



Labor Update No. 113 May 14, 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 Special Measures for Employment Adjustment Subsidies in May and June of Reiwa 3 [2021]”

<https://www.mhlw.go.jp/content/11600000/000777851.pdf>

(2) “Regarding Employment Adjustment Subsidy Special Provisions Pertaining to Priority Preventative Measures”

<https://www.mhlw.go.jp/content/11600000/000778849.pdf>

(3) Industrial accident deaths top 130,000 for first time in 19 years: COVID effects?

As an increased number of people contracted COVID-19 at their workplaces, the number of industrial-accident deaths in 2020 went over 130,000--the first time such a high number has been seen in 19 years.

According to the Ministry of Health, Welfare and Labor (MHWL), the number of people in 2020 who either had 4 or more days off work or died due to work-related illness or injury was 131,156. This was 5,545 more than the previous year. The last time this number went over 130,000 was in 2001 (when the figure was 133,598).

The 6,041 cases of death from workplace-related COVID-19 infection were a large part of this. Workers in the healthcare industry (including those at medical institutions) and at social-welfare facilities together accounted for 4,561 of these deaths, or nearly eighty percent of the total.

“Situation of Workplace Accident Occurrences, Reiwa 2 [2020]”: Industrial Safety and Health Department, Labor Standards Bureau, MHWL

<https://www.mhlw.go.jp/content/11302000/000775170.pdf>

(4) Uber delivery staff to be able to enroll in work-accident insurance: discussions at Labor Policy Council

The Labor Policy Council has begun subcommittee discussions on expanding the scope of the Special Enrollment system so that bicycle delivery staff for food-delivery company Uber Eats, among others, would be able to enroll. If special enrollment becomes possible, these workers would be able to receive benefits when they suffered injuries on the job.

“Items for Consideration Concerning Expanding the Scope of the Special Enrollment System”: 97th Mtg., Industrial Accident Compensation Insurance Section, Labor Conditions Subcommittee, Labor Policy Council

<https://www.mhlw.go.jp/content/11601000/000779067.pdf>

2. Legal Violations/Disputes

(1) Dispatch worker let go without good reason after 23 years at Isuzu: “unacceptable to treat people like objects”

A man who became an employee of a dispatch company in 1997 was immediately dispatched to work at Isuzu Motors. He spent most of the next 22 years and 9 months at their Fujisawa factory working on engine design.

His dispatch contract was at first renewed for six months or one year at a time. But in 2009, after the “Lehman Shock” financial crisis, it switched to being renewed every three months. The contract could be terminated at any time, depending on the state of the economy. The man wanted to be picked for a position as a full-time Isuzu employee, but he kept quiet so as not to cause trouble.

His income did increase with each passing year, and he was eventually taking home more than ¥300,000 per month. He supported a wife and a daughter in elementary school, and was able to afford the ¥110,000 monthly payments on the loan for a new house he bought at age 35. But then in November of 2019, in an interview with his dispatching company, he was suddenly told he was being terminated. The reason given was “Isuzu’s wishes”.

The man joined a labor union as an individual, and is negotiating with Isuzu and with the dispatch company. In June last year he filed an unfair labor practice complaint at the Kanagawa Prefectural Labor Commission, asking for Isuzu and the other company to bargain in good faith. The commission’s investigation is ongoing.

(2) “Require *kyugyo teate* for shift workers too”, says union in demand to government

There have repeatedly been cases where shift workers, when they are off work due to the effects of COVID-19, have not been paid *kyugyo teate* (allowance for absence from work). In response to this, a union has made a demanded the MHWL make it a requirement for companies to pay.

Under the Labor Standards Act, if a company tells a worker not to come to work, they are required to pay a *kyugyo teate* in line with the designated number of days the person would have otherwise been working. But for shift workers, whose working

schedule is only set for a limited period at a time, employment contracts are often vague about designating a number of working days. It has been pointed out that this leads frequently to *kyugyo teate* not being paid.

A spokesperson for the MHWL has said that “we are aware of the problem, but amending the law would be difficult at this stage. First, we would like to investigate the systems in use in other countries and consider their solutions to this”.

(3) Hankyu Hanshin Hotels terminates 219 part-time staff

It has come to light that Hankyu Hanshin Hotels, a subsidiary of Hankyu Hanshin Holdings, laid off 219 part-time employees at the end of March who had worked at their hotels. Mass layoffs of two hundred people at once are rare.

One of these non-regular workers who was laid off said, “I was told by the company that ‘we’re getting rid of part timers’, and I felt discriminated against. Non-regular workers are not an escape valve for employment. I wish they would fulfill their responsibility as a company by using employment adjustment subsidies”. The worker demanded the termination be withdrawn.

3. Situation/Statistics

(1) Guarantee of chance to work until 70: only three in ten small companies comply

The amended Elderly Persons Employment Stability Act, which requires companies to make efforts to guarantee the opportunity to work until age 70, has come into effect as of April. In response to this law, the Japan Chamber of Commerce and Industry (JCCI) asked small and mid-size companies what measures they were taking. It was found that only about three in ten of such companies were taking the necessary steps. With companies’ business performance noticeably slumping due to COVID-19, it is difficult to introduce policies that would lead to increased labor costs. It can be seen that, for small and medium-sized businesses, there are high hurdles to complying with the amended law.

JCCI carried out a survey in April of 2,752 member companies across the country. According to the survey results, while 32.6% of these companies said they “[were] taking the necessary measures”, another 31.9% said they were “unable to take concrete measures” and a further 10.6% said they were “preparing/considering concrete measures”. As to specific steps being taken (multiple answers possible), the most common were: introducing a system of continued employment until age 70 (65.8% of those companies taking measures); and abolishing the retirement age (20.2% of these companies).

A total of 24.9% of companies answered that they “have no plans to take measures”, for the reasons that “we have no employees this would apply to” or that “we have employees to which this would apply, but it is [only] a duty of effort”. Some said that “for re-employment of technical specialists, complying with Equal Pay for Equal Work is

the issue, and it is difficult to make progress”.

JCCI has also released results from a survey concerning steps being taken to comply with “Equal Pay for Equal Work”, which became applicable to small and mid-size companies in April. This survey was carried out in February, just before the rule came into effect for these companies. Of approximately 3,000 small and medium companies nationwide that answered, 445 said they “have non-regular employees to whom this may apply”. of these, only 56.2% answered that they “have a clear idea of what we will do”.

“Survey of Employment and Work Measures, Etc., in the COVID-19 Crisis”: JCCI, Apr. 30, 2021

<https://www.jcci.or.jp/20210430pressrelease.pdf>

(2) Cities differ on treatment of foreign nationals in regard to vaccinations: Shiga

As vaccination for COVID-19 gets under way, disparities have arisen between cities and towns within Shiga Prefecture in how they deal with foreign residents. While some municipalities plan to have interpreters for phone reservations and vaccination centers, many other places have made no such preparations. Experts point out that “Vaccination is a life-or-death issue. The national government ought to have a clear, unified policy”.

Of nineteen cities and towns in the prefecture, eight (about 40%) will provide interpreter services at vaccination centers (as of April 15). Specifically, some will station Portuguese interpreters (for the large number of Brazilian residents in Shiga) at the vaccination centers, while others will have remote interpreting via tablet devices. Of the eleven remaining municipalities, five will have audio interpreting by machine instead of human interpreters.

The city of Nagahama, home to 1,700 residents of Brazilian nationality (the largest number of any city in the prefecture), plans to hire new interpreters and assign them to work at vaccination promotion centers starting in May. They also printed a QR code on the envelopes for vaccination tickets sent out at the end of March: by scanning this code with a smartphone, one can see the reservation procedures explained in five languages.

The national government has so far issued no guidelines to local governments regarding vaccinations for foreign residents. In late March, the MHWL published a prevaccination screening questionnaire translated into 16 languages on their web page. They call for “local governments to make use of this and provide multilingual service as much as possible” (Vaccination Dept.), but there the form has write-in fields, such as for the patient’s medical history, so it seems likely that each municipality will have to do some translation on their own.

(3) Number doing second or side jobs likely to reach 8.12 million, an increase of over 1 million from last year: possible COVID effects

The number of people doing second jobs or side work apart from their main job is likely to have increased by over 1 million from last year, reaching 8.12 million, according to a private company's survey. With the COVID-19 pandemic still ongoing, it seems that an increasing number of people are thinking of securing income or of improving their job skills.

The statistics were estimated from a survey of over 3,000 people that was conducted this year in January and February by outsourcing intermediary company Lancers.

According to this:

- ◆ The number of people doing a "side job" separate from their main occupation increased by 4.5% over last year, to 4.39 million.
- ◆ The number of people doing "multiple jobs", having contracts with two or more companies, increased by 29.5% over last year, to 3.73 million.

"Freelance Situation Survey, 2021": Lancers, Inc.

https://speakerdeck.com/lancers_pr/huriransushi-tai-diao-cha-2021

(4) 270 million at risk of "acute starvation": WFP calls attention to effects of pandemic

An estimate by the United Nations World Food Programme (WFP) has shown that this year, the number of people falling into "acute starvation"--in which obtaining even a minimal amount of food becomes difficult due to conflict, climate change, or other causes--could reach as high as 272 million. The WFP gives a warning that, due to the effects of COVID-19, hunger could continue to rise sharply this year as it did last year.

According to the "Global report on Food Crises" published by a group of 16 organizations including the WFP, 155 million people in the 55 countries and regions surveyed fell into acute starvation in 2020. This was the most severe situation in the previous five years; Africa, the worst-hit part of the world, had 98 million people in starvation, accounting for about two-thirds of the total. The main causes were conflict (99 million people), economic crises (40 million), and climate change (15 million).

The report also indicates that, with the COVID-19 pandemic still not ending, "many families are facing shrinking income due to decreases in opportunities to work". According to independent WFP estimates for more than 80 countries and regions, there is a risk that this year's acute starvation population may reach 270 million.

The UN defines "famine", the severest level of hunger, as a situation where three in ten children are severely malnourished and where every day there are two or more deaths per 10,000 of the population. The WFP points out that there is a danger of famines occurring in the near future due to the effects of COVID-19. Some countries, such as South Sudan and Yemen, are already nearly in a state of famine, and the WFP says that, without emergency humanitarian aid, 34 million people may die of hunger.

"Global Report on Food Crises - 2021"

https://docs.wfp.org/api/documents/WFP-0000127343/download/?_ga=2.143598257

"In Brief - Global Report on Food Crises - 2021"

https://docs.wfp.org/api/documents/WFP-0000127413/download/?_ga=2.243861505.524655306.1620287347-1338550763.1620287347

(5) Applications for public assistance up by 8% in February: possible effects of third State of Emergency

The MHWL has announced that there were 17,424 applications for public welfare assistance in February of this year, and that this represents an increase of 8.1% compared to the same month of last year. As the COVID-19 pandemic drags on and on, the number of applications has for six months in a row been higher each month than the same month of the previous year.

The percentage of year-on-year increase has itself also increased every month since September of last year, with the 8.1% seen in February being the highest in the six-month period. This is also the second highest number since the start of the coronavirus crisis, second only to the 24.9% record year-on-year rise in April of last year. The number of households that began using public assistance in February was 16,518, also an increase of 9.8% compared to the same month last year.

A spokesperson for the MHWL states that “the employment situation is still severe, and the number of applications continues to be higher than last year. There is a chance the effect of the third State of Emergency will start to be felt in April”.

“Survey of Recipients of Public Welfare Assistance (February, Reiwa 3 [2021], approximate figures)”, May 12, 2021: MHWL

<https://www.mhlw.go.jp/toukei/saikin/hw/hihogosya/m2021/dl/02-01.pdf>