



Labor Update No.77 December 27, 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) For employment insurance, work hours at side jobs to be added for those over 65

In regard to employment insurance, the Ministry of Health, Welfare and Labor (MHWL) has settled on a plan to experimentally relax the enrollment criteria so as to enroll people who work multiple jobs. A bill to amend the Employment Insurance Act will be submitted to the regular session of the Diet next year.

Working hours will be able to be added together only for up to two companies, and only for workplaces where one has five hours or more per week. Furthermore, for now, this will only be allowed for people 65 or older. They say this is for fear of increasing numbers of people quitting their jobs in order to receive benefits. After a trial period of five years or so, they will decide whether or not to expand the rule to other age groups.

“136th mtg., Labor Policy Council Employment Security Committee, Employment Insurance Subcommittee Report (Proposed)” linked below (in Japanese):

<https://www.mhlw.go.jp/content/12602000/000576457.pdf>

(2) “Power harassment” (*pawahara*) to be listed clearly in workers’-comp standards: debate begins on mental disorders

The MHWL has indicated their intention to list *pawahara* (“power harassment”, or workplace bullying) as a type of “heavy psychological burden due to work” in the standards for approving industrial accident compensation in cases of depression and other mental disorders.

“First Specialized Study Meeting on Standards for Industrial Accident Approval for Psychological Disorders” linked below (in Japanese):

https://www.mhlw.go.jp/stf/newpage_08426.html

(3) Government to consider submitting bill in 2020 to extend the retirement age for public servants starting in 2022

Concerning amendments to relevant laws in order to extend national public servants’ retirement age in stages from 60 to 65, the government has begun deliberations on

beginning to raise the age in fiscal year 2022.

(4) Options for working until 70 expanded to include support for starting businesses, philanthropy activities

The MHWL has shown a proposed report to a subcommittee of the Labor Policy Council aimed at guaranteeing work for those who wish to work until age 70. As to contents of what companies will be asked to make efforts to do, the report would allow for many options, including not only continuing employment at their own company, but also providing support for those who wish to start their own business or to engage in activities that would contribute to society. Proposed amendments will be submitted to next year's regular session of the Diet, aiming to make them law.

“Regarding Publication of Information Relating to Securing Opportunities for Employment and Work to the Elderly, and Mid-Term Hiring (Proposal)” (Documents for 92nd mtg., Employment Security Committee, Employment Measures and Basic Problems Subcommittee) linked below (in Japanese):

<https://www.mhlw.go.jp/content/11601000/000578818.pdf>

(5) Hours at side jobs to be added when granting workers' comp approval

The Industrial Accident Insurance Subcommittee of the MHWL's Labor Policy Council, which is debating industrial accident compensation for people with second jobs and side jobs, has agreed to introduce a new system in which, when granting approval for compensation to those who work multiple jobs, judgement of overtime hours will be made based on adding the total work hours from all jobs.

“83rd mtg., Labor Policy Council Labor Conditions Committee Industrial Accident Insurance Subcommittee: Regarding Payment of Industrial Accident Compensation to Those with Multiple Jobs, Etc. (Proposal)” linked below (in Japanese):

<https://www.mhlw.go.jp/content/11601000/000579347.pdf>

(6) National government decides on policy for judging *pawahara*: guideline for requirement on companies to take prevention measures

A national government policy has been decided on for judging whether workplace speech or behavior constitutes “power harassment” or *pawahara*. This will become the guideline when companies begin being required to take prevention measures (starting June 2020 for large companies, and April 2022 for smaller businesses).

The amended Labor Measures General Promotion Act (*Pawahara* Prevention Law), which passed in May, defines *pawahara* as: 1) words and/or actions based on a relationship of superiority which 2) exceed the boundaries of what is necessary for work duties, and 3) damage the work environment for a worker. It clearly states this is something which “will not be allowed”.

However, lawyers with knowledge of this sort of harassment point out the worry that

“*pawahara* in an *izakaya*, for example, may end up exempt from the rules”. Also, freelancers, student job-seekers, and other workers not in an employment relationship are not covered by the requirement to take measures; for these cases, companies are only asked to “take the necessary caution”.

“24th mtg., Labor Policy Council Employment Environment and Equality Committee document: “Summary of Proposed Policy in Regard to Measures to Be Taken in Employment Management, Etc., Relating to Problems Stemming from Words or Actions Based on an Employer’s Relationship of Superiority in the Workplace” linked below (in Japanese):

<https://www.mhlw.go.jp/content/11909500/000579266.pdf>

(7) Limitation on claims for unpaid overtime to be made three years for now, lengthened to five years in the future

The MHWL’s Labor Policy Council Labor Conditions Committee has held discussion on revising the time limitation on the right to claim back-payment of wages under the Labor Standards Act. They have settled on amending the current two-year limit to three years, and then considering whether to extend it further, to a five-year limit, in five years’ time. The committee held these discussions in response to the civil law amendment to go into effect April 2020, whereby the limit when one loses the right to claim back-payment of outstanding accounts (extinctive prescription) will be made a uniform five years.

“157th mtg., Labor Policy Council Labor Conditions Committee document: Main Opinions and Points of Discussion So Far in Regard to What Should Be the Limit of Extinctive Prescription of the Right to Claim Back Payment of Wages, Etc.” linked below (in Japanese):

<https://www.mhlw.go.jp/content/11201250/000579365.pdf>

2. Legal Violations/Disputes

(1) Note written by Mitsubishi Electric employee who committed suicide released, with thumbprint: was told by supervisor “I’ll kill you”

A man in his 20s who was newly hired at Mitsubishi Electric committed suicide in August of this year. Another male employee, a supervisor in his 30s, who was in charge of employee education at the time, has had charges filed against him for instigation of suicide. A note left by the young employee was released on the 18th in connection with the case. The note states clearly that he was told by the supervisor “I’ll kill you” and “Kill yourself”, among other abuse. The deceased man’s family members made public comments severely critical of the culture at Mitsubishi Electric, which has seen repeated employee suicides and other labor troubles.

The note was dated the day before the man’s suicide, and bore a thumbprint appearing to be the man’s own. There was also a signature below the thumbprint.

The note concludes with “I earnestly wish they will make it so such a sad event will never happen again”.

The deceased young man’s family will soon be applying for industrial accident compensation for “power harassment” (*pawahara*). They also say they plan to press Mitsubishi Electric for explanation of the causes of the suicide, sincere apologies, compensation for damages, and measures to prevent further incidents.

(2) Private school teacher commits suicide, had complained to friend about pressure of club activities--family to apply for compensation

It has come to light that a male teacher who worked at Shukutoku Gakuen in Tokyo committed suicide in September of this year. A lawyer representing the man’s family announced it in a press conference.

The family are said to be planning to apply for industrial accident compensation in the near future, saying stress and overtime hours, including work as a club activity advisor, were behind the man’s suicide.

Furthermore, on the same day, the man’s family and several of his fellow teachers also filed a complaint at the Ikebukuro Labor Standards Inspection Office for failure to sign an agreement and for unpaid overtime, saying there was no “3-6 agreement” to regulate overtime, etc., at Shukutoku Gakuen.

(3) Labor Bureau gives corrective guidance to Takenaka Corporation: direction of other companies’ employees on site, fake outsourcing

Construction giant Takenaka Corporation has been issued corrective guidance by the Osaka Labor Bureau for giving work directions to employees of other companies with whom they had no employment or dispatch contract, a violation of the Employment Stability Act.

The Employment Stability Act forbids giving work directions or orders to workers without an employment contract. The Labor Bureau issued the guidance to Takenaka and to a design company.

(4) “They demanded we quit the union”: suit filed

Four employees of JR East have filed a suit against the company in the Tokyo District Courts seeking a total of about 5 million yen in damages. They claim the company made them suffer mental anguish by demanding that they withdraw from a union. They insist that this constitutes an unfair labor practice in violation of the Labor Unions Act, as well as in illegal act under the civil law. The plaintiffs are four men in their 30s and 40s who are members of the Tokyo Regional Headquarters of the East Japan Railway Workers’ Union (JR East Union). One of them says two superiors said “you still won’t quit the union?”, “hurry up and quit” and other such remarks 20 or 30 times at a work party.

3. Situation/Statistics

(1) Another step backward for gender equality: In gender gap index for 2019, Japan sets a new low record and comes in 121st place, the lowest of any G7 country

The World Economic Forum (WEF) has announced their Global Gender Gap Index for 2019, which compares the size of the gender gap by country.

Japan came in 121st place out of 153 countries surveyed (110th in 2018). This was even lower than their previous lowest ranking ever of 114th in 2017 (out of 144 countries). It was the lowest ranking of any of the seven major countries known as the G7.

"Global Gender Gap Report 2020" by the World Economic Forum

http://www3.weforum.org/docs/WEF_GGGR_2020.pdf

(2) Keidanren makes “getting away from Japanese-style employment” a clear part of their Shunto plan

Keidanren’s proposed “Management Labor Policy Special Committee Report”, which is to be the management-side policy for next year’s Shunto (spring labor offensive), has been made clear. It points out that various problems are appearing in the Japanese-style system of employment, which includes periodic simultaneous recruitment of new graduates, lifetime employment, and seniority pay. The report urges member companies to rebuild their personnel and salary systems, including by using “job-type employment”, where employees are assigned who have skills necessary for the performance of a task.

(3) Proportion of workers organized in unions sets new low record in 2019: fails to catch up to increase in employment numbers

According to the 2019 Basic Survey of Labor Unions released by the MHLW, the organization rate--expressing the proportion of all employed persons who are members of a union--was 16.7%. This was a decrease of 0.3% from last year’s figure, and the eighth year in a row to set a new low record. Although the number of union members has grown for five years in a row, this has been outpaced by growth in the number of people employed.

The number of union members was 10,088,000, an increase of 18,000. The number of employed persons grew with increasing numbers of the elderly, of women, and of part-timers; it was 60,230,000, an increase of 830,000.

Among union members, the number of part-timers increased by 37,000 to 1,333,000, a higher figure than ever before. Unions are making efforts to recruit women and part-time workers, but it appears their “efforts are not catching up with the increase in the number of workers”.

“Summary of 2019 Basic Survey of Labor Unions” linked below (in Japanese):

<https://www.mhlw.go.jp/toukei/itiran/roudou/roushi/kiso/19/dl/gaikyou.pdf>

(4) 2019 “Black Company” award goes to Mitsubishi Electric, the first company to receive award two years in a row

The Black Company Awards Planning Committee has announced the winner of the “2019 Black Company Award”, given to this year’s “blackest” company. “Black Companies” is a term for companies with problematic labor environments, to which the award is given in irony to call attention to the problem. This year eight companies and one local government were nominated. First prize went to Mitsubishi Electric, for the second time.

(5) Number of births falls under 900,000 this year for the first time; decline in birthrate proceeding faster than expected

The “number of births”, or the total number of children born in 2019, is likely to be just over 860,000 nationwide. This will be the first time the yearly number goes under 900,000. The total is declining to 860,000 two years sooner than the national government had projected, making it clear that the birthrate is declining at an even faster pace than had been expected.

The number of decrease (attrition) in population, found by subtracting the number of deaths from the number of births, will likely be 512,000, which is 68,000 more than last year’s figure, and the first time the yearly decrease will be more than 500,000.

“Annual Trends in Population Dynamics Conspectus” linked below (in Japanese):
<https://www.mhlw.go.jp/toukei/saikin/hw/jinkou/suikei19/dl/2019toukeihyou.pdf>

(6) Toyota union proposes pay rises according to evaluation

It became known on the 26th that the Toyota Motors Workers’ Union, in preparation for the 2020 Shunto, is considering a proposal for a pay rise system where base pay would go up based on each union member’s personnel evaluation, making more difference than there has been in the past. This means revising their methods up to now, which have tended to favor across-the-board demands.