

Discretionary Labor System for Professional Work

<Application of the Labor Standards Act>

- With the incorporation of national universities, the Labor Standards Act applies to teachers and other employees of national universities as it does to private companies. Therefore, employers are now required to properly understand and manage the work hours of their employees.

<Introduction of the Discretionary Labor System>

- However, as for teachers, researchers, and some other employees of universities, if the employers control their working hours too strictly, it would limit and weaken their educational and research activities. Therefore, in October 2004, Hiroshima University introduced the Discretionary Labor System for Professional Work (under Article 38-3 of the Labor Standards Act), under which the University may leave decisions about the means of performing work, the time allocation, and other working conditions to the discretion of teachers and researchers.

[What is the Discretionary Labor System for Professional Work?]

- The Ministry of Health, Labour and Welfare designates the types of work for which it is difficult for the employer to give specific instructions regarding the means and methods of performing the work, the time allocation, and other working conditions because these decisions should be left mainly to the workers due to the nature of the work. Under the labor-management agreement, the employer and the labor union representing employees agree on the types of work, from among those designated by the Ministry, to which the Discretionary Labor System for Professional Work applies. Employees engaged in such discretionary work are deemed to be working the hours agreed upon in the labor-management agreement.

<Conditions for Applying the Discretionary Labor System>

- To work under the Discretionary Labor System for Professional Work, employees must meet specific conditions set by the employer. The University has determined the scope of teachers to whom the Discretionary Labor System applies as follows:

(1) Professors, associate professors, and lecturers

- To be eligible for the Discretionary Labor System, professors, associate professors, and lecturers must engage in research for more than half of their weekly prescribed working hours stipulated in the Regulations for Working Hours, Time-off and Leave for Employees, and the Regulations for Appointment, Removal, Salaries, Working Hours, Time-off and Leave of Contracted Teaching and Research-Related Employees of Hiroshima University.
- The definition of “more than half of their prescribed working hours per week” above is determined based on the average of the hours worked during a year, including the summer break and other break periods.

(2) Assistant professors

- To be eligible for the Discretionary Labor System, the teaching hours of assistant professors must not generally exceed 10% of their weekly prescribed working hours.
 - The definition of “the prescribed working hours per week not exceed generally 10%” above is determined based on the average of the hours worked during a year, including the summer break and other break periods.
- Since employees working under the Discretionary Labor System are uniformly deemed to have worked the hours specified in the labor-management agreement (i.e., 7 hours and 45 minutes daily) regardless of the actual hours worked, the University has obtained the consent of each employee before applying the system to the employee as a voluntary University policy. From April 2024, with the revision of the Enforcement Regulations of the Labor Standards Act, the University will be required to obtain the consent of each employee when applying the Discretionary Labor System to the employee for each term of the labor-management agreement (every three years).

<Employees to whom the Discretionary Labor System does not apply>

- Employees who are not eligible for or do not consent to work under the Discretionary Labor System for Professional Work will work according to their regular working time schedule (for employees who engage in a side business, they work the allocated hours as in the past). Laws and regulations regarding overtime and holiday work will also apply to them.
- In managing the work hours of the teaching and research staff to whom the Discretionary Labor System does not apply, the University considers the purposes of the University and the nature of their work based on these purposes.

The University has prepared a Q&A sheet regarding the Discretionary Labor System for Professional Work, which is attached to this document. Please review it to deepen your understanding of the system.