



Labour Update

労組周辺動向 No. 217



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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) Definitely problematic" after 40 years without change: Ministry of Health, Labour and Welfare reconsiders criteria for "worker" status

With an eye toward protecting the rights of platform workers such as Amazon delivery personnel who work via the internet, the Ministry of Health, Labour and Welfare began discussions on May 2 about revising the conditions for recognizing "workers" under the law. This marks the first full-scale discussion in 40 years since 1985. How will the conditions be revised to protect the livelihood and rights of new types of workers?

The "Research Group on 'Workers' under the Labour Standards Act" was launched by the Ministry of Health, Labour and Welfare on the afternoon of May 2. In his greeting, Chairperson Masahiko Iwamura, Professor Emeritus at the University of Tokyo, stated, "After 40 years, there are indications that parts of the law may not adequately address changes in the world brought about by the internet and smartphones. Research over a certain period is necessary."

The discussion focuses on a research group report compiled by labor law researchers in 1985. It outlines the criteria for determining "workers" as defined in Article 9 of the Labour Standards Act (persons employed in a business or office and receiving wages).

For example, elements such as working under the employer's supervision and direction, having fixed working places and hours, and receiving compensation based on providing labor for a certain period of time have been used as comprehensive reference points to determine "worker" status. This has primarily covered company employees with employment contracts and workers with limited discretion and freedom in their work style, who receive legal protection.

Meanwhile, in recent years, platform workers such as delivery personnel for major online retailers like Amazon and food delivery services like Uber Eats have emerged, who accept work through smartphone applications.

As relatively independent self-employed individuals, they are generally not covered by systems such as minimum wage or overtime pay that apply to "workers." However, there is a reality of being "supervised and directed" by employers, such as receiving instructions on delivery routes through apps and having their work status constantly monitored via GPS, leading to cases where workers' compensation has been recognized for them as "workers."

The Ministry of Health, Labour and Welfare also introduced the situation of self-employed delivery personnel in a 2023 collection of cases for workers' compensation certification. It indicated the need to protect platform workers, noting that "packages, destinations, delivery order, and delivery routes are assigned through the app" and "workers cannot refuse package deliveries."

The U.S. Department of Labor already compiled new regulations in January 2024 to facilitate protection for workers who accept jobs through the internet by determining them as "workers" in substantial employment relationships with companies. The European Union also adopted a directive in October of the same year to presume platform workers as workers with formal employment relationships in principle, offering them protection. The issue is also scheduled to be addressed at the International Labour Organization (ILO) General Conference to be held in June this year.

"Research Group on 'Workers' under the Labour Standards Act - First Meeting Materials, May 2, 2025, Ministry of Health, Labour and Welfare"

https://www.mhlw.go.jp/stf/newpage_57506.html

2. Legal Violations/Disputes

(1) About 55,000 Los Angeles County employees on strike... Demanding improved work-

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On April 29, approximately 55,000 members of the labor union representing Los Angeles County employees went on strike simultaneously.

The employees claim that the county is not complying with labor laws, and they take issue with the lack of improvement in employment conditions due to wildfire recovery costs and federal funding cuts by the Trump administration.

The employees conducted a 48-hour strike, halting some public services.

(2) Parents of a second-year researcher who committed suicide to sue a manufacturer for compensation

Regarding the suicide of a 25-year-old male researcher who worked at a research institute in Shiga Prefecture belonging to Nippon Carbon, a major carbon products manufacturer headquartered in Tokyo, his parents will file a lawsuit at the Tokyo District Court on the 30th seeking over 90 million yen in compensation from the company and his supervisor.

According to the complaint, the man was in charge of researching lithium-ion batteries and submitted monthly reports, but his supervisor, who sat next to him at work, would say things like "This report is useless" or "I don't understand this," and repeatedly ordered him to rewrite without giving specific instructions.

In April 2024, the Labour Standards Inspection Office recognized it as a work-related accident, stating that "the quota was difficult to achieve, and the supervisor's remarks constituted strong reprimands." The bereaved family claims that "the company and former supervisor are responsible for the man's suicide."

(3) "Kansai Ready-Mixed Concrete" union member's acquittal confirmed "I'm relieved" - Prosecutors abandon appeal - 20 people acquitted in series of trials

In a series of trials concerning a labor union where acquittals have been continuing, another acquittal has been confirmed.

Osamu Yoshida (63), a mixer driver and member of the solidarity union "Kansai Ready-Mixed Concrete Branch," was accused of attempted coercion for persistently demanding that a company executive issue a "certificate of employment" needed for a male union member working at a ready-mixed concrete company in Kizugawa City, Kyoto Prefecture, to send his child to daycare in 2017.

Although he received a guilty verdict in the first trial at the Kyoto District Court, the Osaka High Court reversed this with an acquittal on appeal. Subsequently, the Supreme Court overturned the acquittal verdict and remanded the case, but in April this year, the Osaka

High Court again delivered a not guilty verdict, stating that "the company had an obligation to prepare the certificate, and Yoshida's actions cannot be said to lack social legitimacy."

By the May 1 deadline, the prosecution decided not to appeal, stating it was "difficult to find valid grounds for appeal," thus confirming Yoshida's acquittal.

In a series of Kansai Ready-Mixed Concrete cases, an unusual situation has developed with 20 out of 39 defendants receiving acquittal verdicts.

(4) Foreign workers - Unpaid wages and allowances during company-initiated standby - Company ordered to make improvements

The Immigration Services Agency issued an improvement order to a company on May 2 after approximately 160 foreign workers entered into employment contracts with Chateraise, a confectionery manufacturer in Yamanashi Prefecture, but remained on standby due to company circumstances without receiving wages.

At Chateraise, which has its headquarters in Kofu City, it was discovered around May last year that foreign workers with Specified Skilled Worker visas remained on standby due to company circumstances, without receiving wages or standby allowances.

According to the company, they recruited foreign workers to operate a new factory, but the factory construction was delayed from the initial plan, creating a situation where they could not immediately employ the workers.

According to related parties, approximately 160 people were affected by unpaid wages totaling more than 41 million yen, with some individuals going unpaid for up to four months.

Regarding this matter, the Immigration Services Agency issued an improvement order to the company on May 2.

The unpaid amounts have since been paid.

3. Situation/Statistics

(1) Welfare applications increase for the second consecutive month, up 3.6% in February

The Ministry of Health, Labour and Welfare announced on May 7 that the number of welfare applications in February was 19,078, an increase of 3.6% compared to the same month in the previous year. This marks the second consecutive month of increase.

The number of households that began receiving welfare in February was 17,527, up 3.6%. The total number of recipient households, including those who were already receiving assistance, was 1,646,229, a decrease of 0.2%.

"Publication of the Results of the Survey on Welfare Recipients (Preliminary Figures for February 2025)" May 7, 2025, Ministry of Health, Labour and Welfare

<https://www.mhlw.go.jp/toukei/saikin/hw/hihogosya/m2025/dl/02-01.pdf>

(2) Constitutional Democratic Party proposes "Everyone a regular employee" employment and wage increase policy - "Rebuilding social and employment structures" through the enactment of a Basic Labour Law

On May 7, the Constitutional Democratic Party compiled policies related to employment and wage increases. Titled "Everyone a regular employee!" it includes the new enactment of a "Basic Labour Law" that establishes direct employment as a basic principle.

Within the Constitutional Democratic Party, each department is compiling policies in preparation for creating the party platform for the summer 2025 Upper House election.

The policy compiled by the "Employment Problem Countermeasures and Wage Increase Project Team" establishes the basic principle of employment as "direct employment without fixed terms" and limits dispatch work to "occupations where expertise can be demonstrated."

For workers who cannot work full-time due to various circumstances and are in non-regular employment, the policy proposes creating a system that allows movement between "normal work" and "part-time work" without affecting evaluation or treatment.

The policy also states that "avoidance of employer responsibility, such as disguised contracting or gig work, will not be tolerated" and that reforms will be implemented so that freelancers and sole proprietors are also appropriately protected as workers.

The Constitutional Democratic Party will continue to announce policies compiled by each department and incorporate them into the Upper House election platform.