

APWSL Japan

Asia Pacific Workers' Solidarity Links

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University Teachers Strike to Refuse Being Treated as Disposable Objects



Kyoto - December 9th, 2005

Ritsumeikan University ("Rits"), KYOTO, is one of the most reputed private universities in Japan with more than 35,000

students and more than 2,000 employees (<http://www.ritsumei.ac.jp/eng/>). It employs many foreign teachers on contract basis.

The Rits branch of the General Union was established in May 2003 in response to the university's request for the International Institute "Jokin Koshi" (regular lecturers) to sign contracts for the academic year 2003-2004.

According to "General Union Ritsumeikan University Branch News" No.1 (May 2005), "There were a number of problems in the

revised contracts, but the biggest one was that they were for a limited term.(...) Apart from the standard requests to honor Japanese Labour Law, the main demands were an end to limited term contracts and a pay rise".

This year (2005), unfair labour practices at Rits got spotlight when the union filed a claim with a local labor committee.

NHK news took up this issue on July 8th and major newspapers followed on July 9th. "The Japan Times" reported on July 9,

"An Osaka labor union has filed a claim with a local labor committee over threats by Kyoto's Ritsumeikan University to fire four foreign teachers if they refuse to withdraw from union activities. The university told the four teachers on the phone to stop their union activities or their employment contracts would be terminated, according to the union's claim. The four distributed union flyers in front of the school in June.

The General Union, based in Osaka, also filed a complaint against the university at the labor standards inspection office in Kyoto, accusing the school of setting no employment regulations for its foreign teachers, the union



said." Foreign teachers' contracts are terminated in three to five years at Ritsumeikan University. The union demands that the university

should create employment regulations so teachers can work without anxiety.

In some internet bulletin board, there have been hot debates on this dispute. On Japan Today's forum, one of the comments described the employment systems in universities in Japan as "racist" and suggested "there are a number of ways to fight this. One is to protest directly against academic apartheid".

After a series of negotiation with the administration and leafletting at the campus, the union launched the first strike on December 9th. It was very successful and

the morale of the union members is very high. The web site of the branch reflects the lively atmosphere.

"Today saw a show of solidarity with members from varying branches out to support Ritsumeikan teachers in their first ever strike. Teachers at Ritsumeikan are hired on yearly renewable contracts but with a maximum length of employment of 4 or 5 years. Tired of being treated as disposable objects to be thrown away, our members at Ritsumeikan University have decided to fight this unjust system.

A joint day of solidarity with ECC teachers was held, with the first event being a demonstration on the main Rits' campus. Along with our traditional demonstration methods, the branch was supported by the musical talents of members & friends. The group then moved onto ECC Kyoto Tower school and for an hour flooded the area with leaflets over health and pension issues.

After that, it was onto Minami Kusatsu where we leafleted students of the Ritsumeikan University Biwako campus. It was also a good opportunity for individual teachers to talk with students and explain in detail the reasons for striking.

For details and updates, keep watching <http://www.generalunion.org/>

Struggle Continues to Protect Public Postal Services

Postal-privatization bills were rejected at the upper house in August but after the landslide victory of Koizumi's party at the general election on September 11th, the bills were finally approved on October 14th.

Although media liked to describe the confrontation on the privatization of postal services as a confrontation between "reformers" led by Prime Minister Koizumi and Finance Minister Takenaka and "old guards" within the ruling LDP Party, there had been a real resistance of workers and citizens against both the neoliberalist's "reform" and the privileged and corrupt old guards.

The struggle has not ended. There are day-to-date confrontations at the workshop

levels. Introduction of Toyota-style production system is bringing about an inhuman working condition. The working conditions of non-regular workers

have to be taken up by trade unions. The "partial success" of the campaign against privatization and experiences of the cooperation between trade union and citizens



in a struggle against neoliberalist's "reform" can be utilized as the basis for the further struggle to protect the public services and workers' rights.

The following report was written immediately after the defeat of the postal-privatization bills at Upper House on August 8th by Yoko Akimoto, Secretariat, ATTAC Japan & APWSL Japan.

I'm informing all of you with the greatest joy that the bills of privatization of postal services in Japan were rejected and scrapped in the Upper House by a margin of 17 votes on Aug 8.

The bills passed at the Lower House by a narrow margin of five votes on July 5. Then, the bills continued to be debated at the Upper House until the bills were killed on Aug 8.



As for privatization of postal services in Japan, eighty percent or more of Japanese oppose it in the

first place, according to many surveys conducted by the media. Additionally, even each prefectural assembly where the majority belongs to the ruling parties adopted a resolution on opposition or resistance to the bills.

The main reason for objection to privatization of postal services from the public is that many residents particularly living in the rural area or a local town feel anxious that postal office would disappear after privatization. They already know what privatization is or what privatization has brought about, through privatization of national railway in 1987. (...)

Most of the media supporting privatization or the Koizumi administration criticize MPs or rebels in his party who oppose privatization for their sticking to a traditional way of politics causing a structure of collusion between particular MPs and industries which

mean that they protect the interest hidden in postal services.

I think it may be true in a way. They are seen beneficiaries of the interest produced by the current postal system. However, the reason for the rejection of the bills is more than that. I confidently say that many Japanese said No to Privatization, No to Neoliberalism. I consider the rejection represents a revolt of local residents or local areas suffering from neo-liberalistic globalization.



Privatization of postal services is what Koizumi has cherished since he took up as PM four years ago. He always said that the privatization was a centerpiece of a series of Regulatory Reform policies promoted by his administration as well as his belief. And now he has never changed the view even after rejection.(...)

The Japanese postal savings deposits amount to about \$3 trillion. Now the amount, or a key of state budget, is still controlled and managed by the government. However, Koizumi tries to flow the amount in the marketplace after privatization, upon request of the US. The US industries including insurance companies or vulture investors are aiming at this fund.(...)



Mizuho Fukushima, Chairperson of the Social Democratic Party as well as attorney at law, questioned about the bills of privatization of postal services at an open meeting organized by

ATTAC Japan and Yusei Rodosha Union (standing for Postal Workers' Union in Japanese), a small and independent but very active union, saying "it became clear during session at Parliament that Japanese high-ranking officials of the Postal Services

Privatization Office met their US counterparts or industries seventeen times to discuss privatization of postal services in Japan.

Did such Japanese officials meet Japanese residents about the issue seventeen times? That is absolutely, "NO." Koizumi and his cronies will never disclose the fact that he just follows the American request of privatization.

Considering the situation, we at ATTAC Japan and Yusei Rodosha Union jointly did many different activities to block the bills. We formed a Citizens' Network for Watching Privatization of Postal Services in April.



The aim was to stir up discussion about privatization or boost up discussion to the level that every people are discussing about privatization, instead of persisting on turning down privatization from the first.

Our activities included open meetings,

distribution of fliers at the street and to MPs, lobbying (calling on MPs to debate with them about what privatization is or our resistance to privatization), sit-in in front of the Parliament, etc. Sometimes we used an interview video titled "What is Privatization? - Voices from the Outside" taken in Porte Alegre this year.

Finally, we scrapped the bills. Koizumi broke up the LH and declared a general election scheduled on Sept. 11. Koizumi said, "I am merciless to rebels in my party. I'll feed in a powerful rival candidate in each constituency where rebels are supposed to run for an election." (...) Koizumi is aiming at the next stage. He will submit a new style of privatization bills to the Parliament. We have to shut down his intention thoroughly. Our struggle against privatization and neo-liberalistic globalization still continues.

A Study Group of Labour Ministry Disclosed the Final Report on Labor Contract Law

A study group on labor contract laws commissioned by Ministry of Health, Labour and Welfare disclosed its final report on September 15th, 2005. The group headed by Prof. Sugano Kazuo has been working on "the desirable labor contract law system in the future" since April 2004.

The report explains the need of a new law ("Labor Contract Law") on the ground that drastic changes in the pattern of employment often bring about disputes which existing labor laws didn't assume. The Labor Contract Law will be a new law which establishes rules on civil affairs related to employment.

The main components of the new law will be

i) a rigid rule on the termination of employment

for definite-term labor contract (including a rule which allow "trial" employment before formal employment as regular employees);
ii) introduction of "labor-employer committee" as a permanent body in a company in which there is no trade union;
iii) settlement money as means of terminating employees regardless of the legitimacy of the termination;
iv) introduction of "white collar exemption" (a certain type of employees will be exempted from the restrictions on working hours) and
v) introduction of a system called "change of the contract while continuing the employment" in which employees who have objections on the change of contract can continue to be employed while seeking the withdrawal of the changes at the court.

Mr. Kamota Tetsuo, Secretary General of Japan Bar Association on Labor Law criticized the report of the study group in biweekly "Rodo Joho" (November 1st, 2005). According to Mr. Kamota, the core of the proposal of the report is the introduction of labor-employer committee. Although the report talks about a spontaneous agreement on even ground, employees cannot negotiate with employers on even ground without the system to elect their representative in a process completely independent from the intervention of the employers. But there is no mention about such a system of representation.

Mr. Kamota also points out that the "settlement money" system is not a solution for employees. Although there are so many cases in which employees get settlement money and accept the termination, it is by no means desirable. The reason of this practice should be examined and eliminated.

Another problem is the "white collar exemption". If a labor-employer committee is allowed to adopt such the exemption and agree on longer working hours, the protection by the Labor Standard Law will be eventually undermined. Still another problem is that the study group's report ignores the actual

situation of definite-term labor contracts. It is very difficult for workers working on definite-term labor contracts to protect their rights. The report urge the employers to clarify whether the contract is renewable or not or the condition for renewal at the time of executing the contract. This will be used to determine the legitimacy of the termination. "Trial" employment can be used as a way to terminate employment without any reason.

Mr. Kamota concludes, "Labor Contract Law should supplement the Labor Standard Law, which force the minimum working conditions through administrative and police's authority, in order to guarantee desirable working conditions. We need a labor contract law which can be used to protect workers and a working hour law which enables us to live in dignity".

All the national centers issued statements denouncing the study group's report as further setback on the workers' rights and working conditions.

Ministry of Health, Labour and Welfare is planning to review the report and another report (on "working hour") in the Working Conditions Sub-committee of Labour Policy Council and finalize the draft law to be submitted to the Houses in 2007.

APWSL Japan 2005

We welcome the efforts of the Coordinating Team and each national/regional group to revitalize our network. We are convinced that we are moving forward to the reconstruction of our regional network.

Members of APWSL Japan have been actively involved in a series of movements to promote international solidarity of workers based on grassroots participation.

Here we want to share some of the new development of our activity in 2005.

"Labor Festa" is an interesting initiative. It features 3-minutes video films produced by workers and activists.

This year we had the second Labor Festa in Osaka and the



fourth Labor Festa in Tokyo both in December. More than 100 people in Osaka and 300 people in Tokyo enjoyed more than 20 films produced by co-workers. The films showed the lives and struggles of non-regular workers, women workers, young workers and so on. See <http://www.labornetjp.org/>



APWSL Japan is active in the "alter-globalization" social movements. Some of our members joined the 5th World Social Forum in Brazil in January, demonstration against APEC in Pusan, Korea in November and anti-WTO demonstrations in Hong Kong in December.

Another important development was the struggle of Philippine Toyota workers. Their struggle is encouraging many workers in Japan.

Representatives of TMPCWA visited Japan and joined the protest action at the headquarter of the company in Tokyo and Toyota City.



IMF issued a statement supporting the struggle of TMPCWA and denouncing the management of Toyota on August 10th. (<http://www.imfmetal.org/main/index.cfm?n=11&l=2&nbid=5363>). For detail, see http://www.geocities.jp/protest_toyota/

News Clips

1) Kubota apologizes for asbestos

(The Japan Times: Dec. 26, 2005)

AMAGASAKI, Hyogo Pref. (Kyodo) The president of major machinery manufacturer Kubota Corp. apologized Sunday to people

suffering from asbestos-linked diseases who live near one of the firm's asbestos factories.

Kubota Corp.'s now-defunct Kanzaki factory in Amagasaki, Hyogo Prefecture, lies adjacent to a residential area.

While Kubota President Daisuke Hatakake, meeting with the residents, did not clearly acknowledge the causal relationship between its factory and their illnesses, he said he feels a moral responsibility for their plight, according to the residents.

They added that Hatakake promised to set up a new compensation regime for residents similar to that for Kubota employees by April after listening to their views on the matter. The roughly one-hour meeting -- the first between Hatakake and residents and family members of those who have since died -- was closed to the media.

The apology and pledge for a new compensation framework may affect other companies which have used asbestos, observers said.

The residents lived near Kubota's Kanzaki factory, which was in operation between 1954 and 1997. It manufactured such products as sewer pipes that contained asbestos.

Records show it used some 9 tons of blue asbestos, believed to be the most toxic form of the substance, between 1957 and 1975.

Of the 251 employees involved in producing the pipes for more than a decade, roughly half have been diagnosed with asbestos-linked diseases such as mesothelioma, and 61 have died.(...)

2) Cabinet endorses basic plan to promote gender equality

(The Japan Times: Dec. 28, 2005)

A basic plan to achieve gender equality was endorsed at a Cabinet meeting Tuesday and features the goal of raising the rate at which

woman are recruited for the top-level career track in the central government.

The target rate is 30 percent per year by around fiscal 2010, up from 21.5 percent for fiscal 2005. It includes introducing part-time working hours so central government officials can continue to work while raising children or caring for other family members.

In more general measures, companies will be urged to hire women who earlier quit their jobs to care for children.

To placate conservatives, the plan says the government does not want to deny the idea of "gender distinction" or Japanese cultural traditions, including the Doll's Festival for girls on March 3, in the process of promoting gender equality.

Workplace measures

A government advisory panel recommended Tuesday facilitating maternity leave, banning indirect discrimination and reinforcing measures against sexual harassment to tackle gender discrimination in the workplace.

Based on the proposals by the labor policy panel, the Health, Labor and Welfare Ministry will present a bill to the Diet next year to revise the law guaranteeing equal employment opportunities for both men and women.

3) Damages awarded over nonhiring of JNR unionists

(The Japan Times: Sept. 16, 2005)

The now-defunct Japanese National Railways discriminated against employees in a union opposed to the 1987 JNR privatization by not ensuring they were rehired by the spinoff carriers, the Tokyo District Court said in a landmark ruling Thursday.

Former Japanese National Railways workers who were unable to get jobs when JNR was

privatized into the Japan Railway group firms in 1987 march Thursday afternoon to the Tokyo District Court.

Presiding Judge Koichi Nanba ordered the Japan Railway Construction, Transport and Technology Agency, which took over some JNR operations, to pay 5 million yen in damages to each of the 283 plaintiffs, who are members of the National Railway Workers Union (Kokuro), which was backed by the former Japan Socialist Party.

"The plaintiffs were not listed as candidates for recruitment at the newly established Hokkaido Railway Co. and Kyushu Railway Co. because JNR arbitrarily evaluated their work performances low because of their union activities," Nanba said. "Their rights to receive fair evaluations were infringed upon by JNR, which treated them unfairly." Nanba, however, rejected the plaintiffs' demand to remain employed by the agency, saying, "There were reasonable causes for dismissal." The plaintiffs said they would appeal the ruling because of this point of contention and because the damages awarded fail to compensate for their hardships since 1987.

Thursday's ruling is the first awarding compensation for ex-JNR workers who were not hired by the Japan Railway group firms due to the discriminatory labor practices of JNR and its affiliates.

In December 2003, the Supreme Court turned down a suit filed by former Kokuro members demanding jobs at JR firms, ruling the spinoff carriers bore no liability for JNR's unfair labor practices.

Thursday's ruling may open the door to other parties who have lost other legal battles over the jobs lost in the 1987 JNR privatization to sue the Japan Railway Construction, Transport

and Technology Agency.

When JNR was privatized and broken up into several JR group firms in April 1987, about 7,600 JNR workers -- mainly Kokuro members working in its Hokkaido and Kyushu operations -- were not rehired by the spinoffs.

JNR Settlement Corp. hired most of them temporarily and gave them three years to look for new jobs. But when the transition period expired in April 1990, the corporation terminated the employment of 1,047 people who had been unable to find other jobs. The plaintiffs in Thursday's suit were among the 1,047. Those who have died since the action was initiated are being represented by relatives.(...)

"Our honor was restored by the court's recognition" of the unfair labor practices, Naoaki Sakai, leader of the plaintiffs, told reporters in Tokyo. "But my pain and suffering during the 18 years since being turned down for work (at the JR firms) are beyond description." Several other plaintiffs and their lawyers were angry that the court refused to order the agency to employ them. Kokuro welcomed the compensation award over JNR's discrimination against its members during the JR firms' 1987 recruitment drives. However, the damages amount was far from sufficient, given the suffering the idled workers went through since then, the union said.

4) McDonald's to pay millions in unpaid overtime

(The Japan Times: Aug. 5, 2005)

The decision earlier this week by McDonald's Holdings Co. (Japan) to make up for inadequate overtime wages and nonscheduled cash earnings owed to nearly 130,000 part-time and regular-payroll workers has sent a shock

wave through industries heavily dependent on employees paid by the hour.

The operator of franchise and directly controlled hamburger restaurants said Aug. 1 that it will pay the wages due retroactive to August 2003.

McDonald's said it had mistakenly calculated employee hours worked to the nearest half-hour, ignoring any time that had been worked beyond the half hour.

The Health, Labor and Welfare Ministry has said it will step up efforts to crack down on companies that are not calculating overtime properly.(...)

The McDonald's problem was uncovered in a probe by the labor standards inspection office after someone at McDonald's brought it to the attention of labor authorities, according to sources. Based on all the employee reports, which are coming in more frequently as a result of new legislation protecting whistle-blowers, the labor ministry is poised to become more assertive about going after labor law violations such as overtime pay.

The number of labor law violations rose to about 82,000 in 2004 from about 79,000 the previous year.(...)

A Tokyo-based managers' union that has also received complaints about McDonald's said the nonexistence of a union is one factor behind the problems with part-time workers' pay.