



Labor Update No. 101 November 27, 2020

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. Law/Policy

(1) “Equal Pay for Equal Work Bill” submitted jointly by four opposition parties

The Constitutional Democratic Party (CDP), Japan Communist Party (JCP), Democratic Party for the People (DPFP) and Social Democratic Party (SDP) have jointly submitted an “Equal Pay for Work of Equal Value” bill to the House of Representatives. This is in response to the October decision of the Supreme Court and the series of court losses by part-time workers who were not paid severance or bonuses.

“Bill to Amend Part of the Act on Improving Employment Management of Short-Hours Workers and Limited-Term Employees, Etc.”: CDP, DPFP, JCP, SDP

http://jnews.generalunion.org/20201113-bill-Equal_value_work-Equal_pay.pdf

(2) Employment subsidy special measures extended to end of February; daily maximum kept at ¥15,000

The government has decided to extend the special measures for employment adjustment subsidies—taken in response to the coronavirus pandemic and previously set to expire at the end of December—through the end of February next year, while maintaining the maximum daily limit (¥15,000) and the subsidy rate at their current levels. Originally the plan had been to begin stepping down the subsidy levels starting in January. With the number of people infected setting new high records in November, the judgement was made that further substantial support would be needed to prevent even more worsening of the employment situation.

Press release “Employment Adjustment Subsidy Special Measures to be Extended”, MHWL (Nov. 27, 2020)

https://www.mhlw.go.jp/stf/enchou210228_00003.html

(3) Exemption from *Shakai Hoken* premiums during childcare leave expanded to include “2 weeks in the same month”: MHWL

At a meeting of the Medical Insurance Subcommittee of the Social Security Council (an advisory body to the MHWL), the MHWL has made clear its intention to expand the

eligibility for exemption from *Shakai Hoken* (employee health and pension) premiums during the period of childcare leave. Currently, one is completely exempt from paying the premium for a given month if one is on childcare leave as of the end of that month. From now on, those who have been on leave for a total of two weeks or more during that month will become eligible.

Under the current system, while those whose leave ended before the end of the month were not eligible for the exemption, those who took even one day of leave on the last day of the month were exempt. The MHWL intends to eliminate the sense of unfairness in the current system, while also encouraging more people, including men, to take childcare leave.

(4) LDP Diet caucus proposes raising the “Lump Sum Childbirth Allowance” by ¥40,000

In order to deal better with the declining birthrate, the LDP caucus in the Diet has put together a proposal to raise the amount of the “Lump Sum Childbirth Allowance”, a subsidy to help cover childbirth costs, by ¥40,000 or more from the current ¥420,000 per baby.

The proposal seeks to increase the amount by ¥40,000 or more on the grounds that, especially in cities, the costs associated with childbirth have been going steadily up every year, and the financial burden on new parents has been growing heavier.

Furthermore, since subsidies from municipalities, etc., have been called not enough to pay for health checkups for pregnant women, the intent is to reduce the burden of these costs as well.

The caucus will soon formally adopt the proposal and submit it to the government.

(5) Education Minister: “no nationwide school closings, even if emergency declared again”; “Common Test to be held as planned”

Regarding the response in schools in case another State of Emergency Declaration should be issued due to the spreading of COVID-19, education minister Hagiuda Koichi has stated that “the rate of infection among schoolchildren is low, and schools are not a center for spread of the disease. We are not considering requesting schools to close nationwide as we did in the spring”.

Also, he explained in regard to next January’s Common Test for University Admission (the new test to replace the national Center Test) that “[even if there is another State of Emergency] we are preparing to carry out the test on schedule as planned”.

2. Legal Violations/Disputes

(1) Nagoya City BoE to pay approx. ¥1.3 million in overtime to 5 part-time public school teachers

Last year in Nagoya, four part-time (*hijokin*) teachers working at city junior high schools

filed a complaint at the Labor Standards Inspection Office claiming that, although they worked overtime, anything outside their contract hours was not considered to be work, and they were not paid any overtime. Afterward, the city Board of Education received a citation for not keeping proper track of the teachers' working hours.

Responding to this, the city BoE, having confirmed the working hours of five teachers (including one who filed a report later), found that a total of about ¥1.3 million in overtime from April of last year to March of this year had been unpaid, and decided to pay this money to the five teachers.

(2) Yamaha Music School teachers form union, negotiate over compensation for closing

Private contractors working as teachers at Yamaha Music School have formed a union. The teachers are private contractors, contracted with Yamaha Music Foundation. But they claim they work in the same way as employees, and aim to improve their working conditions through collective bargaining. According to the Foundation, there are Yamaha music Schools in 2,700 locations nationwide, and a total of about 10,000 teachers. Regarding the formation of a union, they say they "cannot comment".

The teachers have outsourcing contracts with Yamaha, and give lessons at Yamaha's chain stores, among other locations. They do not have employment contracts, but the teaching methods and materials are specified for them, and their working hours and locations decided for them, so they say the job is much the equivalent of being a worker (employee). They see problems such as them being required to attend recitals at the Yamaha stores without pay, and their compensation amount being too low when the schools had to close due to coronavirus or other reasons. They aim to improve these conditions by negotiating with the company. The union chair, a woman in her 20s, says "we want to make it so music teaches all over the country can feel at ease working from now on".

(3) Founder was proud of being a "good company [to work for]", but... suit filed over unpaid overtime at Fuji Soba

A case of falsified work records has come to light at standing-counter soba noodle chain Nadai Fuji Soba, which has over 120 branches mainly in the Tokyo area.

Branch managers and assistant managers who belong to a union have filed for a labor tribunal seeking a total of approximately ¥250 million for two years' worth of unpaid overtime.

Furthermore, it has also been discovered that executives of the operating company, Titan Dish, directed subordinates to change the records of days when employees came to work from work days to "special paid leave", for which the company can receive employment adjustment subsidies.

(4) "Dismissals unfair" after production fell due to COVID-19: court complaint filed

Five Brazilian residents in Aichi prefecture have filed a complaint against Hekikai Koki, a parts maker in Nishio, Aichi, and related companies, at the Nagoya District Court, Okazaki Branch. They are seeking an order of provisional disposition to preserve their employee status. The union to which the five belong asserts that “it appears the dismissals were intended to get rid of union members”.

The five were all hired by the company in 2016 or after. As of August this year, they had all renewed their contracts, for a few months at a time, from four to sixteen times. The company, claiming the coronavirus crisis as a reason, announced a plan to dismiss those who had worked less than three years at the end of August, while those who had worked over three but less than five years would be let go at the end of September. Meanwhile, they still took on new dispatch staff and contract employees in July. The company says that “we made a compromise offer, but were unable to reach an agreement. There is no illegality in our company’s actions”. Concerning the complainants’ assertions of an intent to eliminate union members, they say that “we have no such ideas”.

(5) Man fired because he “criticized the work conditions” sues for at Kyoto District Court for confirmation of status

A man involved with a labor union at Yasaka Kotsu posted an open letter of questioning on a union bulletin board at work, saying that “working conditions have been made worse”. The company claimed that this included falsehoods, and subjected the man to disciplinary dismissal in September of this year.

3. Situation/Statistics

(1) Impact of COVID-19 on small and mid-size businesses: “fewer employees working dispatched or outsourced”

Industrial union JAM, composed of member unions of workers at small and medium-sized companies in the machinery and metalworking sectors, does surveys once every six months to assess trends in employment. At the end of September this year, they surveyed 1,806 unions, of which 1,412 (or 78.2%) responded.

According to this, 33.8% of unions answered that, in the half-year from April to September, “the number of employees working on dispatch or outsourcing contracts [had] decreased”. This was 10 percentage points higher than the number of unions that answered that way last time, six months ago.

This is also the highest number to give this response since September of 2009, when the influence of the so-called “Lehman shock” was felt.

By company size, of companies with fewer than 100 employees, 20.2% gave this answer. Of companies from 500 to 1,000 employees, it was 58.1%. The proportion reporting a decrease in the number of non-regular workers was higher the bigger the company.

Also, 25.4% of unions responding said that “the numbers of people working part-time [had] decreased” as well. It would seem that, due to the effects of the coronavirus, there has been an increase in firings and contract non-renewals.

In addition, 28% also answered that even “the number of regular employees [had] decreased”. This is 3.1 points higher than the previous survey’s figure.

At companies with fewer than 100 employees, the number of “increases minus decreases” was a negative number for the first time since September 2013.

(2) Progress of coeducation at public high schools, amid trend toward consideration for sexual minorities: Gunma Prefecture to make next-term plan within this school year

With both the Gunma prefectural government and the city of Annaka announcing plans to introduce a “partnership system” giving recognition to LGBT and other sexual-minority couples, the move to accept gender diversity is widening. On the other hand, Gunma still has thirteen single-sex prefectural high schools (full-day schools), meaning that even in public education, students’ paths of study are still divided by sex. The Gunma prefectural Board of Education is planning to draw up a plan within this school year that will indicate a move toward school mergers and going coeducational. It remains to be seen to what extent consideration will be extended to sexual minorities.

There are only three prefectures—Gunma, Saitama and Ibaraki, all in Kanto—that still have more than ten single-sex schools.

The BoE in Gunma has heard opinions including “we can’t say anything sweeping about single-sex vs. coeducation, but we hope to see active progress on matters like uniform choice and other freedoms”; and “the schools that are still single-sex are university-prep schools that say they ‘have traditions’ and so on, but this isn’t a clear reason to be divided by sex. They should be made coeducational”.

The prefectural BoE is set to put together its Second-Stage Prefectural High School Education Reform Plan (2022-31) within this school year. In the first stage, coeducation accompanied school mergers; it remains to be seen what will happen with this in the second stage.