



Labor Update No.83 March 20, 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) “Written request in regard to consideration for maintaining employment for dispatched workers affected by the novel coronavirus disease”

https://www.jassa.or.jp/admin/info/upload_image/2020/200305youseisyo.pdf

(2) Scale of second-stage emergency response measures relating to novel coronavirus disease: March 10, 2020

https://www.kantei.go.jp/jp/singi/novel_coronavirus/th_siryou/kinkyutaiou2_kibo_corona.pdf

(3) Additions made to special measures for employment adjustment subsidies due to influence of novel coronavirus disease

<https://www.mhlw.go.jp/content/11603000/000606456.pdf>

(4) Support measures for business operators affected by novel coronavirus disease

<https://www.meti.go.jp/covid-19/pdf/pamphlet.pdf>

(5) Summary of Bill to Amend Parts of the National Civil Service Law

<https://www.cas.go.jp/jp/houan/200313/siryou1.pdf>

(6) Applications begin being accepted for subsidies to support parents/guardians who take leave from work due to closings of elementary schools, etc.

https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/koyou/kyufukin/pag_eL07_00002.html

(7) “Q&A on Subsidies to Deal with School Closings Due to Novel Coronavirus Disease” (MHWL)

<https://www.mhlw.go.jp/content/000609321.docx>

2. Legal Violations/Disputes

(1) Engineer, but sent to the stockroom: Toshiba group employee sues, claiming “expulsion room”

A department created last spring at a major Toshiba subsidiary is an “expulsion room” (*oidashi-beya*), meant to pressure employees into quitting, according to a man working there who has filed suit against his employer at the Kawasaki Branch of the Yokohama District Court seeking to have his assignment declared invalid. The man was an IT engineer, but after his reassignment was seconded to another group company’s stockroom to do tasks he was unaccustomed to, such as packing boxes. He is claiming the reassignment and secondment was an illegal abuse of personnel authority.

(2) Japan Post to back down on “paid leave before subsidy program”

In relation to the subsidy program to support parents who are forced to take time off work because schools are closed, Japan Post Holdings Group has given up its policy of encouraging employees to use their annual paid leave first rather than making use of this program.

The national government has a program to for parents who take time off because their children’s schools are closed, subsidizing companies up to ¥8,330 per day if they pay the employee the same amount as they would for a paid leave day. But Japan Post Holdings Group had been encouraging their employees to use their paid leave first before taking advantage of this program.

Japan Post Holdings group has now decided to back down from this policy. They will make it possible for those who take time off due to school closings to make use of the subsidy system, even if they still have paid leave days left. Furthermore, for those who have already used paid leave days for this, they will apply the system retroactively.

(3) Uber Eats Union files complaint at Tokyo Labor Commission: “We want to give delivery workers a voice”

The Uber Eats Union, made up of drivers for food delivery service Uber Eats, has filed a grievance at the Tokyo Prefectural Labor Commission, claiming that Uber Japan (Japanese subsidiary of American company Uber Technologies) and Uber Portier Japan have unfairly refused collective bargaining.

The “gig economy”, including Uber Eats, is drawing attention as a new style of working. Buit since drivers are independent contractors, they get no protection from laws such as the Labor Standards Act. Concerned drivers formed the Uber Eats Union in October of 2019. They have so far requested collective bargaining twice, but have been rejected.

(4) Dismissal void at Kochi Prefectural University: limited-term worker wins court case

A man who worked as a limited-term contract employee at Kochi Prefectural University was dismissed unfairly from his job in March 2018, according to a lawsuit filed by the man seeking confirmation of employment status. In its verdict, the Kochi District Court has ruled that “the dismissal is invalid”, and ordered continued employment along with payment of back wages.

(5) Former *shokutaku* (contract employee) wins case at Fukuoka District Court over dismissal from Hakuodo

A woman in Fukuoka Prefecture who was a *shokutaku shain* (contract employee) for major advertising agency Hakuodo was dismissed from her job just before gaining the right to unlimited-term employment, according to a suit she had filed against the company at Fukuoka District Court seeking confirmation of status. The Court has now handed down its verdict. The ruling orders her employment to continue, and the company to pay her back wages for the period from the dismissal date until the date of the verdict, as well as her twice-yearly bonuses.

The woman was hired as a new graduate in 1988 and began work as a *shokutaku shain* at the Kyushu branch of Hakuodo. Her one-year employment contract was renewed 29 times, and until March of 2018 she did mainly accounting work.

(6) Kansai concrete union sues national and prefectural governments for illegal investigation: over blackmail charges, “long-term detention was arbitrary”

The Kansai Ready-Mix Concrete Branch of the All-Japan Construction and Transport Solidarity Union (Kan’nama Branch), along with its parent organization Rentai Roso (Solidarity Union) and union members, filed suit on the 17th for national compensation at Tokyo District Court against the national government as well as the prefectures of Kyoto, Shiga and Wakayama. They claim that there were illegalities including in investigation, interrogation, and court authorization for detention when the Kan’nama Branch chair and others were arrested and indicted on charges including blackmail by prefectural police in Kyoto and Shiga.

They claim that Shiga Prefectural Police officers during interrogation repeatedly demanded members quit the union, although this is in violation of the Labor Unions Act; that, since there was no fear of evidence being destroyed, it was arbitrary to hold union leaders in detention for so long; and that there were repeated illegal abuses of government authority.

(7) Disney performers and others demand leave payment while park closed

A labor union called Nanohana Union, which represents show performers and other non-regular workers (part-timers etc.) at Tokyo Disneyland, has sent a demand to Oriental Land, the company that operates the park. The demand is for payment of an allowance for absence from work while the park is closed due to the spreading of the novel coronavirus disease.

In the past, when a leave-of-absence allowance was paid, the amount was calculated based on 60% of the hourly wage. Other allowances were not taken into account. The union demand says “60% is the minimum guaranteed by the Labor Standards Law. It is not enough to live on, so we are demanding 100%.”

3. Situation/Statistics

(1) Number of NEETS among youth on the rise worldwide: ILO calls for expansion of employment opportunities

The International Labor Organization (ILO) has released a report on employment of young people ages 15-24, which makes it clear that the number of NEETS (those not in employment, education or training) is continuing to increase. While the number of young people receiving higher education (such as university) is growing, the number of job openings that fit this educational background is not. The ILO calls for expanding employment opportunities.

According to the report, in 2019 there were 267 million young people worldwide who were NEETS. But by 2021 this number is predicted to rise to 273 million. As a proportion of the population in this age group, this represents a predicted rise from 22.2% as of 2019 to 22.5% by 2021.

"Global Employment Trends for Youth 2020" (ILO, March 9, 2020)

http://bit.ly/Global_Employment_Trends_for_Youth_2020

(2) Cases of job offers withdrawn due to spread of coronavirus

It has come to light that there have been cases where university students awaiting employment have had job offers rescinded due to the spread of COVID-19.

The Ministry of Health, Welfare and Labor (MHWL) says "there are some cases where withdrawal of an offer can be invalid. Rather than tackle the problem by themselves, we ask people in this situation to consult with Hello Work or with the Labor Bureau."

"Regarding Requests for Special Consideration Toward Job Search Activity by Those Planning to Graduate or Finish School in 2020, and Towards Those with Offers who Graduated or Finished in 2019" (Councillor, Cabinet Secretariat; Director-General, Higher Education Bureau, MEXT; Supervisor for Personnel Development, MHWL; Director-General, Economic and Industrial Policy Bureau, METI--March 13, 2020)

<https://www.meti.go.jp/press/2019/03/20200313006/20200313006-1.pdf>

(3) More than half of sexual-minority people have experienced "wanting to die": Nagasaki Prefecture survey

The Nagasaki prefectural government has released the results of a questionnaire survey of LGBT and other sexual minorities. The results clearly show the difficulties faced in life by LGBT people: over half of those responding, for example, said they had had thoughts of wanting to die. The prefecture says that based on these survey results, they will proceed from now on with efforts to promote understanding toward sexual minorities.

Those answering "I have thought a some time that I wanted to die" accounted for

51.8% of non-heterosexuals and 61.2% of transgender people, both far more than the 27.1% of heterosexuals who answered this way. Furthermore, 44.6% of non-heterosexuals and 51.8% of transgender people answered that “I see or hear discriminatory words or actions around me”, including those words or actions directed at themselves. The prefectural government’s analysis is that “there is still an aspect of discrimination remaining in this prefecture, and people feel isolated due to prejudices”.

(4) 25 million jobs may be lost worldwide due to coronavirus: ILO demands quick response

The International Labor Organization (ILO) has warned that, with the spread of COVID-19, if governments do not take prompt action to preserve employment, there is a risk that up to 25 million people around the world may lose their jobs.

The Organization points out that if international plans of cooperation are introduced, as was seen during the 2008-9 financial crisis, then the worldwide effect on employment may be greatly reduced. They call for governments to be quick in rolling out wide-ranging measures for employment preservation and economic stimulus. They say that such measures, in addition to expanded social protections and shortened working hours to maintain employment, could also include such things as tax deductions for small and mid-size companies.

"Almost 25 Million Jobs Could Be Lost Worldwide as a Result of COVID-19, Says ILO"

https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_738742/lang--en/index.htm