



Labor Update No.47 November 16, 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) MHWL presents tentative plan for “Equal Pay for Equal Work” guidelines

The Ministry of Health, Welfare and Labor has presented their “Draft Proposal for Guidelines on Equal Pay for Equal Work” to the Labor Policy Council Occupational Security Subcommittee/Employment and Environment Equality Subcommittee, Equal Pay for Equal Work Section.

“Draft Proposal for Guidelines on Equal Pay for Equal Work” (section relating to short-hours and limited-term workers) linked below (in Japanese):

<https://www.mhlw.go.jp/content/12602000/000369141.pdf>

(2) Legislation directed for working until 70: Future Investment Conference

The government held a “Future Investment Conference” (chair: Prime Minister Abe) on October 22.

They are continuing with creating a system to guarantee that those who are healthy and willing will have a chance to work until the age of 70.

The Prime Minister has directed Cabinet ministers concerned to make a concrete policy for a system by the summer of 2019.

This will also be made to reflect the three-year schedule for realizing a “society of lifelong active service” to be decided in the summer of 2019.

“Future Investment Conference” (20th meeting) linked below (in Japanese):

<http://www.kantei.go.jp/jp/singi/keizaisaisei/miraitoshikaigi/dai20/index.html>

(3) MHWL presents list of five “high-level professional” industries

In regard to the “high-level professional system” that will exempt certain high-income specialized professions from regulations on working hours, the Ministry of Health, Welfare and Labor has presented to a subcommittee of the Labor Policy Council a list of five professions (financial product development; financial dealers; analysts; consultants; research and development) that will be included in a ministerial ordinance.

The details are to be set by the ministerial ordinance, and the Ministry has presented a tentative plan setting the yearly income criterion at 10.75 million yen.

“148th mtg., Labor Policy Council Labor Conditions Subcommittee” linked below (in Japanese):

https://www.mhlw.go.jp/stf/shingi/0000024580_00008.html

(4) Cabinet decision on Immigration Act amendment proposal: work qualifications for foreign nationals to be expanded

In order to increase the admittance of foreign workers, the government has decided on a proposed amendment to the Immigration Control Act.

The proposal includes the creation of a new residence status for “Specific Skills”. This policy change will broaden work qualification for foreign nationals, which formerly was restricted to “highly specialized human resources” such as doctors or lawyers, to include unskilled labor as well.

The government party aims to pass the amendment at the special session of the Diet and have it come into effect on April 1 next year.

To go along with this, the government has also decided in Cabinet on an amendment to the Ministry of Justice Establishment Act that will elevate the Justice Ministry’s current Immigration Bureau to the status of “Immigration and Residence Control Agency”.

This agency will strengthen immigration inspections and residence management for the predicted increasing numbers of foreign nationals.

“Concerning the Main Points of the Draft Bill to Amend Parts of the Immigration Control and Refugee Recognition Act and the Ministry of Justice Establishment Act” linked below (in Japanese):

<https://www.kantei.go.jp/jp/singi/gaikokujinzai/kaigi/dai2/siryou1.pdf>

2. Legal Violations/Struggles

(1) Hitachi and interns agree on framework for compensation

Collective bargaining was held on October 19 in Kudamatsu City between Hitachi Ltd. and a labor union that organizes technical interns, and a framework agreement was reached on wage compensation.

The interns intend to shelve plans to sue for damages.

Hitachi presented their position on this day, that in case internships were canceled by the government, the company would compensate by paying the worth of the base wage for the remainder of the 2-year internship period.

The interns accepted this offer.

(2) Fukuoka Labor Bureau to Kawai Juku: "Dismissal immediately before the switch to unlimited-term may be invalid"

In the case of a man who worked 29 years as a teacher for major cram school Kawai Juku at their Fukuoka school and others, and then was dismissed just before becoming eligible for the "unlimited conversion rule" where limited-term workers can switch to an unlimited-term contract, Fukuoka Labor Bureau in September notified Kawai Juku in writing that "the dismissal may be invalid".

The dismissed teacher had worked as a teacher for Kawai Juku since 1989, renewing his 1-year contract six times in recent years to teach at the company's Fukuoka and Kita-Kyushu locations.

His contract was not renewed in March, just before he would have gained the right to request a change to an unlimited contract.

(3) Told that "time off spoils a person" they sue for unpaid wages

A man in his 20s who works at a welfare facility in Fukuoka Prefecture, along with a former employee, a man in his 30s, have filed suit at the Yukuhashi branch of Fukuoka District Court.

They claim they were forced to work both day and night with no days off and not paid any premium wage or overtime, and are suing for a total of about 34.7 million yen in unpaid wages.

The contract stated the working hours as seven hours per day, with eight days off per month.

But in reality, they were assigned to do guidance work from morning until evening at an employment-support facility for mentally disordered offenders, and were then ordered to watch over people in a group home from evening until the next morning, with no break at all.

When they asked for days off, they say they were told by a representative of the company that “time off spoils a person” and “weekends and late nights, you’re volunteering”.

(4) Discriminatory conditions in recruiting people with disabilities found in multiple central ministries and agencies, and 28 prefectures

At at least 28 of Japan’s prefectural governments, as well as at multiple central ministries and agencies including the Finance Ministry, it has been found that conditions such as “can commute to work on one’s own” were imposed when recruiting people with disabilities for staff positions. The Ministry of Health, Welfare and Labor considers this to go against the spirit of the law that bans employment discrimination against people with disabilities.

It is only recently that government agencies were found to be inflating the numbers of disabled people hired.

The situation is calling into question once again the low level of awareness about employment of people with disabilities.

In regard to recruitment and hiring of people with disabilities, discrimination is forbidden by the April 2016 amendment to the Handicapped Persons’ Employment Promotion Act.

To exclude someone because of their use of a wheelchair, etc., is presumed to be one of the prohibited practices.

The law applies to businesses, but it is considered desirable for government agencies also to be run in accordance with the spirit of it.

3. Situation/Statistics

(1) Employed population at 67.15 million, setting new record: September Labor Force Survey

According to the Labor Force Survey for September that has been released by the Interior Ministry, the number of people employed (original numerical value) has reached 67.15 million.

This breaks the record set four months ago, setting a new all-time high for the period since 1953, when comparable data became available.

On the other hand, both the employment rate and the new opening ratio also set new records.

Along with improvement in the employment situation, the sense of a labor shortage is also strengthening.

While the number of men employed increased by 360,000 over the same month of the previous year, that of women increased by 820,000, showing remarkable growth.

The employment rate also went up; in the working-age population (15-64) it rose by 1.5 points, to 77.3%.

Both this and the female employment rate of 70.3% were the highest ever since 1968, when comparable data became available.

“Labor Force Survey (Basic Statistics) for September, Heisei 30 [2018]” linked below (in Japanese):

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

(2) 1 in 2 in some prefectures: dependence on young foreign workers

The Cabinet has decided to amend the Immigration Act and expand the intake of foreign personnel.

But with severe labor shortages in the background, dependence on foreign workers--mainly young workers--is already growing.

The number of foreign nationals working in Japan as of the end of October last year was 1,278,670.

This was the highest number ever. Compared to the figure for October the year before last, it represented an increase of 194,000 people.

As a percentage, this was an 18% increase.

As a proportion of the total number of workers (Japanese included), foreign workers accounted for 1.9%. This means that one in 51 workers is a foreign national.

If we focus on young workers, those in their 20s and 30s--the shortage of whom is severe in many industries--we can see that the dependence on foreign personnel has progressed especially far.

The proportion of workers in their 20s and 30s accounted for by foreign nationals has been analyzed by industry based on the results of the census of Heisei 27 [2015].

The results showed that the highest proportion was in farming, with 7.1% (about 1 in 14).

Next was fishing, with 6.1% (1 in 16), then manufacturing with 4.7% (1 in 21).

When this is broken down by prefecture, we see that the prefecture with the highest proportion of foreign workers in farming was Ibaraki with 29.6% (about 1 in 3), followed by Kagawa with 19.2% (1 in 5), then Nagano with 17.3% (1 in 6).

In fishing, foreign workers accounted for 52.6% of the total in Hiroshima Prefecture (about 1 in 2), for 32.4% in Kochi (1 in 3), and for 24.1% in Miyazaki (1 in 4).