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東海国立大学機構の育児又は介護を行う職員の深夜勤務の制限に関する規程（令和２年４月１日機構規程第３８号）

Tokai National Higher Education and Research System Rules on Restrictions on Late-night Work by Employees Carrying out Childcare or Family Care (THERS Rule No. 38 of April 1, 2020)

翻訳年月日：令和４年６月２４日

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東海国立大学機構の育児又は介護を行う職員の深夜勤務の制限に関する規程

Tokai National Higher Education and Research System Rules on Restrictions on Late-night Work by Employees Carrying out Childcare or Family Care

（令和２年４月１日機構規程第３８号）

(THERS Rule No. 38 of April 1, 2020)

（趣旨）

(Purpose)

第１条 東海国立大学機構に勤務する育児又は介護を行う職員の深夜勤務の制限に関しては、育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律（平成３年法律第７６号）その他関係法令及び諸規程に定めるもののほか、この規程の定めるところによる。

Article 1 Matters related to restrictions on late-night work by employees of the Tokai National Higher Education and Research System carrying out childcare or family care shall be governed by these Rules in addition to the provisions of the Act on Welfare of Workers who take Childcare, Family Care, and Other Leave to Care for Children or Family Members (Act No. 76 of 1991), and other relevant legislation and rules.

（育児を行う職員の深夜勤務の制限）

(Restrictions on late-night work by employees who carry out childcare)

第2条 機構長は、小学校就学の始期に達するまで（満6歳に達する日以後最初の3月31日までをいう。）の子（東海国立大学機構職員の育児休業等に関する規程取扱細則（令和2年度機構細則第18号）第2条に規定する子をいう。以下同じ。）を養育する職員（職員の配偶者（内縁関係を含む。以下同じ。）が常態としてその子を養育することができる者を除く。）が当該子を養育するために請求したときは、業務の遂行に著しく支障を来す場合を除き、深夜（午後10時から翌日午前5時までをいう。以下同じ。）の時間帯に勤務（以下「深夜勤務」という。）をさせてはならない。

Article 2 When any employee who is raising a child (meaning “child” as provided for under Article 2 of the Tokai National Higher Education and Research System Detailed Rules on the Handling of the Employee Childcare Leave Rules, etc. (THERS Detailed Rule No. 18 of 2020); hereinafter the same shall apply) younger than elementary school starting age (until the first March 31 after the child’s sixth birthday) (excluding cases when an employee’s spouse (including common law spouse; hereinafter the same shall apply) is able to care for the child in question under normal circumstances) request for restrictions on late-night work for the purposes of raising the child in question, the Chancellor must not have them work (hereinafter referred to as “Late-night Work”) during late-night hours (from 10 p.m. until 5 a.m. the following morning; hereinafter the same shall apply), except in cases where the employee’s duties would be seriously hindered by restricting such Late-night Work.
（育児を行う職員の深夜勤務の制限の請求等）

(Requests for restrictions on Late-night Work by employees who carry out childcare)

第3条 深夜勤務の制限を請求しようとする職員は、深夜勤務の制限を請求する一の期間（6月以内の期間に限る。以下「制限期間」という。）の初日（以下「制限開始予定日」という。）及び末日（以下「制限終了予定日」という。）を明らかにして、制限開始予定日の1月前までに機構長に請求しなければならない。

Article 3 (1) Any employee who wishes to request for restrictions on Late-night Work must submit a request to the Chancellor by at least one month before the planned starting date for restrictions, stating clearly the starting date (hereinafter referred to as the “Planned Starting Date for Restrictions”) and the end date (hereinafter referred to as the “Planned End Date for Restrictions”) of a single unit period during which they will request for restrictions on Late-night Work (such period must be no longer than six months in duration; hereinafter referred to as the “Restriction Period”).

2 機構長は、前項の規定による請求があった場合には、深夜勤務の制限を請求した職員に対し、制限開始予定日の前日までにその取扱いに係る通知書を交付しなければならない。

(2) In the case that a request is made under the provisions of the preceding paragraph, the Chancellor must issue a written notice regarding the handling of the request to the employee who requested for the restrictions on Late-night Work by at least the day before the Planned Starting Date for Restrictions.

3 第1項の請求があった後制限開始予定日の前日までに、当該請求に係る子が死亡した場合又はこれに準ずる事由が生じた場合には、当該請求はされなかったものとみなす。

(3) After a request was made under the provisions of Paragraph (1), if the child related to the request dies or any circumstances equivalent to such arise by the day before the Planned Starting Date for Restrictions, the request in question shall be deemed null and void.

4 前項に該当することとなった職員は、遅滞なく、事情を機構長に届け出なければならない。

(4) Any employee who applies to the preceding paragraph must inform the Chancellor of such circumstance without delay.

(育児を行う職員の深夜勤務の制限の終了)

(End of restrictions on Late-night Work by employees who carry out childcare)

第4条 深夜勤務の制限の開始日以後制限終了予定日の前日までに、次の各号に掲げるいずれかの事由が生じた場合は、制限期間はその事由が生じた日（第3号に掲げる事由が生じた場合にあっては、その前日）をもって終了する。

Article 4 (1) After the date on which Late-night Work started, if any of the following circumstances arises prior to the day before the Planned End Date for Restrictions, the Restriction Period shall end as of the day on which such circumstance arises (in the case circumstances described under Item (iii) arise, this shall be the day before).

一 請求に係る子が死亡した場合又はこれに準ずる事由が生じた場合

(i) If the child related to the request dies, or circumstances equivalent to such arise;

二 制限終了予定日とされた日の前日までに請求に係る子が小学校就学の始期に達した場合

(ii) If the child related to the request reaches elementary school starting age by the day before the Planned End Date for Restrictions;

三 制限終了予定日までに職員が産前産後休暇、育児休業又は介護休業を取得した場合

(iii) If the employee took maternity leave, childcare leave or family care leave prior to the Planned End Date for Restrictions.

2 前項第1号に該当することとなった職員は、遅滞なく、事情を機構長に届け出なければならない。

(2) Any employee who applies to Item (i) of the preceding paragraph must inform the Chancellor of such circumstance without delay.

(介護を行う職員の深夜勤務の制限)

(Restrictions on Late-night Work by employees who carry out family care)

第5条 機構長は、要介護状態（東海国立大学機構職員の介護休業等に関する規程（令和2年度機構規程第37号）第2条に規定する2週間以上にわたり常時介護を必要とする状態をいう。）にある対象家族（同条に規定する対象家族をいう。以下同じ。）を介護する職

員が当該対象家族を介護するために請求したときは、業務の遂行に著しく支障を来す場合を除き、深夜勤務をさせてはならない。

Article 5 When any employee who is carrying out family care for a family member in need of care (refers to a situation whereby constant care is required for two weeks or more under Article 2 of the Tokai National Higher Education and Research System Rules on Employee Family Care Leave (Rule No. 37 of 2020)) (refers to a “covered family member” as provided for under the aforementioned article; hereinafter the same shall apply) requests for restrictions on Late-night Work for the purposes of caring for the covered family member in question, the Chancellor must not have them carry out Late-night Work except in cases where the employee’s duties would be seriously hindered by doing so.

(介護を行う職員の深夜勤務の制限の請求等)

(Requests, etc. for restrictions on Late-night Work by employees who carry out family care)

第6条 深夜勤務の制限を請求しようとする職員は、制限期間の制限開始予定日及び制限終了予定日を明らかにして、制限開始予定日の1月前までに機構長に請求しなければならない。

Article 6 (1) Any employee who wishes to request for restrictions on Late-night Work must submit a request to the Chancellor by at least one month before the Planned Starting Date for Restrictions, stating clearly the Planned Starting Date for Restrictions and the Planned End Date for Restrictions of the Restriction Period.

2 機構長は、前項の規定による請求があった場合には、深夜勤務の制限を請求した職員に対し、制限開始予定日の前日までにその取扱いに係る通知書を交付しなければならない。

(2) In the case that a request was made under the provisions of the preceding paragraph, the Chancellor must issue a written notice regarding the handling of the request to the employee who requested for restriction on Late-night Work by at least one month before the Planned Starting Date for Restrictions.

3 第1項の請求があった後制限開始予定日の前日までに、当該請求に係る対象家族が死亡した場合又はこれに準ずる事由が生じた場合には、当該請求はされなかったものとみなす。

(3) After the request was made, if a covered family member related to the request dies or other circumstances equivalent to such arise by the day before the Planned Starting Date for Restrictions, the request in question shall be deemed null and void.

4 前項に該当することとなった職員は、遅滞なく、事情を機構長に届け出なければならない。

(4) Any employee who applies to the preceding paragraph must inform the Chancellor of such circumstance without delay.

(介護を行う職員の深夜勤務の制限の終了)

(End of restrictions on Late-night Work by employees who carry out family care)

第7条 深夜勤務の制限の開始日以後制限終了予定日までに、次の各号に掲げるいずれかの事由が生じた場合には、制限期間はその事由が生じた日（第2号に掲げる事由が生じた場合にあっては、その前日）をもって終了する。

Article 7 (1) After the date on which Late-night Work started, if any of the following circumstances arises prior to the starting date for restrictions on Late-night Work and the Planned End Date for Restrictions, the Restriction Period shall end as of the day such circumstance arises (in the case that any circumstance described under Item (ii) arises, this shall be the day before).

一 請求に係る対象家族が死亡した場合又はこれに準ずる事由が生じた場合

(i) If the covered family member related to the request dies, or circumstances equivalent to such arise;

二 制限終了予定日までに職員が産前産後休暇、育児休業又は介護休業を取得した場合

(ii) If the employee took maternity leave, childcare leave or family care leave prior to the Planned End Date for Restrictions.

2 前項第1号に該当することとなった職員は、遅滞なく、事情を機構長に届け出なければならない。

(2) Any employee who applies to Item (i) of the preceding paragraph must inform the Chancellor of such circumstance without delay.

(雑則)

(Miscellaneous provisions)

第8条 この規程に定めるもののほか、育児又は介護を行う職員の深夜勤務の制限に関し必要な事項は、機構長が定める。

Article 8 In addition to what is prescribed in these Rules, matters necessary for restrictions on Late-night Work by employees carrying out childcare or family care shall be decided by the Chancellor.

附則

Supplementary provisions

1 この規程は、令和2年4月1日から施行する。

1. These Rules shall come into effect from April 1, 2020.

2 この規程の施行の際現に国立大学法人岐阜大学職員の育児・介護休業等に関する規程（平成19年度規程第16号）又は名古屋大学の育児又は介護を行う職員の深夜勤務の制限に関する規程（平成16年度規程第59号）に基づき深夜勤務の制限を受けている職員は、この規程により深夜勤務の制限を受けている職員とみなす。

2. Upon the enforcement of these Rules, any employee who has been granted restrictions on Late-night Work under the National University Corporation Gifu University Rules on Childcare and Family Care Leave, etc. (Rule No. 16 of 2007) or Nagoya University Rules on Restrictions on Late-

night Work by Employees Carrying Out Childcare and Family Care (Rule No. 59 of 2004) shall be deemed to have been granted restrictions on Late-night Work under these THERS Rules.