



Labor Update No.79 January 24, 2020

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) Make it easier for local public servants to have second jobs, says Interior Ministry for the first time in request to local governments due to labor shortages

The Ministry of Internal Affairs and Communications has begun encouraging local public servants to take second jobs if they wish to. Their local government's permission is necessary for them to engage in paid activities; but fewer than four in ten municipalities have concrete criteria for when this can be allowed (such as the activity being "highly in the public interest"). Therefore, the real situation for local government staff is that even those who want to have a side job often hesitate to do so. So the Ministry has now issued a notice (*tsuuchi*) calling for the making of clear criteria for permission.

This is the first time the Interior Ministry has ever such a notice encouraging the preparation of an environment for second jobs. In the background is the hope that, in response to the severe labor shortages, local public servants might be active in taking on the work of some regional activities, such as support for people with disabilities.

In principle, it is forbidden by law for local public servants to take on second jobs, but it can be allowed if the local government permits. There is some worry that side work may lead to long working hours or have adverse effects on the performance of regular duties. The notice also requests regular checks of the contents of work done at second jobs.

(2) MHWL releases guideline (guiding principles) relating to harassment, and related amendments

"Guiding Principles Related to Harassment in the Workplace"

<https://www.mhlw.go.jp/content/11900000/000584517.pdf>

"Guiding Principles 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" (Ministry of Health, Welfare and Labor Public Announcement (*kokuji*) #5, Jan. 15, 2020)

<https://www.mhlw.go.jp/content/11900000/000584512.pdf>

“Act Relating to the Promotion of General Labor Measures, as Well as to Workers’ Employment Stability and Fulfilled Occupational Life” (*Pawahara* Prevention Law)

https://www.mhlw.go.jp/web/t_doc?dataId=75008000&dataType=0&pageNo=1

“Guiding Principles in Regard to Measures to Be Taken in Employment Management, Etc., Relating to Problems Stemming from an Employer’s Sexual Words or Actions in the Workplace” (Ministry of Health, Welfare and Labor Public Announcement (*kokuji*) #6, Jan. 15, 2020)

<https://www.mhlw.go.jp/content/11900000/000584512.pdf>

“Act on Securing, Etc., of Equal Opportunity and Treatment between Men and Women in Employment”

https://elaws.e-gov.go.jp/search/elawsSearch/elaws_search/lsg0500/detail?lawId=347AC0000000113#47

2. Legal Violations/Disputes

(1) Dismissed because of disability characteristics: Fukuoka factory says “could not communicate”--discrepancy in two sides’ claims

It has come to light that a woman with autism spectrum disorder (ASD) who worked as a *shokutaku shain* (contract employee) at Bridgestone’s Amagi Factory in Asakura, Fukuoka, received a notice from the company in November of 2018 that said she had been “unable to communicate with other employees”, and that one year later she was dismissed from the job. Policy based on the Promotion of Employment for Persons with Disabilities Act bans dismissal on account of a disability. The woman has filed a complaint with the Prefectural Labor Commission, saying that “it was discriminatory treatment, amounting to an unfair labor practice”.

The woman’s assigned tasks included assisting other employees and entering data in computers. Since she often needed to have documents spread out on her desk, she kept them in a document stand she placed on a shared trolley that was rarely used otherwise. She became perplexed when warned by a colleague “not to put personal things on that”. She consulted with a supervisor, but nothing was done, and she began to be the victim of harassment, including sexual harassment.

The Promotion of Employment for Persons with Disabilities Act also requires companies to take “reasonable consideration” in giving people with disabilities opportunities to work.

3. Situation/Statistics

(1) Effective opening-to-application ratio for home-visit nursing work rises to 13: need for personnel becomes urgent

With severe shortages in the number of home helpers and other home nursing personnel who give support to the elderly at home, the MHWL has investigated the

effective ratio of job openings to applicants in the field and found that the ratio had gone up to 13.1 as of last year. This represents an increase of 1.7 points over the year before. It is approximately nine times the ratio for all occupations, which was 1.46, and more than three times that for the whole category of nursing work, which was 3.95. This throws into sharp relief the current difficulty in securing new personnel for home nursing work.

As background to the shortage of home nursing workers, it has been pointed out that most of the jobs are non-regular employment (part-time, fixed-term etc.), and that the income is low compared to how hard the work is. There is a pressing need for measures to recruit personnel.

(2) Public elementary and junior high schools in Kanagawa Prefecture have 61 fewer teachers than needed

With shortages of teachers becoming a problem in public elementary and junior high schools across the country, it has become known that Kanagawa Prefecture's public schools have 61 teacher positions vacant. A shortage of non-regular temporary teachers is behind this.

Some have pointed out that "there are limits to what local governments can do by their own efforts. The national government should budget to increase the teacher-child ratio".

(3) Only 23% of disaster evacuation manuals give consideration to sexual minorities: survey of 121 local governments nationwide

Of all the country's prefectures, prefectural capitals, designated cities, and 23 wards of Tokyo (121 local governments in all), only 23% of the total number include consideration for sexual minorities (LGBT etc.) in their local disaster prevention plans or evacuation shelter administration manuals, according to a Mainichi Shimbun survey. Only 13% of these local governments allow sexual-minority couples to access safety information about their partners in the same way as family members. Experts say improvement is necessary.

(4) World's 2,100 richest people own more assets than 4.6 billion poorest

International NGO Oxfam has released a report pointing out that, as of 2019, the amount of assets monopolized by the wealthiest 2,153 people in the world was more than that possessed by the 4.6 billion poorest.

Furthermore, of the work done every day by women worldwide, the total time spent on work that was not paid or formally recognized was estimated at 12.5 billion hours. The report put the yearly boosting effect of women's unpaid work on the world's GDP at over 10.8 trillion dollars, or three times that of the IT industry.

The report states that "There are demonstrations going on in more than 30 countries

around the world. Participants in these demonstrations refuse to accept inequality; they are protesting that they do not want to live in their current conditions.”

"Time to Care: Unpaid and Underpaid Care Work and the Global Inequality Crisis"

http://bit.ly/oxfam_report-time_to_care

(5) Improvement in world unemployment rate stops, says ILO: 22% of young people are NEETs

The International Labor Organization (ILO) has released a report saying the number of unemployed people worldwide is likely to increase by 2,5 million in 2020. It predicts the rate of unemployment to remain at 5.4%, the same as 2019. In the background is a world economic slowdown due to trade friction between the U.S. and China.

Also, the report mentions that among young people aged 15-24, the number of “NEETs”--those “not in education, employment or training”--is as high as 267 million, a full 22% of the population in this age group. Young people also have a high rate of non-regular employment, especially in Africa where it is 95%.

"World Employment and Social Outlook: Trends 2020" (International Labour Organization, January 20th, 2020)

http://bit.ly/ILO_Report_2020

(6) Keidanren announces *Shunto* plan, calls for transformation of Japanese-style employment system

The Japan Business Federation (Keidanren) has released their annual “Report of the Committee on Management and Labor Policy”, which will be the management-side negotiation guideline for the 2020 *Shunto* (spring labor offensive). It proposes that the Japanese-type employment system, characterized by simultaneous recruitment of new graduates, lifetime employment, and seniority-based pay, is “reaching a turning point”. It calls for transformation to new personnel and wage systems, such as “job-type employment” where persons with specialized qualifications or abilities are hired year-round, in order to deal with the globalization and digitization of the economy.

On pay raises, which will be a point of contention, it mentions that “momentum is being maintained”, but in regard to “base-ups” (a Japanese term for increases in base pay), just as in 2019, the report indicates no concrete figure. It does indicate that base-ups themselves “can be an option”.

The 2020 report gives special weight to the theme of work-style reforms. Enumerating points such as flexible work-styles using telecommuting, support for people to balance work with childcare or elderly care, and constructing systems to suit employees’ job duties and abilities, it stresses the importance of making work environments that raise workers’ engagement.

On the other hand, it criticizes Rengo’s *Shunto* plan, which calls for 2% base-up, as

“giving too much importance to monthly wage increases”. It expresses the view that the surrounding business environment is changing rapidly due to digitization, globalization and diversifying types of employment, and emphasizes that pay raises “basically should be considered positively based on the actual conditions of one’s own company, rather than be across the board at all companies”.

It points out that pay negotiations in line by industry have become incompatible with reality, and states that, as well as increases in pay, “improvement in general conditions”, such as workplace environment and skills development, should be considered important as part of the whole.