

Regulations Pertaining to Working Hours, Holidays and Leave for National University Corporation Osaka University Limited Term 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 official employment contracts have been concluded solely on the basis of the Japanese version of the Work Regulations.

Chapter 1: General Provisions

(Purpose)

Article 1: The purpose of these regulations shall be to define, in accordance with the terms and provisions of Article 30 below, items relating to working hours, holidays and leave for members of full-time staff of the National University Corporation Osaka University to whom the Work Regulations for National University Corporation Osaka University Limited Term Staff apply (hereinafter referred to as “Employee(s)”).

(Relationship to Laws and Ordinances)

Article 2: Working hours, breaks, holidays and leave for Employees shall be in accordance with the terms and provisions of The Labor Standards Law (Law No. 49 of 1947, hereinafter referred to as “The LSL”), other relevant laws and ordinances and these regulations.

Chapter 2: Working Hours, Breaks and Holidays

(Regular Working Hours)

Article 3: 1 working day shall comprise 8 working hours inclusive of a 45 minute break.

2. Start and finish times as well as the timeframe of breaks shall be as follows. Regulations governing shift work shall, however, be defined separately.

(1) Starting Time: 8.30 a.m.

(2) Finishing Time: 5.15 p.m.

(3) Break: Between 12.15 p.m. and 1.00 p.m.

3. Notwithstanding the provisions of the foregoing item, when a person to whom any of the following apply makes a request, start and finish times as well as the timeframe of breaks determined herein may be changed with the proviso that the number of working hours shall not exceed 8 hours per day. However, in cases where such change hinders the normal operation of work, this provision shall not be applicable.

(1) Employees raising children who have not yet entered primary school

(2) Employees leaving to pick up or see off children of primary school age (limited to those children who use any of the services herein described) at facilities where after-school day services or after-school child sound upbringing services are operated as a project under the Child Welfare Act (Act No. 164 of 1947; hereinafter referred to as the “Child Welfare Act”), a location where mutual support activities are operated as part of a project under the Ordinance for Enforcement of the Child Welfare Act (Ordinance of the Ministry of Health and Welfare No. 11 of 1948; hereinafter referred to as the “Child Welfare Act Enforcement Ordinance”), facilities where shorter day-time support services are operated as part of a regional community life support project under the Services and Supports for Persons with Disabilities Act (Act No. 123 of 2005; hereinafter referred to as the “Services and Supports for Persons with Disabilities Act”), or a location where after-school learning activities or other activities are operated as part of a project subsidized by the Ministry of Education, Culture, Sports, Science and Technology to promote educational support activities through cooperation between schools, households and local communities

(3) Employees caring for relatives who are in need of caring care

4. In addition to the provisions defined in the foregoing item, when necessary in practical terms, the start and finishing times and timeframe as stipulated in Item 2 may be changed with the proviso that the number of working hours shall not exceed regular working hours per day.

(Working at Locations outside the Regular Workplace)

Article 4: In cases where an Employee is engaged in work consuming all or part of the stipulated working hours at a location outside their regular workplace, rendering calculation of working hours difficult, it shall

be assumed that the said Employee has worked the regular number of 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 other than regular working hours as defined in Article 3 (in cases where the regular working hours differs due to use of the restructured working hours system as defined in the terms and provisions of Articles 13 and 14, the number of hours under said system. This also applies to the following article and Article 10 below.), or to work on holidays stipulated in Article 8 below (In cases where the regular holidays differ due to use of the restructured working hours 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 in the foregoing items and the number of hours worked exceeds 8 hours per day (including cases where the regular working hours per day exceeds 8 hours due to use of the restructured working hours system), a minimum break of 1 hour shall be allowed during the said working hours.
3. In cases where an Employee is either 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 "work on holidays"), the said work shall be subject to the labor-management agreement as defined in Article 36 of the same law.
4. Employees ordered to work overtime or to work on holidays detailed in Item 1 shall be paid the stipulated extra wages.
5. Notwithstanding the terms and provisions of the foregoing Item 1, Employees who are engaged in care and raising of children under 3 years of age (excluding Employees who, under a labor-management agreement concluded in accordance with Item 1, Article 16-8, of the Law Governing the Welfare of Workers Taking Child Care or Family Care Leave (Law No. 76 of 1991: hereinafter referred to as "CCFCLL"), are not allowed to lodge a request for limitation on overtime work) shall not, upon lodging a request for the purpose of care of said children, be required to work overtime. The foregoing shall not, however, apply in cases where said restrictions hinder the normal operation of work.
6. Notwithstanding the terms and provisions of the foregoing Item 3, Employees (excluding those whose number of continuous service years is less than 1 year) 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 as referred to in No. 4, Article 2 of CCFCLL (hereinafter referred to as "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, Employees 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.

2. The regulations stipulated in Items 2 and 4 of the foregoing Article shall conform to the item 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 and the 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, Employees 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 night work shall be paid the stipulated extra wages.
3. Notwithstanding the items and provisions of Item 1 above, Employees engaged in the raising of children of preschool age or the care of Subject Family Members and who do not fall into either of the following

categories shall not be required to work at night providing that the necessary request for consideration in respect of the said raising of children or care of Subject Family Members has been lodged. However, in cases where such requests hinder the normal operation of work, this item shall not be applicable.

(1) Employees with a period of continuous service of less than 1 year.

(2) Employees living with family members over the age of 16 who share the same residence and are capable of implementing care of said children or Subject Family Members during nights when said Employees are 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 29th December and ending 3rd January (with the exception of holidays defined in each of the foregoing items), and

(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 Employees 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 Holidays)

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, Employees may be ordered to work night or day duty either during hours outside the stipulated working hours defined in Article 3 (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: Subject to separate determination, Employees may be granted permission to abstain from work during specific working hours.

Chapter 5: Special Cases Relating to Working Hours

(Reduced Working Hours)

Article 12: 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 CCFCLL, 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.

(1) Reduction of regular working hours by a maximum of 2 hours per day for employees raising children of preschool age, said reduction to remain effective for the period necessary for raising said children until attainment of the age for entry into primary school.

(2) Reduction of regular working hours by a maximum of 4 hours per day for employees engaged in care of Subject Family Members.

(Restructured Working Hours System Applicable for a Maximum of 1 Month)

Article 13: Employees requiring a special work structure to accommodate needs imposed by duties may,

notwithstanding the terms and provisions of Items 1 and 2, Article 3 and Article 8, work a restructured work schedule based on working hours and holidays differing to those defined in the aforementioned articles providing that working hours are assigned in advance and work does not exceed 40 working hours per week based on the average for a prescribed period no longer than 1 month.

2. In cases as mentioned in the foregoing item, when a person to whom any of the following apply makes a request, previously assigned start and finish times as well as the duration of breaks 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 implementation of work, this provision shall not be applicable.
 - (1) Employees raising children who have not yet entered primary school
 - (2) Employees leaving to pick up or see off children of primary school age (limited to those children who use any of the services herein described) at facilities where after-school day services or after-school child sound upbringing services are operated as a project under the Child Welfare Act, a location where mutual support activities are operated as part of a project under the Child Welfare Act Enforcement Ordinance, facilities where shorter day-time support services are operated as part of a regional community life support project under the Services and Supports for Persons with Disabilities Act or a location where after-school learning activities or other activities are operated as part of a project subsidized by the Ministry of Education, Culture, Sports, Science and Technology to promote educational support activities through cooperation between schools, households and local communities
 - (3) Employees caring for relatives who are in need of nursing care
3. In cases where, due to working hour assignment mentioned in Item 1, 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.
4. Working hour assignment detailed in Item 1 shall be subject to separate determination.
5. The provisions set forth in Item 4, Article 3 shall be applied to the extent provided for in Item 1.

(Restructured Working Hours System Applicable for a Maximum of 1 Year)

- Article 14: Employees working in a work place with a work load that fluctuates depending on the season, may, notwithstanding the terms and provisions of Items 1 and 2, Article 3 and Article 8, work a restructured work schedule based on working hours and holidays differing to those defined in the aforementioned articles providing that working hours are assigned in advance and work does not exceed 40 working hours per week based on the average for a prescribed period no less than 1 month and no longer than 1 year (hereinafter referred to as "the target period.").
2. The regulation defined in Items 2 and 3 of the foregoing article shall apply to the above item.
 3. Working hour assignment as detailed in Item 1 shall be subject to the labor-management agreement in accordance with Article 32-4 of The LSA.
 4. Fixed extra wages shall be paid to Employees for hours in excess of 40 hours per average week of work periods in work places as defined in Item 1 shorter than the target period.
 5. The provisions set forth in Item 4, Article 3 shall be applied to the extent provided for in Item 1.

(Flextime System)

- Article 15: In cases where recognized as necessary to accommodate work-related or other needs, Employees may work a schedule within which the said 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: Between 7.00 a.m. and 10.00 a.m.
 - (2) Finish: Between 3.00 p.m. and 10.00 p.m.
2. The scope of Employees and other related issues pertinent to the foregoing item shall be subject to decisions reached through the labor-management agreement in accordance with the terms and provisions of Article 32-3 of The LSA.

(Discretionary Labor System)

- Article 16: In cases where, due to the nature of the work, it is necessary to entrust the method of implementation of work to an Employee engaged in the said work, it shall be deemed that the said Employee has worked the hours stipulated through negotiations in accordance with the

labor-management agreement as defined in Article 38-3 of The LSA and resolutions by the labor-management committee as defined in Article 38-4 of the same law.

Chapter 6: Leave

(Types of Leave)

Article 17: Employees shall be entitled to annual paid leave and special leave.

(Annual Paid Leave)

Article 18: Annual paid leave shall be calculated on a full year basis (commencing on 1st January and ending on 31st December). Employees who have worked less than 80% of the entire stipulated working days in the previous year shall not, however, be entitled to take that leave.

2. The number of days of leave defined in the foregoing item shall be as follows.

(1) Employees other than those listed in No. 2 and 3 hereunder: 20 days

(2) Employees falling into the category defined in No. 3 hereunder and specially recognized by The University: the number of days determined by The University

(3) Newly appointed Employees or Employees who are retiring at the end of the employment contract: Number of days defined separately in the appendix below in accordance with the period of employment of the corresponding year (i.e. the period commencing on the first day of employment and ending on 31st December of the same year or the period commencing on 1st January and ending on the retiring day)

3. The proviso in the regulation defined in Item 1 shall not apply to Employees falling into the categories described in No. 2 and 3 above.

4. The periods defined in 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 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, 1947) or of commuting accidents 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 23 of this set of regulations or of family care leave as defined in Article 24 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

5. The number of days of leave for Employees to whom the measures defined in No. 5 above are applied shall, notwithstanding the provisions of No. 1, Item 2, be as recognized by The University and shall not exceed 20 days.

(Stipulation of and Changes to Timing of Leave)

Article 19: In cases where Employees wish to take days of annual paid leave, the said Employees shall stipulate the timing of the said 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 the 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 Employees in accordance with the foregoing item hinders the normal operation of work, the timing of the said period of leave may be changed.

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

(Units of Annual Paid Leave)

Article 20: Annual paid leave shall be calculated in units of whole or half 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 foregoing item shall be deemed to be time worked and shall, accordingly, be subject to payment of salary .

(Carrying over Annual Paid Leave)

Article 21: Remaining days of annual paid leave (exclusive of days carried over in accordance with the provisions of this article) amounting to no more than 20 days (units of less than 1 whole day shall be discarded) may be carried over to the following year.

(Special Leave)

Article 22: Regulations governing leave for Employees for special reasons such as incurrence of 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 23: Employees providing care for and raising children under 3 years of age may take child care leave by submission of the necessary application to their immediate manager.

2. The foregoing item shall not apply to Employees not entitled to child care leave in accordance with labor-management agreements based on the proviso stated in Item 1, Article 6 of The CCFCLL.
3. Salary 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 regulations detailed in the foregoing 3 items shall be determined in accordance with regulations relating to the Rules Pertaining to Child and Family Care Leave for University Limited Term Staff of National University Corporation Osaka University.

(Family Care Leave)

Article 24: Employees needing to provide care for Subject Family Members may take family care leave by submission of the necessary application to their immediate manager.

2. The foregoing item shall not apply to Employees 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 25: Employees who are either undergoing a term of pregnancy or who are 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 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 workload or assigned to other light work.

Supplementary Provisions

(Date of Implementation, etc.)

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

(Special Cases relating to Calculation of Continuous Employment Records)

2. The "continuous employment record" stipulated in No. 1, Item 5, Article 5, No. 1, Item 3, Article 7, No. 1, Item 1, Article 23 and No. 1, Item 1, Article 24 shall include continuous employment records prior to acquiring National University Corporation status (However, previous periods of employment shall not be taken into account in cases where a period of 1 month or more elapses between periods of employment).

(Interim Measure relating to Annual Paid Leave)

3. Notwithstanding the provisions of Items 1 and 2 of Article 18, the annual paid leave of Employees who were Employees prior to the acquisition by National University Corporation Osaka University status on the date of 1 day before the application of these regulations shall, for the period ending on 31st December 2004 only, be handled in accordance with previous provisions.

Supplementary Provision

The foregoing amendments shall be implemented from 1st April 2005.

Supplementary Provision

The foregoing amendments shall be implemented from 19th June 2006.

Supplementary Provision

The foregoing amendments shall be implemented from 19th February 2008.

Supplementary Provision

The foregoing amendments shall be implemented from 1st April 2010.

Supplementary Provision

The foregoing amendments shall be implemented from 30th June 2010.

Supplementary Provision

The foregoing amendments shall be implemented from 29th November 2012.

Appendix (Related to No. 3, Item 2, Article 18)

Period of Employment	No. of Days
1 month or less	2
More than 1 month, and 2 months or less	3
More than 2 months, and 3 months or less	5
More than 3 months, and 4 months or less	7
More than 4 months, and 5 months or less	8
More than 5 months, and 6 months or less	10
More than 6 months, and 7 months or less	12
More than 7 months, and 8 months or less	13
More than 8 months, and 9 months or less	15
More than 9 months, and 10 months or less	17
More than 10 months, and 11 months or less	18
More than 11 months, and 1 year or less	20