



Labour Update

労組周辺動向 No. 139



2022 - 05 - 13

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) LDP plans to strengthen ties with groups sympathetic to party's policies: Motegi

At a Liberal Democratic Party (LDP) officers' liaison meeting on March 10, campaign committee chair Endo Toshiaki said in reference to the election situation that "in certain areas, there are labor unions that are very well-disposed toward the LDP. We need to take steps to actively court their support."

Afterwards, party secretary-general Motegi Toshimitsu stated in a press conference that "I feel the same way as Mr. Endo on certain things. It is only natural to put effort into gaining support from those groups or individuals that are favorable towards LDP policies or administration". He expressed a wish to strengthen ties with such groups, particularly private-sector unions under the umbrella of RENGO.

(2) Teachers' license renewal system abolished--law amendment passes

An amendment to the Special Act for Education Personnel and the Education Personnel Certification Act, including an abolition of the "teachers' license renewal system", passed the Upper House on the 11th to become law. The current system--under which licenses have a 10-year term of validity, and classes must be taken for each renewal, will be abolished in July. Instead, teachers will be expected to receive training on their own initiative. In order to improve the quality of teaching, boards of education will be required, starting with the 2023 school year, to keep training records for each teacher.

In regard to both the "Regular License", gained by passing a teacher training course at a college or university, and the "Special License", granted by school board approval to individuals with specialist knowledge, the term of validity (expiration date) will be removed. Teachers whose licenses are set to expire in July or after will no longer need to take classes or go through a renewal procedure. Those who had a license but let it lapse will be able to use their licenses again.

2. Legal Violations/Disputes

(1) Yoshinoya refuses participation in recruitment event to student it assumed was a foreign national; criticized for discriminatory treatment

Yoshinoya Holdings has made it known that it refused to allow a student to attend an employment recruitment event for its Yoshinoya chain of beef-bowl restaurants, after assuming that the student was a foreign national. The company explains that their reason was that "it is difficult to obtain working visas". Yoshinoya is now drawing a backlash on social media from those who say this was discrimination.

Yoshinoya indicates clearly on its website that it "continues to actively promote foreign national employees with the aim of revitalizing the organization".

According to Yoshinoya Holdings, the staff in charge of recruiting assumed, based on the student's university and address among other personal information, that the student was of foreign nationality. They sent an email saying "it is extremely difficult to obtain a working visa, so even if you are offered a job, you may be unable to join the company", and canceled the student's reservation to attend the event. The company is said to have given similar responses since January 2021 to applicants who appear to be foreign nationals without a working visa.

(2) "Rejection of Hansen's Disease Museum curators is an unfair labor practice" says To-

kyo Labor Commission in relief order

The Tokyo Prefectural Labor Relations Commission has acknowledged an unfair labor practice in the National Hansen's Disease Museum's rejection of two curators who formed a union. The Commission has ordered Sasakawa Health Foundation, which runs the museum, to treat the two as employed and return them to work. The two curators have held a press conference in Tokyo, saying that "we hope the Foundation will carry out the Labor Commission's order and return us to our jobs".

The Prefectural Labor Commission judged that "Sasakawa Health Foundation was wary of their union activity and criticism of Nippon Foundation [which previously ran the museum], and therefore staged an employment test to claim that they had failed, and thus eliminate them." It therefore recognized Sasakawa Health Foundation's non-employment of the two as "unfavorable treatment on account of union activities".

(3) Unfair labor practice at Kindai: "refusal of bargaining without legitimate reason"-- Osaka Labor Commission

Kindai University refused collective bargaining with Kinki-Dai Kyoshokuin Kumiai (Kindai Faculty Union), an organization of about 90 members of their teaching staff, with no legitimate reason, according to the Osaka Prefectural Labor Relations Commission. The Commission has recognized this as an unfair labor practice, and ordered the university to submit a written promise to the union never to repeat this.

The university gave notice in March of 2019 of their refusal to bargain. Before this, they had said that resuming bargaining would be conditional on their receiving an apology from the union for the insulting remark that "the staff member [in charge] is a muscle-brain", said to have been made during bargaining. Furthermore, in May of that same year, with summer bonus time approaching and still no bargaining, they demanded, as a condition of paying the bonus, that the union submit a written pledge not to seek relief from the Labor Commission.

In regard to the remark from the union side, the Prefectural Labor Commission judged that, since it was made with the intent of criticizing the university's response amid a conflict of viewpoints between union and employer, "[the university] could have protested, but there was certainly no need to go so far as refusing to bargain". Relating to the demand for a written pledge, the Commission said that "the act of putting pressure on them to give up their rights is in itself in defiance of the Labor Unions Act".

(4) At Tohoku U., 239 researchers fear losing jobs at end of 2022 school year

It has become known that 239 non-regular members of staff (including junior researchers) at Tohoku University will reach the 10-year limit for contract renewals that is allowed by special exception in the Labor Contract Act. There were 300 non-regular staff (part-timers etc.) who already lost their jobs at the end of 2017 at Tohoku University; if these researchers do not get transferred to unlimited employment, there may be another wave of mass layoffs.

In 2014, the University amended the work rules for non-regular employees to set the maximum period of employment to five years in principle, and to ten years for researchers. The start of this period was backdated to April 2013. Therefore, in March of 2018, 300 part-time and limited-term employees (including office staff) had their contracts terminated all at once, just before they could become able to apply for unlimited-term employment.

(5) "80-160 hours a month of overtime work without pay": nursery school ordered to back-pay ¥7.9 million

A verdict has been handed down by the Kyoto District Court in a lawsuit filed by a male teacher who worked at Seva Kodomo-En, a nursery school in Iwakura, Sakyo-ku, Kyoto. He had sued the school for unpaid overtime. The court has ordered the school to pay a total of approximately ¥7.9 million.

The man worked for fifteen years at the nursery school. Not only was he unable to take breaks at work, but he also says he worked 80-160 hours overtime per month without pay. He sought back-payment of overtime for the period of 2018 to 2020, as well as reimbursement for the regular health check-ups which he had paid for himself. The nursery school, however, insisted that, since the man was in a management role, there was no requirement to pay for his overtime.

In the ruling, the judge pointed out that, based on the contents of the man's duties and the level of responsibility assigned him, he was not in what would be considered a management role; and also that, because the school was short-staffed, the man had to take charge of a class by himself, and therefore could not leave his post even during breaks. Most of the teachers at the nursery school worked overtime every day, and the court recognized that "the work hours indicated by the man's time-card are accurate"; furthermore, the court also ruled that "the employer should pay the costs of the health check as well".

The man says "I was relieved to hear the verdict. I hope those who are still working there can now have peace of mind at work".

(6) All teachers except principal go on strike, canceling classes--April salary unpaid at Wakayama private high school

At Wakayama Nanryo High School (Hidakagawa, Wakayama), a private school run by school corporation Nanryo Gakuen (located in Shizuoka), 23 teachers--the whole teaching staff apart from the principal--canceled their classes on May 11 because their April salaries had not been paid. It is rare for teachers to go on strike. The teachers are demanding an explanation meeting from the school corporation, but a date has not been set for this, and there is no prospect yet of a solution to the conflict.

3. Situation/Statistics

(1) Number of children sets new low record at 14.65 million; number of under-15s declines for 41 years in a row

On May 4, ahead of Children's Day on May 5, the Ministry of Internal Affairs and Communications announced the number of children calculated from their population statistics. The number of boys and girls under the age of 15, as of April 1, 2022, was 14.65 million, which is 250,000 fewer than last year. This number has decreased every year for 41 years, since 1982, and has now reached a new low record.

By gender, there were 7.51 million boys, and 7.15 girls.

The low number of children in Japan stands out even by comparison to other countries. According to the U.N. Demographic Yearbook for 2020, the percentage of children to total population in both the U.S. and China was 18.6%; in the U.K. it was 17.9%, while in Germany it was 13.8% and in India it was 28.1%. Japan had 11.7%, the lowest percentage for any country with a total population of 40 million or more.

(2) Over 60% of those with yearly incomes under ¥4 million say "3 days off a week is impossible"--weekends becoming busy periods

As flexible working styles become more common under the influence of the pandemic, there are still many workplaces where employees must show up to work their regular hours.

According to a survey of 800 regular full-time employees, conducted online in December

of last year by MyNavi Tenshoku, when respondents were asked whether it would be possible to have three days off in a week at their current workplaces, six in ten answered that it would be “impossible” or “if anything, impossible”. These answers were especially prevalent for fields such as retail, transport, and elder care. These are the “essential workers” who support everyone’s lives.

By income, for those earning less than ¥4 million per year, more than 60% said it would be impossible; while for those earning ¥8 million or more, there was about a half-and-half split between “possible” and “impossible”. This is a large disparity.

(3) Teacher shortages at many public schools in the new school year; self-study continues, vice-principals teaching--effects on children’s learning

As the new school year is underway, many public schools are seeing fewer teachers assigned than they need. This is having effects on children’s learning, such as when teachers assigned to a school for the purpose of small-group teaching end up having to take homeroom teaching roles instead. Experts say that people are reluctant to enter teaching careers due to the long working hours, among other problems, and are calling for improvements in working conditions for teachers.

A public elementary school in Tokyo at the beginning of April. A female teacher in her 50s says she was astonished at a teachers’ meeting to hear that there was one teacher not being assigned. There would be no homeroom teacher for that class.

Adjustments were made so that a teacher coming back from maternity leave, who had been intended to teach small-group mathematics lessons separately from the class homeroom teacher, was suddenly assigned a homeroom class. The school avoided having no teacher for that class, but it became difficult to do small-group teaching as the school had in previous years.

(4) March cash wages grow from last year, but rising prices mean real wages down

The total cash wage per working person for March of this year averaged ¥286,000. This was a 1.2% increase from March of last year, due to the increase in overtime pay among other things.

However, the real wage--reflecting changes in prices--was 0.2% lower than in March last year. The MHWL states that “the rise in prices made real wage growth negative, and we should pay close attention to what happens from now on.”

“Monthly Labor Statistics Survey: Preliminary Results for March, Reiwa 4 [2022]” May 9, 2022 MHWL

<https://www.mhlw.go.jp/toukei/itiran/roudou/monthly/r04/2203p/dl/pdf2203p.pdf>

(5) Teacher shortages at 4 in 10 public schools; professors do survey, recommend increasing numbers

In connection with the problem of schools not getting the necessary number of teachers, a group including university professors has announced the results of a survey that they conducted online, which asked teachers and others about the shortage situation for this school year. About 40% of respondents from public schools said there “[was] a shortage”, with some even answering that teacher numbers were short by three or more. The group will soon submit a proposal to the Education Minister among others, calling for an increase in the number of teachers.

The survey, of teachers and parents, was conducted in April and May, and an interim report was compiled. There were 543 answers from public school teachers, of which 40.5% of those in elementary schools, 45.8% of those in junior-high schools, and 36.5% of those in high schools said there was a shortage compared to the number of full-time teachers who were supposed to be there when the school year began in April. As for how many fewer teachers were there than necessary, 55.0% said there was one missing, 28.2% said two, and 9.2% said three or more.

The group will soon be submitting its proposal, which will include such suggestions as: exemption from employment tests for some laypeople with teaching licenses; letting non-regular (part-time etc.) teachers become full-time without a test; and increasing the number of regular (full-time) teachers to promote smaller class sizes.