CHAPTER 7

THE CHANGING ROLE OF WOMEN

Women in society and employment

7.1 The role of women in society and employment continues to change slowly in Japan. The issue is complicated, involving traditional views of women's role in maintaining the home and rearing children, together with the difficulties presented to women trying to combine work and home responsibilities, given Japan's working practices (*ie* long hours and after hours socialising with work colleagues and clients) and, in the big cities, long commuting times. While wishing to continue to work outside the home after marriage and having children, they also overwhelmingly see themselves as having the primary responsibility for maintaining the home and caring for children. According to the 1995–96 Ministry of Health and Welfare Annual Report, the view that women should try to continue working after childbirth is lower in Japan than other countries and it is noted that, upon facing childbirth, most women stop working. There is a marked generational attitudal change among Japanese concerning gender-based roles, with more than 50 per cent of wives 30 years of age or under opposed to stopping work after childbirth. Difficulties in combining work with child raising, especially the lack of sufficient child–care, have meant change has come only slowly to the workplace.[1]

7.2 Senior women's policy specialists, while acknowledging that the pace of change is too slow, also point to the fact that real change is occurring in Japan. A major breakthrough has been the introduction of one year maternity leave. Also significant was the revised Equal Employment Opportunity Law (EEOL) enacted in April 1999, which outlawed gender-based discrimination in the workplace through the prohibition of gender discrimination in recruitment, hiring, job assignments, promotion, education, and training.

7.3 At a policy level, the Japanese Government is committed to the advancement of women. In July 1997, the Government reported on the 1996 *Plan for Gender Equality 2000,* which had four basic targets: building social systems that promoted gender equality; achieving gender equality in the workplace, family and community; creating a society where the human rights of women were promoted and defended; and contributing to the equality, development and peace of the global community. The Basic Law for a Gender–equal Society was enacted in June 1999 and, in accordance with this law, the Japanese Government formulated, in December 2000, a Basic Plan for Gender

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1 Department of Foreign Affairs and Trade, submission no. 32, pp. 61–3

Equality.[2] Prime Minister Yoshiro Mori stated in his policy speech to the 151st session of the Diet on 31 January 2001:

> The realization of a gender–equal society is an important goal that will have a decisive impact on the determining the modalities of our society. That is why I intend to steadily advance the Basic Plan for Gender Equality adopted in December 2000 and make even more efforts in this regard. Moreover, the newly established Council for Gender Equality will quickly compile measures to assist people in maintaining their jobs as they raise children in order to expand the opportunities for women, who have the important role of bearing children, to be active in society as we build a society in which both men and women can achieve a balance between their families and jobs and can raise their children without anxiety.[3]

Changing employment patterns and practices

7.4 Professor Tessa Morris–Suzuki said that the main trend throughout the nineties was the growth of part–time work for women: 'More and more women are going into part–time rather than full–time work'.[4]

7.5 Dr Smith said that the restructuring of the economy had put more emphasis on the service sector, which was where women's talents were more easily expressed—advertising, retailing and design:

> So in that sense if we are able to overcome the lifetime employment system and the seniority system and people are recruited in mid-career as specialists—which is the trend now, although it is taking a long time—you may find that women professionals, women with these special talents, have more chance of coming back into the labour market with more standing.[5]

7.6 Professor Robert Steven said that as women had been 'the main losers in the current recession in terms of jobs—part–time and full–time jobs'. He hoped that women might become an effective force for change in Japan. He explained that women built networks away from work, some of them traditional and apparently quite conservative, but were active in protests

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2 Statement by Dr Sumiko Iwao Head of the Japanese Delegation, at the Debate in the Plenary of the Twenty-Third Special Session of the General Assembly: 'Women 2000: Gender Equality, Development and Peace for the Twenty-First Century', New York, 5 June 2000

3 Policy Speech by Prime Minister Yoshiro Mori to the 151st session of the Diet, 31 January 2001 ('Mori highlights reform, recovery, IT', *The Japan Times,* 1 February 2001)

4 Professor Tessa Morris–Suzuki, *Committee Hansard,* 24 May 1999, p. 608

5 Dr Wendy Smith, *Committee Hansard,* 17 May 1999, p. 568

concerning family–related matters, such as those relating to nuclear power plants.[6]

7.7 The current economic situation and changing employment practices in Japan were said to be impacting on women in complicated ways. The traditional lifelong employment system militated against women, in particular those who wanted to have some time out of the workforce while their children were small. Professor David Reid pointed out that it was a myth that everybody in Japan always had lifetime employment: 'women never had it, and it tended to be confined to those people from the best universities and the major *keiretsu* companies, the Mitsuis et cetera'.[7]

7.8 The rapid ageing of society and declining birthrate, together with the changes occurring in the lifelong employment system, should work to the benefit of women wanting regular work and careers. The percentage of girls entering upper secondary school had exceeded that of boys since 1969, as had the percentage entering junior college or university since 1989. However, these positive influences were counteracted by the difficult economic situation, which had affected very severely female graduates seeking to enter the workforce effect rising unemployment and the trend for companies to take on part-time workers.[8]

7.9 The female labour force had continued to expand, reaching 40.7 per cent of the total labour force in 1997. The participation rate showed an M–shaped curve, with high participation rates for the 20–24 age group (73.4 per cent), gradually declining for women over 25 and bottoming out in the 30–34 age group (56.2 per cent), before rising again to reach a second peak of 72.2 per cent in the 45–49 age group. By 1997 the majority of Japanese female employees were married (57.5 per cent). Another changing trend was that both the average age of female employees (36.9 years in 1996) and the average length of service (8.2 years) were steadily increasing. In 1997 part–time workers represented 16.4 per cent of the total labour force. Out of the total number of part–time workers, 67 per cent were women.

7.10 Professor Alan Rix commented that women were an under–used resource in Japanese society. Although the large proportion of women were in employment most were in part–time employment, the most rapidly growing sector of the Japanese work force. Japanese women were increasingly important in parts of certain industries and in certain levels of industries.[9]

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6 Professor Robert Steven, *Committee Hansard,* 14 April 1999, p. 292

7 Professor David Reid, *Committee Hansard,* 25 February 1999, p. 198

8 Department of Foreign Affairs and Trade, submission no. 32, pp. 61–3.

9 Professor Alan Rix, *Committee Hansard,* 16 April 1999, p. 451

7.11 Dr Keiko Morita said that over 80 per cent of Japanese women were part–time workers or 'flexible workers'. They were tied to the big companies or the conglomerates and worked in subordinated companies, but since the subordinate companies had been demolished, they had started to move or float in the labour market.[10]

7.12 Dr Aurelia George Mulgan said that the female work force in Japan tended to be in the least protected sector because they were often not in full–time jobs and they did not have career track jobs in companies, in banks, in bureaucratic agencies or such. As temporary part–time workers, they tended to be the first who were laid off. Many female employees worked in small business in Japan, running shops, helping in the restaurants or working part–time in factories. Their union membership rates were low.[11] This observation supports the conclusion drawn by Heidi Gottfried and Nagisa Hayashi–Kato, that:

> the economic miracle in Japan is not fully explicable without reference to a strong breadwinner gender contract which provided an institutional foundation and ideological rationalisation for developing a dual labour market structure; men would devote long hours to wage employment and women would manage family affairs. Japanese employment contracts developed in tandem with the less visible gender contract.[12]

Equal employment opportunity

7.13 It is recognised that Japan's traditional male–dominated work environment will have to change to meet the coming workforce shrinkage being brought about by its rapidly ageing society. According to projections by the Management and Coordination Agency, the workforce will peak at 68.7 million in 2005, after which it will drop to 62.6 million in 2025. The Labor Ministry has acknowledged that greater use will have to be made of senior citizens, women and immigrants to help make up for the shortfall in the country's working population. As a result, workers will come to be evaluated based on their ability rather than their gender, and the traditional two–track employment system that puts most women on the clerical track and most men on the managerial one will need to be abolished.[13]

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10 Dr Keiko Morita, *Committee Hansard,* 15 April 1999, p. 320

11 Dr Aurelia George Mulgan, *Committee Hansard,* 28 May 1999, p. 686

12 'Gendering work: deconstructing the narrative of the Japanese economic miracle', *Work, Employment and Society,* vol. 12, no. 1, 1998, pp. 25–41

13 Naohiro Yashiro, economics professor at Sophia University in Tokyo, quoted in Kanako Takahara, ' "New breed" of woman emerges in Japan', *The Japan Times,* 7 August 2000

7.14 Given that some 18 per cent of the population was predicted to be women over 65, increasing the number of self-reliant women was the key to sustaining Japan through its greying years, according to Keiko Higuchi, Director of the semi–governmental Center for the Advancement of Working Women. 'The 21st century will be the century of the elderly woman', she said. Their financial stability would depend on how long they worked or what kind of social security program they joined during their active years. Ms Higuchi said that compared to government offices and the political arena, major corporations were the ones that would be most likely to struggle in the changing conditions. Japanese companies only allowed a woman two choices—to devote her life to the company like her male counterparts, or quit after getting married or having children, she said. In addition, she noted, there were only two ways for women to get a part in the decision–making process so they could create a female–friendly work place: either work at a government office and 'parachute' into a high position in the private sector, or start her own business and 'make it big'.[14]

7.15 One of the major problems facing working women in Japan is the pressure they are under to quit their jobs after they marry or give birth. The statistical rise and decline in the percentage of employed women in each age group—often referred to as the M Curve—shows that a typical woman leaves her job once she gets married or has children. She then begins working again when her youngest child is around school age. Although more Japanese women are now managing to keep their careers on track and raise children at the same time, making the M Curve flatter, a majority of them still give up on their careers.[15] At the end of the year 2000, the Labor Ministry announced plans for the coming fiscal year to promote the re–employment of such women who wanted to work again after they reached their 30s and 40s, in positions of responsibility, not the usual low-pay, part–time jobs requiring few skills.[16]

7.16 Professor Robert Steven told the Committee that, on average, the wages that women earned as a percentage of men's was just over half, or probably less than half if all the benefits were taken into account. The low earnings of Japanese women ensured that it was they who stayed in the home. Their remaining in the home prevented them from actively participating in the career structured jobs, rather than the general jobs in the work force. He said:

> The Japanese family has been an unhappy place for some time. Most people live in very small houses. The husband comes home very late at night. It is very hard to have a family life. The houses are so small

14 Kanako Takahara, ' "New breed" of woman emerges in Japan', *The Japan Times,* 7 August 2000

15 Kanako Takahara, ' "New breed" of woman emerges in Japan', *The Japan Times,* 7 August 2000

16 'Behind the quest for more babies', *The Japan Times,* 10 January 2001

> they probably sleep in the same room with the children. So there is not a healthy family life ... It is quite an austere life.[17]

7.17 Mr Leon Wolff spoke to the Committee regarding the new amendments which were introduced to the *Equal Employment Opportunity Act* on 1 April 1999. This legislation aimed to strengthen the position of women in the work force by explicitly recognising sexual harassment and that the right for equal opportunity in all stages of employment was an inherent right of all women. When the Equal Employment Opportunity legislation was first enacted in 1986, it was based on voluntary compliance. Employers were only encouraged to do their best to provide equal opportunity for women: there were no penalties for non-compliance. There was not even an expressed duty that employers must provide equal opportunity for women. Sexual harassment was not mentioned in the legislation: it was only through interpreting the words that the legislation could be seen to be trying to regulate sexual harassment: 'There was no word for sexual harassment until 1989 when the first sexual harassment suit was filed in Japan. The Japanese then came up with an Anglicised version of sexual harassment, *sekushuaru harasumento,* which was abbreviated to *seku hara*'. With the amendment, Japan moved to the next step by making what had been a voluntary duty a compulsory duty, banning sexual discrimination and harassment at the workplace, stipulating that management was responsible for preventing such abuses, and providing greater access for women to dispute settlement bodies.[18]

7.18 There were nearly 9,500 consultations over cases of workplace sexual harassment in Japan in fiscal year 1999, up about 35 per cent from 1998, according to a Labor Ministry report released in May 2000. The Ministry's equal–employment offices in Japan's 47 prefectures advised 4,882 female workers or their families about workplace sexual harassment in fiscal year 1999. Common enquiries included what actions female employees could take after having been sexually harassed at work. A prevalent complaint was that their companies did nothing to address their claims. The rest of the consultations were made by company management staff, who asked how to prevent and deal with sexual harassment in the workplace. In about 10 per cent of consultations, female workers claimed they had been treated unfairly on the job by their male superiors after refusing to have sex with them, according to the report. In at least one case, a male employee was fired as a result of a female victim's consultation with an equal employment office. According to the Ministry, the 7,019 consultations in 1998 was almost triple that for 1997. The increasing number of consultations over sexual harassment was seen to be due to the revised Equal Employment Opportunity Law: 'I think the idea that

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17 Professor Robert Steven, *Committee Hansard,* 14 April 1999, p. 292

18 Mr Leon Wolff, *Committee Hansard,* 28 May 1999, pp. 654–656

sexual harassment is something that should no longer be tolerated is spreading among women', said an official with the Ministry's Women's Bureau.[19]

7.19 An equal employment opportunity body exists within the Bureau of Women and Youth Affairs that handles the administrative guidance and informal guidance. There were no penalties placed in the legislation, but it did provide a possibility for bringing a private action under the general law: it became possible to sue someone for breaching a provision, which was not possible before that.[20] The ministry has stated it will continue to reinforce its administrative guidance for companies and increase counselling staff at equal employment offices while continuing to teach management staff how to prevent sexual harassment.[21]

7.20 Mr Wolff said that, whereas previously in Japan the women's movement had largely been discounted as a force in Japanese law, that had now changed, especially with sexual harassment, as a result of the Fukuoka sexual harassment case. In that case, over ten women lawyers had joined together to help the complainant to argue her case and support the litigation. The subsequent increase in sexual harassment litigation had reaped results, as most cases had seen a decision in favour of the woman plaintiff. That was making employers rethink their position. More and more companies were, for example, preparing policies and making videos for training on sexual harassment. There was increased awareness about the issue. The women's movement had taken important steps in bringing it to the public consciousness.[22]

7.21 Dr Wendy Smith spoke on change in the position of women in the workplace. In terms of Japanese management systems, the lifetime employment systems that were often referred to had always been for male regular employees in large companies. Their job stability was buffered by the expendability of part–time workers and of almost all female workers, who came in as regular employees only to be retired through cultural pressure upon marriage and child rearing, and then came back as part–timers with short–term contracts and no union representation or training or promotion opportunities.[23] Enact of the Equal Employment Opportunity Law in April 1986, was intended to give women equal representation in the labour force in terms of promotion and career opportunities. But, as explained in Chapter 6, the employers set up a dual track system in which there was a career track which women could choose to enter only with the understanding that they would perform equally as men

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19 'Sexual harassment consultations up 35%', *The Japan Times,* 3 May 2000

20 Mr Leon Wolff, *Committee Hansard,* 28 May 1999, pp. 655–656

21 'Sexual harassment consultations up 35%', *The Japan Times,* 3 May 2000

22 Mr Leon Wolff, *Committee Hansard,* 28 May 1999, p. 656

23 Dr Wendy Smith, *Committee Hansard,* 17 May 1999, p. 562

did. This was extremely difficult for women with young families.[24] On the whole, the Equal Employment Opportunity Law had backfired in terms of giving women true equal opportunity. Dr Smith commented: 'you cannot just impose that employment law without changing all the gender roles in the wider society as well. That will be a much slower process'.[25]

7.22 Professor Tessa Morris–Suzuki said it had been difficult for women who had been out of the work force to go back into full–time work. Most of the women returning to the work force, after taking care of children, went into part–time work. More women were going straight into part–time work in their twenties. The definition of part–time work in Japan was 'fuzzy' and many of those who were defined as part–time workers in fact worked almost full–time hours. But as part–time workers they did not get the security and benefits that went with full–time work.[26] In that sense, the growth of part–time work was part of a shift away from the conventional provisions that went with lifetime employment. Employment for men was also becoming less secure. Companies were trying to wind back on some of the social security and fringe benefits that they provided to employees, and one way of doing that was to take on women part–time workers where they might have had male full–time workers in the past.[27]

7.23 Availability of child–care for women workers—or for families—was limited. Companies, in particular, had been very poor at providing child–care facilities. That was starting to change. There had been a growth of provision of corporate child–care facilities, but starting from a very low base.[28]

7.24 Mr Fuyuki Kitahara, President of the Japan Chamber of Commerce and Industry in Sydney, explained to the Committee:

> The market is open to females in Japan, but we are still carrying the traditional system, which is that the man works and the wife stays at home ... We are carrying old–fashioned, traditional thinking about men and women, but we and the government try to equalise men and women. For instance, in our company there are no jobs for ladies but jobs for people, for both men and women, there is no difference. In the old days, perhaps a particular job was a lady's job and so we invited ladies for employment.[29]

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24 Dr Wendy Smith, *Committee Hansard,* 17 May 1999, p. 562

25 Dr Wendy Smith, *Committee Hansard,* 17 May 1999, p. 562

26 Professor Tessa Morris–Suzuki, *Committee Hansard,* 24 May 1999, p. 608

27 Professor Tessa Morris–Suzuki, *Committee Hansard,* 24 May 1999, p. 608

28 Professor Tessa Morris–Suzuki, *Committee Hansard,* 24 May 1999, p. 609

29 Mr Fuyuki Kitahara, *Committee Hansard,* 3 September 1999, p. 807

7.25 Experts admit that despite the very visible changes currently taking place both socially and economically, it will not be easy to change Japan's male–dominated environment, the accepted norm for so many years. Kaku Sechiyama, an assistant professor of sociology at the University of Tokyo, has said the key to creating an environment that encourages female workers to continue working after having children is to burden husbands with traditionally female jobs such as housework, child–rearing and taking care of elderly relatives. At present, it is only natural for employers to prefer hiring men rather than women if they know female workers will take leave for a period of time when they give birth to children or take care of aging parents or in–laws, he said: 'We need a system that imposes such burdens equally on male workers so that employers know that there will be a certain disadvantage regardless of whether they hire men or women'. He pointed out that Sweden's so–called 'papa's month' system, which forces men as well as women to take at least 30 days leave when they have children, was a good example. Under this system, women who were caring for children under eight years old could leave work for up to 360 days and still be eligible for 80 per cent of their salary during that period.[30]

7.26 Another hurdle is the Japanese tax system, which contains disincentives for women who want to continue working after marriage. If a wife's annual income is more than 1.3 million yen, for example, she will have to pay income tax while her husband will not be eligible to receive tax deductions for dependents. In contrast, if her annual income is 1.3 million yen or less, she would be able to receive health insurance and pension benefits without having to pay premiums. As a result, more than 30 per cent of female part–timers, whose spouse is the main breadwinner, adjust their income so it does not exceed these thresholds, according to a report by a private research group to the Labor Minister.[31]

Women in senior positions

7.27 Areas that still need to be addressed are the low proportion of female politicians and the low level of women in senior positions in both the public and private sectors. Japan is still characterised by a low percentage of women's participation in the policy decision–making process, especially in the public sectors. Only 15 per cent of candidates for career places in the public sector are women. A white paper on gender equality issued in June 2000 noted that, as of 1999, Japan ranked 38th among 102 nations in giving women responsible posts in politics and government and management-level positions in business. In May 2001, the proportion of director–level women was 2 per cent, managerial

30 Kanako Takahara, ' "New breed" of woman emerges in Japan', *The Japan Times,* 7 August 2000

31 Kanako Takahara, ' "New breed" of woman emerges in Japan', *The Japan Times,* 7 August 2000

3.4 per cent, section chiefs 8 per cent, which equated to less than 10 per cent overall in decision–making positions, compared with 43 per cent in Australia.[32] From 1986 to 2000, the proportion of female members in the House of Representatives increased from 1.4 percent to 7.3 per cent and in the House of Councillors from 8.7 per cent to 17.1 percent.[33] Japan ranked 31 out of 64 countries on the Gender Empowerment Measure (GEM) produced by the United Nations Development Programme, according to the UN Human Development Report for 2001; Australia was placed at 9.[34]

7.28 Dr Aurelia George Mulgan explained that the parties with the highest proportions of women had traditionally been parties on the left of Japanese politics. The Japan Communist Party had a number of women members, and had strong women's organisations and mothers' groups. They also had very close links to the consumer cooperatives in Japan, which were by and large a women's field—consumer organisations in Japan were dominated by women. Women had also been strong in the Japan Socialist Party, which had been led by Takako Doi: 'She had a glorious victory, as she would see it, in the 1989 upper house election. Unfortunately, it has not been repeated since'.[35]

7.29 Dr Wendy Smith described the difficulties confronting women politicians:

> After Takako Doi there was what was called 'the madonna boom'. The Socialist Party realised that it could fill a lot of seats and get a lot of votes through putting up women candidates. They attempted to do so and a lot of women got in but then the women faced incredible hardship because there is this ideology of 'good wife, wise mother' which has existed since the Meiji period. Even a male politician has to be a married family man to get the approval of the electorate. So women had to be a good wife and a wise mother and a good politician. They lost out in terms of the mentoring and patron clientage once they were in parliament. With all the difficulties of being in their constituency and being in the Diet and so on, they just got burnt out.[36]

7.30 The Prime Minister's Office undertook in early 2000 a survey of public opinion on gender–equality issues which revealed that public thinking was far

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32 Michael Millet, 'Women in waiting', *The Sydney Morning Herald,* 26 May 2001

33 The white paper noted that statistics for other developed nations showed far higher percentages ('Women close the gender gap', *The Japan Times,* 5 June 2000; 'Youthful victors rejuvenate Diet', *The Japan Times,* 27 June 2000)

34 The GEM is a composite evaluation of the participation and the decision–making power of women in the political and economic spheres, and of their earned income ('UN: Caribbean shows Japan and Italy the way on women's equality', *AFP*, 10 July 2001)

35 Dr Aurelia George Mulgan, *Committee Hansard,* 28 May 1999, p. 686

36 Dr Wendy Smith, *Committee Hansard,* 17 May 1999, p. 568

ahead of actual conditions. Nearly three–fourths—74.3 per cent—of all respondents thought more women should be elected to the Diet or to prefectural assemblies and have a greater say in policymaking. In a similar survey a decade earlier, the figure was 66 per cent. Broken down by sex, the figures in the 2000 poll were 77.1 per cent for women and 70.9 per cent for men. Only 19 per cent of the respondents thought men and women were treated equally, a decrease from the previous survey's 22.4 per cent.[37] Close to half of all the respondents—48.3 per cent—no longer held the traditional image of men as breadwinners and women as housewives. Only 25 per cent supported those stereotypes.[38]

7.31 Thirty–five women won seats in the general election of 25 June 2000, a record high in elections held under Japan's postwar Constitution and a rise of 12 from the previous record posted in the 1996 election. However, the number represented only 7.3 per cent of the 480 Lower House seats that were available. A record 202 female candidates ran in the election. By party, the Social Democratic Party led by Takako Doi managed to elect 10 women out of 19 successful candidates—the highest among participating parties. The Liberal Democratic Party had eight successful female candidates, including the second daughter of the recently deceased Prime Minister Keizo Obuchi. The Democratic Party of Japan put six women in the Lower House, while the Japanese Communist Party sent four and New Komeito three.[39]

Marriage

7.32 Part of the social change occurring in Japan is reflected in the rising age at first marriage: in 1996 the average age was 26.4 for women and 28.5 for men, up from around 24 for women and 27 for men during the high–growth period from 1955 to 1973.[40] This has been accompanied by a rising trend in the divorce rate through the 1990s, which stood at an all–time high of 2 couples per 1,000 people in 1999 (up from a postwar low of 0.73 per 1,000 people in 1963). Divorces among couples who had lived together for more than 25 years also increased sharply.[41] A public opinion poll on divorce conducted by the Prime Minister's Office in 1997 showed that more than 50 per cent of both men and women supported the idea that a couple should divorce if they were not

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37 'Women close the gender gap', *The Japan Times,* 5 June 2000

38 '48% oppose stereotyped gender roles', *The Japan Times,* 28 May 2000

39 A total of 39 women were elected in the 1946 general election held under the old Constitution ('Youthful victors rejuvenate Diet', *The Japan Times,* 27 June 2000)

40 *Population Vital Statistics,* Health and Welfare Ministry, 1998, quoted in Junko Takahashi, 'Century of Change: Marriage sheds its traditional shackles', *The Japan Times,* 13 December 1999

41 Health and Welfare Ministry data, quoted in 'Birthrate drops to record low', *The Japan Times,* 30 June 2000

satisfied with each other, whereas in 1972, the support rate stood at around 20 per cent.[42]

7.33 Dr Smith said that the increase in divorce rates found expression in changes in burial practices. Most families had a family grave which was in the surname of the male line of the family. When married women died, their ashes would be interred in their husband's family grave. The newly available option of women keeping their maiden surnames on marriage was creating difficulties for that system. Some women did not wish to be buried in the family grave because, for instance, they disliked their mother–in–law who was in the grave, and they did not want to be in the same grave as her. Or perhaps their family may have adopted a new religion which they did not agree with, so they do not want to be in the grave in the new religion's graveyard. Such changes went to the heart of gender roles in Japanese society.[43] It should be noted that the number of those affected by this trend is still small: according to the 1998 *Population Vital Statistics* of the Health and Welfare Ministry, 97.2 per cent of married women changed their family names to that of their husbands.[44]

7.34 Under the Civil Code, either the husband or wife must change their family name to be married legally. In most cases, it is the wife who does so. They cannot keep their separate family names. This has been the case since 1947, when the Civil Code was revised to require that a married couple choose either the husband's or wife's name on an equal basis. The Civil Code was thereby brought into line with the postwar Constitution, enacted in 1946, which abolished the system of marriage approval by the family heads and stipulated that a marriage took effect solely by agreement between a man and a woman, thereby abolishing the *ie* system where a wife entered her husband's family.

7.35 The history of obliging a married couple to bear a single family name dates only from after the 1868 Meiji Restoration, when families were systematically registered under one family name. Before the Meiji Era, having a surname was a privilege of the samurai class. Ordinary citizens, such as farmers and merchants, were banned from using family names, although some privately used self–claimed family names. In 1870, the Meiji government allowed the total citizenry to use family names, and in the following year, the government enacted the Census Registration Law for levying taxes and for conscription. The new law turned the lineal family, known as *ie,* into one unit of registration. The *ie* concept as the basis of the family system was further strengthened by establishment of the Civil Code in 1898. Under the *ie* system, the eldest male in a family line was vested with exclusive rights, including the

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42 Junko Takahashi, 'Century of Change: Marriage sheds its traditional shackles', *The Japan Times,* 13 December 1999

43 Dr Wendy Smith, *Committee Hansard,* 17 May 1999, pp. 562–563

44 Junko Takahashi, 'Century of Change: Marriage sheds its traditional shackles', *The Japan Times,* 13 December 1999

right to approve a marriage, decide the place of residence of married family members, and manage and inherit the family property.

7.36 The Civil Code stipulated that a wife entered the *ie* of a husband by marriage and bore the husband's family name. Wives had no legal rights over family matters, such as parental or property rights. Marriage in the Meiji Era meant a union of two families, or more precisely, an absorption of a wife by a husband's family. Marriage was by no means a union of two individuals. Because young men and women could not marry freely without the legal consent of their family heads, there were many elopements and de facto marriages. Before the establishment of the 1898 Civil Code, the institution of marriage among the common citizenry was more flexible, with people easily marrying and remarrying after divorces. This is illustrated by a high divorce rate of around three per every 1,000 people in the 1880s, compared with around two at the end of the 20th century.

7.37 The establishment of the *ie* system made marriage more rigid, and spread the idea that marriage was a life long contract. Marriage in the prewar period was not only a social norm, but also a necessity for making a living. As most citizens were engaged in farming or small family businesses, they had to find a partner to do family work together and keep the *ie* line. The first priority in marriage was matching a daughter and a son of economically similar level of families: there was no concept of 'marriage based on love' except for some cases among urban upper–class citizens. Marriage was usually arranged by relatives or local matchmakers, so it was not uncommon for a bride and groom to meet for the first time at their wedding ceremony.

7.38 Although some opposition to such marriages appeared in the Taisho Era (1912–1926), before and during World War II, the government re–emphasised the virtue of the *ie* system by claiming strong family unions to be the basis of a nation ruled by the Emperor, the head of all families. At that time it often happened that the wives of first sons remarried other sons in the same family when the first son died at war. Women were seen as a property of the *ie* for providing offspring.

7.39 In accordance with the 1946 Constitution, the Census Registration Law, which took the *ie* lineal family as a single unit of registration in the prewar era, was revised to make the nuclear family a single unit. However, because the revision did not go so far as to put registration on the basis of the individual, the prewar *ie* notion has retained its currency in the popular mind.

7.40 Changing views about marriage have led to calls to revise the Civil Code to legally recognise separate family names between a married couple. The issue gained momentum when Japan ratified the UN Convention for Elimination of All Forms of Discrimination against Women in 1985, and enacted the Equal Employment Opportunity Law in the following year. In February 1996, the Justice Ministry's Legislative Council submitted a

recommendation to the Justice Minister that a married couple be given the choice as to whether they change their family name to either the husband's or wife's, or keep their family names separate. The revision of the Civil Code in this regard, however, has not been discussed in the Diet because of opposition from conservatives.[45]

7.41 Japanese marriages went through a rapid change during the high economic growth period from around 1955 to 1973. The industrial shift from agriculture to manufacturing and services produced a large number of salaried employees living in urban areas who formed nuclear families. For many young women, who grew up seeing their mothers working hard on farms while raising children and doing housework at the same time, marrying an urban salaried man and staying at home was a symbol of affluence. It was also prestigious for men to have a full–time homemaker wife, and there was a widespread belief by both men and women that marriage brought a better life with a guaranteed income rise. Because of that belief, the population of those who stayed unmarried was strikingly low until the mid 1970s. The 1975 report on the National Census by the Management and Coordination Agency showed that only 6.1 per cent of men and 5.3 per cent of women were not married in the 35–39 age group, whereas in 1995, the figure rose to 22.6 per cent for men and 10 per cent for women.

7.42 The high economic growth period was also the time when love-based marriages surpassed arranged unions. Wedding ceremonies began to diversify in type at around this time as well, with church weddings, in place of shrine weddings, increasing rapidly and overseas weddings gaining popularity. The increasing shift to church weddings did not reflect a religious change in Japanese society but a move to break away from the traditional style of weddings that placed the value on marriage between the two families.

7.43 The 1973 oil crisis and following low economic growth are believed to have marked a turning point in views toward marriage. Slow economic growth meant not everyone could expect a better standard of living to come with marriage. With more women having higher education and careers, the average age of marriage began to rise in the mid 1970s. By the mid 1980s, single working men and women, who were typically raised by a salaried father and housewife mother, were already enjoying high standards of living, especially if they lived at home with their parents.[46] An increasing number of Japanese women are finding that the negative aspects of marriage outweigh the benefits. In an age in which they can be financially independent without marrying, they

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45 Junko Takahashi, 'Century of Change: Marriage sheds its traditional shackles', *The Japan Times,* 13 December 1999; Michael Millet, 'Women in waiting', *The Sydney Morning Herald,* 26 May 2001

46 Junko Takahashi, 'Century of Change: Marriage sheds its traditional shackles', *The Japan Times,* 13 December 1999

are rejecting the sorts of marriages their parents had or that they see around them.[47]

7.44 Dr Wendy Smith said that there had been a reluctance on the part of young women who could support themselves with their own incomes to get married at all and put themselves in the gender role that they observed their mother in. This had led to the emergence of seminars and training for bachelors on how to get a wife. Marriage was changing, and childbirth was coming at a later age. Some Japanese men had been forced to marry foreign wives, especially men in the farming communities where life for a wife was very hard. Some of the farming communities in the north of Japan, where there were men were in their forties and not yet married, were sending so–called 'group tours' to the Philippines to find brides.[48]

7.45 Dr Aurelia George Mulgan commented that the example of Filipina brides indicated desperation among some young Japanese farmers: a lot of young Japanese women simply did not want to live on farms, they wanted to live in the cities where they could go to coffee shops and have their friends, so they were not keen to marry young farming men. This had been a problem for them but, it was not on a big enough scale to have any large social impact.[49] Ms Jill Miller said that a lot of those women from other countries who had married Japanese men found it difficult to adapt to Japanese society. They also found it difficult to adjust to Japanese family life where the daughter–in–law was supposed to do everything the mother–in–law wanted.[50]

7.46 The number of men over the age of 30 and still unmarried has increased significantly since the 1970s. A May 2000 survey by the Management and Coordination Agency showed that the percentage of unmarried men aged 30–34 was 37.3 per cent in 1995, 5 per cent higher than in 1990 and higher than such other industrial nations as the United States, Britain, France, Holland and Canada. In the current economic situation single-income families have not been faring so well, and this has influenced women looking for prospective husbands. The increasing number of unmarried people who have continued living with their parents even after they become economically independent has been another factor which has contributed to the declining marriage rate. Such single people living with their well–off parents are described as enjoying a 'satisfying' life with plenty of time and money for themselves; they do not have

47 Janet Ashby, 'Til death or demographics do us part: the changing face of family life in Japan', *The Japan Times,* 12 August 2001

48 Dr Wendy Smith, *Committee Hansard,* 17 May 1999, p. 567

49 Dr Aurelia George Mulgan, *Committee Hansard,* 28 May 1999, p. 686

50 Ms Jill Miller, *Committee Hansard,* 24 May 1999, p. 591

to do household chores, because their mothers are willing to do them for them, and pay minimal or no rent.[51]

7.47 In 1997, a poll conducted by the National Institute of Population and Social Security Research (NIPSSR) showed that nearly 80 per cent of Japanese people supported the conventional form of family centred on children. Nonetheless, childless couples are gradually increasing in number. According to a 1982 NIPSSR survey, the percentage of couples who had been married for less than four years and had no children was 38.9 per cent; by 1997 this had jumped to 42.6 per cent. The rate of childless couples who had been married five to nine years was only 4.3 per cent in 1982, but had risen to 10.3 per cent by 1997. Another survey conducted by NIPSSR indicated that wives who worked a permanent full-time job were more likely to avoid having children. In 1997, the percentage of childless couples in which the wife worked full–time was 72.2 per cent for those married less than four years, and 29.7 per cent for those married for five to nine years, compared to 29.8 per cent and 5.1 per cent respectively for couples in which the wife stayed at home.[52]

7.48 Dr Carolyn Stevens said that, in 1994, the Ministry of Health and Welfare had established the Angel Prelude Plan in reaction to the dropping fertility rate. The Ministry believed that an increase in late marriages was the culprit for the falling fertility rate and they offered women who had more than one child compensation, such as monthly cash payments, to encourage them to have more than one child. The Ministry stated the aim of the plan was to improve the environment 'to raise healthy children as well as supporting efforts to make child rearing and employment compatible'. Japanese feminist scholars criticised this policy harshly as one that merely paid women to have more children, and the monthly stipend of $50–odd was not nearly enough to be a realistic contribution. Dr Stevens believed the plan had failed in the eyes of the Japanese public.[53]

7.49 The birthrate and the number of births in Japan sank to record lows in 1999. A total of 1,177,663 babies was born in 1999, down 25,484 from 1998 and falling below the 1,187,064 in 1995, which had been the lowest figure since the government began compiling population statistics in 1899. Health and Welfare Ministry officials attributed the decline to late marriages, which led to fewer children for mothers in their 20s. The average age for first marriages for both sexes also increased by 0.1 year to 28.7 for men and 26.8 for women. The average age of mothers who gave birth to their first child rose by 0.1 year to

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51 Masahiro Yamada, author of *Parasite Single no Jidai (The Era of Parasite Singles),* quoted in Yuko Naito, 'More and more men are getting left on the shelf', *The Japan Times,* 25 May 2000

52 Yuko Naito, 'Have lifestyle, don't need kids', *The Japan Times,* 1 February 2001

53 Dr Carolyn Stevens, *Committee Hansard,* 17 May 1999, p. 571; *Cf.* Heidi Gottfried and Nagisa Hayashi-Kato, 'Gendering work: deconstructing the narrative of the Japanese economic miracle', *Work, Employment and Society,* vol. 12, no. 1, 1998, pp. 25–41

27.9 in 1999, another record high. The average number of babies born to a Japanese woman throughout her lifetime dropped by 0.04 to 1.34 in 1999, breaking the record low of 1.38 set in 1998. Subtracting the number of deaths from births, Japan experienced its record–lowest natural increase in population of 195,643, down 71,000 from 1998.[54]

Children

7.50 Dr Wendy Smith said that child–care was still not readily available. Although there were more creches and child–care centres being set up, there were not enough to fill the demand. Women were still being retired upon childbirth through peer group pressure: 'The work teams are so lean and mean that if you are absent because of having a child sick you would put so much pressure on your colleagues that you would just feel very uncomfortable. So quite often—although it is not part of labour law—women do retire after giving birth because it is just too hard to be constantly in that position'.[55]

7.51 Those women who attempted to stay in the labour force were discriminated against through promotional and other opportunities. As it was necessary to have a two salary income to be able to rent reasonable housing, much less to even consider buying a house, women, having had their child or children, came back into the work force, but in a very disadvantaged position as part–timers or on contract.[56]

7.52 Dr Carolyn Stevens said that another reason for fewer children was the high cost of education. Japan's best universities were public and reasonably priced, but the competition to enter them was so great that families with high ambitions would spend an inordinate amount of money on education at the primary, secondary and extracurricular level. In the past, boys had been favoured in educational spending, but currently families spent just as much on their daughters as they did on their sons. Women who chose to go on to tertiary education in Japan were increasingly choosing four–year degree courses in order to compete more effectively in the job market. Two–year programs, traditionally a female domain, were in decline.[57]

7.53 In May 2000, the Labor Ministry announced a draft plan to help child-rearing parents balance their work obligations with child–care. Proposing to relieve parents of long hours of overtime and to shorten their working week, the ministry drew up measures to promote equal employment opportunities for men and women and sought advice on the plan from the Women's and Young

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54 Health and Welfare Ministry data, quoted in 'Birthrate drops to record low', *The Japan Times,* 30 June 2000

55 Dr Wendy Smith, *Committee Hansard,* 17 May 1999, pp. 567–568

56 Dr Wendy Smith, *Committee Hansard,* 17 May 1999, p. 568

57 Dr Carolyn Stevens, *Committee Hansard,* 17 May 1999, p. 571

Workers' Problems Council. The measures were to be implemented over a five–year period. The plan said that enabling employees to work and raise children or nurse the elderly at the same time was a major task in an ageing society with dwindling numbers of children, and pointed out the importance of alleviating the burden on women, who generally took the responsibility for child-rearing and nursing. It proposed introducing a system that would allow employees who were raising children to apply for exemption from overtime. A bill to revise the law on parental and nursing leave would be submitted to the Diet to introduce the system.

7.54 The ministry would also study the viability of cutting working hours for child–rearing employees and of providing parents with days off to care for sick children, and discuss how to treat workers who returned from child–care leave. It would also discuss plans to support companies that actively promoted child care and nursing leave and considered family conditions in relocating personnel, as well as encouraged and facilitated re–employment of women who left their jobs to raise children. To help workers who would otherwise be forced to give up child care or nursing leave due to economic reasons or pressure in the workplace, the Ministry indicated its intention to tighten guidance for companies and promote a system that allowed both men and women to take such leave. In the case of companies where the gap between male and female workers was wide in terms of employment, promotion and salaries, the Ministry would request that such companies clarify their criteria for selecting and promoting workers.[58]

7.55 Prime Minister Yoshiro Mori stated in his policy speech to the 151st session of the Diet on 31 January 2001:

> The rapid deterioration in birthrates in recent years has engendered concern that there will be a widespread influence on the economy and society of our nation. It is important that the government work together to take comprehensive measures in order to ensure that in the 21st century Japan remains a society in which our people can have dreams and hope for their families and for raising children in a bright future. That is why, based on the Basic Policy on Advancing Measures in Response to the Falling Birthrates, I will submit to this session of the Diet bills to revise the Law Concerning the Welfare of Workers Who Take Care of Children or Other Family Members, Including Child Care and Family Care Leave in order to advance the creation of an employment environment to facilitate a society in which people can give birth to and raise their children while continuing to work. At the same time, I will try to enhance child–

58 'Child–care burden may ease', *The Japan Times,* 1 June 2000

> care services through steps such as expanding the framework for accepting younger children at day-care facilities.[59]

7.56 Prime Minister Mori subsequently instructed officials to set up a panel under the Council for Gender Equality to look at ways to support child–rearing by working women. It was to consider matters, including childbirth allowances and longer maternity leave, in an effort to create an environment in which working women could marry and have babies without financial and career problems. New Komeito, one of the three parties of the ruling coalition, had proposed the government extend interest–free loans to cover childbirth costs. [60]

Aged care

7.57 Dr Wendy Smith said that traditionally it had been the housewife–mother who looked after the husband's aged parents, at great personal cost to herself and to her emotional and physical life. At present, as women needed to work for income reasons, and wanted to work, they did not want to be put in those roles. The care of the aged had, therefore, become a dilemma. Sometimes women, who are about to be married, made it a part of their marriage agreement to the effect that, 'I'm not going to live with your parents' or 'I'm not going to look after your parents'. There were not enough public facilities in place to look after the ageing population. The high life expectancy of Japanese increased the urgency to make public facilities available.[61]

7.58 Dr Carolyn Stevens said that in an ageing society, women carried a triple bind of housework, child–care, elder care and, often, a part–time job.[62]

7.59 Ms Miller told the Committee the rapid ageing of the Japanese population was putting pressure on the government, welfare agencies and families, and especially women who had been the traditional care–givers for the aged. There were estimated to be two million elderly requiring care, and the figure should reach five million in 2050. The government was seeking economic and socially viable ways to manage problems created by a steep rise in the numbers of elderly and a corresponding decline in the working population. The Long Term Care Insurance Law was implemented in April 2000 to provide long–term care. All citizens over the age of 40 had to pay a monthly premium, and a sliding scale applied to those 65 and over. The system was administered by the 3,000–odd local government authorities throughout the country. The new law was seen to represent a major shift from family care

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59 Policy Speech by Prime Minister Yoshiro Mori to the 151st session of the Diet, 31 January 2001 ('Mori highlights reform, recovery, IT', *The Japan Times,* 1 February 2001)

60 'New panel to consider ways to foster child–rearing by women who work', *The Japan Times,* 4 January 2001

61 Dr Wendy Smith, *Committee Hansard,* 17 May 1999, p. 568

62 Dr Carolyn Stevens, *Committee Hansard,* 17 May 1999, p. 571

to community care that might stimulate further changes to society by reducing the importance of family support.[63]

7.60 One of the goals of the Long Term Care Insurance Law, which was implemented in April 2000, was to relieve wives, daughters and daughters–in–law of the burden of elderly care and to update government policies to take account of recent demographic and economic trends. Under the system brought in by the law, recipients receive vouchers (not cash) that can be redeemed at approved care providers ranging from hospitals to non–profit organisations. The law was a recognition that the family had been overburdened by the absence of government initiatives concerning elderly care and that it had also changed considerably in the postwar decades. Too many women had been forced to sacrifice their careers and health to the rigours of elderly care because of the absence of support services. It indicated a belated recognition of the costs of assuming that the family and its female members would naturally serve as the foundation of elderly care in a context of considerable transformation in the family and in women's participation in the labour force.[64]

7.61 It may be seen from the foregoing that the changes in the roles of women in Japanese society in recent times have been similar in many ways to those experienced by women in Australia. Both countries can learn from each other's experiences to develop policies in response. In this context, the objectives of the Australia–Japan Partnership Agenda regarding industrial relations and human rights may provide an appropriate framework for discussion and consultation. They are:

> With a view to promoting mutual understanding of respective industrial relations environments, the Governments of Australia and Japan will continue to exchange high–level tripartite industrial relations delegations between the two countries approximately every three years.
>
> Recognising that democracy, development and human rights are inter-dependent and mutually reinforcing, the Governments of Australia and Japan will promote consultation on human rights issues and explore effective and efficient ways of promoting human rights internationally through UN agencies and other forums, and through support of non–governmental institutions and arrangements.

63 Ms Jill Miller, *Committee Hansard,* 24 May 1999, pp. 587–588

64 Jeff Kingston, 'Two perspectives on a gray tomorrow', *The Japan Times,* 1 February 2001

Recommendation

The Committee recommends that the Australian Government, utilising the industrial relations and human rights objectives of the Australia–Japan Partnership Agenda, work cooperatively with Japan in formulating policies and setting standards with special reference to the human rights and employment conditions of women that could assist both countries.