

Chapter 3

Realizing Fair and Diverse Work Styles and Securing the Safety of Workers

Section 1. Fair and Diverse Work Styles

1. Promotion of Measures for Balancing Work and Life Styles

(1) Charter and Action Policy for Balancing Work and Life Styles

As a result of discussions made at the “Japanese Government’s Council of Executives from the Public and Private Sectors on Promoting a Good Work-Life Balance” which aims at the realization of balancing peoples work and life styles, the “Work-Life Balance Charter” and the “Action Policy for Promoting a Good Work-Life Balance” were formulated on December 18, 2007. Hereafter active efforts will need to be made in consideration of the Charter and the Action Policy. (For the full text, refer to the website of the Cabinet Office at <http://www8.cao.go.jp/wlb/charter/charter.html>.)

1) Work-Life Balance Charter

The Charter states the direction of national approach will take and defines a society in which a good work-life balance is realized as “a society where individual citizens can work with a sense of reward and fulfilment and carry out their work responsibilities, as well as choosing and realizing diverse life styles during the respective periods in their lives, such as parenting, during middle age, and elderly both at home and in communities”. Furthermore, the roles of participants were stated to be the following: ① employers and workers should collaborate in improving productivity while voluntary efforts should be made to reform the consciousness and climate of workplaces and work styles, ② individual citizens should consider ways of balancing their work and life styles and play an active role at home and in their community, ③ the government should actively implement promoting and supporting the measures by developing social sentiment, establishing an institutional framework, and creating the appropriate environment, and ④ municipal governments should inventively deploy these measures according to the actual situation in their respective region.

2) Action Policy for Promoting a Good Work-Life Balance

The Action Policy outlines policies on effective measures to be taken by employers and workers, and measures that the government and municipal governments should take, with also numerical goals for the next 5 and 10 years being set for 14 indices, which includes the employment rate of young people, women, and the elderly, the percentage of employees working more than 60

hours a week, and the percentage of women who continue to work after giving birth to their first child, as goals for society as a whole to promote measures being taken by the respective participants.

(2) Promotion of Measures for Balancing Work and Life Styles

1) Promotion of work style reformation

In consideration of the Charter and Action Policy that aims at a better work and life style balance, the Ministry of Health, Labour and Welfare has been promoting measures to be taken by enterprises in developing social sentiment, restricting long work hours, and encouraging workers to take annual paid leave in facilitating a work style reformation for society as a whole.

More concretely, efforts have been made to promote voluntary measures being taken by labour-management through a shorter work hour support project and shorter work hour promotion subsidies, and by revising the “Guidelines for Improving Work Hours” (enforced on April 1, 2008) in consideration to the formulation of the Charter and Action Policy.

In addition, in FY 2008:

① Measures for developing social sentiment which includes:

- selecting 10 socially influential enterprises, which represents Japan (model enterprises), and publicizing the status and outcome of measures for realizing a better work-life style balance implemented by these enterprises
- promoting understanding of and a consensus on the need to realize a better work-life style balance through establishment of a “Work-Life Style Balance Promotion Council” in all prefectures formed by labour-management and academic experts

are all being implemented. In addition,

② Measures to promote measures being taken by enterprises include:

- publication and enlightenment of the content of the revised “Guidelines for Improving Work Hours”
- establishment of subsidies for supporting small- and medium-sized enterprises that are actively making the effort to improve the consciousness of workplaces for the need to improve work hours

are also being implemented.

2) Promotion of measures to support a good work-life style balance

(Facilitating the formation and submission of general business operator action plans in accordance with the Law for Measures to Support the Development of the Next-Generation)

In accordance with the Law for Measures to Support the Development of the Next-Generation, enterprises are obliged to formulate and submit a “general business operator action plan” for use in improving work environments and enable work to be balanced with child care. Enlightenment activities and guidance are being undertaken in having as many enterprises as possible formulate and submit action plans. As of March 2008, the percentage of enterprises with 301 or more regular workers, which is obliged to formulate an action plan, was 99% while 11,449 enterprises with less than 300 workers that were obliged to make the effort have submitted these plans.

In addition, a system to provide enterprises that meet certain criteria such as achieving the goals set in the action plan with certification started in April 2007, with as of March 2008, 428 enterprises having been certified. Publication and enlightenment activities for the certification system and its logo of “Kurumin” are being implemented to facilitate even more enterprises implementing measures to obtain the certification.

(Dissemination and establishment of the Child Care and Family Care Leave Law)

The Child Care and Family Care Leave Law ^(Note) provides systems for taking child care leave, family care leave, and nursing care leave, limitations on overtime, and limitations on late-night work and measures for reducing work hours. Efforts are being made to raise awareness of these provisions among business operators and workers as well as offer advice and guidance on them. In addition, guidance is being provided on child care leave for fixed term workers, introduced in April 2005, and on such matters as disadvantageous treatment due to having applied for or taking child care leave upon request.

(Support for creating a well-balanced work environment)

At the “Work-Life Balance Support Plaza” and the “Family Friendly Site” on the website of the Japan Institute of Workers' Evolution (<http://www.jiwe.or.jp/index.html>), case study information on enterprises actively making the effort to provide workers with a good work-life balance is available, and utilizing the “Work-Life Balance Guidelines” that enables enterprises to assess their progress in supporting a good work-life balance is being promoted.

In addition, “Recognition for Family Friendly Enterprises” has been awarded to enterprises with various systems for balancing work and child care or nursing care, actively making the effort with measures to enable workers to choose diverse and flexible work styles, and achieving successful results (it was integrated with the recognition of equal employment promotion enterprises, and has been awarded as “Recognition of Equal Employment and Work-Life Balance

^(Note) “Act on the Welfare of Workers Taking Care of Children or Other Family Members Including Child Care and Family Care Leave”

Promoting Enterprises” since FY 2007).

(Supporting reemployment for people who have retired for child care or nursing care)

Seminars are being held and information provided for people who have retired because of child care or nursing care demands and wish to regain employment in the future, so they can smoothly regain employment. In addition, the “Re-Challenge Support Program” is being implemented to offer careful support to help people make systematic preparations for reemployment and includes such measures as offering career consulting, supporting the formation of concrete plans for reemployment, and work experience training. Furthermore, comprehensive information on preparing to be reemployed, and information on child care and nursing care services are being offered on the internet.

2. Creating a Secure and Satisfying Work Environment where People can choose Diverse Work Styles

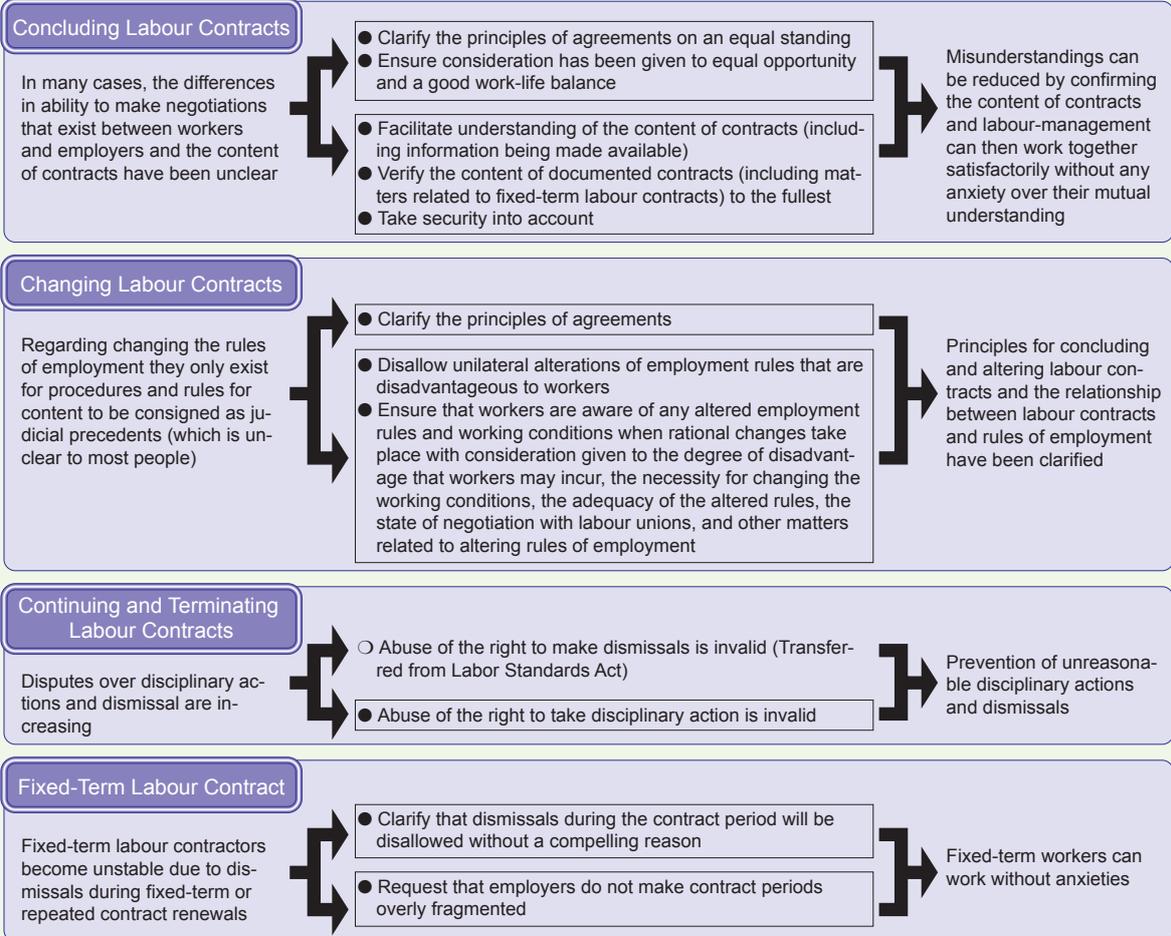
(1) Enactment of the Labor Contract Act

The form of employment has been growing more diverse and working conditions can now be determined and changed on an individual basis, and numbers of individual labour-related disputes are increasing as a result. As a way of resolving this issue outside of the justice system, the individual labour dispute settlement system has been enforced since FY 2001, and a labour determination system has been enforced since FY 2006, and hence the procedural side of improvement is progressing. However, there has been no law providing civil rules regarding labour contracts for use in settling such disputes.

To aim this situation, the “Labor Contract Act” was enacted in December 2007 (enforced on March 1, 2008) and basic rules for labour contracts clarified in an understandable manner (see Figure 3-1-1). The expectation with that is that disputes can be prevented and individual labour relationships stabilized while still protecting workers.

Figure 3-1-1. Summary of the Labor Contract Act

Rules have been provided for use in coping with diverse forms of employment and the increasing number of individual labour-related disputes with the aim of making the relationship between individual workers and employers more favourable.



Enforced March 1, 2008

(2) Amendment of the Minimum Wage Act

The “Draft Law to Amend the Minimum Wage Act” presented at a regular Diet session in 2007 was approved on November 28, 2007 (enforced on July 1, 2008).

As diversity in employment form has progressed supporting the working conditions of low wage workers through a minimum wage system has become an important issue. This amendment was made to revise the matters necessary in coping with such changes in social economy with regard to the minimum wage system.

The amendment clarifies that the consistency with the cost of living needs to be taken into consideration, which is one of the 3 factors considered when determining concrete levels for minimum wages in respective regions and includes (① living costs of workers, ② wages of workers, ③ ordinary enterprises’ ability to pay wages) and public assistance so that workers can maintain

minimum standards for a healthy and cultural life. It also provides the obligation to determine a minimum wage for respective regions and assure its fulfilment by raising the amount of fines for not paying the minimum wage to 500,000 yen.

In addition, the occupational minimum wage requires by law a proposal to be submitted by the related labour-management, which may be approved if deemed necessary. Fines outlined in the Minimum Wage Act do not apply to non-payment of wages (Fines of the Labor Standards Act for violation of payment in full, however, do apply).

In preparation for enforcement of the Minimum Wage Act efforts will be made to ensure that workers, employers, and public organizations are fully aware and in compliance with the act including its publication on the internet and over media, and by holding briefings in addition to distributing leaflets.

(3) Small- and Medium-Sized Enterprises' Retirement Allowance Mutual Aid System

The small- and medium-sized enterprises' retirement allowance mutual aid system was established with the help of government based on a mutual aid system for employers who cannot set up a retirement allowance system on their own. It aims to enhance the welfare of workers at small- and medium-sized enterprises and thereby contributing to their development. As of the end of FY 2006 the system had 5,613,000 members with total assets of 4,600 billion yen.

Due to the recent stagnant economy, the system has suffered financial losses resulting from lower-than-expected interest rates for its fund management. In October 2005, the Organization for Workers' Retirement Allowance Mutual Aid, the operational body of the system, formulated a plan to eliminating those losses and efforts are being made to carry out the plan in a systematic manner to accelerate the elimination of the accumulated losses. In the second middle-term plan which began from April 2008, measures were provided to secure a safe supply of the retirement allowances being promoted while efforts are also being made to ensure the system is stable and reliable over the long term.

(4) Promotion System for Workers' Property Accumulation

The promotion system for worker's property accumulation is a system for use in encouraging workers to systematically accumulate property. The system consists of a property accumulation savings system, which is based on efforts by workers to be self-supporting, and the property accumulation loan system, a fund of accumulated savings. As of the end of March 2008, property accumulation savings had amounted to 17.2 trillion yen, while property accumulation loans were 182,000 with outstanding loans of 2.1 trillion yen.

3. Promotion of Equitable Treatment of Part-Time Workers

The number of part-time workers has dramatically increased, reaching 13.46 million in 2007, accounting for 24.9% of all employees. And at the same time, more and more part-time workers are assuming not only supplementary roles but also responsible business positions.

However, the way part-timers are treated is not always commensurate with their work and the roles they fulfil. And thus it has become important irrational disparities between full-time workers and part-time workers be dissolved and equitable treatment that is commensurate with their work and roles secured.

In consideration of this the “Law to Amend the Act on Improvements etc in Employment Management for Part-Time Workers” was enforced on April 4 2008 and provides for such matters as securing equitable treatment and promotion of conversion to full-time workers in establishing a work environment where part-time workers can use their abilities more effectively.

Promotional subsidies are provided to business operators and small- and medium-sized enterprises business operator organizations as support in their efforts to secure equitable treatment for part-time workers at Part-Time Work Support Centres.

4. Promotion of Regular Part-Time Workers

The status of regular workers whose prescribed working hours are shorter than full-time workers is expected to offer workers more diverse work styles that will suit their respective life styles and life stages, including child care, nursing care, and community activities. The “Action Policy for Promoting a Good Work-Life Balance” formulated in December 2007 set the goal of the introduction of a system for regular workers to be present in 25% of enterprises within 10 years.

The Ministry of Health, Labour and Welfare provides an introduction manual for the system to business operators and is implementing measures to disseminate the system, including subsidies for business operators who are actually introducing the system.

5. Expanding Opportunities for Non-Regular Workers to Become Regular Workers

(1) Promotion of Measures to Expand Regular Workers Employment through Hello Work

Considering that many job seekers wish to be employed as regular workers, relaxations of the job requirements is being promoted and thus expand job openings for regular workers, except for unfulfilled openings for regular workers. For unfulfilled regular job openings, efforts are being made to actively match the job openings through analyzing the cause of them being unfulfilled.

In order to increase the opportunity for job seekers to become regular workers, a brochure explaining the merit of employing regular workers and giving successful cases in terms of labour

and business management of the employment of regular workers was made and is being disseminated through such opportunities as exploring job offers in facilitating business operators offering jobs as regular work. In addition, efforts are being made to facilitate job seekers' understanding of the actual situation at small- and medium-sized enterprises and promote job matching through holding seminars and presentation sessions on enterprises.

(2) Establishment of Skills Development and Career Design System for Dispatched Workers

The number of dispatched workers has been increasing in recent years. However, the opportunity for these workers to develop skills is rather limited when compared to regular workers, and hence has become an issue in terms of continuous career development.

Therefore, the actual situation and issues with skill development and career design in the respective business fields of dispatched workers have been identified, and desirable models and career design support plans for skills evaluation and development formulated with consideration given to the roles of the dispatch and destination enterprises. According to the 3 year plan (FY 2007 to 2009) to implement dissemination and enlightenment projects, efforts were made to identify and analyze the actual situation and issues related to office work in FY 2007.

6. Promotion of Equal Employment Opportunities for Men and Women in the Workplace

(1) Current Situation of Working Women

The "Labour Force Survey" conducted by the Statistics Bureau of the Ministry of Internal Affairs and Communications revealed the number of working women in 2007 to be 27.63 million, an increase for 4 consecutive years. The percentage of females in the total labour force remained the same as the previous year at 41.4 %. The percentage of women in the labour force also remained the same as the previous year at 48.5%. The number of female employees increased for 5 consecutive years to 22.97 million (an increase of 0.2 million from the previous year) but the percentage of female employees within total employees remained the same as the previous year at 41.6%.

(2) Promotion of Measures to Secure Equal Employment Opportunities and Treatment of Men and Women

1) Enforcement of the Revised Equal Employment Opportunity Law

The revised "Act on Ensuring Equal Opportunities and Treatment for Men and Women with regard to Employment" (hereinafter referred to as the Equal Employment Opportunity Law) was

enforced on April 1, 2007 and expanded the scope of sexual discrimination prohibitions and disadvantageous treatment due to pregnancy or child delivery being prohibited.

In addition, the “Basic Policy on Measures for Equal Employment Opportunities for Men and Women” was formulated in November 2007 in providing basic matters for measures to secure equal employment opportunities over the next 5 years. In order to substantially secure equal employment opportunities for both men and women, efforts will be made to further promote Positive Action (voluntary measures of enterprises to eliminate disparities between male and female workers) and also the smooth enforcement of the Equal Employment Opportunity Law to establish an environment where workers who wish to continue working can improve and utilize their abilities without losing the motivation to work.

2) Securing the performance of the Equal Employment Opportunity Law

In FY 2007, efforts were made to raise awareness of and ensure full compliance with the Equal Employment Opportunity Law with guidance, instructions, and recommendations being given to enterprises suspected of violating the law so that workers can work without the anxiety of being sexually discriminated against.

In addition, rapid resolution of disputes between employees and business operators, including dismissals due to pregnancy or child delivery or sexual harassments, has been promoted through conciliation via the Equal Opportunity Mediation Conference.

3) Promotion of Positive Action

Efforts have been made in cooperation with employers' organizations to publicize Positive Action being taken nationwide by creating a “Positive Action Promotion Council”, granting “Recognition to Equal Employment and Work-Life Balance Promoting Enterprises”, and providing a “Benchmark Program” to evaluate the progress Positive Action has made. In addition, a “Positive Action Support Site” was established to provide access to the measures enterprises have taken that are actively implementing Positive Action.

4) Promotion of measures against sexual harassment in the workplace

Guidance on effective employment management and the know-how of concrete measures have been provided to business operators as measures against sexual harassment occurring in the workplace. In consideration of the enforcement of the revised Equal Employment Opportunity Law, which obligated measures against sexual harassment of male and female workers to be made, efforts are being made to make enterprises fully aware and compliant with the issue.

In addition, consultations on sexual harassment have been made available by experts placed at

Prefectural Labour Bureaus.

7. Securing the Proper Operation of Worker Dispatch

With regard to the worker dispatch system, efforts are being made to ensure that dispatch business operators and the destinations are fully aware of the system with complete guidance being provided to secure appropriate business operations that are in accordance with the “Law for Securing the Proper Operation of Worker Dispatching Undertakings and Improved the Working Conditions for Dispatched Workers” (hereinafter referred to as the Worker Dispatch Law). In addition, consultations have been conducted for dispatch workers.

To cope with issues such as any violations of the Worker Dispatch Law, especially in day labourer dispatch, and the unstable situation of dispatch workers, amendment of the “Ordinance for Enforcement of the Law for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers”, formulation of “Guidelines for Measures to be Taken by Dispatch Business Operators and Destinations for Securing the Stability of Employment of Dispatched Day Labourers” (Day Labourer Dispatch Guideline), and revision of the “Guidelines for Measures to be Taken by Dispatch Business Operators” have been carried out. Using this opportunity the “Emergency Plan to Purge Illegal Worker Dispatch” was also formulated and is being executed. The emergency plan provides such matters as making people fully aware of the Day Labourer Dispatch Guideline, enabling them to understand the situation with day labourer dispatch, tightening up the guidance and supervision given to dispatch business operators who have repeatedly been involved in illegal dispatching, and upgrading of the consultation system.

In addition, core issues with the worker dispatch system have been discussed at the “Study Group on a Future Worker Dispatch System” since February 2008 in making legal and systematic adjustments and revisions of the system from the viewpoint of taking care of workers and with consideration given to the purpose of the system.