



Labor Update No.34 May 20, 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) Outcry over “pension payments at 68” proposal

At a meeting of the Fiscal System Subcommittee of the Fiscal System Council (an advisory body to the Finance Minister) held on April 11, the Finance Ministry presented their argument in favor of raising the age to begin receiving National Pension payments.

It is creating a stir.

Meanwhile on the Internet, in particular on Twitter, voices are being raised one after another against this.

See p. 92, meeting documents for Fiscal System Subcommittee (April 11, 2018): “Regarding Social Security” (in Japanese):

[https://www.mof.go.jp/about\\_mof/councils/fiscal\\_system\\_council/sub-of\\_fiscal\\_system/proceedings/material/zaiseia300411/01.pdf](https://www.mof.go.jp/about_mof/councils/fiscal_system_council/sub-of_fiscal_system/proceedings/material/zaiseia300411/01.pdf)

### (2) Finance Ministry proposal at Fiscal System Council meeting to “raise to 20 percent” the burden of medical expenses on over-75’s

The Finance Ministry has made a proposal at the Fiscal System Council to raise the amount of the co-payment paid at medical facilities by the advanced elderly (over 75) to 20 percent.

At the same time, the Ministry also proposed a new medical insurance system, whereby the co-payment of medical expenses would automatically be adjusted in response to growth in wages and the pace of population decline.

“Fiscal System Council, Fiscal System Subcommittee (meeting of April 25, 2018)” meeting documents: “Regarding Social Security②” linked below (in Japanese):

[https://www.mof.go.jp/about\\_mof/councils/fiscal\\_system\\_council/sub-of\\_fiscal\\_system/proceedings/material/zaiseia300425/04.pdf](https://www.mof.go.jp/about_mof/councils/fiscal_system_council/sub-of_fiscal_system/proceedings/material/zaiseia300425/04.pdf)

(3) Number of elderly people in employment breaks 8 million: 2017 Labor Force Survey  
(4)

<https://www.nippon.com/ja/features/h00179/>

According to the Labor Force Survey compiled by the Interior Ministry in 2017, the number of elderly people (over 65 years old) in employment was 370,000 more than the previous year at 8.07 million, the highest figure ever.

The proportion of the elderly to the total of employed persons (65.3 million) also set a new high record, at 12.3%.

In addition to the declining trend in working-age population (ages 15-64) caused by the declining birthrate, companies are feeling an increasingly severe shortage of personnel.

This appears to be leading to the increased employment of elderly people.

“Labor Force Survey (Basic Statistics), 2017 Average (Preliminary) Results” linked below (in Japanese):

<http://www.stat.go.jp/data/roudou/sokuhou/nen/ft/index.html>

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

(1) How much disparity in allowances is acceptable? Supreme Court hears arguments

Setting a disparity in allowances between regular and irregular employees: how much is acceptable?--the Supreme Court, 2<sup>nd</sup> Petty Bench, heard arguments on April 23 in the case of a contract employee at a major distribution company, who had sued claiming the disparity in allowances between himself and the regular employees was illegal, and seeking correction of the disparity.

What sort of differences in working conditions count as “unreasonable”?

Together with the case in which arguments were heard by the Supreme Court on April 20, people’s attention is focusing on the Supreme Court’s judgment.

The verdicts will both be announced on June 1.

(2) Ticket-takers’ strike by Ryobi Bus Union in Okayama

<https://digital.asahi.com/articles/ASL4V4DNDL4VPPZB00N.html>

Ryobi Bus Union, in Okayama, held a “ticket-takers’ strike” on April 26 and 27, in which drivers drove their buses but did not collect fares.

The union held a press conference on April 25, announcing their plan to change from a

strike that would stop the buses to a ticket-taking strike since “we received an answer from the company that they would protect union members’ employment and wages for a certain time”.

### (3) Illegal overtime at 2,848 workplaces--MHWL mass crackdown

The Ministry of Health, Welfare and Labor conducted a mass crackdown at 7,365 workplaces across the country suspected of overlong work hours in November of last year.

Illegal overtime was found at 2,848 (or about 37%) of them, and citations issued, the Ministry announced.

At 1,102 of these workplaces, there were workers with over 100 hours’ overtime in a month, the usual criterion for industrial-accident certification in cases of overwork death.

Of those workplaces where over 100 hours of overtime a month was found, 177 had workers doing 150-200 hours’ overtime in a month, and 45 had some doing over 200 hours.

### (4) Disparity in allowances with regular employees “illegal”: contract employees doing same type of duties--Matsuyama District Court

A verdict was given on the 24<sup>th</sup> in Matsuyama District Court in the case of five contract employees at two subsidiaries of Iseki & Co., Ltd., a leading agricultural-machines company, who had claimed that it was in violation of the Labor Contract Act for them not to be paid allowances or bonuses despite doing the same jobs as regular employees who were.

The decision stated that “for allowances not to be paid is unreasonable” and judged it to be therefore illegal, ordering the company to pay approximately 2.3 million yen.

### (5) Kandai gets citation over overtime; teacher who reported to the Labor Standards Office is terminated

In the case of educational corporation Kansai University (Kansai Daigaku, Kandai; Suita City, Osaka Prefecture), who received a citation over overtime work at an affiliated school, it has come to light that the teacher who reported the situation to the Labor Standards Office has been fired.

This teacher was a central person in the union.

Ibaraki Labor Standards Inspection Office issued citations in April 2017 and March of

this year, saying, among other things, that the corporation had had teachers working overtime at the school without signing the kind of labor agreement (called a 3-6 agreement) that is necessary in order to have employees work more than 8 hours a day.

In response to a news interview, the educational corporation claimed that the firing was unrelated to the report, saying that “the dismissal was due to a problem with the person in question, and was the outcome of a fair process within the school.”

The teacher and the union claim that “[the teacher] has not done anything that should lead to a dismissal”.

(6) Tokyo Station vending-machine workers go on strike in Golden Week: “black company” vs. strikers

Vending machines at Tokyo Station are all selling out, and it is making waves on the Net.

The cause is that a labor union, the “Black Companies Union”, has been carrying out a work-to-rule against major vending-machine operator Japan Beverage Tokyo, a member of Suntory Foods International Group.

They are seeking payment for overtime (the company has received a citation from the Labor Standards Inspection Office), as well as withdrawal of unfair disciplinary measures against union members.

There is a new development in the bargaining between Japan Beverage and the union over the vending machines at Tokyo Station.

The union now plans on full-fledged all-day strikes during Golden Week.

The union states that “the company continues to refuse our long-standing demands for payment of the unpaid wages and withdrawal of the disciplinary treatment of our members”.

(7) Nagasaki U. breaks promise, dismisses several faculty members to avoid “unlimited conversion”--University claims reason is “duties under review”

In December, “in order to deal appropriately with the unlimited-term conversion rule”, Nagasaki University decided to abolish the previous limit of five years on renewals of limited-term contracts.

This was confirmed with the union as well. With universities nationwide under pressure to comply with the rule, Nagasaki received attention for being, along with Tokyo University, among the first to decide on abolishing term limits.

Now the union is objecting, saying “they are cheating the workers out of conversion to unlimited-term”.

Several limited-term employees had their contracts terminated at the end of March. Those of them who had worked full-time for five years or longer would have been eligible for unlimited-term upon renewing their contracts in April, but they were not renewed, with reasons given as “there is no budget”, “duties of the job are under review”, etc., and were requested to make part-time contracts with worse conditions.

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

(1) At the National Federation of Health Insurance Societies, 23% of member societies at risk of disbanding: increased burden on the elderly

The National Federation of Health Insurance Societies (Kenporen) released the budget calculations of health insurance societies, which cover employees of large companies, for this fiscal year on the 23<sup>rd</sup>.

Over 60 percent of the 1,389 societies are in the red.

The average premium rate rose to 9.215%, which is 0.051 points higher than the previous fiscal year, and the 11<sup>th</sup> year in a row of increases.

At 313 societies, or approximately 23% of the total, the premium rates were higher than that of Kyokai Kenpo (which covers employees of small and mid-size companies), whose average is 10%--a situation in which they could disband at any time.

The increasing burden of elderly healthcare is a major cause of the financial trouble; if societies start disbanding, an increased amount of tax money may have to be used to subsidize Kyokai Kenpo.

The number of health insurance societies, which was 1,518 in 2007, has shrunk to 1,389 in 2018.

(2) Osaka City BoE to install “answerphones” at elementary and junior-high schools--automatic answering from 6 P.M.

In an effort to get rid of overlong working hours for teachers, the Osaka City Board of Education has decided to have all municipal elementary and junior-high schools switch to automatic recorded guidance to answer phones outside of working hours.

While this is expected to reduce teachers’ workload, some worry that schools may become unable to respond to urgent queries from parents.

(3) Keidanren report: 2018 Spring Labor Negotiations/Response Situation of Major

Companies by Industry--Agreements and Compromises Included (weighted averages)

Linked below (in Japanese). No industries at all had over 3%.

<http://www.keidanren.or.jp/policy/2018/037.pdf>

(4) At NTT, irregular employees to get same benefits: medical checkups, family-care and childcare support to be unified with those of regular staff

NTT Group has revised their benefits system, which had disparities between regular and irregular employees. Centering on the health-management menu, the system has been unified with that of regular employees starting on the 1<sup>st</sup>.

Irregular employees will see the list of items on their regular health checkup increase, as well as becoming able to get discounts at cooperating fitness clubs and leisure facilities.

This is the start of a trend towards eliminating disparities not only in allowances, but also in side benefits.

Approximately 180,000 people who have worked at group companies such as NTT East, NTT West, and Docomo for over six months and who are enrolled in NTT's health-insurance society will be eligible.

The number of irregular employees has not been officially released, but is in the tens of thousands.

(5) Making spa towns enjoyable for all, including LGBT: after-bath talk in Beppu

The "First LGBT Hot-Springs Conference in Beppu", to find out how to make hot springs enjoyable to everyone including LGBT people (sexual minorities), was held at the municipal spa "Kitahama Onsen Thermas" in Beppu City, Oita Prefecture.

Approximately 40 people took part, including LGBT individuals from Beppu City and elsewhere along with representatives of local spa and tourist businesses.

While soaking in the hot springs, they held discussion on what Beppu City should be like.

Beppu City has been aiming to be an "LGBT-friendly" tourist spot, including having held a seminar in January 2016 on the reception of LGBT travelers.

The recent event was held as part of filming for an NHK program, and the city offered full cooperation.