

Q&As on the Discretionary Labor System for Professional Work

March, 2024

Q1: What is the Discretionary Labor System for Professional Work?

In highly intellectual and specialized work, such as research and development or production of broadcasting programs, it is often necessary for the employer to leave most of the decisions on the method of performing the work, including the allocation of working hours, to the employees' discretion rather than giving them specific instructions. In such cases, it is difficult for the employer to manage each employee's work hours. The Discretionary Labor System for Professional Work allows the establishment of "deemed working hours" for discretionary work and deems employees to have worked the number of hours agreed upon in the labor-management agreement, regardless of the actual hours worked.

A significant feature of the Discretionary Labor System is that it allows employees to perform their work at their own discretion without the constraints of working hours or specific work instructions from the employer.

Q2: Who is eligible for the Professional Discretionary System?

The system applies to professors, associate professors, and lecturers who engage mainly in research activities; specially-appointed teachers, contributing teachers, or teachers in collaborative research laboratories who work in the same work style as the full-time employees of the University.

"Engage mainly in research activities" means that lectures and classes taught by a teacher (including preparation for and response to classes) and meetings, etc. are generally less than 50% of their weekly prescribed working hours (i.e., 19.38 hours), and the hours the teacher can perform their research activities at their discretion account for 50% or more of their weekly prescribed working hours.

As for assistant professors, research assistants, academic research staff members; specially-appointed assistant professors, contributing teachers (assistant professors), and assistant professors in collaborative research laboratories who work in the same work style as the full-time staff members of the University; hospital assistant professors, research managers (special appointment), researchers, and Japan Society for the Promotion of Science research fellows, they are eligible for the system if they dedicatedly engage in research activities in the field of the humanities, social sciences, and natural sciences.

As for assistant professors, their teaching hours should be generally 10% or less of their weekly prescribed working hours.

Q3: How should "generally less than 19.38 teaching hours per week" be interpreted?

The requirement of "less than 19.38 hours per week" should be judged based on the average teaching hours over a year, including the summer breaks and other breaks. This number of hours includes preparation for and response to classes and includes meetings, etc. Class hours should be counted based on the actual number of hours of a class (1 period: 45 minutes).

The same applies to "generally 10% or less" for assistant professors.

Q4: Does the Discretionary Work System apply to teachers at Kasumi Campus who are engaged in medical examinations and treatments?

Teachers engaged in medical examinations and treatments are also eligible for the system if they are primarily engaged in research, considering that their medical services at the University Hospital are both educational and research in nature. However, employees who are dedicatedly engaged in medical examinations and treatments are not eligible for the system.

The system does not apply to doctors engaged in medical examinations and treatments in the Hospital's operating unit, the advanced medical emergency center, the intensive care unit, or the surgical intensive care unit, and doctors engaged in medical examinations and treatments in clinical departments where the day and night on-call system must be operated in accordance with the facility standards, such as pediatrics and the perinatal maternal and child center.

Q5: What happens if I elect to work under the Discretionary Labor System?

You are deemed to work the “deemed working hours” daily.

Regardless of the hours actually worked, you are deemed to have worked 7 hours and 45 minutes daily. For example, even if the hours actually worked are six (6) hours or nine (9) hours, your salary is not reduced or increased.

You are supposed to take a break during work at a time that is convenient for you, considering the progress of your work.

However, four days off in a four-week period as stipulated in the Labor Standards Act is mandatory, and applicable laws and regulations will apply to night work from 22:00 to 5:00 of the following day. (See Q8 to Q10.)

Q6: Can I not come to work if I elect to work under the Discretionary Labor System?

“Deemed working hours” do not apply to days when you do not come to work (i.e., days when you do not engage in work at the workplace). You need to follow the required procedures depending on the reason for not coming to the workplace, such as traveling for business or training, or taking a day off.

Q7: Are the work start and end times specified?

The University will not provide specific instructions on the means of performing work and the allocation of time, including the decision as to when to start or end the work, which are left to the discretion of each employee working under the Discretionary Labor System. Except for classes, meetings, and other events with pre-determined schedules, it is up to the employee to decide what time to come to work or go home.

Q8: What is the treatment of holidays?

Holidays are Saturdays, Sundays, national holidays, and other days designated by the University. An employee may work on these holidays under the Discretionary Labor System. However, an employee must take four days off during a four-week period as stipulated in the Labor Standards Act.

Q9: What should I do if I cannot take the number of days off required under the Labor Standards Act?

If you cannot take the number of days off required under the Labor Standards Act (four days off in a four-week period), you must submit an Application for Holiday/Night Work Approval to the dean, director, or the head of the workplace to obtain prior approval. However, the University will not approve holiday/night work, in principle, to ensure the health and well-being of employees.

Q10: What should I do if I need to work late at night?

If you will be working late at night (from 22:00 to 5:00 the following day), you must submit an Application for Holiday/Night Work Approval to the dean, director, or the head of the workplace to obtain prior approval. However, the University will not approve holiday/night work, in principle, to ensure the health and well-being of employees.

As for research activities having the nature of self-improvement or training of the researcher, they may be performed late at night without obtaining the approval of the dean, director, or the head of the workplace, on the researcher’s own responsibility while paying attention to their health and well-being.

Q11: If an accident should occur during an experiment, how will it be handled?

If an accident occurs during an experiment (including those that occur on holidays or at night), the University will follow the proper procedures so that it is treated as an occupational accident regardless of whether or not it has obtained prior approval.

Q12: What procedures should I follow for engaging in a side business?

You must apply for approval of a side business, but you do not need to prepare a work schedule that shows the allocation of your working hours.

If you come to the University on a day when you are engaged in a side business, you will be treated as having worked the deemed working hours for that day.

Q13: How is travel for business or training treated?

If you are traveling for business or for training or leaving your regular workplace for another reason, you must follow the prescribed procedures to report it in advance.

Q14: What are the procedures for taking a day off?

If you are taking a day off, you must submit a Day Off/Absence Notification.

The Day Off/Absence Notification is required for taking time off by the day. If you take time off by a half-day, hour, or minute, you do not need to follow any procedures.

However, if you will be absent from work for a whole day by using more than one time off system (for example, using a combination of the special leave and the annual paid days off for a one-day medical examination), the deemed working hours will not apply. Accordingly, you must follow the procedure for taking time off for normal working hours.

* If you record your attendance in Dr. JOY, a hospital attendance management system, you must complete the procedure through Dr. JOY.

Q15: How do you track my work attendance and work hours?

Confirmation of days worked will be made on the "Attendance Book".

Also, in order to ensure your health and well-being, you must record your attendance (work start and end times, hours spent at school, and other details) in a Self-Report of Working Hours and submit it by the 10th day of the following month by the designated method.

In addition, if you record your attendance in Dr. JOY, a hospital attendance management system, your attendance and work hours are confirmed through Dr. JOY.

And the submission of the Self-Report of Working Hours can be omitted by using the Dr. JOY's data.

* Please visit the IROHA website for the form and method of submitting the Self-Report of Working Hours.

IROHA > Guides and Procedures > 1. Personnel-related systems and procedures >

2-9 [Submission of Self-Report of Working Hours of Employees under the Discretionary Labor System for Professional Work](#)

Q16: I am concerned that my health may be affected by the concentrated workload or extended work hours.

To ensure their health and well-being, employees are required to submit the Self-Report of Working Hours to report their work status. In addition, the University conducts health checkups of employees semiannually and has established the Health Consultation Desk within the Health Service Center, where employees can receive health consultations from industrial physicians and other health specialists.

The dean, director, or the head of the workplace, the industrial physician, or other healthcare specialists will make the necessary arrangements for employees who need special consideration based on their work status and health condition determined by these checkups or consultations.

Q17: Is there a grievance or consultation desk?

If you have any complaint or concern about the Discretionary Labor System, working hours, or other issues, please contact the Department of Personnel Affairs or the staff in your department/division responsible for personnel affairs.

The received complaint or consultation will be investigated to confirm the facts, and the Department of Personnel Affairs and the department/division concerned will work together to take action as necessary.

Consultation Desk at the Department of Personnel Affairs (Personnel Systems Planning Group)
(E-mail: fukumu-gl@office.hiroshima-u.ac.jp, fukumu-seido@office.hiroshima-u.ac.jp)

Contact: Personnel Systems Planning Group, Department of
Personnel Affairs, Financial and General Affairs Office
Tel: 082-424-6027 (Ext. 6027 and 6028)
E-mail: fukumu-seido@office.hiroshima-u.ac.jp