

Rules Pertaining to Child and Family Care Leave for Limited Term Staff of National University Corporation Osaka University

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 rules shall be to define, in accordance with the terms and provisions of Articles 23 and 24 of the Regulations Pertaining to Working Hours, Holidays and Leave for National University Corporation Osaka University Limited Term Staff (hereinafter referred to as "Working Hours Regulations"), matters relating to child and family care leave for members of National University Corporation Osaka University (hereinafter referred to as "The University") to whom the Work Regulations for National University Corporation Osaka University Limited Term Staff apply (hereinafter referred to as "Employee(s)").

Chapter 2: Child Care Leave

(Employees Eligible for Child Care Leave)

Article 2: Employees providing care for children less than 3 years of age shall be entitled to take child care leave in accordance with the terms and provisions of these rules set out herein.

2. Notwithstanding the foregoing item, Employees falling into any of the following categories shall not be eligible to take child care leave.

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

(2) Employees who will definitely be retiring within 1 year calculated from the date of submission of application for child care leave (6 months in the case of child care leave for children after the day on which they reached 1 year of age).

(Application Procedures for Child Care Leave)

Article 3: As a basic rule, Employees wishing to take child care leave shall submit to their immediate manager a written application for child care leave detailing relevant information no later than 1 month prior to the commencement of said child care leave (hereinafter referred to as "date of commencement of child care leave"). (2 weeks in the case of children after the day on which they reached 1 year of age).

2. With the exception of the existence of special circumstances, 1 application for child care leave shall be made for 1 child (Multiples shall also be considered as 1 child). However, the foregoing shall not apply to cases where the Employee (excluding those who have taken the special leave prescribed in No. 8, Item 1, Article 9 of the Detailed Regulations Pertaining to Working Hours, Holidays and Leave for National University Corporation Osaka University Staff (hereinafter referred to as the "Working Hours Detailed Regulations") within the period of 8 weeks from the date following the date of birth of the child pertaining to the child care leave (or, in cases where the child is born before the expected date of birth, within the period commencing on the date of birth and ending on the date after the lapse of 8 weeks from the date following the expected date of birth; or, in cases where the child is born after the expected date of birth, within the period commencing on the expected date of birth and ending on the date after the lapse of 8 weeks from the date following the date of birth; hereinafter referred to as the "8 week period after birth")) apply for child care leave (limited only to the child care leave that will end within the 8 week period after birth) within the 8 week period after birth with the purpose of taking care of the same child.

3. In the case of Item 1, Employees applying for child care leave shall promptly submit to their immediate manager any certificates or other documents requested by said manager.

4. In cases where the applying Employee gives birth to the child for whom the application has been made after the date of application, said Employee shall report the relevant information to the immediate manager within 2 weeks of the date of said birth.

(Withdrawal of Applications for Child Care Leave)

Article 4: Employees who have submitted applications for child care leave may withdraw said applications prior to the date of commencement of said child care leave.

2. With the exception of the existence of special circumstances, Employees who have submitted an application for child care leave may not submit further applications for child care leave for the same child.
3. In cases of the decease, prior to the date of commencement of child care leave, of the child for whose benefit application for child care leave has been submitted, the applying Employee shall promptly notify the immediate manager of the relevant circumstances.
4. In the case the foregoing item, application for child care leave shall be deemed null and void, irrespective of whether or not the applying Employee notifies the immediate manager of the relevant circumstances.

(Duration of Child Care Leave, etc.)

Article 5: As a basic rule, the duration of child care leave shall extend until the child under care reaches the age of 3 and shall be as stated in the application for child care leave.

2. In cases where Employees requiring child care leave fail to submit an application for said leave no later than 1 month prior to and inclusive of the date of commencement of said child care leave (2 weeks in the case of children after the day on which they reached 1 year of age), the immediate manager of the said Employee shall, without reference to the foregoing item, be entitled to stipulate the date of commencement of said child care leave in accordance with 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 "Child Care and Family Care Leave Law"). In such cases, the date of commencement of child care leave shall be set within a period of no more than 1 month (2 weeks in the case of children after the day on which they reached 1 year of age) calculated from the day following the date of application for child care leave.
3. In cases where the applying Employee gives birth prior to the scheduled date of birth, or in the case of the existence of other special circumstances, the date of commencement of child care leave may be brought forward provided that the immediate manager of the said Employee is notified of the relevant circumstances no later than 1 week in advance of the date of commencement of said child care leave.
4. In cases of the existence of special circumstances, the applying Employee may extend the period of child care leave within the scope stipulated in the foregoing item provided that the immediate manager of said Employee is notified of the relevant circumstances no later than 1 month (2 weeks in the case of children after the day on which they reached 1 year of age) prior to the end of said child care leave (hereinafter referred to as "scheduled date of end of child care leave"). However, even if no special circumstances exist, child care leave may be extended until the child reaches the age of 1 year.
5. In cases where any of the circumstances detailed below occur, child care leave shall be deemed to have ended on the dates stipulated respectively hereunder.
 - (1) In cases where child care becomes unnecessary due to the decease of the child under care, child care leave shall be terminated on the date the said circumstances arise.
 - (2) In cases where the child under care reaches the age of 3, child care leave shall be terminated on the date before said child's 3rd birthday.
 - (3) In cases where the Employee is granted a special leave prescribed in No. 7 and 8, Item 1, Article 9 of the Working Hours Detailed Regulations, family care leave or a new period of child care leave, child care leave shall be terminated on the day before commencement of the new period of said leaves.
6. In cases where the circumstances detailed in No. 1 of the foregoing item arise, the Employee in question shall promptly inform the immediate manager of the relevant details.
7. In cases where the Employee proposes to his/her immediate manager that the Employee wishes to bring forward the scheduled termination date of child care leave, the termination date of child care leave may be brought forward provided that the immediate manager approves such proposal.

Chapter 3: Family Care Leave

(Employee Eligible for Family Care Leave)

Article 6: Employees having family members in need of care shall be entitled to family care leave in accordance with the terms and provisions of these rules.

2. Family members in need of care in the foregoing item shall be defined as relatives listed hereunder

suffering injury, illness, physical or mental disability requiring constant care for a period of more than 2 weeks (hereinafter referred to as the "Subject Family Members").

- (1) Spouse;
- (2) Parents;
- (3) Children;
- (4) Parents-in-law;
- (5) Grandparents, siblings or grandchildren residing with and dependent on the Employee in question
- (6) Family members other than the above recognized by The University.

3. Notwithstanding the provisions of Item 1, Employees falling into any of the following categories shall not be eligible for family care leave.

- (1) Employees with a consecutive employment record of less than 1 year.
- (2) Employees whose employment contract will clearly be terminating within 93 days calculated from the date of submission of application for family care leave, or will clearly be terminating by the date on which 1 year has elapsed since the date on which 93 days have elapsed since the expected date of commencement of family care leave (hereinafter referred to as "date of commencement of family care leave") (except for Employees who are planned to renew the employment contract).

(Application Procedures for Family Care Leave)

Article 7: As a basic rule, Employees wishing to take family care leave shall submit to their immediate manager a written application for family care leave detailing relevant information no later than 2 weeks prior to the date of commencement of family care leave (1 week in cases of special circumstances).

2. With the exception of the existence of special circumstances, 1 application for family care leave shall be made for 1 family member.
3. In the case of Item 1, Employees applying for family care leave shall promptly submit to their immediate manager any certificates or other documents requested by said manager.

(Withdrawal of Applications for Family Care Leave)

Article 8: Employees who have submitted applications for family care leave may withdraw said applications prior to the date of commencement of said child care leave.

2. As a basic rule, Employees who have withdrawn an application for family care leave may submit no more than 1 reapplication for said leave.
3. In cases of the decease, prior to the date of commencement of family care leave, of the Subject Family Member for whose benefit application for family care leave has been submitted, the applying Employee shall promptly notify the immediate manager of the relevant circumstances.
4. In the case of the foregoing item, application for family care leave shall be deemed not to have requested, irrespective of whether or not the applying Employee notifies the relevant circumstances.

(Duration of Family Care leave)

Article 9: The duration of family care leave for 1 family member in need of care shall as stipulated in the application for said leave, be less than a total of 93 days. However, in cases where No. 2, Article 12 of the Working Hours Regulations applies to the Subject Family Member for whose benefit leave is taken, the resultant number of days shall be deducted from the aforementioned maximum of 93 days.

2. In cases where Employees requiring family care leave fail to submit application for said leave no later than 2 weeks prior to and inclusive of the commencement date of family care leave, the immediate manager of such Employees shall, without reference to the foregoing item, be entitled to stipulate the date of commencement of said family care leave in accordance with the provisions of the Child Care and Family Care Leave Law. In such cases, the date of commencement of family care leave shall be set within a period of no more than 2 weeks calculated from the day following the date of application for family care leave.
3. The applying Employee may extend the period of family care leave within the scope stipulated in Item 1 provided that immediate manager of said Employee is notified of the relevant circumstances no later than 2 weeks prior to the end of said family care leave (hereinafter referred to as "scheduled date of end of family care leave").
4. In cases where any of the circumstances detailed below occur, family care leave shall be deemed to have ended on the dates stipulated respectively hereunder.
 - (1) In cases where care becomes unnecessary due to the death of the Subject Family Member under

care, family care leave shall be terminated on the date said circumstances arise.

(2) In cases where the Employee is granted a special leave prescribed in No. 7 and 8, Item 1, Article 9 of the Working Hours Detailed Regulations, child care leave or a new period of family care leave, leave shall be terminated on the day before commencement of the new period of leave.

5. In cases where the circumstances detailed in No. 1 of the foregoing item arise, the Employee in question shall promptly inform the immediate manager of the relevant details.
6. In cases where the Employee proposes to his/her immediate manager that the Employee wishes to bring forward the scheduled termination date of family care leave, the termination date of family care leave may be brought forward provided that the immediate manager approves such proposal.

Supplementary Provisions

(Date of Implementation)

1. These rules shall be implemented from 14th April 2004 and applied from 1st April 2004.

(Interim Measures)

2. Employees belonging to Osaka University on the day prior to application of these regulations before its attainment of status as a National University Corporation and who were granted child or family care leave shall be deemed to have submitted a new application for said leave.
3. The "consecutive employment record" cited in No. 1, Item 2, Article 2 and No. 1, Item 3, Article 6 shall include the consecutive employment record prior to The University gaining status as a National University Corporation (however, in cases where a period of more than 1 month has elapsed between periods of employment, previous periods shall not be counted).

Supplementary Provisions

(Date of Implementation)

1. These rules shall be implemented from 1st April 2005.

(Interim Measures)

2. Notwithstanding Item 1 and 3, Article 9 after amendments, Employees who submitted applications for family care leave prior to the date of implementation cited in the above item shall be entitled to leave of the duration stipulated in said family care leave applications, even in cases where said period of leave exceeds 93 days, and may furthermore extend said family care leave (including cases where the provisions of No. 2, Item 1, Article 12 of the Working Hours Regulations apply to the family member in question) beyond the date of termination of family care leave stated in said application provided that a period of 6 months is not exceeded.

Supplementary Provision

These rules shall be implemented from 23rd May 2005.

Supplementary Provision

These rules shall be implemented from 30th June 2010.

Supplementary Provision

These rules shall be implemented from 29th November 2012.