



Labor Update No. 131 Jan. 21, 2022

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) TO BUSINESS OWNERS--The term of the special exception revisions to Standard Monthly Remuneration amounts for Health Insurance and Pension premiums, in case remuneration has decreased substantially from business closings due to the effects of COVID-19, has been extended: Japan Pension Agency

<https://www.nenkin.go.jp/oshirase/taisetu/2022/202201/011104.html>

2. Legal Violations/Disputes

(1) Large-scale strike by teachers in France, protesting government's COVID response

Teachers in France will carry out a large-scale strike beginning on the 13th, saying that the government has not taken coherent steps to fight COVID-19, and has failed to protect teachers and students from infection.

The government announced new testing rules at the end of the Christmas holidays, but after receiving criticism they made changes twice, leaving teachers, parents and school administrators frustrated by the constantly changing policies.

The government first said any class in which someone tested positive would be promptly closed. But then this was withdrawn, on the grounds that a certain amount of secondary infection would be unavoidable in order for school activity to continue. However, at the start of the new year, the number of new cases hit an all-time record of nearly 370,000. The number of infections in schools also went up. In addition to infection among teachers and students, dozens of people at a time were being sent for testing, making it difficult at many schools for lessons to continue at all.

Amid this, eleven unions released a joint statement, insisting that "There are unprecedented levels of exasperation and fatigue in all education workplaces. Incessant changes of footing, unworkable protocols and the lack of appropriate tools to guarantee [schools] can function properly: the government bears full responsibility for this chaos".

(2) Vietnamese technical intern “assaulted continuously for two years”: worked in Okayama, supervisory agency investigates

A Vietnamese male technical intern, who worked at a construction company in Okayama City, claims that he was repeatedly assaulted by multiple Japanese coworkers at his workplace. The treatment continued for two years starting in the autumn of 2019: he was hit many times with broomsticks and other objects, and was once kicked in the stomach so hard he broke a rib. The man consulted with an interpreter for the management group in Okayama, who acted as a mediator. But he says the assaults did not stop. A union in Fukuyama, which has taken the man under its protection, is pressing the company and the management group to take responsibility. The union has also reported the case to supervisory agency The Organization for Technical Intern Training (Tokyo). The agency is proceeding with an investigation.

“I was not treated as a human being. Every day I went to work pleading to “have nothing happen to me today, to spend the day in peace”. This is what the man said, through an interpreter, in Fukuyama in November of 2021.

(3) Compensation granted for Astellas employee suicide: overtime work and scoldings caused depression

It has become known that the Central Labor Standards Inspection Office (LSIO) has granted industrial-accident compensation in the case of a man who was employed by major pharmaceutical company Astellas (Tokyo), saying that the cause was depression stemming from his increased amount of overtime work. The man’s surviving family insist that there was “power harassment” (bullying) from his superiors at work. The LSIO did not find that there was harassment, but did recognize that the man had been scolded.

(4) Cabin attendants who were fired are granted switch to unlimited-term: District Court says training period is limited-term employment

Tokyo District Court on the 17th handed down a verdict ruling that it was illegal for KLM Royal Dutch Airlines to terminate the employment of three individuals, who worked as cabin attendants, when they requested a change to permanent contracts due to having worked on limited-term contracts for over five years. The point of contention was the period of training that took place when they first started working for the company: the court ruled that this should indeed be included in the time worked on limited-term contracts, granting the switch to unlimited-term. The ruling also orders the company to back-pay the attendants’ wages.

3. Situation/Statistics

(1) World COVID infections top 300 million: spread of Omicron variant sends case numbers skyrocketing

According to statistics compiled by Johns Hopkins University in the U.S., the number of

known cases of COVID-19 worldwide surpassed 300 million on the 7th. Case numbers increased explosively as the spread of the more infectious new “Omicron” variant coincided with year-end holidays, when increased numbers of people gather. The Omicron variant is believed to have a lower risk of causing severe disease. But since the rapid rise in case numbers still puts pressure on the health-care system, leading to increased numbers of deaths, the World Health Organization (WHO) warns against complacency.

After the total number of infections to date surpassed 100 million last January 26, the rate of new cases stayed even for a while, at about 50 million per 95 days. In November, after the WHO had named the new variant Omicron, the pace increased, and the next 50 million cases took only 60 days, a new record speed of infection.

(2) Labor union membership estimated at 16.9%: long-term downward trend continues

Of people working for companies, etc., the proportion enrolled in labor unions as of last June was estimated to be 16.9%, a decrease of 0.2 percentage points from the previous year.

The number of labor union members as of last June was 10,078,000, which is 38,000 fewer than one year before.

The number of employed people working for companies, etc., was 59,800,000, or 510,000 more than the previous year.

As a result, the organization rate--representing the proportion of working people who are members of unions, was estimated at 16.9%, which is 0.2% lower than the previous year.

By main groups, the numbers were

- ◇ 6.99 million members in RENGO (-30,000 year-on-year)
- ◇ 2.018 million in Kinzoku Rokyo (-15,000 y.o.y.)
- ◇ 724,000 in Zenroren (-14,000 y.o.y.), etc.

When the estimated union organization rate is looked at by size of private company, for companies with 1000 or more employees it was 39.2%, but for those with 99 or fewer, it was only 0.8%.

Furthermore, the number of part-time workers belonging to unions was 1.363 million, or 12,000 fewer than one year before. This is the first time for this number to decrease since the year Heisei 2 (1990), when statistics began to be kept. The organization rate was estimated at 8.4%, or 0.3 percentage points less than the previous year.

“Summary of Basic Survey of Labor Unions, Reiwa 3 [2021]” MHWL

<https://www.mhlw.go.jp/toukei/itiran/roudou/roushi/kiso/21/dl/gaikyou.pdf>

“Reiwa 3 ‘Basic Survey of Labor Unions’ Results Announced” MHWL

<https://www.mhlw.go.jp/toukei/itiran/roudou/roushi/kiso/21/dl/houdou.pdf>

(3) ILO predicts “total hours worked worldwide not to return to pre-pandemic level”

With COVID-19 spreading once again in various parts of the world thanks to the influence of the Omicron variant, the International Labor Organization (ILO) has released a prediction that the total number of hours worked worldwide will not recover to pre-pandemic levels within this year. The report calls on countries around the world to expand their employment measures.

With the near future still opaque due to the spread of Omicron, the ILO said on the 17th that the total number of hours worked by people all over the world in 2022 is likely to be 2% less than in 2019 before the pandemic spread.

Their report also predicts that this year’s number of unemployed persons will reach 207 million, an increase over the 186 million seen in 2019; and that this number will not return to its pre-pandemic level until the year after next.

By region, Europe and North America are showing signs of recovery, while in Southeast Asia and Latin America the pace of recovery is still slow.

“ILO downgrades labour market recovery forecast for 2022”

https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_834117/lang--en/index.htm

(4) Keidanren encourages “distribution” by raising wages: *Shunto* policy agrees with government

Keidanren released their “Management Labor Policy Special Committee Report”--a management-side plan for 2022’s *Shunto*--on the 18th. Compared to 2021, the report encourages active “distribution” measures via raising of wages. It also makes mention of “society’s expectations” toward the Kishida administration’s signature policy of “a virtuous cycle of growth and distribution”, showing clearly their position of aligning with the government. The report also for the first time emphasizes the importance of optimizing prices along the entire supply chain, so as to prepare an environment where smaller businesses, including contractors, can raise wages.

(5) End of pandemic “still far” says WHO

World Health Organization (WHO) Director-General Tedros stated in a press conference about the COVID-19 situation that “this pandemic is still far from ending”, urging people not to let down their guard.

Tedros explained that the rapid rise in COVID-19 infections caused by the Omicron

variant has reached its peak in certain countries. This, he pointed out, “gives hope that the worst of the wave has passed, but no country can yet be said to be out of crisis”.