



Labour Update

労組周辺動向 No. 179



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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) Parental leave benefit to be expanded starting in 2025: over 14 days, 100% pay

The Ministry of Health, Welfare and Labor (MHWL), at a meeting of a subcommittee of the Labor Policy Council on November 13, indicated their detailed proposal for expanding parental leave benefits. If both parents take leave of 14 days or more, the benefit amount will be increased from *de facto* 80% of their wages (as it is now) to 100%. For parents who opt to work shorter hours after coming back from parental leave, a certain percentage of their wage will be provided with no restrictions as to number of hours or days worked. The new system will take effect starting in 2025.

Currently, about five in ten men who take parental leave only take less than two weeks. Hence, the taking of 14 days or more was set as a condition. As well as encouraging men to take "post-birth paternity leave", this also is aimed at lightening the financial burden on families with children.

The maximum number of days to receive benefits will be 28 days. This applies, for fathers, to leave taken within the eight weeks following their child's birth, and for mothers, to leave taken within the eight weeks following the end of their childbirth leave.

"Summary of Arguments Thus Far, and Direction of Revisions (Parental Leave Benefit, Etc.)" Nov. 14, 2023, MHWL 186th Labor Policy Council Occupational Stability Subcommittee, Employment insurance Section

<https://www.mhlw.go.jp/content/11601000/001161666.pdf>

(2) Work accident insurance to be expanded for freelancers: in principle all occupations to be eligible, starting Autumn next year--MHWL policy

The MHWL held a meeting of the Labor Policy Council (an advisory body to the Ministry) on November 20. Their plan is to greatly expand the eligibility of freelance workers to enroll in work-accident compensation insurance, enabling (in principle) those in all sorts of occupations to join. In response to the diversifying of work styles, the Ministry wants to arrange an environment where freelancers can work without worry. The aim will be to have the new rules start to apply by the autumn of 2024.

Work accident compensation insurance is a government system whereby workers employed by a company can receive benefits when they are injured in an accident at work, or on the way to or from work. The premiums are paid in full by the employer. There is also a Special Enrollment System, allowing small-business owners and some freelancers (those doing certain types of work) to enroll if they wish by voluntarily paying premiums.

This revision will allow all freelancers who take work orders from a company, in any type of work, to be eligible for Special Enrollment. According to a government survey, there are about 4.62 million people working freelance in Japan. Of these, the number doing outsourced work for companies is calculated to be about 2.73 million.

"109th Labor Policy Council Labor Conditions Subcommittee, Work Accident Insurance Section, Documents" Nov. 20, 2023, MHWL

<https://www.mhlw.go.jp/content/11601000/001168990.pdf>

(3) Companies to be require to make efforts to allow remote work: revision plan for working parents--MHWL

The MHWL presented a proposal at a meeting of the Labor Policy Council (a Ministry advisory body) on November 20 that would impose a duty of effort on companies to make it possible for employees to work remotely until their children turn 3 years old. This is part of the government's plan to "Address the declining Birthrate from Different Angles". Delib-

erations will continue; the plan is to submit bills to next year's regular Diet session to amend the Childcare and Family Care Leave Act.

"Regarding Revisions to Support Measures for Balancing Childcare/Family Care with Work" Nov. 20, 2023, MHWL Labor Policy Council, Employment Environment and Equality Subcommittee 64th Mtg.

<https://www.mhlw.go.jp/content/11901000/001169356.pdf>

(4) Employment Insurance at 10 hours per week: requirements loosened to enroll 5 million people

It has become known that the government is considering relaxing the requirements for being enrolled in Employment Insurance--currently limited to those working "20 hours or more per week"--to "10 hours or more per week". Multiple sources made this known on the 21st. It is predicted that five million part-timers and other short-hours workers will be newly enrolled, and will then be able to receive benefits when they lose their jobs or take childcare leave. With the growing diversity of work styles, the aim is to strengthen the employment safety net so as to stabilize people's income, and make it easier to give birth and raise children.

Relevant bills would be submitted to the regular session of the Diet in 2024, and the new rules could come into affect as soon as 2028. The MHWL looks set to indicate a proposal in a subcommittee of the Labor Policy Council, as part of the government's policy to "Address the declining Birthrate from Different Angles".

Enrollment will make people eligible for unemployment benefits when they lose their jobs, and, when they take childcare leave, will enable them to receive benefits equal to 80% of their pre-leave income. The basic unemployment benefit allowance will have a maximum amount of ¥6,945 for those under 29, and ¥7,294 for those aged 60-64.

2. Legal Violations/Disputes

D(1) isparity of treatment over uniform "changing time" at Toei Subway outsourcing group: LSIO issues corrective guidance

There was a disparity in treatment between regular employees (*seishain*) and contract employees at Tokyo Toei Kotsu Kyoryokukai, the organization to which the Tokyo Metropolitan Government outsources subway station work, in connection to work time for changing into uniform, reporters found out on November 13. the Ikebukuro Labor Standards Inspection Office (LSIO) has issued corrective guidance, saying "contract employees are not given enough time to change". The LSIO also asked the organization to investigate the actual situation of uniform changing time by the end of this month.

The Metropolitan Transit Authority outsources ticket-window work, platform surveillance, and other jobs to the Kyoryokukai at fifty-nine of the 106 stations on the four Toei Subway lines. The organization's executives include former Metropolitan government officials and employees on loan from the Metropolis; according to the Kyoryokukai, out of about 700 employees who work at Toei stations, there are approximately 300 who are contract employees.

Station workers are required by the Railway Operation Act to wear uniforms while on the job; time spent changing into and out of the uniform is counted in working hours. According to persons concerned, at stations where work is outsourced to the Kyoryokukai, changing time for contract employees is set at 10 minutes at the start of the shift and 10 minutes at the end. Meanwhile, for *seishain* it is 10 minutes at the start, and 40 minutes at the end of the shift; for those at manager rank, it is 50 minutes at the end. This has been the normal state of things since Heisei 15 (2003), when the outsourcing began.

(2) Google Japan refuses to bargain over layoffs; union files complaint

The Japanese subsidiary of IT giant Google, which has announced large-scale layoffs, is refusing to bargain collectively. This constitutes an unfair labor practice, says the JMITU Alphabet Union Branch, which filed a complaint at the Tokyo Labor Commission on November 14.

Alphabet, Google's parent company, has announced a plan to lay off approximately 12,000 employees worldwide. According to the union, some employees at the Japanese subsidiary Google LLC received an email from the company in March urging them to accept early retirement. It seems that about 200 people got this message.

Collective bargaining began that same month, but the company refused to answer the union's questions, including about reasons for the layoffs. When the union asked for a third round of bargaining in May, the company then refused to bargain at all any more. The union has therefore filed a complaint with the Labor Commission, demanding that the company stop refusing to bargain, give good-faith answers to their questions, and post an apology letter at their headquarters.

(3) "Freelance" photographer granted worker's compensation for commuting accident: false-freelancing problem

In connection with the problem of "false freelancing"--where a worker is freelance on paper, but is *de facto* in a position no different from that of an employee--it has come to light that the Shinagawa Labor Standards Inspection Office (LSIO) has granted compensation to a freelance photographer (male, aged 40) who had an outsourcing contract with a company in Tokyo. The man suffered a traffic accident on the way to work, which the LSIO has now recognized as work-related. The decision is dated October 12.

In this man's case, at busy times he sometimes spends as much as 200 hours in a month working for this company, meaning he has no time to take on work from any other clients. He has some control over the photography itself, but the locations and timing of his shoots are determined by the wishes of the company, and he is paid a fixed monthly amount by the company regardless of how many photos he takes each month. Supplies, other than his camera, are provided to him free of charge by the company.

(4) Union formed specifically for correspondence-school teachers: "improve the working environment"

According to the Ministry of Education, Culture, Sports, Science and Technology (MEXT), the number of students in correspondence-type high schools has increased by about 80,000 over the past five years, standing at an all-time record of 265,000 in May of 2023.

Against this background, in order to solve work-environment issues common to teachers working at correspondence schools, teachers currently working for such schools have formed a union, announcing this in a press conference on November 15.

Among the issues they complain of are that, by MEXT's regulations, the number of students per teacher in these kinds of schools can be up to 80, more than twice the standard for regular day schools, making workloads heavy, and making it difficult to maintain the quality of education, especially when these students include those with disabilities and those with a history of refusing to go to school.

There are also other problems to do with the working environment, such as salaries going unpaid or a lack of adequate break time.

(5) Airport company employees' union says no overtime work from next month on

As demand for flights returns to pre-pandemic levels, a union of workers for Swissport Japan--whose employees perform such tasks as directing planes on the ground and working at check-in counters--says that staffing has not kept pace with the rebound in demand, and that working hours remain overly long. Therefore, the union has given notice that, starting next month, its members will not do any overtime work at all.

According to the union, the number of employees has indeed increased as the demand for flights, which fell during the pandemic, has recovered. However, as about six in ten of these employees--not counting those in management positions--are new to the job, with less than a year's experience, this means that the workload falls disproportionately on a few mid-level staff, who therefore have to work very long hours.

(6) Terebi Yamaguchi union goes on strike for first time in 31 years; some broadcasts canceled

At TYS (Terebi Yamaguchi), headquartered in Yamaguchi City, a union began striking on the 15th after talks with management broke down over winter bonuses and other issues. Due to this, Terebi Yamaguchi has had to cancel evening news broadcasts on November 15 and 16, and some reporting work has had to be done by executives or by outside staff.

About forty members of the union at TYS (Terebi Yamaguchi), half the total number of employees, carried out a 48-hour strike ending at midnight the night of the 16th.

The union had complained that, with the number of new hires falling short of the number of those retiring, the workload was increasing, especially for junior staff. They had called for improvements in the working environment, but had received no satisfying answers from company management. Therefore, they decided on a strike.

(7) Nagoya U. Hospital makes out-of-hours education and training unpaid: rule in internal document: "self-improvement"

It has become known that, since May, Nagoya University Hospital (Nagoya) has not been treating it as work time when staff doctors remain after hours at the hospital to teach medical students or work on research reports. Instead, these tasks have been considered "self-improvement" that doctors do on their own time without pay.

Beginning next April, "doctors' work-style reform" will place a maximum limit, with penalties, on overtime work hours. Some hospitals are moving to count some work tasks as "self-improvement" instead of "work" in order to avoid going over this limit; the case of Nagoya University Hospital is likely to be a focus of some debate.

One doctor on staff at the hospital says that "professors expect us to both teach students and produce research results, but treating patients takes up all our daytime hours. We are forced to do our teaching and research after hours, but are unable to apply for overtime pay".

3. Situation/Statistics

(1) Local government salaries: 71.9% of cities and prefectures pay women "less than 80%" as much as men on average; at one city, the figure is only 48%

At 87 major local governments (prefectures, ordinance-designated cities, etc.), or 71.9% of the total, the average salary for women on staff in fiscal year 2022 was in the range of 70-79% of that for men, or less, according to a Yomiuri Shimbun survey. As reasons for women's pay being less than men's, over half of local governments cited the higher number of women in non-regular employment (part-time etc.) and the low numbers of women being promoted to higher-paid managerial positions.

The greatest number of local governments answering--57, or 47.1% of the total, said

women's average salary was 70-79% of men's. There were 22 (18.2%) whose salary ratios were in the 60-69% range, and 8 (6.6%) where the average pay for women was 50-59% of that for men. There was not even one local government that had no gender gap in pay; 32 (26.4%) had ratios of 80-89%, while two (1.7%) had percentages in the 90s.

In answer to a question about main causes of the disparity (with multiple answers possible), 106 local governments (nearly nine out of ten) responded that "there are many women in lower-paid non-regular positions". In addition, 68 said that "there are few women in higher-paid managerial positions".

The largest gap was seen in Nagano City, where women's average salary was only 48% of that of men. According to the municipal government, while eight in ten men are in regular (full-time) staff positions, seven in ten women are employed as non-regular staff. The highest ratio (smallest gap) was seen in Kagawa Prefecture, where women on average are paid 93.7% as much as men. A spokesperson for the prefecture explains that "we have many women in assistant-manager and section-chief positions".