

This issue features the revised Child Care and Family Care Leave Law and the revised Law for Equal Employment Opportunity of Men and Women (Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment). In the Law for Equal Employment Opportunity of Men and Women, the revised sexual harassment guideline that clearly prohibits the sexual harassment to sexual minority (LGBT, etc.) was put into effect.

References: <http://www.mhlw.go.jp/english/> (Ministry of Health, Labour and Welfare), etc.

The revised Law for Equal Employment Opportunity of Men and Women and the revised Child Care and Family Care Leave Law were put in effect on January 1st 2017.

Previously,



Responsibilities of employers	Basis
Prohibition of disadvantageous treatment by reason of pregnancy, childbirth, etc.	The Law for Equal Employment Opportunity of Men and Women, article 9-3
Prohibition of disadvantageous treatment by reason of childcare leave, caregiver leave, etc.	The Child Care and Family Care Leave Law, article 10, etc.

From January 1st 2017, in addition to the above, prevention measures to so-called matahara, patahara, carehara* were newly set up.

Responsibilities of employers	Basis
Employers shall take necessary prevention measures so that women workers who become pregnant or give birth do not suffer any harm in their working environments due to inappropriate words/actions by their boss or colleagues on pregnancy or childbirth.	The Law for Equal Employment Opportunity of Men and Women, article 11-2
Employers shall take necessary prevention measures so that workers who take childcare or caregiver leave do not suffer any harm in their working environments due to inappropriate words/actions by their boss or colleagues on childcare or caregiver leave.	The Child Care and Family Care Leave Law, article 25

*Reprinted from the booklet by Ministry of Health, Labour and Welfare

Disadvantageous treatment (including actions to make working environments worse) by employers (manager of human resources and labor, etc) by themselves are of course prohibited. After the revised laws are set up, employers have obligations to take necessary prevention measures so that women workers who become pregnant or give birth and workers who apply or take childcare or caregiver leave do not suffer any harm in their working environments due to inappropriate words/actions by their boss or colleagues on pregnancy, childbirth, childcare leave, or caregiver leave.

*Matahara=maternity harassment (harassment to women related to pregnancy, childbirth, childcare, etc.)

*Patahara=paternity harassment (harassment to men related to childcare, etc.)

*Carehara=care harassment (harassment related to caregiving)

Sexual harassment guideline in the Law for Equal Employment Opportunity of Men and Women

Guidelines for necessary measures for employers to take for employment management in the workplace related to problems caused by said sexual harassment

2. Matter of sexual harassment in the workplace

(1) ...Sexual harassment in the workplace includes the one between members of the same sex. Regardless of the sexual orientation and identity of victims, sexual harassment to them in the workplace is covered by this guideline. (Although sexual harassment did not restrict the sexual orientation and identity of victims in the previous guideline, the underlined portion was added in response to the comments that the idea was not widely known.)

In the website of an NGO HUMAN RIGHTS WATCH (<https://www.hrw.org/ja>), you will find a report with cartoon “The Nail That Sticks Out Gets Hammered Down-LGBT Bullying and Exclusion in Japanese Schools” (<https://www.hrw.org/report/2016/05/06/nail-sticks-out-gets-hammered-down/lgbt-bullying-and-exclusion-japanese-schools>).

Harassment Consultation Center receives complaints related to matahara, patahara, carahara, and discrimination against LGBT.

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Tsurumai, and Daiko sections are also available.
<http://www.sh-help.provost.nagoya-u.ac.jp/>
For more information, please see the website.