

Title	[ARTICLES] Changes in the legislations concerning working situation of women, and their subsequent social implications -- comparison between Japan and Belgium during the 80's and 90's
Author(s)	FREY, Urszula
Citation	社会システム研究 = Socialsystems : political, legal and economic studies (2016), 19: 145-160
Issue Date	2016-03-28
URL	https://doi.org/10.14989/210560
Right	
Type	Departmental Bulletin Paper
Textversion	publisher

Changes in the legislations concerning working situation of women, and their subsequent social implications — comparison between Japan and Belgium during the 80's and 90's

FREY Urszula

Abstract

In Belgium the career break and time credit laws made it possible for both women and men to take some time off from their work, or to work less hours in a day, to make room for other activities. The goal of the legislation changed from solving a temporary unemployment problem to improving work-life balance, but the gendered use of the legislation by the population persisted.

In Japan the Equal Employment Opportunity Law opened new possibilities for women in employment, but the gendered view on how work should be divided continued. The Vision and Basic Law for a Gender Equal Society called for the realization of a more gender equal society, but even so, until 2006, the Equal Employment Opportunity Law was calling for women's rights only, and gender roles kept influencing women's choices.

To make more choices available for both men and women, a redefinition of the public and private spheres is needed. Yet, with new legislation come new opportunities and more lifestyle choices, and these can also lead to a redefinition of the public and private spheres.

Introduction

In Japan the year 1986 marks the time when a step toward gender equality took place, when the Equal Employment Opportunity Law (later EEOL) was implemented. Years later, in 1999 the revision of the same law took place, and in the same year the Basic Law for a Gender Equal Society went into effect, with the goal of attaining a society where everyone, independent of one's gender, can realize himself or herself fully. Around the same time as the original EEOL, in 1985 in Belgium, the career break policy was implemented. Career break policy is a section inside the law called Recovery Act on Social Provisions. The time credit and career break laws, which appeared under various names¹⁾ from the time they were implemented through many revisions, are laws which consolidate the different types of breaks people can take from their work during their career, without having to quit their work.

Methodology

In the following discussion, a series of legislations from Belgium and Japan that tried to change women's social position and work situation during the second half of 80's and 90's will be compared.

In the case of Japan, the Equal Employment Opportunity Law and its revision in 1999, the 1992's Child Care Leave Law, A Vision of Gender Equality: Creation of New Values for the Twenty-first Century and the Basic Law for a Gender Equal Society will be studied. In the case of Belgium, the career break policy inside the 1985's Recovery Act on Social Provisions with its revisions up to 2001 will become a focal point of my study.

The differences and similarities in the legislation between the two countries will be closely examined, based on the gendered and non-gendered approach, and the sameness and difference approach. Based on the newspaper articles or Belgian Senate and the Belgian Chamber of Representatives' minutes, the discourse in the government concerning the legislation will be also discussed.

Discussions in the government around the time when the new legislation was being formed

When the new legislations concerning women and work were to take place they stirred up some discussions. In the case of Japan, within the advisory council to the Labor Ministry the discussion still failed to reach consensus even after two years of study and discussions. In 1984, at the time of the discussions on how equality should be achieved through the EEOL, even though the labor representatives were for banning the difference in treatment in the hiring and employment of women, the management and public representatives were opposing the idea, and found that the "efforts to treat both sexes equally" to be made by companies should be the right choice for the new legislation. The management representatives said that the government never should have signed the United Nations convention four years before, without seeking public approval beforehand. Seeking equality in employment was something foreign that could not be applied to Japanese society. Isao Ono, a director of the Tokyo Chamber of Commerce and Industry, compared the suggestion for equality to that of something imposed during foreign occupation or revolutionary times, when suddenly the customs that until now were commonly accepted (here inequality of women in employment), would be seen as criminal acts. Akamatsu Ryoko, director general of the Labour Ministry's Women's and Young Workers' Bureau said that law alone cannot change traditional views and women's consciousness. According to a survey in 1983, 71 percent of women preferred separate roles for men and women (Lohr 1984).

While the possibility of equality between men and women in Japan was causing some doubts whether such equality would be the right thing for Japanese economy and society, in Belgium the opposite kind of voices could be heard. From the discussions in the government we know that the government knew that women who were working full-time had difficulties doing their job and taking care of their house and children at the same time. The politicians feared that women would take a step backwards and reduce their jobs to do housework. At the time the career break law was being debated in the Belgian government in 1984, the Christian People's Party's (later CVP) reservation was exactly about this particular usage of the law. They were afraid that it would set back the achievements of women and would put them back in the kitchen. They said that women should not only be used as employees during times in which a larger workforce is needed, and placed back in the house during times of high unemployment. According to CVP representative De Pauw-De Veen, during a crisis women are "not removed from the country like foreign workers but are pushed back into the traditional roles to the greater comfort of men"²⁾ (Vanderweyden, Van loopbaanonderbreking naar tijdscrediet: een verhaal van een wijzigend maatschappelijk discours 2002).

Means for the redefinition of public and private spheres
— remuneration of housework and childcare

By redefining the public and private spheres, attitudes of men, and women as well, might change (Smithson and Stokoe 2005). Paid work outside belongs to the public sphere, work done inside the house, as long as it is unpaid, belongs to the private sphere. If work in the private sphere is seen as the domain of women, even genderlessly formed policies aiming for making it easier to combine work and family duties, will not immediately change the fact that the group which makes use of them, consists of mostly females. Because the responsibilities of the family and house care are perceived as women's responsibilities, women are the ones who mostly make use of policies that make housework and childcare easier to combine with paid work. The public and private spheres need to be redefined so both kinds of work will be shared in a more equal way. One way could be a remuneration for housework and child and family care. Both countries made a similar suggestion to make housework remunerable, in order to make it an economic activity. One of the reasons people need to work, besides earning money, is to have a purpose in society. Housework, however, is not seen as real work, even though it is as essential for society as regular work. If housework was being paid for, it would have a definable economic value and would become appreciated by society. Women could feel that they have purpose in society and additionally earn money for their work. Men could also feel more motivated to engage in household related chores.

At the time the career break law was being proposed, Belgium suggested such redefinition by

making house chores a paid work. This way housework would gain value and would not be seen differently than a job outside that is also being paid. A less extreme proposal was to decrease the maximum amount of allowed work hours for both men and women in order to make men spend more time at home. The suggestion of making housework and childcare remunerable was already going on since 70's, and was brought up again by CVP during the proposal of the career break law. De Pauw-de Veen from the CVP argued that the career break law would put women back in the homes, and that shorter working hours would be a better solution for making childcare and working compatible. Constant de Clercq argued that the new law would give the choice only to working parents and would exclude those who are already a stay-at-home father or mother. According to him the law should give an option to choose whether to work or to stay at home. He called on social pedagogic support³⁾ that was made into a law already in 1976, but that never came into effect. Such financial support would recognize that housework and child rearing is a valuable work for society. Social pedagogic support would be possible for everyone to make use of, not only working parents (Vanderweyden, Van loopbaanonderbreking naar tijdscrediet: een verhaal van een wijzigend maatschappelijk discours 2002).

The debate of making housework and childcare remunerable was coming back from time to time. In 1970, during a discussion in the Senate, work of a stay at home mother was compared to paid work done outside. It was proposed that it would be interesting to know how much such work done inside one's home is worth, and to include it in national finances (Belgische senaat 1971). In a Senate meeting in 1971 it was suggested that such financial help could boost the birth rate, and could be seen as an extra help for the ones who decide to work while bringing up their children, or as an alternative for a salary for a stay-at-home parent. The discussion focused around the low birth rate, aging society, need for bringing over foreign workers to revitalize the working force, and troubles that young couples face while they try to make ends meet (Belgische senaat 1971). In 1976 the proposal for the social pedagogic financial support was accepted, but didn't come into effect (Belgische senaat 1975). In 1992 the discussion was still going on. Mostly young parents were the ones who were using the career break law and so it was argued that the need for the social pedagogic financial support was still there (Belgische senaat 1993). Yet, it is quite obvious that the first suggestions for the remuneration of housework were done in the hope that the financial support would become an incentive for possible mothers to be more eager to stay at home and give birth to more children (Belgische senaat 1971). Feminists were also against it, as it would keep women at home, but would not be enough as a salary to make them independent from their husbands (Smit 2003).

A similar suggestion appeared in "A Vision of Gender Equality: Creation of New Values for the Twenty-first Century", ten years after the Belgian career break law came into effect, submitted by the Council for Gender Equality to the then prime minister Hashimoto Ryutaro in 1996. In Vision,

suggestions for possible solutions for gender inequality problems and for better work-life balance were presented. One of such solutions would be a remuneration of housework and childcare. This would call for a construction of a social welfare system where both men and women take part in paid and unpaid jobs. Both kinds of activities, paid and unpaid work in the public sphere, such as volunteer activities within the community, and unpaid work in the private sphere, such as child and family care at home, were seen as economically valuable. Family managed businesses, where family members, most of the time women, contribute to the overall work, were also mentioned to be economically valuable in the same way. Such work, because it is unpaid, often has a tendency to pass unnoticed. Remuneration could change that, and it would also make men more interested in being involved in house related chores. It would also bring recognition to the importance of work that was until now, first, unpaid, and second, mostly done by women. However, the Vision said that it is difficult to decide how to calculate the worth of such work, and so it is suggested that further research has to be done. No suggestion was made for actual funds that would make such remuneration possible, and the proposal was kept down to only “evaluating” the unpaid work in the paid work terms. The problem of childcare and family care was passed down to society, with a possibility of financial aid to ease the burden (A Vision of Gender Equality - Creation of New Values for the Twenty-first Century - 1996).

Both Belgium and Japan suggested remuneration of housework and child care to redefine public and private spheres that men and women engage in. In Japan, the suggestion itself was kept quite vague, but it made it clear that both genders need to share both kinds of work, and that both paid and unpaid work are of economic value. The Vision is truly a “vision” of possible gender equality. In case of Belgium, at the time that the proposal for the career break law was being discussed, the remuneration took on a more real form, as it was already made into a law. However, the first step toward remuneration was made so to boost the birth rate, to counter the aging society and the migrant workers. Even though the career break law was formed in a gender neutral way and thus men and women could take it equally, the CVP was arguing that financial help in the form of social pedagogic support would be a more equal solution for everyone, because both working and non-working parents would be applicable.

To bring gender equality forth, a redefinition of the public and private spaces is needed, but care has to be taken as to not establish a gendered order by just sending women back to the kitchen. In the case of Japan, the proposal was made to change that division of gender roles, but in case of Belgium, at first the proposal was made to keep these roles, and only later on, around the same time as the remuneration proposal in Japan, the remuneration in the form of the career break policy was presented as an option to choose the lifestyle one wants to follow.

Two decades of legislation concerning women and work
— a gendered approach in Japan

Laws concerning the working situation of women evolved differently in both countries. In Japan, in 1986 Equal Employment Opportunity Law was enacted to make women equal in employment opportunities with men. However, to aim for this equality, this law saw women in a different light than men. Rights of women, not both genders, were specified. Women were protected, and by having their rights explicitly specified differently than men, they could participate in the workforce, presumably in the same way as men did. Men could not call to this law, as they were already seen as the standard for equality (The Equal Employment Opportunity Law).

However, the reality was different and just as women were treated differently under the law, they were also treated differently at the workplace. In other words, they were treated differently socially by having different responsibilities than men and by being perceived differently than their male colleagues,⁴⁾ and legally, by being employed to another track.⁵⁾ The custom of women being responsible for housework and child care influenced the work sphere as well. Women were to join the non-career track, and had to retire when getting married.

With the 90's, a change in policy took place as fathers, in principle, could also take parental leave. Responsibility of childcare started to be seen as not only a responsibility of a mother (Ministry of Health, Labour and Welfare 2010).

The publication of a report "A Vision of Gender Equality: Creation of New Values for the Twenty-first Century" in 1996, marks an important change in the thinking concerning women in Japanese society. To aim for gender equality, not only the equality in the public sphere, but also equality in the private sphere, concerning housework, child and family care and community activities, has to be reached (A Vision of Gender Equality - Creation of New Values for the Twenty-first Century - 1996).

However, in the revision of 1999 of the EEOL, women workers were still mentioned in order to differentiate them from men, and thus the law was not gender neutral. Only with the revision of 2006 the gendered use of the language has changed. Yet, 1999 brought also a positive change toward gender equality with The Basic Law for a Gender Equal Society. The Basic Law for a Gender Equal Society tried a genderless approach to make society more equal. The goal of the law was to build a society where every citizen is able to fully exercise his or her individuality and abilities regardless of gender (Basic Act for Gender-Equal Society (Act No. 78 of 1999) 1999).

Two decades of legislation concerning women and work
— a non-gendered approach in Belgium

In contrast with the Japanese legal reforms concerning women, the career break law implemented in Belgium was gender neutral from the start. The law was meant to be used by both genders equally.

At first, in 1985, the law's function was to decrease the unemployment, to relieve public finances that were in a crisis at the time. This was possible because the job of a person who made use of the career break law and thus temporarily vacated his or her position, had to be temporarily filled by an unemployed person. That way there was no need for financial support of the unemployed person (Nagels 2002). The employer and the employee had to agree with each other to allow the break (Art.100). People allowed to take the break were those working government regulated jobs, with some restrictions, such as rescue action fireman or people in a leading position (Eerste minister van België 1985).

In 1990 during the Chamber of Representatives session, even though the break was used by mostly women,⁶⁾ there were talks about the necessity for the break to be used by both genders, in a way that would meet their needs, depending on their work, their family responsibilities or other needs (De kamer van volksvertegenwoordigers 1990). Starting from the 90's, for the first time the family and work related break was addressed, and as more people were using the career break, the specific breaks for care and parental leave were added. A short career break of 12 months after the birth of a child was added. Starting from 1992 the replacement salary was modulated by the amount of dependent children. However, a more important change that took place in 1993 was the fact that the career break became a right, although a partial one, meaning only a limited number of people from the private sector were actually able to take the break. The right was partial because to minimize the burden on companies, only one percent of all employees were allowed to take a break simultaneously. This was increased to three percent in 1998, and to five in 2001 (Nagels 2002).

Even though there were non gender related limitations, there were many prerequisites as for who was allowed to take a break. A positive change was that people employed in the private sector became able to take a break, but no one occupying a high ranking function was allowed to do so (Nationale Arbeidsraad 1993), as it would be difficult to replace someone at a leading position with an unemployed person. The partial right means that in companies employing less than 100 people not even one person could take a year long break (Nederlandstalige Nationale Vrouwenraad 1994). But these limitations influence indirectly the gender, because as there are fewer women in leading positions, more women than men are able to apply for break.

The need placed on the employer in the private sector to replace the worker taking a break with

an unemployed person, was removed in 2001. Only workers who were employed for at least one year at the current workplace were allowed to take the break. Companies were given the choice to allow more workers to take a break, up to five percent. The break could be taken up to 5 years, if it was taken to care for a child under 8 years old, to take care for a family member or for educational purposes (Nationale Arbeidsraad 2001).

The original career break law's main goal was not to help with the role conflicts women have, but the later versions were marketed as such, to make the career of people more relaxed and allow for more free time for reenergizing. It was marketed as a policy aiming at work-life balance, to make it easier for young parents to combine family and work, or as a way to invest more time in other activities than work (Vanderweyden, Loopbaanonderbreking: een legitiem systeem? 2000).

The use and the impact of the new legislations: Japan

The Japanese EEOL tried to achieve equality in the workplace, but it tried to do so using gendered language, by specifying the rights of women. As the legislation saw women as different from men, employers also continued to see women differently. That placed women first in the non-career track, and later in temporary kind of jobs (Hanami 2000).

The EEOL opened up some opportunities for women. As Saito Kiyomi,⁷⁾ aged 35 and a bond sales manager at American securities company Morgan Stanley International at the time of the interview in 1986, said, while the time of the EEOL no male coworkers would speak to her about other female employees, after the new legislation, the situation has changed, and the male workers would introduce the female workers to her as the company's valuable workers (Goodman 1986). Yet, women could still be perceived as "flowers of the office", who retreat early as they get married off (Taga 1984). The two track system also did not help when seeking a legal resolve, as the career track and non-career track were not comparable, so no discrimination would be judged if women employed in the non-career track could not advance in their career ("A Letter from Japanese Women" Circle 1994).

The childcare leave law was formed in a genderless approach. That alone could become a step toward adjusting of the private and public spheres. Yet, the numbers of fathers taking leave stayed as little as 0.42% in 1999, and has risen a little bit to 1.23% in 2008 (Ministry of Health, Labour and Welfare 2010). Fathers taking the leave felt they were exceptions, were being compared to rare animals such as panda's, and didn't receive much understanding from their coworkers or neighbors (Ota 1999). With fathers being so little engaged in child care, the redefinition of the private and public spheres needs to happen first before the child care leave law can be used equally. There was a constraint though if one wanted to apply to take leave. The partner of the working person, who wanted to work, also had to work full-time. That excluded many fathers with stay-at-home wives

(Ministry of Health, Labour and Welfare 2010).

Even though the Vision and the Basic Law for a Gender Equal Society both call for a society where work is less gender divided and where both genders realize themselves as they wish, options for women remained limited. According to a research conducted by the Center for Work-Life Policy in 2011, women make up nearly half of university graduates, yet only 67 percent of these are employed, often in low-paid, part-time jobs (Hewlett, et al. 2011). Women might opt for other life styles, such as long-distance marriage, to help them keep their jobs, and respect from their co-workers, or to turn to other kinds of jobs, such as freelance, that are more compatible with family responsibilities.

The use and the impact of the new legislations: Belgium

According to a PSBH research between the years 1994 and 2001, out of the different kinds of breaks that are possible to take, the most common one among women is the career break. 29 percent of women taking a break took a career break, followed by a break due to sickness or accident, and by break for pregnancy or breastfeeding, in this order (Deschacht, Baerts and Guerry 2011).

During the Chamber of Representatives meeting in 1990 it was said that even though mostly women are the ones choosing to take the career break, referring to the use of career break by mostly women as a “typical female phenomenon”, it is so because they are made to choose so by social obligations, to take care of children or to do housework. However, career break should become an option for an employee to choose freely how to plan his or her working life (De kamer van volksvertegenwoordigers 1990).

How career break was used differs depending on gender and age of the applicant. When taken during the child rearing years, mostly women made use of it, and if men also did so, these were men without children, who wanted extra time to focus on other activities.⁸⁾ Women did so not to gain extra free time, but to manage household responsibilities. However, parenting, taking care of family members or household responsibilities should be viewed as a social issue rather than an individual choice. Women themselves perceived their gender to be better suited for housework, and thus felt prompted to make such a choice.⁹⁾ By redefining the public and private spheres, attitudes of men, and women as well, might change (Smithson and Stokoe 2005).

Based on the interviews Vanderweyden presented in 2000, people took a break based on different reasons. Out of 10 men and 14 women who were interviewed, all of them took a year long break. 10 of them did so to take care of children, 14 did so for other reasons. Her research doesn't divide the respondents by gender, but by the reason of why they say they had a right to take a break, and receive the money in exchange. The answers that came forth most are the ones that during the time of the

break a person can do something good for society, whether it is done directly, because the person has time to do so, or indirectly, by gaining new skills, or renewing one's energy, and restarting working from a new beginning. Both ways would benefit the society. Yet another reason was that an unemployed person could work for a year and gain experience. Others found it was their right to take a break, and wanted to make use of the system.

Because a person received money during the break, it could be seen as some kind of remuneration system, for when a person does something for society in exchange. However, because of the original limitations of the policy, only few of all workers were allowed to take the break. Also, another important reason for taking the break was to renew their inner energy, and such a reason would be more focused on a personal goal rather than a deed for society. Some of the respondents were saying that everyone should be able to take a break, if such a system is possible to realize. The goal would be a society where everyone has the right to a working life, and a non-working life, and still be paid for what they are doing.

Sameness and difference approach in the discussed legislations

The sameness and difference approach is used when discussing racial or gender related problems. When people fit a certain norm they are supposedly the same, when they do not fit the norm they are different. The norm could be that of being male, being white or being a healthy person. A woman, a black person, or a handicapped person would have difficulties to fit that norm. If a person cannot fit the norm, he might choose for some other option, or receive special treatment, or the norm could be changed. But such a framework of sameness and difference would only fit if all people gathered in the same category were the same, or identical. The post-modern approach suggests different perspectives rather than one absolute truth. In case of the sameness approach no two people are the same, but the differences between them are chosen to be ignored. In case of the difference approach one would avoid essentialism and allow multiple viewpoints, to any individual.

The sameness approach asks for identical treatment, the difference approach¹⁰⁾ calls for special treatment. Advocates of the difference approach say that no special treatment will hurt women, advocates of the sameness approach say that special treatment reinforces women's traditional disadvantage.¹¹⁾ To solve the problems coming from the difference and sameness approach, only differences that really matter need to be taken into account, as no two people, not just men and women, are exactly the same. These differences should be approached in such a way as not to reinforce stereotypes (Williams 1991).

The first versions of the EEOL in Japan treated women from a difference point of view; the career break policy in Belgium did so from a sameness point of view. In both cases the result was not truly

gender equal.

Differences that matter should not be specifically those of a man or woman, but accurate to fit someone's exact means. The first versions of the EEOL were focusing too much on the difference between men and women and they backfired reinforcing the stereotypes about women that they would not make as good a worker as men, because a man, and not a woman, is the one who can fit to the norm of complete commitment to the working sphere.

There is a need for new standards that would lead to the reformation of the private and public spheres. The Vision aims for these new standards to become the new norm, for example shorter working hours. It doesn't ask for special treatment for a certain group, but asks for a change of the norm, so that everyone, according to their needs and will, can engage in work, family and community activities. It calls for a more neutral standard that would fit anyone. Even though it uses a genderless approach it does it through the post-modern difference lens, allowing the different kinds of lifestyles to fit into the same norm.

The Basic Law for a Gender Equal Society enacted in 1999 also tries to go around the sameness and difference dilemma. It addresses the problem of stereotypes and their influence on people's choices of social activities. These stereotypes come from a difference approach, and thus the Basic Law for a Gender Equal Society tries a genderless approach, or a sameness approach, with the differences between men and women being ignored, and referring to citizens who can live diverse lifestyles. Yet, it allows individuality, as these diverse lifestyles are individuals' choices.

In case of the career break, it underwent many changes since its development. At first it allowed only the workers in public jobs to take the break. In 1990 there were talks to make the policy into a right for everyone, and yet, even though in 1993 it became possible for people employed in the private sector to make use of it, it was limited to as little as one percent of all workers employed in a company during that year. There were further limitations such as people in leading positions could not make use of this policy. Not all people in the public sector were allowed to take it either, people working in the rescue field, such as fire workers or ambulance workers, soldiers or judges could not take it. Even though the policy was gender neutral, and should be available to anyone if done from the sameness approach, it also uses the difference approach, but instead of giving rights to different individuals it specifies those who are not allowed to use the right. The policy differentiates between people working in the private and public sector. People who were working in the public sector received less restrictions, very few people in the private sector could take the break.

The sameness approach is only working if the already existing social norm is gender equal. If child care and housework is divided evenly among both genders, then a gender neutral formed legislation would also be used by both genders in the same way, or rather it would be used by each individual according to their actual will. The gender neutral approach failed in Belgium because the country

was not equal on the societal level.¹²⁾ When society is not gender equal, the difference approach might seem as a better choice, but as it reinforces the stereotypes only changing the norm and allowing the individual choice would lead to a more equal society. The norm of a double earner and a double carer,¹³⁾ when both parties engage as much in earning money as in family and house responsibilities, would make it possible for individuals to choose their way of life.

Conclusion

To change the attitude that prescribes women as possible mothers and the ones being responsible for taking care of a house, as a first step, a gender neutral language applied to the legislation might be helpful. However, just changing the language will not immediately lead to wider cultural changes within organizations and within society (Smithson and Stokoe 2005). If the gendered division of roles persist, the use of family policies targeting work-life balance by women might cause coworkers to give the so-called “freeloaders” some stern looks, and it will be difficult for fathers in Japan to have their colleagues understand why they would like to take childcare leave. As seen from the Belgian example, even though the law was formed in a genderless approach, the effects it had were still gendered. First the norm of how both genders divide their responsibilities has to change, before a genderless formed legislation can have non-gendered effect. The Vision saw this and so it called for a new norm.

In the case of Belgium, the problem was that the career break law for this particular use was a way to solve the effect rather than the cause. The reason women have a role conflict is that men don't do their part at home. If men could be persuaded to pick up half of the burden, women's role conflict might cease to exist. Now they stay stuck in a vicious circle. They want to work full-time, but because they are not seen as equal to men, they earn less, because they have the lesser job in the dual earner family, they are the ones that need to take a career break to do the housework and raise the children, but by doing this, women are not seen as equal in the workforce. Even with a genderless approach of the law, the use of the law is still gendered as it is influenced by social customs and, by that gendered use, women are not seen as equal to men at the workplace.

Women, meaning possible mothers, must be seen as equals to others within a society. For this to take place the redefinition of the public and private spheres is needed. Women do not just need extra time to be able to manage both housework and paid work, as it happened to be the case with the career break law. Society should see it as acceptable for men to share domestic tasks and childrearing, and it should be made possible for mothers to participate equally in the workforce (Mentone 2002). Policies tend to focus on women, but they also need to focus on men. Not only the advancement of women is a sign of gender equality.

To influence the public and private sphere the suggestion was made to make house chores a paid work. This way housework would gain value and would not be seen differently than a job outside, that is also being paid. However, it is difficult to realize financially, and to set limits on who would be able to apply for it, without differentiating between people. This differentiation might lead to putting people who are making use of the policy in a bad light, and further lead to enforcing existing stereotypes, whether they are gender or class related.

To change the gendered use of policies, it is important to try to change the social norm. As the sameness approach doesn't work if the society is not already gender equal, if done with care, juggling between sameness approach and the modern difference approach might work better. However, differentiating and not enforcing stereotypes is a difficult task. Some users of the career break policy found themselves profiting from the policy, and found it perfectly alright to do so just because it was possible to do. Such approach will only make others to always perceive the users of such policies as "freeloaders". Nonetheless, the goal should be the sameness approach, so that the policies would be accessible to everyone, and the legislation formed in a way that would allow individuality, so that diverse lifestyles depending on the choice of an individual would be possible.

Endnotes

- 1) I will use the term career break law to indicate the group of laws, acts, orders and agreements that constitute the rules concerning career break and the later time credit.
- 2) My own translation from Dutch.
- 3) The social pedagogic support became law on January 5 1976 as an addition to the "Grouped laws on child support for employees" ("Samengeordende wetten betreffende de kinderbijslag voor loonarbeiders" in Dutch). Unlike the proposal which excluded everyone except workers with an unemployed wife, the law applied to workers, unemployed divorced women, disabled workers, orphans, widows, pensioners and others. The law was valid in that form until January 10 2004, but was never actually carried out (Art. 73quinquies) (Samengeordende wetten betreffende de kinderbijslag voor loonarbeiders 1939).
- 4) Women were expected to work only as long as until they get married. Only older women that "missed" their chance of marriage would be still employed. The older female workers would not be perceived as valuable coworkers because they only work because they have to (Taga 1984).
- 5) Before the EEOL, companies could segregate the male work track from the female work track. After the EEOL it would count as gender discrimination, so instead companies differentiated between the career track, *sougoushoku*, and the non-career, *ippanshoku* track. As a result, companies were not required to treat all their employees equally, independently of gender, but they just needed to treat employees equally on the same track (Creighton 1996). Wages for non-career track female employees wouldn't rise much with seniority (Kawashima 1999).
- 6) During the Chamber of Representatives meeting, it was mentioned that out of all users, 85 percent of users were women.

- 7) Saito Kiyomi has served as an Outside Director of Toshiba Corporation from June 2012 to October 6 (Bloomberg Business 2015).
- 8) In 1989, 84 percent of people making use of the career break opportunities were women. Most of them were women between 25 and 29 years old. According to research from Leuven they used the career break primarily to take care of their children. In 2000, 28.4 percent of women were taking a break because of taking care for children, compared to only 2.6 percent of men doing so for the same reason. When asked why one decided on taking a career break, 26 percent of women gave personal or family reasons (other than taking care of children), compared to only 15.9 percent of men (Nagels 2002).
- 9) In 2007, when asked why one decided on taking a career break, and not their partner, about 39.6 percent of women answered that it was because they have more talent for housework and thus they are better candidate for taking care of house chores (Desmet, Glorieux and Vandeweyer 2007).
- 10) According to MacKinnon the difference approach needs to be recognized as the dominance approach, because only when it is seen as male dominance it would be recognized as problematic and would need solving (MacKinnon 1987).
- 11) Special treatment carries the message that only special workers need benefits, hard working workers can live without them.
- 12) In 2001 women did an average of 24 hours of housework a week, while men did 14.5 hours. Women also did an additional 2.3 hours of child upbringing while men did 2 hours (Nagels 2002).
- 13) In countries with traditional-family or market-oriented family policies (like Belgium or Japan) there is more short part-time work, longer childbirth related interruptions and difficulties finding childcare, which generate motherhood penalties. Women risk statistical discrimination by interrupting their careers. Earner-carer policies can decrease this discrimination because public care is more available and affordable and has higher quality and continuity than private care. Women's careers in the public sector of earner-carer countries have been upgraded to high professional standards (Korpi, Ferrarini and Englund 2013).

Bibliography

- “A Letter from Japanese Women” Circle. “Counter-report to the Japanese Government’s Second Periodic Report as a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women (9 July 1992).” 1994.
- Samengeordende wetten betreffende de kinderbijslag voor loonarbeiders*. December 19, 1939.
http://www.ejustice.just.fgov.be/cgi_loi/arch_a.pl?N=&language=nl&rech=1&value=&table_name=wet&cn=1939121901&caller=archive&fromtab=wet&la=N&ver_arch=062 (accessed October 30, 2015).
- “A Vision of Gender Equality - Creation of New Values for the Twenty-first Century -.” *Gender Equality Bureau Cabinet Office*. June 30, 1996.
http://www.gender.go.jp/english_contents/about_danjo/lbp/basic/toshin-e/index.html (accessed October 26, 2015).
- “Basic Act for Gender-Equal Society (Act No. 78 of 1999).” *Gender Equality Bureau Cabinet Office*. June 23, 1999.
http://www.gender.go.jp/english_contents/about_danjo/lbp/laws/pdf/laws_01.pdf (accessed October

19, 2015).

Belgische senaat. "Ontwerp van wet tot wijziging van de samengeordende wetten betreffende de kinderbijslag voor loonarbeiders." *De senaat*. July 8, 1971.

<http://www.senate.be/lexdocs/S0635/S06351671.pdf> (accessed October 26, 2015).

———. "Voorstel van wet tot instelling van een sociaal-pedagogische toelage." *De senaat*. May 4, 1993.

<http://www.senate.be/lexdocs/S0537/S05371999.pdf> (accessed October 26, 2015).

———. "Voorstel van wet tot toekenning van een verzorgings- of sociaal-pedagogische toelage aan de jonge gezinnen." *De senaat*. June 24, 1971.

<http://www.senate.be/lexdocs/S0635/S06351334.pdf> (accessed October 26, 2015).

———. "Voorstel van wet tot wijziging van het Wetboek van de inkomstbelastingen met het oog op de toekenning van een sociaal-pedagogische toelage." *De senaat*. October 2, 1975.

<http://www.senate.be/lexdocs/S0652/S06520051.pdf> (accessed October 26, 2015).

Bloomberg Business. 2015.

<http://www.bloomberg.com/research/stocks/people/person.asp?personId=215639488&capId=873792&previousCapId=762741&previousTitle=TOYOTA%20INDUSTRIES%20CORP> (accessed October 21, 2015).

Creighton, Millie R. "Marriage, Motherhood, and Career Management in Japanese Counter Culture." In *Re-imagining Japanese Women*, by Anne E. Imamura, 192-220. University of California Press, 1996.

De kamer van volksvertegenwoordigers. "Wetsvoorstel tot recht op loonbaanonderbreking." *De kamer*. November 20, 1990.

<http://www.dekamer.be/digidoc/DPS/K2053/K20532656/K20532656.pdf> (accessed October 26, 2015).

Deschacht, Nick, Anneleen Baerts, and Marie-Anne Guerry. *De m/v carrièrekloof: carrièreverschillen tussen vrouwen en mannen in België*. Gent, Academia Press, 2011.

Desmet, Bert, Ignace Glorieux, and Jessie Vandeweyer. "Wie zijn de loopbaanonderbrekers: Socio-demografische kenmerken, motivaties en arbeidshouding van loopbaanonderbrekers." Brussels, 2007.

Eerste minister van België. "Herstelwet houdende sociale bepalingen." *Federale overheidsdienst Justitie*. January 24, 1985.

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1985012230&table_name=wet (accessed October 26, 2015).

Goodman, Matthew. "Bond saleswoman says door is open for female professionals; Interview with Kiyomi Saito of Morgan Stanley." *The Japan Economic Journal*, May 3, 1986.

Hanami, Tadashi. "Equal Employment Revisited." *Japan Labor Bulletin* 39, no. 1 (2000).

Hewlett, Ann, Laura Sherbin, Catherine Fredman, Claire Ho, and Karen Sumberg. *Off-Ramps and On-Ramps Japan. Keeping Talented Women on the Road to Success*. Center for Work-Life Policy, 2011.

Kawashima, Yoko. "The Labor Market, Corporate Organization, Corporate Culture, and Gender in Japan." In *Gender and Japanese History: The self and expression, work and life*, 509-536. University of Tokyo Press, 1999.

Korpi, Walter, Tommy Ferrarini, and Stefan Englund. "Women's Opportunities under Different Family Policy Constellations: Gender, Class, and Inequality Tradeoffs in Western Countries Re-examined." *Social Politics* (Oxford University Press) 20, no. 1 (2013): 1-40.

Lohr, Steve. "Japan's mistrust of the feminine mystique." *The New York Times*, April 8, 1984: 22.

MacKinnon, Catharine A. "Difference and Dominance: On Sex Discrimination." In *Feminism Unmodified*:

- Discourses on Life and Law*, by Catharine A. MacKinnon, 32-46. Harvard University Press, 1987.
- Mentone, Kristina M. "When Equal Protection Fails: How the Equal Protection Justification for Abortion Undercuts the Struggle for Equality in the Workplace." *Fordham L. Rev.* 70, no. 2 (2002).
- Ministry of Health, Labour and Welfare. "Introduction to the revised Child Care and Family Care Leave Law." *Ministry of Health, Labour and Welfare*. March 24, 2010.
<http://www.mhlw.go.jp/english/policy/affairs/dl/05.pdf> (accessed October 20, 2015).
- Nagels, Johan. *Van loopbaanonderbreking naar tijdskrediet: Een schot in of naast de roos? Het sociaal overleg versus de gezinnen*. Katholieke Universiteit Leuven, 2002.
- Nationale Arbeidsraad. "Collectieve arbeidsovereenkomst nr. 56 van 13 juli 1993 tot instelling van een beperkt recht op onderbreking van de beroepsloopbaan." *Nationale Arbeidsraad*. July 13, 1993.
<http://www.cnt-nar.be/CAO-COORD/cao-056.pdf> (accessed October 26, 2015).
- . "Collectieve arbeidsovereenkomst nr. 77 bis van 19 december 2001 tot vervanging van de collectieve arbeidsovereenkomst nr. 77 van 14 februari 2001 tot invoering van een stelsel van tijdskrediet, loopbaanvermindering en vermindering van de arbeidsprestaties tot een halftijdse betrekking." *Nationale Arbeidsraad*. December 19, 2001.
<http://www.cnt-nar.be/CAO-COORD/cao-077-bis.pdf> (accessed October 26, 2015).
- Nederlandstalige Nationale Vrouwenraad. *Jaarboek van de Vrouw 1993. De situatie van de vrouw in Vlaanderen, anno 1993*. Garant Leuven/Appeldoorn, 1994.
- Ota, Mutsumi. "Dad Takes Child-care Leave." *Japan Quarterly* 46, no. 1 (1999): 83-89.
- Smit, Katrijn De. "Hoe dol was Dolle Mina? De geschiedenis van de Dolle Mina's in Vlaanderen." Master thesis, Department of History, Gent University, 2003.
- Smithson, Janet, and Elizabeth H. Stokoe. "Discourses of Work-Life Balance: Negotiating 'Genderblind' Terms in Organizations." *Gender, Work & Organization* 12, no. 2 (3 2005): 147-168.
- Taga, Mikiko. "Japanese Women." *The New York Times*, May 6, 1984: 16.
- "The Equal Employment Opportunity Law." In *Counter-Report to The Japanese Government's Second Periodic Report as a State Party to the Convention on the Elimination of All Forms of Discrimination against Women (9 July 1992)*, 63-68. "A Letter from Japanese Women" Circle, 1994.
- Vanderweyden, Katrijn. "Loopbaanonderbreking: een legitiem systeem?" *Samvol - Samenleving en politiek*, April 2000.
- . *Van loopbaanonderbreking naar tijdskrediet: een verhaal van een wijzigend maatschappelijk discours*. Universiteit Antwerpen, Faculteit Politieke en Sociale Wetenschappen - Sociale Wetenschappen, 2002.
- Williams, Joan C. "Dissolving the Sameness/Difference Debate: A Post-Modern Path Beyond Essentialism in Feminist and Critical Race Theory." *Duke Law Journal* (Duke University School of Law), no. No. 2 (April 1991): 296-323.