

Gender equality in the Japanese workplace : Development over the 35years since the enforcement of the EEOL

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Abstract

Just thirty-five years have passed since the enforcement of the Equal Employment Opportunity Law (EEOL) in 1986. This article reviews the development of gender equality in the Japanese workplace since the mid-1980s from the viewpoints of 1) the development of legal and regulatory frameworks, 2) an examination of macro data and 3) arguments on gender equality and inequalities to analyze the changes as well as unchanged factors in the Japanese workplace, especially in the private sector. The EEOL has played an important role in changing the perceptions of gender equality in society and the economy. There are, however, still major gender gaps in salary levels and other areas in companies. We need to continue making further efforts for the sake of all stakeholders in society.

Introduction

This article reviews the development of gender equality in the Japanese workplace since the mid-1980s from the viewpoints of 1) the development of legal and regulatory frameworks, 2) an examination of macro data and 3) arguments on gender equality and inequalities to analyze the changes as well as unchanged factors in the Japanese workplace, especially in the private sector. This year marks just thirty-five years since the enforcement of the Equal Employment Opportunity Law in 1986. Women who were born in the mid-1980s have already reached the prime age in their careers, and many may have children, both boys and girls, who may be starting to think about their own life courses or future career prospects. Has the advancement of women in workplace been achieved, or are there still many issues facing Japanese companies and workers? Currently most of us think that “gender equality” is a necessary that both society and businesses need to strive for. Have we not forgotten, however, that there were many discussions leading up to the introduction of the EEOL and that considerable efforts were made by various people to introduce it?

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The article aims, firstly, to revisit the process of introducing the EEOL in the mid-1980s and subsequent revisions. I think that it is too simplistic to label or evaluate Japan as “too gender inequal and lagging behind in the rapid improvement of gender equality in other societies.” In fact, the position is that Japan doesn’t seem to be respected in comparison with other countries. Table 1 shows the latest result of the Global Gender Gap Report published by the World Economic Forum (2021), and Japan ranks 120 among 150 countries. There may be two general reasons for Japan’s low position: the speed at which Japan has strived to improve gender equality is too slow, and the speed at which other countries have made improvements is much faster than that of Japan. In the index of economic participation and opportunities for women, Japan’s rank is as bad as that for political empowerment in contrast to the relatively higher scores the country has received in educational attainment and health and survival indices. We should not, however, forget about the lengthy and challenging process that led to the introduction of the EEOL in the mid-1980 and its consequent influences. Therefore, I would like to review this again to ensure the further development of gender equality for our children and grandchildren’s generations. Secondly, I would like to look at the trends of major gender related indicators in the employment market based on governmental statistics to review the effect of the above-mentioned changes in legal frameworks. The third section discusses and analyzes unchanged and changing factors related to gender equality. In addition, this section presents the argument for the gender equality in Japanese businesses based on the author’s research in some European countries.

Table 1 Global Gender Gap Report 2021 – Selected Countries

Overall Ranking	Country	Economic Participation & Opportunity	Educational Attainment	Health & Survival	Political Empowerment
1	Iceland	4	38	127	1
2	Finland	13	1	79	2
3	Norway	20	33	126	3
4	New Zealand	27	1	106	4
5	Sweden	11	61	133	9
6	Namibia	19	34	1	19
7	Rwanda	48	115	63	6
8	Lithuania	12	51	1	22
9	Ireland	79	114	90	4
10	Switzerland	39	80	128	12

11	Germany	62	55	75	10
23	United Kingdom	55	40	110	23
30	United States	30	36	87	37
120	Japan	117	92	65	147

Source: World Economic Forum (2021)

1) The Equal Employment Opportunity Law and the development of gender-related legal frameworks

In discussing gender equality, it is important to review how current gender relations in the employment system have developed in Japan. This section mainly refers to and summarizes part of the work of Ishiguro (2008), which examined the development of both employment systems and gender-related legal frameworks.

Japanese companies have developed their well-known employment systems sustained by 1) lifetime employment; 2) a seniority-based wage and promotion system; and 3) enterprise unions. But how uniquely were gender relations in employment formed in society and in companies, and how have these three employment systems affected gender relations?

With the industrialization and the development of modern Japan after the Meiji restoration in 1868, concepts such as the *ie* (household/family) system and the notion of *ryōsai kenbo* (good wife and wise mother) that defined clear gender roles in family members were developed. In addition, similarly to the *ie* system, in the private sphere, the employment system of *keiei kazoku shugi* (managerial familism) was formed in companies (Ishiguro, 2008, 27). These concepts and practices created a strong foundation for the persistent male-breadwinner employment model in Japan. The fundamental perceptions, notions and practices of gender differences brought by these systems continued, and they were enhanced up through the high growth economic period of the 1960s and the 70s. At the same time, Japan's industrialization needed a large labour force during the early 20th century, and women in rural areas participated in the labour force as factory workers.

The women's liberation movement started in the 1960s and spread worldwide in the mid-1970s. This movement also came to Japan as '*ūman ribu undō*.' The biggest influence for the introduction of the EEOL during this period, the 1970s, was the launch of the United Nations Decade for Women

(1975–85), which Japan also joined and planned to ratify at the Convention on the Elimination of All Forms of Discrimination Against Women by 1985. As a result, the EEOL was enacted in 1985 (Ishiguro, 2008, 42-43). As has been mentioned, the enactment and the implementation of the EEOL faced various challenges and opposition and entailed lengthy discussions. During the 1970s and early 80s, clear gender differences in career development and working conditions were normal practices in companies: for example, there were differences in salaries, career development and retirement ages between men and women, and women, in general, left companies when they married, accompanied by a celebration organized by company. With the introduction of the EEOL, these traditional employment practices which had clearly separated men and women needed to change or adapt to the new concept of “equality” in the workplace. There was union opposition to this as the EEOL would relax the protective measures for the motherhood of female employees and employer opposition based on the belief that the law would damage business activities and performance. Women themselves were divided into three groups: for, against and indifferent (Yamamoto, 1987; Ishiguro, 2008, 47). The bill, however passed with the backing of the Ministry of Labour after lengthy offensive and defensive tactics by and within the ministry (Ishiguro, 2008, 47-49). There are mainly three points that should be noted on the introduction of the EEOL: 1) The EEOL was enacted in tandem with revisions to the Labour Standards Law (LSL), with which protective measures for women such as prohibition of night work, overtime work, and engaging in dangerous occupations were eased (Yokoyama, 2002, 210-225; 2) The EEOL was not evaluated as very effective since it had ‘exhortation’ clauses which were neither legally enforceable, nor prohibitions, for recruitment, hiring, job assignment and promotion (Lam, 1992, 101-102; Ishiguro, 2008, 48); 3) The new employment practice of the “dual career track” was created in companies as a result of the enactment of the EEOL, which separated men in the career track and women in the non-career track, and further distinguished women between high-skilled and low-skilled workers (Broadbent, 2003, 16, 44-45; Ishiguro, 2008, 49-50; Kimoto, 2003, 40; Lam, 1992; Shinotsuka, 1995, 123). Akiba, who was in the personnel division of a bank looked back at the period when the EEOL was enacted and the career track was introduced, and observed that many Japanese companies, male employees, the women themselves and business customers, were not ready to accept or promote such advancement for women (Akiba, 1993).

From the viewpoint of labour laws, Furuta (2016, 21-24) analyzes that even without the EEOL, Article 14 of the Constitution of Japan and Article 2 of the Civil Code secure equality based on gender; however, the same constitution also supports the freedom of business (Articles 22 and 29). Consequently, Article 14 is not applied to private companies, but instead, Article 90 of the Civil Code, which prohibits violations of public order and morals are expected to be applied. With the

introduction of the EEOL, the provision of support for dispute resolution (i.e., advice, guidance, recommendation, and arbitration) was added, so people could now apply the law without referring to violations of Article 14 of the Constitution, especially after the revision in the 1997 (enforced in 1999), which made the “exhortation” practices illegal. The contribution of the EEOL is important as it did not allow discrimination even in the initial version that included “exhortation” provisions, and after revision, it further stipulated the prohibition of gender discrimination in the employment process.

Although the first EEOL may not have been a perfect law in that it could change neither society’s perceptions nor companies’ human resource management practices drastically when it was implemented, one is left to wonder what it would be like now if Japan had not taken this first step towards gender equality. During the last 35 years, the law has been revised three times, and it has undoubtedly provided legal framework for the improvement of gender equality in the Japanese workplace.

The EEOL is not the only factor that has influenced gender equality in the workplace. Starting with the EEOL, other laws and offices concerning gender equalities were also established. In 1994, the Office and Headquarters for Gender Equality and the Council for Gender Equality were established by Cabinet Orders (Cabinet Office, 2003b; Ishiguro, 2008, 53) as the successors of the *Fujin Mondai Kikaku Suishin Honbu* (Headquarters for the Planning and Promotion of Issues of Women), which was originally established in 1975 (Horie, 2005, 126-128). In addition, as a result of increasing demand from inside and outside the country, the Basic Law for a Gender-equal Society was finally implemented in 1999 (Cabinet Office, 2005). Furthermore, in 1994, Japan’s shrinking population became an urgent and serious issue. Subsequently, the Child Care Leave Law which was later revised into the Child Care and Family Care Leave Law was also enacted (Araki, 1998; Ishiguro 2008, 55).

The main revisions of the EEOL after the 1986 enactment are as follows:

- 1997 (enforced in 1999): This revision eliminated the “exhortation provisions” and added mandatory clauses for employers to provide preventive measures for sexual harassment, government support for positive action, mandatory efforts of employers to manage maternal health and the publication of companies’ names who didn’t follow the administrative guidance. The revision of the LSL was enacted at the same time and eliminated regulations on overtime work, holiday work and late-night work for women.
- 2006 (enforced in 2007): This revision prohibited discrimination against both genders,

enforced discriminatory rules and introduced the prohibition of indirect discrimination and disadvantageous treatment due to pregnancy and childbearing. The LSL was also revised to relax the regulation of women's underground work.

- 2016 (enforced in 2017): In addition to the prohibition of disadvantageous treatment of employees due to cases including maternity and childrearing leave and family care leave, this revision mandated employers to establish measures to prevent said disadvantageous treatment.

(MHLW, n.d.; 2021)

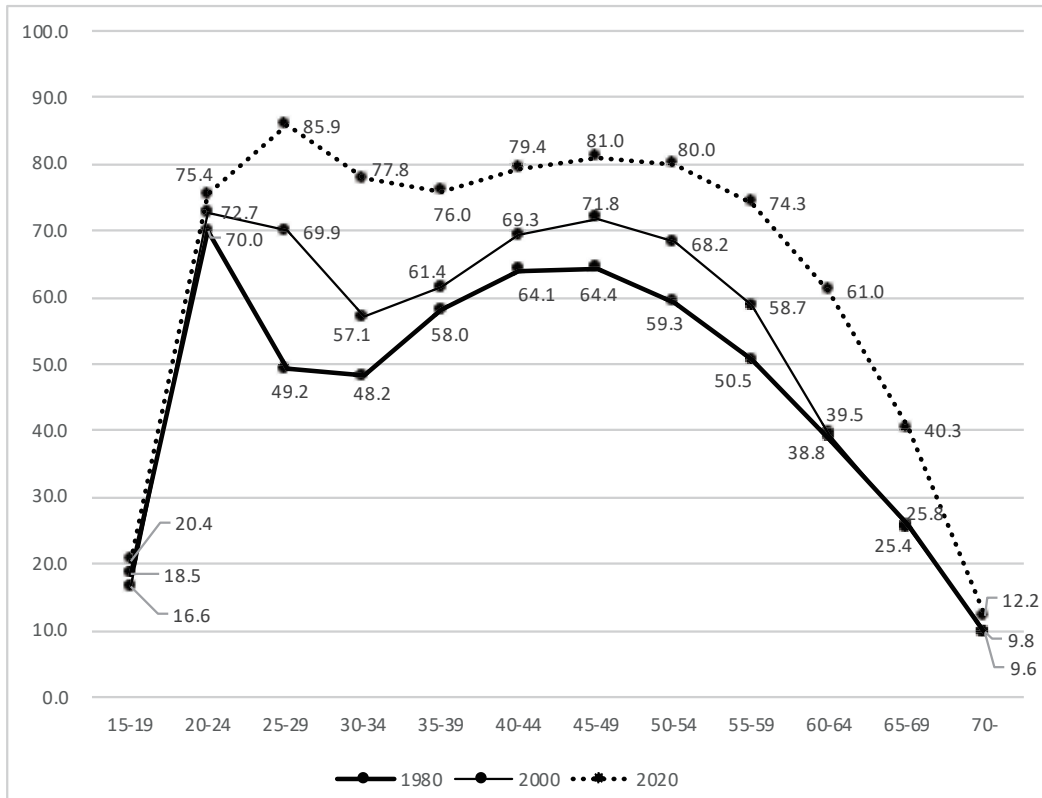
As the above examination shows, the EEOL has continuously been revised to include provisions that cover broader areas of gender equality, as well as to reflect issues that have manifested in society. Furthermore, laws and regulations concerning gender-related issues have been continuously developed. I believe that gender equality in Japanese society and in employment could not have been achieved and improved upon without the enforcement of the first EEOL in the mid-1980s.

2) Transitive data

In this section, I will examine several data that can show the overall trend of gender relations in the employment market and the employment processes in the workplace. The data includes changes in women's labour force participation rate, the proportion of women in managerial positions, the percentage of non-regular workers among each sex, and salary and wage gender gaps. The percentage of non-regular workers by age cohort, an international comparison of the proportion of women among employees and in managerial positions, and several numerical targets and updated figures from the 5th Basic Plan for Gender Equality are also presented. The data is mainly taken from the latest White Paper on Gender Equality (Cabinet Office, 2021c).

Figure 1 shows the changes in the women's labour force participation rate by age cohort. The famous M-shaped curve has become more trapezoidal after 40 years. The decrease in the participation rate, however, still remains among the 30-40 age cohort, which interestingly shows a change in the lower end of the decrease in older ages from the data in 1980. This may reflect the overall trend in Japan, where women in the labour market are delaying marriage and childbirth.

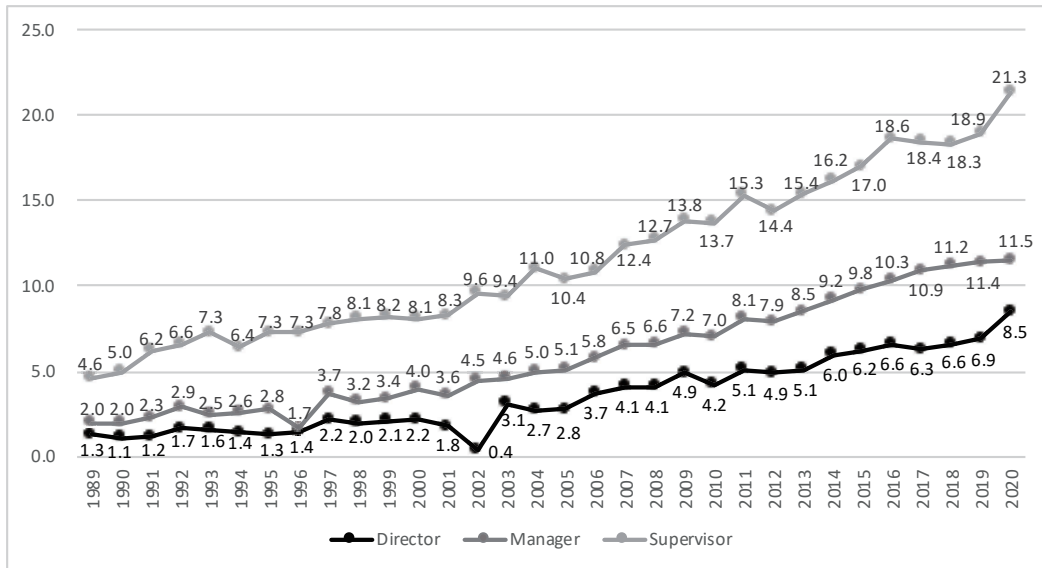
Figure 1 Women’s labour force participation rate by age group



Source: Cabinet Office (2021c)

Figure 2 shows the percentages of women in managerial positions. Although we can see a modest increase in the percentages among the chief, manager and director levels, overall, the percentages are quite low in each position. (In order to compare the data of women with that of men, the Y scale should have extended to 50%, but to show the number clearly, the graph instead uses a Y scale with a maximum of 25%.) The latest percentages at each position are: director level = 8.5%; manager level = 11.5% and chief level = 21.3%. The changes are undeniably gradual, but the percentage of women in the first-line managerial position of chief has nearly reached 25%. If those women are promoted to the director level with good training and opportunities in companies, as well as without any career breaks, the proportion of women at all levels will become higher, though how long this may take is difficult to forecast.

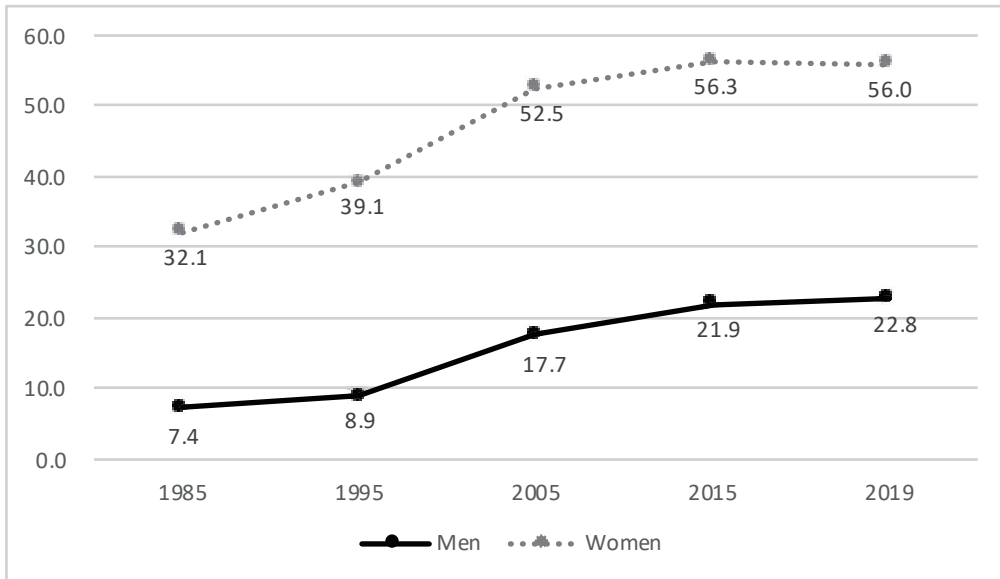
Figure 2 Percentage of women in managerial positions



Source: Cabinet Office (2021c)

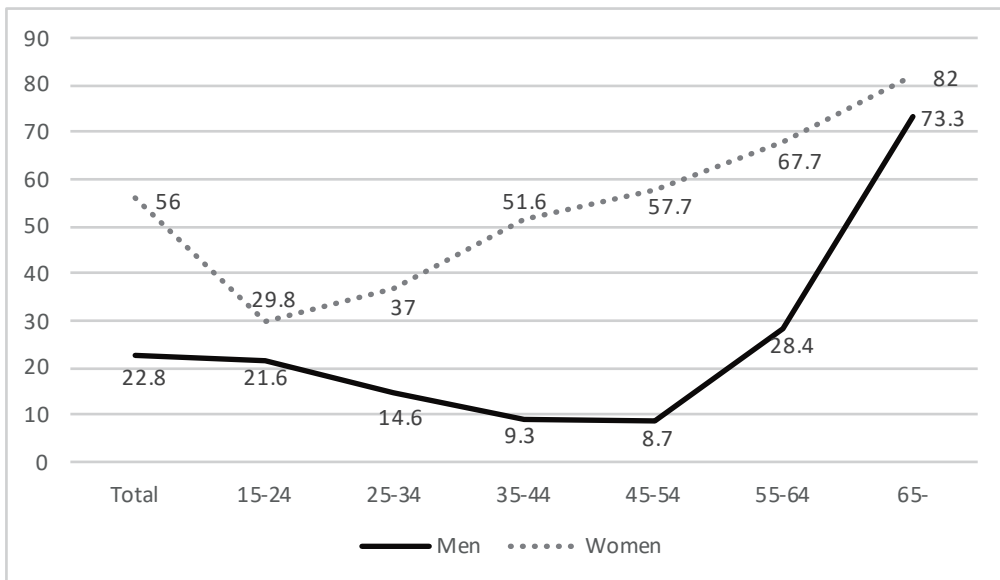
Figure 3 shows the changes in the percentage of non-regular workers by sex, and Figure 4 shows the percentages by sex and by age cohort in 2019. The rate of non-regular workers has been increasing among both men and women, but it clearly shows women accounting for a higher proportion of non-regular workers, at more than 50%. Although the increase in the ratio among men demonstrates the overall trend in Japanese employment structures that use more non-regular employees, which has shifted to a clearer segregation between regular and non-regular employees regardless of gender, as Figure 4 shows, the increase among women in the active working ages indicates an imbalanced employment composition among regular employees in workplace. With these changes, companies may have lost an indispensable proportion of the labour force, that is, women with many skills, abilities and potential.

Figure 3 Percentage of non-regular workers among employees by sex



Source: Cabinet Office (2021c)

Figure 4 Percentage of non-regular workers by sex an age cohort

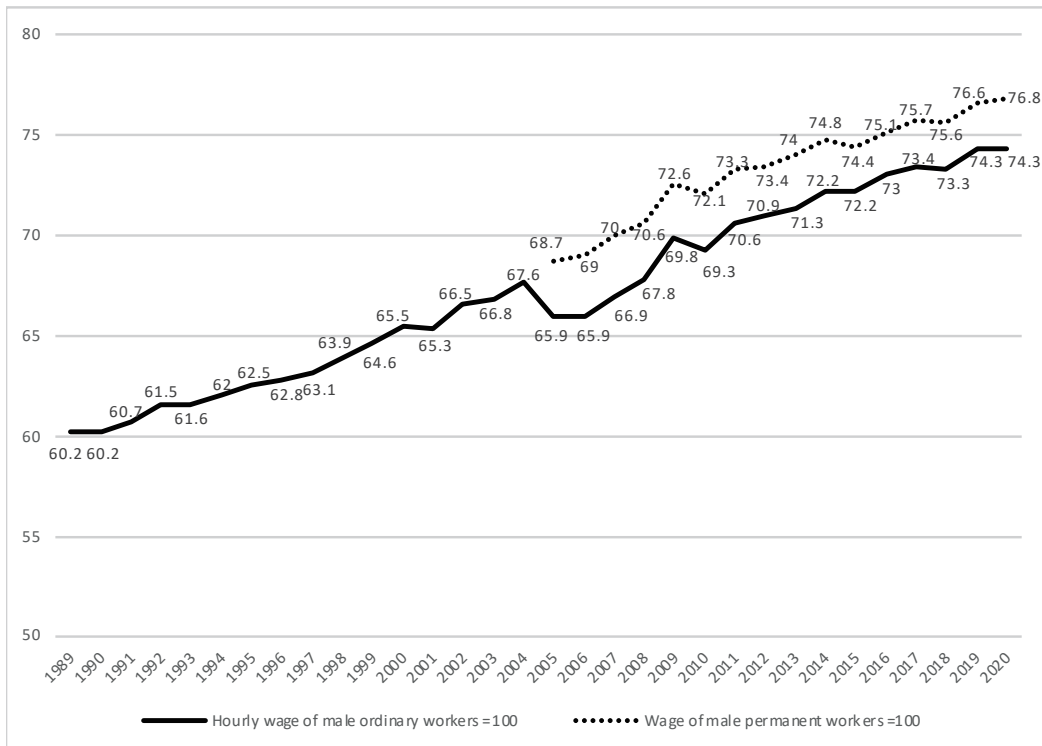


Source: Cabinet Office (2021c)

What about salaries? Figure 5 shows the trend in the gender wage gaps. The longer line shows the comparison of salary between male and female ordinary workers (fulltime employees), and the shorter line shows the comparison among male and female permanent employees (*seishain*). It is evident that the wage gaps still exist, with women’s wages hovering at about 80% of what men earn today; however, these gaps have been steadily narrowing year by year.

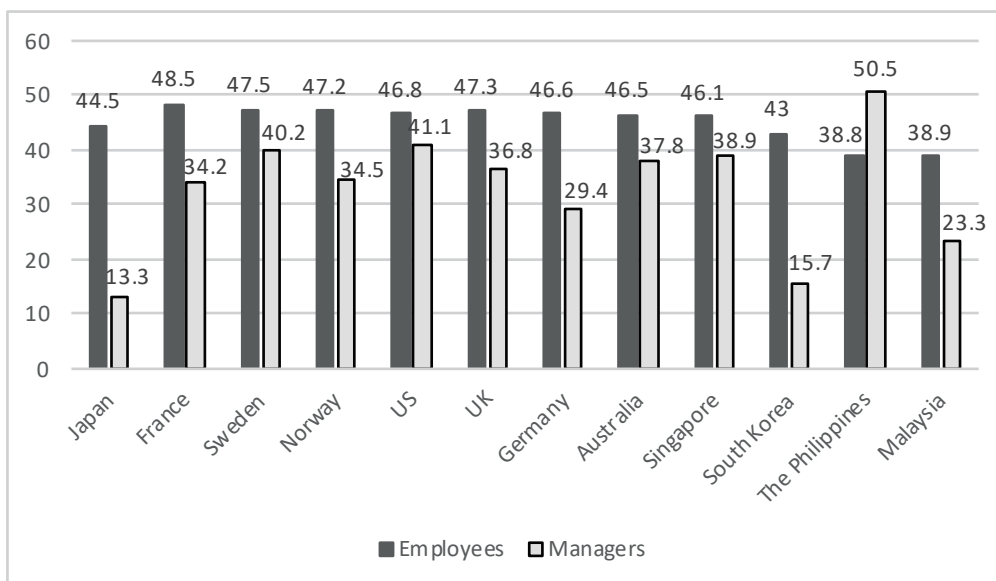
Next, let’s compare the proportion of women among employees and people in managerial positions in selected countries (Figure 6). The percentage of women among employees in Japan has not reached 50%, but it is higher than the percentages in three of its Asian counterparts, South Korea, the Philippines and Malaysia. However, the percentage of women in management positions is the lowest among the presented countries. Although South Korea has tended to show similar trends in gender relations in various aspects of society, from the data, we can see that South Korea now has more women managers in the workplace, so we need to pay attention to the causes of this insufficient development of women’s advancement into core management positions in companies in Japan. The next section will further discuss these issues.

Figure 5 Percentage of women’s wages against men’s wages



Source: Cabinet Office (2021c)

Figure 6 International comparison of percentages of women among employees and in managerial positions



Source: Cabinet Office (2021c)

Lastly, I would like to examine the current government’s numerical targets. Table 2 shows some of the numerical targets set in the latest Basic Plan for Gender Equality (5th, in 2020) by the Gender Equality Bureau of the Cabinet Office. One of the hurdles that inhibits women’s ability to continue their work and career development in companies has been the difficulty in balancing work and private life / family responsibilities. In the table, we can see that men spend more hours working and fewer hours on family care. The percentage of male workers who work more than 60 hours per week is nearly 10%, and the percentage of male workers at private companies who take childcare leave is only 7.4%. In addition, both men and women haven’t taken all their paid holidays (men 53.7%, women 60.7%). These numbers show the difficulties that men face in taking on a certain proportion of housework, and consequently, this can be interpreted as women shouldering a heavier burden of homework. The percentages of women who occupy in managerial positions are still low, as we examined above. In 2003, the government set a target of 30% for women in all managerial positions to be achieved by 2020 (Osawa, 2021). However, the end date for this target was pushed further into future. The road towards gender equality seems to be long and not easy, but these numbers are indeed very important signposts for improvement.

Table 2 Numerical targets and updated figures of the 5th Basic Plan for Gender Equality (Extract)

Target Items	Updated Figures	Target Figures (Deadline)
Proportion of employees working 60 hours or more per week	Total 6.4 % Male: 9.8% Female: 2.3% (2019)	5.0% (2025)
Acquisition rate of annual paid leave	Total 56.3 % Male: 53.7% Female: 60.7% (2019 or FY2018)	70% (2025)
Percentage of male workers at private companies who take childcare leave	7.48% (2019)	30% (2025)
Employment rate for women aged between 25 and 44 years	77.7% (2019)	82% (2025)
Percentage of women who continue to work after giving birth to their first child	53.1% (2015)	70% (2025)
Proportion of women at each rank in private companies		
Section chief or equivalent	18.9 % (2019)	30% (2025)
Manager or equivalent	11.4% (2019)	18% (2025)
Director or equivalent	6.9% (2019)	12% (2025)
Proportion of women entrepreneurs	27.7% (2017)	Above 30% (2025)

Source: Cabinet Office (2021a; 2021b)

There is only three years left to meet the goal of the Fifth Basic Plan for Gender Equality, 2025. So, how can Japan achieve that goal? The percentage of male workers who work more than 60 hours per week should be reduced from 9.8% to 5%, the percentage of male workers at private companies who take childcare leave should be increased from 7.4%. to 30%, and both women and men should be able take more holidays, namely, the percentage of employees taking paid holidays needs to be increased from 56.3% to 70%. Similarly, the percentages of women in managerial levels should be increased considerably—from 18.9% to 30% at the section chief level, from 11.4% to 18% at the manager level, and from 6.9% to 12% at the director level. The slow pace of change may imply that we need more analyses of the employment and management systems that are inhibiting changes as well as more effective and realistic initiatives.

3) Discussion: Changing and unchanging factors

Analyses of the underdevelopment of gender equality in Japanese employment have been conducted by researchers over the years. By analyzing various studies from different fields, Ishiguro (2008, 81) summarized that the following factors have contributed to the underdevelopment of women's advancement in employment in Japan.

- (1) Institutionalized gender discriminative employment practices
- (2) Employment practices that are sustained by men's longer years of service
- (3) Stereotypical assumptions of gendered characteristics
- (4) Structured differences in opportunity, power, work allocation, opportunities for promotion and training
- (5) Lack of supportive measures provided by the government and companies
- (6) Gender discriminatory perceptions and behaviors by people in organizations
- (7) Women's personal work motivations
- (8) Women's personal circumstances
- (9) Norms and assumptions of expected behaviors of employees in companies
- (10) Difficulties in balancing work and family responsibilities
- (11) Perpetuating gender norms which put marriage at the center of women's lives

This analysis was discussed in 2008, but no major changes have been observed since then despite the government's efforts, especially since the second Abe cabinet which strongly promoted gender equality as one of the government's strategies. In 2014, the Headquarters for Creating a Society in which All Women Shine was established, and its initiatives are ongoing (Cabinet Office, 2021d).

Similarly, a report of the World Bank (Das and Kotikul, 2019) summarizes the sources of occupational segregation that have caused gender inequality in employment by distinguishing three factors: 1) labour supply factors, which include skills, access to capital, intra-household allocation of time, safety and mobility; and networks and role models; 2) labour demand factors, which include recruitment, selection and hiring practices; evaluation and promotion practices, workplace culture; and 3) macro-fiscal, legal and regulatory frameworks provided by the government (Das and Kotikul, 2019). When applying these three factors to the examination of the case of Japan, first of all, on the labour demand side (i.e., companies), gender inequalities in management practices officially existed before the enforcement of the EEOL, and the practices in the workplace have continued in many areas of employment as was shown in the data. In terms of labour supply factors, the rate women advancing to higher education has increased, and the gaps between men and women in terms of skills and ability may have already considerably shrunk. If we look at the advancement rate to university, however, there are still some gaps between male and female students and there needs to be further improvement in the area of education (High school: girls 95.7%, boys 95.3%; Technical college: girls 27.3%, boys 20.5%; University: girls 50.9%, boys 57.7%; Junior college: girls 7.6% (Cabinet office, 2021c)). As for safety and mobility, Japan provides a relatively safe environment with good infrastructure; however, factors including access

to capital, intra-household allocation of time and networks and role models seem to remain big hurdles for women.

Another important area is the role the government plays and the initiatives it enacts. We have examined the developmental process of the EEOL, and as discussed, the EEOL is undoubtedly one of the most important factors in generating the awareness of gender equality in society, as well as changes in management practices and corporate cultures. However, tax and pension systems, which still discourage some married women from fully participating in the employment market (National Tax Agency, 2021; Japan Pension Service, 2021), and the family registration system, which defines the family name and the head of the household may support the traditional division of gender roles at home, and it may further support the traditional gendered culture in society and the workplace. Osawa, Mari (2018) points out that Japanese tax and social security systems penalize women working and raising children (dual income families and single mothers) instead of encouraging them.

By looking back the development of gender equality, the leading scholar of gender studies, Osawa, Mari (2021) also emphasizes the problem of the family registration system. In addition, Osawa argues that the underdeveloped consensus and practices of equal pay for equal work, as well as a tax system that supports traditional gender roles, are the factors that hinder gender equality in employment. Moreover, Osawa claims that Japan missed the timing to shift to a more gender-equal society and now everything needs to change, including the company and management systems that adopted long working hours and intense working patterns, and the excessive devotion of employees to their companies. Another influential researcher Osawa, Machiko (2015) makes the argument for other factors including employers' misunderstanding of the causes of women's shorter service years. They tend to think that the lack of work and life balance is the primary cause. Osawa's study, however, found that women have left their companies because of their dissatisfaction with the gendered employment system in which women's motivation to continue working was discouraged. Osawa also pays attention to the narrower and more limited career development patterns in Japan and argues that we need to change society to enable people to have diverse career patterns and choices and adopt a flexible employment market that allows women to return to work without any penalties. Finally, Osawa adds that companies' efforts towards positive action are indispensable.

The author has been conducting research into women's career development mainly in European countries, including Sweden, Denmark, France, UK and Netherlands. All these countries have experienced a severe lack of human resources during the high growth economic period. To increase

the quantity and quality of their labour forces, each country has developed policies and practices that brought about gender equality in society by involving companies as well as the people. Some policies that caught my attention are the practices that aim to “eliminate” the factors that had inhibited women’s labour participation, the socialization of care and family responsibilities, the building of a consensus on equality among families and society, and gender mainstreaming. The attitudes towards work of the women who I talked for this research were also notable. For these women, work provides them with a strong sense of “independence” and “enjoyment,” but at the same time, they show great appreciation for both their family and work lives. Although the policies these countries have taken are different, and while it may be irrelevant to draw comparisons with relatively smaller countries than Japan, these countries can provide Japan with valuable information and hints.

Firstly, the policy and goals written in the EEOL should be properly understood among all people, not only people in companies and governments, but also among households and the educational sector. Even with the government’s efforts and the promotion of the gender equality in companies, the data above prove that these measures are not as effective as they supposed to be. Contrary to the case of Japan, each country I visited for research has analysed, designed, and implemented effective measures to bring more equality to employment and to the society. Secondly, comprehensive coordination among employment, social security and welfare, tax, and education systems will be indispensable in bringing real change to society as well as to employment systems. The issue of gender equality in employment cannot be solved only with revised employment and legal frameworks, policies and practices. In terms of the wider perspective from which the issues should be analyzed, it will be vital to establish a cross-ministerial framework for policy coordination and implementation to change the social, economic and employment systems. As seen in the Japanese cases, Japan is equipped with all the necessary formal and legal framework for gender equality; however, the operation of these frameworks has not been as effective as it should be. One of hurdles in addressing this problem may be the sectionalism of each group of stakeholders or actors who are involved in the process. Implementation of any policies and practices requires well-coordinated operations. The author is left to wonder if Japan has the capacity for the holistic design and implementation of gender equal policies. Thirdly, the employment policies, systems and practices of each company need to be reviewed and revised. Areas for review and revision may include HR functions, such as hiring, training and development, evaluations, salary, and welfare provisions. Strong initiatives from senior managers are also indispensable, and the training of managers in personnel management will be the key for the implementation of human resource management systems. Fourthly, as a result of the above-mentioned measures, an awareness of gender equality

needs to be strengthened in society regardless of each individual's gender. The author understands well that an individual's perceptions are not only formed by their experiences and knowledge. Education, family influences, and messages conveyed by the media also undoubtedly influence people's thoughts and behaviours. The issue of gender equality is no exception, and women are not the only ones to blame. Both women and men need to make a more concerted effort to examine and discuss the topic of gender equality both in their private lives and in the workplace. The high level of awareness among women and the will to develop their life careers as shown by the analysis are indeed the product of lengthy discussions at the national, local, community and household levels. Indeed, Japan has introduced a high level of gender equal employment provisions, but the implementation of those provisions has been inhibited by strong gendered values, norms, and culture. In order to improve gender equality, and strengthen of the efficiency of the EEOL, further coordination within the society, as well as in the political and business spheres, will be needed.

Conclusion

As we have seen, starting with the EEOL, Japan has already established the necessary regulatory framework, and more women are acquiring a higher level of education. There are, however, still big gender gaps in employment, and we know all the causes for these and ways to solve them. It is time for us, the government, companies, society and individuals, to undertake further efforts to improve gender equality for all stakeholders in society.

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