



Labour Update

労組周辺動向 No. 132



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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) Japanese language classes for foreign students will count for credit from 2023, says MEXT

The Ministry of Education, Culture, Sports, Science and Technology (MEXT) has decided on a policy to grant graduation credits for Japanese language classes taught in high schools to students with foreign roots, starting in the 2023 school year. These classes are to be taught by teachers with a high-school teaching license (not limited to those licensed to teach *kokugo*, or Japanese as a native national language), with assistance from private Japanese-language instructors.

A survey done by MEXT in 2018 found that there were 4,172 students in public high schools who needed to learn Japanese, including those of foreign nationality as well as those with foreign-born parents, etc. Due to the increasing numbers of foreign workers and students in Japan, this number was 2.7 times what it had been ten years before. Meanwhile, the dropout rate for such students in 2017 was 9.6%, much higher than the

rate of 1.3% for high school students overall.

At elementary and junior-high schools, Japanese language instruction has been designated as a “special education program”, able to be included in curricula as a lesson, since 2014. MEXT’s plan now is to make it possible to have such “special education programs” in high schools as well, and to allow them to count for up to 21 credits of the 74 or more required for graduation.

(2) Maximum ¥2.5 million to small and mid-size businesses impacted by COVID-19: applications accepted starting Jan. 31

The Ministry of Trade, Economy and Industry (METI) began accepting applications on January 31 for the government benefit of up to ¥2.5 million that will be provided to small and medium-size businesses whose sales saw large decreases on account of the effects of the COVID-19 pandemic.

This benefit will be provided--regardless of industry--to companies whose sales, for any one month from November 2021 to March 2022, were over 30% less than the same month of the previous year; for those whose sales were over 50% less, a larger benefit will be provided, up to a maximum of ¥2.5 million.

Independent business operators, including freelancers, will also be eligible. Before applying, it will be necessary to have the state of the business confirmed by a certified tax accountant or a Chamber of Commerce.

“Business Revival Support Benefit” METI

<https://jigyuu-fukkatsu.go.jp/>

(3) “New ‘Employment Insurance Multi-Job-Holder System’ to be Established--Begins on Jan. 1, 2022” Ministry of Health, Welfare and Labor (MHWL)

<https://www.mhlw.go.jp/content/11600000/000838540.pdf>

2. Legal Violations/Disputes

(1) Return to work after settlement with parent company: employees “de-facto fired” from Bellco agency

A settlement was reached in Sapporo Superior Court on January 26 that returned two former employees to work at an agency contracting with major ceremony company Bellco. The two had been *de facto* terminated after forming a union, and had sued to get their jobs back.

The employees, via their agency, secured contracts and arranged funerals. Faced with long working hours, among other things, they moved to form a union in January of 2015

in order to seek improvements from the parent company, Bellco. Bellco then canceled the contract with their agency. Most of the employees were moved over to another agency, but the two were not transferred. Therefore they sued to “invalidate their firing”. The initial ruling by Sapporo District Court rejected the suit on grounds that Bellco did not have the responsibilities of an employer. The plaintiffs then appealed this decision.

Under the terms of the settlement, the two will return to work at an agency in Sapporo, and Bellco will pay them an amount equivalent to seven years’ wages. On the other hand, the terms also confirm that Bellco does not have the responsibilities of an employment contract.

(2) Fired for “failing to meet quota”, despite pandemic: company insists “no sign of improvement in performance”--court voids dismissal

“Illegal to fire for not meeting a quota when the effects of COVID-19 make sales activity difficult”: in a lawsuit filed by a man living in Hyogo who formerly did sales work, seeking confirmation of status from the Tokyo software sales company where he worked, Osaka District Court has ruled that the firing “lacked a reasonable cause”. The court has judged the dismissal invalid, and ordered the company to back-pay the man’s wages.

by the company to procure five new contracts in June and July, but only obtained three. At the end of July, he was dismissed on grounds that his “work performance was according to the verdict, the man joined the company in February of 2020 as a sales representative, and was put in charge of finding new customers. He was directed as notably unsatisfactory” as per work rules.

The company claimed in court that the man “was neglectful of making phone calls and visits to customers, and there was no sign of improvement in his performance”.

According to the MHWL, the total number of workers fired or dismissed due to the effects of the pandemic since February 2020 (as of January 21 this year, including those anticipated) is as many as 124,715. By industry, manufacturing and retail have the highest numbers.

3. Situation/Statistics

(1) RENGO supports no political party; will not endorse any who cooperate with JCP--upper-house election policy

RENGO, Japan’s largest central union organization, announced to member unions on January 21 that they will not support any particular political party in the summer House of Councilors election, and that they will not sign policy agreements with any party. The announcement also noted that RENGO will not endorse any candidate who joins in a “united opposition front” with the Japanese Communist Party (JCP). The decision is to be made official in mid-February. This will inevitably have an impact on the performance of the opposition--centered around the Constitutional Democratic Party (CDP)--in the election.

(2) "We could end COVID-19 as a global emergency this year", says WHO head

World Health Organization (WHO) Director-General Tedros announced on January 24, in connection with the COVID-19 "public health emergency of international concern" that was declared at the end of January 2020, that "we could end [it] this year". He made the announcement at a meeting of the WHO's executive board on January 24.

The WHO has repeatedly called for vigilance regarding COVID-19. It is out of the ordinary for its leader to mention the prospect of ending the emergency.

(3) IMF makes downward revisions to growth predictions for U.S., China, and the world: pandemic weighs heavily

The International Monetary Fund (IMF) on the 25th released its world economic outlook, making downward revisions to its predictions for economic growth in the U.S., in China, and worldwide.

The COVID-19 pandemic, inflation, supply constraints, and uncertainty surrounding the U.S. monetary crunch were cited as potential further risks.

"World Economic Outlook Update" International Monetary Fund

<https://www.imf.org/en/Publications/WEO/Issues/2022/01/25/world-economic-outlook-update-january-2022>

(4) Sumitomo Forestry establishes "partnership system rules"

Sumitomo Forestry Co. introduced new "Partnership System Rules" on January 1.

(quotation follows)

These rules are based on "promoting the building of a workplace environment where diverse personnel can use their individuality and abilities to work cheerfully", which this company sets as an important issue for sustainability. "Same-sex partners" and "common-law partners" (henceforth "partners") will be afforded the same company systems and benefits as those given to spouses (those in a legal marriage relationship).

(5) Full-timers "lacking", say 47.5% of companies: personnel shortage shows signs of a return

The pandemic continues, but some companies are having difficulty in getting personnel. According to a survey released on January 26 by Teikoku Databank, out of about 10,000 companies across the country, 47.5% answered last December that the number of full-time regular employees (*seishain*) was "lacking". It seems the pre-pandemic situation is returning, and personnel shortages may make a comeback.

In regard to part-timers and other non-regular employees, 27.7% answered that these, too, were lacking.

In the (pre-pandemic) 2019 survey, the proportion of companies with full-time worker shortages was about 50%. In May of 2020, after the first State of Emergency declaration, this fell to 29.1%. The number gradually recovered after that, but in this survey has returned to levels near those seen before the pandemic.

(6) Number of foreign workers in Japan sets new record; number of technical interns decreases for first time

The number of foreign workers working in Japan reached just over 1.72 million as of last October, a new high record, according to a report by the MHWL. On the other hand, due to the effects of COVID-19, the rate of increase over the previous year was only 0.2%, and the number of technical interns went down for the first time.

“Reported State of ‘Situation of Employment of Foreign Nationals’” (as of October, Reiwa 3 [2021] MHWL

<https://www.mhlw.go.jp/content/11655000/000887554.pdf>

(7) “Number of teachers short” by about 2,000 in public schools, first nationwide survey makes clear

With a “teacher shortage” becoming a problem in schools, MEXT has for the first time conducted a nationwide survey. This has made it clear that, in public elementary, junior-high and high schools put together, the total number of teachers is short by about 2,000.

This survey of Boards of Education in prefectures and designated cities across the country was the first such investigation to be conducted by MEXT.

According to this, as of last May, the shortfall in number of teachers (as compared with BoE plans) was:

- ◇ In elementary schools, 979
- ◇ In junior high schools, 722
- ◇ In high schools, 159
- ◇ In special-needs schools, 205.

This adds up to a total shortage of 2065 teachers, making it clear that necessary positions are not being filled.

Looking at elementary and junior-high schools by city and prefecture:

- ◇ Fukuoka Prefecture had a shortage of 128
- ◇ Chiba had 124
- ◇ Ibaraki had 113.

There were seven local governments, including Tokyo and Wakayama prefectures, that reported “no shortage”.

Due to the teacher shortage, there were 474 cases in elementary schools where a teacher other than a homeroom teacher, or an administrator, had to fill in for a homeroom teach-

er. In junior high schools, there were 16 cases where, due to a lack of subject teachers, necessary lessons such as home economics, mathematics, or science were not able to be carried out.

Furthermore, of those assigned to be homeroom teachers, the number “temporarily appointed” totaled over 41,000, or one in ten, at elementary and junior high schools. This throws into sharp relief how non-regular teachers, hired yearly, are being used to compensate for shortages.

The number of teachers taking parental leave and sick leave is higher than was expected, as is the increased number of special-needs classes. These are cited as reasons for the shortage. However, MEXT says that “a shortage of teachers is not a desirable situation. Hiring should be planned well so as to avoid affecting children’s learning.”

(8) Welfare applications in November up by 10.6% over one year before

The MHWL announced on February 2 that the number of applications for welfare benefits in November of 2021 was 21,093. This is an increase of 10.6% compared to the same month of the previous year, and the seventh month in a row to show an increase.

“Announcement of Results of Welfare Benefit Recipient Screenings (November, Reiwa 3, Rounded Figures)” MHWL

<https://www.mhlw.go.jp/toukei/saikin/hw/hihogosya/m2021/dl/11-01.pdf>

(9) JICA: “Four times present number of foreign workers to be needed by 2040; shortfall of 420,000”

In order to meet economic growth goals that the government aims to achieve by 2040, Japan will need 6.74 million foreign workers, about four times the number currently in the country, according to estimates published on the 3rd by the Japan International Cooperation Agency (JICA). The report also predicts that, if systems of taking in foreign workers remain as they are now, there will be a shortfall of approximately 420,000. JICA says this is the first time a long-term calculation has been made of supply and demand for foreign labor, and that it will be a useful departure point for discussion in the future.

Based on the government’s scenario, the goal for gross domestic product (GDP) by 2040 was set at ¥7.04 trillion, a 36% increase over 2015. On the supposition of continued decrease in working-age population and of promotion of structural investments such as automation, JICA estimates that, in order to reach this goal, Japan will need 4.19 million foreign workers by 2030, and 6.74 million by 2040.

According to the MHWL, as of October 2021 there were about 1.72 million foreign nationals working in Japan. Of these, approximately 350,000 were “technical interns” in Japan for the purpose of learning technical skills; about 330,000 were doing “activities outside of visa status”, such as students doing part-time work. In order to reach the 2040 growth

goal, the calculation is that four times more will be needed than are currently here.

Meanwhile, the report also analyzed the population dynamics and economic growth rates of the 13 countries in Asia where most workers come to Japan from, including China and Vietnam, as well as the average number of years workers stay in Japan after coming. With other countries' economies also growing, and their birthrates declining too, competition for workers is predicted to grow more intense; the number is estimated to fall short of demand by 630,000 in 2030 and 420,000 in 2040.