

Promotion of “Positive Action”

—Aiming to attain the target of “30% by 2020”—

From the “White Paper on Gender Equality 2011”

Summary

Cabinet Office, Government of Japan

June 2011

The Cabinet annually submits to the Diet a report on the state of formation of a Gender –equal Society and policies implemented by the Government (the White Paper on Gender Equality).

The 2011 White Paper has a special section devoted to providing analysis and proposal under the theme of “Promotion of Positive Action”. This document is a summary of the special section. Please see the White Paper (Japanese Version) for more detailed information on source cited.

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Promotion of Positive Action measures: Aiming to attain the target of “30% by 2020”

Expanding women’s participation in policy and decision-making processes is urgently necessary for Japan’s society. The Third Basic Plan for Gender Equality (hereinafter referred to as “the Third Basic Plan”), as approved by the Cabinet in December 2010, is also calling for promotion of effective positive action as one of the urgently necessary tasks in particular.

This paper surveys and analyzes positive action currently implemented in Japan and foreign nations for each sector. In addition, this paper specifically provides information on specific best practices, aiming to accelerate specific projects in each area or by each stakeholder.

Section 1: Concept of positive action

1. Conventions and Japanese legislation related with positive action

(1) Applicable provisions in “Convention on the Elimination of All Forms of Discrimination against Women”

Article 4, Paragraph 1 of “Convention on the Elimination of All Forms of Discrimination against Women” stipulates temporary special measures, stating “Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.”

(2) Applicable provisions in Japanese laws related with positive action

a. According to Article 2, Item 2, of “Basic Act for Gender-Equal Society”, “positive action” is defined as “positive provision of the opportunities stipulated in the preceding item (opportunities that both women and men will participate voluntarily in activities in all fields as equal partners in the society) to either women or men within the necessary limits in order to redress gender disparities in terms of such opportunities.”

b. Article 8 of “Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment” lays down special provisions on measures pertaining to women workers, stating “the preceding three paragraphs (i.e., prohibition of discrimination on the basis of sex, and measures on the basis of conditions other than sex) shall not preclude employers from taking measures in connection with women workers with the purpose of improving circumstances that impede the securing of equal opportunity and treatment between men and women in employment.”

2. Explanations on positive action in this white paper

In this white paper, the term “positive action” refers to the concept including all of the following patterns.

(1) Persons to which the action would be applicable

- Action for either men or women, such as “actions only applicable to women”
- Action that treat women more favorably than men
- Action applicable equally to both men and women

(2) Time span for which the actions would be implemented

- Temporary action until gender gap will be eliminated
- Action that would be continued even after gender gap is eliminated because the action has other purposes than eliminating gender gap

When focusing on substance of positive action, they are classified into the following categories: (a) quota system (an approach that allocates a certain number of people or certain percentage based on gender), (b) time-goals approach (an approach that sets up a certain target on expanding women's participation as well as timetable for attaining such target in order to make efforts to achieve the target), (c) encouraging women to sign up for a certain program or providing training for women or better environment for women, and (d) providing work-family balance support or child-rearing support.

Section 2: Positive action in the world

1. Positive action in the political field

(1) Quota systems in the world

As of March 31, 2011, according to international research project on quota systems in the world jointly conducted by Inter-Parliamentary Union (IPU), the International Institute for Democracy and Electoral Assistance (IDEA), and Stockholm University in Sweden, 87 nations in the world have introduced any of the quota systems at the national politics level.

In this joint project, researchers classify political quota systems into the following three categories.

<Types of quota systems in the political field>

Reserved seats: This type of approach reserves a certain number of seats in Parliament for women by the constitution or legislations

(This type of quota systems is implemented in 17 nations)

Legislated Candidate Quota: This quota system sets a certain percentage in electoral lists for female candidates by the constitution or legislations

(This type of quota systems is implemented in 34 nations)

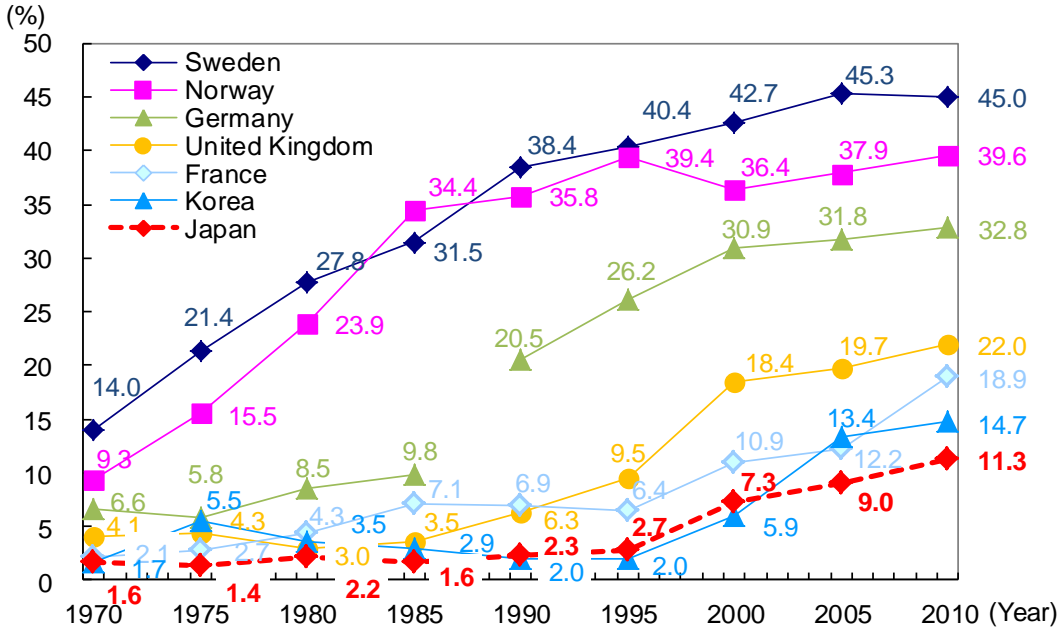
Voluntary Political Party Quota: Political parties set up their internal rules that allocate a certain percentage of election candidates to women.

(Quota systems are implemented in 52 nations. Out of these 52 nations, 36 nations have voluntary political party quotas only).

(2) Positive action in foreign nations

Percentage of female parliament members has been taking an upward trend in the long run in Japan, but Japan is ranked as 121st out of the total 186 nations as of March 2011 (judging from Cabinet Office's calculation based on IPU documents), suggesting that Japan is running late in terms of women's participation in the political field (Figure 1).

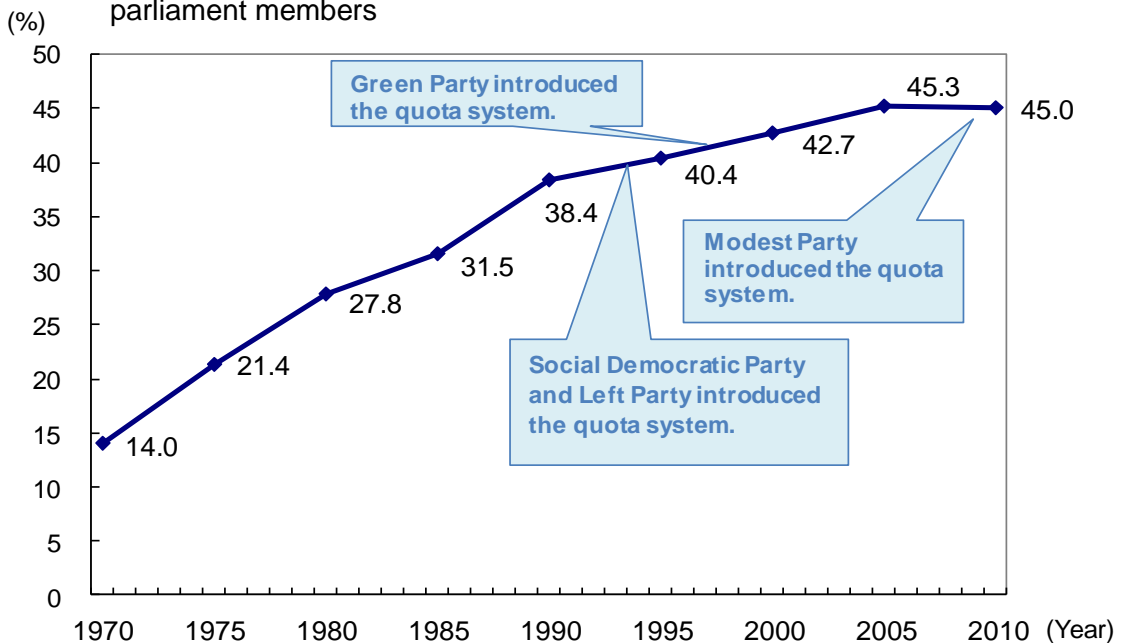
Figure 1: Trend of female parliament members in Japan and foreign nations as a percentage of the entire parliament members



(Remarks) 1. This graph is prepared from IPU materials.
 2. The data represent the percentage of female parliament members in single or lower house.
 3. The figures for Germany until 1985 represent the data in West Germany.

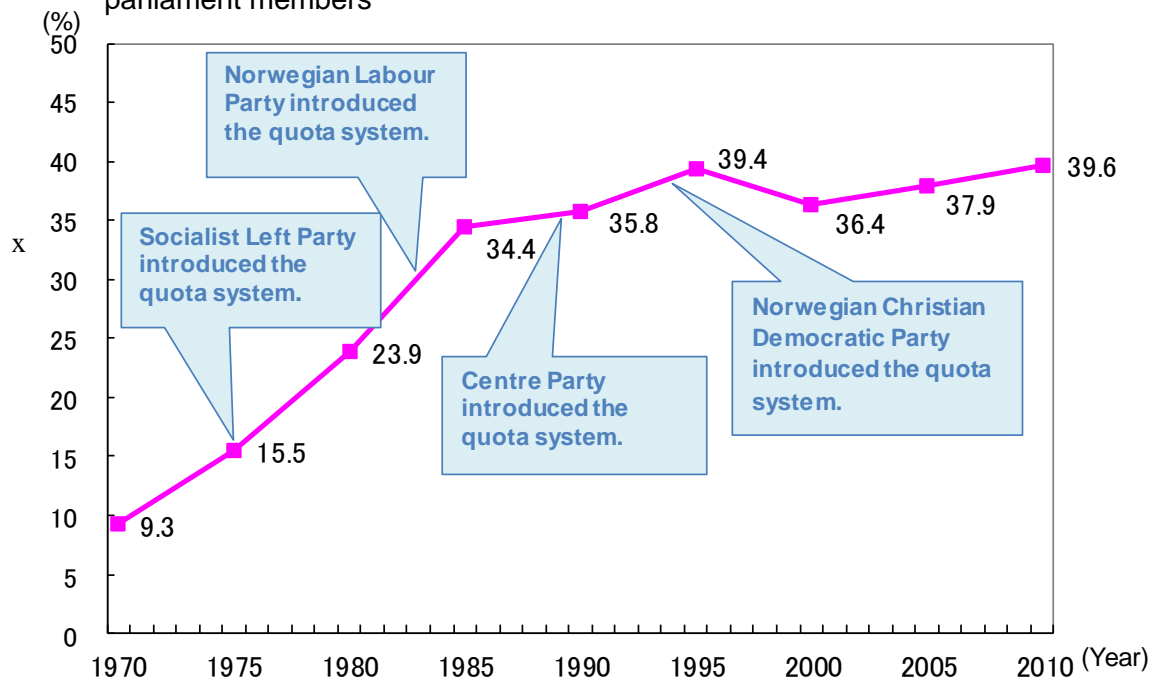
Sweden, Norway, Germany, the United Kingdom, France, and Korea, which have a higher percentage of female parliament members than Japan, have implemented the following positive action in their political field (Figures 2 to 7).

Figure 2: Trend of female parliament members in Sweden as a percentage of the entire parliament members



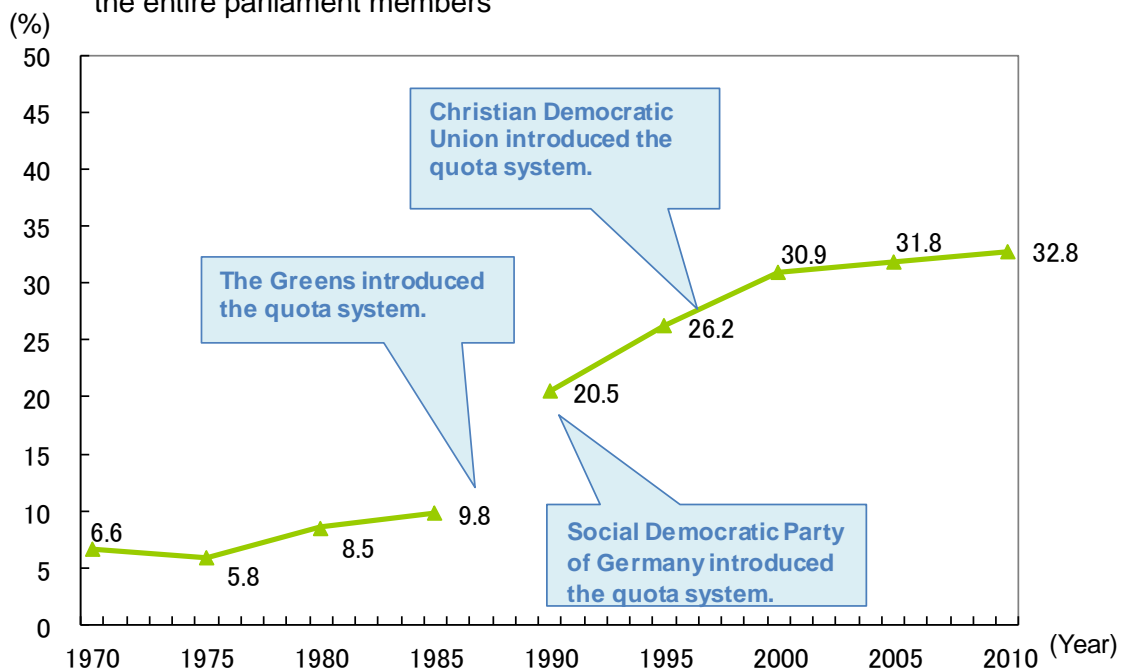
(Remarks) The graph is prepared from IPU materials, IDEA Quota Project "Quota Database," and Cabinet Office "Research Report on Gender Equality Promotion System in Foreign Countries" (2002).

Figure 3: Trend of female parliament members in Norway as a percentage of the entire parliament members



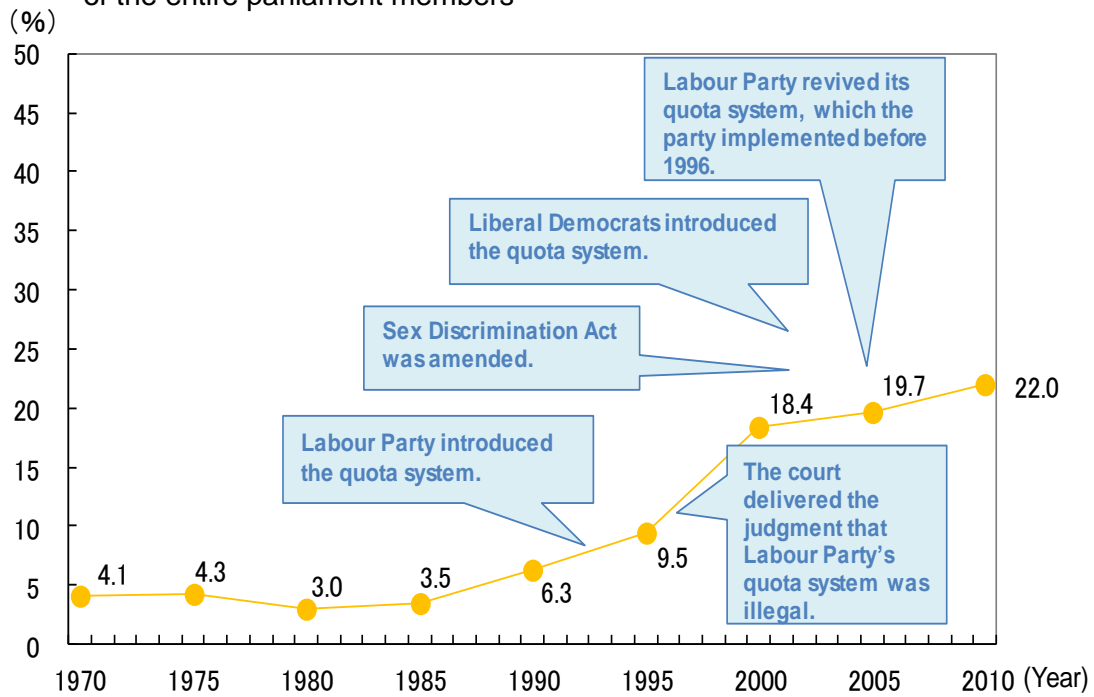
(Remarks) The graph is prepared from IPU materials, IDEA Quota Project "Quota Database," and Cabinet Office "Survey on Women's Participation in Policy and Decision-making Processes in Foreign Countries" (2009).

Figure 4: Trend of female parliament members in Germany as a percentage of the entire parliament members



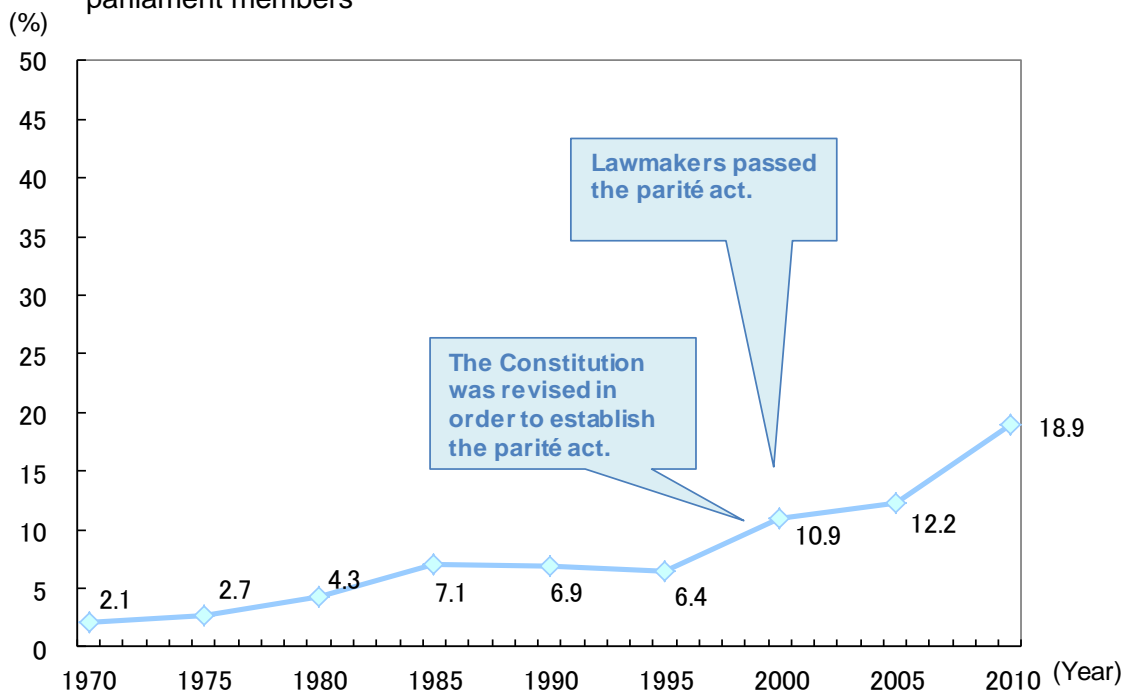
(Remarks) 1. The graph is prepared from IPU materials, IDEA Quota Project "Quota Database," and Cabinet Office "Survey on Women's Participation in Policy and Decision-making Processes in Foreign Countries" (2008).
 2. The data represent the percentage of female parliament members in lower house.
 3. The figures until 1985 represent the data in West Germany.

Figure 5: Trend of female parliament members in the United Kingdom as a percentage of the entire parliament members



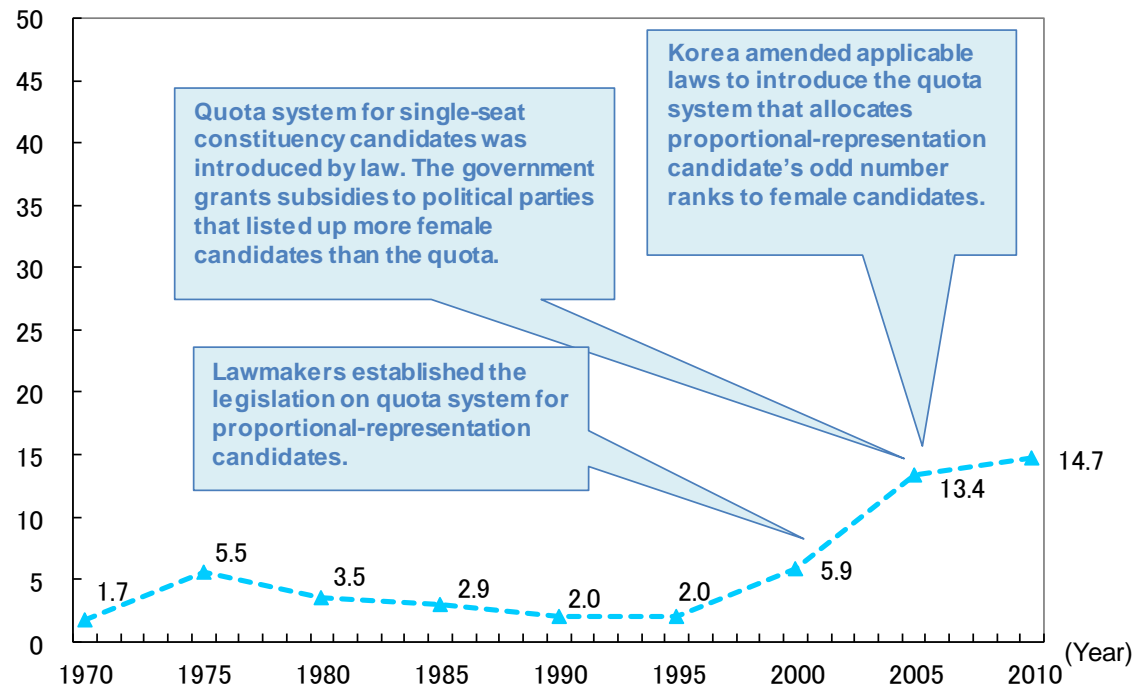
(Remarks) 1. The graph is prepared from IPU materials, IDEA Quota Project "Quota Database," and Cabinet Office "Research Report on Gender Equality Promotion System in Foreign Countries" (2002).
 2. The data represent the percentage of female parliament members in lower house.

Figure 6: Trend of female parliament members in France as a percentage of the entire parliament members



(Remarks) 1. The graph is prepared from IPU materials, IDEA Quota Project "Quota Database," and Cabinet Office "Survey on Women's Participation in Policy and Decision-making Processes in Foreign Countries" (2008).
 2. The data represent the percentage of female parliament members in lower house.

Figure 7: Trend of female parliament members in Korea as a percentage of the entire parliament members (%)



(Remarks) The graph is prepared from IPU materials, IDEA Quota Project "Quota Database," and Cabinet Office "Survey on Women's Participation in Policy and Decision-making Processes in Foreign Countries" (2008).

2. Positive action in administration field

In Korea, if the government hires five or more civil servants in a recruitment exam, either gender should not fall below 30%. If either gender falls under 30% as a percentage of the overall successful candidates, the government needs to additionally hire candidates of the shortfall gender (men or women) within the acceptance line until they reach the target percentage.

Germany takes the positive action in which, if female civil servants account for a lower percentage in a certain field, the applicable law allows the government to grant preferential recruitment/promotion treatments for female civil servants as long as the following conditions are met: Female civil servants demonstrate the same competence, performance, and abilities as male civil servants, and personal circumstances of their competitor male civil servants are less serious than those of female civil servants.

In the United States, the federal government is required to employ minorities or female workers at a percentage not falling below the percentage of employed minorities or female workers in the labor force population.

3. Positive action in the economic field

Israel, Norway, Spain, the Netherlands, Iceland, and France have BOD member-related statutory quota systems in which each corporation needs to appoint both male and female BOD members at a higher percentage than the designated level (Table 8).

Table 8: Outline of statutory quota systems in foreign nations

Nation	Legislation (the year in which lawmakers passed the legislation)	The legislation is applicable to:	Explanations on quota
Israel	State-Owned Companies' Act (1993)	State-owned companies	If a state-owned company does not have any female BOD member, the responsible minister will appoint female BOD member(s).
	Companies Law (1999)	Corporations	If a company does not have any BOD member in either gender, one of the two outside BOD members obligatorily appointed shall be in the shortfall gender.
Norway	Public Limited Companies Act (2003)	- State-owned companies - Corporations operating in several counties (fylke)	Male and female BOD members should account for at least 40% for each.
	Public Limited Companies Act (2005)	Joint-stock corporations	The Act designates different percentages, depending on the number of BOD members. 2-3 BOD members: Necessary to appoint both male and female BOD members 4-5 BOD members: Necessary to appoint at least two male and two female BOD members 6-8 BOD members: Necessary to appoint at least three male and three female BOD members 9 BOD members: Necessary to appoint at least four male and four female BOD members 10 BOD members: Both male and female BOD members should account for at least 40% If a corporation fails to comply with these rules, it will be slapped with sanctions, such as disclosure of the corporate name or liquidation of the corporation.
Spain	Practical Gender Equality Act (2007)	Listed corporations with 250 employees or more	Female BOD members should account for 40% or more but less than 60% by the year 2015.
The Netherlands	Gender Quota Act on Executive Board Members (2009)	- State-owned companies - Limited liability companies with 250 employees or more	Both male and female BOD members should account for at least 30% by the year 2015. If a company fails to comply with this rule, it is required to make explanations.
Iceland	Gender Quota Act (2010)	State-owned companies and joint-stock companies with 50 employees or more and three BOD members or more	Both male and female BOD members should account for at least 40% by September 1, 2013.
France	Act on Composition of Board Members and Auditors (2011) * Temporary legislation only effective up until 2017	- Listed companies - Unlisted companies with annual sales of €50 million or more and at least 500 employees	- From 2011, both male and female BOD members should account for 40% or more within 6 years from 2011 in the case of listed companies or within 9 years in the case of unlisted companies. However, male and female BOD members should occupy at least 20% within three years in the case of listed companies. - If the BOD consists of either gender only, such company should appoint at least one BOD member in the other gender by fiscal 2012.

(Remarks) The table is prepared mainly from Cabinet Office "Survey on Women's Participation in Policy and Decision-making Processes in Foreign Countries" (2009), materials from foreign nations, EU materials, etc.

4. Positive action in S&T (science and technology) and academic fields

In Austria, female university staff in all the sections should account for 40% of the entire university staff in accordance with the applicable law. Greece has its quota system in which female scientists should account for a third of the overall scientists hired by research institutes and S&T-related government organizations or committees in accordance with the applicable law.

Section 3: Positive action in Japan

1. The government's programs

(1) Projects at ministry/agency level

(Cabinet Office)

The Third Basic Plan calls for promotion of effective positive action as urgently necessary tasks for attaining the target of “30% by 2020.” In this context, the Cabinet Office has requested political parties, prefectures, cabinet-order designated cities, six local organizations; three associations of head of local governments and three associations of chairpersons of local assemblies, various organizations/groups, etc. to launch their positive action programs.

(Ministry of Education, Culture, Sports, Science and Technology: MEXT)

As open projects financed with the special coordination funds for promoting science and technology, MEXT has supportive projects so that female researchers are able to conduct their research activities by maintaining a balance between their research projects, childbirth, and child-rearing (model project to enable female researchers to simultaneously perform the duties of researchers and mothers). In addition, the ministry also has projects for fostering female researchers in science, engineering, and agricultural science fields where female researchers account for a relatively lower percentage to the overall researchers hired (Program to accelerate female researcher training system reform).

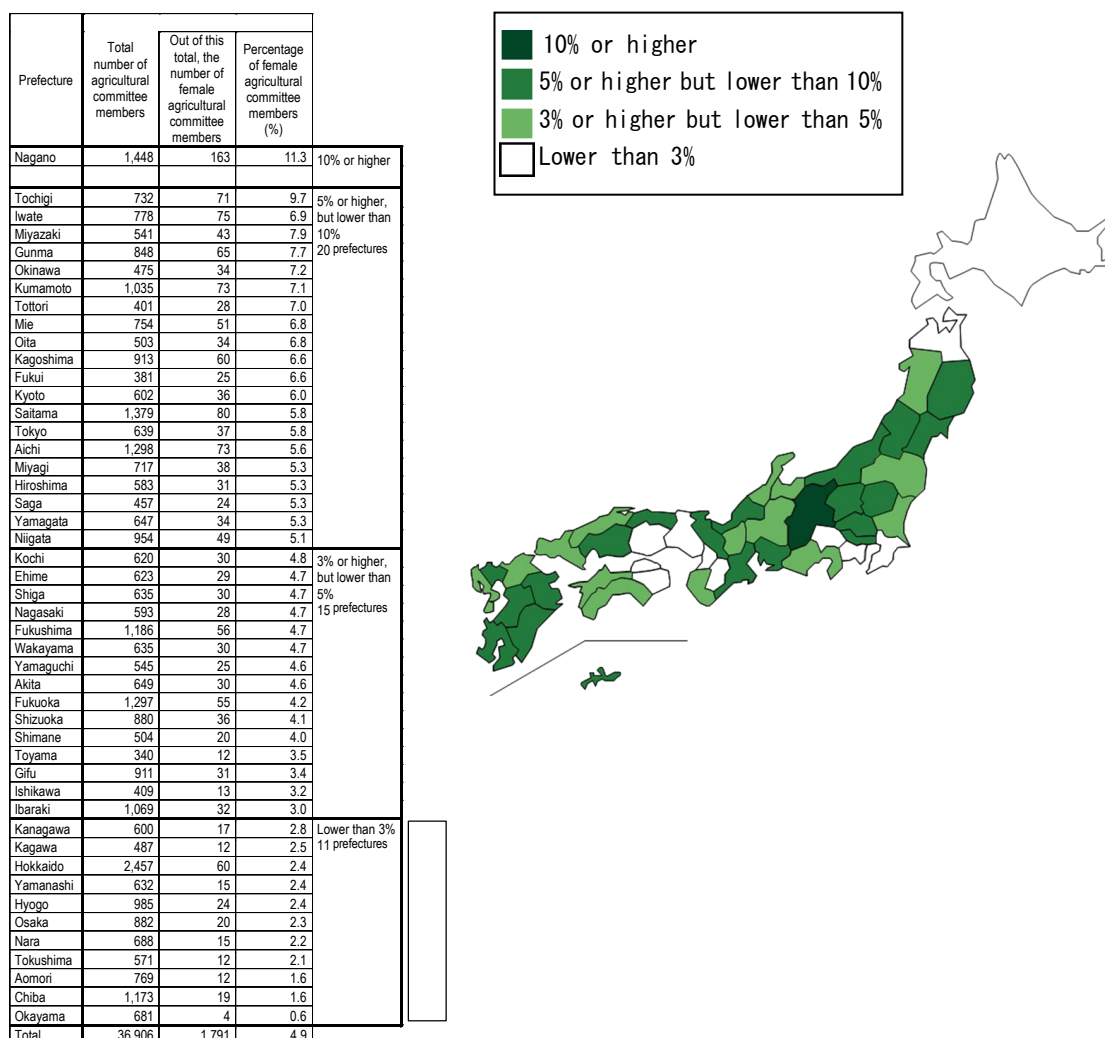
(Ministry of Health, Labour and Welfare: MHLW)

MHLW has been encouraging corporations to promote their positive action, such as holding the Positive Action Promotion Council, honoring companies that work on gender equality projects and work-life balance projects, providing comprehensive information on positive action, holding training sessions on positive action practices, and helping SMEs (small- and medium-size enterprises) introduce their positive action.

(Ministry of Agriculture, Forestry and Fisheries: MAFF)

By employing cross compliance method that demands applicants of a certain subsidy program to attain requirements of other projects, MAFF requires applicants for “subsidy for creating competitive agriculture” to give consideration to promoting gender equality actions. In addition, the ministry also encourages agricultural committees to bring forward women's participation. It should be noted that women account for 4.9% of the entire agricultural committee members (Figure 9).

Figure 9: Female agricultural committee members as a percentage of the entire agricultural committee members (by prefecture)



(Remarks) 1. The table is prepared from MAFF data (data as of October 1, 2009).
 2. For some prefectures, data for islands are omitted for convenience purposes.

(Ministry of Economy, Trade and Industry: METI)

Through Japan Finance Corporation, METI provides loan program (Women, youth, or senior entrepreneurs fund) at lower interest rates than the basic rate applicable to ordinary borrowers, as long as the borrower is women or people aged under 30 or 55 and over who are starting or have started their own business within about 5 years.

(2) Projects for recruiting/promoting female civil servants

The Third Basic Plan sets up the target for the entire government in terms of recruiting/promoting female civil servants by the end of FY2015. In addition, ministries and agencies are supposed to develop their “Plan for the Enlargement of Recruitment and Promotion of Female Employees,” which is 5 years plan, describes their targets by FY2015 and specific programs to achieve the targets.

In addition, some ministries/agencies are conducting their own projects for recruiting/promoting female civil servants.

Ministry of Foreign Affairs (MOFA) has set up a review team to improve working conditions for female staff. The review team put together recommendations in June 2010 and listed up 10 particularly important improvement strategies, such as streamlining operational efficiency and striking work-life balance (in terms of child-rearing or nursing care).

Ministry of Finance's internal project team put together its recommendations as a part of the ministry's reform project in April 2010. These recommendations are calling for recruiting/promoting female staff and striking work-life balance, stating that it is essential to promote training programs forecasting from recruitment to promotion.

National Police Agency (NPA) issued the circular to the heads of prefectural police departments that request them to develop their plans for recruiting/promoting female police officers in February 2011.

(3) Positive action in public procurement

To positively evaluate/support corporations that work on gender equality and work-life balance and encourage them to take voluntary actions, the government launched a new project in FY2010 to preferentially treat corporations actively working on gender equality when ministries select the service provider of researches related on gender equality and work-life balance through general competitive bidding with comprehensive evaluating system.

In FY2010, the government selected research service providers in this approach for the total 10 projects (five projects for Cabinet Office, one project for MEXT, and four projects for MHLW).

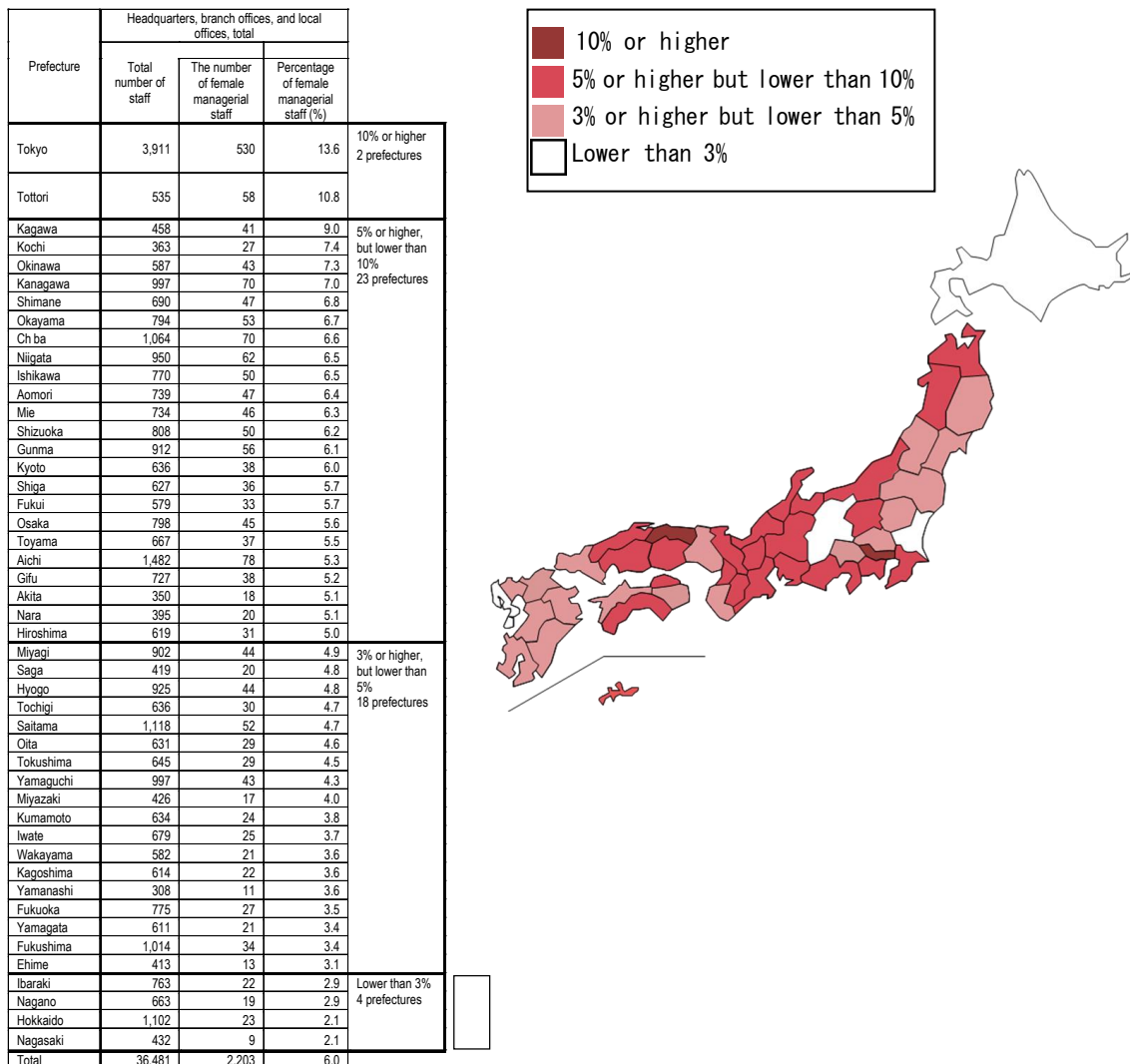
2. Programs at local government level

(1) Local government's programs for recruiting/promoting female civil servants

Prefectural governments are working on recruiting/promoting their female civil servants by taking the following actions: Setting up recruitment targets, setting up the target for promoting female staff to managerial positions, developing their recruitment/promotion plans, appointing staff responsible for recruitment/promotion of female civil servants and holding internal opinion exchange sessions. As of FY2010, out of the total 47 prefectures, 14 prefectures have set up their targets for promoting female staff to managerial positions, while 12 prefectures have developed their recruitment/promotion plans.

Women who are in the equivalent or higher ranks of director of headquarter occupy 6.0% in prefectural governments (Figure 10), and 9.8% in municipalities, but data also show a significant gap among local governments.

Figure 10: Percentage of female local civil servants in managerial positions (by prefecture)



- (Remarks) 1. The table is prepared from Cabinet Office “Progress of Formation of Gender-equal Society and Women-related Programs at Local Government Level” in FY2010.
 2. Managerial position means civil servants serving as director of the headquarters or a higher rank.
 3. The data are as of April 1, 2010, in principle, but other data might be included due to circumstances of local governments.
 4. For some prefectures, data for islands are omitted for convenience purposes.

(2) Positive action in public procurement

27 prefectures, 3 designated cities, and 14 municipalities take positive action in public procurement bidding practices, such as paying attention to a tenderer’s efforts for gender equal society or work-family balance as one of evaluation factors (according to Cabinet Office’s data as of August 2007).

3. Projects by other organizations than the central/local governments

(1) Political party's programs for expanding women's participation in political field

[Examples]

- a. To encourage women's political participation, Political Party A provides its female first-time candidates with financial assistance financed with internal funds.
- b. Political Party B clearly states the principles of its quota system in the party's internal rules and makes efforts to appoint at least one female member as the party's executive or a member of decision-making bodies.

(2) Programs for expanding women's participation in judicial field

[Example]

Organization C, which consists of lawyers nationwide, has developed a plan for women's participation in internal policy/decision-making processes. This plan sets up numerical targets on women's percentage at councils that discuss important matters on the organization's operations or at committees responsible for such councils' affairs. In addition, the plan also calls for examining the feasibility of "implementing positive action."

(3) Programs for expanding women's participation at private corporations

[Example]

F Group, which mainly engages in materials business, including textiles, and medical service business, has set up targets to send up the percentage of newly-hired female university graduates to 30% and increase the number of female managerial staff threefold because F Group's executive officers saw active roles of female officers and managerial staff at companies in Europe and the US through their business relationships and recognized that female staff should play more active roles in order to grow as a global firm. In addition, as a part of the female managerial staff tripling program, Group F has launched female officer fosterage/enhancement program to foster female workers as future managerial staff.

(4) Programs for expanding women's participation in S&T (science and technology) and academic fields

[Example]

In accordance with the program adopted as "Female researcher fosterage system reform acceleration" project financed with MEXT's science and technology promotion adjustment expenses in fiscal 2010, National University H is working on attracting/hiring an increased number of talented female researchers by setting up women's quota for recruiting professors and associate professors (principle investigators) within the president management quota in order to increase full-time female instructors in science, engineering, and agricultural science fields.

(5) Programs for expanding women's participation in other fields

[Example]

Japan's labor union National Center L has developed a gender-equality plan to push ahead with their programs systematically. As collective targets for National Center L's headquarters, member organizations, unit labor unions, and regional federations, the current plan calls for the following three actions: (1) Clearly describing gender equality in the movement policy statement, (2) appointing the same percentage of female board members as female union members; and (3) eliminating member organizations that have no female board members.

Section 4: Conclusions

In Japan, in order to expand women's participation in policy/decision-making processes, the central and local governments, corporations, and universities have been taking various positive action so far, such as setting up numerical targets, developing gender equality plans, and providing financial assistance or training sessions for women. Women's participation has been progressing gradually in these fields. However, as the year 2020 will soon arrive, within 10 years, the speed and current status of women's participation are not sufficient to attain the target of "30% by 2020."

To accelerate women's participation for attaining the target of "30% by 2020," it is necessary to draw on best practices at home and abroad, further encourage stakeholders in various fields, and further examine the feasibility of possible approaches for pushing ahead with positive action.