



Labor Update No. 106 February 5, 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) Special measures for “employment adjustment subsidies”: reduction in stages after lifting of emergency

Regarding the special measures for “employment adjustment subsidies”, intended to help companies affected by the COVID-19 pandemic, the Ministry of Health, Welfare and Labor (MHWL) plans a gradual cutting back of these measures, in stages, starting the the second month after the State of Emergency is lifted.

Specifically, for two months starting from that second month after the lifting of the emergency declaration, the maximum limit for subsidies will be reduced to ¥13,500, and the subsidy rate cut to 90% for small to mid-size businesses, 75% for larger companies.

However, if there are areas in which the disease is still spreading even after the emergency is lifted, for businesses in those areas which have seen a 30% or more reduction in sales income over the past three months compared to the same period of the previous year or two years before, the Ministry is considering continuing the current measures.

(2) Policy to promote childcare leave: to start in April of 2022

The MHWL has presented an outline to the Labor Policy Council for a proposed amendment to the Childcare and Family Leave Act that would aim to promote the taking of childcare leave by men. If the amendment bill passes in the current session of the Diet, then companies with workers eligible to take childcare leave will be required starting in April of 2022 to inform them individually about the system, and make sure of whether they intend to take leave.

The proposed outline indicates a plan for multiple strategies to be taken in steps in order to promote the taking of childcare leave. As well as requiring companies, starting in April of 2022, to make sure of employees’ wishes individually, the plan also would make part-timers with less than one year on the job, and other non-regular workers eligible for the leave.

In addition to the ordinary childcare leave, it would newly establish a “men’s childbirth leave”, as well as making it possible for mothers to also split their leave and take it at two different times. Both of these measures would be taking effect in about October of 2022, to be officially decided by the Policy Council. There is also a plan that large companies of 1,000 employees or more would be required, starting in April 2023, to publish the rates of their male employees’ taking childcare leave.

“Outline Bill (Relating to an Amendment to Parts of the Laws Concerning the Welfare of Workers who Take Childcare Leave of Family Care Leave, or Otherwise Care for Children or Relatives)”, MHWL 37th Labor Policy Council Employment Environment and Equality Subcommittee

<https://www.mhlw.go.jp/content/11901000/000728868.pdf>

(3) “When paying *kyugyo teate* for COVID-related reasons, refusing payment to non-regular workers is illegal”: government sends notice to large companies

In connection to the payment of *kyugyo teate* (allowance for absence from work; furlough payments) to non-regular workers (part-timers etc.), it has become known that the MHWL sent a notice (*tsuuchi*) to large companies asking them to pay this, and noting that if it is paid only to *seishain* (regular full-time employees), that would be in violation of the rules on “equal pay for equal work”. There have repeatedly been cases of it not being paid to non-regular workers; this notice is in effect a warning alarm over this “employment gap”.

According to people concerned, the notice was issued by the MHWL to Labor Bureaus nationwide in November of last year, and after that was sent to at least 25 large companies.

(4) Making non-regular workers at large companies eligible for leave support: gov’t. says “urgent consideration”

The government has begun discussion on expanding eligibility for leave support and benefit funds, meant for workers at small to mid-size businesses, to include those at large companies as well.

With the worsening of the employment situation under the COVID-19 pandemic, there have continued to be cases of non-regular workers being unable to get *kyugyo teate* (leave of absence allowances). This *kyugyo shien-kin/kyufu-kin* (leave support and benefit) can be applied for directly by workers who cannot get *kyugyo teate*. But up until now, those employed by large companies have not been eligible.

2. Legal Violations/Disputes

(1) Graduate students are “unpaid doctors”: LSIO issues citation to Nippon Medical School

It has come to light that Nippon Medical School received a citation from the Labor Standards Inspection Office, saying it was confirmed that they had failed to pay at least ten days' wages to eleven graduate students, who were assigned to treat patients, the year before last. Doctors at university hospitals, etc., who engage in treatment of patients but are not paid a salary are known as "unpaid doctors"; but this is the first time that graduate students have been recognized to be workers.

Along with this, the LSIO, having investigated the situation of treatment going back two years and closely examined the nature of duties performed even by graduate students, gave instructions that wages were to be paid for any such duties that corresponded to work time.

Graduate students and others, who are considered to be in "research" or "self-study" even when they actually are treating patients, and so are not paid, have been called "unpaid doctors". A government survey found that, as of September 2018, there were a total of 28,19 such doctors at 59 university hospitals nationwide.

(2) Suicide of police Assistant Inspector: "caused by 200 hours' overtime and harassment", say family members

The surviving family of a male Assistant Inspector of the Nagasaki Prefectural Police, Sasebo Precinct, who committed suicide in autumn of last year, have revealed that the amount of overtime he worked had been about 200 hours per month, or over twice the so-called "karoshi line" of 80 hours monthly. The family members say that "power harassment" (workplace bullying) from his superior officers was also a contributing cause of the man's suicide. They have applied to the Fund for Local Government Employee Injury Compensation for "compensation for accidents in the line of duty", equivalent to workers' compensation for private-sector workers.

Notes left in a notebook by the Assistant Inspector indicate he was actually under-reporting his work hours on instructions from the Station Chief and Section Chief, who said that "nothing except response to sudden incidents or accidents counts as overtime", and that "if you go over 44 hours you'll be written up". His note also contains a plea that "I hope [this situation] will be improved".

Nagasaki Prefectural Police Headquarters has acknowledged that the man's superior officer, the Traffic Section Chief, committed power harassment during the six months he was stationed at Sasebo Precinct by repeatedly scolding the man, calling him "incompetent" and saying "if you can't do it, resign [the inspector position]". In December of last year, the prefectural HQ reprimanded the Section Chief, and gave a warning to the Station Chief as supervising person in charge.

3. Situation/Statistics

(1) Worldwide working time plummets in 2020, down by 8.8%: ILO

The International Labor Organization (ILO) has announced in a report that worldwide

total working hours decreased in 2020 by 8.8% due to the COVID-19 pandemic. This is more than 4 times as much work time as was lost in the financial crisis in 2009. However, the report also takes the view that there are “tentative signs” of recovery.

The decrease is equivalent to a loss of 255 million full-time jobs. The number of workers who either lost jobs or had their work hours cut because of lockdown measures meant to slow the spread of COVID-19 reached 114 million, the highest number ever.

The ILO explains that “These massive losses resulted in an 8.3 per cent decline in global labour income (before support measures are included), equivalent to US\$3.7 trillion or 4.4 per cent of global Gross Domestic Product (GDP).”

There is a possibility that global working hours may decline again in 2021, and yet again in 2022.

According to the ILO data, women and younger workers were the hardest hit. By industry, the worst affected were accommodation and food services, followed by retail and manufacturing.

On the other hand, “employment in information and communication, and finance and insurance, increased” through 2020, the report says.

The loss of employment stood at 8.7% for those aged 15-24, as compared with 3.7% for all adults. The ILO says this “highlights the all too real risk of a lost generation”, but also expresses the view that “While there is still a high degree of uncertainty, the latest projections for 2021 show that most countries will experience a relatively strong recovery in the second half of the year, as vaccination programmes take effect.”

"Uncertain and uneven recovery expected following unprecedented labour market crisis" ILO

https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_766949/lang--en/index.htm

(2) Of women working part-time, 900,000 will be *de facto* unemployed--hardship lurks in background

Nomura Research Institute (NRI) has published an estimate that, of the 11.63 million women who work as part-timers or *arubaito*, at least 900,000--corresponding to 7.7%--are in a “state of *de facto* unemployment” due to the effects of COVID-19.

According to the Interior Ministry’s Labor Force Survey, the total number of unemployed women (raw data) as of November 2020 was 720,000. Adding this to the figure of 900,000 gives a total of 1.62 million, bringing the unemployment rate for women sharply up from 2.3% to 5.2%. There are also many who responded that they “don’t know” about support measures such as leave-of-absence allowances (*kyugyo teate*). Hardship in living is a lurking threat.

“Employment situation abruptly worsens: *de facto* unemployment rate may rise to nearly 4% in April” NRI

https://www.nri.com/jp/knowledge/blog/1st/2020/fis/kiuchi/0529_2

(3) Number of foreign workers increases to 1.72 million

The Ministry of Health, Welfare and Labor (MHWL) has announced that the number of foreign nationals working in Japan as of the end of October, 2020, was 1,724,328, an increase of 4.0% compared to the previous year.

“Summary of State of Reporting of ‘Employment Situation of Foreigners’ (as of end of October, Reiwa 2 [2020])” MHWL Employment Security Bureau, Foreign Workers’ Affairs Division

<https://www.mhlw.go.jp/content/11655000/000729116.pdf>

(4) Number of non-regular workers declines for first time

According to the Interior Ministry, the number of non-regular workers (part-time, dispatched etc.) averaged over 2020 was 20.9 million, a decrease of 750,000 compared to the previous year. This was the first time this figure has decreased since 2014, when comparable statistics first become available.

“Labor Force Survey (Basic Statistics), 2020 (Reiwa 2) Average Results” Interior Ministry

<https://www.stat.go.jp/data/roudou/sokuhou/nen/ft/pdf/index.pdf>

(5) Job openings to applicant ratio for 2020 drops more abruptly than it has in 45 years--recruitment down by 20% due to COVID-19

The average effective job openings to applicants ratio for 2020, released by the MHWL, was 1.18, a decrease of 0.42 points year-on-year. This is the largest decrease in 45 years: the largest since 1975, when the number went down by 0.59 points after the first oil crisis. As the number of job openings has slumped by two-tenths with the deterioration in corporate business results caused by the coronavirus pandemic, the number of firings and dismissals has also grown, and thus the number of job applicants has also gone up. With no end in sight to the pandemic, the employment situation looks set to remain bleak for some time.

Meanwhile, according to the Labor Force Survey released by the Interior Ministry, the yearly average unemployment rate for 2020 rose by 0.4 points to 2.8%. The total number of unemployed went up by 290,000, to 1.91 million. These figures both worsened for the first time in 11 years. The number of workers furloughed or absent from work was 2.56 million, the highest since 1968, when comparable data first become available.

“General Status of Job Placements “December, Reiwa 2 [2020], and Reiwa 2 [2020]” MHWL Employment Security Bureau, Employment Policy Division

(6) Kagoshima City to introduce partnership system: aims to start early in fiscal 2021

Shimozuru Takao, mayor of Kagoshima, has made clear his intention to introduce a partnership system that would give sexual-minority (LGBT) couples recognition as partners equivalent to marriage. Public comments will be carried out early in February, with an aim to have the system up and running early in fiscal year 2021. In the same prefecture, the city of Ibusuki already plans to introduce such a system in April. Among prefectural seats in Kyushu and Okinawa, five cities (including Fukuoka and Kumamoto) have already introduced it.