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NEWSLETTER FROM ASIAN PACIFIC WORKERS' SOLIDARITY LINKS JAPAN

Update on a Half-Year of Turmoil within the Japan National Railway Workers' Union

By Yamasaki Seiichi

The reopening meeting of the Japan National Railways Workers' Union (Kokuro) was held on August 26. It lasted only 10 minutes. TAKASHI Yoshinori, the President of Kokuro, told the delegates that the decision to approve the four-party agreement will be postponed and will be decided by a referendum scheduled in September. The dismissed workers group and their families, together with supporters both among and outside the railway workers, have fought back vigorously since the extraordinary general meeting on July 1 to stop Kokuro from making the fatal decision of approving the four-party agreement. The President's proposal was the result of that effort.

The referendum was held from September 26 to 29 and the election voting for the delegates for the annual general meeting of Kokuro was simultaneously held. So there were fierce battles among union members supporting the present leadership and those supporting the dismissed workers' groups. The result of the referendum to approve the four party agreement was: Yes, 55.1%; No, 36.0%; Abstention, 4.8%. Although the leadership managed to get majority support, it was not a decisive support. So the leadership decided not to go on with the political settlement process, but to make its final decision at the annual general meeting scheduled in late October.

The annual general meeting of Kokuro was held on October 28 and 29. There was great confusion and the meeting adjourned without deciding anything nor the date of the reopening meeting. The cause of confusion was the President's opening address. President Takahashi disclosed the fact that the original agreement with the Social Democratic Party was that Kokuro admit that Japan Railway companies are not legally responsible for the dismissal of 1047 workers only after a settlement on the rehiring and compensation conditions and not before. But later on, Secretary General Miyasaka had made a secret agreement with the then-Ministry of Labor to make the approval by Kokuro on the exemption of legal responsibility of JR a precondition of starting the settlement process.

Another cause of confusion was the election of new executive committee members. The President had announced after the reopening meeting on August 26 that the executive committee would take responsibility for the confusion by resigning. But the executive committee stayed on in its positions till the AGM. So the issue was whether the former executive committee members could stand for the new committee. The del-



Dismissed workers and their families stand up to sing union songs during the AGM of Kokuro, October 29.

egates supporting the dismissed workers argued that they should not stand, but the Secretary General did not deny the possibility of reelection.

Finally there was another confusion on counting the votes for the approval of the progress report. At that point the time had run out and the meeting adjourned, so the union failed to make a decision for the third time. This fact shows the deep spilt inside Kokuro on how to settle the case. It also shows that the four-party agreement failed to get the support of Kokuro union members. The dismissed workers and their supporters fought back well and they seemed to be making progress inside the union. But the situation outside the union was detrimental to them.

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On November 8, the Tokyo High Court handed out a ruling unfavorable to Kokuro. In Japan labor disputes are settled at the Labor Relations Commission. Kokuro has won all the 17 cases at the Local Labor Relations Commissions, which have all ordered reinstatement of the dismissed railway workers. The JR companies have filed administrative litigation asking for the annulment of the Labor Relations Commission rulings. The Tokyo District Court ruled in favor of the JR companies in May 1998. This time the appeal court also ruled in favor of the JR companies saying that they could not be held responsible as an employer of the dismissed workers.

Another blow to Kokuro was the final report of the ILO Committee on Freedom of Association issued on November 17. The report recommended all parties to accept the four party agreement so that the dismissed workers could get a fair compensation promptly. It is quite obvious that the Japanese government had all the means and time to lobby the ILO while Kokuro was too busy with internal disputes to do so. Thus the rec-

ommendation is one-sided and grossly unfair. If the Committee had heard the argument of Kokuro, it could not have said that the four party agreement could be a basis for a satisfactory solution.

So after a half-year of turbulent developments, a settlement seems nowhere near. Kokuro plans to re-open the annual general meeting by the end of December to approve the four-party agreement. The dismissed workers group has empowered itself and has become less dependant on Kokuro. It seems to be determined as ever to reject the four party agreement and to hold the JR companies responsible for their dismissals.

One thing is clear. This struggle of the national railway workers will be carried over to the new century and it will be the symbol of all the Japanese workers fighting for their rights. The final report of the ILO Commission on Freedom of Association shows that it must also become an international struggle to win.

Yamasaki Seiichi is Editor of the APWSL Japan newsletter.



Supporters gathered outside the venue of the AGM.



Dismissed workers' group protesting the voting of the progress report.



The 67th AGM of Kokuro held in Tokyo, October 28 – 29.

Photos:Asai Mayumi, Rodo Joho

Down with ASEM! Down with WTO!

My impression of the ASEM 2000 People's Forum in Seoul

by Watanabe Hiroshi



Korean workers singing union songs at the rally against ASEM and neo-liberalism, October 20.

I participated in the ASEM 2000 People's Forum in Seoul from October 18 to 21 with Tono Haruhi, the Co-representative of APWSL Japan. ASEM stands for the Asia-Europe Meeting and is a biennial summit of 25 countries from Asia and Europe. The first ASEM was held in Bangkok in 1996 and the second was in London in 1998. This year's third meeting was held in Seoul. The official objectives of the ASEM were economic cooperation, political and security dialogue and reinforcing cultural links between the two regions. But the real intention of the meeting was to counter the global dominance of the USA, as seen in the World Trade Organization and the World Bank, under the hegemony of the European Union and its member countries.

The ASEM 2000 People's Forum was a parallel meeting to the ASEM. It was organized by 96 labor organizations and NGOs including the Korean Confederation of Trade Unions (KCTU) and International Confederation of Free Trade Unions (ICFTU), under the main theme "People's action and solidarity challenging globalization". The APWSL network supported the Forum and delegates from six national groups, Australia, Indonesia, India, Pakistan, Japan and Korea attended workshops concerning labor issues. There were many different opinions towards the ASEM among the Forum participants. Some people wanted to shut down the meeting, some were just against the meeting; some were supporting the meeting and some were trying to make advantage of it. But it was significant that people from the two regions with all the different opinions gathered at the Forum to share their experiences and discussed the ways for a globalization from the bottom. Another asset of the



APWSL workshop held at San Francisco Church, Seoul on October 21. In the middle is the APWSL Coordinator, Rubina Jamil.



Watanabe Hiroshi at the October 20 rally.

Forum was the cooperation between the trade unions and NGOs in preparing it. KCTU took the leading role in the Forum and this enabled the participation of labor organizations such as the ICFTU and the International Union of Food and Allied Workers' Associations (IUF). In Seoul, the ties between "the Turtles and the Teamsters" seemed to be stronger than in Seattle.

On October 20, there was a big rally and demonstration against neo-liberalism, the WTO and the ASEM, organized by the People's Forum. 20,000 people attended the rally. I was impressed by the massive turnout and by the strong support from the citizens, waving and clapping hands and tooting. What were these Korean people calling for? I think it was clear; down with the ASEM, down with the WTO. Workers in Korea have suffered a lot since the economic crisis of 1997. As I write this article, I heard the news of bankruptcy of the Daewoo Motors. Chaebols seems to be in debt crises caused by over-borrowing infusion funds from the IMF and WB after 1997. Korean workers are furious with anger. They now know that international organizations such as the WTO and the ASEM means nothing but more suffering and harassment to their lives.

The question posed at the People's Forum was "is it possible for us to live on denying economical development?". I learned in participating the Forum that cultural exchange of people is possible only by negating the first two pillars of the ASEM, i.e., economic cooperation and political and security dialogue.

Watanabe Hiroshi (Co-coordinator, APWSL Japan)

Millennium Campaign for Equal Treatment Notion of Indirect Discrimination

by Akimoto Yoko

You work part-time, so your wages are low; you aren't head of your household, so you aren't provided with housing allowance — do you feel that is OK? The Equal Treatment Millennium Campaign made us aware that it is totally indirect discrimination because most part-timers are women, and women are not regarded as the head of the household; hence, it has turned out that there are many women whose wages lower than those of men.

The Campaign was initiated by Japanese academics, lawyers, Diet members, union activists and feminists who have found that a new wind is blowing towards equality in the UK to get rid of indirect discrimination in employment. They held four symposiums across the country after a series of activities involving research, study, interviews, and supporting cases. Two women lawyers from the UK, Alice Leonard (Head of Legal and Advice Services, Equal Opportunities Commission) and Elaine Donnelly (Chairman of Employment Tribunals, England & Wales) joined in the Campaign to make speeches at the symposium to clarify what is indirect discrimination, referring to British cases. The campaign was a great success. The four symposiums gathered 1700 people. All the participants were inspired by learning of the experiences of women workers in the UK. The success of the campaign gave a big thrust to the Japanese women workers' struggle for equal treatment.

In the UK, the Sex Discrimination Act of 1975 prohibits sexual discrimination not only in employment but also in providing education, housing, commodities, institutions and services, and advertisement. The law bans both types of direct and indirect discriminations based on sex. Direct discrimination means that women are treated more disadvantageously than men based on sex. Indirect discrimination means that women are discriminated against based on sex roles and distribution of work. Although the same conditions or requirements are applied equally to men and women, those conditions or requirements result in disadvantages to women because it is hard for women to satisfy them; accordingly, those conditions or requirements are not justified. However, although the conditions imposed by an employer are indirectly discriminatory owing the above reasons, those conditions may be construed to be lawful only if the employer can prove that those conditions are necessary and appropriate on account of reasons other than sex.

Ms. Leonard reviewed some British cases, concluding that age limitation on job application, seniority, relocation clauses are disadvantageous to women, and discriminatory treatment toward part-timers is included in indirect discrimination. She suggested that Japanese women should lobby for legislation against



Alice Leonard



Elaine Donnelly

indirect discrimination or be willing to file a complaint to the court against it, adding that Japanese women should find out traditional hidden factors lingering on the society leading to indirect discrimination and challenge them.

Ms. Donnelly explained about equal pay for equal value of work. The British Equal Pay Act of 1970 (revised in 1983) stipulates that an employer should pay equal wages for equal value of work to both sexes. Before revision, the law said that an employer should pay equal wages to both sexes who have different types of jobs only if the employer considers that based on the employer's own job evaluation that both types of job are virtually same or similar. Under the Act of 1970, the employer had no obligation to evaluate job, so women working at the place where employer neglected job evaluation couldn't demand equal pay. Their claims for equal pay for equal value of work were denied. However, the Act, criticized by the European Commission for violating EU rules, was revised in 1983. The revised Act prescribes that an employer should pay equal wages to both sexes whose types of job are considered to be of equal value by the Employment Tribunal. Therefore, since 1983, employees have been able to demand equal pay without employer's job evaluation once the Tribunal has decided that both types of job have equal value. Ms. Donnelly emphasized that non-discriminatory job evaluations are necessary in spite of the difficulty of proper criteria, objectiveness and quantification.

Attorney Nakajima Michiko said that we are surrounded by many kinds of indirect discrimination, adding that some women who want to get a job again are excluded from job application owing to factors such as age limits, the wages of non-regular employees like part-timers remain low, their wages do not increase in spite of their long years of service, there is no promotion, and sometimes they are forced to resign owing to management problems. In order to correct such situations, we should demand that indirect discrimination be made unlawful, and make a new standard for reviewing women's low wages which has been considered reasonable for so many years through non sex-discriminatory job evaluations.

Akimoto Yoko is a member of APWSL Japan.

MIGRANT WORKERS MONTH EVENTS CULMINATES A YEAR OF HIGH PROFILE PROTESTS BY FOREIGN WORKER SUPPORT GROUPS

by John McLaughlin

Since 1997, groups around the world, particularly in Asia, have celebrated December 18 as an annual day in Celebration of the Rights of Migrant Workers and Their Families. It commemorates the day the United Nations approved a Convention of the same title in 1990, which is now about 5 countries short of being adopted. So far only migrant-sending countries have signed it, but groups in migrant-receiving countries are pressing their governments to sign it. Support groups in Japan have been celebrating this day since 1998, but this year they and other Asian groups have decided to have a month of events and consciousness raising, from mid-November until mid-December. Some of these events reflect the results of an active year of campaigns in Japan concerning various issues affecting migrant workers: amnesty for long-term overstayers, labor consultations, health care, empowerment and reintegration programs to help migrants stay in Japan or return home.

Migrant Workers Month Lectures

The month was kicked off on November 17 at Roudou (Labor) Square Tokyo with a report on the "Outcome and Future Direction of Simultaneous Application for Special Permission for Residence, by Tsukuba Kimie of the Asian People's Friendship Society. Over 60 people attended and interpreting was provided in English, Chinese and Spanish. After the initial success of APFS helping 16 out of 21 overstayers get special permission to reside in Japan, a discretionary visa that is Japan's closest thing to an amnesty. The 16 who got this permission all had children; single people, including one who was covering from a workplace accident, were rejected. Of a second wave of 17 applicants, on June 30, only the family with a junior high school student was given permission and the other families were rejected. That prompted other families with children of elementary school age or younger to withdraw their applications. However, 7 families with children of junior high school age or older applied in mid-July and are now awaiting a decision. APFS is trying to figure out what criteria are used in granting this special permission; it seems like there are some which have not been made public by the Ministry and at the same time there appears to be confusion within the Ministry about how to handle this issue. Japan has a

rapidly aging population and the total population will start decreasing soon; the government is increasing its trainee programs and is loosening immigration procedures for highly skilled or educated workers but neglects its large, long-term undocumented foreign workers population. Even the campaign sponsored by APFS primarily helps overstayers with families in Japan, but the overwhelming majority of Japan's 251,000 officially estimated number of overstayers are unmarried or do not have family in Japan.

Three more lectures were held every weekend from November 24 until December 8 on the following topics: "The Current Situations and Problems of Medical Care for Foreigners," "For Empowerment of Migrant Workers and Migrant Foreigners-Current Situations, Problems and Topics," and "Path for Reintegration-Challenge for Self-reliance and Self-support." These lectures will be followed by a three-day telephone hotline and free consultations for foreign residents, sponsored by two labor unions organizing foreign workers, Zentoitsu Workers Union and Shitamachi Union (with OCNNet).

3rd Migrant Workers Day Celebration in Tokyo

Finally, the month of events will culminate in a symposium on December 16 entitled, "Migrant Workers Day Meeting-For Living Together." There will be reports from many support groups and foreign residents themselves about the problems they are facing, as well as music and performances from around the world. Interpreting will be provided into many Asian languages as well as Spanish and English.

This year many support groups were galvanized by the outrageous statements and actions of Tokyo's ultra-conservative Governor Shintaro Ishihara (of "The Japan that Can Say No" fame). In March, he referred to foreigners by the derogatory term "sangokujin" (third-country people), which was used after World War II to refer to former colonial subjects of Japan. He also said that foreigners are responsible



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Letter from Mike Parker

In October, an old friend of APWSL, Mike Parker of Labor Notes in the USA visited Japan at the invitation of the Center for Transnational Labor Studies to give presentations on union democracy. We have asked him to write about his observations on the Japanese labor movement.

YOUNG WORKERS AND UNION REFORM IN JAPAN

In October, I had the privilege of a brief visit to Japan and many discussions with Japanese workers, labor scholars, and some students. I would like to share with you some thoughts from my visit. These demonstrate to me the exceptional value of gaining understanding of the labor movement in other parts of the world in order to get perspective and insights on our own labor movement.

1. The role of youth. During my visit many people commented on how young Japanese workers seemed to have no interest in the union and that students had little interest in social justice causes, rarely challenged authority, and were oriented toward obtaining a satisfactory future in the corporate structure.

In comparison, in the U.S. in recent years we have been heartened by a small but significant resurgence of student activism with an interest in cooperation with the labor movement. Much of this has focussed on issues of global corporate control, At the macro level this has included challenging institutions like the World Trade Organization and the International Monetary Fund. Companies which are built on sweatshop production in the third-world and those companies and universities which buy their products make ready targets for direct action campaigns. These campaigns have provided the basis for a relatively new and still tenuous sense of alliance between student activists and portions of the labor movement and a degree of contact and cooperation we have not seen in years. Labor is also looking to young people as a central part of its organizing campaign both as a cadre of organizers and to win youth as members of the labor movement.

Why the difference here between the US and Japan? Many factors are certainly a part of the explanation. Perhaps we are seeing a conservatization as a result of the bursting of the bubble economy in Japan. There is some evidence that we may be facing similar conditions in the U.S. But a part of the explanation also must go to the conscious decision on the part of sections of the U.S. labor leadership (influenced by the 60's and 70's left) that it both wanted and needed student activists and sought actively to work with



Mike Parker during his previous visit to Japan in 1995 (by Araya Yukie,ITLS)

them and support them. Is such a development possible in Japan?

I should be clear that this is a problematic relationship. Some labor leaders think that a monetary contribution gives them the right of control. Many labor leaders want to shy away from the radicalism and the political independence of student activists (as in the recent US election campaigns or the militant direct actions). Many students lack appreciation for the problems faced by workers on the job and are impatient with the seeming slow rate at which the labor movement has shifted its international outlook. The fact that the labor leadership has recently reversed its position and now defends the rights of immigrant workers is often underestimated.

2. While union democracy has been a long standing issue in the US, I observed that there seemed to be much more interest in the issue in Japan during this visit. In the US, we have generally been oriented toward struggles to reform existing unions. American laws push us in that direction: a union with majority support gets exclusive bargaining rights and indeed prohibit the employer from dealing with a minority union. American labor laws also provide some protection for the rights of workers seeking to reform their unions. In Japan, there is essentially the opposite situation where workers have rights in forming minority unions and few rights seeking reform within large unions. Yet despite the pressure of the Japanese legal system, the task of taking on the employers presses for large united unions and therefore the task of reform of the major unions is urgent. I should add that in the U.S. there is now increased interest in "minority unions." This is not however a strategy for union reform but as an organizing tool where a majority of the bargaining unit favors no union at all.

The interest in the U.S. Teamsters union on the part of Japanese unionists is, I believe, appropriate. It was after all the struggle to reform the union that laid the basis for the successful strike against UPS, as well as some of the most extensive international solidarity activities. Without the partial success of the reform struggle, there could have been no international solidarity, or mobilization of the membership which was necessary to take on one of the most powerful international corporations.

Mike Parker lives in Detroit, Michigan and is a Policy Committee member of Labor Notes.

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for the rising crime rates in Japan and that the Self Defense Forces might be needed to quell riots among them during a national disaster. This last remark completely neglects the historical fact that thousands of foreigners (primarily Korean residents) and Japanese leftists were massacred as rumors spread that the wells were poisoned after the Great Kanto Earthquake in September 1923. The National Network in Solidarity with Migrant Workers and many other coalitions of support groups demanded that he apologize and resign for these irresponsible remarks. He did indirectly admit that they were "careless" remarks misunderstood out of context, but has refused to apologize. In response, in the summer, a network of groups organized a month of "Multi-cultural Tokyo" events, which explored ethnic food, music, dance and other arts, this summer in the Shinjuku area near the Metropolitan Government buildings.

The intractable Governor then held Tokyo's largest rescue drill ever this past September 3 involving 7,200 national Self Defense Force members. Ostensibly this was to prepare for earthquake disaster relief, 77 years after the Great Kanto Earthquake, but it involved soldiers in full

military gear riding on the subways, parading down the Ginza, with 5 warships in Tokyo Harbor and skies buzzing with helicopters. Migrant workers support groups held their own "multicultural disaster counter-drill", providing information in many languages. So far, neither the national nor the Tokyo Metropolitan Government have special measures for aiding foreign residents who do not understand Japanese nor the special customs for emergency procedures here. They are now lobbying the Tokyo Government to adopt an ordinance to require this information to be published in the main languages of foreign residents. To the Governor's credit, there is nothing like a clear opponent to bring together diverse groups to focus on pressing issues.

John McLaughlin is a member of the APWSL Japan editorial board and is active in many labor and migrant worker support groups.



In early December, there was a major breakdown of my computer, and it seemed to be uncertain whether this issue could be published within the month. So I am greatly relieved to be able to send this issue to the readers before the change of the century.

As we near the turn of the century, some pending issues have been solved and some will be carried over. As I reported in the lead article, the prolonged struggle of the Japan National Railways Workers' Union (Kokuro) is one of the latter. The hardships of the dismissed workers and their families started with the privatization of the National Railways in 1987. Then the Nakasone government clearly aimed at busting Kokuro, which was the backbone of the militant trade union movement in Japan after World War Ⅱ by privatizing and splitting the National Railways up. The result was the dismissal of the 1047 union members and the weakening of Kokuro. But, it was not a complete victory for the government. The dismissed workers have managed to fight on demanding their reinstatement and Kokuro, though it has dwindled and has trouble, is still not as tamed as other unions in the Japan Railway companies. So the government's attempt to settle the accounts with labor have not finished and will be carried over to the 21st century.

On November 29, there was great news of the settlement of the Hanaoka case. In 1944, 986 Chinese workers were forcibly brought to Japan and made to work at the Hanaoka mines in Akita Prefecture in the northern part of Japan. The owner of the mines was a

big construction company, Kajima, which treated the Chinese workers as slaves. On June 30, 1945, there was an uprising of the workers and 418 of them were killed. The survivors of the incident started to ask for redress and compensation from the Kajima in 1989. They repeatedly came to Japan to negotiate with the company, but the company would not admit its responsibility, saying that it was the government's policy to bring Chinese workers to Japan to make them work in factories and mines.

The survivors brought the case to court and the Hanaoka case became a test case for the many post-war reparation cases against Japanese companies and government. The Chinese plaintiffs lost their case in December 1997 and they appealed to the Tokyo High Court. The Court recommended settlement in September 1999 and after long negotiations a final settlement was signed on November 29, 2000. Kajima will pay 500 million yen to the Hanaoka Fund from which the survivors can get the reparation money. The striking point of the settlement is that, not only the 11 plaintiffs, but all the 986 victims and their families are entitled to the reparation. This settlement is not a complete victory but a big step for all the people seeking redress for the war responsibilities of Japan.

APWSL Japan has not contributed much to the Hanaoka case, but we have worked with the support group in Japan during the solidarity actions for the Hotel New Otani workers in Los Angeles from 1996 to 1997. I want to express my gratitude for all the people who contributed to this historical victory and hope that this will be a starting point for the settlement of the Japanese war responsibilities in the next century.

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