

Japanese Workplace Harassment Against Women and the
Subsequent Rise of Activist Movements: Combatting Four Forms
of *Hara* to Create a More Gender Equal Workplace

by

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The Japanese workplace has traditionally been shaped by a large divide between the gender roles of women and men. This encompasses areas such as occupational expectations, job duties, work hours, work pay, work status, and years of work. Part of this struggle stems from the pressure exerted by different sides of society, pushing women to fulfill the motherly home-life role, the dedicated career woman role, or a merge of the two. Along with these demands lie other stressors in the workplace, such as harassment. Power harassment, age discrimination, sexual harassment, and maternity harassment, cause strain and anxiety to many Japanese businesswomen. There have been governmental reforms put in place, such as proposals made by the Prime Minister of Japan, in an attempt to combat this behavior. More recently, there have been various activist grassroots groups that have emerged to try to tackle the issues surrounding harassment against women.

In this thesis, I make the argument that these groups are an essential component in the changing Japanese workplace, where women are gaining a more equal balance to men. This is done by spreading awareness of the four major forms of harassment that

target women to the forefront of societal attention, assisting individuals who have been wronged due to harassment, and working alongside the government to create new initiatives that combat the roots of harassment. In order to do this, I give background information into the traditional expectations of women and men in the workplace in Japan, describe the various forms of governmental legislation that has been created in response to harassment, explain in detail the four different forms of harassment in Japan that are targeting women, and discuss the influence that the Japanese activist movements have had in resisting these forms of harassment.

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KEY TERMS

Abenomics (アベノミックス) — economic plan created by Prime Minister Shinzō

Abe's administration.

Aka-hara (アカハラ) — academic harassment.

Arafō (アラフォー) — “around forty.”

Aru-hara (アルハラ) — alcohol harassment.

Bukahara (部活ハラ) Short for *bukatsudō harasumento* — bullying in school clubs.

Bura-hara (ブラハラ) — blood harassment.

Doku-hara (ドクハラ) — doctor harassment.

Eā-harasumento (エアーハラ) — air harassment.

Eiji-hara (エイジハラ) — age harassment.

Fuku-shunin (副主任) — the deputy senior staff.

Gyaku sabetsu (逆差別) — reverse discrimination.

Hafu (ハフ) — a person who is of half Japanese decent and half of another decent (i.e. American).

Hokatsu (ほかつ) Short for *hoikuen katsudō* — the search for an adequate childcare facility in Japan.

Ikumen (イクメン) — a variation on the word *ikemen*, meaning a father who takes on childrearing roles.

Ikuboss (イクボス) — a boss who creates an environment where fathers can take on childcare duties more easily and encourages such behavior.

Izakaya (居酒屋) — Japanese style pub.

Kaji-hara (カジハラ) — housework harassment.

Karōshi (過労死) — death from overwork.

Keidanren (日本経済団体連合会) — Japan Business Federation.

Kōhai (後輩) — an inferior in age or rank.

Kyariaūman (キャリアウーマン) — career woman.

Mata-hara (マタハラ) — maternity harassment.

Mariji-harasumento (マリジハラメント) — marriage harassment.

Mora-hara (モラハラ) — moral harassment.

Nominication (飲みニケーション) — comes from two words meaning “to drink” and “communication.” Refers mostly to communication revolving around drinking.

Pata-hara (パタハラ) — paternity harassment.

Pawa-hara (パワハラ) — power harassment.

Rabu-hara (ラブハラ) — love harassment.

Ryousai kenbo (良妻賢母) — “good wife, wise mother,” the ideal value of Confucian women.

Sararī-man (サラリーマン) — “salary man,” Japanese businessman.

Seiteki iyagarase (性的嫌がらせ) — “sexual unpleasantness.” One of the first ways that sexual harassment was referred to in Japan.

Senpai (先輩) — a superior in age or rank.

Shinzō Abe (安倍 晋三) — current Prime Minister of Japan; reelected December 2012.

Shokuba no hana (職場の花) — “office flower,” commonly-used nickname for an office lady.

Shukkin Teishi (出勤停止) — lit. “attendance stoppage” or suspension of work without pay.

Shōwa Era (昭和) — 1920s to 1980s Japanese era.

Sōhara (ソーハラ) — social media harassment.

Sumeru-harasumento (スメルハラメント) — smell harassment.

Tekuhara (テクハラ) — technology harassment.

PREFACE

Issues surrounding businesswomen in Japan have been an interest of mine for years, principally because I have always dreamed of working in Japan after completing school. Going into the thesis writing process, I planned on interviewing Japanese businesswomen about their experiences in the workplace. I was curious if everything that I had been reading about surrounding gendered inequality in the workplace was as prevalent as it seemed. For instance, I had learned about how Japan has one of the largest workplace gender gaps in the world. As seen in data from 2013, where the Global Gender Gap Report by the World Economic Forum, which takes into account national gender gaps on economic, political, education, and health-based criteria, ranked Japan at 105th out of 136 countries (McDonnell, 2013). I had also learned from my studies that firms prefer to choose college graduate men for the management and choose women for the “clerical” track (*The Economist*, 2014). Therefore, I wanted to see how these statistics compared and contrasted to my hands-on experiences.

To obtain further research data, I also wanted to do a survey questionnaire to obtain some statistical, quantitative results. This, however, did not pan out as well as I hoped during my trip to Tokyo, Japan, in the spring of 2015. This was because culturally, interviewing people that one does not know well and without an introduction from a third party is not usually done in Japan. The few women I did have the opportunity to speak with were mothers of my friends. Also, sending survey questionnaires to companies does not typically take place, unless you work for that company.

Seeing the snags in this form of research, I decided I should instead use the experiences that I had as an intern for a Japanese company to guide my research. I worked for the Japanese Representative Office of Oregon in Tokyo (JRO) for a total of three months. This company specializes in trade and communication, with their efforts devoted to creating strong business connections between Japanese companies and companies in Oregon. While there, I noted a few different things that helped in guiding my thinking. It is important here to note that it was the first company I was exposed to and does not reflect all businesses in Japan.

The first of my observations that linked to my research was the office dynamics at JRO. The office was relatively small, comprised of two men (around age seventy and forty) and one woman (about seventy years old). Right away, I saw began to see some examples the expectations placed on businesswomen that I had been researching. For instance, the female employee was always the one to greet the guests, prepare and offer the coffee and tea, and wash and clean up the cups. This was opposed to the men, who were the ones leading the meetings and making the presentations during the conferences we attended or when guests visited at work. Although there were not enough workers in the office to prove any vast discrepancies between the gender roles, I could tell this particular company had different gender undercurrents than what I had experienced during my jobs in the United States.

Additionally, I was able to have lunch with three women that all had unique involvements with the Japanese workplace. The first two women were Japanese working businesswoman, one in the accounting field and the other in the political field. The last was an American military-trained employee stationed in Japan. I spoke with

them about the different views that they had surrounding women in business in Japan. When I asked one of the Japanese women if her family or friends had ever opposed her decision to work, she replied, “No,” and assuredly made it seem like was not an issue at all. While talking with these women, they spoke of the complications of Prime Minister Abe’s policy decisions as well as some of the harassment they had faced as female employees in Japan.

Upon returning to the United States, I decided to shift my research project towards a specific component of Japanese workplace discrimination. While discussing this with my advisor, Professor Freedman, she told me about a friend of hers who had been working on a case in Japan regarding maternity harassment. I decided this would be a good place for me to start investigating. I began researching this topic and learned there were many forms of harassment in Japan that tend to have a large impact on businesswomen.

From there, my research on the various forms of harassment in Japan began to emerge. I felt this was a pertinent topic to choose for my own personal studies, because it involves issues surrounding economics, policy, ethics, and Japanese culture in general—all topics I had been studying.

INTRODUCTION

In my thesis, I will be covering four major types of harassment in the workplace that tend to target women: power harassment, age harassment, sexual harassment, and maternity harassment. While there are many other forms of harassment in Japan, I chose these main four because these are the most applicable to my research topic and cover a large portion of the types of harassment that take place in the workplace against women.¹

Through this paper, I am providing the reader with insight into the background behind the different gender roles that are often expected and played out in the Japanese workplace. I delve into the policy initiatives that administrators like Prime Minister Abe and the Japanese government before and during his administration have put in place, in an attempt to combat gender discrimination. While I do not necessarily focus on these policy initiatives, I used them in the background information to show how they have shaped the current society. I also refer to some of the newer policies that have ties to the activist movements. Honing in on the four different categories of harassment, I show the progress and struggles that have emerged from various groups in trying to work through these issues.

From my findings, I came to see that these issues surrounding women's rights in the workplace have begun to take on a very grassroots approach. These groups, such as the *Matahara* Net, unions, and activists groups, demonstrate the growing importance of giving a voice to the traditionally voiceless. Rhetoric is powerful in Japan, due to the relative lack of organized religions, racial minorities, and prevailing unions, which

¹ For more information regarding the different forms of harassment in Japan, please see the glossary.

causes the government to be the primary foundation of ideas and opinions (Smith, 2015). These groups are working with the government to try and instigate legislative progress. In this way, I believe the nature of the Japanese workplace is changing and better adapting to the growing demands of equal treatment of women and men. My thesis surrounds the significance of recognizing the power of these groups in attempting to encourage women's rights in Japan. Specifically, my argument is that these groups are bringing about a more equal workplace for women and men in Japan by spreading awareness the about the various forms of harassment that target women, assisting individuals who have been wronged due to harassment, and working alongside the government to create new initiatives that combat root of the harassment.

Throughout this thesis, I will be making statements about gender that generally refer to the binary distinctions between men and women. Although my writing focuses on these two groups solely, I would like to recognize the scope of gender that includes transgender people as well as those who identify as outside of the woman/man divide. This is for the purpose of narrowing my thesis and is not meant to diminish the importance of these classifications.

Although my thesis is on "Japanese women," I would like to emphasize that this means the group of individuals who solidly identify as middleclass, educated women. By "businesswomen," I mean women involved in work in the business sector, which comprises areas such as accounting, marketing, management, service, and sales. This is important to note because this is a sector that has traditionally held a large divide between the roles of men and women. The Japanese business sector also tends to have salary differences. This may contrast with some other sectors of work, such as

agriculture, where women and men show less of a difference in areas like working hours or income (Mastercard, 2015).

In addition, although my thesis identifies the ways that women are being harassed in the workplace, it is also important to note that some men experience harassment in the workplace as well. There is also the concept of “reverse discrimination” (*gyaku sabetsu*) where women are given preferential treatment over men, and this also constitutes disruption in equality. It is also not always men who are the harassers. Oftentimes women will be the initiators of harassment towards other women in the workplace. The issue of harassment is not limited to age, gender, income, or social hierarchy in Japan, as it transgresses many boundaries. It is crucial to understand that these harassment issues are not just women’s issues solely. They represent larger, societal issues, which impact all Japanese workers in general.

METHODOLOGY

My primary sources include academic journals, various kinds of online magazines, international magazines, international newspaper articles, government websites and other media sources. I think there is great value in drawing from a wide array of sources because it may capture more information than one specific type. There are two reasons I used these particular sources. The first was that the issues covered in this thesis are very contemporary and therefore, aside from news articles, there is not much scholarly literature has been written on the topic yet. While I rely on sources written in English, because I can read and speak Japanese at the fourth-year university level, I have used this thesis as a chance to explore Japanese media, such as blog posts and articles published in the monthly magazine, *Nikkei Woman*.

When discussing Japanese writers or speakers, I have listed their names in the English order, first name first and last name thereafter. I have done this because the thesis is in English, therefore it reads more clearly for English readers. While researching, I tried to avoid sources that were older than fifteen years. This was because I wanted to focus on contemporary writing, and be grounded in newer ideas. I especially tried to hone my research on the last three years of published data. During research and in writing, I attempted to take my own biases into account as best as possible.

CHAPTER ONE: HISTORICAL CONTEXT

BACKGROUND INFORMATION

Japan's long-held history as a patriarchal society has manifested itself in different ways throughout the business world. Traditionally, the gendered social hierarchy has imposed limited opportunities for businesswomen, in contrast to those that are offered to men. For example, the original Labor Standards Law of 1947 limited overtime work for women to two hours per day, six hours per week, and 150 hours per year, and also prohibited holiday and late-night work (Gordon 1998). While women were dictated by these protective regulations, they were prevented from doing overtime work that was often demanded by men. In 1997, the Japanese Diet revised several laws, which abolished this practice and many other discriminatory provisions (Gordon 1998). The disparity between men and women in the workplace also typically attributed to deep, culturally entrenched standards, biases, and expectations for both women and men to follow in life (MIWA 2015). This can be seen in instances like the expectation that after marriage and birth of children, Japanese women commonly sacrifice their career for the stay-at-home mother occupation (MIWA 2015).² It is therefore difficult for both parties to shift away from this standardized model.

Historically, the Japanese workweek has been long and tiresome, with much compulsory overtime work and socializing with coworkers. There is a joke in Japan that goes: businesspeople sleep twice a day, once on the way to work and once on the way

² While the stay-at-home parent role is not classified as an occupation in terms of the labor force, there are undoubtedly many hours of work spent on this job.

home. This is often because the hours spent at work are long, as are commute times, due in part to expensive real-estate prices in central Tokyo where many corporations are located. Particularly since the 1950s, there has been a gendered division of labor where the man was idealized as a full-time worker outside of the home and woman as a housewife in charge of domestic matters. White-collar, business workers in Japan have generally been referred to as “*sararī-man*,” or salarymen since around 1918. As part of a collective community and identity, Japanese salarymen will oftentimes stay late until the last coworker (especially their own *senpai*) is finished with their daily job duties, even if the person initially arrived late. As such, time spent with family may be sacrificed in order to maintain a job or for the betterment of the company.

Because of this sentiment, salarymen are sometimes criticized if they leave work early for family; many men hesitate to take their allotted days of work leave and are under constant pressure to match their coworker’s work hours. Male workers, as compared to female workers, are more represented in high profile, long-term, high-paying jobs, such as managerial positions (*The Economist* 2014). Because most men work regular employment, they receive employer-provided training and benefits, and their compensation is tied to age and tenure (OECD 2012). In attempting to prove their loyalty and work ethic to the employer, these businessmen give up time that may otherwise be spent at the house, caring for the children or the elderly. Compared to the 5.5 hours spent per day by women on unpaid housework, Japanese men spend just over one hour (OECD 2012). This again showcases how much more time women spend on housework than men. Typically, men are expected to be the primary bread-winners, earning enough to sustain the whole family. It is the man’s duty to ensure the family has

enough money so that his wife does not need to work. If the husband cannot do so, he may face criticism from the community.

Here, it is important to note that while this model is the traditional model of the Japanese workplace and worker, since the 21st century, employment practices have been diversified. For instance, while long-term employment is still a central characteristic of the Japanese workplace, its level of regularity is decreasing (Takeuchi-Okuno 2013). The number of “atypical” employees, or non-regular employees who lack long-term employment specifications, such as part-time employees or temporary agency workers, have been on the rise since the mid-1990s (Takuchi-Okuno 2013). Alongside this is the rise of fixed-term employees (Takeuchi-Okuno 2013). The difference between fixed-term employment contracts and regular employment contracts is that usually, atypical employees are employed under this form of contract and do not have the same indefinite duration accorded to regular employees. According to a survey conducted in 2005, nearly two-thirds of fixed-term employees are female (Takuchi-Okuno 2013). Therefore, women seem to be more affected by the fixed-term system.

As opposed to men, women have vastly different expectations set for them to follow in terms of their roles in the workplace and home. Prior to World War I, the ideal for the Japanese housewife “assumed a gendered separation of spheres between the home and workplace and regarded the nurturing and educational responsibilities of wife and mother as the way in which home-centered (and confined) women would serve the nation” (Freedman, Miller, and Yano 2013). This changed after the war, however, when the expansion of industrialization, urbanization, and globalization led to more involvement of women in the workplace (Freedman, Miller, and Yano 2013).

Nowadays, women in the Japanese workplace are often referred to as career women (*kyariaūman*), similar to the male version of the salaryman. For a woman who has a lower prestige job, another commonly used word to describe her is office lady (OL). She performs “pink-collar” tasks like serving tea or secretarial or clerical work. The nickname associated with this term is “office flower” (*shokuba no hana*).

The two-tiered labor market, somewhat comparable to an occupational caste system dividing men and women, tends to disadvantage women on the lower track (Smith 2015). In this system, college graduates are directed into either well-paying jobs with good benefits or else are thrust into low-paying jobs without the promise of future promotion. Through this system, more than two-thirds of the female labor force enters the lower track (Smith 2015). Once one has entered the lower track route, is nearly impossible to switch to the higher track (Smith 2015).

For this reason, there has been an M-Curve participation of women in the workforce known as the “low cost welfare system” (Barrett 2004). In this model, the peak years of workforce participation are between the ages of twenty to twenty-four, and then again at thirty-five to fifty, as part-time workers (Barrett 2004). This trend, of labor force dipping around marriage and child-bearing years and recovering thereafter, is common in many countries but is especially pronounced in Japan (*The Economist* 2014). According to research conducted by Goldman Sachs from 2010, 70 percent of Japanese women leave work for at least a decade after having children. For comparative purposes, the U.S. is at 30 percent for this same scenario. Those who do return to work receive greatly reduced pay. In order to reap the highest financial benefits, many wives who work part-time jobs work with their employer, to ensure they do not surpass the

annual dependent ceiling of 1.03 million yen (Brasor 2014).³ According to the data collected by the Organization for Economic Co-operation and Development (OECD) from 2012, women's participation in the workforce in Japan was around 63 percent, a number much lower than other developed regions (MIWA 2015).

Due to these norms, women may be placed in jobs where they can easily be replaced if they decide to leave. This leads to little mobility in the workplace and has been attributed to a concept known as the “glass ceiling,” or “bamboo ceiling,” that women cannot rise above to advance their position. For this reason, among several others, many women tend to have more clerical jobs than men (MIWA 2015). To highlight this concept, Japanese women fill only 3.3 percent of managerial positions in the central government and hold only 2.1 percent of seats on boards of directors, as of 2014 (OECD 2014). Lawyers say contract workers often fear their employment will not be renewed if they take maternity or childcare leave. In 2015, around 56 percent of women were hired under part-time or temporary contracts, compared with 21 percent of men working under such arrangements. (Tomisawa and Ando 2014). In the coming sections, I will talk about various measures like the Equal Opportunity Law, which has made it more possible for women to hold management positions.

Another factor contributing to the difficulty of women's fulltime employment is the fact that the childcare system in Japan tends to limit the options for parents. The media buzzword “*hokatsu*” (the search for an adequate childcare facility) denotes the difficulty in finding the needed childcare, due to capacity constraints, long waiting lists, and the high expense (OECD 2012). It involves a point-based system where parents are

³ If a spouse earns below 1.03 million yen, roughly a quarter of average earnings, the tax and benefit system covers pension, health, and long-term care insurance costs, without having to make contributions (OECD 2012).

prioritized by criteria such as their work and marital status, health, and income (Osaki 2016). The high expense of *hokatsu* is due in part to the relatively high cost of low-skilled labor in Japan, paired with a lack of qualified staff (Fabian 2014). Licensed day care centers are the most affordable but are rare to come by, therefore requiring parents to resort to family members or choose more pricy options that offer only half-day services (Assmann 2014).

Also telling issue the amount that parents have to pay out-of pocket for childcare. Public spending on early childhood education and care in Japan was a mere 0.5 percent of GDP in 2011 (OECD 2012). The shortage of childcare facilities has been documented since the Koizumi administration (2001-2006) (Fabian 2014), which shows that this has been an ongoing issue for a relatively long period of time. Currently, over twenty thousand children in Japan are on waitlists for placement into nursery school (Stewart 2015). Parents whose children are not accepted for childcare services or cannot afford these services are left without many alternatives for their children, and are forced to do childcare work themselves. As such, this tends to disproportionately affect women, who are more likely to enter into the irregular, part-time work scheduled, as childcare only frees parents for roughly six hours a day (Fabian 2014). Also, this affects more women because statically women are the more likely to be the ones taking the work leave to care for children out of both parents. Currently, the Japanese legislation ensures one year of paid leave to both parents, with two a bonus of two months if both parents participate (OECD 2012). Yet, in 2011, less than 3 percent of fathers took the parental leave (OECD 2012).

In her book, *Housework Labor Harassment*, by Mieko Takenobu, a professor of Sociological Studies at Wako University and former reporter for the *Asahi* newspaper, she discusses the implications of the expectations that women do all of the housework and how until these expectations are lifted, women will never be thought of legitimate members of the labor force (Brasor 2014). She points out how the mass media places homemakers on pedestals but how this is very misleading because society has little respect for “women’s work” (Brasor 2014).

On the other hand, when men do the housework, it is seen as exceptional. There is a relatively new term in Japan called “*ikumen*,” a variation of the term “*ikuji*” (meaning “child rearing”) which is used to describe a “cool guy” who helps out with the tasks of raising children. In 2010, a government campaign was launched called the “Ikumen Project,” filled with seminars to encourage men to take up a more active role in parenting and teaching parenting skills (Hughes 2011). There is also an NPO group known as the “Ikumen Club,” which does similar work, and in particular, focuses on fathers reading a story to their children (Hughes 2011). The word encompasses a new level of masculinity in Japanese cities that is spreading all throughout the country. Here, the double standards inflicted upon women can be seen. When women take up both roles, they are putting their families in jeopardy, however, when men take up both roles, they become heroes.

Additionally, there are other pressures faced by Japanese women to marry early. Since 2005, trends toward less and later marriage (“*minkonka*” and “*bankonka*”) when the then-Prime Minister of Japan, Junichiro Koizumi declared that the fertility crisis was a national problem (Freedman and Iwata-Weickganannt 2011). There is even a

saying in Japan, especially prevalent in the 1980s, that refers to unmarried women older than age twenty-five as expired “Christmas cake” (Imamura 1996). This saying comes from the date of the twenty-fifth of December, where from thereafter, Christmas cake is no longer wanted. In essence, this means that women who are not married before the age of twenty-five are considered unwanted and useless. There were other spin-offs of this term that arose thereafter, such as “New Years Eve age,” which referred to thirty-one year-old, unmarried women.

Because marriage is viewed as a means toward paternity, men and women have felt social pressures to marry in their twenties and thirties. Forty has been viewed as the social, if not medical, cutoff for women to give birth (Freedman and Iwata-Weickganant 2011). *Arafō* is a word used to describe these women around forty, and has been used as a basis of blame for falling fertility rates when applied to single women who have prioritized careers over marriage (Freedman, Miller, and Yano 2013). In 2008, the average age for first marriage in Japan was 30.2 years for men and 28.5 years for women (Freedman and Iwata-Weickganant 2011). Although still considered important, this concept seems to be evolving as women are waiting longer to have children. Only 30 percent of twenty-something Japanese who were surveyed believe that “a woman’s happiness is found in marriage” (Barrett 2004).

Furthermore, the Japanese business drinking culture may not be suited to or appealing to women. In traditional Japanese companies, where the long workdays often stretch past midnight, “*nomination*” occurs afterwards (MIWA 2015). This concept comes from a merger of two words, “*nomu*” which means “to drink” in Japanese and the English word “communication” (Kato 2000). During *nomination*, employees

discuss various issues or proposals in the workplace, while simultaneously bonding over the shared value of alcohol consumption. Because women were traditionally not included during these meetings, it has typically been difficult for them to integrate into this kind of environment. What's more, because *nominication* usually occurs after work, the working mothers may find it difficult to attend because, as previously noted, they spend the most time on housework and childcare, leading to less time spent on outside work events.

Empirical research adds to all of these ideas. Although Japan has been a powerful country in terms of economic influence (a fact that might change due to a hyper-aging society and other national issues), one of its major downfalls is the low numbers of women in leadership positions and general participation in the labor force. Statistically, women are more educated than men in Japan but have far lower numbers in areas like regular employment opportunity, participation in the workforce, business owners, business leaders, and political leaders, compared to men (Mastercard 2015). The Organization for Economic Co-Operation and Development (OECD 2012) data shows that for the working-age population, there is a large employment gap between men and women, at nearly 18 percentage points, in 2013. This is the third highest gender pay gap of all of the OECD countries examined.

As the population of children shrinks and the numbers of elderly swell, Japan is turning to other means to boost the stagnant economy. The Japan Association of Corporate Executives has requested that more women, young people, seniors, and foreigners join the labor force, so that the economy may be developed. According to Goldman Sachs, Japan could increase its GDP by nearly 13 percent if were able to close

the gender gap and incorporate more women into the workforce (Womenomics 4.0 2014). This directly relates to policy because it can help to create a better working environment for women to participate in. In the next section, I will be discussing various legislative additions and changes to Japanese policy. I do so to give a background into the legal basis behind the arguments at stake.

LEGISLATION AGAINST HARRASSMENT

Before contemporary legislative laws such as the Equal Employment Opportunity Law (EEO) (*danjokoyōkikaikintōhō*), conflicts in the Japanese workplace were typically attempted to be resolved in the business itself, sans lawyers or courts. This is due, in part, to the aversion to confrontation and publicly addressing the deharmonization that has occurred in the workplace (Huen 2007). This is also due to other factors, such as the structure of the legal system. Typically, alternative dispute resolutions were encouraged first (Huen 2007). The first fundamental jurisdictional foundation in support of non-discrimination in the workplace can be found in Article 14 of the constitution, enacted in 1947 (Barrett 2004). This article noted that all people are considered equal under law, including differences in race, creed, sex, social status, and family order (Barrett 2004). The Labor Standards Act (*rōdōkijunhō*) was written in 1947 for the protection of workers in Japan (Hayashi 2007). This law included equal pay for equal work clause, yet there was still a large amount of occupational sexism, since it prohibited wage discrimination by sex but had no specification in terms of recruitment, hiring, job assignments, or promotional practices (Hayashi 2007). The Japanese Civil Code of 1896 (*minpō*) was also used to argue against sexual harassment violations because it was based on tort and contract theories (Huen 2007). Other key features of this document include women's rights to own and inherit property and to obtain a divorce (Barrett 2004).

The EEO was passed in 1985 by the Japanese diet (Huen 2007). It was in line with Japan's ratification of the 1979 United Nations Convention Concerning the

Elimination of All Forms of Discrimination Against Women (Hayashi 2007). The primary purpose of the EEOL was to address sexual discrimination in the workplace. This was stated in areas such as recruitment, hiring, job assignment, and promotion. However, without any provision on sexual harassment (such as civil clauses of action), female employees had to rely on dispute resolution instead (Huen 2007).

Because the original EEOL still had some shortcomings due to an ill definition of sexual harassment and the employers' responsibilities, the law was amended in June 1997 to bring more consistency in the judicial system (Huen 2007). Article 21 of the revised EEOL discusses the affirmative duties of employers in inhibiting sexual harassment. Under Article 26, the Ministry of Labor of Japan may publicly publish the names of employers that fail to comply with these rules (Huen 2007). When Japan passed its first law in 1997, thirty-six nations had already passed legislation prohibiting some form of sexual harassment (Shinohara and Uggen 2009).

A caveat of the EEOL seems to be the lack of sanctions for not adhering to EEOL standards, merely making it a guideline (Assmann 2014). The Ministry of Labor was also instructed to form a Study Group on Sexual Harassment in the Workplace in 1997 to conduct research on the issue and create guidelines (Huen 2007). The recommendations laid out include examples and necessary remedies by the employer (Huen 2007).

In the same year that the EEOL was passed, full-time homemakers were given a special status in tax and pension systems (Brasor 2014). This meant that women who chose to be stay-at-home-mothers were financially rewarded (Brasor 2014). In an *Asahi* newspaper series about working men and women, one thirty-eight-year-old wife chose

to quit her job after her husband was reassigned by his company (Brasor 2014). Her rationale involved the financial benefits of staying at home and taking care of her two-year-old son (Brasor 2014). When she became a dependent of her husband, the company gave him a dependent allowance of 17,000 yen, also, his tax burden decreased while she was still in the pension system without having to pay anything (Brasor 2014). In this case, the woman made out better economically as a housewife than she would have as a working wife. As can be seen by this example, although this might not have been the goal of lawmakers, this type of benefit can encourage some women to veer away from the workplace and towards the home-based track.

Surprisingly, until April of 2007, male workers in Japan were not protected from sexual harassment by the EEOL (Shinohara and Uggen 2009). This was the year of the most recent revision to the EEOL. It prohibits all forms of indirect discrimination and sexual harassment in the workplace, such as not including physical strength, weight, or height in job advertisements, however, still upholds age limits (Assmann 2014). The revision also made it illegal to lay off women during pregnancy or immediately after the birth of their child.

Along with the Equal Opportunity Law, there have been several other monumental strides made in recent decades towards the advancement of gender equality. These include the Japanese government's ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1985, the passage of the Basic Law for Gender-Equal Society (1999), and the creation of the Gender Equality Bureau by the Cabinet Office (Kano and Mackie 2013). Also, the Prefectural Labor Bureau and the Disputes Adjustment Commission Assistance have

assistance procedures in helping those who are affected by sexual harassment (Huen 2007). As I will discuss in the next section, although these laws and reforms were created to help Japanese workers, they may not have done enough, especially in terms of harassment towards working women.

“ABENOMICS” AND “WOMENOMICS”

In an attempt to alter these dynamics and enhance the Japanese economy, Prime Minister of Japan, Shinzō Abe, conservative member of the LDP,⁴ released his “Three Arrows Approach,” also known as “*Abenomics*” after taking office in December 2012. This word comes from the combination of Abe’s family name and the English word “economics”. Abe did not primarily enact these policies to promote gender equality but instead to augment the Japanese labor force in the face of a rapidly aging Japanese society. The first two arrows of *Abenomics* are based upon a financial underpinning, involving fiscal stimulus and monetary easing. The third of these arrows focuses on structural reforms. Some of the goals of the third arrow include increasing female participation in the Japanese workforce as well as creating more opportunities for women’s advancement. One of these proposals in the year 2003 was making sure that by the year 2020, 30 percent of Japanese women will be in leadership roles in their job (Sekiguchi 2014). Listed companies were thereby required to disclose the number of women in executive positions (OECD 2012). The success and attainability of these policies in helping women in the workforce has been a highly contested issue in Japan. As of December 2015 this goal was altered to fit more moderate standards (Aoki 2015). As of now, the goal is for 7 percent for national public servants and 15 percent for local government officials and private companies (Aoki 2015).

Out of these reforms, the term “*womenomics*,” coined by Kathy Matsui, came about. *Womenomics* refers to the paradigm shift towards women in the ways of

⁴ LDP stands for the Liberal Democratic Party of Japan. It is a conservative political party in Japan that has almost always been in power since it was founded in 1955.

approaching work for both individuals and companies. In September 2013, Abe proposed *womenomics* as the key to overcoming Japan's economic stagnation (Kano and Mackie 2013). At the United Nations General Assembly in September 2014, Abe committed 3 billion U.S. dollars towards women's empowerment initiatives (Vogelstein 2015). Other means of enacting this goal include his pledge to appoint women in governmental agencies to a third of all senior management positions, and promised to promote private corporations to recruit and hire more women. A notable phrase that Abe uses to describe his goals was spoken to the United Nations, "building a society in which all women can shine" (*josei ga kagayakushakai o tsukuru*) (*Japan's Initiative* 2013).

However, Abe's reforms have not always been well received by the Japanese public. Especially since Japan has had two decades of sluggish growth, which, aside from the initial immediate positive effect in 2013 from Abe's first two arrows, has had little help from Abe's reforms (OECD 2012). For instance, a frontrunner in Japanese contemporary feminist movement, Sayaka Osakabe, has remarked that it is more important for women to have the opportunity to work than to "shine" (Stewart 2015). This is in line with the thoughts of the businesswomen whom I had lunch in Spring 2015. Abe's reforms have received critique from both sides: one arguing the unnecessary change to the status quo and the other arguing that not enough has been done and Abe has given a mere lip-service.

In fact, the Women's Action Network rated the LDP as the worst political party in Japan in terms of gender issues (Kano and Mackie 2013). The LDP is accused of only being in support of gender policies when they had positive economic outcomes for

growth and birthrates. This is referenced back to Abe's historical lack of support for women's rights in Japan. This is most pronounced in ways such as his reluctance to admit to Japan's history of forced sexual slavery in regions like Korea and China,⁵ skepticism regarding the gender equality policy, and the proposals to alter the Constitution of Japan (Kano and Mackie 2013). Also, as the leader of a LDP project on "Investigating the Status of Radical Sex Education and Gender Free Education," Abe's argument against several initiatives was that they might interfere with traditional cultural values (Kano and Mackie 2013). Other events have been of recent concern surrounding gender issues undertaken by Abe. "Women's notebooks" were sent out by Abe's task force, which included the concept of a "proper childbearing age" (Kano and Mackie 2013). Many people in Japan have critiqued this for its invasive nature (Kano and Mackie 2013).

There are various reasons as to why Abe's reforms have not been in line with his desired results. Some Japanese citizens argue that Abe does not have the right kind of policy reforms. For instance, having quotas can create issues surrounding fudging numbers and promoting women without giving them the necessary responsibilities (Fensom 2014). Quotas can be seen as being too general, however, since some sectors (like service) have more of a concentration of women than in other sectors (like engineering) (Fensom 2014). An analyst at Japan Research Institute who specializes in corporate gender issues, Akiko Kojima, is skeptical about the value of raising the number of female managers (Sekiguchi 2014). She says it's more important to be

⁵ After more than seventy years past the end of World War II, South Korea and Japan (under Abe's administration) reached an agreement in December 2015, to resolve the dispute. The resolution decided that Japan would make an apology and give 8.3 million U.S. dollars in payments to care of the surviving women, and South Korea would not bring up this issue thereafter (Sang-Hun, 2015).

“easing access to opportunities and diversifying the way they work. Not sticking as many women as they can find into senior positions” (Sekiguchi 2014). Others argue the “pro-quota, pro-target” approach, because even if it is only for show, it may inspire younger female workers that they can eventually make it up to that rank as well.

Another one of Abe’s administrative reforms surrounds extending women’s childcare leave to three years so that women can withdraw from the workforce and take up careers as full-time mothers (Kano and Mackie 2013). Not surprisingly, people have taken up arms with this because of the desire for women to be more incorporated in the workforce. Abe, on the conservative side of the spectrum, has placed like-minded, conservative women into power positions. Thus, these women may not be the best reflection of the entire society, as they tend to advocate for women returning back to the home.

Furthermore, there is community resistance in following these guidelines that Abe has put in place. Corporate firms tend to oppose extending maternity leave from eighteen months to three years. A major component of this opposition is due to financial backing. A woman who is of childbearing age is seen as a liability because of the likelihood that she will leave the job to have children.

Moreover, it seems that these types of concerns are putting great pressure on women to make the “right” decision in life. With Japan facing the plague of a shrinking economy and low birthrates, different ideas are appearing on the best way to negate these negative effects. To emphasize the wide range of recommendations, there is one side that argues for women to return home and have more children and there is another that says that women are necessary in the workforce to increase productivity and help

increase Japanese GDP (Vogelstein 2015). Women are now facing this superwoman complex where they are expected to do everything: get a job, get married, have children, take care of the home and take care of their elderly parents. With so many job expectations, it creates the ideal yet unrealistic woman. In the next section, I will be discussing numerous examples of the term *hara*. This directly relates to the issues discussed above because these forms of harassment demonstrate what types of people are likely to be discriminated against or unfairly treated. I argue next that the four most important forms of harassment to hone in on in terms of detrimental effects of women in the workplace are *pawa-hara*, *eiji-hara*, *seku-hara*, and *mata-hara*.

DEFINING HARASSMENT IN JAPAN: TOO BROAD OF A WORD?

Below is a list of various forms of hara that have emerged in the Japanese vocabulary. Some of these have been listed in the “key terms” section of the thesis with only a brief description. In this section, I go into more detail about what these forms of harassment mean to the Japanese public. These words are good illustrations of the growing awareness of harassment in Japanese society, as many of these are “trend words,” also known as media buzzwords. Because these terms lack concrete definitions, oftentimes the meanings vary from person-to-person. The words below are the generally held meanings of these words.

Here, it is important to note that what may not constitute “harassment” in the United States, greatly differs from what is considered harassment in Japan. For instance, there are certain culturally specific situations, like being forced to sing karaoke with a supervisor, that constitutes a form of sexual harassment in Japan. From an outside perspective, this may not necessarily enter the “sexual” behavioral realm. However, looking into Japanese tradition of “karaoke duets” in which younger female workers sing romantic songs with their older male supervisors (Shinohara and Uggen 2009), one may consider otherwise.

- I. ***Aka-hara***: “academic harassment.” This term addresses a wide scope of behavior found across campuses and is therefore also referred to as campus harassment or school harassment (*sukūru-harasumento*). It is meant to combat

the disadvantage students incur from mental or physical suffering, while studying, receiving education, or conducting school-related business.

- II. ***Aru-hara***: “alcohol harassment.” The forced pressure to drink at school and/or work events. This can be a “right of passage” similar to hazing.
- III. ***Bura-hara***: “blood harassment.” In Japan, it is not uncommon to be judged based on the type of blood one has. Different personality traits are assigned to different types of blood.
- IV. ***Eā-harasumento***: “air harassment.” This is when a person alters the atmosphere of the room or conversation, often in a damaging way.
- V. ***Eiji-hara***: “*eiji-harasumento*,” “age harassment.” This is the preference of younger people (often younger women) over older people. It is also referred to as “*shiruba-hara*” meaning silver harassment, as in a more aged, silver-haired generation. Typically, this can be seen in job hiring or in the type of desirable relations. It is sometimes defined broadly as the type of emotional distress that occurs in people that are above a certain age.
- VI. ***Kaji-hara***: “housework harassment.” It is the attitude of finding fault with one’s husband’s housekeeping tasks and methods. 70 percent of husbands surveyed by Asahi Kasei Homes, wrote that they had been subjected to *kaji-hara* by their wives (Brasor 2014).
- VII. ***Mora-hara***: “moral harassment.” This term covers a large scope of bullying behaviors on the psychological front. This term is commonly used in places like the workplace and in family relationships. The term was created by a French

psychiatrist, Marie-France Hirigoyen, and took off in Japan shortly thereafter (Jones 2015).

- VIII. ***Mariji-harasumento***: “marriage harassment.” When women feel bad about not yet getting engaged or married, due to things said about them or to them.
- IX. ***Matanifi-harasumento***: “maternity harassment.” It is described as the unfair treatment upon female workers who become pregnant, give childbirth, or who practice childcare through the infliction of mental and/or physical harassment.
- X. ***Pata-hara***: “paternity harassment.” This term describes working men who have been barred from taking child care leave or are subjected to forms of harassment simply for applying.
- XI. ***Pawa-hara***: “power harassment.” Typically experienced in the workplace, this term focuses on the power that superiors have over their subordinates. This is especially pronounced in Japanese society where there is a very distinct social hierarchy of workers. For instance, there are culturally entrenched behavioral actions, by way of speech and duties, that “*kōhai*” (inferiors in age or class rank) must act towards their “*senpai*” (superiors in age or class rank).
- XII. ***Rabu-hara***: “love harassment.” Using a significant other that one is involved with (such as a boyfriend or girlfriend) to exude power over others. This may take the form of bragging about the relationship or showing public displays of affection in front of others.
- XIII. ***Seku-hara***: “sexual harassment.” It is a violation of individual rights, personal integrity, and autonomy that has effect on the individual, and surrounding

people and organization. It can be defined as unwelcome behavior that makes another person (or people) feel uncomfortable.

XIV. ***Sumeru-harasumento***: “smell harassment.” When a person wears copious amounts of perfume or cologne, in order to demonstrate what the wearer thinks is fine-smelling and to display this amongst others.

XV. ***Teku-hara***: “technology harassment.” When tech-savvy individuals make others feel inferior due to their skills.

Here, the definitions of the terms are included, not only to introduce the reader to the forms of harassment that are experienced in Japan, but also to show how diverse they are in nature. In some ways, it seems that the meaning of harassment is so broad that it diminishes the meaning of what is thought of as harassment in English. This could have implications on the perceived severity of concerns, like *seku-hara*.

A specialist on legal and labor issues and frequent contributor to newspapers such as the English-language *Japan Times*, Hifumi Okunuki, notes a similar idea. She claims that while the ubiquity of the terms does help in expanding the awareness of the issues, it can also be seen as “jargon used in a cavalier, joking or teasing manner, perhaps due to its overuse” (Okunuki 2014). There are some forms of harassment, such as moral harassment, power harassment, sexual harassment, maternity harassment, etc., that seem to have a stronger meaning than others. In some ways, the broadness of the term *hara* can spread awareness or diminish the importance of the problem at hand.

In the next chapters, I will be going into detail on what I believe to be the four most important forms of *hara* that affect women in the workplace. These include: *pawa-hara*, *eiji-hara*, *seku-hara*, and *mata-hara*. I put these *hara* in this order because this is

the order that I believe goes from largest, or affecting the most number of people, to smallest, or affecting the smallest demographic. It does not mean that one is more important than another. The largest section on *hara* is *mata-hara*. This was primarily because it has the strongest connection to Japanese women's harassment issues (compared to the others), and had many relevant cases that were being recognized in the media during the research stage of the thesis. These forms of *hara* show that although there may be laws put in place to avoid discrimination and harassment, there are still flaws in the system that are to be addressed. In each chapter, I will give background into the meaning of the *hara*, give case studies of different ways in which the *hara* is affecting Japanese citizens, and discuss the groups that have emerged in attempt to combat the injustice of the *hara*.

CHAPTER TWO: POWER HARASSMENT — “*PAWA-HARA*”

The Japanese term “*pawa-hara*,” or in English, “power harassment,” refers to behavior by someone in an authoritative position towards his or her subordinates, often occurring in Japanese business settings (Kopp 2014). This term was first coined in 2003 by Yasuko Okada, a Japanese social psychologist and entrepreneur (Roberts 2014). It involves conduct that strikes from one person in a workplace to another person in the same workplace and takes advantage of the person or negatively impacts the working environment (Herbert Smith Freehills LLC 2014). (From here on, this company will be referred to in citations as “HSF.”) The impact on the individual, the victim’s family, the colleagues of the victim, and the company can be extremely damaging both psychologically and financially.

The specific causes of *pawa-hara* may stem from the changing Japanese business environment (such as globalization and technological capabilities), a change in attitudes towards younger staff, and changes in communication between managers and employees (Roberts 2014). This can play out in different ways depending on the specific situation. Examples of *pawa-hara* are classified by the MHLW into six different categories including: (1) assault (physical abuse), (2) intimidation, defamation, insulting, or slander (mental abuse), (3) isolation, ostracization, or neglect (cutting off human relationships), (4) forcing persons to perform tasks which are clearly unnecessary for the business of the company, are impossible to accomplish, or interfere with the employee’s normal duties (excessive work demands), (5) forcing an employee to perform menial tasks that are unreasonable or tasks that are far below the employee’s

ability, including not assigning work tasks (insufficient work demands), (6) excessively inquiring into the private affairs of the employee (invasion of privacy) (Watanabe, Tanabe, and Ohsugi 2012). This is what would be known as “abuse of power” or “workplace bullying” in English. It is important to note that *pawa-hara* on its own does not violate the Civil Code or the Labor Standards Law in Japan. Rather, the act of power harassment may contain actions that constitute such violations (Roberts 2014).

From the stress caused by *pawa-hara*, serious consequences can occur. Those who are exposed to this type of hostility may lose their desire to work and could be forced to take a long break from work or quit entirely (Watanabe, Tanabe, and Ohsugi 2012). This also has effect on not only the person undergoing the power harassment but also the employees around the company who hear and see the actions, because it may create a sort of decrease in incentive to work or change the productivity overall (Watanabe, Tanabe, and Ohsugi 2012).

On January 30, 2012, the Ministry of Health, Labour and Welfare (MHLW) released a report that officially defined *pawa-hara* (Watanabe, Tanabe, and Ohsugi 2012). The report titled, “Report by the Working Group Roundtable regarding Workplace Bullying and Harassment” was followed by the response paper, “Recommendations for Prevention and Resolution of Workplace Power Harassment,” which lays out several suggestions for companies (Naito 2013). These include statements like releasing a clear message regarding power harassment from top management, establishing a consultation area, creating company rules surrounding power harassment, preventing reoccurrences, educating employees, and announcing the company’s policy to all employees (Watanabe, Tanabe, and Ohsugi 2012). One of the

reasons why this report was created was so that companies could understand what constitutes power harassment and how it may differ from the perception of appropriate action in a company's business (Watanabe, Tanabe, and Ohsugi 2012).

Rochelle Kopp, a Managing Principal for Japan Intercultural Consulting, notes the particular problem Japan faces with *pawa-hara*. The Labour Bureau of Japan shows that "bullying and harassment" cases jumped up from 5.8 percent in 2002 to 17 percent in 2012 (Naito 2013). She attributes the problem in Japan specifically to the dynamic of traditional Japanese organizations and the increased stress from current economic difficulties. For instance, Japanese management tends to have a highly authoritarian basis, with deference exhibited by the subordinates. It is somewhat of a continuous-cycle effect because complaints are extremely uncommon, and since going against the status quo leads to detrimental effects, oftentimes confrontations are avoided (Kopp 2014). As Kopp states, "this makes the nightmare boss seem normal, and those who have never had a different role model for management style find themselves falling back on the old methods. And indeed, many Japanese admire authoritarian bosses, finding them to be strong and admiring their 'passion' that may be expressed in angry outbursts" (Kopp 2014).

Other reasons for workplace bullying were addressed in the "Interview Survey on Employers and Trade Unions' Measures against Workplace Bullying, Harassment, and Power Harassment" conducted by the Japan Institute for Labor and Policy Training (JILPT) in 2011 (Naito 2013). When asked what the causes of power harassment were, the individuals marked the five top answers as overwork and stress due to cuts and low staff numbers, workplace communication issues, the pressure for employers to improve

on a performance-based system, managers being too busy to worry about the lives of their subordinates, as well as diverse types of employment (Naito 2013).⁶

In part because Japanese companies are undergoing increased stress to produce output growth due to economic malaise, companies are shifting this pressure towards the managers (Kopp 2014). This can lead the managers to push the limits on their employees in order to ensure the work is being accomplished. It can also lead to managers snapping at those around them. In addition, Japan lacks a fluid labor market (Kopp 2014). Because Japanese workers tend to stay in the same company for a majority of their lives, and because the act of changing occupations or workplaces does not occur easily in Japan, many people feel it is easier to work through this stress.

Delving into the empirical evidence, one can see the various sectors that *pawahara* manifests itself in. For instance, there are slightly different results based on gender determined by two different surveys. In one survey, known as “Workplace Power Harassment Survey (Employee Survey)” of 2012, 26.5 percent of male and 23.9 percent of female respondents had experienced workplace bullying, therefore showing that men experienced slightly more bullying than women (Naito 2013). However, in the 2010 JICHIRO (“100,000 Persons Power Harassment Survey”) analysis, 19.8 percent of males were victims of workplace bullying (with 3.5 percent seriously bullied) and 23.9 percent of females (3.2 percent of whom were seriously bullied), showing women as a slightly higher percentage (Naito 2013). Although these numbers do not appear to reach any large divides between the two genders in terms of power harassment incidents, it

⁶ The report notes that the workplace is where workers spend a large portion of their lifetime and engage in social relationships along the way (Watanabe 2012.) In many cases, people spend more time at work than at home, and therefore it is critical that they feel comfortable in the environment that they are working in.

still seems that women are more prone to it than men are. The reasons behind underreporting may be due to the social stigma involved, as touched on earlier.

Also noted earlier, “workplace bullying” refers to a form of *pawa-hara*, and therefore the relatively large percentage of respondents who had been exposed to this act shows just how common it is. In 2011 the JILPT also released a report on bullying conciliation cases in prefectural Labor Bureau, who found that 39.8 percent were brought by male victims, 59.8 percent by female victims, and thus a higher number of female victims applied for the conciliation (Naito 2013). By this statistic, it appears that women in Japan are the ones more actively addressing problems that they are experiencing relating to power harassment, as well as likely being linked to experiencing more violations in general.

In terms of age, the highest group affected was the 30-39 age group, then the 40-49 age group, followed by 50 and older and the last was 20-29, based on MHLW data (Naito 2013). The two highest groups affected are both around the forty-year mark that was previously discussed as an age of high pressure for women in the workplace. It seems that this demographic and older is more highly affected than the younger age group, so this may be indicative of age harassment at play as well. It is shown in this data that bullying has affected both fulltime and non-permanent employees, which happens at a rate of 22 percent and 21 percent, respectively, based on the JICHIRO study (Naito 2013). This means that power harassment is not necessarily defined by the number of hours worked in the business.

According to Glenda Robert’s research, Okada of the Pawahara Hotline, a hotline created to help victims of *pawa-hara*, notes how there is a great diversification

of personal backgrounds and industries of those who leave voice complaints about power harassment (Roberts 2014). For instance, according to her data, although the service industry has the largest share of victims, many others were harassed at work in the public sector, schools, and hospitals. Okada believes that *pawa-hara* is most likely to occur in relatively enclosed working environments amongst people in stable relationships (Roberts 2014). Her reasoning stems from the fact that the majority of hotline callers are regular status office workers, as it is difficult for regular-time employees to leave their job if harassment is occurring, compared to irregular workers (Roberts 2014). Although this diverges from the JICHIRO data, there can be reasons why the data may be off, such as underreporting, as Okada's argument is convincing.

In an editorial article to the *Japan Times* on January 22, 2013 called "The Problem of Power Harassment," one anonymous writer spoke on some of these difficulties. The writer noted that many workers are hesitant about taking actions against the inflictor because it could have a negative affect on their evaluations or employment status (*Japan Times* 2016). They wrote, "Those people in power who harass others do so imagining that they are immune from consequences or that it is the only way to get things done. These beliefs, while perhaps tolerated in the past, are wrong and companies should disavow them" (*Japan Times* 2016). Here, the obstruction of *pawa-hara* is seen from the perspective of a citizen who desires a more just approach from the management side of the business.

In one case that Glenda S. Roberts, Ph.D., at Waseda University has analyzed, a thirty-six year old assistant editorial worker for a publication firm named Hisae Hashimoto called into the hotline, voicing concern that she may have experienced

pawa-hara in her workplace (2014). She discussed their disagreements and her boss' tendency to yell at her, saying things like, "We don't need people like you" (Roberts 2014). When the boss began throwing things at Hashimoto, she brought the issue to the publisher, whose advice was to get along with the boss ("*umaku yatte kureyo*"), instead of arguing. After various other incidents, such as the boss' written evaluation pressuring Hashimoto to quit, she was asked to resign only months later. Once Hashimoto refused to quit, she was almost demoted and then sent to another department (Roberts 2014). The physical effects on Hashimoto included worsening insomnia and the stress over what others thought of her (Roberts 2014). As can be seen, the issue of power harassment took a toll on Hashimoto and was not easily resolved, if at all. I will next discuss the ways in which power harassment is being responded to by activists movements, as well as the progress that these groups are making.

BATTLING PAWA-HARA

In response to *pawa-hara*, there are various actions taking place to combat these grievances. First, many, like the one discussed, have been brought to court and labor tribunals. In the next example, I will include a case study in which *pawa-hara* impacted a man. This is to show that this has negative effect on all workers in society and that there are many reasons for the amount of uproar against it. I also do this because most of the case studies I found during the research stage relating to power harassment involved male victims. I believe that although there are more women who are affected by power harassment than men, men's stories are the first to be addressed and thus there may be more information on men's issues than women's.

In November 2014, the Tokyo District court gave 58 million yen to family members of a twenty-four-year-old male employee who had committed suicide (HSF 2014). The employee worked as a shop manager for the fast-food chain "Suteki no Kuishinbo." His parents filed a claim against the operating company, Sun Challenge. During his time at work, the employee was called "useless" and an "idiot" by his supervisor, smacked with a rice paddle, requested his attendance to non-work related entertainment outings, and assigned work orders during his rest days (HSF 2014). His days off totaled two days out of the six months before his death (HSF 2014). Although the manager had a high title at his workplace, he was treated as an errand boy. The sum of the restitution was awarded because the employee was found to have suffered from overwork and power harassment during his job (HSF 2014). The court revealed that the shop manager had worked over 12.5 hours a day for two years and nine months before

his death (HSF 2014). This lawsuit, paired with other lawsuits around the same nature, are leading to a growing awareness of the negative impact that *pawa-hara* has on society.

Consequently, there is an upward trend in terms of the number of restitutions given to bereaved families and employees that suffer from power harassment as well as the monetary amount being given (HSF 2014). In January 2014, the Nagoya District Court ordered a company and the company's president to give 54 million yen to an employee's family for claims involving violence and resignation by the employee due to coercion, linked to power harassment (HSF 2014). This suggests there are increased positive outcomes to those who are publicly addressing these issues.

Additionally, activists like Okada have been working towards power harassment alleviation for years. Okada has organized several important groups to address this issue. The first is the hotline discussed briefly earlier, known as the Power Harassment Hotline, that hears out complaints and helps give out relevant information to victims. The next is the "*pawa-hara* study group" that looks into the diverse ways that the discrimination is being played out in Japan. Although these are only a few examples of the group efforts occurring, there are many others that have made great strides in the past few years.

As the JILIPT survey shows, greater progress has been made in anti-harassment measures for the organizations when they have trade unions (Naito 2013). Trade unions can work jointly with companies to achieve goals, or can work independently. The Gunze Trade Union, for instance, has been taking measures to stop power harassment (Naito 2013). This includes actions such as: conducting a biennial survey of member

satisfaction and includes questions regarding power harassment, creating a harassment helpline at each local office, and including prevention of harassment as one of the training topics for union executives (Naito 2013).

In the aforementioned case concerning Hashimoto, the first outside source that she went to in addressing the issue was the Tokyo Women's Union (Roberts 2014). Hashimoto had first heard of the union through other female sources she knew who had sought out the union before, because of their own issues in the workplace (Roberts 2014). In Hashimoto's case, the union was a vital resource in providing the necessary information regarding steps that she should take and the workplace respect that she was entitled to.

There are also a few private organizations in Japan that function as resources against workplace bullying. The Association Against Workplace Moral Harassment (*Shokuba no moraru harasumento o nakusu kai*), was founded in Osaka by a group of victims of workplace moral harassment (Naito 2013). They created the group to help others like them by providing public information on the issue, supporting victims, helping to identify the situation at large, and providing telephone consultation services (Naito 2013). Another such organization is the Bullying/Mental Health Worker Support Center (*Ijime mentaruherusu rōdō-sha shien sentā*). It was created in October 2010 by founder, Shigeru Chiba, who worked for many years on issues in Tokyo Managers' Union (Naito 2013). The tasks that this center does include: (1) listening to workers' complaints and giving advice, (2) helping workers who have been wronged due to reasons like *pawa-hara* through claiming industrial injury compensations or filing actions, (3) providing workers with learning and training programs against workplace

bullying and mental health care, (4) providing similar information to workplace administrators, and (5) data collection and analysis and drafting guidelines and policy proposals for the government (Naito 2013). The groups are actively working towards creating a more gender equal workplace through these various routes, thereby engaging in a positive way. Next I will discuss the helpfulness of these groups showing the progress made in this field.

OUTCOMES OF PAWA-HARA RESISTANCE

Thus it seems that the work being done to combat power harassment in the Japanese workplace via group activity done by labor and trade unions, study and support groups, hotlines, individual lawsuits, and organizations, are leading to a positive societal change towards a more equal workplace for women and men. Injustices caused by power harassment in the Japanese workplace are increasingly being addressed and are being brought to the forefront of discussions in Japan.

Since power harassment is still a relatively vague concept, it is important to lessen the ambiguity surrounding the term and actions that constitute it. As a result of the movements taking place, the goal of educating employees seems to be working. In the fiscal year of 2014, the number of consultations on *pawa-hara* rose from 5.1 percent from the previous year (JJI 2015). This number reached a record of 62,191 cases, where most of the complaints revolved around verbal assault and ignorance by the boss (JJI 2015). The rise of consultations means that more workers are being able to address the issue at hand and may even be targeting the root of the problem.

Amid the rise of the anti-power harassment movement, the Ministry of Health, Labor and Welfare took note of the importance of the issue, and subsequently made changes to its own agenda. The Ministry now engages in policy platforms and educative programs, such as various publications and nationwide seminars (Roberts 2014). This sector, thus, has also been integral in seeking change for individuals and businesses struggling with power harassment.

Because power structure is so deeply engrained in Japanese culture, power harassment seems to be one of the larger obstacles facing society in terms of discriminatory practices. Although power harassment previously took on a different role in the workplace, now that the term has been addressed by the government and outside activist groups alike, real progress seems to be changing the workplace. In the following chapter, age harassment and the surrounding issues will be discussed.

CHAPTER THREE: AGE HARASSMENT — “*EIJI-HARA*”

Alongside the Japanese hierarchical social structure discussed above, which features seniority as an attribute, the employment system also struggles with the concept of “*eiji harasumento*,” or age harassment. The term itself refers to the Japanese workplace preference in choosing a certain age of worker over another. Typically, this manifests itself in the choice of younger people over older people, (especially younger women over older women). It is also referred to as “*shiruba-hara*” meaning silver harassment, as in a more aged, silver-haired generation. Usually, this can be seen in job hires, or in the type of desirable relations. It is sometimes defined broadly as the type of emotional distress that occurs in people that are above a certain age.

The systemic problem is based on earlier ages in Japan, when the economy was rapidly growing after World War II. In order to maintain the pyramid-shaped structure of the workforce, lifetime employment and seniority-based wages were created (Shimizu 2002). This drew workers into companies and monetarily incentivized the benefits of staying in the business as long as possible. Now that the Japanese economy has been stagnating, and perhaps due to factors such as globalization and increased need for technological capabilities, the older workers are being cast aside for intelligent, young, jobless individuals. As discussed in the Chapter One, it is also less costly to hire these contract employees as opposed to regular workers. Companies thus are expanding their early retirement plans that offer higher payouts and lower eligible ages, which is not always seen as a positive development (Shimizu 2002). It is also why pressure to quit for older workers has become so prevalent.

Although discrimination is not allowed on the basis of gender, disability, nationality, ethnicity, or social status, there are relatively large exceptions around age. For instance, companies' human resources departments are allowed to recruit individuals under an applicable mandatory retirement age, or they may specifically recruit younger workers for long-term development. There are two main forms of age discriminatory practices: 1) due to an specified age limit on a job application, an applicant with an age that is older than specified will not be selected, and 2) employment is denied due to age, even though a certain age group is not specified (Okamoto and Ootsuki 2002). Age can be an indicator in Japan of where one should be in their career, how far they have to go until they reach their peak, and how long until the person will retire. One study concluded that age discrimination, in effect, leads to gender discrimination (Okamoto and Ootsuki 2002). This is because although men and women both face age discrimination, women are more affected by it, and therefore it also continues to enforce workplace gender discrimination (Okamoto and Ootsuki 2002).

Moreover, the blog-writer who featured only her first name, Akiko, in an online Japanese culture and travel guide, *Japan Talk*, article notes, "It's well known that women in Japan face a greater degree of age discrimination. For women, age discrimination begins to set in around age thirty, for men it sets in around age thirty-five" (2014) This is perhaps due to societal expectations of women and men of a certain age, and may have to do with the childrearing age for women. Therefore, this could also have elements of maternity harassment intertwined in it too. When women are laid off or are looking for a new job, they may find the lack of desire for their age group

frustrating and give up trying altogether. This also adds to the reason why women may opt for temporary working positions. In a survey conducted in 2001, 30 percent of women who lived in a big city said that they had experienced age discrimination in the workplace or in job hunting (Okamoto and Ootsuki 2002). Had the survey only been for job hunting, the proportion was expected to be even higher. Age limits criterion on job applications was of large concern for these women.

Akiko also notes that there is truth to the idea behind the impossibility of finding a job in Japan after the age of forty. This is because by the age of thirty, Japanese workers are expected to have a network of professionals whom they have bonded with and can turn to for help in finding a job, if need be (2014). Also, the expectation for lifetime employment is thirty-five years of work (Akiko 2014). In Japan, job listings tend to specify an age range. For instance, it may say “workers between 20-35 years old needed.” This is to weed out workers who are not seen as having potential to be of use to the company otherwise. Akiko recognizes that recruiting agencies in particular are prone to publicly discriminating against older workers. Perhaps this is because recruiting agencies have stricter guidelines for the type of worker they are looking to hire.

Notwithstanding the difficulty that older job-hunters face in Japan, the employment system in Japan may also be of issue for younger workers. Because Japanese firms tend to hold employees for their lifetimes, younger job-hunters may be rejected on the grounds of protecting the current employees and maintaining the status quo (Shimizu 2002). Therefore, this holds younger job seekers back from certain positions. This is also very applicable as to the reason why women are more affected by

age harassment. Because of the structural component of the Japanese workplace, there are more men currently in higher-ranking positions, with tenure and seniority, and therefore younger workers, like women entering the workforce, may find it difficult to be placed into a job because of this.

In addressing these issues surrounding age harassment, Japan uses the “employment policy approach” method as an instrument in support of individuals’ different attributes (Sakuraba 2007). This method is used in cases of discrimination on the basis of disability, age, and amount of hours worked (such as part-time). However, it does not always take on the best approach, because it only provides protection against arbitrary discrimination. This type of framework can be seen in instances where subsidies are paid to employers who hire elderly workers, yet there are no comprehensive age discrimination laws (Sakuraba 2007). Because sex discrimination laws have evolved from the employment policy approach into the “human rights approach” (which takes on a much more strictly prohibited distinction), there is a possibility for age harassment to also reach this level (Sakuraba 2007).

A well-known event in 2010 demonstrates this type of age discrimination: a senior retail manager of Prada Japan, Rina Bovrisse, filed a case against her employer for discrimination based on her age and her appearance. At the time, Bovrisse was thirty-six years old, had years of experience working in the fashion industry, and was in charge of around five-hundred employees. The lawsuit arose after the Senior Human Resources Manager of the Italian company, Takahashi Hiroyuki, told Bovrisse that in order to represent the fashion company, she needed to lose weight. To make an example of this issue, Hiroyuki also transferred thirty managers and shop assistants deemed “old,

fat, and ugly” to remote locations (Assmann 2014). The court ruled against Bovrisse, arguing that her employer was justified in requesting that she improve her appearance, due to her position in the fashion industry. The two-year trial with the Tokyo District Court thus ended in 2012 (Assmann 2014), displaying little progress towards justice for this incident.

A commercial July 2015 television drama, *Eiji harasumento*, has promoted awareness of the issue and shows the growing number of women holding management positions in corporate Japan. The plot focuses on the young female protagonist, Emiri Yoshii, who dreams of becoming an executive in a company and begins working at a trading company in the general affairs department, as a step toward achieving her dream of becoming a corporate executive. While working, she soon finds her senior female coworkers scorn her for her youth and attractiveness while her male colleagues do not give her serious work and instead only use her for trivial tasks, such as entertaining clients. Although it risks reducing an important social problem to the level of individual jealousies, the drama shows that harassment is a prevalent fear among workers and is perpetrated by women as well as men. This show is one way in which the Japanese public is addressing the issue of age harassment. Next, I will discuss more ways in which activists groups are making a difference.

GROUPS RISING UP AGAINST AGE HARASSMENT

As with *pawa-hara*, age harassment continues to be of increasing importance to the Japanese community. Hatarakizakari-no Kai, a Kanagawa Prefecture-based civic group was created for people in their prime working years (Shimizu 2002). The founder of the group, Nobuyuki Kanematsu, began his fight against age harassment in 1998, when he found it difficult to apply for some positions due to his age (Shimizu 2002). Kanematsu believes that it is an issue for the entire workforce because it restricts people who otherwise would be working (Shimizu 2002). In this way, it seems to be both an economic issue as well as an individual rights issue at stake.

Additionally, Kanematsu founded the group known as the Association Against Ageism. This group works towards combatting the disrespect elderly people receive in Japan (Kabayashi 2004). As Kanematsu states, “Companies tend to think people in that age group are stubborn, inflexible, weak, and forgetful. Regardless of age, there are capable people” (Kabayashi 2004). He believes that in the last few years, the situation has become increasingly worse. In terms of the workplace, Kanematsu sees the discrimination in the discomfort of Japanese society members with younger bosses having older subordinates (Kabayashi 2004). This, he points out, is the cause of elderly homelessness and elderly people without money (Kabayashi 2004). Here, the reversal of power dynamic where the boss is younger than the worker seems to cause stress for some of the older workers.

Numerous groups have been working especially alongside the Japanese homeless population, where large sums were former workers (Kasai 2013). This could

be due to the inability to find work after being forced out for age-related reasons. Some of these groups include Aun, the Asia Worker's Network, as well as the volunteer support group, *Shijuku Renraku Kai* (Kasai 2013). By honing in on one group faction, especially as one with such little individual mobility as homeless, progress can mean great improvements in social welfare.

In addition to the court case that involved Bovrisse, age harassment is being challenged judicially in other instances as well. Back in 2000, three employees at IBM Japan filed a lawsuit against the company for a program targeted at employees aged fifty-five and older (Tolbert 2000). These three employees (alongside the others) were forced to quit and take lower-ranking jobs with less than half of the pay. Shuyo Ito, one of the plaintiffs, was shocked by the move, and complained that he was then forced to do work of a part-time worker, when he had been working at the company for thirty-four years (Tolbert 2000). These three workers believed they had been unfairly targeted based on their age and were attempting to seek justice through the judicial system.

Being that this case is over fifteen years old, it shows just how prevalent this issue has been and how there is still much progress to be made. Arguably, even though there is only a small sum of evidence leaning towards the changing work environment towards the elderly, the increased presence of these activist groups and movements is adding to the overall awareness of the issue in Japan. If nothing else, it shows society that this is an issue of one faction of the Japanese society. In the next chapter, I will discuss another prevalent form of harassment in the Japanese workplace: *seku-hara*.

CHAPTER FOUR: SEXUAL HARASSMENT “SEKU-HARA”

Although the term has changed through the decades, *seku-hara*, or “sexual harassment” has been maintained as a sizeable issue in Japan, especially in the workplace. The term had no legal definition until the 1990s (Huen 2007). Before this time, the act was thought of as an issue between individuals, instead of a societal problem. It was first given the name “*seiteki iyagarese*,” meaning “sexual unpleasantness,” as seen in the Fukuoka District Court Case that will be discussed below. *Seku-hara* can be defined as unwelcome behavior that makes another person, or multiple people, feel uncomfortable. It’s important to note that sexual harassment affects both women and men, both inside and outside of the workplace. However, here the focus is on women because predictably this happens overwhelmingly more so to women in Japan than men.

In 1989, two investigations that were put on in Japan that showed just how prevalent sexual harassment was. The first was a one-day hotline put on by a female lawyers’ organization called Tokyo Second Bar Associate (*Dainitōkyōbengoshikai*), which accepted phone calls from women who had experienced sexual harassment during work. There were 138 calls received that day (Huen 2007). The second study was a survey of over 6,500 Japanese women on sexual harassment, where the prevalence of the form of harassment was found to be high again (Huen 2007). Through these two investigations, the ways in which sexual harassment occurs was beginning to be uncovered.

Without a doubt, the issue of sexual harassment in the workplace is still widespread. In a February 2016 national governmental study, it was found that almost a third of working women reported being sexually harassed on the job (*New York Times* 2016). The study was the first of its kind in Japan and took responses from over 9,6000 women. The most common form of harassment was making the woman's appearance or age the focus of the conversation (54%); next was unwanted touching (40%), sexually related questions (38%), and being asked out for meals or dates (27%) (*New York Times* 2016). The categories that are included show that sexual harassment can take on many different forms.

This predominance of *seku-hara* can be seen in such instances as the commonality of sexual jokes in the Japanese workplace. Sexual harassment violates individual rights, personal integrity, and autonomy (*Japan Today* 2009). It affects the victim, the victim's family, coworkers, and the company (*Japan Today* 2009). From sexual harassment abuses, the stress incurred can lead to employees taking off work time for sickness, or seeing no alternative, and resigning (*Japan Today* 2009). With the reduction in workers and morale, less efficiency is experienced at work, and thus financial consequences come about as well (*Japan Today* 2009). Women with the lowest social status are the least able to reject advances made at them to speak out (Huen 2007). Therefore, it can occur on an employment hierarchical basis, similar to *pawa-hara*.

A well-known 1990s *seku-hara* court case in Fukuoka, a city on the southern island of Kyushu, involved a female writer, Mayumi Haruno, who worked at a small publishing company (Shinohara and Uggem 2009). The claim was made against the

male editor, who was accused of spreading false rumors about the sexual promiscuity of the plaintiff. Under the equality and human dignity provisions of the Japanese Constitution, and Articles 709 and 715 of the Civil Code, the plaintiff sought retribution. The decision was made on April 16, 1992 by the Fukuoka District Court, where the verdict was that the plaintiff's interest in maintaining her reputation had been jeopardized and the working environment had been made hostile (Huen 2007). The harasser and the employer were fined 1.650 yen (approximately \$15,700 at the time) (Shinohara and Uggem 2009). Thanks to media attention of Fukuoka Court's decision, news of sexual harassment spread throughout Japan. It was important because it was one of the first of its kind and proved that victims of sexual harassment could be assisted by the judicial system.

Thereafter, news surrounding sexual harassment spread rapidly around Japan. In 1979, American feminist and scholar, Catharine MacKinnon wrote the ground-breaking book, *Sexual Harassment of Working Women*, which addressed the issue of sexual harassment as a social institution and became well known in Japan. In 1990, ten books on sexual harassment were written, which ranged from educating the public on what sexual harassment was to "how not to get caught" guidebooks for male coworkers (Huen 2007). This particular example demonstrates how even with the rising awareness of the issue, loopholes were also sought out. With this overall cognizance came governmental change. In 2005, the Japanese Ministry of Health, Labor, and Welfare released a statement that reaffirmed sexual harassment as a legitimate labor issue (Shinohara and Uggem 2009).

Nevertheless, an incident occurred in June 2014 during a Tokyo Metropolitan Assembly that led to media attention surrounding sexual harassment. During this event, female speaker for Your Party, a new political party founded in 2009 by a former member of the LDP, Shiomura Ayaka, was publically criticized, while posing questions to Tokyo Governor, Masuzoe Yōichi about women's issues like infertility treatment. The verbal abuse towards Shiomura included statements such as "Why don't you get married first?" and "What's the matter, are you barren?" (Jun 2014). The speakers were members of the LDP. This harassment is not uncommon in Japanese politics, as more than 50 percent of local assemblywomen responded to a survey in 2016 by Kyodo News that said they had been sexually harassed while on duty (Osumi 2015). How prominent members of the community spoke to Shiomura demonstrates the pervasiveness of the mistreatment of women in the workplace, as well as how they are judged by their actions in their job and outside of it. It also speaks to the LDP's general disregard for issues facing women.

Nonetheless, strides are being made towards a more just and equal workplace for women in terms of preventing sexual harassment. In February 2015, the Japanese Supreme Court upheld a sexual harassment ruling, known as the "Osaka Aquarium Sexual Harassment Case." This highly debated case in the court shows how even in the Japanese judicial system, the bounds of sexual harassment are contested. Although the aquarium, a government-owned corporation, had well-defined rules against sexual harassment in the workplace, there were two middle managers in the sales and service teams who disregarded these procedures. Over the course of the year, they targeted a younger female employee and engaged in inappropriate conversation. For instance, one

of the managers discussed “topics such as his extramarital relations, his mistress’s relationship with her husband, and his own sexual interest in a female visitor to the Aquarium” (Jones 2015). The other commented on the woman’s age and the necessity for her to marry soon, suggesting she take on a night job (a.k.a. prostitution) to make more money (Jones 2015). In December 2011, the female employee filed a notice of the harassment and resigned from her position. Upon review, the aquarium gave the two managers “*shukkin teishi*,” or suspension without pay. Thereafter, both managers were demoted and their monthly salaries were cut.

Although the male managers filed suit against the company, the Osaka District Court declared that both men had ample opportunity to defend themselves during the company investigations and therefore backed the ruling. The men argued that their remarks towards the woman were meant to “lighten things up” at the workplace and were harmless (Kazue 2015). During the appeal hearing, the Osaka High Court ruled “abuse of rights” by the employer for the extremity of the punishment (Jones 2015). The Supreme Court then took on the case thereafter, and decided to uphold the original verdict, reasoning that the unsuitable actions of the men harmed the working environment and was a likely cause of failed workplace capabilities (Jones 2015). This is one way in which groups were showing to make a change in workplace conditions.

THE WAVE OF CHANGE FOR SEXUAL HARASSMENT

The ruling of the Osaka Aquarium Case may be a sign that the Japanese judicial system is beginning to lay down the law when it comes to harassment in the workplace (Jones 2015). Typically in Japan, the employer is faced with the burden in court of proving the suitability of the punishment. Therefore, justifications for actions taken, such as suspension of workers without pay or demotions, are usually only for workers who have repeatedly broken rules, and the first time warrants a warning. In this case, the court issued a stricter ruling for verbal abuses, instead of only against physical forms of sexual harassment (Jones 2015).

Grassroots women's organizations have been attempting to bring to light the importance of addressing the issue of *seku-hara*, and have promoted public debate in doing so (Huen 2007). As *seku-hara* gained media attention, support groups began springing up, to help working women with these issues. Projects like the surveys conducted by the Alliance of Feminist Representatives (*Zenkoku feminisuto giin renmei kiyaku*), are examples of this type of movement. AFER is a national group of female politicians, who advocate for gender quotas to be instated for elected officials (Osumi 2015). Their efforts include polling, surveying, and brochure creation. Group members hope that they can spread awareness of sexual harassment and discrimination against women, which will be translated into human rights training for government officials (Osumi 2015). This awareness is also translated to the public to elect responsible representatives.

It seems that these grassroots movements have prompted a wave of social justice reforms and a greater consciousness of the issue. Statistically, younger workers report more harassment than older workers, although they have shorter work histories (Shinohara and Uggen 2009). I argue that one of the reasons for this is not necessarily because younger workers experience more sexual harassment, but because this group is more aware of their rights and how they can actively work towards transformation of the system. Another reason seems to be that they have come of age in a changed social climate for women, with a greater acceptance for speaking out about experiences. When regulatory policies exist, harassment complaints are more common (Shinohara and Uggen 2009). This seems to signal the changing work environment that will soon become commonplace.

Overall, based on my research, I think that *seku-hara* is one of the most and rapidly changing fields of discrimination in Japan because of the increase in awareness. Women, who have been harmed by acts of *seku-hara* and once found it difficult to speak out against this problem due to the societal pressures to maintain order at the risk of suffering shame from breaking the social harmony, are now acting courageously towards the betterment of society and speaking out against wrongdoings. In the next section, I will discuss a form of harassment that is related to *seku-hara*, known as *mata-hara*.

CHAPTER FIVE: MATERNITY HARASSMENT — “*MATA-HARA*”

The word “*mata-hara*” in Japanese is an abbreviation of the two words: maternity (*mataniti*) and harassment (*harasumento*). It is described as the unfair treatment inflicted upon female workers who become pregnant, give birth to children, or who practice childcare. It is important to note that this applies solely to women. Later I will discuss maternity issues facing fathers, known as *pata-hara*. *Mata-hara* has resulted in demotions, pay cuts, employment suspension, employment termination, and pressure to involuntarily quit. From the stress of *mata-hara*, pregnancy troubles, such as miscarriages and premature births, can occur. In this way, physical, social, and economic harm is done by acts of *mata-hara*. The term can be thought of as containing elements of both *seku-hara* (sexual harassment) and *pawa-hara* (power harassment).

Although it is illegal to be fired because of pregnancy, it is not unheard of in Japan. In fact, a survey conducted in October 2015 by Japanese trade unions found that one in four young working mothers has experienced maternity harassment (Cox 2015). A landmark *mata-hara* lawsuit was settled in Japan in 2015, where a woman who chose to remain anonymous filed suit against a Hiroshima Central Health Cooperative hospital. The compensation asked for by the woman was 1.7 million yen (around \$15,661), plus legal costs (Tomisawa and Ando 2014). The plaintiff worked as a rehabilitation therapist for sixteen years, in which six years prior she had received the title of “*fuku-shunin*” or the deputy senior staff. When she was pregnant with her second child, she requested a less demanding work schedule, which was granted. Under Article 65.3 of the Labor Standards Act, this request is well within her rights. Yet, after taking time for

maternity leave and returning to work, the employer also removed her higher status role and the additional pay that came with it, even after she returned to her position (Okunuki 2014).

Discouraged, the woman discovered information about *mata-hara* on the Internet, and thereafter decided to sue because she knew the illegality of the situation (Cox 2015). There were various other claims filed against the Hiroshima Central Health Cooperative, including gender discrimination and violations of Article 9.3 of the Equal Employment Opportunity Act and Article 10 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (*Ikuji kyūgyō kaigo kyūgyō-tō ikuji matawa kazoku kaigo o okonau rōdō-sha no fukushi ni kansuru hōritsu*) (Okunuki 2014). The case drew much media attention throughout Japan and was dubbed “the *Mata-hara* Lawsuit” (*Matahara soshō*) (Tsuchiya 2015). The woman who filed the case even said that she never thought of it as harassment until it first came up in court. She agreed with the word choice of “harassment” because the experience was so painful. Her lawyer, Nami Shimonaka, said in an interview with PRI, “I thought it was a straightforward case, a simple violation of labor law. A case we could not lose” (Cox 2015).

However, on February 23, 2012, the Hiroshima District court rejected the claim outright, as did the Hiroshima High Court on July 19, 2012 (Okunuki 2014). They argued that, “the measure was taken within the legitimate realm of discretion by the employer/defendant based on personnel placement needs, administration and work duties after a request by the plaintiff for a switch to less demanding work due to her pregnancy, while the plaintiff never objected to the shift to a lighter workload”

(Okunuki 2014). They claimed that there was insufficient proof that discrimination had taken place. This was alongside the company cooperative official, Maskaki Ohno's claim, that the removal of the title was unrelated to the pregnancy. They argued that there was someone of a similar managerial position on the team that the plaintiff returned to. In this way, the labor union, the district courts, and the courts of appeals all ruled against the woman, and a positive outcome was beginning to look bleak.

Upon appeal, the Supreme Court took up the case, overturning both lower court verdicts, and sent the case back down to the high court to be altered. Their reasoning was grounded in the ultimate violation of the Equal Employment Opportunity Act. This was a huge success for Japanese businesswomen, who may have felt the looming fear of demotion if considering pregnancy.

In a different case, a woman named Sayaka Osakabe faced *mata-hara* while working as a contract editor for a newspaper in Japan, and decided to sue in 2014. Due to terms of her settlement, Osakabe is not allowed to release the name of the company or those of any individuals involved in the case. In her former position, she was the leader of a large project and regularly worked overtime, even after she became pregnant. The stress took a toll on her body, however, and she had a miscarriage. When she asked her boss if she could reduce her workload, he told her to put off pregnancy for two to three years to focus on work. During her second pregnancy, her doctor advised taking a week off work to rest, to avoid another miscarriage. After the incident, her boss inquired as to if she and her husband were still having sex. Here, the intersection of maternity harassment and sexual harassment is clear. When she asked her boss about the time off, he visited her at her home and took four hours in an attempt to pressure her

into quitting. Osakabe then returned to work and soon after she had another miscarriage (Iwasaki 2015). Japanese laws guarantee women the right to seek less physically demanding roles during pregnancy. They also guarantee fourteen weeks of maternity leave surrounding childbirth and allow for childcare leave, which can be used by either parent until their child's first birthday and can be extended in some cases. (Tomisawa and Ando 2015).

The entire situation was anxiety-driven. Some of the things said to Osakabe in the process were very upsetting. Osakabe says she was “torn apart by that ordeal” and “felt my absence had put an extra burden on my colleagues. To add insult to injury, my bosses spoke harshly to me. It hurt” (Iwasaki 2015). These statements from her boss and a human resource representative surround her selfishness for wanting both a family and a career, as well it being her own fault for having the miscarriage (Tsuchiya 2015). The director of human resources said that if she wanted to work, she should forget about motherhood (Iwasaki 2015).

After leaving the company, Osakabe took the dispute to a labor tribunal, which settled the case in her favor, through a mediation plan (Tsuchiya 2015). Osakabe was able to channel all of her frustrations of her plight in a positive way, vowing to never let another woman go through this same devastation again (Tsuchiya 2015). In July 2014, she founded the Non-Profit Organization, Matahara Net. In fact, she is credited for making *mata-hara* into a buzzword in Japan in 2014 (Tokyo Embassy 2015). Matahara Net was created both to support women who have experienced or may experience maternity harassment and to advocate for better workplace conditions. Osakabe attributes *mata-hara* to two main reasons: the first is the traditional gender roles that

have divided expectations of women and men, barring women from taking on work positions. The other is the long work hours, which statistically leads to more maternity harassment due to the demanding workload on one's mind and body (Tsuchiya 2015).

While recognizing the difficulty in exercising employees' rights in the Japanese work culture, she noticed that many women would rather quit than speak out because of the stigma attached to voicing public opinions. She remarked, "Rather than focusing on a small portion of elite women who are top managers, I'd like them to start by dealing with problems affecting women like us at the bottom" (Tomisawa and Ando 2014). Through Matahara Net, Osakabe wants to help create a stronger balance between work and home life (Iwasaki 2015).

To do so, the group offers a wide array of services including giving advice to women who have experienced *mata-hara*, researching businesses that are known to have issues with *mata-hara* and educating them on the matter, and revising laws by means of sending petitions to politicians and organizing press conferences (Tsuchiya 2015). In this way, the group is looking to hold these companies more accountable and do so through the legislative power of the government. The group has already seen their positive influence affecting laws. In just eighteen months, they were able to revise to major Japanese laws surrounding these issues.

In order to show the types of *mata-hara* issues that are occurring across Japan, Osakabe produced a report based on a survey of roughly two hundred women who have experienced harassment. Of those reported, over 80 percent of women's complaints were ignored (Matahara Net 2015). In this report, one woman was fired after her boss said that her place was in the home. Another woman asked to be excused from late

night overtime work and was called “selfish” (Iwasaki 2015). Osakabe is planning on compiling these stories into a book so that she can spread awareness (Stewart 2015).

This type of work is drawing mass media attention to *mata-hara* across the nation as well as worldwide. Osakabe was one of ten recipients of the U.S. State Department’s 2015 International Women of Courage Award. 2015 was the first year that the award was given to a person from a G8 country, where most of the recipients usually come from developing regions (Tsuchiya 2015). This award has been given every year by the U.S. State Department since 2007. Its main purpose is in honoring “women around the globe who have exemplified exceptional courage and leadership in advocating for human rights, women’s equality, and social progress, often at great personal risk” (U.S. Department of State).

For Osakabe, winning this award is somewhat of a shock because she has faced criticism from the Japanese public for so long. She is quoted as saying, “People from all over Japan were bashing me when I started Matahara Net. It’s a bit ironic that I’m being recognized for my work outside of my own country” (Tsuchiya 2015). Before Osakabe became the face of Matahara Net, and instead was known only by her case against her former employer, she suffered harsh public criticism. Some people commented that, “she’s just interested in helping herself,” or “she’s probably just a useless woman who was about to get fired anyway” (Tsuchiya 2015).

One of the biggest obstacles combatting *mata-hara* seems to be community backlash. Okunuki writes, “What shocked me, however, was that women around the country, far from applauding the verdict, are frothing at the mouth to attack the victim” (2015). She collected some comments from Internet chat rooms and television programs

in which there was outrage against the woman involved in *mata-hara* cases. These included things like resentment for causing her fellow employees to take up her slack, and deserving to be demoted for asking for a lighter workload.

The unnamed plaintiff herself was especially shocked by the online comments. In an interview with PRI the plaintiff said, “It wasn’t just my work colleagues, but society in general, too—they all made me suffer” (Cox 2015). This backlash proves that harassment is rampant in the society, as even post-trauma, she was still experiencing backlash. She even says that knowing what she would be put through, she probably would not have gone back and done it again (Cox 2015). However, the plaintiff does recognize the importance in paving the way for a new course for women’s rights in the workplace (Cox 2015). It seems here that although it put a great deal of pressure on the individual women who were bringing this issue to light, their courageous efforts are creating much-needed change in the workplace.

POSITIVE CHANGE FOR MATA-HARA

In addition to efforts by grassroots organizations like Matahara Net, progress in preventing the realm of maternity harassment seems to be gaining strength in the governmental and civil society sector as well. The Japanese government of Japan gave an official notice in January 2015 that dismissals and demotions of pregnant women are illegal (Tokyo Embassy 2015). Additionally, in Abe's policy to the 190th Session of the Diet on January 22, 2016, he included in his speech a statement about maternity harassment.

We will accelerate the creation of a society in which women are able to be dynamically engaged. We will mandate that business operators institute measures to prevent so-called "maternity harassment," or harassment from superiors or coworkers for reasons such as pregnancy, childbirth, or childcare leave. We will also establish new subsidies for business operators that actively urge men to take childcare leave (Japan Cabinet Public Relations 2016).

This shows big strides in the recognition of maternity harassment, as it is now a public policy issue. In this speech, Abe addresses the issue of maternity harassment and calls for prevention. Here, he also shows how it does not only need to be an issue of making things right with women, but also deals with the men being actively involved in the equalizing process as well. This also is very telling of the changing nature of Abe's administrative leanings, since he has often been criticized for his lack of women's advancement. These groups are showing that through their actions, they can help to change public policy.

The government is also acting instrumentally in bringing about change through working with private-sector groups. In early 2014, nineteen women were selected by the government to discuss these issues in a management-training format. These discussions included lectures from high-ranking female advocates, such as Yukaka Uchinaga, the CEO of IBM Japan. After this convention, the women created a report on the needs of working women in the government (Stewart 2015). This was well regarded by readers and a senior cabinet official even asked that the government ministry propose plans to make the idea a reality.

Taking on a rather different viewpoint is the senior manager for Women's Empowerment at Keidanren (Japan Business Federation), Naoko Ogawa.⁷ She believes that the current issue surrounding women in business is now purely ideological (Fish 2015). She thinks that the remaining problems cannot be solved by legal systems, and there instead needs to be a change in the mindsets of people and in culture (Fish 2015). In an interview, Ogawa said, "What has yet to be done is to address issues related not only to women, but to all people. This includes reforming work style to shorten work hours and find appropriate ways to share burdens in terms of housework and raising children" (Fish 2015). Here, she discusses some of the systemic ways in which she believes the Japanese work-life balance should be improved. She also thinks that Japan can only reach its goal when "womenomics" becomes "humanomics" and "everybody considers his or her own business" (Fish 2015).

⁷ The three major economic organizations in Japan today are: *Keidanren* (Japan Business Federation), Japan Chambers of Commerce and Industry, and the Japan Committee for Economic Development.

PATERNITY HARASSMENT — “PATA-HARA”

A new form of employment harassment, “*pata-hara*,” has emerged from the male side of the work and childcare realm divide. The term is the shortened variation of “paternity harassment” which is classified as the harassment upon working fathers by their employers. These men report being barred from taking childcare leave or are subjected to forms of harassment simply for applying (Otake 2014). The Japan Trade Union Confederation recently released a survey in which one out of ten men said they had experienced *pata-hara* (Otake 2014). Also, 10.8 percent of respondents reported that they had witnessed their colleagues being subjected to *pata-hara* (Otake 2014).

Similar to the concept of *ikumen*, there is an up-and-coming term called “*ikuboss*” that is used to describe companies and individuals that serve as role models in the promotion of a work environment where men can play active roles in childcare while working. Two important awards, the “Ikumen Enterprise Award” and the “Ikuboss Award” recognize exemplary people who have been integral in the movement. To give an example of the ways in which *ikubosses* are being recognized, the Department Manager of the Development for the Daiei Inc., Hideki Ito, won the “Ikuboss Award 2015 Special Encouragement Award.” This honor is an extension of the “Ikuboss Award.” His distinctions include actions such as promoting initiatives to improve operational efficiency, acting as a role model for junior staff by taking his own childcare leave, leveraging consumer perspectives through his own childcare experience (Aeon 2015).

IN SUPPORT OF MATA-HARA

Overall, it seems that *mata-hara* is taking a large roll in contemporary harassment issues in Japan. This is justifiable because, as the court cases have shown, this is having large effects on women's work-life balance. Because men are also affected, there are new movements towards justice in the workplace for fathers as well as mothers. Activist movements have been dynamically helping to seek justice and encourage governmental actions. Based on my research, I think that awareness of *mata-hara* will continue to grow and equality movements in the future will expand momentarily.

CONCLUSION

Throughout this research process, it became apparent that these forms of discrimination are directly connected. For instance, a woman may be facing sexual harassment in the workplace due to the hierarchical social structure and the power of harassment being played out against her. If she wants to have children, she faces the concern of leaving her job and upon returning, may face employment discrimination due to her older age.

The grassroots, activists groups that have arisen in combat of these four main forms of harassment against women in the Japanese workplace have been an integral component in creating a more equal workplace for both women and men. This is mostly occurring through the spread of awareness of these issues, the assistance of individuals who have been wronged, and by working with the government to change reforms surrounding harassment.

I began the first chapter by explaining some of the historical context behind the issues at hand and the policies that have been put in place and reformed that relate to these issues. For instance, there have been societal standards that were placed on men and women that have tended to dictate decisions for the amount of time spent at work. The corporate structure has traditionally repressed women in work settings as structures like the two track system often disadvantage women. On top of this, Abe's government has received criticism for its lack of incorporation of policies that promote true advancement for women's rights. I argue that recently, women and men alike have been

tackling these issues of inequality and harassment in the workplace through different movements.

For instance, in the second chapter, I discuss the changing nature of *pawa-hara*. Here, lawsuits like Hisae Hashimoto's and the shop owner's family against the fast food chain are leading to a growing acknowledgement of the issue in the judicial system as well as a rise in the restitutions given to bereaved families. Progress is also being made through groups like the Pawa-Hara Study Group and the Power Harassment Hotline, which are helping to research power harassment and help victims and companies alike. Other important groups include the Association Against Workplace Moral Harassment, and the Bullying and Mental Health Worker Support Center. Through these various activist movements, *pawa-hara* consultations are on the rise and the MHLW has begun including power harassment educative programs into its agenda.

For age harassment, discussed in the third chapter, activist groups are attempting to help alleviate this form of discrimination for both people in their prime working years, such as the civic group Hatarakizakari-no Kai, as well as the elderly who may face disrespect, like the Association Against Ageism. Because many homeless people in Japan were once former workers and may have been thrust out of their jobs due to older age, numerous groups are working with these homeless individuals, including Aun, the Asia Worker's Network, as well as the volunteer support group Shijuku Renraku Kai. There are also cases being challenged in court in an attempt to show how detrimental age harassment can be as well as to seek justice for wrongdoings.

Likewise, sexual harassment, which is examined in the third chapter, is a prevalent offense in the Japanese workplace that is being taken down by grassroots groups. Currently, groups like the Alliance of Feminist Representatives are tackling these issues through conducting surveys and advocating for quotas for more female politicians. Court cases are becoming more commonplace where the famous Osaka Aquarium Sexual Harassment Case ruled in favor of the female plaintiff against her employer. The courts are beginning to issue stronger verdicts in terms of sexual harassment violations, which are now focusing on verbal abuses as well as physical ones. The progress being made can be seen in the increase in the number of young women reporting sexual harassment violations, which shows how these women are attempting to right these wrongs against them.

In the last chapter, the issue of activists combatting maternity harassment is discussed. Sayaka Osakabe is making huge strides towards change as she has founded the NPO Matahara Net, which gives advice to women, researches and educates businesses known to have issues, and helps to revisit laws, where in just eighteen months the group successfully helped revise major Japanese laws. She also has gained international attention, as she was one of ten to win the 2015 International Women of Courage Awards. Alongside other important judicial cases like the “Matahara Lawsuit,” the government has taken note of the importance, which can be seen in Abe’s address of the issue to the Japanese Diet in January 2016. The “*ikuboss*” movement is also trailblazing for other bosses to follow suit and create a more accessible work-life balance for men and women alike.

Similarly, Devin Stewart of the Carnegie Council has been working on tackling these issues at hand. Stewart has interviewed over one hundred people in the last year who are campaigning for change in Japan. He notes that most of those who were interviewed refer to female empowerment as a major component of societal and economic revival in Japan (Stewart 2015). Also, nearly all of the people (even those who showed signs of skepticism) recognized that there were already positive developments taking place (Stewart 2015). This seems in line with the research discussed in my argument and shows how the Japanese public is recognizing the change that is occurring.

Similarly, Ikuko Shirota of the Finance Ministry and Fuyumi Naito in the Environmental Ministry have seen significant progress in recent years. This can be understood in terms of “more sensitivity toward women, fewer dirty or sexist jokes, and more consciousness about power harassment” (Stewart 2015). Shirota believes that the tasks that were typically only done by the women of the office, such as making tea or doing paperwork, are virtually nonexistent today.

While my findings may show slight variance from overall change, I still believe that there is a great deal of truth to these statements. I attribute some of this change to the various groups that are working towards a more equal working environment for men, women, the elderly, disabled, pregnant parents, foreign-born peoples, and more. The groups that I have primarily discussed in this writing are working especially towards the equality of women in the Japanese workplace. This is because forms of harassment like power harassment, age discrimination, sexual harassment, and maternity harassment, all have a tendency toward leaving women worse off. They

include groups such as activist groups, labor unions, legal rights groups, human rights groups, NGOs, locally run organizations, and more. These groups have attempted make the voice of the repressed heard and showcase the reasons for why they have been wronged. Countless times, these movements have raised awareness of the importance of these issues in Japan and are integral in the changing work environment of the future.

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