



Labor Update No. 123 Sep. 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) Up to four weeks, divided period possible--new paternity leave system to start next year in Autumn: Cabinet decision

The system of “men’s childbirth leave”, established by the amended Family and Childcare Leave Act that passed this June, will begin operating on October 1 of next year. This was decided by the Cabinet on the 21<sup>st</sup>. The aim is to allow fathers and mothers to take care of a new baby together during the time directly after childbirth, while the mother’s body is still recovering. This leave will be able to be taken separately from the existing childcare leave.

The men’s childbirth leave system will enable new fathers to take up to four weeks off work during the eight weeks immediately after a child is born. On the assumption that some will need to take time off both when their wives give birth and then again after she is released from the hospital, the total leave period can be divided in two. The childcare leave that currently exists will also become able to be divided the same way starting in October next year. With this and the new system together, fathers will be able to take four separate periods of time off.

It has been pointed out that one of the hurdles to taking paternity leave under the existing system is that no work is allowed to be done while taking leave. For the new men’s childbirth leave, as long as there is the proper labor agreement in place, if an employee wishes, he will be able to do a certain amount of work during the leave period. The deadline for asking one’s company for leave has also been shortened as compared to the previously existing system, down to two weeks before.

(2) “End of COVID-19 State of Emergency”: September 28, 2021, Cabinet Secretariat

[https://corona.go.jp/news/pdf/kinkyujitaisengen\\_houkoku\\_20210928.pdf](https://corona.go.jp/news/pdf/kinkyujitaisengen_houkoku_20210928.pdf)

## 2. Legal Violations/Disputes

(1) Transfer of part-timers to direct employment considered: Osaka U.

Osaka University (Handai) has internally indicated a plan to consider switching their part-time lecturers, who are teaching under outsourcing (*gyomu itaku*) contracts, to direct employment.

Handai indicated at an internal meeting their intention to “begin work soon on system-building with a view to switch to direct employment as needed by individual circumstances”. The union to which the lecturers belong had said, in regard to the current situation with outsourcing contracts, that “since it is not a labor contract, the University can cancel contracts easily”. They had sought a change to more stable direct employment. The Ministry of Education, Science, Technology, Culture and Sports (MEXT) had also been investigating the situation at Handai.

(2) Health center staff make report to LSIO: “On the brink of *karoshi*”, “tense conditions day and night”

As the busy state of public health centers grows longer amid the spread of COVID-19, at Koshigaya City Health Center in Saitama multiple staff members may be overworked in violation of the labor Standards Law. So says a report filed at Kasukabe Labor Standards Inspection Office (LSIO) by a female staff member at the center, requesting guidance for reform. In response to the report, the City says it will aim for improvement in consultation with the LSIO.

Since the number of people infected with COVID-19 began increasing in march of last year, the long work hours have become a regular occurrence for staff at health centers in Saitama.

(3) Nagoya City U. receives citation from LSIO for non-payment of overtime

It has come to light that Nagoya City University has been issued a citation by the Nagoya Higashi LSIO for failing to pay office staff part of their overtime, making them do unpaid work.

In early August, the LSIO conducted an investigation regarding about 100 staff members in the university’s main office. As well as non-payment of the workers’ overtime and late-night work allowances, the investigation also found that some staff members were not getting the legally allowed number of paid days off. Working hours were not being kept track of by objective means, such as time cards. Furthermore, it turned out that there also were violations of the Industrial Health and Safety Act, such as failure to report a change of workplace doctors and inaccurate listing of the results of health checks.

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

(1) 6.6% of people say they are LGBTQ+; harassment encountered--Jichiro survey

The number of people who say they are “LGBTQ+” (sexual minorities) is 6.6%. This is the result found by the Prefectural and Municipal Workers’ Union (Jichiro) in a survey of their members. The survey also has made it clear that more than a few

sexual-minority individuals have encountered harassment in their workplaces.

Jichiro carried out their survey between April and June of this year. The survey was sent to approximately 65,000 union members, of whom about 19,000 gave valid responses.

A noticeable number of LGBTQ+ people had had experiences with harassment. Examples include gender harassment, such as “I was mocked for my body or appearance”, “I was told I wasn’t masculine/feminine enough”, and “I was questioned more than necessary about marriage”. 38.9% of LGBTQ+ people said they had encountered such harassment at work (including after-work socializing) in the last five years; this was about twice the percentage of women (21.3%) who said so. The proportion who reported sexual harassment was also approximately twice that of women.

There were also cases SOGI (sexual orientation and gender identity) harassment, such as “I was called *okama* or *rezu* [translator’s note: *okama* can refer to a drag queen but is used derogatorily of a gay man; *rezu* is originally short for “lesbian”, but similarly used in a derogatory way]”; “I was told that homosexuality goes against nature”; and “I was forced to wear the uniform matching my birth sex”. The proportion of LGBTQ+ people who encountered harassment of this sort at work (including after-work socializing) in the last five years was 7.9%, nearly 10 times the number (0.8%) for other people.

In relation to workplace environment, concerning “if a workplace colleague has changed their gender”, 90.9% of people said it “doesn’t bother me”. But the proportion of LGBTQ+ people who said they “have come out at work” was only 1.9%.

In order to have local governments make use of these results in making policy, Jichiro will be putting together a proposal in October.

## (2) Deaths from work causes, such as long work hours, total nearly 1.9 million a year: WHO/ILO estimate

The World Health organization (WHO) and International Labor Organization (ILO) have published an estimate that the total number of people who died from work causes, such as long working hours, work injuries, etc., was nearly 1.9 million in the one year 2016. They are calling for national governments as well as companies to take measures to deal with this problem.

For the first time, that the WHO and ILO have published an estimate for the worldwide number of deaths from work-related causes. This includes over-long working hours, as well as injuries suffered during work.

According to the report, it appears that 1,879,890 people died from such causes over the one year 2016.

Among these, the largest number of deaths was from heart disease or strokes after working 55 or more hours per week, over 740,000. The second largest was over

450,000 deaths from breathing in toxic gas or smoke in mines or on construction sites; while the number of deaths from injuries on the job seems to have been over 360,000.

By direct cause, there were 450,000 deaths from chronic obstructive pulmonary disease (COPD), 400,000 from strokes, and approximately 350,000 from ischemic heart disease.

WHO director-General Tedros states, “It’s shocking to see so many people literally being killed by their jobs. Our report is a wake-up call to countries and businesses to improve and protect the health and safety of workers”.

“WHO/ILO: Almost 2 million people die from work-related causes each year”

[https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_819705/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_819705/lang--en/index.htm)

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(3) 36.4 million elderly, or 29%, the highest in the world--one in four working

The Ministry of the Interior, in an announcement timed to coincide with respect for the Aged Day on the 20<sup>th</sup>, has published the estimated population number of persons aged over 65 (as of September 15). The total number was 36.4 million, an increase of 220,000 compared to the previous year. The proportion of elderly to the general population rose to 29.1%, a rise of 0.3 points from the year before; both numbers are new record highs. The percentage of elderly people in the working population is also higher than ever before, and the government is working on improving working environments for elderly people.

The number of elderly included 15.83 million men and 20.57 million women. By age group, the number of those aged 70 or over was 28.52 million, an increase of 610,000 over the previous year, while that of people 80 and over was 12.06 million, a year-on-year increase of 460,000. Meanwhile, the estimated total population of Japan (as of September 15) was 125.22 million, down 510,000 from the year before.

According to U.N. findings, Japan ranks highest in proportion of elderly people to total population for 2021. In second place is Italy (23.6%), and in third is Portugal (23.1%).

According to Interior Ministry statistics based on the Labor Force Survey published in January of this year, the number of elderly persons who were employed in 2020 was 9.06 million, up 140,000 from the previous year, and the highest number ever since 1968, the first year for which comparable statistics are available. The proportion of employed persons to the elderly population grew by 0.2 points to 25.1%, or over one in four.

The proportion of elderly working people to the total working population aged 15 and up (66.76 million) also set a new record, at 13.6%.

The government, in order to deal with labor shortages caused by the declining population, and to increase the support base for the social-security system, is making efforts to secure employment opportunities for elderly people who wish to keep working. The amended Elderly Persons Employment Stability Act, passed this year in April, sets a duty on companies to make efforts to guarantee employment opportunities until age 70.

According to estimates by the National Institute of Population and Social Security Research, people aged 65 and up will constitute 30% of the total population by 2025. And by 2040, when members of the “second baby-boom generation” (born 1971-1974) are all over 65, the number is likely to reach 35.3%.

(4) Switzerland legalizes same-sex marriage: in referendum, 64% vote in favor

Switzerland has conducted a referendum on whether to legalize same-sex marriage, which passed with 64.1% of the votes in favor. The turnout was 52%.

Responding to the government’s “Marriage for All” policy to legalize same-sex marriage, opponents of the measure gathered enough signatures on a petition to carry out a referendum.

LGBT rights activist Jan Muller says “This is a historic day for Switzerland and for same-sex couples’ equality”.

Switzerland becomes the 30<sup>th</sup> country to legalize same-sex marriage. One country after another in Europe has taken the step ever since the Netherlands became the first in the world to do so in 2001.

Karin Keller-Sutter, head of the Department of Justice and Police, explains that legal same-sex marriages will become possible starting on July 1 next year.

Switzerland legalized homosexuality in 1942. There is already a system of legal recognition for same-sex partnerships, with about 700 couples registering every year. However, this does not guarantee the same rights as marriage, having limits on partners’ gaining citizenship and on recognition of adoption.