



## Labor Update No.27 February 09, 2018

***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) Government to make it possible to begin receiving pension after 70, raise target rate of seniors working

The government has decided to delay the age when people start receiving pensions, including a system where people will be able to choose not to start receiving until over 70. They will also raise their target for the rate of 60-64-year-olds working. By encouraging the energetic elderly to work, the hope is to stabilize the pension system's finances. The plan aims to have relevant legal amendments submitted to the Diet by 2020.

The intent is that those who choose to begin receiving their pension at an age over 70 will be able to receive an increased amount. They will also set a numerical target for the employment rate among seniors. They aim to raise the target employment rate for those aged 60-64, which was 63.6% as of 2016, to 67% in 2020.

- (2) Opening of the regular session of the Diet—"Work-Style Reform Bill" planned for submission in late February

The bill will include a maximum limit on overtime hours. The maximum limit of overtime hours that can be set by a labor agreement ("3-6 agreement") will be made "up to 100 hours in a month, 720 hours in a year". There will be penalties in case of violations.

It will also include the creation of a high-professional system, sometimes called the "Zero Overtime Bill", and an expansion of the applicability of the flexible work-hours system, which can lead to acceptance of long hours.

### Main contents of the 8 legal amendments contained in the "Work-Style Reform Bill"

1. Labor Standards Act: Upper limit on overtime hours; expansion of applicability of flexi-time system; high-professional system; encouragement of taking yearly leave; strengthening of penalties
2. Strengthening functions of industrial health and industrial physicians

3. Employment Measures Act: name to be changed to “Act for General Promotion of Labor Policies”, a basic law to legislate the principles of work-style reform
4. Industrial Safety and Health Act: face-to-face guidance by doctors for research-and-development workers and high-professional employees
5. Labor Dispatch Act: Equal Pay for Equal Work
6. Working Hours Arrangements Act: Duty of effort to set a work interval system (a minimum interval between the end of one day’s work and the start of the next)
7. Part-Time Labor Act: Equal Pay for Equal Work. Name to be changed to “Part-Time and Definite-Term Labor Act
8. Labor Contract Act: regulation forbidding unreasonable working conditions because of limited-term employment to be moved to #7.

“Outline of Bill Concerning the Putting in Order of Relevant Laws so as to Promote Work-Style Reform”, published in September 2017, linked below (in Japanese):

[http://www.mhlw.go.jp/file/05-Shingikai-12602000-Seisakutoukatsukan-Sanjikanshitsu\\_Roudouseisakutantou/0000176894.pdf](http://www.mhlw.go.jp/file/05-Shingikai-12602000-Seisakutoukatsukan-Sanjikanshitsu_Roudouseisakutantou/0000176894.pdf)

### (3) MHWL sets up “special teams” nationwide to rectify overlong working hours

In order to carry out guidance over illegal working hours and education about the labor-law system, the Ministry of Health, Welfare and Labor will establish new “special teams” in all Labor Standards Inspection Offices nationwide. The aim is to strengthen direction and guidance at workplaces and heighten the effectiveness of measures to rectify overlong working hours.

There will be no increase in personnel to accompany the establishment of the special teams; rather, current personnel will be reorganized to form the teams. Whether the members of the teams will do that full-time or hold other posts as well is yet to be worked out, they say.

## **2. Legal Violations/Struggles**

- (1) Saying independent telework, with the assumption that labor laws will not apply, encourages treatment of workers as disposable, Labor Lawyers’ Association criticizes national guidelines

The Labor Lawyers’ Association of Japan published a statement on January 1, 2018, calling for the new proposed guidelines on “independent telework” from MHWL’s Council on Flexible Working Styles to be retracted.

What they see as a problem is that the guidelines assume that independent teleworkers will not be considered “workers” under the law. The labor Lawyers’ Association points out that it will be necessary to consider each case objectively, in line with the reality of the work. They claim there is a danger of greatly increasing the number of working people without legal protections.

MHWL plans to give notice of the new guidelines by March 2018 and begin putting

them into effect then.

Statement from labor Lawyers' Association of Japan linked below (in Japanese):

<http://roudou-bengodan.org/wpRB/wp-content/uploads/2018/01/39a67a038a8653c63e194b0bf5c7d9e7.pdf>

(2) Over 200 teachers in irregular employment at private high schools notified of dismissal

In a survey completed in December of 2017 by the National Confederation of Private School Teachers' Unions, out of 216 schools that answered, 204 irregular-contract teachers at 45 schools had received notice that they would be dismissed at the end of this school year.

The union says that "considering that some teachers are unable to consult with a union, these results are only the tip of the iceberg".

(3) "Non-prosecution of former Dentsu boss unjust": Matsuri Takahashi's mother files a complaint

It has become clear that Matsuri Takahashi's mother, Yukimi, has filed a request for investigation by the Committee for Inquest of Prosecution. She made this clear in a press conference with her lawyer on January 25, 2018. Her claim is that the decision by the Tokyo District Public Prosecutor's Office, in the illegal overtime case at advertising giant Dentsu, not to prosecute (to suspend indictment of) the former manager who supervised the newly-hired Ms. Takahashi was unjust. Matsuri Takahashi committed overwork suicide in December 2015.

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

(1) "RENGO White Paper" released: 4% raise in monthly wages to be aimed for; improvement in conditions for irregular workers also made central

On the 12<sup>th</sup> RENGO (the Japanese Trade Union Confederation) released their "RENGO White Paper", their plan for the 2018 *Shunto* (spring labor offensive). It sets approximately 2% as a standard for "base-up", or across-the-board raises in base pay for all employees, and aims for about a 4% raise in monthly wages including regular annual raises given in accordance with the number of years worked.

"RENGO White Paper" linked below. There is a fee.

<https://www.ituc-rengo.or.jp/shuppan/roudou/hakusho/index2018.html>

(2) New law takes effect in Germany: a right to know colleagues' salaries. Aims to rectify gender-based pay disparity

A new law that took effect on January 6, 2018, in Germany—Europe's largest economic power—gives employees the right to know the amount paid to colleagues of the

opposite gender who do the same type of work.

According to official statistics, women's pay was 21% lower than men's in Germany were in 2016, even lower than the EU average of 16%.

(3) 10,000 elementary- and middle-school teachers are supplemental hires: as the set number decreases and the workload increases, the number of supplemental hires has gone up by 30% in seven years

At public elementary and junior-high schools, nationwide, prefectural and municipal Boards of Education have assigned about 10,000 teachers separately from the number of teachers set by the national government. An Education Ministry report has made it clear that the number of these supplemental teachers has increased by about 30% compared to seven years ago. 58 Boards of Education, or 87%, replied, "in order to solve the problem of heavy workloads, there is a need to increase the government-set number".

(4) Over 80% of 2017's wealth monopolized by the wealthiest 1%: Oxfam International

The wealthiest 1% of the world's people monopolized 82% of new wealth created in 2017, while 50% of the world's population saw their assets not increase at all: a report recently compiled by international NGO Oxfam International has made these statistics clear.

The report also shines a spotlight on the detrimental effects of the gender gap, showing how men currently hold more property, such as land and stock, than women do.

Report linked below (in English):

<https://www.oxfam.org/en/pressroom/pressreleases/2018-01-22/richest-1-percent-baggged-82-percent-wealth-created-last-year>