

## VI Examples of Speech and Behavior That May Constitute Harassment

### ■ Examples of Speech and Behavior That May Constitute Sexual Harassment

#### 1. Sexual Speech (speech based on sexual interest or desire)

- ① Asking someone about their bust-hip-weight measurements or talking about their physical characteristics (e.g., “*Chotto futottan jyanai*” (“You gained a little weight”), “*Chotto yasetan jyanai*” (“You lost a little weight”), etc.).
- ② Telling obscene jokes.
- ③ Asking a woman who seems not to be feeling well, “*Kyo wa seiribi ka*” (“Are you on your period?”), “*Mo konenki ka*” (“Are you already in menopause?”), etc.
- ④ Asking someone about their sexual experiences or sex life.
- ⑤ Making someone an object of sexual gossip or sexual teasing.
- ⑥ Talking about one's personal sexual experiences.

#### 2. Sexual Behavior

##### (1) Speech based on sexual interest or desire

- ① Coercing someone into a sexual relationship.
- ② Touching someone's body unnecessarily.
- ③ Persistently asking someone out to eat or out on a date
- ④ Constantly looking at someone's body.
- ⑤ Making phone calls of a sexual nature, or sending letters, emails or SNS communications with sexual content.
- ⑥ Deliberately showing someone obscene photographs or reading obscene articles from magazines, etc.
- ⑦ Using obscene photos, etc., as PC desktop backgrounds.

##### (2) Speech and Behavior Intended to Discriminate on the Basis of Gender

- ① Forcing someone to sing a duet at karaoke.
- ② Making someone sit next to the boss, serve sake, or slow dance at drinking parties.
- ③ Saying things like, “*Otoko no kuse ni konjo ga nai*” (“For a man, you have no guts”), “*Onna ni wa shigoto wo makaserarenai*” (“You can't trust a woman with work”), or “*Josei wa shigotoba no hana deareba ii*” (“It's enough for a woman to be office eye candy”).
- ④ Addressing people in a way that shows unacceptance of their identity with the intention to discriminate on the basis of gender, such as by using the terms *otoko no ko* (boy), *onna no ko* (girl), *boku* (casual form of “I” used by Japanese men), *boya* (boy), *ojosan* (young lady), *ojisai* (uncle), *obasan* (aunt), etc.
- ⑤ Forcing women in the office to serve tea, clean, and help with personal matters just because they are women.

#### 3. Speech and Behavior Against Sexual Minorities (LGBTQ)

- ① Teasing someone or making someone a target of bullying in regards to their sexual orientation or gender identity.
- ② Harassing someone who has come out and disclosed their LGBTQ identity.
- ③ Calling someone names that show unacceptance of their identity (e.g., *homo* (homo), *okama* (queer), etc.

- ④ Speech and behavior that expresses disgust (e.g., “*Homo wa sawaruna*” (“Don’t touch me, you homo”), “*Rezu wa kimochiwarui*” (“Lesbians give me the creeps”), etc.
- ⑤ Saying, “*Eh, kimi kocchi nano*” (“Oh, you’re like this?”) while placing the back of the hand against the face in a gesture used in Japan to connote homosexuality.
- ⑥ Saying, “*Doseiai toka seidoitsuseishogai toka no hitotte, koko ni wa inai yone*” (“No one here is a gay or has a gender identity disorder, right?”
- ⑦ Saying, “*~ santte, otoko? Onna? Docchida ka wakaranai yone*” (“Is ~ a man? Woman? I don’t know which”) when referring to an LGBTQ person.

## ■ Examples of Speech and Behavior That May Constitute Power Harassment

### 1. Physical Aggression (assault or violence)

- ① Punching or kicking a person
- ② Throwing objects at a person

### 2. Psychological Aggression (intimidation, slander, insulting or abusive language)

- ① Speech or behavior that invalidates a person’s character
- ② Prolonged, repetitive, excessive and/or unwarranted levels of criticism
- ③ Repeated overbearing criticism delivered in a loud voice in front of others
- ④ Email or other message delivered to multiple recipients containing concerted criticism of the skills or capacities of a particular person to the point of vilification

Note: Stern criticism may be warranted (and would not constitute harassment) in situations such as: an employee who repeatedly violates social norms (such as arriving late for work) in spite of multiple warnings; or an employee whose speech or behavior is problematic in the context of the type of work or the expectations of a teaching or research institution.

### 3. Isolation (separating an employee from others, excluding them from a group, or refusing to acknowledge their presence)

- ① Deliberately removing an employee from their work duties, isolating them in a separate room for a prolonged period or ordering them to remain at home as retribution for a disagreement of opinion
- ② Ordering employees to ignore a certain individual or isolate them in the workplace

Note: Asking new recruits to undergo a short intensive induction training in a separate room, or ordering an employee who has been disciplined in line with disciplinary regulations to complete a training session in a separate room before returning to their normal duties, does not constitute harassment.

### 4. Unreasonable Demands (assigning tasks that are clearly unnecessary or impossible, or obstructing the work of an employee)

- ① Ordering an employee to perform unnecessary or unrelated tasks for extended periods under unpleasant conditions that cause physical pain
- ② Subjecting new recruits to targets or objectives that are clearly unachievable without providing the relevant training then criticizing them for failing to achieve
- ③ Forcing an employee to perform personal duties unrelated to the work of the organization
- ④ Forcing an employee to work evenings, weekends or holidays

Note: Assigning an employee a task that is more demanding than their current duties as a capacity building exercise, or assigning more work to an employee during a particularly busy period for the organization, does not constitute harassment.

#### **5. Menial Demands (assigning menial tasks that are well below the abilities or experience of an employee, or refusing to assign tasks for no discernible reason)**

- ① Ordering an employee to perform menial or degrading work in a deliberate attempt to force them out of the organization
- ② Refusing to assign duties to an employee in a deliberate attempt to upset them due to a personality clash

Note: Reducing the scope or nature of an employee’s workload in a manner commensurate with their abilities and experience does not constitute harassment.

#### **6. Personal Infringement (excessive and/or unwanted intrusion into personal affairs)**

- ① Constantly checking on or monitoring an employee outside the workplace or photographing their personal effects
- ② Divulging private information about an employee such as sexual orientation, gender identity, medical history or infertility treatment, without their express consent

Note: Asking a student with a disability about their family situation in the context of accommodating their needs, or passing on information about a person’s sexual orientation, gender identity, medical history or infertility treatment to an HR officer in the context of seeking special consideration and with their consent, does not constitute harassment.

### **■ Examples of Speech and Behavior That May Constitute Harassment in Connection With Pregnancy, Childbirth or Childcare Leave**

#### **1. Harassment of Those Making Use of Systems, Etc.**

- ① When a student, faculty member or staff member consults her boss about taking time off from work for a prenatal checkup and the boss tells her “*Byoin wa yasumi no hi ni iku mono da*” (“Going to the hospital is something done on the weekend or holidays”) or the like, and does not offer assistance.
- ② Saying, “*Sankyu, ikukyu wa mitomenai*” (“Maternity leave and childcare leave will not be approved”), or “*Mo konakuteii kara taishoku todoke (taigaku todoke) wo kakinasai*” (“You do not need to come [to work or school] anymore, so write a letter of resignation [withdrawal]”).
- ③ Saying, “*Shushokushita bakari nano ni ninshin shite, sankyu, ikukyu toru nante zuzushii*” (“You’ve just started working here! You have a lot of nerve taking maternity and childcare leave”)
- ④ When a coworker says to a female student, faculty member or staff member taking time off for childcare, “*Anata ga hayaku kaeru sei de mawari no hito wa shigoto ga fue, meiwaku shiteiru*” (“You’re causing trouble by going home early and making more work for everyone else”).

#### **2. Situational Harassment**

- ① Telling a student, faculty member or staff member who has announced that she is pregnant, “*Tsugi no keiyaku koshin wa shinai*” (“I won’t renew your contract next time”), “*Hoka no hito wo yatou node hayameni yamete hoshi*” (“I’m going to hire someone else, so I want you to quit soon”), or “*Taigaku [kyugaku] shinasai*” (“Just withdraw [take a leave of absence] from school”).

- ② Telling a member who has been hospitalized owing to the danger of miscarriage that she should no longer bother coming to work or school and should just write her letter of resignation.
- ③ When a faculty advisor tells a researcher, who has announced that she is pregnant, “*Kodomo wo toru ka, kenkyu wo toru ka docchi ka ni shiro*” (“You have to choose between having children or doing research”)
- ④ When a faculty advisor tells a student, who has been absent from school due to severe morning sickness, “*Gakugyo ni sennen dekinai nara daigaku wo yameteshimae*” (“If you can’t focus on your education, you should just drop out”).
- ⑤ Saying things like “*Ookina onaka de urouro suruna*” (“Don’t just hang around with that big belly of yours”), “*Mezawari*” (“You’re an eyesore”), or “*Meiwaku*” (“You’re a nuisance”).
- ⑥ When a boss says to a faculty member or staff member who has requested childcare leave, “*Otoko ga ikukyu wo toru nante arien*” (“I can’t believe a man would take childcare leave”), etc.
- ⑦ When a coworker says to a faculty member or staff member who has requested childcare leave, “*Omae ga yasumi wo toru sei de mawari no hito wa shigoto ga fue, meiwaku shiteiru*” (“You’re causing trouble by taking leave and making more work for everyone else”).

### ■ Examples of Speech and Behavior That May Constitute Racial Harassment

- ① Harassing people or subjecting them to unfair treatment because of one’s prejudices against people from a specific country or of a certain race or ethnicity, or because of their nationality.
- ② Unfair discriminatory speech and behavior from a teacher during class against a specific country, race or ethnicity with no relation to the theme of the class.
- ③ Ignoring international students’ cultural backgrounds and forcing them to act according to the same standards as Japanese people.
- ④ Routinely telling jokes that make fun of a specific country, race or ethnicity.
- ⑤ Using racial slurs as a form of bullying in class, during extracurricular activities, or in the workplace.

### ■ Examples of Speech and Behavior That May Constitute Other Forms of Harassment

- ① *ojisan* (uncle – used to mean old man), *obasan* (aunt – used to mean old woman), *ji-ji* (old man), *ba-baa* (old lady)
- ② *boku* (casual form of “I” used by Japanese men but can indicate that speaker views the listener as inferior or immature when used as “you”), *boya* (boy), *ojosan* (young lady)
- ③ *debu* (fatty), *busu* (ugly woman), *busaiku* (ugly), *hage* (baldy)
- ④ *baka* (stupid), *muno* (incompetent)
- ⑤ *~shogai* (disabled)

Note: The terms listed above may sometimes be employed in the context of light-hearted banter between people who enjoy a close friendship. It must be remembered however that in the wrong context these words can be interpreted as harassment.