



FAMILY
SPOTLIGHT

We're having
a baby!

An expecting
mother's fight to
secure more childcare
leave rights for JET
mothers to be

Sheena Shakely (Tokyo)



We're having a baby! How exciting! However, this bit of good news does bring some stress along with it, especially when you're expecting your first child in a foreign country. My husband and I are both third year JETs in Tokyo, and we're well settled into the routines of life in Japan. We thought the most difficult challenge we would face would be managing prenatal care and childbirth in Japanese, but that's been a surprisingly smooth ride so far. What has been challenging and stressing is working with the Board of Education about how much time I can take off work after the baby arrives and the task of finding day care.

Having a baby on JET is one of those topics that you hear about, but not much about. It's true that Japan is a great place to have a baby, although it's likely very different from your home country. Japan also has good options for parents who need to take time off work to care for a baby, but the trouble for JETs is accessing these options. JET contracts vary, but it seems to be the norm

that they do not directly address leave entitlement for those of us with a new baby. When asking your employer about your leave options in the case of pregnancy, you will get mixed responses. From the stories that I have heard, it is common for JETs to be denied child care leave after the baby becomes eight weeks old, and the explanations for "why" are all different.

When our schools heard the news that I was pregnant they were very happy and supportive, but when I asked the Board of Education for information on maternity and childcare leave, things went downhill. The BOE sent me two pages of translated, legal-sounding, contradictory information. To elaborate, it included links to government websites in Japanese – which I can't read. As alarming as all that was, the big shock came in the last sentence, stuffed under a subheading, at the bottom of a list, "Child care leave is not allowed for JET".

To understand why this is troublesome, you need to first understand the kinds of leave parents in Japan can take to care for their children. Maternity leave is for mothers, they can take up to six weeks off before the baby is due, and another eight weeks after the baby is born. The school doesn't pay you, but social insurance will give you about 60% of your salary during this time. Thankfully, I've never heard of a JET being denied this kind of leave.

The other kind of leave is called 'child care leave'. Either mom or dad can take this kind of leave to care for a child once maternity leave is over and until the child is a little more than a year old. Child care leave is for parents who can't find a family member or daycare to take care of the child while

they are at work. Your employer doesn't pay you, but the government will give you about 50% of your salary. This is the kind of leave that JETs are frequently denied, for various reasons, and to varying degrees of legality. This is the leave that my BOE said I could not use.

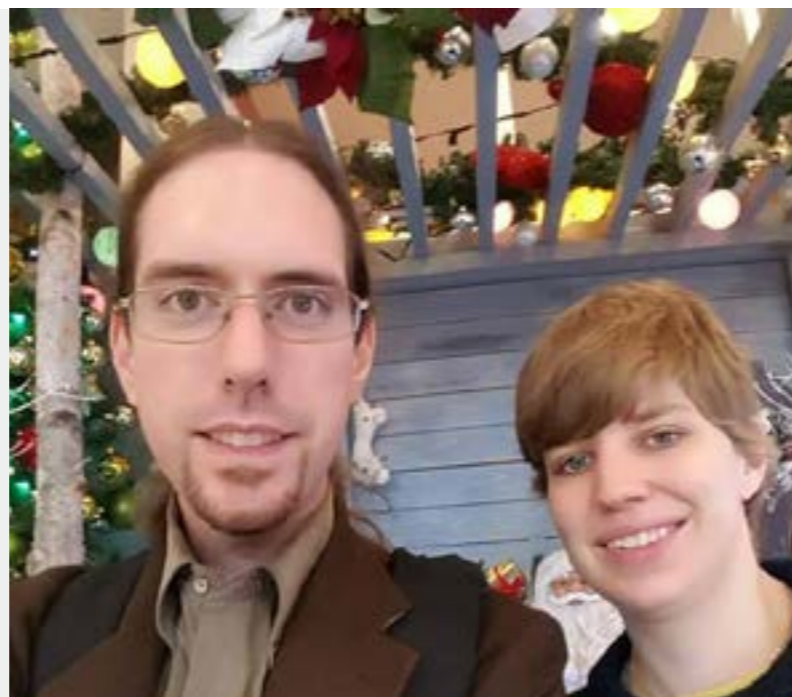
According to the Child Care Leave Law for fixed-term contract workers, such as JETs, workers are eligible for child care leave if they have worked for their employer for at least a year and if there is no reason why the worker would not be re-contracted at the time the childcare leave ends (a little more than a year later). This means that 1st year and 5th year JETs don't qualify, but anyone in-between should.



So with righteous anger I wrote to my BOE and told them about the law. Their response was that since my contract says I'm a "special services" employee, they don't have to give me all the usual labor rights in accordance with a document from 1950. I couldn't believe it. They are trying to deny me my right to child care leave based on a document more than 66 years old? I don't even think child care leave existed then. I would expect the current labor laws to override old laws like this, but I don't have the means to do much about it. When I got angry about it, the BOE said that CLAIR had recommended or suggested that this special services designation be used for JET positions.

The surface reason for why JETs are often special services employees is pretty obvious; child care leave is a big inconvenience to the schools we work for, especially when we're not permanent employees. However, there is a reason for child care leave; it protects parents' jobs in a situation where they need to take care of a child. I would even argue that JETs need this protection more than most due to the nature of our jobs. We are not native Japanese speakers and we often don't understand the way things work with government and various policies in Japan. We also lack the local support network of family and old friends most people can turn to in a time of need. JETs need the option of taking more than eight weeks to find a childcare solution before their jobs are on the line.

The fact is that Japan, especially in big cities, doesn't have enough daycare openings for the number of children whom parents want to enroll. The declining birthrate has led the government to push for women to both have children and to return to their jobs for the sake of the economy. This has caused problems; there aren't enough daycare facilities to accommodate the sudden demand. The number of children on the official waiting list for daycare in Tokyo alone is more than 5,000. This paints a dark picture for JETs who have babies in big cities.



I decided to fight for my right to child care leave because we are likely to need more than eight weeks to find child care. However, arguing with the BOE was like talking to a wall - a sympathetic, but unyielding wall. Even when I asked for other information and support, I was met with inaction. So I wrote letters to CLAIR and AJET about the situation. I told them that I felt I had a legal right to child care leave, and that the BOE was not providing adequate information and support to pregnant JETs.

It seemed to me like my BOE considered the case settled. Maybe they needed time to research, or maybe word about my letters to CLAIR and AJET got back to them, but suddenly, after nearly a month of silence, they were willing to talk about it again. They still won't budge on the child care leave, but they're finally realizing that they should make an effort to help us find child care and plan for how we can get time off to care for the baby until we find child care. After a couple of meetings, we now have a plan and although we have a lot of work to do, we finally feel like the BOE is on our side.

I'm thankful for the support our BOE is offering, but I'm not going to give up on changing the policy about child care leave for JETs. My husband and I have made the best out of our situation, but I think we're rather lucky. It's easy to imagine how things could be more difficult for other couples or single mothers.

"I decided to fight for my right to child care leave..."

I think it is important for JETs to know what our contract says about maternity and childcare leave. If you don't know the policy of your contracting organization, I advise you to find out as soon as possible, preferably before you're expecting a baby. It may be a lot different, or more complex than you expect. If you find yourself in a situation where you are not getting support or the leave from work you need, then I encourage you to write letters, talk to people, and spread the word. It cannot hurt your situation, and it may get your contracting organization to take notice and do something to help you.

As for long term change, I've heard that in 2020, the special services designation for employees will come up for review, and it could be changed to include more benefits. Even if that does happen, it is up to CLAIR and our various contracting organizations to adopt this change. We should let them know those benefits are important to us. By sharing my story I hope that more attention will be drawn to this issue and that other JETs will start talking about the need for change too.

Sheena Shakely and her husband, Max Shakely, are from Denver, Colorado and are now third year JETs in public high schools in Tokyo. They are eagerly awaiting the best Christmas present, the birth of their first child, who is due at the end of December, 2017.

Photos:
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