## III Working Hours, Holidays and Annual Leave

## 1 Legal Working Hours and Holidays

Legal working hours per week are 40 hours. The Labor Standards Law stipulates that an employer shall not make an employee work more than 8 hours per day/40 hours per week. The fixed working hours of each firm shall not be longer than the legal hours (Article 32).

However, as an exception, working up to 44 hours a week is allowed for companies with less than 10 employees in the industries of commerce, cinema/theater, health care and service/entertainment.

With regard to holidays, Labor Standards Law stipulates that an employer shall provide employees with at least one holiday per week. Otherwise, an employer can provide at least 4 holidays during a four-week period (Article 35).

With regard to work breaks, the law stipulates that an employer shall provide the employees with at least 45 minutes of break time for a work day of over 6 hours, and one hour of break time for a work day of over 8 hours (Article 34).

## 2 Modified Working Hours Systems

There are exceptions to the general rule stipulating that working hours are 8 hours per day/40 hours per week. Several kinds of modified working hours systems which can accommodate working hours to business fluctuations are also allowed under specified conditions.

## III 労働時間，休日，休暇

## 1 法定労働時間と休日

1 週間の法定労働時間は 40 時間です。労働基準法は，1週間につ いて 40 時間を超えて労働させてはならない， 1 日について 8 時間を超えて労働させてはならないと規定しています。各事業所の所定労働時間は，法定労働時間を超えることはできません（第 32 条）。

ただし， 10 人未満の商業，映画•演劇業，保健衛生業，接客娯楽業については特例として 1 週間の労働時間を 44 時間とすることが認められています。

休日について，労働基準法は，毎週少なくとも 1 回の休日を与え なければならない，と定めています。ただし，毎週 1 回でなくても， 4 週間を通して 4 日以上の休日を与える場合はそれでもよいことに なっています（第35条）。
休想については，労働時間が 6 時間を超える場合は，少なくとも 45 分， 8 時間を超える場合は 1 時間を労働時間の途中に与えなけれ ばならないと定めています（第 34 条）。

## 2 変形労働時間制

労働時間 1 週 40 時間， 1 日 8 時間の原則には，例外があります。変形労働時間制は，業務の繁閑に応じて労働時間の柔軟な設定を容易 にする制度として，一定の条件のもとで認められています。

## (1) Modified monthly working hours system

Provided that average weekly working hours do not exceed 40 hours (44 hours in workplaces subject to exceptional measures) over a certain period that is no longer than one month, fixed working hours on certain days or weeks may exceed the legal working hours per day or week. Conditions such as the length of working hours, the time at which work begins and work ends, and the starting date for calculation must be clearly and specifically defined.

## (2) Modified annual working hours system

This system allows working hours of up to 10 hours per day or 52 hours per week on certain days or weeks, provided that average weekly working hours do not exceed 40 hours over a certain period that is longer than one month and no longer than one year. However, limitations apply. Average weekly working hours must not exceed 40 hours over the target period (including in workplaces subject to exceptional measures), work days over the target period must not exceed 280 days a year if the target period exceeds 3 months, and as a general rule, the number of consecutive working days must not exceed 6 days.

## (3) Flex-time system

This system determines the total working hours over a certain period (the settlement period) in advance, and allows employees to decide when work starts and ends on each day during that period. In some cases, there are both a flexible time (when employees can start and end work) and a core time (the time of the day when the employees must be working).
（1）1 か月単位の変形労働時間制
1 か月以内の一定期間を平均し，1週間の労働時間が 40 時間（特例措置事業場は 44 時間）以下であれば，特定の日や週に，1日及び 1 週間の法定労働時間を上回る所定労働時間を設定することができます。労働時間の長さや，始業•終業時刻，起算日等については具体的かつ明確に定める必要があります。

## （2）1年単位の変形労働時間制

1 か月を超え 1 年以内の一定期間を平均して 1 週間の労働時間が 40 時間以下であれば，特定の日や週について，1日 10 時間， 1 週 52時間を限度に働かせることができる制度です。ただし，対象期間を平均した 1 週間あたりの労働時間は 40 時間を超えないこと（特例措置事業場においても同様），対象期間が 3 か月を超える場合には対象期間 における労働日数の限度は1年あたり280日，連続して労働する日数 は原則として最長6日までとするなどの制限があります。

## （3）フレックスタイム制

一定の期間（清算期間）の総労働時間数をあらかじめ定めておき，労働者がその範囲内で，各日の始業及び終業の時刻を自らの意思で決 めて働く制度です。フレキシブルタイム（いつ出社又は退社してもよ い時間帯）とコアタイム（必ず勤務しなければいけない時間帯）が設 けられている場合もあります。

The settlement period must be no longer than 3 months. However, if the settlement period exceeds one month, (1) average weekly working hours must not exceed 40 hours over the entire settlement period and (2) working hours per month must not exceed a weekly average of 50 hours.

## (4) Non-standard one week unit modified working hours system

When it is impossible to determine working hours in rules of employment or other regulations because business often significantly fluctuates by day and the situation cannot be known in advance, this system allows working hours of up to 10 hours per day, provided that weekly working hours do not exceed 40 hours. This system is only allowed for the retail, hotel, restaurant, or dining industry, and only when there are fewer than 30 employees.

## 3 Overtime Work and Work on Holidays

So-called "36 agreement" (a written agreement about overtime work and work on holidays) should be concluded between an employer and employees and submitted to the Labor Standards Inspection Office, when the employer wants to extend working hours or have an employee work on holidays. The employer should pay increased wages for such work (Articles 36 and 37).

As a general rule, the upper limit of overtime work is 45 hours per month or 360 hours per year. When there are special temporary circumstances, the upper limit can be up to 720 hours per year or less than 100 hours per month (including work on days off) or up to an average of 80 hours per month over multiple months (including work on days off).

清算期間は3か月以内です。ただし，1 か月を超える場合，（1）清算期間全体の労働時間が週平均 40 時間を超えないこと，（2）1 か月ごとの労働時間が週平均 50 時間を超えないことの両方が必要とな ります。
（4） 1 週間単位の非定型的変形労働時間制
30 人未満の小売業，旅館，料理店及び飲食店で，日によって業務に著しい繁閑が生じることが多い場合が対象となります。 1 週間の労働時間が 40 時間以下の範囲内で，1日 10 時間までの労働時間を設定す ることができます。

## 3 時間外労働，休日労働

法定労働時間を超えて時間外労働をさせたり，休日に出勤させた りする場合は「36 協定」（時間外労働•休日労働に関する協定）を労使間で締結し，労働基準監督署に届け出ることと，割増賃金の支払いが義務づけられています（第 36 条，第 37 条）
時間外労働の上限は，原則として月 45 時間，年 360 時間です。臨時的な特別な事情がある場合でも年 720 時間以内，単月 100 時間未満（休日労働を含む），複数月平均 80 時間以内（休日労働を含む） です。

The rate of premium for overtime work and late-night work (defined as work between 10 pm and 5 am ) is $25 \%$ or more and it is $35 \%$ or more for work on a statutory holiday.

An employee must be paid time and a half or more for any hours worked over 60 in a month (Section 1 of Article 37). From April 1, 2023, this also applies to small and medium enterprises.

In cases where the company is under the modified working hours system, an employer is not under obligation to pay increased wages for overtime work if average working hours per week during the period stipulated by the pertinent system do not exceed the legal working hours.

If you do not understand the method of calculation of hours and pay, you should ask your company.

時間外労働と深夜労働（午後 10 時から翌朝 5 時まで）の割増賃金 の割増率は $25 \%$ 以上，休日労働の割増率は $35 \%$ 以上となっています。 1 か月において 60 時間を超える時間外労働をさせた場合， $50 \%$ 以上の割増率となっています（第 37 条第 1 項ただし書）2023年4月1日から，中小企業にもこの割増率が適用されます。
変形労働時間制をとっている会社の場合は，制度ごとに定められ た期間における週平均の労働時間が法定労働時間を超えなければ時間外労働の割増賃金の支払いが義務づけられていません。

計算方法がわからない場合は，会社に説明してもらうとよいでし よう。

## 4 Annual Paid Leave

The Labor Standards Law stipulates the annual paid leave system as follows that employees may take leave at any time and enjoy a pleasant life.
"An employer shall grant annual paid leave of 10 working days, either consecutive or divided up into portions, to an employee who has been employed continuously for 6 months calculated from the day of hiring and who has reported for work on at least $80 \%$ of the total working days" (Article 39).

Part-timers can also take annual paid leave depending on the number of their working days, even if their fixed working days are relatively few. Even though the contract period of employment is for one month or 3 months, if employees have worked for more than 6 months as a result of renewal of contacts, they may take annual paid leave.
The number of annual paid holidays is as follows:

| Working hours per week | Working days per week | Working days per year | Year of continuous service |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  | 6 months | 1year <br> and 6 <br> months | 2years <br> and 6 <br> months | 3years <br> and 6 <br> months | 4years <br> and 6 <br> months | 5years <br> and 6 <br> months | 6years and 6 months ormore |
| 30 hours or over | ----- | ------ | 10 | 11 | 12 | 14 | 16 | 18 | 20 |
| Less than 30 hours | 5 days <br> or more | 217 days or more |  |  |  |  |  |  |  |
|  | 4days | 169~216days | 7 | 8 | 9 | 10 | 12 | 13 | 15 |
|  | 3days | 121~168days | 5 | 6 | 6 | 8 | 9 | 10 | 11 |
|  | 2days | $73 \sim 120$ days | 3 | 4 | 4 | 5 | 6 | 6 | 7 |
|  | 1 day | $48 \sim 72$ days | 1 | 2 | 2 | 2 | 3 | 3 | 3 |

## 4 年次有給休暇

労働基準法は，労働者が休暇を自由に利用し豊かな生活が確保で きるように年次有給休暇制度について次のように定めています。

「使用者は，その雇入れの日から起算して 6 か月間継続勤務し全労働日の 8 割以上出勤した労働者に対して，継続し，又は分割した 10 労働日の有給休暇を与えなければならない」（第 39 条）。

パートタイム労働者など所定労働日数の少ない労働者についても，所定労働日数に応じた年次有給休暇が付与されます。雇用契約期間 が 1 か月や 3 か月のような場合でも，契約更新して 6 か月以上勤務 した場合は，付与の要件をみたします。

年次有給休暇日数は次の表によります。


An employee may request paid leave anytime but may be asked by his or her employer to change the date(s) of the leave if his or her absence in the requested period would interfere with the normal operation of the enterprise.

Employers must ensure that all employees who are granted annual paid holidays of 10 days or more take 5 paid holidays every year during the period designated by their employers.

Paid holidays can be taken within 2 years from when it was allowed, but an employee can not take it after the day of his/her resignation.

An employee may be granted paid leave by the hour for up to a maximum of 5 days out of the employee's total number of annual paid leave, when there is already a labor-management agreement allowing the employees to take paid leave by the hour and it is requested by an employee.

## O Preplanned Grant of Annual Paid Leave

An employer may introduce a preplanned annual paid leave system when there is a rule set regarding the appropriate time of granting paid leave stated in the labor-management agreement. However, the system can be applicable only to the portion exceeding 5 days of paid leave allocated to each employee.

## 5 Child Care-Related Rules

(1) Maternity Leave and Child Care Hours

Expectant female employees can take 6 weeks ( 14 weeks for twins or more) of maternity leave before child birth and 8 weeks after giving birth (Article 65). Female employees who are nursing an infant of up to 12 months are also entitled to take nursing time twice a day, each for at least 30 minutes aside the

労働者はいつでも自由に有給休暇をとることができますが，事業 の正常な運営を妨げる場合は，使用者は他の日に振り替えることが できることになっています。

なお，使用者は，10日以上の年次有給休暇が付与される全ての労働者に対し，5日について，毎年，時季を指定して有給休暇を与え なければなりません。

有給休暇の権利は，付与された日から 2 年間有効ですが，退職日 より後に取得することはできません。

労使協定により，時間を単位として休暇を与えられる労働者が，時間単位で請求したときは，年次有給休暇の日数のうち5日以内に限り，時間単位で与えることができます。

○計画的付与制度
労使協定で有給休暇を与える時季に関する定めをしたときは，計画的付与を行うことができます。ただし，計画的付与の対象と することができるのは，各労働者の持っている有給休暇日数のう ち，5日を超える部分に限ります。

## 5 育児関連

## （1）産前•産後休暇，育児時間

出産予定の女性社員は，産前 6 週間（多胎妊娠の場合は 14 週間）産後 8 週間の休業を取得することができます（第 65 条）。

また，1歳未満の子を育てる女性は，法定の休憩時間以外に， 1日 2 回各々少なくとも 30 分，育児時間を取得することができま す。
legally allowed break times. They can take nursing time by showing up 30 minutes late or leaving work 30 minutes early, or take 60 minutes off at one time (Article 67).
Maternity leave may be paid or unpaid as there are no laws and companies set their own policies. For those who are not paid by their companies, however, a maternity allowance is paid by the health insurance system during the leave. (refer to "Health Insurance Benefits" on P116 for maternity-related allowances).
In addition, it is prohibited for an employer to dismiss an employee or force an employee to accept change in employment contract details based on an employee's pregnancy, childbirth or taking of maternity leave. Dismissal of a female employee during her pregnancy or within one year from childbirth is invalid unless the employer proves that the dismissal is not based on fact that the employee became pregnant, gave birth or took maternity leave (Article 9, Equal Employment Opportunity Act for Men and Women).

## (2) Child care leave

Child care leave allows an employee, either male or female, to take off up to one year to look after an infant under one year of age. If both parents decide to take a leave, up to one year for each parent is allowed until the child is 14 months old ("Additional Leave for Mom \& Dad"; Section 6 of Article 9, Child Care and Family Care Leave Act).
The Child Care and Family Care Leave Act has been revised to allow child care leave to be split into two separate periods from October 1, 2022. (Section 2 of Article 9, Child Care and Family Care Leave Act)

育児時間は，30分遅く出勤して30分早く退勤する，もしくは60分 まとめて，という方法で取得することも可能です（第67条）。

休業中の賃金の取り扱いについては，法律で定められていない ので，使用者は就業規則などにより有給とするか無給とするか決 めておく必要があります。無給の場合でも，産前•産後休業中は，健康保険の給付として，出産手当金が支給されます（出産関係の手当は，117ページの「健康保険の給付」の項を参照）。

なお，妊娠，出産，産前•産後の休業を理由とする解雇や，退職，契約内容変更の強要などは禁止されています。妊娠中や産後 1年以内の解雇は，「妊娠，出産，産前•産後休業等による解雇で ないこと」を事業主が証明しない限り無効となります（男女雇用機会均等法第 9 条）。

## （2）育児休業

1 歳未満の子を育てる労働者（男女不問）は，その子の養育のた めに休業することができます。父母がともに育児休業を取得する場合， 1 歳 2 か月までの間に， 1 年間育児休業を取得することが できます（パパママ育休プラス（育児•介護休業法第9条の6））。 なお，育児•介護休業法の改正により，令和 4 年 10 月 1 日から，育児休業を分割して 2 回取得することができます。（育児•介護休業法第9条第2項）。

In special situations, such as when a child is on a wait list to enroll in a daycare center, the leave may be extended until the child is 18 months old. (Section 3 of Articles 5, Child Care and Family Care Leave Act)
Furthermore, when the child cannot enroll in a daycare center even if the period of child care leave is extended until the child is 18 months old, the leave may be extended again for another 6 months (until the child is two years old) (Section 4 of Articles 5, Child Care and Family Care Leave Act).
An employee on a fixed-term contract is eligible for child care leave if it is not apparent that the employment contract will expire by the time the child becomes 1 year and 6 months old. (Section 1 of Articles 5, Child Care and Family Care Leave Act) An employee receives $67 \%$ ( $50 \%$ after six months of leave) of the wage at the start of leave as the benefits from the Employment Insurance (child care leave benefits) when certain conditions are met.

An employee on maternity leave and childcare leave may be exempted from social insurance premiums by applying to Japan Pension Office while on each leave.

## (3) Paternity leave

In order to encourage males to take child care leave, the Child Care and Family Care Leave Act has been revised to establish a paternity leave system that enables up to 4 weeks of leave within 8 weeks of childbirth, which can be split into two separate periods, from October 1, 2022. (Section 2 of Article 9, Child Care and Family Care Leave Act)

また，保育所に入所を希望しているが，入所できない場合など，事情により子を養育することが困難になった場合，子が 1 歳 6 か月に達するまで育児休業を延長できます（育児•介護休業法第5条第3項）。
さらに，育児休業を 1 歳 6 か月まで延長しても保育所に入所でき ない場合等に限り，さらに 6 か月（ 2 歳まで）の再延長が可能です。 （㕕児•介護休業法第5条第4項）。

有期契約労働者の場合は，子が 1 歳 6 か月になるまでの間に雇用契約が満了することが明らかでない場合に取得できます。（育児•介護休業法第5条第1項）

育児休業中は，一定の要件を満たした場合，雇用保険の給付（育児休業給付）として，休業開始時賃金の $67 \%$（※休業開始から 6 か月経過後は $50 \%$ ）が支給されます。

産前産後休業期間中，育児休業期間中の社会保険料は，それぞ れの休業期間内に申請すれば免除されます。

## （3）出生時育児休業（産後パパ育休）

育児•介護休業法の改正により，令和 4 年 10 月 1 日から，男性の育児休業取得促進のため，出生時育児休業（産後パパ育休） が創設され，育児休業とは別に，子の出生後 8 週間以内に 4 週間 まで，分割して 2 回取得することができます（育児•介護休業法第 9 条の 2）。

## (4) Short working hour system

An employer is required to offer short working hour system for child care to those employees with a child below three years of age (Article 23 Paragraph 1, Child Care and Family Care Leave Act).

## (5) Restrictions on overtime work

An employer is not allowed to make an employee with a child under three years of age work overtime unless the enterprise's normal operations would be impaired (Article 16-8 Paragraph 1, Child Care and Family Care Leave Act).

## (6) Limit on work in excess of statutory working hours

An employee with a child below school age may make a request to his or her employer to be exempt from overtime work in excess of 24 hours in a month and 150 hours in a year, unless the enterprise's normal operations would be impaired (Article 17 Paragraph 1, Child Care and Family Care Leave Act).

## (7) Restrictions on late night work

When an employer is requested by an employee raising a child that has not yet entered elementary school, that employer cannot make the worker conduct late night work, except in cases where this would hinder the normal operation of the business. However, this does not apply to employees whose specified working hours are all at late night, etc. (Article 19 Paragraph 1, Child Care and Family Care Leave Act)

## （4）短時間勤務制度

事業主は， 3 歳に満たない子を養育する労働者について，労働者が希望すれば利用できる短時間勤務制度を設けることが義務付 けられています（育児•介護休業法第 23 条第 1 項）。

## （5）所定外労働の制限

事業主は， 3 歳に満たない子を養育する労働者が請求した場合 には，事業の正常な運営を妨げる場合を除き，所定労働時間を超 えて労働させてはなりません（育児•介護休業法第16条の8第1項）。

## （6）法定時間外労働の制限

小学校に入学する前の子を養育する労働者は，事業の正常な運営を妨げる場合を除き，1 か月 24 時間， 1 年 150 時間を超える時間外労働を免除してもらうように請求することができます（育児•介護休業法第 17 条第 1 項）。

## （7）深夜業の制限

事業主は，小学校に入学する前の子を養育する労働者が請求し た場合には，事業の正常な運営を妨げる場合を除き，深夜業をさ せてはなりません。ただし，所定労働時間の全部が深夜にある労働者等は対象外となります（育児•介護休業法第 19 条第 1 項）。

## (8) Sick/Injured child care leave

Sick/injured child care leave allows an employee to take days off (up to 5 days per year if one child and 10 days for two or more children) to look after a child below school age in the event of injury or sickness. An employee can take it by the hour.

Whether the wages are to be paid or not shall be determined between the employer and employee (Section 2 of Article 16, Child Care and Family Care Leave Act).

## （8）看護休暇

小学校に就学する前の子を養育する労働者は，子どもがケガを したり，病気になったりしたときに世話をするための看護休暇を取得することができます。

日数は，小学校就学以前の子が 1 人であれば，年に 5 日， 2 人以上であれば 10 日です。 1 時間単位で取得できます。

有給か無給かは労使の取り決めによります。（育児•介護休業法第16条の2）。

## 6 Family Care-Related Rules

(1) Family care leave

Employees who take care of a family member requiring full-time care are entitled to family care leave. The leave can be taken up to 93 days in total per covered family member. These days can be split into a maximum of three separate periods of leave.
Employees on a fixed-term employment contract, are eligible for family care leave if it is not apparent that the labor contract will expire by six months after the date falling 93 days after the date on which the employee began to take family care leave. (Article 11 Paragraph 1, Child Care and Family Care Leave Act)
During family care leave, an employee can receive about $67 \%$ of the wage at the start of leave as the benefits from the Employment Insurance (family care leave benefits) when certain conditions are met.

## (2) System for reduced working hours

In the case of employees providing nursing care to family members in need of said care, employers are obligated to create a system for reduced working hours. The system must be available to such employees at least twice during a period of 3 or more consecutive years. (Article 23 Paragraph 3, Child Care and Family Care Leave Act)

## 6 介護関連

## （1）介護休業

介護休業は，常時介護を必要とする家族を介護する場合に取得 できます。介護休業は対象家族 1 人につき，通算して 93 日まで， 3 回を上限として，分割して取得できます。
有期契約の労働者は，介護休業開始予定日から起算して93日を経過する日から 6 か月を経過する日までに，その労働契約が満了 することが明らかでない場合に対象になります（育児•介護休業法第 11 条第 1 項）。

介護休業中は，一定の要件を満たした場合，雇用保険の給付（介護休業給付金）として休業開始時賃金の約 $67 \%$ が支給されます。

## （2）所定労働時間の短縮措置等

事業主は，要介護状態にある対象家族を介護する労働者につい て，所定労働時間の短縮措置等の制度を設けることが義務付けられ ています。当該制度については，連続する 3 年以上の期間において 2 回以上利用可能なものでなければなりません（育児•介護法第 23条第 3 項）。

## (3) Restrictions on overtime work

An employer is not allowed to make an employee who is providing nursing care to a family member in need of said care work overtime unless the enterprise's normal operations would be impaired. (Article 16-9 Paragraph 1, Child Care and Family Care Leave Act)
(4) Limit on work in excess of statutory working hours

An employee who is providing nursing care to a family member in need of said care may make a request to his or her employer to be exempt from overtime work in excess of 24 hours in a month and 150 hours in a year, unless the enterprise's normal operations would be impaired. (Article 18, Child Care and Family Care Leave Act)

## (5) Restrictions on late night work

When an employer is requested by an employee with a family member that requires nursing, that employer cannot make the worker conduct late night work, except in cases where this would hinder the normal operations of the business. However, this does not apply to employees whose specified working hours are all at late night, etc (Article 20, Child Care and Family Care Leave Act).

## （3）所定外労働の制限

事業主は，要介護状態にある対象家族を介護する労働者が請求 した場合には，事業の正常な運営を妨げる場合を除き，所定労働時間を超えて労働させてはなりません（育児•介護休業法第 16条の 9 第 1 項）。

## （4）法定時間外労働の制限

要介護状態にある対象家族を介護する労働者は，事業の正常な運営を妨げる場合を除き，1 か月 24 時間， 1 年 150 時間を超える時間外労働免除してもらうように請求することができます（育児•介護休業法第 18 条）。

## （5）深夜業の制限

事業主は，要介護状態にある対象家族を介護する労働者が請求 した場合には，事業の正常な運営を妨げる場合を除き，深夜業を させてはなりません。ただし，所定労働時間の全部が深夜にある労働者等は対象外となります（育児•介護休業法第 20 条）。

## (6) Nursing care leave

An employee with a family member in need of nursing care may take nursing care leave to take care of that family member upon applying for a leave of absence to his or her employer.
The number of leave days is 5 days per year when the employee has one family member in need of nursing care or 10 days per year when the employee has two or more such family members. An employee can take by the hour.
Whether the wages are to be paid or not shall be determined between the employer and employee.
(Article 16-5 Child Care and Family Care Leave Act)

## (7) Prohibition of disadvantageous treatment and preventive measures against harassment

Employers are prohibited from using an employee's use of childcare leave, family care leave or other such systems as a reason for dismissal or other disadvantageous treatment of said employee (Article10 Child Care and Family Care Leave Act).
An employer is under obligation to take necessary administrative measures, such as the establishment of a system to appropriately respond to consultations from employees, so that comments or
behaviors of superiors or colleagues on use of childcare leave, family care leave or other similar systems does not disturb the workplace environment. (Article 25 Child Care and Family Care Leave Act).
※A labor-management agreement may exclude employees who have been continuously employed for a short period of time or employees who work two or fewer days per week. For details, see the website of the Ministry of Health, Labor and Welfare.

## （6）介護休暇

要介護状態にある対象家族の介護を行う労働者は，その事業主 に申し出ることにより，対象家族の世話や介護のために，介護休暇を取得することができます。日数は，要介護状態にある対象家族が 1 人であれば年に 5 日， 2 人以上であれば年 10 日です。 1 時間単位で取得できます。有給か無給かは労使の取り決めによりま す（育児•介護休業法第 16 条の5）。

## （7）不利益取扱いの禁止とハラスメントの防止措置

事業主は，育児休業，介護休業などの制度を利用したことを理由として解雇などの不利益な取扱いをすることは禁止されていま す（育児•介護休業法第 10 条）。

また，事業主は，育児休業，介護休業等の利用に関する上司や同僚からの言動により，労働者の就業環境が害されることがない よう，労働者からの相談に応じ，適切に対処する体制を整備する等，雇用管理上必要な措置を講じることが義務づけられています （育児•介護休業法第 25 条）。
※労使協定により，勤続が短い労働者や週の所定労働日数が 2 日以下 の労働者を除外できる場合があります。詳しくは厚生労働省の HP で ご確認ください。

