



Labor Update No. 112 April 30, 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) Regarding new recommended resume (CV) form: MHWL

[Differences between MHWL example resume form and JIS standard form]

1. Instead of a binary M/F choice, the sex field is to be made a free answer space. It will also be made possible to leave this space blank.
2. It had been decided not to include the items “commuting time”, “number of dependent family members (excluding spouse)”, “spouse”, and “duty to support spouse”.

https://www.mhlw.go.jp/stf/newpage_kouseisaiyou030416.html

<https://www.mhlw.go.jp/content/11654000/000769665.pdf>

(2) “Documents for 5th Meeting of Reiwa 3 [2021], Council on Economic and Fiscal Policy” Apr. 26, 2021, Cabinet Office

Acceleration of declining birthrate measures and child-rearing support: “number of births in 2021 seems likely to be under 800,000”.

https://www5.cao.go.jp/keizai-shimon/kaigi/minutes/2021/0426/shiryō_01-2.pdf

(3) Government study group: “Effects of COVID-19 pandemic harder on women”; “idea that their income is supplementary needs to change”

The coronavirus pandemic is having an especially heavy impact on women: so says a report composed by a government study group of experts. The report points out that Japan’s social structure, with its large gender disparities, is behind this. The idea that “women’s income is a supplement to the family budget” is still strongly entrenched; the report makes the case that this will need to change.

The report was released by the “Study Group on Effects and Problems for Women Under COVID-19”. Based on hearings with support groups and analysis of statistics, it examined four areas: “employment and economics”, “gender-based violence”, “health”, and “unpaid care and domestic work”.

The average number of male non-regular (part-time, etc.) workers in 2020 declined by 260,000 from the previous year, while that of female non-regular workers declined by 500,000--nearly twice as large a drop. This was because the pandemic dealt an especially hard blow to the restaurant, hospitality and service industries, a high percentage of whose workers are women. The report mentions cases in which women have to depend on a domestic abuser for their subsistence, and therefore hesitate to flee, arguing for the importance of economic self-sufficiency.

Based on an independent analysis of national government survey data, the report makes it clear that, last April when elementary schools were closed, getting jobs was more difficult for women with elementary-school aged or younger children than for those without. It also points to the fact that rate of unemployment among single mothers rose sharply from July to September of last year.

In Japan, the social security and tax systems are still designed on the assumption that men will earn to support the household, while women's earnings will be supplementary. The report points out that women in two-income households working part-time earn 20% of their households' income, while for women working full-time this rises to 40%. It suggests that there is a need to change the idea that women's earnings are a supplement to the household budget.

The number of suicides of men in 2020 was about 14,000, and of women about 7,000. The number of men is higher than that of women, as it was before. However, in comparison to the previous year, the number of men decreased by 23, while that of women increased by 935. The increase was said to be in the categories of homemakers, pensioners, and high-school students.

The number of domestic violence consultations (April 2020 to February 2021) was more than 170,000, about 1.5 times that for the same period one year before. The number of consultations at one-stop support centers for victims of sexual crimes and sexual violence (April-September, 2020) also increased to 1.2 times the figure for the same period of the previous year.

“Study Group on Effects and Problems for Women Under COVID-19”: Cabinet Office Gender Equality Bureau

https://www.gender.go.jp/kaigi/kento/covid-19/siryo/pdf/post_honbun.pdf

2. Legal violations/Disputes

(1) Fuji Soba union leaders fired; claim “union-busting”, seek to void firing at labor tribunal

Two former employees and leaders of the union at Daitan Group, which operates standing noodle-counter chain Meidai Fuji Soba, have filed for a labor tribunal at Tokyo District Court claiming their disciplinary dismissal was unfair and seeking to have it ruled invalid.

As reasons for the firing, the company claims that the documents the two submitted to another labor tribunal, seeking back-payment of overtime, were altered and falsified, and that they also tampered with attendance data in the management system.

The union flatly denies these accusations.

(2) ¥160 million of employment adjustment subsidies put into company profits, not paid to employees: Seibu Hire

It has come to light that Seibu Hire, a company in the Seibu Holdings group, has misused money from the national government's employment adjustment subsidies, meant to help companies pay leave allowances to employees furloughed because of the pandemic. About two-tenths of the subsidy the company received, or approximately ¥160 million, was not used to pay employees, but was counted as profit instead. The company is said to have claimed more subsidy than the amount of allowance they paid.

When applying for the employment adjustment subsidy, a company must indicate the payment rate of leave allowances for the average wage. Seibu Hire wrote down "100%". From April of last year through February of this year, they received a total of ¥415 million. However, the total amount of leave allowances they paid to employees was ¥252 million, and the difference of ¥163 million was counted by the company as profit.

(3) "COVID firing unfair": 83 former crew members sue United Airlines

Laying workers off due to the effects of COVID-19 is an abuse of dismissal authority, say 83 former cabin crew members at U.S. airline United, who have filed suit against the company at the Tokyo District Court. They are seeking confirmation of their worker status, as well as back-payment of wages. They claim that "the company did not make any effort to avoid having to fire us, not did they engage in good-faith negotiation to gain our agreement".

The 83 plaintiffs worked as cabin attendants based at Narita Airport, and were of various nationalities including Japanese, Singaporean and British. When the company shut down its three hubs at Narita, Hong Kong and Frankfurt due to reduced business amid the coronavirus crisis, they were let go in October of last year.

(4) "Fired without adequate explanation": Filipina employee files complaint against food processing company

A woman of Philippine nationality who works for a food processing company has filed a complaint with the Osaka District Court, asking for a labor tribunal and claiming she was dismissed from her job without adequate explanation.

Since 2017, when she reached retirement age, the woman had her employment contract renewed every six months. But in September of 2020, she says she was made,

with no good explanation, to sign a memo that contained a clause saying her contract could not be renewed.

“I can’t read Japanese or write it. In this situation, I was made to sign this thing” the woman says. “My body is healthy, and I want to work”.

(5) “Unfair dismissal notice”, says suit against Amazon: union branch chair

The branch chair of a union at online shopping giant Amazon Japan has filed a lawsuit against the company at the Tokyo District Court. He claims a notice of disciplinary dismissal he received is unfair and invalid, and is suing for confirmation of his employee status and payment of his back wages.

The notice of firing received by the man, who was responsible for negotiations with dealers selling appliances on Amazon as well as for sales promotions and other things, gave as reasons a downturn in his business results and a lack of ability. But he says that in reality he had a device taken away from him that was necessary for him to do the job, was made unable to share information with co-workers, and was otherwise obstructed from being able to perform his duties. Therefore, he says, there was no reasonable cause for the dismissal.

3. Situation/Statistics

(1) Negative growth feared for April-June GDP

The gross domestic product (GDP) for the January-March quarter is seen as certain to show negative growth. Now, with the third State of Emergency, there is fear the April-June quarter may also be underwater.

Daiwa Institute of Research has calculated, on the supposition that this State of Emergency will be similar to the first one last April (in which a wide range of businesses were requested to close), that economic losses in the four prefectures covered by the Emergency will add up to ¥0.6 trillion per month. The April-June quarter was originally predicted to show a “V-shaped recovery”, with an annualized figure of 4.8%. But with the new Declaration, the research institute says “there is a possibility of two quarters in a row of negative growth”.

(2) New infections worldwide top 880,000, a new record: WHO

The World Health Organization (WHO) has announced that the number of newly reported cases of COVID-19 infection per day has hit a new record. WHO Director-General Tedros has called anew for thorough prevention measures, such as making sure of social distance.

According to the WHO announcement, the daily number of new COVID-19 infections worldwide on April 22 was over 880,000 in preliminary reports. This was the highest daily figure ever.

In a press conference, Director-General Tedros expressed a sense of crisis about the rapid increase in the number of infections, saying he understands how exhausted everyone is from restrictive prevention measures, but that the measures are effective and save lives. He called for continued thorough prevention, such as by making sure of social distance.

Meanwhile, on the vaccine front, it has now been one year since the WHO encouraged development last April and announced it would make a cooperation framework to distribute vaccines fairly around the world.

Tedros, saying “The first objective has been achieved. We now have several safe and effective vaccines to prevent COVID-19” emphasized good results, but also added that we are still a long way off from declaring victory over the pandemic. He expressed a belief that it will continue to be vital that countries around the world cooperate, including on developing treatments for the disease.

https://www.who.int/emergencies/diseases/novel-coronavirus-2019?gclid=Cj0KCQjw4ImEBhDFARIsAGOTMj_72DKnj1Vj31S0AXWfc9JEdrXMoU6FRVU-rdXL-dKDLWETs_BEBgwaAm07EALw_wcB

(3) Prefectural public-corporation housing to be available to same-sex couples: Takarazuka and other cities in Hyogo

Hyogo Prefectural Housing Supply Corporation will now be accepting applications from same-sex couples to move into rental housing in nine cities and towns in the prefecture, including Takarazuka. Each of these municipalities has introduced a partnership system to give same-sex couples public recognition equivalent to marriage; those who have a partnership oath certificate based on this system will be included as “family members living together”. The prefecture will be adopting the same policy in its public housing starting in late May, so the Corporation adjusted their policies to match.

Takarazuka was the first city in Hyogo to introduce a partnership oath system. It was then followed by Sanda, Amagasaki, Itami, Ashiya, Kawanishi, Akashi, Nishinomiya and Inagawa. As more diverse lifestyles and values become common, in order to promote understanding towards sexual minorities (LGBT), they will be starting a model project of accepting LGBT couples with the regular May invitation of applications.

The public corporation will be going along with this move, aiming--since prefectural housing is mainly for low-income people--to broaden this move to include middle-income people in corporation housing. The corporation lists three qualifications for residence: those in housing hardship; single people or families living together; and ability to pay rent. LGBT couples with an oath certificate will be accepted as families living together.

(4) ¥87 trillion in wages lost by women worldwide last year, more than 98 countries' GDP: Oxfam International

International NGO Oxfam International has released a report stating that the total amount of wages lost by the world's women last year was as much as 800 billion dollars (¥87 trillion). This is more than the combined GDP of 98 countries, and also more than last year's U.S. defense budget (721.5 billion dollars).

Women also lost a total of over 64 million jobs last year, or 5% of the total number of women employed. The number of jobs lost by men was only 3.9% of their total.

"COVID-19 cost women globally over \$800 billion in lost income in one year: women's lost income in 2020 totaled the combined wealth of 98 countries": OXFAM International

<https://www.oxfam.org/en/press-releases/covid-19-cost-women-globally-over-800-billion-lost-income-one-year>