

pose of the Land and House Lease Act is not to meet the needs of the development in major cities but to regulate the private relation between the lessor and lessee. We must watch the administration of the Land and House Lease Act in order to realize the purpose of this act.

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3. Labor Law

Parental Leave Act.

Promulgated on May 15, 1991. Ch. 76. Effective as of April 1, 1992.

[Outline of the Act]

1. The Act aims at the promotion of continuous employment of men and women workers who bring up their children (Art. 1).

2. In this Act, the term "parental leave" means leave for bringing up a child who has not reached one year old. A man or woman worker whose employment contract is of indefinite period may take parental leave, giving notice to his/her employer (Art. 2). If an employer reaches an agreement with the trade union or persons representing a majority of the workers at the establishment, the employer may refuse a request for parental leave by the following workers: workers who have worked for the employer for less than one year; workers whose spouse can take care of the child at all times; workers for whom the ministerial ordinance allows the employer to refuse the leave (Art. 3).

3. Dismissal of a worker is not justified by his/her taking parental

leave (Art. 7).

4. The employer shall make efforts to determine the treatment of the workers during the parental leave and the terms of employment after the leave, and shall inform the workers of these matters (Art. 8).

5. If a worker does not take parental leave which he/she is entitled to, the employer shall take measures to facilitate the worker's child-care (e.g., a reduction of working time) at his/her request (Art. 10).

6. The employer shall make efforts to take measures which are similar to those taken for the worker whose child has not reached one year old, to facilitate the child-care by the worker whose child is one year or over but not at school-age (Art. 11).

[Comment]

Before the enactment of this Act, in Japan only women workers were covered by child-care legislation. Moreover, the Equal Employment Opportunity Act does not provide for employers' obligations to grant child-care leave but only their efforts to do so. Only teachers and nurses in the public sector were entitled to such leave by virtue of other Acts. Therefore, the Parental Leave Act is significant in that it grants the right to parental leave to men and women workers.

However, there are some problems to be solved.

First, the Act does not secure any income for workers who take parental leave. This may discourage workers from taking the leave.

Second, the Act does not explicitly prohibit employers from treating the workers who take the leave unfavorably except for dismissal. There should be measures not to place workers who take leave at a disadvantage concerning promotion, retirement allowance, fringe benefits, annual holidays, pensions, and so on. Workers who take leave should be able to take the same job as before.

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