

# ⑦ Equal Employment and Child Welfare

## Overview

## Measures to Ensure Men and Women Receive Equal Opportunities and Treatment

The Equal Employment opportunity Act prohibits discrimination against female workers in terms of recruitment, hiring, assignment, promotion, training, fringe benefits, mandatory retirement age, retirement, resignation and dismissal.

The Equal Employment office of the Prefectural Labour Bureau offers administrative guidance to businesses in order to ensure full compliance with the Equal Employment opportunity Act, and provides consultation to female workers. The office gives assistance to female workers who have disputes with their employers by providing advice, guidance, and recommendation in the name of the director-general of the office and by helping them settle the conflicts individually through the Equal Opportunity Mediation Conference, an intermediary organization.

The table below shows the numbers of cases the Equal Employment Office of the Prefectural Labour Bureaus provided consultation and guidance to correct employment management systems.

### The points of the Equal Employment Opportunity Law

Prohibition on sex discrimination
<p>Prohibition on sex discrimination at each stage of Employment Management</p> <ul style="list-style-type: none"> <li>Recruitment, employment and disposition (including distribution of works and investment of authority). For promotion, demotion, specified welfare program, changes in occasion and types of employment, renewal of encouragement to retire, retirement age, dismissal and labour contract, sex discrimination shall be prohibited.</li> </ul>
<p>Prohibition on indirect discrimination (Article 7)</p> <ul style="list-style-type: none"> <li>For measures provided by MHLW on the assumption that there might be matters virtually having possibilities of being sex discrimination among other reasons than sex against workers, taking them shall be prohibited unless there are rational reasons.</li> </ul> <p>【Measures provided by MHLW】</p> <p>To require workers' height, weight and physically strength when recruiting and employing workers</p> <p>To require those who can comply with orders of transfer attendant on moves when recruiting and employing workers as regular positions for employment management according to courses</p> <p>To require experience of transfer when promoting workers</p> <p>*Although requirements that are not included in the requirements provided by ministerial ordinances are not violation of the Equal Employment Opportunity Law, there are possibilities of being judged as indirect discrimination by trial.</p>
<p>Special Measures on measures pertaining to female workers (Article 8)</p> <ul style="list-style-type: none"> <li>While prohibiting discriminatory treatment in principle due to sex, measure and treatment toward only female on purpose to extinguish difference virtually existing between men and women on employment occasions shall be provided as legality.</li> </ul>
Prohibition of disadvantageous treatment by reason of pregnancy, childbirth etc (Article 9)
<ul style="list-style-type: none"> <li>Prohibition on providing marriage, conception and birth as reasons of retirement</li> <li>Prohibition on dismissal due to marriage</li> <li>Prohibition on dismissal due to the reasons provided by ministerial ordinance of MHLW such as conception, birth, acquisition of maternity leave and others, and other disadvantage treatment</li> <li>Dismissal of pregnant workers and dismissal workers within a year after their births are invalid unless entrepreneurs can prove that these dismissals don't have to do with conception and others</li> </ul>
Measures against sexual harassment (Article 11)
<ul style="list-style-type: none"> <li>Obligating entrepreneurs to take necessary measures for employment management so as to prevent from sexual harassment</li> </ul>
Measures for maternal health management (Article 12, 13)
<ul style="list-style-type: none"> <li>Obligating entrepreneurs to take necessary measures so that pregnant workers and female workers after birth can secure time to take health guidance and medical examination, also so as to follow the relevant clause and guidance matters on the basis of examination</li> </ul>