



贈  
労働者勝利記念  
住友生命分会

# Labour Update

## 労組周辺動向 No. 173



2023 - 09 - 01

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) Minimum wage: national average tops ¥1,000 for first time--revised amount up ¥43 to ¥1,004

On August 18, the Ministry of Health, Welfare and Labor (MHWL) released the revised minimum wage amounts (hourly) for this fiscal year, as decided by each prefecture's Minimum Wage Council. The national average is ¥1,004, which is ¥43 more than last year's number. It is the first time that this average has been over ¥1,000. Both the amount of increase and the rate (4.5%) are also new high records.

In 24 prefectures, the increase was ¥1-8 more than the guideline of ¥41 set by the Central Minimum Wage Council, an advisory body to the MHWL. The new minimums will come into force in each region starting on October 1.

“Reiwa 5 [2023] Minimum wages by Region: Status of Reporting” Aug. 18, 2023, MHWL

## 2. Legal Violations/Disputes

### (1) Abolish the “no overtime pay” Special Measures Act, says labor lawyers’ group: teachers’ work-style reform

The Central Education Council, an advisory body to the Ministry of Education, Culture, Science, Technology and Sports (MEXT), has been debating the issue of teachers’ long working hours and ways to remedy the shortage of teaching personnel. In response to this, the labor Lawyers’ Association of Japan, a group of lawyers who work on labor-related issues, released an opinion statement on August 18.

The group points out in their statement that, since having employers pay overtime is meant to be a way to keep working hours under control, the Special Measures Act should be abolished in favor of a system that would pay teachers for their overtime work. They also called for keeping strict track of teachers’ work hours.

In addition, the group in their statement called for making sure that, even if the Teaching Adjustment Allowance disappears as a result of amending or repealing the Special Measures Act, teachers’ pay will not decrease; and for instituting a “shift interval system” that would require a certain amount of time of between one work day’s shift and the next.

### (2) Photographer recognized to be a “worker”: problem of “fake freelancing”

In relation to the issue of workers who are freelance on paper, but whose real situation is no different from that of employees, it has come out that the Shinagawa Labor Standards Inspection Office (LSIO), in Shinagawa, Kyoto, has granted recognition as a “worker” to a man who works as a freelance photographer under an outsourcing (*gyomu itaku*) contract with a company. The man had claimed that a traffic accident he encountered on the way to work was a work accident. The LSIO will also judge whether to grant work-accident compensation.

### (3) “Abnormal state of dispute” between bus company and union; Sapporo Superior Court rules dismissal “invalid”

Kurotaki Koji (62), labor union chair at bus company Hakodate Bus, which single-handedly runs transit buses in Hakodate, Hokkaido, was unfairly dismissed from his job, he claims. Sapporo Superior Court handed down an appeal verdict on the 22<sup>nd</sup> in a lawsuit he filed seeking confirmation of status. Presiding Judge Otake Yuko, in a ruling read out on her behalf by Saito Kiyofumi, upheld the judgement of the Hakodate District Court, which had held the dismissal to be invalid. The court ordered the company to pay Kurotaki his wages for the period since his dismissal, a total of about ¥5.3 million.

According to the ruling, the company and the union--Shitetsu Soren, Hakodate Bus Branch --were in dispute over "union leave", time off for the purpose of union activities. The company punished Kurotaki in November of 2020 for having let even rank-and-file union members take this leave. Then in the spring of the following year (2021), when Kurotaki reached retirement age, they refused to re-employ him.

#### (4) Overtime unpaid? Notice issued calling for improvement for part-time teachers at elementary and junior-high schools in Gifu

The Gifu Prefectural Board of Education, fearing that it is becoming common for part-time teachers in the prefecture's elementary and junior-high schools to go unpaid for time spent on lesson preparation, has begun making efforts this year to improve the situation. The Board sent a notice before the end of last school year to city and town Boards of Education in the prefecture, stating clearly that preparation is essential for adequate lessons, and asking them to include it properly in work hours.

#### (5) Teachers at long-established French language school go on strike: to be fired unless they accept new contract--school says "regrettable"

Three French teachers working at language school Athénée Français, in Chiyoda, Tokyo, held a 50-minute time-limited strike in front of the school on August 24. They say that the school will fire them if they do not agree to a new contract, one which does not guarantee any minimum number of work time at all, not even one hour.

According to the Athénée Français Union, to which the three teachers belong, before the new contract the school did not recognize their teachers as employees at all, and refused requests for switching to permanent employment. Since collective bargaining ended with no agreement, on August 18 they gave the school notice of the strike.

#### (6) Men with intellectual disabilities in a state of "slave labor": suit seeks damages against cattle farm and city of Eniwa, Hokkaido

Three men having intellectual disabilities filed suit on August 24 in the Sapporo District Court against the management of a cattle farm, on which they lived and worked, and against the city of Eniwa, Hokkaido. They claim that they were mistreated on the farm for many years. Their lawyer states that "it was slave labor". They are seeking payment of a total of about ¥90 million, including their disability pensions, which they were unable to collect, as well as other compensation.

According to the lawsuit, the three men, now in their 60s, all worked for Endo Bokujo, a cattle farm under private management, between 18 and 45 years. However, they were paid no wages; and their pension money, deposited into their personal accounts, was nearly all withdrawn. When they received money at all, it was no more than about ¥2,000 once or twice a month.

The three lived in a prefab hut on the farm. There was no running water or bath, and only

one of the rooms was heated. The plastic bottles used for drinking water were in an un-sanitary condition, and were infested with mosquito larvae, they say. They woke up at 3:00 A.M. every day; from then until sundown they fed cows and did farm work, and had no days off.

#### (7) Ikea fails to pay for changing time; will pay starting September 2023

Reporting by Mainichi Shimbun has made it known that furniture retail giant Ikea Japan (Funabashi, Chiba), since its founding in 2006, has never paid its employees for the time they spend changing into their uniforms. Ikea admits the truth of this, and says changing time will be paid starting on September 1.

“When working, we were told to change into the shirts, pants and shoes specified by the company before clocking in, then after finishing, to clock out first before changing”, said a woman, who worked in an Ikea store, to Mainichi reporters. In her previous job at a family restaurant, she says she was paid for six minutes of changing time per shift. “¥2,000 every month, ¥24,000 every year. It’s a major amount for a part-timer”, she explains.

An Ikea document titled “Regarding Attendance” says “When starting work, after changing into your uniform, you may clock in up to 9 minutes before the start of your shift”, matching the woman’s testimony that employees were *de facto* requested to change before clocking in.

#### (8) Strike goes forward, Seibu Ikebukuro store lies quiet: voices heard in support

“I’d like to support them”. “It’s the workers’ right, but they won’t be able to win against the company”. So said some of the people passing by Seibu Ikebukuro (Toshima, Tokyo), where a union went on strike in the 31<sup>st</sup> over the selling of the Seibu-Sogo department store company. As commuters passed by on their way to work, the store’s shutters did not open. Many looked with curiosity or even took photos of the poster saying the store was closed for the day. Some even expressed sympathy for the strikers.

One Tokyo woman gave support, saying “the employee’s livelihoods are on the line. They showed that they can protest and fight, instead of just doing what they’re told and going home to cry.”

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

#### (1) Most jobs have low possibility of complete replacement by AI: ILO

On August 21, the International Labor Organization (ILO) published their view that the majority of jobs are not likely to ever be completely replaced by generative AI. Rather, says the ILO, it is more likely that certain parts of the jobs may be automated, enabling workers to focus on other parts of the work.

However, the possibility seems high that the greatest blow will be to clerical work. Espe-

cially in wealthy countries, the proportion of women doing this type of work is high, so the ILO warns that that women's employment may be hit harder than men's.

It is said, moreover, that the impact of generative AI on those workers affected will be "brutal"; the report expresses the understanding that this study does not soothe worries regarding generative AI, but rather calls on policy-making authorities to make policies that can deal with changing technology.

"Generative AI and Jobs: A global analysis of potential effects on job quantity and quality"  
August 21, 2023 International Labour Organization

[https://www.ilo.org/wcmsp5/groups/public/---dgreports/---inst/documents/publication/wcms\\_890761.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---inst/documents/publication/wcms_890761.pdf)

### (2) Income gap widens: 2021 Gini coefficient nearly same as previous high record

A 2021 study by the MHWL has revealed that disparity household income is increasing. The Gini coefficient, which expresses the amount of disparity, for income before redistribution via taxes and social security, was 0.5700, an increase compared to the previous study in 2017 (when it was 0.5594), and the second-highest number ever recorded, coming close to the 2014 record of 0.5704.

The Ministry made this known in their "Income Redistribution Survey", published on August 22. The Gini coefficient can vary from 0 to 1; the greater the disparity in income, the higher (closer to 1) the number is. If all members of a society had the same income, the coefficient would be 0; if all the income was monopolized by one individual, it would be 1. Income was calculated based on data from 2020.

For income after redistribution (including via public pension payments, etc.), the Gini coefficient was 0.3813. This number, too was slightly higher than in 2017 (when it was 0.3721).

"Reiwa 3 [2021] Income Redistribution Report" Aug. 22, 2023, MHWL

<https://www.mhlw.go.jp/toukei/list/dl/96-1/R03hou.pdf>

### (3) "Summary of Reiwa 4 [2022] Statistical Survey of Labor Disputes" Aug. 23, 2023, MHWL

<https://www.mhlw.go.jp/toukei/list/dl/14-r04-08.pdf>

### (4) Cut back excessive lesson numbers, rethink school events: emergency proposal for overworked teachers

The Ministry of Education, Culture, Science, Technology and Sports (MEXT) put together an emergency proposal on August 28 containing measures to improve the situation of

teachers being overworked, which, if not rectified, could become dangerous, it says. The proposal was submitted to education minister Nagaoka Keiko. It lists ways to reduce teachers' workload, such as reducing the number of lesson hours (koma), when they exceed national work-hours standards; simplifying school events; and increasing the number of assistants to help with teachers' work. The Ministry intends to include some of these ideas in its proposed budget for next year.

(5) July unemployment rate at 2.7%, worsening for the first time in four months; women's unemployment rate goes up

According to the Labor Force Survey released on August 29 by the Ministry of Internal Affairs and Communications (MIC), the unemployment rate in July (seasonal adjusted figure) was 2.7%. This is 0.2 percentage points up from June, and the first time in four months for unemployment to worsen.

This was mainly because the unemployment rate for women (seasonal adjusted figure) went up by 0.5 percentage points. The number of women working was 30.48 million, which is 10,000 more than the previous month; the number unemployed was 810,000, or 150,000 more than the month before. MIC says "there is a possibility that, due to inflation in prices, an increasing number [of women] are searching for work, and not finding it yet".

"Labor Force Survey (Basic Statistics), July 2023 (Reiwa 5), Results" Aug. 29, 2023, MIC

<https://www.stat.go.jp/data/roudou/sokuhou/tsuki/pdf/gaiyou.pdf>

(6) 53.3% of private universities short of new students, over half for the first time; student-to-space ratio lowest ever

More than half of the country's private universities had fewer new students entering this spring than the number of places, a shortage. The Promotion and Mutual Aid Corporation for Private Schools of Japan announced the numbers on August 30. It is the first time for over half to have a shortage. There were 320 universities with fewer new students than places, which is 37 more than last year.

600 schools across the country responded to the survey. The number with a shortage, as a proportion of the total number of private universities, was 53.3%. Of these, 155 schools (25.8%) had new student numbers less than 80% of the specified number of spaces.

The total number of students entering private universities this spring was 500,599. This is 1,595 fewer than last year. On the other hand, the total number of places for new students was 502,635, which is 4,696 more than last year. The ratio of newly-entering students to total places at all private universities (student-to-space ratio) was 99.59%, with a pronounced gap between schools with enough students and those without. It is only the second time for the ratio to be under 100%, with the first time having been in 2021, and the lowest ratio ever seen.