

COMBATING DISCRIMINATION IN LABOR RELATIONS: JAPAN'S STATE
POLICY

Begatov Jasurbek

Doctoral student (PhD) of the Institute of State and Law of the
Academy of Sciences of the Republic Uzbekistan

E-mail: jbegatov96@gmail.com

ANNOTATION: Japan's state policy to eliminate discrimination in the labor sector focuses on gender equality, the protection of the rights of foreign workers, and combating age-based discrimination. This article is dedicated to the key priorities of Japan's anti-discrimination policies in the labor sector. The policy reflects measures aimed at reducing instances of discrimination based on gender, age, race, nationality, and other social groups within the labor market. It analyzes legal norms, including laws on equal opportunities and additional strategic programs designed to ensure equal employment opportunities and create a fair competitive environment. Furthermore, the article provides information on the social and economic impacts of these policies, the benefits created for participants in the labor market, and prospective measures to ensure inclusivity. This approach reflects Japan's global experience and strategic decisions aimed at improving labor relations, embodying the aspirations to establish an effective system for combating discrimination.

Keywords: labor law, discrimination, human rights, labor relations, government agencies, international standards, disability, gender equality, justice.

INTRODUCTION

Japan is considered one of the leading countries in preventing discrimination in labor relations. The working conditions established in the country are regarded as significantly superior when compared to those in other nations. In addition, numerous regulatory documents have been adopted to ensure human rights and freedoms in labor relations. The 1947 Japanese Constitution enshrines the principle of equality before the law and, in Article 14, prohibits any legal restrictions based on citizens' political, economic, and social participation, as well as on characteristics such as race, religion, social status, gender, or family background¹.

Article 14, Part 1 of the Japanese Constitution addresses "equality before the law." This provision means that all individuals must be treated equally in legal terms. Furthermore, Article 14, Part 1 prohibits discrimination on the basis of race, gender, religion, social origin, or family background. This prohibition is interpreted as a natural outcome of the principle of equality before the law. Therefore, the grounds specified in this article are not exhaustive but merely indicate the important bases of discrimination prohibited by the Constitution. This constitutional provision also covers the prohibition of discrimination based on skin color or nationality.

The main regulatory documents governing labor relations in Japan include the Labor Relations Act of 1946, the Employment Security Act of 1947, the Labor Standards Act of 1947 (amended in 1987), the National Public Service Act of 1948, the Trade Union Act of 1949, the Minimum Wage Act of 1959, the Act on the Utilization of Labor of 1966, the Equal Employment Opportunity Act of 1985, the Act on Stabilizing Employment of Older Persons of 1986, and others.

¹ THE CONSTITUTION OF JAPAN 03.11.2025 //

https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html

One of Japan's most important laws is the Labor Standards Act of 1947. Its Article 3 prohibits discriminatory treatment based on race, religion, or social status when determining wages, working hours, and other employment conditions. This provision can be seen as establishing the general principle of equal treatment. Moreover, Article 4 of this law stipulates the principle of equal pay for equal work for both genders. The fact that gender is not mentioned among the grounds for discrimination in Article 3 is explained by the fact that the law provides special protective measures for women (such as restrictions on overtime work, the prohibition of underground or other hazardous work, maternity and childbirth leave, and so forth)².

The Trade Union Act of 1949 includes provisions regulating the legal status of trade unions, the right to collective bargaining, and the composition and functions of labor-related bodies. Every worker, regardless of gender, race, religious affiliation, or family status, has the right to join or leave a trade union without incurring any harm. Article 5 of the Trade Union Act stipulates that no one shall be expelled from union membership on the basis of race, gender, religious affiliation, social origin, or family background³.

On July 21, 1966, the "Law on Employment Measures" was enacted, which made a significant contribution to Japan's policy of combating discrimination in labor relations by establishing fair employment relationships among various segments of the population. The law prohibits age-based discrimination in hiring, although it contains some exceptions for setting age requirements. In 2007, the law was reviewed and, in accordance with its Article 10, provisions banning age-related discrimination were introduced⁴.

The "Equal Employment Opportunity Law," adopted in 1985, was enacted with the aim of creating equal conditions and opportunities for both men and women in employment. The law provides for the establishment of a conciliation commission to resolve disputes between working women and employers, and it also sets forth a system of specific legal protections and benefits.

The "Law on Securing the Employment of Persons with Disabilities" requires employers with 43.5 or more employees to hire persons with disabilities and mandates that persons with disabilities constitute at least 2.3% of the workforce. This percentage is planned to be raised to 2.5% by April 2024 and to 2.7% by July 2026. This obligation applies to employers with 40 or more employees as of April 2024 and to those with 37.5 or more employees as of July 2026⁵.

In Japan, the "Law on Equal Opportunities and Treatment between Men and Women at Work" was enacted in 1972. The law prohibits discrimination in wages, working hours, or working conditions based on nationality, religion, or social status. In addition, it emphasizes that employers must not engage in discriminatory practices regarding wages between men and women. The law is firmly established at all stages of labor relations, including recruitment (such as task allocation and delegation), promotion, demotion, training, retirement incentives, compulsory retirement age, dismissal, and the renewal of employment contracts (Articles 5 and 6 of the Equal Employment Opportunity Law). This law not only prohibits direct discrimination but also bans certain forms of indirect discrimination (Article 7).

METHODS

² Kazuo Sugeno. Japanese Labor Law. Asian Law Series. University of Washington School of Law. No. 11. P. 123.

³ Labor Union Act Act No. 174 of 1949 // <https://www.cas.go.jp/jp/seisaku/hourei/data/lua.pdf>

⁴ Labor Standards Act (Act No. 49 of April 7, 1947)//
<https://www.irishstatutebook.ie/eli/1947/sro/200/made/en/print>

⁵ Anti-Discrimination Laws in Japan// <https://leglobal.law/countries/japan/employment-law/employment-law-overview-japan/04-anti-discrimination-laws/#:~:text=The%20Labour%20Standards%20Act%20prohibits,women%20with%20respect%20to%20wages.>

Research at work labor in their relationship of discrimination prevent to take and end to give with related theoretical and practical problems, them effective to the solutions aimed at information complex illuminating from giving consists of.

In the study labor in their relationship to the surface coming discrimination cases and to him/her given responsibility issues according to legislation norms and lawyer of scientists scientific-theoretical from their views used and comparative law method, analysis, synthesis, observation, generalization, induction and deduction methods was used. This from methods research your work various in parts used. In particular, comparative law method through research at work studied countries comparative analysis done increased. Analysis and synthesis through statistic information separately into parts divided without and later generally speaking conclusion in giving used. Induction method through scientists discrimination in relation to relatively personal from their views general to the conclusion on arrival used. In general when received, all methods to each other integral related become problem in learning one how many methods integration done without attempted to apply.

Japan to women relatively of discrimination all forms finish UN Convention on ratification since then, Japan government national legislation his/her to the rules coordination about decision acceptance did. Conducted reform As a result, in 1985, the Equal Opportunities about law acceptance was enacted, which came into force on April 1, 1986 entered. Japanese law work providers to hire, to appoint and service from the step on the rise to women men with equal opportunities calls for "action " to create. However, work giver by this of the rule violation Japan's current to the legislation appropriate no how legal to the consequences take This is not coming. rule only " social" "politics" certain standard as seeing is released ⁶.

Marriage, pregnancy, childbirth or other similar to the reasons according to inconvenient in a relationship, It is also prohibited to be (Article 9) ⁷. Law to women relatively discriminating the relationship, that including sexual to the best against fight system order to put positive impact did although in practice women's to work active attraction to do take did not come.

To work permit only In Japan known one work for necessary was professional to adjectives has was to foreigners is given if this Japanese employee at work complete if not. An example of this is as Chinese in restaurants working Chinese the chefs or edge languages their teachers to bring possible.

Labor conditions about Article 3 of the law states that affiliation and social to the position looking at various labor conditions designation from the prohibition since, the minority straight away discrimination less occurring to the event became. Home problem to work acceptance in doing discrimination Race, nationality or of the skin color according to to work acceptance in doing discrimination with related court of work absence such of discrimination complete whether there is This does not mean situation more other nation or race of employees shortage with explained.

RESULTS

Work giver by women to work related in relationships forbidden to their behavior term the contract not to extend, the worker work their hours reduction, position reduction, work right reduce or inconvenient work to the environment to transfer own inside takes. This The law was fundamentally changed in 2006. again seeing exited and to the law relevant change was

⁶ Kazuo Sugeno . Japanese Labor Law. Asian Law Series. University of Washington School of Law. No. 11. P. 131.

⁷Act on Equal Opportunity and Treatment between Men and Women in Employment Act No. 113 of July 1, 1972//

<https://www.japaneselawtranslation.go.jp/en/laws/view/4190/en>

entered. As a result law from sex strict perspective, gender- based to discriminate prohibitive to the legislation turned⁸.

Labor conditions about law labor to the conditions relatively to discriminate only to work acceptance since done then prohibits and worker strength recruitment or to work location about announcements publication to grow to the stage relevant It is not. It is certainly directly prohibition for from the causes one is happening.

Work the giver woman to employees pregnancy, childbirth and other to the reasons according to to discriminate prevent to take according to measures see obligation uploaded. Work related in relationships equal opportunity creating to give for work from providers work in place sexual of violence prevent to take for necessary measures requires viewing (Article ⁹11). see inconveniences prevent to take for necessary measures requires viewing.

Japan labor in the law all woman to employees pregnancy during protection to do measure as childbirth on vacation to go out permission In particular, if pregnant woman worker six week inside childbirth need if (many pregnancy 14 weeks in the case of work) to the giver to him/her to work permission to give is prohibited. Vacation deadline natural of birth expected to the date is based on. Often the child care to do according to far term vacation far that career development for negative impact to do possible that Economic¹⁰ measures point from the point of view women labor scale expansion for Japan government came into power in 2016 entered " Women's work in place participation and development encouragement "about" law acceptance However, some research this shows that the woman workers to the position to climb strong they do not strive male workers with compared to ¹¹. Woman workers encouragement and work in place woman leaders number multiplication for often work time further flexible to be and additional work time reduction need is emphasized ¹².

Children" of May 15, 1991 care to do " about" law acceptance This was done ¹³. in law child care to do or child upbringing on vacation came out employees rights protection to do for the purpose acceptance made.

Japan Germany and Norway experience learned by 2030 without **management in their councils women increase its share to 30%** goal did (current) (equivalent to 15% per day). Also, thanks to the Womenomics program last in years employment in the field women share increasingly " Womenomics " is Japan's former Prime Minister Shinzo Abe in 2013 started economic strategy is, its purpose women work to the power attraction to do and gender equality encouragement through economic growth The program¹⁴ main directions children care

⁸ Story Nakakubo , "Phase III" of the Japanese Equal Employment Opportunity Act, Japan Labor Review vol. 4, no. 3 (Summer 2007).

⁹Act on Equal Opportunity and Treatment between Men and Women in Employment Act No. 113 of July 1, 1972// <https://www.japaneselawtranslation.go.jp/en/laws/view/4190/en>

¹⁰Zhou, Yanfei . 2016. "Is the Utilization of Maternal Leave Hindering the Surviving to Manage?" Japanese Journal of Research on Household Economics 111: 53–62.

¹¹Kawaguchi, Akira. "Gender Difference in Ambition for Promotion." The Japanese Journal of Labor Studies. 2012-620: 42–57.

¹²Kawaguchi, Akira. "Gender Difference in Ambition for Promotion." The Japanese Journal of Labor Studies 2012.620: 42–57.

¹³Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members Act No. 76 of May 15, 1991// <https://www.japaneselawtranslation.go.jp/en/laws/view/3543/en>

¹⁴“ Womenomics ” in Japan// <https://asiapacificcurriculum.ca/learning-module/womenomics-japan>

infrastructure expansion (e.g., children) kindergartens number reproduction); women high to positions lift for corporate quotas current to do and work in places flexible work graphs and remote work opportunities from creating consists of.

“Ikumen” program through men's parenthood vacation for compensation increased **to 80%**. As a result, in 2022 this from privilege used men number Increased ¹⁵by **14%**.

DISCUSSION

Unfortunately, the state in politics labor gender equality in relationships provide according to many affairs to be done regardless of men in 2023 to women relatively one kind of work for 22% more on average work right They took ¹⁶. Women main part **part- time** performance and high in positions women thigh lack of our vision possible.

Corporate in management women share only 15% (2023), G7 countries inside lowest score was calculated. State in the offices women leaders share is 5.3% will reach ¹⁷.

This problem solution to grow for the purpose government by Tokyo Stock Exchange starting in 2023 all to list taken to companies management in their councils at least 1 person woman member to be necessity marked ¹⁸.

In Japan relatively wide widespread discrimination status mainly women pregnancy or with children that based on to work acceptance not to do or from work release Japan government the above into account received without New in Japan in 2020-2023 reforms period Work has begun. time 45 hours per week not to exceed designation and remote to work organization achievement for new encouraging programs current was done.

Last in years In Japan marriage, pregnancy, childbirth, childcare or personal life with related other to the reasons according to women from work to relax forced what is happening into account received without women's professional to life active attraction to be done to incentives serious attention is being addressed. State by from sex strict look, all people professional and personal life in the middle continuous balance provide, family women childcare for to do such as own family obligations to do opportunity giving supportive the environment to create social is being supported.

In Japan employees rights protection to do for work to the providers many obligations including work providers women's professional activity for enough conditions creating to give and women's professional to life active attraction to be completed encouragement according to other initiatives done They are also required to work providers national or local governments by labor relations according to acceptance done norms performance to provide necessary. Japan legislation More than 100 permanent working workers was enterprises work the giver general action plan working output and Health conservation, labor and prosperity the ministry aware to do Need ¹⁹. Actions in the plan work giver planning period, women's professional to life active attraction to be completed encouragement according to initiatives done increase through achievable goals, initiatives details and them done increase deadlines to show need.

¹⁵MHLW Report on Parental Leave (2023)// <https://www.mhlw.go.jp/english/database/db-l/index.html>

¹⁶Gender wage issue// <https://www.oecd.org/en/topics/gender-equality.html>

¹⁷Gender Equality Bureau Cabinet Office (2023)// <https://www.oecd.org/en/topics/gender-equality.html>

¹⁸Tokyo Stock Exchange Guidelines// <https://www.jpx.co.jp/english/>

¹⁹"Duty to endeavor" in this same regard was also imposed on employers with 300 or less full-time employees, but the 2019 revision of the law makes it mandatory for employers with more than 100 employees, effective April 2022

Work gives enterprises starting in 2022 men and women work right between differences about information announcement they do condition (women) and men for average annual work right every one simple worker and all workers for ratio display condition).

Modern Gender -based discrimination in Japan discrimination the most wide widespread type Japan the economy globalization as a result national or racial affiliation according to discrimination in the future further serious to the problem rotation possible. Gender -based from discrimination outside serious of problems absence because of, Japan government labor in their relationship men and women's equality to provide aimed at attempt new legislation current to grow through to discrimination against legislation further to develop motivation giving very important step It was. In general in short, the country labor in the legislation many in terms of opposite was two models (Japanese and America (successful) integration done without whole labor relationships system created. International on a scale forbidden discrimination almost all types Japan in the legislation own on the contrary found, skin color, national come exit, family obligations and to work incompetence from this except.

E. Molodyakova following opinion attention worthy : " Modern Japan labor of relations the most effective model demonstration as seeing exit possible. Such of the event the reasons analysis would do we are, traditions every always this of the state policy and in the economy big role played let's not forget This is necessary. other countries by Japan of experience from the elements use opportunity exception It is known that labor of relations efficiency many in terms of legal base working issued and of laws unconditional execution providing mechanisms with is determined " ²⁰.

CONCLUSION

Japan's state policy in combating discrimination in labor relations is considered an important foundation for strengthening justice and equality in the labor market. The analysis presented in this article demonstrates that discriminatory practices can be identified and eliminated through legal and institutional measures, as well as through advanced technologies and innovative approaches. Cooperation between the state, employers, and labor organizations, along with effective monitoring and control mechanisms, significantly contributes to reducing instances of discrimination.

Future reforms and new initiatives will help transform the labor market into a more inclusive, competitive, and socially stable system. In this way, Japan's experience not only contributes to improving its domestic labor relations but also serves as an advanced model on a global scale. Japan's successful experience is a source of inspiration for other countries in shaping strategies to combat discrimination. This model also creates a foundation for new reforms through international cooperation and knowledge exchange.

Overall, Japan's state policy in combating discrimination in labor relations continues to create a just and inclusive environment in the labor market through its advocated legal and technological measures, as well as its strategy based on international cooperation. This lays the groundwork for a comprehensive system of reforms aimed at ensuring more sustainable economic growth and social integration in the future.

REFERENCES:

1. THE CONSTITUTION OF JAPAN 03.11.2025 // https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html

²⁰ Molodyakova E. Japan: zakonodatel'naya baza trudovykh otnosheniy / Chelovek i trud. 2001. No. 2. S. 68.

2. Kazuo Sugeno. Japanese Labor Law. Asian Law Series. University of Washington School of Law. No. 11. P. 123.
3. Labor Union Act Act No. 174 of 1949 // <https://www.cas.go.jp/jp/seisaku/hourei/data/1ua.pdf>
4. Labor Standards Act (Act No. 49 of April 7, 1947) // <https://www.irishstatutebook.ie/eli/1947/sro/200/made/en/print>
5. Anti-Discrimination Laws in Japan // <https://leglobal.law/countries/japan/employment-law/employment-law-overview-japan/04-anti-discrimination-laws/#:~:text=The%20Labour%20Standards%20Act%20prohibits,women%20with%20respect%20to%20wages.>
6. Kazuo Sugeno . Japanese Labor Law. Asian Law Series. University of Washington School of Law. No. 11. P. 131.
7. Act on Equal Opportunity and Treatment between Men and Women in Employment Act No. 113 of July 1, 1972 // <https://www.japaneselawtranslation.go.jp/en/laws/view/4190/en>
8. Story Nakakubo , "Phase III" of the Japanese Equal Employment Opportunity Act, Japan Labor Review vol. 4, no. 3 (Summer 2007).
9. Act on Equal Opportunity and Treatment between Men and Women in Employment Act No. 113 of July 1, 1972 // <https://www.japaneselawtranslation.go.jp/en/laws/view/4190/en>
10. Zhou, Yanfei . 2016. "Is the Utilization of Maternal Leave Hindering the Surviving to Manage?" Japanese Journal of Research on Household Economics 111: 53–62.
11. Kawaguchi, Akira. "Gender Difference in Ambition for Promotion." The Japanese Journal of Labor Studies. 2012-620: 42–57.
12. Kawaguchi, Akira. "Gender Difference in Ambition for Promotion." The Japanese Journal of Labor Studies 2012.620: 42–57.
13. Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members Act No. 76 of May 15, 1991 // <https://www.japaneselawtranslation.go.jp/en/laws/view/3543/en>
14. "Womonomics " in Japan // <https://asiapacificcurriculum.ca/learning-module/womonomics-japan>
15. MHLW Report on Parental Leave (2023) // <https://www.mhlw.go.jp/english/database/db-l/index.html>
16. Gender wage issue // <https://www.oecd.org/en/topics/gender-equality.html>
17. Gender Equality Bureau Cabinet Office (2023) // <https://www.oecd.org/en/topics/gender-equality.html>
18. Tokyo Stock Exchange Guidelines // <https://www.jpx.co.jp/english/>
19. "Duty to endeavor" in this same regard was also imposed on employers with 300 or less full-time employees, but the 2019 revision of the law makes it mandatory for employers with more than 100 employees, effective April 2022
20. Molodyakova E. Japan: zakonodatel'naya baza trudovykh otnosheniy / Chelovek i trud. 2001. No. 2. S. 68.