

APWSL Japan

Asia Pacific Workers' Solidarity Links

No40/September, 2002

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The 13th Annual General Meeting of APWSL Japan July 13-14

Niwa Michiharu

Open Seminar with LaborNet Japan

APWSL Japan held its 13th Annual General Meeting on July 13-14.

The Kansai¹ group planed to have an open meeting on the afternoon of the first day prior to the official AGM. We discussed with coordinators of LaborNet Japan, which had a plan to come to Kansai to setup a network in the area, and decided to have a open seminar on the use of Internet for labor movement during the AGM of APWSL Japan. Another feature of this year's AGM was a guest from Taiwan. APWSL Japan invited Mr. Chen Bowei, newly elected East Asia Sub-region Coordinator of APWSL.

About twenty workers and activists joined the seminar. Mr. Yasuda of LaborNet Japan explained the aim and activity of LaborNet Japan. Chen gave a lecture on the recent development of the trade union movement in Taiwan. After the seminar, we had a drinking party in which Chen entertained us with

workers' songs composed by himself. (You can listen to his song at <http://www1.jca.apc.org/labornetjp.org/mm/blackhands/hokki.mp3>)



With a guest from Taiwan

At the official meeting held at the office of EWA (Osaka Education and Amalgamated Union), we shared the experiences during the past year. In addition to the reports from Kanto group and Kansai group, Mr. Kawaguchi from

¹ Kansai is an area in the western part of Japan, including Kyoto, Osaka, Kobe. APWSL Japan is mainly composed of Kanoto group (Tokyo, Kanagawa etc.) and Kansai group. Each group sponsors the AGM in turn. The last AGM was held in Tokyo last year.

From The Editor

Excuse for the delay again

It is almost 8 months, again(!) since the last issue of "APWSL Japan", the 39th issue, was sent to you. I will try my best to send this "quarterly" regularly and ensure that you will receive the next issue in no later than December, 2002.

Recent development in the JNR Case

The JNR Workers' struggle is still continuing (JNR: Japan National Railroad, which was privatized in 1987 and divided into 7 JR Companies). This issue covers the recent development of the situation. The Four Party Agreement is collapsing despite the surrender of Kokuro (JNR Union) leaders (see two documents). Trade unions supporting the struggle of the dismissed workers submitted the "Observation on the non-application of the ratified ILO Conventions NO. 87 and 98, by the Government and Courts of Japan" to the ILO Committee of Experts on the Application of Conventions and Recommendations last year. They sent delegation to ILO this year. Yamasaki wrote about this.

Ten years of Osaka General Union

We have often been asked about the General Union. It is a very new concept in trade union movement in Japan. Yamahara, Chairperson of Osaka GU explain about the concept, method, development, task of the union. Thanks for the General Union for allowing us to reprint his report from GU's publication.

Please print and circulate this newsletter.

**Y.Kitahata,
Editor**

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Fukuoka spoke about local activities in his region and Mr. Mochizuki from Shizuoka made report on his trip to Porto Alegre, Brazil to participate the second World Social Forum of late January this year.

Ms. Tono gave report on the continuing campaign in solidarity with Philippine Toyota and Mr. Yamasaki spoke about his experience at the ILO office in Geneva attending the JNR workers (see his report on page ?of this issue).

The main topic for this year's AGM was the Forth East Asia Exchange Program. We discussed about the importance of the exchange among trade unions and activists in the region, the possibility to prepare such an exchange program in Taiwan in the coming years, the tentative plan proposed by Chen and Yamasaki (already sent to the Coordinator of APWSL). Chen proposed the APWSL Japan to send adelegation to a symposium on labor law to be held in Taipei in the coming autumn.

We agreed to begin discussion with APWSL groups in Korea and Hong Kong so that we can organize the exchange program in 1993 or 1994. The theme should be discussed based on the needs of each group.



**Chen Bowei, newly elected
East Asia Sub-region
Coordinator of APWSL**

Concern on the Secretariat Meeting Minutes

Another key issue was the financial situation and the functioning of the Secretariat Team of the APWSL network.

As the conclusion of our discussion, APWSL Japan decided to sent a letter to Coordinator expressing our concern on the content and expression of the Secretariat Meeting Minutes.

We believe the role of the Secretariat is to execute the decisions made at the Council Meeting. But the first two sections on the Minutes, "Issues confronting workers in the Asian-Pacific Region" and "What kind of intervention is needed from APWSL to promote and advance Genuine Trade Unionism?" cannot be seen as based on the decisions and discussions at the Bangkok Council Meeting. So we cannot support these two sections. We ask the Secretariat to retract these sections.

The third section "What APWSL can do

under the present situation of limited finances" addresses tasks that were entrusted to the Secretariat at the Council Meeting. But APWSL Japan feels that we need some basic information on our financial situation to fully understand the difficulty we are faced with.

We also agreed on the "Proposals for the Future Council Meeting of APWSL" (see below).

At the end of the AGM, new executive members were elected as follows,

Co-representatives

Ms. Sakakibara Hiromi

Ms. Harada Keiko

Mr. Inada Jun-ichi

Mr. Yamahara Katsuji

Coordinators

Mr. Inagaki Yutaka

Mr. Niwa Michiharu

Editor of Newsletter

(Japanese Edition) **Yamasaki Seiichi**

(English Edition) **Kitahata Yoshihide**

Treasurer

Mr. Takahei Masahito

Proposals for the Future Council Meeting of APWSL

APWSL Japan made an evaluation of the Bangkok Council Meeting at its Annual General Meeting held in Osaka on July 13-14.

Here are four proposals for the next Council Meeting focusing on the running of the meeting.

1 The two days schedule was too short. We should have at least three days to ensure consecutive interpretation and thorough debate.

2 Interpreting is a crucial issue for a grass-roots network like APWSL. The displaying of summary of proceedings by John was very helpful. We should try to keep it on in the future Council Meetings. We should also ensure consecutive interpretation so that all the participants can fully participate in the Meeting.

3 Most of the papers were distributed at the Meeting. There is a need to translate these papers to ensure full understanding. So it is very important that we have as many papers handed in before the Meeting as possible. Secretariat and national groups should try to hand in their papers before the Meeting starts.

4 The outgoing officials exercised their voting rights at the Bangkok Meeting. We think this is not desirable because it endangers the equal rights of national groups. If necessary we should amend the constitution to prevent it.

APWSL Japan hopes that the secretariat circulate these proposals to national groups for discussion. (Translated by Yamasaki Seiichi)

10 Years of Steady Progress The Story of the General Union (Part 1)

By Yamahara Katsuji, General Union Chair

Founding of the union and the origin of the name

Many Japanese trade unions have been company-based, and a big problem with them is that membership is restricted exclusively to Japanese full-time workers. I rejected this model, exemplified by 'Rengo', and became a free-lance organiser in 1989. It was an important experience for me learning about foreign workers' movements by supporting the Asia Swanny struggle group from Korea (*Asia Swanny was a Korean subsidiary of a Japanese glove

manufacturer, which was closed down suddenly with all the workers dismissed without notice or compensation) and by visiting Europe at the time of the reunification of Germany.

There were some community-based unions around before we set up the General Union. But they were maintained by the sacrifices of their union activists because of the difficulty they had in keeping their members. We were determined then to establish a new union open to all by getting rid of all the taboos traditionally found in union activities. I happened to find an article

written by Shinzo Shimizu, an advisor to the magazine 'Rodo Joho' ('Workers' Information'), and one of the brains behind the "Sohyo" Union

Federation. In the article he proposed a new concept for trade unions, and there I found the name 'General Union'. In the word 'General', I could see the emergence of class unity and international solidarity, and I thought the name would be a good one.

The National Network and the know-how we built together

We formally established the General Union in June 1991 after a series of discussions with colleagues from Zenrokyo and Simon Cole and Nahoko Isu. There was a variety of members in the union, and we started approaching civil servants working on temporary contracts, part-time workers and foreigners who had been neglected by existing unions. We got the biggest echo, however, because we were advertising that 'We accept consultations in foreign languages regardless of nationality'. There were no full-time activists or interpreters in the union, however. What Japanese staff could do was simply to learn practical English. It went better than we expected and I ended up publishing a booklet titled 'Japanese-English dictionary for social movements'.

Meanwhile, there were many cases of foreign workers becoming regular members and voluntarily advising those in labour disputes, after finishing their own disputes. Following up on this situation, we regularly held seminars in English on the Labour Standards Law, Trade Union Law, Immigration Law, and Employment Insurance Law. Those who attended these seminars are now among the main members of the General Union.

In those days there were not many examples we could follow in terms of foreign workers' unions. Tokyo South Union was probably the only one that could provide us with any kind of 'know-how'. Consultations started coming in on a daily basis from all over. As we got extremely busy, and we needed to bargain with some nation-wide language schools, we joined the 'National Union of General Workers' (NUGW) in Zenrokyo. Nowadays we have some local offices

in other areas, and work in cooperation with sister unions. As a result, we have achieved a nation-wide network.

"Why do foreigners go on strike while Japanese don't?"

Although our membership is individual based, there have been many branches set up since 1992: Hannan University, Asahi Foreign Language School (Tsu City), Mikado Propeller (Filipino trainee workers), Berlitz, and so on. In the case of Interac, a dispatching company, we went on strike several times, and this was taken up by newspapers and TV shows asking "Why do foreigners go on strike while Japanese don't?" The union began making unified demands for wage raises and adequate training and preparation time. We also challenged some schools over discriminatory business practices in which they used white and blond teachers only in their TV commercials, and discriminated in favour of white people with fair complexions when it came to hiring.

Bankruptcies, Joint Struggles with Student Groups, & Independent Lessons

In 1994 at ATTORNEY and Bilingual, and in 1998 at Toza and Leap we had to deal with major bankruptcies. These companies suddenly closed down their business. Students' prepaid tickets were never refunded, and all the staff were dismissed, and so this became a social problem. While other English schools and government agencies neglected the situation, the union received a lot of phone calls from the teachers, staff and students worried about the situation. After the bankruptcies, many staff, including those who were in administrative posts, became members of our union. There were many roles we had to perform: handling procedures to claim unpaid wages and backdated unemployment insurance, helping the members find new jobs, procedures to redeem the students' tickets, rescuing them from the presidents who ran away ... almost like a receiver!

The union started to work in cooperation with the students to deal with the fundamental problems in the industry and schools took fright. We held a 'Consumer Protection Symposium'

with the Toza students, made demands to MITI, and it resulted in a reform of the Consumer Protection Law. We also started English classes taught by Union members in 1998, at the request of the student associations of these schools.

Why limited term contracts only for foreigners?

There have been many cases brought to light of violations of the Labour Standards Law and discriminatory practices such as one-year contracts for foreign teachers with limited numbers of renewals. In 1994, Osaka Gakuin University dismissed Ms. Flaherty by saying that there was an internal regulation stating limited terms for foreign workers only. She filed a case in civil court and we had demonstrations at the university several times in support, in attempt to bring the issue to the attention of Japanese society. In 1996, Higashi Osaka Board of Education suddenly announced a three-year limit. The teachers organised as the HONETU branch of the Union, and we started negotiations. We launched a campaign including sit-down strikes and a hunger strike in front of the Town Hall. The result was a tentative extension of the contract and the resignation of the director of the board. There have been many more similar cases since, and the problem of limited-term contracts still remains one of the major issues for the Union.

Victories after long struggles at GEOS and Nichibeï Eigo Gakuin

We also had successive disputes with GEOS, NOVA, NICHIBEI and ECC. Dennis, the chair of the GEOS branch, was dismissed in 1996. Our campaign for his reinstatement in civil court and the Labour Commission involved strikes and hunger strikes, supported by the students. Actions were organised at GEOS schools nationwide by the members of Zenrokyo, Zenkoku Ippan, and our friends in the Union Network. There was a demonstration at a GEOS school overseas as well! The dispute ended in victory and Dennis won continuation of his employment.

A few years later, GEOS violated the agreement with the Union that they would follow the

Labour Standards Law. They did not pay overtime to the Japanese staff. One of the Japanese staff, Hitomi Nishikawa in Nagoya, took it to court, angered by the company trying to force her to resign when she had a baby. The president, Kusunoki, was ruled guilty and charged with unfair labour practices, but GEOS rejected payment for overtime work simply because, according to them, they “would have to pay overtime to everyone at GEOS, if they paid it to Ms. Nishikawa.” Eventually, it resulted in a victory over GEOS paying 14 staff’s unpaid overtime wages as well as compensation. Sometimes teachers tend to see the staff as administrators on the management’s side, but our victory in this dispute has shown that staff and teachers can stand up together against the management.

“The Union is like the Yakuza”!?

Nichibeï Eigo Gakuin has always been a problem company, having appeared in the union’s history quite a number of times. They made up some ridiculous propaganda about the Union such as “the Union is like the Yakuza, and they prey on companies.” There was a lot of harassment of the union members, and then they dismissed several union members in a row and tried to bust the union branch. Our members at Nichibeï stood firm through a long battle of a series of court cases and countless strikes, and finally we won a victory with an apology, compensation, and withdrawals of all firings in March 2001. Although the union does not enjoy confrontation, we do fight all out against companies engaged in illegal practices in an attempt to bust the union, so that our victories will be a warning to the education industry and other companies in the language business.

Towards a moral reform within the NOVA-dominated English Conversation Industry

Given that NOVA is the biggest company in the industry, if it continues treating teachers and students as disposable, it will be difficult to achieve high quality lessons and decent labour conditions for the whole industry. The dispute between NOVA and the Union is a peculiar case in a sense that the Union is acting like a “refugee camp” for NOVA workers and a “press centre” regarding NOVA problems. These problems,

more human rights issues than labour problems, include such scandalous cases as the compulsory drug testing in 1994, providing untrue information in the document issued to potential shareholders at the time of listing of their stocks in 1996, firing a teacher for getting engaged to a NOVA student. The mass media were also interested in these issues and has always taken up the union's view on them.

Fundamental problems common to all big companies are evident in the excessive expansion of their school networks, like the expansion of convenience stores, and huge spending on advertising, which reportedly takes up a quarter of the lesson fees. They usually do not have assets, since their school premises are rented and

finance relies on prepaid tickets. This means there will be no refund for the tickets when they go bankrupt. In some cases, the dictatorial leadership of the "charismatic" president is the only thing that keeps the company going where the management system is not keeping up with the rapid expansion of their business. It is not the company presidents – the "emperors with no clothes" - who have the most detailed and up-to-date information about what is going on at their schools; it is us, the General Union, because we have labour hotlines functioning everyday, because teachers and managers come and get involved in the Union all the time, and because we fight alongside the consumers - the students.
(To be continued)

Special Feature: The JNR Case at ILO Dismissed JNR Workers are still fighting!

Hundreds of Unions Support "Observation on the non-application of the ratified ILO Conventions NO. 87 and 98, by the Government of Japan"

A report on attending ILO Conference

Yamasaki Seiich



Three members of the delegation in front of the WTO building, the former ILO building in Geneva.

I went to Geneva this June to attend the 89th ILO Conference as a representative of my union, the Tokyo Sanitation Workers' Union. I was not of course a member of the Japanese delegation for the Conference; but a member of a delegation of the Joint Action Committee for the Victory in the Japan National Railways Dispute. The other members of the delegation were Tamiya-san from the Showa-Shell Oil Labor Union and two dismissed Kokuro members, Uchida-san and Sekino-san.

The aim of the delegation was to submit an additional list of endorsing unions on the Observation on the non-application of the ratified ILO Conventions No. 87 and 98 by the Government of Japan to the Committee of

Experts on the Application of Conventions and Recommendations. The number of endorsing unions had exceeded three hundred including for Korean unions affiliated to KCTU.

The delegation also submitted additional information on the three court rulings that cancelled relief orders from Labor Relation Commissions and were issued in December 2001 and February 2002. We submitted these information to the International Labour Standards Department of the ILO in charge of the Committee of Experts. But they confused the case with the Complaint on the dismissal of 1047 Japan National Railway Workers submitted by Kokuro to the Committee of Freedom of Association, Case No. 1991. So we had to explain the difference to them. We were not directly asking for the relief orders for the dismissed railway workers. We were concerned about the spread of the JNR system of dismissal, i.e., dismiss all the workers and then selectively employ some of them to a new company. Also, the canceling of relief orders of the Labor Relations Commissions by the court has greatly deteriorated the rights of the workers. So the present case is not about the JNR workers but about all Japanese workers and was submitted by unions from various industries, represented by Zentoitsu Union, which is a general workers union in the Tokyo area.

The second aim was to seek support for the case from unions from other countries. The delegation met Mr. Yoon Young-mo, Director of International Bureau, KCTU to ask for support from Korean unions. He promised to consider the matter with affiliate unions after returning home.

Later in mid June, a representative of Zentoitsu Union and a dismissed Kokuro member visited South Korea and met many unions to gain support. They were quite successful because many unions in Korea are fighting rigorously against dismissals and attacks from the government and are sympathetic to fighting workers such as Kokuro members. The number of endorsing union in Korea is increasing rapidly and is expected to exceed that of the Japanese unions.

Our stay in Geneva was only for three days and not long enough to get more support from other unions. Through my experience in Geneva, I reconfirmed the importance of reaching out to the international community of labor and also

the necessity to gain more support for this case domestically.

Yamasaki Seiichi (Editor in Chief of the Links, APWSL Japan)

Documents

Response to the Statement of the Three Government Parties



On April 26th, the Liberal Democratic Party, the Komei Party and the Conservative Party agreed on "Statement on the Dispute Concerning the Nonhiring by the JRs", which was intended as the ultimatum on this issue, and handed it to the Social Democratic Party, another partner of the Four Party Agreement.

According to the statement by the three governing parties, "At the meeting of the four-party consultation in March, 2001, the three governing parties pointed out the contradictory attitudes of the leaders of Kokuro. While acknowledging "the JR Companies bear no legal responsibility" at the union's National Congress held in January of the year, the union still insisted on continuing the court struggle to establish the legal responsibility of JR Companies. In addition, while the consensus of the whole union was the precondition for a solution, the union didn't seem to be unanimous as to this point. At the meeting the leaders of Kokuro promised to make efforts to solve these contradictions."

"For almost two years since the announcement of the Four Party Agreement,...Kokuro has not solved the contradictory attitude of acknowledging "the JR Companies bear no legal responsibility" while continuing the court struggle to establish the legal responsibility of JR Companies. In addition, contrary to its commitment on seeking the consensus of the whole union, some groups which supported the Four Party Agreement left the union and a group of union members which consists of about one-third of those who were not-employed by the

JRs brought a new lawsuit against the Japan Railway Construction Public Corp. In this way, these contradictions have been worsening. As the result of the failure of the leaders of Kokuro to fulfill their responsibility of solving these contradictions, any political solution based on the Four Party Agreement still lacks the precondition and the consultation among four parties concerned cannot proceed any further."

Were there ever more blatant domination and interference in the trade union affairs by political parties than this in the past? The assailant parties which dismissed workers through unfair labor practices are forcing the victims to acknowledge the legitimacy of the assailants and withdraw the lawsuit over the responsibility of them. A trade union, which is supposed to be an autonomous and independent organization, is faced with such blatant interference by political parties regarding its policy, actions, and its internal functioning. We cannot help expressing our outrage over this unreasonable statement by the three governing parties. We strongly protest against it.

In addition, the statement by the three governing parties openly urges the executive body of Kokuro to withdraw the lawsuit against the Japan Railway Construction Public Corp. It is important to understand that this lawsuit was filed based on the determination of each individual who composes the plaintiff of 283 persons including the bereaved of the dismissed workers. It is a matter of "the right of access to the courts" guaranteed in the Article 32 of the Constitution. We cannot allow political parties to intervene in this basic right. We will reject it and continue to struggle for our cause with determination.

The statement by the three governing parties clearly proved that a solution based on the Four-Party Agreement could only lead to a total surrender on the part of Kokuro. Now it became apparent to anyone.

We established the "Joint-Action Committee for the reinstatement of the JNR's 1,047 unfairly dismissed workers and the victory in the JNR dispute" ("Joint-Action Committee for the JNR Struggle") on April 16. At the inauguration meeting of the Committee, we started with the

recognition that the Four-Party Agreement had virtually collapsed. We worked out a policy of putting pressure on the government and the JR Companies through mobilization until the demand of the Struggle Committees and the families of the struggling workers are fulfilled. The statement by the three governing parties, coincidentally, evidenced the correctness of our analysis of the situation and direction of the struggle.

The statement by the three governing parties noticed "a group of union members which consists of about one-third of those who were not-employed by the JRs brought a new lawsuit against the Japan Railway Construction Public Corp". From this excerpt, we can see that the government and the three governing parties cannot ignore our struggle.

We will continue to fight, with renewed confidence, to make the government and JRs to take responsibility especially in the Supreme Court, at the Committee of Experts on the Application of Convention of ILO, and in the lawsuit against the Japan Railway Construction Public Corp. We appeal to all the workers and people including Kokuro members to join us in this struggle.

April 27, 2002
Nihei Hisakatsu,
Chairperson,
Joint-Action Committee for the reinstatement of
the JNR's 1,047 unfairly dismissed workers and
the victory in the JNR dispute

Sakai Naoaki,
Representative,
Plaintiff in the lawsuit against the Japan
Railway Construction Public Corp

**Statement on the Dispute Concerning the
Nonhiring by the JRs
April 26, 2002
Liberal Democratic Party
Komei Party
Conservative Party**

1. The Liberal Democratic Party, the Komei Party and the Conservative Party have been making efforts, on humanitarian grounds, to find

a political solution to the dispute concerning the nonhiring by the JR companies based on the Agreement of May, 2000 between the three governing parties and the Social Democratic Party titled "Agreement for A Solution to the dispute concerning the nonhiring by the JR companies" (The Four Party Agreement").

2. The Four Party Agreement was based on the assumption that Kokuro would acknowledge "the JR Companies bear no legal responsibility" as the consensus of the whole union. It was deemed as the precondition for a political solution and was agreed on by the leaders of Kokuro. At the meeting of the four-party consultation in March, 2001, the three governing parties pointed out the contradictory attitudes of the leaders of Kokuro. While acknowledging "the JR Companies bear no legal responsibility" at the union's National Congress held in January of the year, the union still insisted on continuing the court struggle to establish the legal responsibility of JR Companies. In addition, while the consensus of the whole union was the precondition for a solution, the union didn't seem to be unanimous as to this point. At the meeting the leaders of Kokuro promised to make efforts to solve these contradictions.

3. For almost two years since the announcement of the Four Party Agreement, the three governing parties and the Social Democratic Party have been patiently expecting the leaders of Kokuro to solve these double contradictions. However, Kokuro has not solved the contradictory attitude of acknowledging "the JR Companies bear no legal responsibility" while continuing the court struggle to establish the legal responsibility of JR Companies. In addition, contrary to its commitment on seeking the consensus of the whole union, some groups which supported the Four Party Agreement left the union and a group of union members which consists of about one-third of those who were not-employed by the JRs brought a new lawsuit against the Japan Railway Construction Public Corp. In this way, these contradictions have been worsening. As the result of the failure of the leaders of Kokuro to fulfill their responsibility of solving these contradictions, any political solution based on the Four Party Agreement still lacks the precondition and the consultation among four parties concerned

cannot proceed any further.

4. Nevertheless, the leaders of Kokuro submitted their Opinion to ILO saying "the governing parties uses Kokuro's lawsuit against the Japan Railway Construction Public Corp as an excuse to procrastinate the efforts for a solution", and "the government is responsible for the stalemate of the Four Party Agreement as the government is not giving necessary directions to JRs and political parties". In this way, they condemn the government and the governing parties without any reason and revert their responsibility to the latter. On the other hand, they are talking to the union members as if the government and the governing parties would present some proposals for a solution, thus agitating a feeling of expectation among them. These attitudes of the leaders of Kokuro are their efforts for self-protection and betrayal of the good will of the three ruling parties and the Social Democratic Party as well as betrayal of the confidence of the members of unions and their families, thus negate all the efforts by the parties concerned.

5. In conclusion, the delay in the process for a solution on the basis of the Four Party Agreement is totally attributable to the failure of the leaders of Kokuro to fulfill their responsibility of solving the contradictions within themselves. The governing parties believes that in order to proceed to the political solution, the leaders of Kokuro must solve the two contradictions mentioned above promptly and prove the realization of the preconditions of the Four Party Agreement so that the parties concerned recognize the their efforts. If the leaders of Kokuro should fail to fulfill these requirements by no later than May 31th of this year, precisely two years from the Four Party Agreement, the governing parties would have no other choice than withdrawing from the Four Party Agreement.

Submission of an Opinion to ILO Committee of Experts on the Application of Convention

Mr. Juan Somavia
Director General
International Labour Office

We express our deep respect for ILO's efforts to fulfill its important assignment of promoting the

basic rights, better working and living conditions, and humane employment for workers of the world.

We would like to submit our opinion, as stated in the attached document, to ILO Committee of Experts on the Application of Convention on the case of Japan's Government and Courts neglecting the effective enforcement of the ILO Convention 98 and 87 and violating these conventions.

We believe that the anti-union discrimination by JR Companies at the time of recruitment involves very serious problems not only for the workers affected but for many of the workers of the country. The fact that JR Companies discriminated workers at the time of recruitment and the Government and Courts virtually accept these practices has brought about serious effects in the whole society. While the Government is vigorously pushing forward deregulation and privatization, employers of private companies are following in the "en block dismissal and selective recruitment" method, developed at the time of the division and privatization of the Japan National Railroad, in their attempt at transfer, separation or division of their companies. As the result, more and more workers are losing jobs or faced with degradation of working conditions. In the name of restructuring, massive dismissals have been going on, paying no attention to the workers' rights. We want to change this situation step by step. This is why we cannot allow the discrimination at recruitment in the process of the division and privatization of Japan National Railroad.

We want the Committee of Experts on the Application of Convention to study and understand the facts of violation of ILO Conventions on the side of the Japan's Government and Courts and present an opinion requesting them to fully and promptly apply the Convention.

News Clips

EDITORIAL: Help homeless find work Bill should focus on independence, not handouts.

The Asahi Shimbun, July 16

Shinjuku Renraku Kai, a group helping the homeless, conducted a survey of Shinjuku street people in May and June. The organization had been preparing weekly free meals for about 1,000 people in the district. But whenever the meals were handed out, there were always some new faces in the line. Every member of the organization had the impression that there was a sharp increase in the number of people left in the open. Suspecting a rise in homelessness, the group sought the facts, with

members meticulously canvassing the area, talking to homeless people. They found 1,419, including those who only come to sleep more than anticipated. The group then interviewed 218 of the homeless people in detail. Their average age was 53.1. Involuntary unemployment, such as jobs lost to bankruptcy, was by far the biggest factor, for 64.5 percent of those surveyed. Nearly 40 percent had been sleeping in the open for less than half a year. The ruling coalition, led by the Liberal Democratic Party, has drafted legislation intended to help homeless people become financially independent and resume their places in society, hoping to get it passed in the current Diet session. The legislation is intended to help these people return to work through job assistance, including training to increase job opportunities, as well as housing and medical services. It also includes ways to help people avoid homelessness, such as loans and emergency financial aid for those who cannot pay for daily needs. The legislation puts the onus of support upon central and local governments, aiming to increase public awareness of the plight of homeless people, while encouraging them to try to support themselves. Traditionally, local governments have made the most direct policy responses to homelessness. But homelessness is no longer a big-city phenomenon; it is a national phenomenon affecting an estimated 30,000 people. We welcome the legislation, which defines the responsibilities and obligations of government and mandates action based on the situation in each area. Minshuto (Democratic Party of Japan), the largest opposition party, submitted a similar bill in June 2001 to support the efforts of homeless people to be independent. One big difference between the two bills is a provision for use of public facilities by homeless people. The ruling coalition's bill allows organizations that maintain parks and other public facilities to take "necessary measures" in accordance with the government's support policies when the general public cannot adequately use facilities with homeless people present. Homeless people and some of their supporters say this clause could be used to remove homeless people. Since the legislation is intended to help homeless people become financially independent, it should focus on support. It should be implemented with care, to ensure it does not depart from the primary goal. Since the Minshuto legislation has been gathering dust without any discussion, many more people have been forced to sleep in the streets. The ruling and opposition parties need to address this reality and make a bipartisan effort to pass legislation in the waning days of the Diet term. The Shinjuku survey found that what the district's

street people want more than anything else is help getting jobs; only 0.8 percent said emergency financial help was their greatest need. These people who want to recover their independence deserve public support, and the government should stop frustrating their expectations.

High suicide rate a sign of a sick society

Mainichi Shimbun, July 26, 2002

For the fourth straight year the number of people taking their own lives in Japan topped 30,000. This figure is 3.5 times the number of deaths from traffic accidents and is equivalent to the population of an entire midsize city. Over 70 percent are committed by men, and this has pushed down the male average life expectancy. Suicides are usually committed due to multiple factors. Notes are left behind in about 30 percent of the cases, but even then the truth is not always clear. Religious beliefs and views about the hereafter often have a bearing on the decision; Japan has been a particularly suicide-prone nation. Economic hardship is generally cited as a major factor, but a look at trends in the suicide rate (the number of deaths per 100,000 population) reveals that the rate is not necessarily high during times of severest economic turmoil, such as the immediate postwar years. It was after people's lives stabilized around 1955 that the rate peaked at around 25, with many young people being driven to suicide. The rate subsequently declined but began edging up again as society grew affluent. Based on the testimonies of surviving family members and acquaintances, police estimate that about half of suicides are due to illness or poor health and about a quarter from economic strife. These are followed by domestic problems, trouble at work, and romantic relationships. The number of people taking their own lives for economic reasons began growing in the 1990s and rose sharply in 1998. This has no doubt been due to the prolonged recession and the result of corporate restructuring. That over 30,000 chose to cut short their lives is a grave condemnation of society. Over three-fifths of the victims were 50 or older. It is sad to see people being driven to despair after having worked all their lives and having reached the age when they can finally begin enjoying life. A society with a high suicide rate is diseased, no matter how affluent it may be. Suicide is not just a personal matter or a sign of weakness; the growing income disparity and stratification of society may also be factors. The influence of rural depopulation and the rising

divorce rate should also be considered. Suicide is a problem that all of society must cope with...

Resolution against the National Emergency Legislation

Zenkowan - All-Japan Dockworkers Union

The Koizumi administration expressed its aim at the establishment of the National Emergency Legislation in this Diet session with the pretext of the "September 11" and the incident of a suspicious vessel. The basic policy agreed on February 5, 2002 among the major parties is to integrate the basic laws to cope with military attacks and the individual laws to facilitate the action of the Self Defense Forces and the US Army.

Specifically, the legislation is to enable the SDF and the US Army: to collect necessary materials and use lands and port facilities whenever necessary; to order transportation, construction, medical and telecommunication workers to be committed to war efforts; and to act under exemption measures without existing domestic laws applied to them, as well as stipulating national decision-making and the relationship between the national and local governments in order to cope with military attacks. However, the Japanese Constitution clarifies the principle of peace in its preamble, "Japan is determined not to cause the tragedy of war again due to the act of the government" and "Japan confirms that nations around the world are equally free from terror and want and have the right to survive in peace". Moreover, its Article 9 says, "Japan abandons forever the threat or use of arms as a method of solving an international conflict". The National Emergency Legislation is a total denial of the constitution, which is Japan's supreme statute.

The act to cope with an emergency in the surrounding areas and the special measurement law to cope with terrorism, which passed the Diet last year, are characterized so that Japan supports military actions by the US Army. With these laws, Japan plays a part of the US Army's operations, so this is Japan's virtual participation in war in violation of its peace constitution. If both countries use the collective defense right as such, an enemy of the US Army will also attack Japan, regarding it as an enemy country.

US President George Bush has specified Iran, Iraq and the People's Democratic Republic of Korea (North Korea) as the "axis of evils", trying to expand US's military attacks. "Military attacks on Japan" are caused by the national security policies advocated by the major party coalition. The way to

lead the 21st century to peace is not to establish "a nation that can fight a war" but to convert the national policies to diplomacy based on Japan's peace constitution. What we should do is to oppose its revision (worsening) and to spread it to the world.

Port is a base for loading and unloading goods for the people. We Zenkowan have fought anti-war struggles with the slogan "Do not use ports for military purposes any more" since the end of World War II. As dockworkers handling goods, opposing

cooperation with war efforts, we resolve to oppose firmly against the National Emergency Legislation that drives the people to war with its compelling force and to continue our fight until the legislation is discarded with all the people seeking for peace, including transportation workers and port management workers.

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