Japan strengthens protection against workplace harassment

By Fiona Webster and Stephanie Rosseau
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Japanese employers must take action to combat workplace harassment — including sexual harassment and “power harassment” (“pawahara”) — in a 2019 law (Japanese) effective 1 Jun 2020 for larger employers and within three years for smaller organizations (generally those with 50 or fewer employees). The law’s effective date previously was slated for April 2020. The law doesn’t include any sanctions, but the Ministry of Health, Labour and Welfare (MHLW) could issue administrative notices and name and shame employers that breach the law. The MHLW has published guidelines that provide more detail about employers’ duties.

Highlights

- Power harassment includes verbal or physical behavior that goes beyond business necessity and takes advantage of superior positions in a relationship that harm the workplace environment.

- By law, power harassment includes physical abuse, emotional abuse, deliberate isolation of the employee in the workplace, overwork of the employee, assigning work below the employee’s skill level, and infringing on the employee’s privacy by asking personal questions not relevant to the business.

- Employers must implement measures to prevent sexual harassment and harassment with regard to pregnancy, childbirth, child care leave and nursing care leave.

- Employers must establish a consultation procedure to deal with employees’ complaints of harassment and offer dispute resolution or mediation services to employees reporting harassment.

- Employees are protected from retaliation or dismissal of employees who report harassment.
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Related resources

- Government information (Japanese) (Japanese government)

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