



# Labour Update

## 労組周辺動向 No. 156



2023 - 01 - 06

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 Gov't. decides in Cabinet on budget with total expenditures of ¥114 trillion: largest ever due to increase in defense spending)

The government on December 23<sup>rd</sup> made a Cabinet decision on an initial 2023 budget proposal having a total general-account expenditure figure of ¥114.3812 trillion. Due to historic increases in defense spending, this is another new high record for the eleventh year in a row. Tax revenues are predicted to be higher than ever, but the government is still not able to escape from debt, being set to use construction bonds for defense expenditures--such as building ships--for the first time since the War.

On the expenditure side, this budget is much bigger than the initial budget for last year, by ¥6.7848 trillion. It is the fifth year in a row for the initial budget expenditures to be over ¥100 trillion. The total amount of the budget demands made by the various Ministries at the end of August was ¥110 trillion, but there were many items with no amount indicated, and the budget is unprecedentedly higher than demanded.

Meanwhile, on the income side, tax revenue is predicted to be higher than ever at ¥69.44 trillion due to strong business results and high prices. However, this still cannot cover expenses without borrowing, so ¥35.623 trillion in bonds will be issued. Of this, ¥434.3 billion in construction bonds will be put towards expenses related to defense equipment, such as barracks and other SDF facilities, ships, etc. Up until now, the government has not allowed the use of construction bonds for defense, having learned from the example of the pre-war government that used war bonds to expand military spending. This is a historical change in policy.

### (2) Discretionary labor system to require consent: “specialist type” starting in 2024

In connection with the “discretionary labor system” of flexible hours (under which, regardless of the actual time spent on work, the worker is considered to have worked a number of hours agreed on by labor and management), a Ministry of Health, Welfare and Labor (MHWL) council decided on December 27<sup>th</sup> to revise the “specialist work type” of this system--applied to such workers as researchers and designers--so that it will require the consent of the worker in question. The aim is to bring this into effect starting in 2024.

“Regarding the Future Status of the Labor Contract Laws and Work Hours Laws (Report)” Dec. 27, 2022, MHWL Labor Policy Council, Labor Conditions Subcommittee

<https://www.mhlw.go.jp/content/11402000/001031112.pdf>

### (3) Leave Support Benefit and Emergency Employment Stability Subsidies to end at the end of this fiscal year

The MHWL has announced that Leave Support Benefit Payments, provided to workers who receive no allowance for absence despite being furloughed from work, and Emergency Employment Stability Subsidies, paid to companies to reimburse them for paying leave allowances to anyone not covered by unemployment insurance, will be terminated at the end of this fiscal year.

### (4) National Pension premiums will be able to be paid via smartphone app starting in February

The MHWL has revised ministerial ordinances to allow National Pension (*Kokumin Nenkin*) premiums to be paid via smartphone.

Starting in February, it will become possible to pay using any of three applications: “au PAY”, “d-Harai”, or “PayPay”.

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

### (1) “Fired if you get pregnant” remarks experienced by one in four technical interns: Im-

## migration Agency study

“If you get pregnant, we’ll need you to quit”. One in four foreign women who come to Japan to learn skills under the technical internship program have experienced such remarks from the organizations in their home countries that send them here, according to their answers to a survey by the Immigration Agency. The Agency announced the survey results on December 23. An expert panel has begun debate on making changes to the technical internship program, but it now seems that one more human-rights problem has come into view.

The Immigration Agency sent a memo to managing organizations and internship workplaces on the 23<sup>rd</sup> to notify them that unreasonable treatment on account of pregnancy or birth is forbidden, and to ask them to explain this to their interns. Also, when problems with the sending organizations come to light, the Agency says it will report this to the country in question and request improvement.

### (2) Former staff member at Otemon Gakuin set to be granted worker’s compensation: called “rotten orange” and pressured to quit

It became known on December 29<sup>th</sup> that the Ibaraki Labor Standards Inspection Office (LSIO) granted worker’s compensation to a man in his 50s, who formerly worked for school corporation Otemon Gakuin (Osaka) who suffered depression caused by strong psychological stress due to insults to his character--such as being called a “rotten orange”--in staff training.

The LSIO recognized that this “could be called both pressure to resign, and a denial of personality”, and judged that the school corporation had condoned these remarks by the training instructor “in line with consenting to them”. The Office also acknowledged that the man, desiring continued employment, had been forced to resign. The granting of compensation will be dated March 25 of this year.

Three participants in the training, including this man, filed suit against the school corporation and the training company in August of 2020 seeking about ¥22 million in damages. The school corporation explained in its defense that “improvement of work was the purpose” of the training.

## **3. Situation/Statistics**

### (1) Spain passes bill to let individuals change legal gender by declaration

The lower house of Spain’s parliament passed a bill on the 22<sup>nd</sup> making it possible for individuals to freely change the gender indicated on their public identification cards by a simple self-declaration. The goal is to protect the rights of transgender people, whose self-identified gender differs from their sex at birth. The bill seems certain to pass the upper house as well, and become law within a few weeks.

(2) At the start of the new year, prices to go up for more than 7,000 items: sauces, deep-frying batter flour, sweets and snacks, etc.

Continuing from the “price-hike rush” of this year (2022), prices of everyday goods seem set to go up in 2023 as well. According to Teikoku Databank, there are already more than seven thousand food items whose prices are planned to be raised in 2023. Repeated price hikes within a short time are being seen often, and *de facto* price rises by “shrinkflation”, where the price of an item is kept steady while the size is decreased, have also been common.

“Survey of Movements in Price Revision by ‘105 Main Food Companies’: Movements in 2022, Forecast for 2023” Dec. 21, 2022, Teikoku Databank

<https://www.tdb.co.jp/report/watching/press/p221211.html>

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(3) Record number of public school teachers take leave for psychological disorders: long work hours a cause

The number of public school teachers who were off work for one month or more due to mental health issues in the 2021-2 school year was 10,944, an increase of 15.2% over the previous year (and the first time to be more than 10,000), according to a personnel administration survey released on the 26<sup>th</sup> by the Ministry of Education, Culture, Sports, Science and Technology (MEXT). The proportion of the total number of teachers also set a new high record of 1.19%. MEXT’s interpretation is that causes include the growing problem of long work hours in schools, as well as the increased burden on young teachers.

The survey included all teachers at public elementary and junior-high schools, high schools, and special-needs schools all over the country, a total of 919,900 individuals. The number of teachers who took one month or more off to recuperate from psychological conditions such as depression was 1,448 more than the previous school year. This number has been going upward ever since 2016, when statistics on those taking “one month off or more” began being kept.

Of the 10,944 teachers, there were 5,897 who took leave for longer than the 90 days that in principle is the limit for sick leave. This also set a new high record, being 694 more than the previous year. As a proportion of the total number of teachers, this equates to 0.64%, also a new record. Ever since the 2007-8 school year, the number of teachers taking leave for mental health issues had remained high, at about 5,000 each year.

“Situation Survey of Personnel Administration of Public School Teachers in reiwa 3 [2021] School Year” Dec. 26, 2022, MEXT

[https://www.mext.go.jp/a\\_menu/shotou/jinji/1411820\\_00006.htm](https://www.mext.go.jp/a_menu/shotou/jinji/1411820_00006.htm)

“Situation of Those Taking Sick Leave for Psychological Disorders, or Taking Sick Leave for One Month or More” (Education Staff) Dec. 26, 2022, MEXT

[https://www.mext.go.jp/content/20221222-mxt-syoto01-000026693\\_11.pdf](https://www.mext.go.jp/content/20221222-mxt-syoto01-000026693_11.pdf)

(4) Over 40 percent of teachers have “zero minutes” break time: long hours continue at public schools

The average real time spent working on a weekday by a teacher in a public elementary or junior-high school is 11 hours: long work hours continue to be a problem. Now a survey by a teachers’ union has found more than four in ten teachers responding that they had “zero minutes” of break time.

This survey was conducted by the Japan Teachers’ Union (J TU) in Autumn of this year (2022) via the Internet, and received answers from 9,702 teachers at elementary, junior-high and high schools.

When these teachers were asked about their work situation this year, they responded that their daily weekday work hours, including take-home work, were on average:

11 hours and 46 minutes at junior-high schools (10 minutes down from last year);

11 hours and 20 minutes at elementary schools (10 minutes up);

10 hours and 17n minutes at high schools (17 minutes down).

Meanwhile, the average break time per day was

9.4 minutes at elementary schools;

13 minutes at junior high schools;

28 minutes at high schools.

Of these, the number at elementary and junior-high schools answering that they had “zero minutes” of break time was more than four in ten, the highest proportion in three years.

“Summary of Main Points of J TU ‘2022 Awareness Survey on School Workplace Work-Style Reform’” Dec. 22, 2022, J TU

<https://www.jtu-net.or.jp/wp/wp-content/uploads/2022/12/f0863b0f8e67bb27d3d2ac6585a9d667-1.pdf>

(5) Single-mother households’ average yearly income ¥3.73 million, less than half the average of all households with children

A report by the MHWL has revealed that the nationwide average yearly income for households with a single mother and children, as of 2020 estimates, was ¥3.73 million, or less than half the average for all households with children.

The MHWL has carried out nationwide situation surveys of single-parent households since

1952, in principle once every five years. As of November last year, the number of single-mother households in Japan was estimated at 1,195,000, while that of single-father households was 149,000.

Furthermore, the average yearly total household income, by 2020 estimates, was ¥3.73 million for single-mother households and ¥6.06 million for single-father households.

The average yearly income for all households with children was approximately ¥8.14 million; the income of single-mother households was less than half of this, while that of single-father households was about three-quarters.

Moreover, 86% of mothers in single-mother households were working; of these, 49% were employed as full-timers (*seishain*) or regular staff (*seishokuin*), while 39% worked part-time (*paato* or *arubaito*), and 5% were self-employed.

"Reiwa 3 [2021] Report of Nationwide Single-Parent Households Survey Results (As of Nov. 1, Reiwa 3)" Dec. 26, 2022, MHWL

<https://www.mhlw.go.jp/content/11920000/001027808.pdf>

(6) 2023 to be "a tough year", with the U.S., China and Europe all seeing a slowdown: IMF head

Kristalina Georgieva, Managing Director of the International Monetary Fund (IMF), on January 1 expressed the position that 2023 would be a difficult year for many countries and regions. She explained that this is "[b]ecause the three big economies - the U.S., EU and China - are all slowing down simultaneously". She made these remarks on a CBS News program in the U.S.

"Global economy faces tougher year in 2023, IMF's Georgieva warns" January 2, 2023 Reuters

<https://www.reuters.com/markets/tough-year-ahead-global-economy-imfs-georgieva-warns-2023-01-01/>

(7) Last October's welfare applications number 19,700, sixth month in a row of year-on-year increases

According to the MHWL, the number of applications for welfare benefits filed in October of last year all over Japan was 19,700. This was an increase of 974 (or 5.2%) over October of the year before.

This is the sixth month in a row for the number of applications to be more than in the same month of the previous year.

Moreover, the number of households that began newly receiving benefits last October was 17,716. This also is an increase (by 6.5%) over October of the year before last.

The total number of households nationwide that receive welfare benefits is 1,644,381.

“Results of Survey of Welfare Benefit Recipients (Approximate Figures, October, Reiwa 4 [2022])” Jan. 4, 2023, MHWL

<https://www.mhlw.go.jp/toukei/saikin/hw/hihogosya/m2022/dl/10-01.pdf>