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To the Human Rights Committee

**Parallel Report 5th periodic report of Japan under Article 40 para.  
1 (b) of the International Covenant on Civil and Political Rights**

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Working Women's Network (WWN) was established in 1995 in support of the plaintiffs in the cases against Sumitomo manufacturers on discrimination against women. Its goal is the improvement of status of working women in Japan, prohibition of indirect discrimination and the principle of equal pay for work of equal value.

We are submitting this parallel report including information on the situation of working women in Japan, as well as proposals from the Working Women's Network, regarding, in particular on Article 3: Gender Equality Principle, 5 Employment Measures, (1) Employment Situation and (2) Measures to Promote Adherence to the Equal Employment Opportunity Law in the Government Report. We hope that the report will be taken into consideration in the next examination of the Japanese Government Report.

[Article 3: Gender Equality Principle 5 Employment Measures](#)

[\(1\) Employment Situation](#)

[82. As of 2003, in Japan women accounted for approximately 40% of all people in employment and they are playing a major role in the economy and society of Japan.](#)

[83. After the Law on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment \(hereafter to be referred to as the "Equal Employment Opportunity Law"\) entered into force on April 1, 1986 followed by its amendment in 1997, companies have improved the management in conformity with the law and the law has been steadily implemented within Japanese society. For example, looking at the state of assignment, the](#)

number of companies that are "assigning both men and women to all workplaces" in all departments among all companies is now the highest.

#### Actual Employment Situation

(1) Of the total 50.07 million workers in employment in 2005, 21.43 million were women, comprising 42.8%, of which 52.5% were 'non-regular' workers. Among the total workers of age 24 or younger, over half are 'non-regular' workers.

Chart 1.

Ministry of Internal Affairs and Communication "Labour Force Survey" 2005

		Both sexes		Female		Male	
Employee		33.74 million	67.4%	10.18 million	47.5%	23.57 million	82.3%
Non-regular employee	Part-time, etc	11.20 million	22.4	8.72 million	40.7	2.47 million	8.6
	Dispatch, etc.	5.13 million	10.2	2.53 million	11.8	2.60 million	9.1
		50.07 million	100	21.43 million	100	28.64 million	100

Chart 2

Ratio of regular and non-regular employee among young workers

	regular	non-regular
Age 15-24 5.58 million (100%)	3.00 million (53.7%)	2.59 million (46.3%)
Age 25-34 13.09 million (100%)	9.74 million (74.5%)	3.34 million (25.5%)

(2) In paragraph 83, it is stated that "companies have improved the management," however, due to the new personnel systems, following new forms of indirect discrimination have been created.

#### Trading company – Kanematsu Corp.

The trading company, Kanematsu Corp., proposed a new personnel system in November 2005. The company maintained a separate pay system for men and women but introduced a career

track-based system before the legislation of the Law on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (EEOL) in 1985. The most recent change is supposed to change the track-based system to one based on job responsibility before the amended EEOL goes into effect.

The gist of the proposal is to categorize each individual employee into 5 stages according to their job responsibilities. They would also be organized into 3 job groups. Those in the lowest job responsibility is defined as those working under instruction from superiors, and most of the women will find themselves in the lowest rank, job responsibility 1 in job group I. Male employees in their second to fourth year (age 25) are also placed in the job responsibilities of the job group I, and at first glance, it seems that there is no difference in treatment between men and women. The fact, however, that the company never confirms the intention of each individual employee, and that an overwhelming number of women is assigned to one category clearly indicates indirect discrimination. Under the current track-based pay system, those in the clerical track (female) have regular pay raise until age 39, but under the new proposal, pay raise is guaranteed only up to age 27, and therefore 60% of the women over 28 will suffer a pay decrease. The decrease will be larger in particular, for those who have worked longer. The objective of the proposal seems to be to maintain pay for women at the level of those of a 25 year old male employee, how ever long they may have worked. For women to get a pay raise, they would have to transfer to job group II. For that, they require an evaluation of over AB, to successfully take an internal exam, have third grade bookkeeping and documentation skills under the Japan Chamber of Commerce standards, and achieve over 600 points on the TOEIC test. For those who have been working for many years, it is difficult, even to be qualified to take the exam.

#### Trading company – Okaya & Co.

In June 1988, Okaya Co.& Ltd categorized all its female office employees into the clerical track, and all male office workers into management track, which led to future management positions, without confirming the wishes of the individuals. The management track was overwhelmingly male, while the clerical track was all female, which indicates that this was nothing but a cover for sex discrimination.

The work of the employees at the trading company overlaps, and is not clearly distinguishable whether the employee is a woman or man. A woman taking over work that was undertaken by a male employee, or vice versa is a daily occurrence.

There were no female employees in the management track during the period of 1989 to 1995, but after I filed suit the company started accepting 1 or 2 women in the track.

The difference in pay at the time I was 58 was approximately 230,000 yen per month.

The clerical track employees earn on average 64% of those in the management track. On top of this huge pay difference, Okaya Co.& Ltd does not yet have a single female woman in its management positions. It had none even before the introduction of the career track based system.

The clerical track created with the introduction has no management position within its track.

This shows that the company has no intention of promoting women to management.

From April 2006 onwards, only fixed-term contract employees will be hired in the clerical track.

As a general rule the contract will be for 3 years, which may be renewed twice at maximum. All these workers will be women. It is a new form of indirect discrimination.

#### Trading company – Company M

Company M, a trading company, changed its career track based system, and placed everyone into the management track. Specifically, it categorized everyone into 5 job groups. The basic concept was to introduce a multiple aspect system, which gives consideration to, transfers and trains each employee according to his/her intent and personality.

Although men and women were now in the same track, this was in name only, and the situation had not changed. Most women (clerical) were categorized in business support group Course B. They would be eligible for a regular pay raise for 4 years after starting to work, but their pay would be the same after the 4<sup>th</sup> year until retirement (for the next 37 years), and they were excluded from promotion.

The business support group and the staff group were separated into a Course A, in which there was a possibility of being transferred to different branches, and a Course B, which did not. As mentioned above, everyone in Course B was female. Moreover, there is no transfer system from Course B to A. Transfer from business support to staff group is possible by successfully taking a test, but the hurdle set by the test is so high only 1 person has managed to do so in the Kansai Office in the past 5 years.

The staff group is the highest job group available for women. None of the male employees in the business support group, Course A, who took the transfer test has ever failed. For them, the system is in effect that of automatic promotion. They would move up from the staff group to business line, and the next level. The job content, roles and expectations in the business support and staff groups are the same, whether the employee is in Course A or B. The evaluation

standard is also the same. Meanwhile employees in Course B (female) earn 42% of the pay of the employees of the same age in Course A (male). After the introduction of the new system, about 10% of the new recruits in Course A were women, but there have been no new recruits in Course B.

What is noticeable is that instead of new recruits, the company has been hiring newly graduated women as fixed-term contract workers for 5-year contract (earning approximately 70% of that of a female employee in Course B).

This shows that the company is introducing new forms of hidden discrimination against women, and indirect discrimination is continuing to spread.

#### Major construction company

Since April 2005, there are no career track based management categories, and all employees are now in the management track regardless of sex. The change in the system involved shifting each employee's salary to the grades according to the new standard, so there was no big change in the salary. This meant that the salaries of women in the previous regional positions were not raised to the same level as the men, who have been working as long as they have, and have the same educational background. Their grade under the new system was decided by their previous salary, so the pay gap remained. It is about 200,000 yen per month.

The old practice of assigning women to receptionists also remained. We do not know how we will be graded, or how we will be evaluated. Moreover, being assigned to management track comes with the condition of possible transfers to other branches. In our company, refusing to transfer could mean dismissal.

In changing the personnel system, we have asked the management to assign women to more active roles, conduct awareness raising training and classes for men and women including management as part of positive action. There seems to have been some explanation given to people in the management positions at the time of the introduction of the new system, but there has been none for employees in general.

Some of the younger men in management positions make statements or assign work that amounts to 'power harassment,' saying that since men and women are equal, they should be able to ask us to do any kind of work. Since women cannot change at once, just because we have a new system, we are asking management to introduce a 2 or 3-year program to train and educate women as positive action measures, but so far no training has been introduced. The system change has not been informed correctly, and there have been instances in which women

suffered from misguided acts and comments.

There is a possibility that the gap between men and women will widen, depending on what jobs we are assigned to. In other companies in the same industry, which has introduced similar systems, women were assigned to routine and supporting work, and as a result, they were given low evaluation. This led to differences in promotion, and lower pay.

84. The ratio of women in positions at the levels Chief, Section manager and Director overall remains low, but the ratio is increasing at all these levels (Attached Document 8). When companies with few women in managerial positions were asked the reason, the most common reply, given by approximately 50% of respondents, was that "the company has no women with the knowledge, experience, judgment and other ability required for the positions."

Female employees are not recognized as a worker, are not given work or training. They are placed in clerical jobs, and made to work in supportive roles as cheap labour. For many women, the door to management positions remains closed. Complaining that there are no women with the necessary knowledge, experience or decision making capacities, without recognizing the capabilities of women, who comprise half of the population, without providing education or training, or promoting employees to management without distinction of sex, is an excuse, shifting the blame on the women. At company A, a manufacturer, the total number of employees in management positions is 3,332, of which 3,279 (98.4%) are men and 53 (1.6%) are women. Company B has 1,256 employees in management positions, of which 1,253 (99.8%) are men and 3 (0.2%) are women.

85. Concerning measures taken with the objective of eliminating de facto disparities arising between male and female workers caused by factors such as past employment customs, traditional views on the division of gender roles, etc., namely "active efforts by companies to promote the full utilization of the abilities of women (Positive Action)," approximately 40% of companies state that they "are already taking Positive Action" or "are planning to take Positive Action in the future."

Women hired in management tracks comprise 5% of the national total. At the manufacturing company A, there were 200 new recruits in the track, of which 165 (82.5%) were men and 35

(17.5%) were women, at company B, out of a total of 80, 78 (97.5%) were men and 2 (2.5%) were women.

(2) Measures to promote adherence to the Equal Employment Opportunity Law

87. The Equal Employment Department of the Prefectural Labour Bureau, which is the regional bureau of the MHLW, is conducting public relations activities to raise awareness of the Equal Employment Opportunity Law and is providing corrective guidance to eradicate discriminatory treatment between men and women. The Equal Employment Department is also receiving approximately 20,000 consultations concerning the Equal Employment Opportunity Law per year, and quick resolution of individual disputes between female workers and employers over equal treatment between men and women is being provided through advice, guidance and recommendations from the Director-General of the Prefectural Labour Bureau and through the mediation of the Equal Opportunity Mediation Conference. The GOJ also gives guidance to companies that have introduced the employment management system differentiated by career courses. The advice is based on the "Matters to be Noted Regarding Employment Management Differentiated by Career Track, etc" established by the MHLW in June 2000 and is designed to enable companies to conduct their employment management in line with the Notice.

An example of transfer systems placing high hurdles (case of Company A)

Requirement for taking the transfer test includes having national level qualifications (licensed tax accountant, judicial scrivener, etc.), as well as having 400 or higher points on the TOEIC test. Those eligible would take a written test and be subject to an interview.

89. The major reasons for the wage disparity between men and women are considered to be the differences in type and level of position between men and women and the fact that women work for a fewer continuous number of years than men. Therefore, the GOJ prohibits discrimination in posting and promotion by the Equal Employment Opportunity Law and is developing measures that aim to ensure equal treatment between men and women.

The description in the above paragraph, that “the GOJ prohibits discrimination in posting and promotion by the Equal Employment Opportunity Law..” is an overly general one, and does not clarify what the reasons are for the wage disparity between men and women. We, as an NGO, provide the following.

Main reasons for the wage disparity between men and women in Japan

(1) Career track based personnel system

The Guideline under the EEOL defines “employment management categories” as categories of workers by form of employment, form of working, etc., and forbids discrimination based on sex for each category.

This means that discrimination between men and women is prohibited within the job categories of the management track.

The term “employment management category” created the opening for companies to introduce the career track systems, and created a management track of which 5% would be women and a clerical track which would be 100% women. The system provided a cover for discrimination against women.

(2) Prohibition of indirect discrimination

The EEOL was amended in April 2007. The explicit inclusion of the prohibition of indirect discrimination, for the first time in this country, based on the Recommendations by CEDAW was a welcome development. However, the list of prohibited examples of indirect discrimination included in the Ordinance of the Ministry of Health, Labour and Welfare was restrictive, and it is insufficient to respond to the discrimination in the work place shifting forms in various ways. The above career track based personnel system is an obvious case of indirect discrimination.

(3) Non-compliance of the principle of equal pay for work of equal value

Most of the part-time workers are women. Ms. Ban, who has worked for the Bank of Nagoya for 28 years, earns 1 million yen a year. A male full-time, ‘regular’ employee, who is of the same age as Ms. Ban, and who has worked just as long, earns 8 million yen a year. The principle of equal pay for work of equal value is not put into effect.

90. A research committee of experts has also conducted an analysis of the causes of the wage disparity between men and women, and studied the effects of the systems of companies regarding wage and conditions on the wage disparity between men and women and the current direction of efforts toward reducing the wage disparity, and compiled a report in November 2002. Based on the recommendations in this report, the GOJ has drawn up a guidelines in order that management and labor could tackle eliminating the disparity voluntarily. The GOJ is currently striving to ensure that the guideline is widely used. In combination with this, the GOJ



prepared a gender wage disparity report in order to regularly conduct follow-ups on the current state of the wage disparity and any progress in the reduction of the wage disparity.

The above paragraph may give the impression abroad, that with the “guidelines,” efforts towards eliminating wage disparity between men and women are making progress. However, we inquired a Member of the Diet, and received the following response.

(1) The “guidelines” in question is for promoting voluntary efforts, and does not create any legal responsibilities. The government can advise with the “guidelines” but cannot direct the employers.

(2) Within ILO, the “guidelines” is understood as not being legally binding.

This means that it has no actual power to eliminate the wage disparity between men and women. What is needed now is not any “guidelines,” in which employers and employees make voluntary efforts, but “guidelines for the elimination of wage disparity between men and women” which is legally binding.

WWN proposes the following to eliminate wage disparity between men and women in Japan.

(1) Deleting the definition of the term “employment management categories,” which allows discrimination based on career tracks and forms of employment (part-time, ‘dispatch’ etc.)

(2) Prohibiting indirect discrimination responding to the current situation in the workplace.

(3) Putting the principle of equal pay for work of equal value in legislation.