

## Abstracts

### Harassment Laws and the Current Legal Situation in Japan

**Fumio Yamazaki** (Heisei International University)

This paper analyzes the leading harassment laws, and especially sexual harassment laws, of the USA, the UK, France, Germany, the EU, and Japan. It considers matters in these countries from the following aspects: legal approaches to harassment (discrimination approach and dignity approach); roles of discrimination law, criminal law, civil law, and labor law; harassment and presence or absence of repeat behavior; legal definitions of harassment for liability and for prevention and care; harassment and discriminatory harassment; relations and differences between sexual harassment and gender harassment; workplace harassment; third-party harassment in the workplace; and harassment in other fields (education, sports, and so on). It also analyzes the new ILO Violence and Harassment Convention, enacted in 2019.

### The Law to Prevent “Power Harassment”

**Fumiko Obata** (Kyoto University)

Harassment against employees in weaker positions poisons the working environment and can lead to serious situations including work-related mental disorders and suicide of the victim. A law to mandate companies to take steps to prevent “power harassment” was enacted this May. The law defines power harassment as any act of inflicting physical and/or mental suffering on an employee committed by a person in a superior position at the workplace through behavior that exceeds the scope of necessary and reasonable elements of business operations. The law obliges companies to establish a consultation program and develop internal rules that include disciplinary actions against violators. The law also empowers the Ministry of Health, Labour and Welfare to provide administrative guidance for companies failing to take required steps. The government needs to support small and midsize firms by organizing seminars on the issue and providing advice. After monitoring and assessing the effectiveness of the law, the ministry may start discussions on adopting an outright legal ban on power harassment, which had not been adopted because of the difficulty of spelling out specific factors that qualify certain actions as illegal power harassment.

### Psychosocial Practices for Perpetrators

**Tadashi Nakamura** (Ritsumeikan University)

Training to prevent harassment is conducted at each workplace, but after a harassment problem has occurred, are there any rehabilitation programs for the perpetrators? Furthermore, what is rehabilitation in the first place? The author reviewed points that should be considered regarding the rehabilitation of harassment perpetrators, and considered rehabilitation from the viewpoint of clinical psychosocial practice. There are three main points. Firstly, the state of social consciousness and attitude correlate with harassment issues, and the degree of transformation to prevent these problems affects rehabilitation. This is a precondition for conditions that allow rehabilitation. Secondly, the author seeks to organize the theoretical viewpoints necessary for the practice of rehabilitation, with some changes in social awareness as clues, and proposes the introduction of the term “cognitive injustice,” as a concept that contributes to understanding harassment harm. Thirdly, the author considers various aspects of dealing with harassment perpetrators based on the experience of individual responses and rehabilitation dialogue.

### Will the Strengthening of Prevention Measures Eliminate Sexual Harassment? The Workplace Power Structure and Sexual Harassment

**Kazue Muta** (Osaka University)

Since the revision of the Equal Employment Opportunity Act in 1997, the development of laws on the issue of harassment in Japan has made a certain amount of progress, and in May this year, the Diet passed the Women’s Participation and Harassment Control

Act, which aims to strengthen workplace harassment prevention measures. What should be questioned is whether sexual harassment will really disappear from the workplace and improvement in women's working conditions will be realized if preventive measures are enhanced. Sexual harassment will not disappear as long as the power structure of the workplace does not change. If sexual harassment eradication measures are taken without changing the structure, the results will be very distorted and the strain will fall on women. In this paper, I will look back on the history of the concept of sexual harassment and discuss the lack of respect for women's work in Japanese society as well as the power structure of the workplace that produces sexual harassment, referring to a sexual harassment case at the Ministry of Finance.