

To:

The Committee of Experts on the Application of Conventions and Recommendations (CEACR)  
The International Labour Organization Headquarters

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## **Information and requests regarding violations of ILO Convention No. 100**

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### **I. Applicable Convention**

ILO Convention No. 100 (ratified by Japan)

### **II. Violated Articles and Paragraphs**

Article 2-1 and Article 3-3 of Convention No. 100

### **III. Purpose of Providing Information and Request**

The disparity in pension payments between men and women in Japan violates ILO Convention No. 100. It also violates the recommendations of the Committee on the Elimination of Discrimination against Women (2016) and of the Committee on Economic, Social and Cultural Rights (2001, 2013).

We request that the CEACR provide guidance, assistance and appropriate corrective recommendations to the Japanese government.

### **IV. Reason for Providing Information and Request**

#### **1. Gender disparity in pension payments and treatment in Japan**

##### **(1) Gender disparity in pension payments in Japan**

Looking at the breakdown of the average monthly pension in Japan, men receiving a monthly pension of less than 100,000 yen account for 34.17% of the total, while women receiving the

equal amount of pension make up 85.18%. This highlights the low level of pensions for women.

Most people with low pensions only receive the National Pension, and among them, the pension amounts for women are extremely low.

(2) Pension amounts below the standard for welfare assistance should be given more attention

① Monthly pension in Japan is less than 131,000 yen, the standard for welfare assistance

According to the documents published by the Ministry of Health, Labor and Welfare in March 2023, the actual amount of welfare public benefits (for an elderly single-person aged 68) is 131,680 yen per month. Meanwhile, 5,164,564 men and 17,716,543 women receive a monthly pension of less than 100,000 yen, combining benefits from the National Pension and the Employees' Pension Insurance (EPI). Welfare public benefits are the amount of money provided by the state for people to maintain the "minimum standards of wholesome and cultured living" as stipulated in the Constitution of Japan. It is unacceptable that retired workers receive pensions below the level of welfare benefits after paying pension premiums for many years.

② Senior citizens cannot live on their pensions

The average monthly pension under the Employees' Pension Insurance (category 1) is 143,973 yen for recipients who have paid insurance premiums for 25 years or more, but for those who have paid premiums for less than 25 years, the average monthly pension is only 63,061 yen. For recipients of the National Pension only, the average monthly pension for those having paid premiums for 25 years or more is 51,469 yen, while for those having paid premiums for less than 25 years, it is 18,965 yen.

③ Pensions for women are extremely low

Of female recipients of the basic pension for the elderly, 25.6% receive an average monthly pension of less than 50,000 yen, and 85.18%, or 17,716,543 women, receive an average monthly pension of less than 100,000 yen, which is below the level of welfare benefits.

Many people with low pensions only receive the National Pension, and the average monthly pension for people who have paid premiums for 25 years or more is 54,453 yen for men and 50,788 yen for women, both of which are significantly lower than the amount of welfare benefits. Of these recipients, 2.207 million men (6.9%) and 1.862 million women (37.5%) have a monthly pension of less than 50,000 yen.

For those who have paid insurance premiums for less than 25 years, the average monthly pension is 19,259 yen for men and 18,883 yen for women. Of these recipients, 64,997 men (21.6%) and 235,064 women (78.14%) have a monthly pension of less than 50,000 yen, forced to live below the standard for welfare assistance. (December 2023, Survey on Public Pension Enrollment).

(3) Causes of pension disparities in Japan

① Japan's public pension programs are designed based on the "standard model" of a household in which the husband works as the family breadwinner and continues to pay pension insurance

premiums from the age of 20 to 60, while the wife stays at home, taking care of the housework, childcare, elderly care and other unpaid tasks. This is one of the reasons why women receive lower pensions.

② Low pension amounts are caused by the program of paying withdrawal allowances to women who resign upon marriage or childbirth, the fact that the wives of salaried workers were not obliged to join the National Pension System, the exclusion of part-time workers (the majority of whom are women) from employee pensions, and the “category 3 insured persons system”.

③ Also, the type of applied pension differs depending on whether the recipient was employed or not during working years, the length of employment period, and the number of working hours, which significantly affects the pension amounts. Among the generations that started working before the Equal Employment Opportunity Law was enacted in 1985, many women were forced to retire due to marriage or pregnancy retirement practices. Even if women continue to work as full-time employees, their wages are only about 60 to 70 percent of men’s. This large wage gap affects the standard monthly remuneration that is the basis for calculating pension amounts, resulting in lower pensions for women.

According to the survey on all workers (at businesses with 301 employees or more) published by the Ministry of Health, Labor and Welfare in January 2024, the ratio of women’s wages to men’s is 69.5%. Regarding low wages for women, the Japanese government has insisted that the main factors behind the gap are differences in job titles and years of service between men and women. However, the real reasons are as follows: (a) while men are engaged in core tasks, women are assigned to routine and supportive tasks, which drives women into lower-paid jobs; (b) even though women’s years of service have been increasing, many of them are neither promoted nor given higher ranks, remaining on low wages; (c) many allowances are set in favor of the head of the household, and women’s wages are kept low because of exercising their rights such as maternity and childcare leave. Unless gender discrimination caused by these factors is eliminated, the wage gap will continue to remain.

According to the National Tax Agency’s 2022 Statistical Survey of Actual Status for Salary in the Private Sector, the average salary of 59.67 million workers who worked throughout the year is 5.63 million yen for men (2.5% increase from the previous year) and 3.14 million yen for women (3.9% increase from the previous year), indicating that women’s salaries are only about 56% of men’s. The average salary for full-time employees is 5.23 million yen, while that for non-regular employees is 2.01 million yen.

Looking at the survey’s breakdown by salary income class, the largest group of men is those with an annual salary of between 4 million and 5 million yen, at 5.18 million people (17.7%), while the largest group of women is those with an annual salary of between 1 million and 2 million yen, at 4.61 million people (21.5%).

Referring to the breakdown by gender, 35.5% of women (9.6% of men) have an annual income of less than 2 million yen, and 55.5% of women (19.4% of men) have an annual income

of less than 3 million yen. Thus, women's low wages and poverty have become a serious social problem in Japan.

④ Another serious problem is the fact that interruptions in working life due to childbirth and child-rearing have a considerable impact on women's career development and the amount of pension benefits they receive. In Japan, most of the female workers are forced to quit their jobs to give birth and raise children, and the cost of not working or working part-time during that time is passed on to women in the form of lower wages and pensions.

The personnel management system based on career path, generally used in Japan, divides employees into "career employees" who perform core duties and are subject to transfers that require relocation, and "non-career employees" who perform routine and supportive duties and are not subject to transfers. Career employees' positions require long working hours as well as transfers.

For these reasons, many women are unable to apply for career positions in consideration of the need to balance work with housework, childbirth and child-rearing. As a result, only a few women hold career positions, while the vast majority of women have to stay in non-career positions that are low-paid and have almost no chance of promotion. This personnel management system, putting women at a distinct disadvantage, is nothing short of indirect discrimination against women.

The wage gap between men and women mainly arises from the large disparity in treatment between career employees and non-career ones. Although the Equal Employment Opportunity Law prohibits gender discrimination, it applies to a single employment management category, leaving the disparities between the two career paths unsolved. This management system is also a major factor in the disparities in wages and other treatment among full-time employees.

In Japan, interruptions in working years due to childbirth and childcare have a serious impact on women's career development. Consequently, the proportion of women in management positions in fiscal 2022 is 18.7% for section chief positions, 11.6% for department managers, and 8.0% for division managers. Although the proportion has been increasing, it still remains low at higher-level positions.

⑤ Furthermore, when women who once quit their jobs due to marriage or childbirth rejoin the workforce after raising their children, many of them are forced to work as precarious, low-paid, and non-regular workers under the contracts of part-time, temporary, or fixed-term employment. This is one of the reasons why women's pensions are lower than men's.

⑥ Originally, the low pensions for women in Japan come from the old-fashioned division of gender roles under the feudal patriarchal system, where husbands are supposed to work outside and wives are required to be full-time housewives totally engaged in housework. It is also attributed to the idea of taking it for granted that women quit their jobs after marriage and take care of children, the elderly, and other personal needs of family members.

⑦ Women's poverty stems from the capitalist discrimination that regards work involving family responsibilities such as childbirth, child-rearing, and housework as unproductive and

unsocial labor, forcing women into low-wage, precarious employment. In addition, Japan's pension programs, which directly reflect the wages earned during working years in the amount of pension benefits, are accelerating poverty. The fundamental problem is that women's pension rights are based on their dependence on their husbands (in the name of maintaining the family system) and that the work of women is not properly evaluated, such as giving birth, raising children, and doing housework, including running self-employed businesses.

## 2. Long working hours go against gender equality

The Labor Standards Act has revised its maternity protection provisions relating to pregnancy and childbirth. However, the provisions protecting female workers in the Labor Standards Act were abolished in 1999, when the restrictions on overtime work and prohibitions on holiday and night work for female workers were eliminated. The Act, revised several times, also introduced flexible working hour programs such as variable working hours and discretionary working hours, leading to the proliferation of long and irregular working hours. The Work Style Reform Act enacted in June 2018 includes a "special clause" that allows for up to 960 hours of overtime work per year, which exceeds the basic upper limit of overtime work - 45 hours per month and 360 hours per year. Thus, effective work-time regulations encouraging men and women to share family responsibilities have yet to be implemented in Japan.

Under these working conditions, it is extremely difficult for women to continue working. Most women have to stop working due to childbirth and child-rearing, and even when they re-enter the workforce after their children are grown, they have no choice but to work as low-paid, precarious workers like part-time, temporary, or fixed-term contract employees. This is one of the reasons why women's wages are lower than men's.

## 3. Female workers falling into non-regular positions

### (1) Rapid shift of female workers from regular positions to non-regular ones

The number of housewives working part-time has increased dramatically under the circumstances in which women are forced to leave the workforce due to marriage, pregnancy or childbirth, bear the burden of child-rearing and elderly care, and choose part-time jobs after returning to the workforce. Japan's tax and social security programs such as the income tax spousal deduction system and the "category 3 insured persons system", which allows dependent spouses to receive basic pensions without having to pay insurance premiums, have also supported this working style of housewives. In addition, part-time work has spread among the elderly and the youth who cannot find a full-time job.

In consequence, while the proportion of women in non-regular employment was 32.1% in 1985, it has increased to 53.4% in 2022. Meanwhile, the proportion of men in non-regular employment is 22.2% in 2022. This highlights the rapid shift of women into non-regular positions over this period. In 2022, there are 21.01 million non-regular workers in Japan, of whom 68% are women.

(2) Exploiting women as cheap labor

The low wages of housewives working part-time have suppressed the wage levels of workers who need to achieve economic independence with non-regular jobs alone. The fact that women account for 68% of non-regular workers shows indirect discrimination against women, disguised as differences in employment status.

**V. Request for recommendations to Japanese government based on Convention No. 100**

In light of the above-mentioned, we call on the CEACR to make the following recommendations to the Japanese government:

- (1) to recommend correcting the pension disparity between men and women in Japan
- (2) in view of the fact that the wage gap between men and women is one of the factors behind women's low pensions, to recommend that the gender discrimination be eliminated in the field of employment in Japan, and that the low pension benefits for women, which are below the standard for welfare assistance, be boosted
- (3) to recommend the introduction of a guaranteed minimum pension program and the elimination of de facto gender inequalities leading to pension disparities
- (4) to recommend the adoption of temporary special measures to address the pension gap for women, in order to mitigate and remove the historical disadvantages for women, as well as to achieve true gender equality
- (5) to recommend the holding of meaningful, effective consultations and negotiations with relevant organizations, including the JPU, in a bid to improve the serious situation