

# VLT Quarterly Legal Update

October 2021

## Amendments to Child Care and Family Care Leave Act

On June 9, 2021, the Japanese government enacted significant revisions to the Child Care and Family Care Leave Act.

### *Spousal Post-Childbirth Leave (Paternity Leave)*

A flexible post-childbirth leave system for male employees has been established in order to encourage male employees to take leave in the first eight weeks following the birth of their children (so called “Paternity Leave”). Under the most recent amendments, male employees are entitled to take up to four weeks of leave within the first eight weeks following the birth of the employee’s child. This post-childbirth leave may also be taken in two installments and notice of a male employee’s intent to take this type of leave must be given at least two weeks in advance of the leave.

[Effective from October 1, 2022]

### *Fixed-Term Employee Child Care and Family Care Leave Eligibility*

Under the most recent amendments to the Child Care and Family Care Leave Act, the requirement that a fix-term employee has continuously been employed by a company for one year or more has been abolished. Instead fixed-term employees may be eligible for any of the various child care leave systems regardless of how long an employee has worked for a company so long as all of the other requirements under the Act are met.

[Effective from April 1, 2022]

### *Company Obligations*

The changes in the law require that companies:

1. Implement an employment environment which enables employees to easily utilize the various child care leave systems in effect, and
2. Implement a system for notifying employees of the various available child care leave systems once an employee has notified his/her employer that the employee or the employee’s spouse will give birth or has given birth.

[Effective from April 1, 2022]

In addition, large companies consisting of 1,000 employees or more will have an obligation to publicly disclose how often their employees, and in particular male employees, utilize the various child care systems.

[Effective from April 1, 2023]

### *Recommended Actions*

Companies should revise their “Child Care Leave and Family Care Leave Regulations (Policies)” to reflect the amendments to the Act. In addition, in order to establish the appropriate employment environment, employers may implement several measures including (a) providing lectures regarding child care leave, (b) gathering precedents and examples regarding employees who have already used the child care leave systems, and (c) ensuring that employees are aware of the new system as well as any precedents and examples.

#### Additional Links

[General Information on the Child Care and Family Care Leave Act \(Japanese\)](#)

[General Overview of Amendments \(Japanese\)](#)

[Detailed Implementation Guidelines on Recent Amendments \(Japanese\)](#)