Ikuko Sugiura

[Assignment: Using tools of analysis we have practiced in our readings and discussions, analyze a social problem prevalent in your culture and offer an argument about how the problem should be addressed. Your analysis and opinions should be informed and supported through research. Note: This essay comes from the special section of composition for international students.]

(1) The Japanese Equal Employment Opportunity Law of 1985 (the EEO Law) went into effect in April 1986. This was the attempt to support the rights of working women, but after five years from the day the law came into effect, sexual discrimination in the workplace has not improved as much as women had expected. On the contrary, there have been widespread complaints from working women about the fact that they are now even more disadvantaged with the EEO Law. The law has brought many changes, but these changes have not necessarily brought equal access to and equal treatment of men and women in the workplace. In this paper, I will critique the EEO Law and show that it needs revision. I will also describe major problems that Japanese working women currently face.

(2) Japan now has two laws that concern working women: the Japanese Labor Standards Law of 1947 and the EEO Law of 1985. The 1947 law specifies equal wages for equal work for men and women but doesn't require that job opportunities be equal (Edwards 240). Because the 1947 law doesn't secure women equal work, the EEO law centers on equal opportunities for employment and outlaws sexual discrimination against women in the workplace. To give women equal assignment of work, the EEO law "prohibits gender discrimination with respect to vocational training, fringe benefits, retirement, and dismissal" (Edwards 240). It also encourages companies "to try to equalize opportunity with regard to recruitment, hiring, job assignment and promotion" (Edwards 240).

(3) Besides being addressed to the deficiencies of the 1947 law, the EEO law was implemented so that Japan could meet demands of the United Nations. The UN's women's decade started in 1976, and during the decade "member countries were supposed to come up with equal rights legislation" (Economist 19). The Japanese government needed to conform with guidelines used all over the world.

(4) The EEO law was passed by the Japanese Diet after seven years of strong argument. There was much disagreement within various groups who opposed the law, both traditionalist groups who saw it as too radical and women's groups who opposed it as inadequate. Indeed, the law has been the subject of much controversy for the last five years. Now, I turn to the main problems of the EEO law.

(5) The most obvious failing of this law is a lack of effective power. There are two types of provisions in this law for securing equal treatment for men and women: prohibitions and recommendations. The problem here
is, though the law prohibits various kinds of discrimination, it doesn't provide any penalties for violations. Its recommendations concern the recruitment and assignments of women workers:

1. Employers should endeavor to give equal opportunities to men and women when recruiting and hiring workers.

2. Employers should endeavor to treat women workers on an equal footing with male workers when assigning posts or promoting workers. (Edwards 242)

Again, there are no penalties for violations of recommendations. Recruitment and promotion are the most important stages for equality in the workplace, but those are just to be "endeavored" by companies.

(6) As a matter of fact, a government survey of 1989 shows that there still exists much discrimination against women when companies recruit. In taking on people straight from the university, fifty percent of companies don't recruit females and limit opportunities of employment only to male students. And the majority of the companies boldly say that they won't change their policy about recruitment for some time (Kawana 18). In newspapers, about one job advertisement in twenty still specifies jobs only for men (Economist 19). Since many companies violate the EEO law without feelings of guilt, clearly for the law to be effective it must have some force against violations. The law that doesn't have any compulsory power for violations is quite rare in the world.

(7) The EEO law also has another feature. In dealing with recruitment, it makes a strict distinction between sogo shoku (managerial jobs) and ippan shoku (clerical jobs). In response to this loophole provided by the law, companies have now started having two separate recruiting tracks. This distinction was supposed to help women who wanted to pursue their careers to utilize their ability and training but it has had the reverse effect. Duties of ippan shoku are limited to office coordination tasks, such as photocopying, reception and making and serving tea. Women who choose sogo shoku are expected to work as hard as men and to assume the same responsibility as men, and, in return, they can receive promotions under the same conditions as men. Being admitted to sogo shoku is the only way for women to climb toward managerial posts. Until the EEO law, women were not even allowed to take the interview or the examination for managerial positions. So the recruitment of women to managerial positions was an important aim of the EEO law and was expected to provide equal treatment of men and women.

(8) However, far from the expectations, the introduction of sogo shoku and ippan shoku strengthens the division of labor in the workplace. Because it is not illegal to specify a job as only for a female, some companies limit ippan shoku only to women, as these are tasks that have been traditionally performed by women. Many companies encourage women to chose ippan shoku work, and what is worse, women themselves prefer to choose it even if they have received a good education at the university. Men are almost excluded from ippan shoku. Recent data shows that only 3.7 percent of working women engage in sogo shoku work (Kawana 18). Sumitomo Bank claims to have the largest number of women in the sogo shoku work, but it is only 50 out of 12,000. Nomura Securities has around ten. Marubeni, among the largest of the trading houses, has five (Economist 22). Though these numbers are higher than
before the EEO law went into effect, the number of women admitted to sogo shoku work is still very small.

(9) This new type of recruitment also enlarges wage differentials between men and women. This is because most of the working women are shut in ippan shoku work and employees in this job bracket are paid lower than those in sogo shoku work. In 1977, the average pay of working women in Japan was 55.89 percent of men, but in 1989, it was only 50.2 percent (Kawana 18). The gap in wages of men and women is actually widening.

(10) The EEO law provided the division of sogo shoku and ippan shoku, and sago shoku was supposed to lead working women to managerial posts in the workplace. Instead, it has ironically created the reverse effect by increasing the division of labor and hence the gap of wages between men and women.

(11) At the same time that the EEO law was passed, complementary amendments to the 1947 law were enacted. When the 1947 law was formulated, it was felt that women needed special protection in the workplace, so overtime work by women was limited by this law. For example, working more than eight hours per day or 48 hours per week was considered overtime for women; under the law, they could work only an extra two hours per day and were limited to six extra hours per week and a total of 150 extra hours per year. They were prohibited from working between 10:00 p.m. and 5:00 a.m. Women were also barred from jobs that were considered dangerous, such as those involving exposure to heavy machinery, poisonous substances, high voltage, or extreme temperature (Hargardine). The violators of the 1947 law were punished. These limits no longer apply to women in managerial and professional positions, though most other females are still prohibited from working more than 24 hours overtime a month or from working between 10:00 p.m. and 5:00 a.m.

(12) The removal of these restrictions has also generated controversy. Some women criticize the 1947 law as clearly discriminatory against women, providing companies with excuses for not promoting women. In a government survey undertaken before the amendments, twenty percent of the companies responded that they wanted to promote women but that the restrictions of overtime work for women were obstacles to their promotion, and they asked for these limits to be set aside (Aoki and Oh 3). Some women agreed with removal of these restrictions but other didn’t. Those who disagreed with the removal insisted that they needed protection from too much overtime or night work.

(13) Protection and equality cannot exist together easily, so it is quite understandable that the restrictions should be removed. But as a result of the removal, many working women complain that their working hours have become longer (Kawana 18). There also exists the reality that women still take almost all the responsibility for household work and child rearing. Women are expected to work devotedly for their families. Working women are normally busier than men. In this sense, the restriction might have worked well for women.
And there still remains a restriction on night work for women. Some women feel that the prohibition from working between 10:00 p.m. and 5:00 a.m. is used by companies as a reason for not promoting women to managerial posts. The problem here is that the new laws have done things by halves. It can be said that the EEO law provides semi-equal opportunities.

These are the issues generating controversy. There are two sources of opposition to the removal of the restrictions: opposition by companies and opposition by women's groups. But clearly some modifications to the 1947 law were necessary for working women although what these modifications should be is still debatable.

The EEO law has improved the conditions for working women to some degree but it hasn't brought dramatic changes so far. Many women still hold lower positions in companies and suffer from deep-rooted inequality between men and women. Since the EEO law hasn't been very effective in improving women's disadvantaged status for five years, it is essential that the law be revised.

Works Cited

Aoki and Oh. Asahi Newspaper 11 July 1991:3.


