

Institutional Risk Management: Roles of Consistency and Accountability

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ABSTRACT: In late modern times, understanding “institutional risk perception” has become increasingly important (Freudenburg and Pastor 1992), and studies have been conducted to examine how various institutions amplify and attenuate risks (Rothstein 2003; Tezuka 2006). This paper focuses on a sexual harassment accusation raised by a female journalist against a top governmental bureaucrat in Japan in 2018. Rather than focusing on individuals, the analysis centers on how the institutions involved, TV Asahi and the Ministry of Finance (MOF, hereinafter), managed this crisis. The paper analyzes the sequence of various measures taken by these organizations, distinguishing inward- and outward-looking risks (Crandall, Parnell, and Spillan 2010). It argues that the attenuation measures the MOF adopted to alleged scandals increased public perception of risk and enhanced its crisis since its crisis management lacked consistency, changing schemes several times depending on criticisms they get. On the other hand, TV Asahi needed to face more inward-looking risk, verifying the adequacy of the organization’s response previously taken to the journalist when she consulted about the harassment incidents with her superior. Both institutions exhibited a lack of consistency and accountability, which are two important values for effective institutional risk management.

KEYWORDS: sexual harassment, institutional attenuation, crisis management, inward-looking risk, outward-looking risk

1. Introduction

One of the risks that one can encounter in the workplace is sexual harassment. Such harassment can cause serious physical and mental damage to the victim; they might lose their self-confidence or fear losing his/her jobs when they make the case public (Fitzgerald 1993; Willness, Steel, and Lee 2007). In 1985, the Equal Employment Opportunity Law (EEO, hereinafter) came into force in Japan. Although the media started to use the Japanese term ‘*sekuhara*,’ which means sexual harassment in Japanese, widely, it had been difficult to complain of sexual harassment in workplaces or courts; women dared not speak out of fears of secondary bashing (Ito 2017; McNeil 2017; McNeil 2018).

Against this background, a weekly news magazine was published in April 2018 that designated a top bureaucrat in MOF, representing an accusation of sexual harassment at a meeting for gathering information. In response to this report, public debates arose that involved not only the accuser and the accused but also the institutions to which they belonged. Since public debate arguing for various social ethics has been analyzed in Nagashima (2024), we here analyze the case from an institutional risk governance point of view as to how successfully both institutions dealt with the crisis. Indeed, the incident made reputation management more important since both institutions are highly public organizations: MOF is sometimes called “the highest and most powerful governmental office,” and TV Asahi is one of the most famous and popular TV media. This paper focuses on the role of organizations in risk recognition and management.

The arguments in this paper proceed as follows. Section 2 discusses the concept of “risk” as used here and distinguishes between inward-looking and outward-looking risks in analyzing institutional risk perception. Furthermore, the importance of “consistency” and “accountability” is introduced as guiding values when institutions deal with crises in modern democratic societies. In section 3, as an empirical background, the case in hand is briefly outlined, as well as the related legal rules and recommended practices concerning “sexual harassment” in Japan. In section 4, by utilizing inward and outward-looking risks (Crandall, Parnell, and Spillan 2010), the development

of the risk stream of this sexual harassment incident is analyzed, focusing on both institutions involved. Specifically, it is argued that MOF needed to deal with outward-looking risks, while TV Asahi dealt with inward-looking risks. Their risk management will be related to modern standards of risk management: consistency and accountability. The discussion is concluded in section 5. The paper will begin by presenting the theoretical framework through which this case will be analyzed.

2. Theory

2.1. Risk as Socially Constructed Notion

Risk is a way of looking at the future, focusing on a possible loss. Although the concept of risk can be traced back long ago, the development of modern concepts of risk rests heavily on the quantification of statistical advances (Hacking 1990). In this sense, the typical risk is characterized as the probability of an adverse event magnified by its adverse consequence (National Research Council 1989). This formalization of risk is useful in areas such as medicine, engineering, environmental chemistry, and nuclear development, where scientific risk management, in its simplest form, includes risk assessment, communication, and management.

However, it soon became clear that this objective but limited approach to risk fails to address several important issues. One of the biggest problems was that people do not always accept such an assessment. People recognize and respond to risks in an entirely different way from scientific assessments (Kahneman and Tversky 1979; Fischhoff, Lichtenstein, Slovic, Derby, and Keeney 1983); people do not always face risks based on logical, rational, and clearly conscious decisions. Secondly, people are keenly aware that the knowledge of the risks used to generate scientific assessment and management may, in fact, be limited and temporary (Lash 1993). In other words, the notion of risk has increased public awareness of the role of uncertainty behind expert decisions (Reddy 1996). Thirdly, doubts about the objectivity and universality of science also came from the science side. Science studies have revealed that scientific activities should rather be viewed as a socially created project (Bloor 1991; Latour and Woolgar 1979), and the traditional belief of science as a universal truth came to be questioned.

Through these criticisms, sociological, psychological, and cultural risk studies gradually revealed that risks were socially created, and researchers started to notice that risk notion, once released from the narrowest quantificational definition, can be applied not only to scientific biophysical losses but also to wider areas of social life such as reputation losses.

To partially answer why this extension of the risk notion occurred, it is important to consider how people perceive risks in modern society. Because of the expertise and expansion of modernized information technologies and networks, people no longer know about the risks of primary observations (Luhmann 1993; Beck 1992). Rather, we experience, interpret, and respond secondarily to socially transmitted risks. Risks are not static and objective but are always interpreted and negotiated by social institutions, cultures, and moral positions of the time. Risks are conveyed through the creation of a variety of information chains in the media, creating some arbitrary visibility of various risks; that is, while a lot of serious risks can be overlooked, relatively minor events can get unduly heavy attention when “everywhere the spotlight in search of a cause falls, fire breaks out” (Beck 1992: 32).

2.2. Institutional management of the risk

This socially constructed nature of risk perception is especially important when we think about institutions. Managing risks or controlling crises is impossible, especially in late modern societies, without attaining an understanding and the approval of various social sectors. In today’s world, institutions especially need to pay attention to justifications for their behaviors. Various organizations, such as companies, governments, and even hospitals and schools, need to justify their own organizational behaviors and governance (Power 2007). That is, reputation management

became more important than ever and added this new dimension to risk management (Power 2007). This trend has been summarized in the concept of reputational risk and its control in recent years (O'Callaghan 2007).

The need to pay attention to reputational risk was induced by special values modern democratic societies hold. Following Rothstein, Huber and Gaskell (2006), we take consistency and accountability as the two most significant values whenever public organizations need to address crises. Unlike the biophysical risks posed by science and technology, reputational risk can be considered to be made by humans and society, and thus, it is important to look into how successfully various organizations deal with the problem in times of crisis.

2.3. Inward-looking and Outward-looking Risks

As for organizational governance, distinguishing two types of risks is useful: inward-looking risks and outward-looking risks (Crandall, Parnell, and Spillan 2010). Inward-looking risks relate to the appropriateness of the internal response to each worker and whether an effective system has been established for measures against any problems. Outward-looking risks are the risks of whether the response by each organization is well accepted by society. Put differently, inward-looking risk is the risk that an employer faces with respect to whether it has taken or will take appropriate action for organizational members or employees. On the other hand, outward-looking risk depends on whether an institution can take appropriate attenuation measures to manage the crisis without hindering business operations and adversely affecting the social reputation of the organization. Although these two types of risks overlap, they are heterogeneous in that they require different risk responses with different targets. We argue that TV Asahi and MOF mainly faced inward-looking risk and outward-looking risk, respectively.

3. Empirical Background

The case became open when the Weekly Shincho came into sale on April 12. This issue claimed that Mr. Junichi Fukuda, the then Administrative Vice-Minister (AVM, hereinafter) of MOF, had previously verbally harassed several female journalists. Among them, the focus was on the event at the restaurant near his home on the night of April 4, when a female journalist interviewed Mr. Fukuda for information-gathering purposes concerning a political scandal that came out on that day. The conversation, which included inappropriate statements, was recorded by a female journalist and later brought into the weekly magazine publisher.

Given the highly public nature of stakeholders, mass media such as TV and newspapers covered the case widely, and various public debates arose during the management of this crisis. Because the MOF and TV Asahi are both direct, concerned parties and public institutions, they are risk managers. Minister of Finance, Mr. Aso, and Director of the Press Bureau, Mr. Shinozuka, are superiors of Mr. Fukuda and the female journalist, respectively. While both institutions needed to take emergency crisis management measures, the legal basis for prohibiting sexual harassment comes from the EEOL. From the legal side, to enforce equal rights for both genders in employment, EEOL, the Equal Employment Opportunity Law, was administered in 1985 in Japan. It was further amended in 1997 to prohibit discrimination against women in recruitment, hiring, and promotion, and imposed a duty of consideration by employers on the prevention of sexual harassment.

While the EEOL was for the private sector, for the public sector, The National Personnel Authority Rule 10-10 (NPAR 10-10) came into effect in 1999, obliging employees engaged in public service to prohibit sexual harassment and government agency heads and supervisors to take preventive measures. These provisions of the organization's obligation to prevent sexual harassment are essential in interpreting sexual harassment as a right to work and not as an issue among individuals. In fact, they can be traced back to the Constitution of Japan. Particularly, articles 11 and 13 of the Constitution of Japan are considered to be the basis of the EEOL and

other laws related to sexual harassment (Human Rights Education Promotion Center 2010). Article 11 guarantees basic human rights, and Article 13 guarantees individual respect and the right to pursue happiness. Protection of privacy is also interpreted as part of the right to pursue happiness.

Comparing the private and the public sectors, the employer is primarily responsible for preventing sexual harassment in the private sector. In the public sector, the responsibilities of the heads of each ministry and agency are defined in correspondence with the private sector's employers, although the 10-10 related documents rather focus on the education of individual employees. In this regard, Mr. Fukuda, as the AVM, was the head of the administrative division of the Ministry of Finance and thus was in the position to be responsible for preventing sexual harassment. Despite these differences, both NPAR 10-10 and the EEOL stipulate that sexual harassment is not limited to employees or workplaces in a narrow sense; that is, an occasion a journalist having an information gathering meeting with an official is regarded as working environment.

4. Analysis

Let us now turn to the analysis of the case. Following Yin (2018), all documents transmitted by the MOF and TV Asahi were collected directly from their websites. Various newspapers, as well as the Weekly Shincho, are referenced to understand the actions and counteractions of various stakeholders. Specifically, besides Yomiuri Shimbun and Asahi Shimbun, which are the two most commonly read newspapers, Sankei News (operated by Sankei Shimbun and Sankei Digital) has also been referenced to add an alternative view that does not conform to the traditional right- vs. left-wing division. Materials were systematically gathered between April 12, the day the risk event became public, and April 27, the day the press conference at the end of the MOF's investigation took place.

As discussed in Section 2, on the basis of the distinction between inward and outward-looking risks, we will start with MOF, which needed to focus on the outward-looking risks.

4.1. MOF: Outward-looking risks

After the incident was made public by the Weekly Journal article on April 12, this situation was reported by a massive amount of news media. Here, we focus on MOF's handling and public reactions against them in order. After the incident was published, MOF first decided to rebuke the suspected individual. Minister Aso, Mr. Fukuda's superior, presented the idea that the MOF would not make a detailed investigation and only sternly warned Mr. Fukuda concerning this issue (Yomiuri Shimbun 2018, April 12). MOF's first step was to attenuate the incidence by treating it as if it was a minor mistake that Mr. Fukuda had committed. However, demands from various quarters, including the ruling Liberal Democratic Party, were raised to clarify the facts (Asahi Shimbun, 2018, April 13). Since the Daily Shincho website released the audio data as evidence, in which conversations between the journalist and Mr. Fukuda were recorded, the certitude of the incident had increased.

Accordingly, on April 13, the MOF changed the policy and decided to hold a formal interview with Mr. Fukuda, following procedures that Rule 10-10 prescribed. In this interview, then AVM Mr. Fukuda denied suspicion of sexual harassment and said that he was in preparation for suing Shinchosha, the journal company (Ministry of Finance 2018, April 16a). Along with this, then Minister Aso referred to the rights of the accused as "we have to think of (Mr. Fukuda's) human right" because Mr. Fukuda denied committing sexual harassment (Asahi Shimbun on April 17, 2018). However, public voices criticizing objectivity arose since this interview was conducted by Mr. Fukuda's subordinates, the then Director-General of the Minister's Secretariat, Mr. Yano, and other officials (Ministry of Finance 2018, April 18).

Upon the criticism, the MOF decided to outsource the investigation through outside lawyers and requested other female journalists come and talk to lawyers if there were other harassment incidences than the main case in question. However, again, various public voices criticizing the investigation policy arose. One of the strongest criticisms was formed by several lawyers familiar with labor issues and sexual harassment. They pointed out MOF's investigation policy has at least two major fallbacks (Uchiyama 2018):

- 1) It does not have neutrality since the supposedly third-party investigation is conducted by an attorney entrusted by the MOF, where the accused, Mr. Fukuda, served as the head. (Ministry of Finance 2018, April 16b; Asahi Shimbun, 2018, April 17).
- 2) There is no description that a report can be made anonymously. It is unclear how the investigation results will be used and how the privacy of the journalists can be adequately protected. Further, no considerations to prevent secondary harassment.

Recapturing the situation, every step MOF took to handle this issue was met with fierce criticism, even though MOF at least formally responded to the issue per NPAR 10-10 and the accompanying guidelines, such as by interviewing individuals and holding third-party investigations when the statements of both sides differed. This raises the key research question as follows:

RQ-1: Why did the MOF's attempt to manage risk result in an increase of risk rather than a decrease?

For every step MOF took, the public criticized MOF's way of dealing with the case, which lacked objectivity and failed to recognize privacy issues or secondary harassment possibilities. They have changed their correspondence scheme at least three times: from reprimand, an investigative interview by subordinates, to an investigation by lawyers who have professional relations to MOF and Mr. Fukuda. This crisis management lacks consistency, which, as we saw in section 2, is the key criterion for institutional risk control in a democratic society. The MOF also is not sensible for the power relations which exist in various aspects of society. More concretely, if they take into full account a power relation between the journalist or a private media company and an official or the MOF, which is the strongest governmental office, they will understand how difficult it is for female journalists to come forward to talk about their experience of harassment.

To sum up, we have seen that the Ministry's risk management steps did not gain social approval but rather created an image of "inadequate control of risk managers" who, in turn, paradoxically acted "to bring great stimulus to the public" in contrast to the Ministry's intent to attenuate risk and prompt settlement of the issue (Burns, Slovic, Kasperson, Kasperson, Renn, and Emani 1993: 615; Freudenburg 2003).

4.2. TV Asahi: Inward-looking risks

We will now examine how TV Asahi, another institutional stakeholder, dealt with this crisis. For TV Asahi, the focus of the crisis management is more toward whether inner governance is appropriate. Amid the spread and amplification of public debates, at midnight on April 19, TV Asahi held an emergency press conference to clarify its organizational response. Director of the Press Bureau, Mr. Shinozuka, stated that as a result of an internal investigation, the relevant accuser was a female journalist of the company. He also expressed his repentance for the inadequacy of the company's internal response to the claim raised by the journalist. TV Asahi President Gengo Sunami also held a press conference on April 24 and admitted to insufficient treatment of the issue. (TV Asahi 2018, April 25).

For TV Asahi, an important issue was to verify the adequacy of the organization's response to a complaint previously made by the female journalist, given that this harassment was made public through another company's media. It is important to look back at how the TV Asahi dealt with this harassment issue before.

The fact was that the female journalist experienced sexual harassment several times from Mr. Fukuda over a couple of years. The journalist who had felt anxious had consulted with her superior several times. Nevertheless, the harassment incidents did not become public because the supervisor judged that the female journalist would suffer secondary damage given internal company and social conditions. Rather, they decided not to have one-to-one meetings with Mr. Fukuda for about one and a half years (Sankei News 2018, April 24). However, on April 4, NHK reported on the educational foundation Moritomo Gakuen, noting that the Finance Ministry arranged with Gakuen beforehand to tell the same story about the land deal and to confirm the facts. To get as much information as possible about this big political issue, TV Asahi asked the journalist to have a face-to-face meeting with Mr. Fukuda that night (TV Asahi, 2018, April 24). Based on this detail, the research question to be asked here is as follows:

RQ-2: Was the TV Asahi's internal handling of the case sufficient?

To approach this research question, we can further divide the above question into the following two questions:

RQ-2-1 Why did not the superior make the case open?

RQ-2-2 Why did he send the female journalist for the information gathering that night?

RQ-2-1 was answered by the boss at the time of the press conference. He said that he took into account the power relation between a media company and the MOF; that is, she might not be able to effectively carry out her original duty as a journalist by making the claim of sexual harassment open. This will, in turn, harm her career as a journalist. Given their decision to avoid the female journalist having an interview meeting with Mr. Fukuda, RQ-2-2 stands out as a crucial question: that is, why did the boss send her to get information from Mr. Fukuda on that day? According to what was explained in the press conference and other related documents, we can argue that the reason can be traced back to institution's desire to get a scoop. As a media company, the institution wanted to have a scoop or special information related to Moritomo scandal from then AVM Mr. Fukuda. Thus, the company sent the female journalist for the information gathering meeting.

Again, there was not much consistency here since the company once chose not to make the claimed sexual harassment open but rather avoid harassment by restricting the occasion the journalist meets with Mr. Fukuda. However, that strategy was changed in the chance of scoop. Further, the decision not to make the case public at first may lack accountability. It shows that the company lacks an official channel to handle the claim; rather, it gives the impression that the harassment is handled through senior's general judgments. It gives the impression to the public that TV Asahi does not have an internal system that works and protects a person who is suffering from harassment. The institutional management of the crisis, thus, did not succeed in providing a sense of accountability for the whole process of handling it.

To sum up, TV Asahi's handling of the institutional risk was not sufficient and could not hold consistency and accountability, which are the two important values of institutional risk management in a democratic society.

5. Conclusion

Sexual harassment is often associated with power, and the damage to the victim is immeasurable. Given the need for an effective response to sexual harassment, workplace organizations are required to address the issue and manage the crisis based on the values accepted in a democratic society.

MOF has been forced to manage outward-looking risks. However, this paper argued that their attenuation efforts did not work, rather they boosted the public perception of risk and enhanced the crisis. On the other hand, TV Asahi needed to face more inward-looking risk, verifying the adequacy of the organization's response previously taken to the journalist when she consulted about the harassment incidents with her superior. The company was not able to take a consistent approach to protect the female journalist from sexual harassment. Rather, the company's benefit to get scoop or special information was given priority over the protection of

the female journalist. We argued these organizations were not able to consider the importance of consistency and accountability in their crisis management.

I will conclude this paper with a simple description of the events. On April 18, 2018, Mr. Fukuda, without admitting the sexual harassment, announced his resignation, stating, “under these circumstances, I cannot fulfill my current duties” (Yomiuri Shimbun 2018, April 25; Ministry of Finance 2018, April 27). This resignation was officially approved at a Cabinet meeting on April 24. On April 27, right before the starting of a consecutive national holiday, the MOF held a press conference and announced that it would recognize that sexual harassment happened and terminate the investigation on the grounds that Mr. Fukuda had no particular objection or rebuttal evidence.

The female employees of TV Asahi who filed the accusation made the following comments through the company (Sankei News 2018, April 27).

“It is regrettable that former AVM Mr. Fukuda did not admit to committing sexual harassment, but I deeply accept that the MOF acknowledged the fact and apologized. I don’t want a society in which harassment damages can be repeated, and there are high barriers to complaining about the damage. I hope that the dignity of all people will be respected and that we will realize a society that fosters a friendly working environment for everybody.”

On May 9, after a consecutive holiday, the MOF invited Ms. Takako Sugaya, an attorney, to the MOF to provide training on sexual harassment to approximately 80 executives. The training, which lasted for an hour and a half and was closed to the public, was the first such training for the executives. Almost all executives were male, and approximately 20 women responsible for sexual harassment counseling in each department also participated in the training (Asahi Shimbun 2018, May 10).

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