



# Labour Update

## 労組周辺動向 No. 203



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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) Lower House election announced; parties sharpen their arguments

A voting date was announced on October 15 for the House of Representatives general election. Major issues are political reform (in the wake of the dark-money scandal) and policies to deal with inflation. The governing parties insist that, in order to move forward with their policies, their LDP-Komeito coalition must continue in power; they are aiming to keep their parliamentary majority. Meanwhile the opposition parties are insisting they must push the LDP and Komeito out of the majority position in order to realize policies that will be necessary to improve people's lives. Arguments are sharpening ahead of the election.

At stake in this election are 465 seats, including 289 small electoral districts and 176 proportional-representation seats. There are 1,113 candidates running in the small districts

and 231 in the proportional districts, for a total of 1,344.

In the last election there were 1,051 candidates, the smallest number since the beginning of the current electoral system; this time there were 293 more.

Of these candidates, 314 were women, the largest number since the current system began.

The numbers of candidates from each party were as follows.

LDP: 266 in small electoral districts, 76 in proportional blocks, for a total 342.

CDP: 207 in small districts, 30 proportional, total 237.

Ishin: 163 and 1, total 164.

Komeito: 11 small, 39 proportional, total 50.

Communist Party: 213 and 23, making 236 total.

CDP: 41 and 1, making 42.

Reiwa Shinsengumi: 19 and 16, for a total 35.

SDP: 10 and 7, total 17.

Sanseito: 85 and 10, making 95.

Minna de Tsukuru To: 6 in small districts.

Nihon Hoshuto: 4 in small districts, 26 in proportional blocks, for a total of 30.

Anrakushi Seido o Kangaeru Kai: 2 in proportional blocks only.

Other and independent: 88, in small districts only.

(2) "Act on Ensuring Proper Transactions Involving Specified Entrusted Business Operators" (new freelance law) comes into effect November 1, 2024

<https://www.japaneselawtranslation.go.jp/ja/laws/view/4691>

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

(1) "Termination is unfair": school counselors in Tokyo sue the prefecture

In connection with the terms of employment of school counselors (SCs) assigned to all public junior and senior high schools in Tokyo, ten former SCs filed suit against the prefecture on October 9. They claim that the termination of their employment--on grounds that they had reached "maximum four times" limit on contract renewals--was unfair. They are seeking confirmation of their status, and a total of 78.76 million yen, including back-payment for one-and-a-half years' salary.

According to the lawsuit, the ten all were employed as prefectural SCs for periods of from 5 to 26 years. But in 2020 their employment status was switched from Special Part-Time (*Tokubetsu-Shoku Hijokin*) to Fiscal-Yearly Appointee (*Kaikei Nendo Nin'yo Shokuin*). Since they reached the contract limit for this position on 2023, they then took the public recruitment exam for new hires. They all either failed or were accepted as backup candi-

dates (on a waiting list).

According to the Prefectural Board of Education, there were 1096 individuals taking the 2024 test who had reached their "maximum four times" limit in 2023; of these, 250 (22.8%) either failed or were put on a waiting list. The BoE says "we handled the hiring from a point of view of fairness and appropriateness, in order to ensure equality of employment opportunity".

Lawyers for the ten SCs held a press conference in Tokyo on October 9. Head lawyer Taira Kazumoto insisted that "employers cannot be allowed to terminate employment willy-nilly". He pointed out that failing to re-hire current SCs--a position requiring specialization and continuity--could have a large effect not only on the plaintiffs, but on students, their parents, and the schools. In addition, regarding the contract renewal limit itself, he made the point that "it is completely unreasonable", mentioning the example of the national government's abolishing of such term limits for part-time national public servants.

(2) "Amazon 'outsourced contract' delivery drivers are workers too": arguments begin in court case seeking payment for overtime--plaintiffs describe overworked condition

On October 3, at Yokohama District Court (Judge Manabe Mihoko presiding), the first round of oral arguments began in a court case brought by drivers under contract with a company that does delivery for Internet shopping site Amazon. The drivers say that, although they are on "outsourcing contracts", supposedly working at their own discretion as independent business operators, they are in fact forced to overwork. They therefore have sued the company to seek payment for their overtime.

(3) Increase in accidents at dispatch jobs: short experience and frequent workplace changes lead to high risk; "doubts about safety management"

Increasing numbers of dispatch workers are suffering injuries or even death on the job. It is believed that, since many dispatch workers change workplaces often, and have only limited experience at any particular job, the risk of accidents is heightened. Last year, the number of such cases was over 5,000 for the first time. Experts point out that it is necessary to strengthen safety measures.

(4) Boeing to lay off 17,000 employees, about 10% of total: business in difficulty

S. aircraft maker Boeing has announced a plan to reduce its staff by about 17,000 people, corresponding to about 10% of all its employees. With business in a slump due to their quality control issues, and a strike by their employees' union, the company is in increasing trouble.

Business performance at Boeing has been down due to quality problems, including an accident in January of this year where an aircraft window panel came off in mid-flight. Meanwhile, a union that includes about 33,000 employees working at the company's factory in Seattle, Washington, on America's west coast, went on strike starting the 13<sup>th</sup> of last

month, having effects on the production and delivery of aircraft.

#### (5) One in eight science researchers facing termination of employment

Laid off just before the ten-year mark, after long years of work at a university or research institution: when a group of academic organizations recently surveyed 2,465 researchers in the sciences, approximately one in eight of them said they were facing such a situation. Nearly one-third also stated that they knew one or more fellow researchers who were forced to take a “cooling” period, whereby, after a certain length of time not employed, their total time under contract would be reset to zero. This has drawn attention to how, by non-renewals and forced cooling-off periods, the rule of switching to permanent contracts has been rendered toothless in research workplaces.

The survey was carried out jointly by the Japan Neuroscience Society Future Planning Committee, the Science Council of Japan Medical Science Committee Neuroscience Subcommittee, and others in September of this year. Also cooperating were the Union of Brain Science Associations in Japan, the Union of Japanese Societies for Biological Science, and the Japan Geoscience Union. Responses were collected from teachers and researchers working at universities and research organizations, as well as from research students.

The survey asked about the effects of the amended Labor Contract Act on researchers. A full 55.7% of those responding said they had “felt effects in a bad direction”, more than those who had either “felt no effects in particular” (34%) or “felt effects in a good direction” (3.3%).

When asked whether anyone around them was set to be terminated from employment, about 44% answered “yes”. Those who answered that it was “someone around me” added up to 31.6%, while those saying they themselves were slated to be let go made up another 12.3%. Meanwhile, those who answered “no”, and “I don’t know”, added together, made 53.3%.

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

#### (1) Okayama passes prefectural ordinance to promote accepting foreign personnel: Prefectural Council, September regular meeting

On the last day of the Prefectural Council’s regular session in September, the “Proposed Okayama Prefectural Ordinance to Encourage Support for Foreign Personnel, Etc.” was proposed. This ordinance defines the prefecture’s responsibilities and role in supporting foreign workers and students in such ways as providing Japanese language education and improving the work environment. This is the first time any prefecture has passed an ordinance aimed at promoting the active acceptance of foreign personnel.

#### (2) RENGO to demand pay increases of “5% or more”: Shunto Plan adds more for those at small and medium companies

The Japanese Trade Union Confederation, known by its abbreviated Japanese name RENGO, has decided on a plan to demand pay raises of “5% or more” in 2025’s *shunto* (spring labor campaign), reporters heard from spokespeople on October 16. This is the same level as the demands in 2024, but for unions at small and mid-sized companies, the demand will be “6% or more”. This is meant to rectify the disparity between these workers and those employed at larger companies. So far, for two years in a row, they have been able to achieve substantial average pay raises. However, with consumer prices still high, the organization has judged that a similar amount of increase will need to be aimed for again at next year’s *shunto*.

Unions under the umbrella of RENGO won an average pay increase of 5.10% last year. This was the first time in 33 years for this number to go over 5%. But due to the effects of continuing high prices, the proposed plan mentions that “only a minority of people feel that their life has improved, and private consumption is in a slump” and states that “if the range of wage raises, of appropriate passing on of costs, and of fair business transactions is not expanded, there is even a risk of falling back into deflation”. Therefore it calls for demanding the same level of raises again.

Meanwhile, for only those unions representing workers at small and medium-sized companies, wages in 2024 were only raised by an average of 4.45%. There is a pressing need to get this number up.

### (3) Unemployment in Gaza surges to 80%, GDP shrinks by 85%: ILO

The International Labor Organization (ILO) released a bulletin on October 17 saying that, since the start of the conflict between Israel and the Islamic organization Hamas, the unemployment rate in the Palestinian territory of Gaza has soared to 80%.

Since one year ago, when the fighting started, economic output of the region has shrunk by 85%. Nearly all of Gaza’s 2.3 million people are said to be in a state of poverty.

The ILO points out that the conflict has brought “unprecedented and wide-ranging devastation of the labour market and wider economy (of Gaza and the West Bank)”.

In the West Bank, the average unemployment rate from October 2023 to the end of September 2024 was 34.9%, and GDP contracted by 21.7% year-on-year.

According to the ILO, the unemployment rate before the conflict was 45.3% in Gaza and 14% in the West Bank.

Residents of the Gaza territory are either not working at all, or have found informal and irregular work “primarily centered on the provision of essential goods and services”, according to the bulletin.

Based on U.N. satellite data, of the more than 163,000 buildings that existed in Gaza before fighting started, two-thirds have been damaged or destroyed.

The crisis has spread to the West Bank as well, where restrictions imposed by Israel on the movement of people and goods, as well as disruption to supply chains, are having a severe effect on the economy.

"A year of war: Unemployment surges to nearly 80 percent and GDP contracts by almost 85 percent in Gaza" Oct. 17, 2024, International Labour Organization

(4) Same-sex partners to be considered spouses, eligible for benefits starting next July—JR-Tokai

It became known on October 21 that JR Tokai had decided, regarding employees with same-sex partners, to treat these partners as spouses for the purpose of employee benefits. The company's definition of "spouse" will be broadened, and the new rules will be applied starting in July of next year.

All of the company's approximately 19,000 employees will be eligible. The decision was a response to the passage last June of the Promotion of Understanding Act (Act to Promote National Understanding of Diversity of Sexual Orientation and Gender Identity).

Employees with same-sex partners will become able to receive most spousal benefits, including congratulations bonuses, the ability to move into company housing together, and allowances for living separately. Details of how the system will run--such as whether it will be necessary to present some sort of certificate, or whether it will be based on a declaration by the persons themselves--are yet to be decided.

JR Tokai has treated employees in so-called "common-law marriages" as spouses at least since 2000. They are aiming to present themselves as a company that respects diversity.

(5) Seven in ten freelancers have experienced being "beat down" on prices, says FTC ahead of new law

The "new freelance law" to protect people working as freelancers will come into effect in November. Ahead of this, the Fair Trade Commission (FTC) has done an investigation of the trade situation. Results were released on October 18. With nearly seven in ten freelancers surveyed saying they had experienced having their fees decided (by clients) without adequate discussion (being beat down), it has become clear that such practices, which could become illegal under the new law, are currently rampant.

(6) "Spot work" registrations rise rapidly by 20 million; work accidents, pay "risks to the worker"

Injuries and other problems are occurring to people engaging in "spot work", short-term one-off gig work applied to through smartphone apps, etc. This is a new work style that is gaining popularity, but it seems to have its particular pitfalls as well.