

Gender Equality in Japan: The Equal Employment Opportunity Law Revisited

By [Stephanie Assmann](#)

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In 2010, Rina Bovrisse, then a 36-year old senior retail manager of Prada Japan, lost her job at the Italian fashion company after she accused the company of harassment and discrimination based on age and physical appearance. After a two-year trial in the Tokyo District Court which ended in October 2012, she also lost her claim to financial compensation of 58 million yen on the grounds of sexual harassment (Asien Spiegel, 2013). Bovrisse, who was in charge of approximately 500 employees working in Prada stores in Japan, Guam, and Saipan at that time, was told by Prada Japan Senior Human Resources Manager Takahashi Hiroyuki that she needed to lose weight in order to represent the fashion company. Furthermore, Takahashi had transferred thirteen managers and shop assistants, who were considered “old, fat, ugly” or simply did not have “the Prada look”, to remote locations (Matsutani, 2010). In court, Judge Morioka Reiko ruled that – given Bovrisse’s visible position in the fashion company – her employer had every right to tell her to improve her physical appearance, and that this was not a sufficient reason for claiming financial compensation.

Bovrisse’s outspokenness about her experience of harassment reinitiated a discussion about discriminatory employment practices and the effectiveness of gender equality policies in Japan. Despite decades of efforts and the existence of the legal framework of an Equal Employment Opportunity Law (EEOL), implementing gender equality in the workplace has not succeeded in Japan. I argue that two particular forces are undermining the effectiveness of the EEOL. On one hand there are structural reasons, such as a gendered higher-education system, a gendered job-entrance system, and gendered wage discrepancies rooted in male dominance in management positions, both of which impede the successful implementation of gender equality. On the other hand there are cultural reasons, such as Japan’s corporate culture coupled with the fact that mothers remain solely responsible for raising children under the age of three, which contributes to many women deciding to withdraw from the work force after starting a family.

Gender Equality in Japan in International Context

While the Bovrisse case was before the courts, in 2011 Japan marked the 25th anniversary of the enactment of the Equal Employment Opportunity Law (EEOL). After Japan ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1980 (Mae, 2008: 219), this law became Japan’s major legal framework for implementing gender equality in private companies. However, gender equality in the workplace has yet to be fully implemented.

A strong emphasis on gender equality has recently become a key plank of “Abenomics”,

with Prime Minister Abe touting support for women in the workplace as one part of his multidimensional growth strategy (Taguchi 2013: 37). In his recent General Assembly Address to the United Nations in September 2013, Abe advocated “building a society in which women can shine” (*josei ga kagayaku shakai o tsukuru*). In this context, Abe pledged to appoint women to a third of all senior management positions in governmental agencies and promised to encourage private corporations to recruit and promote more women. Abe also intends to increase the number of women in the workforce by 530,000 women within one year (Kurtenbach 2014). Furthermore, Abe has promised to improve the precarious day care shortage through creating 200,000 new day care spots for children by 2015 and 200,000 more by March 2018 (Otake 2014).

This strategy of empowering women has been dubbed “womenomics”. Abe himself started to implement “womenomics” by appointing five female ministers in his recent cabinet reshuffle on 3rd September 2014.

While political scandals do not specifically concern women but also men, the environment in politics is still dominated by conservatism, as the recent example of lawmaker Shiomura Ayaka shows. Shiomura had been publicly harassed for not being married and having children. She faced aggressive criticism from a fellow member of the Tokyo Metropolitan Assembly while she was giving a speech on the implementation of gender equality and maternity support to the Assembly on 18th June 2014. Despite the fact that the LDP lawmaker responsible, Suzuki Akihiro, later publicly apologized to Shiomura for his sexist remarks, the incident clearly shows that women in Japan have a long way to go before they will be acknowledged as equal members in society (Kameda and Nagata, 2014). However, his effort backfired as within a month two of the women were caught up in scandals and had to resign. On 20th October 2014, justice minister Matsushima Midori had to step down after being accused of distributing handheld fans with her image to potential voters, which is considered an act of bribery. On the same day, Obuchi Yuko, minister of economy, trade and industry resigned over an alleged misuse of political funds (Aoki and Yoshida, 2014). The promotion of women to more powerful political positions is only slowly progressing.

Against that background, this article assesses the effectiveness of the EEOL as a tool for implementing gender equality in Japan. I also reflect on the meaning of gender equality in contemporary Japan in light of demographic changes that will ultimately alter Japanese society. Despite the enactment of various legal frameworks, gender equality in the workplace is lagging behind in Japan. However, the degree of gender equality in Japan is assessed differently by various indexes that measure gender equality worldwide. I therefore begin by discussing three indexes of global gender equality that yield different results concerning the progress of gender equality in Japan.

UNDP’s Gender Inequality Index (GII)

The Gender Inequality Index (GII) examines gender inequality in the three broad areas: reproductive health, empowerment, and economic activity. Specific categories are: 1) maternal mortality ratio, 2) adolescent fertility rate, 3) seats in national parliament, 4) population with at least secondary education (female and male), 5) labor force participation rate (female and male). The GII provides data on altogether 187 countries worldwide and differentiates between four categories: 1) countries that have a very high human development, 2) countries that exhibit a high human development, followed by 3) countries that show medium human development, and finally 4) countries whose human development

is low. According to the Gender Inequality Index (GII) published by the United Nations Development Programme (UNDP), Japan ranks seventeenth among the 49 countries that have a very high level of human development and of gender equality.¹ The higher the values of the Gender Inequality Index (GII), the greater the disparities between men and women. An index of 0 indicates complete gender equality in all three areas investigated, whereas an index of 1 signifies complete gender inequality.²

Table 1 - Gender Inequality Indexes 2013 by International Comparison

Source: Adapted from data provided by the United Nations Development Programme, [Gender Inequality Index](#), accessed on 18th October 201

The Gender Inequality Index reveals that Japan ranks high with respect to reproductive health and secondary education, but low in terms of participation in the National Parliament and medium in terms of the labor force participation rate. Countries that exhibit a lower labor force participation rate among the 49 countries with a very high human development are for example Croatia (44.8), Bahrain (39.4), United Arab Emirates (46.6), Italy (39.4), and Belgium (46.9). The data for Japan contrast with the Philippines, where a higher maternal mortality ratio and a higher adolescent fertility rate prevail, but more women are active in politics and on the labor market.

The World Economic Forum's Gender Gap Index

The Gender Gap Index, which was introduced by the World Economic Forum in 2006 as “a framework for capturing the magnitude and scope of gender-based disparities and tracking their progress” yields very different results. According to the Gender Gap Index, gender equality in Japan is low. Japan ranks 105 out of 136 countries; Japan's gender gap index dropped from rank 101 in 2012 to rank 105 in 2013 (The Global Gender Gap Report 2013: 236-237). In contrast, India moved from rank 105 in 2012 to rank 101 in 2013. The Gender Gap Index examines the gap between men and women in four categories or sub-indexes: 1)

economic participation and opportunity, 2) educational attainment, 3) health and survival, and 4) political empowerment. The Gender Gap Index ranges from 0 (signifying complete gender inequality) to 1 (signifying complete equality). For the year 2013, Japan's Gender Gap Index received a 0.650 rating. Japan scored a 1.00, or complete equality, in the areas of literacy and enrollment in primary and secondary education. In terms of labor force participation, Japan had a gender gap index of 0.74, and in terms of wage equality the index was 0.62. The lowest rated sub-indexes were those related to political empowerment: in terms of women in parliament, the country was rated 0.09; and the women in ministerial positions sub-index received a rating of 0.13 (The Global Gender Gap Report 2013: 236-237). Countries such as Iceland and Finland, which rated highly in terms of gender equality, had greater economic participation of women, in particular greater labor force participation. They also demonstrated higher political empowerment of women, especially with regard to women in ministerial positions. Higher economic participation and higher political empowerment are also characteristic of a number of Asian countries such as the Philippines, the nation leading the Asian gender equality table as measured by the Gender Gap Index.

Table 2 – The Gender Gap Index 2013 by International Comparison  Source: Table adapted from data provided by the World Economic Forum: [The Global Gender Report 2013](#), accessed on October 19, 2014.pol

The Social Watch

Organization's Gender Equity Index (GEI)

Social Watch, a network of civil organizations that aims to eliminate poverty and attain an equal distribution of wealth, publishes the third gender-related index discussed in this article, the Gender Equity Index (GEI). This measures the gap between men and women along the three dimensions of education, economic activity and political empowerment. Like the Gender Gap Index, the GEI is the average of the various dimensions and ranges on a scale from 0 (meaning the greatest possible inequality) to 1 (signifying complete gender equality).

In the area of education, the GEI measures the gender gap in literacy and in enrolment at all educational levels; in the field of economic activity, it measures the gaps in income and employment; and in the field of political empowerment, the GEI measures the gaps in highly qualified jobs, parliament and senior executive positions. The GEI is evaluated on a yearly basis and provides information about gender gaps by region and by country. For the year 2012, Social Watch computed a GEI of 0.57 for Japan. While the GEI for education is very high at 0.93, Japan's GEI for political empowerment only stands at 0.14. The GEI for economic activity stands at 0.65 for Japan, which ranks 105 out of 147 countries. By international comparison, the data collected for the Gender Equity Index confirm the data of the Gender Gap Index: Norway and Finland show the highest Gender Equity Index in Europe with high levels of education, empowerment and economic activity of women. New Zealand displays the highest gender equality in the Pacific Rim, and the Philippines is the leading country in Asia with regard to empowerment and economic activity of women.

In summary, the various gender indexes (despite their differences) all show that Japan has a

high degree of gender equality with respect to education, and the Gender Inequality Index (GII) also shows good results in the area of reproductive health, but it is clear from all three indexes that gender equality in economic participation and political empowerment is less advanced.

Table 3 – The Gender Equity Index (GEI) 2013 by International Comparison  Adapted from: Social Watch. Power Eradication and Gender Justice (2013), [Measuring Gender Inequity: The 2012 Gender Equity Index](#), accessed on 8th April 2013.

Policy Responses to Persisting Gender Inequality: An Overview of Legal Measures

Feminist theory defines gender as culturally and socially constructed sex (*shakaiteki bunkateki seibetsu*) and assesses the gender-specific allocation of tasks (Mae, 2008). As well as drawing a distinction between biological sex and socially constructed gender, feminist theory has paid particular attention to social inequalities that derive from the division of labor and include intersections with race, ethnicity, and social status. Feminist theorists identify social inequalities that produce disadvantages in health, education, professional opportunities, and women's self-realization in particular. It is only when these social inequalities are reduced and eventually eliminated that women may be able to realize their potential. Feminist theory seeks to establish gender equality.

Recent governmental efforts to implement gender equality in Japan, on the other hand, are driven less by feminist ideals than by a more utilitarian approach which derives from the economic need to make greater use of women's potential given the demographic changes.ⁱ Political scientist Leonard J. Schoppa remarks that no nation in modern history has ever aged as rapidly as Japan (Schoppa, 2001: 80). Low birthrates and high life expectancies have led to the graying of society. This could be offset by welcoming migrants to Japan. Against the background of an ageing society, the Japanese government has recognized the need to welcome migrants but so far has limited these efforts to highly skilled foreign professionals. In 2012, Japan reformed its immigration policy and introduced a points system for highly skilled foreign professionals on the basis of age, work experience,

academic qualifications, annual wages and Japanese language skills (Nakatani, 2013). A significant solution would also be to make better use of women's potential. As Schoppa observes:

To combat the imminent contraction of its working-age population, Japan should do everything it can to make it easier for the one group that has been underrepresented in its paid labor force (women with children) to continue working. Only half of working-age Japanese women currently hold paying jobs, and the proportion is even lower for mothers. Many of these women look at Japan's employment system, which offers limited childcare, inadequate parental leave, inflexible schedules, and long hours, and choose work or children, not both. ... If Japan is to cope with the aging of its population, it needs many more women to choose both work and children." (Schoppa, 2001: 80/81)

The Japanese government has reacted to demographic changes through several initiatives that aim for an equal contribution to society by both men and women. The EEOL, the Basic Act for a Gender-Equal Society, and the Third Basic Plan for Gender Equality and together form a comprehensive governmental policy framework towards the implementation of gender equality. These three intertwined policies will be discussed in more detail.

The 1986 Equal Employment Opportunity Law and its Subsequent

In her book *Refugees, Women, Weapons: International Norm Adoption and Compliance in Japan* (2009), political scientist Petrice Flowers considers gender equality and women's employment as one example of the conflict between international and domestic norms in the Japanese context. She argues that Japan's rapid industrialization coupled with the country's need to globalize has resulted in a strict division of gender roles within the *ie* system (the family system introduced in the Meiji period 1868-1912) as well as a distinct understanding of gender. However, despite domestic norms that foster the gender division of labor in which men work outside the home and women work inside the home, the influence of international gender-equality norms did result in the adoption and ratification of CEDAW. The ratification of CEDAW was also due to the efforts of domestic advocates, one of which was an NGO network created by the prominent feminist Ichikawa Fusae, consisting of two million women who strongly supported the CEDAW's ratification (Flowers, 2009: 78).²



Since the enactment of the EEOL in 1986, it has gone through two major revisions in 1997 and 2006/2007. The first revision of the EEOL in 1997 targeted discrimination in all stages of employment such as recruiting, hiring, job placement, and promotion. The second revision of the EEOL in 2006/07 required employers to take measures against sexual harassment. Finally, positive action policies also came into effect (Weathers, 2005: 77-8).

Positive action is the Japanese equivalent of affirmative action. In Japanese, the term is either expressed as "*pojitibu akushon*", or is addressed as "career advancement of women employees" (*josei shain no katsuyaku suishin*). One of the aims of positive action policies is to achieve numerical targets regarding the recruitment and promotion of women. The Cabinet Office is aiming to attain the target of "30% by 2020". This means that in accordance with the Third Plan for Gender Equality (discussed below), the Cabinet Office seeks to implement a range of measures in order to raise the number of recruitments and

promotions of women in all areas of professional life such as in parliament, in private corporations, in academia, and in agriculture.³

The following two examples – one example of academia and another one of a private corporation – illustrate the implementation of positive action policies. In 2009, the Ministry of Education, Culture, Sports, Science and Technology (MEXT), initiated a five-year program entitled “Supporting Positive Activities for Female Researchers” with the aim to increase the number of female researchers in science, engineering and agriculture. Altogether twelve national universities adopted this program, among them Kyushu University, which has practiced a female-only recruitment strategy in order to raise the share of female researchers to 13 percent within ten years. Kyushu University is one of the seven imperial national universities. The university is located in Fukuoka and consists of 16 faculties and more than 2,300 faculty members.

The recruitment of female researchers is often tied to benefits such as the provision of additional research funds or funds for hiring or promoting personnel (Jotaki, 2014), but in the case of Kyushu University, a lack of newly recruited female academics led to disadvantages such as the reduction of research funds. The neglect of positive action measures was followed by sanctions. This female-only recruitment strategy was augmented by additional supportive measures such as the provision of childcare facilities at Kyushu University, financial incentives for career advancement and skill-building seminars to strengthen language skills, leadership and the application for research grants. Jotaki (2014) concludes that the implementation of positive action measures did yield positive results. Between 2009 and 2013, altogether 34 female faculty members were appointed in the fields of science, engineering, agriculture, social science and humanities and medicine (Jotaki 2014). However, despite this improvement, the share of female faculty members remains at 11 percent, which is still considered low and requires further implementation of positive action measures.

Another example of the implementation of positive action is the case of IBM Japan. As a leading international IT corporation IBM has been making every effort to show a commitment to diversity management. The implementation of positive action measures is part of diversity management. Positive action measures were implemented at IBM Japan in 1998 and yielded positive results. The share of female employees increased from 13 percent in 1998 to 15.7 percent in 2003. In the same time period, the promotion of women also made progress. Between 1998 and 2003, 290 assistant managers, 67 deputy managers, 85 division managers and 3 female executive members were appointed. Finally, IBM Japan made efforts to improve the retention rate of female employees, which was successful. In 2003, 90 percent of women who had been working for IBM for five years, were still in employment. The share of women who continued working for IBM for more than ten years, stood at 50.9 percent (MHLW 2004a).

However, the EEOL has always been a *guideline* for private companies rather than a policy enforced by *law*. Companies that are actively encouraging hiring and promoting women are praised publicly by such organizations as the Women’s Data Yearbook, which lists corporations that have implemented positive action (Women’s Yearbook 2007, p. 30-4). But no penalties are imposed when the guideline is not obeyed. This poses a major problem for effective implementation. Japanese companies have regularly evaded the EEOL by establishing a dual career track which divides all job applicants into two categories: a clerical track (*ippan-shoku*), for which mostly women apply, and a management track (*sogo-*

shoku), for career-oriented predominantly male employees who are willing to accept a mobility clause and rotational training on the job upon entry a company. This dual career-track system continues to be practiced in order to maintain gender-specific employment conditions, without openly declaring a gender bias.

The revised version of the EEOL in 2006/07, which forbids indirect discrimination, challenges the dual track system. Job advertisements must not contain hiring conditions such as height, weight or the need to possess physical strength. Furthermore, mobility clauses that were part of the “career track” (*sogo shoku*) can no longer be a condition for hiring. The same is true for national transfer experience, which cannot now be a condition for further career advancement (MHLW, 2007: 20-22; see also Imano, 2006: 43 and 45). Indirect discrimination is defined as follows: “1) An employer seemingly adopts gender-neutral conditions or criteria and applies these equally to both men and women, but 2) these conditions or criteria result in being disadvantageous for one gender (predominantly for women), and 3) these conditions lack reason or justification, are not based on rational grounds, and are not related to the specific needs of a company” (Shibata, 2007: 179). Another major change introduced by the second revision is the fact that the EEOL now applies to both genders, whereas the EEOL was originally designed to protect the rights of women. Sexual harassment of both genders is now illegal. Layoff of female employees during pregnancy or within one year after the child is born is also illegal. It is the responsibility of the company to prove that pregnancy or childbirth was not the reason for discontinuing employment (Imano, 2006: 46).

The second revision of the EEOL indicates a shift from the EEOL as a tool to protect women from arbitrary dismissals and biased treatment, towards a law which features true gender equality. However, the revisions of the EEOL also need to be seen in the context of a deregulation of the labor market. Since the 1990s, the Japanese labor market has witnessed profound changes. Firstly, payment schemes that are based on individual performance (*seikashugi*) as opposed to seniority and length of service have gained greater significance. Secondly, neoliberal employment policies such as the reforms of the Labor Dispatch Law (*Rodosha haken-ho*) have led to an increase of temporary workers who are employed on limited contracts and paid on an hourly basis. Part-time employment is also rising in Japan. In 2010, the overall rate of part-time employees in Japan amounted to 34.3 percent, compared to 16.4 percent in 1985 and 32.6 percent in 2005 (MHLW, 2013: 2).⁴

The Basic Act for a Gender-Equal Society

The 1999 Basic Act for a Gender-Equal Society (*Danjo Kyodo Sankaku Shakai Kihon-Ho*), emphasizes the significance of gender equality and sharing of responsibilities, and is designed as a guideline for creating a society in which both men and women participate on an equal basis (Gender Equality in Japan Report, 2007). A gender-equal society under the Basic Act for a Gender-equal Society is very broadly defined as follows:

a ‘society in which both men and women, as equal members, have the opportunity to participate in all kinds of social activities at will, equally enjoy political, economical and cultural benefits, and share responsibilities.’ In such a society, the human rights of men and women are equally respected. Women who desire an active role in society may participate in activities of their own choosing, while men could enjoy a fulfilling home and community life. A gender-equal society is a society built by men and women as equal partners.⁵

Whereas concrete legal measures such as the Equal Employment Opportunity Law target the recruitment and promotion of both genders in the workplace, the Basic Act for a Gender-Equal Society broadly encourages the equally shared participation of both genders in all areas of life, including family and professional life.

The Third Basic Plan for Gender Equality

In contrast to the Basic Act for a Gender-Equal Society, the 2010 Third Basic Plan for Gender Equality concretely responds to women's low participation rates in faculty and leadership positions, and in other professional roles that require decision making. The Democratic Party government initiated this plan with the aim of raising the participation of women in leadership positions to 30 percent by 2020 through the implementation of positive action programs. The Third Basic Plan – which follows the 1996 Vision of Gender Equality and the 2000 Plan for Gender Equality – pursues three objectives. Firstly, the Third Basic Plan seeks to establish specific numerical targets and deadlines and will monitor the progress towards these targets. Secondly, it aims to eradicate social structures that perpetuate stereotypical assumptions about gender roles and encourages government-wide agencies to work on policies such as work-life balance, child-rearing support, and child and youth support. The third objective of the plan is to implement gender equality measures in accordance with international expectations.⁶


In accordance with this plan, from 2000 to 2010, national universities throughout Japan started to operate offices for gender equality. The Gender Equality Bureau Cabinet Office (*Naikaku-fu danjo kyodo sankaku-kyoku*) provides statistical data on the implementation of gender equality, the promotion of positive action (the Japanese equivalent of affirmative action), and the prevention of domestic violence. Their website also offers an overview of policies related to gender equality and work-life balance, in addition to general statistics on the population, data on employment of men and women in Japan.⁷ In 2009, the University of Tokyo announced the “Declaration of Gender Equality Acceleration” following the “U7 Joint Declaration on Gender Equality”. The U7 Declaration was endorsed by Japan's seven imperial universities. The Tokyo University declaration had the objective of ensuring that 25% of all newly hired academic employees were women by 2010. To this end, the University of Tokyo implemented the Todai Model Support Plan “10 Years to Establish a Career”.⁸ However, a look at the data that the University of Tokyo shows that, as of May 1, 2011, only 62 full professors were women compared with 1,258 male full professors. Overall, out of 3,920 academic staff (which includes professors, associate professors, lecturers, researchers and teachers at affiliated schools) only 10.76 percent (422 persons) were women.⁹ These data emphasize the dominance of the male academic workforce.

Gender Specific Characteristics of the Japanese Labor Market

Employment and Career Paths of Men and Women

As of August 2014, 63.34 million Japanese men and women were active in the labor market. 36.35 million men compared to 27.28 million women between 15 and 65 were in employment. As of August 2014, the employment rate of men stood at 72.8 percent, whereas the employment rate of women stood at 63.3 percent (Statistics Bureau, August 2014).

Table 4 - Employment Rates of Men and Women By Age Group [*Nenrei kaikyū-betsu rodoryoku jinko*], Data of June

2014  Source: [Somusho Tokei-kyoku](#) [Statistics Bureau, Ministry of Internal Affairs and Communications], *Rodoryoku chosa (Kihon shukei) Heisei 26nen (2014 nen) 6 gatsu bun* [Labour Force Survey (Basic Data), June 2014], accessed on August 6, 2014.

Kuba Yoshiko (2011) summarizes current concerns regarding CEDAW and the implementation of gender equality, and points out that the employment rate of women has indeed risen from 37 percent in 1985 to 43.5 percent in 2008, and currently stands at 63.3 percent. At first sight, this appears to be a step forward. But according to statistical data compiled by the Ministry of Internal Affairs and Communications, employment rates in all age groups remain lower for women than for men. Furthermore, Kuba (2011) emphasizes that wage discrepancies between men and women prevail despite the legal abolition of indirect discrimination. She also discusses the rise of precarious low-wage part-time employment of women as a consequence of deregulation measures since the beginning of the 1990s that include more flexible working hours and a diversification of employment patterns (discussed below). Her argument is that the abolition of protectionist measures in the second revision of the EEOL resulted in the fact that women and men alike are forced to adjust to the neoliberal mechanisms of the labor market (Kuba, 2011: 11).

Despite the diverse legal measures, the various gender-related indexes discussed earlier make it clear that women's participation in leadership positions, particularly, is still far below international averages. A special feature by the magazine *Toyo Keizai Online* entitled "*Naze josei ha shusseishi shinai no ka?*" [Why are women not advancing in their careers?], which was published in October 2011, presents the findings of a survey conducted by the Japan Productivity Center among 3,000 companies. Seventy percent of the companies that participated in the survey replied that women's own attitudes contributed to their lack of career advancement. Even though chances for professional advancement exist, many

women do not consider career advancement and/or remaining in employment an attractive or viable option. Many women do not apply for qualified management track positions (*sogo-shoku*) and instead continue applying for clerical positions (*ippan shoku*). These positions make it difficult to acquire the necessary knowledge and qualifications for advancing into management positions.

The example of one of the nation's ten regional power companies in Northern Japan's Tohoku area, which I investigated in 2007 and 2012, confirms the connection between gender divisions in the education system and gender divisions upon job entry. My research suggests that indirect discrimination in the workforce is not the only issue to consider. Another factor affecting women's employment opportunities is the lack of technical education for women, which perpetuates a highly gendered workforce and the dominance of male students in subjects like engineering. This company is one of the main employers in the Tohoku region, with 11,167 employees (as of January 2012). The workforce is extremely homogeneous. There are no non-Japanese employees and approximately 90 percent of all employees are recruited from the Tohoku area. Employment at this company remains highly gendered. Only 6.7 percent (813 employees) are women, nearly all of whom work in clerical positions. According to a 2007 interview with the personnel manager, the fact that women in technical positions are a small minority was linked to the low number of women graduates with degrees in engineering. The personnel manager pointed out that the company receives approximately 70 or 80 applications for technical positions every year, but it is only possible to hire one or two persons. Hardly any women apply for technical positions.¹³

In short, to understand gender divisions in companies, it is essential to consider (among other things) the choices that young men and women make prior to entering the labor market, at the entry into higher education. The Gender Equality Bureau Cabinet Office (*Naikaku-fu danjo kyodo sankaku-kyoku*) conducts yearly surveys on women's participation in society and in the labor market. A closer look at the choice of major subjects upon entry to university depending on gender for the years from 1985 to 2011 reveals that the percentage of male students who decide to study engineering as their major consistently lies between 23 percent and 27 percent, whereas female students prefer subjects like education (17.9 percent in 2011), liberal arts (23.3 percent in 2011) and social sciences (26.2 percent in 2011).¹⁴

Women in Academia, Law and Politics

The international indexes cited earlier confirm that Japanese women are well represented in secondary education, but figures published by the Ministry of Education, Culture, Sports and Technology (MEXT) show that gender differences become more profound in professional life. Women in Japan are not only underrepresented in areas like engineering but also in academia, as well as in law and politics.

These data are confirmed by an analysis conducted by Thomson Reuters in collaboration with Times Higher Education. Based on data for 2010, female researchers account for merely 12.7 percent at research-intensive universities in Japan, which is very low by international comparison.¹⁵ Japan is one step behind Taiwan where only 21.3 percent of the faculty of universities, are women. According to the various gender indexes, Finland, Australia and New Zealand show a lower gender gap: between 40 percent and 45 percent of faculty members at universities in these countries are women. In the United States, Canada, Spain, France and Sweden, this number is between 35 percent and 40 percent. By

comparison, Turkey shows a surprisingly low gender gap; more than 45 percent of the university faculty are women.¹⁶

Data provided by MEXT show that the low representation of women in academia in Japan is part of a wider trend in the number of female teachers, which declines as education proceeds to higher levels. While 62 percent of elementary school teachers are female, and almost 50 percent of all teachers at junior colleges are women (MEXT 2012), only 30.3 percent of teachers at high schools and 19.5 percent of university faculties consist of female lecturers, associate or full professors (Gender Information Site, Men and Women in Japan 2011 and MEXT 2012).

Furthermore, only 16.5 percent of all judges and 16.3 percent of lawyers in Japan are women. Women occupy eleven percent of management positions in companies with more than 100 employees. By international comparison with economically strong countries in Europe, Asia and the United States, 38.7 percent of administrative and management positions are occupied by women in France, 43 percent in the United States, while in the Philippines 52.7 percent of managers are women, and in Australia 36.7 percent of all managers are women.¹⁷

These findings reinforce those of sociologist Mary Brinton who pointed out that the “rate of high school graduates are virtually identical for the sexes”, but that gender divisions become more prevalent in the higher education system (Brinton, 1993: 200). Brinton made these observations in 1993, but they are still accurate as of 2014. According to data compiled by MEXT, 98.1 percent of all female students advance to high school versus 97.8 percent of all male students. (MEXT, 2012).

But the story is very different when students move from secondary to tertiary education (MEXT, 2012). The higher education system in Japan is divided into four-year universities and two-year universities. 50.3 percent of all male students, as compared to only 44.8 percent of female students, advance to four-year universities (MEXT, 2012). The percentage of female students who enroll in two-year colleges is reported as 88 percent. However, the percentage of both men and women who advance to graduate school has risen, with 7.5 percent women of women graduates advancing to graduate school in 2008 versus 15.5 percent of men (MEXT, 2008). It is important to distinguish between challenges that are embedded in a highly gendered education system and an equally gendered job entrance system, and challenges of combining family life and work that occur at a later stage.

Rise of Part-Time Employment

As of August 2014, the percentage of women in employment stood at 63.6 percent (Statistics Bureau, August 2014). More than half of all women are active on the labor market. But efforts to promote women’s employment coincided with an expansion of deregulatory measures in the labor market, which is one of the most significant changes on the Japanese labor market that affects both genders and all age groups since the 1990s. Non-regular employment includes part-time work up to 35 hours per week (Broadbent, 2005: 6), temporary work, dispatched work, contract work and work that is done from the home. In 2010, the overall rate of non-regular employees (*hi-seiki shain*) in Japan was 34.3 percent, compared to 16.4 percent in 1985, 32.6 percent in 2005, and 35.5 percent in 2007 (MHLW, 2013a: 2).¹⁸ The Employment Status Survey of the Ministry of Internal Affairs and Communications revealed that the share of non-regular employees (out of 53,537,000


employed persons) had further risen to 38 percent in 2012. The share of women, who find themselves in part-time employment, increased from 51.1 percent in 2004 to 55.1 percent in 2007, and further to 54.4 percent in 2012 (*Somusho tokei-kyoku* [Ministry of Internal Affairs and Communications], 2013: 3). In contrast, 22.2 percent were male part-timers in 2012 compared to 19.8 percent in 2007 (*Somusho tokei-kyoku* [Ministry of Internal Affairs and Communications], 2012).

Non-regular employment has many disadvantages and often results in salaries that are as low as two million yen or even less for 60 to 70 percent of women who work part-time (Kuba, 2011: 9).¹⁹ Kuba (2011) emphasizes the fact that wage discrepancies between men and women prevail despite the legal abolition of indirect discrimination. She interprets the rise of precarious low-wage part-time employment of women as a consequence of deregulation measures since the beginning of the 1990s that include more flexible working hours and a diversification of employment patterns. Her argument is that the abolition of protectionist measures in the second revision of the EEOL resulted in the fact that women and men alike are forced to adjust to the neoliberal mechanisms of the labor market (Kuba, 2011: 11).

There are companies that choose to limit the number of part-time employees and temporary employees. A European-Japanese mail-order house in Tokyo, which I investigated in 2007 and 2012, in 2007 reduced the number of part-time employees significantly and abolished the independent contract employee system in accord with the demands of the European headquarters. 22 percent of all managers are women, and the company applies a family friendly policy that encourages the long-term participation of women workers. However, this reduction of part-time employees could only be achieved due to the fact that an in-house call center was relocated to Thailand, which is yet another form of neoliberal employment policy. In 2007, the Tokyo branch of the company had 400 mostly part-time operators (90 percent of whom were women) who worked at the call center for a limited number of hours. Ten temporary employees were also employed, in addition to 30 independent contract workers who were directly hired for specific projects such as designing a new catalogue. As of January 2012, the main workforce consisted of 185 employees with less than 100 part-time employees.

Gender Specific Wage Discrepancies

Deregulation has led not only to unstable work conditions but also to low salaries. As stated earlier, in 2012 Japan had a Gender Gap Index 0.60 in terms of wage equality. Data for full-time employees during the year 2007 compiled by the Ministry of Health, Labor and Welfare (MHLW) show that men and women have fairly equal incomes at the beginning of their work lives while they are in their early twenties, but that income discrepancies between men and women increase from their mid-twenties and reach a peak around age fifty as shown by the graph below.

Table 5 - Income Discrepancies between Men and Women for Full-time Employees (Unit 1000 yen) 

Source: MHLW 2007b.

The Labor Standards Law (LSL) prohibits gender discrimination in wages: “An employer shall not practice discrimination with respect to wages solely based upon the worker’s sex” (Fukui Prefectural Government, 2004). Yet, according to the report about gender specific wage

differences released by the MHLW, female-male wage differentials continue to exist in Japan. Wage discrepancies have gradually decreased in Japan since 1986 from 59.7 percent in 1986 and to 69.8 percent in 2009 (MHLW, 2010), but remain high by international comparison. According to the MHLW, women earned 80.2 percent of the wages of their male counterparts in the United States in 2007, as compared with 76.8 per cent in England in 2004, and 74.1 percent in France in 2002 (MHLW, 2008: 5). Another reason for gender-specific wage differences is the fact that fewer women than men get promoted to higher levels of management regardless of the number of years in service to a company, whereas for men there is a stronger correlation between the number of years they have worked for a company and the position they acquire in higher management (MHLW, 2008: 3).

Combining Work and Childcare

Childcare poses a particular challenge to women in the workforce. Kuba (2011) has argued that while childcare used to be a private matter it is increasingly being addressed by public institutions. Considering the challenges to modern Japanese society, private matters such as reproduction, childcare, and shared household responsibilities between married couples have become part of the public discourse.

A survey conducted by the National Institute of Population and Security Research in 2009 underscored the difficulty of women continuing to work after the birth of a child. During the years from 2005 to 2009, only 26.8 percent of the respondents returned to the workplace after the birth of the first child; 17.1 percent did so after taking advantage of parental leave, while 9.7 percent did not use parental leave. 43.9 percent discontinued working upon the birth of the first child, whereas 24.1 percent were not in employment before their pregnancies began.²⁰ According to a survey conducted by Mitsubishi Research and Consulting in 2008, reasons for quitting work upon the birth of the first child included the wish to dedicate time to household and children (39 percent), while 26.1 percent of respondents found it difficult to combine work and family life due to unsuitable working hours, an unfavorable atmosphere in the workplace which did not encourage working mothers or the lack of parental leave options. Nine percent of the respondents replied that they had been encouraged by their employers to leave their jobs upon the birth of a child.²¹

Pressures about returning to the workplace pose a particular challenge since childcare facilities have fixed enrolment times each year in April, with application periods ending in December of the previous year. Due to these time restrictions, returning to the workplace has to be carefully planned. An interview which I conducted in March 2012 with an employee in her mid-thirties who works at a mail-order company in Tokyo illustrates the point. This informant chose to quit working for her former employer, an international high-end fashion company, who pressured employees to return to the workplace after only two months of childcare leave. Before starting motherhood she decided to move to her current employer, a mail-order company in Tokyo, which was founded in 1986 as a German-Japanese joint venture. The company's emphasis is on women's fashion; customers mainly consist of women and so does the workforce. Approximately, 60 percent of all employees are women. In contrast to her previous employer, this employer offers more support for working mothers by allowing for one-year childcare leave with the option to extend it for an additional six months. This employer also enables mothers to enjoy shorter working hours from 9:30 to 16:30 until the child is 3 years old. After a period of three years, employees are expected to return to the standard working hours from 9:30 until 18:00.

Fathers also struggle with balancing work and family life. Data compiled by the Ministry of Health, Labor and Welfare (MHLW) reveal that more than a third of all men would like to use childcare leave (*ikuji gyugyo*), but the actual numbers of fathers who actually do take childcare leave remains low although numbers have slightly increased from 0.42 percent of men who took childcare leave in 1999 to 1.56 percent in 2007 and to 2.63 percent in 2011.²² Furthermore, the involvement of men in daily household duties and childcare remains low. Data provided by the OECD and MHLW indicate that there are various ways of defining the content of housework and childcare. According to data on time spent in unpaid work and leisure, figures for 2011 for Japan indicate that men spent 31 minutes per day on routine housework and care for household members whereas women spend 225 minutes per day on housework and family care (OECD, 2011). In contrast, data provided by the Ministry of Health, Labor and Welfare (MHLW) for 2011 suggest that fathers of children below the age of 6 years spent 67 minutes per day on childcare and household work.²³ Hiring a babysitter is not common in Japan, and due to immigration hurdles, foreign-born nannies are rare (Tabuchi, New York Times 2013).

Some employers pledge to uphold a work-life balance along with the implementation of gender equality, as the University of Tokyo has done by pledging to “welcome applications from women for teaching and research positions, proactively recruit female researchers on the basis of fair assessment, and encourage work-life balance by holding no official meetings after 5 pm” (University of Tokyo, 2009). Moreover, mothers can take breaks for nursing their babies, finish work early or work flextime.

Institutionalized Childcare


Childcare in Japan is multidimensional and divided into four main categories: 1) parental care, 2) private networks, 3) institutionalized childcare, and 4) alternative forms of childcare (Holthus, 2011: 209).

Institutionalized childcare in Japan can be categorized into a) licensed day care centers (*ninka*), b) non-licensed day care centers (*mu-ninka*) and c) kindergartens (Abe, 2010: 30). Abe (2010) points out the differences between licensed and non-licensed daycare centers. These are divided between public and private institutions, but all of them need to fulfill the minimum requirements by the MHLW with respect to child-staff ratio and the number of children enrolled. Only if these requirements are met, can licensed daycare centers receive subsidies from local governments, which is the major difference between licensed and non-licensed childcare facilities. There are significant differences with regards to cost; a progressive structure of fees enable less well-off households to pay less for licensed daycare centers, whereas non-licensed day care centers are not subsidized, more expensive and do not take parental income into account (Abe, 2010: 31). Apart from cost, another major difficulty with regards to licensed daycare centers is the scarcity of available places. This problem is accurately captured with the term *hokatsu* – parents’ hunt for an appropriate childcare facility. Abe (2010) observes that many parents use non-licensed day care facilities as a temporary solution while waiting to enroll their child in a licensed day care center (Abe, 2010: 31).

A major difference between day care centers and *kindergartens* is cost. Whereas licensed day care centers offer full-day care for working mothers, and range from 20,000 yen to 40,000 yen per month, kindergartens are available to homemakers’ children, mainly provide part-time care, and cost up to 30,000 yen per month. Daycare centers offer full-day care

from 8:30 am to 6 pm with a late night pick-up time at 8:15 pm (some *hoikuen* take care of children until as late as 10 pm.). In contrast, kindergartens mainly offer part-time care, usually from 9 am to 2:30 pm. *Yochien* care remains under the authority of the MEXT and offers care for children between the ages of three and six, whereas *hoikuen* care (under the authority of MHLW), offers enrollment to children between the ages of less than one year old and six years (Abe 2010: 31-31, see also Holthus, 2011: 211).

Table 6 – Overview of Institutionalized Child Care in

Japan  Adapted from Abe (2010), Holthus (2011), [Tokyo daigaku de kosodate](#) [Childcare at Tokyo University], accessed on August 6, 2014, and personal interviews conducted in March 2012 and September 2012.

A personal interview I conducted in September 2012 with an academic who is employed at a private university in Tokyo revealed the significance of a combination of favorable and flexible employment conditions and private networks. After completing a PhD and commencing an academic career, this interviewee was able to secure tenure at age 35 and became the mother of a baby boy at 41 years of age. After the birth of her son, she took eight weeks of parental leave, but with the support of her employer was able to combine parental leave and research through a sabbatical, which followed the initial period of parental leave. In addition to support from her employer, she was able to balance childcare and academic research with the help of a family network, including her sister and her parents-in-law living an hour away. Yet, despite a close-knit support system, this interviewee mentioned the difficulties she and her husband had in finding a suitable childcare facility for their son. Earlier, mention was made of the ambitious plans of Prime Minister Abe to improve the precarious day care shortage. In September 2013, the MHLW released the “Acceleration plan to resolve the situation of waiting children” (*Taiki jido kaisho kasokuka puran*) with the goal of creating 200,000 new day care places for children by 2015 and 200,000 more by March 2018 (MHLW, 2013c; see also Otake 2014).

Apart from day-care centers, alternative forms of childcare include support organizations

such as a babysitter-service for working parents whose children are sick. One particular support organization is run by an NGO called Florence, which dedicates their services to childcare for sick children and to single parent households.²⁴ This organization offers services until 9 pm at night (*byoji hoiku*) and employs qualified childcare professionals (*hoikushi*). Parents pay a one-time fee of 6,000 yen or 7,000 yen. After paying this basic fee, one day a month of babysitter service is free. Starting from the second day, parents can pay anywhere from 10,000 yen or more per day, and can order a registered childcare professional online the night prior to the day that they desire service. In urgent cases, service is made immediately available for requests as sudden as 8 am the same day.

In conclusion, Japan offers a high-quality institutionalized childcare system, but there are many pitfalls that make *hokatsu* - the hunt for an adequate childcare facility - difficult and time-consuming. Licensed day care centers - the most affordable and flexible facilities - are rare, which forces parents to resort to family networks or to consider alternative options that are more costly and offer only half-day care. The lack of appropriate childcare facilities, in particular in metropolitan areas such as Tokyo, remains a particular problem for young mothers who wish to combine childcare and work.

The Ongoing Quest for Gender Equality

On paper, the EEOL remains a powerful tool for implementing gender equality, in particular after the two revisions of the law in 1997 and 2006/2007 that signify a recognizable shift from a focus on women to a focus on gender. However, there are significant problems with the EEOL. One is its lack of effective implementation. To this day, corporations that do not comply with the law do not have to fear sanctions. The EEOL retains the character of a guideline. So, as we have seen, structural factors such as gendered role divisions, a gendered education system, a two-track career system, and gender specific wage discrepancies all remain in place. Childcare places are in short supply, and maternal care, which dominates the first years of childcare, leads to the temporary withdrawal of women from the labor market.

Against the background of widespread concern about the falling birthrate, the rhetoric surrounding gender equality has shifted from a need to conform to international expectations to a long-term integration of both genders into the workplace and to managing family responsibilities (Huen, 2007). The positive effect of this utilitarian approach is the fact that a discussion of work-life balance and shared responsibilities between men and women in the workplace and in the family is finally taking place. Matters that used to be private affairs have now become the center of public attention.

But the negative side of this approach is the visible lack of genuine effort to create a gender-equal society. The sexism and conservatism women like Rina Bovrisse and Shiomura Ayaka have had to endure show that Japanese society remains deeply gender biased. This cannot be overcome by improving gender equality policies alone; the attitude towards women who take active roles in all levels of society needs to change. So far, Abe's effort to promote women has fallen short and is not motivated by a long-term commitment to gender equality, regardless of demographic developments. A shift towards a sincere acknowledgement of gender equality is essential to bring about change. As long as gender equality is not perceived as a universal right but as a response to economic or demographic pressures, gender equality will not proceed successfully despite the progress of legal measures.

However, it is also essential to investigate the motivation and desire of women who work and women who combine work and family life. For instance, would women opt for a career in management – if they had the choice – or are administrative jobs more attractive since they leave more time for childcare? Further research of women’s desires to combine paid work and family responsibilities might reveal a different understanding of gender equality which may counter the ideal of fully equally shared participation of both genders in the workplace and the family.

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Notes

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¹³ Personal Interview with Recruitment Manager on 31st October 2007.

¹⁴ Figures for male students for these subjects are as follows: Between 40 percent and 46 percent of all male students chose social sciences as their major subject. Between 10 percent and 12 percent of all male students chose natural sciences and agricultural science.

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¹⁷ Cabinet Office, Government of Japan. "[Toward Active Participation of Women as the Core of Growth Strategies](#)." White Paper, 2013. Accessed August 15, 2014.

¹⁸ According to data compiled by the Ministry of Health, Labor and Welfare (MHLW) and the Ministry of Internal Affairs and Communications, non-regular employment includes part-time work, jobs (*arubaito*), dispatch work and contract-based work and other non-defined forms of part-time employment. (*Somusho tokei-kyoku* [Ministry of Internal Affairs and Communications] 2013).

¹⁹ The reform of the EEOL coincides with the revision of the part-time law (*tan-jikan rodosha no koyo kanri no kaizen-nado ni kansuru horitsu*) in June 2006. The part-time law, enacted in 1993, defines part-time work as 35 working hours per week (Broadbent, 2005, p. 6). The reformed part-time law stipulates that part-time workers who do the same work as full-time employees must earn the same wages and prohibits discriminatory treatment of part-time employees (*sabetsuteki taigu no kinshi*). The reformed law also requires the promotion of temporary employees to regular employees (*sei shain-ka sokushin*). There are corporations in Japan that have adopted this principle

such as the casual wear retailer Fast Retailing that promoted 5,000 salespeople who had been employed under temporary or fixed-term contracts to permanent positions (Worsley 2007, The Nikkei Weekly, 23rd April 2007).

²⁰ *Kokuritsu shakai hoshō jinkō mondai kenkyūjo* [National Institute of Population and Security Research], [Dai 14 kai shusse doko kihon chosa \(fufu chosa\) \[14th Basic Survey on Career Motivations \(Survey on Married Couples\)\]](#), accessed on 13th August 2014.

²¹ For detailed results of this survey, see: Mitsubishi UF Research and Consulting (ed.) (2009), *Heisei 20 nendo ryoritsu shien ni kakawaru shomondai ni kansuru sogoteki chosa kenkyū (kosodate-ki no danjo he no anketo chosa oyobi tanjikan kinmu seido nado ni kansuru kigyō intabyū chosa)* [Comprehensive Research Survey on various problems concerning the support for combining work and childcare for the year 2008 (Questionnaire survey targeting men and women on parental leave and interview survey on corporations concerning a reduced working hour system), March 2009, p. 55.

²² Kosei Rodosho (Ministry of Health, Labor and Welfare) (MHLW) (2011), [Shigoto to katei no ryoritsu no genjo \[Present Situation of Combining Work and Household\]](#), accessed on 12th August 2014.

²³ Kosei Rodosho (Ministry of Health, Labor and Welfare) (MHLW) (2011), [Shigoto to katei no ryoritsu no genjo \[Present Situation of Combining Work and Household\]](#), accessed on 12th August 2014.

²⁴ For details of the organization Florence, see [their website](#), accessed on 8th April 2013.

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