



Labor Update No. 92 July 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) Little progress in use of leave subsidies by those working while pregnant: only 50 applications nationwide in one month

It has been one month since the start of the subsidy system for pregnant workers who take time off because of COVID-19. But so far there have been only 50 applications in all of Japan.

If a pregnant worker, based on guidance from a doctor in relation to COVID-19, is granted five days or more of paid leave by their employer, the national government will give a subsidy of a maximum of 1 million yen. This system came into operation starting in June.

However, from June 15, when applications began being accepted, to July 17, the total number of applications was only 50, and those that have been granted so far stands at just 15.

On the other hand, there have been a total 35 cases of consultations heard by local Labor Bureaus from pregnant workers saying they “want to use the system and take time off, but the company won’t let me”. There have been some cases where the Labor Bureau urged companies to make use of the system.

“Leave-Support Subsidy as Maternity Health Care Measure Related to Novel Coronavirus Disease”

https://www.mhlw.go.jp/stf/newpage_11686.html

<https://www.mhlw.go.jp/content/11909000/000639253.pdf>

(2) No guideline indicated for increase in minimum wage--first time since 2009

A subcommittee of the Central Minimum Wage Council (an advisory body to the Minister of Health, Welfare and Labor) has put together a report regarding the amount of increase in hourly minimum wages by region for fiscal 2020. It states that “it will be appropriate to maintain the current level”, and indicates no guideline for raising the amount. This was done out of consideration to the economic situation caused by the

spread of COVID-19. This is the first time since 2009 (after the so-called “Lehman Shock”) that no guideline has been presented. Prefectures set their minimum wage amounts based on this report, but the substantial yearly increases that have been carried out for the past several years have become *de facto* unfeasible.

Concerning increases, businesses--amid the economic slump caused by COVID-19--demanded a freeze, saying “the economic indicators on the ground are in terrible condition”. Representatives of labor, on the other hand demanded increases, insisting that “stimulating domestic demand will be essential to reviving the economy”. So opinions were directly opposed to one another.

“Central Minimum Wage Council Subcommittee Report on Guidelines”

https://www.mhlw.go.jp/www2/info/shingi/roudou/chingin/shg000727_4.htm

2. Legal violations/Disputes

(1) Kyoto City Health Center staff work up to 251 hours overtime when coronavirus spread: a total of 43 workers over the *karoshi* line

At Kyoto City Health Center, which is dealing with COVID-19, the amount of overtime worked by staff in March as the virus was spreading grew to as much as--in the maximum case--251 hours. From March through May, as new infections came one after another, a total of 43 members of staff at the Center worked over 100 hours of overtime in a month. This is considered to be the “*karoshi* line”, the *de facto* standard for judging a death to be due to overwork. As a second wave looms, experts warn that the workload of Center personnel must be reduced.

According to the city government’s personnel and salary division, of the 74 personnel (not including administrators) who work at the Health Center, 11 worked over 100 hours overtime in March, with four working over 200 hours. The highest number was for a public health nurse who worked 251 hours and 35 minutes of overtime.

In April, 19 people had over 100 hours, with 5 over 200; the maximum was 230 hours and 30 minutes. In May, 13 were over 100 hours, with one over 200.

(2) Settlement over *karoshi* (overwork death) of Nagasaki doctor in his 30s: 84 days in a row worked, monthly average 177 hours of overtime

A settlement has been reached in a lawsuit filed by the family of a male doctor who worked at Nagasaki Minato Medical Center in Nagasaki City, and who died in December of 2014. The family claimed the man’s death was caused by overly hard work, and sued the Municipal Hospital Organization, which runs the Medical Center, for ¥410 million in damages. The hospital has now admitted the death was due to overwork, and agreed to pay ¥167 million in compensation.

The hospital had so far refused to admit the man’s death was from overwork. But when a new chief director and a new superintendent took their positions in April, it is said that the treatment of the case changed drastically.

(3) More and more nursery-school teachers see pay cuts due to the effects of coronavirus; union demands steps from national government

A union called Kaigo Hoiku Union (Care and Nursery Union) has sent demands to the Cabinet Office. They claim there have been repeated cases of nursery-school teachers seeing unfair pay cuts when nursery schools were temporarily closed due to the spread of COVID-19, and are demanding steps be taken to deal with this. The union emphasizes that “when the second wave comes, if there is another round of closings, we worry that pay cuts might happen again”.

According to Kaigo Hoiku Union, of the 242 consultations they heard between March and June from nursery teachers relating to pay during closings, 90% said their pay had been cut, and a full 56% had received no compensation at all.

(4) Base workers: “close the workplace for 2 weeks”--union makes demands to Defense Bureau

In response to the large numbers of reported coronavirus infections at U.S. military bases, the Okinawa Regional Headquarters of the All-Japan Garrison Forces Labor Union (Zenchuro) paid a visit to Toshinori Tanaka, head of the Okinawa Defense Bureau, in Kadena Town to convey their demands for a two-week workplace closure, government-provided PCR testing, and measures against damage caused by harmful rumors. In order to dispel their members’ uneasiness, the union sought provision of information on contacts between infected persons and Japanese base workers, as well as enforcement of discipline and disease prevention measures by U.S. forces. The demands were presented in a meeting not open to the public.

(5) Shadow of “fake outsourcing” on re-re-outsourced METI work: workers take orders from workplaces they are sent to

It has recently become a well-known problem issue that the Ministry of Economy, Trade and Industry (METI) outsourced projects including work on Business Sustainment Subsidies (*Jizokuka Kyufukin*) to a “general corporation” whose real nature was opaque, and which then re-outsourced the work to chosen companies. With multiple levels of subcontracting, there are worries about the taking of a “middleman’s cut”; but what is it like in the actual workplace where the repeatedly subcontracted work is done? A male worker in his 30s who worked on one of these re-re-outsourced projects tells the story, saying “METI probably doesn’t know”.

The man worked at an IT-related company in Tokyo. The company was entrusted with part of METI’s “cashless consumer rebate” program, which ran until June 30 and was meant to combat a downturn in consumption caused by the increase in the consumption tax.

He was a full-time employee (*seishain*) of a different company, also in Tokyo. But less than a month after starting work there, he was sent to the IT company and assigned to be in charge of a team of about 20 men and women who came from various different

companies.

The organization that was contracted by METI to do the work was “The Cashless Promotion Council General Corporation” (*Ippan Shadan Hojin Cashless Suishin Kyogikai*). It recently became known--and was even taken up in the Diet--that this corporation spent approximately ¥31.6 billion (accounting for 93% of the outsourcing fee) to re-subcontract most of the work to companies including advertising giant Dentsu. The IT company that this man worked for was contracted by Dentsu to do the work, or “re-re-outsourced”, making them a “sub-sub-subcontractor”.

The man says that in July, soon after starting to work on the project, he began to worry whether “this might be fake outsourcing”. He not only was asked to take orders directly from the IT company, but had his work hours managed and break times set by them as well.

The IT company where the man worked responded that “the outsourced work is carried out 60% by our own company employees, and 40% by dispatched staff, on worker dispatch contracts”. In regard to the claims of fake outsourcing, they answered that “we will investigate the facts of the matter”.

(6) “Harassed by clergy”: diocese staffer files for workers’ compensation

A woman in her 50s who works for the Catholic diocese of Nagasaki is about to file for industrial accident compensation, claiming she fell victim to harassment (*pawahara* or “power harassment”) from members of the clergy that resulted in her suffering from post-traumatic stress disorder (PTSD). Her lawyers explained this at a press conference. The woman was in charge of a consultation desk for those who had suffered sexual abuse, etc., by clergy; she has been on leave since June.

The woman was head of the “Children’s and Women’s Human Rights Consultation Room” that was set up by the diocese in 2017. After a case of misappropriation of funds by a priest, a meeting of about 120 priests was held in February of 2019 to explain matters. Priests at the meeting are said to have criticized the woman for “trying to set him [the priest who misused funds] up”.

After that, the woman says surveillance of her consultation work by the diocese tightened, and her work environment deteriorated. The woman has been on leave since June of this year. She has been diagnosed with PTSD.

(7) Overtime unpaid for 15 years: Kochi U. to pay over ¥300 million after receiving citation from LSIO

National university corporation Kochi University received a citation from the Kochi Labor Standards Inspection Office in December of last year, according to which overtime work by teachers at a University-affiliated school had gone unpaid. Of the unpaid period of fifteen years and ten months, the University will pay at least two years’ and five months’ worth, or over ¥300 million.

In September last year, a teacher at the affiliated junior high school demanded proper payment from the school. After this, the teacher reported the school to the LSIO.

3. Situation/Statistics

(1) 60% of freelancers have no contract--reality of low pay and long hours

What is the real work situation like for moviemakers in film studios? In order to find out about their working environment, the government undertook a fact-finding survey last year for the first time. The reality that came to light was that the majority are freelancers (independent contractors), and that low pay and long hours are rampant in the industry.

Last year from June through September, The METI, through such means as distributing questionnaires, obtained answers from 635 individuals and 83 companies. In addition to producers and directors, those in charge of photography, lighting, sound recording, etc., were also subjects of the survey.

According to the results, employees accounted for about 23% of the total number of people working, with the other 77% being freelancers. As reasons for continuing work, about seven in ten gave answers such as "I like the job" or "I like movies"; while, as problems, a similar number of about 70% said "the pay is low" or "the work hours are too long". In answer to a question that was only asked of the freelancers, 64.5% answered that they had "not received any contract or written work orders".

(2) Uber delivery worker after accident: "The company should support us"--negotiations making no progress

Uber Eats Union, a union of delivery workers for food delivery company Uber Eats, has released the results of a survey they did relating to workers' accidents.

At the news conference, a woman who fell victim to an accident on the job was participating. She said that "I can barely remember the moment of the accident, but if my husband had not been there for me I think I would have just given up. My condition changes from day to day, and I still have worries about recovering my eyesight."

Saying that Uber had done nothing to help her deal with the accident, the woman's husband made the point that "it's not only Uber, there will always be accidents in the service industry. But what's important is to have support afterward. Why should a victim have to suffer?"