

Rules Pertaining to Working Hours, Holidays and Leave for National University Corporation Osaka University Limited Term Commissioned Staff

Note: The document below is an English translation of the University Work Regulations, originally composed in Japanese. The English version of the Work Regulations has been provided merely as a reference for international researchers and employees. Therefore, it should not be considered an official employment contract. Please note that any and all official employment contracts are concluded solely on the basis of the Japanese version of the Work Regulations.

Chapter 1: General Provisions

(Purpose)

Article 1: The purpose of these rules shall be to provide, in accordance with Article 27 of The Work Regulations for National University Corporation Osaka University Limited Term Commissioned Staff, terms and conditions relating to working hours, holidays and leave for Employees of Limited Term Commissioned Staff employed at National University Corporation Osaka University (hereinafter referred to as "The University") to whom the said regulations apply (hereinafter referred to as "Employee(s)").

(Applicable Laws and Ordinances)

Article 2: Working hours, breaks, holidays and leave for Employees shall be in accordance with The Labor Standards Law (Law No. 49 of 1947, herein after referred as "The LSL") and other relevant laws and ordinances as well as the terms and provisions of the rules set out herein.

Chapter 2: Working Hours, Breaks and Holidays

(Regular Working Hours)

Article 3: The regular working hours of the Employees shall be as follows.

- (1) Full-time work: The regular working hours shall be 8 hours per day, and a 45-minute break shall be provided during the working hours.
- (2) Work other than that defined in No. 1 above: The regular working hours per week shall be individually determined within a scope that shall not exceed 35 hours.
2. Start and finish times and a time-frame of break of the Employees falling under No. 1 of the preceding item (hereinafter referred to as the "Full-time Commissioned Staff") shall be as follows. However, in the case of shift work including rotating schedule, the start and finish times and a time-frame of break shall be determined separately.
 - (1) Start time: 08:30 a.m.
 - (2) Finish time: 17:15 p.m.
 - (3) Break: From 12:15 p.m. to 13:00 p.m.
3. Start and finish times of the Employees falling under No. 2, Item 1 (hereinafter referred to as the "Part-time Commissioned Staff") shall be individually determined within a scope that shall not exceed 8 hours per day. In cases where the working hours per day are 4 hours or more (in cases where they are 6 hours or less, limited to when the working hours starting in the morning and finishing in the afternoon), a 45-minute break shall be given during said working hours, provided that a break may not be given in cases where the working hours per day do not exceed 6 hours and as well as when Employees agree on not doing so.
4. Notwithstanding the provisions of the preceding two items, when an Employee to whom any of the following apply has made a request, start and finish times determined herein may be changed with the proviso that the number of working hours shall not exceed the regular working hours per day. However, in cases where such change hinders the normal operation of business, this provision shall not be applicable.
 - (1) Employees raising children who have not yet entered junior high school.
 - (2) Employees who take care of the subject family members (hereinafter referred to as "Subject Family Members") specified by the No. 4, Article 2, of the provisions of the law relating to the welfare of workers on child and family care leave engaged in child or family care (Law No. 76 of 1991, hereinafter referred to as "CCFCLL").
 - (3) Employees additionally deemed eligible for special consideration by The University
5. In addition to the provisions defined in the foregoing item, when necessary in practical terms, the above start and finish times may be changed with the proviso that the working hours shall not exceed 8 hours per day.

(Work at Locations outside the Regular Workplace)

Article 4: In cases where an Employee is engaged in work consuming all or part of the working hours at a location outside their regular workplace, rendering calculation of working hours difficult, it shall be assumed that said Employee has worked the regular working hours. However, in cases where it is necessary in order to carry out duties to work in excess of the regular working hours, the number of excess hours worked shall be assumed to be equivalent to the number of hours normally required to carry out said work.

(Overtime and Working on Holidays)

Article 5: In cases where, to accommodate the necessities of work, an Employee may be ordered either to work hours outside the regular working hours as set forth in Article 3 (in cases where the regular working hours differs due to the use of the variable working hour system as defined in the terms and provisions of Articles 12 and 13, the number of hours under said system. This also applies to the following article and Article 10 below), or to work on the holidays stipulated in Article 8 below (In cases where the stipulated holidays differ due to the use of the variable working hour system, the holidays are to be stipulated under said system. This also applies to the following article and Articles 9 and 10 below).

2. In cases where an Employee is ordered to work overtime or to work on holidays as detailed above and the number of hours worked exceeds 8 hours a day (including cases where the regular working hours a day exceeds 8 hours due to the use of the variable working hour system), a minimum break of 1 hour shall be allowed during said working hours.
3. In cases where an Employee is ordered to work overtime or to work on holidays as detailed in Item 1 above and the work in question either exceeds the number of working hours defined under Article 32 onward of The LSL (hereinafter referred to as "overtime work") or constitutes work on a legal holiday as defined in Article 35 of The LSL (hereinafter referred to as "holiday work"), said work shall be subject to labor-management agreement as defined in Article 36 of the same law.
4. An Employee ordered to work overtime (only in case where said work constitutes overtime work) or to work on holidays detailed in Item 1 above shall be paid the stipulated extra wages.
5. Notwithstanding the terms and provisions of Item 3 above, Employees shall not be required to work overtime or to work on holidays to the extent.
6. Notwithstanding the terms and provisions of the foregoing Item 1, Employees who take care of their children under 3 years of age or other Subject Family members (excluding Employees who are not entitled to lodge a request for limitations on unscheduled work under a labor-management agreement concluded in accordance with Item 1, Article 16-8 and Item 1, Article 16-9 of CCFCLL) shall not, upon lodging a request for the purpose of care of said children or said Subject Family Members, be required to work extra hours. The foregoing shall not, however, apply in cases where said restrictions hinder the normal operation of work.
7. Notwithstanding the terms and provisions of the foregoing Item 3, Employees (excluding those whose number of continuous service years is less than 1 year and the regular working hours per week is less than 2 days) who are engaged in care and raising of children until the attainment of the age for entry into primary school or in care of Subject Family Members shall not, upon lodging a request for the purpose of care of said children or said Subject Family Members, be required to work overtime in excess of 24 hours in 1 month or 150 hours in 1 year. The foregoing shall not, however, apply in cases where said restrictions hinder the normal operation of work.

(Working during Emergencies)

Article 6: In cases where necessary due to disasters or other unavoidable reasons, an Employee may, depending on the extent of the disaster or relevant circumstances, be ordered either to work, on a temporary basis, overtime hours in excess of the regular working hours defined in Article 3 above, or to work on holidays defined in Article 8 below.

2. The rules stipulated in Items 2 and 4 of the forgoing Article shall conform to the above when said circumstances come into force.
3. In cases where Employees are ordered to work overtime hours, or to work on holidays as defined in Item 1 above and said work corresponds to the definitions of overtime work or working on holidays, the necessary procedures defined in Item 1, Article 33 of The LSL shall be applied.

(Night Work)

Article 7: To accommodate the needs of work, an Employee may be ordered to work during the period from

10.00 p.m. to 5.00 a.m. (hereinafter referred to as "Night Work").

2. Employees ordered to work at night shall be paid the stipulated extra wages.
3. Notwithstanding the terms and provisions of Item 1 above, an Employee engaged in the raising of children of preschool age or the care of family members and who do not fall under either of the following categories shall not be required to Night Work providing that the necessary request for consideration in respect of the said raising of children or care of family has been lodged. However, in cases where such exception hinders the normal operation of work, this provision shall not be applicable.
 - (1) Employees with a continuous employment record of less than 1 year
 - (2) Employees with others over the age of 16 sharing the same residence capable of implementing care of said children or family members during nights when said Employee is ordered to work

(Regular Holidays)

Article 8: Regular holidays shall be as defined hereunder.

- (1) Sundays
- (2) Saturdays
- (3) Holidays defined in The Public Holiday Law (Law No. 178 of 1948).
- (4) The period commencing on 29 December and ending 3 January (with the exception of holidays defined in each of the foregoing items)
- (5) Other holidays stipulated by The University.

2. Notwithstanding the foregoing, The University shall be entitled to stipulate holidays differing from the above with respect to a certain Employee for whom such changes are deemed necessary by The University, providing that said changes do not affect the actual number of regular holidays allotted.

(Substitute Holiday)

Article 9: In cases where it is deemed necessary that Employees work on the regular holidays defined in the foregoing article, such holidays may be substituted in accordance with separate definitions.

2. In cases where holidays are substituted as detailed in the foregoing item, notwithstanding the terms and provisions of Item 4, Article 5, work normally carried out on the day to which the holiday is substituted shall not be subject to payment of extra wages.

Chapter 3: Night/Day Duty

(Night/Day Duty)

Article 10: To accommodate the needs of work, an Employee may be ordered to work night or day duty either during hours outside the regular working hours defined in Article 3 above (including hours between 10.00 p.m. and 5.00 a.m.) or on regular holidays defined in Article 8.

Chapter 4: Permission for Abstention from Work

(Permission for Abstention from Work)

Article 11: With the details to be specified separately, Employees may be granted permission to abstain from work during specific working hours.

(Reduced Working Hours)

Article 11-2: Regular working hours of Employees as defined in Article 3 and the following categories shall be reduced when said Employees (excluding Employees who, under a labor-management agreement concluded in accordance with the proviso stated in Item 1, Article 23 of CCFLL, are not allowed to lodge a request for a reduction of the prescribed working hours) have lodged appropriate requests for special dispensation for care of children or Subject Family Members. However, the duration shall not exceed the period of the employment contract.

- (1) Reduction of regular working hours by a maximum of 2 hours per day during the time period required for Employees to raise children who have not yet entered primary school.
- (2) Reduction of regular working hours by a maximum of 4 hours per day during the time period required for Employees to undertake nursing care of their Subject Family Members (within the period of 3 consecutive years for 1 Subject Family Member).

Chapter 5: Special Exception for Working Hours

(Variable Working Hour system Applicable for a Maximum of 1 Month)

Article 12: In the case of an Employee who requires a special work structure due to the circumstances of work, The University may provide said Employee, notwithstanding the terms and provisions of Items 1 through 3 of Article 3, and Article 8, working hours and holidays differing from those defined in the aforementioned articles by assigning a modified working hour schedule in advance to the extent that the average weekly working hours for a fixed period of one month or less do not exceed 40 hours (or, in the case of the Part-time Commissioned Staff, 35 hours).

2. In addition to the provision defined in the foregoing item, when an Employee to whom any of the following apply and who requires a special work structure has made a request, The University may provide said Employee, notwithstanding the terms and provisions of Items 1 through 3, Article 3, working hours differing from those defined in the aforementioned articles by assigning a modified working hour schedule in advance to the extent that the average weekly working hours for a fixed period of one month or less do not exceed 40 hours (or, in the case of the Part-time Commissioned Staff, 35 hours). However, in cases where such work schedule hinders the normal operation of work, this provision shall not be applicable.

- (1) Employees raising children prior to entering junior high school
- (2) Employees who take care of Subject Family Members
- (3) Employees additionally deemed eligible for special consideration by The University

3. In cases as mentioned in Item 1, when a person to whom any of Item 4, Article 3 apply has made a request, previously assigned start and finish times as well as a time-frame of break may be changed with the proviso that the number of working hours shall not exceed the regular working hours per day. However, in cases where such change hinders the normal operation of business, this provision shall not be applicable.

4. In cases where, due to the assignment of working hours mentioned in Items 1 and 2 above, the working hours for 1 day or 1 week exceed 8 hours or 40 hours respectively, or in cases where regular holidays defined in Article 8 are set as work days, notwithstanding the terms and provisions of Item 4, Article 5, extra wages shall not be paid for work carried out on regular holidays set as regular working hours and work days.

5. The assignment of working hours detailed in Items 1 and 2 above shall be defined separately.

6. The provisions set forth in Item 4, Article 3 shall be applied to the extent provided for in Items 1 and 2.

(Variable Working Hour system Applicable for a Maximum of 1 Year)

Article 13: In the case of an Employee who works in a work place with a work load that fluctuates depending on the season, The University may provide said Employee, notwithstanding the terms and provisions of Items 1 through 3 of Article 3, and Article 8, working hours differing from those defined in the aforementioned articles by assigning a modified working hour schedule in advance to the extent that the average weekly working hours and holidays for a fixed period of one month or more but not exceeding one year (hereinafter referred to as "The Target Period") do not exceed 40 hours (or, in the case of the Part-time Commissioned Staff, 35 working hours)..

2. The regulation defined in Items 3 and 4 of the foregoing article shall apply to the case stipulated in the above item.

3. The assignment of working hours detailed in Item 1 above shall be subject to labor-management agreement in accordance with Article 32-4 of The LSL.

4. Fixed extra wages for hours in excess of 40 hours per week of average weekly working hours for actual service period, which has become shorter than the target period due to the expiration of the employment contract, etc., shall be paid to Employees who has worked in the work place defined in item 1.

5. The provisions set forth in Item 5, Article 3 shall be applied to the extent provided for in Item 1.

(Flextime System)

Article 14: In cases where recognized as necessary to accommodate work-related or other needs, Employees may work a schedule within which said Employees are entrusted the setting of start and finish times. In such cases, as a basic rule, the scopes within which starting and finishing may be set shall be as follows.

(1) Start time: between 7.00 a.m. and 10.00 a.m.

(2) Finish time: between 3.00 p.m. and 10.00 p.m.

2. The scope of the Employee and other related issues pertinent to the foregoing provision shall be subject to

decisions reached through labor-management agreement in accordance with the terms and provisions of Article 32-3 of The LSL.

Chapter 6: Leave

(Types of Leave)

Article 15: Employees shall be entitled to annual paid leave and special leave.

(Annual Paid Leave)

Article 16: To those who remain as Employees after age-limit retirement, the number of days and hours of annual paid leave obtained by Employee at the time of such retirement shall be entitled, and thereafter, the number of leave defined in the following respective Nos. shall be entitled by calendar year (from 1 January to 31 December of the year). However, an Employee who has worked less than 80% of the stipulated working day total in the previous year shall not be entitled to take said leave.

- (1) Employees whose stipulated working hours in a calendar week are less than 30 hours and working days in a calendar week are less than four days, or whose stipulated working days for a year are less than 216 days.

Stipulated working days in a calendar week	Stipulated working days for a year	Continuous service terms /Number of days of leave to be entitled						
		6 months	1 year and 6 months	2 years and 6 months	3 years and 6 months	4 years and 6 months	5 years and 6 months	6 years and 6 months
4 days	169 - 216 days	7 days	8 days	9 days	10 days	12 days	13 days	15 days
3 days	121 – 168 days	5 days	6 days	6 days	8 days	9 days	10 days	11 days
2 days	73 – 120 days	3 days	4 days	4 days	5 days	6 days	6 days	7 days
1 day	48 - 72 days	1 day	2 days	2 days	2 days	3 days	3 days	3 days

- (2) Employees other than those stated in the preceding No.

Continuous service terms	6 months	1 year and 6 months	2 years and 6 months	3 years and 6 months	4 years and 6 months	5 years and 6 months	6 years and 6 months
Number of days of leave to be entitled	10 days	11 days	12 days	14 days	16 days	18 days	20 days

2. The periods defined hereunder shall qualify as work time in respect of the proviso described in Item 1.

(1) Periods of leave for medical treatment and recuperation necessary due to work-related accidents as defined in No. 1, Item 1, Article 7 of The Workers' Accident Compensation Insurance Law (Law No. 50 of 1947) or commuting accidents as defined in No. 2 of the same item.

(2) Periods of child care leave as defined in Article 21 of this set of rules or of family care leave as defined in Article 22 of the same.

(3) Periods of pre-post maternity leave for female Employees in accordance with Article 65 of The LSL.

(4) Periods of annual paid leave.

(5) Periods other than the above specially recognized as necessary by The University.

(Specifying and Changing of the Timing of Leave)

Article 17: When Employees wish to take annual paid leave, said Employees shall stipulate the timing of the leave (commencement and end dates of the leave) and shall lodge a request with their immediate manager no later than the finishing time of 2 days prior to the day of commencement of the period of leave. The foregoing shall not apply, however, in cases of extenuating circumstances.

2. In cases where the granting of days of annual paid leave as specified by an Employee in accordance with the above provision interferes with the normal operations of business of The University, the timing of the said leave may be changed to a different period.
3. In cases where, in accordance with labor-management agreement based on the regulations stipulated in Item 6, Article 39 of The LSL, the timing of a part of the annual paid leave is provided, such part shall be granted pursuant to said agreement.
4. In cases where Employees entitled to 10 or more days of annual paid leave in accordance with the preceding Article, The University shall stipulate the timing for 5 days of the total number of days of the said annual paid leave to take within the period, regulated in Item 1 of the preceding Article (hereinafter referred to as the "period of annual leave grant"). However, in case where annual paid leave is granted in accordance with the provisions of the three items above, the number of days of said leave have been taken shall be deducted from the number of days of such annual leave which is supposed to be set by The University.
5. Notwithstanding the provision of the foregoing item, in the case where 10 or more days of annual paid leave is granted to an Employee on the first day of the period of annual leave grant (hereinafter referred to as the "day of annual leave grant"), and another 10 or more days of the annual paid leave is granted newly on a specified day within a maximum of 1 year from the said day of annual leave grant (hereinafter referred to as the "day of second annual leave grant"), the number of days of leave, obtained by dividing the number of months in the period, commencing on the first day of annual leave grant and ending on the day upon the lapse of 1 year from the day of second annual leave grant (hereinafter referred to as the "period of implementation") by 12, and multiplying the result by 5, shall be granted within the period of implementation, being specified the time to take.

(Units of Annual Paid Leave)

- Article 18: In the case of the Full-time Commissioned Staff, annual paid leave shall be calculated in units of whole or half days. However, in cases of extenuating circumstances recognized by the immediate manager, annual paid leave may be taken in units of 1 hour.
2. In the case of the Part-time Commissioned Staff, annual paid leave shall be calculated in units of whole days. However, in cases of extenuating circumstances recognized by the immediate manager, annual paid leave may be taken in units of 1 hour.
 3. Annual paid leave taken in accordance with the provisions of the preceding two Items shall be deemed to be time worked and shall, accordingly, be subject to payment of salary.

(Carrying over Annual Paid Leave)

Article 19: Remaining days of annual paid leave (exclusive of days carried over in accordance with the provisions of this article and units of less than 1 whole day shall be discarded) may be carried over to the following year, with a limit of no more than 20 remaining days.

(Special Leave)

Article 20: Regulations governing leave for an Employee for special reasons such as medical treatment either for injury or illness, as well as marriage, birth and the exercise of voting rights shall be defined separately.

Chapter 7: Child Care Leave and Family Care Leave

(Child Care Leave)

- Article 21: Employees needing to provide care for children less than 3 years of age may take child care leave by submission of the necessary application to their immediate manager.
2. The above rule shall not apply to Employees not entitled to child care leave in accordance with labor-management agreement based on the proviso stated in Item 1, Article 6 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (Law No. 76 of 1991, hereinafter referred to as "The Child Care and Family Care Leave Law").
 3. Salaries shall not be paid during periods of child care leave in accordance with the provisions of Item 1 above.
 4. Issues relating to child care leave other than the rules detailed in 3 items above shall be determined in accordance with the Rules Pertaining to Child and Family Care Leave for Part-time Staff of National University Corporation Osaka University.

(Family Care Leave)

Article 22: Employees needing to provide care for family members may take family care leave by submission of the necessary application to their immediate manager.

2. The above rule shall not apply to an Employee not entitled to family care leave in accordance with labor-management agreement based on the proviso of Item 1, Article 6 of the Child Care and Family Care Leave Law applicable under Item 2, Article 12 of the same law.

3. Item 3 and 4 of the foregoing article shall apply to family care leave.

Chapter 8: Female Employees

(Work Restrictions for Pre/Post Maternity Employees)

Article 23: An Employee who is either undergoing a term of pregnancy or who is within a period of less than 1 year after giving birth (hereinafter referred to as “pre/post maternity employee(s)”) shall not be permitted to engage in work that may have adverse effects on pregnancy, birth or child nursing.

2. Notwithstanding the provisions of Item 1, Article 5, Item 1, Article 6 and Item 1, Article 7, pre/post maternity Employee shall not, after submission of the appropriate request, be required to work overtime, to work on holidays or at nights.

3. Provisional to submission of appropriate requests, pre/post maternity Employee shall be allocated a lightened workload or assigned to other light work.

Supplementary Provision

The foregoing regulations shall be implemented from 1 April 2007.

Supplementary Provision

The foregoing amendments shall be implemented from 19 February 2008.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2010.

Supplementary Provision

The foregoing amendments shall be implemented from 30 June 2010.

Supplementary Provision

These rules shall be implemented from 29 November 2012.

Supplementary Provisions

(Date of Implementation)

1. These rules shall be implemented from 1 April 2013.

(Interim Measure)

2. The provision of No. 1, Item 1, Article 3 shall apply, only on the condition that an Employee, whose age is less than the applicable age listed in the column on the right under the table below according to the classification of period listed in the column on the left under the same table, enters into or renews the employment contract during the period until 31 March 2025. However, this shall not apply if The University specially deems necessary.

Period	Age
From 1 April 2013 to 31 March 2016	61
From 1 April 2016 to 31 March 2019	62
From 1 April 2019 to 31 March 2022	63
From 1 April 2022 to 31 March 2025	64

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2014.

Supplementary Provisions

1. The foregoing amendments shall be implemented from 19 Jun 2014.

(Interim Measure)

2. Notwithstanding the regulation in the amended No. 2, Article 11-2, in cases where an Employee has received a reduction of regular working hours defined in the regulation of same No. or has taken family care leave defined

in Article 22 before the date of implementation shown in the preceding item (hereinafter referred to as the “Date of Implementation”), the periods before the Date of Implementation are excluded from the “93” days defined in the same No.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2016.

Supplementary Provision

The foregoing amendments shall be implemented from 1 January 2017.

Supplementary Provisions

(Date of Implementation)

1. The foregoing amendments shall be implemented from 1 April 2019.

(Interim Measures)

2 .On the occasion of enforcement of the amendments, annual paid leave for Employees whose day of annual leave grant is other than April 1, shall remain subject to the prior regulations notwithstanding the amended provisions of item 4 and 5, Article 17 until the day of annual leave grant of said Employee comes for the first time after the date of implementation shown in the foregoing item.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2019.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2021.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2020.