



Labor Update No. 91 July 10, 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) Coronavirus bonus on condition of working 10 days or more--MHWL: “be sure to apply”

The Ministry of Health, Welfare and Labor has provided prefectures with implementation guidelines in regard to the bonus to be given to staff working in the elder-care field. If someone at their workplace is infected with COVID-19 or is a close contact of an infected person, they can receive ¥200,000; if not, then the amount is ¥50,000. Either way, the benefit is tax-exempt. The condition is to have worked 10 days or more by the end of June; the benefit will be provided in full to all workers who meet this condition. However, welfare facilities must apply for it. The Ministry emphasizes that they should “make sure not to forget to apply”.

Since the bonus is exempt from taxes, there is no need to worry about the special spouse deduction, which lowers the amount of tax for households where a homemaker works part-time. The right to receive it also cannot be garnished for tax payment.

“Implementation Guidelines for COVID-19 Emergency Comprehensive Support Program”

<https://www.mhlw.go.jp/content/10900000/000627373.pdf>

“(MHWL) Regarding Implementation of COVID-19 Emergency Comprehensive Support Program (Care Field) (request to inform)”

<https://www.ghkyo.or.jp/archives/13008>

(2) Expanded eligibility for sustainment benefit (*jizokuka kyufukin*)

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

(3) Amount of workers’ accident compensation benefits to be calculated by adding up “wages from all workplaces”

https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/roudoukijun/rousai/rousaihukugyou.html

(4) Funding and benefits for those off work due to closings in response to COVID-19
<https://www.mhlw.go.jp/stf/kyugyoshienkin.html>

Q&A on funding and benefits for those off work due to closings in response to COVID-19
<https://www.mhlw.go.jp/content/11600000/000646901.pdf>

2. Legal Violations/Disputes

(1) 56% of part-timers off work because of coronavirus go unpaid: a blow to livelihoods, says private survey

Of non-regular (part-time etc.) workers who were furloughed or had shifts cut in response to the spread of COVID-19, 56% received no compensation at all, according to survey results compiled by a private company. This has shown how the situation is dealing a blow to the livelihoods of the many people who work in dispatched and part-time jobs.

“ ‘Second Coronavirus-Related Questionnaire’: One Week Since Lifting of Emergency, Employment Situation Investigated”
<https://blog.apseeds.co.jp/covid-19-questionnaire-id2/>

(2) “Overtime pay” a fixed amount, even over the *karoshi* line? Vending machine refillers sue company for ¥24 million

A company that runs vending machines has been sued in Tokyo District Court by five employees demanding back pay of approximately ¥28.78 million in total, including about ¥24 million of overtime pay, as well as seeking the withdrawal of unfair transfers.

The employees held a press conference where they stated that “the company is abusing the system of fixed overtime pay to work us all they want”. On the other hand, the company claims that “hours over the fixed amount are paid separately, so the pay is not fixed”. So the claims of the two sides are in direct contradiction to each other.

The plaintiffs also assert that transfers of location should be void. Of the five who were ordered to transfer in June, three are members of the union.

The plaintiffs claim that, since the Urawa location has more than 40 routes with nearly 100 salespeople working, the transfers were targeted at union members and are an unfair labor practice. The union filed a complaint at the Tokyo Labor Commission.

(3) Company ordered to pay compensation for distributing ethnic hate documents at work: Osaka District Court, Sakai Branch, gives verdict recognizing need to protect workers from discrimination

The Sakai branch of the Osaka District Court has given its verdict in a lawsuit over documents, distributed in the workplace at real-estate giant Fuji Corporation, saying

things like “Zainichi (ethnic Koreans in Japan) should just die”. Regarding the act of distributing these hate-speech documents, the court judged this “went beyond the bounds of what is socially permissible” and was illegal. The company and its president were ordered to pay a total of ¥1.1 million in compensation to a Korean woman who worked at the company.

The plaintiff was a third-generation Zainichi woman, born and raised in Japan. Since the upper grades of elementary school, she had gone by her real name rather than use a Japanese alias. She says the reason she fought the company, rather than quit the job, was because she wants to make Japan a place where one can call oneself Zainichi and be proud of it. “I do not want to leave my children a future of succumbing to hate and prejudice, and keeping silent”.

(4) “Pawahara” consultations number over 87,000 last year, a new high record

It has come to light that the number of consultations over bullying and harassment in the workplace (so-called “*pawahara*”) last fiscal year reached over 87,000, which is a new record high.

According to the Ministry of Health, Welfare and Labor, the total number of consultations heard by Labor Bureaus nationwide, over all kinds of trouble between workers and employers, was 279,210. This was a 4.8% increase over the previous year.

In regard to *pawahara*, since last month large companies have been required to take prevention measures; starting in April of the year after next, this will become obligatory for smaller companies as well.

“State of Implementation of Individual Labor Dispute Resolution System, Fiscal Year Reiwa 1 [2019]”, MHWL

<https://www.mhlw.go.jp/content/11201250/000643973.pdf>

3. Situation/Statistics

(1) Welfare applications up 13.5%: main cities in 13 “prefectures of special caution” in April-May

In the major cities of the 13 prefectures designated for “special caution” in the COVID-19 emergency, the number of applications for welfare benefits (*seikatsu hogo* or “livelihood protection”) over April and May of this year reached a total of 16,368. This represents an increase of 13.5% over the same period in the previous year. In April especially, when business closures due to the state of emergency began, almost all of these cities saw increased numbers of applications. There has some progress in use of the support menu system to temporarily secure living funds, but those in charge at local governments warn that “if the economic situation gets worse, the number of applications might keep increasing”.

The upward trend was seen most conspicuously in urban areas. The 16 cities apart

from Tokyo had a year-on-year increase of 11.5%, but the 23 wards of Tokyo had 19.9%.

(2) Tankan survey shows business confidence at lowest level since Lehman Shock: coronavirus deals a blow

The Bank of Japan's quarterly Short-term Economic Survey of Principal Enterprise in Japan (Tankan survey) for June had the diffusion index (DI), representing business confidence at large corporations and in the manufacturing sector, at minus 34. This was 26 points worse than the previous survey in March. It was also the lowest figure since the survey of June 2009, just after the so-called "Lehman Shock", which had a figure of minus 48. It has worsened for six quarters for a row, and been negative for two quarters. The slump in economic activity caused by the worldwide COVID-19 pandemic has dealt a blow to business expectations.

Large corporations and the non-manufacturing sector had a figure of minus 17, which was 25 points worse than the previous survey. The last time this number was negative was in June of 2011, after the Great East Japan Earthquake, when it was minus 5: so this was the first negative figure in nine years. The drop in the number was the biggest since 1983, when comparable data becomes available. The hotel and restaurant industries, which were directly impacted by COVID-19, had a figure of minus 91, a new low record.

"185th Short-term Economic Survey of Principal Enterprise in Japan" July 1, 2020, Bank of Japan Survey and Statistics Bureau

<https://www.boj.or.jp/statistics/tk/gaiyo/2016/tka2006.pdf>

(3) Over 30,000 firings and dismissals nationwide due to coronavirus--skyrocketing since May

The number of people dismissed or let go from their jobs due to the effects of COVID-19, including those likely to be let go soon, has reached over 30,000 nationwide.

Based on information the Ministry of Health, welfare and Labor gets through Hello Work and other offices across the country, the number of firings and dismissals (including those predicted soon) attributable to the effects of the novel coronavirus from the end of January this year to the 1st of July reached a total of 31,710.

While the number of dismissals in April was 2,654, there were 12,952 in May and 12,688 in June. The sudden rise made these two months amount for 80% of the total number.

On the other hand, the "employment adjustment subsidy", which the MHWL is encouraging companies to make use of in order to avoid such dismissals and layoffs, had had about 330,000 applications as of July 1, of which slightly over 210,000 have already been granted.

The Ministry will be expanding this system, such as by raising the upper limit on subsidies to companies affected by the pandemic, and continues to call for full use of it.

(4) Same-sex marriage to be *de facto* legalized in Thailand--second in Asia, after Taiwan

The government of Thailand has approved the “Citizen Partnership Bill”, which gives *de facto* recognition to same-sex couples as married. If this bill passes, Thailand will be the second country in Asia, after Taiwan, to recognize the rights of same-sex couples.

While the bill would not actually permit same-sex marriage as such, it would grant same-sex couples the right to adopt children, the right to inherit their partners’ property, and other such rights.

Although the recently approved bill does not call same-sex couples’ connection “marriage”, human rights group the Rainbow Sky Association takes a positive stance toward the bill. “What is important is not the name, but the contents of it”, the group’s president Kittinan Daramadhaj commented to a Reuters reporter.

Gender reassignment is not yet legal in Thailand, and this bill applied only to cisgender same-sex couples (cisgender is the opposite of transgender. It describes people whose gender identity matches the sex they were assigned to at birth, and who live their lives accordingly).

Even so, the bill is viewed positively. “We have finally gained the right to marry the person we love, and to live as a family”, says Peche Di, Thai-born transgender founder of New York modelling agency Trans Models.

Thai government spokesperson Rachada Dhnadirek stated to a Bloomberg reporter that “this bill is an important step by the Thai government to promote the equality of all, and guarantee the rights of same-sex couples”.

In a 2014 report that analyzed Thailand’s LGBTQ+ culture, researchers for the United Nations Development Program (UNDP) and the U.S. Agency for International Development stated that “Today’s Thailand is contradictory”. They point out that “the Tourism Authority actively promotes the image of Thailand as a gay paradise but where discussions of sexuality in society are still taboo and there is limited sex education in schools.”