

# Japan<sup>1</sup>

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For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

## 1. Current leave and other employment-related policies to support parents

### a. Maternity leave (*Sanzen-Sango Kyugyo*, literally ‘prenatal and postnatal leave’) (responsibility of the Ministry of Health, Labour and Welfare)

*Length of leave (before and after birth)*

- Fourteen weeks: six weeks before the birth, the remaining eight weeks after birth, six weeks of which are obligatory.

*Payment and funding*

- Two-thirds of the mother’s average daily earnings, up to a ceiling that only affects a very small number.
- The benefit payment is tax-free and the recipients are exempted from social insurance contributions.
- Funded from the Employees’ Health Insurance system, financed by even contributions from employees and employers. The system includes a variety of insurers, and although there is a statutory requirement of (at least) equal contributions from employers and employees, contributions by employer can be higher by collective agreements etc. Depending on the type of insurers, the state subsidises a small proportion of payments and/or administrative expenses.

*Flexibility in use*

- A woman can return six weeks after childbirth, if a doctor has confirmed the activities she will undertake will have no adverse effects on her.

*Eligibility (e.g. related to employment or family circumstances)*

- All women employees are eligible for Maternity leave, but only those covered by the Employees’ Health Insurance systems are eligible for Maternity benefit payment

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(*Shussan-teate-kin*). This means that women enrolled in the National Health Insurance system (including Special national health insurance societies) - such as self-employed women, or part-time or casual employees - are not eligible for Maternity Benefit.

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother*

- In the case of multiple births, Maternity leave can be taken from 14 weeks before birth.

## **b. Paternity leave**

No statutory entitlement.

## **c. Parental leave (*Ikuji kyugyo*, literally 'childcare leave') (responsibility of the Ministry of Health, Labour and Welfare)**

*Length of leave*

- Leave can be taken by each parent until a child is 12 months old; it is an individual entitlement. Leave can, however, be extended until the child is 14 months old if *both* parents take some of the leave even though each parent is only entitled to 12 months after birth including the Maternity leave period. A typical situation might be that a mother takes leave until the baby is 12 months old (including 180 days at 67 per cent of earnings, the remainder at 50 per cent) and the father either starts leave on the same day that the mother finishes or starts his leave some time before and then returns to work when the baby becomes 14 months old. As another example, the mother could take six months leave after Maternity leave at 67 per cent of earnings, followed by the father taking another six months at 67 per cent of earnings, so using the right to take leave up to 14 months after birth if leave is shared.
- A parent who is, or whose spouse is, already on leave can take Parental leave up to 18 months of age where (1) the child needs care for a period of two weeks or more due to injury, sickness, etc.; or (2) admission to a childcare centre has been requested but denied for the time being. A parent can take Parental leave up to 24 months of age if she/he meets the above condition at the time when the child turns 18 months of age. This extension of leave is a family entitlement, i.e. only one parent can take it, and paid at 50% of earnings.

*Payment and funding*

- Sixty-seven per cent of earnings for the first 180 calendar days of Parental leave taken by each parent, up to a ceiling of JPY447,300 [€3,442.51]<sup>2</sup> with a minimum payment of JPY49,647 [€382.09] a month and a maximum payment of JPY299,691 [€2,306.48] per month; then 50 per cent of earnings with a minimum payment of JPY37,050 [€285.14] a month and a maximum payment of JPY223,650 [€1,721.26] per month. The average monthly earnings of permanent full-time female employees in 2014 was JPY256,600 [€1,974.85] whereas those of male counterparts was JPY343,200 [€2,641.34].
- The benefit payment is tax-free and the recipients are exempted from social insurance contributions.

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<sup>2</sup> Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

- The benefit payment is reduced if the benefit plus payment from the employer exceed 80 per cent of earnings.
- Funded from the Employment Insurance system, financed by contributions from employees, employers and the state: 0.85 per cent of all wages by employers and 0.5 per cent by employees (with different rates for some specific industries); 4.4 per cent of the benefit payments are subsidized by the state.

*Flexibility in use*

- A parent must generally take Parental leave in one consecutive time period, except in the case of a father who has taken leave during the eight weeks following childbirth (i.e. during the Maternity leave period); in which case, the father can take another period of Parental leave after returning to work.
- Both parents can take leave at the same time, with both receiving benefit payments if they are both covered by Employment Insurance.

*Eligibility (e.g. related to employment or family circumstances)*

- Parental leave only applies to an employee employed on a fixed-term contract when he/she meets all of the following conditions: (1) he/she has been employed by the same employer for a continuous period of at least one year; and (2) it is not obvious that his/her employment contract will end before the child reaches one year and six months of age and will not be extended.
- Workers may be excluded if (1) employed by the employer for less than one year; or (2) their employment is to be terminated within one year (or six months if leave continues until the child reaches one year and six months of age); or (3) they work two days or less per week.
- When a person covered by Employment Insurance takes Parental leave, he/she is eligible for a benefit payment if they have contributed to Employment Insurance for at least 12 months during the two years preceding the date on which the leave started, and if they have worked for 11 or more days in those months.
- A parent is eligible for the benefit payments even when she/he works for 80 hours or less during each payment period (a month). The payments, however, are reduced according to the extent that the total of the earnings and the benefit payments exceed 80 per cent of the earnings before leave.
- A parent who is financially dependent on a spouse who pays pension contributions is exempted from paying pension contributions, but is entitled to a pension in his/her own right.
- Self-employed workers are not eligible, neither are same-sex couples.

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents)*

- None.

*Additional note (e.g. if leave payments are often supplemented by collective agreements, employer exclusions or rights to postpone)*

- None.

**d. Childcare leave or career breaks**

No statutory entitlement.

## **e. Other employment-related measures**

### *Adoption leave and pay*

- Although there are no special leave provisions for adoption, adoptive children by 'special adoption' (including those who are being given care by the worker before the completion of the adoption process) are treated in the same way as biological children for the purposes of Parental leave<sup>3</sup>.

### *Time off for the care of dependants*

- A short-term family care leave is available for up to five working days (to be taken as half the usual working hours per day) per parent per year for a child under compulsory school age (6 years) if the child is injured, ill or needing a health examination; or up to ten working days per year if there are two or more children of this age. The leave is unpaid.
- Longer family care leave can be taken for a spouse (including de facto), parents, children, parent-in-laws, grand parents, siblings, and grandchildren for each occurrence of a condition where the subject family member requires constant care for a period of two weeks or more due to serious illness or disability, with a limit of 93 days over the whole lifetime of each subject family member, which can be divided into three periods or less. This is paid at 67 per cent of earnings.

### *Flexible working*

- Women with a child under 12 months are entitled to unpaid breaks of at least 30 minutes twice a day; breaks are not specifically for breastfeeding, but can be used for other purposes, e.g. leaving early to pick up children from childcare centres.
- Until a child reaches the age of three years, parents have the right to reduce their normal working hours to six hours per day. There is no payment for working reduced hours. This does not apply to workers excluded by collective labour agreements (e.g. those employed for less than one year).
- Employers may not require an employee with a child below compulsory school age (1) to work more than 24 hours per month or 150 hours per year of overtime; or (2) work night shifts, i.e. between 22.00 and 05.00 – if the employee requests not to work these hours.

### *Measures to promote leave policy effective in workplaces*

- Under the Act on the Advancement of Measures to Support Raising the Next Generation of Children (introduced as a legislation of specified duration in 2003, and revised in 2014 to be effective from 2015 to 2025), employers were obliged to establish (or to make an effort to establish) action plans for 2015-2025 for improving the employment environment to support balancing work and child raising. Under the 2003 Act, employers with more than 100 employees are obliged to establish action plans; while employers with fewer employees are obliged to make an effort to establish plans. The Government grants certificates to employers whose action plans and achievement meets nine conditions; this allows them to use a certification mark

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<sup>3</sup> 'Special adoption' refers to the case of children aged six years or younger whose relationship to their biological parents (as recorded on the family register) is ended through adoption. By contract, 'ordinary adoption' children keep their relationship to their biological parents on the family register; this form of adoption is intended to be used to secure an heir, not to provide care for children whose biological parents cannot do so.

called 'Kurumin', and provides them with preferential tax treatment. These conditions includes: at least one male employee took Parental leave during the period of the plan; and the Parental leave take-up rate for female employees during the period of the plan is 75 per cent or over. These conditions are relaxed for smaller companies. Under the revised act, the Government grants a special certificate with a certification mark called 'Platinum Kurumin' to employers whose achievements meet higher conditions, including a leave take-up 13 per cent or over among male employees whose partner has given birth. The employers with this special certificate are exempted from establishing action plans, and instead obliged to announce their achievements more than once a year.

- Employers are prohibited treating employees disadvantageously for taking Parental or family care leave and are obliged to take measures to avoid actions by other workers that harm their working condition for these reasons.
- Employers are obliged to inform each employee individually of statutory and workplaces leave schemes and other work/life measures, when they learn that an employee (or spouse) is pregnant or given birth.
- Employers are obliged to make an effort to establish leave entitlement, beyond statutory provision, which can be used for the purpose of childcare so employees taking care of children under school age can take care of their children without difficulties.

## **2. Relationship between leave policy and early childhood education and care policy**

The maximum period of well-paid post-natal leave available in Japan is 14 months (including two months of bonus leave if the leave period is shared by parents), which is nearly eight months for mothers and six months for fathers; if fathers do not use their leave entitlement, the maximum period of well-paid leave is just under eight months. Leave can be extended up to 24 months of age where admission to a childcare centre has been requested but denied for the time being. There is no universal entitlement to ECEC although there is an obligation on local authorities to estimate the demand and supply of ECEC for children from birth to school age (6 years) and to make a plan to close the gap through the approval process for various types of ECEC providers. They also match the childcare needs of each family to providers and subsidise childcare fees. Parents can apply for a childcare place for their children from 8 weeks after birth (the end of maternity leave period) to school age where the child needs care because the parents are working (expanded to part-time work or other non-standard work styles in the new scheme that started in April 2015), seeking jobs, studying, training, etc. However, there is a significant shortage of childcare places especially in large cities.

Levels of attendance at formal services for children under three years are slightly below the average for the countries included in this review and OECD countries; but above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2017 (including proposals currently under discussion)**

Under an amendment of the Child Care and Family Care Leave Act, effective from 1 October 2017, Parental leave can be extended to 24 months if parents have applied for a place at a childcare service but not received one; the extension period was previously 18 months. An obligation has also been placed on employers to make an effort to inform parents of their

Parental leave entitlement and provide leave entitlements to employees with a child under school age to enable to take care of their children without difficulties.

## 4. Take-up of leave

### a. Maternity leave

The figures in this section are taken from the 2007 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)<sup>4</sup>, based on a national sample of 6,160 private sector workplaces that employed five or more regular employees. There are no more recent data available; because part of Maternity leave is obligatory, it is assumed that there are few variations in take-up.

The average length of pre-natal Maternity leave taken by women who had single pregnancies from 1 April 2006 to 31 March 2007 was 42.1 days, with 72.2 per cent of them taking 42 or less days off and 26.0 per cent 43 to 98 days. The average length of post-natal leave taken was 54.5 days, with 77.2 per cent taking 56 days (8 weeks), 9.9 per cent 42 to 55 days, and 12.9 per cent 57 or more days.

### b. Paternity leave

The figures in this section are taken from the 2011 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)<sup>5</sup> unless otherwise noted, based on a national sample of 4,097 private sector workplaces that employ five or more regular employees.

Although there is no statutory Paternity leave, 46.8 per cent of the workplaces that were surveyed provided their workers with 'leave for childbearing of spouse' (*haigusha shussan kyuka*), which can be interpreted as non-statutory Paternity leave. The proportion in 2011 had increased from the same survey in 2008 by 10.8 percentage point. Most workplaces (88.9 per cent) that have this provision entitle their workers to one to five days of leave; 77.6 per cent provide paid leave, and 4.2 per cent provide partially paid leave. The proportion of workplaces that provide paid leave decreased by 5.2 percentage point from 2008 survey (82.8 per cent). Just over half (52.9 per cent) of male workers at workplaces that provided this leave and whose partners gave birth from 1 April 2009 to 31 March 2010 took leave.

According to a survey conducted in 2016<sup>6</sup>, 55.9 per cent of fathers whose spouse gave birth in 2015 took some leave including Parental leave, leave for childbearing of spouse, and annual leave, within two months after the childbearing of their spouse.

### c. Parental leave

The figures in this section, unless otherwise noted, are taken from the 2016 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)<sup>7</sup>, based on a

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<sup>4</sup> Ministry of Health, Labour and Welfare (2008) *2007 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-19.html>.

<sup>5</sup> Ministry of Health, Labour and Welfare (2012) *2011 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-23r.html>.

<sup>6</sup> Intage Group (2017) *Dansei no haigusha no shussan chokugo no kyuka shutoku ni kansuru jittai haaku no tameno chousa kenkyu jigyo houkokusho (Report of the research project on fathers' take-up of leave following the childbearing of their spouse)* commissioned by the Cabinet Office. Available at <http://www8.cao.go.jp/shoushi/shoushika/research/h28/zentai-pdf/pdf/s2.pdf>

<sup>7</sup> Ministry of Health, Labour and Welfare (2017) *2016 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/dl/71-28r-03.pdf>

national sample of 4,213 private sector workplaces that employed five or more regular employees

A large proportion (81.8 per cent) of female workers who had given birth between 1 October 2015 and 30 September 2016 had started or applied for Parental leave by 1 October 2016. The proportion increased by 0.3 percentage point from the previous year (81.5 per cent).

The proportion of men was much lower: 3.16 per cent of male workers whose spouse had given birth between 1 October 2014 and 30 September 2015 had started or applied for Parental leave by 1 October 2016. The proportion increased by 0.35 percentage points from the previous year (2.65 per cent) (2015 Basic Survey of Gender Equality in Employment Management<sup>8</sup>).

Nearly a third (31.1 per cent) of female workers who returned to work from leave between 1 April 2014 and 31 March 2015 had taken ten to 12 months of leave; 27.6 per cent had taken 12 to 18 months. Among male workers who returned to work after taking leave in the same period, more than 80 per cent took less than one month of leave, and 56.9 per cent took less than five days.

The figures above do not take into account the number of female workers who had quit their job before the birth of children. According to the first Longitudinal Survey of Newborns in the 21st Century (2010 cohort), about 36.6 per cent of mothers who had given birth to their first child in 2010 remained in their job six months after the birth.

#### **d. Other employment-related measures**

The 2016 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*) shows the following proportion of workplaces provide other employment-related measures: reduced working hours, 60.8 per cent; exemption from overtime work, 55.9 per cent; flexitime for childcare, 12.9 per cent; starting/finishing work earlier or later, 33.6 per cent; providing on-site childcare centre, 2.5 per cent; subsidizing childcare costs, 4.0 per cent; and telework, 2.4 per cent. Use of these measures in the workplaces providing each measure vary depending on the type of measure.

Figures related to the use of these measures are only available for the previous year (2015 Basic Survey of Gender Equality in Employment Management) There are differences between male and female workers: in 13.0 per cent of workplaces providing the reduced working hours measure only female workers used this measure, while in only 0.2 per cent both female and male workers used it; in 21.3 per cent of workplaces providing on-site childcare centres only female workers used them, while in 3.7 per cent both female and male workers used them; and in 13.0 per cent of workplaces providing the reduced working hours measure only female workers used this measure, while in only 0.2 per cent both female and male workers used it; in 10.7 per cent of workplaces providing starting/finishing work earlier or later measures only female workers took advantage of them, while in 0.8 per cent both female and male workers took advantage.

## **5. Research and publications on leave and other employment-related policies since April 2017**

### **a. General overview**

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<sup>8</sup> Ministry of Health, Labour and Welfare (2012) *2011 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-23r.html>

There have been an increasing number of publications that explicitly focus on Parental leave or other specific measures compared to earlier years.

## **b. Selected publications since April 2017**

Fukahori, R. (2017) 'Seiki shūgyō josei no ikuji kyūgyō kikan ni kansuru youin bunseki' [Factors determining the length of child care leave of female regular employees], *Seikatsu keizaigaku kenkyū [Journal of personal finance and economics]*, Vol.46: 39-54.

This paper explores factors determining the length of Parental leave among female regular employees in the private sector. Using the Longitudinal Survey of Adults in the 21<sup>st</sup> Century, the 2002 cohort (LSA-2002), the paper examines determining factors on whether women take Parental leave for more than ten months or not. It is found that women are more likely to take leave of more than ten months when the child was born during January and March, and this tendency has become even more remarkable after the reforms in Parental leave legislation in 2005. The author suggests that parents raising infants should have an equal opportunity to send their children to childcare centres regardless of which time of the year their baby is born.

Miyajima, T. and Yamaguchi, H. (2017) 'I want to but I won't: Pluralistic ignorance inhibits intentions to take paternity leave in Japan', *Frontiers in Psychology*, Vol.20. Available at: DOI: 10.3389/fpsyg.2017.01508

This paper examines the organizational climate in Japanese workplaces, which is hostile toward fathers' taking Parental leave, using the concept of pluralistic ignorance. Based on web-based studies on male employees aged 20 to 49, using a crowdsourcing service, the authors find that male employees overestimate negative attitudes of their colleagues toward Parental leave use. Furthermore, they find that those who believe that their colleagues have negative attitudes toward Parental leave use are less willing to use leave, despite positive attitudes of their own on taking the leave. The authors suggest that the small numbers of fathers taking Parental leave in Japan is partly explained by pluralistic ignorance; although individual men have positive attitudes toward taking leave, their inaccurate assumptions that their colleagues have negative attitudes toward taking leave restrain them from behaving in accordance with their own preference.

Naganuma Y. et al. (2017) *Dansei no ikuji kyūgyō shutokuga hatarakikata, kaji ikuji sankaku, fūfu kankei tou ni ataeru eikyō. [Factors affecting father's taking parental leave and its impacts on father's participation in care, household chores and couple's well-being?]*, *ESRI Working Paper No.39*, Economic and Social Research Institute, Cabinet Office.

This paper examines factors affecting fathers' taking of Parental leave and its impact on father's participation in care and household chores and on the couple's well-being, using the survey of fathers' taking Parental leave and their working styles conducted in 2016 by Economic and Social Research Institute (n=5721, aged 20-59 male employee who had their first children during 2011- 2015). The study finds that family-friendly workplace practices and active participation in household chores before the birth of a first child promote fathers' taking Parental leave. Fathers taking Parental leave also shortened their working hours and increased their participation in care and household chores, which enhanced couple's well-being. The authors suggest that the government should inform employers that fathers' taking of Parental leave had positive impacts on both work and family life.

Noshiro, H. (2017) 'Shakai hoken seido ni miru kosodate shien kinou' ['The function of Child-care Support in social Insurance System'], *Kikan Tōyō daigaku ningen kagaku sōgō kenkūjyō [The Bulletin of the Institute of Human Sciences, Tōyō university]*, Vol.19:199-211.

This paper provides an overview of the historical and legal backgrounds of child-related cash benefits: birth grants, leave benefits and exemptions of social insurance premium during

Maternity and Parental leave, which are funded by the health insurance and the employment insurance. The author points out that more and more regular employees and their dependents have enjoyed more generous entitlements to child-related benefits since 1990s; however, a substantial proportion of non-regular employees and the self-employed have not been comprehensively covered by the insurance schemes. The author suggests all parents should be entitled to child-related benefits regardless of their working status or types of insurance schemes which they participate in.

Uchikoshi, F. (2017) 'Ikuji kyūgyō no shutoku ga josei no shūgyō keizoku ni ataeru chūchōkiteki na eikyō: JGSS-2009LCS wo mochiita seizon bunseki' [Childcare leave use among Japanese women and its long-term effect on occupational careers: A survival analysis using JGSS-2009LCS], *JGSS Research Series No.17*: 29-40.

This paper examines the long-term effect of Parental leave use on women's employment. Using the data from the Japanese General Social Survey 2009 Life Course Survey (JGSS-2009LCS), the author finds that the use of leave has positive effects on women's employment; women who did not use Parental leave are more likely to leave the labour market. The results suggest that the use of Parental leave enhances women's employment not only during the time shortly after childbirth, but also later.

### **c. Ongoing research**

*Basic Survey of Gender Equality in Employment Management.* (Annual survey). Ministry of Health, Labour and Welfare. <http://www.mhlw.go.jp/toukei/list/71-23.html> (Japanese)

This annual survey is based on a national sample of 10,000 private sector workplaces that employ five or more regular employees. It provides nationally representative data on provision and uptake of Parental leave and other employment-related provision to help workers to reconcile their work with care of children and other dependent family members. Contact: Equal Employment Opportunity Division, Employment Environment and Equal Employment Bureau (+81+3-5253-1111: ext. 7837)

*Japanese Panel Survey of Consumers (JPSC)* (Annual survey). Undertaken and funded by the Panel Data Research Center at Keio University (PDRC). <https://www.pdrc.keio.ac.jp/en/>

This is an annual panel survey, undertaken since 1993, which now has four different cohorts of women and has been used to examine the effect of Parental leave take-up on job retention and childbearing. Contact: [info@kakeiken.or.jp](mailto:info@kakeiken.or.jp).

*Longitudinal Survey of Newborns in the 21st Century* (Annual survey). Ministry of Health, Labour and Welfare. <http://www.mhlw.go.jp/english/database/db-hw/vs03.html> (2001 cohort) and <http://www.mhlw.go.jp/toukei/list/27-22.html> (2010 cohort)

This panel surveys of children who were born in January and July 2001 (2001 cohort) and May 2010 (2010 cohort), and their families, has been conducted annually since 2001 and 2011 respectively. The information provided includes parents' job status, childcare and take-up of measures including Parental leave and shortened working hours for parents, and use of childcare services. Contact: Household statistics Office, Director-General for Statistics and Information Policy at [c-cohort@mhlw.go.jp](mailto:c-cohort@mhlw.go.jp)

*National Fertility Survey.* (Every five years). National Institute of Population and Social Security Research. [http://www.ipss.go.jp/ps-doukou/e/doukou15/Nfs15\\_gaiyoEng.html](http://www.ipss.go.jp/ps-doukou/e/doukou15/Nfs15_gaiyoEng.html)

This survey investigates the situation and issues regarding marriage, childbirth and child-rearing in Japan. Unlike the Basic Survey of Gender Equality in Employment Management, it covers those who quit their job before the birth of a child, therefore enabling the relationship between job retention and Parental leave for mothers to be examined.

Contact: [http://www.ipss.go.jp/mail/e\\_sendmail/mail.html](http://www.ipss.go.jp/mail/e_sendmail/mail.html).