

To International Labour Organization,
Committee of Experts on the Application of Convention Recommendations

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Information and requests on violations of ILO Convention 156 in Japan

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I Application of Convention :

Workers with Family Responsibilities Convention, 1981 (No.156)
(ratification of Japan:1995)

II Clause of Violation :

Article 3 (1) and Article 4

III Purpose of providing information and submitting requests

The disparity in pensions between men and women, especially women who bear the largest burden of family responsibilities, in Japan violates the Convention 156. This wide gap has also been recognized by various UN human rights organization.

We request ILO to provide guidance, assistance and appropriate recommendations for the Government of Japan to correct the situation mentioned above.

IV Background of the disparity

1. The gap in pension and the lack of equal treatments between men and women

(1) Low pension benefits for women who care for their family

In Japan, as many as 9.12 million elderly people work because they cannot live on their pensions alone. Among them, there are women who have to work while caring for their family members who need care such as elderly, disabled and mentally handicapped. While a number of such women has increased, there are many female workers who have given up their career to care for their family.

(2) The disparity in the pension caused by its systematic defect in Japan

(i) The public pension system in Japan is designed on "a standard family model". The model presupposes that a husband works as a main income earner in its household, instead his wife stays home and takes on housework including childcare, nursing care

and other unpaid work in their home, and the husband and his wife pay the pension contributions from age 20 to 60. This model is a cause of women's low pensions.

(ii) In Japan, there had been many systems that led to the low pension for women such as an incentive system to pay money to women when they retired due to marriage or pregnancy, and the National Pension System under which wives were not under an obligation to insure the system. The part-time workers, most of them are women, were excluded from the Employee's Pension System. In addition, an existence of a category III in the National Pension system for a dependent spouse brings about the low pension for women.

(iii) In addition, in Japan, the type of pension system applicable to workers varies depending on the employment relationship, the length of work period and the working hours. The type of pension system produces a grave consequence to the amount of pension benefit. Among the generation before the enactment of the Equal Employment Opportunity Law (1985), many women left their jobs on the occasion of marriage or pregnancy. There were such retirement systems in companies. Even if women can continue to work as full-time employees, their wages remain at 60-70% of men's. However, the pension contributions are calculated based on the wages. Women's low wages have affected their monthly pension contributions and, thus their benefits.

(3) The amount of pension benefits under that of welfare benefits should not be disregarded

(i) The pension amount below the welfare benefits level of JPY131,000 per month According to data from the Ministry of Health, Labour and Welfare (March 2023), the real amount of welfare benefits per month (an elderly single household aged 68) is JPY131,680. However, the number of pension recipients whose actual benefits amount JPY100,000 or less (combined the National Pension and the Employee's Pension) is as many as 5,164,564 for men and 17,716,543 for women. The welfare benefits are ensured by the state for maintaining the minimum standard of wholesome and cultural living for the people. Given the fact that the pension recipients have paid their pension premiums for long time, their pension amounts must not be less than the welfare benefits.

(ii) The pension amount that is too low to make ends meet for the elderly The average amount of benefits for the Employee's Pension Insurance for the insured period 25 years or more is JPY 143,973 and that for the insured period less than 25 years is only JPY 63,061. On the other hand, an average amount of only the National Pension for the insured period 25 years or more is JPY 51,469 and that for the insured period less than 25 years is JPY 18,965.

(iii) Extremely low pension amounts for women Among women who receive the old-age basic pension, those receive an average monthly pension less than JPY100,000 account for 85.18% of those receive it with 17,716,543 women receive. The amount is less than welfare benefits. What is worse, those with the average monthly pension less than JPY 50,000 accounts for 25.6%.

(4) The gender inequality based on the feudal patriarchy causes women's low pensions The problem of women's low pensions can be attributed to the gender inequality based on the feudalistic patriarchy system in Japan that imposes a stereotype gender role.

Under this system, a man works outside home and a woman works at home as a housewife. Also, the idea that women are supposed to take on family responsibilities after they get married and give up their jobs has been deeply rooted.

Under the capitalist economy system in Japan, works with family responsibilities such as childbirth, child-rearing, nursing care and housework are considered unproductive and unsocial labour. For the women who are unable to enter or remain in the labor markets because of dedicating housework with family responsibilities, there are no many choices but precarious jobs with low pay when she wants to re-enter in the market. In addition, in the pension system of Japan, the amount of pension benefits is set by wages and income during working life. The system has further spurred the women's low pension and poverty. This feudalistic patriarchy system has also aimed at maintaining the family model in Japan based on an assumption of women's dependence on their husbands. Another cause of problems is that women's work in childbirth, child rearing, care-giving and housework is not valued. The situation is the same to self-employment persons.

In Japan, interruptions of working periods due to childbirth and childcare affect the promotion for women. As a result, the proportion of women in chief positions was 18.7%, assistant manager 11.6% and department manager 8.0% in FY2022. Although the situation has been slightly improved, the higher the position, the lower the proportion of women.

2. Long working hours is an obstacle to achieve gender equality in Japan

Article 4 (b) of the Convention states that all measures compatible with national conditions and possibilities shall be taken to take account of their needs of workers with family responsibilities in terms and conditions of employment and in social security.

However, in Japan, the provision for protecting women in the Labour Standards Law were revised in 1999 removing the restrictions on overtime and the prohibitions on holidays and night work for female workers. While the amendments of the Labour Standards Law have repeated, the flexible and discretionary working hour systems have been introduced and the system has brought about expanding long and irregular working hours. Also, the Act on Work-Style Reform enacted June in 2018 allowed the working hours to exceed the then limit of 45 hours per month and 360 hours per year by its special clauses. The clause also admits 960 hours of overtime per year. The restriction of the long working hours for enabling both men and women to take on their familial responsibilities hasn't been realized yet.

These working conditions are far from continuing to work to reconciling work and family responsibilities for women. Even if after career breaks by childbirth or childcare, when a woman wants to returns to work, she hardly comes by job but precarious and low paid jobs such as a part-time, temporary or fixed-term employment. This is a reason of women's wages that is lower than men's.

V Request for the recommendations to the Government of Japan based on Convention No. 156

The Japan Pension Union therefor requests the ILO to make the following

recommendations to the Government of Japan;

(1) to correct for the disparity in pensions between men and women.

(2) to improve the problem of low pension benefits for women, especially for those below the welfare benefits level. Since the wage gap between men and women has brought about the problem, to eliminate gender discrimination in the employment and to establish a condition to balance work and family life both women and men are essential.

(3) to introduce a minimum guaranteed pension system. And to solve the de facto gender inequalities persisted in the pension system, and to correct the situation in which makes it difficult to harmonious life with work and family responsibilities for workers.

(4) to carry out meaningful and effective dialogue and negotiations with the relevant organizations including the JPU in order to improve the above situation.

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