



Labor Update No.61 May 17, 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.

1. Law/Policy

(1) Health Insurance Act amendment passes: dependent families limited to those resident in Japan

An amendment to the Health Insurance Act has passed. In order to deal with the expanded intake of foreign workers, the new law includes a provision limiting the application of health insurance for dependent families in principle to those residing in Japan. The purpose is to keep health-care costs down and prevent abuse of the system.

(2) Guaranteeing a chance to work until age 70: amended law obligates companies to make efforts

At the Future Investment Conference meeting on the 15th, the government presented an outline of the plan of action for growth strategies that will be decided on in the summer of this year. The plan makes it obligatory for companies to make efforts to guarantee that those who wish to will have the opportunity to work until the age of 70. As means of securing this opportunity, the plan makes it possible for companies to choose from seven options, such as abolishing the retirement age or extending it.

As well as doing away with the retirement age or extending it to 70, the choices include such things as re-hiring at another company, assistance in starting businesses, and providing funds for individuals making freelance contracts. As for which option to choose, this will be discussed between labor and management at each company.

At first, it will only be made obligatory to make efforts, and a bill to amend the Elderly Employment Stability Act will be submitted to next year's regular session of the Diet. After imposing the duty to make efforts, based on what measures companies actually take, the government will consider making it compulsory to choose one or another of the seven options.

"Future Investment Conference (27th mtg.) Documents" linked below (in Japanese):

<http://www.kantei.go.jp/jp/singi/keizaisaisei/miraitoshikaigi/dai27/index.html>

2. Legal Violations/Struggles

(1) Suicide due to long work hours and reprimands: Hiroshima 21-year-old gains workers' compensation

In 2016, a man who worked at an electric company in Hiroshima took his own life. His death was recognized as work-related due to his long working hours and to reprimands from prime contractor Shimizu Corporation. His family has sued the electric company seeking damages. The lawsuit is still ongoing, with Shimizu Corporation also a participant.

According to an inquiry by the Hiroshima Central Labor Standards Inspection Office, his overtime work from May 28 to June 26 of that year totaled 95 hours and 10 minutes. In June he once worked 13 days in a row.

The foreman said to him “what is that look in your eyes? Go home!”, and also, in an argument over his dealing with some trouble, reprimanded him strongly saying “when are you going to fix it? When can you do it?” and “put someone else in charge!” The foreman is said to have also taken a strict tone with other subcontractors, including other employees at Daiei Dengyo.

Based on this chain of events, the LSIO judged that the man had suffered a mental disturbance due to the long working hours and the reprimands, which led him to commit suicide. They granted workers compensation.

(2) Let go one day before becoming eligible for a permanent contract: part-time teacher at private school in Tokyo

It came to light on the 7th that a man who had worked as a part-time teacher at Yasuda Gakuen Junior & Senior High School in Sumida Ward, Tokyo, was dismissed from his job at the end of March. If the man had remained employed there for one more day, the “unlimited-term conversion rule” set by the Labor Contract Act would have applied, and he could have continued working with no term limit.

(3) Overtime hours report falsified? Charges filed against Hello Work director and others

Suspicious have come up that overtime work hours may have been falsified for staff of the Miyazaki Labor Bureau, which runs the Hello Work Office. It has become known that charges of falsifying work-hours reports for staff who worked at Hello Work in Miyazaki City from 2014 to 2015 have been filed against the then director of Hello Work and one other.

In the work-hours report that was submitted, there was a case of 100 total hours of overtime over 7 months being reported as 0 hours, among other things.

(4) Rapid increase in separations of families by Immigration Bureau: foreign parents detained, children sent to Child Consultation Center

When illegally-resident foreign nationals who have children are arrested and placed into detention, authorities in some cases separate the children from their parents and entrust their care to Child Consultation Centers. It became clear in December that cases of this happening increased suddenly in 2017, with the number of separated children rising to 28, or seven times the number the previous year.

The Trump administration in America has been criticized for separating children from parents in detention; but the same thing could be said to be happening in Japan.

(5) 173 hours of overtime in a month, industrial-accident recognition: woman develops adjustment disorder

The Tokyo Central Labor Standards Inspection Office has granted industrial-accident recognition to a woman in her 20s who worked at an architectural company under a discretionary labor system, saying her long working hours were the cause of her developing a mental disorder.

The Central LSIO certified that, in the one month prior to her showing symptoms, her hours of overtime were 173 hours, well over the nationally-recognized “*karoshi* line” (100 hours in a month).

(6) Construction sites for the Tokyo Olympics are “in a dangerous condition”, according to international labor-union federation

In relation to the 2020 Tokyo Olympics and Paralympics, saying there are various problems with the work environment on construction sites for related facilities, an international organization of labor unions has sent a report to the Olympic organizing Committee as well as to Tokyo Prefecture and the Japan Sports Council (JSC), calling for improvements.

The report was put together by the Building and Wood Workers’ International (BWI, headquartered in Geneva).

The main problematic points mentioned in the BWI report are as follows:

- ◆ Workers working underneath where pieces of building material are hoisted.
- ◆ If a worker comes to a union with a problem, even if the union reports it to JSC, they reject it.
- ◆ The Prefecture and JSC only accept reports in Japanese.
- ◆ There are foreign technical interns being forced to do only menial work.
- ◆ There are workers working 26 days a month at the site of the New National Stadium, and 28 days a month at the site of the Olympic Village.
- ◆ There are cases of workers having to buy their own hardhats or other protective gear.
- ◆ Half of workers interviewed have no employment contract.

“The Dark Side of Tokyo 2020 Summer Olympics” linked below (in English):

<https://www.bwint.org/web/content/cms.media/1542/datas/dark%20side%20report%20lo-res.pdf>

3. Situation/Statistics

(1) LDP to make minimum wage uniform: will be indicated clearly in upper-house election policies

The legal minimum wage currently differs from region to region. It has now become clear that the Liberal Democratic Party is discussing plans to include a clear mention, in the set of policies they put together along with their campaign promises for the

summer upper-house election, of their intent to make it uniform across the country. By raising the minimum wage in areas where it is relatively lower, and encouraging companies to try to make profits there even if labor costs go up, their aim is to foster increased productivity throughout the whole of Japan.

They have decided to iron out a plan to include this in the “J-File”, a collection of policy statements that are only weakly binding as campaign promises, using language that will avoid provoking regional opposition. In order to realize the idea, it seems likely that creating a structure of subsidies or similar, with real effects to support raising the lowest minimum wages, will become a pressing issue.

(2) Ten thousand children of foreign nationality “without support” to learn Japanese

It has come to light that as many as 10,400 children attending Japanese public school (elementary, junior-high and high schools, as well as special-education schools), despite being judged by their schools to “require Japanese-language education”, are not receiving such instruction. These “unsupported” students, unable to understand lessons due to not understanding Japanese, are not only present in areas where large numbers of foreign residents live, but are spread all over the country. So it seems that taking nationwide measures is an urgent matter.

“Results of ‘Inquiry Concerning Status of Accepting Students who Require Japanese-Language Instruction (Heisei 28 [2016])’” linked below (in Japanese):

http://www.mext.go.jp/b_menu/houdou/29/06/_icsFiles/afieldfile/2017/06/21/1386753.pdf

(3) Economic condition lowered to “downturn” for the first time in six years and two months: Diffusion Index

Concerning their basic assessment of the Diffusion Index for March, the Cabinet Office on the 13th lowered their evaluation from “change of situation in the downward direction”, as it was before, to “downturn”, indicating an even higher probability of having entered a recession. The last time that a judgment of “downturn” was indicated was six years and two months ago. While the slowdown in China’s economy led to a slump in exports, companies in Japan also saw their production and shipping stagnate, which had a great effect on the evaluation.

“Summary of Diffusion Index (preliminary figures), March, Heisei 31 (2019)” linked below (in Japanese):

<https://www.esri.cao.go.jp/jp/stat/di/201903psummary.pdf>

(4) Regional private universities face an age of competition for survival: with birthrate continuing to decline, it becomes difficult to find students

Private universities across the country are continually being forced into closing because they cannot get enough students, due to the influence of the declining birthrate among other things. From the 1980s to the 2000s, many local municipalities actively tried to attract universities for purposes of regional vitalization. Now the over-optimism of these plans has come into sharp relief, and the age of struggle for survival continues.

The number of universities nationwide increased from 507 in 1990 to 780 in 2017. On the other hand, the total number of private universities approved by the MEXT for closing down from 2010 through 2018 adds up to 21. According to the Ministry, out of the 582 private universities in the whole country, 210 (about 40%) have a shortage of students; and in fiscal 2017, approximately 40% also saw deficits in their operating budgets.

(5) Employment discrimination still going on: RENGO surveys 1,000 men and women aged 18-29

To ascertain the real situation in regard to discrimination in hiring decisions, the Japan Trade Union Federation (RENGO) has carried out a “Survey Concerning Employment Discrimination”, adding up an effective sample of 1,000 men and women nationwide aged 18-29 who had taken an employment test (as a new graduate, or in mid-year) within the past three years.

Approximately one in five respondents were required to submit a copy or abstract of their family register for their job applications, and nearly half were asked to submit a health certificate before being hired. As a result of the survey, it became clear that many companies ask for documents that could be used to discriminate.

Regarding discrimination based on sex, 28.3% of respondents said they felt there was such discrimination. When asked what sorts of things made them feel this, answers that stood out were “the number of planned hires was different for men and for women” (43.8%), “men and women were being hired for different types of jobs (for example, promotion-track positions for men and clerical positions for women, etc.)” (42.4%), and “it was only men or only women being recruited” (39.9%). Although the Equal Employment Opportunity Act forbids sex discrimination in recruiting or hiring workers, it seems more than a few people have experienced recruitment conditions that felt discriminatory.

“2019 Survey Concerning Employment Discrimination” linked below (in Japanese):

<https://www.ituc-rengo.or.jp/info/chousa/data/20190515.pdf>