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Power Relations and Harassment in the World of Work — Chair’s Memo for the Plenary Session of the JASPS 141st Biannual Conference

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1 Why the Theme of This Plenary Session Was Chosen

The plenary session of the 141st biannual conference of the Japan Association for Social Policy Studies (JASPS) was held online on October 24, 2020. Two events prompted the theme of this plenary session to be chosen: first, the Centenary International Labour Conference of the International Labour Organization (ILO) adopting ILO Convention No.190 ‘Eliminating Violence and Harassment in the World of Work’ supplemented by Recommendation No.206, on June 21, 2019; and second, Japan revising the Comprehensive Promotion of Labor Policy Law and newly establishing provisions concerning power harassment on May 29, 2019.

2 The definition of and regulations for violence and harassment

What stands out at the beginning of Convention No.190 is how the definition of violence and harassment does not contain a

specification concerning “discrimination.” Namely, according to Article 1 (1) (a), violence and harassment is “a range of unacceptable behaviors and practices, or threats thereof,” “that aim at, result in, or are likely to result in” “physical, psychological, sexual or economic harm.” At the end, it is explicitly stated that “gender-based violence and harassment” is included in the range of unacceptable behaviors and practices.

Article 1 (1) (b) states that “gender-based violence and harassment” is “violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.” In addition, the convention and the recommendation require member states to define violence and harassment and to establish laws and regulations that prohibit violence and harassment (Recommendation 2 suggests that violence and harassment be addressed in criminal law, where appropriate).

Since 2001, the Cabinet Office's Council for Gender Equality has had an expert investigation committee on violence against women. The committee began a study on sexual harassment in June 2018, and in April 2019, it submitted a report titled "Current Situation and Issues of Measures against Sexual Harassment." This is concise and accurate report, and information will be cited from it.

As this report states, feminists in the United States invented the term sexual harassment during the 1970s. In the U.S., sexual harassment constitutes gender discrimination under Title VII of the Civil Rights Act. U.S. law has no explicit provision that prohibits sexual harassment as sex discrimination, and sexual harassment does not include gender harassment [The Cabinet Office. 2019, pp.12-13].

Meanwhile, the European Union (EU), through its equal treatment directives issued after 2000, required that sexual harassment and other types of harassment be regarded as forms of discrimination based on protected attributes such as race, ethnicity, religion, belief, disability, age, sexual orientation, and sex and that its member states define and prohibit sexual harassment under their national laws. The EU Directive has separate provisions for harassment (including gender harassment) and sexual harassment. In each of these sets of provisions, that a behavior is "violating the dignity of a person" is the requirement for discrimination [The Cabinet Office. 2019, p.13].

Based on her experiences as an attorney, Yoko Kuroiwa researched the legal theories of the EU on gender discrimination prohibition. According to what was summarized by Kuroiwa, the provisions of the EU directive not presupposing comparison with other genders show that the EU is dealing with gender discrimination from the

point of view of substantive equality rather than formal equality. Because an approach based on formal equality limits sex discrimination to "whether men and women are treated differently," and men and women must be compared to prove sex discrimination. Proof of harassment under the EU directive, on the other hand, does not presuppose comparability [Kuroiwa. 2019, pp.150, 160-161]. Furthermore, sexual harassment under the French penal code (the clause on sexual harassment was first passed in 1992 and, after it was ruled unconstitutional in 2012, a new law was introduced in the same year) is specified as "a violation of a person's dignity." Thus, sexual harassment and discrimination are not necessarily tied together. In contrast, under law of the United Kingdom, Germany, and Sweden they are considered as tied together. In the U.K., the Equality Act and a 1997 Act stipulate criminal penalties for sexual harassment. In Germany, by revising a part of the Criminal Code in 2016, sexual harassment was made a crime [The Cabinet Office. 2019, pp.13-20].

There are criticisms that "violation of dignity" being the requirement for sexual harassment causes the burden of pleading and the burden of proof of victims to become unnecessarily heavy. As Kuroiwa states, the Supreme Court of Canada, in its decision in the case of *Law v Canada* (1999), by making human dignity a fundamental value of equality rights, progressively interpreted the anti-discrimination law. Contrarily, in the decision of the Canadian Supreme Court in the case of *Kappa* (2010), the use of the concept "dignity" was pointed out as problematic (the burden of proof of discrimination becomes heavier) [Kuroiwa. 2019, pp.230-231, 234-235].

The paper by Ki-young Shin for this plenary session provides a detailed overview of how the "harms" of sexual harassment

have been discussed. These harms are harm to dignity, harm to gender equality, harm to labor, and harm to long-term self-actualization. When these harms of sexual harassment are considered, it becomes even more crucial to pay attention to the following elements of ILO's Convention No.190 and Recommendation No.206 for: ① not tying together discrimination and violence and harassment in its definition of violence and harassment; ② not stipulating "violation of a person's dignity" as a requirement for violence and harassment; and ③ not requiring a certain relationship to exist between the victim and the perpetrator, unlike the Japanese power harassment prevention regulation, which stipulates that the perpetrator must be in "a superior position."

Although the significance, effects, and impacts of these elements could not be adequately discussed during this plenary session, they should become evident when the convention is applied.

3 Main Organizational Factors of Violence and Harassment

In addition, a vital point is that the preamble of Convention No.190 states that violence and harassment is "incompatible with the promotion of sustainable enterprises." Behind this statement, it is supposed that corporate management structure, rather than problems between individuals, is understood as an important risk factor of violence and harassment in the world of work. Kanta Owada, who specializes in labor law, mainly French labor law, introduced how the Belgian government, based on its fact-finding investigation, put forward the main organizational factors for harassment, and how in the case where 35 workers committed suicide at France Télécom, the executives of the company were held criminally liable for

"managerial harassment" that the managerial culture of the company caused. Up to now, language and behavior that were discriminatory or that were personal attacks have tended to be thought of when the question of harassment was asked. In contrast, Owada urges that attention be paid to harassment committed through work or labor management, which is harassment that can cause death and suicide from overwork and stress [Owada. 2020, pp.5, 8-10].

In this plenary session, Masami Nomura and Kyoko Niimura pointed out the following issues: ① the concept of power harassment contained in the Japanese Act on Comprehensive Promotion of Labor Policies is "limited" (Niimura); ② the Act on Comprehensive Promotion of Labor Policies does not consider "exhausting" (Nomura) employees on the orders of the company as harassment. According to Nomura, although European and U.S. companies are *gesellschaft*-like organizations, in Japanese companies, because they have a "community superstructure," the capacity for violence that their organizational culture possesses is "unique." How did such a difference between the companies of Europe and the United States and the companies of Japan come to exist? It could be because the judiciary of Japan, in addition to the employee union movements of postwar Japan, allowed almost unlimited management prerogatives over such matters as overtime and transfers.

Considering that there is such a "culture," as the paper by Kyoko Niimura clearly shows, the distance that exists between Convention No.190 and the current Japanese law could be considered staggering. In Japan, in addition to separate acts existing for each kind of harassment, it is impossible to understand what kinds of behaviors and practices will be "dealt with" and how they will be "dealt with," unless one has a

thorough knowledge of the rules, guidelines, and notices under each act. So that Japan can ratify Convention No.190, discussions must continue over what kind of legal improvements and reform of organizational cultures are needed.

Moreover, making legal adjustments will not solve the problem. The paper by Ki-young Shin gives an outlook that gender power, which exists in all fields of society, including workplaces, needs to be dismantled.

4 JASPS Research Environment Survey

The beforementioned report of the expert investigation committee on violence against women of the Cabinet Office's Council for Gender Equality also describes the status of anti-harassment efforts in the fields of education and sports and the issues that must be tackled for the sake of the future. Regarding education, the report talks about not only the harassment of pupils and students but also that of young researchers. The report refers to comments on the issues of the two fields, "in particular," that the actual situations are not sufficiently surveyed and that anti-harassment efforts are not comprehensively made [The Cabinet Office. 2019, pp.8, 23].

Academic societies are not the world of work in the narrow sense. However, they are important places where researchers gain opportunities to grow, and thus they are a part of the education field. Following the example of the American Economic Association, which conducted such a survey in 2019, between May and June 2020, the Gender Branch of the JASPS carried out the

"JASPS Research Environment Survey." In it, the Branch asked JASPS members about such matters as what kind of harassment they experienced at each stage of their careers. Attention should be paid to this project, as it took place in a field where the actual situation regarding harassment is "particularly" insufficiently known. Kumiko Hagiwara, chief facilitator of the Gender Branch, gave a special report summarizing the results of the survey using the opportunity of this plenary session. Hopefully, academic societies in Japan examining this project will be led by the report [JASPS. 2021] to conduct investigations themselves, allowing them to grasp the state of harassment in their fields.

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Revisiting Sexual Harassment from the Perspective of Four Harms*

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Introduction

Sexual harassment¹ is an experience that working women have suffered for a long time. Although this experience has been given a name, sexual harassment, even now 25-85% of working women suffer sexual harassment at some point in their careers. In addition, as more than 80% of sexual harassment victims are women, it is a harassment that is encountered overwhelmingly by women. During the eras when this experience did not even have a name, a woman often met despicable and insulting harassment just because she was a woman (Segrave 1994), and such harassment was taken as a price that women had to bear in order to work. However, today, many societies recognize that sexual harassment needs to be eradicated, and it has even become prohibited by law.

These changes were made possible by persistent appeals made by female workers (Baker 2008). The term sexual harassment first became known through a trial that

took place in the United States in the 1970s. That sexual harassment became a concept and was given a name is extremely significant. Giving a name is vital because thereafter, sexual compulsion, exploitation and harassment that existed in various forms could all be regarded as related matters by discovering the common cause. Thus measures to prevent them could be devised (Baker 2008).

In the United States, employment discrimination based on sex became prohibited in 1965 due to Title VII of the Civil Rights Act (Section 703), and sexual harassment has been established as one form of sex discrimination covered by Title VII. Initially, sex discrimination was recognized when a superior at work requested that a female worker provide sexual favors in exchange for employment-related benefits (or when a female worker suffered employment-related disadvantages because she refused to provide sexual favors that were requested, *quid pro quo* sexual

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¹ Regarding use of the term sexual harassment in Japan, in 1989 when the first court case of sexual harassment, the “Fukuoka trial” became the Fukuoka trial became a hot topic, men’s magazines, with the intention of making fun of the trial, began to use *sekuhara*, the Japanese contraction of the term. However, at present, *sekuhara* is used commonly by Japanese to mean sexual harassment. However, this paper will use the full term “sexual harassment” sexual harassment following the use of the term in the text of the Ministry of Health, Labour and Welfare policy and in consideration of the beliefs of the Santama Women’s Group against Sexism in Work who introduced the term for the first time in Japan.

harassment).² In the mid-1980s, however, sexual language and behavior and the ostracization of female workers by superiors and colleagues, which were common in workplaces where men constituted the majority, were also recognized as sex discrimination in employment. Thus, the concept of sexual harassment was expanded to include sexual harassment originating in a so-called hostile workplace (this type of sexual harassment is called “hostile environment sexual harassment”). In this manner, the legal recognition of sexual harassment has made it possible to specify to the public and employers what is legitimate and what needs to be prohibited and to change their awareness and perceptions.

In the late 1980s, the concept of sexual harassment was introduced to Japan. It was after the U.S.. The U.S. Supreme Court had recognized sexual harassment as a violation of Title VII in 1986. In Japan, it is known that the women of the Santama Women’s Group against Sexism in Work discovered the term “sexual harassment” in an English-language booklet they had obtained in the United States, translated it and made it known. The term was referred to by the lawyers of the Fukuoka trial, known as the first sexual harassment trial in Japan. However, at that time, besides sexual harassment being a completely new concept in Japan, no law prohibiting sex discrimination existed. As a result, unlike in the United States, the victim of sexual harassment

brought a civil tort lawsuit against the perpetrator in most cases, (Tsunoda 2019).³

Subsequently, the revised Equal Employment Opportunity Law (1997) provisions concerning sexual harassment that obligated employers to make considerations for workers, for the first time. When this law was revised again in 2007, it imposed on employers an obligation to take measures against sexual harassment. In addition, it became possible to apply the law to male workers. Nevertheless, because no provision prohibits sexual harassment, it is currently not possible to fight such behavior as a violation of the law (Naito 2018).

In the United States, as employers have strong discretionary powers regarding dismissals of employees, it is difficult to have quid pro quo harassment recognized as a violation of Title VII. In fact, the majority of sexual harassment trials involve hostile environment sexual harassment. Hence, legal theories have developed to demonstrate what is a sexually insulting or a sexually hostile environment and what criteria should be used when judging whether or not sex discrimination exists. And the theories have been constantly updated as working styles diversified and the number of working women increased. The increasing number of increasing number of cases did not fit the typical pattern of a male superior harassing a woman who is his subordinate. Thus, even if law defines the concept of sexual

² In the United States, this type of sexual harassment was given the name quid pro quo sexual harassment and distinguished from hostile work environment sexual harassment. Japan also began to use these concepts, and the Ministry of Health, Labour and Welfare has defined them as “Quid Pro Quo Sexual Harassment” and “Hostile Environment Sexual Harassment,” respectively. <https://www.mhlw.go.jp/file/06-Seisakujouhou-11900000-Koyoukintoutjidoukateikyoku/00.pdf> (accessed on October 5, 2020).

³ The plaintiffs asserted that sex discrimination deprives them of their personality rights, right to work, and right to life. However, Yukiko Tsunoda deems that it is extremely far from true relief if only a tort lawsuit can be brought against the perpetrator. See Tsunoda (2019) for a discussion on the problem of civil tort claims for sexual harassment cases.

harassment, the concept must continue to accommodate changes in working styles and power relations.

The global spread of #MeToo movement revealed that the increase of women's participation in society and women's higher economic status did not necessarily reduce the amount of harassment encountered by working women. Up until today, sexual harassment was often lightly dismissed as "love affair," was subjected to cold ridicule, or, conversely, was exaggerated and turned into an excessively sensational sex scandals. Such reaction clearly indicates that the general understanding of sexual harassment remains far from adequate. Many sexual harassment prevention manuals merely list examples of behavior that can be regarded as sexual harassment. However, it is difficult to understand why sexual harassment must be prevented through such lists. The eradication of sexual harassment needs a better understanding on what sexual harassment is and why it is wrong by thinking through what harms it causes to working people.

In that aspect, this article argues that understanding sexual harassment needs a holistic approach which takes into account multiple harms of sexual harassment by demonstrating how gendered power relations give rise to sexual harassment of women and minorities in workplace.

What is Sexual Harassment?

The definition of sexual harassment varies, according to the cultural and legal contexts. Here, I present the definition given by the U.S. Equal Employment Opportunity Commission (EEOC) and those given by the Japanese Equal Employment Opportunity Law as well as the Rules of the National Personnel Authority as a starting point.

- The Definition of the U.S. EEOC
Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

- The Definition Given by Article 11 of the Equal Employment Opportunity Law of Japan

The worker concerned suffers a disadvantage with regard to working conditions of the worker concerned as a result of the worker's response to sexual words and actions taken at the workplace, or the working environment of the worker concerned is harmed by such sexual words and actions.

- The Definition Given by Article 2 of the Rules of the National Personnel Authority

1. Sexual language and behavior that makes the other person feel uncomfortable in the workplace, and sexual language and behavior of an employee that makes another employee feel uncomfortable outside the workplace.

2. Problems caused by sexual harassment: The employee is put at a disadvantage in the working environment of the employee because of the sexual harassment, and the employee receives disadvantageous treatment in working

conditions as a result of the response of the employee to the sexual harassment.

One tends to think of the definition of sexual harassment in terms of the legal definition. However, according to Dromm, sexual harassment can be defined in three different ways: a legal definition, a normative definition (the moral definition), and a social definition (the descriptive definition) (Dromm 2012). Of these three definitions, the legal definition tends to be the most abstract and the most narrowly defined. Consequently, to gain a comprehensive understanding of what sexual harassment is, a multifaceted consideration is needed. Instead of limiting the discussion to the legal framework of sexual harassment.

Dromm points to three core elements of sexual harassment found in all definitions: (1) It is unwelcome to the victim; (2) It is of sexual nature; and (3) It is an act of power that is directed toward the victim. When these core elements are taken into consideration, it can be said that the abovementioned definitions in the Japanese law and regulations emphasize (2), but are vague about (1) and (3). For example, although guidelines for the operation of the Rules of the National Personnel Authority revised in 2020 describe in detail the behavior that could be regarded as sexual harassment,⁴ sexual harassment is expressed as “sexual language and behavior that make others uncomfortable.” Although this definition is not wrong, it is certainly insufficient. Moreover, this definition carries no indication that sexual harassment originates in organizational, social, and cultural power relationships. Below three core elements are

discussed in more detail.

1) Behavior That is Unwelcome

One reason why sexual harassment is not taken seriously in Japan is attributed to the popular definition of sexual harassment, as “sexual language and behavior that make others *uncomfortable*.” Because this definition is based on the assumption that personal sensitivity, which varies greatly from individual to individual, comprises the essence of sexual harassment, it risks turning sexual harassment into something that is dependent on the emotions of the victim. Instead of highlighting the guilt of the perpetrator, it tends to give the impression that the sensitive feelings of the victim caused the sexual harassment. Not only is “sense of discomfort” a vague criterion for determining sexual harassment, it is also problematic in that it does not sufficiently convey the seriousness of sexual harassment.

Sexual communication becomes sexual harassment when the individual being engaged does not want to be subjected to (does not welcome) the language and behavior of the engager. The perpetrator continuing to subject the victim to language and behavior that the victim does not want causes the victim to feel a sense of discomfort and then psychological stress. In other words, a sense of discomfort is the result of sexual harassment, not its cause. The criteria for determining whether behavior deemed to be sexual harassment was unwanted (not welcomed) by the victim are whether the victim did not invite or agitate and whether the victim considered the behavior unwanted (Drobac et al. 2020, 214). Also, sexual harassment includes serious behavior

⁴ The National Personnel Authority on April 1, 2020, updated guidelines of the operation of the Rules of the National Personnel Authority https://www.jinji.go.jp/kisoku/tsuuchi/10_nouritu/1032000_H10shokufuku442.html (accessed on October 5, 2020).

that takes place once or behavior that is repeated over a period of time.

What must be understood is that the expression of will indicating “I do not want this” is not only explicit refusal; it can also be a passive decline or even silence. Sexual harassment is the manifestation of the various power relationships surrounding the victim. In many of these power relationships, the victim finds it hard to express the will that she “does not want this.” For example, because the victim does not want to harm relationships at such a place as her workplace, because the perpetrator is a benefactor or a supporter of the victim, or because the victim is in a subordinate position to the perpetrator, the victim tries to communicate the refusal as mildly and non-antagonistically as possible. They have to continue to endure the harassment if the perpetrator ignores their refusal. In 1986, a decision handed down by the U.S. Supreme Court recognized the vulnerability of such victims. The Supreme Court ruled that even if the victim was not forced to participate in the sexual relationship against her will, i.e., even if some sort of sexual behavior of the victim was “voluntary,” the perpetrator would not be pardoned. The court ruled that what should be questioned is whether the behavior deemed as sexual harassment was considered “unwelcome” by the victim and not whether the victim voluntarily took part in the sexual relationship (Drobac et al 2020, 243). Furthermore, the Supreme Court clarified that the victim did not need to prove that she was emotionally suffering from the behavior.

Thus, if the essence of sexual harassment is behavior unwanted by the victim, it becomes possible to examine the language and behavior of *the perpetrator* for his guilt instead of blaming the victim for her attitude, clothes, etc., or condemning the

victim for not defending herself or for how much she defended herself. Here, what should be questioned is whether the perpetrator sufficiently fulfilled one’s obligations: the obligation to actively confirm with the other party whether she consents, the obligation to respect the will of the other party if she does not want to be subjected to the behavior, and whether sufficient self-control was exercised so as not to use language and not engage in behavior that the other party does not want.

2) Action of Sexual Nature

What distinguishes sexual harassment from other types of harassment is that behavior has a sexual element. However, the meaning of “sexual” has been changing greatly. Besides the “sexual” element that presupposes a high-status man sexually desiring a woman, the meaning of “sexual” has been expanded to include gender-based harassment and harassment between same-sexes. How its interpretation has been expanded varies from country to country. For example, the United States now includes gender-based harassment, but Canada does not (Dromm 2012). Furthermore, the ILO recently categorized sexual harassment as gender-based harassment, a type of harassment found in the world of work.

These changes occurred because diverse and complex forms of harassment based on sex and gender began to manifest. Examples of such forms of harassment based on sex and gender include non-sexual harassment in which women are harassed for being women, sexual workplace environments that workers of certain sex find offensive and discomfiting, sexual harassment in which the perpetrator and the victim are the same sex, and harassment that men receive because they do not conform to a male gender stereotype. Also, whether to regard it as

sexual harassment if a gay or a transgender man is harassed because he does not adhere to the male gender stereotype is another issue that has emerged. In the United States, while dealing with cases of such harassment, the aforementioned provisions of the Equal Employment Opportunities Commission (EEOC) were broadly interpreted as applicable not only to a sexual advance made to a person of the opposite sex but also to harassment based on gender stereotypes and to harassment based on sexual orientation (Drobac et al. 2020, 203).⁵

3) Act of Power Over Victims

Although sexual desire used to be thought of as causing sexual harassment, the argument that sexual harassment is attributed to the abuse of power that the perpetrator assumes in the workplace over the victim came to be recognized as valid. This perspective, instead of seeing sexual harassment as a problem that occurred in the personal relationship between the perpetrator and the victim, takes the view that the power relationship between the perpetrator and the victim best explains the behavior of the perpetrator and the vulnerability of the victim. Here, power relationships denote organizational and hierarchical power relationships that arise primarily from differences in organizational rank; that is, employees are in a vulnerable position such that they cannot disobey their superiors, who are their evaluators. This way of understanding is based on Weber's concept of power (the power to make a person behave against his or her will), the

most classical idea of power.

By contrast, MacKinnon, a feminist legal scholar, understood the structure that sexual harassment arises from the macrostructures of that society, such as gender and class, reflected in workplaces. She regarded sexual harassment of women as a manifestation of the women's unequal status in society because their vulnerability as a worker is added on top of their vulnerability as a woman (sexual object) (MacKinnon 1979). MacKinnon made clear the essence of sexual harassment from the perspective of feminism that regarded gender relations as oppressive relations that are structural. However, she was limited in that she assumed all female workers as victims for being female, thus, failed to understand power as operating in the context of complex relations.

In a court case in the United States involving hostile environment sexual harassment, not only superiors but colleagues creating a sexually offensive environment that workers of a certain gender felt was antagonistic to them was also recognized as discrimination that occurred "because of sex."⁶ A man not accepting a woman as a coworker and discriminating against her, and a group excluding and insulting a woman, in a situation where all individuals are colleagues of equal rank, were recognized as instances of coworkers creating such an environment. Additionally, cases in which women superiors are the victims of sexual harassment perpetrated by men who are their subordinates are increasing, which is called "contrapower harassment" (Juliano 2007). The sexual harassment of Asian and

⁵ In 2015, the EEOC gave the opinion that Title VII also covers sexual orientation discrimination, but when the Trump administration was subsequently inaugurated, it disagreed with EEOC's opinion. As of yet there are no cases in which the plaintiff claimed sexual harassment for harassment based on sexual orientation (Drobac et al. 2020).

⁶ *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 79 (1998).

Black female teachers by white male students at universities and working male graduate students sexually harassing young female teachers are the examples of contrapower harassment.

These situations indicate that the individual who holds power cannot be fully determined by looking at only the official relationship, which is the relationship based on organizational rank. These situations suggest that attention needs to be paid to tacit and unofficial power, including men's informal social networks that excludes women as inferior workers, and the gender hierarchy of societies that produce them (Benson 1984, Juliano 2007). For example, when a small number of women begin working at a workplace where men were traditionally the majority and where the working style of men was the standard, these women tend to be perceived as a threat to the male-dominant workplace and collective male power. In prosecutors' offices, police departments, political buildings, and Silicon Valley, which are considered to be workplaces of powerful men, the informal networks of powerful men are created beyond workplaces. These networks are unofficial power networks that have been made invisible to outsiders. Sexual harassment is often directed at women who challenge such social authority of men in power (Mann 2017).

In a similar vein, Schultz considers sexual harassment to be an intentional action to exclude women and men who have deviated from gender norms, from jobs that symbolize masculine abilities and authority, particularly those that offer high compensation and status (Schultz 1998, 2018). By sending a message that the job requires masculine abilities that are seasoned and denigrating the ability of women, sexual harassment is a tool to lower the motivation of women and to diminish the ability and the authority

of women as managers. In such ways, instead of through the official authority, power works through unofficial networks and gender norms, by marginalizing and casting women as unfit for jobs. The essence of sexual harassment is the work of such power that surrounds the victim, and to understand this type of power, a new theory that moves beyond the confines of conventional model of power is necessary (Roscigno 2011).

What is Wrong with Sexual Harassment? Four Harms of Sexual Harassment

Critics argue that a social consensus that sexual harassment must be prohibited does not exist in Japanese society (Muta 2019). When the sexual harassment of a reporter of TV Asahi by a vice minister of finance of the Ministry of Finance became public in 2018, then-Minister of Finance Taro Aso stated that "there exists no such guilt as sexual harassment!" This statement revealed the fact that a person involved in policy making had a very poor awareness of sexual harassment.

Of course, simply because a certain behavior is not prohibited by law does not mean that it is right. Even if no relevant legal provisions exist, certain behavior is deemed as unforgivable from a point of moral standards. For example, slander which degrades the character of an individual and leaking private information without consent are considered reprehensible behavior even when no legal provisions deem them to be infringements of rights. Similarly, with regard to why sexual harassment is bad, even without legal provisions to prohibit it, the harm of sexual harassment can be understood if sexual harassment is examined against socially acceptable morals. In the following sections, I argue that sexual harassment is wrong because it creates four

separate but interrelated harms to working people and the harms are disproportionately at the advantage of women and minorities.

1) Harm to Dignity

Regarding the harms of sexual harassment, there has been growing recognition that sexual harassment is a violation of human rights that harms the dignity of the victim. What kind of human rights are violated by sexual harassment and what kind of damage does it cause?

Wall defines sexual harassment as “wrongful communication,” and states that sexual harassment violates the moral rights of the harassed person through the disrespect that occurs in the communication between the harassed person and the harasser (Wall 2001). Disagreeing with MacKinnon’s theory that sexual harassment is a form of sexual discrimination, Wall defined sexual harassment as a problem that arises in the communication process. According to him, sexual harassment takes place when one-sided and non-consensual (including “the silence of the person receiving the sexual communication”) sexual advance is repeated (the continuation turns it into “harassment”), and the person receiving the sexual message feels emotional stress from the sexual element contained in the communication of the harasser that the person does not want or from the person’s rejection not getting through to the harasser. The harm of sexual harassment is the violation of the moral rights of the harassed person that occurs during this process, and the rights that are violated are the privacy and autonomy rights of the harassed person. Wall states that of these two rights, autonomy is the more fundamental right. When conditions are met, sexual advances can be deemed as being violations of privacy, but sexual advances in and of themselves are not violations of

privacy rights whereas autonomy rights are always violated.

Such advances seek to elicit some response from the victim. The victim is being encouraged to respond to some sexual advance or to respond to the pressure exerted by the perpetrator, who has repeatedly communicated a message to the victim without concern for the victim’s consent to that communication. Such activity constitutes a potential encroachment on a victim’s privacy rights, as the victim is being encouraged to discuss sexual matters, despite her objections to doing so (Wall 2001, 534).

Wall poses that, in practice, whether a sexual advance oversteps the boundaries of freedom of expression and causes a violation of privacy rights is determined by the nature and extent of the pressure the perpetrator exerts on the victim and what the perpetrator demands of the victim. If the perpetrator will not gain privileged sexual information that the victim does not want to share, it means that there is no immediate violation of the victim’s right to privacy. However, Wall asserts that, even in such a case, the victim’s right to autonomy is always violated by the sexual harassment.

The fundamental fault with the perpetrator’s approach is that he disregards the victim’s autonomous choice. The victim does not consent to the sexual advance, and yet the perpetrator persists with more advances. All cases of sexual harassment involve a lack of respect for a victim’s autonomy rights. Rather than supporting and promoting autonomous choice, a perpetrator discourages it by showing disrespect for the victim’s choice. The

perpetrator exhibits more than just disrespect for autonomy rights, however. There is one choice that a victim cannot bring to fruition, one choice that remains ineffectual in the face of the harassment, and that is the choice not to be subjected to the sexual communication (Wall 2001, 534).

Thus, sexual harassment violates the autonomy of the victim not only by ignoring the victim's choice not to take part in the sexual communication but also by taking away from the victim the choice not to be subjected to the unwanted sexual communication. Because of the presence of the perpetrator, the victim cannot have responsible interpersonal relations that she would otherwise reasonably expect to have. At the core of sexual harassment is the repeated sexual advances of the perpetrator, which obstruct the realization of the reasonable choices of the victim.

Meanwhile, Bernstein, while stating that harm to dignity is the harm of sexual harassment, provides a perspective that, in addition to focusing on the violation of the rights of the victim, focuses on the guilt of the perpetrator (Bernstein 1997). Bernstein proposes "recognition respect" as the central concept to approach sexual harassment. Recognition respect assumes that a person is a free, separate, unique and independent and accepts that this person is such (Bernstein 1997, 484). According to Kant, an "individual" is a "separate person" that is unique among all other people, and the life of a person is the possession of only that person. This is an idea that states that every person has equal value as an existence to be respected, and that, at the same time,

each person is uniquely free. Consequently, unlike "appraisal respect," which is respect based on admiration of superior ability and nature, recognition respect is regarded as something that all individuals as such have (Bernstein 1997, 485).

In philosophy, it has been considered that people possess "characteristics to be respected," leading to three obligations of refrainment to others. These obligations are as follows: (1) refraining from using others only as a means of achieving one's objective; (2) refraining from humiliating others; and (3) refraining from denying the personhood and the self-concept of others. According to Bernstein, the harm of sexual harassment is the lack of recognition respect, and thus, causes discomfort, indignation, and humiliation against others.⁷ For example, treating a person only as an object of sexual desire, regarding a woman as a "body," treating a woman as a "thing," and degrading a woman as "a machine that gives birth" — the stories told by the victims of sexual harassment and sexual violence reveal that the grave injury that the failure of recognition respect caused was far greater than the injury the violation of rights caused.

Based on such perspectives, Bernstein criticized the "standard of reasonable person" commonly used in sexual harassment trials in the United States and proposed that sexual harassment be judged from the perspective of a "respectful person," which is a person who places importance on the obligation of the person to respect others, in sexual harassment trials. She argued that the introduction of the perspective of respect for others, which considers feelings in addition to rationality, will lead to more accurate judgments of the harm of the

⁷ Germany specifies sexual harassment as an attack on a person's dignity.

sexual harassment. Although this article does not aim to discuss the effectiveness of this standard suggested by Bernstein, it is worth sharing Bernstein's quote of the meaning of "respect," which allows the dignity of a person to be guaranteed.

Respect is, we might say, object-generated rather than subject-generated; it is something we render, something that is called for, commanded, elicited, due, claimed from us. Thus it differs from liking or loving, and from fearing, to take another emotion with which respect is sometimes confused, all of which have their source in the agent's own desires and interests. When we respect something, we heed its call, accord it its due, acknowledge its claim to our attention (Dillon 1992; Bernstein 1997, Re-cited from 511).

Such a concept of respect assumes that the other person has a personality that is different from one's own and is separate and equal, and that these qualities will be respected. It asks one to pay attention to the other person and refrain from one-sidedly requesting the other to have a relationship. Bernstein states that, if sexual harassment is thought of as a lack of recognition respect, the criterion for making judgment could be whether the perpetrator fulfilled his obligation not to insult others by suppressing his language and behavior so that the boundaries of respect were not exceeded.

That sexual harassment causes harm to dignity is certain. However, regarding whether this approach can sufficiently illuminate all the harms of sexual harassment, doubts remain. For example, let us examine the following reasoning: being sexually harassed means the victims were not given

recognition respect; and this experience has an effect of impeding the careers of these women, and is connected to the denial of the self-affirmation of these women and of the ability of these women to choose lives that they want to live. If this is the understanding, then what is the source of the humiliation and the failure of recognition respect? More importantly, why does it disproportionately happen to women workers than men? To answer to these questions needs an approach that focuses on structural context of gender inequality that goes beyond interpersonal relationship.

2) Harm to Gender Equality

MacKinnon and the feminists who were influenced by her see sexual harassment as a device for institutionalizing the subordination of women. In her influential 1979 book on sexual harassment, MacKinnon gave a definition of sexual harassment "the unwanted imposition of sexual requirements in the context of a relationship of unequal power" and then identified two types of sexual harassment, "quid pro quo harassment" and "condition of work harassment (this type of sexual harassment was later called 'hostile work environment')." Quid pro quo harassment was defined as "the woman must comply sexually or forfeit an employment benefit," and the condition of work harassment describes where there are indirect sexual behaviors that make the workplace environment unbearable, although the woman will not suffer employment-related disadvantages (MacKinnon 1979, 32, 40).

MacKinnon theorized that these types of harassment were discrimination of working women (inequality approach), stating that what is essential when understanding sexual harassment is the fact that the relationship between men and women is substantially

unequal. Sexual harassment represents the social inequality of women to men, and its effects reinforce this unequal relationship. In other words, sexual harassment is something that “causes women to suffer disadvantages as one gender, in a social context in which the sexualities of women and the material existences of women are constructed in way so that they are disadvantageous to women themselves” (MacKinnon 1979, 6).

Segregation of sexes in the workplace, men’s control of employment and dismissal, and men’s control of women in all areas of society outside of the workplace were pointed out as the reasons why women become structurally vulnerable to sexual harassment. The gender power relations in society produce the discrimination and exploitation of female workers in individual workplaces. Therefore, sexual harassment does not just harm individuals; it also reinforces the subordinate status of women in the workplace. Consequently, MacKinnon positioned sexual harassment as “discrimination of a group” that did harm to all women.

MacKinnon thus understood sexual harassment as an intersection of the two positions occupied by women in the social structure: an intersection of the vulnerable position as workers and the vulnerable position as women.

Work is critical to women’s survival and independence. Sexual harassment exemplifies and promotes employment practices which disadvantage women in work (especially occupational segregation) and sexual practices which intimately degrade and objectify women. In this broader perspective, sexual harassment at work undercuts a woman’s potential for social equality in two interpenetrated ways: by using her employment position to coerce her sexually, while using her

sexual position to coerce her economically. Legal recognition that sexual harassment is sex discrimination in employment would help women break the bond between material survival and sexual exploitation. It would support and legitimize women’s economic equality and sexual self-determination at a point at which the two are linked (MacKinnon 1979, 7).

As quoted above, in her inequality theory, MacKinnon argued that the economic equality and the sexual self-determination of women are closely linked. MacKinnon, however, stated that men harass women because they are women, and that the sexuality of women is the main cause of sex discrimination. In addition, because she tended to think of gender and sex as being one and the same, there was a problem of biological women constantly becoming victims as a group and of men and women that exist as a group being simplified into two opposing, homogeneous groups. These points were amended by the theories that came after MacKinnon.

Like MacKinnon, Taub theorized that sexual harassment is sex discrimination and focused on stereotypes that force women to perform certain gender roles that are based on gender norms (Taub 1980). Taub argues that stereotypes as such are sex discrimination and that stereotypes of women cause sexual harassment. Published when the hostile environment sexual harassment had yet to be conceptualized, Taub’s theory provided a perspective that could re-conceptualize a workplace environment where the harassment of female workers based on their sex was prevalent as sex discrimination, in addition to quid pro quo harassment. Taking note of the fact that there was overwhelmingly more male-to-

female harassment than female-to-male harassment, Taub argued that gender-neutral legal theories overlooked the reality of sexual harassment where women's subordinate position in workplaces made them prone to become victims of harassment.

Sexual references, as well as explicit demands for sexual cooperation, convey the message that a woman is a sexual object before she is a contributing worker, and whether it is consciously undertaken or not, such behavior serves to reinforce woman's sexual role. Indeed, such behavior is probably the quintessential expression of stereotypic role expectations. Like other expressions of stereotypic expectations occurring at the work place, it is dysfunctional in two respects. Whether or not perceived as flattering by women, sexual advances remind women of a societally-imposed incongruity between their role as worker and as woman. By thus arousing role conflict in women, advances interfere with their performance. By underscoring their sexual identity in the eyes of male supervisors, sexual advances make it less likely that women will be viewed as persons capable of performing a demanding task, and consequently, less likely that they will have the opportunity to try to do so (Taub 1980, 361).

According to Taub, sexual stereotypes arise from men seeing women primarily as sexual objects rather than workers. Sexual harassment is an expression of such sexual stereotypes and an act that forced adherence to them. Sexual language and behavior directed at women, whether they are "friendly" or hostile, emphasize that women are primarily sexualized "bodies" than workers (Taub 1980, 368). Sexual references

and behavior, even if they do not actually become a sexual demand, bring to mind women's historically inferior position, socialization as sexual objects and construction of women as incompetent workers. Hence, she argues that sexual stereotype in itself constitutes sex discrimination since an unfavorable employment decision is made because of expectations about particular roles that women should perform.

Her theory with a focus on subordination of women was later revised by increasing cases of same sex sexual harassment. The shift to non-essentialist theories of sexuality and gender, and the recognition of hostile environment sexual harassment had also prompted the revision. The latter was due to harassment where, although a sexual relationship is not explicitly demanded, a female worker is repeatedly subjected to sexual topics and jokes, as was seen in the case of Anita Hill and Clarence Thomas in 1991.

For example, Franke, who was influenced by post-structuralism, suggested that, although sexual harassment of women by men can intuitively be understood as being sex discrimination, what makes it discrimination has not been sufficiently theorized. Franke then proposed a theory of sexual harassment as a technology of sexism (Franke 1997). That is, sexual harassment is a practice that is based on the blind adherence to heterosexual norms. These norms are essentially regulatory, constitutive and punitive, and produce the sexual identities of women and men: women as sexual objects and men as sexual subjects. In other words, sex discrimination hidden in sexual harassment is in the power of sexual harassment as a disciplinary act, which feminizes women and masculinizes men. Hence, sexual harassment is sex discrimination simply for the reason that sexual harassment

and its effects function as a means to monitor and enforce the norms of the heterosexuality in the workplace.

Sexual harassment of a woman by a man is an instance of sexism precisely because the act embodies fundamental gender stereotypes: men as sexual conquerors and women as sexually conquered, men as masculine sexual subjects and women as feminine sexual objects. If a “technology” is a manner of accomplishing a task, or the specialized aspect of a particular field, then sexual harassment is both the manner of accomplishing sexist goals, and the specialized instantiation of a sexist ideology. Sexual harassment is a technology of sexism. It is a disciplinary practice that inscribes, enforces, and polices the identities of both harasser and victim according to a system of gender norms that envisions women as feminine, (hetero)sexual objects, and men as masculine, (hetero)sexual subjects. This dynamic is both performative and reflexive in nature. Performative in the sense that the conduct produces a particular identity in the participants, and reflexive in that both the harasser and the victim are affected by the conduct (Franke 1997, 693-694).

Franke’s sexual harassment as a technology of sexism could occur between any two people, regardless of their sexes. Man could use it against man who does not conform to heterosexual norms of masculinity, and likewise, women against women who does not behave according to heterosexual norms of femininity, as a way to force the victims to adhere to heterosexual norms. Regardless of whether an individual or a group, and regardless of whether sexual

desire is the motivation or not, sexual harassment can be committed on account of norms that define how men and women should behave.

Sexual harassment is a kind of sex discrimination not because the conduct would not have been undertaken if the victim had been a different sex, not because it is sexual, and not because men do it to women, but precisely because it is a technology of sexism. That is, it perpetuates, enforces, and polices a set of gender norms that seek to feminize women and masculinize men. ...Sexual harassment also can be understood to enforce gender norms when it is used to keep gender nonconformists in line (Franke 1997, 696).

Based on this theory, Franke proposes that sexual harassment needs to be reconceptualized as gender harassment. The technology of sexism theory has enabled a wider range of sexual harassment to be regarded as sex discrimination. However, critics have raised concerns that Franke’s theory can render the experiences of women as a group as well as the asymmetry of power between genders invisible in the theory of sexual harassment.

3) Harm to Labor

It is noteworthy that sexual harassment is particularly a problem that occurs at the workplace and its characteristics are different from those of domestic sexual violence, child sexual abuse, and street harassment. Since working environments are not unrelated to sexual harassment that targets women and minorities, attention must be paid to the history of working women who struggled for the recognition as workers in order to understand the meaning of sexual harassment

to female workers (Abrams 1998, Baker 2008).

Opportunities to work outside the home, provided women with work for remuneration. For some women, it was an experience that allowed them to discover their abilities and to experience a sense of independence, which they may not have been able to enjoy previously. Paid job also provided women with an new possibility to perform a different role than traditionally ascribed gender roles at home such as care-taker and homemaker, as well as sexual partner. Women began to realize the constraints of traditional gender roles. They harbored new goals of their lives as an independent individuals from the men who had constructed their lives. Experience at a workplace also allowed many women to recognize the workplace as a place of resistance where they could defy gender roles (Abrams 1998, 1196).

In that aspect, Abrams regards sexual harassment as control by men in the workplace by subjecting the workplace to adhere to masculine work norms so that men continue to have control. Workplace practices and cultures that male workers have long created do not accept women as equals of the male workers and thus, function as mechanisms for marginalizing women for the reason that they are different from the male workers. The resistance of men, who seek to keep their workplace a masculine space, takes many forms, from explicit hostility to a pretext for reinstating masculine work requirements. “Glass ceilings,” “sticky floors,” giving opposing opinions, preaching, and clever ploys are used to prevent women from staying as competent workers, of which sexual harassment is one form.

For example, in response to the growing number of female workers, men often attempt to reinforce male-only duties and

working environments that differ between sexes where working practices based on male workers result in the marginalization of female workers. One typical example is the establishment of a position exclusively for women called *ippanshoku* (general staff) whereas the working style of men was made the norm. Men have been using this norm to justify gender hierarchy in workplace and to protect their privileges. This behavior includes making the working style of male workers the general standard for all workers (e.g., transfers, etc.), resisting change to accommodate needs of diverse workers, explicitly preserving masculine norms. The “affirmation” process that shows approval for the norms of male workers includes various behaviors that can be regarded as sexual harassment, including detestable treatment and sexually explicit stories and descriptions (Abrams 1998, 1197).

Schultz likewise argued that in understanding sexual harassment it was wrong to focus on the issue of sexual coercion (Schultz 1998). Instead, she claims that, as mentioned earlier, sexual harassment is closely related to the efforts of men to preserve their privileged work so that they can monopolize masculine abilities and authority. Schultz argues that sexual harassment is a problem of the subordination of women by men and that, instead of understanding it as an abstract concept, sexual harassment must be understood in relation to the dynamics of a particular workplace. In addition, she suggests that harassment in hostile workplace environments is deeply intertwined with other discriminatory practices, particularly workplace practices such as division of duties by sex (Schultz 1998).

Schultz, in her recent paper, criticizes that the coverage of the #MeToo movement excessively emphasizes the “sexual” aspects

and it does not sufficiently represent the nature of harassment that occurs to women and workers who are seen as “lesser men” at workplaces. She reiterates her standpoint as follows.

Sexual harassment is a means of maintaining masculine work status and identity, not expressing sexuality or sexual desire. Harassment includes not only unwanted sexual advances but also a wide range of other sexist, demeaning behaviors aimed at women and others who threaten settled gender norms. Harassment is linked to broader forms of sex discrimination and inequality, because some men harass women and “lesser men” to preserve their dominant workplace position and related sense of manhood. Sexualized behavior is often a tool of harassment, in this theory, but sexuality is not inherently degrading or discriminatory. My writing elaborated this view in the context of employment, stressing the importance of traditionally male forms of work to mainstream masculine status and selfhood (Schultz 2018-2019).

According to this standpoint, sexual harassment is first and foremost a gendered labor issue. It is an act of power to marginalize female workers and preserve the superiority of privileged men. This approach that focuses on male dominance in a particular workplace directs attention to the structure of the workplace such as the workplace’s organizational features and culture and how those organizational and cultural features facilitate the occurrence of sexual harassment.

For example, as the #MeToo movement revealed, women who have been promoted to high positions and women who work

at powerful workplaces do not necessarily encounter less sexual harassment. Sexual harassment does not correspondingly decrease with the gaining of a higher position. Large companies, universities, politics, prosecutors’ offices, IT companies and other such prestigious places are where men have great power. At these lucrative and powerful positions, on top of there being very few women, the masculine practices have formed workplace cultures that are contemptuous of women. When women rise to such positions, they are also inclined to avoid wasting the hardships they had to bear and the efforts they made to get promoted, therefore, they are motivated to force themselves to endure the harassment. In so doing, the sexual harassment they experience often becomes invisible.

4) Harm to Long-term Self-actualization

In addition to the harms of sexual harassment mentioned above, attention needs to be paid to the long-term harm sexual harassment causes to victims. When sexual harassment occurs, often, excessive amount of interest is paid to the acts of harassment that took place. However, if sexual harassment has harms that previous sections discussed, it is also important to note that sexual harassment is damaging to self-actualization because the harms remains for a long time. Recognizing that one is such a person and knowing the person that one wants to be are indispensable for being able to affirm oneself, plan a desired future, and realize it. This process takes time in the course of one’s life. Self-esteem allows one to believe that one has value as much as other people and to affirm oneself, and sexual harassment deeply injures it. Victims compare sexual violence and sexual harassment to the killing of their souls, and their self-awareness excruciatingly conveys how deeply wounded

they were.

Most victims choose to silently endure sexual harassment. Even if the harm may not appear fatal at the immediate moment of harassment, research shows the negative impact on victims remains for the entire lifetime. For example, a large scale survey suggests that in the United States, women restaurants workers, whose salary relies on tips from customers, and who experienced sexual harassment on a daily basis while working at the restaurant when they were younger, they, regardless of the type of career they had subsequently, tended to view sexual harassment as something inevitable or they tended to endure sexual harassment as a price to bear for their jobs (Restaurant Opportunities Centers United 2018). The helplessness learned while young injures self-esteem and for a long period of time interferes with self-actualization.⁸ As Tsunoda pointed out, “The damage that feelings of humiliation, destruction of self-esteem, and so forth cause is not understood by others, causing the victims to suffer even more. Why it is not understood is because, unlike bodily wounds, the ‘wounds’ cannot be seen from the outside.” (Tsunoda 2019, 61). Hence, victims suffer from being isolated from social relationships or may only be able to have limited social relationships, despite social relationships being necessary for a person’s self-actualization.

Being aware of long-term harm to self-actualization, which are difficult to see, allows society to take ethical responsibility to support the recovery of the victims.

Conclusion

This article reviewed what sexual

harassment is and what harms it causes to victims based on the existing literature on sexual harassment. It presents a four-harm approach; namely harm to dignity, harm to gender equality, harm to labor, and harm to long-term self-actualization. However, these four harms presented in this article are not mutually exclusive. Rather, all four are necessary to comprehensively grasp and understand sexual harassment.

Sexual harassment is a relatively new concept with only a 40-year history. During this short time, research has demonstrated repeatedly and meticulously that sexual harassment is the manifestation of a privileged gender power directed toward working women and minorities. This power is incorporated into workplace culture and practices, shaping and naturalizing gendered work norms; it then punitively forces women and men to conform to heterosexual gender roles and to adhere to norms concerning behavior and work. Thus, it has functioned as a tool for controlling people in less privileged positions and people who do not conform to those norms.

However, the reason why sexual harassment has not decreased even though 40 years have passed since its conceptualization is partly because too much attention is paid to individual perpetrators’ sexual desire or advances as the source from which sexual harassment arises without sufficient awareness about the problem of gendered power relations in society and workplaces. As demonstrated in this article, sexual harassment is neither a simple failure of interpersonal relationship nor something caused by sexual desire. Rather, power creates the sexual desire of

⁸ Although this paper was not able to examine specifically sexual harassment on school campuses, for such reasons, sexual harassment on school campuses in particular does severe harm to self-actualization over one’s lifetime.

privileged men.

It has been made clear through the four harms of sexual harassment that sexual harassment must be eradicated from the moral and the normative points of view and therefore, excessive focus on legal regulations of sexual harassment may risk overlooking the harms that sexual harassment causes to victims as well as the reasons why it occurs. If sexual harassment is sex discrimination against working women and gender minorities and if the harms of sexual harassment continue to negatively affect working women for long periods of time, the discussion of sexual harassment needs to delve into structural dimensions more than interpersonal relations, and moral impacts more than legal prohibition. Only such perspectives can deepen the social understanding of why sexual harassment must be prohibited.

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Japan Association for Social Policy Studies (JASPS) 141th Conference

24-25 October, 2020

Conference Theme: Harassment and Power Relationship in the World of Work

DAY 1 (24 October 2020)

9:30-11:30 Special Theme and General Sessions

SPECIAL THEME SESSIONS

9:30-11:30

Special Theme Session 1: Gendering Social Policy in Japan on the Move: Reflections of over 25 years of the Gender Research Section of JASPS

Chair: OSAWA Mari (Professor Emeritus, University of Tokyo)

Coordinator: HAGIWARA Kumiko (Shimonoseki City University)

Discussant 1: UZUHASHI Takafumi (Doshisha University)

Discussant 2: SAGUCHI Kazuro (Professor Emeritus, University of Tokyo)

<Theme of the Session>

At the 84th biannual conference in 1992, the plenary session titled “Women, Work and Social Policy” provided the first opportunity for a full-fledged debate with a gender perspective. The debate encouraged researchers who saw gender as the new horizon for the discipline of social policy and their passion led to the foundation of the gender research section in JASPS in 1996. Over 25 years, we have devoted various research activities to bringing gender into the core concepts and have changed the traditional disciplines through construction of new theory, verification of the existing policies by subjecting them to gender analysis, and policy proposals for gender equity. Celebrating the 25th anniversary, we will examine how far we have come in terms of mainstreaming gender both in JASPS and the academic disciplines. If the concept of gender is a mere afterthought even for current labor studies and welfare research, are we really able to respond to the pressing issues in our society? Have social policies in Japan moved gender equality forward or backward in real life? Has the gender regime of employment and welfare been transformed into one with gender equity? Setting the issues of the single parent family and non-regular employment as the primary focus, we explore the next step.

KAMURO Ayami (Atomi University)**Overcoming dual labor market theory**

After the period of high economic growth, researches on labor has been dominated by theoretical models based on male regular employees of large-scale manufacturing industry. Studies that focus on the gender perspective have been increasing in recent years. However, these studies have not still overcome Japan's dual labor market theory that male regular employees are assigned to internal labor markets, whereas female employees (regular and non-regular) are assigned to external labor markets. In this theoretical model, it is difficult to eliminate gender discrimination. In this presentation, I will examine the new employment system needed to achieve gender equality.

FUJIWARA Chisa (Hosei University)**Recognition and Redistribution: A Historical Analysis of Single Mothers' Movements in Japan**

In Japan, few social security benefits are provided to those in the working age. They are expected to support themselves based on their income from work. Gender analyses of comparative social policy have demonstrated that the Japanese welfare regime is based on a strong male breadwinner model. Since Japanese social policy is based on the gendered division of labour, single mothers find it difficult to earn living wage. Therefore, single mothers' movements have appealed their difficulties in raising children on the basis of limited earning, and demanded their access to decent work and income. In this presentation, I will examine the issue of 'recognition' and 'redistribution' in social policies for single mothers in Japan. I also examine how gender studies and gender justice movements face difficulties under neoliberalism.

9:30-11:30

Special Theme Session 2: Marketization of the public and the counter movement**Chair and Coordinator: TSUTOMI Hiroshi (University of Shizuoka)****Coordinator: HAGIWARA Kumiko (Shimonoseki City University)****Discussant 1: YANAGISAWA Toshikatsu (Meiji University)****Discussant 2: FUJII Atsushi (Rikkyo University)**

<Theme of the Session>

With the advancement of capitalism, the public has been opened as a market as a new frontier for private enterprises. This change is so-called "privatization" or "private-public partnership", and resultingly has produced "quasi-market". Many areas have been made into quasi-market including the designated administration of public facilities, interpersonal services such as elderly care and child nursery care, and social inclusive services to the youth and the impoverished. Also, the collaboration of the government and private sectors such as PFI and PPP to sponsor public services with private fund is so active to marketize the public financing itself. This session aims to comprehensively analyze the counter movement against this marketization of the public focusing upon the socialization of the public procurement, social impact assessment, and the promotion of social and solidarity economy.

TSUTOMI Hiroshi (University of Shizuoka)

Evaluation of social interventions under neo-liberalism

Evaluation of social interventions under neo-liberalism follows the logic of maximizing return on investment. However, do we need to pursue value for money when evaluating public social interventions? Is the rationale for investment suitable for interventions to work upon our society, i.e., our commons?

Ian Fergusson (2012) who has criticized the invasion of neo-liberalism into the field of social work pointed out that the core of neo-liberalism is the idea of value for money based on extreme individualism. As a result, the evaluation of social interventions under neo-liberalism has become a measure to rationalize the procurement of resources for business just to continue. Under this condition, citizens who are to be members of the society has been changed into the role of clients or service users.

In this presentation, I will propose the evaluation which can contribute to the construction of commons, overcoming the evaluation practices which has impaired our commons including labor and nature.

HARADA Kohki (Rikkyo University)

Possibility and challenges of local governments' public procurement and contracts as countermeasures against the marketisation of public service

The externalisation of local public service delivery has prevailed in all fields of public service. It has also influenced the way public service evaluation works, combined with globalization trends in the world. The more globalization progresses, the more “standardized language” (as a communication tool) is considered preferable for its convenience in trades and interchange around the world over local knowledge or skills based on individuals. In addition, the importance of accountability has been emphasized to question the results of contracted services today. Therefore, many methods to quantify the results have been developed or proposed in public fields as well. A similar trend is also observed in the UK, while some local governments have struggled to put a stop to excessive marketisation by incorporating social value clauses into public procurement/contracts. This paper compares the social value-driven policies in local governments of Japan and the UK and suggests that quantitative measurements strongly focused on numbers have a tendency to mask the aspects of political bias toward global capitalism.

UCHIDA Shoko (Pacific Asia Resource Center (PARC))

People's movement in Japan and world against “Water Privatization”

Japan's modern water supply system began at Yokohama City in 1887 (Meiji 20). Since then, local governments have been providing high-level water services in Japan. However, since the 1990s, some duties/works of water services have been increasingly outsourced to the private sector, and the number of staff engaged in water supply has been steadily decreasing. In addition, each multiparity has many issues, such as decrease in toll revenue due to the declining population. With the revision of the PFI law in June 2018 and the Water law in December of the same year, the Japanese government is strongly endorsing municipalities to adopt the PFI/concession scheme to water supply service. On the other

hand, in foreign countries where privatization and introduction of PFI have been promoted earlier than in Japan, more and more municipalities have opted for “remunicipalisation”, especially in Europe. The disadvantages and risks of private management are the reasons. I’ll report the problems of “privatization” of water supply service, which are essential for our life, introducing the movement against water privatization in the world since the 1980s. At the same time, I’ll introduce people’s movements in Japan such as Hamamatsu City, Shizuoka Prefecture and Miyagi Prefecture.

GENERAL SESSIONS

9:30-11:30

General Session A: Labor 1

Chair: KIMURA Makio (Nagoya University of Economics)

YAMASAKI Masao (Hosei University)

Ability Development and Career Formation of Book Editors: Analysis of Interviews with Editors in the Publishing Industry

The study examines the ability development and career formation of book editors as professionals. With a few exceptions, Japanese professionals are treated unfavorably (i.e., long working hours and low wages). However, in most countries, they are respected and favorably treated for their specialty. Therefore, implementing policies that recognize Japanese professionals who work in valuable professions is necessary. Another concern is whether the publication of socially meaningful books can continue as the market size of paper publications in the publishing industry continues to shrink. The amount of sales of paper media and number of bookstores are also approaching half of their production during their heyday because of various factors, such as print type separation and digitization of entertainment. Therefore, publishing editors are required to enhance the ability of conveying the appeal of paper media. The skills (=ability: skills become ability when combined) of book editors are organized into editing, planning, and management. Moreover, a career is formed by creating evaluated books (quality) and issuing a certain number of new publications (quantity). In this regard, book editors as professionals are required to balance quality and quantity.

PARK Joonhee (Saitama University, graduate student)

Factors of Unity in the 2013 Korea Railway Union Strike

Focus on “Social Publicness” —

This article focuses on the “Social Publicness” to examine why union members’ unity was maintained during the 2013 Korea Railway strike. At that time, the South Korean government promoted privatization of railways by promoting management efficiency. In response, the Korea Railway Workers Union (KRWU) organized the strike, which lasted 23 days. In general, a long strike is likely to lead to the withdrawal of union members. However, there were very few breakaway from the strike. In the past, labor class centrality

has been cited as the main factor. In contrast, the study emphasizes the fact that unions relied on “publicness” to justify strikes. “Publicness” is usually used as a reason to strengthen internal and external cooperation, namely, solidarity between union members and citizens. However, in the 2013 railway strike, this was used and successful in strengthening internal unity between railway workers. In addition to literature research, it will also conduct interviews with members of the railway strike at the time to find out why they were able to maintain their unity.

SATO Shinobu (Kagawa University)

In search of transnational labour markets and theoretical framework for analyzing them

Japan has now been entering into “Migration State”, embarking on cultivating, organizing and building cross-border labor mobility between different states in South and East Asia. In this context there are arising some academic questions; Are there transnational labour markets? How do transnational labour markets work? What are the structures and functions of transnational labour markets? In this paper we are searching for transnational labour markets and theoretical framework for analyzing them.

9:30-11:30

General Session B: Pension

Chair: MORI Chikako (Seijo University)

YOSHIDA Kenzo (Aoyama Gakuin University)

Retirement income security policy in the “Ownership Society”: From the Pension Protection Act of 2006 to the SECURE ACT of 2019

Since 1970s, the U. S. pension system has drastically changed; the increasing number of 401(k) plans have replaced traditional pension plans. There are many names for this shift, including “The Great Risk Shift,” “The Age of Responsibility,” and the collapse of “Middle Class Economy” or “American Dream.” All of these names describe the shift in responsibility for retirement income security from employers to individual employees. This change has been so thorough that it is no longer useful to debate whether or not having a 401(k) instead of a pension is practical as U.S. retirement income policies. Now, policymakers need to carefully consider how to improve the regulatory environment for 401(k) plans. In this article, I will examine the issue and structure of new 401(k) policies, comparing them with traditional pension policies. I conclude that the government interferes more in individuals’, instead of industrial, relationships, as a result of strengthened personal responsibility and right in private pensions.

OHTSU Yui (Saitama University)

An Analysis of Determinant on the Payment Rate of National Pension Premiums in Japan

The payment rate of national pension premiums imposed on category 1 insured persons is 69.3% in FY2019, which has improved from a record-low 58.6% in FY2011, but is still at a low level. Therefore, Japanese national government has strengthened measures to collect

premiums and aimed to further improve the payment rate. However, it has not been revealed what has determined a change in that rate, especially, improvement since FY2011.

Then, this study analyzed factors in the recent rise of payment rate of national pension premiums, based on statistics released by the Ministry of Health, Labour and Welfare. As a result, it was found that the recent rise of payment rate had been significantly affected by decreasing the number of category 1 insured persons along with an increase of insured persons for the employees' pension insurance. In interrupting the change in the payment rate of national pension premiums, we need to consider the existence of such a socio-economic factor.

KIM Minjeong (Rikkyo University)

Public Pension for Foreign worker in Japan

The number of foreigners working in Japan is 1.66 million from the end of October 2019, which is increasing every year. Furthermore, the Japanese government is trying to increase the acceptance of foreign workers in recent years in order to solve the labor shortage problem, so it is expected that more foreign workers will work in Japan in the future. Therefore, the purpose of this study is to understand the actual conditions of foreign workers in Japan and to clarify the problems of the social security system, especially the pension system, which is long-term insurance.

If the National Pension (Basic Pension benefits) and Employees' Pension Insurance do not meet the pension eligibility period (10 years), lump-sum withdrawal payments are provided, but in both cases, 36 months are the maximum of the lump-sum withdrawal payment. There are aspects like a penalty for foreign workers who want to work longer in Japan. On the other hand, there is a bilateral social security agreement in order to prevent double burden of insurance premiums and to secure pension eligibility. This mechanism will also be considered from the perspective of the parties (foreign workers).

9:30-11:30

General Session C: Activation

Chair: YAMAMURA Ritsu (Nihon University)

HANDA Ryoji (Hitotsubashi University, graduate student)

Why some discontinue their use of the regional youth support stations?: An analysis of their practices and problems via interviews of supporters

In this study, practices and problems of the regional youth support stations obtained via interviews of supporters were discussed.

The existence and underlying problems of Hikikomori, suspected disabilities, school dropouts, and precarious workers remain serious. Consequently, the importance of the regional youth support stations, which provide public employment support to young people who experience difficulties in finding work, is increasing. The analysis of a survey of users revealed that approximately 30% of them discontinued the use of the regional support stations within 1 year. One may ask why some discontinue their use of the regional youth

support stations. Therefore, interviews were conducted to examine the issues involved in the regional support stations from the perspective of those who discontinue their use thereof.

The results revealed that those who did not receive permission to work from the medical staff because of various reasons including mental illness as well as those who were unable to go to the regional youth support stations discontinued. Furthermore, it was evident that those who were not motivated by a desire to improve their life situations discontinued.

ONDA Naoto (Hitotsubashi University, graduate student)

A Historical Analysis of Employment of People with Disabilities in Enterprises Not Covered by the Employment Rate System

The employment of persons with disabilities in small- and medium-sized enterprises that are not covered by the employment rate system has been attracting attention. However, with the employment rate system and welfare-based employment, the significance of this type of employment and its characteristics is not clear. Therefore, it is necessary to ascertain how such employment of persons with disabilities outside the employment rate system emerged and determine the current situation. In this study, a historical analysis was conducted on the subject of the employment of people with intellectual disabilities using government statistics and other data. The results indicated that it increased from the 1960s to 1987, when the employment rate system was adopted. Despite the increase in the number of sheltered workshops during this period, the increase in employment did not stop. In addition, since the 1990s, employment outside the employment rate system has remained at a certain level. These facts suggest that the employment of people with intellectual disabilities outside the employment rate system may be historically robust, and this study presents several factors contributing to this phenomenon.

11:30-12:45 Lunch Time

CONFERENCE PLENARY SESSION

12:45-15:30

Harassment and Power Relations in the World of Work

The General Conference of the International Labour Organization have met in its 108th (Centenary) Session and adopted the Violence and Harassment Convention, 2019 (No.190) and Violence and Harassment Recommendation, 2019 (No.206) on 10th June 2019, and shows they are recognizing that “violence and harassment in the world of work can constitute a human rights violation or abuse, and that violence and harassment is a threat to equal opportunities, is unacceptable and incompatible with decent work”. To be subjected to violence or harassment in the world of work is “damage on work experience in or by which people endangers their career, occupational life, life plan and livelihood” (Kazue Muta, 2019), and to keep away from violence and harassment

in the world of work is fundamental right for labours. It is important, therefore, how the social policy will approach to those problems.

At the conference plenary session in JASPS 141th (2020 Autumn) Conference, we try to reveal features of power relationship and harassment in the world of work, and discuss several issues and barriers in the way to respect for, protect and fulfill the all of human rights in the world of work without violence and harassment.

We should explore, to find the answers of questions about power relationship in the world of work, into institutional and structural aspect, beyond direct hierarchical relationship between victim and victimizer, which is diversified work environment, culture of organization, concentration level of power, uncertain process of decision making and informal network *** and so on. It means that it should be seen and examined as environmental and institutional context not as a crime by individuals.

In Japan, obligations of employer of prevention for sexual harassment have been imposed by the change of the Equal Employment Opportunity Act in 1997. Since then, it has been seen a certain level of development. In the field of power harassment issues, there have been some progress in which new provisions about power harassment have been set in the law and companies have been obliged to take steps to prevent power harassment in work site. However, those progresses in the prevention of sexual and power harassment are independent from each other in different systems of law. Whether or not those policies could contribute to prevention of both type of harassment in such as separated systems? This is the one of the important issues which will be discussed in this plenary session.

We will report the result of “the JASPS Professional Climate Survey: the 2020 Survey of Harassment” conducted by the project of the JASPS Gender Subcommittee in May 2020, which examined about status of harassment in academic field. This survey was based on the AEA Professional Climate Survey by the American Economic Association, using questionnaires made by reference to those of this survey. It might give us some topics to think and discuss in this session.

Chair: OSAWA Mari (Professor Emeritus, University of Tokyo)

Speakers:

SHIN Ki-young (Ochanomizu University)

Gender and Power in Workplace: Theoretical Perspectives on Sexual Harassment

Sexual harassment has long been an unnamed, unpleasant, hurtful experience from which working women suffered frequently. That experience was first named “sexual harassment” in the late 1970s, and conceptualized through repeated judicial precedents in the United States. The concept then spread throughout the world. Preventing sexual harassment is essential to working in a safe environment, especially for women and minorities, who turn out to be more vulnerable to victimization of workplace harassment. However, the global #MeToo movement for the last three years has revealed that not only sexual violence and gender-based harassment in the workplace are still serious, but there

are multiple power structures that have silenced the victim. Sexual violence and harassment are not limited to specific jobs or persons, and harm does not result from harassers' personal defects. What should be noted is the environment of the workplace where sexual harassment is likely to occur, the response of the workplace after the harassment occurs, and the structure of "secondary harm" to the victim.

This article aims at deepening the theoretical understanding of the essence of sexual harassment. It, firstly, reviews the previous theories on sexual harassment in workplace, and secondly, with reference to the cases revealed by #MeToo movement, attempts to further theorize by patterning how the power over gender in workplace is exercised.

NOMURA Masami (Professor Emeritus, Tohoku University)**Correlation between Corporate Culture and Harassment at Workplace**

The word "pawahara" (roughly meaning harassment or abuse at workplace) was invented by a management counselor in the early 2000s. Since then "pawahara" has been recognized as one of the most serious issues at workplace. In 2019 the Diet passed a bill requiring employers to take measures for solving "pawahara" problems. As critics point out, however, the bill is just a starting point to tackle the problem. For further discussion the correlation between corporate culture and harassment at workplace should be analyzed. My presentation is an attempt to explain it by taking Japanese-style employment practices into consideration.

NIIMURA Kyoko (Lawyer, non-member)**Trend and Challenge of the Revised Law on General Promotion of Labour Policy (Harassment Prevention Act)**

In June 2019, the General Conference of the International Labour Organization have decided on the adoption of the Violence and Harassment Convention, 2019. It has defined harassment and violence (in the world of work) as unacceptable behaviours and practices which result in physical, psychological, sexual and economic harm. It has also mentioned that the protection by this convention should cover workers and other persons in the world of work, including not only employees with employment contract defined by national law, also persons who are working irrespective of their contractual status, such as interns and apprentices, workers whose employment has been terminated, and "individuals exercising the authority, duties or responsibilities of an employer".

Whereas, in Japan, May 2019, a new legislation has been enacted and obliged employers to take steps for prevention of power harassment. However, this new law protects limited workers and practitioners, also has no provision to prohibit harassment neither one to impose criminal penalties. It means that the situations in Japan have still not met a standard defined by convention. In a different perspective, it is also a problem in Japan that there are several separated legislations for each type of harassment. It makes legislation systems difficult to understand. While it is also important to understand contexts and causes of harassment in struggle with them, legislations in Japan have an absence of them. This is another problem, too. I will discuss the issues in legislations for harassment prevention in Japan and future direction to go based on the points indicated above.

HAGIWARA Kumiko (Coordinator of JASPS Gender Sub-Committee, member of the JASPS Professional Climate Survey Project/Shimonoseki City University)

Special Report: Summary of the Results of “the JASPS Professional Climate Survey: the 2020 Survey of Harassment” with the Focus on the Experiences in the Academic Career Building

We will report the major findings of “the JASPS Professional Climate Survey: the 2020 Survey of Harassment”, conducted by the project of the JASPS Gender Subcommittee as a part of the official activities of JASPS. This is the very first survey on harassment in the academia for our Society.

As to the preceding example of the fact-finding research of harassment in the academia, American Economic Association carried out the large-scale survey in 2019. They covered more than 14 thousands of the current and former members of the AEA and completed “The AEA Professional Climate Survey: Final Report”. We customized the questionnaire of the AEA report for the purpose of the comparison of the results. With the special focus on career building, we asked the experiences of harassment at each stage of their career, (1) in graduate school days, (2) at the organizations to which they belong, and (3) in the formal and informal academic exchanges.

The survey period was from May 7 to June 10, 2020, with 156 responses (50.6% of women and 48.7% of men). Considering the current number of members of the Society, the collection rate is not high. However, the findings are striking and a certain number of respondents answered that they had undergone harassment in their career. Comparing with the results of the AEA Survey, we share the findings of our survey for the better future.

*** Members of the JASPS Professional Climate Survey Project are Mari Osawa (University of Tokyo), Kaoru Kanai (Saitama University), Yeong Kim (Busan National University), Ki-young Shin (Ochanomizu Women’s University), Kumiko Hagiwara (Shimonoseki City University), Chisa Fujiwara (Hosei University), Yumiko Murao (Toyo University, Project Advisor).

15:30-15:55 Break

15:55-17:00 Discussion and Chairperson final comments

17:00-17:10 Break

17:10-17:40 General Meeting

DAY 2 (25 October 2020)**9:30-11:30 Special Theme and General Sessions****SPECIAL THEME SESSIONS**

9:30-11:30

Special Theme Session 3: Policy-based public tender reform to realize a fair community
— **Focusing on public contract ordinances****Chair and Coordinator: KANBAYASHI Yoji (Japan Research Institute for Local Government)**

<Theme of the Session>

National and local governments in all countries are facing the challenge of tackling inequality and poverty exacerbated by globalization. Some local governments are attempting to generate decent work for all citizens in order to achieve fairness in their communities. Local governments have three roles to play in these efforts. First, local governments, as the employers of civil servants, can serve as models for private employers by hiring workers under appropriate conditions. Second, as the largest procurement agencies in their regions, local governments can shore up regional wage markets. Third, as shapers of labor policy, local governments are able to develop measures to protect citizens' rights and interests as workers. Regarding the second and third roles in particular, many local governments are currently adopting practices such as scoring public tender and establishing public contracts ordinances in order to advance reforms.

This session seeks to advance discussion of the role of local governments and their potential for achieving social fairness by analyzing case studies of local government that have utilized the above principles in policymaking and practice.

YOSHIMURA Rimpei (Fukui Prefectural University)**Wage rates and tenders based on policy goals: Two approaches adopted by municipal governments**

Municipal governments in Japan have been using social policy standards as a tool in making public contracts for at least a decade. For example, some public contract ordinances have clauses on wage rates for workers under contract; these mostly regard construction and civil engineering jobs. On the other hand, some standards concerning disabilities or job creation are adopted in competitive tendering for contracting out services. But fewer municipalities presently have the latter than the former type of ordinance, even though the two types of measures appear to complement each other effectively. This presentation will examine the range of wage rate and employment opportunities among several sectors, showing how these bring about different municipal policies.

KAWAMURA Masanori (Hokkai Gakuen University)

Wages and work conditions in the construction industry and possibilities for achieving improvement through public contract regulations

This paper examines the possibility of improving wages and working conditions in the construction sector through public contract ordinances. First, based on survey results, we confirm the current conditions of wages and working conditions of construction workers under a multilayered contract structure. Next, we report on the experiences of the local governments that have established public contract ordinance, and the effects of those policies. Unfortunately, there has been little nationwide progress in establishing public contract ordinances. The number of local governments that have enacted public contract regulations remains only in the 50s. Why is this? We explore the conditions that are necessary for establishing public contract ordinances, including experiences of local governments that have failed to do so. Furthermore, even among the local governments that have established such regulations, the types of systems and their modes of operation vary significantly. We take up the cases of local governments that have succeeded in creating effective systems of design and operation.

MIZUNO Katsuyasu (Aichi Labor and Social Security Attorney's Associations)

Ensuring better working conditions through public contracts: Focusing on work conditions investigation examinations by a Labor and Social Security Attorney

The establishment of public contract ordinances is being promoted by local governments throughout Japan as they seek means to counter the use of poverty-level wages and poor work conditions in the public sector work force. However, many public contract ordinances are merely “ideal” models with no legal force. There are few public contract ordinances with “wage clauses” that require wage payments that exceed minimum wage levels established by law.

A Public Contract Ordinance is supposed to ensure high quality public services by calling for improved working conditions. However, some businesses have failed to secure even the minimum working conditions specified by the law. Poor working conditions are exacerbating concerns about quality in public services. It is not clear whether many companies can realize the goals set forth in public contract regulations.

This paper utilizes an investigation conducted by a Romushi (a labor and social security attorney) seeking to improve public sector employment conditions. The investigation explores work conditions and social security benefits of businesses involved in public contracts, seeking to encourage the adoption of improved working conditions.

However, as with public contract ordinances, the resistance of local governments and businesses is strong. We will report on practical measures for struggling against the high incidence of poverty-level wages and benefits in the public sector work force, centering on the examination of working conditions by a labor and social security attorney.

9:30-11:30

Special Theme Session 4: Exploring the Mechanism of Employment Categories Change: Focusing on Case Studies**Chair and Coordinator: WOO Jongwon (Saitama University)****Discussant: SAGUCHI Kazuro (Professor Emeritus, University of Tokyo)**

<Theme of the Session>

The goal of this session is to investigate the mechanism by which the employment categories change take place. Traditionally, the diversification of employment categories has been mainly explained by the employment portfolio theory. The logic is that the diversification of employment types optimizes the company's demand for labor services, with reflecting the needs of workers. However, this is not enough to explain the existence of such categories as Japan's "core part-timer". On the other hand, it is also a problem why the employment categories themselves change. The relationship with personnel expenses and work contents has been investigated, mainly in the retail industry, but there are many issues to be clarified, such as what the intention of management is, and how workers perceive it and/or accept it. Focusing on case studies, the session explores what is causing the change in employment categories and what is the driving force behind this.

The first report focuses on the life insurance industry and analyzes the background and managerial logic of the repeated changes in employment categories in the industry. In the second report, we analyze the background, intention, and effect of the personnel strategy based on the case of a company that formalized the abolition of employment category itself. In the third report, based on the case of freelance writers who work for a broadcasting station in South Korea, we analyze the process of freelance-to-regular employment transition and the conflicts in the process.

KANAI Kaoru (Saitama University)**Changing Employment Management Category Impact on Women Workers in Life Insurance Industry**

White-collar workers in life insurance industry were mostly male in the 1980s. However, the ratio of women's stuffs had since risen and there were more women than men by 2010. Non-regular workers have greatly increased due to a reducing of recruitment of women in non-career track in 1990s. On the other hand, it has changed from non-regular worker to regular worker in 2000s. During this time, the employment management category has repeatedly been changed, the non-career track was abolished at major life insurance companies. Although classification according to range of work relocations remains, all employees became career-track staffs who are likely to be promoted.

In this presentation, I consider the background of changes in the employment management category, how job has been changed in each category, and the impact on female labor in the life insurance industry since the 1990s.

WOO Jongwon (Saitama University)

Strategy of “Employment Category Abolition”: Background, Intent, and Effect

Credit Saison Co., Ltd. introduced the “Personnel system common to all employees” in September 2017. The company has implemented a groundbreaking personnel system reform that eliminates the conventional employment categories of “general employee”, “professional employee”, and “mate employee”. In this report, based on the actual situation of the personnel system common to all employees, the author researches into the reason why the personnel strategy of abolishing the employment categories is possible, and what kind of issues are actually facing. The author sheds light on the background, the intention, and the effect of the system reform. First, on the background, we analyze changes in the business environment, changes in business performance, as well as the characteristics of management philosophy and labor-management relations. Next, on the intention, we analyze the problem of conventional personnel system, the nature of work, the behavior of employees, and the goals and targets of new personnel strategy. Finally, on the effects, we focus on how much the intention has been achieved, and how well employees have adopted the reform. Based on above analyses, we consider the meaning of “employment category abolition,” and what kind of problems it faces.

NOH Sung-Chul (Saitama University)

The dynamics of “creative” workers’ precarity, occupational identity and employment status: Insights from the case of freelance writers in South Korea

The “creative” industry has been characterized by the informalized labor market where short-term project-by-project employment is predominant and few formal labor regulations exist. It is widely acknowledged in the literature that creative workers tend to favor informal governance of work over stable employment and labor protection in the name of work autonomy and self-realization. Critical scholars have shown that informal nature of creative work and workers’ preference for the informality mutually reinforce one another, reproducing the profound work precarity in creative industry. In this context of create work, this article explores how creative workers make sense of and experience the shift in their employment status from a freelancer to a full-time, regular worker. Drawing on in-depth interviews with broadcasting writers at a public broadcaster in South Korea who are given an opportunity to make transitions from freelance contracts to fix-term and to standard employment contracts, this article attempts to theorize the dynamics between work precarity, occupational identity and employment arrangement. We illustrate how writers’ understanding of different types of employment arrangement evolves over time, as they negotiate work precarity, working style and social relations in the context of occupational identity.

GENERAL SESSIONS

9:30-11:30

General Session D: Child

Chair: ODAMAKI Tomoko (Ritsumeikan University)

HAMANO Yuki (Hitotsubashi University, graduate student)

The foundation in the local community of the activity “Children’s Cafeteria”

The number of organizations with “Children’s Cafeteria” that provide inexpensive meals primarily to children has been increasing rapidly, thereby attracting attention. Even in the COVID-19 related confusion, the relationships among the organizations have not been diluted and some organizations have also been transformed in various ways. These activities were found to have a certain degree of resilience to exogenous shocks.

What supports this activity? To answer this question, the present study needs to analyze past activities and clarify the foundations of the community and the process of their formation.

Last year’s report focused on the background of the establishment of the “Children’s Cafeteria” activities and the narratives of the organizations’ representatives to ascertain philosophy and rationale of the actors.

On the other hand, this report focuses on the micro-and mezzo -level analysis of each organization, including the local government and the intermediary organization, the X City Children’s Cafeteria Network. Thus, this paper describes the relationships and resources that from the bases of this activity.

YABUNAGA Chino (Toyo University)

A reform programme for fundamental welfare renovation: A case study of the Programme to address child and family services (LAPE) in Finland

This study reveals the contents and structure of a welfare service reform in Finland and explains the conditions that made it possible. The Programme to address child and family services (LAPE) is a welfare reform conducted in Finland. The programme included the transformation of service provision structures, networking of multidisciplinary professions and their service integration. It establishes a seamless service system that comprises of urgent and critical cases to preventive services. Through the above-mentioned reforms, the programme aimed to accomplish fundamental welfare renovations to provide more capable/competent services with limited resources. By analyzing the interview data conducted with responsible officials and experts from Finland, the following three characteristics were proven. The programme has, 1) a three-dimensional structure with triple reform vectors, 2) an interactive reform process that ensured the autonomy of each local/regional area led by professionals in the central government, and 3) the policy formation based on expertise. These three characteristics can be considered the hallmarks of the reform and the foundation for its success.

9:30-11:30

General Session E: Carer**Chair: SASAKI Takao (Tokyo University of Social Welfare)****HATAMOTO Yuusuke (Doshisha University), NISHIMURA Yukimitsu (National Institute of Population and Social Security Research)****Issues for an analysis of the concept and state of mutually supporting family: Synthesizing the literature**

In its 2013 report, the Social Security System Reform Conference pointed out that the role of social security should be defined in relation to the complementary role of family. It proposed to construct a “21st century (2025) Japanese model” as the one for all generations for the new era in contrast with the “1970s model” characterized by conventional male breadwinners.

While the “1970s model” is based on the functions of families that consist of a working husband and a housewife, who is responsible for household chores and child-raising, the “21st century (2025) Japanese model” should be developed on the assumption of dual earner couples. In addition to conventional social security, “employment”, “child-raising support”, “low income earners and inequality” and “housing” are regarded as issues to be tackled. These issues should be re-examined through the following three tasks: (1) a re-examination of the Male-breadwinner model, (2) a survey of the actual conditions of the dual-income model, and (3) a survey of other family forms existing in Japan.

This presentation aims to derive new knowledge and future research issues by drawing on the reviews of the articles mainly in “Japanese journal of family sociology” for the tasks (1) and (2), those mainly in “Japanese journal of Social Welfare” for the task (3) and relevant books. The re-examination of the “1970s model” is also planned to be conducted through secondary analyses of data from the Kawasaki (1965), Kitaaizu (1966), and Kakegawa (1968, 1970, 1973.) studies archived by the National Institute of Population and Social Security Research, which will be presented in other occasions.

NAKANO Koki (University of Tokyo, graduate student)**A Study of the Concept of Interprofessional Work in a Social Welfare Policy for the Elderly**

Interprofessional work (IPW) by various players has been aimed in the medical and long term care fields to provide comprehensive services (Fujii 2019). However, since IPW are not defined and unambiguous word (Matsuoka 2013), this concept itself has been the subject of research in social welfare policy.

This study aims to clarify what role and skills are expected on who in IPW. IPW by various actors is an issue embedded in social welfare policy (Niki 2015, 2017, 2019) and the concept of IPW is strongly defined by policy (Soeda 2014). Therefore, it is necessary to analyze how the roles and abilities of each player are determined by the policy and how they have been positioned in the concept of IPW. The goal of this study is to clarify the expected roles and its reason, as well as the changes over time.

KIM Seokho (Chukyo University, graduate student)

A causal analysis between the minimum wage and the utilization rate of public long-term care insurance services; quantitative analysis using panel data in Korea

In the South Korean presidential election held in May 2017, it was an election pledge not only for the current President Moon Jae-in, but for candidates of the conservative parties to raise the minimum wage to 10,000 won by 2022. With the above background, it was increased by 16.4% to 7,530 won in 2018, and by 10.9% to 8,350 won in 2019. The policy of raising the minimum wage, together with the policy of converting non-regular workers to regular ones, has become one of major issues for all people as well as for the concerned labors and managers. Many studies have been conducted, such as the effect of rising minimum wages on corporate activities, the effect on employment levels, and the effect on correcting poverty and inequality, but debate is still going on. Nevertheless, there are few analyzes regarding the relationship between minimum wage and the utilization rate of social services, from the perspective of the quality of life. This study analyzes how minimum wage increase affects the utilization rate of public long-term care insurance services with copayment which makes an influence significantly on the QOL of caregivers, using panel data in Korea.

11:30-12:45 Lunch Time

12:45-14:45 Book Review Sessions, Special Theme Session and General Session

BOOK REVIEW SESSIONS

12:45-14:45

Book Review Session 1: Labor

Chair: YOSHIMURA Rimpei (Fukui Prefectural University)

- KENJOH Eiko (Asia University), Understanding Work Styles in Japan
Reviewer: ISOHATA Kohei (Meijo University)
- TANAKA Tsuneyuki (Labor and Social Security Attorney), Wage Policy of Japan Federation of Employers' Associations
Reviewer: ISHIDA Mitsuo (Professor Emeritus, Doshisha University)
- AKIMOTO Tatsuru (Shukutoku University), Labor and Social Work — Messages sent over a few Decades from Workplaces and Communities in the United States
Reviewer: YAMAZAKI Ken (Meiji University)

12:45-14:45

Book Review Session 2: Social Security and Welfare**Chair: MIYAMOTO Akifumi (Hokkai Gakuen University)**

- MUROZUMI Masako (Tezukayama Gakuin University), Identifying Poverty from the Perspective of Household Economics: Social Policy and Difficulties facing Women, Young People and Children
Reviewer: TAMIYA Yuko (Kobe Gakuin University)
- SHIBATA Hideaki (Rikkyo University), The Quest for the Evidence of the Cost Sharing Medical Insurance — According to Health and Labor White Papers
Reviewer: SASAKI Takao (Tokyo University of Welfare)
- YOKOYAMA Junichi (Hokkai Gakuen University), Finnish welfare state at a turning point
Reviewer: YABUNAGA Chino (Toyo University)

SPECIAL THEME SESSION

12:45-14:45

Special Theme Session 5: Comparative research in health and welfare service policy: challenges and opportunities**Chair and Coordinator: MATSUDA Ryoza (Ritsumeikan University)****Discussant 1: HIEDA Takeshi (Osaka City University)****Discussant 2: LI Lianhua (Tokyo Keizai University)**

<Theme of the Session>

One crucial area of comparative research in social policy and welfare states focuses on welfare “regime” theory claimed by Esping-Andersen and his colleagues. Meanwhile, apart from this strand, researchers have conducted comparative studies on various institutional and policy issues in specific areas of social policy, e.g., health and long-term care. This research interests include development of typologies of health care systems, politics on introducing clinical guideline policy, and similarities and differences in benefit baskets. Furthermore, the globalization of economy and ICT seemingly has prompted policy makers to observe policy development in other countries as shown in political responses to the current COVID-19 pandemic.

Looking at these trends, in this session, two papers will explore challenges and opportunities in comparative research on health and welfare service policies.

SHIRASE Yumika (Hitotsubashi University)**What can we learn from other countries? — Review based on the recent comparative health policy research trends —**

This presentation reviews recent comparative studies on health policy and classifies

their motivations, as well as basis for comparison of different countries. Unlike other areas of social policy, comparative health policy research has been conducted in various academic disciplines. This presentation shows an aspect of those features from the articles written in English on comparative health policy and healthcare system typologies recorded on PubMed over the past five years. Meanwhile, most comparative health policy studies in Japan, which have been recently declining, have focused on single-country case studies rather than multiple-country comparisons. However, the COVID-19 pandemic engendered widespread interest in the differences in national healthcare delivery systems between several countries and encouraged us to reconsider the relationship between healthcare systems and public health policies. The presentation thus discusses which implications could be obtained academically and practically from international comparative health policy research, and how to best utilise the research products.

ISHIGAKI Chiaki (Yamanashi Prefectural University)

Comparative perspective in the word facing a risk: Under the great uncertainty emerging Covid-19

Developed countries have faced or been facing unprecedented situations, such as shortage of healthcare provision, “lockdown” of cities and border closure of countries, due to the pandemic of Covid-19 from the beginning of this year. Political scientists frequently argue that policy-makers tend to rely on “experts” or new ideas coming from academic knowledges when they face unprecedented events, e.g., revolutions, wars, and the Great Depression, as they have no idea how to resolute these situations.

In the field of health and welfare policy, amount of studies based on welfare “regime” or institutionalism are accumulated. After this pandemic, in order to analyze politics and policies responding to Covid-19, the perspectives of “politics of idea” will be effective.

In this presentation, naturally fieldwork would be limited in order to prevent confection, I wish to provide a new perspective for social policy researchers who contribute to develop health and welfare studies.

GENERAL SESSION

12:45-14:45

General Session F: Labor 2

Chair: ASANO Kazuya (Tsu City College)

TAKAHASHI Yusuke (Ehime University)

Determinants of Workers' Subjective Well-being

This study classified workers into regular, voluntary irregular, and involuntary irregular employment and examined the determinants of psychosomatic symptom indicators and compared them with those of life satisfaction. The results revealed the following main findings. Major psychosomatic symptom indicators were observed among workers in involuntary irregular and regular employment. Their life satisfaction also tended to be low. Compared to those in voluntary irregular employment, workers who engaged in involuntary

irregular employment were much more prone to stress. For workers in regular employment, long working hours and an increase in stressful work are thought to be the cause. Mild psychosomatic symptom indicators were observed in workers with at least a bachelor's degree and those working for small businesses; major psychosomatic symptom indicators were observed in workers with a fixed-term contract and those working in healthcare and social services. Since there are worker shortages and increasing labor demand in these sectors, workplace issues such as the treatment of workers and overtime work are likely to constitute major challenges in the future as well.

SASAKI Hiroaki (University of Tsukuba, graduate student), IKEDA Tomohiko (University of Tsukuba, graduate student)

The critical consideration of “power harassment” policies in Japan. ~ police power and *parents patriae* ~

“Power harassment” (workplace bullying within a superiorsubordinate relationship) has become a social problem, as the number of claims to the labor standards inspection office about the harassment and decisions to provide for industrial accident compensation insurance for mental disorders due to severe harassment is increasing. The revised Act on Comprehensive Promotion of Labor Policies (known as “the power harassment prevention law”) that came into effect on June 1, 2020, stipulates the definition of power harassment, and power harassment is specified in the certification criteria for industrial accident compensation insurance for mental disorders. The government categorized power harassment behavior concretely and showed examples that constitute such harassment and those that do not. This policy reflects the theory of police power (United States constitutional law) which justifies the government’s regulation to maintain public order. In this report, we present the association of a supervisor-subordinate relationship with mental health of workers based on the results of epidemiological surveys and give the critical consideration about the effectiveness of power harassment policies in Japan, giving an overview of the origin of the basic theory of law.

KONNO Haruki (NPO Posse)

Building a Long-Term Care System in China and Thailand: Research on Process of Karoshi Victims’ Family Members Filing Workplace Injury Compensation and Lawsuits: Their Perception, Legal Actions, and Internal Conflicts

It has been claimed that the number of workers’ compensation application cases of workplace injuries which include karoshi and karo-jisatsu is overwhelmingly underreported. Victims’ family members filing lawsuits to demand compensation from companies that failed to prevent death by overwork from happening are also rare.

Thus it is essential to understand the process of how victims’ family members came to decide to file compensation claims or lawsuits. Much of the literature on karoshi focuses either on the mechanism of how karoshi occurs or on how the Japanese legal system handles the issue. Research focusing on victims’ family members’ decisions on applying for compensation and filing lawsuits is not common.

The paper is based on a survey conducted on victims’ family members through the

group of family members of karoshi victims and on qualitative research interviewing the individual family members. Based on these methods, the paper systematically explains factors that encourage the family members to apply for the workers' compensation claims and difficulties encountered in the process. It is done by analyzing processes on how the family members perceive the deaths as work-related, apply for compensation and file lawsuits against the victims' former employers.

15:00-17:00 Special Theme and General Sessions

SPECIAL THEME SESSIONS

15:00-17:00

Special Theme Session 6: Changes and trends in social policy of East Asia due to Covid-19

Chair: NOGUCHI Sadahisa (Designated Professor, Nihon Fukushi University)

Coordinator: ZHU Min (Chiba University of Commerce)

Discussant 1: PARK Kwang Joon (Bukkyo University)

Discussant 2: OIZUMI Keiichiro (Asia University)

<Theme of the Session>

Covid-19 which confirmed in Wuhan, China in December 2019 is still raging in the world, and there is no prospect of convergence. However, this pandemic of Covid-19 had a tremendous impact on the world's economy and society, and also transformed our lives. Even if the spread of infection is over, it is unlikely that economic activities and social life will be completely restored. In addition, the spread of Covid-19 has revealed the weakness of the social policies which have supported the stabilization and improvement of our social life.

In addition to the "old risks" of the industrial era and the "new risks" of the post-industrial era, we must always prepare for new infection risks in the future. Therefore, rather than after the corona infection has settled, it is necessary to anticipate future scenarios to some extent and rebuild a policy system that can little more withstand changes. So it is necessary to determine the direction of future policy improvement while at least summarizing the measures taken so far.

The purpose of this session is to invite experts from China and South Korea to explore the implications for Japan by referring to changes in social policy and future trends caused by Covid-19 in their respective countries.

ZHAO DeYu (Fudan University)

The impact of Corona on the employment and welfare of the poor and its Countermeasures

In this report, we focus on the poor who are most likely to be affected by the new coronavirus, structurally analyze the effects of corona, elucidate the mechanism of the impact, and then consider poverty measures after Covid-19.

First, the new coronavirus has had a major impact on employment of low-wage workers, especially migrant workers known as nongmingong, but the impact varies by

region and industry. Next, it is necessary to clarify how the new coronavirus acts on poverty, its path and its characteristics, and to identify the negative impact on poverty control.

Finally, we will analyze how temporary and sustainable measures are combined and the effects of comprehensive poverty policy, including finance, finance, land, education, health care, science and technology, human resources education and infrastructure construction.

KIM Soo Wan (Kangnam University)

Social Policy after Covid-19? Diagnosis and Prospects of Korean Welfare State

This presentation aims to diagnose the situation of Korean welfare state during and after Covid-19 and suggest the prospects and direction of social policy. The main contents are as follows. First, Covid-19 is generally further advancing the future of society in all the social and economic areas: universalization of non-facing and online communication, expansion of time flexibility, industry reorganization based on ICT technology, and the key agenda of environmental and health issues etc. In addition, in response to Covid-19, the nation's control function and the role of family for caring are expanding. Second, the response of Korean society against Covid-19 is summarized by information and labor. It is the information and communication technology (ICT)-based innovative prevention model that enables rapid information collection and sharing, and the effective Korean health system as well as high-quality labor by medical personnel. However, the public health system and human resources are still insufficient to respond to the future, so there is an urgent need to respond. Third, economic problems such as income loss and unemployment has been highlighted by Covid-19, and the social risks are particularly concentrated on the vulnerable. Accordingly, the role of social policy in the process of overcoming the crisis is also expanding. Universal, 7 tax-based Emergency Disaster Assistance for all the citizens has been already paid. Currently, the Moon government and politics have even discussed the expansion of Employment Insurance to all or introducing of Basic Income at the idea level. Considering economic conditions, however, there seems to be little room for cash-oriented social security expansion. Rather, it is the time for the universalization of emergency support, the expansion of small-scale and high-quality innovative social services, and the future-oriented social policy linking health-environment-society.

15:00-17:00

Special Theme Session 7: The Policy Process and Outcomes of the Kaga Work Challenge Project (Kaga WCP): Analysis of the context and governance of the job support programs through interregional cooperation

Chair: SHIMAUCHI Takeshi (Ritsumeikan University)

Coordinator: KANZAKI Junko (Kanazawa Seiryō University)

Discussant: NAGAMATSU Namie (Kwansei Gakuin University)

<Theme of the Session>

How is the “Policy of Support for the Self-reliance of Needy Persons” affected by the policy for revitalization of local areas? There are various contexts in which the policy is being applied by agencies at both the national and local levels of government as well as with various business sponsors and participants.

Each of these stakeholders have their own purposes and access to resources. With this in mind, how do various contexts affect the policy formation process and influence governance structures? What are the significances and challenges of the job support program as it is being implemented in cooperation between local governments? And, in order to analyze the movement/migration of people, will it be necessary to take into account the regional factors influencing both those agencies sending people well the as those accepting them?

This session will consist of three reports. First, it will outline the overview of the Kaga WCP and present an analytical framework. Second, it will examine the process of policy making and clarify the governance (along with its contexts) by analyzing related documents and interview data. Third, it will examine how the job support programs in each municipality in Osaka have been sustained, and how the cooperation between Toyonaka and Kaga cities has been shaped by their experiences and resources.

TSUTSUI Miki (Hosei University)**The outline of Kaga Work Challenge Project and the analytic framework**

This first presentation outlines the overview of Kaga WCP, how it started and went on from 2016 to 2019 by using the timeline, organizational chart, revenue book, interview data, etc. Next, it explains the analytical framework, which is the backbone of the following two presentations: various contexts structure the policy practices, from which outcomes are brought about (van Berkel et al. eds., 2010).

Pointing out its main characteristic of Kaga WCP, prior to the second and third presentations, it will be that Kaga WCP, a combination of the policy for revitalization of local areas and the “Policy of Support for the Self-reliance of Needy Persons”, has increased the uncertainty of the social service delivery: for the subjects of Kaga WCP are more diverse, unstable and unpredictable than the above revitalization policy assumes. It is difficult to establish the governance and reach consensus based on such subjects as these. One might say that Kaga WCP has been implemented through ‘loosely-coupling and decoupling’ of the various goals and ideals of the people concerned.

KANZAKI Junko (Kanazawa Seiryō University)**The Possibility of Regional Autonomy under the policy for revitalization of local areas**

In this report, we analyzed the process of policy formation and the interest coordination at the implementation stage of Kaga WCP based on the interview-based survey of the main stakeholders and examined the autonomy possibility of the Regional Employment Support Program of municipalities. Local area revitalization is carried out by local governments by voluntarily setting up business plans and targets. However, in reality, the central government’s intentions are reflected in the system design due to the financial measures such as grants and others. In the case of the Kaga WCP, we selected an employment

support company based in the Kansai area as a contractor and looked for a method to obtain the cooperation among regions, concerning the goal of population return, as defined by the national and local governance structures. However, the problems such as the relation between the local industry and the employment support participants, etc., only became visible after the project's implementation, requiring the changes of the original project design. Furthermore, there was also a problem in which part of the contractor's network and experience could no be used. Thus, in the local government's employment support project, the original plan may have to be revised significantly depending on the resources of each entity and the visualized problems. In that case, the national policy framework may restrict the implementation of the project. The 7 possibility of autonomous operation of the employment support projects of local governments requires flexible governance adjustments at the local government level, which acts as a place for practicing problem-solving.

NAKA Shuhei (University of Tokyo)

How have the resources cultivated through the job support program by Osaka Prefecture been activated in the Kaga Work Challenge Project?

The Kaga WCP is based on the precondition that people will move in from other regions. Particularly, in the process of job support, the undertakers of the program and its participants have been associated with Toyonaka City, Osaka Prefecture. In this paper, we examine how the cooperation between Toyonaka and Kaga cities has been shaped by their experiences and resources and how the job support programs in each municipality in Osaka have been sustained. Analyzing the data from a survey conducted in 2016 across Osaka Prefecture (43 municipalities) and interview survey of the undertaker conducted from 2011 to 2020, our findings are the following: (1) the cooperation of each institution tends to be strengthened in the implementation of the program. (2) However, the undertakers have some difficulties in continuing the project, while the resources gained through undertaking the project are used more effectively not only in Toyonaka but also in Kaga. Based on these results, we propose a hypothetical proposition to a generalized question of how and where social resources cultivated in one area can be activated in other areas.

GENERAL SESSIONS

15:00-17:00

General Session G: Policy Ideal

Chair: SHIGA Nobuo (Prefectural University of Hiroshima)

UZUKI Yuka (National Institute for Educational Policy Research)

Is the pursuit of equality of opportunity beneficial or harmful to anti-poverty policies?

Even understanding that poverty is not only a problem of the lack of economic resources but also that of a violation of dignity, direct income transfers by way of non-stigmatising procedures could be an effective means to alleviate poverty in both respects.

Furthermore, anti-poverty policies and practices should also be developed on the basis of the understanding that people living in poverty often fail to enjoy basic opportunities for leading a life they have reason to value. Is it then appropriate to pursue the principle of equality of opportunity in developing anti-poverty strategies to combat a wide range of problems derived from poverty? I will discuss that it would be beneficial to pursue the principle of equality of opportunity based on the capability approach along with attempts to overcome its limitations. However, the pursuit of equality of opportunity does not successfully take place in actual policies and practices in Japan. Some critics argue that such pursuit would end up being an obstacle to making the government responsible for poverty alleviation, as the principle of equality of opportunity provokes the self-responsibility doctrine. With this in mind, I will also consider the difficulties of pursuing the principle of equality of opportunity.

OBATA Miho (Doshisha University, graduate student)

Social Action and Social Value Creation in Medical Social Work — Rethinking the Theory of Medical Welfare Including the market mechanisms —

The aim of this paper is to rethink the medical welfare theory and medical social work of Japan including the market mechanisms through the creation of social action and social value which are the viewpoint and practice of the social work.

First, this paper raise the aspect of integration of the professional function of social work as a mediating function of the management and control structure of the regional integrated care system and the participation cooperation mechanism in the community involvement, which led to the reform of the basic structure of social welfare including the market mechanisms of Japan. Second, analyze the current state of social work, which is converged on the market principle involved in medical welfare, from two factors related to the relationship between the fact that social work is affected by the social structure, that is, the era, the state, and the region, and the fact that social work itself contains ambiguity, that is, the structure of inclusion and exclusion. Finally, discuss the ideal way of medical welfare and medical social work which support the enriched life of each of us, based on the social action and the creation of social value which medical social work has not actively practiced.

15:00-17:00

General Session H: Facility and Region

Chair: TANAKA Satoko (Prefectural University of Hiroshima)

UCHIYAMA Chihiro (Doshisha University, graduate student)

Exploring Logical Framework for Integrated Community

Since there are already many researches about theory of Integrated community, there has been little research about pragmatic methods which is associated with theory.

The purpose of this presentation is to explore the practical way by providing logical framework which is focused on people's participation and community governance, and also taking the perspective of social quality and community management. In this process, based

on the assessment of program design and theory, the concept of framework would be built by input, activity, output, outcome.

At the same time, based on the field experiences of international cooperation project, five evaluation aspects (relevance, effectiveness, efficiency, impact, sustainability) by DAC (Development Assistance Committee) would be taken into consideration to create evaluation indicators.

OZAWA Yuka (Kanazawa University)**Child protection in France: Support for young people aging out of care and entering adulthood**

Since the latter half of 2000, some government surveys in France showed the educational disparity and the poverty situation between the people who were in child protection and the other same general youth.

For example, one research showed that 1 out of 4 homeless people received child protection services during childhood. Another research showed the low rate of continuing education after compulsory education. This result has raised discussions on the support measures for their independence.

In this report, at first, we will clarify their difficult circumstances based on the results of research in France. Then, we will clarify their French characteristics while examining the state of leaving care system for them. In particular, the support system for young people aging out of care (Contrat Jeune Majeur), which is the center of the leaving care policy, is considered, and the actual situation and issues of this policy will be examined.

HARADA Genki (University of Tokyo)**The Life Course of the Intellectually Disabled before the Compulsory Establishment of Handicapped Children's Schools: An Analysis of Welfare Workshops in Tokyo from the 1960s to the 1970s**

This study is part of a study on the establishment of daycare centers for the intellectually disabled in Japan. In order to clarify the life course of workshop users prior to the 1979 mandate to establish schools for the disabled, this study analyzed the school-aged histories and employment experiences of people who used the Tokyo welfare workshops that were founded in 1966. The results show that many of workshop users had graduated from special classes, schools for the handicapped, or schools for feeble-minded children (i.e., daycare facilities for children with intellectual disabilities), and most workshop users went to some kind of school or facility once they were old enough. This was due to the large number of students in special classes as well as the large number of children enrolled in schools for feeble-minded children in Tokyo. This study also confirmed that not a few people had once been in the workforce. This can be attributed to the high employment rate of graduates in special classes. Until the early 1970s, the high number of students enrolled in special classes and the high employment rate of special-class graduates were confirmed nationwide, not just in Tokyo. So, the presence of special-class graduates seems to have been one of the reasons for the establishment of the workshops. Further research is needed to analyze children with intellectual disabilities up to the 1970s by considering their use of welfare facilities.