



## Japanese Employment Law Update



February 5, 2025

It has recently been reported that the number of births in Japan fell below 700,000 in 2024. The declining birthrate and aging population remain major social challenges, leading to a shrinking workforce. As a result, there is a pressing need to strengthen support systems that promote equal responsibility for childcare and eldercare between men and women. Additionally, it is crucial to build systems that help caregivers maintain their employment.

To address these issues, the *Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members* (the “Act”) has undergone multiple amendments over the years. In line with this, significant revisions will take effect on April 1 and October 1, 2025 (the “Amendments”). This newsletter outlines the key aspects of these Amendments. It is important for businesses to update their childcare and caregiver leave policies and practices to ensure compliance with the revised legislation.

### **I. Outline of the Amendments Effective April 1, 2025**

#### **1. Amendments Related to Childcare**

##### **(1) Expansion of Eligibility and Circumstances for Employees to Take Nursing Leave for Children**

Currently, employees are entitled to five days of nursing leave for one child and 10 days for two or more children. The Amendment expands the circumstances under

which employees can take nursing leave, as summarized below.

	Current Act	Amendment
Eligible Children	Until the child enters elementary school	Until the child completes third grade in elementary school
Permissible Reasons for Leave	<ol style="list-style-type: none"> <li>1. Illness or injury</li> <li>2. Vaccinations or health check-ups</li> </ol>	<ol style="list-style-type: none"> <li>1. Illness or injury</li> <li>2. Vaccinations or health check-ups</li> <li>3. Class closures due to infectious diseases</li> <li>4. Entrance/graduation ceremonies</li> </ol>
Workers Who may be Excluded by Labor-Management Agreement	<ol style="list-style-type: none"> <li>1. Employees working two or fewer days per week</li> <li>2. Employees with less than six months of continuous employment</li> </ol>	Employees working two or fewer days per week (No minimum continuous service requirement)

**(2) Expansion of the Scope of Employees Eligible for Overtime Work Exemption**

Employers must not require employees raising children to work beyond their prescribed working hours (which shall not be more than eight hours per day) if the employee requests otherwise. The Amendment expands eligibility from employees caring for a child under the age of three to those caring for a child who has not yet started elementary school.

**(3) Inclusion of Remote Work as an Alternative to the Shortened Work Hours System (for Children Under Three)**

In principle, employers must allow employees raising children under the age of three to work shorter hours. However, through a labor-management agreement with appropriate provisions, employers may provide alternative measures, such as changing the start times, for employees in roles where implementing a shortened working hours system is difficult. The Amendment expands these alternatives by including remote work as an eligible option.

**(4) Expansion of Employers Required to Publicly Disclose Childcare Leave Utilization Rates**

The Amendment expands the requirement for public disclosure of childcare leave utilization rates. Employers with 300 or more employees (previously only those with

more than 1,000 employees) must now disclose the utilization rates of their male employees who take childcare leave or similar types of leave.

## **2. Amendments Related to Family Care**

### **(1) Relaxation of Eligibility Requirements for Family Care Leave**

The Amendment relaxes the eligibility requirements for caregiving leave, allowing employees with less than six months of continuous employment to qualify.

### **(2) Measures to Prevent Employee Turnover due to Family Care Reasons**

To help reduce employee turnover due to family care responsibilities, employers are required to implement at least one of the following measures:

- a. Providing training on family care leave and other similar measures.
- b. Establishing a consultation system for employees.
- c. Collecting and sharing examples of employees utilizing family care leave and other similar measures.
- d. Making policies which promote the use of family care leave widely known to employees.

### **(3) Informing Employees and Individually Confirming Their Intentions to Use the Family Care Support Systems**

Employers must inform employees who are facing family care responsibilities about the available support systems and confirm their intent to use them. Additionally, employers are required to proactively provide information on these support systems to employees who have reached the age of 40.

## **3. Amendments Related to Both Childcare and Family Care**

### **Providing the Option to Work Remotely for Employees Managing Childcare or Family Care**

Employers are required to make efforts to provide remote work options for employees who are raising children under the age of three or caring for family members.

## **II. Outline of the Amendments Effective October 1, 2025**

### **1. Measures to Enable Flexible Working Styles**

Employers are required to implement at least two of the following five measures to support employees raising children aged three to before entering elementary school, ensuring a flexible working style.

- a. Changing the start and end times through staggered working hours, a flex-time system, or a similar arrangement.
- b. Granting at least 10 days of remote work per month.
- c. Establishing and operating childcare facilities or offering similar benefits.
- d. Granting at least 10 days of special leave per year for childcare support.
- e. Implementing a shortened working hours system.

Employers must inform employees individually about these measures and confirm their intentions regarding their use.

When determining which measures to implement, employers must consult with employee representatives for their input.

## **2. Individually Confirming Employee Preferences and Giving Consideration to Support Work-Childcare Balance**

Employers must individually confirm an employee's preference regarding working hours, work locations, the duration of support system use, and working conditions that facilitate a balance between childcare and work. This confirmation must take place (i) when the employee notifies the employer of their own or their spouse's pregnancy, childbirth, or adoption, and (ii) at an appropriate time before the employee's child turns three.

\*\*\*\*\*

### **TMI Associates**

#### **Cross-Border Labor and Employment Team**

23rd Floor, Roppongi Hills Mori Tower  
6-10-1 Roppongi, Minato-ku, Tokyo 106-6123, Japan  
Tel +81(0)3-6438-5511 Fax +81(0)3-6438-5522  
Email [XBorDerLE@tmi.gr.jp](mailto:XBorDerLE@tmi.gr.jp)  
<http://www.tmi.gr.jp/english/>

This newsletter is provided as a general informational service to clients and friends of TMI Associates.  
It does not constitute legal advice.