120 of 1947), the same shall apply in this Article) may, upon obtaining an approval of the Minister of Agriculture, Forestry and Fisheries or a person to whom the Minister, pursuant to the provisions of a Cabinet Order, delegates the authority prescribed in Article 4 of the Special Wage Act (hereinafter referred to as "the Minister of Agriculture, Forestry and Fisheries, etc."), take leave in order to take care of a person who is a spouse, a parent, a child, or a parent of a spouse of said national public officer and who, due to injury, sickness, or physical or mental disability, has difficulty in leading his/her daily life for a period specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in Article 2 item (iii) (referred to as a "Family Member in Care-requiring Condition" hereinafter in this Article).
- (4) A period pursuant to the provision of the preceding paragraph for which leave may be taken shall be a period that is found necessary, with regard to each Family Member in Care-requiring Condition, for each continued care-requiring condition prescribed in the same paragraph, up to three consecutive months.
- (5) The Minister of Agriculture, Forestry and Fisheries, etc. shall, when an approval for leave is requested from a national public officer who intends to obtain said approval pursuant to the provisions of paragraph 3, approve said request, excluding days or hours, among the period pertaining to the request, which are found to impede the operation of public duties.
- (6) The provisions of the preceding three paragraphs shall apply mutatis mutandis to an employee of a designated Incorporated Administrative Agency prescribed in Article 2 paragraph 2 of the Act on the General Rules for Incorporated Administrative Agency (Act No. 103 of 1999; excluding an employee who is not required to work full-time and does not hold an official post with part-time working hours prescribed in Article 81-5 paragraph 1 of the National Public Service Act; referred to as an "Employee of a Specified Incorporated

Administrative Agency" hereinafter in this Article). In this case, the term "A national public officer who is subject to the Special Act on Wages, etc. of Personnel Working in National Enterprises Managing National Forest (Act No. 141 of 1954; referred to as the "Special Wage Act" hereinafter in this paragraph)" in paragraph 3 shall be deemed to be replaced with "An employee of a Specified Incorporated Administrative Agency prescribed in Article 2 paragraph 2 of the Act on the General Rules for Incorporated Administrative Agency (Act No. 103 of 1999) (referred to as the "Specified Incorporated Administrative Agency" hereinafter in this Article)"; the term "a national officer who is not required" in the same paragraph shall be deemed to be replaced with "an employee who is not required"; the term "the Minister of Agriculture, Forestry and Fisheries or a person to whom the Minister, pursuant to a Cabinet Order, delegates the authority prescribed in Article 4 of the Special Wage Act (hereinafter referred to as "the Minister of Agriculture, Forestry and Fisheries, etc.)" in the same paragraph shall be deemed to be replaced with "the head of the Specified Incorporated Administrative Agency at which said employee works"; the term "said national public officer" in the same paragraph shall be replaced with "said employee"; the term "the Minister of Agriculture, Forestry and Fisheries, etc." in the preceding paragraph shall be deemed to be replaced with "the head of a Specified Incorporated Administrative Agency"; and the term "a national public officer" in the same paragraph shall be deemed to be replaced with "an employee."

- (7) The provisions of paragraphs 3 through 5 above shall apply mutatis mutandis to an employee of Japan Post (excluding an employee who is not required to work full-time and does not hold an official post with part-time working hours prescribed in Article 81-5 paragraph 1 of the National Public Service Act; referred to as "Employee of Japan Post" hereinafter in this Article). In this case, the term "a national public officer who is subject to the Special Act on Wages, etc. of Personnel Working in National Enterprises Managing National Forest (Act No. 141 of 1954; referred to as "Special Wage Act" hereinafter in this paragraph)" in paragraph 3 shall be deemed to be replaced with "an employee of Japan Post"; the term "a national public officers who is not required" in the same paragraph shall be deemed to be replaced with "an employee who is not required"; the term "the Minister of Agriculture, Forestry and Fisheries, etc. or a person to whom the Minister, pursuant to the provisions of a Cabinet Order, delegates the authority prescribed in Article 4 of the Special Wage Act (hereinafter referred to as "the Minister of Agriculture, Forestry and Fisheries, etc.)" in the same paragraph shall be deemed to be replaced with "the president of Japan Post"; the term "said national public officer" in the same paragraph shall be deemed to be replaced with "said employee"; the term "the Minister of Agriculture, Forestry and Fisheries, etc." in paragraph 5 shall be deemed to be replaced with "the president of Japan

Post"; and the term "national public officer" in the same paragraph shall be deemed to be replaced with "employee."

- (8) The provisions of paragraphs 3 through 5 above shall apply mutatis mutandis to leave taken by an employee prescribed in Article 4 paragraph 1 of the Local Public Service Act (Act No. 261 of 1950) (excluding part-time personnel who do not hold an official post with short working hours prescribed in Article 28-5 paragraph 1 of the same Act, the same shall apply hereinafter in this Article), for the purpose of taking care of his/her Family Member in Care-requiring Condition. In this case, the term "the Minister of Agriculture, Forestry and Fisheries or a person to whom the Minister, pursuant to the provisions of a Cabinet Order, delegates the authority prescribed in Article 4 of the Special Wage Act (hereinafter referred to as "the Minister of Agriculture, Forestry and Fisheries, etc.\*)" in paragraph 3 shall be deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act (Act No. 261 of 1950) (or the municipal board of education with regard to the educational personnel whose wages are paid by a prefectural government prescribed in Article 37 paragraph 1 of the Act on the Organization and Operation of Local Educational Administration (Act No. 162 of 1956), the same shall apply hereinafter)"; and the term "the Minister of Agriculture, Forestry and Fisheries, etc." in paragraph 5 shall be deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act."
- (9) A national public officer who is subject to the Special Wage Act and is taking care of a child before the time of commencement of elementary school may obtain a leave to take care of the child in the event of injury or sickness to said child with the approval of the Minister of Agriculture, Forestry and Fisheries, etc.
- (10) The number of days for leave that the officer may obtain pursuant to the provision of the preceding paragraph shall be five days per year.
- (11) The Minister of Agriculture, Forestry and Fisheries, etc. shall, when an approval for leave is requested from a national public officer who intends to obtain said approval pursuant to the provisions of paragraph 9, approve said request, except in cases where said request would be found to impede the operation of public duties.
- (12) The provisions of the preceding three paragraphs shall apply mutatis mutandis to an employee of a Specified Incorporated Administrative Agency. In this cases, the term "a national public officers who is subject to the Special Wage Act" in paragraph 9 shall be deemed to be replaced with "an employee of a Specified Incorporated Administrative Agency"; the term "the Minister of Agriculture, Forestry and Fisheries, etc." in the same paragraph shall be deemed to be replaced with "the head of a Specified Incorporated Administrative Agency prescribed in



Article 2 paragraph 2 of the Act on the General Rules for Incorporated Administrative Agency, for which said employee works"; the term "the Minister of Agriculture, Forestry and Fisheries, etc." in the preceding paragraph shall be deemed to be replaced with "the head of a Specified Incorporated Administrative Agency as set forth in Article 2 paragraph 2 of the Act on the General Rules for Incorporated Administrative Agency"; and the term "national public officer" in the same paragraph shall be deemed to be replaced with "an employee of a Specified Incorporated Administrative Agency."

(13) The provisions of paragraphs 9 through 11 shall apply mutatis mutandis to a Employee of Japan Post. In this case, the term "a national public officer who is subject to the Special Wage Act" in paragraph 9 shall be deemed to be replaced with "an employee of Japan Post"; the term "the Minister of Agriculture, Forestry and Fisheries, etc." shall be deemed to be replaced with "the president of Japan Post"; the term "the Minister of Agriculture, Forestry and Fisheries, etc." in paragraph 11 shall be deemed to be replaced with "the president of Japan Post"; and the term "national public officer" in the same paragraph shall be deemed to be replaced with "employee of Japan Post."

(14) The provisions of paragraphs 9 through 11 shall apply mutatis mutandis to employees prescribed in Article 4 paragraph 1 of the Local Public Service Act. In this case, the term "a national public officer who is subject to the Special Wage Act" in paragraph 9 shall be deemed to be replaced with "an employee prescribed in Article 4 paragraph 1 of the Local Public Service Act"; the term "the Minister of Agriculture, Forestry and Fisheries, etc." in the same paragraph shall be deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act (or the municipal board of education with regard to the educational personnel whose wages are paid by a prefectural government prescribed in Article 37 paragraph 1 of the Act on the Organization and Operation of Local Educational Administration (Act No. 162 of 1956); the same shall apply hereinafter)"; the term "the Minister of Agriculture, Forestry and Fisheries, etc." in paragraph 11 shall be deemed to be replaced with "an appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act"; and the term "national public officer" in the same paragraph shall be deemed to be replaced with "employee prescribed in Article 4 paragraph 1 of the same Act."

(15) The Minister of Agriculture, Forestry and Fisheries, etc. shall, in cases where a national public officer subject to the Special Wage Act may extend Working Hours prescribed in Article 36 paragraph 1 of the Labor Standards Act pursuant to the main clause of the same paragraph when a national public officer who is taking care of a child before the time of commencement of elementary school (when the provisions of Article 17 paragraph 1 apply, said officer shall be limited to a person

who does not fall under any of the items therein) makes a request in order to take care of said child, the Minister, etc., approve not extending said officer's working hours beyond a limit (which refers to a limit on overtime work prescribed in the same Article; the same shall apply in this Article) as long as no impediment is found to the operation of public duties.

- (16) The provisions set forth in the preceding paragraph shall apply mutatis mutandis to a national public officer who is subject to the Special Wage Act and taking care of a Family Member in Care-requiring Condition. In this case, the term "Article 17 paragraph 1" in the same paragraph shall be deemed to be replaced with "Article 17 paragraph 1, as applied mutatis mutandis pursuant to Article 18 paragraph 1"; the term "any of the items therein" in the same paragraph shall be deemed to be replaced with "Article 17 paragraph 1 item (i) or (iii), as applied mutatis mutandis pursuant to Article 18 paragraph 1"; and the term "take care of said child" in the same paragraph shall be deemed to be replaced with "take care of said Family Member in Care requiring Condition."
- (17) The head of a Specified Incorporated Administrative Agency prescribed in Article 2 paragraph 2 of the Act on the General Rules for Incorporated Administrative Agency shall, in cases where an employee of a Specified Incorporated Administrative Agency may extend Working Hours prescribed in Article 36 paragraph 1 of the Labor Standards Act pursuant to the main clause of the same paragraph when an employee of a Specified Incorporated Administrative Agency who is taking care of a child before the time of commencement of elementary school (when the provisions of Article 17 paragraph 1 apply, said employee shall be limited to a person who does not fall under any of the items therein) makes a request in order to take care of said child, approve not extending said employee's working hours beyond a limit as long as no impediment is found to the operation of business.
- (18) The provisions set forth in the preceding paragraph shall apply mutatis mutandis to an employee of a Specified Incorporated Administrative Agency who is taking care of a Family Member in Care-requiring Condition. In this case, the term "Article 17 paragraph 1" in the same paragraph shall be deemed to be replaced with "Article 17 paragraph 1, as applied mutatis mutandis pursuant to Article 18 paragraph 1"; the term "any of the items in the same paragraph" shall be deemed to be replaced with "Article 17 paragraph 1 item (i) or (iii), as applied mutatis mutandis pursuant to Article 18 paragraph 1"; and the term "take care of said child" in the same paragraph shall be deemed to be replaced with "take care of said Family Member in Care-requiring Condition."
- (19) The president of Japan Post shall, in cases where an Employee of Japan Post may extend Working Hours prescribed in Article 36 paragraph 1 of the Labor Standards Act pursuant to the main clause of the same paragraph when an

employee of Japan Post who is taking care of a child before the time of commencement of elementary school (when the provisions of Article 17 paragraph 1 apply, said employee shall be limited to a person who does not fall under any of the items therein) makes a request in order to take care of said child, approve not extending said employee's working hours beyond a limit as long no impediment is found to the operation of business.

- (20) The provisions of the preceding paragraph shall apply mutatis mutandis to an Employee of Japan Post who is taking care of a Family Member in Care-requiring Condition. In this case, the term "Article 17 paragraph 1" in the same paragraph shall be deemed to be replaced with "Article 17 paragraph 1, as applied mutatis mutandis pursuant to Article 18 paragraph 1"; the term "any of the items in the same paragraph" shall be deemed to be replaced with "Article 17 paragraph 1 item (i) or (iii) as applied mutatis mutandis pursuant to Article 18 paragraph 1"; and the term "take care of said child" in the same paragraph shall be deemed to be replaced with "take care of said Family Member in Care-requiring Condition."
- (21) An appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act (or the municipal board of education with regard to the educational personnel whose wages are paid by a prefectural government prescribed in Article 37 paragraph 1 of the Act on the Organization and Operation of Local Educational Administration (Act No. 162 of 1956)) shall, in cases where an employee prescribed in Article 4 paragraph 1 of the Local Public Service Act may extend Working Hours prescribed in Article 36 paragraph 1 of the Labor Standards Act pursuant to the main clause of the same paragraph when an employee prescribed in Article 4 paragraph 1 of said Local Public Service Act who is taking care of a child before the time of commencement of elementary school (when the provisions of Article 17 paragraph 1 apply, said employee shall be limited to a person who does not fall under any of the items therein) makes a request in order to take care of said child, approve not extending said employee's working hours beyond a limit as long as no impediment is found to the operation of public duties.
- (22) The provisions of the preceding paragraph shall apply mutatis mutandis to an employee prescribed in Article 4 paragraph 1 of the Local Public Service Act who is taking care of a Family Member in Care-requiring Condition. In this case, the term "Article 17 paragraph 1" in the preceding paragraph shall be deemed to be replaced with "Article 17 paragraph 1 as applied mutatis mutandis pursuant to Article 18 paragraph 1"; the term "any of the items in the same paragraph" shall be deemed to be replaced with "Article 17 paragraph 1 item (i) or (iii) as applied mutatis mutandis pursuant to Article 18 paragraph 1"; and the term "take care of said child" in the same paragraph shall be deemed to be replaced with "take care of said Family Member in Care-requiring Condition."

- (23) The Minister of Agriculture, Forestry and Fisheries, etc. shall, in cases where a national public officer subject to the Special Wage Act who is taking care of a child before the time of commencement of elementary school and does not fall under any of the items of Article 19 paragraph 1 when the provisions above apply to him or her, makes a request in order to take care of said child, approve the employee's not working at Late-night (Late-Night is prescribed under the same paragraph; the same shall apply hereinafter in this Article) as long as no impediment is found to the operation of public duties.
- (24) The provisions of the preceding paragraph shall apply mutatis mutandis to a national public officer who is subject to the Special Wage Act and is taking care of a Family Member in Care-requiring Condition. In this case, the term "Article 19 paragraph 1" in the same paragraph shall be deemed to be replaced with "Article 19 paragraph 1 as applied mutatis mutandis pursuant to Article 20 paragraph 1"; the term "any of the items in the same paragraph" shall be deemed to be replaced with "any of the items of Article 19 paragraph 1 which apply mutatis mutandis to Article 20 paragraph 1"; and the term "taking care of said child" in the same paragraph shall be deemed to be replaced with "taking care of said Family Member in Care-requiring condition."
- (25) The head of a Specified Incorporated Administrative Agency prescribed in Article 2 paragraph 2 of the Act on the General Rules for Incorporated Administrative Agency shall, in cases where an employee of a Specified Incorporated Administrative Agency who is taking care of a child before the time of commencement of elementary school and does not fall under any of the items of Article 19 paragraph 1 when the said provisions above apply to him or her, makes a request in order to take care of said child, approve the employee's not working at Late-Night as long as no impediment is found to the operation of business.
- (26) The provisions of the preceding paragraph shall apply mutatis mutandis to an employee of a Specified Incorporated Administrative Agency who is taking care of a Family Member in Care-requiring Condition. In this case, the term "Article 19 paragraph 1" in the same paragraph shall be deemed to be replaced with "Article 19 paragraph 1 as applied mutatis mutandis pursuant to Article 20 paragraph 1"; the term "any of the items in the same paragraph" shall be deemed to be replaced with "any of the items of Article 19 paragraph 1 which apply mutatis mutandis to Article 20 paragraph 1"; and the term "taking care of said child" in the same paragraph shall be deemed to be replaced with "taking care of said Family Member in Care-requiring Condition."
- (27) The president of Japan Post shall, in cases where an Employee of Japan Post who is taking care of a child before the time of commencement of elementary school and does not fall under any of the items of Article 19 paragraph 1 when the provisions above apply to him or her, makes a request in order to take care of said

child, approve the employee's not working at Late-Night as long as no impediment is found to the operation of business.

- (28) The provisions of the preceding paragraph shall apply mutatis mutandis to an Employee of Japan Post who is taking care of a Family Member in Care-requiring Condition. In this case, the term "Article 19 paragraph 1" in the same paragraph shall be deemed to be replaced with "Article 19 paragraph 1 as applied mutatis mutandis pursuant to Article 20 paragraph 1"; the term "any of the items in the same paragraph" shall be deemed to be replaced with "any of the items of Article 19 paragraph 1 which apply mutatis mutandis to Article 20 paragraph 1"; and the term "taking care of said child" in the same paragraph shall be deemed to be replaced with "taking care of said Family Member in Care-requiring Condition."
- (29) An appointer or a person to whom the appointer delegates the authority prescribed in Article 6 paragraph 1 of the Local Public Service Act (or the municipal board of education with regard to the educational personnel whose wages are paid by a prefectural government prescribed in Article 37 paragraph 1 of the Act on the Organization and Operation of Local Educational Administration) shall, in cases where an employee prescribed in Article 4 paragraph 1 of the Local Public Service Act who is taking care of a child before the time of commencement of elementary school and does not fall under any of the items of Article 19 paragraph 1 when the provisions above apply to him or her, makes a request in order to take care of said child, approve the employee's not working at Late-Night as long as no impediment is found to the operation of public duties.
- (30) The provisions of the preceding paragraph shall apply mutatis mutandis to an employee prescribed in Article 4 paragraph 1 of the Local Public Service Act who is taking care of a Family Member in Care-requiring Condition. In this case, the term "Article 19 paragraph 1" in the same paragraph shall be deemed to be replaced with "Article 19 paragraph 1 as applied mutatis mutandis pursuant to Article 20 paragraph 1"; the term "any of the items in the same paragraph" shall be deemed to be replaced with "any of the items of Article 19 paragraph 1 which apply mutatis mutandis to Article 20 paragraph 1"; and the term "taking care of said child" in the same paragraph shall be deemed to be replaced with "taking care of said Family Member in Care-requiring Condition."

#### **Article 62 (Penal Provisions)**

A person who engaged in recruitment of workers in violation of a suspension order of business pursuant to the provision of Article 41 paragraph 2 of the Employment Security Act as applied mutatis mutandis pursuant to Article 53 paragraph 5, shall be punished by imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen.

### **Article 63**

A person who falls under any of the following items shall be punished by imprisonment with work for not more than 6 months or a fine of not more than 300,000 yen:

- (i) A person who engaged in recruitment of workers without notification prescribed in Article 53 paragraph 4;
- (ii) A person who did not obey the instructions prescribed in Article 37 paragraph 2 of the Employment Security Act as applied mutatis mutandis pursuant to Article 53 paragraph 5; or
- (iii) A person who violates the provisions of Article 39 or 40 of the Employment Security Act as applied mutatis mutandis pursuant to Article 53 paragraph 5.

### **Article 64**

A person who falls under any of the following items shall be punished by a fine of not more than 500,000 yen:

- (i) A person who fails to submit a report prescribed in Article 42, or makes a false report; or
- (ii) A person who fails to submit a report prescribed in Article 49 paragraph 1, makes a false report, or refuses, obstructs or recuses an entry or an inspection prescribed in the same paragraph.

### **Article 65**

A person who fails to submit a report prescribed in Article 50 paragraph 1 of the Employment Security Act as applied mutatis mutandis pursuant to Article 53 paragraph 5, or makes a false report, or refuses, obstructs or recuses an entry or an inspection prescribed in Article 50 paragraph 2 of the same Act as applied mutatis mutandis pursuant to Article 53 paragraph 5, or fails to answer a question or makes a false statement shall be punished by a fine of not more than 300,000 yen.

### **Article 66**

When a representative of a juridical person, an agent of a juridical person or an individual, a worker or other employees have/has committed an act in violation of Articles 62 through 65 with regard to the business of said juridical person or individual, not only the offender but also said juridical person or individual shall be punished by the fine prescribed in the respective Articles.

### **Article 67**

When an officer of a Designated Juridical Person failed to obtain an approval from the Minister of Health, Labour and Welfare in cases where said approval is necessary pursuant to the provisions of Article 41, the officer who committed the

violation shall be punished by a civil fine of not more than 200,000 yen.

**Supplementary Provisions (Extract)**

**Article 1 (Effective Date)**

This Act shall come into force as from April 1, 1992.

**Supplementary Provisions (Act No. 160 of December 8, 2004) (Extract)**

**Article 1 (Effective Date)**

This Act shall come into force as from April 1, 2005.

**Article 2 (Review)**

When an appropriate period of time elapses after the execution of this Act, the government shall take necessary measures based on a comprehensive review of the system, etc. of Child Care Leave, etc. pertaining to persons employed for a fixed period of time, by considering the implementation of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave revised by the provision of Article 1 (hereinafter referred to as the "New Act").

**Article 3 (Transitional Measures concerning Application for Child Care Leave)**

A worker who intends to file an application pursuant to the provision of Article 5 paragraph 3 of the New Act in order to take Child Care Leave prescribed in the same paragraph on and after the day on which this Act comes into force (hereinafter referred to as "Effective Date") may file said application according to the provisions of paragraphs 3 and 4 of the same Article even prior to the effective date.