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# The Role of Gender Equality in the Workplace in Japan

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## Introduction

Most countries of the world recognize women's entitlement to equal rights with men, in accordance with international conventions and as a matter of social justice. The Charter of the United Nations was the first international agreement to proclaim gender equality as a fundamental human right. Over the years, the organization has helped to create a historic legacy of internationally agreed strategies, standards, programs and goals to achieve the status of women world wide.<sup>1</sup>

The Convention on the Elimination of All Forms of Discrimination Against Women known as "international bill of rights for women," ratified in June 1985 was the second most widely ratified human rights treaty in the world.<sup>2</sup>

In accordance with this treaty, many countries have also enacted legislation and established organizational structures to promote gender equality. Gender refers not to men and women *per se*, but to the relationship between them and the ways in which roles are socially constructed.

In Japan, the system that developed after World War II to achieve economic growth resulted in rigid roles for men and women. Men became "corporate warriors," while women stayed at home to look after the children and do housework. The tax, pension and welfare systems have been created

on the assumption that men go out to work and women work at home.

As the Japanese society is facing a period of economic and social change brought about by falling birthrate and the aging of the population, there is a common awareness that gender equality is essential in order to achieve historical reform and build a prosperous and stable society in the future. The causes of persistent inequality between women and men in Japan are gradually becoming clearer though they are still only partially understood. Invisible barriers prevent women from fully demonstrating their talents and inhibit the promotion of women to upper management in companies and the appointment of women to decision making positions within labor-management organizations. Employment forms the economic base for people's lives and is of extremely important significance in the realization of a gender equal society. Although equality of the sexes is guaranteed under Article 14 of the Japanese Constitution, Japanese society is still overwhelmingly male dominated as far as the workplace is concerned. This paper attempts to analyze gender inequality in Japanese society focusing on some of the problems faced by working women and evaluate the extent to which these women are supported by the government and other institutions.

### **Gender inequality in the workplace in Japan**

"Gender bias" is a term commonly used to describe how far behind women have remained in seizing opportunities for improving their level of lives. At the workplace, sexual division between men's and women's work ensured that the majority of women found themselves in low paid and low status jobs. Women were mostly assigned to roles in support of their male colleagues and it was taken for granted that women should serve tea for colleagues and visitors at offices, or spend hours doing the photocopying and other menial tasks. To have well-educated women speak in artificial high-pitched voices, serve tea and take photocopies and generally pander to the wishes of their male colleagues is a quite blatant misuse of resources.

Women's careers were also generally curtailed. They were expected to stay at work only for a few years before quitting "voluntarily" to get married. When women quit their jobs after marriage or childbirth, it is hard for them to re-enter the work force on a full-time basis. Many become part-timers who receive salaries less than full-time employees. In Japan 75 percent of the 15 million part-time workers are women. Parttimers' work and their status are prime examples of discrimination in Japan.<sup>3</sup>

Though many women are in the workplace now, most of them are still in part-time positions and their remuneration averages less than that of men. In Japan, women earn 51 percent of what men earn compared with 75 percent in the United States of America, 80 percent in the United Kingdom and 73 percent in France. As such women's status in Japan is certainly low when gauged by such measures.

According to the Japanese Trade Union Confederation (Rengo) part-time and temporary workers are playing an increasingly important role in business operations as a growing number of companies employ nonpermanent workers, but their working conditions remain inferior to permanent employees. Women in part-time employment earn less than 70 percent of the hourly wage of their full time counterparts according to the survey conducted by Rengo.<sup>4</sup>

According to the Health, Labor and Welfare Ministry's monthly survey, the average monthly salary for fulltime female employees was about half the salary earned by men. The fact is that more than 20 lawsuits have been filed in Japan seeking correction of wage disparities due to discrimination.<sup>5</sup>

Despite this fact, many women continue to work to support the family, and their earnings remain at a very low level. Only a very small percentage of women in Japan now hold high positions in the public or private sector. Many women are in the workplace now, but most are still in part-time positions and their remuneration averages quite a bit less than that of men.

In Japan, the Equal Employment Opportunity Law was enacted in 1986, to regulate the wage disparities between men and women and a revised version of the law was put into force in 1999 to eliminate all

inequalities between men and women in the workplace. The equality law was introduced at a time when the government was shifting its policy to encourage women to enter the labor force. In many cases, however, women are still not given equal opportunities in comparison with men, so issues concerning the law remain relevant. On a survey conducted by the Yomiuri Weekly together with the Goo Research, an online research service run by NTT Resonant Inc. 62.7 percent of working women responded that almost nothing has changed in the two decades since the law was enacted.<sup>6</sup>

In fact, one of the survey respondents in her 40s said that "the company made her handle more jobs, citing the introduction of the law as a reason, but the men in the office never make tea for others or handle the daily chores someone is expected to do." According to the survey, 60 percent of respondents have experienced discrimination in promotion and 37.8 percent in recruitment. The survey further revealed the reality of low wages for working women even after taking into account that most respondents had stopped working in their 30s to have children and later sought reemployment - a break that inevitably pushed their wages.

It has been reported that the Tokyo District Court rejected a damages suit against Kanematsu Corp. by six women who said they suffered gender based wage discrimination at the trading house. They said the firm's policy of paying men and women different wages is not only illegal but also irrational and discriminatory. The plaintiffs said they performed the same jobs as their male colleagues. The presiding judge acknowledged that setting different hiring courses and wage systems violates the Constitution's ban on gender discrimination and its stipulation all are equal before the law. However, such action only become illegal and void when the discrimination is irrational and runs counter to public order. It was further said that the Equal Employment Law only obliged firms to "make efforts" to stop discriminatory hiring and treatment. Kanematsu's action at the time could not be deemed illegal, the judge ruled. According to the court, Kanematsu had a policy of paying men and women differently until 1985, when it launched a wage system in which all workers were paid according

to their jobs. Men thereafter were paid for providing general services and women for their clerical services. The company argues that men worked in the core position dealing with corporate services, while women engaged in support services and were hired based on their duties. It said the gender wage gap was the result of hiring procedures appropriate for the time. After the Equal Employment Law was amended to ban discriminatory treatment against women, Kanematsu introduced a new personnel system that made easier for female employees to change career tracks and move to higher paying jobs. The court ruled that this new system was rational and that the firm's wage system in the end did not go against public order.<sup>7</sup>

In February 2002, the same judge ordered Nomura Securities Company to pay 56 million yen in damages to 12 female employees who were denied promotions because it discriminated against female workers. The court said Nomura's actions were illegal and discriminatory since the policy was still maintained even after the revised law on equal job opportunities for men and women took effect in 1999.<sup>8</sup>

After the equality law was approved, most companies adopted a two job-category recruiting system, which divided employees into two categories, career-track positions and general employment workers. Employees in the career-track positions were paid higher salaries in return for harder work and longer working hours, and the general employment workers were expected to handle assistance type clerical jobs on lower salaries in exchange for shorter working hours. This distinction enabled companies to make a distinction in promotion and training opportunities given to employees. But the system did not work as expected, as most companies tended to sort women into two categories as advantageous and disadvantageous to the company. In 1997, a revision of the Equal Employment Opportunity Law toughened penalties against firms who discriminate against women during recruitment, job offers, assignments and promotion. The law has been criticized by women's groups as ineffective because it only urges companies to "make effort" to give equal opportunities. According to these women's groups, women only get promoted when a

company is about to become the target of criticism. Despite the ban, many companies resorted to separating the sexes according to job type that is job with prospects of promotion and those without. Jobs with prospects for promotion generally go to men, while jobs without prospects for promotion usually go to women.<sup>9</sup>

But this aspect of the law was criticized when an Osaka based group of working women demanded that the government change the law to ban indirect discrimination against females in the workplace. One way employers can discriminate against women is through the dual career track system in which one path is for people who will become managers and the other is for clerical workers. In a 2003 survey of 236 randomly selected firms, only 3 percent of employees on the management track were women according to the Health, Labor and Welfare Ministry. The Equal Employment Opportunity Law does not mention indirect discrimination. The ministry only asked employers not to use the two-track system to discriminate against women. The group said in its petition that companies should put temporary measures in place to get more women on the management track.<sup>10</sup>

As only a very small percentage of women in Japan hold high positions in the public or private sector, the Government Council for Gender Equality proposed to raise by 30 percent the percentage of women in leadership position in societies including government business and academia by 2020. In Japan, 1.4 percent of senior government officials were women in 2001 compared with 23.1 in the United States. As those in the private sector management posts, 8.9 percent were women in Japan in the same year compared with 45.1 percent in the United States.<sup>11</sup>

Japan has the lowest female representation on corporate boards in a listing of the world's 200 largest companies. The study of the nonprofit Corporate Women Directors International revealed that Japan, the world's second largest economy with 27 companies in the Fortune magazine's Global 200, has only three women held board seats out of 431 or 0.7 percent. This compared with the United States which ranked first at

17.5 percent, Britain in second with women at 12.5 percent, followed by Germany at 10.3 percent.<sup>12</sup> Meanwhile, women account for only 9.8 percent of all Diet members and hold 1.4 percent of managerial posts in central government offices. According to the 2001-02 report on international competitiveness released by the World Economic Forum in 2003, Japan ranked 69<sup>th</sup> out of the 75 member nations of the international forum in terms of gender empowerment in the economy. One underlying factor behind the small percentage of women in managerial posts is the fact that they tend to hold jobs for relatively short periods. Therefore, further efforts should be made to improve child rearing facilities for working women so that those who wish to work can continue holding down a job even after having a baby.<sup>13</sup>

Mitsuko Yamaguchi, a senior member of the Tokyo-based Fusae Ichikawa Memorial Association has been promoting women's involvement in local politics through the organization's seminar says that many people have long called for women to take a greater role in politics, but there are still no women in 40 percent of local assemblies. "During an economic downturn, in which people are mentally and financially ravaged, women's power is essential to revitalize the (local) governments: Yamaguchi said. "But I don't think that every woman should become a politician. I need women who have the spirit to change the male-dominated world of politics." <sup>14</sup>

The report of the Commission on the Elimination of Discrimination Against Women or CEDAW says a "deep seated mentality" still draws lines between the roles of men and women and that this conservative mind set is contributing to various forms of discrimination in the family and workplace. A U.N. index of women's participation in political and economic activities ranked Japan 22<sup>nd</sup> in the world in 2002. The government must consider better ways to enable women to demonstrate their abilities and improve their employment conditions.<sup>15</sup>

There is a long way to go before Japanese women "gain equal status in their country" said Mitsuko Yamaguchi, head of the women's group Fusae

Ichikawa Memorial Foundation. The white paper approved by the Cabinet in late June 2000 to mark a week devoted to promoting gender equality in the country noted that Japan ranked 41<sup>st</sup> out of 70 countries surveyed in 2000 using a method developed by the United Nations called the Gender Empowerment Measure.<sup>16</sup>

Mariko Bando, director-general of the Cabinet Office's Gender Equality Bureau says these features point to a weakness of Japanese society when it comes to gender - other countries have been improving conditions for women faster than Japan.

An International Labor Organization reported that there is persistent gender inequality in Japan's job market. "Although more and more women are working, much remains to be done," the report says, citing a significant pay gap between women and men as well as glass ceiling. "Discrimination can occur at every stage of employment, from recruitment to education and remuneration, occupational segregation, and at time of layoffs." it says Women's job participation rate came to 49.3 percent in 2000 to rank ninth among 12 developed nations. The rate has remained unchanged from 50.1 percent in 1990. Although more and more women are working there still remains a significant pay gap between women and men as well as a glass ceiling.<sup>17</sup> Women, and in particular those with low levels of education and those who are old are at greater risk of losing their jobs and face more difficulties re-entering the labor force than men do.

## **Conclusion**

Experiences from around the world shows that supporting a stronger role for women enhances the quality of their own lives, and also contribute towards economic growth.

Although the status and conditions of women may vary for a long while, yet according to cultures and traditions, certainly a civilized global society must insist that discrimination of any form and the curtailment of individual rights and dignity must be resisted.



In Japan, the goals of gender mainstreaming have not yet been fully achieved, the approach remains partial with insufficient attention paid to improving the quality of women's employment or bringing about the modernization of the employment and social systems required for a more gender equal society.

Women are by far the largest group facing discrimination at work. In the workplace, subject to unwanted advanced and media inspired sexual fantasies, women came to realize that they were desired more for their decorative presence than utilitarian purposes. More action is needed to improve women's access to employment, facilitate women's continuity of employment, close the gender pay gap and remove the disadvantages of part-time employment. Good global governance cannot be achieved until and unless throughout the world women are granted the same rights and respect as men. Not only does this apply to women in Japan, but to women in other parts of the globe too. Japan should aim to be a constructive player in building global governance in the 21<sup>st</sup> century. This is an area where sweeping and radical reforms is called for. It calls for change in substance and style. If women want to serve tea, speak in an artificial high-pitched tone, spend their time bowing and using highly submissive language, they should be free to do so. It should not be expected of them and certainly not enforced.

In Japan, the Equal Employment Opportunity Law was expected to play a central part in the legal framework for women workers. But it has been criticized by women's group as ineffective because it only urges companies to make efforts to give equal opportunity. The Equal Employment Opportunity Law merely brought a superficial change but nothing had really improved. Women workers continued to struggle with having no functional organization to work for their claims. The only option left for women is lawsuit. Women need to be ensured equal protection under the law, equal rights and rewards in the workplace, as numerous barriers continue to shut out women and shrink their opportunities. The primary aim of making Japan a nation in which men and women have equal opportunity is to

realize an affluent society in which people, irrespective of gender are able to fully display their respective individuality and ability. The attention underlines the fact that Japan lag far behind the West in promoting female executives despite the rapid globalization of business itself.

The population of those 65 or older will outnumber those of 15 or younger and the available workforce will decrease substantially to 54.6 percent of the population by the year 2050, down 69.5 percent in 1995. This would definitely mean that the Japanese society must change the work environment to enable female employees to work in an atmosphere free of unreasonable discrimination and encouraging good morale.<sup>18</sup>

In order to achieve the abovementioned, it is necessary to review the social system and practices from the perspective of gender equality and daily life. According to a survey conducted by The Yomuri Shimbun, 39 percent of the survey respondents said that changes in ideas and customs regarding gender roles were most needed, while 38 percent of the respondents said women should gain special knowledge or skills and try to earn higher salaries.<sup>19</sup> Social security is an important tool for achieving gender equality. It is of key relevance to women's employability, and for achieving equality in the division of unpaid care work between men and women. It is necessary to modify the legal framework to eliminate discrimination and equalize opportunities for both men and women as law is the functional framework of the economy. It is not only the law, but people in decision-making positions should change their minds and accept gender equality as one measure to counter the socioeconomic problem.

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