



Labor Update No. 102 December 11, 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) MHWL asks municipalities to keep up support for unemployed during holidays

Saying there is a risk that increasing numbers of people may lose jobs or homes due to the effects of COVID-19, the Ministry of Health, Welfare and Labor (MHWL) has sent a notice asking cities and towns across the country to make sure of their support systems, including keeping a special window open during the year end and New Year holiday season.

Specifically, the notice calls for measures during the holiday period depending on the situation in each area, to include keeping a special window open at welfare facilities, keeping a telephone consultation line open, and inviting people with worries about their living, such as those who may lose jobs, to consult before crisis strikes.

(2) MHWL coronavirus phone consultation to be available in multiple languages starting December

The MHWL's phone consultation service for those with COVID-19-related questions and concerns will be multilingual starting December 1, the Ministry has announced. It will be available in seven foreign languages: English, Chinese, Korean, Portuguese, Spanish, Thai and Vietnamese. The caller and operator will be joined by another operator who speaks the language needed.

The telephone number is (0120)565653 (toll-free), the same as the one already being used for consultations in Japanese. Consultations are accepted every day, including weekends and holidays, but with different opening hours for different languages. For English, Chinese, Korean, Portuguese or Spanish, call between 9 A.M. and 9 P.M.; for Thai, between 9 A.M. and 6 P.M.; and for Vietnamese, between 10 A.M. and 7 P.M.

(3) “Growth Strategy Action Plan”: PM’s Office

<https://www.kantei.go.jp/jp/singi/keizaisaisei/pdf/ap2020.pdf>

(4) “Health Supervision Manual On Coronavirus Disease (COVID-19) in Schools: Schools’ ‘New Normal’ (Dec. 13, 2020, ver.5)”

Policy changed to “schools generally not to close even if a case of COVID-19 is found”.

https://www.mext.go.jp/content/20201203-mxt_kouhou01-000004520_01.pdf

(5) Workers’ comp insurance for actors and animators: MHWL expands range of eligible professions

In regard to the system by which independent contractors at risk of accidents, etc., can get special enrollment in the national workers’ compensation insurance—normally meant for those who work as employees—the MHWL has decided to add three categories to the list of professions eligible: actors and others in show business, animators, and judo therapists. The plan is for this to come into effect starting next year.

Special enrollment is voluntary. A special enrollment group is set up for each profession; to enroll, one applies to this group and pays the premiums. Then, if one has an accident on the job, one can receive an insurance payout. This system is currently available to independent taxi drivers, construction workers, fishermen, and others. As of the end of 2017, there were 1.87 million people enrolled.

(6) ¥73.6 trillion for new economic measures

Prime Minister Suga has made it clear at a roundtable conference by members of the government and ruling party that government spending for this will be around ¥40 trillion, with the scale of the whole plan being about ¥73.6 trillion.

Vice prime Minister and Finance Minister Aso has stated that “there is a natural limit to what can be done by government initiative, so we must shift to a ‘virtuous cycle’ led by the private sector”.

2. Legal Violations/Disputes

(1) Citation from LSIO to restaurant over unpaid overtime for “specified skilled worker”

A Taiwanese man in his 20s, who worked at a restaurant after obtaining the visa status

of “specified skilled worker”—a category that was newly established with the aim of increasing employment of foreign nationals—had overtime that illegally went unpaid, according to a citation issued by the Fujisawa Labor Standards Inspection Office to the company running the restaurant.

(2) Labor tribunal’s gag order “illegal”, says Nagasaki District Court

In regard to a non-disclosure stipulation in a labor tribunal judgement over the firing of a man in Omura, Nagasaki, it has become known that the Nagasaki District Court has found this order illegal. The man sued the government for compensation claiming the tribunal’s ruling had caused him mental distress, and the court has now pointed this out in its verdict.

(3) “Demanding union give up its office is unfair”, says Osaka Labor Commission in order to Hirakata City government

Concerning the case in which the city of Hirakata, Osaka, demanded that the municipal government employees’ union move out of their office in a City facility, the prefectural Labor Relations Commission has acknowledged that this was an unfair labor practice. The Commission has ordered the city government to sign a pledge saying they will never do the same thing again.

Ever since Hirakata mayor Fushimi Takashi, of the Osaka Restoration Party (Ishin no Kai), took office in 2015, the city government had found fault with articles in the union’s newsletter such as those criticizing the then Abe administration. The city had claimed these articles had “nothing to do with city employees’ work conditions”. Claiming that this constituted use of the city employees’ hall (where the union office was located) for other than authorized purposes, the city in December 2018 demanded the union move out.

(4) Base pay just ¥60,000 a month: Kyoto Labor Commission grants relief order for unfair labor practice against Vietnamese intern

The Kyoto Prefectural Labor Relations Commission has issued a relief order to a garment manufacturing company, saying there had been unfair labor practices committed against a Vietnamese technical intern.

The Vietnamese woman worked as a technical intern at the company, located in Fukuchiyama, Kyoto, starting in 2017. Her base pay was ¥60,000 per month; her hourly pay for overtime, of which she worked about 5 hours a day, was ¥400. After the woman joined a union, these illegal pay standards were amended. But the company refused collective bargaining and pressured the woman to quit the union. The prefectural Labor Relations Commission has found that this was an unfair labor practice, and issued a relief order commanding the company not to repeat these acts. The woman is now working at a different garment factory.

(5) Nine months' wages unpaid--charges filed against group running private elder-care homes

A group that runs private, fee-based residential homes for the elderly in Saga, along with its directors, is facing charges of violating the Minimum Wage Act. It is claimed the group failed to pay a total of ¥5.46 million in wages to four staff members.

According to the Saga Labor Standards Inspection Office, these directors paid no wage at all to the four employees for 8-9 months from August of the year before last to April of last year, and hence are accused of a Minimum Wage Act violation.

The group, in order to pay back their debts, seems to have prioritized remaining in business over paying wages. The total amount that went unpaid is said to total about ¥5.46 million.

3. Situation/Statistics

(1) Municipal government: relying on part-timers becomes the norm

“You’ll have a steady income”, “you can’t get laid off”--government jobs are strongly associated with the image of stable job security. Local public servant even gets ranked top in “what job do you want to do” surveys of high school students.

However, the real situation is quite different from the image.

Among those working at local governments, the number of regular staff continues to shrink. Dependence on non-regular (part-time etc.) staff has become the norm; non-regular workers now account for almost three-tenths of all local government staff.

Experts say that “the yearly income for regular members of general staff is about ¥6.4 million. The standard yearly income for non-regular employees is about ¥1.7 million. It is a little extraordinary for there to be such a big gap in income standards”.

(Example)

After-school care teachers who work for Suita City. Over 160 children are looked after by five teachers and seven assistants, all of whom are non-regular employees.

One teacher in her 50s says that “If a child gets injured, or isn’t feeling well, we have to deal with the situation; or if there’s a case where we suspect child abuse, we have to share information with the authorities concerned. There’s always the question of whether such important tasks should be required of someone with a non-regular status”.

Suita City says that, if workers are unable to fully deal with a situation, a regular staff member will help. But when problems actually occur, it is the non-regular worker on the scene who is required to respond right away.

(2) Sweden Gymnastics lets junior team members choose their “sex category”

The Swedish Gymnastics Federation (SGF) has announced a policy of letting members of the junior team, who are in their teens, choose for themselves which sex to participate as in practice and in competition. Transgender teen athletes will also be allowed, until Junior level (13 to 18, depending on the event) to choose their own category.

The federation has explained that they arrived at this decision as a result of holding “deep discussion on the problems of gender identity and gender expression” in the summer, and announced that “speaking concretely, this means these athletes will be welcome to participate in the group of their choice, in practice and in competitions, regardless of their legal sex, their gender identity, or their gender expression”.

Transgender youths can feel alienated in many types of sport. Some groups in soccer, skating and other sports are said to be preparing to apply more “comprehensive” new guidelines.

(3) Coronavirus crisis causes worldwide wage slump; a blow especially to low-paid workers and women

The International Labor Organization (ILO) has revealed that, in January-June of 2020, monthly wages in most countries decreased or stagnated, and that the adverse effects hit low-wage workers and women the hardest.

The ILO points out in its report that, due to the COVID-19 crisis, “in the near future, there will be heavy downward pressure on wages”.

In two-thirds of countries whose data was collected, wages either declined or their growth stagnated when compared to the same period of the previous year. Wage growth seen in the other third of countries was mainly caused by low-wage workers becoming unemployed, thus causing the average wage to be higher.

In 28 countries in Europe if it had not been for government support such as the temporary furlough systems that were introduced as part of coronavirus measures, women’s average wage would have decreased 8.1% in the second quarter. By comparison, men’s would have gone down by 5.4%.

Those in jobs not requiring high levels of specialized skills lost many more work hours than those in management or specialized jobs.

ILO Director-General Ryder warns that, by worsening inequality, the COVID-19 crisis may leave a disastrous situation of poverty and socioeconomic unrest in its wake.

"Global Wage Report 2020-2021: wages and minimum wages in the time of COVID-19"
ILO

https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/document/publication/wcms_762534.pdf

(4) Maternity leave system for female players approved: new FIFA rules

At a meeting on the 4th, the board of directors of FIFA, world governing body of association football (soccer), approved minimum standards of work conditions such that women players would not suffer disadvantages due to pregnancy or birth. The new rules include a system where players could receive two-thirds of their salary for at least 14 weeks of leave.

Clubs will be required to reinstate players to their team when they return from maternity leave, as well as to provide medical support, etc. They will be allowed to temporarily take on a replacement player. The rules also include a provision for players, if they wish it, to be able to work for their club in another capacity during their pregnancy.

"FIFA Council passes landmark reforms for female players and coaches"

<https://youtu.be/gbz0atYNkME>