



Labor Update No.88 May 29, 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) Cash benefits: foreign students to receive them only if grades in the top 30%: MEXT**

Concerning the relief policy of providing a cash benefit of up to ¥200,000 to students facing hardship due to the effects of COVID-19, The Ministry of Education, Culture, Sports, Science and Technology (MEXT) has set a condition--applying only to foreign students--that it will be provided only to those with a GPA of 2.3 or higher, corresponding to approximately the top 25-30%, and has notified universities of this.

MEXT explains that “Since many foreign students will eventually be returning to their home countries, we set a condition to limit this to promising talent who will contribute to Japan in the future”.

Guide to Applying for “Emergency Student Support Benefit” in Order to Continue Studies (for Students)

[https://www.dropbox.com/s/f71bg9lluox693z/20200519student\\_support.pdf?dl=0](https://www.dropbox.com/s/f71bg9lluox693z/20200519student_support.pdf?dl=0)

### **(2) Cabinet decides on second supplementary budget of 31 trillion yen: economic measures for coronavirus**

The government has decided in Cabinet on a second supplementary budget for fiscal 2020 that will be the basis for additional economic measures in response to the spread of coronavirus infection (COVID-19). The total general account expenditure is 31.9114 trillion yen.

To support businesses such as restaurants, which have seen sales plummet due to people staying home during the state of emergency, a system will be added whereby the government will pay two-thirds of rent for small and mid-size businesses. A maximum of 6 million yen will be paid to each business operator. Also, the employment adjustment subsidy, which helps companies pay an allowance to employees for staying home, will have its cap raised from ¥8,330 (per worker per day) to ¥15,000.

Regarding support for families, ¥50,000 will be paid to low-income single-parent households who receive Child Rearing Allowance. A further ¥30,000 will be paid per

additional child. Also, in preparation for long-term effects, an additional reserve fund of 10 trillion yen will be built up that can be used flexibly for coronavirus measures.

“Summary of (Proposed) Second Supplementary Budget, Reiwa 2 [2020]”, Cabinet Office

[https://www.cao.go.jp/yosan/soshiki/r02/yosan\\_r2\\_hosei\\_2.pdf](https://www.cao.go.jp/yosan/soshiki/r02/yosan_r2_hosei_2.pdf)

## 2. Legal Violations/Disputes

### (1) Konami, after union demand, declares they will pay absence allowance to part-timers

A union has demanded collective bargaining with major sports-club company Konami Sports, saying the company did not compensate part-time (*arubaito*) instructors for their absence from work due to the spread of COVID-19. After the demand was made, the company announced on their homepage that they plan to pay the absence allowances in full.

### (2) Nurse at COVID-19 cluster hospital applies for workers' compensation

In Tokyo, a female nurse who works at a hospital where there was a cluster of coronavirus infections has filed an application for workers' accident compensation, claiming she was infected at work.

After many of the hospital staff were confirmed to be infected in the middle of last month, the woman had to work longer hours than usual since there were fewer staff to take care of the infected patients. On the 19<sup>th</sup> of last month, she started to have symptoms including fever and diarrhea, and on the 29<sup>th</sup> was confirmed to be infected.

The woman is currently being treated in hospital. Her mother, in her 80s, has also been confirmed to be infected.

### (3) Lawsuit over mass resignations at private high school in Yokohama--parents: "advisers were let go unfairly"

At Tachibana Gakuen high School, where the mass resignations of non-regular (part-time etc.) teachers has become an issue, a group of 28 people including parents of students as well as some teachers has filed suit at the Yokohama District Court against the school corporation and the principal. They claim, among other things, that the school hindered students' club activities by unfairly firing the club advisers. They are seeking a total of approximately ¥7 million in compensation.

The school corporation, discriminating against teachers who opposed the school's policy, dismissed the soccer club adviser and the baseball coach. They moved stubbornly forward with construction to make part of the soccer club's ground into a tennis court for the profitable tennis school. It is claimed that the dismissals and firings violated their obligation to give consideration to the working environment.

(4) Major restaurant group pays no “absence allowance” to part-timers: employees demand bargaining

A man who works part-time (*arubaito*) for Kiwa Corporation has asked for collective bargaining, seeking 100% pay for absence from work. The company is said to have responded that “we no not give any absence allowance to *arubaito*, nor are we considering doing so.”

The man says, “the company and its restaurants have always been under-staffed, and it’s always been us non-regular workers who kept it going. I feel as if they’ve negated all the hard work I’ve been doing for the company up until now”.

The union to which the man belongs has requested collective bargaining over three demands: (1) that all *arubaito* staff be paid their full wages; (2) that employment adjustment subsidies be used; and (3) that paid leave days that employees used up on the company’s orders be returned to them.

The company responded on May 19 that they refuse to pay any absence allowance to *arubaito* staff, and that they have no plan to use the employment adjustment subsidy either. They have, however, indicated they are willing to pay for the leave days.

(5) Superhotel managers sue operating company over “horrible way of doing things”

Two hotel managers who worked for hotel chain “Superhotel” on outsourcing contracts (*gyomu itaku*) have filed suit in Tokyo District Court against the operating company. They are seeking confirmation of their worker status, back-payment for their overtime work, and other compensation, for a total of 62.41 million yen.

The pair began work in September of 2018, shifting their official residence to the hotel and living there as per the terms of their contract. On March 24 this year, the hotel chain’s vice-president and others visited the hotel and the two were shut out. Following this, on April 15 they were notified that the contract had been terminated. They say the company’s explanation of the reason was that their business results were poor and that they had not been doing their jobs properly.

The contract the two had signed with the company was an outsourcing type, in which the worker is not protected by the Labor Standards Act. However, they were required to perform duties according to a detailed 1400-page company manual, meanign they were *de facto* under the company’s orders. Furthermore, even when sales went up, their pay hardly changed. Therefore they assert that they were in fact workers under the labor Standards Act, rather than independent contractors. Their working time extended to 18 hours per day, they say, and they are seeking back-payment for this as overtime.

**3. Situation/Statistics**

(1) Over 9/10ths of universities “introducing or considering” online lessons--some

## teachers bear burden

To prevent coronavirus infection, more than nine-tenths of the country's colleges and universities have either started online lessons or are considering introducing them. But many are jumping into it with inadequate time for preparation, leaving those teaching in the classroom to bear an increased burden.

According to MEXT, of the 1,070 colleges and universities in Japan, there are 700 (or about 66%) that offer online lessons or similar instead of ordinary classes. Another 326 say they are considering doing so; added together, this means over 96% are either introducing or considering online teaching.

On the other hand, there have been many universities where there was not enough time to prepare for this. Not only have there been frequent cases of system trouble and so on affecting lessons, but teachers have had to adjust their teaching for online lessons, and sometimes even to provide technical support to students. Some worry about this increased workload.

## (2) World economic growth at minus 5%; "developing countries severely affected" says World Bank president

David Malpass, president of the World Bank, has expressed a fear that, due to the negative effects of COVID-19, the real growth rate of the world economy "could possibly fall to minus 5 percent". He pointed out that "the effect on developing countries is severe", and emphasized the need for expanded support.

Mr. Malpass explained that the number of countries in Africa and elsewhere eligible for emergency World Bank support had reached 100. He expressed a worry that "60 million people may be pushed into extreme poverty" and explained that the Bank would make efforts toward strengthening health care systems, etc., in countries struggling with recession.

"World Bank Group: 100 Countries Get Support in Response to COVID-19 (Coronavirus)"

[https://bit.ly/20200519\\_worldbank](https://bit.ly/20200519_worldbank)

## (3) RENGO sets up new membership system aimed at freelancers and others, begins hearing labor consultations: a separate category from union members

The Japan Trade Union Confederation (RENGO) has decided to initiate a new membership system for freelancers and others who take on work without having an employment contract with any particular company. It will be set up differently from membership in any of the unions that belong to RENGO. Labor consultations will be carried out through a newly set-up Internet site.

The new system will be known as "RENGO Network Membership", and a dedicated site will be created in October. It will be free to join and to consult. Specialized

consultations, such as with a lawyer, will require a fee. Members will also be allowed to form their own unions.

RENGO President Rikio Kozu stated that “we would like to extend a hand to each and everyone who has worries at work.”

#### (4) Layoffs and firings due to COVID-19 effects to reach over 10,000: MHWL statistics

Minister of Health, Welfare and Labor Katsunobu Kato has announced that the number of working people who have been laid off or had their employment terminated due to the effects of COVID-19, or who are likely to, has reached over 10,000. This is based mainly on the Ministry’s tallying of data obtained from local Labor Bureaus; the real number is thought to be even higher.

#### (5) Partnership oath system to be introduced in Kyoto City too

The city of Kyoto has announced that it will institute a “partnership oath system” to give official certification as partners to LGBT and other sexual-minority couples. It is the first city in Kyoto Prefecture to do so. Details of the system will be worked out with reference to the opinions of experts and concerned persons, and an outline will be released as soon as early August.

#### (6) World total working hours to decrease by equivalent of 300 million jobs--ILO calls for measures

The International Labor Organization (ILO) has released a report on the effects of COVID-19 on employment and work. The report estimates the world total of working hours to decrease by the equivalent of 300 million jobs (calculated as 48 hours per week) in the second quarter of this year (April-June). The effects on young people are especially large; the report indicates a need for measures to avoid creating a “lockdown generation” who will suffer disadvantage in the labor market going into the future.

The report also includes a finding that countries whose public-health responses included thorough testing and quarantine tended to have less severe loss of work hours.

"ILO Monitor: COVID-19 and the world of work. Fourth edition - Updated estimates and analysis"

[https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/briefingnote/wcms\\_745963.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/briefingnote/wcms_745963.pdf)

"ILO: More than one in six young people out of work due to COVID-19"

[https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_745879/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_745879/lang--en/index.htm)

#### (7) Number of non-regular workers decreases by 970,000, largest drop ever: coronavirus emergency has effect

According to the Labor Force Survey for April released by the Interior Ministry, the number of part-timers and other non-regular workers was 20.19 million. This is a decrease of 970,000 compared to the same month of last year, representing the largest drop since January of 2014, when comparable data becomes available. This shows clearly how the employment situation has worsened under the effects of the government emergency declaration due to the spread of COVID-19.

“Labor Force Survey (Basic Statistics), April 2020” Interior Ministry Statistics Bureau  
<https://www.stat.go.jp/data/roudou/sokuhou/tsuki/pdf/gaiyou.pdf>

(8) “13.7 million people lacking food in South and Central America”, WFP warns

The World Food Programme (WFP) has released a prediction saying that, due to the effects of the coronavirus pandemic, approximately 13.7 million socially vulnerable people in South America, Central America and the Caribbean are at risk of suffering shortages of food. The WFP is calling for urgent food support for the region’s poor and non-regular workers. These numbers do not include Venezuela, which has been in a severe economic crisis since before the start of the pandemic.

"Coronavirus puts 14 million people at risk of missing meals in Latin America and the Caribbean"  
<https://insight.wfp.org/covid-19-puts-14-million-people-at-risk-of-missing-meals-in-latin-america-and-the-caribbean-a54e42789153>