



Labour Update

労組周辺動向 No. 166



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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) Unemployment interviews online for those raising children: MHWL

The Ministry of Health, Welfare and Labor (MHWL) announced on the 15th that they will expand the use of online verification interviews in the process of granting unemployment benefits. Currently interviews are being done online for people living on remote islands, as a trial run. Starting this summer, the service will also become available to patients with intractable diseases and to people who have children at home. The purpose is to lighten the burden on those receiving benefits; this policy was presented that same day to a sub-committee of the Labor Policy Council (an advisory body to the Ministry).

Unemployment verification is a necessary procedure in order to receive unemployment benefits. In principle, an unemployed person is supposed to talk with a staff member at Hello Work once every four weeks to confirm that they have the ability and desire to work. People living on remote islands can do this at their city or town hall; starting in April on a trial basis, they have also been able to do the interview online from home.

“Regarding the Use of Digital Technology in Unemployment Verification” May 15, 2023, Employment Stability Section, Employment Insurance Subcommittee

<https://www.mhlw.go.jp/content/11601000/001096463.pdf>

(2) “Three-Part Labor Market Reform Policy (Proposed)”, May 16, 2023, New Capitalism Conference

https://www.cas.go.jp/jp/seisaku/atarashii_sihonsyugi/kaigi/dai18/shiryou1.pdf

(3) Minister consults on improving teachers’ conditions: “overtime pay”, allowances and other points

Education Minister Nagaoka Keiko consulted with the Central Council for Education on the 22nd about deliberations on an overall policy to secure good teachers. The main points of discussion included the “Teaching Adjustment” provided to teachers in lieu of overtime pay, as well as ideas such as creating new allowances (additional pay), introducing a “shift interval” system, and expanding the number of support staff. The thought is to proceed with a plan that would integrate improvement in conditions, such as pay, along with work-style reform and an improved teaching environment. A direction will be announced next spring. According to the 2022 Teachers’ Work Situation Survey released in April by the Ministry of Education, Culture, Sports, Science and Technology (MEXT), the number of teachers working more than the maximum limit of 45 hours’ overtime per month was 64.5% in elementary schools, and 77.1% at middle schools (junior-high schools).

(4) Employment insurance enrollment to broaden in 2028: gov’t. considers relaxing 20-hour requirement

On the 25th, the government began deliberations on revisions that would make it easier for part-timers and other short-hours workers to enroll in employment insurance, with an eye to having such changes take effect starting as soon as 2028. This would enable people whose designated work hours are less than “20 hours or more a week”, currently a condition for enrollment, to have access to unemployment benefits and childcare leave benefits, creating a favorable environment for having and raising children. It is part of the government’s push for “birthrate measures with different dimensions”.

The government’s tentative plan for measures to deal with the declining birthrate includes lowering the designated number of working hours.

2. Legal Violations/Disputes

(1) Cameroonian man “qualifies as a refugee”: verdict overturns national government’s denial

In a lawsuit filed by a Cameroonian man (60) seeking to overturn the government's decision to deny him refugee status, the Tokyo District Court (Ichihara Yoshitaka presiding) handed down a verdict on the 17th that voided the government's denial, saying that the man's situation "counts as circumstances in which he would objectively have fear of persecution".

According to the verdict, the man engaged in anti-government activity with a labor union in his home country, whose government issued a warrant for his arrest. In 2012 he came to Japan and applied for refugee status, but this was not granted.

In the trial, the Japanese government argued that there was no proof of the man's having been part of a union, and that there was no way to tell if the arrest warrant he showed them was real. In the verdict, however, the court decided that, even though the arrest warrant does not include specific facts of the case, "this cannot be said to cast doubt on its authenticity". A Cameroonian newspaper article contains a mention of the fact that such a warrant was issued; the court concluded that "he qualified as a refugee".

(2) RIKEN says 184 staff members no longer employed, half of those who feared losing jobs; union protests

The staff union at the Institute of Physical and Chemical Research (*Rikagaku Kenkyusho*, RIKEN, located in Wako, Saitama) announced on the 18th that, of the 380 members of research staff on limited-term contracts who had feared losing their jobs at the end of March, 184--about half--were no longer employed at RIKEN, including those who had found other jobs, etc. The union intends to continue protesting, saying that, even for those who remain employed, there are cases where some faced demotion or were unable to continue their research.

According to the response received by the union regarding the situation of the 380 researchers, of the 184 no longer employed, 115 have found positions at universities or in industry. At least 23 seem to have not yet found another job. Union chair Kanai Yasuyuki, speaking at a press conference, insisted that "these are illegal firings", and emphasized that the union would continue supporting a return to work at RIKEN.

(3) "Firing is invalid": court orders back-payment of salary to former part-time lecturer--student evaluations

The Kyoto District Court has given its verdict in a lawsuit filed by a man who formerly worked as a part-time lecturer (*hijokin koshi*) at Kansai University of Welfare Sciences in Kashiwara, Osaka. The man sued Tamadeyama Gakuen, which runs the university, claiming it was unfair for them to end his employment due to a low evaluation from his students. Judge Kodama Teiji ruled that the firing was invalid, and ordered that the man's salary be back-paid.

The man signed a one-year employment contract in April of 2016 to teach English as a part-time lecturer. The contract was renewed four times. There is a rule that, when some-

one on a limited-term contract has worked a total of over five years, they can switch to a contract with no term limit. But the man was given notice that, because his student questionnaire evaluation and rate of earning credits were low, his contract would not be renewed a fifth time. His employment was therefore terminated at the end of March, 2021.

The verdict points out that the results of the questionnaire evaluation cannot be said to be much lower than those of other teachers, and that he carried out lessons faithfully based on the textbook level. Saying it was reasonable for the man, having repeatedly renewed his contract, to have a certain expectation of continued employment, the judge ruled that “the termination lacks a logical reason, and cannot be approved by the norms of society”.

3. Situation/Statistics

(1) Nationwide prices up 3.4% in April, increase rate grows for first time in three months; effects of price hikes in food and accommodation

The nationwide consumer price index (CPI) for April (Reiwa 2[2020]=100, fresh foods excluded), announced on May 19, was 104.8, an increase of 3.4% over the same month of last year, and the first time in three months for the rate of increase to itself increase. Although energy prices fell due to government measures to control electricity and city gas costs, there is a growing move toward passing on increased costs not only for foodstuffs, but also for service.

The rate of increase for foodstuffs, excepting fresh foods, was 9.0% year-on-year, higher than the 8.2% seen the previous month. This is the highest rate seen in 47 years, since May of Showa 51 [1976]. By item, chocolate went up by 15.0% and ice cream by 9.0%. It is clear that companies strongly wish to pass on the rising costs of materials and transportation.

The wave of price hikes has affected the service sector as well. Accommodation rose by 8.1%, an increase for the first time in seven months. As the economy proceeds with getting back to normal after the pandemic, tourism demand is growing. The government’s tourism support program “Nationwide Travel Support” has ended in some areas, and this has also had an effect.

Price rises also are continuing for common household goods such as laundry detergent (19.8%). Of the 522 items, excluding fresh foods, subject to the survey, 433 went up in price. This is higher than the 427 seen in March; the burden on households is growing heavier.

“2020-Base CPI nationwide, April 2023” May 19, 2023, MIC

<https://www.stat.go.jp/data/cpi/sokuhou/tsuki/pdf/zenkoku.pdf>

(2) Real wages down 1.8% in 2022, shrinking for first time in 2 years: household budgets

tight

According to the Monthly Labor Statistics Surveys for fiscal year 2022 (final figures, companies of 5 employees or more), released by the MHWL on May 23, the average monthly real wage--accounting for rises in prices--was 1.8% less than the previous year. This is the first time in two years for this figure to decrease, and the biggest slump since 2014, when real wages went down 2.9% due in part to the effects of raising the consumption tax. Price rises stemming from Russia's invasion of Ukraine are making their influence felt, and the pressure on households' budgets has become noticeable.

The monthly average in fiscal 2022 of total cash earnings--including base pay, overtime pay, etc.--rose 1.9% year-on-year, to ¥326,308. Scheduled cash earnings--mainly base pay--rose by 1.1%, to ¥248,963, while non-scheduled cash earnings, corresponding to overtime pay, went up 4.1%, to ¥18,975.

The real wage in March 2023 (final figure) was down 2.3% from the same month of the previous year. This number has shown a decrease every month since April 2022.

"Monthly Labor Statistics Survey, Reiwa 4 [2022] Final Results" May 23, 2023, MHWL

<https://www.mhlw.go.jp/toukei/itiran/roudou/monthly/r04/22fr/dl/pdf22fr.pdf>

(3) Number of work accident casualties highest in 20 years

The number of injuries and deaths from work accidents last year was 132,355, the highest number seen in twenty years. It appears the cause is a high proportion of elderly workers falling down, etc., on the job.

According to the MHWL, a total of 132,355 people either died or suffered injuries resulting at least four days' absence from work due to work-related causes (excluding COVID-19 infection). This is 1,769 more than the previous year, and the largest number seen in the past twenty years.

Regarding causes of workplace injuries/deaths, the greatest number was "falls"; there was an especially high proportion of cases where an elderly worker fell.

As for work-related COVID-19 infections, counted separately, the total of those who were absent from work for four days or more was 155,989. This includes 17 who died.

"Reiwa 4 [2022] Work Accident Situation" May 23, 2023, MHWL Labor Standards Office, Health and Safety Section, Safety Department

<https://www.mhlw.go.jp/content/11302000/001099503.pdf>

(4) Reduction in regular staff conditions accepted by JP union: correcting disparity between regular and non-regular

JP Roso, the largest union of workers at Japan Post group companies, has settled on a plan to accept a company proposal that would give limited-term employees one paid day off in summer and one in winter, and reduce the number given to *seishain* (regular full-time staff) to the same number. These days off are one of the conditions about which a Supreme Court ruling in October of 2020 said “there are unreasonable disparities between regular and non-regular employees”. The company indicated its offer to revise these conditions at this year’s *Shunto* negotiations.

JP Roso demanded that base pay for *seishain* be raised by ¥3,200 per month across the board in return for reducing the number of paid holidays. The company accepted this; ¥1,600 of the ¥32,00 has already been being paid since April.

Currently, *seishain* who do postal work have three days off each in summer and winter, while associate staff (those who have switched from limited-term to permanent employment) have one. Limited-term staff have none at all. If the union does accept the company’s proposal, they will all have one day each. This will apply to all Japan Post group companies.

As of April 2022, the group has about 220,000 *seishain*, 110,000 associate staff, and 60,000 limited-term employees. In a lawsuit filed by limited-term Japan Post employees belonging to a different union, it was ruled that the difference in summer and winter paid leave was a violation of Article 20 of the Labor Contract Act (now Article 8 of the Part-Time and Limited-Term Employment Act). Therefore the company announced their revision plan in the Autumn of 2021.

The government’s “Equal Pay for Equal Work Guidelines” indicate clearly that the purpose is to improve conditions for non-regular workers. To lower conditions for regular employees (*seishain*), a company must have a labor agreement or show a rational reason.