



Labor Update No.58 April 5, 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

“Q&A on the New Immigration System” published by Ministry of Justice

<http://www.moj.go.jp/content/001289367.pdf>

24-hour online application to be possible for residence-permit procedures starting in July

The Ministry of Justice has announced that, starting on July 25, it will become possible for foreign nationals residing in Japan to apply online for procedures such as extension of their period of stay. Online application will be available to those with residence statuses such as High-Level Specialist and Technical Trainee. The system will be able to be used by staff at the intaking companies, lawyers, legal scriveners etc. who have received a request from the foreign national in question him/herself or from his or her legal representative. Conditions will include not having been penalized for infractions of immigration law or of laws relating to labor. A request must be filed in advance in order to use the system; these are to be accepted starting on March 29.

Overtime limit for doctors to be 1,860 hours per year, twice the “*karoshi* line”: MHWL investigative committee

The Health, Welfare and Labor Ministry’s “Experts’ Committee on Work-Style Reform for Doctors” has put together a rough outline of a report that, in regard to the restrictions on overtime work that will apply to doctors starting in 2024, would recognize an upper limit for some hospital doctors of up to 1,860 hours per year (including work on holidays).

This limit, when calculated monthly, is equal to 155 hours a month. Since this is nearly double the so-called “*karoshi* line” (an average of 80 hours overtime a month over several months), the policy would also impose compulsory measures to safeguard the health of the doctors in question, such as limits on consecutive working hours, etc.

“Proposed Report, Experts’ Committee on Work-Style Reform for Doctors” linked below (in Japanese):

<https://www.mhlw.go.jp/content/10800000/000494765.pdf>

## Legal Violations/Struggles

Demotion and transfer for making accusations of sexual harassment is unfair: Tokyo

## Prefectural Labor Commission gives order

At women's underwear seller "Charle", when a union questioned executives' acts of sexual harassment, union leaders were transferred to different locations and demoted. Claiming this was an unfair labor practice, the union filed a complaint at the Labor Commission. Tokyo Prefectural Labor Commission has now recognized part of the union's claims, and ordered the union leaders be returned to their former workplaces.

Hitachi gives dismissal notice to woman who sought unlimited-term--giving notice after a request is unprecedented

When a woman in her 40s who, having worked at Hitachi Co., Ltd. for over five years on limited-term contracts, requested a change to unlimited-term, the company responded by giving her notice that she would be dismissed from her job at the end of the month, it has recently become known. The female employee applied for "unlimited-term conversion" in June of last year, and was set to receive unlimited-term employment this year in April. Hitachi gave their reason as the downsizing of the business, but the woman claims it was "to avoid switching to an unlimited contract" and is demanding her dismissal be withdrawn.

Unpaid overtime for 4,613 people at KDDI: comes to light after employee suicide

Major mobile-phone company KDDI (au) has announced that overtime work had gone unpaid for 4,613 employees, for a total of approximately 670 million yen. After an employee committed suicide due to overwork, the company was issued a citation by the Labor Standards Inspection Office for over-long work hours. In response, the company carried out an internal investigation, as a result of which the unpaid overtime was discovered.

At JAXA, suicide of *Ibuki* satellite controller recognized as due to overwork: 16-hour night shifts and "difficult-to-achieve quotas"

It has been learned that the suicide in October, 2016, of a man who worked in satellite control at the JAXA Tsukuba Space Center was recognized by the Tsuchiura Labor Standards Inspection Office as an industrial accident caused by long working hours and trouble with his superiors.

When the *Ibuki* satellite was passing above Japan, the man sent commands to control the satellite. Satellites need to be controlled with precision 24 hours a day, 365 days a year nonstop. In addition to having to process and evaluate large quantities of data from *Ibuki*, the man had to be always ready to deal with malfunctions and emergencies.

Furthermore, starting in about February of 2016, he was also in charge of developing software for satellite schedule management systems, doing this in the 100 minutes from when *Ibuki* passed over the sky of Japan to when it came around again after one orbit.

## **Situation/Statistics**

Ibaraki Prefecture explicitly bans discrimination against LGBT: amendment made to

gender-equality ordinance

Ibaraki Prefecture has passed an amendment to their ordinance for implementing gender equality that includes a ban on discrimination against sexual minorities (LGBT). According to the Prefecture, they are the second, after Tokyo, to explicitly indicate a ban on LGBT discrimination in a prefectural ordinance. The amended ordinance has a new item added saying that “no-one may engage in unfair or discriminatory treatment on the basis of someone’s sexual orientation or gender identity”.

At Mitsui Sumitomo Insurance, a system of pay raises even for those re-employed after retirement age

Mitsui Sumitomo Insurance Co. has announced that, for senior employees re-hired after retirement age, they will be revising their current flat-wage system and changing it into a structure where pay will go up and down in accordance with performance assessments. An “addition for duties” will also be established, corresponding to the type of duties the employee is in charge of. The intent is to improve senior employees’ motivation to work.

LGBT mentioned for the first time: elementary-school textbooks to be used starting next spring

Description of sexual minorities, known as “LGBT”, has been included for the first time in textbooks to be used in elementary schools starting from April of next year. Experts have praised this as a first step in deepening people’s understanding toward LGBT people.

“Unable to take childcare leave”: temporary childcare workers unprotected

The number of “non-regular public employees” working in temporary or part-time positions at municipalities across the country is increasing. Among the most drastically increasing rates of “non-regularization” is that at childcare workplaces.

According to a survey carried out by the Interior Ministry, as of April 1, 2016, those employed as “non-regular” account for 43% of the total number of childcare workers working for all the nation’s cities, towns and villages as well as the 23 wards of Tokyo.

Formerly, their main job was to give support to “regular” childcare workers. But the shortage of childcare staff, with more and more needed in order to eliminate waiting lists for children, has been growing worse and worse each year. And so the number of “non-regular” childcare staff has been increasing, and in more and more cases they are taking on nearly the same duties and responsibilities as regular staff.

However, the reality is that there are wide disparities in treatment. This is not true only about salaries and bonuses.

The Interior Ministry survey found that, of the total 969 municipalities in Japan that employed “temporary childcare workers”, 597, or more than half, had no system for temporary childcare workers to take childcare leave. Behind this is the law regulating childcare leave for local government employees.

This law recognizes a right for regular municipal employees to take childcare leave

until their child is three years old, and for part-time regular-service staff to take leave at least until their child is one year old. However, this law does not apply to temporary staff.

The reason for this is that, originally, temporary staff were supposed to be appointed (employed) only for up to one year.

“Non-regularization” increasing among government employees: over 50% at 93 municipalities, in order to cut personnel costs

The “non-regularization” of public employees is increasing at local municipalities. According to the Interior Ministry’s survey, 93 municipalities have over 50% of their employees working as part-time or temporary staff. Top in the nation was the town of Saza, Nagasaki prefecture, with 66%. In order to reduce personnel costs, the numbers of regular staff are being cut, and non-regular workers, whose incomes and positions are unstable, are taking charge of administrative services.

According to a survey carried out by the interior Ministry as of April 2016, the number of non-regular employees was 640,000. This is 40% more than in a survey of the same kind carried out in 2005. In Saza Town, Nagasaki Prefecture, non-regular employees accounted for 66.0% of the total number of staff, the highest percentage in the country. Ginoza Village, Okinawa, was second, with 65.8%. The number of municipalities with over 50% of their employees non-regular was 17 in 2008, but by 2016 had increased to 93.

Furthermore, according to the Interior Ministry’s 2016 survey, about 75% of non-regular municipal employees were female. This ratio was especially high for certain jobs, such as childcare workers, school-lunch cooking staff, and nurses.

Major steel companies to extend retirement age to 65: to pass on skills, age to be raised all at once in 2021

Four major steel companies, including Nippon Steel, have announced that they will be raising the age of retirement for their employees to 65 from the current 60. The change will be introduced starting in fiscal year 2021. All these companies are hoping this will lead to skills being passed on more smoothly from veteran workers to younger staff, as well as helping employees maintain their motivation.

The decision to introduce this change at all four companies at once was made after a union of steel-company workers negotiated with the management all together and reached an agreement. It is rare for all the leading companies in an industry to introduce a retirement age of 65 all together.

90% of transgender people face difficulties in job-hunting: “sex” column on applications, interviewers’ questions

NPO ReBit has put together survey results showing that approximately 90% of transgender people who had searched for jobs had felt troubled by needing to list their sex on resumes or by such things as dress codes being fixed by sex. 40% of gay and bisexual people also had felt distress, such as from being questioned about their sexual orientation at interviews. Only a few had consulted about their troubles at job assistance organizations, bringing the weakness of the support system into relief.

When asked to choose from a list of types of difficulties they had faced, almost half of transgender people--whose self-identified gender differs from that listed for them at birth--answered "the 'sex' column on entry sheets and resumes". About three-tenths said they were distressed by having hairstyles, purchases of suits and bags, etc. be differentiated by gender.

Among gay and bisexual people, too, approximately four in ten answered that they had "experienced trouble". Specifically mentioned were getting questions and comments from personnel managers or interviewers that assumed one was not a member of a sexual minority, and being unable, in interviews or self-PR, to communicate regarding their own sexual orientation, gender identity, etc.

Furthermore, about 96% of the total number had not sought help from school career-placement offices or public consultation services, believing there was not enough information or that problems were unsolvable.

January nominal wages down for the first time in 18 months: 0.6% lower than the same month of the previous year. Preliminary figure for February also down

In the confirmed report figures from the Monthly Labor Survey for January 2019 published by the Ministry of Health, Welfare and Labor, the average total cash wages per worker (including part-time workers), which express nominal wages, were 272,130 yen. This was 0.6% lower than the same month of the previous year, a decrease for the first time in 18 months. The preliminary figures for February, released at the same time, show a decrease of 0.8%, so there may be two months in a row of decreases.

If the figure is negative two months in a row, this will be the first time that has happened since October and November of 2014. A Ministry spokesperson says "there is no change at this time in our judgement that wages are slowly on the rise. But we intend to pay careful attention to movements from now on."

In the preliminary figures for February, average total cash wages were 264,435 yen, a decrease of 0.8% from the same month of the previous year. The real wage index also decreased by 1.1%.

"Monthly Labor Survey: Confirmed Report of Results for January, Heisei 31 [2019]" linked below (in Japanese):

<https://www.mhlw.go.jp/toukei/itiran/roudou/monthly/31/3101r/3101r.html>

"Monthly Labor Survey: Preliminary Figures, Etc., for February, Heisei 31 [2019]" linked below (in Japanese):

<https://www.mhlw.go.jp/toukei/itiran/roudou/monthly/31/3102p/3102p.html>