

Inquire at the Equal Employment Office of your Prefectural Labour Bureau!

As well as giving advice on relevant legislation (the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment; the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave; and the Act on Improvement, etc. of Employment Management for Part-Time Workers), the Equal Employment Office also provides necessary administrative guidance and assistance for resolving disputes, on a case-by-case basis.

Flow of processes from inquiry to resolution

Problems in the workplace, such as:

- Sexual harassment
- Maternity health care
- Disadvantageous treatment by reason of pregnancy, childbirth, childcare leave, etc.
- Discrimination on the basis of sex
- Childcare or family care leave
- Part-time work

Inquiry, including information on the case

Assistance in the resolution of disputes

- "Assistance" by the Director General of the Prefectural Labour Bureau
- "Conciliation" by a Conciliation Conference

"Administrative guidance" to the employer based on law

Resolution

Please note: Interpreters are not provided. Please bring someone who can interpret for you.

Examples of cases handled by the Office

My boss asked me for a date but I refused, and I haven't been given any work since then.

I want to go for a pregnancy screening, but can't get time off work.

When I requested maternity leave before and after childbirth and childcare leave because I'm pregnant, I was asked to leave the company as it would cause disruption to other employees.

I was told that the work required physical strength and was therefore impossible for a woman.

I am not entrusted with important work "because I am a woman".

When I requested short-time working for childcare, I was told that this could not be permitted.

I work part-time, but do the same job as a regular employee. So I can't understand why the amount of my bonus is so vastly different from that of a regular employee.

When I wanted to go back to my job after childcare leave, I was refused because my job was "no longer available".

I've been working part-time, but want to become a regular employee in the same company.



For people, life and the future

Equal Employment Office of the Prefectural Labour Bureau,
Ministry of Health, Labour and Welfare

英語版

Measures against sexual harassment in the workplace

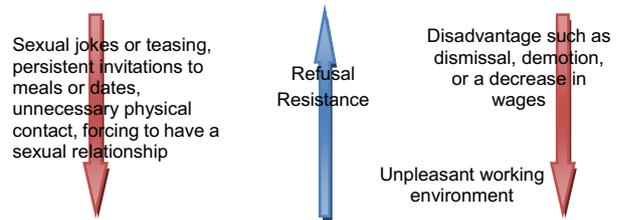
What is sexual harassment in the workplace?

In the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment, sexual harassment in the workplace is defined as:

1. A worker suffering any disadvantage such as dismissal, demotion or a decrease in wages as a result of the worker's responses to sexual harassment that occurs against his/her will in the workplace ("Quid Pro Quo Sexual Harassment").
2. A worker suffering a serious adverse effect on the exercise of his/her abilities because the working environment has become unpleasant due to sexual harassment that occurs against his/her will in the workplace ("Environmental Sexual Harassment").

For example... place in which a worker normally performs work... On a business trip... In a client's office... At a customer's home... At a filming or reporting location... In a vehicle during a business trip... At an office party (when regarded as an extension of work)...

The perpetrator of sexual harassment may be, among others, an employer, a superior, a co-worker, a customer, an employee of a dispatch receiving company, or an employee of a client company.



Who exactly is a "worker"?

"Worker" means not only regular workers, but all workers employed by an employer, including non-regular workers such as part-time workers and contract workers. Dispatched workers are also included, whether in the business undertaking the dispatch or the business receiving the dispatch.

According to the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment and guidelines based on it, employers are obliged to establish the following measures against sexual harassment towards both men and women in the workplace.

What are the measures to be taken by employers?

- (1) Clarification of the employer's policy, and making the policy known and understood by the workers.
 - (a) Clarifying the substance of workplace sexual harassment and a policy that workplace sexual harassment must be avoided; making these known and deeply understood by the workers, including managers and supervisors.
 - (b) In rules of employment and other documents, stipulating a policy that perpetrators of workplace sexual harassment will be punished, and specifying the relevant disciplinary measures; making these known and deeply understood by the workers, including managers and supervisors.
- (2) Establishing necessary measures to give advice to consultation (including complaints) by the workers.
 - (c) Establishing in advance a consultation counter for giving advice to consultation by the workers.
 - (d) Ensuring that the person in charge of the consultation counter can respond appropriately to consultation by the workers according to the particular contents and situation, and further, can respond appropriately to a wide range of consultation by the workers.
- (3) Prompt and appropriate response after the fact pertaining to workplace sexual harassment
 - (e) Confirming the facts of the case promptly and accurately.
 - (f) In cases where the fact pertaining to workplace sexual harassment is confirmed, taking appropriate measures intended for both the harasser and the victim.
 - (g) Even though the fact of the occurrence of workplace sexual harassment has not been confirmed, taking measures for the prevention of any recurrence.
- (4) Measures to be taken in addition to those listed in (1) through (3) above
 - (h) Taking necessary measures to protect the privacy of any consulter, harasser, etc., and making these measures known to the workers.
 - (i) Stipulating that a worker shall not be treated disadvantageously by reason of having made a request for consultation related to workplace sexual harassment or having cooperated in confirming the facts, etc., and making such a stipulation known and deeply understood by the workers.

Measures concerning healthcare during pregnancy and after childbirth

Employers must take necessary measures concerning the health care of workers during pregnancy and after childbirth.

What are the measures to be taken by employers?

- (1) Securing the necessary time off so that women workers they employ may receive health guidance and medical examinations.
 - (2) Measures to enable the women workers they employ to comply with the directions they receive based on health guidance and medical examinations.
- (Examples) Flexible work times, increasing the number of breaks, reducing working hours, granting days off, etc.

Prohibition of disadvantageous treatment on grounds of pregnancy, childbirth, childcare leave, etc.

Employers are prohibited from subjecting workers to disadvantageous treatment on grounds related to pregnancy, childbirth, childcare leave, etc.

What are grounds related to pregnancy, childbirth, childcare leave, etc.?

- 1 Pregnancy
- 2 Childbirth
- 3 Requesting a measure in connection with health care during pregnancy and after childbirth (measures for maternity health care), or having received said measures
- 4 Giving notification of being unable to work pursuant to the provisions concerning restrictions on underground work or restrictions on dangerous and injurious work, or having not been engaged in such work
- 5 Requesting maternity leave before childbirth or having taken such leave, being unable to work pursuant to the provisions of the limitations on working after childbirth, or having taken leave after childbirth
- 6 Making a request to be transferred to other light duties or having been transferred to such duties
- 7 Making a request not to work in excess of the statutory working hours per week or per day when an irregular work system is adopted in the workplace, making a request not to work overtime nor work on days off, making a request not to work late at night, or having not worked in excess thereof, for overtime, on days off or at night
- 8 Making a request to have childcare time or having taken such time
- 9 Being unable or having been unable to provide services related to work, or having experienced a reduction in work efficiency due to symptoms that are attributable to pregnancy or childbirth (*)
(*) Meaning a symptom attributed to pregnancy or childbirth that appears in expectant and nursing mothers, including morning sickness, hyperemesis gravidarum, a threatened miscarriage and a failure of recovery from childbirth.
- 10 Applying for childcare leave or family care leave, or having taken such leave
- 11 Applying for sick/injured child care leave or short-term family care leave, or having taken such leave
- 12 Applying for a limitation on overtime work, a limitation on late-night work, measures to shorten working hours, or other measures for childcare or family care, or having used the same

What is disadvantageous treatment?

- 1 Dismissal
- 2 Not renewing the contract of a worker employed for a fixed period
- 3 Reducing the number of contract renewals when the upper limit of the number is given in advance
- 4 Compelling a worker to retire or to change a labor contract so that a regular employee becomes a non-regular employee, such as a part-time worker
- 5 Ordering a worker to stand by at home, which is disadvantageous to the worker
- 6 Demotion
- 7 Reducing the salary or making a disadvantageous calculation of the bonus or other payments
- 8 Giving a disadvantageous rating in a job evaluation required for promotion or increased status
- 9 Making a disadvantageous change in assignment
- 10 Damaging the working environment
- 11 Concerning a worker employed as a dispatched worker, the rejection of an offer of dispatching service provided by said dispatched worker by the dispatch receiver company (cases 1-9 in "Grounds related to pregnancy, childbirth, childcare leave, etc." above)
- 12 Applying a restriction on overtime work, a restriction on late-night work, or measures to reduce statutory working hours, etc., beyond the period sought by the worker, against the worker's will (cases 10-12 in "Grounds related to pregnancy, childbirth, childcare leave, etc." above)

Prohibition of discrimination on the basis of sex

Employers are prohibited from discriminating between male and female workers on the basis of sex in recruitment and employment of workers, assignment and promotion, encouragement of retirement, dismissal, or renewal of the labor contract.

Assistance in the Resolution of Disputes

There are two kinds of assistance in resolving disputes: “**assistance**” provided by the **Directors of Prefectural Labour Bureaus**, and “**conciliation**” carried out by Conciliation Conferences (consisting of lawyers, academics and other experts).

If you would like a government body to resolve the dispute quickly using a simple procedure:

“**Assistance**” by the Director of the Prefectural Labour Bureau

(advice, guidance, recommendations)

Please inquire at your Equal Employment Office. Inquiries may be made by telephone or letter (be sure to give a return address). No application forms or other documents are required.

The Equal Employment Office will hear statements by both worker and employer.

Based on the two parties' statements, the Office will then provide advice or other assistance needed to resolve the problem.

The problem is resolved when both parties implement resolution measures (reach a compromise) based on the content of the assistance!

If you would prefer assistance from a highly impartial and neutral third party organization:

“**Conciliation**” by: Equal Opportunities Conciliation Conference (Equal Opportunities Act) Work-Life Balance Support Conciliation Conference (Child Care Act) Balanced Treatment Conciliation Conference (Part-Time Workers Act)

Please submit a written application for conciliation (*) to the Equal Employment Office.

Important note: Please write in Japanese. You may also write in your own or another language, but in this case please attach a Japanese translation.

Conciliation commissioners will listen to statements by both worker and employer.

Based on the two parties' statements, conciliation commissioners will then prepare a conciliation proposal as a means of resolving the dispute, and will recommend it to the two parties.

The problem is resolved when both parties accept the content of the conciliation proposal!

(*) Conciliation application forms may be downloaded from the Ministry's website:
<http://www.mhlw.go.jp/general/seido/koyou/woman/index.html>

The text of the relevant laws can also be seen in English.

⇨ URL <http://www.japaneselawtranslation.go.jp/?re=02> (Japanese Law Translation)

< Key words >

- Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment
- Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave
- Act on Improvement, etc. of Employment Management for Part-Time Workers

Contact numbers for Equal Employment Offices of Prefectural Labour Bureaus [Lines are open 08:30-17:15 (except weekends, public holidays and the New Year holiday)]

Labour Bureau	Tel.						
Hokkaido	011-709-2715	Tokyo	03-3512-1611	Mie	059-226-2318	Tokushima	088-652-2718
Aomori	017-734-4211		03-6893-1100	Shiga	077-523-1190	Kagawa	087-811-8924
Iwate	019-604-3010	Kanagawa	045-211-7380	Kyoto	075-241-0504	Ehime	089-935-5222
Miyagi	022-299-8844	Niigata	025-288-3511	Osaka	06-6941-8940	Kochi	088-885-6041
Akita	018-862-6684	Toyama	076-432-2740	Hyogo	078-367-0820	Fukuoka	092-411-4894
Yamagata	023-624-8228	Ishikawa	076-265-4429	Nara	0742-32-0210	Saga	0952-32-7218
Fukushima	024-536-4609	Fukui	0776-22-3947	Wakayama	073-488-1170	Nagasaki	095-801-0050
Ibaraki	029-224-6288	Yamanashi	055-225-2859	Tottori	0857-29-1709	Kumamoto	096-352-3865
Tochigi	028-633-2795	Nagano	026-227-0125	Shimane	0852-31-1161	Oita	097-532-4025
Gunma	027-210-5009	Gifu	058-245-1550	Okayama	086-224-7639	Miyazaki	0985-38-8827
Saitama	048-600-6210	Shizuoka	054-252-5310	Hiroshima	082-221-9247	Kagoshima	099-222-8446
Chiba	043-221-2307	Aichi	052-219-5509	Yamaguchi	083-995-0390	Okinawa	098-868-4380