

Workforce Management Newsletter

Issue 50, December 2019

In brief

1. Effective as of June 1, 2020, a partial amendment was made to the Law on Active Participation and Advancement of Women in the Workplace, which also includes the establishment of legislation to prevent power harassment.
2. The Labour Policy Council approved the proposed amendments of "The Guidelines Concerning Measures to Be Taken in the Event of Power Harassment in the Workplace," and a public notice is expected to be issued in early January 2020.
3. A one-stop service of labor insurance-related applications and approximate insurance premium declarations are expected to take effect on January 01, 2020.

In detail

1. Regarding the Effective Date of the Partial Amendment to the Law on Active Participation and Advancement of Women in the Workplace

On June 5, 2019, the Cabinet Order had publicly announced their intentions to partially amend the Act on the Promotion of Women's Participation and Advancement in the Workplace, hoping to formalize the guidelines within the period not exceeding a year from June 5, 2019. Recently, the Cabinet Order has officially announced the partial amendment to the Act on the Promotion of Women's Participation and Advancement in the Workplace, as well as legislative measures to prevent power harassment (the Law for Promotion of Comprehensive Promotion of Labor Policies), to be taken into effect on June 1, 2020 by large employers. Small and medium employers (hereinafter "SMEs") are obliged to make efforts to take action in employment management related to power harassment until March 31, 2022. In addition, there is currently an action plan to expand the scope of defined duties for general business employers in supporting women in the workplace and providing more information on women's participation in the workplace under the Act on the Promotion of Women's Participation and Advancement in the Workplace to be taken into effect on April 1, 2022.

Please see the Ministry of Health, Labour and Welfare (hereinafter "MHLW") website below for details on the revised bill of the Act on the Promotion of Women's Participation and Advancement in the Workplace.

<https://www.mhlw.go.jp/topics/bukyoku/soumu/houritu/198.html>

Details of the revised Act on the Promotion of Women's Participation and Advancement in the Workplace are also published in newsletters Issue. 46 (published in April 2019) and Issue. 47 (published in June 2019).

<https://www.pwc.com/jp/ja/knowledge/news/tax-cas/wmn-vol46.html>

<https://www.pwc.com/jp/ja/knowledge/news/tax-cas/wmn-vol47.html>

2. Regarding the Draft Revision of “the Guidelines Concerning Measures to Be Taken in Employment Management Concerning Power Harassment in the Workplace”

As previously mentioned above, the Cabinet Order has taken legislative measures to prevent power harassment. The Labour Policy Council, an advisory body to the MHLW, recently approved the draft revision of “the Guidelines Concerning Measures to Be Taken for Employment Management Regarding Power Harassment in the Workplace.” This revision obliges employers to take measures in employment management related to power harassment under the Act on Comprehensive Promotion of Labour Measures, and is expected to be announced in early January 2020. The following is a draft overview and guideline of actions employers should be taking in employment management to prevent power harassment in the workplace:

(1) Clarification and Dissemination of Employers' Policies

- I. Inform and clarify the definition of power harassment in the workplace (*) as well as policies to be implemented to prohibit power harassment, to all employees.

*Power harassment in the workplace is defined and met if all of the following conditions apply: (1) supremacist behavior based in the work relationship, (2) behavior and requests towards others that exceed the requirement and reasonable extent in the course of duties, thereby (3) harming the working environment and its workers. Appropriate and necessary service instructions and guidelines do not fall in the category of power harassment in the workplace.

In the draft guidelines, power harassment in the workplace is classified into the following six categories:

- a. Assault and injury (physical abuse)
- b. Intimidation, defamation, insults, abusive language (mental abuse)
- c. Segregation, exclusion from colleagues, and neglect (segregation from interpersonal relationships)
- d. Imposing tasks that are obviously unnecessary or impossible to perform (excessive demands)
- e. Imposing tasks that are unreasonably tedious and insufficient for the scope of work that is required to be performed (insufficient workload)
- f. Excessive intrusion of private matters (invasion of privacy)

- II. For those who have engaged in behavior related to power harassment in the workplace, the policy and measures to be taken shall be stipulated and made evident in a document that specifies employment regulations, service regulations, etc. The information shall be disseminated to all workers.

(2) Establishment of necessary systems to respond appropriately to consultations and complaints

- I. Establish a consultation desk and provide a point of contact
- II. The person in charge of providing consultations must be able to respond appropriately according to the contents and circumstances of the individual. This not only includes reporting clearly evident cases of power harassment in the workplace, but also in cases where such harassment may potentially occur, or in cases whether such harassment may or may not fall under the definition of power harassment in the workplace as indicated in the section above in (1)-I.

(3) Prompt and appropriate actions to be taken towards cases of power harassment in the workplace

- I. In the event that a request for consultation on power harassment in the workplace is made, prompt and accurate confirmation of the facts shall be made.
- II. When facts have been confirmed, prompt and appropriate measures should be taken in consideration of the individual seeking help.

- III. When the facts have been confirmed, to take appropriate actions against the perpetrator.
- IV. Take actions to prevent a recurrence (the same shall apply when facts cannot be confirmed).

(4) Measures to be taken in conjunction with the measures set forth in (1) to (3)

- I. Take necessary measures to protect the privacy of both, the individual seeking consultation and the individual in question of power harassment.
- II. In order to ensure that improper dismissal or other disadvantageous treatment shall not be carried out by reason of having consulted or cooperated in confirming facts of power harassment cases, all employees will be notified to provide transparency.

For details on the "Draft amendments to the Guidelines Concerning Measures to Be Taken in Employment Management Concerning Power Harassment in the Workplace," please refer to the MHLW website below.

<https://www.mhlw.go.jp/content/11909500/000568624.pdf>

3. "One-Stop Service for Receiving Applications of Establishment of Labor Insurance-Related Documents and Statements of Approximate Insurance Premiums, etc."

A one-stop service desk, for registration applications of Japan Labor Insurances, will be made available at Japan Pension office, Labor Standards Inspection Offices, and Hello Work centers (Japan government employment service centers). This is applicable to business operators of relevant businesses (*) who intend to submit the registration application together with the "new application" form under the Health Insurance Law and the Welfare Pension Insurance Law and/or the "notification of establishment of the applicable business office" under the Employment Insurance Law.

In addition, it will also be possible to submit the "Estimated Premium Return Form" by the employer to the Japan Pension Services, the Labor Standards Inspection Office, or Hello Work centers.

(*) Businesses other than (1) through (3) below.

- (1) Fixed-term businesses
- (2) Businesses in which Labor Insurance administration is entrusted to the Labor Insurance Administration Association
- (3) Dual coverage businesses (The case in which the employer must file and make the Worker's Accident Insurance and Employment insurance payments separately.)

Please see the following website of the MHLW for details on the "One-Stop Office for Receiving Notifications of Establishment of Labor Insurance-Related Matters and Applications for Approximate Insurance Premiums."

https://www.mhlw.go.jp/stf/newpage_05069.html

Let's talk

For a deeper discussion of how this issue might affect your business, please contact:

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<https://www.pwc.com/jp/ja/services/tax/outsourcing/hr-consulting.html>

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