



Labor Update No.24 December 15, 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) For flexible work-styles, Labor Ministry proposes amendment allowing for side work and second jobs

The Ministry of Health, Welfare and Labor, saying it wants to promote flexible styles of working, showed a proposed amendment to a panel of experts on December 11. The proposal would amend the Ministry's "model working rules", used by many companies as a reference, to eliminate the provision banning side work and second jobs, thereby in principle allowing them.

According to the panel, the proposal would make side work possible as long as permission had been applied for beforehand, and as long as there was no worry of obstacles to the provision of labor, of leaking of company secrets, etc. Regarding telework, it makes clear, among other things, that working hours should be managed appropriately. It was pointed out that measures such as refraining from sending mail late at night or on days off or restricting connections to the company system might be necessary.

Information on "Council Regarding Flexible Work Styles, 5th Meeting" linked below (in Japanese):

<http://www.mhlw.go.jp/stf/shingi2/0000187570.html>

- (2) To avoid becoming a victim of job-offer fraud or phony job offers

Based on the "Act for Partial Revision of the Employment Security Act", which passed on March 31, 2017, the rules for job offers, etc. will change beginning on January 1, 2018.

Documents relating to the 2017 amendment to the Employment Security Act are published on the page linked below (in Japanese):

<http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/0000172497.html>

Information for reference when checking job-offer listings on or after January 1, 2018, linked below (in Japanese):

<http://www.mhlw.go.jp/file/06-Seisakujouhou-11600000-Shokugyouanteikyoku/00001>

- (3) An upper limit on teachers' working hours: Central Education Council special subcommittee makes interim report

A special subcommittee of the Central Education Council that is debating work-style reforms for teachers put together a preliminary report on the 12th that included setting an upper limit on teachers' working hours, among other things.

The upper limit on out-of-hours work in the Labor Standards Law, which applies to private industry, is 45 hours per month. The Education ministry will refer to this in making their numerical target, which they plan to announce next year.

The interim report also mentioned dividing labor for a total of 14 types of school tasks, such as having parents and the neighborhood take responsibility for watching over students on the way to and from school.

Under the law that sets public school teachers' salary scale, instead of being paid an allowance for out-of-hours work, teachers receive a fixed 4% of their base pay as a "teaching adjustment allowance". This is said to make the management of working hours vague, but the interim report did not mention a proposal for revising this.

"Documents for Special Subcommittee on Work-Style Reforms in Schools (9th meeting, held December 12, 2017)" linked below (in Japanese):

http://www.mext.go.jp/b_menu/shingi/chukyo/chukyo3/079/siryo/1399399.htm

2. Legal Violations/Struggles

- (1) RENGO (Japan Trade Union Confederation) decides on and announces "2018 Plan for Spring Struggle for a Better Life"

Complete text linked below (in Japanese):

<https://www.jtuc-rengo.or.jp/activity/roudou/shuntou/2018/houshin/data/houshin20171205.pdf?v1205>

A press release summarizing the plan is linked below:

https://www.jtuc-rengo.or.jp/activity/roudou/shuntou/2018/press_release/press_release_20171205.pdf

- (2) Yamagata University to lay off 300 limited-term faculty members starting next year

Yamagata University has settled on a plan to refuse contract renewals, starting in March 2018, to about 300 limited-term contract faculty whose salaries are paid from external funds, such as private research grants. This became clear on the 12th from news reporting on people involved.

According to the University's personnel department, of the expenses of employing their total of approximately 900 limited-term contract faculty, about one-third comes

from various grants and joint research funds paid by government agencies or private companies for specific projects. Since most of these are for a limited period, the University claims there is no prospect of guaranteeing funds for the employment expenses going into the future. A spokesperson for the personnel department says “we hope to gain their understanding by talking to them in good faith”.

(3) Todai withdraws plan to terminate limited-term faculty after 5 years

Tokyo University (Todai), which had a rule to terminate the employment of limited-term faculty after a maximum of five years, has settled on a plan to abolish this rule. Unions had called strongly for the retraction of this rule, saying it was meant to avoid the “five-year rule” in the Labor Contract Act, whereby a worker can claim conversion to a permanent contract after working under limited-term contracts for over five years. This means opening a path to unlimited-term conversion for nearly 8000 people working under limited-term contracts at Todai, and is likely to have an influence on other universities and research institutions that have a similar rule.

However, not all the limited-contract faculty members will be able to get permanent contracts. Under the new rules, duties such as project-based work, which have a clear finishing time, will have upper limits on their contract period or number of renewals. Even an unlimited-term contract can be terminated if the work that the contract is for disappears. Union leadership says that “while most limited-term faculty hope for stable employment, not all will be converted to unlimited-term. We will be paying attention to whether there are any forced non-renewals”.

3. Situation/Statistics

(1) More than 50% of overtime limits over the *karoshi* line: Asahi Shimbun surveys 225 major companies

An Asahi Shimbun survey has found that, out of 225 companies listed in the First Section of the Tokyo Stock Exchange, making up the Nikkei Stock Average, 125, or over half, had labor agreements as of July this year letting employees work overtime more than 80 hours per month, which is said to be the “*karoshi* (overwork death) line”. Of these, at least 41 had agreements allowing 100 hours a month or more. In fiscal year 2019, the government plans to introduce a system of upper limits, with penalties, to keep overtime under 100 hours a month even in busy months. Japan’s representative industries are likely to face pressure to revise their agreements.

According to the Asahi Shimbun’s freedom-of-information request and reporting, as of October last year 157 companies had agreements for over 80 hours a month. This was 70% of the total. As of July, of 179 companies that responded, there were still 125.

(2) “Enough already” to government interference in spring struggle: chair of Kinzoku Rokyo expresses doubts about the administration

The chair of the Japan Council of Metalworkers’ Unions (Kinzoku Rokyo), made up of

industrial unions in the automotive and appliance industries, among others, expressed doubts on the 6th about the Abe administration's way of interfering directly in pay raises, stating "the government's role should be to create mid-to-long-term policies to allow for pay raises".