



Labor Update No. 116 June 25, 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) Distinctions based on type of employment not to be allowed in workplace vaccinations: MHWL**

The Ministry of Health, Welfare and Labor (MHWL) had drawn up a “guide book” for companies and medical institutions regarding workplace vaccinations, where a COVID-19 vaccine is administered to employees at companies. The guide makes it clear that it is “not desirable” for companies to distinguish between forms of employment--whether regular, non-regular, dispatched or otherwise--in making inoculations available. By making such form-of-employment distinctions *de facto* not allowed, the aim is to have vaccinations proceed without a sense of unfairness.

The guide emphasizes that the purposes of workplace inoculation are “to lighten the burden of vaccination on local governments, and speed up the pace of vaccinations”. As a condition for allowing workplace vaccination, the guide requests that companies “judge fairly and appropriately, based on the understanding that making blanket distinctions of availability based on form of employment is not desirable”.

Also listed as a condition is “based on the decision that each person must decide for themselves whether to be vaccinated, companies should make sure of each person’s wished, and also take care not to make vaccination compulsory”.

In relation to workplace inoculation, some are wary of “peer pressure” to get vaccinated. It has been pointed out that those not wishing to be inoculated might face disadvantageous treatment. The condition to not make it compulsory was included in the guide in order to protect against such situations.

“Workplace Vaccination Guidebook, Relating to the Vaccinations Against COVID-19 (first edition)”, June 8, 2021, MHWL

<https://www.mhlw.go.jp/content/000789452.pdf>

### **(2) “Summary of Act to Amend Parts of the National Public Servants Act, Etc.”; promulgated June 11, Reiwa 3 [2021]**

(3) Employment Adjustment Subsidy measures extended to end of August

The MHWL has announced, in regard to the special-measure Employment Adjustment Subsidies provided to businesses that cooperate in maintaining employment, that the program will be extended with no change to the amounts, rules or conditions. The limit will be changed from the end of July to the end of August. With the spread of COVID-19 still not under control, and the business situation--especially for the restaurant industry among others--likely to continue to be harsh for some time yet, the Ministry has judged it necessary to continue giving support. The decision on what to do from September onwards will be made within July.

Currently, the subsidies are available to companies that have lost 30% or more of their sales, and to restaurant businesses in areas covered by State of Emergency Declaration or Priority Preventative Measures.

(4) Addition made to budget for workplace vaccinations at small and mid-size businesses: MHWL

The MHWL has announced that they will add to their budget to cover vaccination expenses for small to medium-sized companies that contract with an outside medical institution to provide workplace vaccinations, up to the amount of ¥1,000 per shot. Since smaller companies usually do not have their own company doctors, they will need to secure outside physicians. The government will now provide support for this.

As inoculations proceed, there is a chance that hourly fees for the doctors who perform them may go up, and it may become difficult to get doctors. Support will be provided on the condition that multiple smaller companies carry out vaccination programs jointly, using a Chamber of Commerce or business organization, etc., as an organizing committee. University vaccination programs will also be eligible for this support, provided the Education Ministry allows it and vaccinations are not limited to the university's teaching staff and students.

(5) "Reiwa 3 [2021] Gender Equality Report", Cabinet Office Gender Equality Bureau

[https://www.gender.go.jp/about\\_danjo/whitepaper/r03/zentai/pdf/r03\\_print.pdf](https://www.gender.go.jp/about_danjo/whitepaper/r03/zentai/pdf/r03_print.pdf)

## **2. Legal Violations/Disputes**

(1) Citation to private high school for Labor Standards violations: lack of compensatory days off, unpaid overtime

Teachers working for "N. High School", a private correspondence high school, were unable to take a day off in lieu when they worked on holidays, and were also not paid properly for their overtime, according to Kameido Labor Standards Inspection Office in Kameido, Koto-ku, Tokyo. The LSIO has issued a citation to the school.

According to Shigaku Kyoin Union (the Private School Teachers' Union), at the location where two of their members worked, teachers could each be in charge of as many as 150 students.

### **3. Situation/Statistics**

#### **(1) Joto Ward Office, Osaka, e-mails managers a list of staff who declined vaccine**

In connection with group vaccinations against COVID-19, when the ward office of Joto-ku, Osaka, was drawing up a list of staff to be administered spare doses of the vaccine, the office also made a list of those not wishing to be vaccinated. This list was sent by e-mail to the managers of each department in the office, and in some departments was forwarded to rank-and-file staff as well. Since vaccination is supposed to be voluntary, experts are voicing the criticism that "this could invite workplace discrimination against those who choose not to be vaccinated".

According to the Osaka City Health Bureau and the Ward Office General Affairs Section, in May the city council, in order that leftover vaccines (from canceled reservations, etc.) not go to waste, asked each ward to make a list of staff who could receive these vaccines instead. Joto Ward, ahead of the May 24 start of group vaccinations, checked whether 150 of its workers--the majority of its staff--wished to be inoculated. The General Affairs Section then made a list of the 102 people who wanted the vaccine, including their names, departments, posts, and order of priority for vaccination.

#### **(2) Labor Banks to begin including same-sex partners in total income for housing loans**

On the 15<sup>th</sup>, the Labor Bank (an organization akin to a credit union) in Okinawa began accepting same-sex partners as eligible to combine income when taking out housing loans.

When taking a house loan, spouses can add their incomes in order to borrow a higher amount. Up until now, the Okinawa Labor Bank would not do this for LGBT, etc., couples who were not legally married. But since there was a demand, they have begun doing so.

Residence registry will be used to check that a couple are living together in the building for which they are getting a loan. There will be no need to submit a partnership certificate or similar.

#### **(3) Fewer than 40% of workers get 60% *kyugyo teate*: work environment tough for part-timers under the COVID crisis**

With the employment environment difficult amid the COVID-19 pandemic, many people working under "non-regular" employment (part-time workers, etc.) have been facing hardships. For example, it is easy to understand how, when restaurants shut down or shorten their hours due to a State of Emergency and there is less work, such

workers could see their work hours reduced or shifts cut. The Japan Trade Union Confederation (JTUC, Rengo) has conducted a survey of 1,000 people aged 18 to 65 who work in “non-regular” jobs, titled “2021 Survey Regarding Situations and Attitudes of People Working Under Non-Regular Employment During the COVID-19 Crisis”, that has brought the severe situation into sharp relief.

When these people were asked about what their employers did in response to the pandemic, the main answers were “reduced number of shifts or working hours” (22.5%), “work from home (remote work) implemented” (12.4%), “directed to stand by at home due to closing, etc.” (9.8%), and “staggered work hours implemented” (8.5%). By industry, just over half--52.9%--of those working in hospitality and food service replied that their “work hours were cut”. On the other hand, in telecommunications, an industry less heavily impacted by the pandemic, a full 47.1% answered that their companies were implementing remote work. So large disparities can be seen between different industries.

When respondents were asked further about cuts to working hours at their workplaces, for places where there were regular and non-regular employees doing the same duties, work hours were cut for both in 66% of cases. Meanwhile, in 32.1% of cases, there were cuts only for those in non-regular employment. So we see there were more than a few cases where part-timers were the only ones to suffer.

When a business closes, income becomes a worry. When 410 people whose workplaces closed or shortened their hours were asked about the situation of *kyugyo teate* payments (allowance for absence from work), 51.7%--just over half--said that “*kyugyo teate* was not provided”, while 9.5% said “*kyugyo teate* was less than 60 [of their lost wages]”. There were 20.5% who said “100% *kyugyo teate* was provided”, while another 18.3% said that “60% or more *kyugyo teate* was provided”. Thus, only a total of 38.8%, fewer than four in ten, workers received *kyugyo teate* of at least 60% (of the amount of wages lost) in accordance with the rules in the Labor Standards Act.

Concerning changes to the content of labor contracts during the pandemic, the most common answers included “mid-contract dismissal” (11.7%), “termination of contract” (9.7%), “encouragement to resign” (9.1%), and “reduction in pay” (12.4%).

“2021 Survey Regarding Situations and Attitudes of People Working Under Non-Regular Employment During the COVID-19 Crisis”

<https://www.jtuc-rengo.or.jp/info/chousa/data/20210617.pdf?6434>

(4) Record 608 cases of workers’ compensation for mental disorders; top cause is *pawahara*

The number of people granted workers’ compensation after suffering mental disorders caused by overwork or by work stress was 608 in fiscal year 2020, a new high record. The most frequent cause was workplace bullying or “power harassment” (*pawahara*).

Last year, the criteria for granting compensation in cases of damage to mental health were revised, and *pawahara* was listed officially as a cause for the first time. The causes of mental disorders for which work accident compensation was granted in fiscal 2020, as analyzed by the MHWL, included *pawahara* (99 cases), experiencing or witnessing an accident or disaster (83 cases), [other] bullying or harassment (71 cases), and others. A spokesperson for the MHWL says, in regard to *pawahara* being the top cause, that “there may be widening awareness that this can be recognized as a cause of mental disorders”.

Meanwhile, the number of workers’ compensation applications for workplace accidents due to brain and heart diseases was 784, a large drop from the 936 seen in fiscal 2019. According to the MHWL’s analysis, one factor in this could be that the pandemic has resulted in fewer people working long hours. The number of cases where compensation was granted in fiscal 2020 was 194; the rate of compensation being granted was only 29.2%, a new low record.

“Situation of Workplace Accident Compensation for Mental Disorders”, MHWL

<https://www.mhlw.go.jp/content/11402000/000796022.pdf>

(5) Household assets ¥1.946 quadrillion, highest figure ever: consumption restrained due to pandemic

According to the January-March capital flow statistics (preliminary report) released by the Bank of Japan on June 25, the balance of financial assets held by households at the end of March was ¥1.946 trillion, an increase of 7.1% over the same time the previous year, and a new record high. In addition to consumption being restrained due to the spread of COVID-19, the rise in stock prices also pushed assets up.

Breaking down household assets, the amount of cash and savings rose 5.5%, to ¥1.056 quadrillion. Due to rising stock prices, the amount held in stock also went up by 32.1%, to ¥195 trillion, while investment trusts went up 33.9%, to ¥84 trillion. Out of total financial assets, cash and savings accounted for over half; this calls attention to the strength of people’s cautious inclination to put money into savings rather than investments.

“Capital Flow Statistics, Jan.-Mar. 2021 (preliminary report)”: Bank of Japan

<https://www.boj.or.jp/statistics/sj/sjpre.xlsx>