

What Is Power Harassment?

Power harassment is defined as acts that meet all below three criterion (1) through (3);

- (1) Language or behavior, delivered from a position of power, which
- (2) exceeds the necessary and reasonable scope of work duties, and is
- (3) detrimental to the working environment of the worker

• Type of Typical Language and Behavior (Six Types)

(1) Physical Attack	Assault and Injury
(2) Mental Attack	Intimidation, Defamation, Insult Cruelty, Abusive language
(3) Separation from Human Relationship	Isolation, Exclusion, Disregard
(4) Excessive Demand	Obstructing work or forcing to do things that are clearly unnecessary or impossible to carry out in the course of work
(5) Undervalued demand	Ordering a person to perform work that is far below their ability or experience level or prevent the assignment of work without a business rationale
(6) Infringement of individual rights	Excessive intrusion into personal matters

● **Specific Examples of Representative Language and Behavior (not an exclusive list)**

Types	Examples considered as harassment	Examples not considered as harassment
(1) Physical Attack	(1) Engaging in punching and kicking (2) Throwing objects at the opponent	(1) Bumping into each other by mistake
(2) Mental Attack	(1) Engaging in behavior that denies a person's personality, including insulting language related to the sexual orientation or gender identity of the other party. (2) Repeatedly reprimanding a worker for a longer period of time than necessary for the performance of work. (3) Repeat coercive reprimanding in a loud voice in front of other workers. (4) Sending e-mail messages, etc. to multiple workers including the other party, that seem to deny the other party's ability and abuse them.	(1) Give a certain level of strong warning to workers who are late or otherwise behaving in a way that lacks social rules and whose behavior has not been corrected despite repeated warnings (2) Give a certain level of strong warning to workers who have engaged in problematic behavior that is significant in light of the content and nature of the company's operations
(3) Separation from Human Relationship	(1) Removing from work and isolating workers who do not comply with their wishes in a separate room or having them undergo home training for a long period of time (2) Having colleagues collectively ignore one worker and isolate them at work	(1) Conduct training and other education in a separate room intensively for a short period of time in order to train newly recruited workers (2) Temporarily provide workers who have been disciplined in accordance with the Disciplinary Rules with necessary training in a separate room so that they can return to their normal work.

Types	Examples considered as harassment	Examples not considered as harassment
(4) Excessive Demand	<p>(1) Instructing workers to perform work for a long period of time that is not directly related to their work under severe environments that are accompanied by physical pain</p> <p>(2) Imposing performance targets at a level that cannot possibly be met by newly recruited graduates without providing necessary education, and reprimanding them severely for failing to achieve the targets</p> <p>(3) Forcing workers to perform private chores that are not related to their work</p>	<p>(1) Assign tasks at a slightly higher level than the current level in order to train workers</p> <p>(2) During busy work hours, assign tasks at a certain level more than usual to the Action Officer of the work concerned due to operational requirements.</p>
(5) Undervalued demand	<p>(1) In order to make workers in managerial positions retire, have them perform work that anyone can perform.</p> <p>(2) Refusing to provide work to workers that you dislike to harass them.</p>	<p>(1) Reduce the content and volume of work to a certain extent depending on the ability of the worker.</p>
(6) Infringement of individual rights	<p>(1) Continuously monitoring workers even when they are off the job and taking photographs of personal belongings</p> <p>(2) Exposing sensitive personal information, such as a worker's sexual orientation, gender identity, medical history, and infertility treatment, to other workers without the consent of the worker in question</p>	<p>(1) With the aim of giving consideration to workers, hearings held on the status of workers' families, etc.</p> <p>(2) With the consent of workers, sensitive personal information (see the left column) of the workers concerned, to the extent necessary, be conveyed to the Action Officer of the personnel labor to encourage consideration.</p>

What Is Sexual Harassment?

Sexual harassment refers to a situation in which a worker suffers a disadvantage in terms of working conditions due to the worker's response to language or behavior of a sexual nature occurring against the will of the worker or a situation in which language or behavior of a sexual nature is detrimental to the working environment.

• Examples of Language / Behavior of a Sexual Nature

(1) Language of a Sexual Nature	<ul style="list-style-type: none">• Asking about sexual facts;• Spread rumors of a sexual nature;• Sexual jokes and teasing;• Persistent invitations to dinner or a date;• Sharing personal sexual episodes, etc.
(2) Behavior of a Sexual Nature	<ul style="list-style-type: none">• Forcing a sexual relationship;• Unnecessary physical contact;• Distributing or displaying obscene images;• Indecent assault, etc.

● Persons Using Language / Behavior of a Sexual Nature

- Employers, managers, colleagues, other employers such as business partners, their workers, customers, patients or their families etc. can also be the harasser.
- Both men and women can be the harasser or the victim.
- Sexual harassment applies not only to harassment of the opposite sex, but also to harassment of the same sex.
- Regardless of sexual orientation or gender identity of the victim, if "language or behavior of a sexual nature" is involved the act constitutes sexual harassment.

● Evaluation Criteria

- The situations of sexual harassment are diverse, and it is necessary to take individual circumstances into consideration when making decisions.
- While emphasizing the subjective views of workers, a certain level of objectivity is necessary when determining "sexual behavior that runs counter to the will of the worker" and "harming the work environment".
- A person who suffers severe mental pain due to physical contact against his / her will may disrupt the work environment even once.
- Even if the situation requires continuity or repetition, it can be determined that the work environment is being harmed when the person is "left unattended despite making a clear protest" or when it is "clear that the person is having a significant mental or physical impact.
- It is appropriate to use the "average female worker's perception" as the standard when the victim is a woman and the "average male worker's perception" as the standard when the victim is a man.

Harassment Related to Pregnancy, Childbirth, Child-Care Leave, etc.

Harassment related to pregnancy, childbirth, and child-care leave etc. refers to a situation in which the working environment of "female workers" who have become pregnant or given birth, or "male or female workers" who have applied or taken child-care leave, etc., is harmed by the language or behavior related to pregnancy, childbirth, and use of child-care leave, etc. from their managers or colleagues.

- Harassment that Requires Preventive Measures

- (1) Suggesting dismissal or other disadvantageous treatment
- (2) Preventing workers from requesting use of the system, etc., or using the system, etc.
- (3) Harassing workers because they used the system, etc.

● **Typical Examples**

<p>(1) <u>Indicate</u> dismissal or <u>other disadvantageous treatment</u></p>	<ul style="list-style-type: none">● When I consulted with my boss about taking pregnancy leave, he/she said, <u>"If you take the leave, I will ask you to resign."</u>● When I consulted with my boss about the exemption from overtime work, he/she said, <u>"Don't expect for promotion in the next evaluation."</u>
<p>(2) <u>Impair</u> Request or <u>Use</u> of Systems, etc.</p>	<ul style="list-style-type: none">● When I consulted with my boss about taking child-care leave, he/she said, <u>"It's impossible for a man to take child-care leave,"</u> and I have no choice but to give up taking child-care leave.● When I informed the people around me about taking parental leave, I felt pain when a colleague told me, <u>"It's a bother. I wouldn't take it. You should do the same."</u>
<p>(3) <u>Harassment</u> due to the Use of Systems, etc.</p>	<ul style="list-style-type: none">● My supervisor or colleague repeatedly or continuously says, <u>"I cannot assign much work to a person who has restrictions on overtime request,"</u> and I am forced to do only miscellaneous work.● My supervisor or colleague repeatedly or continuously says, <u>"I can't believe you are the only one working reduced hours. You don't think about others. It's annoying."</u>

<Reference>

Labor Contracts Act (Act No. 128 of 2007)

(Consideration for the Safety of a Worker)

Article 5 In association with a labor contract, an Employer is to give the necessary consideration to enable Worker to work while ensuring their physical safety.

Act on Comprehensively Advancing Labor Measures, and Stabilizing of Employment of Workers, and Enriching Workers' Vocational Lives (Act No. 132 of 1966)

(Measures in Terms of Employment Management)

Article 30-2 (1) In order for an employer to preclude any behavior that is based on behavior that constitutes bullying in the workplace which exceeds the scope necessary and reasonable in the course of business from damaging the work environment of the employer's workers, the employer must provide consultation to those workers and take measures necessary in terms of employment management, such as developing a necessary system for appropriately handling such behavior.

Act on Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113 of 1972)

(Employment Management Measures Concerning Problems Caused by Sexual Harassment in the Workplace)

Article 11 (1) Employers must take necessary measures for employment management, such as developing a necessary system for providing consultations to workers and appropriately handling the matters, so that the workers they employ do not suffer any disadvantageous working conditions on the grounds of that workers' response to sexual harassment in the workplace, nor suffer any damage to the work environment due to sexual harassment.

(Measures on Employment Management Concerning Problems Attributable to Behavior Regarding Pregnancy and Childbirth in the Workplace)

Article 11-3(1) Employers must take necessary measures for employment management, such as developing a necessary system for providing consultations to female workers and appropriately handling the matters to prevent their work environment from being damaged on the grounds of pregnancy or childbirth, for requesting temporary absence from work as prescribed in Article 65, paragraph (1) of the Labor Standards Act, for having taken absence from work as prescribed in that paragraph or paragraph (2) of that Article, or by any other reasons related to pregnancy or childbirth as specified by Order of the Ministry of Health, Labour and Welfare.