



Labor Update No. 93 August 7, 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) Paternity leave to be established for husbands “directly after wife gives birth”: more generous benefits than childcare leave**

In order to encourage men to take more of a role in raising children, the government has settled on a plan to establish a new system of granting leave from work for husbands immediately after their wives give birth. This could be called a “fathers’ version” of maternity leave, which currently is allowed only to mothers. They are also considering making the benefits more generous than those of the existing parental leave (which is available to both mothers and fathers), in order to alleviate the effects on family finances from loss of income. The government will begin work on the new system in the Autumn, with the goal of submitting a bill to next year’s regular Diet session to amend the Family and Child Care Leave Act.

### **(2) MEXT issues notice on schooling support for children of foreign nationality: consideration in entrance exams, etc.**

The Ministry of Education, Culture, Sports, Science and Technology (MEXT) has put together a set of guidelines concerning supporting school attendance for children of foreign nationality living in Japan, and sent a notice regarding this to prefectural governors and superintendents of education. The notice calls for including foreign-national children on the “register of school-age children” or *gakureibo*, which lists the names and addresses of school-age children in each municipality, as well as for consideration to be given in guidance counseling for those going on to high school and in entrance examinations.

Last year, MEXT carried out the first nationwide study of foreign children living in Japan. The study found that about there were 124,000 such children of elementary and junior-high school age, of whom as many as 20,000 might not be attending school.

“Policy on Promoting School Attendance for Foreign Children, and on Ascertaining the Situation of their School Attendance”: MEXT

[https://www.mext.go.jp/content/20200703-mxt\\_kyousai01-000008457\\_01.pdf](https://www.mext.go.jp/content/20200703-mxt_kyousai01-000008457_01.pdf)

### (3) Government considers extending special exemption for employment adjustment subsidy to October or later, due to lengthening coronavirus crisis

At a meeting of a liaison council for the ruling and opposition parties to discuss coronavirus measures, the government has explained that they are considering extending the special exemption that raises the amount of employment adjustment subsidies. This exemption is set to expire at the end of September. This is being considered due to there being no end yet in sight to the spread of infection, as was made clear by those in attendance.

## **2. Legal violations/disputes**

### (1) National government asked to make sure dispatch companies keep dispatch workers employed

Although the national government has repeatedly called on companies to keep workers employed, more and more workers continue to be dismissed from jobs or lose contracts due to the effects of COVID-19, according to a support group that has now petitioned the government to strengthen their requests, especially to dispatch companies.

About three in ten consultations the group hears from dispatched workers are in connection with dismissals or terminations. This proportion is higher than for regular employees (*seishain*) or contract employees (*keiyaku shain*); and although the government has requested many times that companies keep people employed, there has been no stop to cases of firings or dismissals, especially for dispatched workers.

Therefore the group has asked the government to investigate the situation, and to make stronger requests to dispatch companies to ensure they keep workers employed and give proper compensation to those off work.

### (2) Unpaid overtime and work hours not kept track of--LSIO gives citation to Aichi Bunkyo Women's College

The educational corporation Adachi Gakuen, which runs Aichi Bunkyo Women's College, made all 58 teaching staff at the junior college work longer than the legal amount of overtime, while not paying an augmented wage, according to a citation they have received from Ichinomiya Labor Standards Inspection Office.

The college states that "We are now carefully examining the working hours, in order to back-pay the overtime. From now on, we will be working on improvements and reforms, and would like to rebuild a system to accurately keep track of work hours".

### (3) 176 hours of overtime--Kinki U. staff member commits suicide saying "I'm sorry, I can't endure", family sues government seeking workers' compensation

The suicide of a man who had been a member of the office staff at Kinki University was

caused by overwork, says the man's wife, who has filed suit against the national government in the Osaka District Courts. The government decided not to pay Surviving Family Compensation Benefits in the man's case; his wife is suing to overturn this decision and have compensation granted. The amount of overtime worked by the man in the one-month period leading up to his death totaled 176 hours; the man left a will saying it had "become exhausting to live". The national government is planning to fight the suit.

Although he worked 107 hours of overtime in the month before he began suffering, Higashi Osaka LSIO gave consideration to the fact that, among other things, this had not doubled from the previous month's 68 hours. Therefore they ruled that the burden of his duties did not satisfy the criteria for compensation, and denied the application for surviving family benefits.

(4) "Terminated for unfair reason", after-school care teachers file complaint at Labor Commission

Teachers at an after-school care facility in Moriguchi, Osaka, have filed a complaint at the Osaka Prefectural Labor Relations Commission, claiming to have been terminated for unfair reasons.

The unfair labor practice complaint was filed by ten men and women who worked as teachers at an after-school care center (*gakudou hoiku*, after-school care for school-age children).

In April of last year, the former teachers signed one-year employment contracts with Kyoritsu Maintenance, to which Moriguchi City had begun outsourcing the after-school care; but in March of this year their contracts were not renewed. The ten claim they were terminated unfairly because of their belonging to a union, an unfair labor practice, and are demanding a return to the workplace.

### **3. Situation/Statistics**

(1) Rapid rise in number of companies inviting early retirement; full-timers included in cuts

Companies are making personnel cuts at an increasing rate. In the first half of this year (Jan.-Jun.) alone, according to Tokyo Shoko Research, a total of 41 listed companies have invited voluntary early retirements. This is more than the number for the whole of last year. This is the highest number since the first half of 2010, when the influence of the 2008 financial crisis was still being felt. In July at least 4 companies announced personnel cuts, with this number seeming likely to rise.

The move to reduce personnel began to be noticeable last year. There was a tendency to cut middle-aged and older employees, who tend to have higher salaries, as a way of increasing profitability with an eye on the future. According to Tokyo Shoko Research, last year the number of companies inviting early retirements was 35, or nearly three

times the figure for the year before, while the total number of employees invited to retire was over 10,000.

At the start of this year this tendency combined with the “Corona Shock”, causing an even more rapid rise in the number of companies inviting retirement. The number this time is second only to the figure of 66 companies for the first half of 2010. The number of employees invited to retire (including only those known at this time) is already over 7,000. The subject of these statistics is the nearly 4,000 companies listed on the Stock Exchange; if unannounced examples, as well as small to mid-sized companies not listed, are included, it appears the real number is larger.

“2020 First Half (Jan.-Jun.) State of Early/Voluntary Retirement at Listed Companies”

[https://www.tsr-net.co.jp/news/analysis/20200703\\_02.html](https://www.tsr-net.co.jp/news/analysis/20200703_02.html)

(2) Businesses asking about closing total over 70,000, increasing by 20,000 in a month; further increase feared--MHWL

The Ministry of Health, Welfare and Labor (MHWL) has announced that, as of July 29, the number of businesses that consulted with Hello Work in various places in regard to closing due to the effects of COVID-19 reached a total of 72,457. This number increased by as much as over 20,000 in one month. The estimated number of dismissals and layoffs, including those expected soon, was over 40,000 on the 29<sup>th</sup> but there are fears that number may grow even more.

(3) Number of oath-declared couples breaks 100--Yokohama City partnership system

The number of couples that have made an oath under Yokohama City’s Partnership Oath System, which gives public recognition to sexual minority couples (LGBT etc.), has reached over 100. Having reached this number in approximately eight months (since the inauguration of the system on December 2 last year) is said to be faster than the other municipalities across the country that have introduced similar systems.

(4) “Longest since the war” no more: economic expansion shorter than thought

The expanding economy that started along with the second Abe administration has been confirmed to have ended in October of 2018. The so-called “longest period of economic recovery since the war”, touted as such by the government, has ended up just a dream. The government continued calling it a “recovery” up until the start of this year, but it turns out the economy had already been in a downturn since more than a year before that. It had been pointed out all along that any real sense of recovery was lacking. Now there are questions as to whether the bullish government view was appropriate or not.

The Committee for Business Cycle Indicators, an expert panel of the Cabinet Office, discussed when the economy had most recently “peaked”; the consensus reached was that it had happened in October of 2018.

This is based on 10 indicators that are sensitive to economic trends, including production, employment and so on. “After double- and triple-checking, the unanimous opinion of the committee members was that all the conditions were cleared”, explains the head of the committee.

Economic Revitalization Minister Nishimura repeated that “it is a shame the peak of the Abenomics economy had to be adjudicated in this way”. In regard to the government’s official position that the economy had been “slowly recovering” until February of this year, he emphasized that “I have confidence that the government’s judgement was not mistaken”.

The judgement by the committee means that the economy had already been in recession for a year when the consumption tax was increased. This could reignite debate over whether raising the tax was the appropriate decision.

(5) “M/F” disappearing from companies: Unilever, KDDI etc. Kokuyo also considering changing CV forms. One after another, companies move to stop making distinctions based on gender

In March of 2020, Unilever Japan ceased requiring applicants to list their gender and submit a face photo. And KDDI, in June, began accepting “familyship applications”, which treat a same-sex partner’s children as family, just the same as the children of an opposite-sex married couple.

In the near future, the “gender” field may disappear from CV forms (*rirekisho*) as well. In July 2020, it was deleted from the JIS standard example form that is used as a reference by the makers of forms that are available for sale.

(6) 18.2% increase in number of new job seekers: June 2020 shows largest rate of increase since statistics have been kept

The MHWL has announced that the number of people who began seeking work in June 2020 (seasonally adjusted figure) was 18.2% higher than the previous month, the highest percentage increase since statistics on this began being kept in 1963. the effective openings-to-applicants ratio for June was 1.11, or 0.09 points lower than the month before, worsening for the sixth month in a row. It seems that, because of the blow to the economy from COVID-19, the number of people being dismissed or terminated from jobs has greatly increased, and the employment situation is becoming bleaker.

“Status of General Job Placements (Seasonally Adjusted Figures)”, July 31, 2020--MHWL <https://www.mhlw.go.jp/content/11602000/G11-202006.pdf>

(7) Rate of taking parental leave by men at 7.48%: still low, despite increasing over previous year

It has become clear that the proportion of men taking parental leave last year, despite

increasing compared to the year before, was still only 7.48%. When compared to the target of having the number increase to 13% by this year, this seems stuck at a low level: the MHWL says “we would like to improve work environments so that men, too, can take parental leave when they wish to”.

According to the MHWL, as of October last year, out of those entitled to take parental leave, the percent of women who actually did so was 83%, while the percent of men was only 7.48%.

“Summary of Results of Reiwa 1 [2019] Basic Survey of Gender Equality in Employment Management”

<https://www.mhlw.go.jp/toukei/list/dl/71-r01/07.pdf>