



Labor Update No.56 March 8, 2019

***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.***

## **Law/Policy**

Domestic economy already in recession phase? Assessment lowered to “downward”

Concerning the overall assessment for January of the current diffusion index (or business conditions index), the Cabinet Office has lowered the estimate from “at a standstill” to “downward changes in situation”. This expression indicates a strong probability that the economy has already entered a recession phase.

At the end of January, the government declared that there was a high possibility the economy had been expanding for six years and two months, its longest period of growth since the war. But there now seems to be a chance that that record has not been reached. This is because the slowdown of China’s economy has had a larger effect that was expected.

In the preliminary figures for the current diffusion index for January as released by the Cabinet Office (with 2015 = 100), the index of coincidence (showing the current situation of the economy) was 97.9%, or 2.7 points lower than the previous month. This is the third month in a row of worsening figures.

“Summary of current diffusion index (preliminary figure) for January, Heisei 31[2019]” linked below (in Japanese):

<https://www.esri.cao.go.jp/jp/stat/di/201901psummary.pdf>

MHWL to coordinate for single nationwide minimum wage in each industry accepting foreign workers

In conjunction with the expanded intake of foreign personnel to start next month, the Ministry of Health, Welfare and Labor has indicated a plan to begin coordinating with relevant government bodies and industry groups with an aim of establishing a single nationwide minimum wage--applying to Japanese workers as well--for each type of industry accepting the personnel (such as “care work”, etc).

The MHWL clarified at a meeting of the LDP Dietmembers’ caucus that they intended to begin coordinating with relevant government agencies and ministries as well as industry groups with the aim of establishing, for each type of industry that would be accepting foreign personnel (such as “care work”, “construction”, and so on), a uniform national minimum wage, to apply to both Japanese and foreign workers.

Currently, the minimum wage in Tokyo (where it is highest) is 985 yen per hour, while in Kagoshima (where it is lowest) it is only 761 yen per hour--a difference of over 200 yen.

At the meeting, MHWL representatives stated that “by taking these measures, we may prevent foreign personnel from becoming concentrated in places such as Tokyo”.

### **Legal Violations/Struggles**

Teacher sues saying disorder developed due to overwork

A male teacher at an Osaka prefectural high school has filed suit against the prefecture in the Osaka District Court. He claims that as a result of being forced to work long hours, including preparing lessons and leading club activities, he developed adjustment disorder and had no choice but to take a leave of absence. He is suing for 2.3 million yen in compensation. It is unprecedented for a teacher in active service to sue a school for an overwork problem.

Since the spring of 2017, Mr. Nishimoto, the plaintiff, was put in charge of advising a sports club and of conducting overseas language-study trips for students in addition to his duties as world-history subject teacher and class homeroom teacher. He says that he worked more than 120 hours overtime per month for several months in a row, then developed adjustment disorder in July of that year and ended up taking two leaves of absence.

Still no classes in the new school year: junior-college associate professor files for arbitration

An associate professor at a junior college has filed for arbitration at the Okayama Labor Bureau after being assigned no classes again for the new school year, despite there being already a verdict calling it invalid for her to be removed from teaching due to being visually impaired.

The associate professor, who works at Okayama College, was ordered to switch to office work in 2016, the reason given being that she “had not been able to give a warning to students who were eating and drinking in class”.

She filed suit seeking withdrawal of the order, etc., claiming it was “unfair discrimination against the visually impaired”. In November of last year, the order was finally voided by a decision of the Supreme Court.

After that, she sought to be returned to teaching. But the college replied that “you have no classes for next year”.

Technical interns from Myanmar file report at LSO over long working hours in violation of Labor Standards Act

Five women from Myanmar who work as technical interns at a *shiso* farm in Toyohashi City, Aichi Prefecture, have filed a report at the Toyohashi Labor Standards Office on the 26<sup>th</sup>, alleging violations of the Labor Standards Act. They claim that they are forced to do menial labor for over 15 hours a day without being paid a fair wage.

Their pay is on a commission system per pack. If they make 3,000 packs in a month, they receive 96,000 yen. Their employer had demanded 4,000 packs a month, but they were usually unable to make this target. Their employment contracts were not given to them by the sending agency in their home country.

The interns said in a press conference that “we have no time to sleep, so we have lost strength. We want a more human life”.

Non-regular public employees at cities and towns having contracts terminated; NPO begins telephone consultation

With the fiscal year about to end at the end of March, more and more part-time and non-regular public employees working for cities and towns are complaining of having their contracts terminated despite having repeatedly renewed them every year before. So an NPO will be starting telephone consultations.

According to the NPO and others, with the end of the fiscal year looming, there is a growing number of consultations from those who say that, despite having worked until now on one-year or half-year contracts that were repeatedly renewed, they were suddenly told they were being terminated.

The total number of “non-regular public employees” working for all municipalities nationwide was over 488,000 as of April 2016. This accounts for about 30% of all their employees.

50 million yen in unpaid night-watch wages in Kitakyushu City: naps pointed out to be working time

Kitakyushu City has announced that a total of 53 million yen of wages for temporary staff who did night-watch duties at City Hall had gone unpaid over a period of two years, due to the City’s considering their nap time to be unpaid break time and failing to include it in their working hours. The City had received a citation from Kitakyushu-Nishi Labor Standards Inspection Office in December last year.

Provisional injunction voids dismissal of assistant professors who made sexual-harassment accusation

In the case of three former assistant professors and a former research assistant in the Pharmacy Department at Kyushu University of Health and Welfare, who had sought maintenance of status claiming they were unfairly dismissed by the University, the Miyazaki District Court, Nobeoka Branch, has decided on a provisional injunction making the dismissals void.

The four were all looking forward to contract renewals--the three assistant professors for their third and seventh years respectively, the research assistant for the second year--but between December 2017 and January 2018, they were all notified by the University that their contracts would not be renewed in April.

The four claimed that “the dismissals were in retaliation for having complained of sexual harassment from a male professor in the Pharmacy Department”.

The court decision mentioned that it is hard to believe personnel cuts were the purpose, and pointed out that “there is an undeniable possibility [the dismissals] were made with the intent of eliminating assistants who filed complaints of sexual harassment”.

Below-minimum wages at Hitachi: interns “not doing the required jobs at all”

Hitachi, Ltd., and 10 other companies in its group had multiple violations of the Technical Internship Act pointed out to them last year by the Organization for Technical Intern Training, a government regulatory body. There are 300,000 employed at companies in the group, one of Japan’s foremost global enterprises, which has even produced a chairman of Keidanren, but the interns were being used in illegal ways.

### **Situation/Statistics**

Employees to be able to choose where to work when returning from childcare leave: new system at Kirin Beer

Kirin Beer will be introducing a new system starting in April whereby employees returning from maternity leave or childcare leave will be able to choose their work location. As it continues to be hard to find spots in daycare, especially in urban areas, the company aims to allow employees to come back to work in a place they find it easier to raise a child, thus making an environment conducive to balancing childcare with work.

The current rule, where employees come back to work at the same location they worked at before taking leave, will be changed. The new system will apply to those who have worked for three years or more, and who take six months or more of leave. They will be able to choose locations by prefecture. It is expected employees will choose a place they can live with their spouse, or a place where relatives can help with child care. Deciding one’s place of returning to work beforehand will also have the benefit of enabling parents to get an early start on getting daycare spots, etc.

Specifically about sexual diversity: Urasoe City to enact first ordinance of its kind in the nation

Urasoe City (Okinawa Prefecture) is working on drawing up an “Ordinance to Achieve a Society that Respects Sexual Diversity”. The ordinance’s content will be comprehensive, including such things as same-sex partnership certification and a ban on sex discrimination. The City aims to have the ordinance come into effect in the spring of 2020. This is said to be the first local ordinance in the nation specifically about respect for sexual diversity. The City hopes that enacting the ordinance will help deepen citizens’ understanding toward LGBT and other sexual-minority people.

Labor-related legal rights include gender equality only in six countries: World Bank report

The World Bank has released the 2019 edition of its report on which countries worldwide have legislation in place to guarantee economic equality between men and women. A perfect score of 100 was awarded only to six countries, all in Europe.

Compared to ten years ago, when the number of countries receiving a perfect score was zero, this time Belgium, Denmark, France, Latvia, Luxembourg, and Sweden all were evaluated as having recognized completely equal legal rights for men and women.

France in particular showed large improvements over the past ten years, such as passing laws on domestic violence, making workplace sexual harassment subject to criminal penalties, and expanding the system of childcare leave for fathers.

The survey focused on the discriminatory laws and rules women encounter in various situations during their working careers, looking into items such as freedom of movement, getting work, wages, marriage, raising children, business proprietorship, asset management, and receiving of pensions.

The average score of all the surveyed countries was 74.71, a rise of just over 4.5 points compared to ten years ago.

The U.S. scored 83.75 and Japan had 79.38, meaning neither country made the top 50. The U.K. had a score of 97.5, Germany had 91.88, and Australia had 96.88.

The World Bank's Interim President Kristalina Georgieva emphasized in the report that "Gender equality is a critical component of economic growth".

"Women, Business and the Law 2019" linked below (in English).

<https://openknowledge.worldbank.org/bitstream/handle/10986/31327/WBL2019.pdf>

23% of people in their 30s and 40s have "zero savings": SMBC financial-sense survey

On the 6<sup>th</sup>, SMBC Consumer Finance released the results of a survey of people in their 30s and 40s relating to their sense in money matters. The proportion of respondents who answered that their "amount of savings is zero" was 23.1%, an increase of 6% compared to the previous year, while the average amount of savings decreased by 520,000 yen, to 1,950,000 yen. SMBC's analysis is that "the economic recovery has not led to rising wages for people in the prime of working life".

"2018 Attitude Survey on the Financial Sense of People in their 30s and 40s" linked below (in Japanese):

<http://www.smbc-cf.com/bincan-station/antenna/09.html>

Proportion of women in managerial posts: 27% worldwide, 12% in Japan

The ILO (International Labor Organization) has compiled a report on women and work, showing that, while the proportion of managerial positions occupied by women worldwide is slightly over 27%, that in Japan is 12%. It has once again become starkly clear that the number in Japan is conspicuously low among the industrialized countries.

By country, among G7 countries the U.S. had the highest ratio, 39.7%; the U.K. was second with 35.9%; Canada's ratio was third at 35.3%; and Japan's was lowest by a wide margin at 12%.

Furthermore, for the percentage of executive positions at listed companies occupied by women, among G7 countries France had the highest number, 37%; the U.K. and Germany were next, both with 27%; and Japan was the lowest, with 3.4%. Here too, Japan's level was conspicuously low compared to other industrialized countries.

"A QUANTUM LEAP FOR GENDER EQUALITY--For a Better Future of Work for All" linked below (in English):

[https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_674816/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_674816/lang--en/index.htm)