

Labor & Employment Law Newsletter**Approaches and Efforts to Promote Women's Participation and Advancement in the Workplace****Aya Kijima, Tomoko Goto****I. The outline of the Act on Promotion of Women's Participation and Advancement in the Workplace**

In Japan, recently, the rate of women participating in the workforce has increased, however, there are as many as 3 million women who do not work despite the fact that they would like to work. There are still a large number of women who cannot continue working because of childbirth, childcare or family care etc. and who have no choice but to restart work as a part-timer after leaving work for those reasons, therefore, more than 50% of working women work as a temporary or part-time workers. Although the rate of working women in administrative or management positions is 12.5% in 2017, which has increased gradually, it still remains at a low level by international comparison.

Based on this situation, the Act on Promotion of Women's Participation and Advancement in the Workplace ("the Act") aiming to create a society in which more women can express their individuality and abilities was drafted and put into force on April 1, 2016.

The Act and the Ordinance of the Ministry of Health, Labor and Welfare ("MHLW") legally require¹ companies which have more than 301 employees² to;

- (a) assess their situation (necessarily including but not limited to the rate of newly-hired women, the gender gap in the

¹ Where the company fails to complete the above 3 obligations, the minister of MHLW (or the Prefectural Labor Directors) can collect a report from the company, give advice, guidance or recommendations to the company. The above 3 points are stated as only "an obligation to make an effort" for companies which employ less than 300 workers.

² This includes part-timers and contract workers who are deemed to be employees under employment agreements without term (e.g. employees who continuously work at the company for more than 1 year).

length of service, working hours of working women, the rate of working women in administrative or management positions) and analyze subjects regarding women's participation and advancement in the company;

- (b) define, make well-known to the employees, notify relevant authorities and release their action plan (necessarily including but not limited to quantitative targets, contents of approaches and efforts, the timing of the action, the period of the action plan) based on (a); and
- (c) release information which contributes to women's career decisions³.

The companies can choose to release the action plan and information (described in (b) and (c)) on the website of the company or on "the Database of companies that promote women's participation and advancement"⁴ set up by MHLW. As of June 1, 2017, the action plans of 8819 companies and information from 7668 companies had been released⁵ on the database.

II. Approaches and Efforts of Leading Companies to Promote Women's Participation and Advancement in the Workplace

In this Newsletter we would like to set out the following approaches and efforts of the leading companies under the Act.

1. Approaches and efforts during recruitment

- A transportation company (approximately 68,000 employees) aims to achieve a numerical target of "increasing the rate of newly-hired women to more than 20%" every year by holding company briefing sessions for female students etc.
- A wholesale company (approximately 3,800 employees) recruits and employs women proactively by appointing women as recruitment personnel, and publishing a company PR article with stories about working women for graduate recruitment.
- A manufacturing company (approximately 250 employees) has succeeded in securing distinguished human resources regardless of gender, as a consequence of becoming better known by receiving various awards from local governments or ministries and agencies for improving its work environment for all genders.

2. Approaches and efforts regarding work styles

(1) Working hours and work locations

- An information and communications company (approximately 122,000 employees) promotes work efficiency, for

³ Specifically, the companies must choose to release information from the prescribed points (e.g. the rate of working women, gender segregated data about the average length of service and childcare leave acquisition rate, the average amount of overtime work, the paid vacation acquisition rate, the rate of working women in administrative or management positions, gender segregated records for changing the type of occupation or employment etc.) and must release the information on the internet or by another method more than once a year specifying the release date.

⁴ <http://positive-ryouritsu.mhlw.go.jp/positivedb/>

⁵ This data is based on the document named "the Situation of Enforcement of the Act on Promotion of Women's Participation and Advancement in the Workplace" released by the Cabinet Office and MHLW on June 6, 2017. (<http://www.cas.go.jp/jp/seisaku/kagayaku Josei/dai6/siryou2.pdf>)

Based on this document, 99.9% of the companies which were required to complete the above (b), did so.

example, using a Discretionary Working System, a flextime system or (home) teleworking system, and holds study and training opportunities to promote diversity awareness for the employees in all the group companies.

- A manufacturing company (approximately 250 employees) set up a satellite office near the station for working women who return to work after childcare leave, because the main office of the company is too far from the station.

(2) Personnel evaluation and appointments

- An education and study support company (approximately 530 employees) changed their personnel evaluation method from focusing on worktime to focusing on efficient productivity per hour. This prevents employees from failing their evaluations as a result of taking childcare leave or using the working hours reduction system, and it evaluates employees by achievements/results given their work styles before and after their leave.
- A retailing company (approximately 17,000 employees) applies common evaluation criteria to all employees and gives part-time and full-time employees the same opportunities to be promoted if they are in the same grade. If a part-timer reaches a particular grade, he/she can change his/her status to a full-time employee if he/she would like to.
- An insurance company (approximately 41,000 employees) has removed limitations and now gives opportunities to employees in general-duty grades to change their grade to an executive-track grade with a regional limitation and to be appointed to a managerial position equivalent to a chief director.

(3) Child/family care leave system and return support

- A manufacturing company (approximately 250 employees) requires employees to adopt a “Triple Role” by directing them to brush up on an additional 2 work skills other than their main work skill, as a result, the work of the employees on leave can be assigned to other employees, and the employees feel better about, and it is easier to take child/family care leave.
- A manufacturing company (approximately 5,300 employees) encourages employees to return to full-time work after taking child-care leave by holding guidance sessions for employees who plan to take childcare leave before they do, and by distributing company magazines to employees who are on leave which contain helpful information about returning to work, recent company information, the activities of senior employees on childcare etc., and by holding seminars for employees after childcare leave. In addition, approximately 20% of male employees have been able to take childcare leave because the company recommends participating in childcare to male employees.
- A transportation company (approximately 68,000 employees) sets out that periods of childcare leave shall be included in the length of service.
- A medical and welfare company (approximately 5,800 employees) established an original family support project. This project provides employees with a sick child nursery service, stay-over nursery service, elementary and junior high school child nursery service etc.

3. Approaches and efforts to prevent women leaving jobs because of a job transfer etc.

- An insurance company (approximately 41,000 employees) makes it possible to continue working when a life event occurs by interchanging their grade between the potential nationwide job transfer grade and the limited regional one.
- A manufacturing company (approximately 5,900 employees) has introduced a personnel system called a “temporary job transfer suspension system”, which does not allow the company to order employees to transfer when it involves moving house, the system can be applied during a particular period of childcare.

- A manufacturing company (approximately 8,500 employees) allows employees, when their spouse has been transferred to another location, to transfer to the same area or to take a maximum 3 years leave.
 - A wholesale company (approximately 3,800 employees) has introduced a personnel system which makes it possible for former employees to return to the company within 6 years from when they resigned because of their spouse's job transfer etc. In principle, they will be considered for the same job.
4. Approaches and efforts to appoint women to administrative or management positions
- A construction company (approximately 8,200 employees) holds study and training sessions to help grow female leaders, and for management who have female subordinates, and conducts a survey to gather information about gender gap awareness in the company.
 - A manufacturing company (approximately 12,000 employees) promotes women's participation and advancement in all the group companies by distributing company magazines which contain interviews with female managers as role models.

III. Approaches and Efforts of Government and MHLW to Promote Women's Participation and Advancement in the Workplace

Approaches and efforts to promote women's participation and advancement is absolutely essential for companies to secure various human resources and to continue developmental company activities in Japan, where the population continues to age and the birthrate is declining. Therefore, the Government and MHLW are seeking effective approaches and efforts to promote women's participation and advancement.

For example, a document titled "Key Policies in 2017 for Accelerating Woman's Participation and Advancement"⁶ was released on June 6, 2017 by the Gender Equality Bureau Cabinet Office. The following key policies are outlined in the document; (i) to redress long work hours, (ii) to improve the working conditions of temporary workers, (iii) to promote telework, (iv) to promote various work styles according to life events, (v) to promote a work-life balance, (vi) to promote men's participation in housework and childcare, (vii) to promote women's participation and growth in every field, and (viii) to implement safe and secure environments that support women's participation and advancement. These as the key policies which the government should achieve in future based on the view that it is necessary to change work styles for women's participation and advancement. Also, it is necessary to make specific efforts to change men's life styles and their way of thinking as this is closely connected to changing women's work styles. There are no legal duties or requirements imposed on companies by this document, but you should refer to this document when you plan to develop any system in the company.

In addition, a document titled "Key Points and Approaches for Employment Management regarding Job Transfers"⁷ was released on May 30, 2017 by MHLW. This document is to be used for reference when companies consider job transfers. There are no legal duties or requirements imposed on companies by this document either, however, it is expected the ideas in this document will be used proactively to promote women's participation and advancement. This document seeks to harmonize a company's right and practical necessity to order job transfers with an employee's need for consistency in work and life (child/family care, spouse's career plans etc.), and aims to secure and develop human resources and fulfill an employee's potential in a sustainable way based on the same points of view set out above.

⁶ <http://www.gender.go.jp/policy/sokushin/sokushin.html>

⁷ <http://www.mhlw.go.jp/stf/houdou/0000158686.html>

IV. Summary

As stated above, “Promoting women’s participation and advancement” is not only an issue related to women but also male colleagues or life partners, thus it is essential to change work styles and ways of thinking at the company level.

In particular, as there are still many women who leave their jobs because of childbirth, childcare, family care etc., it is important for companies to (i) manage a work environment which makes it easy to take child/family care leave and (ii) set up a system whereby employees can choose work styles like telework or reduced working hours flexibly according to their life styles. In addition, as many women leave their jobs not because of life events themselves, but because of difficulties in maintaining a consistent work and life balance because of their or their spouses’ job transfer etc., it is efficient for companies to (iii) set up systems which temporarily limit job transfers and (iv) set up systems which allow employees to return to their job after their leave, or proactively recruit experienced people who left their former job because of child/family care. Also, it is essential to (v) set up systems to make it possible to appropriately evaluate and appoint employees, which includes proactive appointments to managerial positions.

We will continue to introduce specific systems used to promote women’s participation and advancement and change work styles based on labor laws and regulations, and concerns about and approaches to those systems in this Newsletter.

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