

Voice

National Union

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September 2002, Vol. 1 No. 5

News from the General Union (Kansai & Tokai), NUGW Tokyo South, Fukuoka General Union, Kumamoto General Union, and the Language Teachers' Union of Sendai

WE WILL WIN! Linguaphone and YMCA

General Union

Having fought for years to get employers to follow the law and to improve working conditions, the General Union has come up against two employers that seem to be bent on breaking the hard-won peace.

One of the two employers, Linguaphone Academy (Zenken Honsha) has laid the groundwork for a major dispute in the language industry by firing union members and union executive officers (see story in this issue). This company has carried out the dismissals in the most underhand fashion, using lies and deceit, and thereby forcing the union's hand. Linguaphone now faces a major industrial dispute. This is a company that complains about the quality of its teachers on the one hand while breaking substantial sections of the labour laws.

"An injury to one is an injury to all."

The YMCA on the other hand are trying to break union members' resolve by failing to negotiate in good faith with union demands that are meant to improve and stabilize the language teaching industry. YMCA has already seen the first strikes since the founding of the General

Union YMCA Branch eight years ago.

These two major disputes will set the pace for the language industry in the years to come. They are not only the fight of the workers at these companies, but the fight of everyone who earns their daily bread teaching. After eleven years of the union's history and long after most companies have given up crude union busting tactics, these employers behave in a way that should outrage everyone.

A major picket against these employers is planned for the coming month and we ask that all members participate in these dispute acts if at all possible.

The union's position has always been that "an injury to one is an injury to all." The labour disputes at these two workplaces make this statement truer than ever. Union members refuse to go backwards in terms of their working conditions and refuse to give up their hard-won rights to collective bargaining and a voice in their workplaces. Don't let this be someone else's fight. This is a fight we all share together.

Let's win together and send a clear message to all companies that we are here to stay, forever!

Strike 3! At the YMCA

General Union

Striking at the YMCA? Why? The Y's reputation is better than many other language schools, so you may be surprised to hear of the ongoing action.

The General Union, in its eight year history at the YMCA, has been able to guarantee working conditions for foreign teachers, and now for an increasing number of Japanese teachers: a twenty hour teaching week, 3,500 per hour for teaching over 20 hours, regular annual pay rises, extra payment for long commutes, 3,500 per 50 min lesson for part-timers, and 35 paid vacation days.

The General Union, in its eight-year history at the YMCA, has been able to guarantee working conditions for foreign teachers

So, why strike?

In an attempt to demoralize union members and stop new teachers from joining, the YMCA has recently taken to violating our collective agreements.

Continued on Page 2

**Sunday
October 20th
6pm - 9pm**

GU 2002 General Meeting

**All Members Expected to Attend
See www.generalunion.org for map**

**L-Osaka
Room 606**

Kanto: NUGW Tokyo South

Tokyo-to, Minato-ku, Shimbashi 5-17-7-2F
Tel: 03-3434-0669 Fax: 03-3433-0334
Email: nugw_ts@jca.apc.org
URL: www.ktuf.org

Kansai: General Union

Osaka-shi, Kita-ku, Temma 2-1-17-3F
Tel: 06-6352-9619 Fax: 06-6352-9630
Email: gu@generalunion.org
URL: www.generalunion.org

Tokai: General Union

Nagoya-shi, Chikusa-ku, Uchiyama 3-28-2-5F
Tel/Fax: 052-735-9704
Email: tokai@generalunion.org
URL: www.generalunion.org

Language Teachers Union of Sendai

Tel: 022-261-4392 Fax: 022-222-7734
Email: ltus@generalunion.org

Fukuoka General Union

Kasuga-shi, Kasugabaru Kitamachi 1-3-24-207
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Email: GZC05153@nifty.ne.jp

Kumamoto General Union

Email: kumamoto@generalunion.org

National Union of General Workers

Linguaphone: Major Dispute Begins **Strike 3!** **At the YMCA**

General Union – Tokai Branch

Background

Linguaphone Academy is a chain of 12 English schools in Tokyo, Nagoya, and other major cities.

The company's foreign teachers had long been attempting to gain improvements to their working conditions and to the school curriculum. Time and again however, the company had rebuffed any proposal aimed at making its schools better places for both teachers and students. Finally, last February, staff at Nagoya Linguaphone School decided to endure the management's cavalier attitude no longer. After being threatened with illegal demotions and pay cuts, two teachers joined the General Union, and their colleagues soon followed suit. Although they could all have got jobs elsewhere, they decided instead to fight for a better workplace. They realised that only with the power of a union behind them could they seek to improve their workplace without being ignored by the company or pressured to quit. The result was the formation of the General Union Nagoya Linguaphone Branch on July 19.

Latest Developments

The company's reaction has been ruthless and illegal. It has refused to renew the contract of the head teacher, who is also the branch vice chair. This is without doubt an attempt to eradicate the Union Branch, and, as such, it is a breach of the Trade Union Law. Thus far, the company has also refused collective bargaining, another breach of the same law.

Linguaphone's actions have ignited a conflict that we did not want, but which we must win. We cannot allow a company to fire our members for exercising their legal right to join a labour union. We cannot tolerate a refusal of

collective bargaining. This company's illegal actions are a threat to our members' livelihoods, to our Union, and to the rights of workers in Japan.

With virtually all the teachers at Linguaphone Nagoya School now in the Union, we can decide when the school will be open for business and when it will not. We have already hit it hard with strikes on August 31 and September 6. Our strikes will continue until the company gives in.

To add to the pressure it is already under, we have talked to the local and national press (*Asahi Shimbun*) about the dispute, reported Linguaphone to the Unemployment Insurance authorities – predictably, the company doesn't enrol its foreign employees on the national UI scheme, only its Japanese ones – and filed a complaint against the company at Osaka Labour Commission (Sept. 6).

We must also mention that students at Nagoya Linguaphone have organised a petition in support of the teacher who is threatened with losing his job. The students have undertaken this generous action without any prompting from the teachers or the Union. The company alleges that the decision not to renew our member's contract was based on his poor performance as an employee.

What clearer proof could there be that this is a lie, than that 150 students have now signed the petition to support him?

Linguaphone is desperately struggling to maintain control, without realising that control is slipping from its grasp. We are in regular contact with staff at other Linguaphone schools, and we know that their resentment at contemptuous treatment by the company is about to boil over.

(Continued from front page)

Longer hours have been introduced. Teachers have not received the agreed upon pay increase. Commute time payments have not been paid as well. In breaking agreement after agreement, the YMCA shows its total lack of respect for its employees and takes up a ridiculous amount of the General Union's time and patience.

Earlier this summer, after numerous rounds of negotiations with the management, the YMCA Branch voted to begin strike actions against the YMCA in the third week of July. The first two strikes, held primarily at lunch times, were held in such a way as to minimize inconvenience to students.

However, YMCA's management continued to show their, by now infamous, inability to make a decision so on Friday, July 26th, a strike was carried out that greatly affected the Language Centers evening classes.

In breaking agreement after agreement, the YMCA shows its total lack of respect for its employees and takes up a ridiculous amount of the General Union's time and patience.

Branch members, supported by other General Union members, leafleted, picketed and rallied support outside the YMCA's main office in Tosabori.

It was hoped that the August break would allow management time to consider the issues and come to the table willing to negotiate in good faith. However management has made no moves to resolve the many outstanding issues.

The YMCA Branch voted to begin strike actions against the YMCA in the third week of July

Strike action **will** continue at the YMCA in the near future.

The branch has been grateful for the support of fellow members of the General Union and hopes to see continued support as we enter a critical time in Union-YMCA disputes.

PLEASE SEND ME MORE INFORMATION

Name:	Employer:
Address:	
Tel:	Email

Fax entire sheet to a local union listed on the front page or email to the local union involved. For all other areas, fax to the General Union at (06)6352-9630 or email to voice@generalunion.org

British Council - Unfair Labour Practices

General Union Tokai Branch

In April 2002, a GU member working part-time at the British Council's Nagoya School was told by his manager that his contract would not be renewed. On enquiring why, he was informed that, although his performance was unproblematic, business was slow, and there wasn't enough work at the school for him. He was however asked to continue attending staff meetings.

The British Council has behaved in a manner unworthy of such a prestigious institution

Then the teacher discovered that a new part-timer had been hired, and that the teaching hours of other staff had been increased. So clearly the manager had lied: the work was still there, but had been assigned to other staff. The teacher asked the Union to pursue a grievance on the ground that, while he was still an employee of the BC despite the non-renewal (because he was still attending staff meetings), the school had arbitrarily cut his hours of work. It is illegal to do this without an employee's consent (as the Union has already pointed out to Berlitz several times). The situation evolved further once the teacher had had the effrontery to request payment for staff meetings attended since April (BC staff are paid for these meetings), and the Union had sent its first letter of grievance to the school. These two events prompted the BC to issue a clarification (if one may call it that): the teacher was not a member of staff, was not entitled to come to staff meetings, and would not be paid for meetings already attended in April and May.

Unlike the Embassy, the Council cannot avail itself even of the spurious pretext of diplomatic immunity

The BC was now in the ludicrous position of claiming that the teacher was not entitled to attend meetings, although it had previously *asked* him to do so. Would any employer in his/her right mind even contemplate asking somebody having no relationship with the said employer's company to attend its staff meetings? If

you attend staff meetings, you are staff by definition. The BC was also breaking the Labour Standards Law by refusing to pay our member for hours worked (BC staff are paid for attendance at meetings). To make matters even worse, the Council has to date refused all Union demands for collective bargaining, on the spurious pretext that, as our member is no longer an employee of the BC, it does not have to meet the Union. Whether our member is currently an employee or not, is irrelevant: the BC is still obliged by the Trade Union Law to attend collective bargaining. Anyway, on July 31 the Council gave in to Union pressure and paid the teacher for staff meetings held in April, May, and June. If you get paid like an employee, then you are an employee; this much is surely self-evident, but the BC seems oblivious to the absurdity of its position.

If you attend staff meetings like staff, and teach classes like staff, then you are staff, aren't you?

The British Council has behaved in a manner unworthy of such a prestigious institution. It has shown a haughty disdain not only for the laws of Japan, but also for anything resembling logic. It defies belief that a body which describes itself as "the United Kingdom's international organisation for educational and cultural relations" would show such stubborn

disregard for its host country's laws. Perhaps the truth is that it considers itself above them, just as the British embassy seems to. Last year the Embassy in Tokyo dismissed a member of another union, probably for union activity. It then refused collective bargaining, claiming diplomatic immunity. No reasonable person would subscribe to the notion that diplomatic immunity gives *carte blanche* to flout a receiving country's laws, but there seems to be a disturbing pattern of cavalier disregard of Japan's laws by both Embassy and Council. This is the kind of colonialist attitude one would like to think belonged to the past.

What an embarrassment for all the law-abiding British citizens (including the writer of this article) who live and work here. Contrary to the expectations of some, the England fans who journeyed here for the World Cup appear for the most part to have behaved themselves with exemplary respect for the laws of this country. Why can't the British Embassy and the British Council do the same? The British Council is a for-profit business, not an embassy, so it cannot make an ethically dubious appeal to diplomatic immunity. If it continues in its intransigence, it will end up in front of the Labour Commission, trying and failing to justify its illegal actions. Just like its French counterpart, the Institut franco-japonais in Kyoto...

General Union - General Meeting

All Members Expected to Attend

Date: Sunday, October 20

Time: 6:00 pm - 9:00 pm

Place: L-Osaka Rm. 606

NOVA Branch Organising Drive

General Union

As most of you in our Nova Branch probably already know, the General Union now has a new organizer on board to build the Nova Branch. The General Union already has some significant wins at Nova including legal paid holidays, registration in the Unemployment Insurance Fund and a grievance procedure to deal with individual troubles at Nova for union members. This September, we will be going into collective bargaining with Nova and we are now fighting for demands such as increased preparation time between classes, more paid holidays for teachers (i.e. days off in lieu, or premium pay for national holidays) and a Safety Committee as required by law. How can we win these demands? By organising and sticking together! There are a lot of benefits that come with union

membership. Union members get information, support and most importantly, hope for a better workplace. On Sunday, September 15 at 8:30p.m., we are going to have a branch meeting at the General Union office in Temmabashi and we are going to hear about the collective bargaining, and discuss ways in which we can win our demands and improve our workplaces. Directions to the General Union office can be found on our website:

www.generalunion.org

For more information on how to join, check out our website, or give us a call at (06) 6352-9619 and set up an appointment with our organizer. When you join the General Union, you join a union that has a strong membership throughout the language industry.

Late Wages at Interac

General Union

The General Union has received some complaints and information regarding late wage payments at a dispatch company called Interac. We would strongly recommend that any Interac employee who is experiencing this problem should contact the General Union immediately. Under the Labour Standards Law, all wages must be paid in full at least once per month.

We would strongly recommend that any Interac employee who is experiencing this problem should contact the General Union immediately

Also, there have been reports of Interac has been late on tax refunds by approximately six months. If you've had this problem, we want to hear from you.

Pension scandal at Fukuoka Berlitz LC

A teacher's tale

The local union agent and I submitted a letter of request to Berlitz Fukuoka requesting negotiations concerning the Berlitz pension. We had a small problem with the pension down here. Namely, we didn't know about it. Berlitz obviously kept us here in the dark, as we had no knowledge of work rules, or service manual, let alone a pension, until about two years ago. I was a MG teacher for some 12 years, during which I often worked as substitute head teacher. Believe me, during those 12 years I became very knowledgeable about where things were

in the school, and I never stumbled across any work rules or service manual, or information about the pension. Well as it turns out, we eventually did find out about the work rules and the information in them about the pension. I was very surprised to say the least. I wasn't sure if I qualified for the pension though as the wording in the work rules is vague to the extreme. Later though I discovered that there was a service manual that actually spelled out in fairly concrete terms the actual number of lessons necessary to qualify for it.

Fortunately I was able to locate all my old pay sheets and do the necessary tabulation

and -DAMN! - I found out that Berlitz done screwed me.

We had a small problem with the pension down here; namely, we didn't know about it

It seems I was eligible to join the pension in 1992 - if I had only known about it. To make matters worse, I learned that two of the Berlitz staff who had joined the company a considerable time after me were able to get on the pension program. Well, some people in this company rate, and the rest of us...

Well, you obviously understand.

Thanks

NUGW would like to thank the following establishments for displaying copies of the National Union "Voice".

Kanto Area: Dubliners (Shinjuku)

Kansai Area: Balabushka (Shinsaibashi), Bar Isn't It (Abeno), The Cellar (Shinsaibashi), Dubliners' (Kobe), Pig and Whistle (Kyoto, Shinsaibashi & Umeda), Ryan's Irish Pub (Sannomiya), Someplace Else (Shinsaibashi), Tin's Hall (Tennoji), Tramps (Kyobashi), Rumours (Nara), Bar and Grill Pump (Shinsaibashi), Green Leaf, Rakkan (Shinsaibashi), Community House Information Centre (CHIC-Kobe), Kitano, Kitano Catholic Church (Umeda).

Nagoya Area: Jerry's Uno, Queen's Head, Pub Restaurant Usquebaugh, Bumphy's Irish Pub, Marky's, Pelican Pete's, The Lazy Lizard, Kakuzoan Bar, The Exit, The Book Shack, Tokuzo, Jazz Room Exit, Nagoya International Centre. The Elephant's Nest, Red Rock Bar and Grill, Dos Delfines, Desperados.

Fukuoka Area: Kambal Restaurant, Sakae Sushi, The Hacienda.

Okayama Area: Varie Mitsukete Bar

Helping Each Other

General Union

At some schools, we set up branches in order to deal with a specific workplace, but we do encourage all members to help other union members regardless of their workplace or the industry in which they belong. Our union is strong because we represent workers in a whole industry rather than in just one workplace. Your union membership is valid even if you work at more than one company, and remains valid upon changing jobs.

Stop firings at Love FM

Fukuoka General Union

We, the employees of Kyushu International FM (Love FM), one of only four international radio stations in the entire country, have many concerns about our treatment by the station's management and the business practices at Love FM.

When Love FM obtained its broadcasting license and began broadcast service in 1997, it was originally intended to be a source of music, international news and information for the Japanese and non-Japanese population of Northern Kyushu, with a majority of its programming provided in languages other than Japanese. In the event of a natural disaster or other emergency, Love FM accepted the challenge of providing information to the foreign community of Northern Kyushu.

We deserve security for our jobs and for our families.

Today Love FM is on the eve of transforming itself into a Japanese language radio station that will provide little internationally-minded programming. The station's management has decided to surrender its ability to oversee broadcast content to outside production companies, while simultaneously firing the Japanese and non-Japanese production staff who have worked hard for the station despite difficult working conditions. As of September 30, Love FM will undertake a mass dismissal of about 50 of its DJs and

program production staff.

Current working conditions are inexcusable. We are given little direction from management as to how to carry out our work. We have no employment guidelines.

The company's position is that we are not employees, even though some of us have been working for the radio station since before it went on the air

Program evaluation meetings with management do not exist. Yet despite the lack of cooperation we receive from management, they often deem it necessary to cancel a program or fire an employee without reason. Clearly the workers are being made to take responsibility for management's lack of vision and direction.

We deserve security for our jobs and for our families. We have made repeated requests for employment contracts, and despite promises from management that we would be given contracts we still do not have them. Management's policy is to deny us health insurance benefits, unemployment insurance options, paid holidays, and extra pay for working national holidays. Although promised compensation, we are often not paid for extra work, and we are never paid overtime. We are the faces and voices of Love FM's broadcasts, yet we are not given anything to make us feel secure in our work.

The Fukuoka General Union (FGU), on behalf of our members working at Love FM, has repeatedly requested since August 12 that management enter into negotiations with us.

We have also demanded the abrogation of management's decision to fire its employees en masse.

Love FM's president has refused to collectively bargain with us in two separate letters to the FGU. The company's position is that we are not employees, even though some of us have been working for the radio station since before it went on the air. Management maintains that we only provide a contracted service and, therefore, are not eligible for the benefits or the protections of regular employees.

Yet, management has admitted in writing that proof of its contention does not exist.

We are given little direction from management as to how to carry out our work.

This situation is unforgivable. We have served Love FM's listeners and management loyally, and our hard work has been rewarded with poor working conditions, lack of job security, and ultimately, dismissals. We demand that management immediately begin discussions on the above stated issues with us through our union, the Fukuoka General Union, and that the unusual and illegal business practices of Love FM be further examined.



ELI loses claim over quitting

General Union

Some people just can't stand losing. In what should have been a simple case of unpaid wages, the Union contacted a small company called Emmy's Language Institute (ELI, president; Hosomi Sachiyo) in August last year, demanding payment of our member's final month's salary, as well as illegal deductions. The total came to about 370,000 yen. The company paid up in October.

Sued for Quitting

So far, so good. The union, unfortunately, has to handle similar cases all the time. What makes ELI different is that they came up with the idea of recouping this money. At the end of October, our member was surprised to see court papers from Toyonaka Summary Court arriving at his house, informing him that he had been sued for damage to ELI's business.

They claimed that because he had quit before the end of his one-year contract, they had had to replace him with another teacher, who demanded higher wages. They had no choice but to hire the

teacher, thus losing out financially to the tune of 206,400 yen. Also, they claimed that in three cases, students had quit their school because of the defendant's bad teaching or lack of professionalism. Their total claim amounted to about 390,000 yen, a little over what they had tried to take off him the first time around. The member consulted the union, and we agreed to handle the case. A bad teacher can be disciplined or even fired, but sued for quitting your job (after giving the contractually agreed 2 month's notice)?

No!

Now they have lost twice over, wasted their resources and time on a fruitless quest to punish a teacher who just wanted to be paid for the hours he worked

This was all clearly just a case of revenge by the company, and at Osaka District Court (where the case had been transferred), on 26 July the judge turned down the claim for damages over the

quitting, and turned down the claims in two of the cases regarding students quitting the school.

However, the judge ruled that in one case, where the teacher had forced a pupil to do pushups as a punishment, the teacher had to pay 49,710 yen in damages for the boy leaving the school. This was because it was a case of 'corporal punishment'. The teacher decided not to appeal

We regard this judgement as an important victory, however, as the main claim was rejected.

Was it worth it?

We hope that ELI will accept from now on, as many other small companies have had to, that they are not immune from Japanese Labour Laws, and cannot somehow hope to win by attacking the union or its members. Now they have lost twice over, wasted their resources and time on a fruitless quest to punish a teacher who just wanted to be paid for the hours he worked.

Was it really worth it?

Employees or Subcontractors?

General Union

Don't be Duped!

Legal Differences between Employment and Subcontracting

Over the past few months the General Union has seen more and more companies claim that their employees are not actually employees, but rather, subcontractors (see Matsushita article). Companies make this claim so that employees are not entitled to benefits under the Labour Standards Law (i.e. paid holidays, overtime pay), the Unemployment Insurance Law, and the Trade Union Law (i.e. you can't join a union).

If the company is responsible for setting the curriculum, training, textbook selection, the number of classes, the location of the classes, and the time of the classes, then the company is in control and you are an employee

This has been done in an attempt to get around the industry standards that have been won through the years of struggle by the union at most language companies.

There is a big difference though between the companies saying you are a subcontractor and the law recognizing you as a subcontractor. Due to the increase in companies claiming that their employees are subcontractors, the General Union recently met with officials from the Ministry of Health, Welfare and Labour to study the differences.

A Simple Test

1. Who controls the work?

If the company is responsible for setting the curriculum, training, textbook selection, the number of classes, the location of the classes, and the time of the classes, then the company is in control and you are an employee. If on the other hand you set the schedule and have 100% control over the classes, then you are a subcontractor. So far, we haven't seen any instances of any language company, university or high school in which this is the case.

2. Who decides the pay?

If the company has a pay scale or is solely responsible for setting the pay, you are an employee. Also, if there is a regular pay day, you are also an employee.

Subcontractors negotiate the pay with their employees and are paid upon completion of a specific job. Again, we haven't seen any instances of any language company, university or high school in which this is the case.

Most companies know that the subcontracting argument is weak, and will therefore back down

So what's the Difference?

Basically, employees have more rights. If you believe that your company is denying you basic employment rights because they claim you are a subcontractor, you should contact the union immediately.

Recently we were able to guarantee paid holidays for a member even though the company insisted that he was a subcontractor.

Most companies know that the subcontracting argument is weak, and will therefore back down. Don't be duped into believing that you are an independent entrepreneur. If your company controls your work, you are an employee and have employment protection under the laws of Japan.

雇用・委任・派遣は、どこが違う？ 九州FM局の解雇反対

あなたの契約をチェックしよう

介入」の不当労働行為と、「委任という偽装請負」を大阪地労委に訴え、松下の違法かつ、非人間的経営を内外に公表する。

労働法を守りたくない悪質な会社が、「雇用」を、労働者個人への業務の「委任・委託」だと、カモフラージュする「偽装請負」が増えています。そのためゼネラルユニオンでは、識別ポイントを明確にし、安定雇用のため、契約書の点検をよびかけています。

「委任・委託」は、下請け契約ですので、労働者？も一人の会社と同じです。あなたは、「雇用主である会社の社員」と信じているかもしれませんが、そんな詐欺もあるのです。

委任・委託とは会社は元請となり、出張は発注となります。それを請負う代金や消費税が話し合われますが、一切の公的保険はありません。労災保険(通勤途上を含む)や、労働VISAもないので、問題発生の際に、言っていく所がありません。仕事を何時・何処でどのようにやり遂げる、などの段取りと管理も、受注した者の責任と自由裁量です。雇用とは、就業日時や準備・出張など、すべて雇用した会社からの業務命令で指定のうえ管理されます。毎月の給料日に「従業員への賃金支払い」となります。税金は所得税で、会社が源泉徴収します。労働基準法が適用され、時間外手当割増や年次有給休暇もあります。公的健康保険や雇用保険にも入れます。労働VISAも取得できます。

福岡ゼネラルユニオン

私たち九州国際エフエム・Love FMの従業員は、会社の経営及び、従業員の扱いに疑問を感じています。1997年に放送認可があり、開局当初のLOVE FMは、番組のほとんどが日本語以外の言語で行われており、国際的なニュースを九州北部の日本人及び外国人に提供する意図がありました。

自然災害やその他考えられる緊急事態に備えて、Love FMは地域の外国人住民に情報を提供する使命をかってでました。現在Love FMは、日本語放送への転換期にさしかかっています。このままいけば、国際的な視野を持った番組の制作は、無いに等しいと考えられます。今回局側のマネージメントは、全ての番組制作を外部の製作会社に依頼し、これに従って、今まで困難な状況下でもLove FMに尽くしてきた日本人及び外国人を、全面的に解雇する事を決定いたしております。現在の労働条件は許されるものではありません。マネージメント側からは、会社の方向性に関するアドバイスも戴けないうえ、労働マニュアルも作成していただけていません。

番組の改善に関するアドバイスもいただけないまま、明快な理由もなく

番組が打ち切られ、解雇に追い込まれている従業員も多数います。これは、Love FMのマネージメント側に展望や方向性が無いゆえに責任転換されたものと考え他ありません。我々には、自分の仕事や家族を守る権利があります。繰り返し労働契約書の作成を訴え、また幾度も契約書を作るという約束があったにもかかわらず、未だに存在しません。マネージメント側は、私達従業員に健康保険や雇用保険有無の選択及び有給休暇、祝祭日出勤時の特別手当などの支給も、ほぼ行っていません。我々は、Love FMの顔であり声であるにも関わらず、安心感のある仕事環境を作っていただけておりません。

この状況は、決して許されるものではありません。我々は、Love FM及びLove FMリスナーのために忠誠心を尽くしてきました。しかし私たちの努力は報われる事なく、労働条件の改善もないまま、最終的には解雇されようとしています。よりよい番組作り、そして真の意味において地域の国際化に貢献すべく、Love FMを改善したいのです。この異例かつ違法な行動を調べていただきたく、ご報告及びお願いを申し上げます。

派遣とは労働者派遣法」でいう適法な「派遣」は、労働者は、派遣業の免許を持つ派遣元会社に雇用され、派遣先での仕事が命じられます。管理は派遣先のみあり、その指揮下で働きます。同じ派遣元は1年が上限で、派遣先での直接雇用になるか、派遣先が変わるかの選択となります。労働法や保険は全面適用です。

【但、日本の教員免許がない外国人講師は、一人だけの授業はできません】学校の講師を例

にとれば、「何日の何時から、この教科書を使って、どこの学校で、」という指示は、基本契約をしている会社がすべて管理していることになり、雇用そのものです。だからこれらは「管理は誰が？」で区別できますし、契約書・支払明細・税金などでも明瞭です。いずれにしても、高度な翻訳業などに例外があるものの、講師の委任・委託は考えられず、労働法から逃れ、首切りをしやすくする方便だ、と考えられます。

- ◇ 雇用・派遣・委任
- ◇ LOVE FM
- ◇ リンガフォン
- ◇ インタラック

ゼネラルユニオン(関西・東海)、全国一般東京南部、福岡ゼネラルユニオン、熊本ゼネラルユニオン、仙台外国語教員労組

Voice

ナショナルユニオン

ゼネラルユニオン・松下支部、リストラに反撃

労使一体で2万人近い首切りを強行した松下電器で、外国人職員へもリストラが強行されたが、数十名もの仲間がユニオンへの加盟、反撃が始まっている。松下は、語学講師など海外事業関連の研修・開発部門などに外国人雇用が多い。ところが突然、会社から「全員この5月末で子会社であるエクセルインターナショナルに自動的に移籍する」という発表が行われた。このアウトオブソーシングは、「松下を退職し、再雇用」の手續きが必要なはずなのに、解雇通告もなく、退職同意さえ求められなかった。それなのに、移籍に伴い、全員の賃金を15%カット、ボーナスや退職金も廃止。というズサンかつヒドイものだった。

5月16日それらの撤回を求める要求22項目を会社に提出し、交渉が重ねられた。予想に反して松下本社も、幸之助の銅像と「松下は物でなく人をつくる」の語録のある本社において、子会社と一緒にテーブルについた。こうなったらユニオン勝利の方程式、7月24日には、損害賠償や「ユニオンとの

苦情処理協約」を含む「確認書」を、松下電器と子会社とユニオンの3者連名の調印で勝ち取った。

しかし8月、賃下げの復元などの肝心な議題に入ると、会社は、耳を疑う団交拒否理由を言い始めた。「外国人職員の仕事は、雇用でなく委任であった。従業員でもないから、労基法や労組法を守る義務はない」という信じられないものだった。何年も松下の職員として働いてきた組合員は怒りをもって、反証を開始した。「契約書に『雇用』と記載」「入管に雇用証明書を提出」「仕事の日時・場所・内容を会社が管理」「定年や退職金がある」といった決定的な雇用の証拠で追及した。会社の答弁はシドロモドロで、「社内製品割引・保養所利用や健康保険の補助」などもしてきたので、従業員みたいだが、「雇用的委任」だ。という苦しいものであった。

とはいえ、こんな弱点を露呈しながら、かつ労使協定もできた段階で、労組への否認ともいえる団交拒否を開始するのだから、いかに御用組合しか知らな

かったからと言っても、松下の労働法や労働運動への認識はお粗末そのものである。ユニオンは、「団交拒否と労組への支配(7ページに続く)

インタラックで賃金遅配

ゼネラルユニオンに(株)インタラックが給料が指定日に支払われていないという苦情が多々、寄せられています。

過去に、また、現在インタラックで働いていた人でこのような問題があった人はすぐにゼネラルユニオンまでお知らせ下さい。労働基準法において、給料は全額1ヶ月に1度支払わなければならないとされています。

ゼネラルユニオン総会

日時:10月20日【日】

18時から21時

場所:エル・おおさか

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