**“Ordinance to Promote Gender Equality and Intercultural Cohesion for a Diverse Setagaya”**

**Status of Petitions to the Mayor under Article 11 (FY2019)**

## 1. Overview of the Petition to the Mayor

(1) Date of Petition

April 4, 2019

(2) Summary of the Petition

The petitioner requested that Setagaya City and the Setagaya City Board of Education revise the relevant rules and take corrective measures, arguing that denying City employees and school staff who have same-sex partners access to leave systems (such as condolence leave and nursing-care leave) available to employees with opposite-sex spouses—including persons in a de facto marital relationship without registering a marriage—constitutes “discrimination based on differences in sex, etc.” as provided for in Article 7 of the Ordinance to Promote Gender Equality and Intercultural Cohesion for a Diverse Setagaya.

(3) Petitioner

A resident of Setagaya City

(4) Responsible Division

Employee Welfare Division, General Affairs Department

(5) Referral to the Setagaya City Committee for Handling Complaints Concerning Gender Equality and Intercultural Cohesion

Yes

(6) Date of the Setagaya City Committee for Handling Complaints Concerning Gender Equality and Intercultural Cohesion Meeting

July 2, 2019

(7) Date of the Committee’s Recommendation

September 27, 2019

(8) Summary of the Committee’s Recommendation

Article 9-2, paragraph 1, of the Ordinance on Working Hours, Holidays, Leave, etc. for Employees, and Article 7-2, paragraph 2, of its Enforcement Regulations define a “spouse” as including “a person who has not registered a marriage but is in circumstances equivalent in fact to a marital relationship.” This wording may be interpreted as also

encompassing same-sex partners. Accordingly, employees with same-sex partners should arguably be granted the same leave systems as employees with spouses.

If the relevant rules are to be revised, it would be desirable to consider the matter while taking into account various factors, including the impact on society and the level of public understanding.

In any event, improvements should be made so that employees of Setagaya City and the Setagaya City Board of Education who have same-sex partners can take leave on an equal basis with employees who have opposite-sex spouses or partners.

(9) Date the Notice of the City's Response Was Issued

October 10, 2019

(10) Summary of Setagaya City's Response in the Notice

Setagaya City would examine how to revise the rules governing leave for City employees and aim to implement the revisions within FY2019, following discussions with the Special Ward Personnel Commission. Regarding leave systems for teachers and other staff at municipal elementary and junior high schools, the City would also make representations to the Tokyo Metropolitan Government through the Board of Education.

(11) Developments Following the Notice of the Response

The relevant systems were revised to allow employees to take condolence leave, nursing-care leave, and other types of leave for same-sex partners (persons of the same sex as the employee who are in circumstances equivalent to a marital relationship; cohabitation at the same address is required) and their relatives. The revisions took effect on April 1, 2020.

**2. Trends in the Number of Petitions to the Mayor**

| Fiscal Year | Category | Petitions | Opinions | Consultations | Total |
|---|---|---|---|---|---|
| FY2019 | Number of cases | 1 | 0 | 0 | 1 |
| | (of which: referred to the Committee for Handling Complaints) | (1) | | | (1) |
| FY2018 | Number of cases | 1 | 0 | 0 | 1 |
| | (of which: referred to the Committee for Handling Complaints) | (1) | | | (1) |