



# Global Care Policy Index

## Technical Report for Japan

Published: 25 June 2022 | Sophia X. Qiu and Anju M. Paul | [globalcarepolicy.com](http://globalcarepolicy.com)

### Overview

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled, and infirm within the country. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit [globalcarepolicy.com](http://globalcarepolicy.com).

### Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the equally weighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an equally weighted average of their respective sub-category scores. Each sub-index is calculated as an equally weighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an equally weighted average of Sub-Indices A and B.

### Scoring Notes for Japan

Domestic workers in Japan are excluded from most national labor laws and there are no standalone regulations for native-born domestic workers. However, because migrants form the majority of domestic workers in Japan and there are unique legislations that apply to them, Sub-Index B was scored based upon the country's policy protections for migrant domestic workers under the National Strategic Special Zones project. As such, for any question in Sub-Index B where Japan provides full protections for migrant domestic workers with no exclusionary conditions, it was given full marks.

### How to Cite this Technical Report

The recommended citation for this report is as follows:

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
<b>Japan</b>				
<b>SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS</b>				
<b>A1. Pregnancy and Maternity Leave Coverage</b>				
A1.1	Are working women guaranteed maternity leave?	1.00	<p>Yes, working women are guaranteed maternity leave by the Labor Standards Act.</p> <p>According to Article 65 of the Labor Standards Act:                      "(Before and After Childbirth)                      (1) In the event that a woman who is expected to give birth within 6 weeks (or within 14 weeks in the case of multiple fetuses) requests leave from work, the employer shall not make her work.                      (2) An employer shall not have a woman work within 8 weeks after childbirth; provided, however, that this shall not prevent an employer from having such a woman work, if she has so requested, after 6 weeks have passed since childbirth, in activities which a doctor has approved as having no adverse effect on her."</p>	<a href="#">Labor Standards Act</a>
A1.2	Are all categories of working women guaranteed maternity leave?	0.80	<p>No, four out of five categories of working women are guaranteed maternity leave. The Labor Standards Act defines a worker as someone employed at an enterprise or office. This excludes workers in disguised employment/dependent self-employment. Workers in formal and full-time employment, workers in part-time and on-call work, and workers in temporary agency or multi-party employment relationships are covered.</p> <p>According to the Labor Standards Act:                      "Article 9. (Definitions)                      In this Act, <b>worker means one who is employed at an enterprise or office</b> (hereinafter referred to as "enterprise") and receives wages therefrom, without regard to the kind of occupation.</p> <p>Article 10.                      In this Act, <b>employer means the business operator or manager of the enterprise</b> or any other person who acts on behalf of the business operator of the enterprise in matters concerning the workers of the enterprise."</p>	<a href="#">Labor Standards Act</a>
A1.3	How long a maternity leave are eligible working women guaranteed?	0.75	<p>Working women are guaranteed a total of <b>14 weeks</b> (6 weeks before birth and 8 weeks after childbirth) of maternity leave, or <b>22 weeks</b> (14 weeks before birth and 8 weeks after childbirth) in the case of multiple fetuses.</p> <p>According to Article 65 of the Labor Standards Act:                      "(Before and After Childbirth) (1) In the event that a woman who is expected to give birth within <b>6 weeks (or within 14 weeks in the case of multiple fetuses)</b> requests leave from work, the employer shall not make her work. (2) An employer shall not have a woman work within <b>8 weeks after childbirth</b>; provided, however, that this shall not prevent an employer from having such a woman work, if she has so requested, after 6 weeks have passed since childbirth, in activities which a doctor has approved as having no adverse effect on her."</p> <p>Some working women may also be eligible for <b>childcare leave until the child reaches the age of one</b>, but this applies to a more limited group of workers.                      According to the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members:                      "Article 5                      (1) A worker may take <b>childcare leave</b> upon applying to their employer if the child that worker takes care of is <b>less than one year of age</b>; however, persons employed for a fixed period of time may only file such an application in cases where that person falls under both of the following items:                      (i) a person employed for a continued period of at least one year by an employer;                      (ii) a person whose labor contract will not expire before the day on which a dependent child reaches one year and six months of age (if the labor contract has been renewed, the renewed contract).</p> <p><b>The standard 14 weeks of maternity leave gives Japan a score of 0.5 since it is less than the 18 weeks recommended by the ILO, while the childcare leave provision adds 0.25 to its score for this question.</b>  <math>0.5 + 0.25 = 0.75</math></p>	<a href="#">Labor Standards Act</a> <a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a>
A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	0.00	<p>There is no explicit mention in the Labor Standards Act about extension of the prenatal maternity leave in the event that the actual date of childbirth is before or after the predicted date.</p>	<a href="#">Labor Standards Act</a>



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A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	1.00	Yes, eligible working women are guaranteed 8 more weeks of prenatal maternity leave in the case of multiple fetuses. According to the Labor Standards Act: "Article 65. (Before and After Childbirth) <b>(1) In the event that a woman who is expected to give birth within 6 weeks (or within 14 weeks in the case of multiple fetuses) requests leave from work, the employer shall not make her work.</b> <b>(2) An employer shall not have a woman work within 8 weeks after childbirth; provided, however, that this shall not prevent an employer from having such a woman work, if she has so requested, after 6 weeks have passed since childbirth, in activities which a doctor has approved as having no adverse effect on her."</b>	<a href="#">Labor Standards Act</a>
A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	0.00	No. Although working women are guaranteed leave both before and after childbirth, there is no mention of a non-compulsory portion of maternity leave in the Labor Standards Act and no flexibility for them to choose when they can take their non-compulsory leave.  Instead, there is the possibility of reducing the maternity leave period. Working women may request to do some tasks suitable to their condition after the compulsory 6 weeks of postnatal maternity leave. "Article 65. (Before and After Childbirth) <b>(1) In the event that a woman who is expected to give birth within 6 weeks (or within 14 weeks in the case of multiple fetuses) requests leave from work, the employer shall not make her work.</b> <b>(2) An employer shall not have a woman work within 8 weeks after childbirth; provided, however, that this shall not prevent an employer from having such a woman work, if she has so requested, after 6 weeks have passed since childbirth, in activities which a doctor has approved as having no adverse effect on her."</b>	<a href="#">Labor Standards Act</a>
A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	1.00	Yes, eligible working women are guaranteed 6 weeks of compulsory maternity leave after childbirth during which their employers are not allowed to request them to work. Working women may request to do some tasks suitable to their condition after the compulsory 6 weeks, but employers are not allowed to request a woman to work until 8 weeks after childbirth.  According to Article 65 of the Labor Standards Act: "(Before and After Childbirth) <b>(1) In the event that a woman who is expected to give birth within 6 weeks (or within 14 weeks in the case of multiple fetuses) requests leave from work, the employer shall not make her work.</b> <b>(2) An employer shall not have a woman work within 8 weeks after childbirth; provided, however, that this shall not prevent an employer from having such a woman work, if she has so requested, after 6 weeks have passed since childbirth, in activities which a doctor has approved as having no adverse effect on her."</b>	<a href="#">Labor Standards Act</a>
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	1.00	The compulsory maternity leave guaranteed to eligible working women is 6 weeks.  According to Article 65 of the Labor Standards Act: "Article 65. (Before and After Childbirth) <b>(1) In the event that a woman who is expected to give birth within 6 weeks (or within 14 weeks in the case of multiple fetuses) requests leave from work, the employer shall not make her work. (2) An employer shall not have a woman work within 8 weeks after childbirth; provided, however, that this shall not prevent an employer from having such a woman work, if she has so requested, after 6 weeks have passed since childbirth, in activities which a doctor has approved as having no adverse effect on her."</b>	<a href="#">Labor Standards Act</a>
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	0.00	There is no explicit mention in the Labor Standards Act about extensions of maternity leave in the case of documented medical illness, etc.	<a href="#">Labor Standards Act</a>



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A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.50	<p>There are no maternity leave provisions specifically for adoptive mothers. Adoptive mothers are not granted maternity leave since this leave is specifically directed towards pregnancy and childbirth in Japan. However, adoptive mothers may take childcare leave until the adopted child reaches the age of one, but there are two exclusionary conditions: (1) Childcare leave does not apply to fixed term workers who worked for less than one year continuously and whose contract is to expire before the child reaches the age of one. (2) This leave provision only applies to adopted children until they reach the age of one year (for a single contract) or one year and six months (for a renewed contract).</p> <p>According the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members, Article 2</p> <p>(i) <b>childcare leave: leave that a worker</b> (excluding persons employed on a day-to-day basis; the same applies hereinafter in this Article, the following Chapter through Chapter VIII, Articles 21 through 26, Article 28, Article 29 and Chapter XI) takes pursuant to the provisions of the following Chapter in order to <b>provide childcare to a child</b> (including a person with regard to whom a worker, pursuant to the provisions of Article 817-2, paragraph (1) of the Civil Code (Act No. 89 of 1896), filed an application to the family court for special adoption with the worker as stipulated in the same paragraph (only if a case for adjudication of domestic relations for the relevant application is pending in court), and who is currently in the custody of the worker, as well as a <b>child who is entrusted</b>, pursuant to the provisions of Article 27, paragraph (1), item (iii) of the Child Welfare Act (Act No. 164 of 1947), to a <b>worker who is a foster parent under the adoption system</b> as stipulated in Article 6-4, item (ii) of the same Act, and any other person who is entrusted, pursuant to Order of the Ministry of Health, Labour and Welfare, to someone specified by Order of the Ministry of Health, Labour and Welfare, as being equivalent to any of the above persons; the same applies hereinafter except for item (iv) and Article 61, paragraph (3) (including the case of mutatis mutandis application to paragraph (6) of the same Article)).</p> <p>Article 5</p> <p>(1) A worker may take childcare leave upon applying to their employer <b>if the child that worker takes care of is less than one year of age</b>; however, <b>persons employed for a fixed period of time</b> may only file such an application in cases where that person falls under both of the following items:</p> <p>(i) a person <b>employed for a continued period of at least one year by an employer</b>;</p> <p>(ii) a person whose <b>labor contract will not expire</b> before the day on which a dependent child reaches one year and six months of age (if the labor contract has been renewed, the renewed contract).</p> <p>Since there are two exclusionary conditions, Japan's score for this question is calculated as follows:  <math>1 - 0.25 - 0.25 = 0.5</math></p>	<a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a>
<b>A2. Protections during Pregnancy and Maternity Leave</b>				
<b>A2.1 Financial Protections</b>				
A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	1.00	<p>The original law (Employment Insurance Act) indicates that working women receive <b>30% of their salary</b> while on maternity leave, while the ILO and many other sources suggest that the legal amount increased to approximately <b>two-thirds of their salary in recent years</b>.</p> <p>According to Article 61-4 of the Employment Insurance Act:  "(4) The amount of the basic childcare leave benefits for a single payment unit period shall be an amount equivalent to <b>30 percent</b> of the amount obtained by multiplying the amount equivalent to the daily amount of wages to be calculated when the provisions of Article 17 have been applied, deeming the person qualified to receive payment of the basic childcare leave benefits to be a qualified recipient and the day before the day on which said qualified recipient commenced the leave pertaining to payment of said basic childcare leave benefits as the day of separation from employment pertaining to the recipient qualification."</p> <p>However, according to the ILO:  "Originally the law indicated any period of child care leave taken by the mother was paid at an amount equivalent to 30% of the worker's wages as received prior taking leave. Upon return to work after child care leave, the mother would receive a further 10% of her pre-leave wage, for the duration of the leave taken, as a re-engagement benefit for workers returning from child care leave.  <b>The legal amount has changed in recent years and the currently available allowance (2011) is paid at approximately 66.67% of the average daily basic wage, according to wage class, for a period of 42 days before birth and 56 days after the expected date of childbirth.</b>"</p> <p>Since eligible women are granted two-thirds of their salaries while on maternity leave, Japan scores a <b>1</b> on this question.</p>	<a href="#">Employment Insurance Act</a> <a href="#">ILO Travail Japan Maternity Protection</a>



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A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	1.00	<p>Yes, all expectant mothers may receive a childbirth childcare lump sum of ¥420,000 or ¥404,000 provided by Japan Health Insurance Association. Furthermore, a child allowance of ¥5000-10,000/month is provided to parents with a child less than six years old and who earn below a specific income threshold. Single mothers with a child less than 18 years old are also provided with monthly child rearing allowance of ¥42,370 if they earn less than ¥2,048,000 a year, and ¥14,020 if they earn between ¥2,048,000 - ¥3,000,000.</p> <p>According to the National Institute of Population and Social Security Research" "In the past, the <b>Child Allowance</b> is granted to parents (or guardians) who are raising children less than 3 years old and whose income is less than a specified amount. Since June 2000, the age limit was raised to <b>6 years old and the income threshold was also raised.</b> (See Table 4.3 for income threshold). The amount of the Child Allowance is <b>¥5,000 per month for the first two, and ¥10,000/month/child for other children.</b> The financial burden of the Child Allowance for children 0 to 3 years old is born by employer, central, prefectural and municipal governments at 70%, 20%, 5%, 5% for a recipient who is employed, and by the central, prefectural and municipal governments at 66%, 16% and 16% for a recipient who is not an employee. For children 3 to 6 years old, the entire financial burden is born by the government (central 66%, prefectural 16%, municipal 16%).</p> <p><b>Child Rearing Allowance</b> (for single-mother households) As part of measures for single-mother households, Child Rearing Allowance is given to a mother or other persons having custody of, and rearing a child less than 18 years old, who does not share a common household income with father and whose earnings for the previous year is less than the threshold. For mothers and others with less than ¥2,048,000 of annual earning, monthly allowance of ¥42,370 in case of one child, ¥47,370 in case of two children, and for third child and up additional ¥3,000 for each child is granted. For similar persons whose earnings of the previous year was more than ¥2,048,000 but less than ¥3,000,000, monthly allowance is reduced by ¥14,020."</p>	<p><a href="#">The Tokyo Life</a></p> <p><a href="#">Japan Health Insurance Association</a></p> <p><a href="https://www.ipss.go.jp/s-info/e/Jasos2001/p28-38.html">https://www.ipss.go.jp/s-info/e/Jasos2001/p28-38.html</a></p>
A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	1.00	<p>Yes. The payroll contributions of employers are estimated to be 14.94% - 24.37%, and the payroll contributions of employees are 14.39%. The rest is funded by the government.</p>	<p><a href="#">Papayaglobal Japan Payroll and Benefits Guide</a></p>
A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	<p>Yes, there is no distinction by sex for taxes and contributions to compulsory social insurance.</p>	<p><a href="#">Papayaglobal Japan Payroll and Benefits Guide</a></p>
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	0.75	<p>Yes with one exclusionary condition. Workers who are unemployed and have family responsibilities may extend their recipient period for job-seeker allowance/basic allowance. <b>However, this is limited to workers who are taking care of elderly family members and children less than three years old.</b></p> <p>According to the Ministry of Health, Labor, and Welfare, <b>Those unable to work for more than 30-days during the Basic allowance disbursement period – lasting 1-year after separation from employment – for the following reasons, the benefit disbursement period may be extended.</b> Also, those wishing to participate in classes as prescribed under the Educational training allowance, may extend the training period.</p> <p>① Unable to work due to illness or injury (Including periods when injury-sickness allowance from the Health Insurance, and resting allowance from Workmen's Compensation Insurance were available)</p> <p>② <b>Unable to work due to pregnancy, giving-birth, and child rearing (limited to care of children under 3-years old)</b></p> <p>③ <b>Unable to work due to taking care of elderly family member(s)</b></p> <p>④ Wishing to rest for a while after reaching retirement age of 60, etc, and separated from employment</p> <p>Given that this extension only applies to workers taking care of elderly family members or children under the age of 3, one deduction is made from Japan's score for this question: <b>1 - 0.25 = 0.75</b></p>	<p><a href="#">Ministry of Health, Labor, and Welfare</a></p>
A2.2	Employment Protections			



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A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	0.00	<p>No, working women are not guaranteed a right to return to the same position, paid the same rate at the end of their maternity leave. The Labor Standards Act only prohibits the dismissal of working women on maternity leave. It does not guarantee that they can return to the same position and earn the same salary as they did prior to their maternity leave.</p> <p>According to Article 19 of the Labor Standards Act:            "(Restrictions on Dismissal of Workers)            (1) <b>An employer</b> shall not dismiss a worker during a period of absence from work for medical treatment with respect to injuries or illnesses suffered in the course of employment nor within 30 days thereafter, and <b>shall not dismiss a woman during a period of absence from work before and after childbirth in accordance with the provisions of Article 65 nor within 30 days thereafter</b>; provided, however, that this shall not apply in the event that the employer pays compensation for discontinuance in accordance with Article 81 nor when the continuance of the enterprise has been made impossible by a natural disaster or other unavoidable reason."</p>	<a href="#">Labor Standards Act</a>
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>Yes, working women are protected from dismissal from work while they are on maternity leave.</p> <p>According to the Labor Standards Act:            "Article 19. (Restrictions on Dismissal of Workers)            (1) An employer shall not dismiss a worker during a period of absence from work for medical treatment with respect to injuries or illnesses suffered in the course of employment nor within 30 days thereafter, and <b>shall not dismiss a woman during a period of absence from work before and after childbirth in accordance with the provisions of Article 65 nor within 30 days thereafter</b>; provided, however, that this shall not apply in the event that the employer pays compensation for discontinuance in accordance with Article 81 nor when the continuance of the enterprise has been made impossible by a natural disaster or other unavoidable reason."</p>	<a href="#">Labor Standards Act</a>
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>Yes, working women are protected from dismissal from work within 30 days after they return to work.</p> <p>According to the Labor Standards Act:            "Article 19. (Restrictions on Dismissal of Workers)            (1) <b>An employer</b> shall not dismiss a worker during a period of absence from work for medical treatment with respect to injuries or illnesses suffered in the course of employment nor within 30 days thereafter, and <b>shall not dismiss a woman during a period of absence from work before and after childbirth in accordance with the provisions of Article 65 nor within 30 days thereafter</b>; provided, however, that this shall not apply in the event that the employer pays compensation for discontinuance in accordance with Article 81 nor when the continuance of the enterprise has been made impossible by a natural disaster or other unavoidable reason."</p>	<a href="#">Labor Standards Act</a>
A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child) ?	0.00	<p>No, there are no laws that specifically and explicitly prohibit pregnancy tests at recruitment. It is forbidden to give pregnant workers disadvantageous treatment after they are hired and are working, but there is no regulation regarding the recruitment process.</p> <p>According to the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment:            Article 9 (Prohibition, etc. of Disadvantageous Treatment by Reason of Marriage, Pregnancy, Childbirth, etc.)            (1) Employers shall not stipulate marriage, pregnancy or childbirth as a reason for retirement of women workers.            (2) Employers shall not dismiss women workers for marriage.            (3) <b>Employers shall not dismiss or give disadvantageous treatment to women workers by reason of pregnancy, childbirth, or for requesting absence from work as prescribed in Article 65, paragraph 1, of the Labor Standards Act (Act No. 49 of 1947) or having taken absence from work as prescribed in the same Article, paragraph 1 or 2, of the same act, or by other reasons relating to pregnancy, childbirth as provided by Ordinance of the Ministry of Health, Labor and Welfare.</b></p>	<a href="#">Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment</a>



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A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	0.25	<p>Yes, but the protections are limited. While the law prohibits discrimination based on sex for a wide range of employment-related purposes, it only explicitly states that marriage should not be the reason for retirement and dismissal of working women. Furthermore, the law only mentions women who are married and have family responsibilities, but does not mention unmarried women who may have family responsibilities. It also does not mention working men with family responsibilities.</p> <p>According to the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment: "Article 5 With regard to the <b>recruitment and employment</b> of workers, employers shall provide <b>equal opportunities</b> for all persons regardless of sex.</p> <p>Article 6 With regard to the following matters, employers <b>shall not discriminate against workers on the basis of sex.</b> (i) <b>Assignment</b> (including allocation of duties and grant of authority), <b>promotion, demotion, and training</b> of workers; (ii) <b>Loans for housing and other similar fringe benefits</b> as provided by Ordinance of the Ministry of Health, Labor and Welfare; (iii) <b>Change in job type and employment status of workers</b>; and (iv) Encouragement of <b>retirement</b>, mandatory retirement age, <b>dismissal</b>, and <b>renewal</b> of the labor contract.</p> <p>[...] Article 9 (Prohibition, etc. of Disadvantageous Treatment by Reason of <b>Marriage, Pregnancy, Childbirth, etc.</b>) <b>(1) Employers shall not stipulate marriage, pregnancy or childbirth as a reason for retirement of women workers.</b> <b>(2) Employers shall not dismiss women workers for marriage.</b> (3) Employers shall not dismiss or give <b>disadvantageous treatment</b> to women workers by reason of <b>pregnancy, childbirth, or for requesting absence from work</b> as prescribed in Article 65, paragraph 1, of the Labor Standards Act (Act No. 49 of 1947) or having taken absence from work as prescribed in the same Article, paragraph 1 or 2, of the same act, or by other reasons relating to pregnancy, childbirth as provided by Ordinance of the Ministry of Health, Labor and Welfare."</p> <p>Since these employment protections are limited, and workers are not guaranteed complete equal treatment for preparation for employment, access to employment, and advancement within employment, three deductions are made.</p> <p><math>1 - 0.25 * 3 = 0.25</math></p>	<a href="#">Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment</a>
<b>A3. Paternity Leave Policies</b>				
A3.1	Are working men guaranteed paternity or parental leave?	1.00	<p>Yes. Although there is no leave for new fathers that is equivalent to maternity leave that is taken before and after pregnancy, working men are guaranteed a type of parental leave called childcare leave that can be taken until their child reaches the age of one. Childcare leave applies to workers regardless of gender.</p> <p>According to the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members: "Article 5 (1) A worker may take childcare leave upon applying to their employer if the child that worker takes care of is less than one year of age; however, persons employed for a fixed period of time may only file such an application in cases where that person falls under both of the following items: (i) a person employed for a continued period of at least one year by an employer; (ii) a person whose labor contract will expire before the day on which a dependent child reaches one year and six months of age (if the labor contract has been renewed, the renewed contract)."</p>	<a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a>



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A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	0.25	<p>No, only working men in (1) formal &amp; full-time employment, (2) part-time employment, and some in (3) temporary employment are covered. Workers in (1) temporary agency or multi-party employment relationships, and workers in (2) disguised employment and dependent self-employment are excluded.</p> <p>The Act for childcare leave excludes workers employed on a day-to-day basis, employed less than a continuous period of one year, and fixed-term workers whose contracts would expire at the end of the childcare leave.</p> <p>Since out of the five categories of workers, two categories (formal &amp; full-time, part-time) are fully covered, and one category (temporary employment) is partially covered, Japan initially scores a 0.5.  <math>0.2 + 0.2 + 0.1 = 0.5</math>  <b>However, because there is an exclusionary condition which stipulates that workers are only eligible after having been employed for a "continued period of at least one year", there is a further deduction of 0.25.</b>  <math>0.5 - 0.25 = 0.25</math></p> <p>According to the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members:  "Article 2  (i) childcare leave: leave that a <b>worker (excluding persons employed on a day-to-day basis; the same applies hereinafter in this Article,</b> the following Chapter through Chapter VIII, Articles 21 through 26, Article 28, Article 29 and Chapter XI) takes pursuant to the provisions of the following Chapter in order to provide childcare to a child (including a person with regard to whom a worker, pursuant to the provisions of Article 817-2, paragraph (1) of the Civil Code (Act No. 89 of 1896) [...]</p> <p>Article 5  (1) A worker may take childcare leave upon applying to their employer if the child that worker takes care of is less than one year of age; however, <b>persons employed for a fixed period of time may only file such an application</b> in cases where that person falls under both of the following items:  (i) a person employed <b>for a continued period of at least one year</b> by an employer;  (ii) a person whose <b>labor contract will not expire</b> before the day on which a dependent child reaches one year and six months of age (if the labor contract has been renewed, the renewed contract).</p> <p>Article 6  (1) <b>Employers may not refuse an application for childcare leave filed by a worker;</b> provided, however, that this <b>does not apply to cases</b> where an application for childcare leave is filed by a <b>worker who falls under any of the following items</b> and who is set forth as a person who <b>may not take childcare leave under a written agreement between their employer and either a labor union,</b> if any, organized by a majority of workers at the place of business where the worker is employed or between the employer and a person who represents the majority of workers when there is no labor union organized by the majority of workers at the place of business where the worker is employed:  (i) a worker employed by an employer <b>for a continued period of less than one year;</b> or  (ii) beyond what is listed in the preceding item, a person specified by Order of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds not to grant childcare leave."</p>	<a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a>
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	1.00	<p>Eligible working men are guaranteed one year of childcare leave. The childcare leave can be taken from the child's birth to the time the child reaches the age of one.</p> <p>According to the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members:  "Article 5  (1) <b>A worker may take childcare leave upon applying to their employer if the child that worker takes care of is less than one year of age.</b>"</p>	<a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a>
A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	1.00	<p>Working men are entitled to 67% of their salary while on childcare leave for the first six months, and thereafter, they are entitled to 50% of their salary.</p> <p>According to the Q&amp;A on Childcare Leave Benefits by the Ministry of Health, Labour, and Welfare:  "Q4 When is the childcare leave start date for childcare leave benefits? Is it possible for men to receive childcare leave benefits as well?  For women who have taken childcare leave after childbirth, it will be the 58th day from the date of childbirth.  <b>Men are also eligible for childcare leave benefits.</b>  Q7 Please tell me the approximate amount of childcare leave benefits you can receive in a month, for example.  <b>The amount of childcare leave benefits paid per unit period is "daily wage at the start of childcare leave x number of days paid x 67% (however, 6 months from the start of childcare leave). After the lapse of time, it will be calculated by 50%."</b></p>	<a href="#">Ministry of Health, Labour, and Welfare</a>

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.50	<p>Yes, in the case of the death of the mother, the employed father is entitled to extend their childcare leave. Although there is no mention of transferring a portion of maternity leave to the father in the Labor Standards Act, the employed father may extend their childcare leave to until the child is one year and six months, or two years old, if they or their spouse have been taking childcare leave until the child reaches the age of one. However, wage replacement benefits of maternity leave are not transferable, since it is childcare leave that is extended.</p> <p><b>Since the employed father may extend their leave, but (1) he or his spouse need to already be taking leave, and (2) wage replacement benefits are not transferable, two deductions are made.</b></p> <p><b>1 - 0.25 * 2 = 0.5</b></p> <p>According to Article 5 of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members"</p> <p>"(3) <b>A worker may take childcare leave</b> upon applying to their employer if the child that worker takes care of is <b>between one year and one year and six months of age, only when that worker falls under both of the following items</b>; provided, however, that a person employed for a fixed period of time and whose spouse is taking childcare leave on the date of the child reaching one year of age (hereinafter referred to as "date the child reaches one year of age") may file the application only when falling under both of the items of paragraph (1):</p> <p>(i) <b>the worker or the worker's spouse is taking childcare leave for a child in an application until the date the child reaches one year of age</b>; and</p> <p>(ii) leave during the period after the date the child reaches one year of age is applicable to <b>cases specified by Order of the Ministry of Health, Labour and Welfare</b> where taking leave would be found to be particularly necessary for continuing employment.</p> <p>(4) <b>A worker may take childcare leave</b> upon applying to their employer if the child the worker takes care of is <b>between one year and six months, and two years of age</b>; only when the worker falls under both of the following items:</p> <p>(i) <b>the worker or the worker's spouse is taking childcare leave for a child in the application until the day on which the child reaches one year and six months of age</b> (hereinafter referred to as "date the child reaches one year and six months of age" in the following item and in paragraph (6)); and</p> <p>(ii) leave during the period after the date the child reaches one year and six months of age is <b>applicable to cases specified by Order of the Ministry of Health, Labour and Welfare</b> where taking leave would be found to be particularly necessary for continuing employment."</p> <p>According to the Ordinance for Enforcement of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave:</p> <p>"Article 4-2 (Cases Specified by Ordinance of the Ministry of Health, Labour and Welfare Provided for in Article 5 Paragraph (3) Item (ii) of the Act)</p> <p>Cases specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in Article 5 paragraph (3) item (ii) of the Act shall be as listed in the following items:</p> <p>(i) In cases where a worker, with regard to the child pertaining to the application set forth in Article 5 paragraph (3) of the Act, desires child care at a nursery school and makes an application but such care is unlikely to be provided for some time after the day on which the child reaches one year of age;</p> <p>(ii) <b>In cases where a Spouse who normally takes care of the child pertaining to the application set forth in Article 5 paragraph (3) of the Act and is going to normally take care of said child after said child reaches one year of age falls under any of the following items:</b></p> <p><b>(a) In the event that said Spouse dies;</b></p> <p><b>(b) In the event that said Spouse comes to have difficulty in taking care of the child pertaining to the application set forth in Article 5 paragraph (3) of the Act due to injury, illness, or physical or mental disability"</b></p>	<p><a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a></p> <p><a href="#">Ordinance for Enforcement of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave</a></p>



No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.50	<p>Yes, in the case of the sickness, injury, and disability of the mother, the employed father is entitled to extend their childcare leave. Although there is no mention of transferring a portion of maternity leave to the father in the Labor Standards Act, the employed father may extend their childcare leave to until the child is one year and six months, or two years old, if they or their spouse have been taking childcare leave until the child reaches the age of one. However, wage replacement benefits of maternity leave are not transferable, since it is childcare leave that is extended.</p> <p><b>Since the employed father may extend their leave, but (1) he or his spouse need to already be taking leave, and (2) wage replacement benefits are not transferable, two deductions are made.</b>  <math>1 - 0.25 * 2 = 0.5</math></p> <p>According to the Ordinance for Enforcement of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave: "Article 4-2 (Cases Specified by Ordinance of the Ministry of Health, Labour and Welfare Provided for in Article 5 Paragraph (3) Item (ii) of the Act)  Cases specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in Article 5 paragraph (3) item (ii) of the Act shall be as listed in the following items:  (i) In cases where a worker, with regard to the child pertaining to the application set forth in Article 5 paragraph (3) of the Act, desires child care at a nursery school and makes an application but such care is unlikely to be provided for some time after the day on which the child reaches one year of age;  (ii) In cases where a Spouse who normally takes care of the child pertaining to the application set forth in Article 5 paragraph (3) of the Act and is going to normally take care of said child after said child reaches one year of age falls under any of the following items:  (a) In the event that said Spouse dies;  <b>(b) In the event that said Spouse comes to have difficulty in taking care of the child pertaining to the application set forth in Article 5 paragraph (3) of the Act due to injury, illness, or physical or mental disability"</b></p>	<a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a> <a href="#">Ordinance for Enforcement of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave</a>
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.75	<p>Yes, adoptive fathers have access to the same system of protections. All fathers have access to childcare leave if they meet the same eligibility requirements and adoptive fathers are not excluded.</p> <p>However, the childcare leave that adoptive fathers may take only applies until the adopted child reaches the age of one.</p> <p>According the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members:  "Article 2  (i) childcare leave: leave that a worker (excluding persons employed on a day-to-day basis; the same applies hereinafter in this Article, the following Chapter through Chapter VIII, Articles 21 through 26, Article 28, Article 29 and Chapter XI) takes pursuant to the provisions of the following Chapter in order to provide childcare to a child (including a person with regard to whom a worker, pursuant to the provisions of Article 817-2, paragraph (1) of the Civil Code (Act No. 89 of 1896), <b>filed an application to the family court for special adoption</b> with the worker as stipulated in the same paragraph (only if a case for adjudication of domestic relations for the relevant application is pending in court), and who is currently in the custody of the worker, as well as a child who is entrusted, pursuant to the provisions of Article 27, paragraph (1), item (iii) of the Child Welfare Act (Act No. 164 of 1947), <b>to a worker who is a foster parent under the adoption system</b> as stipulated in Article 6-4, item (ii) of the same Act, and any other person who is entrusted, pursuant to Order of the Ministry of Health, Labour and Welfare, to someone specified by Order of the Ministry of Health, Labour and Welfare, as being equivalent to any of the above persons; the same applies hereinafter except for item (iv) and Article 61, paragraph (3) (including the case of mutatis mutandis application to paragraph (6) of the same Article)).</p> <p>Article 5  <b>(1) A worker may take childcare leave upon applying to their employer if the child that worker takes care of is less than one year of age;</b> however, persons employed for a fixed period of time may only file such an application in cases where that person falls under both of the following items:  (i) a person employed for a continued period of at least one year by an employer;  (ii) a person whose labor contract will not expire before the day on which a dependent child reaches one year and six months of age (if the labor contract has been renewed, the renewed contract).</p> <p>Since there is one exclusionary condition, Japan's score for this question is calculated as follows:  <math>1 - 0.25 = 0.75</math></p>	<a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a>
A4.	Dependent Care Leave Policies			



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A4.1	Are eligible workers entitled to leave to take care of their children?	1.00	<p>Yes, eligible workers are entitled to multiple types of leave to take care of their children. Eligible workers may take long-term childcare leave for children less than one year of age. Eligible workers are also granted five days of leave each year to take care of a sick or injured child (or to prevent sickness or injury) who has not started primary school (age of 6), and five days of leave each year to take care of a family member (which can include older children). If there are more than one child or family member in need of care, 10 days of leave are granted.</p> <p>According to the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members: "Article 5 (1) A worker may take <b>childcare leave</b> upon applying to their employer if the child that worker takes care of is <b>less than one year of age</b>; however, persons employed for a fixed period of time <b>may only file such an application in cases where that person falls under both of the following items</b>: (i) <b>a person employed for a continued period of at least one year by an employer</b>; (ii) <b>a person whose labor contract will expire before the day on which a dependent child reaches one year and six months of age</b> (if the labor contract has been renewed, the renewed contract). [...] Article 16-2 (1) A worker who is <b>taking care of a child before that child starts elementary school may obtain leave to look after the child</b> as specified by Order of the Ministry of Health, Labour and Welfare as necessary for taking care of the child <b>in the event of injury to or illness or preventing illness</b> (hereinafter referred to as "time off for sick/injured childcare") upon application to the worker's employer, with a limit of up to <b>five working days per fiscal year (or ten working days in cases where the worker has two or more children to take care of)</b>. [...] Article 16-5 (1) <b>A worker who looks after a subject family member</b> in a condition that requires caregiving as specified by Order of the Ministry of Health, Labour and Welfare, including nursing care, may <b>obtain leave to look after the subject family member</b> (hereinafter referred to as "caregiver leave") upon application to the worker's employer, with limits of up to <b>five working days per fiscal year (or ten working days in cases where the worker has two or more subject family members in a condition that requires caregiving)</b>."</p>	<p><a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a></p>

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	1.00	<p>Yes, eligible workers are entitled to take care of immediate family members.</p> <p>For long-term care leave, eligible workers are granted a total of 93 days that can be split and taken at 3 installments. Furthermore, eligible workers taking care of a child before primary school age or other family member are granted five days of leave each year (10 days if there are two or more family members or children).</p> <p>According to the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members, Article 11</p> <p>(1) A worker may take <b>caregiver leave</b> upon applying to their employer; provided, however, that persons employed for a fixed period of time are only able to file such an application in cases where that worker falls under both of the following items.</p> <p>(i) a person employed by the employer for a continued period of <b>at least one year</b>; and</p> <p>(ii) a person with regard to whom it is not clear whether his or her <b>labor contract</b> (if the labor contract has been renewed, the renewed contract) will expire from the day on which 93 days elapse from the caregiver leave scheduled start date prescribed in paragraph (3), until the day upon which six months elapse.</p> <p>(2) Notwithstanding the provisions of the preceding paragraph, a worker who has taken caregiver leave <b>may not file an application set forth in the preceding paragraph with regard to a subject family member for whom the worker has already taken caregiver leave in cases where the subject family member subject to the caregiver leave falls under any of the following items:</b></p> <p>(i) with regard to the subject family member, caregiver leave has been taken <b>three times</b>; or</p> <p>(ii) with regard to the subject family member, <b>the total of the number of days on which caregiver leave has been taken</b> (meaning the number of days from the start day until the end day of caregiver leave, and in the case of taking caregiver leave for two or more times, the number of days obtained by addition of the total numbers of days of each caregiver leave from the start day until the end day; referred to in Article 15, paragraph (1) as "number of days for caregiver leave, etc.") <b>has reached 93 days.</b></p> <p>Article 16-2</p> <p>(1) A worker who is <b>taking care of a child before that child starts elementary school</b> may obtain leave to look after the child as specified by Order of the Ministry of Health, Labour and Welfare as necessary for taking care of the child <b>in the event of injury to or illness or preventing illness</b> (hereinafter referred to as "time off for sick/injured childcare") upon application to the worker's employer, <b>with a limit of up to five working days per fiscal year (or ten working days in cases where the worker has two or more children to take care of who have yet to start elementary school).</b></p> <p>Article 16-3</p> <p>(1) Employers must not refuse an application by a worker pursuant to the provisions of paragraph (1) of the preceding Article.</p> <p>(2) The provisions of the proviso to paragraph (1) of Article 6 and the provisions of paragraph (2) of the same Article apply mutatis mutandis to cases where a worker files an application pursuant to the provisions of paragraph (1) of the preceding Article. In this case, <b>the term "one year" in Article 6, paragraph (1) item (i) is to be replaced with "six months"</b></p> <p>Article 16-5</p> <p>(1) <b>A worker who looks after a subject family member in a condition that requires caregiving</b> as specified by Order of the Ministry of Health, Labour and Welfare, including nursing care, may <b>obtain leave to look after the subject family member</b> (hereinafter referred to as "caregiver leave") upon application to the worker's employer, with limits of up to <b>five working days per fiscal year (or ten working days in cases where the worker has two or more subject family members in a condition that requires caregiving).</b></p> <p>Article 16-6</p> <p>(1) Employers may not refuse an application by a worker pursuant to the provisions of paragraph (1) of the preceding Article.</p> <p>(2) The provisions of the proviso of Article 6, paragraph (1) and the provisions of paragraph (2) of the same Article apply mutatis mutandis to cases where a worker files an application pursuant to the provisions of paragraph (1) of the preceding Article. <b>In this case, the term "one year" in Article 6, paragraph (1), item (i) is to be replaced with "six months"</b></p>	<a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a>



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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A4.3	Are all categories of workers guaranteed dependent care leaves?	0.15	<p>No, only formal and full-time workers, and maybe part-time workers are guaranteed dependent care leaves. Although the Act does not explicitly exclude any categories of workers, it specifies that an eligible employee needs to be employed for a continued period of at least one year or six months by the employer. Hence, this excludes workers in temporary employment, on-call work, and disguised employment.</p> <p><b>Since two out of five of the worker categories are eligible, Japan is initially scored as follows: <math>2/5 = 0.4</math>. However, since there is an exclusionary condition that stipulates that workers are eligible only after they have been employed "for a continued period of at least one year by an employer", one step-deduction is made. So Japan's final score is <math>0.40 - 0.25 = 0.15</math></b></p> <p>Article 5            (1) A worker may take childcare leave upon applying to their employer if the child that worker takes care of is less than one year of age; however, persons employed for a fixed period of time may only file such an application in cases where that person falls under both of the following items:            (i) a person employed for a continued period of at least one year by an employer;            (ii) a person whose labor contract will expire before the day on which a dependent child reaches one year and six months of age (if the labor contract has been renewed, the renewed contract)."</p>	<p><a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a></p>
<b>A5. Flexible Work Arrangements</b>				

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.10	<p>Yes, but there are many exclusionary conditions.</p> <p>For workers that need to care for a child less than three years old, take care of a family member, or has a child with an age before elementary school, reduced working hours only apply to those that (1) do not take childcare leave, (2) worked for more than one year, (3) are not engaged in work that is in nature difficult to perform under reduced hours, and (4) have a written agreement between the employer and a labor union. However, if the workers are not given shortened working hours, they may be granted alternative measures such as flexitime, childcare leave, measures including a change of the starting time, and so on.</p> <p>According to the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members: "Article 23(1) Employers must, with regard to an <b>employed worker who takes care of a child under three years of age, but who does not take childcare leave</b> (excluding workers specified by Order of the Ministry of Health, Labour and Welfare as workers whose scheduled working hours per day are short), <b>take measures to shorten scheduled working hours</b> that make it easier for the worker to take care of the child while continuing working (referred to as "measures to shorten prescribed working hours for childcare" hereinafter in this Article and Article 24, paragraph (1), item (iii)), upon application from the worker, as prescribed by Order of the Ministry of Health, Labour and Welfare; provided, however, that <b>this does not apply to workers who fall under any of the following items and who are set forth as persons for whom measures to shorten prescribed working hours for childcare are not taken under a written agreement</b> between the employer and either a labor union, if any, organized by a majority of workers at the place of business where the worker is employed or between the employer and a person who represents the majority of the workers when there is no labor union organized by the majority of workers at the place of business where the worker is employed: (i) a worker employed by the employer for a continued period of <b>less than one year</b>; (ii) beyond what is listed in the preceding item, a <b>person specified by Order of the Ministry of Health, Labour and Welfare</b> as a worker for whom there are reasonable grounds for measures to shorten prescribed working hours for childcare not being taken; or (iii) beyond what is listed in the preceding two items, a <b>worker who is engaged in work for which it is considered difficult to take measures to shorten prescribed working hours for childcare</b> in light of the nature of the work or the work system. [...] (3) Employers must, with regard to an <b>employee who take cares of subject family member in a condition that requires caregiving but has not taken caregiver leave</b>, take measures to <b>make it easier for the worker</b> to take care of the subject family member in a condition that requires caregiving for the period of <b>at least three consecutive years</b> while continuing working (referred to as "measures to shorten prescribed working hours for caregivers" in this Article and Article 24, paragraph (2)), upon application from the worker, as prescribed by Order of the Ministry of Health, Labour and Welfare; provided, however, that <b>this does not apply to workers who fall under any of the following items and who are set forth as persons for whom measures to shorten prescribed working hours for caregivers are not taken under a written agreement</b> between the employer and either a labor union, if any, organized by a majority of workers at the place of business where the worker is employed or between the employer and a person who represents the majority of these workers when there is no labor union organized by the majority of workers at the place of business where the worker is employed. (i) a worker employed by the employer for a continued period of <b>less than one year</b>; or (ii) beyond what is listed in the preceding item, a <b>person specified by Order of the Ministry of Health, Labour and Welfare as a worker</b> for whom there are reasonable grounds for measures to shorten prescribed working hours for caregivers not being taken. [...] Article 24 (1) Employers must, with regard to an <b>employed worker who takes care of a child before starting elementary school</b>, endeavor to take measures to grant leave which a worker, upon request, can use for purposes related to childcare (other than time off for sick/injured childcare, caregiver leave, and leave which is granted as annual paid leave pursuant to the provisions of Article 39 of the Labor Standards Act, including leave which allows a worker to prepare for childcare after childbirth) and <b>take necessary measures according to the system or measures prescribed for the category of the worker listed in the following items</b>: (i) a worker (excluding a worker prescribed in Article 23, paragraph (2); the same applies in the following item) who takes care of a child under one year of age (or one year and six months of age in cases where the worker may file an application pursuant to the provisions of Article 5, paragraph (3), and two years of age in cases where the worker may file an application pursuant to the provisions of paragraph (4) of the same Article; the same applies in the same item) and has not taken childcare leave: measures including a change of the starting time; (ii) a worker who takes care of a child from one year to three years of age: system for childcare leave or measures including a change of the starting time; or (iii) a worker who takes care of a child over three years of age, before starting elementary school: system for childcare leave, system for limitation on unscheduled work under Article 16-8, <b>measures to shorten prescribed working hours for childcare</b>, or measures including a change of the starting time. (2) Employers must, <b>with regard to an employed worker who takes care of a family member</b>, endeavor to take necessary measures in accordance with the system of caregiver leave or caregiver leave or measures to <b>shorten prescribed working hours for caregivers</b> by giving taking into consideration the period, the frequency, etc. for care."</p>	<p><a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a></p>



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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	0.00	<p>No, employees with care responsibilities do not have the right to request flexitime and telecommuting. Employees may request flexitime only if they enter a majority labor agreement through a labor union. This is not unique to employees with care responsibilities.</p> <p>According to the Japan Institute for Labour Policy and Training: "b. Flexitime Systems Flexitime systems (LSA Article 32.3) give workers discretion over their hours of starting and finishing work, on condition that they provide a certain number of labor hours within a certain period of time (the settlement period). That is, they can start and finish work freely within time bands of several hours in the morning and afternoon. Of course, there are cases where a "core time band" of several hours either side of noon is set, when labor must always be provided. On the other hand, some companies set "super-flexitime systems" with no specified core time. Overtime work in flexitime systems consists of hours that exceed the number of statutory working hours during the period in question. The <b>requirements</b> for introducing flexitime systems are that the rules of employment should state that <b>the system will be introduced and a majority labor agreement should be entered</b>. However, there is no requirement for notifying the Labour Standards Inspection Office. The level of introduction and application of flexitime systems also leaves much to be desired."</p> <p>According to Article 32 of the Labor Standards Act: "Article 32-3 In the event that the following items have been provided in a written agreement either with a labor union organized by a majority of the workers at the workplace concerned (in the case that such labor union is organized), or with a person representing a majority of the workers (in the case that such labor union is not organized), the employer may, with respect to a worker for whom the <b>starting and ending time for work is left to the worker's own decision</b> pursuant to rules of employment or the equivalent, and regardless of the provisions of Article 32, have such a worker work in excess of the working hours set forth in paragraph (1) of Article 32 in a week and may have such a worker work in excess of the working hours set forth in paragraph (2) of that Article in a day, to the extent that the average working hours per week during a period provided in the above-mentioned written agreement as the settlement period (of which conditions are defined in item (ii) below) does not exceed the working hours set forth in paragraph (1) of Article 32: (i) The scope of workers whom the employer may have work under the working hour provisions of this Article; (ii) A settlement period (which shall be a period, not to exceed one month in length, during which average working hours per week will not exceed the working hours under Article 32, paragraph (1) The same shall apply in the following item.); (iii) Total working hours in the settlement period; (iv) Other matters as set forth by Ordinance of the Ministry of Health, Labour and Welfare"</p>	<p><a href="#">Labor Standards Act</a></p> <p><a href="#">Japan Institute for Labour Policy and Training</a></p>

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.10	<p>Yes, workers with family responsibilities are prohibited from being assigned to night work, but there are many exclusionary conditions.</p> <p>Exemption from night work only applies to workers that need to take care of a child who has not started elementary school or a family member in need, who also (1) worked for more than one year, (2) are not excluded as specified by Order of the Ministry of Health, Labour and Welfare (excluded are workers that have a family member older than 16 years old living with the child or family member that the worker is taking care of, and who do not have difficulty taking care of the child/family member), (3) work more than two days per week, and (4) does not impede normal business operations.</p> <p>According to the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members, "Article 19  <b>(1) Employers must not, in cases where a worker who is taking care of a child before starting elementary school and who does not fall under any of the following items makes a request in order to take care of the child, make the worker work in hours between 10 p.m. and 5 a.m. (referred to as "late-night" hereinafter in this Article and Article 20-2); provided, however, that this does not apply to cases where the request would impede normal business operations:</b>                      (i) a worker employed by the employer for a continued period of less than one year;                      (ii) a worker who has a <b>person specified by Order of the Ministry of Health, Labour and Welfare</b>, such as a family member who is living in the same household with the child, and who can normally take care of the child during late-night subject to the request; or                      (iii) beyond what is listed in the preceding two items, <b>a person specified by Order of the Ministry of Health, Labour and Welfare as a worker for whom there are reasonable grounds for the request not being granted.</b></p> <p>Article 20 (1) <b>The provisions of paragraphs (1) through (3) and paragraph (4) (excluding item (ii)) of the preceding Article apply mutatis mutandis to a worker who takes care of a subject family member in a condition that requires caregiving.</b> In this case, the term "take care of the child" in Article 19, paragraph (1) is to be replaced with "take care of the subject family member", the terms "child" and "take care of the child" in item (ii) of the same paragraph are to be replaced respectively with "subject family member" and "take care of the subject family member", and the terms "child" and "taking care of the child" in paragraph (3) and paragraph (4), item (i) of the same Article are to be replaced respectively with "subject family member" and "taking care of the subject family member."</p> <p>According to the Ordinance for Enforcement of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave,                      "Article 31-11 (Person Specified by Ordinance of the Ministry of Health, Labour and Welfare Provided for in Article 19 Paragraph (1) Item (ii) of the Act)  <b>A person specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in Article 19 paragraph (1) item (ii) of the Act shall be a family member aged 16 years or older living with the child</b> pertaining to the request pursuant to the provision of the same paragraph (which means a family member set forth in Article 2 item (v) of the Act) and fall under all of the following items:                      (i) A person who does not work at late-night set forth in Article 19 paragraph (1) of the Act (hereinafter referred to as "Late-Night") (including a person who works at Late-Night for three days or fewer per month);                      (ii) A person who <b>does not have difficulty in taking care of the child</b> pertaining to the request, due to injury, illness, or physical or mental disability; and                      (iii) A person who is not going to give birth within six weeks (or 14 weeks in the case of multiple pregnancy) or is not within eight weeks after childbirth.</p> <p>Article 31-12 (Person Specified by Ordinance of the Ministry of Health, Labour and Welfare Provided for in Article 19 Paragraph (1) Item (iii) of the Act)  <b>A person specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in Article 19 paragraph (1) item (iii) of the Act shall be as listed in the following items:</b>  <b>(i) A worker whose prescribed working days are two days or fewer per week; and</b>  <b>(ii) A worker whose prescribed working hours are all Late-Night."</b></p>	<a href="#">Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members</a>
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	0.00	<p>No, there are no laws to guarantee that a woman is allowed to leave the workplace to undergo medical examinations related to her pregnancy. Because maternity leave granted in Japan is fixed to be six weeks before and eight weeks after birth, not flexible to be taken at any time during pregnancy to undergo medical examinations and other purpose related to pregnancy.</p>	<a href="#">Labor Standards Act</a>
A6.	<b>Mother-Friendly Workplace Policies</b>			
A6.1	Nursing Support in the Workplace			



# GLOBAL CARE POLICY INDEX (GCPI)

2022 Country Score

Japan

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	1.00	Yes, mothers are guaranteed two 30-minute breaks each day to care for their child.  According to Article 67 of the Labor Standards Act: "Article 67. (Time for Child care) (1) A woman raising an infant under the age of one year may <b>request time to care for the infant of at least 30 minutes twice a day</b> , in addition to the rest periods stipulated in Article 34. (2) The employer <b>shall not have the said woman work during the child care time</b> set forth in the preceding paragraph."	<a href="#">Labor Standards Act</a>
A6.1.2	Are these breaks counted and compensated as working time?	0.00	No, these breaks are not counted and compensated as working time. The Labor Standards Act did not explicitly state that breaks are paid and when counting working hours, it excludes rest periods. The ILO also did not find any remuneration of nursing breaks.  According to Article 32 of the Labor Standards Act: "Article 32. ( <b>Working Hours</b> ) (1) An employer shall not have a worker work more than 40 hours per week, <b>excluding rest periods</b> . (2) An employer shall not have a worker work more than 8 hours per day for each day of the week, excluding rest periods."  According to the ILO Travail: "Remuneration of nursing breaks <b>No provision for remuneration of nursing breaks identified.</b> "	<a href="#">Labor Standards Act</a>  <a href="#">ILO Travail Japan. Maternity Protection</a>
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	0.00	There is no specific mention in the Labor Standards Act about the ability to change the frequency and length of nursing breaks to match particular needs.	<a href="#">Labor Standards Act</a>
A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	0.00	There is no mention in the Labor Standards Act about a requirement for employers to provide infrastructural facilities at or near the workplace for mothers to nurse or pump milk.	<a href="#">Labor Standards Act</a>
<b>A6.2</b>	<b>Workplace Safety for Pregnant and Nursing Women</b>			
A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	0.50	Employers are required to assess and report workplace risks, but there is no specific mention about the need to assess the unique risks related to the health and safety of pregnant and nursing women and their children.  According to Article 2 of the Industrial Safety and Health Act: '(ii) "worker" means a worker as prescribed in Article 9 of the Labor Standards Act (The term "worker" as used in this Act means a person who is employed at a business or office and to whom wages are paid, regardless of the type of occupation) (excluding a person who is employed at an undertaking or office at which only cohabitating relatives are employed, and excluding domestic servants);'  According to Article 3 of the Industrial Safety and Health Act, "(1) Not only must an employer <b>comply with the minimum standards for preventing industrial injuries</b> provided for in this Act, but it must also work to <b>ensure the safety and health of workers in the workplace</b> through the creation of a <b>comfortable work environment</b> and the <b>improvement of working conditions</b> . Furthermore, an employer must work to cooperate with government-implemented policies for preventing industrial injuries"  <b>1-0.25 * 2 = 0.5</b>	<a href="#">Industrial Safety and Health Act</a>
A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	1.00	Yes. Employers are not allowed to assign work that is harmful to the health of pregnant or nursing workers.  According to the Article 64 of the Labor Standards Act: "Article 64-3. (Limitations on Dangerous and Injurious Work for Expectant and Nursing Mothers) (1) <b>An employer shall not assign pregnant women or women within one year after childbirth (hereinafter referred to as "expectant or nursing mothers") to work involving the handling of heavy materials, work in places where harmful gas is generated, or other work injurious to pregnancy, childbirth, nursing and the like.</b> "	<a href="#">Labor Standards Act</a>

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	1.00	<p>Yes. Pregnant women are guaranteed the right to request to transfer from harmful labor to perform lighter activities. Expectant or nursing mothers are also allowed to reject nightwork, overtime work, and work on days-off.</p> <p>According to Article 65 of the Labor Standards Act:                      "(3) In the event that a pregnant woman has so requested, an employer shall transfer her to other light activities."</p> <p>According to Article 66 of the Labor Standards Act:                      "(2) Notwithstanding the provisions of Article 33, paragraphs (1) and (3), and paragraph (1) of Article 36, in the event that an expectant or nursing mother has so requested, an employer shall not have her work overtime nor work on days off.                      (3) In the event that an expectant or nursing mother has so requested, an employer shall not have her work at night."</p>	<a href="#">Labor Standards Act</a>
A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	1.00	<p>Yes. Even without a medical certificate, pregnant or nursing women are exempted from doing night work when they have requested.</p> <p>According to Article 66 of the Labor Standards Act:                      "(3) In the event that an expectant or nursing mother has so requested, an employer shall not have her work at night."</p>	<a href="#">Labor Standards Act</a>

**SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS**

<b>B1. Coverage under National Labor Laws</b>				
B1.1	Are domestic workers covered under national labor laws?	0.10	<p>Domestic workers are only covered under the Labor Unions Act, which guarantees them rights to join labor unions and collective bargaining.</p> <p>According to Article 3 of the Labor Union Act:                      "Article 3 Workers                      The term "Workers" as used in this Act shall mean those persons who live on their wages, salaries, or other equivalent income, regardless of the kind of occupation."</p> <p>However, domestic workers are not covered under most other major national labor laws. There is explicit language that excludes domestic workers from the Labor Standards Act, Minimum Wage Act, and Industrial Safety and Health Act.</p> <p>According to Article 116 of the Labor Standards Act:                      "Article 116. (Exclusion from Application)                      (1) With the exception of the provisions of Articles 1 through 11, paragraph (2) below, Articles 117 through 119, and Article 121, this Act shall not apply to mariners stipulated in paragraph (1) of Article 1 of the Mariners Law (Act No. 100 of 1947).                      (2) This act shall not apply to businesses which employ only relatives who live together nor to domestic workers."</p> <p>According to Article 2 of Minimum Wage Act:                      (i) The term "worker" means workers as prescribed in Article 9 of the Labor Standards Act (Act No. 49 of 1947) (excluding those employed by businesses or offices which only employing only relatives living together and household employees);</p> <p>According to Article 2 of Industrial Safety and Health Act:                      (ii) "worker" shall be defined as in Article 9 of the Labor Standards Act (excluding a person who is employed at an undertaking or office at which only relatives who are living together are employed, and a housework employee.);</p> <p><b>Migrant domestic workers have specific but minimum protections based on contracts and regulations of agencies. This includes primarily the Act on National Strategic Special Zones and the employment contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones.</b></p>	<a href="#">Labor Union Act</a>  <a href="#">Labor Standards Act</a>  <a href="#">Minimum Wage Act</a>  <a href="#">Industrial Safety and Health Act</a>
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	0.75	<p>No, legislations for domestic workers do not cover all categories of domestic work and contractual arrangements. The regulations mostly apply to migrant domestic workers, who compose of the vast majority of domestic workers in Japan.</p> <p><b>Since most regulations regarding domestic work do not cover local domestic workers, but that these native-born domestic workers do not constitute a large proportion of the overall domestic worker population, only 1 deduction is made.</b>                      1 - 0.25 = 0.75</p>	<a href="#">Act on National Strategic Special Zones</a>
<b>B2. Fair Employment Process</b>				
B2.1	Standard Terms of Employment			



No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	1.00	<p>Native domestic workers are not required to be given employment contracts because they are excluded by the Labor Standards Act. However, <b>migrant domestic workers in the National Strategic Special Zones have to be provided with written contracts.</b> The written contracts also need to be explained by the agent, and migrant workers are provided with a version of the contract in their mother tongue.</p> <p>According to the Cabinet Office:  "1. A specified organization must directly employ a foreigner conducting housekeeping services on a full-time basis at its headquarters or its own office located within the zone for conducting the project or a zone in a municipality adjacent thereto (when the approved zone plan separately designates any other zone, within said other zone), and <b>must conclude an employment contract in writing that clearly defines job content, employment period, remuneration and other employment conditions.</b>"</p> <p>According to <a href="https://migrants.jp">Migrants.jp</a>:  "Please check your contract whether your agent makes it in accordance with the Act on National Strategic Special Zones or not.  1. Before arriving in Japan  [...]  ⑤ <b>The agent has to explain to you about your employment contract in details and hand it to you before arriving in Japan.</b>  ⑥ <b>You have two employment contracts; one in your mother tongue or English and the other in Japanese.</b>"</p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a> <a href="https://migrants.jp">Migrants.jp</a>
B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	1	<p>Yes, migrant domestic workers' contracts are required to include standard ILO-recommended information about the employment relationship. This includes name of employer/employee, address of employer/employee, work duration, period of probation, and terms and conditions of employment termination.</p>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.83	<p>Yes, migrant domestic workers' contracts are required to include ILO-recommended information about working hours, rest and leave. The (1) duties performed, (2) working hours per day and per week, (3) daily breaks, (4) days off per week, and (5) paid annual leave are to be specified. However, it does not specify information about sick leave but puts it under "other leave entitlements."</p> <p><b>Since Japan only requires five out of six of the terms recommended by the ILO, they score a 5/6 = 0.83</b></p>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.71	<p>Yes, migrant domestic workers' contracts are required to include ILO-recommended information about their wages. This includes (1) wage (basic wage, daily wage, monthly wage, hourly wage), (2) periodicity of payments (date each month), (3) rate of overtime pay, (4) deductions from the wage (deductions from wage payment in accordance with labor-management agreement) and (5) method of calculation. However, the (1) rate of pay for standby, and (2) payments in kind are not specified.</p> <p><b>Since Japan requires five out of seven of the wage-related terms recommended by the ILO, they score a 5/7 = 0.71</b></p>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	0.00	<p>No, there is no information regarding living conditions for live-in workers in migrant domestic workers' contracts. Migrant domestic workers are not allowed to live in the household that they provide housekeeping services. The agencies would provide accommodation for them, but there is no information or minimum requirements about the living conditions of this accommodation.</p>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
B2.2	Regulations for Recruitment and Employment Process			

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	1	<p>Yes, there are regulations around how private agencies recruit and place migrant domestic workers. The employment agencies need to fulfill certain requirements in order to recruit and place migrant domestic workers, such as having a financial base and no legal violation history. The agencies are only allowed to recruit foreign nationals who are at least 18 years old with basic Japanese language skills, and can only place eligible workers in households that earn a minimum annual household income of ten million yen (equivalent to USD 78,090.50, as calculated on May 31st, 2022) per year. Finally, the agencies are regulated by third party management councils who oversee the working conditions provided, the safety and health of the workers, and compliance with immigration laws.</p> <p>According to the Order for Enforcement of the Act on National Strategic Special Zones (Cabinet Order No. 99 of March 28, 2014):  "Article 17 Requirements specified by Cabinet Order referred to in Article 16-4, paragraph (1) of the Act are all of the following items to be satisfied in full:  (i) a <b>foreign national must be at least 18 years of age</b> as of the day on which the person files an application referred to in Article 6, paragraph (2) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951);  (ii) a foreign national must have <b>at least one year experience of work for housekeeping services or assistance services</b> and must have knowledge and skill necessary for properly engaging in activities to provide housekeeping services;  (iii) a foreign national must have <b>competence in the Japanese language necessary</b> for engaging in activities to provide housekeeping services.</p> <p>Article 18 Criteria specified by Cabinet Order referred to in Article 16-4, paragraph (1) of the Act are as follows:  (ii) an organization <b>must have the financial base necessary</b> for the implementation of the Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones <b>and other capacity sufficient to properly carry out said project</b>;  (iii) an organization must have <b>at least three years' performance of an agency business</b> to provide housekeeping services or assistance therefor in Japan;  (iv) <b>an organization must not fall under any of the following</b>:  (a) <b>a person that has been sentenced to imprisonment or heavier punishment</b>, and for whom five years have not yet passed since the completion of the sentence or since the date on which the person ceased to be subject to the execution of said sentence;  (b) a person that has been <b>sentenced to a fine pursuant to the provisions of the Acts concerning immigration or labor</b> (excluding the provisions prescribed in (d))  (c) a person that has been sentenced to a fine pursuant to the provisions of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991)  (d) a person that has been sentenced to a fine pursuant to the provisions of Article 208, Article 213-2, or Article 214, paragraph (1) of the Health Insurance Act (Act No. 70 of 1922), Article 156, Article 159, or Article 160, paragraph (1) of the Mariners Insurance Act (Act No. 73 of 1939), the first sentence of Article 51 of the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947) or Article 54, paragraph (1) of said Act (limited to the part pertaining to the provisions of the first sentence of Article 51 of said Act), Article 102 or Article 103-2 of the Employees' Pension Insurance Act (Act No. 115 of 1954) or Article 104, paragraph (1) of said Act (limited to the part pertaining to the provisions of Article 102 or Article 103-2 of said Act), the first sentence of Article 46 of the Act on the Collection, etc. of Insurance Premiums of Labor Insurance (Act No. 84 of 1969) or Article 48, paragraph (1) of said Act (limited to the part pertaining to the provisions of the first sentence of Article 46 of said Act), or Article 83 of the Employment Insurance Act (Act No. 116 of 1974) or Article 86 of said Act (limited to the part pertaining to the provisions of Article 83 of said Act), and for whom five years have not yet passed since the completion of the sentence or since the date on which the person ceased to be subject to the execution of said sentence;  <b>(f) a person that has committed a wrongful or particularly unjustifiable act in connection with the Acts concerning immigration or labor within the past five years</b>;  (g) a person who is a <b>member of an organized crime group</b> as prescribed in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (hereinafter referred to as an "organized crime group member" in (g)) or for whom five years have not yet passed since said person ceased to be a member of an organized crime group (referred to as an "organized crime group member, etc." in (j));  (h) a <b>minor that does not have the same legal capacity</b> as an adult with regard to business and whose statutory agent falls under any of (a) to (g) or (i);  (i) a corporation that has any officers that fall under any of (a) to (h);  (j) a person whose business activities are controlled by an organized crime group member, etc.</p> <p>"</p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones:  "No. 7 Audit by the Third Party Management Council  1. With regard to the following matters, a specified organization must undergo an audit by the third party management council at least once a year at its headquarters or its own office that directly employs foreigners conducting housekeeping services:  (1) matters relating to the provision of housekeeping services in a <b>proper manner</b>;  (2) matters relating to the securing of <b>proper working conditions</b> (including the obligation to secure remuneration for foreigners that is no less than that for a Japanese counterpart who engages in equivalent activities to provide housekeeping services under the provisions of No. 4, paragraph (3));  (3) matters relating to the <b>securing of safety and health</b>;  (4) matters relating to purchase of employment insurance, industrial accident compensation insurance, health insurance, and employees' pension insurance;  (5) matters relating to <b>observance of the Immigration Control and Refugee Recognition Act</b> (Cabinet Order No. 319 of 1951);"</p>	<a href="#">Order for Enforcement of the Act on National Strategic Special Zones</a>



# GLOBAL CARE POLICY INDEX (GCPI)

## 2022 Country Score

### Japan

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	0.00	No, there is no mention of placement fees and whether they are deducted from the remuneration of domestic workers or not.	<a href="#">Order for Enforcement of the Act on National Strategic Special Zones</a>
B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	0.00	Migrant domestic workers are only required to undergo general pre-employment and annual health checks, which is not necessarily discriminatory. However, there are no measures to prohibit discrimination in the employment of domestic workers on the basis of their medical testing results.  In the Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones, only the following is mentioned: "9.3 Medical checkup at the time of employment: (year) (month)  9.4 First routine medical checkup: (year) (month) (thereafter, every)"	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
<b>B3.</b>	<b>Decent Working and Living Conditions</b>			
<b>B3.1</b>	<b>Working Hours and Environment</b>			
B3.1.1	Is there a requirement of normal hours of work for domestic workers?	0.00	No. There is no requirement of normal hours of work for domestic workers. Native domestic workers are excluded from the Labor Standards Act, which defines normal hours of work to be 40 hours for covered employees. Meanwhile, migrant domestic worker contracts have a space for agents to specify the starting and ending times for each work day, but there is no mention of any limit for the maximum number of hours they can be asked to work.  According to Article 32 of the Labor Standards Act: "Article 32. (Working Hours) (1) An employer shall not have a worker work more than <b>40 hours per week</b> , excluding rest periods. (2) An employer shall not have a worker work more than <b>8 hours per day</b> for each day of the week, excluding rest periods."	<a href="#">Labor Standards Act</a>
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0	No. On-call or standby periods are considered hours of work by the Ministry of Health, Labor, and Welfare. However, this does not apply to domestic workers.  According to Ministry of Health, Labor, and Welfare's Guidelines on measures to be taken by employers to ensure proper understanding of working hours: "3. <b>The following hours are equivalent to working hours</b> ① <b>The time at which the operator instructed to perform preparatory actions necessary for the job ordered to work</b> (such as changing to a prescribed dress required to wear), and after-work (cleaning, etc.) related to the work after the end of the job were carried out in the place of business. ② When instructed to do so by the employer, it is required to immediately engage in work and <b>the amount of time spent waiting (So-called Standby). Such time could not be treated as a "break"</b> since the workers were not free to use the time in any way they pleased."	<a href="#">Ministry of Health, Labor, and Welfare's Guidelines on measures to be taken by employers to ensure proper understanding of working hours</a>
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0	No, there is no limit to the number of hours of standby work for any workers.	<a href="#">Labor Standards Act</a>
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	0.00	No, there is no requirement for hours of work to be recorded and accessible to domestic workers.	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>



No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	0.50	<p>Yes, there are requirements to provide domestic workers with a safe and healthy working environment. Agencies of migrant domestic workers undergo audits with third party management councils for matters regarding proper working conditions, safety, and health. <b>However, this only covers the agency premises and not the household's premises. Hence, Japan only gets half marks for this question.</b></p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones: "No. 7 Audit by the Third Party Management Council 1. With regard to the following matters, a specified <b>organization must undergo an audit by the third party management council</b> at least once a year at its headquarters or its own office that directly employs foreigners conducting housekeeping services: (2) <b>matters relating to the securing of proper working conditions</b> (including the obligation to secure remuneration for foreigners that is no less than that for a Japanese counterpart who engages in equivalent activities to provide housekeeping services under the provisions of No. 4, paragraph (3)); (3) <b>matters relating to the securing of safety and health"</b></p> <p>The Industrial Safety and Health Law requires employers to provide a safe and healthy working environment to their employees, but domestic workers are excluded from this law. According to Article 3 of the Industrial Safety and Health Law: (1) The employer shall not only <b>comply with the minimum standards for preventing industrial accidents</b> provided for in this Act, but also endeavor to <b>ensure the safety and health of workers in workplaces through creating a comfortable working environment and improving working conditions</b>. He/She shall, furthermore, endeavor to cooperate in the measures for the prevention of industrial accidents to be taken by the State.</p> <p>According to Article 2 of the Industrial Safety and Health Law: (ii) "worker" shall be defined as in Article 9 of the Labor Standards Act (<b>excluding a person who is employed at an undertaking or office at which only relatives who are living together are employed, and a housework employee.</b>)</p>	<a href="#">Industrial Safety and Health Law</a>  <a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>
<b>B3.2</b>	<b>Rest and Leave</b>			
B3.2.1	Is there a requirement to provide daily rest for domestic workers?	0.10	<p>No, there are no requirements to provide daily rest for domestic workers. The Labor Standards Act provides requirements for daily rests, but domestic workers are not covered. Agencies need to fill in a blank field for daily rests in migrant domestic workers' contracts, but it is up to the agency how much to provide as there are no minimum requirements. Given that there is a mention of daily rests in the standard employment contract, Japan receives a 0.10 for this question.</p> <p>According to the Labor Standards Act: "Article 34. (Rest Periods) (1) An employer shall provide workers with <b>at least 45 minutes of rest periods</b> during working hours in the event that working hours <b>exceed 6 hours, and at least one hour</b> in the event that <b>working hours exceed 8 hours</b> [...] Article 116. (Exclusion from Application) (2) <b>This act shall not apply to businesses which employ only relatives who live together nor to domestic workers."</b></p>	<a href="#">Labor Standards Act</a>
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	0.1	<p>No, there are no laws guaranteeing a weekly rest of at least 24 consecutive hours for domestic workers. The Labor Standards Act require employers to provide workers one day off per week, but this act does not apply to domestic workers. Agencies need to fill in a blank field for weekly rests in migrant domestic workers' contracts, but it is up to the agency how much to provide as there are no minimum requirements specified. Given that there is a mention of weekly rests in the standard employment contract, Japan receives a 0.10 for this question.</p> <p>According to the Labor Standards Act: "Article 35. (Days Off) (1) <b>An employer shall provide workers with at least one day off per week.</b> (2) The provisions set forth in the preceding paragraph shall not apply to an employer who provides workers with 4 days off or more during a four-week period."</p>	<a href="#">Labor Standards Act</a>
B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	0.00	<p>There is no mention of working during periods of rest and compensatory rests for domestic workers.</p>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>



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B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	0.10	<p>No. Paid annual leave is 10-20 days based on the period of employment, as specified by the Labor Standards Act. Domestic workers are not covered under this Act. Total days off per year are required to be filled in for migrant workers' contracts, but there are no requirements regarding the minimum number of days to be guaranteed. Given that there is a mention of off-days in the standard employment contract, Japan receives a 0.10 for this question.</p> <p>Article 39. (Annual Paid Leave)            (1) <b>An employer shall grant annual paid leave of 10 working days</b>, either consecutive or divided, to workers who have been employed continuously for 6 months from the day of their being hired and who have reported for work on at least 80 percent of the total working days.            (2) <b>With respect to workers who have been employed continuously for at least one year and a half, an employer shall grant annual paid leave, calculated by adding to the number of days set forth in the preceding paragraph</b>, the number of working days stipulated in the lower row of the following table corresponding to the number of years of continuous service from the day of their having served continuously for 6 months (hereinafter referred to as "6 months completion day") in the upper row of the table for each additional year of continuous service from the 6 months completion day; provided, however, that for workers who have reported for work on less than 80 percent of the total working days for the one-year period ending with the day before the first day of each one-year period from the 6 months completion day (when the final period is less than one year, the period concerned), the employer is not required to grant paid leave for the one year following the said first day.            One year: One working day            Two years: Two working days            Three years: Four working days            Four years: Six working days            Five years: Eight working days            Six years or more: Ten working days</p>	<a href="#">Labor Standards Act</a>
B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	There is no mention of whether the time spent by domestic workers accompanying household members on holiday is counted as part of paid annual leave.	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
<b>B3.3</b>	<b>Wages</b>			
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	1.00	<p>Yes, migrant domestic workers' minimum wage is higher than the national minimum wage. Migrant domestic workers are required to be paid at least 200,000 yen (as equivalent to USD 1561, calculated on May 31st, 2022) each month. In comparison, average minimum wage in Japan is 930 yen (as equivalent to USD7.62, calculated on May 31st, 2022) per hour, which equals to 148,800 yen (USD1162, calculated on May 31st, 2022) each month (40 hours per week, four weeks per month).</p> <p>According to TN Office Japan:            "Terms of Employment: Payment of at least 200 thousand yen per month to the domestic worker"</p>	<a href="#">Trading Economics</a>  <a href="#">TN Office Japan</a>
B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	0.00	<p>No, there are no laws regulating the overtime compensation rate for domestic workers. It is the agency's decision to make in each migrant domestic worker' contract.</p> <p>Meanwhile, the overtime compensation rate for employees covered under the Labor Standards Act is at least 1.25 times their regular rate.</p> <p>According the Labor Standards Act:            "Article 37. (Increased Wages for Overtime Work, Work on Days Off and Night Work)            (1) <b>In the event that an employer extends the working hours</b> or has a worker work on a day off pursuant to the provisions of Article 33 or paragraph (1) of the preceding Article, <b>the employer shall pay increased wages for work during such hours</b> or on such days at a rate no less than the rate stipulated by cabinet order <b>within the range of no less than 25 percent and no more than 50 percent over the normal wage per working hour or working day."</b></p>	<a href="#">Labor Standards Act</a>
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	0.00	<p>No, there are no limitations found for wages paid in the form of payments in kind for domestic workers.</p> <p>Migrant domestic workers' contracts specify wage deductions for meal expenses, housing expenses, and other expenses such as utility fees, but there are no limitations for these deductions.</p>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>



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B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	1.00	Yes. Migrant domestic workers' contracts are required to specify the monthly wage payment date, guaranteeing at least a monthly payment of wages for domestic workers.	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	0.00	No. Migrant domestic workers are given a written account of the estimated monthly wages called "wage payment" with the contract. However, this is not provided at the time of each payment.	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	0.00	No, there is no mention of making outstanding payments promptly to domestic workers upon termination of employment. However, the contract of migrant domestic workers requires a 30-day prior notice or payment of 30 days of work in order to dismiss the worker.  According to the Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones: <b>"Termination of Employment</b> 8.1 Voluntary termination (Notify the president or other supervisor at least two weeks in advance) 8.2 Dismissal <b>The Specified Organization may dismiss a foreigner conducting housekeeping services only when a compelling reason exists, after giving 30 days prior notice or upon paying no less than the average wage for 30 days of labor to the foreigner conducting housekeeping services. When dismissing foreigner conducting housekeeping services for reasons attributable to him/her, the Specified Organization may do so immediately without prior notice or payment of average wage compensation upon receiving approval from the head of the competent Labor Standards Inspection Office."</b>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
B3.4	Social Security			



No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.4.1	Are domestic workers eligible for healthcare coverage?	1.00	<p>Yes, migrant domestic workers are eligible for healthcare coverage under private health insurance or national health insurance. Companies in Japan are required to provide social insurance benefits to their employees, and this applies regardless of the nationality of the employees. Migrant domestic worker are eligible since they are employed by specified agencies/organizations. In migrant domestic workers' contracts, options of subscription to social and labor insurance are also presented.</p> <p>According to Japan External Trade Organization,  <b>"Japan has a universal insurance system whereby everybody residing in Japan must, in principle, take part in the public health (medical) insurance and pension insurance system.</b></p> <p>4.9.1 Labor and social insurance systems  <b>Japan has four different kinds of insurance system which companies are legally obliged to take part in;</b> all workers that meet certain criteria are covered by the insurance.            (1) Workers' Accident Compensation Insurance            This covers any illness or injury at work or while commuting to or from work.            (2) Employment Insurance            This provides for workers that become unemployed and helps to maintain stable employment such as by providing financial aid and subsidies.            (3) Health Insurance and Nursing Care Insurance            These cover medical and nursing care expenses incurred by workers.            (4) Employees' Pension Insurance            This provides benefits for old age, death or disability.            [...]</p> <p><b>A company must enter these insurance systems when first incorporating or hiring staff/workers by submitting labor and social insurance notification forms to the relevant authorities.</b> The company usually pays insurance premiums by deducting the portion of the premiums payable by employees/workers from their wages, and paying these together with the portion of the premiums payable by the company to the relevant authorities."</p> <p>According to the Tokyo Employment Service Center for Foreigners of the Ministry of Health, Labor, and Welfare,  <b>"Employment Insurance System</b>            In Japan, the Employment Insurance System is established. The system intends to secure the employment of workers with jobs, and pays workers with no job, unemployment and other benefits to stabilize their life and promote reemployment.  <b>Unemployment and other benefits are covered by the employment insurance contributions</b> paid by workers and employers. <b>A worker employed in Japan will be, whether Japanese or not, insured and receive an insurance card from his employer."</b></p> <p>According to the Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones,  <b>"9.1 Subscription to social insurance</b>  <input type="checkbox"/> Employee's pension insurance  <input type="checkbox"/> National pension insurance  <input type="checkbox"/> <b>Health insurance</b>  <input type="checkbox"/> <b>National health insurance</b>  <b>9.2 Application of labor insurance</b>  <input type="checkbox"/> Employment insurance  <input type="checkbox"/> Workmen's accident compensation insurance"</p>	<p><a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a></p> <p><a href="#">Japan External Trade Organization - 4.9 Japan's social security system</a></p> <p><a href="#">Tokyo Employment Service Center for Foreigners</a></p>
B3.4.2	Are domestic workers eligible for paid sick leave?	1.00	<p>Yes, migrant domestic workers are eligible for paid sick leave since it is covered under the health insurance scheme which they are eligible for.</p> <p>According to the Ministry of Foreign Affairs in Japan,  <b>"(b) Sickness benefits</b>  <b>When a person is unable to work because of injury or sickness, the Health Insurance Scheme provides 60% of the standard monthly remuneration</b> (determined on the basis of the insured person's basic monthly salary/wage) as a sickness or injury benefit from the fourth day, for up to 18 months. In the case of the National Health Insurance Scheme, these benefits are voluntary under the law; in practice, however, most National Health Insurance Associations provide such sickness benefits."</p> <p>According to the Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones,  <b>"9.1 Subscription to social insurance</b>  <input type="checkbox"/> Employee's pension insurance  <input type="checkbox"/> National pension insurance  <input type="checkbox"/> <b>Health insurance</b>  <input type="checkbox"/> <b>National health insurance</b>  <b>9.2 Application of labor insurance</b>  <input type="checkbox"/> Employment insurance  <input type="checkbox"/> Workmen's accident compensation insurance"</p>	<p><a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a></p> <p><a href="#">Ministry of Foreign Affairs</a></p>



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B3.4.3	Are domestic workers eligible for unemployment benefits?	1.00	<p>Yes, migrant domestic workers are eligible for unemployment benefits under employment insurance.</p> <p>According to the Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones,            "9.1 Subscription to social insurance  <input type="checkbox"/> Employee's pension insurance  <input type="checkbox"/> National pension insurance  <input type="checkbox"/> Health insurance  <input type="checkbox"/> National health insurance            9.2 Application of labor insurance  <input type="checkbox"/> <b>Employment insurance</b>  <input type="checkbox"/> Workmen's accident compensation insurance"</p>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	1.00	<p>Yes, migrant domestic workers are eligible for old-age benefits under the employee's pension insurance or national pension insurance. The pension insurance covers old-age benefits, disability benefits, and death.</p> <p>According to the Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones,            "9.1 Subscription to social insurance  <input type="checkbox"/> <b>Employee's pension insurance</b>  <input type="checkbox"/> <b>National pension insurance</b>  <input type="checkbox"/> Health insurance  <input type="checkbox"/> National health insurance            9.2 Application of labor insurance  <input type="checkbox"/> Employment insurance  <input type="checkbox"/> Workmen's accident compensation insurance"</p>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
B3.4.5	Are domestic workers eligible for employment injury benefits?	1.00	<p>Yes, migrant domestic workers are eligible for employment injury benefits under the Workmen's accident compensation insurance.</p> <p>According to the Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones,            "9.1 Subscription to social insurance  <input type="checkbox"/> Employee's pension insurance  <input type="checkbox"/> National pension insurance  <input type="checkbox"/> Health insurance  <input type="checkbox"/> National health insurance            9.2 Application of labor insurance  <input type="checkbox"/> Employment insurance  <input type="checkbox"/> <b>Workmen's accident compensation insurance"</b></p>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
B3.4.6	Are domestic workers eligible for invalidity benefits?	1.00	<p>Yes, migrant domestic workers are eligible for invalidity benefits under the employee's pension insurance or national pension insurance.</p> <p>According to the Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones,            "9.1 Subscription to social insurance  <input type="checkbox"/> <b>Employee's pension insurance</b>  <input type="checkbox"/> <b>National pension insurance</b>  <input type="checkbox"/> Health insurance  <input type="checkbox"/> National health insurance            9.2 Application of labor insurance  <input type="checkbox"/> Employment insurance  <input type="checkbox"/> Workmen's accident compensation insurance"</p>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
B3.4.7	Are domestic workers eligible for survivors' benefit?	1.00	<p>Yes, migrant domestic workers are eligible for survivors' benefits under the employee's pension insurance or national pension insurance.</p> <p>According to the Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones,            "9.1 Subscription to social insurance  <input type="checkbox"/> <b>Employee's pension insurance</b>  <input type="checkbox"/> <b>National pension insurance</b>  <input type="checkbox"/> Health insurance  <input type="checkbox"/> National health insurance            9.2 Application of labor insurance  <input type="checkbox"/> Employment insurance  <input type="checkbox"/> Workmen's accident compensation insurance"</p>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>



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B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	0.00	<p>No, there is no protection found for domestic workers' claims in the event of the employer's insolvency or death. The only protection found when a migrant domestic worker's organization is no longer eligible to provide housekeeping services and hire foreign workers is that they have to help the worker get employed under another organization.</p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones, "No. 10 Measures when the Employment of Foreigners Conducting Housekeeping Services Can No Longer be Maintained</p> <p>When a specified organization no longer conforms to the criteria for specified organizations or it is no longer able to maintain the employment of a foreigner conducting housekeeping services due to any other reason attributable to itself, and if the foreigner is not responsible and wishes to continue staying in Japan under this project, <b>the organization should endeavor to find another specified organization that will accept said foreigner.</b>"</p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>
<b>B3.5 Living Conditions for Live-in Workers</b>				
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	99.00	<p>Since migrant domestic workers in Japan are prohibited to live in the household, this question does not apply to Japan and a score of 99 is given.</p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones: "No. 3 Provision of Services by Foreigners Conducting Housekeeping Services</p> <p>1. Based on a contract concluded with a household using services, a specified organization provides services by foreigners conducting housekeeping services to said household at the location of its residence, etc.; provided, however, that <b>the organization must not have any foreigner conducting housekeeping services live in a residence, etc. of a household using services for providing housekeeping services.</b>"</p> <p>However, since agencies need to provide these migrant workers with an accommodation, questions about the quality of accommodation provided are still relevant and scored below.</p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>
B3.5.2	For live-in workers, is there any requirement for the employer to provide accommodation that offers privacy?	0.00	<p>No. While recruitment agencies are required to provide a residence to migrant domestic workers, there is no mention of whether the residence offers privacy.</p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones, "7. A specified organization <b>must secure residence of a foreigner conducting housekeeping services within a prefecture that includes the zone for conducting the project</b> (when the approved zone plan separately designates any other zone, within said other zone)"</p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>
B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.00	<p>No. Recruitment agencies are only required to provide a residence to migrant domestic workers. There are no requirements for providing access to suitable sanitary facilities.</p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones, "7. A specified organization <b>must secure residence of a foreigner conducting housekeeping services within a prefecture that includes the zone for conducting the project</b> (when the approved zone plan separately designates any other zone, within said other zone)"</p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>
B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.00	<p>No. Recruitment agencies are only required to provide a residence to migrant domestic workers. There are no requirements for providing accommodation with adequate lighting, heating, and air conditioning.</p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones, "7. A specified organization <b>must secure residence of a foreigner conducting housekeeping services within a prefecture that includes the zone for conducting the project</b> (when the approved zone plan separately designates any other zone, within said other zone)"</p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	0.00	<p>No. Recruitment agencies are only required to provide a residence to migrant domestic workers. There are no requirements for the quality and quantity of meals they provide.</p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones, "7. A specified organization <b>must secure residence of a foreigner conducting housekeeping services within a prefecture that includes the zone for conducting the project</b> (when the approved zone plan separately designates any other zone, within said other zone)"</p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>



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B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	99.00	Because there are no live-in migrant domestic workers in Japan, this question is not applicable and a score of 99 is given. This is because live-out workers would leave the household after work and during leave.	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>
B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	99.00	<p>Since migrant domestic workers in Japan are all live-out workers, this question does not apply because they are not in specially restrictive environments and can seek new employment and accomodation during their free time after work. Therefore, a score of 99 is given.</p> <p>Nonetheless, the hiring agency is required to give a 30 days prior notice or a wage payment for 30 days before dismissal. However, this only applies if the reason for dismissal is not attributable to the migrant domestic worker.</p> <p>According to the Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones, "Termination of Employment 8.1 Voluntary termination (Notify the president or other supervisor at least two weeks in advance) 8.2 Dismissal <b>The Specified Organization may dismiss a foreigner conducting housekeeping services only when a compelling reason exists, after giving 30 days prior notice or upon paying no less than the average wage for 30 days of labor to the foreigner conducting housekeeping services.</b> When dismissing foreigner conducting housekeeping services for <b>reasons attributable to him/her</b>, the Specified Organization may <b>do so immediately without prior notice or payment of average wage compensation</b> upon receiving approval from the head of the competent Labor Standards Inspection Office."</p>	<a href="#">Employment Contract for Project to Accept Foreigners Conducting Housekeeping Service in National Strategic Special Zones</a>
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	1.00	<p>Yes, migrant workers are legally entitled (and in fact required) to keep in their posession their travel documents.</p> <p>According to Article 23 of the Immigration Control and Refugee Recognition Act, "(Carrying and Presentation of Passport or Permit) Article 23. Any alien in Japan shall carry on his person at all times the passport, or provisional landing permit, crewman's landing permit, emergency landing permit, landing permit due to disaster, landing permit..."</p> <p>"Article 2 The terms in the following items as used in the Immigration Control and Refugee Recognition Act and under the orders thereof shall have such meanings as defined in each item respectively [...] (2) The term "alien" means any person who does not have Japanese nationality."</p>	<a href="#">Immigration Control and Refugee Recognition Act</a>
<b>B4.</b>	<b>Labor Rights and Protections</b>			
<b>B4.1</b>	<b>Freedom of Association and Access to Collective Bargaining</b>			

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	<p>Yes, there are legislative provisions for domestic workers to establish or join workers' organizations. Because domestic workers and foreign workers are not excluded from the Labor Union Act.</p> <p>According to Art 1-3 of the Labor Union Act,                      "Article 1 Purpose                      1. The purposes of this Act are to elevate the status of workers by promoting their being on equal standing with their employer in their bargaining with the employer; to <b>defend the exercise by workers of voluntary organization and association in labor unions so that they may carry out collective action</b>, including the designation of representatives of their own choosing to negotiate working conditions; and to promote the practice of collective bargaining, and procedures therefore, for the purpose of concluding collective agreements regulating relations between employers and workers</p> <p>Article 2 Labor Unions                      1. The term "Labor unions" as used in this Act shall mean those organizations, or federations thereof, formed voluntarily and composed mainly of workers for the main purposes of maintaining and improving working conditions and raising the economic status of the workers, however, <b>this shall not apply to any of the following items:</b>                      (i) which admits to membership of officers; <b>workers in supervisory positions</b>, having direct authority with respect to hiring, firing, promotions, or transfers; workers in supervisory positions having access to confidential information relating to the employer's labor relations plans and policies so that their official duties and responsibilities directly conflict with their sincerity and responsibilities as members of the labor union said; and other persons who represent the interests of the employer;                      (ii) which <b>receives the employer's financial assistance in paying the organizations' operational expenditures</b>, however, that this shall not prevent the employer from permitting workers to confer or negotiate with the employer during working hours without loss of time or wage and shall not apply to the employer's contributions for public welfare funds or welfare and other funds which are actually used for payments to prevent or relieve economic adversity or misfortunes, nor to the giving office of minimum space                      (iii) whose purposes are confined to <b>mutual aid service or other welfare service;</b>                      (iv) whose purposes are principally <b>political or social movements.</b></p> <p>Article 3 Workers  <b>The term "Workers" as used in this Act shall mean those persons who live on their wages, salaries, or other equivalent income, regardless of the kind of occupation."</b></p>	<a href="#">Labor Union Act</a>
B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	1.00	<p>Yes, there are legislative provisions to recognize domestic workers' rights to collective bargaining. Because domestic workers and foreign workers are not excluded from the Labor Union Act.</p> <p>According to Art 1-3 of the Labor Union Act,                      "Article 1 Purpose                      1. The purposes of this Act are to elevate the status of workers by promoting their being on equal standing with their employer in their bargaining with the employer; to <b>defend the exercise by workers of voluntary organization and association in labor unions so that they may carry out collective action</b>, including the designation of representatives of their own choosing to negotiate working conditions; and to promote the practice of collective bargaining, and procedures therefore, for the purpose of concluding collective agreements regulating relations between employers and workers</p> <p>Article 2 Labor Unions                      1. The term "Labor unions" as used in this Act shall mean those organizations, or federations thereof, formed voluntarily and composed mainly of workers for the main purposes of maintaining and improving working conditions and raising the economic status of the workers, however, <b>this shall not apply to any of the following items:</b>                      (i) which admits to membership of officers; <b>workers in supervisory positions</b>, having direct authority with respect to hiring, firing, promotions, or transfers; workers in supervisory positions having access to confidential information relating to the employer's labor relations plans and policies so that their official duties and responsibilities directly conflict with their sincerity and responsibilities as members of the labor union said; and other persons who represent the interests of the employer;                      (ii) which <b>receives the employer's financial assistance in paying the organizations' operational expenditures</b>, however, that this shall not prevent the employer from permitting workers to confer or negotiate with the employer during working hours without loss of time or wage and shall not apply to the employer's contributions for public welfare funds or welfare and other funds which are actually used for payments to prevent or relieve economic adversity or misfortunes, nor to the giving office of minimum space                      (iii) whose purposes are confined to <b>mutual aid service or other welfare service;</b>                      (iv) whose purposes are principally <b>political or social movements.</b></p> <p>Article 3 Workers  <b>The term "Workers" as used in this Act shall mean those persons who live on their wages, salaries, or other equivalent income, regardless of the kind of occupation."</b></p>	<a href="#">Labor Union Act</a>
B4.2	Access to Complaint Mechanisms			



No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	1.00	<p>Yes. Migrant domestic workers' agencies are required to set up complaint mechanisms for domestic workers to report issues regarding their employers (households providing services for). To report the agency's non-compliance with labor protections, migrant domestic workers may report to third party management councils and there are multilingual national hotlines for consultation, legal support, and matters regarding human rights and life.</p> <p>According to Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones, "No. 8 Protection of Foreigners Conducting Housekeeping Services 1. A specified organization must <b>establish an office to accept complaints and consultations from foreigners conducting housekeeping services and prepare a system to properly deal with such complaints and consultations</b>, and at the same time must put in place a mechanism to protect foreigners conducting housekeeping services in cases such as where they are unfairly treated at households using services. 2. A specified organization must not dismiss or otherwise treat disadvantageously any foreigner conducting housekeeping services on the grounds that the foreigner has made a complaint or a consultation pursuant to the provisions of the preceding paragraph."</p> <p>"No. 2 Definitions 2. The term <b>"third party management council"</b> means a council consisting of the relevant <b>local governments</b>, the Office for Promotion of Overcoming Population Decline and Vitalizing Local Economy in Japan, Cabinet Office, regional Immigration Bureaus, prefectural Labor Bureaus, and regional Bureaus of Economy, Trade and Industry which is <b>established under the Council on National Strategic Special Zones with the aim of properly and reliably carrying out this project by conducting the following duties</b> and to which other relevant institutions may be added as necessary through consultations among these <b>agencies</b>: (1) duties relating to the confirmation as to whether organizations that intend to accept foreigners conducting housekeeping services as specified organizations conform to the criteria specified by Cabinet Order based on Article 16-3, paragraph (1) of the Act (2) duties relating to the acceptance of reports from specified organizations and the related hearings thereof; (3) <b>duties relating to the audit for specified organizations</b>; (4) <b>duties relating to the protection of foreigners conducting housekeeping services</b>; (5) duties relating to measures in the case where a specified organization is no longer able to maintain the employment of a foreigner conducting housekeeping services; (6) other duties necessary for properly and reliably carrying out this project."</p> <p>According to MHLW Multilingual Hotlines and Call Centers, <b>" Consultation Service</b> Total support ■ <b>Foreign Residents Support Center</b> 0120-76-2029 (Toll Free) [...] Labor ■ <b>Guide to consultation dial for foreign workers</b> ■ <b>Guide to labour condition consultation Hot Line</b> [...]</p> <p>Legal ■ <b>Japan Legal Support Center</b> 0570-078377 [...] Human Rights and Life Helpline ■ <b>Human Rights Counseling for Foreigners</b> 0570-090-911"</p>	<p><a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a></p> <p><a href="#">MHLW National Hotlines</a></p>
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	1.00	<p>Yes, article 32 of the Constitution of Japan grants everyone the access to courts. Agencies and third party management councils may also assist in the dispute resolution process.</p> <p>According to the Constitution of Japan, "Article 32. No person shall be denied the right of access to the courts."</p>	<p><a href="#">The Constitution of Japan</a></p>
B4.3	Enforcement and Protection Mechanisms			



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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	0.00	<p>No, household premises are not granted access for on-site labor inspections of the employers of domestic workers. However, there are mandatory inspections carried out by third party management councils to headquarters and offices of the agencies every year.</p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones, "No. 7 Audit by the Third Party Management Council</p> <p>1. With regard to the following matters, a specified organization must undergo an audit by the third party management council at least once a year at its headquarters or its own office that directly employs foreigners conducting housekeeping services:</p> <p>(1) matters relating to the provision of housekeeping services in a proper manner;</p> <p>(2) matters relating to the securing of proper working conditions (including the obligation to secure remuneration for foreigners that is no less than that for a Japanese counterpart who engages in equivalent activities to provide housekeeping services under the provisions of No. 4, paragraph (3));</p> <p>(3) matters relating to the securing of safety and health;</p> <p>(4) matters relating to purchase of employment insurance, industrial accident compensation insurance, health insurance, and employees' pension insurance;</p> <p>(5) matters relating to observance of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951);</p> <p>(6) other matters that the third party management council considers necessary.</p> <p>2. In addition to cases referred to in the preceding paragraph, when the third party management council finds a necessity in light of the content of the report, etc. referred to in No. 6, a specified organization must undergo an audit by the third party management council, in response to a request by the council, at its headquarters or its own office that directly employs foreigners conducting housekeeping services."</p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	1.00	<p>Yes, there are penalties for private employment agencies for non-compliance with domestic worker protection laws. Agencies that no longer conform to the criteria for organizations that employ foreign domestic workers would be shut down or be prohibited to provide these services.</p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones, "No. 10 Measures when the Employment of Foreigners Conducting Housekeeping Services Can No Longer be Maintained</p> <p><b>When a specified organization no longer conforms to the criteria for specified organizations or it is no longer able to maintain the employment of a foreigner conducting housekeeping services due to any other reason attributable to itself, and if the foreigner is not responsible and wishes to continue staying in Japan under this project, the organization should endeavor to find another specified organization that will accept said foreigner."</b></p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>
B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	0.00	<p>No, there are no penalties found.</p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>



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B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	0.00	<p>There is no mention of such protections in the Act on National Strategic Special Zones and its supplementary documents.</p> <p>Other workers are protected by the Act on Comprehensive Promotion of Labor Policies, Equal Employment Opportunity Act, and Child Care and Family Care Leave Act, against power harassment, sexual harassment, and harassment related to pregnancy and care leaves. These laws do not apply to domestic workers.</p> <p>According to the Ministry of Health, Labor, and Welfare's labor laws guide,  <b>"[1] Power harassment</b> (Article 30-2 of the Act on Comprehensive Promotion of Labor Policies)            Types of conduct that fall under power harassment include:            [i] Assault/injury (physical abuse)            [ii] Intimidation/defamation/insult/abusive language (mental abuse)            [iii] Isolation/ostracization/neglect (segregation from personal relationships)            [iv] Imposing tasks that are obviously unnecessary or impossible assignment, or interrupting work (imposition)            [v] Demanding work that is operationally unreasonable and extremely low level in terms of ability and experience, or not giving any work (too little demand)            [vi] Intrusion into private affairs (invasions of privacy)            However, conduct not falling under any of the above can still be regarded as power harassment. In addition, depending on the details of the conduct, it can be a tortious act or non-performance of the main obligation under the Civil Code or a criminal offense such as defamation or bodily injury, etc.            The Act on Comprehensive Promotion of Labor Policies <b>obligates employers to take measures required as part of employment management to prevent power harassment</b> in the workplace (in case of small and medium-sized companies, obligation to make best efforts until March 31, 2022). It also <b>prohibits employers from treating workers disadvantageously for reasons that they consulted about power harassment</b>, etc.            [...]  <b>[2] Sexual harassment</b> (Article 11 of the Equal Employment Opportunity Act)            [...]            Based on the Equal Employment Opportunity Act, companies are obliged to take necessary action in terms of employment management as measures against sexual harassment at workplace. It also prohibits employers from treating workers disadvantageously for reasons that they consulted about sexual harassment, etc.            [...]  <b>[3] Harassment related to pregnancy/childbirth/child care leave/family care leave, etc.</b> (Article 11-3 of the Equal Employment Opportunity Act, and Article 25 of the Child Care and Family Care Leave Act)            As set forth in the Equal Employment Opportunity Act and the Child Care and Family Care Leave Act, companies must take measures required as part of employment management to prevent harassment related to pregnancy, childbirth, and for requesting and taking child care leave or family care leave, that may be committed in the workplace by supervisors or colleagues.            These Acts also prohibit employers from treating workers disadvantageously for reasons that they consulted about taking leave for pregnancy, childbirth, child care, family care, etc."</p>	<a href="http://www.mhlw.go.jp/english/health/working/working.html">Ministry of Health, Labor, and Welfare</a>
<b>B5.</b>	<b>Protections for Forced/Under-age Domestic Workers</b>			
B5.1	Protections against Forced/Compulsory Labor			



No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	<p>Yes, illegal extraction of forced or compulsory labor is punishable as a penal offence.</p> <p>According to the Penal Code (Act No.45 of 1907), "Chapter XXXI. Crimes of Unlawful Capture and Confinement Article 220. (Unlawful Capture and Confinement) <b>A person who unlawfully captures or confines another shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.</b> Article 223. (Compulsion) (1) A person who, by <b>intimidating another through a threat to another's life, body, freedom, reputation or property or by use of assault, causes the other to perform an act which the other person has no obligation to perform, or hinders the other from exercising his or her rights, shall be punished by imprisonment with work for not more than 3 years.</b> (2) The same shall apply to a person who, by intimidating another through a threat to the life, body, freedom, reputation or property of the relatives of, another causes the other to perform an act which the other person has no obligation to perform, or hinders the other from exercising his or her rights. (3) An attempt of the crimes proscribed under the preceding two paragraphs shall be punished."</p> <p>According to the Labor Standards Act, "Article 5. (<b>Prohibition of Forced Labor</b>) An employer <b>shall not force workers to work against their will</b> by means of physical violence, intimidation, confinement, or any other unfair restraint on the mental or physical freedom of the workers.</p> <p>Article 117. A person who has violated the provisions of Article 5 shall be punished by imprisonment with work of not less than one year and not more than 10 years, or by a fine of not less than 200,000 yen and not more than 3,000,000 yen."</p>	<p><a href="#">Penal Code</a></p> <p><a href="#">Labor Standards Act</a></p>
B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	<p>Yes, domestic worker victims of forced labor are provided with protection, including relocations, night guard system, smooth return to countries, prevention of revictimization, and so on.</p> <p>According to Work in Freedom's Country Baseline under the ILO Declaration Annual Review, <b>"Measures taken or envisaged to protect victims of forced labour</b> 2017 AR: According to the Government: Based on the "Japan's 2014 Action Plan to Combat Trafficking in Persons", technical and practical trainings on methods of identifying, protecting, and supporting trafficking victims have been provided to relevant officers so that they can acquire the knowledge and skills necessary to promote measures for trafficking in persons.... <b>These law are conducive to legal protection of victims.</b> Additionally, the Technical Training Act establishes regulations prohibiting acts that infringe the human rights of technical intern trainees etc. and the required penalties for violations, and puts in place measures relating to the protection etc. of technical intern trainees including appropriate <b>response to issues raised and reported by technical interns trainees, and liaison and coordination relating to transfers/relocations of technical intern trainees.</b> Women's Consultation Offices promote cooperation with the relevant administrative agencies, foreign embassies in Tokyo, IOM, and NGOs to <b>supply clothing, food and residence to female victims, establish a night guard system, and improve support for the protected victims according to their conditions.</b> If the victim is a child, the Women's Consultation Offices cooperate with Child Guidance Centers to take appropriate protective measures, if needed. In addition, <b>if a private shelter is likely to give more appropriate protection, the Women's Consultation Offices temporarily entrust the protection to the private shelter.</b> The Government of Japan improves further the <b>voluntary repatriation and social reintegration program</b> for the foreign victims of trafficking in persons (conducted by IOM). In cooperation with the embassies of their home countries in Tokyo, their governments and NGOs, the most suitable <b>supports will be provided for the victims' smooth return to their countries, their social reintegration after returning home, and the prevention of their revictimization.</b> The Government of Japan makes efforts to take a proper care of the situation of victims, such as <b>giving attention to victim's requests for consultation, interviews with the victims, and other criminal procedures...</b> Child Guidance Centers <b>provide the victims with mental care and treatment.</b> For example, if needed, the Centers have <b>child psychologists interview with the victims and have doctors diagnose the victims.</b> The Government of Japan permits a renewal of the period of stay or a change in the status of residence for the victims, and gives special permission to stay in Japan to stabilize the legal status of the victims."</p>	<p><a href="#">Work in Freedom's Country Baseline under the ILO Declaration Annual Review</a></p>



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B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	1.00	<p>Yes, domestic worker victims of forced labor are provided with access to remedies, such as legal aids, rehabilitation, and consultation.</p> <p>According to Work in Freedom's Country Baseline under the ILO Declaration Annual Review, <b>"Measures taken or envisaged to facilitate access to remedies</b> 2017 AR: According to the Government: the Japan Legal Support Center provides free information on legal systems and appropriate authorities or organizations. <b>For victims who are not financially capable</b>, the Japan Legal Support Center provides <b>free legal consultations</b> (Legal Consultation Aid), as <b>Civil Legal Aid</b>. When victims who meet a certain set of requirements, the Japan Legal Support Center makes an advance <b>payment of fees for attorney's services</b> (Representation Aid and Documentation Aid), as Civil Legal Aid."</p> <p><b>"Measures taken or envisaged to protect victims of forced labour</b> ...suitable supports will be provided for the victims' <b>smooth return to their countries, their social reintegration after returning home</b>, and the prevention of their revictimization. The Government of Japan makes efforts to take a proper care of the situation of victims, such as <b>giving attention to victim's requests for consultation, interviews with the victims, and other criminal procedures...</b> Child Guidance Centers provide the victims with <b>mental care and treatment...</b>"</p>	<a href="#">Work in Freedom's Country Baseline under the ILO Declaration Annual Review</a>
<b>B5.2 Protections for Under-age Laborers</b>				
B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	1.00	<p>Yes, the minimum age for migrant domestic workers is 18 years old, under the Act on National Strategic Special Zones.</p> <p>According to the Order for Enforcement of the Act on National Strategic Special Zones (Cabinet Order No. 99 of March 28, 2014), "Article 17 Requirements specified by Cabinet Order referred to in Article 16-4, paragraph (1) of the Act are all of the following items to be satisfied in full: (i) <b>a foreign national must be at least 18 years of age</b> as of the day on which the person files an application referred to in Article 6, paragraph (2) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951);"</p> <p>For local workers, the Labor Standards Act sets the minimum age as 15 years old, but this act does not apply to domestic workers. Therefore, there is no minimum age for native domestic workers. However, this does not create a deduction for this question because the vast majority of domestic workers in Japan are foreigners.</p>	<a href="#">Order for Enforcement of the Act on National Strategic Special Zones (Cabinet Order No. 99 of March 28, 2014)</a>
B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	99.00	<p>This question is not applicable to Japan since migrant domestic workers need to be above 18 years old.</p> <p>For other workers in Japan, the Labor Standards Act sets extra limitations of hours of work of those between 15-18 years old, ensuring that they are able to access compulsory education.</p> <p>According to the Labor Standards Act, "Article 60. (Working Hours and Days Off) (1) The provisions of Articles 32-2 through 32-5, 36 and 40 shall not apply to minors under 18 years of age. (2) With respect to the application of the provisions of Article 32 to children employed pursuant to paragraph (2) of Article 56, the phrase <b>"40 hours per week" in paragraph (1) of Article 32 shall be read as "40 hours per week including school hours"</b>, and the phrase <b>"8 hours per day" in paragraph (2) of Article 32 shall be read as "7 hours per day including school hours"</b>"</p>	<a href="#">Labor Standards Act</a>
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	99.00	<p>This question is not applicable to Japan since migrant domestic workers need to be above 18 years old.</p> <p>For other workers in Japan, the Labor Standards Act sets extra limitations of hours of work of those between 15-18 years old.</p> <p>According to the Labor Standards Act, "Article 60. (Working Hours and Days Off) (1) The provisions of Articles 32-2 through 32-5, 36 and 40 shall not apply to minors under 18 years of age. (2) With respect to the application of the provisions of Article 32 to children employed pursuant to paragraph (2) of Article 56, the phrase <b>"40 hours per week" in paragraph (1) of Article 32 shall be read as "40 hours per week including school hours"</b>, and the phrase <b>"8 hours per day" in paragraph (2) of Article 32 shall be read as "7 hours per day including school hours"</b>"</p>	<a href="#">Labor Standards Act</a>



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B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	99.00	<p>This question is not applicable to Japan since migrant domestic workers need to be above 18 years old.</p> <p>For other workers in Japan, the Labor Standards Act prohibits night work for those between 15-18 years old.</p> <p>According to the Labor Standards Act, "Article 61. (Night Work) (1) An employer shall not have a person under 18 years of age work between the hours of 10 p.m. to 5 a.m.; provided, however, that this shall not apply to males 16 years or more of age employed on a shift work basis."</p>	<a href="#">Labor Standards Act</a>
B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	99.00	<p>This question is not applicable to Japan since migrant domestic workers need to be above 18 years old.</p> <p>For other workers in Japan, the Labor Standards Act prohibits dangerous and harmful work for those between 15-18 years old.</p> <p>According to the Labor Standards Act, "Article 62. (Restrictions on Dangerous and Harmful Jobs) (1) An employer shall not allow persons under 18 years of age to clean, oil, inspect or repair the dangerous parts of any machinery or power-transmission apparatus while in operation, to put on or take off the driving belts or ropes of any machinery or power-transmission apparatus while in operation, to operate a crane, or to engage in any other dangerous work as specified by the Ordinance of the Ministry of Health, Labour and Welfare, or to handle heavy materials as specified by the Ordinance of the Ministry of Health, Labour and Welfare. (2) An employer shall not have persons under 18 years of age engage in work involving the handling of poisons, deleterious substances or other injurious substances, or explosive, combustible or inflammable substances, or work in places where dust or powder is dispersed, or harmful gas or radiation is generated, or places of high temperatures or pressures, or other places which are dangerous or injurious to safety, health, or welfare."</p>	<a href="#">Labor Standards Act</a>
<b>B6. Protections for Migrant Domestic Workers</b>				
<b>B6.1 Employment Support</b>				
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	1.00	<p>Yes, migrant domestic workers are required to receive employment contracts prior to crossing national borders.</p> <p>According to <a href="http://migrant.jp">migrant.jp</a>, "Please check your contract whether your agent makes it in accordance with the Act on National Strategic Special Zones or not. <b>1. Before arriving in Japan</b> [...] ⑥ You have two employment contracts; one in your mother tongue or English and the other in Japanese."</p>	<a href="http://migrant.jp">migrant.jp</a>
B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	1.00	<p>Yes, there is a national consultation hotline for foreign workers with 13 different languages, established by the Japanese Ministry of Health, Labour and Welfare.</p> <p>According to the Working Conditions Handbook of the Ministry of Health, Labour and Welfare, "The Japanese Ministry of Health, Labour and Welfare has established a "Consultation Line for Foreign Employees" to answer questions from foreign employees in the following 13 languages other than English and Chinese. This helpline will assist in explaining laws and regulations as well as making referrals to relevant agencies, etc. on issues making referrals to the relevant organizations. "</p>	<a href="#">Working Conditions Handbook of the Ministry of Health, Labour and Welfare</a>
<b>B6.2 Support after Termination of Employment</b>				

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	1.00	<p>Yes, there are measures to ensure that the loss of employment does not imply the withdrawal of the migrant domestic workers' authorization of residence. If workers lose their employment because the organization no longer employs and place foreign domestic workers, the organization needs to find another organization to employ the worker. Otherwise, if workers lose their employment because of their own reasons, they may apply to extend the period of stay, and this application would be approved if the Ministry of Justice finds it appropriate.</p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones, "No. 10 Measures when the Employment of Foreigners Conducting Housekeeping Services Can No Longer be Maintained <b>When a specified organization no longer conforms to the criteria for specified organizations or it is no longer able to maintain the employment of a foreigner conducting housekeeping services due to any other reason attributable to itself, and if the foreigner is not responsible and wishes to continue staying in Japan under this project, the organization should endeavor to find another specified organization that will accept said foreigner.</b>"</p> <p>According to Immigration Services Agency of Japan, "Extension of period of stay (Immigration Control Act, Article 21) As a general rule, a foreign national residing in Japan with a status of residence can stay as long as the period of stay grants. If, however, the intended purpose of stay is not achieved within the period of stay granted along with landing permission, it is a great burden for the foreign national to depart, acquire a new visa, and then enter Japan again.</p> <p><b>The Immigration Control Act provides procedures for renewing the period of stay if the Minister of Justice deems it appropriate for the foreign national in Japan to extend their stay.</b></p> <p>A foreign national desiring an extension of period of stay must <b>apply for permission to extend the period of stay from the Minister of Justice</b> in accordance with the procedures provided for by the Ministry of Justice Order."</p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a> <a href="#">Immigration Services Agency of Japan</a>
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	0.10	<p>No, even though unjustified termination of employment is prohibited, there are no mentions of compensation for migrant domestic workers if the termination of employment was not justified. However, there are provisions to transfer the worker to a new agency for a new job in the scenario where the organization is no longer able to keep employing the worker.</p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones, "No. 4 Employment of Foreigners Conducting Housekeeping Services [...] <b>10. A specified organization must not dismiss, against their will, a corresponding number of employees currently engaging in duties that newly accepting foreigners are to engage in.</b></p> <p>No. 8 Protection of Foreigners Conducting Housekeeping Services 1. A specified organization must establish an office to accept complaints and consultations from foreigners conducting housekeeping services and prepare a system to properly deal with such complaints and consultations, and at the same time must put in place a mechanism to protect foreigners conducting housekeeping services in cases such as where they are unfairly treated at households using services. 2. A specified organization must not dismiss or otherwise treat disadvantageously any foreigner conducting housekeeping services on the grounds that the foreigner has made a complaint or a consultation pursuant to the provisions of the preceding paragraph."</p> <p>"No. 10 Measures when the Employment of Foreigners Conducting Housekeeping Services Can No Longer be Maintained <b>When a specified organization no longer conforms to the criteria for specified organizations or it is no longer able to maintain the employment of a foreigner conducting housekeeping services due to any other reason attributable to itself, and if the foreigner is not responsible and wishes to continue staying in Japan under this project, the organization should endeavor to find another specified organization that will accept said foreigner.</b>"</p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>



No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	1.00	<p>Yes, migrant domestic workers are entitled to the right of appeal.</p> <p>According to the Immigration Services Agency of Japan, <b>"3. Hearing (Immigration Control Act, Article 48)</b> If the immigration officer finds that deportation is appropriate, <b>the suspect may claim that the findings are incorrect, or if they do not dispute the findings, but want special permission to stay in Japan, they may request a hearing with a special inquiry officer within three days of receiving the notification of the investigation findings</b>, and a hearing will be held based on this request. This is referred to as "a hearing with a special inquiry officer." The special inquiry officer is a senior immigration officer appointed by the Minister of Justice.</p> <p>The special inquiry officer will determine if there are any mistakes in the immigration officer's findings. If the special inquiry officer finds that there are no mistakes with the immigration officer's findings, and the suspect admits to this and expresses a desire to return to their country of origin, the supervising immigration inspector will issue a deportation order and the suspect will be deported.</p> <p>On the other hand, if the suspect claims that the findings are incorrect, or if they do not dispute the findings, but want special permission to stay in Japan, they may file an objection with the Minister of Justice. This would constitute a third stage of the examination.</p> <p>If, after the hearing, it is found that none of the grounds for deportation apply and the special inquiry officer acknowledges this, or if the special inquiry officer finds that the suspect is subject to a departure order and receives a departure order from the supervising immigration inspector, the special inquiry officer must immediately discharge the individual.</p> <p>At the hearing, the suspect or their representative may submit evidence, cross-examine witnesses, and, with the permission of the special inquiry officer, the suspect may have one relative or acquaintance present. On the other hand, the special inquiry officer can force witnesses to appear, make them take an oath, and demand their testimony.</p> <p><b>4. Filing of an objection (Immigration Control Act, Article 49)</b> If, after acknowledgment by an immigration officer and a determination by a special inquiry officer, <b>the suspect claims that the determination is correct, or if they do not dispute the determination, but want special permission to stay in Japan, they may submit a document within three days of the determination stating why they disagree to the supervising immigration inspector and request that the Minister of Justice make a final determination. This is the act of filing an objection.</b></p> <p>The objection will be filed by the supervising immigration officer, who is higher in rank than the special inquiry officer and who will forward the documents to the Minister of Justice. The supervising immigration officer is one of the most senior immigration officers and is appointed by the Minister of Justice."</p>	<a href="#">Delivery of suspects, investigations into violations, hearings, filing of objections, rulings, and special permission to stay in Japan</a>
B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	0.25	<p>No, migrant workers are only entitled to repatriation at no cost on the expiry or termination of the employment contract if they have compelling reasons or illness that make them unable to pay for the fees. Employers are not required to pay the travel expense.</p> <p>According to the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones No. 9 Measures to Secure Return Trip Fees and Other Provisions for Safeguarding Foreigners' Return</p> <p><b>1. When a foreigner conducting housekeeping services cannot pay return trip fees due to illness or other compelling reasons, a specified organization must bear said expenses.</b>  <b>2. A specified organization must prepare necessary measures so as to secure the return trip fees, in the case referred to in the preceding paragraph, even when it cannot bear the return trip fees due to bankruptcy or other compelling reasons, such as through concluding an agreement with other specified organizations.</b>  <b>3. A specified organization must not have the relevant foreigner conducting housekeeping services bear the return trip fees prescribed in the preceding two paragraphs by such means as deducting the amount from his/her wages.</b></p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>
B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	0.00	<p>There is no mention of whether migrant domestic workers have access to complaint mechanisms or legal civil and criminal remedies after termination of employment and departure from country of employment.</p>	<a href="#">Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones</a>