

## iGlobal Law : 2022 Annual Alert : Japan

Legal Change	Effective Date	Action required
<p><b>Amendment of Childcare and Family-care Leave Act (the “Childcare Act”)</b></p> <p>The Childcare Act was amended in order to promote male employees taking childcare leave.</p> <p>(i) An employee may take child-care leave for up to four weeks within eight weeks of childbirth. The leave can be divided in two.</p> <p>(ii) When an employee informs the employer that the employee or their spouse is pregnant or has given birth, an employer is required to explain certain matters relating to the childcare leave to the employee and to confirm whether the employee desires to take childcare leave. This can be by having a meeting or any other method prescribed by the Childcare Act and its enforcement ordinance.</p> <p>(iii) Childcare leave (except for case (i)) can be divided in two.</p> <p>(iv) An employer regularly hiring more than 1,000 employees is required to publicly disclose the status of their employees’ taking childcare leave.</p> <p>(v) Relax requirements for the eligibility of childcare / family care leave with respect to fixed-term employees.</p>	<p>(i) and (iii) 1 October 2022</p> <p>(ii) and (v) 1 April 2022</p> <p>(iv) 1 April 2023</p>	<p>Rules on Childcare and Family-care must be updated to be compliant with the amended Childcare Act.</p>
<p><b>Amendment of Act on the Promotion of Female Participation and Career Advancement in the Workplace</b></p> <p>An employer regularly hiring more than 100 employees will be required to create and publicly disclose an action plan for promoting female participation and career advancement in the workplace. Currently, this obligation applies to an employer regularly hiring more than 300 employees.</p>	<p>1 April 2022</p>	<p>Relevant employers must create an action plan.</p>
<p><b>Amendment of so-called “the Act on Prevention of Power Harassment”<sup>1</sup></b></p> <p>The amendment requires an employer to take measures necessary for preventing power harassment. The amendment came into effect on 1 June 2020, but there is a grace period for small and medium-sized enterprises. The amendment will apply to all employers, including small and medium-sized enterprises, effective on 1 April 2022.</p> <p>An employer must take measures:</p>	<p>1 April 2022</p>	<p>Employers must appoint an employee to whom a report should be made or set up a hotline so as to enable employees to report harassment.</p>

<sup>1</sup> The Act on Comprehensive Promotion of Labor Measures and Stabilization of Employment of Employees and Enrichment of Their Working Lives, Etc.

<ul style="list-style-type: none"> <li>(i) to clearly articulate an employer’s policy regarding harassment, and to notify the employees of, and ensure they understand, the policy;</li> <li>(ii) to develop a system to receive a request for consultation or a complaint from employees and to respond appropriately;</li> <li>(iii) to promptly and appropriately respond, after harassment is reported (i.e. to investigate the relevant facts, if the complaint is verified, to give due consideration to a victim and to take necessary measures for the perpetrator); and</li> <li>(iv) to take other necessary actions in conjunction with the measures in (i)-(iii) above (e.g. to give due consideration to privacy of an employee and not to take treatment unfavourable to an employee who reported harassment or an employee who cooperated with the investigation).</li> </ul>		
<p><b>Expansion of the scope of part-time employees who are eligible for social insurance</b></p> <p>A part-time employee who satisfies all of the following requirements will become eligible for social insurance (i.e. health insurance and welfare pension insurance):</p> <ul style="list-style-type: none"> <li>(i) the employee works for an employer regularly hiring more than 100 insured employees (excluding part-time employees);</li> <li>(ii) the employee’s standard weekly working hours are 20 hours or more;</li> <li>(iii) the monthly salary is JPY 88,000 or more;</li> <li>(iv) the employee is expected to be continuously hired for over two months; and</li> <li>(v) the employee is not a student.</li> </ul> <p>Note: Eligibility of social insurance has been gradually expanded to part-time employees. Currently, a part-time employee who works for an employer, regularly hiring more than 500 insured employees, and who is expected to be continuously hired for one year or more is eligible for social insurance. The requirement (i) will be further relaxed effective as of 1 October 2024 and the eligibility will be expanded to part-time employees who work for an employer regularly hiring more than 50 insured employees.</p>	<p>1 October 2022</p>	<p>An employer hiring more than 100 insured employees (excluding part-time employees) must check whether its part-time employees meet the requirements for the eligibility of social insurance. If there are part-time employees who will be newly eligible for social insurance, the employer should notify the eligible employees to that effect, explain the relevant matters as necessary and submit an eligibility notification regarding newly insured employees to the competent social insurance office.</p>