



Labor Update No. 96 September 18, 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) “Corporate Enterprise Statistics Survey, Apr.-Jun. Reiwa 2 [2020]: Assets, Liabilities, Etc.” (Finance Ministry publication) shows unprecedented 8.3% decrease in total employee pay compared to same period of previous year

https://www.mof.go.jp/pri/reference/ssc/results/2020.4-6_2.pdf

(2) National overview of minimum wages by prefecture: MHWL

https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/roudoukijun/minim_umichiran/

(3) “Equal Employment Opportunity Act, Family and Child Care Leave Act, and General Promotion of Labor Measures Act all apply to dispatch recipients too”: MHWL pamphlet

<https://www.mhlw.go.jp/general/seido/koyou/danjokintou/dl/hakensaki.pdf>

2. Legal Violations/Disputes

(1) Matsuyama U. professors sue for unpaid overtime

Claiming they were not properly given augmented pay for working late at night and on days off, a violation of the Labor Standards Act, three professors at Matsuyama University have filed suit at Matsuyama District Court against the university seeking a total of ¥22 million in back pay and compensation.

The three claim that from November 2016 to November 2019, they were given no choice but to work late at night and on their days off; but that augmented pay was not properly paid to them. They are suing for amounts of approximately ¥3.9 million to ¥9.9 million for each person.

(2) “Fake voluntary resignations” because of COVID-19: series of consultations from foreign technical interns

Support organizations are hearing frequent consultations from foreign technical interns working in Japan saying “I was let go because of COVID-19, but had it made to look like I resigned of my own will”. The Ministry of Health, Welfare and Labor (MHWL) will proceed with fact-finding about the situation and will be considering measures to be taken.

According to the MHWL, the number of foreign technical interns let go by their employers because of the coronavirus pandemic was 3,014 as of last month, counting only those the Ministry is aware of.

On the other hand, there are also some interns the Ministry is not aware of who, having lost their jobs, say “I was let go, then they made it look like I quit on my own”. Support organizations are hearing such stories again and again.

Among them is at least one case where an intern says “I told the company I wanted to keep working there, but they gave me three hours to agree to a voluntary resignation”.

Starting in April of this year, the national government switched the residence status of interns laid off due to coronavirus from “technical intern” to a status allowing them to work in any of fourteen fields, including agriculture and elderly care. This special exemption allowed them to keep working in Japan for up to one year. However, the exemption rule does not apply to interns who quit of their own volition.

(3) Workers' compensation granted at production company in TV Tokyo group: 48 days of work in a row causes adjustment disorder

A mental health disorder suffered by a woman employed at television production company TV Tokyo Production was caused by her long hours of work, according to the Mita Labor Standards Inspection Office, which has granted industrial accident compensation.

The woman was hired at the company in 2006, and worked on television production. In October of 2017, she was moved to the general affairs division. Even after this transfer, she continued doing production work outside of working hours, including early mornings, late nights, weekends and holidays. In March of 2018 she contracted adjustment disorder.

The woman made repeated appeals to supervisors about their labor management, but was then moved to general affairs. In addition to being put in charge of copying and other trivial duties on her own, she also continued doing production work in the early mornings and late at night. She says she was also repeatedly subjected to behavior from supervisors that could be taken as harassment. After she requested back payment from the company for her unpaid overtime, she was suspended from work and her pay was cut. In May of 2019, she filed suit at Tokyo District Court to seek payment of the overtime and withdrawal of the punishment.

3. Situation/Statistics

(1) Marriage bonus for same-sex couples too: Tottori Prefecture staff benefits

The Tottori prefectural government has begun allowing LGBT and other sexual-minority staff and their partners to make use of benefits such as time off and marriage bonuses in the same way as opposite-sex couples. They will not necessarily require any public certification of the partnership. The Prefecture says “We would like to set an example that might help make society easier to live in for sexual-minority people”.

Specifically, the taking of marriage leave and care leave, dependent allowances and separation allowances, and marriage bonuses will be allowed. Use of the system will be possible even without a public document, by the testimony of a third party.

According to the prefectural Human Rights and Integration Department, sexual minorities account for 5-8% of the country’s total population, or at least one in twenty people. A Prefecture spokesperson points out that “it’s not much different from the probability of meeting someone with type AB blood, or someone who is left-handed. It’s not that we don’t know anyone who is, it’s just that we haven’t noticed”.

(2) Just under 40% of local government workers non-regular (part-time etc.): Jichiro survey shows increase over 4 years ago

According to a nationwide survey of the numbers and work conditions of local government workers by the All-Japan Prefectural and Municipal Workers’ Union (Jichiro), non-regular staff (part-time, etc.) account for 38.9% of the total number. This represents an increase by 6.2 percentage points over the previous survey in 2016. Jichiro has released the preliminary results of the survey. At prefectural governments and municipalities other than designated cities, the proportion was over 40%.

Looking at the numbers by type of work, a high proportion of caseworkers, nurses, etc., were regular (full-time). But after-school care teachers and consumer affairs advisors, among others, were mostly non-regular. A spokesperson for Jichiro emphasizes that “the situation of public services would be untenable without the non-regular staff. We strongly demand improvement in conditions”.

(3) Large increase in suicides: over 1,800 in August--COVID-19 effects?

The total nationwide number of people who committed suicide in August was 1,849, or over 240 more than the same month of last year. The national government is analyzing whether the spread of COVID-19 may have had an effect.

According to the National Police Agency, the number of August suicides increased by 246, or 15.3%, over the same period of last year.

The number of men increased by 60 to 1,199; that of women increased by 186, to 650.

By prefecture:

- ◆ Tokyo had the most at 210, an increase of 65 over last year's number;
- Followed by
 - ◆ Aichi, with 119, an increase of 46
 - ◆ Kanagawa, which had 109, or an increase of 27
 - ◆ Chiba, increasing by 47, to 107
 - ◆ Saitama, with 105, or an increase of 41.

(4) Hirosaki City considers adopting “Partner System” for sexual minorities--first in Tohoku

The city of Hirosaki, in Aomori, announced on the 11th that they are considering introducing a “Partnership Oath System” in December, which would recognize a relationship equivalent to marriage for LGBT and other sexual-minority couples. If this comes to pass, it will be the first such system anywhere in the Tohoku region.

Based on an application from the couple in question, the city will grant official recognition and issue a certificate. This will be able to be used when the partner needs to give consent for an operation at municipal hospitals, and is expected, if insurance companies agree to it, to enable partners to be beneficiaries of each other's life insurance.

Eligibility is stipulated to for those who “both live in Hirosaki, and of whom one (or both) is a member of a sexual minority”. It will not be limited to same-sex couples, but will give consideration to transgender people and others who may be of opposite sexes on their family registers.

Citing consideration for sexual-minority people, the City has since last year taken steps such as eliminating the “sex” field from some public documents. Public comments on the introduction of the system will be accepted starting on the 15th.

(5) Centenarians number over 80,000 in Japan for first time; 88% of these are women

As of the 15th, “Elderly People’s Day”, the number of people aged 100 or older in Japan was 80,450. This is the first time the number has been over 80,000. Of these, the number of women was 70,975, or about 88% of the total.

This total number of centenarians was 9,176 more than one year before, and the 50th year in a row to set a new record (since 1971 with 339). The number of people turning 100 years old this year, those born in 1920, seems to be larger than in other years.

This means that, out of the total population of 125.93 million (estimated as of August 1), 0.06% are 100 or older.

Looking at the number by prefecture per 10,000 population, Shimane had 127.60--its eighth year in a row in the top position--followed by Kochi with 119.77 and Tottori with 109.89. The lowest--for the 31st year in a row--was Saitama, with 40.01, then Aichi was second lowest with 41.79, then Chiba with 45.98.