



## **Sexual Harassment Report**

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### **Introduction**

This report examines the issue of sexual harassment in relation to JET Programme Participants and what can be done to further educate and inform them.

National AJET was contacted by a Prefectural Representative regarding this issue; at her prefecture's recent mid-year seminar, role play questions about discipline problems evolved into a lengthy debate about sexual harassment. There were many complaints and frustrations concerning harassment from fellow JETs, co-workers, students and strangers. She sought information in the CLAIR General Information Handbook, which had some useful material, but found that most of the information she was seeking was in the Contracting Organisation Manual (Keiyaku dantai-yo Manual) and is only in Japanese. In addition to talks within her prefecture, she contacted her AJET Block Representative to ask how the issue of sexual harassment should be approached; if there could be training or seminars in place, whether or not occurrences and information differs by prefecture, and how cultural perceptions affect the issue.

### **Objectives**

This report will:

1. Investigate the issue of sexual harassment and how it is affecting JET Programme Participants.
2. Determine what JETs know about the support systems already in place and the laws related to sexual harassment in Japan.
3. Assess the need for further education and information for JETs concerning sexual harassment.
4. Create a clear chain of personnel for JETs which outlines who they can approach, depending on their situation. Specifically outlining how to deal with situations arising from both adults and students.

### **Method**

This report is based on data collected by surveying 321 JETs, with 42 prefectures represented. Almost half (45.5%) of the respondents are first year JET Programme Participants.

### **Data and Analysis**

This is the third National AJET survey dealing with the topic of sexual harassment (*see appendices; Nov 2001, Nov 2002, May 2004*). Because sexual harassment is a topic which has been researched before, we acknowledge the need to approach it from a new angle - sexual harassment awareness and about how to deal with instances of it in Japan. Within this survey, questions were directed one of two ways; instances of sexual harassment, and training about sexual harassment.

### ***Training about Sexual Harassment***

Around one-third of all survey respondents (34.1%) have received specialised training about sexual harassment prior to joining the JET Programme. The majority of training was at previous employment through seminars, written materials and video or DVD. Many respondents added in their comments that this type of training was standard and mandatory.

Only 2.8% of respondents say they have had training as part of their JET tenure - including during home country pre-departure orientations, at prefectural post-arrival orientations and in their work place; all of these respondents were satisfied with their training.

Even though many JETs have not received specialised, professional training about sexual harassment, they have established ideas what constitutes sexual harassment within their home countries, having learned about it in school and from their friends or families. However within Japan, 64.3% of respondents say that they do not feel adequately informed as to what constitutes sexual harassment in this country:

*“I know what constitutes sexual harassment in the US but not in Japan.”*

One area of confusion which can be rectified through further training is information regarding the support systems in place for victims of sexual harassment. Fortunately, a large proportion of JETs (74%) responded positively when asked if they have someone in Japan whom they are comfortable asking for assistance - but for the 26% who feel alone in this situation, further information and guidelines would be immensely comforting.

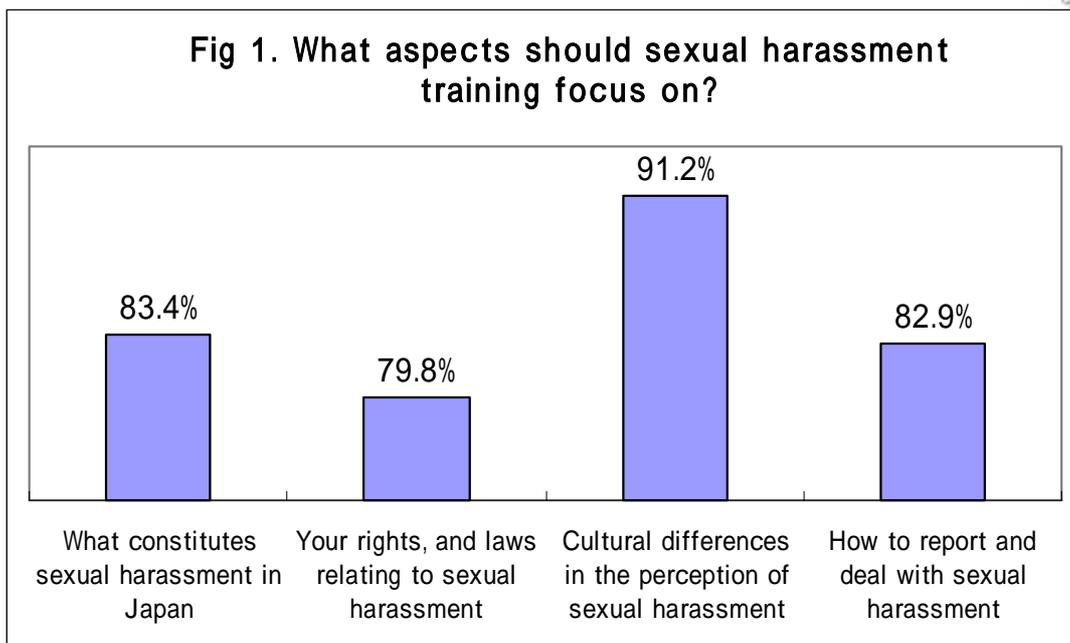
An overwhelming majority (82.8%) of JETs do not feel adequately informed about laws and their rights relating to sexual harassment in Japan, however a lot of confusion surrounds the definitions and differences between sexual harassment and sexual assault.

The CLAIR General Information Handbook includes a section about sexual harassment (see appendices). 61.7% of JETs answered affirmatively to having read this section, however many of them comment that it was so long ago that they no longer recall the content. The responses about the quality of information varied widely depending on the year group of the respondent, which reflects the yearly revision of the book.

*“The guide was useful in telling you who to contact and encouraging you to speak up. It also had some cultural information about how it might be dealt with. I would have also liked it to mention something about the laws relating to sexual harassment in Japan and what constitutes sexual harassment.”*

In the 2009 edition of the GIH, an essay about sexual harassment was added (see appendices). While this essay is a step in the right direction and sends a message of positive action, it still leaves questions which JETs want answers to; how to deal with students, dealing with non-verbal abuse, and the law and police in relation to sexual harassment. Further, this essay is found in the back section of the book (pg. 261) and is not referred to on the page about sexual harassment (pg. 169) making it possible to be missed by those seeking more information.

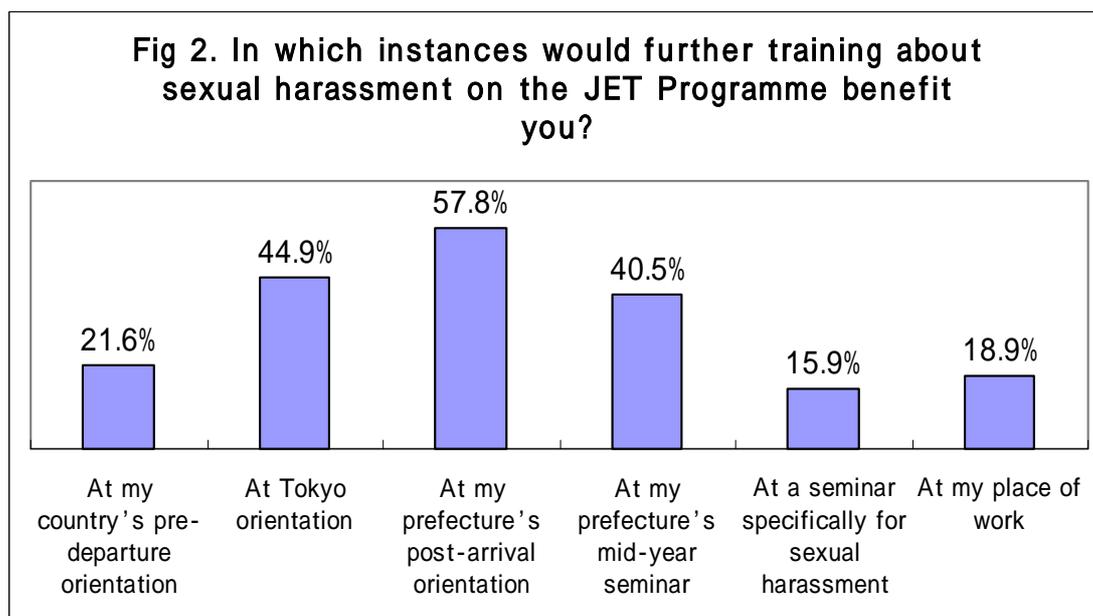
One of the most important statistics within the survey is that 64.9% of JETs think that there should be more training on the issue of sexual harassment. Figure 1 shows the aspects which are of particular interest for potential training to focus on:



There were also a number of written suggestions for training topics:

- How to cope with the stress related to sexual harassment.
- How to handle a sexual harassment situation in a culturally sensitive way.
- How to deal with sexual harassment specifically in relation to students.
- What to do as a third party when witnessing sexual harassment.
- Options regarding employment if the victim is unable to return to the workplace.
- Useful Japanese language expressions which deal with sexual harassment.
- Training for supervisors and schools.

The timing for this training could arguably be beneficial to JETs at different times in their JET contract. Figure 2 shows which instances JETs feel training would be most beneficial:



The largest response is for prefectural orientation. This topic could be discussed after the new JETs have settled into life and can put the topic into context. In smaller groups people can ask questions and share advice more freely. As support systems are likely to differ within each prefecture, prefectural orientation is an appropriate time to address sexual harassment.

Although the next largest response was for Tokyo Orientation, other respondents commented that this is not an ideal time. New JETs are often jetlagged and overwhelmed, and there is already a lot of content which needs to be delivered at this time.

### ***Instances of Sexual Harassment***

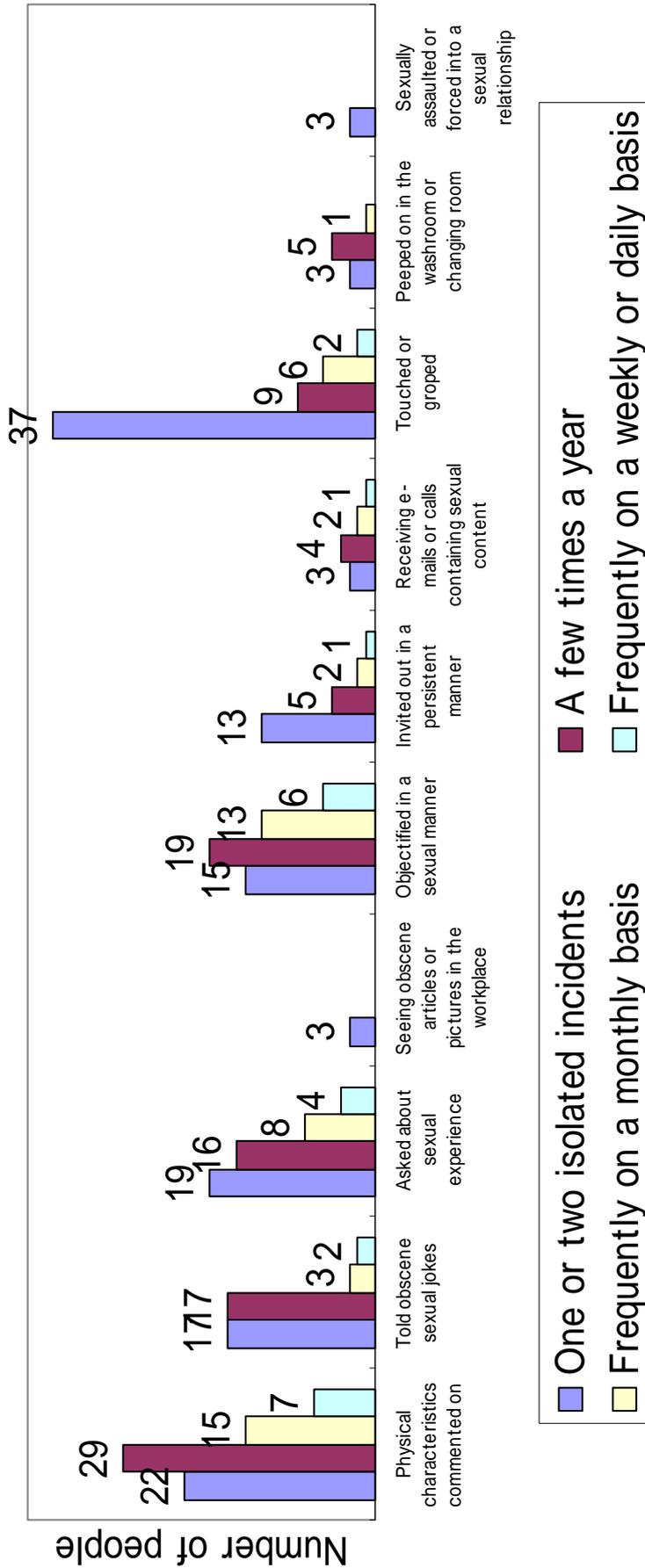
For this survey, we included a definition taken from the Oxford English Dictionary; “*The repeated making of unwanted sexual advances or obscene remarks to a person, especially in a workplace.*” Because the definition of sexual harassment differs from person to person, we tried to emphasise that they answer questions with the idea that the actions are unwanted.

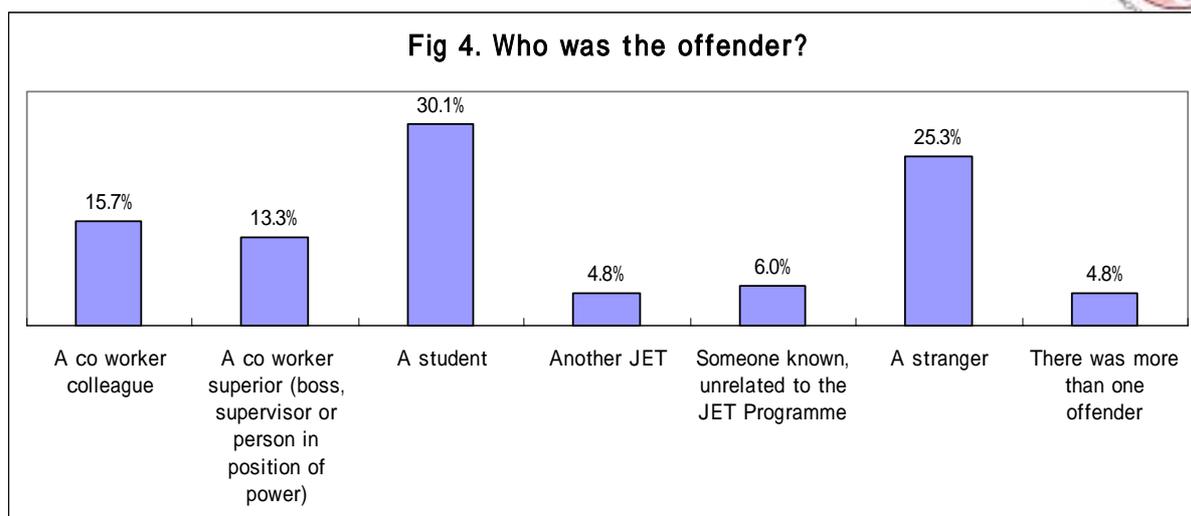
30% of respondents said that they have experienced sexual harassment in Japan. Of those, most are female (76.1%), and have no previous training on sexual harassment (62.5%). The majority of these don't know what Japan's laws are (92%) and would benefit from more training concerning sexual harassment (83%). Figure 3 on the next page shows the nature of their sexual harassment experiences.

The most common harassment is verbal, which could be explained as cultural difference in some instances. Often the respondent is not sure if it would be considered harassment in Japan, but the fact that the respondent considers themselves to have been harassed is something which needs attention. This is where much confusion arises - a JET feels they are being harassed, but are not confident that their concerns are valid in Japan.

Figure 4 shows the offender in the single most serious incident of sexual harassment that the respondent experienced. The large majority (85.5%) were male, and offenders can be divided into three main groups; students (30.1%), co-workers (29%) and strangers (25.3%).

Fig 3. The nature and frequency of sexual harassment incidents experienced





The largest group of offenders, students, is directly related to the employment of the majority of JETs. The feelings concerning harassment by students are mixed. Some consider it innocent or amusing, whereas others feel demeaned and disrespected by it.

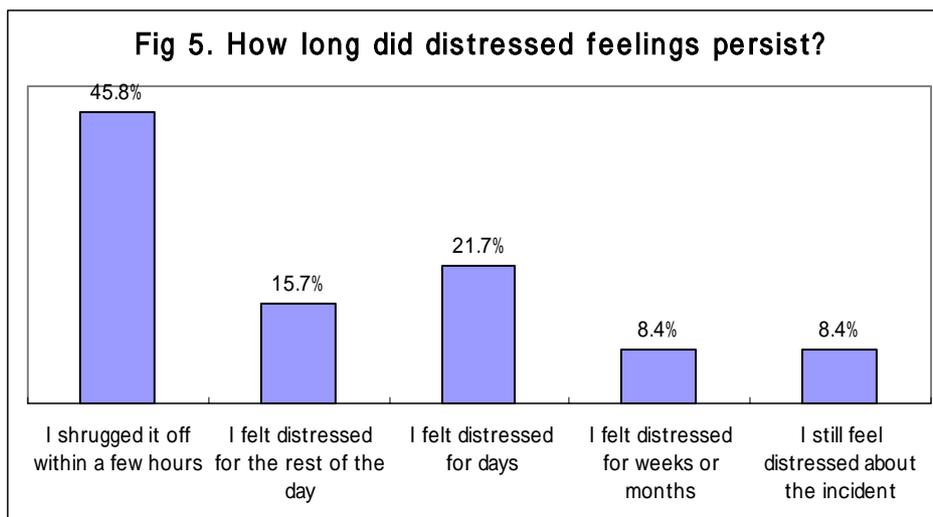
*“I wish the kids would respect my personal boundaries. Just because I’m a foreigner, doesn’t mean they can touch me or ask me questions regarding virginity/bust size etc.”*

The next group is co-workers - in both the category of colleague (15.7%) and superior (13.3%). This is the most concerning group, as not only does it affect the JETs working environment and working relationships, but almost half of the time it is coming from a person who is in a position of power. This is a situation where little information about a recommended course of action is given. In these instances JETs are unsure how to handle their situation due to lack of knowledge, as well as a fear of alienation.

*“I’ll keep my mouth shut about things that are purely verbal and just take it. Unless there is something physical I can’t be sure what is cultural and what isn’t. Even talking to the other female teachers they laugh about the subject and tell me just to take it.”*

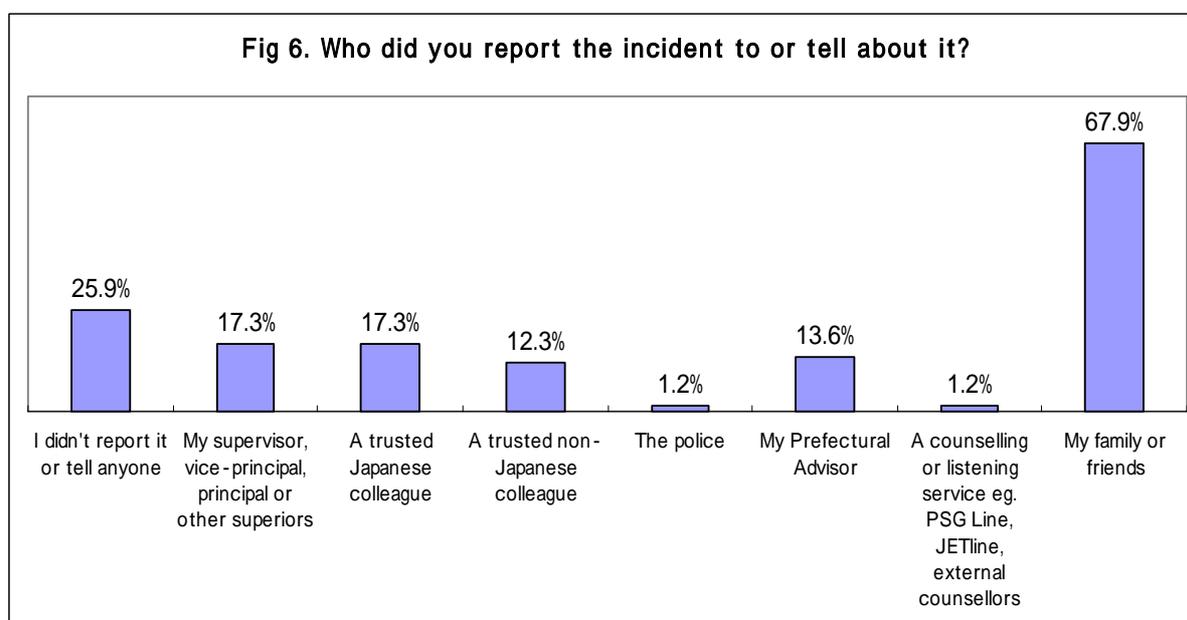
While the JET Programme cannot control the actions of strangers, training about sexual harassment might better prepare JETs for how to deal with instances of harassment.

Figure 5 shows that while 45.8% were only mildly distressed and shrugged it off within a few hours, an almost equally large proportion (38.5%) felt distressed for days, weeks, months or still continue to - which no doubt affects their daily life, including their work.



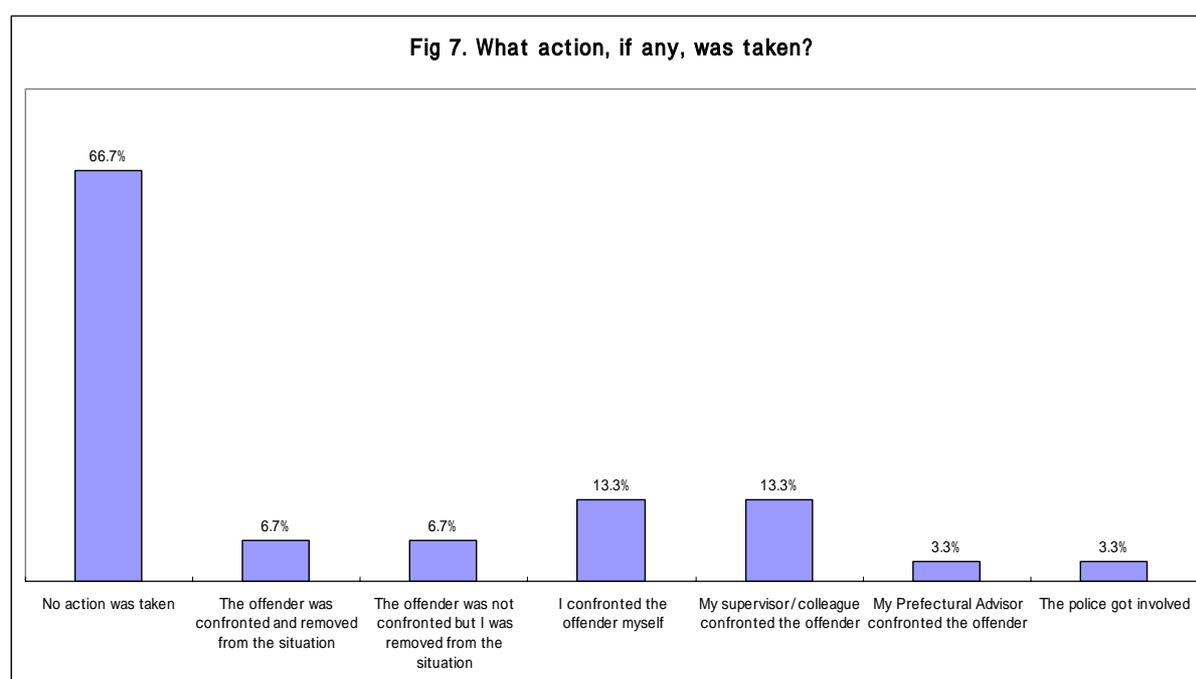
Dealing with an incident of sexual harassment emotionally or practically is not something that most JETs have been trained to do, and as the majority of respondents are uncertain about procedures in Japan, the aftermath of a sexual harassment experience can be confusing and stressful.

Figure 6 shows to whom these incidents are being reported. Most JETs share their experience with family and friends, perhaps looking for reassurance and comfort, however family and friends don't necessarily understand the cultural context and while they can offer some support, they can't help the JET to make sense of the incident, which may be why we see JETs traumatised for a longer period. Unfortunately a large number of JETs do not tell anyone - either dealing with it on their own, or bearing this burden without support.



In three-quarters (75.3%) of all cases no action was taken – but this is reflective of the fact that 67.9% of victims are not reporting the incident, or only to their family and friends, whom we can assume are not able to help in seeking action within Japan.

Figure 7 shows what action, if any, is taken in the 9.3% of instances where sexual harassment was reported to someone in Japan; supervisor, vice-principal, principal or other superiors; a trusted Japanese colleague; a trusted-non Japanese colleague; the police; or a prefectural advisor.



Surprisingly, we still see that in the majority of cases, no action was taken. Even when action was taken the majority (66.7%) of respondents say that the harassment did not stop.

Note that three survey respondents answered to having been sexually assaulted or forced into a sexual relationship, and yet the police were involved only once, (the offender was never found). While we cannot understand the reasoning for these specific circumstances; it is alarming to note that in two out of three serious cases, legal action was not taken.

From our research data we can see that while sexual harassment has not directly affected every JET, it is still a serious problem and the majority of respondents are not well enough equipped to deal with the situation once and if it arises.

### **Conclusion and Recommendations**

This report raises obvious questions: do JETs and Japanese culture disagree over what constitutes sexual harassment? Who defines cases of sexual harassment, and when is it sexual assault? Can someone still feel sexually harassed whether or not a legal definition covers their case? JETs are living in a place where their interpretation and other's interpretations of events might not align. Many JETs are uninformed about sexual harassment, and feel that they lack the power to act should an event occur.

JETs should be offered greater support regarding sexual harassment, especially in terms of

further education. This not only makes the JET Programme participants safer and better informed in their positions, but also makes the JETs feel that they, as employees of government organisations, are treated and protected in the same way as Japanese employees. AJET has come up with recommendations for actions which AJET, CLAIR and the ministries can take to facilitate this aim.

### **Designing a seminar guideline for prefectural orientations and mid-year seminars**

A guideline should be created for a seminar or workshop which could be recommended to Prefectures/Designated Cities to include in their prefectural orientations, mid-year seminars and such. The guideline could outline points to expand on such as the culture gap and legal information, as well as details of professionals who could be contacted for counselling.

### **Expanding the literature about sexual harassment available to JETs**

Portions of the Contracting Organisations manual need to be translated into English and made available so that JETs are aware of the procedures that their employer is aware of and what channels they are advised to follow. JETs also need to be encouraged not only to read these materials, but to discuss any questions or issues they might have with their supervisor or PA.

### **Educating people at JETs place of employment**

Many misunderstandings regarding sexual harassment, especially verbal, could be avoided if people whom JETs have to deal with for work are more informed about sexual harassment. Also, teachers could take greater responsibility in class to discipline students who are behaving inappropriately, which also requires ALTs to talk to their JTEs about what their boundaries are, and what problems they might be having.

### **Promoting the support systems**

Support systems in place include the JETline, CLAIR forums, and the Peer Support Group, however for some victims there is a reluctance to use them. We need to investigate ways to make it easier for JETs to reach out for help if they need it. Reasons for not calling will be varied, but by promoting the service further and highlighting the anonymity and safety of the service, we might be able to encourage more JETs to speak up when they need to.

### **Sexual harassment sections in the CLAIR General Information Handbook**

The sexual harassment essay in the GIH is a great inclusion, but the information needs to be expanded. The essay should be referred to on the earlier information page so that JETs are aware there is more information within the book. These pages would also be a good place to reinforce the JETLine, Peer Support Group and other support services available. There is little to no reference about sexual harassment concerning students or superiors at work, which should be mentioned. JETs have expressed a need for explanation of sexual harassment in Japan, their legal rights and dealing with the police. This raises the point that JETs are unclear of the difference between sexual harassment and sexual assault. Our data shows that JETs have dealt with both of these problems, and so the GIH could outline the difference and the procedures relating to each issue.

## Questions

1. JETs want to be given a definition of sexual harassment in Japan and to know the Japanese law as it relates to sexual harassment. Is there a definition and set of laws which can be outlined for JETs?
2. Could parts of the Contracting Organisation Manual (Keiyaku dantai-yo Manual) be translated into English and other languages of JET participants? And could this be added to an accessible place such as the PSG website, JET Programme website, AJET website or similar? AJET is willing able to offer assistance with translations if needed.
3. Is it possible for CLAIR to recommend that Prefectures/Designated Cities incorporate sexual harassment training into their prefectural orientations or mid-year seminars? (Especially for ALTs in dealing with harassment from students, it would be most effective when the supervisors/JTEs are there and it could provide cross cultural training for both sides.)
4. What kind of information do student handbooks include about human rights or sexual harassment – if anything? Is there a guideline for disciplinary action included in the student book or school rules?
5. In the next revision of the GIH, could the section on sexual harassment and the essay be linked in some way, by referring them to the corresponding page? Also, could information about support lines and other necessary information be added or referred to?
6. Do the JETline or CLAIR forums receive any calls or questions about sexual harassment? What are the recommendations and procedures that CLAIR follow when dealing with this kind of issue?
7. Does CLAIR or any of the ministries have their own workplace training concerning sexual harassment? If so, what are the details? Do they believe it to be an important part of their employer's offering?

## Appendices

### **Stalking and Harassment Report**

*Danola Pillay, 2003-2004 Block 2 Representative*

AJET presented this report at the Opinion Exchange, May 2004.

#### Summary of CLAIR Response to the Report

CLAIR says that a JET who feels they have been sexually harassed should discuss it with their supervisor and their Prefectural Advisor. They can also read information in the General Information Handbook. Contracting Organisations have a manual which shows them how to deal with complaints of sexual harassment. PAs have special training to deal with the cases. If more help is still necessary, the Programme Coordinators at CLAIR also have training to deal with the complaints and should be contacted through the JET Helpline. CLAIR knows that sexual harassment is still a serious problem even though awareness of the seriousness of sexual harassment is slowly taking hold in the Japanese workplace.

#### National AJET's Response

AJET understands that this is a sensitive subject. We would like CLAIR to provide more information to the JETs through conferences, handbooks and newsletters. We are happy that they will start making announcements throughout the year in CLAIR News, PA newsletters and other appropriate forums so that JETs receive the information and support they need.

### **Physical/Sexual Abuse Report**

*2001-2002*

AJET presented this report at the Opinion Exchange meeting in November 2002.

There is no available download of this report.

### **Sexual Harassment Report**

*Alonzo Surrette, 2000-2001 Block 8 Representative*

AJET presented this report at the Opinion Exchange meeting in November 2001.

In Okayama prefecture, sexual harassment lectures and workshops have been given. The aim of these workshops is to eliminate sexual harassment from the workplace, and according to Alison Rodden, an ALT who has lectured this topic in Okayama, "There is no sexual tension in this workplace," and "It is a very comfortable working environment."

In her own research Ms. Rodden found that, "almost all teachers affirmed that such workshops should be mandatory." Ms. Rodden goes on to say that, "many teachers said the cases of sexual harassment illustrated in the workshop occur in their workplace, but a) the teachers didn't realize it could be termed as sexual harassment, and b) the teachers didn't know where to go for confidential advice and counselling."

For these reasons, it is important for CLAIR to do two things:

- \* Institute workshops in Japanese for Japanese co-workers of JETs. The workshop should
  - Clearly define sexual harassment
  - Provide sensitivity and attentiveness training
  - Provide guidelines for conduct between co-workers, colleagues, etc.
  - Inform participants that intoxication is not an excuse for bad behaviour.
- \* Provide support centres for Japanese employees and JETs that:
  - Provide counselling
  - Give confidential advice for those sexually harassed.

## **Sexual Violence PSG Resource**

*Author and date unknown*

Common psychological consequences of sexual assault are flashbacks, avoidance, emotional numbness, lethargy, lack of self-confidence, feelings of self-blame, feeling that it could have been avoided if... anxiety, fear, terror, lack of trust, physically unwell.

### Legal Punishment

- For sexual harassment: Fine of up to 10,000 yen for first-time offenders, up to 30,000 yen or half a year imprisonment for repeat offenders (Ehime Prefecture Ordinance).
- For assault: 6 months to 7 years of imprisonment with labour.
- For rape: Minimum 2 years of imprisonment with labour. (The time to be served must be defined.)

### Police Procedure in Japan

Investigation begins as soon as the assault is reported. If the victim has sustained injuries and has not yet seen a doctor, a female police officer will accompany her to a doctor for a medical examination. This doctor is connected with the police, so the victim will have full confidentiality.

The police will then ask about the assailant and the circumstances of the assault. This is necessary to catch the attacker and settle things, so please be cooperative even though it is unpleasant and you don't want to think about what happened.

When the victim reports damages due to a crime, the report is called "haigai no todoke". Since the privacy of the victim is involved in sexual crimes, the police take the position of letting the victim decide whether or not to take the assailant to court.

Taking someone to court is called 'bringing charges', "kokuso". The police begin the investigation as soon as they receive the report of a sexual crime, but when the assailant is found, he cannot be punished unless the victim presses charges (kokuso). It is not unknown for the victim to need some time between reporting damages due to a crime (higai no todoke) and deciding whether to press charges (kokuso) because of the psychological stress the experience produces. Furthermore, in cases where the assailant is known to the victim, the victim often reports damages due to a crime but does not immediately file suit (kokuso).

For these reasons, there is no time limit on the filing of a suit (kokuso); the victim can file a suit if she decides to.

- The police will go to the scene of the crime etc and gather evidence. The victim is asked to be present in order to explain the events. The victim is asked to submit the clothes and things she had with her when she was attacked as evidence.

The police in Ehime Prefecture are currently placing female police officers at all the main police stations in the prefecture, and has a system that calls female officers to any station that is handling a case of sexual assault.

The police have plans to strengthen patrolling in the evenings to prevent sexual crimes, to strengthen cooperation with volunteer organisations (Ehime is currently starting up a victim support centre), and to build a homepage.

A consultation hotline has been set up (0120-31-91100) and officers are available to hold speeches about how to prevent sexual crimes.