



Labor Update No.46 November 3, 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 consider legal changes for continuing employment past 65; hopes to put brakes on social-security costs

The government is predicted to discuss raising the continued-employment age, currently 65, to 70 at the “Future Investment Conference” (chair: Prime Minister Abe) held to debate the nation’s growth strategy.

The system currently sets the age to begin receiving a public pension, in principle, to 65; with social-security costs ballooning due to the aging population, the government is considering amending the system to make it possible to begin receiving after 70.

By raising the continued-employment age, their hope is to increase the number of elderly people who delay receiving their pensions.

Worries have also been expressed from the business world that this may lead to increases in overall personnel costs.

“Future Investment Conference (19<sup>th</sup> meeting) handout documents” linked below (in Japanese):

<http://www.kantei.go.jp/jp/singi/keizaisaisei/miraitoshikaigi/dai19/index.html>

“Document 1: List of Conference Members” linked below (in Japanese):

<http://www.kantei.go.jp/jp/singi/keizaisaisei/miraitoshikaigi/dai19/siryou1.pdf>

“Document 5: Direction of Growth Strategy (Proposal)” linked below (in Japanese):

<http://www.kantei.go.jp/jp/singi/keizaisaisei/miraitoshikaigi/dai19/siryou5.pdf>

(2) “Imaginary worker” to be allowed as comparison: MHWL proposal on “Equal Pay for Equal Work” for dispatch employees

With “equal pay for equal work” to be required from companies by the Work-Style Reform Act, the Ministry of Health, Welfare and Labor has released a concrete proposal on how to compare a dispatch worker’s conditions to workers employed at the dispatch-client company.

The proposal is that at first, comparison is to be made to a regular employee doing the same type of work; but that finally, if there is no such worker available for comparison, companies be allowed to use an “imaginary worker”, with the conditions that *would* be offered *if* the company were to hypothetically hire a regular employee to do the same type of work as the dispatch worker.

There is worry on the labor side that client companies, in order to limit the amount they have to pay to the dispatch company, may give this “imaginary worker” low conditions with no basis in fact.

“Labor Policy Council (Occupational Security Subcommittee/Employment Environment and Equality Subcommittee, Equal Pay for Equal Work Section)” linked below (in Japanese):

[https://www.mhlw.go.jp/stf/shingi2/0000176596\\_00006.html](https://www.mhlw.go.jp/stf/shingi2/0000176596_00006.html)

(3) “Continuing employment and encouraging self-help for elderly people” in revision of pension system: MHWL

Aiming to realize a social security system for all generations, the government is planning to carry out systematic reforms, including to public pensions.

The Pension Subcommittee of the Social Security Council began working on revising the system, as they do once every five years, this April, based on increasing numbers of elderly people working.

The Ministry of Health, Welfare and Labor has for the first time indicated the direction of revisions to the public pension system.

As well as reflecting the prolongation of employment, they say they will be making the system more flexible to fit with more varied styles of working, and also try to promote elderly people’s self-help.

In response to this, some members present pointed out that there are individual differences in health, and that consideration should also be given to the effect on those elderly who find it difficult to work.

“Social Security Council, Pension Subcommittee, 5<sup>th</sup> Meeting”:

<https://www.mhlw.go.jp/content/12601000/000363458.pdf>

(4) Chief Cabinet Secretary: “Acceptance of foreign workers imperative”--new residence status debated

A ministerial conference has been held at the Prime Minister’s official residence to discuss policy on expanding the acceptance of foreign workers.

Justice Minister Takashi Yamashita reported on a proposed outline for an amendment to the Immigration Control Law, which would include the creation of a new status of residence for “Specified Skills”.

Chief Cabinet Secretary Yoshihide Suga stated that “Labor shortages are becoming severe at workplaces all over the country.

It is imperative we make a structure to accept foreign personnel more widely, so they can be an immediate asset.”

The government will submit a bill to amend the Immigration Act, etc., at this Autumn’s special session of the Diet, aiming to have it come into effect next April.

“Second Ministerial Conference on Acceptance of and Coexistence with Foreign Personnel” linked below (in Japanese):

<https://www.kantei.go.jp/jp/singi/gaikokujinzai/kaigi/dai2/gijisidai.html>

(5) Modified working-hours system presented by MEXT

As elementary and junior-high school teachers’ long working hours become more and more of a problem, the Ministry of Education, Culture, Sports, Science and Technology (MEXT) has presented a proposal centered on the introduction of a “modified working hours system” to a subcommittee of the Central Education Council as a springboard for work-style reforms.

The system would adjust working hours on a yearly basis.

MEXT presented a hypothetical example in which, by introducing the system, working hours would increase by 3 hours a week during term time in exchange for guaranteeing 15 days’ holiday a year.

MEXT will announce their work-style policy within the year.

“Special Subcommittee on Work-Style Reforms in Schools (18<sup>th</sup> mtg.)” linked below (in Japanese):

[http://www.mext.go.jp/b\\_menu/shingi/chukyo/chukyo3/079/siryo/1410185.htm](http://www.mext.go.jp/b_menu/shingi/chukyo/chukyo3/079/siryo/1410185.htm)

(6) Heated debate between labor and business over definition of power harassment: MHWL subcommittee

At the Labor Policy Council subcommittee tasked with discussing measures to fight workplace power harassment (“*pawahara*”), debate between the labor and business sides is heating up over the definition of *pawahara*.

The labor side asserted that it should be made clear that not only one’s superiors, but also one’s colleagues or even subordinates can be perpetrators.

On the other hand, the business side argued that the definition should be restricted so as to avoid over-broad interpretation.

The definition of what *pawahara* is will be the basis of any discussion on what to do about it.

However, this definition is not yet decided.

“8<sup>th</sup> Meeting of Labor Policy Council Employment Environment and Equality Subcommittee” linked below (in Japanese):

[https://www.mhlw.go.jp/stf/newpage\\_01884.html](https://www.mhlw.go.jp/stf/newpage_01884.html)

(7) 40% of dispatch workers “want to work as regular employees”--MHWL survey done last year

40% of dispatched workers “wish to work as regular employees in the future”, according to a 2017 fact-finding survey whose results were released by the Ministry of Health, Welfare and Labor on October 17.

However, the survey also called attention to the difficulty dispatch workers have in being hired as regular employees by the dispatch-client company: hurdles continue to exist.

The government has explained their intention in amending the law so that “paths will be opened to becoming regular employees, for those who desire it”.

But on the contrary, the worry of dismissals is also growing.

The situation of dispatch clients may be behind this.

“Summary of Heisei 29 [2017] Survey of Dispatch Workers” linked below (in Japanese):

<https://www.mhlw.go.jp/toukei/itiran/roudou/koyou/haken/18/dl/gaikyou.pdf>

## 2. Legal Violations/Struggles

(1) Union asks private sites to stop carrying Japan Beverage job listings “in order to prevent them circumventing the strike”

Black-Kigyo Union, which represents some employees of drink-vending machine giant Japan Beverage Tokyo, has called on leading recruitment-advertising companies not to run Japan Beverage Tokyo’s job advertisements.

The union, currently on strike, seeks to prevent their strike being circumvented by new recruitment. It is rare for a union to demand private sites not run job listings.

(2) Organized-crime boss and others wanted on illegal dispatching charges: possibly connected to Olympics-related labor shortages

The Metropolitan Police Department will soon begin a search for 6 people, including the boss and other members of a designated organized-crime group, on charges of violating the Employment Security Act by dispatching workers to a construction company without having a license.

The investigation will proceed on the theory that, with building for the Tokyo Olympics and Paralympics causing a shortage of labor in the construction industry, illegal dispatch has become a source of income for the crime group.

They are suspected of dispatching eight construction workers to companies such as the one that was contracted to carry out maintenance work on free passages in Katsushika Ward, Tokyo.

The Metropolitan Police suspect that the group housed workers in an apartment, dispatched them, then skimmed several thousand yen from their daily wages, while also receiving from tens of thousands to hundreds of thousands of yen a month in “protection money” from the construction companies.

They are proceeding with elucidation of the full details.

### 3. Situation/Statistics

(1) 40% say income after retirement age is less than half

Meiji Yasuda Institute of Life and Wellness has released their survey results on “Attitudes and Situations Regarding Work Styles Among People in their 50s and 60s”.

Some major points:

1) People whose pay had gone down by more than half, compared to that just before they had reached retirement age, accounted for forty percent of all those in continuing employment.

2)

Among both men and women in their 50s, 70% desired “continuing employment” as their style of work after retirement age, etc.

“Attitudes and Situations Regarding Work Styles Among People in their 50s and 60s” linked below (in Japanese):

[https://www.myilw.co.jp/research/report/pdf/myilw\\_report\\_2018\\_02.pdf](https://www.myilw.co.jp/research/report/pdf/myilw_report_2018_02.pdf)

(2) Entrance-exam application to drop the “sex” field: Fukuoka prefectural high schools, starting next year

Fukuoka Prefectural Board of Education has announced that, beginning with next school year’s application form for the prefectural high school entrance exam, the space for applicants to enter their sex will be removed.

They say it is “information unnecessary for the selection process” (High School Education Section), and that they are giving consideration to students of sexual minorities (LGBT), etc.

(3) Half of public school teachers over the *karoshi* line--also bringing work home

On the 18<sup>th</sup>, RENGO announced the results of an emergency survey they had conducted of public school teachers: half of those surveyed answered that they worked more than 60 hours per week, said to be the *karoshi* line.

To the question of whether they agree that “I cannot complete the work within work hours”, over 80% answered that they “agree strongly” or “agree somewhat”.

For those in their 20s and 30s, the number rose to over 90%.

For teachers, it has been pointed out that the pay system, whereby they are paid a flat allowance of 4% on top of salary in lieu of being paid for overtime, leads to difficulty in managing their hours

In the survey, over 80% of respondents answered in favor of revising the system to “have overtime be paid” or “have time spent in lesson preparation, etc., be treated as work time”.

“Questionnaire for Teachers about Working Hours” linked below (in Japanese):  
<https://www.ituc-rengo.or.jp/info/chousa/data/20181018-01.pdf>