



# Labour Update

## 労組周辺動向 No. 134



2022 - 03 - 04

### 1. Law/Policy

#### (1) Employment Adjustment Subsidy Special Measures extended through June: MHWL

In regard to Employment Adjustment Subsidy Special Measures (to help businesses keep people employed), the Ministry of Health, Welfare and Labor (MHWL) has decided on extending these until the end of June, saying that the effects of COVID-19 are still continuing.

The special measures were set to expire at the end of March, but the MHWL has decided, since the pandemic's affects remain ongoing, to extend them through June. The Ministry had been planning to extend them through the end of May, but with some within the governing party calling for strengthened relief, the decision was taken to extend them longer.

According to the MHWL, the amount of Employment Adjustment Subsidies paid out since February of 2020, when the Special Measures were instituted, has reached ¥5.3 trillion.

"In Regard to Employment Adjustment Subsidy Special Measures in April, Reiwa 4 [2022] and After" Feb. 25, 2022 MHWL

[https://www.mhlw.go.jp/stf/r404cohotokurei\\_00001.html](https://www.mhlw.go.jp/stf/r404cohotokurei_00001.html)

(2) People from their mid-30s to their mid-50s earn over ¥1 million less than those who were the same age 20-some years ago: Cabinet Office

The government's Council on Economic and Fiscal Policy has heard a report stating that people aged from their mid-30s to their mid-50s as of 2019 were earning, on average, over ¥1 million less than those who were the same age in 1994 earned then. Prime Minister Kishida emphasized his thinking that, in order to raise incomes, there should be thorough investment in people.

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

(1) Unpaid premium wages at national university affiliated schools total over ¥1.5 billion-- citations, etc., to 24 institutions

The Ministry of Education, Culture, Sports, Science and Technology (MEXT) has investigated and found that, out of 55 national universities that have affiliated schools, over the approximately 17 years from April of Heisei 16 [2004] to December of last year, 24 institutions had cases of unpaid premium wages (overtime) for out-of-hours work or holiday/ weekend work, and had received citations or guidance over this from their local Labor Standards Inspection Offices.

The total amount of premium wages unpaid, to a total of 2,952 teachers at 66 schools, adds up to over ¥1.555 billion.

(2) Depression after working 223 hours of overtime in a month: online sales company ordered to pay damages

A verdict was given by the Tokyo District Court on the 22<sup>nd</sup> in a lawsuit filed by a man in his 40s who worked at a distribution center for an Internet sales company in Tokyo. He had sued the company for ¥68 million in damages, claiming he had suffered depression caused by his overly long working hours. Judge Oda Shoji acknowledged the cause-and-effect relation between the man's depression and his working approximately 223 hours of overtime in a month, and ordered the company to pay ¥24 million in compensation.

The man, who still suffers from sleep deprivation and is continuing to receive treatment, says that "there ought to be a policy so people suffering from over-long working hours don't just have to give up".

(3) Chiba U. limited-term staffer "on the job for 10 years" but unable to switch to permanent: union claims "evasion of 5-year rule"

A man who worked as a student counselor at Chiba University was let go unfairly, reports the Union of University Part-Time Lecturers in Tokyo Area.

The man started the job in 2010, working on repeatedly renewed one-year contracts until he was terminated in September of 2021. All together, he worked a total of ten years. However, although he applied to switch to an unlimited-term contract, he was told he did not qualify, and his request was rejected.

The man had worked for a different university for a period of six months starting in April of 2016. Due to this “cooling period”, the man’s count of years on the job, which started when the law took effect in April of 2013, was reset to zero.

The man returned to Chiba University in October of 2016. Then in September 2021, just before his new “count” could reach five years, he was let go.

Saying that the man still had an employee number at Chiba University and kept some belongings there, even while he was working elsewhere, the union insists that the “change of jobs” was in order to evade the five-year rule on switching to unlimited-term employment. Through collective bargaining, they are seeking to win a withdrawal of the firing.

#### (4) U.S. women’s soccer team reaches agreement with association on equal pay with men

The U.S. national women’s soccer team and the United States Soccer federation (USSF) issued a joint statement on the 22<sup>nd</sup> to announce that an agreement has been reached, ending their dispute over labor conditions. The women’s team had demanded the federation eliminate the gender gap in pay. Under the terms of the new, epoch-making agreement, the federation will pay the team 24 million dollars (about ¥2.76bn), as well as promising equal pay from now on.

The agreement specifies in particular that “from now on, the federation will provide remuneration at an equal rate to the women’s team and the men’s team for all matches, to include all friendly matches and World Cups”.

#### (5) Company sues Vietnamese strikers for ¥2 million: caramel candy company Hanabatake Farm

At Hanabatake Farm, a company known for its caramel candy, when Vietnamese factory employees went on strike in January for improved conditions, the company then sued them for ¥2 million in damages, it has become known. A union supporting the employees insists that “it was a justified action for improvement of labor conditions”. The company, on the other hand, asserts that the workers struck before forming a union, and that this was “desertion of work”.

At Hanabatake Farm’s Tokachi #2 Factory in Nakasatsunai, thirty-eight Vietnamese employees went on strike on January 26 to protest increased bills for water and electricity in their company housing. At the time, there was no union at the company. The employees gave notice of the strike to the company through their LINE group, and asked company president Tanaka for improvements.

The bill for water and electricity in their company housing, deducted from their wages, had up until then been ¥7,000 per month. But this January it more than doubled, to about ¥15,000. The workers protested to the company multiple times over this. But the company decided to ignore their complaint, so they then took the step of striking.

After that, the company said that they would basically return to charging employees ¥7,000. But then on March 15 they gave 40 employees--including some who did not join in the strike--notice of non-renewal of their contracts. Four of these workers were suspended from work for seven days on grounds of having violated work rules, and the company even sued them for a total of ¥2 million in damages, claiming they had "incited other employees and halted the production line".

After the strike, the four joined a Sapporo regional union and formed a branch. On the 24th, they notified the company of the formation of a union.

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

#### (1) Use of alias approved for city staffers with gender dysphoria: Ginowan, Okinawa

It has become known that the city of Ginowan in Okinawa has granted approval for city government employees diagnosed with "gender identity disorder" (gender dysphoria) to use an alias of their own choosing. By applying to the personnel department, just like those who wish to use their maiden name, they will be able to use this alias on their name cards, name tags, on email as their sender name, and in the office computer system. This is the first such arrangement in the prefecture or at any of its eleven cities.

The MHWL has instructed all the prefectures via a notice that they should allow people with gender dysphoria to use aliases on their nursing-care insurance and health insurance cards.

#### (2) LDP indicates "policy talks with RENGO" in their policy plan: "will work together to raise wages"

On Feb. 25, the Liberal Democratic Party (LDP) decided on a proposed policy plan for 2022. In order to build up a strong party organization, the plan says "we will actively pursue policy talks with RENGO as well as other friendly unions", mentioning RENGO specifically. The union federation has supported opposition parties in the past, but recently is growing closer to the LDP, while the LDP is also aiming to broaden its support base.

Last year's policy plan indicated only that "in order to strengthen relations with labor unions, we will pursue policy talks with friendly unions". Obuchi Yuko, head of organization activities, said in a press conference in regard to the mention of RENGO by name that "we can join forces together to move in the same direction, including on raising wages". She explained that "actively pursuing talks is important, isn't it".

Recently Yoshino Tomoko, chair of RENGO, has paid visits to the Prime Minister's official residence and to LDP headquarters, and Prime Minister Kishida Fumio attended RENGO's New Year reception. Ms. Obuchi and Ms. Yoshino had a meeting on February 17<sup>th</sup>. The LDP hopes, by coordinating with RENGO, to gain support from their union members.

The policy plan proposal is titled "A Politics of Trust and Sympathy, All Together. To Win the Upper House Election, and Into the Post-COVID-19 World". It considers this summer's upcoming Upper House election as "the greatest political showdown", and places the highest importance on the 32 one-member districts. In regard to the Constitution, it says the party will "aim to achieve amendment soon". It will be officially voted on at the party's general meeting on March 13.

### (3) Welfare benefit applications last year 5.1% up on previous year: pandemic effects linger

With effects of the COVID-19 pandemic still lingering, the number of applications for welfare benefits over the whole of last year (according to preliminary figures) was approximately 235,000. This is just over 11,000 more than the previous year: as a percentage, an increase of 5.1%.

This is the second year in a row to see the number of applications increase.

As of December last year, there were 1,644,884 households receiving welfare benefits nationwide. This too, was an increase, being 6,700 more than the number for the same month of the year before.

Of those households receiving benefits, the largest category was "elderly households". This group accounted for 907,301 households, or more than half of the total.

### (4) Gender gap: Japan in "103<sup>rd</sup> place"

The World Bank has released a report titled "Women, business and the Law 2022", which looks at the gender gap mainly from an economic point of view, including the gap in wages. The report gives countries scores in each of eight fields; by overall score (the average of all eight), Japan is tied for 103<sup>rd</sup> place in the world, down from an 80<sup>th</sup>-place tie in last year's report.

The report contains data collected from October 2020 to October of 2021 in 190 countries and regions. It analyzes legal disparities between men and women in eight fields, such as workplaces, wages, child care, etc., and quantifies them. Japan's overall score was 78.8, lower than the average of 95.2 for OECD high-income countries. Twelve countries, including Sweden, Canada and France, received perfect scores of 100; in Asia, Hong Kong (91.9), Taiwan (91.3) and South Korea (85.0) ranked higher than Japan.

While the report says Japan has no gender gap in its pension system (scoring 100 in that category), it gives the country a low score of 25 for the pay category. This is due, among other things, to there being certain fields here in which positions open to men are not all

open to women. The report suggests, as strategies for improvement, legally requiring equal pay for labor of equal value and eliminating gender distinctions in hiring even for dangerous jobs.

"Women, Business, and the Law 2022"

<https://live.worldbank.org/events/women-business-law-2022>