



# Labour Update

## 労組周辺動向 No. 172



2023 - 08 - 18

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) Reductions or exemptions for teachers' student loan payments: MEXT policy aims to deal with shortage

Reporters learned on August 4 that the Ministry of Education, Culture, Science, Technology and Sports (MEXT) is planning to grant teachers relief (exemptions or reduced payments) from the burden of paying back their student loans. Aiming to rectify the shortage of teachers, the Ministry intends to include the necessary expenditures in their budget requests for next year. The eligibility and conditions for relief are under discussion; the outline of a system will be decided on by the end of this month.

When MEXT asked local Boards of Education about the teacher shortage situation at public elementary, middle and high schools, the number of Boards that answered that the situation had "worsened" at the start of term in April (compared to the same time of the previous year) rose to 40%. In the employment exam for 2023, a total of twelve Boards found the number of teachers who qualified was fewer than the number they needed to hire. In

order to obtain good personnel, MEXT has been discussing concrete measures such as raising teacher salaries and making work-style reforms (improving conditions) in schools. The loan payment relief is being positioned as part of improving conditions for teachers.

## (2) 2022 Labor Health and Safety Survey (Actual Conditions Survey) Results Released

“Reiwa 4 [2022] Labor Health and Safety Survey (Actual Conditions Survey) Results Released” Aug. 4, 2023, Ministry of Health, Welfare and Labor (MHWL)

[https://www.mhlw.go.jp/toukei/list/dl/r04-46-50\\_houdou.pdf](https://www.mhlw.go.jp/toukei/list/dl/r04-46-50_houdou.pdf)

“Reiwa 4 Labor Health and Safety Survey (Actual Conditions Survey) Summary” Aug. 4, 2023, MHWL

[https://www.mhlw.go.jp/toukei/list/dl/r04-46-50\\_houdou.pdf](https://www.mhlw.go.jp/toukei/list/dl/r04-46-50_houdou.pdf)

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

### (1) Construction unions protest Expo request for exemption from overtime limits

In response to the Japan Association for the 2025 World Exposition having requested that 2025 Osaka-Kansai Expo construction workers be exempt from restrictions on overtime work, the Japan Council of Construction Industry Employees' Unions (JCU/Nikkenkyo)--a group of unions of workers for major construction companies--released a protest statement on August 4, saying “we cannot accept a way of thinking that assumes strict deadlines premised on forced overwork”. The statement criticizes the Expo Association, saying “it is extremely regrettable that they ignore the rights of workers”. The unions demand, as a unified position, that the government not accept the Association's request.

### (2) Two former Kobe Jogakuin teachers sue for ¥24.45 million in unpaid overtime: “some months, up to ¥580,000 went unpaid”--Kobe District Court, Amagasaki Branch

Two former teachers at Kobe Jogakuin Junior and Senior High Schools (Nishinomiya, Hyogo) filed suit at the Kobe District Court, Amagasaki Branch, on August 7, seeking back-payment of approximately ¥24.45 million in overtime from Kobe Jogakuin School Corporation. Although it is a private school, it is said that Kobe Jogakuin paid its teachers a fixed percentage of salary as a “teaching adjustment allowance”--like that received by public school teachers--instead of overtime pay. The plaintiffs say that “This is illegal. Private schools are covered by the Labor Standards Law, just like private companies”.

The former teachers are in their 40s and 60s, respectively. They worked until the end of March, serving as homeroom teachers and leading student club activities. They had many other duties, such as student counseling and interacting with parents, so they regularly worked overtime. But they received only the ¥20,000-¥25,000 “teaching adjustment” and an “overtime allowance” that only covered a very limited range of things, such as teach-

ers' meetings. They say there were some months when the amount of unpaid overtime was up to ¥580,000 worth.

### (3) JR East ordered to pay compensation after demanding employees quit union

The Tokyo District Court (Judge Ogawa Ritsuko presiding) gave a verdict on the 10th in a lawsuit filed by four JR East employees, who say the company demanded they quit their union, and who sued their employer for approximately ¥5 million in compensation. In its verdict, the Court recognized that repeated remarks made by multiple supervisors to one of the employees at a party, seeking to have the worker resign from membership of the union, "were interference in union activity, and were illegal acts that caused [the employee] mental stress". The Court's verdict orders payment of ¥55,000 in compensation. It points out that, when multiple supervisors at the party told the employee to "hurry up and quit [the union]", asked "are you still not quitting the union", etc., more than 20 times, this "deviated from social appropriateness".

### (4) Strike to be avoided for now at Jetstar: company intends to back-pay wages

A union of workers for low-cost airline Jetstar Japan had been planning a strike to seek back-payment of unpaid wages. It now seems likely that a strike will be avoided, as the company has indicated it will agree to pay.

The union claimed that some overtime had gone unpaid, and demanded payment. They engaged in repeated negotiations starting in May, but since the company did not agree, the union gave notice to the MHWL, etc, that they might strike on domestic routes beginning on the 17<sup>th</sup>. Of the approximately 1,000 employees at the company, a total of several hundred belong to the union, including pilots and cabin crew.

According to the union, the company stated in negotiations on the 14<sup>th</sup> that they would look into how much had gone unpaid going back to the company's founding in 2011. They are said to have indicated an intent to calculate the amount within three to six months, and then back-pay. Union executive committee member Ikohagi Akihiko praised this as "a large step forward".

However, there is a possibility the union may still strike, depending on how much the company decides to pay, and on how they deal with the issue from now on. They say that, in case of a large strike that would affect operation of flights, they will give the company 48 hours' notice.

### (5) Medical resident (doctor in training), aged 26, commits suicide, workers' compensation granted--no day off in three months, 207 hours overtime a month

A 26-year-old man who worked as a medical resident, or doctor in training, at Konan Medical Center in Higashi-Nada, Kobe, committed suicide in May. It has now become known that the Nishinomiya, Hyogo, Labor Standards Inspection Office (LSIO) granted workers' accident compensation, on grounds that the cause was a psychological disorder that re-

sulted from his long working hours. It was the man's third year since becoming a doctor. In the approximately three months leading up to his committing suicide, he had no days off work at all; immediately before his death, he worked a full 207 hours of overtime in a month, well in excess of the government's standard for compensation in overwork cases.

(6) Foreign technical interns work more than 100 hours of overtime a month--box-lunch shop in Yonezawa prosecuted

The Yonezawa LSIO filed charges with the public prosecutor on August 17 against a *bento* box-lunch company in that city and against its factory manager, alleging they violated the Labor Standards Act by having foreign technical interns work more than 100 hours' overtime in a month.

According to the LSIO, from September to October of last year, the company and the manager--despite there being no overtime agreement in place--made two technical interns, who worked making the box lunches, do up to over 100 hours each of overtime work within in one month.

(7) Caring for COVID patients, moving bodies... facility staff member gets workers' compensation for her depression

A woman in her 60s who works for a care facility suffered depression on account of having to care for people infected with COVID-19, she says, and has been granted workers' compensation. The woman normally did office work, but when a "cluster" (group outbreak of infection) caused a shortage of care staff, she was suddenly ordered to care for infected patients and to move bodies of those who had died.

The woman had worked as a care helper before taking the job at that facility, but she did not have very much experience. When the sudden directions placed her at the front lines of COVID-19 infection, she says she "felt isolation and distress"; and when she had to deal with dead bodies, she "became unable to move, and had a shock like I had never experienced before", she recalls. She was issued protective clothing, but only one set per day, and when she took it off during breaks, she was exposed to the risk of infection. To avoid infecting her family, including her elderly mother, she did not go home for about two weeks, and had to live in a hotel during that time.

In May she was able to go back to office work, but continued seeing flashback visions of dead bodies; starting in late May she began having symptoms such as insomnia and loss of appetite, and took leave of absence. In June she was treated at a hospital, and diagnosed with depression. The woman is still on leave from work.

(8) ¥13 million in unpaid wages to JR West employees tasked with making timetables: overtime work in violation of labor agreement--some with up to "190 hours overtime"

It has come to light that JR West, on doing an internal investigation in January at the prompting of its employee union, found that eight employees in the "Transport and Rolling

-Stock Department”, whose duties included making and adjusting timetables, had, between April 2020 and this January, been made to work overtime hours in excess of the limit set by the labor agreement known as a “3-6 Agreement”.

There were also three members of staff who had worked more overtime hours than the 100-hour-a-month limit set by the Labor Standards Act, with at least one working 190 hours of overtime in one month.

JR West found that there was a total of about ¥13 million in wages unpaid to fifty-five employees in this department, including the eight whose overtime was the subject of the investigation, and reported this to the Yodogawa LSIO.

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

#### (1) Real wages down by 1.6% in June; high prices lead to 15<sup>th</sup> month in a row of decreases

According to the Monthly Labor Statistics Survey for June (preliminary figures, companies of five or more employees), released on August 8 by the MHWL, the real wage--calculated based on total cash earnings (nominal wages) and changes in consumer prices--was 1.6% less than in the same month of last year. Although the nominal wage increased, soaring prices made themselves felt, leading real wages to be down year-on-year for the fifteenth month in a row.

“Monthly Labor Statistics Survey, June, Reiwa 5 [2023], Preliminary Results” Aug. 8, 2023, MHWL

<https://www.mhlw.go.jp/toukei/itiran/roudou/monthly/r05/2306p/dl/pdf2306p.pdf>

#### (2) Labor shortages felt at 49% of companies: expanded hiring, challenges for management

On August 12, Kyodo News released results of their questionnaire survey of 114 major companies. When companies were asked about their sense of a shortage of personnel, a total of 49% answered either that they were “shorthanded” or “somewhat shorthanded”. This means about half of companies feel a shortage. To a multiple-choice question about how they were dealing with this, the greatest number--about 72%--replied “expanded mid-term hiring”. It can be seen that securing staff has become a significant challenge for management.

Only a total of 2% of companies answered that they were “overstaffed” or “somewhat overstaffed”. On the question of ways to deal with the problem, 47% said “expanded hiring of new graduates”; most companies placed importance on hiring. Also, 18% answered “accepting foreign workers”. “Raising pay” had 38%, while “improving benefits” only had 16%, both lower percentages than those that mentioned hiring.

Raising wages is considered an important part of securing personnel. 24% of companies

said they were “considering” raising pay in 2024, while 62% said their “policy [was] undecided”.

### (3) April-June GDP up 6.0%; despite high growth, “personal consumption” down

The growth rate in the GDP (gross domestic product) for the April-June quarter, published on August 15, was higher than market predictions. However, the effects of continuing high consumer prices pushed “personal consumption” into negative growth. Experts point out that it will be important to raise the floor of consumption through raising wages.

The GDP for April through June of this year, compared to the previous quarter (excluding rises in prices) grew at a real annualized rate of 6.0%, a higher rate than market predictions.

However, “personal consumption”--which accounts for more than half of GDP--had a growth rate of negative 0.5% compared to the previous three months, the first negative growth in three quarters.

“Quarterly GDP Preliminary Report, April-June 2023 (First Preliminary Figures)” Aug. 15, 2023, Cabinet Office

[https://www.esri.cao.go.jp/jp/sna/data/data\\_list/sokuhou/gaiyou/pdf/main\\_1.pdf](https://www.esri.cao.go.jp/jp/sna/data/data_list/sokuhou/gaiyou/pdf/main_1.pdf)

### (4) Legoland to introduce 3-days-off system for child/family care, starting September

The company that operates Nagoya theme park Legoland Japan announced on the 17<sup>th</sup> that, for employees with child-care or family-care needs, they will introduce a system where those who wish it can have three days off per week. The company describes it as part of improving the work environment.

The system will be available to regular full-time employees (*seishain*) who either have a child in elementary school (until graduation) or have family members who require care. The usual 120 days off per year will be increased to 156 for these employees, with a specified number of days off given each month.

The employees will be able to choose freely between a “total work-hours maintained” schedule, which keeps their weekly working time at 40 hours, thus seeing no decrease in salary; and a “reduced-pay” version, which decreases their salary based on their real working hours.

### (5) Aichi to introduce “Familyship System”: first prefecture to include children in certification

Aichi governor Omura Hideaki announced on August 17<sup>th</sup> that, starting in April next year, the prefecture will introduce a “Familyship System”, which will recognize children who live with an LGBT or other sexual-minority couple, or with a “common-law marriage” couple,

as family members for the purpose of receiving administrative services. According to the prefectural government, this is the first such system to be introduced on a prefectural level.

Aichi has not yet established a “partnership system” for couples, and was deliberating plans for one. With an increasing number of cities and towns giving recognition to not only couples, but the children who live with them, the prefecture decided on a “familyship” system.

#### (6) Even Zoom returns to the office: employees ordered to come in twice a week

The U.S. web-conference company Zoom has asked all workers who live within 50 miles (about 80 km) of their office to come in to work twice a week. According to a company statement reported by U.S. media on the 7<sup>th</sup> and 8<sup>th</sup>, they explained that a “hybrid” workplace, combining meetings via Zoom itself with interactions in the office, is the most effective.

In the American IT industry, which led the shift to remote work at the beginning of the COVID-19 pandemic, a move to return to the office is spreading. According to U.S. news media, Google and Apple are requesting employees to be in the office three times a week. Entrepreneur Elon Musk, after buying Twitter (now X), gave employees notice that, in principle, they would not be allowed to work from home.