

4 Policy on Equal Employment Opportunity between Men and Women

More than 30 years have now passed since the enactment of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (hereinafter referred to as the “Equal Opportunity Act”) in 1985, and the intervening period has seen major advances in the development of related legislation. In 2006, the act was revised to expand the scope of prohibition of sexual discrimination (to prohibit, for example, certain forms of indirect discrimination), prohibit prejudicial treatment on the grounds of pregnancy or childbirth, etc., and require the introduction of measures to prevent sexual discrimination, and so forth. Again, in 2013, the Equal Opportunity Act Enforcement Regulations were amended to expand the scope of measures prohibited as indirect discrimination, among other changes. Guidelines on sexual harassment were also revised to reinforce the prevention of sexual harassment and action taken when it occurs, and guidelines on employment management based on courses of work, etc., were enacted for the proper and smooth operation of course-based employment management.

The proportion of women in the total labor force population has risen from 39.7% in 1985 to 42.9% in 2014, and women’s share of managerial positions (section manager level or above) has also risen from 1.4% in 1985 to 8.3% in 2014.

On the other hand, many women still leave their jobs for reasons of childbirth, child rearing, and so on, making it difficult for them to build sustainable professional careers. Moreover, a working style premised partly upon long working hours is seen mainly among male core workers, and a similar working style would be difficult for many women to achieve. In view of these facts, steps are being taken to secure substantial equality of opportunities. One way of doing so is to ensure the rigorous enforcement of the Equal Opportunity Act, which provides for the prohibition of discriminatory treatment at all stages of

employment management, among other issues. Another is to keep promoting positive action (i.e. autonomous and positive efforts by companies aiming to eliminate the disparity inevitably arising between male and female workers), as well as promoting measures to support a balance between work and home in the childrearing and nursing phases, and active involvement in vocational life by women who wish to work.

The “Japan Revitalization Strategy Revised in 2014” decided by the Cabinet in June 2014, maximizing the use of women’s abilities was taken as the core of the growth strategy. A new legal framework was to be created so that steady progress could be made toward achieving the target of “women occupying 30% of leadership positions by 2020”, thus ensuring that efforts to promote the active participation of women were not merely a transitory phenomenon.

In line with this, the Act of Promotion of Women’s Participation and Advancement in the Workplace was passed into law in August 2015. Among others, the Act specifically provides that the national government and local authorities are to make it mandatory for private businesses with 301 or more employees to

- 1) Ascertain the situation of active participation by women in their own businesses and analyze issues arising
- 2) Formulate, officially notify and publish action plans including numerical targets and details of initiatives based on the outcome of the above, and
- 3) Regularly publish information on the current status of active participation by women.

Meanwhile, private businesses with 300 or fewer employees are obliged to make efforts to this end. Toward the enforcement of the Act in April 2016, initiatives by businesses aimed at promoting women’s active participation are to be steadily accelerated.

In order to ensure compliance with the Equal

Opportunity Act, the equal employment offices in the prefectural labor bureaus established in each prefecture as local agencies of the Ministry of Health, Labour and Welfare engage in the following activities:

- 1) Active dissemination of information about the Equal Opportunity Act and provision of consultation services regarding discriminatory treatment due to sex in recruitment/hiring, assignments, promotions/demotions, education and training, uniform welfare packages, changes in job category and form of employment, encouragement to retire, mandatory retirement, dismissal, renewal of labor contracts, unfair treatment on the grounds of marriage, pregnancy or childbirth, and sexual harassment in the workplace.
- 2) Advice, guidance, and recommendations by the heads of prefectural labor bureaus and mediation by the Equal Opportunity Mediation Commission to promote the swift resolution of disputes between workers and employers regarding equal treatment, etc.
- 3) Proactive guidance based on the Equal Opportunity Act to ensure equal treatment of the sexes and monitoring of the actual state of employment management by enterprises.

Concerning unfair treatment on grounds of pregnancy or childbirth, etc., in particular, a Notice of

Interpretation clarifying the legal interpretation of unfair treatment on grounds of pregnancy or childbirth, etc., was issued in January 2015, in light of the fact that the number of consultations remains at a high level and that a related Supreme Court judgment was made in October 2014. The Notice points out that unfair treatment on grounds of pregnancy or childbirth is essentially a violation of the law, and instructed that employers who are thought to have problems in their employment management should be given active guidance on correction, etc.

With a view to securing substantial equality of treatment, meanwhile, “Guidelines for Supporting Efforts by Labor and Management Aimed at Reducing the Gender Pay Gap” and “Supporting Tools for Increase of Visibility of the Gender Gap” have been produced and distributed.

As well as encouraging companies to “notice” the need to ascertain the facts of gender disparity and make efforts internally, these support autonomous initiatives by labor and management. Specifically, for example, information disclosure on women’s active participation using the “Integrated Site on Support for Women’s Active Participation and Work-life Balance” is promoted, awards are given to companies that promote equality and work-life balance, and subsidies are paid to companies that actively engage in positive action.