



Labor Update No.64 June 28, 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) Japanese-Language Education Promotion Act passes; obligates government and companies to give support for learning

The “Japanese-Language Education Promotion Act”, meant to encourage improvement in Japanese-language education for foreign nationals living in Japan, was passed by the House of Councilors in plenary session on the 21st and became law. The law states clearly that national and local governments will have a duty to progress with Japanese-language education, and that companies will be obligated to make efforts to provide learning opportunities to foreign nationals in their employ. With the Immigration Act amendment set to take effect in April and expand the intake of foreign workers, this will give a push toward settling them in Japanese society.

“Bill Regarding the Promotion of Japanese-Language Education” linked below (in Japanese):

http://www.shugiin.go.jp/internet/itdb_gian.nsf/html/gian/honbun/houan/g1980501_0.htm

(2) Cabinet decides on *Honebuto* and Growth Strategy; support for “employment ice-age” generation included

The government has given Cabinet approval to a basic policy on economic and fiscal management (*Honebuto no Hoshin*) and a Growth Strategy. About the minimum wage, they mention clearly that it should be raised “sooner” to 1000 yen (hourly). For people in their 30s and 40s working in non-regular employment, the “employment ice-age generation”, they set a goal of increasing the number in regular employment by 300,000.

In the labor field, in preparation for the “age of 100-year lifespans”, they clearly state a policy of securing opportunities so that elderly people who want to work can be employed until the age of 70.

“Basic Policy on Economic and Fiscal Management and Reform, 2019: The New ‘Reiwa’ Era and Challenges for ‘Society 5.0’” linked below (in Japanese):

https://www5.cao.go.jp/keizai-shimon/kaigi/minutes/2019r/0621/shiryo_04-1.pdf

2. Legal Violations/Struggles

(1) Toshiba employees assigned to menial tasks after refusing to quit: criticized as “banishment room”

A new department was created this spring at a major subsidiary company 100% funded by parent firm Toshiba. Employees who did not comply with voluntary retirement were gathered there and ordered to perform monotonous work at busy factories and distribution centers within the company and outside it. Toshiba explains that this was “a temporary measure, until an appropriate reassignment destination can be found”. But there has been a backlash from employees, who say it is “a banishment room, to encourage us to quit”.

A similar department existed at Toshiba in the past: the “work support center” that was located at their factory in Himeji (Hyogo Prefecture) from 2004 to 2015. Employees who refused to resign were assigned there, and ordered to give assistance at factories all around the country. Some employees were unable to live for a long time in any one area, as they were constantly being moved from place to place.

Toshiba is currently proceeding with personnel cuts; in May they announced a plan to invite voluntary resignations at an electronic-parts subsidiary as well. Their management plan for the period through the March quarter of 2024 posts a goal of increasing their operating profits to over 11 times what they are now; there appears to be some influence from overseas funds that are major stockholders urging the company to be steadily approaching this goal.

(2) Equal wages for men and women! Hundreds of thousands of women go on strike all across Switzerland

Women seeking wage parity with men have gone on strike all around Switzerland, with hundreds of thousands participating. Participants wore purple clothing, blew whistles, beat on pots and pans, and proclaimed feminist slogans while marching in the streets. The first nationwide strike for wage equality between women and men in Switzerland was held in 1991, nearly 30 years ago. The Swiss Trade Union Federation (Union Syndicale Suisse, USS), with 16 member unions under its banner, says that the situation has barely improved since the 1991 strike, and that women must demand “more time, more money, and more respect”.

"Swiss Women Go on Strike over Inequality" linked below (in English):

<https://www.dw.com/en/swiss-women-go-on-strike-over-inequality/a-49119906>

(3) Filipina student to sue Japanese-language school: forced to go home after seeking improvement in labor conditions

It has come to light that a Filipina woman in her 30s, who worked at a nursing facility while attending Japanese-language school as an international student, will soon be suing the school in Tokyo District Court. She claims that when she demanded improvements in work conditions at the nursing home, she was ordered by the school to drop out and return to her home country. She is suing for compensation from the school. The woman also claims that she was forced to work at the facility without cash payment, under the name of “volunteer work”.

(4) Called “salary thieves” and switched from regular employment to outsourcing: workers facing hardship sue for “fake subcontracting”

A subsidiary of Maruhachi Holdings (Yokohama City), which sells *futon* among other things, carried out “fake subcontracting” and forced employees to bear the burden of high business costs, according to sixteen former employees who have filed a lawsuit against the company at Saitama District Court seeking over 178 million yen in damages.

The company is “Haccini Maruhachi”. The sixteen defendants at first worked as regular employees. But due to reasons such as not reaching expected sales levels, they were scolded as “salary thieves” and told such things as “an employee who can’t sell is an employee who isn’t pulling his weight”, and were *de facto* forced to switch onto outsourcing contracts.

After the switch, their car inspection and fuel costs, business travel costs, and other business expenses were to be paid at their own expense. On the other hand, they were supposed to be able to exercise discretion over their own work, being theoretically independent business owners (agencies). However, while they did have to pay their own business costs, they say they received detailed directions for work through mobile devices provided to them by the company.

They say there were times when their take-home pay was zero, and that it even went negative when their monthly sales were lower than their business costs. The plaintiffs point out that “after having the costs we had to bear deducted by Haccini, we were paid only a low wage, and with no base pay, the amount we made changed each month, sometimes even being zero”.

The plaintiffs also say that on the same day, along with filing the lawsuit, they also filed a petition for relief at the Saitama Prefectural Labor Commission seeking to obtain a collective-bargaining order.

(5) Salaries unpaid for 2,200 doctors at university hospitals: MEXT survey

A survey by the Ministry of Education, Culture, Sports, Science, and Technology (MEXT) has revealed that, of all the doctors and dentists on the rolls at university hospitals nationwide, a total of at least 2,191 (at least 7%) had not been paid their appropriate salaries. There is suspicion that the Labor Standards Act and other laws may have been violated, such as when hospitals made doctors do treatment work beyond the upper limit on working hours.

As well as 2,191 people not being provided with their appropriate pay, it has also been found that the majority of these had no employment contract, and were therefore not even enrolled in workers’ compensation insurance. There were also 1,304 more doctors in whose cases it was deemed necessary to examine reasons for non-payment more closely; therefore, the number of cases considered improper might even increase.

3. **Situation/Statistics**

(1) Business confidence takes a sudden turn for the worse; majority say “at a standstill”: survey of 100 companies

In a survey of 100 major companies across the country, the number of companies

answering that the domestic economy was “in a condition of standstill (leveling off)” rose to 57, nearly twice the number that answered that way to the previous survey in November of last year. The surveyed companies’ business confidence is quickly worsening.

The number of companies answering that the domestic economy was “in gradual growth” was only 32, decreasing to half of the 65 seen in the previous survey. The number answering that it was “in gradual recession” was 10, up from only 1 the previous time, while there was also one company that answered “in recession”. China’s economy began slowing down in the autumn of last year, while this year in early May the trade friction between China and the U.S. heated up again. It can be clearly seen that assessments of the economy have greatly changed.

(2) Japan has longest work hours for teachers: OECD survey

The Organization for Economic Cooperation and Development (OECD) has released the results of an international survey of teachers’ work and school environments. Teachers in Japan are pressed by office work and so on; their working hours, in both elementary and middle schools, were the longest of any of the countries participating. On the other hand, in terms of instruction, Japan fell significantly behind in “active learning” to find and solve problems by oneself, and in the use of ICT (information and communications technology).

48 OECD member countries and regions participated in the survey for secondary education (such as junior high schools), and 15 participated for primary education (such as elementary schools). In Japan, the survey was carried out in February and March of last year, with a total of 7,400 people--principals and teachers at 200 elementary and 200 junior high schools--responding.

At junior high schools, the average working time across all surveyed countries was 38.8 hours; Japan had 1.5 times this, at 56.0 hours. An average has not been released for elementary schools, but Japan had 54.4 hours, so it has the longest work hours in both categories. Particularly prominent was extracurricular activities instruction at junior high schools, at 7.5 hours a week (compared to the average of 1.9 hours per week).

"2018 Teaching and Learning International Survey (TALIS) Results" linked below (in English):

<http://www.oecd.org/education/talis/>

(3) Harassment treaty adopted, “LGBT protections” not included: ILO

At their annual general meeting, the International Labor Organization (ILO) has adopted the first international convention to ban workplace violence and harassment. As the “MeToo” movement to denounce sexual victimization gathers support, the convention aims to have countries unanimously push forward with legislation to deal with sexual harassment and “power harassment” (workplace bullying, etc.).

On the other hand, with regard to the measures to protect sexual minorities (LGBT) that were at first included in the proposal, these were replaced with abstract wording to simply protect “easily victimized groups”. The difficulty of drawing up concrete standards was thrown into sharp relief.

"The Violence and Harassment Convention, 2019, and Violence and Harassment Recommendation, 2019" linked below (in English):

https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetin

(4) Partner Oath system starting next month, first ever at prefectural level: Ibaraki

Ibaraki Prefecture has announced that they will inaugurate a “Partnership Oath system”, recognizing sexual-minority (LGBT) couples as partners equivalent to a married couple, starting on July 1. According to the Prefecture, there are already 22 cities and towns that have such a system at the municipal level, but this is the first one to be instituted at the prefectural level.

(5) Increase in number of employed: over half non-regular

In May, the number of employed people reached 67.32 million, its highest ever, while the employment rate for people aged 15 to 64 was also at its highest. The number of employed people was 340,000 more than the figure for the same month of the previous year; of these, the number of non-regular workers (such as part-time workers) increased by 270,000 over the same month of the previous year, reaching 21.06

“Labor Force Survey (Basic Statistics), May, 2019 (Reiwa 1) (preliminary figures)” linked below (in Japanese):

<https://www.stat.go.jp/data/roudou/sokuhou/tsuki/pdf/201905.pdf>