



Labor Update No. 94 August 21, 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) Summary of “Reiwa 2 [2020] Survey of Labor Dispute Statistics”

<https://www.mhlw.go.jp/toukei/list/dl/14-r01-08.pdf>

(2) “Q&A on Subsidies and Benefits for Closings in Response to COVID-19”

<https://www.mhlw.go.jp/content/11600000/000646901.pdf>

(3) MEXT releases notice allowing curricula to be planned with an eye on the following year, for all except students in their final year

“Concerning the Notification (*Kokuji*) Setting a Special Exception Regarding Curriculum Guidelines for Elementary Schools, Junior High Schools and Senior High Schools; as well as the Notification (*Kokuji*) Setting a Special Exception Regarding Curriculum Guidelines for Elementary and Junior-High Divisions of Special-Needs Schools and for High School Divisions of Special-Needs Schools”(Notice (*Tsuuchi*))

https://www.mext.go.jp/content/20200813-mxt_kouhou01-000004520_1.pdf

(4) “An answer as soon as possible”: government deliberating funding for employment adjustment subsidy

The Minister of Health, Welfare and Labor stated on the 20th in regard to extending the special measures for employment adjustment subsidies that “as to how we will secure funding and what the conditions will be, we will give an answer as soon as we can”. He indicated a plan to consider extending the end-of-September application deadline for emergency small loans of up to ¥200,000 to be borrowed by those who have lost work or income due to the effects of COVID-19.

Concerning when an extension of the employment adjustment subsidy will be announced, he explained that “We cannot yet give a concrete date, but we would like to come to a conclusion based on the time necessary for companies to deal with the labor side”. The subsidy is given to companies whose business results have suffered, and that have paid a leave allowance to their employees.

2. Legal Violations/Disputes

(1) “Extend workers’ comp insurance” demands Uber delivery drivers’ union to MHWL: “accident compensation inadequate”

As more and more workers are taking one-off gigs via online apps, the problems with food delivery service “Uber Eats” are getting attention. The delivery workers are treated as independent contractors, so in case of accidents they are not covered by workers’ compensation insurance. Uber Eats Union, which organizes these workers, has demanded that the Ministry of Health, Welfare and Labor (MHWL) extend the eligibility for workers’ compensation to cover them.

Uber Eats has partnerships with more than 30,000 restaurants in 22 prefectures (as of July 28) to provide its service. The delivery drivers do not have an employment relationship with Uber, but are treated as independent entrepreneurs. Uber’s Japanese subsidiary Uber Japan, which runs the app, does have a system of compensation in case of accidents, but the compensation for absence from work in case of hospitalization is limited to 30 days. Some of the delivery workers have pointed out that “the system is inadequate”.

Workers’ compensation insurance is a system where the company pays most of the premium, and which provides medical expenses when an employed worker suffers injury or disease at work. There is also a system whereby individual contractors, such as independent taxi drivers and construction workers, can get “special enrollment”. With increasing numbers of people doing freelance work, the government is considering expanding the range of this special enrollment.

In their written demand, the union says that “eligibility should be expanded with the company bearing the cost of premiums”.

(2) Two nursery school teachers “transferred unfairly after demanding coronavirus measures” seek withdrawal of transfer

Two teachers working at a certified nursery school in Yokohama have held a press conference claiming they were unfairly ordered by the operating company to transfer locations after they demanded coronavirus prevention measures be taken. The two and their union, Kaigo Hoiku Union (Care and Nursery Workers Union) have called for a withdrawal of the transfer.

In early April this year, when the State of Emergency was declared, seeing that fewer children were coming to the nursery school, the two teachers suggested to the company that runs it that, to prevent infection, the number of people coming in to work there could be reduced, and an increased amount of work could be done from home.

Working from home was approved starting in mid-April. However, the two were afterwards told to transfer to a different nursery school under the pretense of career

enhancement. When they voiced dissatisfaction with this, they say they were encouraged to voluntarily resign.

The two continue to be on strike seeking to have the transfer withdrawn. They made their case in the press conference that “a transfer at this time is normally unthinkable. We feel sad at having been subjected to something like retaliation. We would also like the administration that certified the nursery school to do an investigation.”

(3) Supervisors ignored her, forced excessive amounts of work on her: university teacher sues for damages

A female faculty member at Tohoku University of Art and Design, in Yamagata, has filed a suit against the university at Yamagata District Court seeking ¥30 million in compensation for damages. The teacher had filed a complaint at the Prefectural Labor Commission claiming that she had been subjected to harassment by the university.

The woman says supervisors at her assigned post ignored her and forced excessive workloads on her.

(4) “No income”: more and more consultations from foreign technical interns who lost jobs due to COVID-19

A telephone consultation desk has been opened for foreign technical interns who have lost work due to the effects of the coronavirus. Many consultations have been heard from interns saying they have lost their income and have nothing left for living expenses.

This consultation service was opened in five locations around the country by a group that gives support to foreign technical interns.

Among consultations heard from Vietnamese technical interns were “I lost my job in June, have no income since then, and now have nothing left to live on” and “My contract was canceled partway through, and then the company made me sign a document saying I quit of my own will”.

In response to this, lawyers’ advice is that “there is a chance some of these acts may be illegal; improvement should be demanded from the companies”.

According to the MHWL, as of December last year there were about 410,000 foreign technical interns working in Japan. Of these, up to now about 2,600 have lost jobs due to the effects of COVID-19.

However, some companies fail to report letting interns go, so the real number is thought to be even higher.

3. Situation/Statistics

(1) 65% of youth see reduced opportunity for learning, due to spread of COVID-19: ILO analysis

The ILO (International Labor Organization) has announced the results of an analysis showing that, due to the spread of novel coronavirus infection, 65% of young people have seen their opportunities for learning decrease, while 17% have lost jobs. The ILO is calling for all countries to make efforts as soon as possible on measures for youth employment and strengthening online education.

The ILO has carried out a study of more than 12,000 young people aged 18-29 in 112 countries around the world regarding the effects of the COVID-19 pandemic, and has now released the results.

According to this, since the disease began to spread, 73% of young people have experienced school closures; and 13% of them, mainly in developing countries, have had no chance to take any sort of online lessons either.

Because of this, 65% of the young people surveyed responded that their opportunities to learn had decreased compared to before the pandemic, while 51% answered that their studies would be delayed.

Meanwhile, of those young people who were employed, 17% had become completely unable to work; while those who had continued working had seen their work hours decrease by an average of two hours per day, and 42% said their income had decreased.

The ILO, pointing out that due to this situation 17% of young people had worries for their future, called on each country to quickly make efforts toward youth employment measures and the strengthening of online education.

"Youth & COVID-19: Impacts on Jobs, Education, Rights and Mental Well-Being"

https://www.ilo.org/wcmsp5/groups/public/@ed_emp/documents/publication/wcms_753026.pdf

(2) April-June GDP: annual rate down by 27.8%, biggest slump ever

The preliminary GDP (gross domestic product) figure for the April-June quarter (real GDP, exclusive of changes in prices) decreased by 7.8% compared to the previous quarter, representing a 27.8% drop when annualized. It was the third quarter in a row of negative growth; the rate of decrease was bigger than that of the January-March quarter of 2009, previously the largest on record since 1980, when comparable figures become available. This was affected by the stagnation of the economy from the State of Emergency declaration, etc., due to the spread of COVID-19.

Nominal GDP (including movement in prices) was down 7.4% from the previous quarter, a drop of 26.4% when annualized. This number, too, had its third quarter in a row of negative growth.

Looking at their contributions to the change in real GDP, domestic demand accounted for 4.8% while foreign demand amounted to 3.0%.

“Apr.-Jun. 2020, First Preliminary Report”

https://www.esri.cao.go.jp/jp/sna/data/data_list/sokuhou/files/2020/ge202/gdemenuja.html