



Labour Update

労組周辺動向 No. 135



2022 - 03 - 18

1. Law/Policy

(1) Priority measures to be totally lifted in 18 prefectures: zero areas under restrictions, for first time in two months

On March 16, Prime Minister Kishida met with cabinet ministers including Minister of Health, Welfare and Labor Goto Shigeyuki, to discuss COVID-19 Priority Prevention Measures. In addition to the seventeen prefectures that had indicated by the 15th that they were preparing to lift their coronavirus restrictions, Osaka had also conveyed by the 16th that they would not seek to extend their measures. Therefore it was decided to lift the restrictions in all eighteen prefectures.

At a meeting of the Novel Coronavirus Disease Control Subcommittee on the 11th, the government presented new criteria to the effect that, if either the number of new cases or the hospital bed occupancy rate goes down, special measures can be lifted. The hospital bed occupancy rate in Osaka was still over 60% as of the 14th, but the number of new cases per day was trending downward. Therefore it was judged appropriate to lift restrictions.

(2) Government: if there is a case in a workplace, etc., "no need to identify close contacts"

Up until now, the government has asked, in case there are COVID-19 infections in a company workplace, etc., that the workplace or a health center carry out tracing of close contacts, and that those concerned stay home for (as a basic rule) seven days. From now on, the new policy is that there will not necessarily be a need to identify close contacts or to impose any across-the-board restrictions on activity.

The policy requests that companies regularly keep people informed of precautions to take on their own. This includes notifying anyone who has had contact with a person who tested positive, and asking them to refrain from meeting people who are at high risk of severe symptoms, or from participating in group dining or drinking, or other events. Junior-high and high schools, as well as universities, are included in this policy.

However, in case of a cluster of five or more infected individuals, contact tracing and activity restrictions will still be carried out.

2. Legal Violations/Disputes

(1) Illegal overtime at Accenture? 140 hours' overtime in a month; agreement invalid

The Tokyo Labor Bureau has filed charges at with the Tokyo District Prosecutor against foreign-affiliated consulting firm Accenture and one executive of the company. The company is charged with having an employee at its Minato-ku, Tokyo, headquarters do illegal overtime work.

According to the Labor Bureau, it is suspected that a software engineer employed at the head office was made to work 143 hours and 48 minutes of overtime (beyond the legally-specified 40 hours per week) during the period from January 3 to January 30 last year. There was a labor agreement setting a limit on overtime (a so-called 3-6 agreement), but it is said to be invalid. There is no union at the company. A workers' representative did sign an agreement with the company, but it seems that there were irregularities in the procedure.

(2) Appeal hearings begin in schoolteacher's overtime lawsuit--plaintiff: "demanding voluntary work from teachers is 'forced labor'"

On March 10, the Tokyo Superior Court (Judge Yao Wataru presiding) heard the first oral arguments in an appeal filed by a male teacher at a public elementary school in Saitama. He claims that it is illegal to make teachers do unpaid overtime work, and sued the prefecture for back-payment of approximately ¥2.42 million. The prefecture, as defendant, sought to have this claim rejected.

In his statement, the teacher pointed out that teachers' work hours are not long enough to cover their actual working time, saying that "pupils are in school for about eight hours. On the other hand, teachers' work hours are seven hours and forty-five minutes. It can be seen just from this that there is an impossibility. It is the homeroom teachers who are responsible for the pupils in class". Therefore, there is overtime work.

"We have no freedom of choice whether or not to do the overtime work. Requiring voluntary work from teachers with no choice constitutes 'forced labor'. I hope for a fair judgment from the court, one that can answer confidently to international society", the man says.

(3) Overtime allowances miscalculated at Ryukyu U.; additional payments made to 1,994 faculty members

Ryukyu University has announced on their official homepage that, because the premium amount for overtime work allowances was not paid correctly to some members of the faculty, they have now paid an additional ¥75.36 million (total) to 1,994 faculty members to correct the mistake. The miscalculated allowances were for the period from April 2004 when the national universities were corporatized, or from the new introduction of the allowance, up to that paid in February of 2022. The university decided, based on the statute of limitations for claiming back wages, to pay only the past three years' worth. The total amount of the miscalculation is therefore thought to be much larger. Some faculty members are demanding an explanatory meeting be held.

There were twelve types of allowances that were not correctly paid, including entrance exam allowances and teacher special duties allowances. Certain allowances were left out of the base pay amount used for calculating the amount of pay per hour of work. The error was discovered in May of 2021, when system operation maintenance was done.

The additional pay was provided to a total of 1,994 individuals, including 1,562 current members of faculty (as of March 1, 2022) and 432 who were already retired.

(4) Harassment at Denso subsidiary: employee commits suicide, family sues company and supervisors

The suicide of a man who was employed at a subsidiary of Denso--a major parts maker and member of the Toyota Group--was a result of depression that was caused by overwork and his bosses' "power harassment" (workplace bullying, or *pawahara*), say the man's parents, who have sued the company and two supervisors at Gifu District Court, seeking compensation of about ¥115.8 million (including for mental suffering).

The man began working at Denso Facilities in 2015. From about October of 2019, he headed two projects, including demolition work at Denso's Ikeda factory, and became overworked. He worked 61 hours and 45 minutes of overtime in one month in February-March of 2020, 20 hours more than the previous month. As well as being scolded in an angry voice by the section chief who was his direct boss--who called him "stupid" and said "quit your job", among other things--he also had this scolding observed by another supervisor, a general manager who gave him unreasonable instructions such as making him repeat his reports multiple times.

The man fell into depression, and in July of 2020 he committed suicide. The Kariya Labor Standards Inspection Office (LSIO) granted work accident compensation in March of 2021. The LSIO acknowledged the large changes in the contents and amount of the man's workload, as well as the harassment from his supervisors.

(5) *Shunto*: some companies have decided on pay raises for non-regular workers

In this year's *Shunto* (spring labor offensive), the 16th was the main response day, and many companies answered with higher wage offers than those of last year. There are even some which, as part of the move to raise wages, have even decided to give a "base-up" (raise in base pay) to those working as non-regular employees (part-timers, limited-term contract workers etc).

At leading food maker Kikkoman, union members include not only regular full-timers (*seishain*), but also over 30 non-regular contract employees (*shokutaku shain*) and part-timers (*paato taimu*).

With prices going up, many voices have been calling for increases in pay. Last month, the union submitted written demands to management asking for the same level of pay raises for non-regular workers as for regular employees.

According to the union, as a result of negotiations, a compromise agreement was reached on the 16th whereby regular full-timers would get a raise of ¥2,000 per month and contract staff would get ¥1,000.

This is the first time at this company for the contract employees to receive any raise in base pay.

3. Situation/Statistics

(1) Number of full-timers down for the first time in 2 years, 4 months: telecom industry numbers fail to grow

According to the January Labor Force Survey published by the Interior Ministry, the number of workers working as *seishain* (regular, full-time company employees) was 35.54 million, which is 270,000 fewer than the same month of last year. This is the first time in two years and four months that this number has shown a decrease. According to the Ministry, the main reason is that the number of people employed in the telecommunications industry did not grow. The reason for this is unknown. According to those in charge, “the move by companies to introduce digital technology is continuing, so the decrease may be temporary”.

By gender, the number of men working as *seishain* went down by 240,000 and the number of women went down by 40,000. It is the first time since November of 2014 that the number of female full-timers has decreased (compared to the same month of the previous year). With the government encouraging women’s employment, the number of female *seishain* has heretofore been growing.

“Labor Force Survey (Basic Statistics), January 2022 (Reiwa 4)” Statistics Bureau, Prime Minister’s Office

<https://www.stat.go.jp/data/roudou/sokuhou/tsuki/pdf/gaiyou.pdf>

(2) Shunto responses: many offers more than last year’s; more and more big companies offer whole amount

This year’s *Shunto* (spring labor campaign) reached its “main response day” on the 16th, when large companies give their answers to unions’ demands. Electronics giant NEC responded by offering the union a ¥3,000 base-pay raise, just as they had demanded. Toshiba has similar plans. Recently, it has been unusual for large electronics companies to give the full amount demanded.

Automotive companies are also giving full-amount offers; the amounts being offered noticeably are higher than last year, when the pandemic had a large effect. However, due to the situation in Ukraine among other factors, prices are also going up, leaving some still worrying that the pace of wage increases may not match the pace of price rises.

In the automotive industry, Honda has offered a base-pay raise for the first time since two years ago. They responded by offering the full amounts demanded: ¥3,000 improvement in wages (including the raise in base pay) and a yearly bonus of 6 months' worth. Nissan also responded by offering their union's full demand of an ¥8,000 pay raise and a 5.2-month bonus.

Toyota gave their response before, on the 9th. They settled on a bonus of 6.9 months' worth, which is 0.9 months more than last year's. They also gave the full wage increase that was demanded. Neither the company nor the union has clarified whether this includes raising base pay.

Nippon Steel Corporation responded on the 16th with an offer of ¥3,000 equivalent to a base-pay increase. This is the largest raise since 1998, when negotiations began being held only once every two years. Heavy-industry giant IHI offered a base-pay raise of ¥1,500 and a 4.8-month bonus; Mitsubishi Heavy Industries gave ¥1,500 and a 5.8-month bonus; and Fujitsu offered a ¥1,500 raise.

According to MHWL statistics, in last year's *Shunto*, when there were many base-pay raises of zero, the average amount of pay increase at large companies (including regular raises) only reached 1.86%. For the third year in a row the amounts were less than the previous year, and for the first time in eight years the average went under 2%. This year it will be seen whether the average can recover to 2%.