

VLT Legal Update

January 2025

Changes to Childcare Leave and Caregiver Leave

The Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Employees Caring for Children or Other Family Members was amended on May 31, 2024. On April 1, 2025, the following amendments will take effect with other amendments taking effect as of October 1, 2025.

Scope of Short-term Leave for Sick/Injured Childcare Expanded

Under the current law, employees are allowed to take short-term leave to care for a sick or injured child that has not yet started elementary school (e.g. when the child has the flu). The law allows for an employee to take up to 5 days off per fiscal year for this kind of leave or up to 10 days, if there are 2 or more eligible children. As of 1 April 2025, the scope of applicability will be expanded in the following ways:

- (a) Eligible Children: Children who have not finished the 3rd year of elementary school
- (b) Eligible Usage: The use of short-term leave has been extended to certain events that are not related to the eligible child's sickness/injury. These events are attending a child's entrance ceremony, graduation ceremony, or if the child's class/school is closed due to an epidemic.

Additional
Links

Note Only Available
in Japanese

- [MHLW
Overview](#)
- [MHLW
Flyer](#)

Further the cases in which a labor-management agreement can be concluded to exclude certain employees from being eligible for this leave has been reduced, and now only employees whose prescribed number of working days per week is two days or less can be excluded by a labor-management agreement.

Limitations on Unscheduled Work (e.g. Overtime) Expanded

In certain situations where an employee cares for a child, the employee has been able to request that an employer not have the employee engage in unscheduled work such as overtime. However, the scope of eligible employees has been expanded as follows:

- Previously: Employees caring for a child under 3 years of age.
- Amended: Employees caring for a child that has not started elementary school.

Employers to "Make Efforts" to Provide Work from Home in Certain Circumstances

Under the recent amendments, an employer now needs to "make efforts" to provide employees taking care for a child under three years of age or employees taking care of an applicable family member who requires caregiving with the option to work from home.

Companies Required to Publicly Announce Statistics on Employees Utilizing Childcare Leave

Some companies are required by law to publicly announce the statistics on employees within the company utilizing childcare leave. As of 1 April 2025, the threshold for being required to make this announcement has been lowered, as follows:

- Previously: Employers with over 1,000 continuously employed employees.
- Amended: Employers with over 300 continuously employed employees.

Eligibility for Short-term Leave for Caregivers Expanded

Currently, an employee who cares for an applicable family member may request to take up to 5 working days of short-term leave to care for the applicable family member. However, certain employees can be excluded from being eligible for this kind of leave through a labor management agreement. Under the recent amendment, the scope of employees who can be excluded has been narrowed and only employees whose prescribed number of working days per week is two days or less can be excluded by a labor-management agreement.

NEWLY ADDED: Obligation to Create a Working Environment that Minimizes Resignations from Employees Caring for Applicable Family Members

An employer will now be obligated to take measures to create a working environment which minimizes employees caring for applicable family members from resigning. Examples of measures that can be taken are:

- (a) providing an explanatory session to employees explaining the rules on leave for caregivers,
- (b) implementing a consultation window to enable employees to discuss rules on leave for caregivers,
- (c) providing information on employees who take leave for caregivers, or
- (d) announcing the company's policy on how it plans to enhance the usage of the leave for caregivers.

Employers will be obligated to take at least take one of the measures above.

Employer Obligations Upon Employee's Notification of Need to Provide Caregiving

If an employee notifies an employer of the fact that the employee needs to look after an applicable family member requiring caregiving, the employer will be obligated to notify the employee of the details of the rules on leave for caregivers and will be obligated to consult with the employee to confirm whether the employee would like to take the leave. In addition, an employer will be obligated to provide the details of the rules on leave for caregivers to an employee who is aged 39 to 40 years old.