

# Harassment Consulting Center News

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This newsletter will summarize the lecture “Prevention of power harassment against female workers: *ninkatsu* (TGP; Trying to Get Pregnant) harassment, *matahara* (maternity harassment), and *ikuhara* (harassment in parenting)”. On June 10, Chizuko Ueno, Professor Emeritus of the University of Tokyo, talked about measures taken by universities to stop sexual harassment. Sayaka Osakabe, Representative Director of the “natural rights” Co., Ltd., spoke about maternity harassment. Afterwards, the Hiroko Tsukamura, the Gender Equality Division Director of Nagoya University, and the speakers discussed these issues.

## Measures against sexual harassment in universities: From the experience in the University of Tokyo. Chizuko Ueno (Professor Emeritus of the University of Tokyo)

Women in the feminist movement have publicized the problem of sexual harassment to the extent that many people now consider it to violate human rights. Before this, society treated domestic violence (DV) as simply a private squabble between two individuals. Many men saw sexual harassment as no more than harmless teasing that helped relieve tension and stress found in the workplace. But since the term “sexual harassment” received a 1989 award for new buzzwords, people have come to recognize its potential cost to an organization. One indicator of such costs is the compensation that companies must pay to victims in a growing number of lawsuits. Over time, Japanese women have become more assertive in reporting sexual harassment and more willing to go to trial while refusing to quit their jobs.

Sexual and academic harassment seems to take place more regularly in universities than in other organizations. The victims are people in weak positions, such as graduate students, entry-level research workers, non-tenure track faculty members, and non-regular staff. The revised *Equal Employment Opportunity Law* in 1998 clarified the responsibility of managers, so instead of criticizing the victims they now punish the perpetrators.

To counter on-campus harassment, the University of Tokyo established the following rules: (1) persons in a section involved in harassment are removed from the process of considering any related claims, (2) to avoid secondary harm, qualified experts handle all cases, and (3) to ensure transparency, counsellors and lawyers outside the university are selected as committee members. Since these measures were initiated, committees have dealt with a number of harassment cases. From these experiences, we have learned

some striking points. First, sexual desire does not always motivate sexual harassment; second, perpetrators sometimes commit harassment using deliberate, intelligent, and vicious means; and third, the points of view of the situation for victims and perpetrators differs. For example, a victim may claim sexual harassment, while the perpetrator may maintain it was a consensual relationship. The committee found many examples of stalking by students, academic harassment, and gender discrimination in job promotions.

Under Japan's labor model in which men are the primary wage earners, women are at a disadvantage. The root of the problem is the so-called "Japanese style of employment", characterized by lifetime job security, seniority-based wages, and close cooperation between labor and management. It is a system that has made women second-class workers and also responsible for childbirth, childcare, housekeeping, and nursing care. The male earning model must change. Prescriptions to deal with the problems in Japanese type employment are found in "working way reform": (1) Abolition of long-hour work (workers leave workplace at regular time), (2) Abolition of seniority-based wage system (changing jobs and retiring should be easier and not prejudice the worker), (3) Equal pay should be granted for equal work. In universities, the number of non-regular staff and faculty members with limited-term contracts are growing. Such workers are vulnerable, and so often become victims of harassment. This structure makes universities especially susceptible to accusations of harassment. In our fight against social injustice, universities cannot preserve their values if they cannot eliminate harassment.

**Maternity harassment. Ms Sayaka Osakabe (Representative Director of "natural rights" Co., Ltd)**

The Japanese word "*matahara*" comes from the English "maternity harassment". It refers to the unfair treatment of women when they become pregnant, give birth, or raise children. Actions may range from mental or physical bullying ("*gray matahara*") to termination of employment or compelling them to "voluntarily" quit their job ("*black matahara*"). *Matahara*, when a worker is pregnant, can have life-changing consequences if it results in a miscarriage. While male superiors in the office sometimes harass their female colleagues, the perpetrator is often another woman.

*Matahara* is not linked to a company's size. Many female workers going on maternity or childcare leave reporting feeling anxious because they must pass their responsibilities on to colleagues. The concept of *Matahara* folds "dismissal owing to pregnancy" and "dismissal while taking childcare leave" into a single category, grouping all such victims together. As a result, society now recognizes *matahara* as a serious issue and people recognize the need to modify current laws.

*Matahara* can be subdivided into the ensuing four categories. (1) Imposing traditional gender-based values (often called “values of the Japanese Showa era” from 1926-1989), which includes the male-dominated earning model and ignorance of shifting norms; (2) Bullying, which might include resentment toward female employees instead of employers because of increased workload following a pregnancy or period of child-rearing; (3) Power harassment, involving lack of understanding about a woman’s right to be absent or go home early during periods of pregnancy or care for small children; (4) “Expulsion type”, that labels women as second-class workers because they are not supposed to remain long at an organization.

Mistreatment of a person due to their pregnancy, giving birth, or taking maternity leave is against the law. The company, not the worker, must justify any actions to dismiss a worker by providing evidence of their inability to do a job or declining performance.

A career course compatible with both work and child-rearing is known as “mommy track”. But this does not mean a promotion. Working mothers are not given fair job opportunities but instead are forced to choose careers in ancillary fields or engage in temporary work. Many working women, therefore, are unwilling to quit a career track position. *Matahara* means not only ignoring a woman’s wishes by excessively increasing her workload, but also reducing it due to concerns over her health.

*Matahara* is not only a moral issue but also a matter of management and work style (e.g., awareness of gender-based division of labor and long working hours). To prevent such cases, we must also stop “*counter matahara*”. These actions include preventing the overwhelming of those workers who pick up the work of female workers on leave. Reviewing the work environment is absolutely necessary (work style reform). Reducing *matahara* may also contribute to preventing other types of harassment, such as so-called *patahara* (paternity harassment: violating rights and opportunities for men to take part in parenting and accept parental responsibilities) and *carehara* (care harassment: harassing people who care for family members requiring nursing care while trying to balance work).

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Harassment Consultation  
Center receives complaints  
related to *matahara*.