

* 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.

Childcare Leave Regulations for Employees of Tokyo University of Foreign Studies

(April 1, 2004
Regulation No. 58)

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Article 1 Purposes

The purpose of these Regulations is to promote continuous work by employees who are caring for children by establishing a system related to childcare leave for employees of the Tokyo University of Foreign Studies (hereinafter referred to as the “University”) and thereby advancing the welfare of employees and contributing to their smooth operation of business under the provisions of Article 36, paragraph 2 of the Working Regulations for Employees of Tokyo University of Foreign Studies (Regulation No. 52 of 2004), Article 38 of the Working Regulations for Part-Time Employees of Tokyo University of Foreign Studies (Regulations No. 68 of 2004; hereinafter referred to as the "Working Regulations for Part-Time Employees"), Article 40 of the Working Regulations for Specified Fixed-Term Employees of Tokyo University of Foreign Studies (Regulation No. 26 of 2008; hereinafter referred to as the "Working Regulations for Specified Fixed-Term Employees"), and Article 38 of the Working Regulations for Specified Fixed-Term Employees with Shortened Working Hours of the Tokyo University of Foreign Studies (Regulations No. 90 of 2012; hereinafter referred to as the "Working Regulations for Specified Fixed-Term Employees with Shortened Working Hours").

Article 2 Relation with laws and ordinances

Any matter not provided for in these Regulations with respect to childcare leave, etc. shall be as stipulated in the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (Act No. 76 of 1991; hereinafter referred to as the “Act on Childcare and Caregiver Leave”) and other relevant laws and ordinances.

Article 3 Childcare leave

- 1 An employee may take leave to take care of a child up to the age of three (3) (i.e., a child up to the day before his/her third birthday [including an adopted child and a child provided for under the Act on Childcare and Caregiver Leave as a child similar to that in a legal parent-child relationship]) (hereinafter referred to as “childcare leave”) by notifying the President.
- 2 Notwithstanding the provisions of the preceding paragraph, employees hired by the President with a fixed term of assignment under the provisions of Article 4, paragraph 1, items 2 through 4 of the Regulations Concerning Employment, Separation from Employment, etc., for Employees of Tokyo University of Foreign Studies (Regulation No. 56 of 2004; hereinafter referred to as "Regulations for Employment"); employees prescribed in the provisions of Article 3 of the Working Regulations for Part-Time Employees, Working Regulations for

Specified Fixed-Term Employees, or Working Regulations for Short-Term Specified Fixed-Term Employees; and employees specified in the Working Regulations for Part-Time Lecturers of the Tokyo University of Foreign Studies (Regulation No. 70 of 2004) shall take childcare leave up to the time the child being taken care of (including an adopted child and a child provided for under the Act on Childcare and Caregiver Leave as a child similar to that in a legal parent-child relationship) reaches one (1) year of age (in the event that both parents take childcare leave, one (1) year up to the child reaching age one (1) year and two (2) months [with respect to mothers, including postnatal leave after the date of birth]). However, if the employee falls under Article 5, paragraph 3 of the Act on Childcare and Caregiver Leave, the leave shall be until one (1) year and six (6) months of age, and if the employee falls under Article 5, paragraph 4 of the Act on Childcare and Caregiver Leave, the leave shall be until two (2) years of age.

- 3 The following persons may not take childcare leave notwithstanding the provisions of paragraph 1 and the preceding paragraph.
 - (1) Employee who has been continuously employed for less than one (1) year
 - (2) Employee whose employment relationship is certain to be terminated within one (1) year from the date of application for childcare leave
- 4 Exempting any person who falls under any of the items in the preceding paragraph from the application of childcare leave shall be in accordance with stipulations of a labor-management agreement based on the provisions of Article 6 of the Act on Childcare and Caregiver Leave.

Article 4 Application for childcare leave

- 1 An employee who intends to take childcare leave shall notify the President of such intention in principle one (1) month prior to the scheduled date of commencement of childcare leave by submitting a Childcare Leave Application (Attached Form 1) stating the first day (hereinafter referred to as the “scheduled start date of childcare leave”) and the last day (hereinafter referred to as the “scheduled end date of childcare leave”).
- 2 Except for the following special circumstances, any application for childcare leave shall be made only once for each child, and any application for childcare leave for twins or more shall be made as for one (1) child. However, in the event that an employee who has not taken postnatal leave commences and terminates his/her first childcare leave during the period from the day of birth to 8 weeks after childbirth (within 57 days from the day of birth) with respect to such child, such employee may take another child care leave without any special circumstances.
 - (1) When childcare leave comes to an end in accordance with the provisions of Article 8, paragraph 1, item 3 or item 4 and the child relating to said leave or new childcare leave passes away or is separated from the employee due to adoption or other circumstances;
 - (2) When childcare leave has concluded pursuant to the provisions of Article 8, paragraph 1, item 5 and the family member pertaining to relevant caregiving leave passes away before the day on which such caregiving leave concludes or the relationship with the family member pertaining to such caregiving leave ceases to exist due to divorce, cancellation of marriage, dissolution of adoptive relation, etc.;
 - (3) When a penalty (administrative leave or suspension from work) imposed concludes after completion of caregiving leave in accordance with the provisions in Article 8, paragraph 1, item 6;
 - (4) When an employee who has submitted the Childcare Leave Plan (Attached Form 2) for taking care of a

child pertaining to childcare leave in advance to the President to apply for childcare leave has taken such childcare leave and a period of not less than three (3) months has passed since the end of such childcare leave (excluding cases where such employee has taken childcare leave pursuant to the provisions of this item); and

- (5) When there shall be substantial hindrance to the child's care unless childcare leave is taken for the child pertaining to such childcare leave due to hospitalization of a spouse caused by injury or illness, separation from the spouse, or any other fact which could not have been foreseen at the time of completion of childcare leave.
- 3 In the application in paragraph 1, if the day designated as the scheduled start date of childcare leave comes before the day on which one (1) month has passed since the day after such application, the President may designate any day between such scheduled start date of childcare leave and the day on which one (1) month has passed as the scheduled start date of childcare leave.
- 4 When the President deems it necessary to confirm the reason for the application for childcare leave, he/she may request the employee who has made such application to submit a certificate.
- 5 When the child pertaining to the application for childcare leave is born after such application for childcare leave is filed, Notification of Birth of Child Subject to Childcare Leave (Attached Form 3) shall be submitted promptly to the President.
- 6 When the Childcare Leave Application has been submitted, the President shall promptly notify the employee who has applied for childcare leave in writing of the handling of childcare leave.

Article 5 Change in scheduled start date of childcare leave

- 1 Upon occurrence of any of the events set forth in the following items, an employee who has applied for childcare leave may change the scheduled start date of childcare leave to a date before the scheduled start date of childcare leave on a one-time basis by notifying the President of such change with the Application for Change in the Period of Childcare Leave (Attached Form 4) not later than one (1) week prior to the scheduled start date of childcare leave in principle.
 - (1) The child was born before the expected date of delivery;
 - (2) Death of spouse;
 - (3) The spouse has become unable to take care of the child pertaining to the application for childcare leave due to injury, illness, or physical or mental disability; and
 - (4) The spouse ceases to live with the child pertaining to the application for childcare leave.
- 2 For the application in the preceding paragraph, if the day designated as the scheduled start date of childcare leave comes before the day on which one (1) week has passed since the day following the date of such application, the President may designate any day during the period from the day newly designated as the scheduled start date of childcare leave by such change to the day one (1) week has passed (if the day on which one (1) week has passed comes after the day designated as the Scheduled Childcare Leave prior to such change [or if the President designates the day pursuant to paragraph 3 of the preceding article, then that designated day], the scheduled start date of childcare leave prior to such change) as the scheduled start date of childcare leave.
- 3 The provision in paragraph 4 of the preceding article shall also apply to any change in the scheduled start date

of childcare leave.

Article 6 Change of scheduled end date of childcare leave

An employee who has applied for childcare leave may change the scheduled end date of childcare leave to a date after the scheduled end date of childcare leave on a one-time basis by notifying the President of such change with the Application for Change in the Period of Childcare Leave not later than one (1) month prior to the scheduled end date of childcare leave.

Article 7 Withdrawal of application for childcare leave, etc.

1 An employee who has applied for childcare leave may withdraw his/her application for childcare leave by submitting the Application for Withdrawal of Childcare Leave (Attached Form 5) by the day before the scheduled start date of childcare leave pertaining to such application (in the case where the President designates the scheduled start date of childcare leave in accordance with Article 4, paragraph 3 or Article 5, paragraph 2, such designated start date).

2 An employee who has withdrawn his/her application for childcare leave pursuant to the provisions of the preceding paragraph may not re-apply for childcare leave with respect to the child pertaining to such application for childcare leave except for the following special circumstances:

- (1) When the spouse passes away;
- (2) When the spouse has become unable to take care of the child pertaining to the childcare leave application due to injury, illness, or physical or mental disability; and
- (3) When the spouse ceases to live with the child pertaining to the childcare leave application due to dissolution of marriage or any other circumstances.

3 When any of the following events occurs after application for childcare leave and before the scheduled start date of childcare leave, such application for childcare leave shall be deemed not to have been filed. In this case, the employee who has applied for childcare leave must notify the President with the Change in Status of Childcare (Attached Form 6) without delay.

- (1) The child pertaining to the childcare leave application passes away;
- (2) The child pertaining to the application for childcare leave is an adopted child and the adoptive relation is dissolved or formation of adoption is cancelled;
- (3) Such child ceases to live with the employee who has applied for childcare leave due to such reasons as putting the child up for adoption or any other circumstances;
- (4) The employee who has applied for childcare leave becomes unable to take care of the child pertaining to the application for childcare leave due to injury, illness, or physical or mental disability until such child reaches the age of three (3) years; and
- (5) A domestic relations case pertaining to a request pursuant to the provisions of Article 817-2, paragraph 1 of the Civil Code (Act No. 89 of 1896) comes to an end (excluding cases where a ruling for the establishment of a special adoption has become final), or the measures pursuant to the provisions of Article 27, paragraph 1, item 3 of the Child Welfare Act (Act No. 164 of 1947) are cancelled without the establishment of an adoption.

Article 8 Termination of childcare leave

1 If any of the events set forth in the following items occurs before childcare leave is scheduled to end (if the

scheduled end date of relevant childcare leave changes according to the stipulations of Article 6, then the scheduled end date of childcare leave after the change), childcare leave shall terminate on the day on which the said event occurs (or on the day preceding the day on which any of the events set forth in items 3 through 6 occurs).

- (1) Any of the events listed in the items of paragraph 3 of the preceding article occurs;
 - (2) The child pertaining to the application for childcare leave reaches the age of three (3) years before the scheduled end date of childcare leave;
 - (3) The employee taking childcare leave takes special leave (hereinafter referred to as “leave before and after childbirth”) as stipulated in Article 24, paragraph 1, items 6 and 7 of the Regulations Concerning Working Hours, Leave, etc. for Employee of Tokyo University of Foreign Studies (Regulation No. 53 of 2004; hereinafter referred to as “Regulations Concerning Working Hours, etc.”);
 - (4) The employee taking childcare leave takes new childcare leave;
 - (5) The employee taking childcare leave takes caregiving leave as provided in the Regulations Concerning Caregiving Leave for Employees at Tokyo University of Foreign Studies (Regulation No. 59 of 2004); and
 - (6) The employee taking childcare leave is penalized (administrative leave or suspension from work).
- 2 An employee who falls under any of the items in the preceding paragraph shall notify the President of such fact without delay with the Change in Status of Childcare.

Article 9 Status, etc. for childcare leave

- 1 An employee on childcare leave shall retain the status as an employee but shall not engage in the assigned duties.
- 2 An employee taking childcare leave shall hold the title which he/she held when applying for childcare leave. However, in the event that the position is changed after the application is made, the new position shall be retained.

Article 10 Substitute employee for childcare leave

- 1 When the President deems it difficult for services of an employee who is taking childcare leave to be adequately handled with personnel reallocation or any other method, he/she may employ a fixed-term employee to perform such services.
- 2 Any procedures relating to the employment in the preceding paragraph shall be as provided in the Regulations for Employment.

Article 11 Partial leave

- 1 An employee (except those whose prescribed working hours are not more than thirty (30) hours per week) may, upon application to the President, not work part of his/her working hours per day to take care of children who have not yet entered elementary school (hereinafter referred to as “partial leave”).
- 2 Partial leave shall be taken on a thirty (30) minute basis within a period not exceeding two (2) hours per day at the beginning or end of regular working hours, for time as required considering the day-care situation, commuting conditions, etc. of the employee.

Article 12 Application for partial leave

- 1 Application for partial leave shall be made to the President by using the Partial Leave Application Form (Attached Form 7) not later than one (1) month in principle before the date on which partial leave is to be

commenced.

- 2 The application in the preceding paragraph shall be made collectively in advance with regard to the period and time required for partial leave.
- 3 The provision in Article 4, paragraph 4 shall also apply to applications for partial leave.

Article 13 Termination of partial leave

- 1 In the event that any employee who is taking partial leave falls under any one of the following items, partial leave shall terminate on the day on which such event occurs (or on the day preceding the day on which the events set forth in items 6 and 7 occur).
 - (1) The child relating to the partial leave passes away;
 - (2) The child relating to the application for partial leave is an adopted child and the adoptive relation is dissolved or formation of adoption is cancelled;
 - (3) Such child ceases to live with the employee who has applied for partial leave due to such reasons as putting the child up for adoption or any other circumstances;
 - (4) The employee who has applied for partial leave becomes unable to take care of the child pertaining to the application for partial leave due to injury, illness, or physical or mental disability until such child enters elementary school;
 - (5) The child pertaining to the application for partial leave enters elementary school by the day preceding the scheduled end date of partial leave;
 - (6) The employee on partial leave takes leave before and after childbirth, new childcare leave, or caregiving leave; and
 - (7) The employee on partial leave is penalized (administrative leave or suspension from work).
- 2 An employee who falls under the preceding paragraph shall notify the President of such fact without delay with the Change in Status of Childcare.

Article 14 Treatment of salary, etc. for childcare leave, etc.

- 1 No salary shall be paid during the period of childcare leave.
- 2 With regard to the hours of partial leave, salary per working hour shall be reduced in the amount as provided in the Salary Regulations for Employees of Tokyo University of Foreign Studies (Regulation No. 54 of 2004; hereinafter referred to as “Salary Regulations”), Salary Regulations for Annual Salary Basis Employees of Tokyo University of Foreign Studies (Regulation No. 86 of 2015; hereinafter referred to as “Annual Salary Basis Salary Regulations”), Salary Regulations for Part-Time Employees of Tokyo University of Foreign Studies (Regulation No. 69 of 2004, hereinafter referred to as “Salary Regulations for Part-Time Employees”), and Working Regulations for Specified Fixed-Term Employees.
- 3 In addition to the provisions in the preceding two (2) paragraphs, the handling of salary, etc. for childcare leave and partial leave shall be in accordance with the provisions of Salary Regulations, Annual Salary Basis Salary Regulations, Salary Regulations for Part-Time Employees, and Working Regulations for Specified Fixed-Term Employees.

Article 15 Prohibition of disadvantageous treatment

Employees shall not be treated adversely by reason of childcare leave or partial leave.