



Labor Update No. 127 Nov. 26, 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) “Q&A on Revisions to *Shobyō Teate* (sickness/disability allowance) and Voluntary Insurance Continuation System”: Insurance Bureau, Insurance Section, MHWL

<https://www.mhlw.go.jp/hourei/doc/tsuchi/T211115S0010.pdf>

(2) “Power harassment prevention measures” to be made mandatory for small and mid-size businesses starting April 1, 2022

<https://www.mhlw.go.jp/content/11900000/000855268.pdf>

(3) Immigration Agency to rethink Special Skills visa: road to permanent residency widens for foreign workers

The Immigration Agency is proceeding with system revisions to the “Special Skills” status of residence for foreign nationals, introduced in 2019, in a way that will enable these workers (in all applicable industries) to gain permanent residency and to bring family to Japan.

The Special Skills visa is a system meant to deal with the shrinking domestic working population by granting qualifications to foreign nationals to work here in 14 specified industries that are having difficulty securing personnel. Unlike the Technical Internship system, it involves accepting these foreign nationals as “workers”.

Currently, for most of the fields in question, the system permits residence for a maximum term of five years. There are only two industries--including construction--in which gaining of permanent residency is possible. The Agency is now working on plans to add 11 more fields to this list.

When the Special Skills system was introduced, the Immigration Agency was expecting approximately 345,000 workers to be accepted under the system in the next five years. But in fact, even before the pandemic stopped workers from entering the country, only about 3,000 people per month entered under this system, and the Agency saw a need to increase these numbers.

With the new revisions, there is a possibility that the number of people using this system will increase, and a widened path to permanent residency in Japan will open for foreign workers.

(4) Leave support payments to be reduced starting January, employment subsidies as well: MHWL

The Ministry of Health, Welfare and Labor (MHWL) has announced, in relation to the Employment Adjustment Subsidy (EAS) special measures and leave-support benefits, that these will be cut back starting in January. The daily limit amount per person will be lowered. As economic activity returns gradually to normal, the details of the benefits will be revised.

The announced reductions are for the period of January to March next year. Details of subsidies from April onward will be announced by the end of February.

Leave support benefits are a system whereby workers who were out of work because of the pandemic, but did not get leave-of-absence payments from their workplaces, can apply directly for assistance. Currently, in principle, the system pays 80% of the worker's wage prior to layoff, up to a maximum limit of ¥9,900 per person per day. From January on, the 80% rate will remain the same, but the upper limit will be lowered to ¥8,265.

The higher limit of ¥11,000 for employees of companies that comply with shortened hours in state-of-emergency areas (etc.) will remain in place through March.

In regard to the EAS special measures, the current per-person per-day limit of ¥13,500 will be reduced to ¥11,000 for January and February, then to ¥9,000 in March.

“Details of Employment Adjustment Subsidy, Leave Support Benefits, Etc.” Nov. 18, 2021--MHWL

<https://www.mhlw.go.jp/content/11603000/000856872.pdf>

2. Legal Violations/Disputes

(1) Multiple postmasters in Hiroshima leave workplaces, put up election posters: “directed to take paid leave”

It has become known that, on the notification day for the November 14 Hiroshima prefectural governor's election (in which the incumbent won reelection to a fourth term), postmasters of multiple post offices in the prefecture took paid leave all at once during business hours to do political activities, putting up campaign posters for the incumbent on election bulletin boards. Japan Post, in reply to reporters' questions, stated that “if multiple postmasters take their yearly leave (paid leave) at the same time, it is believed this could cause impediment to work operations, and so cannot be called desirable”, and indicated an intent to seek correction of the problem from the National Postmasters' Association, a voluntary organization of postmasters of small

post offices.

(2) Mie U. may have left affiliated school teachers' overtime unpaid for 17 years, since shift to national university corporation--unknown number affected

It has come to light that Mie University, located in Tsu, may have been failing to pay overtime to teachers at the University's affiliated elementary and junior-high schools since April of 2004, when it changed over to a national university corporation. This would be a total of 17 years. Tsu Labor Standards Inspection Office is investigating.

When national universities were corporatized in April 2004, teachers at schools affiliated to these universities changed from public officials into employees of the university corporations, becoming entitled to overtime pay based on the Labor Standards Act.

There are about 90 teachers at the schools, and it is said some of these have not received the owed amount of overtime pay. But it remains unknown how many teachers this applies to.

3. Situation/Statistics

(1) Hamamatsu City to make ordinance to eliminate discrimination: forbids "outing" people's sexual orientation, etc.

The city government of Hamamatsu, Shizuoka, has settled on a plan to pass an ordinance by the 11th that will aim to eliminate discrimination and prejudice against sexual minorities (LGBT etc.), COVID-19 patients, foreign residents, and others. It will include a ban on "outing", the revealing of someone's sexual orientation or gender identity, etc., to a third party against the person's will. Public comment on the proposal will be invited to start soon, and the plan is to have the new rule come into effect as soon as next year.

(2) GDP much worse than private estimate; government's recovery scenario "almost impossible"

The first preliminary report of Japan's gross domestic product (GDP) for the period of July-September 2021, released by the Cabinet Office on the 15th, in real figures exclusive of the effects of changing prices (seasonal adjusted figure), was 0.6% down from the previous quarter (April-June), representing a 3.0% decrease when annualized. This is the first negative growth in two quarters. The largest contributing factor was the continued slump in individual consumption due to the COVID-19 state-of-emergency measures lasting until September. Capital investment, the other pillar of domestic demand along with individual consumption, also dropped, at minus 14% annualized, which pushed down the GDP even further.

Independent economists' estimates of the real growth rate for the October-December quarter predicted a substantial recovery, a 4.93% increase on average. But it appears

that “although expectations are high, there will not be more of a quick recovery than this. Reaching the government’s predictions will be almost impossible”.

"Quarterly Estimates of GDP for July - September 2021 (First Preliminary Estimates)"
November 15, 2021 Cabinet Office

https://www.esri.cao.go.jp/jp/sna/data/data_list/sokuhou/gaiyou/pdf/main_1e.pdf

(3) Shunto goal “company minimum wage of at least ¥1,150”: RENG0 increases demand amount

With an eye on their unified demands for the 2022 *Shunto* (spring labor offensive), central labor union federation RENG0 began making adjustments on the 16th to increase their goal for company minimum wages--to be decided in negotiation between unions and employers--by ¥50, to “at least ¥1,150 per hour”. Referring to increases seen in the cost of living, the organization calls on its member unions to negotiate, aiming to repair inequalities that have widened amid the pandemic.

RENG0 chair Yoshino Tomoko, who took office in October, expressed an intention to focus on raising minimum wages, saying this “will lead to raising the standards for all wages”.

(4) “Long-term jobless”, unemployed for a year or more, number an average of 660,000 each month: unemployment becoming longer-term

The number of “long-term unemployed”, who have been without work for one year or more, was on average 660,000 each month from July to September according to the Interior Ministry’s labor force survey. This is 180,000 more than the same period of last year. The Ministry’s view is that decreases in the number of job listings due to the effects of COVID-19 are among the factors that are leading to a continued trend toward longer-term unemployment.

The number of “long-term unemployed”, who have been without work for one year or more, has risen to 660,000. This is 180,000 more than the same period of last year; as a percentage, a 37.5% increase.

The 2long-term unemployed” account for 34.6% of the total of “completely unemployed persons”. This is the highest this rate has been since the spread of COVID-19.

According to the MHWL, unemployment benefits from employment insurance have special extensions put in place to deal to respond to the pandemic’s effects; but at the longest, the benefit period ends after 360 days.

“Labor Force Survey (Detailed Statistics): Averages for July-September of 2021 (Reiwa 3)” Statistics Bureau, Prime Minister’s Office

<https://www.stat.go.jp/data/roudou/sokuhou/4hanki/dt/pdf/gaiyou.pdf>

(5) After changing jobs, more say pay “decreased” than “increased”: 2020 government survey

In a “job-changers fact-finding survey” carried out by the MHWL in 2020, the number of respondents saying their pay had “decreased” compared to before they changed jobs was higher than the number who answered that it had “increased”. This shows a situation in which even switching jobs does not necessarily bring improved conditions.

39.0% of those who responded said their pay had gone up. This was less than the 40.1% who said it had gone down. When the number of those whose pay had fallen was subtracted from that of those whose pay had increased, the DI was minus 1.1 percentage points. The last time this survey was carried out, in 2015, the DI was (positive) 4.1 points, with more people answering that their wages had gone up.

According to a separate survey, also by the MHWL, the number of non-regular (part-time, etc.) workers who lost jobs or were terminated due to the COVID-19 crisis in May-September of 2020--even counting only those who reported it to Hello Work or to the Labor Bureau--was about 30,000. There is a possibility that a certain number of workers might have had no choice but to prioritize taking a job in order to live, even for lower pay.

“Results of Reiwa 2 [2020] ‘Job-Changers Fact-Finding Survey’”, Nov. 8, 2021, MHWL

<https://www.mhlw.go.jp/toukei/list/dl/6-18c-r02-houdou.pdf>

(6) Remittances by migrant workers to increase by 7% in 2021--World Bank prediction shows growth even amid pandemic

The World Bank finished drawing up its predictions on the 22nd showing that the total amount of money remitted to developing countries from abroad in 2021 will reach 589 billion dollars (about 67 trillion yen), increasing by 7.3% compared to last year. It appears that immigrants from developing countries, working in countries that are starting to recover from the impact of the pandemic, are increasing the amount of money they send home to countries still reeling from the effects of COVID-19.

Even in 2020, when the spread of the coronavirus dealt a large blow to migrant labor, the amount of remittances only decreased by the small amount of 1.7%. This supported household expenses, including food and education, in these workers’ economically troubled home countries. World Bank leaders say that “facilitating the flow of remittances ... should be a key component of government policies to support a global recovery”.

“Remittance Flows Register Robust 7.3 Percent Growth in 2021” November 17, 2021 World Bank

<https://www.worldbank.org/en/news/press-release/2021/11/17/remittance-flows-register-robust-7-3-percent-growth-in-2021>

(7) Keidanren issues statement: “remote work not necessary in current conditions”

<https://www.keidanren.or.jp/announce/2021/1122.html>

(8) City of Soja to introduce “familyship” for common-law couples and family members living with them

The city of Soja in Okayama has announced a “familyship system”--which will give official recognition as a family to “common-law” and sexual-minority (LGBT etc.) couples and the parents or children who live with them. The system is to begin on December 1. The city has already introduced a partnership system giving recognition to couples. The eligibility for this will be expanded.

The new system will apply to relatives within three degrees of kinship (including biological or adopted children, parents, etc.) of either member of the couple who live with them. According to the City, it will be the first in the Chugoku region to have a familyship system, and the ninth in all Japan.

The system will not have legally binding force. However, it will enable eligible people to live in city public housing as a family, as well as (depending on the employer) to take family-care leave from work, and to be treated as family by hospitals, etc., in receiving explanations of a loved one’s condition. Couples living in Soja or planning to move there are eligible; family members’ names and their relationship will be entered in the “Special Remarks” column on the couple’s partnership certificates.