



Labor Update No.8 May, 2017

This bulletin contains information on law changes that have either passed, or are being discussed, in parliament, court decisions, and other labor issues in Japan that are of interest to activists.

1. Ninety percent believe that “penalties should be stricter for cruelly long hours”: Yomiuri poll

The Yomiuri Shimbun has conducted a nationwide poll (by mail) concerning “styles of working”. The number of people answering that they “believe” in a system of “equal work for equal pay”--where regardless of regular or irregular employment, those with the same abilities, results, and length of service should be paid the same amount--rose to 71%, greatly outnumbering the 27 % who answered that they did “not believe” so.

Those who believed “strongly” or “somewhat” that long working hours were “a problem” in today’s Japanese society added up to 90%. 90% also answered “in favor” of applying penalties strictly to companies that made people work cruelly long hours, while 8% were “opposed” to this.

The government is preparing to submit relevant bills to the Diet, not only regarding “equal pay for equal work”, but also to introduce upper-limit regulations on overtime work, with penalties. The majority of opinions showed an understanding of this direction.

2. LDP project team to propose making use of foreign students in the workforce

In order to make active use of foreign students in the workforce, The Liberal Democratic Party’s “Project Team to Build a Society Where Everyone Can be Active” will propose to the government a plan to clarify the Education Ministry’s responsibility in improving the quality of education at Japanese language schools, and to relax the limit (28 hours per week) placed by the immigration law on foreign students’ hours of work.

At the same time, in response to the current situation, where only about half of those foreign students wishing to find jobs in Japan are able to get hired at Japanese companies, they also will propose an increase in the government’s budget relating to strengthening job-hunting support and to improving the living environment for foreign students.

3. Sixty percent of junior high school teachers at the *karoshi* line: overtime equivalent to 80 hours a month

On April 28, 2017, the Ministry of Education published preliminary results from a 2016 survey

of the working situations of teachers at elementary and junior high schools. It was the first time in 10 years that such a survey had been conducted.

Approximately sixty percent of junior high school teachers were at work for over 60 hours a week, over the limit considered a threshold for *karoshi* (overwork death). Compared to the previous survey in 2006, teachers, principals and all other positions saw an increase in working hours. In addition to increases in the hours of lessons, hours of weekend club activities doubled in junior high schools. The Education Ministry, saying that “there is a limit to how much schools can depend on teachers working long hours”, will make inquiries to the Central Education Council as to their thoughts on remedial measures.

Teachers’ average hours on the job per day on weekdays increased by 43 minutes to 11 hours and 15 minutes for elementary school teachers, and by 32 minutes to 11 hours and 32 minutes for junior high school teachers. 33.5% of elementary school teachers and 57.6% of junior high school teachers worked more than 60 hours per week, meaning over 20 hours of overtime. This is equivalent to 80 hours’ overtime per month, the guideline used by the Health, Welfare and Labor Ministry for approving Workers’ Accident Compensation for overwork death.

By type of duties, hours spent on “lessons” increased by an average of 27 minutes per day in elementary schools and 15 minutes in junior high schools, while hours spent in “lesson preparation” also increased by 8 minutes per day in elementary schools and 15 minutes in junior high schools. This is seen as a result of the increase in the number of lessons since the previous survey. In junior high schools, the average time spent by teachers on weekend club activities nearly doubled, from 1 hour and 6 minutes in the previous survey to 2 hours and 10 minutes in this one.

Survey results in the link below (in Japanese).

http://www.mext.go.jp/b_menu/houdou/29/04/1385174.htm

4. May 2017 Household Budget Survey preliminary figures announced on April 28 by Statistics Bureau, Ministry of Internal Affairs and Communications

Summary (for households of 2 or more people):

- ◆ Consumption expenditures averaged 297,942 yen per household, a decrease in real terms of 1.3% from the same month of the previous year. Excluding housing, etc., consumption expenditure was 252,563 yen per household, a real decrease of 1.9% from the same month of the previous year.
- ◆ Net income for workers’ households was 445,607 yen per household, a real decrease of 1.4% from the same month of the previous year.

5. Surviving families of *karoshi* victims apprehensive about overtime limit regulation: “it would recognize the *karoshi* line”

At the Health, Welfare and Labor Ministry’s Council for Promotion of Measures to Prevent Death from Overwork, which is deliberating national measures against *karoshi* (overwork death) and *karo-jisatsu* (overwork-related suicide), bereaved families sounded an apprehensive

note about the regulations the Government aims to introduce to limit overtime work, saying “this could lead to recognition of 100 hours per month as the *karoshi* line”.

Surviving families repeatedly expressed opinions such as “we’re afraid the Government plan could recognize a standard *karoshi* line” and “it wouldn’t apply to occupations like research and development, which have high rates of overwork death, so measures in that area would end up being put off”.

Over the past few years, the number of approvals for Workers’ Compensation in cases of *karoshi* and *karo-jisatsu* has fluctuated on either side of 200. The situation continues to be severe.

Information on the Council for Promotion of Measures to Prevent Death from Overwork can be found in the link below (in Japanese):

<http://www.mhlw.go.jp/stf/shingi/0000061675.html?tid=224293>

6. Debate begins on concrete plans for “equal pay”

The Labor Policy Council of the Health, Welfare and Labor Ministry began concrete discussions on April 28, 2017, regarding the realization of equal pay for equal work, in other words paying the same level of wages for the same contents of work.

On the subject of equal pay for equal work, in order to eliminate unreasonable wage disparity between regular employees and irregular workers, the Government is intending to amend the necessary laws in line with the guidelines they announced last year.

Management-side members of the Council expressed opinions such as “we have doubts about whether we can give the same treatment to employees re-hired after retirement” and “if employers are required to explain to the worker whenever there is a difference in conditions, this would put a large burden on small and mid-size companies that don’t have enough people in charge of personnel”. Labor-side Council members responded with the counter-argument that “companies must clarify what a regular employee is for comparison, and explain the reasons for the difference”.

The Labor Policy Council will put together its report by this summer, and then the Ministry plans to submit bills to amend the necessary laws at the special session of the Diet in the autumn.

The second meeting will be on May 12.

Information on Labor Policy Council (Labor Conditions Subcommittee; Employment Security Subcommittee; Employment Equality Subcommittee, Equal Pay for Equal Work Section) in the link below (in Japanese):

<http://www.mhlw.go.jp/stf/shingi/shingi-rousei.html?tid=443697>

7. Four days off in six months: recognized as *karoshi* even though overtime was under the national limit

In the case of a female company employee who died in 2015 aged 50, the Yamaguchi Labor Standards Inspection Office approved compensation for an industrial accident (overwork death). The woman's average overtime hours were below the national *karoshi* recognition line; the exceptional ruling was made taking into account that she had only been able to have four days off in the six months leading up to her death.

Ms. Tomomi Saito of Hofu City, Yamaguchi Prefecture, who was in charge of deliveries for a *bento* (box lunch) sales company in that prefecture, died suddenly at her home in November of 2015. The cause of death was attributed to heart failure. Ms. Saito had worked at the company since 2007. In the month before her death, she worked a total of 70 hours and 11 minutes of overtime. Her average overtime hours over the 2-6 months before her death ranged from 71 to 77 hours per month.

This does not meet the national standard for recognition of *karoshi* (either 100 hours overtime in the month before the incident, or an average of 80 hours per month over 2-6 months before). However, the bereaved family asserted that over the six months leading up to the incident, Ms. Saito had only had four days off work. In particular, they claimed in applying for industrial accident compensation that she had been at work 91 days in a row from August 14, 2015, to November 12, 2015. On February 17 of this year, the Yamaguchi Labor Standards Inspection Office accepted the family's claim, acknowledging Ms. Saito's death as a case of *karoshi*.

Since the overwork suicide of Ms. Matsuri Takahashi, newly-hired employee of Dentsu, there has been increasing debate over styles of work. On March 28, the government, aiming to amend and arrange the relevant laws, decided on a "Work-Style Reform Implementation Plan" containing the new addition of maximum limits, with penalties, for overtime work.

In the plan, the upper limit on overtime work per year, assuming the existence of a 3-6 agreement (overtime agreement), is set at 720 hours per year, including busy periods. For busy periods, the limit is "less than 100 hours in a month" and "up to an average of 80 hours per month over 2-6 months". This level is a *de facto* acceptance of the *karoshi* line, and has faced much criticism.

Also, work on holidays is not included in the yearly maximum of 720 hours. There is no limit set on consecutive work through legal holidays, as in the case of Ms. Saito.

Experts say that this proves a "reform" that does not touch on holiday work cannot prevent overwork death. They insist that the national government must return to the beginning of the discussion, and think if measures that will actually be effective.

8. Number of children under 15 in Japan decreases for the 36th year in a row

The Ministry of Internal Affairs announced their estimate on May 4. According to this, as of April 1, 2017, the number of children under 15 years of age was 170,000 fewer than the

previous year at 15,710,000. This is the 36th year in a row that the number decreases, and the lowest it has ever been.

The proportion of children to the total population was 12.4%. This is 1 point lower than last year, and also the lowest it has ever been.

If we look at the number of children by age group, there were 3,350,000 children from 12 to 14 years old; 3,210,000 from 9 to 11; 3,170,000 from 6 to 8; 3,040,000 from 3 to 5; and 2,940,000 from 0 to 2 years old. The younger the age, the lower the numbers.

If we look at the number of children by prefecture as of October 1, 2016, Tokyo was the only prefecture to see an increase compared to the previous year. All 46 other prefectures either saw the numbers remain the same or go down. The proportion of children to total population by prefecture was highest in Okinawa at 17.2%, and lowest in Akita at 10.3%.

Also, although these estimates were calculated at different times, the percentage of children to total population in countries of over 40 million people was as follows: the U.S. Had 19%, France had 18.3%, and Germany had 13.2%. Japan's number is lower than any of these.

Internal Affairs Ministry Statistics Bureau's estimated number of children (population under 15 y.o.) as of April 1, Heisei 29 [2017] in the link below (in Japanese):

<http://www.stat.go.jp/data/jinsui/topics/topi1010.htm>