



# Labour Update

## 労組周辺動向 No. 164



2023 - 04 - 28

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) Foreign “Technical Internship” to be rethought, focus on securing personnel: expert panel urges expanding range of eligible jobs

A government panel of experts tasked with revising the “Technical Internship System” for foreign nationals held a meeting on April 19. They put together a revised version of a preliminary report calling for the creation of a new system that would put its main focus on the securing of personnel.

The current Technical Internship System was supposed to be for the purpose of contributing internationally by training people in technical skills they could put to use in their home countries. But the expert panel is putting more weight on the perspective of securing personnel here.

In regard to the types of jobs that would be eligible under the new system, the panel set forth a new direction, saying that even jobs not included the current special-skills system

could be added based on the needs of industry, etc. This is imagined as applying to, for example, the clothing industry.

Within the special-skills system, with regard to the residence status called “Special Skills #2”, which allows for *de facto* permanent residence, the panel asserted that adding more eligible fields should be considered. Eligibility for this status is currently limited to two fields; the panel is believed to have in mind industries such as automobile maintenance.

The revised report points out that “as labor shortages grow worse in our country, foreign workers are becoming a support to Japan’s economy and society”. It also emphasizes that, in order to realize a “society where foreign nationals can fulfill their greatest potential”, there is also a need to pay attention to their human rights.

“Preliminary Report (Proposed)” Apr. 19, 2023, Expert Panel on the Technical Internship System and the Special-Skills Visa System (6<sup>th</sup> Mtg.), Ministry of Justice

<https://www.moj.go.jp/isa/content/001394747.pdf>

(2) “Reiwa Rincho”: to deal with declining birthrate, conference recommends tax-centered measures to secure funding stability

The “Reiwa National Conference”, nicknamed “Reiwa Rincho”--whose participants include industry figures and academics, among others--has announced a recommendation relating to the government’s policies on dealing with the declining birthrate. The panel says that the government cannot continue passing the burden of government spending to future generations, and should consider securing stable funding through measures centering on taxes.

The “Reiwa Rincho” is debating post-COVID society-building; with the government set to put together their *Honebuto no Hoshin* (basic economic policy) in June of this year, the panel released their recommendations on the social security system on April 25.

The recommendations point out that if the social security system remains as it is while the structure of industry and styles of work continue rapidly changing, it will be unable to keep up with diversifying ways of life. If social and economic stagnation continues, the financial base will become fragile, and the system’s very existence may be threatened.

“Redesign the Social Security System to Build a Japan Where Anyone can Aim for Self-Realization” Apr. 25, 2023, Reiwa National Conference

[https://www.reiwarincho.jp/news/2023/pdf/20230425\\_001\\_01.pdf](https://www.reiwarincho.jp/news/2023/pdf/20230425_001_01.pdf)

(3) Non-regular public servants’ bonuses: amended law passes

An amendment to the Local Government Act, expanding the bonuses given to non-regular staff working for local governments (fiscal-yearly appointees), passed the upper house in

plenary session on April 26 and became law. The aim is to improve conditions for these public servants. The stipulations relating to local and prefectural councils were also revised to clarify councils' role and employees' duties.

#### (4) Freelance bill passes upper-house cabinet committee unanimously: intended to promote fairness in business

A bill to give protections to people working freelance passed the House of Councillors Cabinet Committee by a unanimous vote on April 27. It was considered likely to pass the full session of the upper house on the next day, the 28<sup>th</sup>.

Freelance means engaging in business for oneself, without being employed by a company. According to a survey done by the government three years ago, there are an estimated 4.62 million people in Japan who work this way (2.14 million as their main job, 2.48 million as a side job). The new bill would define freelancers who take work orders from companies, etc., as "Specific Contract Business Operators", and make them eligible for legal protections. Once the bill passes, it would come into effect within eighteen months after being promulgated as law.

The new law would require clients ordering work to clearly state, in writing or by email, etc., the details of the work and the amount of compensation at the time of making a contract. It would forbid setting compensation significantly lower than market rates, or lowering the amount unfairly after the contract is signed. It would also require clients to make payment within 60 days after receiving the results of work.

It also would include requirements for clients to give consideration to freelancers' childcare or family-care needs, and to set up a system for them to consult about any acts of harassment.

Companies that violate this law would be given guidance or orders from the Fair Trade Commission or the Ministry of Health, Welfare and Labor (MHWL). In severe cases, such as if a company refuses to follow these orders, there would be fines of up to ¥500,000.

"Summary of Bill Regarding Fair Business, Etc., Relating to Specified Contract Business Operators"

<https://www.cas.go.jp/jp/houan/230224/siryu1.pdf>

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

### (1) Immigration officer assaults Kurdish detainee, gov't. ordered to pay damages--Tokyo District Court

In a lawsuit filed by a Kurdish man aged 44 (currently on provisional release), who claimed to have suffered post-traumatic stress disorder (PTSD) after being assaulted by a

member of staff at the East Japan Immigration Control Center (Ushiku, Ibaraki), and who sued the national government for about ¥11 million in compensation, the Tokyo District Court (Shinoda Kenji presiding) reached a verdict on April 20 ordering the government to pay approximately ¥220,000.

According to the suit, the man came to Japan in 2007 and married a Japanese woman. He applied for refugee status, but was rejected. In May of 2016 he was detained at the Tokyo Immigration Control Office (now the Tokyo Immigration, Emigration and Residence Control Office); then in February 2017 he was transferred to the center in Ushiku. In January of 2019, he asked an officer for sleeping pills, but his request was denied. When he then protested in a loud voice, he was attacked by multiple officers who held his mouth and nose closed for 10-15 seconds, took him to solitary confinement, and cuffed his hands behind his back.

### (2) Hokkaido bus company workers to strike on the 25<sup>th</sup>; union calls out “illegal inspections”

In a dispute at Chitose Sogo Kanko Bus (headquartered in Chitose, Hokkaido), which runs transit buses and other bus services, over their making employees work overtime without a labor agreement, the employees’ union gave notice to the company on the 23<sup>rd</sup> that they intend to carry out a 24-hour strike on April 25<sup>th</sup>, canceling buses on some routes in Chitose City starting that morning.

Twenty-four union members who work for the main company’s offices will participate in the strike. If the strike goes forward, it may cause difficulties for those commuting to work or school that day.

According to the notice of dispute action sent by the union to the company, the company carries out its once-every-three-months regular inspections of the vehicles illegally at a factory that has not received certification. The union is calling for a strictly fair investigation and clarification of executives’ responsibility, saying “we call for healthy operation as a bus company entrusted with the safety of our passengers”.

Of the approximately 150 employees of the company, about 30 are members of the union. As well as transit and tourist buses, the company also runs shuttle bus services for companies and for elementary school students. This strike will include only transit buses within the city of Chitose. The shuttle bus between Es Con Field Hokkaido, new home stadium of professional baseball team Nippon Ham, and its nearest station (JR Kita-Hiroshima), will run as scheduled.

### (3) Chubu Electric employee’s suicide ruled work-related: boss’s harassment “denied personhood”

An appeal verdict was granted by the Nagoya Superior Court on April 25 in the case of the suicide of a male employee of Chubu Electric 13 years ago. The case was fought over whether or not the man’s suicide was a result of excessive duties and his boss’s harass-

ment, and therefore a “work injury” entitled to compensation. The Superior Court overruled the earlier verdict of the Nagoya District Court, which had found the man’s death not to be work-related, reversing its decision to refuse survivor’s compensation to the man’s family.

The plaintiff was the mother of Suzuki Yosuke, who worked at Chubu Electric’s Mie branch and who died in October of 2010. She filed suit because she was not satisfied with the decision of the Tsu Labor Standards Inspection Office (LSIO), which had ruled the suicide non-work-related and refused to grant the family a survivors’ compensation benefit.

The verdict on this day recognized Suzuki’s work supervisor’s remarks--such as “who needs someone like you” and “how can you have graduated college, and you can’t even do this”--as being “beyond the bounds of guidance, and a denial of the man’s personhood”. Furthermore, the Superior Court concluded that Suzuki was placed in charge of multiple duties that were “of high difficulty for a new employee”, causing him a heavy mental burden that led to his suffering a psychological disorder, and eventually to his suicide.

(4) Izakaya manager commits suicide after 100 hrs. overtime a month; overwork determined to be the cause, company ordered to pay damages

The suicide in 2017 of a man who worked as a branch manager for Kaiantai Okinawa, which runs an *izakaya* chain mainly in Okinawa, was caused in part by overly long work hours, according to the man’s parents, who sued the company for approximately ¥93.85 million in compensation for damages. On April 25, Naha District Court gave its verdict in the case. The ruling recognizes the cause-and-effect relationship, saying “the mental burden of his work was the main cause of his developing depression, which led eventually to his suicide”. The court ordered the company to pay the parents approximately ¥19.28 million.

(5) Faculty member sues university saying he was “harassed by being removed from teaching classes”; immediately receives notice of firing

A lecturer at Osaka Sangyo University is suing the institution saying he was harassed by being removed from teaching classes and seminars. The university has asked the court to reject the man’s claim.

According to the suit, the man, a member of faculty at Osaka Sangyo, began being harassed ten years ago after he pointed out to the then dean that credits were being awarded improperly. With student complaints as a reason, he was taken off of his seminars and became unable to teach lessons.

In March of this year, the man filed suit seeking confirmation of his status under a labor contract to teach classes and seminars, as well as ¥7.5 million in compensation.

At court on April 26, the university sought to have the suit rejected. The lecturer also received a notice of firing immediately after filing his suit.

The man says this firing is also unfair, and on April 26 he added this claim to the suit.

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

#### (1) 10,000 children of foreign nationality found not enrolled in school, or enrollment uncertain: issues for follow-up

Children of foreign nationality whose “enrollment is unconfirmed” (meaning it is unknown whether they are enrolled in school, despite being elementary or middle-school age) turned out to number about as 10,000 nationwide, according to a 2022 survey by the Ministry of Education, Culture, Sports, Science and Technology (MEXT). Local governments that had previously not kept track of the situation began taking action, such as through home visits, in order to come to grips with the issue, and this led to the number decreasing by half compared to the first survey in 2019. However, surveying the situation has led to more children being discovered to definitely not be enrolled, meaning there are still tasks ahead.

Of the 1,741 cities, towns and villages across the country subject to the recent survey, the city of Yokohama had the largest number of foreign-national children. In 2019, there were 5,575 of elementary-school or middle-school age, but about 1,675 (or approximately 30%) of these were not confirmed to be enrolled in school.

Foreign parents or guardians are not required to enroll their children in school in Japan. A person in charge at the city Board of Education reflects that “for people of foreign nationality, there is no requirement to report which school their child goes to. The number of people is large, and we struggled to think of how to get as much cooperation as we could with a voluntary survey”.

In 2022, there were 1,570 people subject to the questionnaire, of whom 991 (about 60%) responded. Of the remaining 579, some refused to cooperate; for others, visitors found the home to not exist, or otherwise failed to discover the situation. A person in charge worries that “since it’s a voluntary survey, if they say they don’t want to tell, there’s nothing more we can do. It remains to figure out what can be done about the part that the survey cannot find out”.

On the other hand, there were seven children found to not be enrolled in school. Reasons given for this on the survey included “studying at home is enough”, “he/she doesn’t understand Japanese”, and “we don’t have the money”. So far, this has only been checked by a survey; as for what to do about the problem, the BoE says they will be working on it.

Many cases of non-enrollment have been discovered in other towns and cities as well. In Chiba City in 2022, seven children found to be non-enrolled began attending school after responding to the survey. There were some cases where, despite it being explained that they could enroll their children in public schools, the language barrier made this difficult to

understand, leading the children to stay at home. A person in charge at the Chiba municipal BoE says that “recently, they have more and more different native languages. Communication is becoming a problem, particularly when neither the parents nor the children understand Japanese, and schools have difficulty dealing with this”.

In Oita, where thirteen children were found not to be enrolled, the prefectural government has been dispatching support teachers who can teach Japanese in order to prepare the school environment for accepting these children. But a spokesperson for the prefectural BoE says that “there are some cases where someone has just recently come to Japan, and it is hard to find someone with the know-how”.

“Regarding Results of Reiwa 4 [2022] Foreign Children’s School Enrollment Situation Survey” April, 2023, MEXT

[https://www.mext.go.jp/content/20230421-mxt\\_kyokoku-000007294\\_04.pdf](https://www.mext.go.jp/content/20230421-mxt_kyokoku-000007294_04.pdf)

(2) In 50 years, population to be 87 million, with one in ten a foreign national: birthrate down from previous estimate--MHWL

On April 26, the MHWL’s National Institute of Population and Social Security Research released their estimates of the future population of Japan from now until 2070. The total population, which was 126.15 million in 2020, is predicted to drop below 100 million in 2056, and fall to 87 million, a 30% drop from current numbers, by 2070. Of these, it is predicted that one in ten will be people from foreign countries. The “total fertility rate” 50 years from now is predicted to be 1.36, lower than the 1.44 predicted previously in 2017. The overall decreasing trend in population, which threatens to have a heavy impact on the sustainability of Japan’s economy and society, has not changed.

“Summary of Results for estimated Future Population of Japan (Reiwa 5 [2023] Estimates)” Apr. 26, 2023 National Institute of Population and Social Security Research

[https://www.ipss.go.jp/pp-zenkoku/j/zenkoku2023/pp2023\\_gaiyou.pdf](https://www.ipss.go.jp/pp-zenkoku/j/zenkoku2023/pp2023_gaiyou.pdf)