



Labor Update No.70 September 20, 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

### “All-Generations Social Security System Panel” members announced

The announced members are as follows.

Chair: Prime Minister Abe

Deputy Chair: Economic Revitalization Minister Nishimura

Deputy Prime Minister and Finance Minister Aso

Chief Cabinet Secretary Suga

Internal Affairs and Communications Minister Takaichi

Health, Welfare and Labor Minister Kato

Economy, Trade and Industry Minister Sugawara

Endo Hisao, director of National Institute of Population and Social Security Research

Okina Yuri, chief director of The Japan Research Institute, Ltd.

Kanata Koichi, professor emeritus of Toyo University

Sakurada Kengo, chair of Japan Association of Corporate Executives

Seike Atsushi, former president of Keio University

Nakanishi Hiroaki, chair of Japan Business Federation (Keidanren)

Niinami Takeshi, president of Suntory Holdings

Masuda Hiroya, visiting professor at Tokyo University Graduate School of Public Policy

Yanagawa Noriyuki, Tokyo University Graduate School professor

### MHWL presents proposal for *pawahara* measures, aiming to work out plan within the year, while labor and management disagree over scope

With the Women’s Participation and Harassment Regulations Act set to take effect, the Ministry of Health, Welfare and Labor has presented a proposed outline for measures against so-called *pawahara* (“power harassment”, workplace harassment or bullying) to a subcommittee of the Labor Policy Council (an advisory body to the Minister). The proposal includes such measures as setting up consultation systems, etc. Discussion has begun in earnest with an aim to draw up a plan within the year. But opinions from the labor and management sides are still in disagreement over the scope of what is defined as harassment.

The main points of debate are how to distinguish *pawahara* from appropriate work guidance; what to do about customer harassment, since customers are not covered by the new legal requirement for prevention; and what measures to take for freelance

workers, who are not in an employment relationship. The labor side also demanded the inclusion of measures against harassment based on sexual orientation or gender identity.

“Outline Plan Concerning Employment Management Measures, etc., to Be Taken in Regard to Harassment in the Workplace (Proposed): 18<sup>th</sup> Mtg., Employment Environment and Equality Subcmte., Labor Policy Council” linked below (in Japanese):  
<https://www.mhlw.go.jp/content/11909500/000547562.pdf>

Expert panel’s report: “eliminate company-size requirement for *Kosei Nenkin*”

A Ministry of Health, Welfare and Labor panel of experts working on the question of expanding eligibility for *Kosei Nenkin* (employees’ pension) put together a report on the 20th, mainly calling for the elimination of the company size requirement for enrollment (currently, “501 or more employees”). With this as a reference point, serious discussion of specific system reforms will begin soon at the Pension Committee of the Social Security Council (an advisory body to the Ministry). The government plans to submit bills to amend the relevant laws to the regular session of the Diet next year.

Those who work full-time at a company are eligible for enrollment in *Kosei Nenkin* regardless of company size. In 2016, eligibility was extended to include non-regular staff working short hours, such as part-timers.

“Summary (Proposed) of Discussion at ‘Panel on *Shakai Hoken* Measures with Reference to the Diversification of Work Styles’” linked below (in Japanese):  
<https://www.mhlw.go.jp/content/12601000/000549777.pdf>

### **Legal Violations/Disputes**

“Blew the whistle, and was fired the next day”: former Meidensha employee files for tribunal

A woman formerly employed at Meidensha, a major electric-appliance maker, has filed for a labor tribunal at the Tokyo District Court. She claims she was unfairly dismissed from the job, and is seeking confirmation of employee status.

The woman was hired at Meidensha in February of 2018, on a one-year contract. She worked in the auditing department, which investigated irregularities. In October of last year, she found some colleagues denying an investigation into the working hours of employees who had died. So in November she reported this to the person in charge within the company. She says “I was told the very next day that ‘we will not be continuing your employment’, and was let go at the end of January this year”. The woman is claiming that her employment was a *de facto* probation period with an expectation of promotion to *seishain* (regular employee), and that therefore the firing was unfair.

“91 days of work in a row”, “four days off in six months”: family of woman who died from overwork sues *bento* company

The death of a Yamaguchi Prefecture woman who worked at a *bento* (packaged meals) manufacturing company was caused by her overly hard working hours, according to

her surviving family members, who have filed suit at Yamaguchi District Court seeking approximately 90 million yen in compensation, etc., from the company and its president.

The woman began work at the company in 2007, and was tasked with *bento* delivery, among other things. In November of 2015, she suffered a heart attack at home, and died. In the six months leading up to her death, she had only had four days off work; she had worked for 91 days in a row starting August 14, 2015.

The Yamaguchi Labor Standards Inspection Office granted industrial-accident compensation in February of 2017. The woman's average amount of overtime work before she died was under the national standard for recognizing overwork death; but her working situation with hardly any time off seems to have had importance to the decision. The company has commented that "we have dealt in good faith with the procedures for industrial-accident recognition and mediation. We are shocked that the case has gone to court".

Students form group "wanting to help teachers who have 'black' work conditions": "The school is a special kind of working environment"

Students studying education in Kyoto have set up a group called "Teacher Aide" to think about working conditions in schools, which are sometimes considered to be "black" (translator's note: in the sense of "black companies", employers with harsh and exploitative working conditions). Among other things, they hold study groups on teachers' work styles. Students nationwide who support this activity have set up branches in various places, and are building a movement for reform in the education workplace.

"if teachers aren't happy, they can't give us good education": in early August, Teacher Aide hosted a seminar on the "Special Measures Law" (Act on Special Measures Relating to Pay for Education Staff, Such as in Public Schools of Compulsory Education), the law that sets public school teachers' salaries. A university professor with detailed knowledge of this law served as instructor, explaining the problematic points of interpretation that make this law create unpaid overtime work for teachers. Participating students, who look forward to becoming teachers, were enthusiastically taking notes and asking questions.

This movement is spreading across the country. Students with the same ideas have set up twenty branch groups in various locations, inviting experts to hold seminars and showing documentaries on teachers' working conditions. Branches exchange information via SNS, as well as cooperating across branches on a project to gather voices of worry and doubt about the education workplace and make these heard by the Education Ministry.

**Situation/Statistics**

Yokohama City to introduce sexual-minority partner system within the year

The mayor of Yokohama has clarified that the City plans to introduce a "partnership system", to give official recognition as partners to sexual-minority couples (LGBT etc.), within this year. In the same prefecture, the cities of Yokosuka and Odawara have

already introduced such systems.

The mayor explained that “we will give support to those who face difficulties in their lives, including sexual minorities and others, and build a society where we accept each other’s diversity”.

According to the Human Rights Office in the City’s Community Service Department, the plan is to use a formula based on the “outline” that sets out the purposes and procedures for municipal office work. They presume the system will involve issuing certificates to couples who sign a written oath at City Hall. Specific details, such as whether common-law couples will be eligible, are still under consideration.

Kanazawa City to eliminate “sex” field from certification of registered *inkan* (seals): “consideration for people of sexual minorities”

With it about to become possible to list one’s maiden name on one’s *juminhyo* (resident-register card) and “My Number” card, Kanazawa City submitted an amendment proposal to the regular City Council meeting in September. This would eliminate the field where one must enter one’s sex in applying to certify a registered seal, as well as making it possible for those who wish it to list their maiden names. If this passes, it will be the fifth example in the prefecture where a “sex” field has been eliminated. The mayor has explained that “out of consideration for people of sexual minorities (LGBT etc.), we will be reconsidering the listing of sex on various sorts of application forms”.

Number of working people over 65 reaches 8.62 million, its highest ever; 3.58 million are non-regular

The total nationwide population of elderly people over 65 years of age is estimated to have reached 35.88 million (an increase of 320,000 compared to the previous year), and their proportion of the total overall population to have hit 28.4%. Both of these are record high numbers. The number of elderly people in employment, as of last year, was 8.62 million, increasing for the 15<sup>th</sup> year in a row, while the number of elderly as a proportion of the total employed population also hit a new record of 12.9%.

According to information released by the Ministry of Internal Affairs and Communications, the number of elderly people by gender was as follows: 20.82 million women (31.3% of the total female population), and 15.60 men (25.4% of the male population). Japan now has a higher proportion of elderly people in the population than any other country worldwide, much higher than the second-highest country, Italy, which has 23.0%.

Last year’s employment rate for elderly people was 33.2% for men, 17.4% for women. Both these numbers increased for the seventh year in a row. By age group, 46.6% of people aged 65-69 were employed, as were 30.2% of those aged 70-74, and 9.8% of those 75 or older.

When these figures are broken down, those working as employees at a company (not including executives) totaled 4.69 million, accounting for the majority at 54.9%. By form of employment, non-regular employees and staff (including part-time, *arubaito*,

contract employees etc.) numbered 3.58 million (76.3% of the total), an increase of 2.04 million compared to ten years before. On the other hand, the number of regular employees and staff grew only by 410,000.