

# Japan<sup>1</sup>

**Hideki Nakazato** (Konan University), **Junko Nishimura** (Ochanomizu University), and **Junko Takezawa** (National Institute of Population and Social Security Research)

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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 Kyūgyō*, literally 'pre-natal and post-natal leave') (responsibility of the Ministry of Health, Labour and Welfare)

*Length of leave (before and after birth)*

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

*Payment and funding*

- Two-thirds of the mother's average daily earnings, which is calculated by dividing her average monthly earnings for the previous 12 months by 30; up to an upper limit that only affects a very small number. If the mother has been employed for fewer than 12 months, the benefit is the lower of the two figures: her monthly earnings for the insured period, or the average monthly earnings of all those insured.
- Payments are not taxed and the recipients are exempted from social insurance contributions.
- Funded from the Employees' Health Insurance system, financed by equal contributions from employees and employers. The system includes a variety of insurers, and, although there is a statutory requirement of (at least) equal

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contributions from employers and employees, contributions by the employer can be made 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 at work six weeks after childbirth if a doctor has confirmed her job will have no adverse effects on her.

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

- All female employees are eligible for Maternity leave, but only those covered by the Employees' Health Insurance system are eligible for Maternity benefit payment (*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. Instead, women who are not covered by the Employees' Health Insurance system are exempted from the National Pension System contributions for four months, counting from the month before childbirth (applicable to births on 1 February 2019 or later).
- The eligibility criteria listed above are applicable regardless of citizenship or residency.

#### *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 a person other than the mother*

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

### **b. Paternity leave**

No statutory entitlement.

### **c. Parental leave (*Ikuji Kyūgyō*, 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, and the remainder at 50 per cent). In this typical situation, the father either starts leave on the

same day that the mother finishes or starts his leave some time before that, then returns to work when the baby turns 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 the child reaching 18 months of age where (1) admission to a childcare centre had been requested but was not forthcoming; or (2) the spouse of the employee who was expected to take care of the child was not able to do so for reasons such as death, injury, and illness. A parent can take Parental leave up to the child reaching 24 months of age, if they meet the above condition at the time when the child turns 18 months of age. This extension of leave is an individual entitlement, i.e. both parents can take it for the extent to which they are entitled to usual Parental leave.

### *Payment and funding*

- 67 per cent of previous earnings<sup>2</sup> for the first 180 calendar days of Parental leave taken by each parent with a minimum payment of JPY50,250 [€349.57]<sup>3</sup> per month and a maximum payment of JPY304,314 [€2,116.97] per month; then 50 per cent of earnings with a minimum payment of JPY37,500 [€260.87] per month and a maximum payment of JPY227,100 [€1,579.83] per month. The average monthly earnings of permanent, full-time female employees in 2019 was JPY269,400 [€1,874.09] whereas those of their male counterparts was JPY351,500 [€2,445.22]
- The benefit payment is reduced if the benefit plus payment from the employer exceeds 80 per cent of the individual's earnings.
- Payments are not taxed and the recipients are exempted from social insurance contributions.
- Funded from the parental leave section of the employment insurance system, financed by contributions from employees, employers, and the state: 0.2 per cent of all wages by employers and 0.2 per cent by employees. 1.25 per cent of the benefit payments is subsidised by the state. Leave benefit for employees in the public sector (national or local) are funded by mutual aid associations.

### *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.

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<sup>2</sup> The benefit is calculated based on the earnings in the six months before the leave (bonus is not included in the calculation).

<sup>3</sup> Conversion of currency undertaken for 21 June 2022, using:

[https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/index.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/index.en.html)

- 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 does not apply to an employee employed on a day-to-day basis.
- Parental leave only applies to an employee employed on a fixed-term contract when it is not obvious that their employment contract will end before the child reaches one year and six months of age.
- Workers may be excluded if (1) they have been 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, they are 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 they work 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 prior to leave.
- Adoptive children by 'special adoption'<sup>4</sup> (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.
- Self-employed workers are not eligible.
- Same-sex couples are not eligible.
- There are no payments for unemployed parents.
- The eligibility criteria listed above are applicable regardless of citizenship or residency.

*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 a 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.

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<sup>4</sup> There are two types of adoption in Japan. '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 contrast, children going through 'ordinary adoption' keep their relationship to their biological parents on the family register; this form of adoption is intended to be used to secure and to provide care for children whose biological parents cannot do so.

#### **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'<sup>5</sup> (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.

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

- A short-term family care leave is available for up to five working days (to be taken in daily or hourly units) per parent per year for a child under compulsory school age (six years of age) if the child is injured, ill, or needs 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.
- Long-term family care leave can be taken for a spouse (including de facto), parents, children, parents-in-law, grandparents, siblings, and grandchildren for each occurrence of a condition where the family member requires constant care for a period of two weeks or more due to serious illness or disability. There is a limit of 93 days over the whole lifetime of each family member in need of this care, which can be divided into three periods or fewer. This leave is paid at 67 per cent of earnings.

##### *Flexible working*

- Women with a child under 12 months of age 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 are obliged to provide workers excluded by collective labour agreements with the entitlements to other measures, such as flexible working hours.
- Employers may not require an employee with a child below compulsory school age to (1) 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 legislation of specified duration in 2003, and revised in 2014 to be effective from 2015 to 2025), employers

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<sup>5</sup> For the definition of 'special adoption', see footnote 4.

were obliged to establish (or to make an effort to establish) action plans for 2015-2025 for improving the employment environment, in order to support balancing work and child-rearing. Under the 2003 Act, employers with more than 100 employees are obliged to establish action plans; while employers with fewer employees are obliged to take steps to establish plans. The government grants certificates to employers whose action plans and achievements meet nine conditions; this allows them to use a certification mark called 'Kurumin' and provides them with preferential tax treatment. These conditions include: at least one male employee took Parental leave during the period of the plan, and the Parental leave uptake 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 uptake rate of 13 per cent or more 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 who employ more than 1,000 workers on a regular basis are obliged to publicly announce at least once a year the status of the take-up of Parental leave by their employees.
- Employers are prohibited from treating employees disadvantageously for taking Parental or family care leave, and they are obliged to take measures to deter actions by other workers that could harm their working conditions for these reasons.
- When an employee informs the employer that the employee or the employee's spouse is pregnant or has given birth, or other facts equivalent to it, such as adoption, the employer is obliged to inform the employee of the system concerning Parental leave and other related matters, and to take measures such as interviews to confirm the worker's intention with regard to the Parental leave request. The employer is prohibited from dismissing or otherwise treating the employee disadvantageously because the employee has requested these measures.
- Employers are obliged to take any of the following measures to ensure requests for Parental leave are facilitated:
  - Provide instruction about Parental leave for their employees
  - Establish a consultation system for Parental leave
  - Other measures to improve the employment environment related to leave
- Employers are obliged to make an effort to establish leave entitlement (beyond statutory provision) which can be used for the purpose of childcare so that employees taking care of children younger than 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 is 14 months (including two months of bonus leave if parents share the leave period), 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 the child reaching 24 months of age, where admission to a childcare centre has been requested but denied for the time being. There is no entitlement to Early Childhood Education and Care (ECEC).

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

There is an obligation for local authorities to estimate the demand and supply of ECEC for children from birth to school age (six years of age) and to make a plan to close the gap between demand and supply 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. Fees for ECEC services have been fully subsidized since October 2019 for all children aged three to five years (and the children up to two years of age in households exempted from local income tax) who are enrolled in these services.

Parents can apply for a childcare place for their children from eight weeks after their birth (the end of the Maternity leave period) until they are school age if the child needs care because the parents are working<sup>6</sup> again, seeking employment, studying, in training, etc. However, there is a significant shortage of childcare places, especially in large cities.

### **3. Changes in policy since April 2021 (including proposals currently under discussion)**

Among the changes stipulated by the Law on Partial Amendment to Child Care and Family Care Leave and the Employment Insurance Law promulgated on 9 June 2021, the following items came into force on 1 April 2022:

- The requirement to have been continuously employed for at least one year to be eligible for Parental leave, and which had been applied to fixed-term workers as a requirement for taking Parental leave, is removed.
- Employers are now obliged to provide an employment environment that facilitates the use of Parental leave. They are also obliged to take measures to inform employees of the parental leave system and confirm their intentions to take Parental leave after the employees have informed them about their pregnancy or childbirth or those of their spouses.
- Employers who employ more than 1,000 workers are now obliged to publish data on the use of Parental leave.

The following changes will come into force on 1 October:

- Four weeks of Paternity leave called *Shusshōji Ikuji Kyūgyō* (Childcare Leave at Birth), which can be taken during the first eight weeks after birth and which

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<sup>6</sup> The definition of 'working' was expanded to include part-time work or other non-standard working styles under the new scheme that started in April 2015.

will have larger flexibility than Parental leave; this is also called *Sango Papa Sankyū* (Fathers' post-natal childcare leave).

- Parental leave can be taken in two segments even after the worker takes leave within the first eight weeks of Parental leave.

## 4. Uptake of leave

### a. Maternity leave

Gender Equality in Employment Management The figures in this section are taken from the 2007 Basic Survey of Gender Equality in Employment Management (*Koyō-kintō Kihon Chōsa*),<sup>7</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 – however, because part of Maternity leave is obligatory, it is assumed that there are relatively few variations in uptake.

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 – 72.2 per cent took 42 or fewer days off, and 26.0 per cent took 43 to 98 days off. The average length of post-natal leave taken was 54.5 days – 77.2 per cent took 56 days (8 weeks), 9.9 per cent took 42 to 55 days, and 12.9 per cent took 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 (*Koyō-kintō Kihon Chōsa*)<sup>8</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 child-bearing of spouse' (*haigūsha shussan kyūka*), which can be interpreted as non-statutory Paternity leave. The proportion in 2011 had increased by 10.8 per cent, compared to same survey in 2008. 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 per cent from the 2008 survey (82.8 per cent). Leave was taken up by just over half (52.9 per cent) of the male workers at workplaces that provided this leave, and whose partners gave birth from 1 April 2009 to 31 March 2010.

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<sup>7</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>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>.



According to a survey conducted in 2016<sup>9</sup>, 55.9 per cent of fathers whose spouse gave birth in 2015 took some leave, including Parental leave, leave for child-bearing of spouse, and annual leave, within two months after the birth.

### **c. Parental leave**

The figures in this section, unless otherwise noted, are taken from the 2020 Basic Survey of Gender Equality in Employment Management (*Koyō-kinto Kihon Chōsa*),<sup>10</sup> based on a national sample of 3,591 private sector workplaces that employed five or more regular employees.

A large proportion (81.6 per cent) of female workers who had given birth between 1 October 2018 and 30 September 2019 had started or applied for Parental leave by 1 October 2020. The proportion had decreased by 1.4 per cent point from the previous year (83.0 per cent).

The proportion of men was much lower: 12.65 per cent of male workers whose spouse had given birth between 1 October 2018 and 30 September 2019 had started or applied for Parental leave by 1 October 2020. The proportion increased by 5.17 percentage points from the previous year (7.48 per cent).

The categorized data on leave duration by gender are only available for an earlier year (2018 Basic Survey of Gender Equality in Employment Management). Nearly a third (31.13 per cent) of female workers who returned to work from leave between 1 April 2017 and 31 March 2018 had taken ten to 12 months of leave, and 29.8 per cent had taken 12 to 18 months of leave. 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 36.3 per cent (28.3 per cent in the latest 2020 survey) took under five days.

The figures above do not take into account the number of female workers who had quit their job before the birth of their child. 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 2020 Basic Survey of Gender Equality in Employment Management (*Koyō-kinto Kihon Chōsa*) shows the following proportion of workplaces providing other employment-related measures: reduced working hours (68.0 per cent); exemption from overtime work (64.3 per cent); flextime for childcare (15.0 per cent); starting/finishing work earlier/later (39.3 per cent); providing on-site childcare centre (3.8 per cent); subsidising childcare costs (6.8 per cent); and

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<sup>9</sup> Intage Group (2017) *Dansei no haigusha no shussan chokugo no kyuka shutoku ni kansuru jittai haaku no tameno chousa kenkyu jigyo houkokusho [Report on the research project on fathers' uptake of leave following the child-bearing 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>10</sup> Ministry of Health, Labour and Welfare (2021) *2020 Basic Survey of Gender Equality in Employment Management*. Available at: <https://www.mhlw.go.jp/toukei/list/dl/71-r02/03.pdf>

telework (10.0 per cent). The practical application of these measures varies between workplaces.

Figures related to the proportion of workplaces providing other employment-related measures are only available for the previous year (2019 Basic Survey of Gender Equality in Employment Management). As for the use of these measures, there are striking differences between how male and female workers used the options available to them. In 16.2 per cent of workplaces providing the reduced working hours option, only female workers used this measure, while just 0.5 per cent of both female and male workers used it. In 13.7 per cent of workplaces providing on-site childcare centres, only female workers used them, while 3.8 per cent of both female and male workers used them. In 10.2 per cent of workplaces providing flextime for childcare, only female workers used this measure, while just 2.2 per cent of both female and male workers used it. In 13.9 per cent of workplaces providing telework, only female workers used them, while 5.4 per cent of both female and male workers used them.