



# Labour Update

## 労組周辺動向 No. 146



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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) Reshuffled second Kishida cabinet formed; PM “to push forward with policies”

The second reshuffled Kishida cabinet was inaugurated on August 10. With half the seats taken by members with cabinet experience, including both those remaining and those returning, the lineup is one that prioritizes a sense of stability. Prime Minister Kishida Fumio, leader of the Liberal Democratic Party, said at an LDP Special Executive Council meeting that he “would like to make a fresh start with renewed feeling, to make breakthroughs and push forward with carrying out our policies”.

“Japan is currently right in the middle of its most critical situation since the War, so a political vacuum cannot be allowed for a single instant”, he emphasized.

Before announcing the newly appointed cabinet ministers, the Prime Minister first took resignations at a special cabinet meeting. After this, he held a party leaders’ meeting with Yamaguchi Natsuo, head of the Komeito. A cabinet formation headquarters was set up at

the Prime Minister's official residence, to which the new ministers were called, and where Mr. Matsuno announced the new cabinet ministers' list.

"Second Kishida Cabinet Members' List", Aug. 10. 2022, PM's Residence

[https://www.kantei.go.jp/jp/101\\_kishida/meibo/index.html](https://www.kantei.go.jp/jp/101_kishida/meibo/index.html)

## 2. Legal Violations/Disputes

### (1) Sakai Moving Service: union complains "base pay only ¥50,000"; demands company "increase the proportion of fixed salary"

Improve the wage system--so says the a union, formed one year ago, that represents workers at Sakai Hikkoshi Center (Sakai Moving Service Co., Ltd.). The union held a press conference on August 10 in Tokyo to demand that the fixed salary portion of these workers' pay be increased.

According to the union, the pay system at Sakai includes, as well as this base pay, four types of allowances paid at a piece rate as "performance pay".

When calculated based on union chair Omori Riku's average pay for the period of December 2020 to April 2021, his base salary (¥60,000 at that time) accounts for only 15% of the wages he received. Three allowances, including performance pay, accounted for 77% of what he made. Furthermore, when Omori changed position from driver to assistant (riding with a driver, but not driving), his base pay was lowered to ¥50,000.

Omori says that "if base pay does not go up, then neither will my bonus. And when I take a paid day off, I only get ¥5,000 or ¥6,000, so my pay goes down. So I can't take time off, even if I want to."

The union's lawyer explains that "in the transport industry, the average is for base pay to be over 50 percent. When it stays as low as 15%, they can't have peace of mind at work." In collective bargaining, the union is demanding an increase in the base-salary proportion of the pay; they say they will continue negotiating.

Sakai Moving Service has commented to reporters that "Since the matter is currently under negotiation, we will refrain from answering at this time. From now on, in order to have good governance, we will continue lending an ear to all stakeholders at our company, including all the full-time and part-time staff working with us, in order that all will be happy to be dealing with our company".

### (2) Work accident measures for freelance actors", industry group asks MHWL

An industry group that conducted a survey of freelance actors and staff members working in film and on stage has found that, in many cases, workplaces did not keep track of their

hours on the job, and did not specify break times or upper limits on working hours. The group, saying that there is no proper framework for preventing overly long work hours, and that this could lead to workplace accidents, says that they have requested the Ministry of Health, Welfare and Labor (MHWL) to take steps to remedy the situation.

Arts Workers Japan, an association of performing-arts workers including actors and musicians, carried out the online survey of freelancers working in film and stage performance, asking them about health and safety measures. They received 214 responses.

Of these, 141 people--65.9% of the total--answered that their workplaces did not keep track of the hours they worked. A full 79.6% said there were no measures taken to avoid overly long work, such as break times or upper limits on hours.

Also, about two in ten of those responding said they had not had health checks; and in the free-response space, there were many who had complaints such as: no full health check-ups or women's cancer screenings; no written contract to set work hours or pay; etc.

The group says that there is no proper structure in the freelance workplace for preventing overly long hours, and that this could lead to injuries due to lack of sleep, to mental health disorders, and to other workplace injury. They have reported their results to the MHWL, and requested the Ministry take measures to deal with the problem.

"Survey on Health and Safety Measures for Freelance Performing Arts Workers" Arts Workers Japan

<https://artsworkers.jp/wp-content/uploads/2022/08/5e106bde71a9ba8841c97f18be368627.pdf>

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

#### **(1) Large companies' summer bonuses average ¥899,163; largest rate of increase in over 40 years**

A Keidanren survey has found that this year's summer bonuses at large companies averaged ¥899,163 per employee. This is an 8% increase over last year's figure. It is the first positive growth in four years, with business recovering after having slumped during the pandemic, and the highest rate of increase in over forty years.

By industry, eighteen industries had positive growth in bonuses: iron and steel, printing, engineering and machinery, and others. This is a much greater number than the seven industries that had positive figures last year.

"2022 Summer Bonuses and Lump-Sums: Agreed Amounts at Large Companies by Industry (weighted averages)" Aug. 5, 2022, Japan Business Federation (Keidanren)

(2) Delayed GDP recovery, looming risk of slowdown; may affect strengthening of defense

Japan's Gross Domestic Product (GDP) has returned to form; based on the April-June quarter of 2022, it has recovered to its pre-pandemic level. However, in overseas economies that recovered faster, there is now risk of a slowdown due to continued raising of interest rates. If this sluggishness in European and American economies comes to the surface, Japan, too, could fall back into negative growth. There is a chance that the coming economic slowdown may also have an effect on the strengthening of the country's defense capabilities.

The GDP for April-June of 2022, as released by the Cabinet Office on August 15, grew by an annual rate of positive 2.2% compared to the previous quarter. It was the third quarter in a row of positive growth; the real GDP amount, when annualized, was ¥542.1201 trillion, higher than that of October-December 2019 (pre-pandemic), which was about ¥541 trillion.

The GDP during the COVID-19 crisis never went above ¥540 trillion in any quarter except the retroactively revised January-March 2020 (about ¥544 trillion). The U.S. GDP recovered to its pre-pandemic level in April-June 2021, while that of the Euro zone achieved this in October-December 2021. Japan was, in effect, one lap behind.

However, it cannot be counted on that growth will continue after the New Year. A risk factor experts are aware of is the slowing of European and American economies, which were the driving force behind the recovery.

The advance estimates of real GDP for April-June 2022, released by the U.S. Department of Commerce on July 28, show a drop of 0.9% (annualized) from the previous quarter--the second quarter in a row of negative growth. Meanwhile, U.S. consumer prices in June grew by over 9% for the first time in more than 40 years, and the Federal Reserve Board (FRB) has not relaxed their stance that prioritizes getting control of inflation.

In Europe, gas shortages are feared for winter. The European Union (EU), at a meeting of the Council of Ministers on July 26, accepted a proposal to voluntarily cut gas usage by 15% from August to March.

The aim is to ensure enough stock in preparation for the stopping of natural gas supply from Russia. But if the winter should be colder than usual, some believe additional measures may become necessary.

There is also worry that a coming economic slowdown may affect the defense budget.

"April-June 2022: First preliminary Figures (Aug. 15, 2022)" Aug. 15, 2022, Cabinet Office

(3) *Juminhyo* (Resident Register) certificates not to include sex: 31 cities and towns in Gifu to show consideration for sexual minorities

There is a widening move towards rethinking the need to list a person's sex on administrative documents used by citizens in their everyday lives. In regard to the "Certificate of Items Stated in Resident Register", which can be used in place of one's Resident register (or *juminhyo*), an inquiry by the Gifu Shimbun has found that 31 towns and cities in Gifu--74% of those in the prefecture--either issue this document with no sex listed when a person requests such, or have indicated a plan to do this. Forty cities and towns, or 95%, said they do not list "male" or "female" on voting-place admission tickets. On *Inkan* certificates, all municipalities in the prefecture have eliminated the listing of sex.

This has brought attention to local governments' efforts at consideration for sexual minorities, including transgender people (whose self-identified gender is different from the sex they were assigned at birth). The Gifu Shimbun questionnaire was sent to all 42 cities, towns and villages in Gifu, and received responses from all.

The Resident Register System Act stipulates that sex must be listed on the "copy of the *Juminhyo*". But this could lead to "outing" of sexual-minority persons' gender identity against their will, causing suffering or discomfort to certain people. Therefore, in December of 2016 the national government notified local authorities that it would be possible to issue Resident Register Certificates without the person's sex printed on them.

On the questionnaire, there were 31 municipalities that answered that they "do (including intending to)" issue the certificates without a sex indicated. Of these, Gifu City, Takayama, and the town of Ginan (in Hashima district), among others, have amended the system to provide "sex-free" certificates to those who wish it, while Tajimi has made certificates without a sex the standard. Five cities, including Tajimi and Minokamo, took such steps prior to receiving the national government's notice.

In a survey of 87 cities and wards, including prefectural seats, designated cities, and main cities nationwide, carried out in June and July this year by Kyodo News, 72 of these--83%--answered that they issued Resident Register certificates without indication of sex, or that they intended to do so. For voting-place admission tickets, 86, or 99%, said they do not list a person's sex; for *Inkan* certificates 73 (or 84%) said they had "eliminated the indication of sex".