

Regulations Pertaining to Working Hours, Holidays and Leave for National University Corporation Osaka University Part-time Staff (Temporary Part-time Education and Research 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 28 of The University Work Regulations for National University Corporation Osaka University Temporary Part-Time Education and Research Staff, terms and conditions relating to working hours, holidays and leave for members of Part-time Staff (hereinafter referred to as "Employee(s)") employed at the National University Corporation Osaka University (hereinafter referred to as "The University") to whom the said regulations apply.

(Relationship to Laws and Ordinances)

Article 2: Working hours, breaks, holidays and leave of absence for Employees shall be in accordance with The Labor Standards Law (Law No. 49 of 1947, hereinafter referred to 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 per week shall be individually determined within the scope, which shall not exceed 30 hours.

2. Start and finish times shall be individually determined within the scope which shall not exceed 8 hours per day. In cases where the working hours per day are 4 hours and more (in cases where they are 6 hours or less, limited to when working hours starting in the morning and finishing in the afternoon), a 45-minute break shall be given during said working hours, provided that the break time may not be given in cases where the working hours per day do not exceed 6 hours and as well as Employees agree on not doing so.
3. Notwithstanding the provisions of the foregoing item, 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 has 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
4. In addition to the provisions defined in the foregoing item, when necessary in practical terms, the 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 regular 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 work, 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 differ due to use of the variable working hour system as defined in the terms and provision of Article 12, 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 (In cases where the stipulated holidays differ due to 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 defined in the foregoing Item and the number of hours worked exceeds 8 hours a day (including cases where the stipulated numbers of working hours a day exceeds 8 hours due to use of the variable working hour system), a minimum break of 1 hour shall be allowed during working hours.
3. In cases where an Employee is ordered to work overtime or to work on holidays as detailed in Item 1 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 shall be paid the stipulated extra wages.
5. Notwithstanding the terms and provisions of Item 3, where possible, an Employee shall not be required to work overtime or to work on holidays.
6. Notwithstanding the terms and provisions of the foregoing Item 1, Employees who take care of 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 be required to work extra hours when a request is made for the purpose of care of said children or said Subject Family Members. 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 when 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 stipulated working hours defined in Article 3, or to work on holidays defined in Article 8.

2. The rules stipulated in Items 2 and 4 of the foregoing article shall be conformed to the above when said circumstances defined in the foregoing item occur.
3. In cases where an Employee has been ordered to work overtime hours, or holiday work as defined in Item 1 and work corresponds to the definitions of overtime work or holiday work, 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 22.00 p.m. to 05.00 a.m. (hereinafter referred to as "Night Work").

2. An Employee ordered Night Work shall be paid the stipulated extra wages.
3. Notwithstanding the terms and details of Item 1 above, an Employee engaged in the raising of children of pre-primary school age or the care of family members and who do not fall into either of the following categories shall not be ordered 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 business, this provision shall not be applicable.

(1) An Employee with a continuous employment record of less than 1 year

(2) An Employee with others aged 16 over sharing the same residence capable of implementing care of children or family members during nights said the employee is ordered to work

(Regular Holidays)

Article 8: Regular holidays shall be as defined hereunder.

- (1) Sundays
- (2) Saturdays
- (3) Holidays defined in laws relating to 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 Item, 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 allocated.

(Transferring Holidays)

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

2. In cases where holidays are transferred defined in the foregoing item, notwithstanding the terms and details of Item 4, Article 5, work normally carried out on the day to which the holiday is transferred 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, Employees may be ordered to work night/day duty either during hours outside the stipulated working hours defined in Article 3 (including hours between 22.00 p.m. and 05.00 a.m.) or on regular holidays defined in Article 8.

Chapter 4: Permission for Abstention from Work

(Permission for Abstention from Work)

Article 11: Subject to separate determination, an Employee 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 are not entitled to lodge a request for a reduction of the prescribed working hours under a labor-management agreement concluded in accordance with the proviso stated in Item 1, Article 23 of CCFCLL) 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 Cases Relating to 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 and 2 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 30 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 and 2, 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 30 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 3, 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 stipulated number of working hours per day. However, in cases where such change hinders the normal operation of business, this detail shall not be applicable.
4. In cases where, due to the assignment of working hours mentioned in Items 1 and 2, the working hours for 1 day or 1 week exceed 8 days or 40 hours respectively, or in cases where regular holidays defined in Article 8 are set as work days, notwithstanding the terms and details of Item 4, Article 5, extra wages shall not be paid for work carried out on the regular holidays set as regular working hours and work days.
5. The assignment of working hours detailed in Items 1 and 2 shall be subject to separate determination.
6. The provisions set forth in Item 4, Article 3 shall be applied to the extent provided for in Items 1 and 2.

(Flextime System)

Article 13: In cases where recognized as necessary to accommodate work-related or other needs, Employees may work a schedule within which Employees are entrusted the setting of start and finish times. In such cases, as a basic rule, the scopes within which start and finish may be set shall be as follows.

- (1) Start time: between 07:00 a.m. and 10:00 a.m.
- (2) Finish time: between 15:00 p.m. and 19:00 p.m.

2. The scope of the Employees and other related issues pertinent to the foregoing Item shall be subject to decisions reached through labor-management agreement in accordance with the terms and details of, Article 32-3 of The LSL.

Chapter 6: Leave

(Types of Leave)

Article 14: An Employee shall be entitled to annual paid leave and special leave.

(Annual Paid Leave)

Article 15: The number of days for annual paid leave to be granted to an Employee shall be as shown below. An Employee who has worked less than 80% of the stipulated working day total in each period shall not, however, be granted to take annual paid leave.

(1) An Employee whose regular working hours are less than 30 hours per week and simultaneously defined working days are 4 days or less per week or 216 days or less per year.

Number of regular working days per week	Number of regular working days per year	Continuous service period/Number. of paid leave days						
		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	5 days	6 days	6 days	8 days	9 days	10 days	11 days

	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) Other Employees stipulated in the foregoing No. 1 of the above applies

Continuous Service Period	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 Paid Leave days	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 as defined in the foregoing Item.

(1) Periods of leave for medical treatment and recuperation necessary due to occurrence of accidents incurred during the performance of duties as defined in No. 1, Item 1, Article 7 of The Workers' Accident Compensation Insurance Law (Law No. 50 of 1947) or accidents during commutation to or from the place of work as defined in No. 2 of the same item

(2) Periods of child care leave as defined in Article 20 of this set of rules or of family care leave as defined in Article 21 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

(Stipulation of and Changes to Timing of Leave)

Article 16: In cases where an Employee wishes to take days of annual paid leave, an Employee shall stipulate the timing of leave (commencement and end of period of leave) and shall lodge a corresponding request with their immediate manager no later than 2 days prior to commencement of said 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 stipulated by an Employee in accordance with the foregoing Item details interferes with the normal implementation of work, the timing of period of leave may be changed.

3. In cases where, in accordance with resolution resulting from labor-management agreement based on the rules stipulated in Item 6, Article 39 of The LSL, the timing of part of the total period of annual paid leave is set, the part shall be granted in accordance with the timing determined by the resolution.

(Units of Annual Paid Leave)

Article 17: Annual paid leave shall be calculated in units of whole days. In cases of extenuating circumstances recognized by the immediate manager, annual paid leave may be taken in units of 1 hour.

2. Annual paid leave taken in accordance with the provisions of the foregoing Item shall be deemed to be time worked and shall, accordingly, be subject to payment of wages.

(Carrying over Annual Paid Leave)

Article 18: Remaining days of annual paid leave (exclusive of days carried over in accordance with the details of this article and units of less than 1 whole day which shall be discarded) may be carried over to the following year.

(Special Leave)

Article 19: Details governing leave for an Employee for special reasons such as medical treatment for injury, illness, marriage, birth or the exercise of voting rights shall be defined separately.

Chapter 7: Child Care Leave and Family Care Leave

(Child Care Leave)

Article 20: An Employee needing to provide care for children less than 3 years of age may take child care leave by submission of the necessary application to its immediate manager.

2. The provisions of the foregoing item 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 Item 3 above shall be determined in accordance with rules relating to child and family care leave for National University Corporation Osaka University Part-time Employees.

(Family Care Leave)

Article 21: An Employee needing to provide care for family members may take family care leave by submission of the necessary application to his/her immediate manager.

2. The provisions of the foregoing Item 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. Items 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 22: 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 details of Item 1, Article 5, Item 1, Article 6 and Item 1, Article 7, pre/post maternity Employees 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 Employees shall be allocated a lightened work load or assigned to light work.

Supplementary Provisions

(Date of Implementation)

1. The foregoing regulations shall be implemented from 14 April 2004 and applied from 1 April 2004.

(Special Cases relating to Physicians and Dentists)

2. Notwithstanding the provisions in Item 1 of Article 3 and Item 1 of Article 12, for the present time, the "30 hours" stipulated in said provisions shall be read as "32 hours" for physicians and dentists.

(Special Cases relating to Calculation of Continuous Employment Records)

3. The "continuous employment record" stipulated in Item 7, Article 5, No. 1, Item 3, Article 7, No. 1 and 2, Item 1, Article 15 shall include continuous employment records prior to Osaka University acquiring National University Corporation status (however, previous periods of employment shall not be taken into account in cases where a period of one month or more elapses between periods of employment).

(Interim Measure relating to Annual Paid Leave)

4. Notwithstanding the provisions of Item 1 of Article 15, annual paid leave of those who were Employees prior to the acquisition by Osaka University of National University Corporation status 2days before, the application date of these rules shall be handled in accordance with previous details.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2005.

Supplementary Provision

The foregoing amendments shall be implemented from 18 June 2006.

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 Provision

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 21 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.