

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 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 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 per week shall be individually determined within a scope that shall not exceed 35 hours.

2. Start and finish times 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, they must be divided in the morning and afternoon), a 45 minute break shall be allowed 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 when Employees agree on not doing so.
3. Notwithstanding the provisions of the foregoing item, when an Employee to whom any of the following apply makes 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 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 nursing care.
4. 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 number of 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 restructured 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 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 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 restructured working hours 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 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.
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 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, 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 foregoing 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 into 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 29th December and ending 3rd 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 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. 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 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.

Chapter 5: Special Exception for Working Hours

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

Article 12: 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 35 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 operation of business, 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 the working hour assignment mentioned in Item 1 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.

4. Working hour assignment detailed in Item 1 above shall be defined separately.

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

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

Article 13: An Employee working in a place of work with a work load that fluctuates depending on the season, may, notwithstanding the terms and provisions of Articles 3 and 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 35 working hours per week based on the average for a prescribed period of more than 1 month (hereinafter referred to as "The Target Period").

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

3. Working hour assignment as 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 shall be paid to employee for hours in excess of 40 hours per average week of work periods in work places as defined in Item 1 above 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 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 specified below shall be entitled by calendar year (from 1st January to 31st 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.

Regular working days	Regular working days per year	Number of days of leave to be entitled
5 days	217 days or more	20 days
4 days	169 - 216 days	15 days
3 days	121 – 168 days	11 days
2 days	73 – 120 days	7 days
1 day	48 - 72 days	3 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 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 of 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 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.

(Stipulation of and Changes to Timing of Leave)

Article 17: In cases where Employees wish to take days of annual paid leave, said Employees shall stipulate the timing of 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 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 above provision interferes with the normal implementation of work, the timing of said 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, said part shall be granted in accordance with the timing determined by said resolution.

(Units of Annual Paid Leave)

Article 18: 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 above provision 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 1st April 2007.

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

These rules shall be implemented from 29th November 2012.