



## Labor Update No.21 November 12, 2017

***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) Recruitment of workers: is it being done correctly? One of the criteria for evaluating companies

In accordance with amendments to the Employment Security Act, the system for recruitment and posting of job offerings will change starting on Jan. 1, 2018.

Take care that to disclose information properly and follow correct procedures according to the law.

Details linked below (in Japanese):

[http://www.mhlw.go.jp/file/06-Seisakujouhou-11600000-Shokugyouanteikyoku/0000171017\\_1.pdf](http://www.mhlw.go.jp/file/06-Seisakujouhou-11600000-Shokugyouanteikyoku/0000171017_1.pdf)

- (2) Factual survey to be done on the work styles of independent contractors, etc.: necessity of legal amendment to be considered—MHWL “Commission on Work Styles Similar to Employment”

A panel of experts set up by the Ministry of Health, Welfare and Labor to discuss the work styles of independent contractors, etc.—who do not have an employment contract with a particular company—has held its first meeting. Since there have been cases of trouble arising from people being made to work for unfairly low compensation, MHWL will carry out a survey on their specific jobs, working hours, and so on, in order to grasp the actual situation of these people’s working styles before proceeding with deliberations, including on whether legal amendments may be necessary.

Details linked below (in Japanese):

<http://www.mhlw.go.jp/stf/shingi2/0000181997.html>

- (3) “Nenkin Joho Appli!” (Pension Info App) released

The Ministry of Health, Welfare and Labor, aiming especially to increase the numbers of young people enrolling in the national pension system, has begun offering “Nenkin Joho Appli!”, a pension information app. Functions of the app include explanation of the system, estimation of pension amounts, and navigation to the pension office.

Details linked below (in Japanese):

<http://www.mhlw.go.jp/file/04-Houdouhappyou-12512000-Nenkinkyoku-Jigyokanrika/0000182907.pdf>

## 2. Legal Violations/Struggles

### (1) Emirates Airlines dismissal invalid; wages, etc., ordered to be paid

In the case of three former employees dismissed from United Arab Emirates (UAE)-based Emirates Airlines, who had sued the company for recognition of regular employee status, etc., a verdict was delivered in the Osaka District Court on October 23. The court judged the dismissal to be invalid, and ordered the company to pay back wages (300,000 – 330,000 yen per month) and bonuses, etc.

The three former employees claimed that “Our forming a union, to demand redress for power harassment by supervisors, was the reason for dismissal”. The Osaka Prefectural Labor Relations Commission recognized this as an unfair labor practice in October of last year; the company has appealed to the Central Labor relations Commission for review.

### (2) Punitive dismissal of two professors for union activities at Nagoya University of Arts: “interfering with operations” is the reason

It has come to light that Nagoya Jiyu Gakuin, the educational corporation that runs Nagoya University of the Arts (Kita-Nagoya City, Aichi), gave notice of disciplinary dismissal dated the 25<sup>th</sup> of this month to two professors who were chair and vice-chair of the faculty union. The corporation had in September given the two a stay-at-home order, and the union had demanded a withdrawal of this.

The dismissal notice stated that the two had “repeatedly taken actions that hindered operations of the University without legitimate reason”, and concluded that “this constitutes grounds for disciplinary action, as per the work regulations”.

On September 7, the union petitioned the Ministry of Education to give guidance to the University, complaining that “the Board of Directors abolished the Board of Trustees, and changed the rules for faculty meetings”. On the 22<sup>nd</sup> of that month, the corporation ordered the union chair and vice-chair to stay at home for 40 days. When the union inquired the reason they were given no answer, so they demanded a withdrawal of the order, saying “since there is no clear reason, it is unfair”. They then filed a request for relief from unfair labor practices at the Aichi Prefectural Labor Commission.

### (3) “Work records were falsified, and imaginary holidays were created”: former teacher of tutorial cram school sues for back-payment of wages

A man who was employed as a teacher at a tutorial-type cram school filed suit against the operating company in the Tokyo District Court on November 2<sup>nd</sup>. Claiming that

there had been falsification of work records, among other things, he sought payment of two years' back wages, approximately 4 million yen.

According to the brief, etc., this former teacher's pay was calculated per lesson for teaching and per hour for office work. The school is said to have kept track of working hours not via timecard, but by ways such as having teachers and students sign a "daily report" for each lesson.

The former teacher states that work records were falsified so as to make "changes in lesson times". At such times as during the summer holiday period, he worked full-time nearly every day. But in the company's work records, he claims some of the lessons were deleted. In exchange, "forged signatures" were added to the daily report at times he had no recollection of signing, and "days off" were created that were not supposed to be there.

Also, in regard to office-work hours outside of lessons, he complains of a lot of unpaid wages. In the past, he says unemployment insurance also went unpaid (this has now been paid).

(4) Tohoku U. dismissal issue: president replies to faculty union that "on the contrary, it will attract talent"

In regard to Tohoku University's plan to begin dismissals of about 3,000 irregular faculty members at the end of March 2018, University president Susumu Satomi has given a reply to the faculty union's open letter of inquiry. He says that "on the contrary, (the new personnel system to be introduced next year) actually promises to have the effect of attracting capable personnel". He concludes that "This has been repeatedly explained at the University, and there is no confusion".

The union issued their open letter in September. It points out that not only does the University's plan violate the principles of the Labor Contract Act, which forbids unreasonable dismissal, but it also will cause confusion in the workplace, preventing the University from attracting talented staff.

Tohoku U. will hire "limited regular staff", with limited duties, next year from among those dismissed.

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

(1) According to Interior Ministry survey, men's child-care time has only "increased by 10 minutes" in the past 5 years

The latest results (for 2016) of the "Survey on time Use and Leisure Activities", carried out by the Interior Ministry every five years, were released in September.

Based on this survey, time spent by men on parenting has increased by just a little. Time spent by husbands on child care per day was 49 minutes. This is an increase of just 10 minutes per day from 2011's figure of 39 minutes. But something has increased

more: namely, time spent by wives on child care. This has actually increased more than their husbands', by 23 minutes, to 3 hours and 45 minutes.

Time spent by wives on "work" has also increased. In five years it has increased by 33 minutes, to 2 hours and 2 minutes. In the five years since the last survey, women who are raising children have become even more piled up with work.

According to these survey results, "housework/childcare time" (the sum of time spent on "child care", "household chores", "shopping", and "elderly care") was 7 hours and 34 minutes for wives, 1 hour and 23 minutes for husbands. This shows that most couples still divide tasks by gender, with both housework and parenting being assigned to the wife.

The sum of "work" and "housework-related" time was 9 hours and 5 minutes for husbands, 9 hours and 36 minutes for wives. Adding together paid work outside the home with unpaid household work, it is wives who work longer hours.

Interior Ministry "Heisei 28 [2016] Survey on time Use and Leisure Activities" linked below (in Japanese):

<http://www.stat.go.jp/data/shakai/2016/index.htm>

(2) "Heisei 28 Status Survey on Labor Union Activity" published

From this survey, one can more or less see the plain truth about labor unions and their activities in present-day Japan.

The leadership of unions that hope for progress will be expected to grasp the realities of the situation and find concrete opportunities for progress.

Details linked below (in Japanese):

<http://www.mhlw.go.jp/toukei/list/18-28.html>

"Outline of Heisei 28 Status Survey on Labor Union Activity" linked below (in Japanese)

<http://www.mhlw.go.jp/toukei/list/dl/18-28gaiyou06.pdf>

(3) Among prime-of-working-life households, an increasing proportion have yearly incomes of less than 3 million yen

A survey by the Ministry of Health, welfare and labor has made it clear that, of households headed by a person in their 40's—the prime of working life—the proportion whose income is under 3 million yen per year has increased.

According to the "Annual Report on Health, Labor and Welfare" released on October 24, the percentage of households with a head of household in their 40's whose yearly income is under 3 million yen has increased over the past 20 years by 5.4 percentage points, to 16.6% from the 1994 figure of 11.2%.

On the other hand, elderly households, whose head of household is over 65, saw a decrease in the percentage earning less than 1 million yen, while the number of those earning between 2 and 5 million yen rose by about 6 points to 48.2%.

"Annual Report on Health, Labor and Welfare, Heisei 29 [2017] Edition" linked below

(in Japanese):

<http://www.mhlw.go.jp/wp/hakusyo/kousei/17/>

(4) Will there be improvements in the foreign trainee system?—new system beginning in November to allow elderly-care work and penalize human-rights violations

The Technical Internship Appropriateness Act (Act on Appropriate Implementation of Technical Intern Training of Foreigners and Protection of Technical Intern Trainees), which extends the internship period for Foreign Technical Interns to 5 years, is to take effect on November 1, marking the beginning of a new system. The Foreign Technical Intern system began in 1993, but this will be the first time its basic principles or overall framework have been made clear in writing. The situation of interns being used as “cheap labor” has been internationally criticized, so strengthened regulations have been placed on companies and groups that accept the interns, and penalties have been set for acts that violate human rights.

The new system also will expand the list of jobs for technical internship to 77 types of work, including for the first time a personal-service field, “elderly care”.

(5) Japan in 114<sup>th</sup> place, its worst ever, in world gender equality ranking: World Economic Forum

The World Economic Forum released “The Global Gender Gap Report 2017”, showing the levels of gender equality in each country worldwide, on November 2. Of 144 countries surveyed, Japan was ranked 114<sup>th</sup>, 3 places lower than the previous year, and its lowest ever. The main reason is the slow growth of women’s participation in politics.

The report analyzes women’s status across the four fields of economics, education, politics and health, to rank countries.

In Japan, the low number of women serving as cabinet ministers or members of parliament stands out. In politics, its rank dropped a full 20 places, to 123<sup>rd</sup>. In the lower-house elections of October 22, 47 women were elected, or about 10 percent of the total number. But Japan lags behind other countries regarding the advancement of women in politics.

“The Global Gender Gap Report 2017” linked below (in English):

[http://www3.weforum.org/docs/WEF\\_GGGR\\_2017.pdf](http://www3.weforum.org/docs/WEF_GGGR_2017.pdf)