



Labor Update No. 39 July 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) Number of public assistance recipients decreases to 2.10 million

The number of people who received public welfare assistance (*seikatsu hogo*, “livelihood protection”) in April was 2,103,666. This was 13,141 fewer than the previous month.

The number of recipients has been in continued decline since its peak of 2,174,335 in March of 2015. The last time it went below 2.11 million was in April of 2012, when it was 2,102,153.

“Results of Survey of the Recipients of Livelihood Protection (Approximate Figures for April, Heisei 30 [2018])” linked below (in Japanese):

<https://www.mhlw.go.jp/toukei/saikin/hw/hihogosya/m2018/dl/04-01.pdf>

(2) After “High-Pro” comes discretionary labor system: industry demands bill be re-submitted

The “Labor Policy Council Labor Conditions Subcommittee” held a meeting in Tokyo on July 10 to discuss system details regarding the “Work-Style Reform Bill”.

Specifically, items coming with penalties, such as regulations on working hours, were discussed beforehand as the first stage; ministerial ordinances and guidelines were established.

In regard to the “High-Level professional System” (High-Pro), which would exempt certain high-income workers in specialized jobs from restrictions on working hours, this was postponed, to be discussed at the second stage.

Regarding the “discretionary labor system”, which was deleted from the bill, some employer members of the Council (representing industry) were heard to call for the bill to be re-submitted soon. Representatives of labor are tightening their guard.

“143<sup>rd</sup> Meeting of the Labor Policy Council Labor Conditions Subcommittee” linked below (in Japanese):

[https://www.mhlw.go.jp/stf/shingi/0000024580\\_00001.html](https://www.mhlw.go.jp/stf/shingi/0000024580_00001.html)

## 2. Legal Violations/Struggles

(1) Former teacher who sought permanent employment sues Kanto Gakuen, claiming “unilateral firing”

A woman who worked as a part-time teacher at Kanto Gakuen High School in Gumma Prefecture has filed a civil suit at Maebashi District Court, Ota Branch, to seek confirmation of employee status from Kanto Gakuen Educational Corporation, which runs the school.

The woman claims she was unilaterally dismissed in order to avoid applying the rule under which a limited-term contract employee who works for over five years can change to an unlimited contract.

The woman signed one-year employment contracts starting in April of 2000, and renewed her contract nine times.

In April last year she was requested to agree that her contract would not be renewed for the 2018 school year.

She was informed that her contract would be ending by personal interview in November 2017 and again by a notice in April this year, but she claims it is unjustified and invalid.

The Corporation says there “is nothing to talk about”.

(2) Woman who demanded measures against “smoke harassment” has dismissal withdrawn; Junior Chamber Japan pays 4.4 million yen settlement

A settlement has been reached in the labor tribunal case of a woman in her 30s who claimed the smoke in her workplace had given her asthma.

She had demanded separate non-smoking areas and been dismissed from the job.

She then filed for the labor tribunal against her employer, the public interest incorporated association Junior Chamber International Japan.

The settlement establishes that the dismissal was invalid.

The labor tribunal, saying that there was no justified reason for the dismissal, urged both sides to agree to this.

(3) Pay cuts “an outrage that ignores the labor laws of Japan”: teachers at official French government language school file suit

Three French men working as part-time teachers at the Tokyo branch of Institut Francais Japon (formerly Nichi-Futsu Gakuin), which runs French language schools, have filed suit at Tokyo District Court.

They claim there were unfair pay cuts, and are seeking confirmation of their contracted status to receive compensation under the original conditions.

The three plaintiffs received notice from Institut Francais Japon in February 2018 that, starting in April of that year, they would be placed on contracts with no term limit (unlimited-term conversion), but with a reduction in their hourly pay.

The plaintiffs replied that they would accept the unlimited-term contracts, but with the reservation that they would not accept the cut in pay.

The plaintiffs claim that “the real problem is that it goes against the spirit of the ‘unlimited-term conversion rule’ (five-year rule) in the Labor Contract Law.

We have repeatedly renewed our contracts multiple times, so they cannot dismiss us or cut our pay without warning.

It is an outrage that ignores the labor laws of Japan.

We hope the French government will give some thought to this”.

(4) Death of 29-year-old new employee recognized by Saitama Labor Standards Inspection Office as *karoshi* (overwork death): long hours worked at noodle shop, only one day off in the past month

It has come to light that the Saitama Labor Standards Inspection Office has granted industrial-accident recognition in the case of a newly-employed man who worked at a *ramen* noodle shop, saying his death of acute cardiac failure in September 2011 was an overwork death caused by his long working hours.

The man died six months after beginning work at the company, and three months after being promoted to *seishain*.

His total time worked over the previous month had been 257 hours, including about 89 hours overtime due to late-night work, and he had had only one day off.

(5) Higashi-Osaka Labor Standards Inspection Office gives citations three times to Osaka Prefectural BoE: “give compensation for lesson preparation time”

It has become clear that Higashi-Osaka Labor Standards Inspection Office issued three citations to the Osaka Prefectural Board of Education between 2017 and 2018, on the grounds that there were outstanding wages unpaid to a male part-time teacher at a prefectural high school in Higashi-Osaka City.

For part-time teachers, the prefectural BoE uses a system (commonly known as *koma-kyu*) where, regardless of the time necessary for preparation, etc., the pay is fixed at 2860 yen per lesson unit (*koma*).

However, the Inspection Office demanded they pay compensation in accordance with time worked.

The BoE obeyed the citations and agreed to pay approximately 200,000 yen.

Unpaid wages due to *koma-kyu* are also becoming a problem for part-time teachers at cram schools, and the Ministry of Health, Welfare and Labor is demanding improvement from the cram-school industry.

(6) No end to dismissals of research assistants: called “one cause of the decline of science in Japan”

Layoffs of research assistants are being cited as one of the causes leading to the decline in Japan’s scientific research power.

The problem is limited-term employment of those who support research, such as technicians who operate and maintain scientific instruments, office workers who manage research budgets, etc.

It has been five years since the amended Labor Contract Act, with its rule on switching limited-term employees to unlimited, came in to effect. But the problem remains unsolved.

When the Education Ministry did a survey of national universities this year, they found that only eight universities (including Tokyo University) had introduced a system of switching to unlimited-term contracts with no upper limit on the period of employment.

There are about 100,000 limited-term employees at national universities across the country, of whom over half are said to be “research assistants”, who support the work of researchers.

Pay for staff comes not only from the universities’ Management Expenses Grants, but also from competitive funds, provided to researchers who apply and pass government review.

The government has been reducing the amount of Management Expenses Grants, while increasing that of competitive funding.

As this funding is for a limited period, it is not suited to be the source of funds for stable employment.

But dependence on it is only growing.

Tohoku University, which laid off 473 people at the end of March, explains that “50% of funding to employ irregular staff is dependent on this funding, so setting upper limits on employment will continue to be unavoidable”.

The national universities that do not set term limits on employment (based on MEXT survey, as of March 1, 2018) are as follows:

Akita University, Saitama University, Tokyo University, Hamamatsu University School of Medicine, Aichi University of Education, Mie University, Kyoto University of Education, Nagasaki University.

Ministry of Education, Culture, Sports, Science and Technology “Survey of National University Corporations and Inter-University Research Institute Corporations Regarding Situation of Compliance with Unlimited-Term Conversion Rule: Summary of Results (Heisei 29 [2017])” linked below (in Japanese):

[http://www.mext.go.jp/a\\_menu/koutou/houjin/\\_icsFiles/afieldfile/2018/03/30/1222251\\_05\\_1.pdf](http://www.mext.go.jp/a_menu/koutou/houjin/_icsFiles/afieldfile/2018/03/30/1222251_05_1.pdf)

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

(1) Women’s participation “really still supplemental, to cover labor shortage”: Interior Minister Seiko Noda

“As we lose workers to due the decline in population, the Abe administration says ‘we would like to see more women working’, but in reality they are still just supplemental workers (to cover the shortage).

It is a mismatch to only increase their workload (while the burdens of housework and child care are as heavy as ever).

Won’t this lead to new suffering for women?

“(With the economic recovery,) the number of employed women has increased. But it is irregular employment that is increasing, and there is also a wage gap. They earn 60 or 70 percent (of men’s pay). While the situation is still tough for women, I hope we can raise our voices and improve it. There is no such thing as a women policy (as a separate policy). It is national policy, and structural reform.”

## (2) Ochanomizu University moves to accept transgender students

Ochanomizu University (a women's university) has made clear their plan, starting in the 2020 school year, to begin accepting transgender students who identify themselves as female despite being listed as male on their family register.

The Education Ministry states that "this may be the first case of this at a women's university in Japan". Several other women's universities, such as Japan Women's University and Tsuda University, have also begun considering accepting such students.

## (3) This year's *shunto* pay raise averages 2.07%, failing to reach the 3% goal: RENGO final count

National trade union center RENGO has released their final tally of the rate of pay raises gained in this year's *shunto* (spring labor offensive).

The average rate of pay increase, including both "base-up" (increases in base pay) and regular pay raises, was 2.07%.

This was 0.09 points higher than the corresponding time of the previous year, but failed to meet the figure of "3% or more" declared by the Abe administration as the goal for wage increases.

RENGO release "2018 Spring Struggle for Better Lives: Report of Results of 7<sup>th</sup> (Final) Tally of Responses" linked below (in Japanese):

[https://www.ituc-rengo.or.jp/activity/roudou/shuntou/2018/yokyu\\_kaito/kaito/no7/pres\\_20180706\\_all.pdf](https://www.ituc-rengo.or.jp/activity/roudou/shuntou/2018/yokyu_kaito/kaito/no7/pres_20180706_all.pdf)

## (4) Rate of wage increases at small and mid-sized companies is 1.4%

The Ministry of Health, Welfare and Labor has announced that the rate of wage increases at mid-size companies and small businesses this year was 1.4%.

This is important reference data for deciding the target for this year's raises in the minimum wage. Against a background of labor shortages, the number was 0.1 points higher than the previous year's figure.

However, in comparison to the approximately 3% minimum-wage increases aimed for by the government, growth was small.

This data was presented at a subcommittee meeting of the MHWL council that debates the minimum wage.

Approximately four thousand workplaces of 30 employees or fewer were surveyed regarding the situation of revisions in their wages as of June.

The guideline for minimum-wage increases is likely to be decided within this month. The current minimum wage, as a weighted national average, is 848 yen per hour.

For the past two years, a yearly increase of 3% was achieved.

Whether a 3% increase can be secured or not for this year too is becoming a focus of debate.

“Fiscal Year Heisei 30 [2018] Central Minimum Wage Council Guideline Subcommittee (2<sup>nd</sup> Meeting) Documents” linked below (in Japanese):

[https://www.mhlw.go.jp/stf/shingi2/0000213056\\_00001.html](https://www.mhlw.go.jp/stf/shingi2/0000213056_00001.html)

(5) Interior Ministry population statistics: 370,000 fewer Japanese; greatest increase ever in number of foreign nationals

In a population survey carried out by the Interior Ministry based on the basic resident register, the number of foreign nationals came to 2,497,656.

This number is 174,228 more than the previous year (a 7.50% increase).

This is the largest increase since statistics began being recorded. It would seem that the shortage of Japanese workers (whose numbers have decreased for nine years in a row) is being made up for with foreign workers.

By prefecture, the largest increase in the number of foreign residents was in Kumamoto at 16.64%.

The causes are said to include the accepting of Technical Trainees by large farms. Fourteen prefectures, including Kagoshima and Shimane, saw increases of over 10%.

There were increases in 46 prefectures, with the exception being Nagasaki, where the shipbuilding industry (whose number of workers changes greatly depending on the period of time) has a large influence.

The 7.50% increase in the number of foreign nationals living in Japan was the largest ever seen in these surveys.

Compared to five years ago, the number of foreign residents has increased by about 20%.

The number of Japanese citizens was 125,209,603, a decrease of 374,055 (0.30%) compared to the previous year.

This is the largest decrease since 2010, when the decrease in population became serious.

The number of people of productive age (from 15 to 64) was 74,843,915, a decrease of 682,801 (0.90%).

“Population, Population Movement, and Number of Households Based on Basic Resident Register (as of January 1, Heisei 30 [2018])” linked below (in Japanese):

[http://www.soumu.go.jp/menu\\_news/s-news/01gyosei02\\_02000177.html](http://www.soumu.go.jp/menu_news/s-news/01gyosei02_02000177.html)