

## Client Alert

27 September 2021

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## Effective April 1, 2022: Changes to: (i) action plan regarding women's participation and advancement; and (ii) childcare leave

The requirements under the Act on the Promotion of Female Participation and Career Advancement in the Workplace (the "APFPCA") are currently applicable only to companies with more than 300 regular employees. However, thanks to a recent revision, they will apply to companies with more than 100 regular employees from April 1, 2022. These employers will likely need to take action to comply with the revised APFPCA.

An amendment to the Child and Family Care Leave Act (the "CFCLA") will also become effective on April 1, 2022. These changes stem from the same root as those made to the APFPCA — the goal of creating working environments that enable employees of both genders to participate and advance equally.

Please see the below for further details on changes to the APFPCA and the CFCLA that employers should ready themselves for by April 1, 2022.

### 1. Revised Act on the Promotion of Female Participation and Career Advancement in the Workplace

The APFPCA was enacted to create an environment in which women can fully demonstrate their abilities and play active roles in their working lives in response to their wishes. Currently, the APFPCA obliges employers with more than 300 regular employees to:

- (1) formulate and file action plans for the promotion of female employees; and
- (2) publish information on the activities of female employees at the company.

These requirements will be extended to employers with more than 100 regular employees under the revisions.

- (a) Formulation and filing of action plan

Employers with more than 100 regular employees should take the following steps.

Step 1: Ascertain the status of the activities of the company's female employees and analyze issues they are facing.

Step 2: Based on step 1, formulate and publicize within the company and to the general public an action plan to improve gender equality containing concrete objectives and measures, including (i) the plan period, (ii) one or more numerical targets, (iii) details on the measures and (iv) the implementation period for the measures.



Step 3: File a form stating that the action plan has been enacted with the relevant Prefectural Labor Bureau.

Step 4: Periodically inspect and evaluate the status of the achievement of the numerical targets and the status of the implementation of measures based on the action plan.

(b) Publication of information on the activities of female employees at the company

Employers with more than 100 regular employees must select at least one item from the list of items under the APFPCA regarding the status of the activities of female employees at the company and publish it in a manner allowing job seekers, etc. to easily access it. These items include the percentage of female employees in the entire workforce, the percentage of female employees in managerial positions, differences in the average number of consecutive years of service of male and female employees, the percentage of employees taking childcare leave by gender and the percentage of employees taking paid leave.

**2. Revised Child and Family Care Leave Act**

In June 2021, the CFCLA was revised to prevent employees from leaving the workforce due to childbirth, childcare, etc. and to enable both men and women to balance work and childcare, etc. by:

- (1) establishing a framework for flexible childcare leave in the period immediately after the birth of a child to encourage male employees to take childcare leave;
- (2) establishing an employment environment that makes it easier to take childcare leave and obligating employers to take measures to notify and confirm the intentions of individual employees who have informed the company of the pregnancy or childbirth of the employee or his spouse;
- (3) allowing childcare leave to be taken in up to two installments;
- (4) obligating employers to publish the amount of childcare leave taken by their employees; and
- (5) easing requirements for employees with fixed-term employment to take childcare and family care leave.

The specific measures and their respective dates of enforcement are as follows.

	Measure	Date of enforcement
1	Establish a flexible childcare leave framework that enables employees to take up to four weeks' leave within eight weeks of the birth of a child.	TBD, no later than December 2022
2	(a) Take measures to facilitate the use of childcare leave. (b) Inform employees of the relevant systems and confirm their intention to take leave for employees who have informed the company of the pregnancy or childbirth of the employee or his spouse.	April 1, 2022

**For further information,  
please contact:**



Tomohisa Muranushi  
Partner  
+81 3 6271 9532  
[tomohisa.muranushi@bakermckenzie.com](mailto:tomohisa.muranushi@bakermckenzie.com)



Mihoko Ida  
Partner  
+81 3 6271 9508  
[mihoko.ida@bakermckenzie.com](mailto:mihoko.ida@bakermckenzie.com)

3	Allow employees to take childcare leave in two installments.	TBD, no later than December 2022
4	Employers with more than 1000 employees are required to disclose the amount of childcare leave taken by their employees.	April 1, 2023
5	The requirement that a fixed-term employee must have been employed by the employer for at least one year to be eligible for childcare and family care leave will be abolished. However, in the event that a labor-management agreement is concluded, employees who have been employed by the employer for a continuous period of less than one year may be excluded.	April 1, 2022

As 2 and 5 above will enter into force on April 1, 2022, employers will need to confirm and if necessary update the relevant provisions of their work rules and establish internal mechanisms in connection with 2 above. Other measures will need to be taken in relation to 1, 3 and 4 above by their respective dates of enforcement under the revised CFCLA.

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Baker & McKenzie  
(Gaikokuho Joint Enterprise)

Ark Hills Sengokuyama  
Mori Tower 28F  
1-9-10, Roppongi, Minato-ku  
Tokyo 106-0032, Japan  
Tel + 81 3 6271 9900  
Fax +81 3 5549 7720