

\* The Japanese version is the authoritative version, and this English translation is intended for reference purposes only. Should any discrepancies or doubts arise between the two versions, the Japanese version will prevail.

## **The University of Tokyo Regulations on Child and Family Care Leave for Academic and Administrative Staff**

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### **Chapter 1 General Provisions**

#### **Article 1 Purpose**

The purpose of these Regulations is to provide for child care leave, family care leave, etc. for University of Tokyo academic and administrative staff (hereinafter referred to as “employees”) pursuant to Article 27 of the University of Tokyo Rules on Working Hours and Paid Leave, etc. for Academic and Administrative Staff (Rules No. 13 of 2004; hereinafter referred to as the “Rules on Working Hours”).

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

#### **Article 2 Employees Eligible for Child Care Leave**

1. Employees who wish to take leave to take care of a child and who fall under both of the following items may, pursuant to the provision of these Regulations, take leave to take care of the child (hereinafter referred to as “child care leave”):
  - (1) Employees who reside with and take care of a child (referring to a child with whom the employee has a legal parental relationship, including an adopted child; the same shall apply hereinafter) under the age of three; and
  - (2) Employees who intend to return to work at the end of the child care leave.
2. Notwithstanding the provision of the preceding paragraph, employees who fall under the scope of persons prescribed in Article 6, paragraph 1 of the 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 1991; hereinafter referred to as the “Care Leave Act”) and Articles 7 of the Ordinance for Enforcement of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (Ministry of Labour Ordinance No. 25 of 1991; hereinafter referred to as the “Ordinance on the Care Leave Act”) and who are excluded from persons eligible to take child care leave, may not take child care leave based on an agreement pursuant to Article 6 of the Care Leave Act.

### **Article 3 Request for Child Care Leave**

1. Employees who wish to take child care leave shall submit a request by specifying the expected start date and end date of the continuous period of leave, which is to end no later than the day that the relevant child reaches the age of three (hereinafter those dates shall respectively be referred to as the “expected start date of child care leave” and the “expected end date of child care leave”).
2. Employees may make the request for child care leave in the preceding paragraph up to three times (including withdrawn requests for child care leave for the relevant child) for the same child (twins or multiple birth children are considered to be one child), except in special circumstances.
3. The request for child care leave shall, in principle, be submitted at least one month before the expected start date of child care leave, using the child care leave request form.
4. Employees submitting a request for child care leave (hereinafter referred to as the “employee requesting child care leave”) may be required to also submit, when deemed necessary, documentation attesting to the reason for the leave.
5. In cases where the child is born after submission of the request pertaining to the child, the employee requesting child care leave shall report the birth without delay.
6. After the employee requesting child care leave submits the request prescribed in paragraph 1, they shall be given a notice concerning the treatment of child care leave.

### **Article 4 Withdrawal of Request for Child Care Leave**

1. Employees requesting child care leave may withdraw their request at any time up to and including the day before the expected start date of child care leave.
2. If, after withdrawing a request, an employee submits another request for child care leave for the same child under the withdrawn request due to special circumstances, the employee requesting child care leave may take child care leave for that child (twins or multiple birth children are considered to be one child).

### **Article 5 Changes Regarding Period of Child Care Leave**

1. Employees requesting child care leave may change the expected start date of child care

leave once only if they make the request, in principle, no later than one week before the original expected start date of child care leave.

2. Employees on child care leave may change the expected end date of child care leave once only if they make the request, in principle, no later than one month before the original expected end date of child care leave. However, the expected end date of child care leave may be changed more than once if the employee is considered to have special circumstances warranting multiple changes.

#### **Article 6            Extension of Child Care Leave Due to Special Circumstances**

1. Employees on child care leave may extend the period of leave up to the first April 1 following the child's third birthday under special circumstances, such as if the child cannot be placed in a day nursery from the child's third birthday.
2. The child care leave extension prescribed in the preceding paragraph shall only be granted once to employees on child care leave for the child covered under that child care leave, except in cases where provision of child care to the same child would be significantly and adversely affected without an extension due to the spouse of the employee suffering from an injury or illness or other reasons unforeseeable at the time of the original request for extension.
3. Employees shall, in principle, submit a request for the child care leave extension prescribed in the preceding two paragraphs at least one month before the original expected end date of child care leave.

#### **Article 7            Termination of Child Care Leave**

1. If any of the following situations arise, a period of child care leave shall terminate, even before the expected end date of child care leave (or the expected end date after the changes or extension under Articles 5 or Article 6), on the day (or the day immediately before that day in the case of item (5)).
  - (1) The child dies.
  - (2) The child ceases to be a child of the employee requesting child care leave.
  - (3) The child ceases to reside with the employee requesting child care leave.
  - (4) The employee requesting child care leave becomes unable to take care of the child due to injury, illness, or physical or mental disability.
  - (5) The employee requesting child care leave is granted special leave under item (6) or (7) of Article 11 of the University of Tokyo Detailed Rules on Working Hours and Paid Leave, etc. for Academic and Administrative Staff (Rules No. 14 of 2004; hereinafter referred to as "Detailed Rules on Working Hours"), or commences family care leave or another type of child care leave.
  - (6) The employee requesting child care leave becomes subject to Article 2, paragraph 2 hereof.

2. Employees on child care leave shall, without delay, make a report if any of the situations set out in the items of the preceding paragraph arise during child care leave.

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

#### **Article 8 Employees Eligible for Family Care Leave**

1. Employees who need to take care of a family member requiring constant care for a period of two weeks or more due to injury, illness, or physical or mental disability (hereinafter referred to as “care-requiring condition”) may, as provided for in these Regulations, take leave to provide care for that family member (hereinafter referred to as “family care leave”).
2. The term “family member” used in the preceding paragraph refers to persons listed in the following items (hereinafter referred to as “subject family members”):
  - (1) Spouse;
  - (2) Parents;
  - (3) Children;
  - (4) Spouse’s parents;
  - (5) Dependent grandparents, siblings and grandchildren who reside with the employee who submitted the request for family care leave; and
  - (6) Family members other than the persons listed in the items above who are deemed to qualify as subject family members.
3. Notwithstanding the provisions of paragraph 1, employees who fall under the scope of persons prescribed in Article 12, paragraphs 2 and 3 of the Care Leave Act and Article 23 of the Ordinance on the Care Leave Act and who are not eligible to take family care leave pursuant to the agreement under Article 12 of the Care Leave Act may not take family care leave.

#### **Article 9 Request for Family Care Leave**

1. Employees who wish to take family care leave shall submit a request, specifying that a subject family member is in a care-requiring condition, and the expected start and end dates of the continuous period of the leave (hereinafter those dates shall respectively be referred to as the “expected start date of family care leave” and the “expected end date of family care leave”).
2. Employees may make the request in the preceding paragraph up to three times (including withdrawn requests for family care leave for the relevant subject family member) within the total period of sixth months per care-requiring condition (inclusive of the period subject to special provisions for family care leave prescribed in Article 13 (partial family care leave)), except in special circumstances.

3. If employees are granted special provisions for family care leave as prescribed in Article 13 (partial family care leave) with regard to the subject family member for whom the request in the preceding paragraph was submitted, and want to continue family care leave, the number of requests submitted for family care leave by the employee for the subject family member shall be deemed to be one.
4. The request for family care leave shall, in principle, be submitted at least two weeks before the expected start date of family care leave, using the family care leave request form.
5. Employees submitting a request for family care leave (hereinafter referred to as “employees requesting family care leave”) may be required to also submit, when deemed necessary, documentation attesting to the reason for the leave.
6. After employees requesting family care leave submit the request prescribed in paragraph 1, they shall be given a notice concerning the treatment of family care leave.

#### **Article 10           Withdrawal of Request for Family Care Leave**

1. Employees requesting family care leave may withdraw their request at any time up to and including the day before the expected start date of family care leave.
2. If, after withdrawing a request, an employee submits another request for family care leave for the same subject family member, the employee requesting family care leave may take family care leave for that subject family member.

#### **Article 11           Changes Regarding Period of Family Care Leave**

1. Employees requesting family care leave may change the expected start date of family care leave once only if they make the request, in principle, no later than one week before the original expected start date of family care leave.
2. Employees on family care leave may change the expected end date of family care leave once only if they make the request, in principle, no later than two weeks before the original expected end date of family care leave. However, the expected end date of family care leave may be changed more than once if the employee is considered to have special circumstances warranting multiple changes.

#### **Article 12           Termination of Family Care Leave**

1. If any of the following situations arise, a period of family care leave shall terminate, even before the expected end date of family care leave (or the expected end date after the changes under the preceding Article), on the day (or the day immediately before that day in the case of item (4)) when:
  - (1) The subject family member dies;
  - (2) The subject family member ceases to be a subject family member of the employee requesting family care leave;

- (3) The employee requesting family care leave becomes unable to take care of the subject family member due to injury, illness, or physical or mental disability;
  - (4) The employee requesting family care leave is granted special leave under item (6) or (7) of Article 11 of the Detailed Rules on Working Hours, or commences child care leave or another type of family care leave; or
  - (5) The employee requesting child care leave becomes subject to Article 8, paragraph 3 hereof.
2. Employee on family care leave shall, without delay, make a report if any of the situations listed in the items of the preceding paragraph arise during family care leave.

### **Article 13 Special Provisions for Family Care Leave**

1. Employees eligible for family care leave may, when especially necessary, take partial family care leave, which is provided in daily units.
2. The provisions of Article 9 (excluding paragraph 3) through Article 12 shall apply *mutatis mutandis* to requests for partial family care leave described in the preceding paragraph. In this case, the term “family care leave” shall be replaced with “partial family care leave.”
3. As prescribed in Article 9, if an employee has already been on family care leave for the subject family member and seeks to continue the leave as a partial family care leave in accordance with the preceding paragraph, such application shall be counted as part of the original request. If employees are on family care leave as prescribed in Article 9 with regard to the subject family member for whom the request in the preceding paragraph was submitted, and want to continue partial family care leave, the number of requests submitted for family care leave by the employee for the subject family member shall be deemed to be one.
4. Employees who request partial family care leave shall submit requests for the family care leave at least one week before the day that they will be absent from work in order to provide care (hereinafter referred to as the “care day”). The employees shall include in the request the first care day, which is the expected start date of partial family care leave, and the expected days off for the period of two weeks or more following the first care day.

## **Chapter 4 Limitation on Overtime Work for Child or Family Care**

### **Article 14 Limitation on Overtime Work, etc.**

1. If an employee requests not to work overtime as he/she is taking care of a child who is under the elementary fourth grade, the University shall not have such employee work in excess of the prescribed working hours, unless it will impede normal operations of the

University.

2. If an employee (hereinafter referred to as the “Employee Caring Child/Family”) is taking care of a child who is under the elementary fourth grade or is taking care of the subject family member, and if that employee makes a request for overtime work, as prescribed in the Article 32 of the Labor Standards Act, to take care of such child or family member, the University shall decide the matter under an agreement based on Article 36 of the Labor Standards Act.
3. If the Employee Caring Child/Family requests not to work late at night (between 10 p.m. and 5 a.m.), the provision in paragraph 1 shall apply *mutatis mutandis*.

#### **Article 15            Reduction of Working Hours**

1. Employees who need to take care of a child or a family member may reduce their daily prescribed working hours. The period and hours for the reduction are as prescribed in the items listed below.
  - (1) A maximum reduction of 3 hours 45 minutes per day during the period in which the employee takes care of a child who has not yet completed the third year of elementary school.
  - (2) A maximum reduction of 3 hours 45 minutes per day during the period in which the employee needs to take care of a subject family member with a care-requiring condition.
2. The period prescribed in item (2) of the preceding paragraph shall be limited to six months per ongoing care-requiring condition of the subject family member.
3. The hours prescribed in paragraph 1 may be divided into 15-minute units requested at the start and the end times of working hours.

#### **Article 16            Changes regarding Start and End Times of Working Hours**

1. Employees who need to take care of a child or a family member may, without altering their daily prescribed working hours, work using the start and end times of working hours as prescribed in Article 3, paragraph 1 of the Rules on Working Hours and Article 3, paragraph 1 of the Detailed Rules on Working Hours.
2. The provisions of the preceding Article (excluding paragraph 3) shall apply *mutatis mutandis* to the applicable period for working hours as prescribed in the preceding paragraph.

#### **Article 17            Procedure**

For an employee who seeks to apply to conditions defined in the preceding three Articles, he/she must fill out a designated form beforehand and submit it to the relevant office.

## **Supplementary Provisions**

### **Effective Date**

1. These Regulations shall come into force on April 1, 2004.

### **Transitional Measures on Child Care Leave**

2. Employees who have already received approval for child care leave under the Act on Child Care Leave, etc. for National Public Officers (Act No. 109 of 1991) for a period continuing from the day before the effective date of these Regulations shall be deemed to have received approval under the application of these Regulations.
3. In the application of Article 2, paragraph 1 to employees prescribed in the preceding Article and employees who need to take care of a child born on or before the effective date of these Regulations, the term “a child under the age of one” shall be replaced with “a child under the age of three.”
4. In the application of Article 2, paragraph 1 to employees who need to take care of a child born in the period from the day immediately following the effective date of these Regulations to April 1, 2005, the term “a child under the age of one” shall be replaced with “a child, up to the first April 1 following his or her second birthday.”

### **Transitional Measures on Family Care Leave**

5. Employees who have already received approval for family care leave under the Act on Working Hours, Leaves, etc. for National Public Officers Engaged in Regular Service (Act No. 33 of 1994) for a period continuing from the day immediately before the effective date of these Regulations shall be deemed to have received approval under the application of these Regulations, with regard to approved leave only. In this case, if the leave was approved for hourly units, then the same Act shall apply *mutatis mutandis* to hourly leave.

## **Supplementary Provisions**

### **Effective Date**

1. These Rules shall come into force on April 1, 2005.

### **Transitional Measure on Child Care Leave**

2. Employees who have already received approval for child care leave pursuant to paragraphs 3 and 4 of the Supplementary Provisions of these Regulations before these revisions shall be deemed to have received approval under these Rules.

**Supplementary Provisions**

These Rules shall come into force on April 1, 2006.

**Supplementary Provisions**

These Rules shall come into force on April 1, 2007.

**Supplementary Provisions**

These Rules shall come into force on April 1, 2008.

**Supplementary Provisions**

These Rules shall come into force on April 1, 2009.

**Supplementary Provisions**

These rules shall come into force on April 1, 2010.

These rules shall apply to those employees who have applied for family care leave under Article 13 before the revision.