



Labour Update

労組周辺動向 No. 153



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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) *Kosei Nenkin* enrollment demanded even for those working less than 20 hours a week: All-Generations Social Security Conference

The government's "Committee on Social Security Reform for All Generations" indicated its position at a meeting on the 11th in relation to relaxing the eligibility criteria for *Kosei Nenkin* (employees' pension insurance) and health insurance. It requests allowing those who work less than 20 hours per week to enroll in *Kosei Nenkin*, as a step toward achieving "universal coverage for all workers". A report will be put together before the end of this year.

Currently, in order to be enrolled in *Kosei Nenkin*, a worker must meet certain criteria, including working 20 hours per week or more for a company with "101 or more employees" and earning ¥88,000 or more a month. The company-size criterion will be relaxed to "51 or more employees" in October of 2024. At the conference, further widening of eligibility was called for; in addition to enrolling those who work less than 20 hours per week, it also

asked for enrollment of those who fulfill the work-hours criterion by adding their hours at multiple jobs.

The committee's requests also included revisions to potentially include eliminating the company-size requirement altogether, as well as expanding eligibility to individual contractors in certain fields, such as agriculture and food-service. The committee also indicated its view that consideration of "a new category" would be necessary in connection with enrollment in social insurance for freelancers, as well as for "gig workers" who undertake one-off, short-hours jobs (such as delivery) via smartphone apps or other online means.

"On Building a Social Security System Independent of Work-Styles" Nov. 11, 2022, 8th Conference on Social Security Reform for All Generations

https://www.cas.go.jp/jp/seisaku/zensedai_hosyo/dai8/siryou2.pdf

(2) Insurance premiums to be free before and after childbirth

In regard to National Health Insurance, or *Kokumin Kenko Hoken* (which enrolls freelancers, the self-employed, etc.), the Ministry of Health, Welfare and Labor (MHWL) has decided on a policy to waive premiums for a four-month period before and after an enrollee gives birth to a child. The Ministry proposed the plan to a meeting of its advisory body the Social Security Council on the 17th, and it was accepted. Laws will be amended with an aim to put the plan into effect starting in January of 2024.

"Direction of Strengthened Efforts on the National Health Insurance System" Nov. 17, 2022, MHWL 158th Social Security Council Medical Insurance Subcommittee Meeting

<https://www.mhlw.go.jp/content/12401000/001013503.pdf>

(3) Childbirth benefit considered for self-employed and non-regular workers: ¥20,000-30,000 proposed as measure to combat declining birthrate

The government has entered deliberations on establishing a system where persons who are self-employed or who work irregular jobs (part-time, temporary, etc.) would be able to receive a cash benefit for a specified period of time after giving birth to a child. The amount is expected to be from ¥20,000 to ¥30,000 per month. The goal is to expand economic support for parents while their children are young, so as to slow the decline in the birthrate. Multiple government sources clarified this on the 19th.

In contrast to regular full-time company employees (*seishain*), who can receive up to 67% of their salary from Employment Insurance while on parental leave, there is no such support for the self-employed. Discussion will begin in earnest within the government in 2023 to work out details such as a start date for benefits.

It has been suggested that the benefit period could be until the child turns one or two years old. Discussions are progressing with the idea of it being a set amount provided

equally to every recipient. There is a chance the proposed benefit amount may change with adjustments yet to come.

(4) Technical Intern system to be revised: government sets up expert panel, interim report expected next Spring

On the 22nd, the government held a “Ministerial Conference on Foreign Personnel Intake and Coexistence”. In order to genuinely re-work the two systems of “Technical Internship” (intended for foreign interns to learn technical skills in Japan) and “Specified Skills” (introduced to expand the intake of foreign workers), it established an expert panel. The thought is to have this panel put together an interim report next Spring and a final report next Autumn, submitting these to the Ministerial Conference.

“In Regard to the Opening of an Expert Panel on the Technical Internship System and Specified Skills System” Nov. 22, 2022, Ministerial Conference on Foreign Personnel Intake and Coexistence (14th Mtg.)

<https://www.kantei.go.jp/jp/singi/gaikokujinzai/kaigi/dai14/siryou1-1.pdf>

2. Legal Violations/Disputes

(1) “Necessary measures were neglected”: husband of teacher who died from overwork sues Fukuoka City

The death (from subarachnoid hemorrhage) of a woman who worked as a teacher at a public elementary school in Fukuoka was a *karoshi*, or overwork death, caused by the principal’s failure to pay attention to her workload, according to a lawsuit filed by the woman’s husband at the Fukuoka District Court. He is seeking approximately ¥12.9 million in compensation from the City of Fukuoka. Preliminary oral arguments were heard in court on the 11th; the City requested that the suit be rejected.

The woman transferred to the school in April of 2013. In her first year there, she became head teacher for the whole sixth grade and head of life guidance, in addition to taking charge of a sixth-grade class as homeroom teacher. In addition to the unfamiliar environment, she was burdened with tasks such as writing newsletters to send home, and began to feel stressed. In August she admitted to her husband that “it’s hard, anyway” and “I want to quit”.

(2) Eight Tokai U. lecturers to file joint suit: “let go instead of unlimited contract”

It became known on the 12th that eight part-time lecturers (*hijokin koshi*) at Tokai University, who were notified by the University that their employment was to be terminated, will soon be filing suit jointly at Tokyo District Court. They will be suing for confirmation of status, claiming it was illegal (a violation of the Labor Contract Act) for the University not to allow them a change to unlimited-term contracts. According to the Tokai University Lec-

turers' Union, teachers at the University have been receiving termination notices one after another, and there are another four who are also preparing to sue.

According to the Union, the eight lecturers work at campuses in Hokkaido, Kanagawa, and Shizuoka. They were on limited-term employment contracts, repeatedly renewed, but in Spring of this year were given notice that their employment would end next March on grounds that "the number of courses is being cut". Each of them has been employed for over five years; in accordance with the "unlimited-term conversion rule" (five-year rule) specified in the amended Labor Contract Act, they should have the right to request a change to unlimited-term employment.

(3) Toyo U. Affiliated Junior-Senior High School makes "club-activity advising voluntary", signs labor agreement--teacher says "really, I need to use the time to prepare lessons"

Advising club activities is becoming known as a major cause of overwork for school teachers. Now a private school in Ibaraki has signed an epoch-making agreement making it voluntary to serve as club advisor.

The labor agreement (an agreement in writing between an employer and a union, covering working conditions, etc.) was concluded between Toyo University Affiliated Junior-Senior High School (located in Ushiku, Ibaraki) and a current teacher there, a man in his 30s. The man and the union to which he belongs (General Support Union, Private-School Teachers Branch) held a press conference on November 22 to announce it.

According to Toyo University Press Office, the agreement applies to 93 teachers.

3. Situation/Statistics

(1) Winter bonuses may increase for second year in a row; experts still say "not catching up with inflation"

In regard to winter bonuses for those who work at companies, various private-sector think tanks have put together predictions saying that the average per-capita amounts will be higher than the previous year, for the second year in a row. Various organizations predict increases ranging from 1.2% to 2.6%. However, experts point out that "the situation is that the pace of wage increases is not catching up to inflation in consumer prices".

Concerning bonuses to be paid this winter at workplaces with five or more people working, four private think tanks have made predictions of per-person amounts based on government data and other sources, and each has reported their results.

The rates of increase, compared to the previous year, predicted by each of these are:

2.6% (Dai-ichi Life Research Institute)

2.5% (Mitsubishi UFJ Research and Consulting)

1.8% (Japan Research Institute, Ltd.)

1.2% (Mizuho Research and Technologies).

According to the MHWL's Monthly Labor Statistics Survey, the average per-capita winter bonus amount last year was ¥380,787. This was a 0.1% increase over the year before.

However, analysis shows the situation to still be that the pace of increase in wages (including monthly base pay and bonuses) is failing to keep pace with inflation.

(2) "Inflation allowances" becoming more common: one in four companies dealing with rising prices

As the prices of food and other daily necessities continue to rise, making the cost of living high, more and more companies are moving to provide "inflation allowances" in order to give their employees life support. A survey by Teikoku Databank shows about one in every four companies to be engaging in this in some way. As well as relieving employees' household budget burden, the aim is also to improve morale at work.

According to results of a questionnaire survey carried out by Teikoku Data from the 11th to the 15th of this month, 6.6% of companies said they "paid" an inflation allowance. Another 5.7% said they "planned to pay" one, while a further 14.1% said they "have not paid one, but are considering it". These figures add up to 26.4%, meaning that approximately one out of four companies is making some efforts related to inflation allowances.

(3) October CPI up 3.6%: increase rate highest in 40 years and 8 months

Last month (October) saw a "price-hike rush": the price index--excluding perishable foods, which fluctuate widely due to weather conditions--was 3.6% higher than the same month of last year. This is the highest rate of increase since February of 1982, 40 years and 8 months before.

The main causes were a rise in the cost of materials and a "price-hike rush" for food, which felt the weight of the sudden drop in the value of the yen. The index for the category of "food, excluding perishables" was 5.9% higher than the same month of last year.

(4) More than six in ten married female part-time workers adjust their working hours

As workers' hourly wages rise due to minimum-wage hikes among other factors, a private research organization has released survey results showing that more than six in ten women who work part-time and have a spouse have made changes to their working hours. It can be guessed from this data that these women are conscious of taxes and insurance costs in making their "work adjustments".

The survey was carried out via Internet in September of this year by Nomura Research Institute (NRI).

According to this, of approximately 3,000 women between the ages of 20 and 69 who both have a spouse and work part-time, 61.9% answered that they had adjusted their number of hours or days of work in order to keep their income lower than a certain

amount.

Meanwhile, 78.8% of those who made such adjustments said that, if earning more than that level of income were not to result in decreasing their take-home pay, they would want to work more.

“Over 60% of married female part-timers carry out “work adjustments” to keep their income under a certain amount” September 30, 2022, Nomura Research Institute

https://www.nri.com/-/media/Corporate/jp/Files/PDF/news/newsrelease/cc/2022/220930_1.pdf

(5) “Companies raising wages” 85.7%, first increase in three years; average raise ¥5,828 per month--MHWL

It has become known that this year, the proportion of companies raising their employees’ wages has gone up for the first time in three years.

When the MHWL surveyed 2,020 companies of 100 employees or more in July and August of this year, 85.7% of them answered that they “had raised” or “will raise” employees’ wages. This is an increase of five percentage points over last year.

This percentage had declined for the previous two years in a row, due to the effects of COVID-19. Now it has increased for the first time in three years.

The average pay raise per capita was ¥5,828 per month.

Only 0.9% of companies said they were cutting wages.

By industry, construction among others had especially high percentages of companies raising wages, while entertainment and others had comparatively high numbers of employers making wage cuts.