



Labor Update No. 104 January 8, 2021

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) Employment adjustment subsidies: ¥2.5 trillion paid to 2.1 million recipients

The national government's "employment adjustment subsidy", given in order to maintain employment, has been granted (payment has been decided) in a total of over 2.1 million cases from February 2020 until now, it has become known, adding up to a total amount of ¥2.5 trillion.

The Ministry of Health, Welfare and Labor (MHWL) has extended the period of the various coronavirus measures to the end of February 2021. But from March onwards, the Ministry says they will consider gradually lowering the subsidy rate and the upper limit on payments.

The main funding for these subsidies has been from employment insurance premiums paid by employers; it has been managed as a special labor insurance account called the "employment security fund".

According to the MHWL, since payment of subsidies has increased rapidly, it cannot be completely covered by this "employment security fund". Therefore, as well as borrowing approximately ¥1 trillion from the reserve fund used to pay for unemployment benefits, they have also transferred about ¥1.4 trillion from the general account, among other things, so as to secure a total budget of over ¥3.3 trillion.

As the effects of COVID-19 continue longer and longer, it is becoming a problem how they will secure the necessary funding to maintain a system that will protect employment.

(2) List of public benefits for living support, including COVID-19 related

<https://www.mhlw.go.jp/content/10900000/000622924.pdf>

(3) Government issues state-of-emergency declaration for Saitama, Chiba, Tokyo and Kanagawa prefectures

<https://corona.go.jp/emergency/>

(4) For pregnant women taking time off, requirement of consideration extended through January of 2022--COVID infection fears

The measures requiring employers to grant requests from pregnant employees who need time off due to stress from the worry of COVID-19 infection will be extended to the end of January 2022, the MHWL has announced. These began in May of last year; they were set to expire at the end of January 2021. The subsidy for companies that let pregnant employees take time off with pay will also have its end date extended, from the end of this month to the end of March.

The Equal Employment Opportunity Act requires employers, in case of severe morning sickness or a risk of miscarriage, etc., based on a doctor's guidance, to take steps such as giving time off or lightened duties to an employee who is pregnant. The MHWL amended their policy last spring when the coronavirus started spreading, so that the rule can now be specially applied when a doctor indicates that stress from the fear of infection may affect the pregnant woman's body.

The subsidies are available to companies that give a pregnant employee five days off or more based on this rule, separate from the usual annual paid leave, and pay them at least 60% of their normal wage.

“Regarding Consideration for Pregnant Women who Work, Etc.”--MHWL

https://www.mhlw.go.jp/stf/newpage_11067.html

(5) Large companies to see maximum subsidy rate raised to 100%--employment adjustment subsidy special measures

In regard to the special measures for employment adjustment subsidies, which give support to companies that maintain employment, the MHWL has announced they will raise the subsidy rate for large companies' leave payments (companies are subsidized to help them pay their employees to stay home) to a maximum of 100%. This will apply to restaurants, etc., that cooperate with requests for shortened hours in the prefectures of Tokyo, Saitama, Chiba and Kanagawa, where the second state of emergency has taken effect.

To deal with the COVID-19 crisis, the MHWL raised the rate of employment adjustment subsidies for small and mid-size companies to a maximum of 100%, also raising the upper limit to ¥15,000 per day per employee. On the other hand, the rate for large companies had so far remained at 75%. Voices within the ruling party had called for increasing this.

(6) “Points for Attention Concerning Response to COVID-19 in Elementary, Junior High and High Schools with Reference to the Emergency Declaration Based on the Novel Influenza and Other Diseases Special Measures Act (Notice), Jan. 8, 2021--MHWL

https://www.mext.go.jp/content/20210108-mxt_kouhou01-000004520_01.pdf

2. Legal Violations/Disputes

(1) “We are just disposable pawns”: Eight employees of Fuji Soba file for a labor tribunal seeking back-payment of overtime

This time, a complaint has been filed by branch managers belonging to Fuji Soba Labor Union, which was formed in May of 2020. Seventeen other employees have previously filed similar complaints.

Branch managers made their point in a press conference, saying that “the company president’s thinking that ‘our people are our assets’ is well-known from the media, but this idea does not exist in the company any more. We employees are just disposable pawns”.

- Directed to “call police right away” in case of union activity?

Furthermore, the company is said to have distributed to each branch a document called “Defenses Against Street Activity By the Union”, which directs staff to call 110 for police right away in case Fuji Soba Labor Union engages in street activity (picketing, sound trucks etc.) near the company or enters premises.

3. Situation/Statistics

(1) 38% of LGBT people have experienced sexual victimization: 10,000 people surveyed

Approximately 38% of LGBT and other sexual-minority people have experiences of sexual victimization, including such things as rape and sexual harassment, according to a survey of about 10,000 such individuals. This type of survey is uncommon, and has now brought it to light that many sexual minority people are victimized. There are said to be some cases in which complaints are ignored by consultation centers or police.

The survey was carried out via the Internet from September to December of 2019. It received answers from 10,769 gay, lesbian and other people.

(2) Leave payments given to only 30% of women working part-time, half as many as full-timers; many go unpaid

Of women working part-time (as *paato* or *arubaito*) who experienced furloughs from work caused by the effect of COVID-19, only 30.99% received allowances for absence (*kyugyo teate*), according to a survey carried out by Nomura Research Institute (NRI). Compared to the figure of 62.8% for those working as *seishain* (full-time regular staff), this is only half; it is even lower, by nearly 20 percentage points, than the 49.6% figure for those working as contract and dispatched employees. The Labor Standards Act requires companies to pay *kyugyo teate* to all employees, regardless of regular or non-regular employment status; but it has become clear that non-payment is a widespread practice.

For furloughs due to coronavirus, there is assistance available from the national government in the form of employment adjustment subsidies for companies to help

cover the costs of paying the *kyugyo teate*, as well as leave support funds and benefits for people who work at small and medium-size companies. However, it seems that management and workers may not be adequately informed about the system or might not be making use of it.

“Summary of Survey on Situation and Future Intentions of Those Off Work Due to Coronavirus”--Nomura Research Institute

http://bit.ly/kyugyo_teate

(3) Public high-school application forms in 41 prefectures abolish “sex”: “unrelated to selection process”

Out of consideration for sexual minorities, among other reasons, there is a growing movement to abolish the requirement to write one’s sex on application forms for public high schools. When the *Asahi Shimbun* asked the 47 prefectural Boards of Education about this in December of 2020, they found that 41 prefectures had eliminated the “sex” field from these forms. In seven of these, the spring of 2021 will be the first time using forms that do not indicate sex. The prefectures that still have a “sex” field on their forms are Yamagata, Tochigi, Gunma, Chiba, Tokyo and Shizuoka. Of these, Yamagata says they “plan to get rid of it starting in spring 2022”, while Tochigi says it is “under consideration”.

When the *Asahi Shimbun* previously reported on this issue, in November-December 2018, they found that only the two prefectures of Osaka and Fukuoka had decided to give up the “sex” field starting in the 2019 school year. In the past two years, the move to abolish it has spread rapidly.

(4) Part-timers, etc., account for half of “COVID layoffs”: MHWL statistics make size of impact clear

Of the total 79,608 cases of people dismissed from jobs or having employment terminated in 2020 for reasons related to the spreading of COVID-19, it has become clear from MHWL statistics that at non-regular workers (part-timers, *arubaito* etc.) accounted for at least 38,000. This is about half of the total, bringing into sharp relief the size of the pandemic’s impact on non-regular workers.

According to the statistics, in the period of about a month from late May to the end of June, just after the lifting of the first State of Emergency, the number grew suddenly by about 10,000. During the summer it grew by about 6,000 each month; the figure’s growth then slowed down in the autumn.

“Regarding Information Related to Effects on Employment Caused by COVID-19 (Statistics as of Dec. 25)”: MHWL

<https://www.mhlw.go.jp/content/11600000/000712213.pdf>

(5) World Bank: “4% positive growth predicted this year--but great risk of downturn

In their economic forecast released on January 5, 2021, the World Bank has predicted that the world economy--which fell into its worst slump since the Second World War in 2020 because of the coronavirus crisis--would shift to 4% positive growth in 2021. However, this prediction is based on appropriate measures being taken against the virus and on widespread vaccination; the forecast notes that “the risk of needing downward revision is great”. It also sounds a warning over the increase in disparity worldwide, as well as the dangers of developing nations’ debt crisis.

World Bank president David Malpass has pointed out that in the worldwide recession caused by the COVID-19 crisis, “those at the lowest income levels have been hit the hardest”. Meanwhile, since asset values such as stock prices have been supported by developed countries’ large-scale financial policies, “a rapid concentration of wealth and income in the hands of the rich (who have assets) is occurring”, he has said.

The growth in the world’s real GDP for 2020, compared to the previous year, was minus 4.3%, with the recovery of the Chinese economy, among other things, contributing to a slight upward revision from what was forecast as of last June (minus 5.2%). However, the report expresses once again the view that this recession is “second only to the two World Wars and the Great Depression as one of the most severe in the past 150 years”. If distribution of vaccines is delayed, it is predicted that world economic growth may possibly be stuck at as low as positive 1.6%.

“Global Economic Prospects” The World Bank

<https://www.worldbank.org/en/publication/global-economic-prospects>