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By Eiko Shinotsuka, *Japan II: The Early Working Years*

The status of the Japanese woman has changed markedly during the years since the end of World War II. Before the war, the Japanese woman was firmly entrenched in a patriarchal system, taught to obey first her father, then her husband, and later her sons. The few women who worked outside the home in the prewar period worked almost exclusively as teachers or nurses, or in other professions considered appropriate for women.

Under the Allied Occupation in the years following the war, the status of women in Japan, at least on the surface, changed dramatically. As part of the new "postwar democracy," the ideal of the equality of the sexes was introduced to Japan and written into the new Constitution in the form of the rights to vote, to receive an education, and to receive equal opportunity employment. This new democracy, however, was imported rather than brought about by an indigenous movement, and the new rights for women were not demanded and won by the recipients themselves but bestowed from above. Largely for these reasons, the concept of sexual equality has not become fully rooted in Japanese society.

This is not to say that all Japanese women are still shackled by the fetters of the prewar family system. For example, in terms of the labor force participation rate for women, the ratio of women working to the total female population 15 years of age and over in Japan in the mid 1980s was comparable to that of other industrialized nations. The factors responsible for the increase in the female work force in Japan are the same as in the other major industrialized nations: an increase in the number of job opportunities for women as a result of urbanization and the growth of the service industries; the fact that women are attaining higher levels of education; a decrease in the number of years occupied by child rearing due to the lower birthrate; a decrease in the time necessary for housework as a result of the development of time-saving household appliances; and a desire for economic affluence, particularly strong in Japan after the relative poverty of the prewar period.

In spite of the increase of women in the labor force, however, a number of obstacles remain to be overcome before Japanese women can be said to have full and equal access to all or even most of the opportunities that exist in the Japanese job market. A look at some of the particularities of working women in Japan may help illuminate those obstacles. Over the more than 40 years since the end of World War II, married women have come to predominate in the female work force. Although this is partly because fewer Japanese women are leaving the work force when they marry and have children than formerly, the bulk of married working women still consists of part-time workers and women who have returned to work after raising a family.

In the late 1980s, nearly one-fourth of working women in Japan are part-time workers. Most of these women work in service industries, such as wholesale, retail, and food service, and in manufacturing industries. Only a very small percentage of part-time working women are involved in specialist, technical, managerial, or other highly skilled areas.

The Japanese woman returning to the work force is similarly restricted: when a Japanese woman possessing a high level of education and several years of employment experience attempts to return to work after raising her children, only relatively unskilled part-time jobs paying the minimum wage are available to her. This situation is rooted in traditional Japanese employment practices -- the lifetime employment system, wages based on seniority, and company-based labor unions -- which make it difficult for experienced workers to find jobs and effectively shut out these older mothers. Thus, although more married women are working than ever before in Japan, they are confined to limited types of jobs.

Further complicating the status of working women in Japan is the Japanese Equal Employment Opportunity Law, which went into effect in April 1986. In contrast to the seventh chapter of the U.S. Civil Rights Act, which was enacted as a result of strong demands from the American population, the Japanese law was, like the postwar Constitution, bestowed from above. Moreover, the Japanese law was largely intended to keep up appearances: it was enacted to ensure that Japan's laws would conform to the Convention on the Elimination of All Forms of Discrimination Against Women, which was one product of the United Nations Decade for Women (1976-85). Japanese corporations were strongly opposed to the new Equal Employment Opportunity Law on the grounds that a Western concept such as this would not work in Japanese society and that Japanese traditions would be threatened by it. Even some women opposed the new law, fearing that it would mean the loss of certain protective measures found in the Labor Standards Law, including limitations on overtime, late-night, and holiday work performed by women, as well as provision for menstrual leave. In fact, the enactment of the law did not mean the automatic abolishment of these measures. Although there has been talk of abolishing them, no concrete action has been taken by the late 1980's, except in a very few job categories. Childbirth leave, in particular is in no danger of being reduced or abolished. Rather, the new law specifies that a woman cannot be dismissed for taking the 14 weeks of optional childbirth leave (6 weeks before the birth and 8 after) provided for in the Labor Standards Law.

As a result of opposition from both female labor and management, the original intent of the Equal Employment Opportunity Law was weakened considerably during the process leading up to the government's draft, which was prepared by the Ministry of Labor, and once the law was enacted its enforceability was in serious doubt. One specific defect in the law is that it has two contradictory provisions regarding an employer's treatment of a prospective or current employee. One provision, which covers topics such as vocational training, fringe benefits, retirement age, and dismissal, states that sexual discrimination is prohibited. Another provision, which relates to the four pillars of traditional Japanese male supremacy in the work place recruiting, hiring, job assignment, and promotion--encourages employers to give women equal opportunity but contains no clause concerning violations, effectively counteracting the intent of the first. In an effort to placate

corporate opposition to the law, the latter provision merely requires companies to "make efforts" not to discriminate on the basis of sex.

The Equal Employment Opportunity Law has thus been criticized as existing in form only, not in content. Furthermore, the committee set up under the law to oversee its application, unlike its U.S. counterpart, has little authority. Since it may only act as an arbitrator, it has not made much of an impact in the three years of its existence, raising doubts about the enforceability of the Equal Employment Opportunity Law.

Although the Equal Employment Opportunity Law is unsatisfactory in the ways mentioned above, it has brought about some positive changes. One such change is that many large companies have done away with the formerly popular practice of giving women an extra cash bonus when they left their jobs to get married. Although the bonus was alleged to be an expression of appreciation for services rendered, its interpretation as an incentive for female employees to leave caused it to fall into disfavor with the enactment of this law.

Another positive result of the new law is the introduction of a hiring system whereby prospective female employees may choose from two tracks: one allowing them to do the same work as male employees and receive equal treatment and the other retaining their traditional role as assistants to the men. The vast majority of new female employees, however, choose the traditional track, at least partly because they are less likely to be transferred to other areas. In the traditional track, female employees are essentially defined as helpers to the males of the workplace; making copies and serving tea are routinely included among their job duties. Thus, although few women exercise their rights under this law, it is their right to support those who opt for an equal employment opportunity track.

In general, women's consciousness in Japan is definitely evolving toward a desire for equality of the sexes; however, a combination of historical and socio-cultural factors have caused change at the workplace to be extremely slow in coming.

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