

**WORKING PAPER**

**JAPAN: THE REPRODUCTIVE BARGAIN AND THE MAKING OF PRECARIOUS  
EMPLOYMENT<sup>1</sup>**

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This chapter reveals the sharp institutional dualism differentiating secure standard employment from precarious non-standard employment in the Japanese labour market. It uses the concept of the ‘reproductive bargain’ in order to illuminate gender dimensions of labour market insecurity and their relationship to social location and context.

Using a feminist political economy, section one briefly introduces the concepts of reproductive bargain and mode of regulation. Section two of the chapter sets empirical trends against the backdrop of developments over the past three decades in order to uncover the political and economic factors shaping the historical trajectories of part-time and agency temporary employment. The precariousness of these employment forms derives in part from a distinct mode of regulation that attenuates the institutional moorings of non-standard employment. The third section of the chapter reviews the language and logic of regulatory reforms in order to tease out their impact in promoting institutional dualism. This contextualized comparison shows that temporary agency and part-time employment reflect different rationalities yet overlapping precarious conditions. It cautions against assuming that all forms of non-standard employment become precarious in the same way or even for the same reasons.

The chapter concludes by arguing that precarious employment is driven by more than global competition and deregulatory impulses of neo-liberal policy agendas. While globalization and neo-liberal policy assault traditional forms of employment security, they also combine with pre-existing fault lines created by the reproductive bargain. Gender, class and other salient social cleavages intersect in ways that are consequential for determining the contours of precarious employment (see also Clement *et al.*, this volume).

### **THE REPRODUCTIVE BARGAIN AND PRECARIOUS EMPLOYMENT: A CONTEXTUALIZED APPROACH**

Feminist political economy considers a broad set of social relationships and political accommodations around ‘productive’ and ‘reproductive’ labour encompassing both public and private forms of power (Bakker and Gill 2003: 40). The introduction of and subsequent elaboration on the concept of ‘gender contract’ gave feminist political economists a ready-made framework for relating gender and class to explain women’s concentration in non-standard employment (Gottfried 2000). Using the language of contract had intuitive appeal, but the legalistic connotations caused problems when applied to gender relations writ large. Ruth Pearson’s (2007) innovative concept of the reproductive bargain immediately resonated as an institutional term closely allied with the concept of gender contract; it simultaneously sought to delimit the structures of social relationships, yet linked production and social reproduction in the context of institutional arrangements between the household, the state and the economy. This section develops the concept of the reproductive bargain to systematically theorize the production-protection nexus that is crucial in determining the contours of precarious

employment.

A reproductive bargain composes an ensemble of institutions, ideologies and identities around social provisioning and care for human beings. The bargain constitutes a hegemonic framework within which actors negotiate rules. Bargain implies a bounded agreement (structure) proscribing and prescribing conduct, but it also injects a dynamic notion of boundaries being made (agency). Actors negotiate from different structural positions of power with different resources (material, symbolic and organizational). As a social process, agents interpret rules and influence rule-making that can call into question and alter the boundaries of the bargain. Politics shape the reproductive bargain not only at the site of production but also around the ‘social organization of care work, reproduction, and sexuality across and in families, markets, states and civil societies’ (Orloff 2008: slide 18). Types of reproductive bargains depend on the relative weight distributed to, and boundaries between, public and private responsibility for social reproduction. How reproduction and care are organized (their locus in the household, state, market), who bears the cost of the reproduction of labour, who performs reproductive labour and under what conditions (rights, risks and responsibilities) and whether labour power for reproductive work is commodified, marketised (formal or informal employment relationships) or socialized (Clement and Prus 2004: 5), affect the division of responsibility for social reproduction, with repercussions for social cleavages within and across social spaces and locations (see also Vosko and Clark, this volume).

The concept of reproductive bargain moves understandings of precariousness beyond statistical measurements toward a consideration of the organization of social reproduction. Vosko (2006: 3)

operationalises an expansive definition of precarious employment in terms of limited social benefits and statutory entitlements, job insecurity, low wages and high risks of ill health. This definition integrates contractual terms and temporalities of precarious employment with the ‘social processes that go into daily and intergenerational maintenance of the working population,’ that is, with social reproduction (Vosko 2006: 17). Precarious employment diminishes contractual and statutory rights and generates new risks and responsibilities borne by workers and households. Temporally, the lack of implicit (derived from past practices) and explicit (arising out of contractual rights) guarantees for long-term employment makes employment unpredictable. Spatially, precarious employment also often contributes to social exclusion (MacDonald, this volume). This reduces workers’ abilities to secure their own livelihood and that of their dependants. Situating precarious employment in relationship to the reproductive bargain addresses long-term consequences arising from institutional logics, access to training and skill development, and the general standard of living and health.

Regulations figure centrally in most accounts of what makes employment precarious. In common-sense usage, regulation defaults to a narrow range of legal instruments for balancing public and private interests. More broadly, a mode of regulation delimits rules and rule-making, having the force of laws, norms and/or customary practices. It calibrates power relations and means of adjustment in the context of institutional separation between production and social reproduction. As such, the mode of regulation serves as a kind of template for construction of meaning: what is written into and left out of grammars of regulation reflect and affect power relationships. For example, thresholds, exemptions and exclusions affect access to entitlements, benefits, protections, risks and opportunities and how these are gendered. Analysis of precarious

employment thus should inter-reference the logic and language implicit and explicit to social policies, labour regulations and criteria for citizenship. Which groups are recognised, what issues are included and how they are represented (using the language of equality and/or difference) or excluded from coverage (strategic absences and erasures) reflect and affect power resources in bargaining relationships within and across workplaces and in family life. More specifically, whether regulations address women either as dependants (as mothers and/or as wives) or as individuals (as workers and/or as citizens) and the institutional arrangements around social provisioning (health, education, and skill formation) and care (social infrastructure of childcare and eldercare) has implications for the patterning of precarious employment by either easing or constraining (re)entry into, and intensification of, market work over the life course.

## **TRENDS AND TENDENCIES**

A corporate-centred male-breadwinner reproductive bargain emphasizing private solutions to social reproduction constrained the sites, the subjects and the scale of social protection in Japan, with implications for the making of precarious employment (Osawa 2001). Non-standard employment trends and tendencies in Japan thus need to be examined in light of this male-breadwinner reproductive bargain. From the mid-1970s onward, employers increasingly incorporated flexible non-standard employment, chiefly among women, as a cheap labour buffer to manage high personnel costs associated with lifetime employment. Strict immigration policies had foreclosed the possibility of employers filling the large and growing demand for non-standard employment with low-wage migrant labour. The economic downturn during the 1990s fueled further erosion of standard employment in favor of non-standard employment. While

lifetime employment – renowned as a central pillar of the Japanese employment system – did not disappear as either a practice or an expectation, it became an unstable support as employers converted more regular jobs into non-standard positions and created new jobs subject to precarious conditions, most prominently for women, youth and older workers.

Non-standard employment is not embedded in the corporatist industrial relations system and is not covered by the same contractual rights, social protections and regulations as standard employment. The government codifies this distinction in its official definition of standard employment, referring to ‘those employed immediately after graduating school or university and have been working for the same enterprise’ (Ministry of Health, Labor and Welfare 2006). This official definition situates standard employment in the tightly coordinated relationship between education and employment, whereby the transition from school into a firm-specific internal labour market is accompanied by the expectation of long-term continuous employment within the lifetime employment system. Conversely, non-standard employment includes forms of employment such as part-time, day labour, agency temporary and direct-hire temporary employment, which are not configured around an organizationally-based career track. Neither years of service nor employment experience accumulate to place non-standard employees in line for in-house promotion, on-the-job training and age-graded wage increases. Standard employment, based on a male-breadwinner norm and its implicit masculine embodiment of non-responsibility for human reproduction, represents one labour market track, but non-standard employment is constructed in relationship to and belongs on a separate labour market track.

The gender dimension of this institutional dualism is evident in the growth pattern of non-

standard employment. Non-standard employment accounts for one quarter of the total workforce, but more than half of women's total employment. As indicated in Table 5.1, female employment lags behind that of men. Decomposition of labour force participation rates by age shows divergence between men and women through much of the life course. Young women start out strong with high labour force participation rates, closing the gender gap that existed in 1975. However, the labour force participation of women over thirty in 2005 falls away, although not as dramatically as in 1975. Labour force participation is higher for women of almost all ages in 2005, compared to 1975. Even more striking, the share of part-time employment amongst employed women reached 40.6 per cent. This stands in sharp contrast with men's labour force profile. Employment trends for the aggregate category of temporary employment tell a similar story of gender differences: 21.7 per cent of women and 8.3 per cent of men worked as temporary employees in 2007.

*Table 5.1 Labour force participation, part-time employment and temporary employment by sex, Japan, selected years (%)*

	<i>Male</i>	<i>Female</i>
<b>Labour force participation</b>		
1990	77.2	50.1
2000	76.4	49.2
2005	73.3	48.4
<b>Labour force participation by age, 1975 (2005)</b>		
20–4	76.5 (68.6)	66.2 (69.8)
25–9	97.2 (93.6)	42.6 (74.9)
30–4	98.1 (96.4)	43.9 (62.7)
35–9	98.1 (97.0)	54.9 (63.0)
55–9	92.2 (93.6)	48.8 (60.0)
65+	44.4 (29.4)	15.3 (12.7)
<b>Part-time employment rate*</b>		
1980	5.2	19.3
1990	7.5	27.9
2005	12.3	40.6
<b>Part-time employment by age (2004)</b>		
55–9	4.2	42.5
60–4	31.6	56.6
65–9	47.9	61.3
<b>Temporary employees as a percentage of total employees</b>		
1983	5.3	19.5
1994	5.4	18.3
2000	7.7	20.9
2007	8.3	21.7

*Sources:* All data except for temporary employees were drawn from JILPT 2007: 17, 20, 21, 26, 34; data for temporary employees are from OECD 2002; OECD 2008.

\*These figures cover short-hours part-time employment defined according to the threshold of 35 hours or less, excluding full-time part-timers.

The analysis that follows disaggregates two employment forms, part-time and agency temporary employment, in terms of gender, age and marital status, in order to provide clues as to how the types of reproductive bargain structure advantages and disadvantages in the labour market. These two are legally discrete forms that represent contractually different employment relations covered by specific regulations and that reflect different age-graded patterns by life-cycle stage. Divergent trajectories of part-time employment and agency temporary employment, in both the

timing and the reasons propelling adoption, make a compelling case for analyzing each form separately.

## Part-time employment

Japan has a high proportion of part-time workers in its employment structure. According to OECD figures, part-time employment, which accounted for 13.9 per cent of all employment in 1973 just as the first oil shock reverberated throughout the economy, consistently rose during the 1980s, increasing to 21.4 per cent in 1994, and 25.5 per cent ten years later in 2004 (OECD 2007: 262).

The large number of part-time workers is in part an artifact of the unique definition of the employment form in Japan. The legal definition of part-time workers does not conform to working under an absolute threshold of 30–35 hours per week. Rather, a part-time worker is considered as anyone whose weekly hours fall below those of regular workers in the same establishment. This relative definition has given rise to ‘full-time part-timers’ (Osawa 2001: 184) or ‘pseudo part-timers’ (*giji paato*) (Ogura 2005: 19). A government survey estimates that 30 per cent of part-time employees work at least 35 hours a week (Ministry of Health, Labour and Welfare 2002). ‘Pseudo part-timers’ are treated as part-time workers with regard to wages and benefits, even though they may exhibit long tenure with a firm. The definition of part-time employment is not simply a matter of working fewer hours than a full-time worker, but is clearly linked to an inferior employment status in Japan.

The prevalence of part-time employment across industrial sectors and occupations suggests the ease with which employers use this form of non-standard employment, but its concentration in female-dominated sectors, especially among married women with children, indicates its gendered nature. The largest firms, in which full-time workers had enjoyed the benefits of lifetime employment, show the greatest gains in the number of part-time workers employed, even though small firms continue to employ the highest share of part-time workers in the workforce. From 1975 to 2000, part-time employment increased from 2.7 per cent to 10.5 per cent in manufacturing, from 5.6 per cent to 25.5 per cent in wholesale and retail trade, from 2.9 per cent to 12.4 per cent in services, and from less than 1 per cent to 17.7 per cent in real estate (Ministry of Health, Labor and Welfare 1995, 2000a). The higher the proportion of women in an

occupation or an industry, the higher the corresponding percentage of part-time employment. For example, the male-dominated industries of information and computer technologies exhibit lower rates of part-time employment than the more female-dominated information and knowledge-intensive industries (Shire 2007: 73). Women's high rates of part-time employment in sales, retail and restaurants occur in sectors with the lowest wages and most insecure working conditions. Female part-time employment nears parity with female full-time employment in electrical manufacturing and database services/distribution, but exceeds their full-time employment in female-dominated industries, including library, cultural and sports activities, and news agency services (Shire 2007: 73). Likewise, part-time employment is concentrated in female-dominated occupations: 24 per cent of part-time employees worked as service workers, 23 per cent as sales workers, and 20 per cent as clerical workers, compared to only 11 per cent as managers (Ministry of Health, Labour and Welfare 2000a).

Part-time employment among women as a percentage of their total employment increased, although the share relative to men slightly declined, as men also experienced a rise in part-time employment (see Table 5.2). While 15 per cent of male part-time workers worked 5 or more years for the same employer in 1999, the corresponding figure for female part-time workers was as high as 35 per cent (Ministry of Health, Labour and Welfare 2000b).

A distinct gendered pattern of part-time employment punctuates the life course. Among male workers, new entrants and those near retirement are most likely to work part-time. Single mothers exhibit a high labour force participation rate of 87.3 per cent, marked by high full-time rates of employment, varying with levels of educational attainment (42.8 per cent of junior high

school graduates as compared to 10.2 per cent of university graduates work part-time) (Fujiwara cited in Ezawa 2005: 19). Conversely, mothers in male-breadwinner households account for the largest share of part-time employees. Nobuko Nagase (2006: 44) found that 80 per cent of mothers with newborn babies living in urban areas leave the labour force to become full-time housewives. Contrary to the pattern found in other advanced industrialized nations, higher educational attainment does not translate into higher female labor force participation in Japan. Japanese women with university/tertiary education exhibit the same employment rate as women with less than upper secondary education (OECD 2002: 74). Non-employed housewives have higher educational attainment than mothers working part-time. A strong breadwinner reproductive bargain poses a particularly stark trade-off for women with family obligations, moderating the returns to education and supporting higher rates of non-employment and part-time employment among married women.

*Table 5.2 Gendered patterns of employment, Japan, selected years (%)*

<i>Gendered patterns of employment</i>	
<b>Women's share of part-time employment</b>	
1994	67.6
2003	66.7
2005	67.7
<b>Part-time employment as a proportion of women's employment</b>	
1994	35.7
2003	42.2
2005	42.3
<b>Mothers' employment</b>	
<b>Married 0–4 years (5–9 years)</b>	
% full-time housewives	70.0 (60.0)
% working full-time	20.0 (15.0)
% working part-time	10.0 (25.0)
% lone mothers working full-time	84.9

*Sources:* Data on part-time employment from OECD 2007: 261-2; Mother's employment data, except lone mothers,

from Japanese *National Fertility Survey* cited in Nagase 2006: 40–41; Lone mother's employment from Ezawa and Fujiwara 2003.

Wage-setting structures and institutions tie wages and most benefits to employment status. As a result, 'full-time part-timers' earn hourly wages substantially lower than regular employees and nearly the same as 'true' part-time workers (Osawa 2001: 185). The wage gap between full-time workers and part-time workers (as officially classified) has widened in Japan: in 1990, the part-time to full-time wage ratio was 57.8 per cent among men and 72.0 per cent among women, but it had dropped to 51.2 per cent among men and 66.9 per cent among women in 2000 (Ministry of Health, Labour and Welfare 2000c). This gap is greater for men than for women because male part-time workers' wage level has not increased as much as that of their full-time counterparts, partly due to the increasing share of young male part-time workers. Still, a higher percentage of female part-time workers reported living mainly on their spouses' income, 66 per cent as compared to 20 per cent on their own income, while corresponding figures for male part-time workers were 2 per cent and 57 per cent in 2001 (Ministry of Health, Labour and Welfare 2002). The low, flat wage scales and the lack of benefits reflect and reinforce the assumption that part-time workers rely on income from other sources, usually a male breadwinner, to make ends meet.

## Agency temporary employment

An upward trend of agency temporary employment began in the mid-1980s when the number of workers employed by temporary agencies increased from 87,000 in 1986 to 317,000 in 1989 (Brodsky 1994: 57).<sup>2</sup> As the Japanese economy slipped into recession on the eve of the new

decade, the temporary help industry continued to grow. Agency temporary employment more than doubled from 575,879 workers in 1994 to 1,386,364 by 2000 (Coe *et al.* 2006).

A truncated age profile and highly skewed gender composition characterizes the Japanese temporary agency workforce: initially, women accounted for 95 per cent of the total, but declined to 80 per cent by the end of the 1990s. Female temporary agency workers are relatively young as compared to their male counterparts: the average age for women is 33, while for men it is 38 (Ministry of Health, Labour and Welfare 2000d). The 1998 *White Paper on Working Women* (JIL 1999) estimates that women 25 to 35 years old are three times as likely as those less than 25 years old and five times as likely as older women to work for a temporary agency. Given this age profile, it is not surprising that 64 per cent of female temporary workers are single and continue to receive support from their families (Weathers 2001). The proportion of agency temporary workers has increased, particularly for women, mainly due to the increase of part-time workers with short, fixed-term contracts. In 2001, 72 per cent of women as compared to 52 per cent of men worked less than 35 hours a week as an agency temporary employee (Ministry of Health, Labour and Welfare 2001). More recently, multinational temporary-help firms such as Manpower Japan have tailored business practices to local political-economic conditions; they have created a new labour market niche by packaging two housewives working part-time as a full-time equivalent to help employers save on benefit costs and workers on taxes.<sup>3</sup>

Japanese temporary employment firms employ a small percentage of agency temporary workers on regular contracts (*joyo gata*) while 90 per cent are hired on fixed-term contracts (*toroku gata*) (Ministry of Health, Labour and Welfare 2000d). A gender division of temporary job

assignments concentrates more than 80 per cent of female workers in clerical jobs (Araki 1999: 9), while nearly 70 per cent of male workers perform professional or technical work (Sato 2001) in such areas as new media and information technology (Shire and Imai 2000). Although 71 per cent of the registered workers had contracts for less than three-month terms in 1999, more than two thirds of agency temporary employees remain longer than one year with the same client (Kojima and Fujikawa 2003). Likewise, their overall job tenure at the temporary help agency lasts for three to five years on average, well below the tenure rate among part-time workers in Japan.

Agency temporary employees receive lower overall compensation than part-time employees, even though they may earn higher hourly wages. Only 66 per cent of temporary agency workers enjoy health care coverage (more than the 33 per cent of part-time workers in Japan). While two thirds of temporary agency workers have access to employment insurance and pension insurance, only a small percentage enjoy private enterprise annuities (9.6 per cent), bonus payments (28.8 per cent), and lump-sum retirement payments (15.4 per cent) (Houseman and Osawa 2003), and most forego transportation and vacation allowances (Weathers 2001).

Both part-time and agency temporary employment forms represent less protected and lower cost alternatives to standard employment. Non-standard employment is concentrated in occupations and industries with a history of limited institutionalized bargaining power and with a large number of women. Japanese establishments reporting deteriorating performance are especially likely to decrease the number of regular employees and increase most types of non-standard employees (Morishima 2001). Widespread adoption of both forms is related to their lack of

contractual guarantees (both explicit and implicit rights), relieving employers from either the legal or moral responsibility of providing job and income security. Employers use non-standard employment to gain flexibility over staffing. Once employed in non-standard positions, few ports permit entry into full-time, regular jobs. Precarious employment is a product of the sharp institutional dualism between standard and non-standard employment forms in the Japanese labour market.

### **Making precarious employment: different trajectories**

The uneven development of part-time and temporary work suggests that different forces and factors might drive how each form becomes precarious. The upward trend of part-time employment began earlier and involved larger numbers than temporary employment. Part-time employment emerged as part of the old Fordist production model in a wide range of older and some new occupations and industries, while temporary employment developed in clerical and newer knowledge-intensive occupations. The nature of the employment relationship and contractual terms make each form precarious in different ways. In Japan, part-time workers on open-ended contracts often have long tenure without contractual guarantees of job security or economic security, since their wages do not significantly increase over time despite many years on the job. Precariousness of agency temporary employment derives from the principle of registration for potential employment and from the use of fixed-term contracts, which make work schedules unpredictable and income streams uncertain.

The type of reproductive bargain illuminates the stark division of labour and the association of

employment practices with gender, age and class. Although women predominate in each form, part-time and temporary employment exhibit different age-graded patterns. Part-time employment has been concentrated among married women with children, and increasingly among men at early and later stages of their working lives, whereas temporary employment is found among younger women without children. Agency temporary firms operating in Japan take advantage of rigid internal labour markets that produce a pool of highly qualified women with limited options for full-time standard employment (Gottfried 2003: 264). Age-graded institutional forces, such as rigid internal labour markets, structure patterns of non-standard employment over the life course. We can only understand part-time and agency temporary employment conditions through a review of regulatory changes and how these legislative initiatives sought to address the rapidly changing labour market.

#### NATIONAL REGULATORY REFORM

The changing mode of regulation crafts a new legal regime, which increases commodification, shifts risks and responsibilities, and formalizes informal conditions of non-standard employment. Combined with existing policies and legacies of the male-breadwinner reproductive bargain, working-time regulations specifically formulated to address temporary and part-time employment issues have contributed to making non-standard forms precarious and gendered in Japan.

The passage of the *Worker Dispatching Law* in 1985 gave the state a tool to regulate temporary agency employment, which was flourishing despite the prior legal ban on the activity. The initial regulation lifted the ban on agency temporary work for 16 sex-typed occupations. By cabinet

order of 10 December 1996, this 'positive list' expanded to 26 job categories (Araki 1997), including computer operators, accounting, secretarial work, filing, translation, stenographers, and new media. The focus on sex-typed occupations dictated skill requirements and all but ensured a skewed gender composition of agency temporary employment. Although framed in gender-neutral language, the adoption of a positive list preserved standard employment in core manufacturing associated with men's work and allowed temporary contracts in occupations associated with traditional women's work (Gottfried 2003).

With the ensuing recession early in the 1990s, unions, confined by the corporate-centred male-breadwinner bargain, could only delay neo-liberal reforms. Targeted deregulation protected the largely male union membership in export-oriented production. In the first instance of deregulation, the *Older Persons Employment Stabilization Law* in 1994 introduced a negative list of jobs for persons older than 60 years. While this amendment only applied to older workers, the regulation anticipated more significant changes and set a precedent for encroachment of neo-liberal reforms. After extensive debate delayed further deregulation for several years, a major revision of the *Worker Dispatching Law* in 1999 (Araki 1999) switched to a negative list, thereby opening most job areas to temporary agency employment, but conceded to unions a provision that placed one-year time limits on the use of agency temporary contracts in formerly restricted occupations. That same year, an amendment to the *Employment Security Law* legalized private fee-charging employment services for 29 occupations, allowing them to coexist with public placement services, and fixed a maximum fee for their services. In 2004, incremental reforms permitted temporary staffing in some formerly prohibited sectors, such as manufacturing and medical professions, under the proviso that the temporary position would become permanent

(Coe *et al.* 2006: 3).

The enactment of the *Part-time Labour Law* in 1993 provided the legal basis for defining part-time employment as a distinct employment status. The provisions of this Act reveal inherent tensions between principles of gender equality and difference; and subsequent changes accepted unequal treatment for all those classified as part-time, regardless of the number of hours worked (Osawa 2001). An advance over previous practice was gained when the amended *Labor Standards Act* in 1999 codified contractual terms of employment, requiring that employers state in writing the period of the contract, placement of employment, the job to be performed, the scheduled working time, the rest period, the rest days and the annual paid leave in addition to the wage levels.

While in principle all labour laws cover non-standard employees except in those matters governed by special regulations, including employment, health and pension insurance, and taxes (Araki 2002: 37), in practice many laws do not apply to most workers in non-standard employment. For example, employees on fixed-term contracts and most other non-standard employees fail to qualify for child and family care leave under the *Child and Family Care Leave Act* (Nagase 2006: 41), and receive limited coverage from the *Employees Pension Plan Act* and *Employees Medical Insurance Act* (Kojima and Fujikawa 2003). Child-care leave is available to employees on request to take care of children who are less than one year old. While several revisions of the *Child Care Leave Act 1992* have enhanced entitlements, including the extension of the provisions to employees in establishments of 30 employees or less in 1995, the introduction of an allowance funded by employment insurance in 1997 and its increase to 40 per

cent of earnings in 2001, still only 14 per cent of mothers take child-care leave (Nagase 2006: 41). Sick leave and other benefits are not statutory rights, but rather depend on workplace norms. Paid holidays are available after working for an employer a minimum of 6 months and 80 per cent of the hours of a full-time equivalent. Such thresholds and exemptions have denied equal access to the same protections for workers in part-time and temporary employment.

Similarly, the failure to explicitly extend principles of equal opportunity and equal pay to non-standard jobs has subverted the intent and limited the impact of the *Equal Employment Opportunities Law* (EEOL). For example, the extension of equality regulations aimed at removing barriers to equal opportunities has been undermined by labour and tax policies encouraging married women to work part-time and for lower compensation. Despite attempts to strengthen provisions of the EEOL in 1999, no language explicitly directs employers to apply principles of equal opportunity to those in non-standard arrangements. Among the OECD countries, Japan stands alone in not explicitly extending equal employment provisions to temporary workers, which has contributed to the skewed female domination of agency temporary work.

Legislative reforms accelerated at the end of the twentieth century, due partly to heightened tensions inherent to the male-breadwinner reproductive bargain. The state could no longer rely on the unpaid labour of women in the private sphere for the care for children and elderly parents. Moreover, projected labour shortages due to the declining fertility rate and the ageing population prompted the conservative government to discuss recruitment of workers from abroad. New short-term programs offering industrial training in 1990 and technical internships in 1993 sought

to induce the migration of a relatively cheap labour force, especially from other parts of Asia. The temporary status of this labour force avoided provoking too much political opposition from anti-immigration nationalists (Ito 2005: 66). In this way, the state facilitates the growth of low-wage precarious employment among women workers whose legal status prevents them from easily making claims for better working conditions. Still, strict immigration policy limits the number of migrants available to perform reproductive labour in precarious employment relations elsewhere. Policy legacies have restricted the range of policy tools that can adjust the labour supply in the face of a looming care crisis.

In Japan, the mode of regulation supported a reproductive bargain in which non-standard forms of employment, such as part-time and agency temporary employment, came to be associated with distinct labour force statuses characterized by inferior contractual rights and with increasing risks. On the one hand, the timing, location, and gender composition of agency temporary employment can be traced back to the language and logics of regulatory reform. Agency temporary employment took off after regulation defined the activity as legal for a positive list of female-typed occupations. A shift in the regulatory language permitted agency temporary employment to spread, albeit unevenly, due to the gendered exemptions protecting male preserves. On the other hand, for part-time employment, the passage and framing of regulation came on the heels of an already upward trend. Once in place, regulation legally sanctioned and gave formal legitimacy to unequal treatment. A spectrum of regulations along with tax reforms created incentives for married women with children to take up part-time employment without interrupting their fertility decisions and care responsibilities. Political institutions and processes as well as economic exigencies influenced the contractual, temporal and spatial conditions of

precariousness.

The coordinated intermediation between labour and capital in large Japanese corporations resulted in the negotiation of a reproductive bargain tying benefits to employment status at the enterprise level and generating strict employment regulations over unfair dismissal that protected core male workers in standard employment. Corporate-centred welfare and industrial regulation left a patchwork of residual policies over work conditions at the national level. What began as a strength so long as the economy was expanding turned into weakness for workers in standard employment, as they (and their unions) were tied to the fate of particular firms. Under-represented in unions, workers in non-standard employment relied on state-based regulations for protections against risks. Many labour regulations based qualifications for protections, rights and entitlements on time thresholds, which excluded most non-standard workers from access. Labour regulations centred around the standard employment relationship not only failed to address the existing penalties for dropping out of the labour force or reducing work hours but also embodied and reinforced the reproductive bargain.

## **PRECARIOUS EMPLOYMENT: LESSONS FROM JAPAN**

In Japan, the origins of precarious employment are rooted in both country-specific factors as well as global processes. The rise of precarious employment in this context predates the recession and deregulation during the 1990s, suggesting sources beyond the confines of narrowly defined economic change. Most accounts of recent labour market changes miss the emergence of precarious employment in large part because explanations point to processes of restructuring or

the neo-liberal political project as driving the growth of non-standard employment. In contrast, an analysis invoking the reproductive bargain situates precarious employment within the Fordist accord, and illuminates growing trends and new tendencies within the systemic linkages and tensions between production and social reproduction by identifying their structures and agents.

The male-breadwinner type of reproductive bargain fosters policies and practices encouraging women to assume responsibilities associated with biological and social reproduction in the absence of adequate social infrastructure of care services, and to derive benefits and rights principally as wives and mothers. Precariousness of non-standard employment is related to sharp dualism in the Japanese labour market. Firm-specific skill development and corporate-based benefits reward long-term standard employment relationships, and the underdevelopment of statutory entitlements and the social infrastructure of care services, while training and wage-setting institutions leave non-standard employment to flourish unprotected yet not unregulated. The stark trade-off in Japan puts in sharp relief a political process that can also be observed in other countries.

The focus on deregulation has diverted attention away from the regulations that initially shaped the contours of precarious employment. The precariousness of non-standard employment is not simply an outcome of less regulation than standard employment but also a consequence of differential treatment written into the language of regulations and the logic underwriting the mode of regulation. The example of Japan may be somewhat unique with respect to the language adopted in specific regulations. However, the case suggests the necessity of inter-referencing regulations and policies governing production and social reproduction to examine biases and

gaps that affect employment practices and conditions.

Given different historical trajectories of part-time and temporary employment, analyses should avoid generalized claims about precarious employment. Part-time employment emerged as Fordism confronted limits of the state-led modernization project. It is significant that the hegemonic framework of the reproductive bargain in Japan kept immigration at a low ebb, despite employers' search for cheap labour. Instead, women in breadwinner households represented an untapped source of cheap labour from which employers could draw for part-time employment further down the production chain. By contrast, agency temporary employment became a viable alternative for women in administrative and knowledge-intensive work. The demand for agency temporary employees increased as the economy moved from Fordism to post-Fordism.

With the ascendance of neo-liberalism in the political realm, there is reason to expect continued growth of precarious employment in Japan and elsewhere. Neo-liberalism pushes states to evacuate responsibility for social reproduction toward privatizing risks. As a result, women and households will bear more of the cost of reproduction (Pearson 2007). This shift will intensify the search for low-wage alternatives to perform reproductive labour. A transnational chain of reproductive labour increasingly commodifies and informalizes employment relations, changing the contours of precarious employment within and across countries. Precarious employment restructures public and private power relationships between men and women, but also among women by class, and often by race, ethnicity and national origins. The making of a new reproductive bargain between the state, capital and organized labour can destabilize the old

gender order.

## **NOTES**

## REFERENCES

- Araki, T. (1997) 'Changing Japanese labor law in light of deregulation drives: a comparative perspective', *Japan Labor Bulletin*, 36(5): 5–10.
- Araki, T. (1999) '1999 revisions of employment security law and worker dispatching law: drastic reforms of Japanese labor market regulations', *Japan Labor Bulletin*, 38(9): 5–10.
- Araki, T. (2002) *Labor and Employment Law in Japan*, Tokyo: The Japan Institute of Labor.
- Bakker, I. and Gill, S. (2003) 'Ontology, method, and hypothesis', in I. Bakker and S. Gill (eds) *Power, Production and Social Reproduction*, Houndsmill: Palgrave.
- Brodsky, M. (1994) 'Labor market flexibility: a changing international perspective', *Monthly Labor Review*, 117(11): 53–60.
- Clement, W. and Prus, S. (2004) 'The vocabulary of gender and work: some challenges and insight from comparative research', unpublished paper presented at Gender and Work: Knowledge Production in Practice conference, October.
- Coe, N., Johns, J. and Ward, K. (2006) 'The Japanese staffing market: industry practices and regulatory change', Working Brief 9, The Globalization of the Temporary Staffing Industry Research Programme, Manchester: Manchester University.
- Ezawa, A. (2005) 'Motherhood and class: gender, class, and reproductive practices among Japanese single mothers', paper presented at the Researching Social Class in Japan Conference, Michigan, June.
- Ezawa, A. and Fujiwara, C. (2003) 'Lone mothers and welfare-to-work policies in Japan and the United States: towards an alternative perspective,' paper presented at the New

- Challenges for Welfare State Research, International Sociological Association RC-19 Poverty, Social Welfare and Social Policy, University of Toronto, 21–24 August.
- Gottfried, H. (2000) ‘Compromising positions: emergent neo-Fordisms and embedded gender contracts’, *The British Journal of Sociology*, 52(2): 235–59.
- Gottfried, H. (2003) ‘Temp(t)ing bodies: shaping gender at work in Japan’, *Sociology*, 37(2): 257–76.
- Gottfried, H. and O’Reilly, J. (2004) ‘Re-regulating breadwinner models in socially conservative welfare regimes: comparing Germany and Japan’, in H. Gottfried and L. Reese (eds) *Equity in the Workplace: Gendering Workplace Policy Analysis*, Lanham: Lexington Books.
- Houseman, S. and Osawa, M. (2003) ‘The growth of nonstandard employment in Japan and the United States: a comparison of causes and consequences’, in S. Houseman and M. Osawa (eds) *Nonstandard Work in Developed Economies*, Kalamazoo, MI: W.E. Upjohn Institute.
- Ito, R. (2005) ‘Crafting migrant women’s citizenship in Japan: taking “family” as a vantage point’, *International Journal of Japanese Sociology*, 14: 52–69.
- JIL [Japan Institute of Labour] (1999) ‘1998 White Paper on Working Women’, *Japan Labor Bulletin*, 38(4).
- JILPT [Japan Institute for Labour Policy and Training] (2007) *Japanese Working Life Profile, 2006/2007 Labour Statistics*, Tokyo: Japan Institute for Labour Policy and Training.

- Kojima, N. and Fujikawa, K. (2003) 'Nonstandard work arrangements in the U.S. and Japan from a legal perspective', in S. Houseman and M. Osawa (eds) *Nonstandard Work in Developed Economies*, Kalamazoo, MI: W.E. Upjohn Institute.
- Ministry of Health, Labour and Welfare (1995) *Labor Force Survey*, Tokyo: Ministry of Health, Labour and Welfare.
- Ministry of Health, Labour and Welfare (2000a) *Labor Force Survey*, Tokyo: Ministry of Health, Labour and Welfare.
- Ministry of Health, Labour and Welfare (2000b) *General Survey on Diversified Types of Employment*, Tokyo: Ministry of Health, Labour and Welfare.
- Ministry of Health, Labour and Welfare (2000c) *Basic Survey on Wage Structure*, Tokyo: Ministry of Health, Labour and Welfare.
- Ministry of Health, Labour and Welfare (2000d) *Business Reports from Worker Dispatching Business*, Tokyo: Ministry of Health, Labour and Welfare.
- Ministry of Health, Labour and Welfare (2001) *Labor Force Survey*, Tokyo: Ministry of Health, Labour and Welfare.
- Ministry of Health, Labour and Welfare (2002) *General Survey of Part-Time Workers*, Tokyo: Ministry of Health, Labour and Welfare.
- Ministry of Health, Labour and Welfare (2006) *Basic Survey on Wage Structure*, Tokyo: Ministry of Health, Labour and Welfare.
- Morishima, M. (2001) 'Contingent workers in Japan: new developments and unexpected consequences', *Japan Labour Bulletin*, 40(3): 5–10.
- Nagase, N. (2006) 'Japanese youth's attitudes towards marriage and child-rearing', in M. Rebeck and A. Takenaka (eds) *The Changing Japanese Family*, London: Routledge.

- OECD [Organisation for Economic Cooperation and Development] (2002) *OECD Employment Outlook 2002*, Paris: OECD.
- (2007) *OECD Employment Outlook 2007*, Paris: OECD.
- (2008) 'Incidence of permanent employment', OECD Stats. Online. Available HTTP: <http://www.oecd.org/els/employment/data> (accessed 24 July 2008).
- Ogura, K. (2005) 'International comparison of atypical employment: differing concepts and realities in industrialized countries', *Japan Labour Review*, 2(2): 5–29.
- Orloff, A. (2008) 'Farewell to maternalism?', unpublished PowerPoint presentation from the Workshop on Inequalities in Japan, Europe, and the US; and also presented at the Reischauer Institute of Japanese Studies, Cambridge, March.
- Osawa, M. (2001) 'People in irregular modes of employment: are they really subject to discrimination', *Social Science Japan Journal*, 4(2): 183–99.
- Pearson, R. (2007) 'Gender, globalisation and development: key issues for the Asian region in the 21st century', keynote address, International Workshop, Beyond the Difference, at Ochanomizu University, 13–14 January.
- Sato, H. (2001) 'Is "atypical employment" a flexible form of working life?', *Japan Labour Bulletin*, 40(4): 6–10.
- Shire, K. (2007) 'Gender and the conceptualization of the knowledge economy in comparison', in S. Walby, H. Gottfried, K. Gottschall and M. Osawa (eds) *Gendering the Knowledge Economy: comparative perspectives*, Houndsmill: Palgrave.
- Shire, K. and Imai, J. (2000) 'Gender and the diversification of employment in Japan', in H.G. Brose (ed.) *Reorganisation der Arbeit*, Frankfurt: Campus Verlag.

Vosko, L.F. (2006) 'Precarious employment: towards an improved understanding of labour market insecurity', in L.F. Vosko (ed.) *Precarious Employment: understanding labour market insecurity in Canada*, Montreal and Kingston: McGill-Queen's University Press.

Weathers, C. (2001) 'Changing white-collar workplaces and female temporary workers in Japan', *Social Science Japan Journal*, 4(2): 201–18.

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<sup>2</sup> Estimates of agency temporary workers vary because of unique contracts in Japan: the LFSS in 2001 defined an agency temporary employee as a person who worked at least one hour during the previous week of the survey, estimating the number at 450,000 or 0.8 per cent of total employment, while the *Business Reports from Worker Dispatching Business* (Ministry of Health, Labour and Welfare 2000d) calculated 1.3 million such workers by aggregating all agency temporary employees, including registered workers employed at least once in the previous year.

<sup>3</sup> Secondary earners' income below a stipulated threshold qualifies for a tax exemption, which makes it economically rational for some married women to reduce their working hours in order to stay below the legally defined income limit (Gottfried and O'Reilly 2004: 114). The information was culled from an interview conducted by the author with an executive of Manpower Japan.