

Voice

National Union

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October 2002, Vol. 1 No. 6

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

New Matsushita Branch Launched!

General Union

In March of this year, teachers at Matsushita approached the General Union to find out what could be done regarding the restructuring that was taking place at their workplace. Matsushita teachers, teaching intensives and in the "Gold" programme were being moved to another Matsushita controlled company, Excel International, where they would face a 15% reduction in salary along with other changes to their working conditions. Teachers in the Kanto region also faced another major problem after a course they were scheduled to teach was cancelled three days before it started and the company refused to pay them for the cancelled course.

The company will not, in good faith, negotiate any of the union's demands

After holding a few meetings where many Matsushita teachers participated, it was decided to join the union, declare it to the company, and start negotiating over the changed working conditions.

"But you're not employees!"

This was Matsushita's answer to its teachers and the union, some who have worked at the company for over thirty years, in the company's response to the union's demands for collective bargaining.

In the end Matsushita did meet with the union, but Matsushita was adamant that

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"this is not collective bargaining under the Trade Union Law. Our teachers are subcontractors and therefore not covered by the Trade Union Law. Rather we are meeting with the union as an agent of some teachers."

Well, in the beginning this arrangement worked a little and some minor improvements were made, the biggest of which was that Matsushita agreed to pay the Kanto union members fully for the first course that was cancelled.

Matsushita teachers are confident in their ability to overturn their new working conditions and ask that all teachers join the union and take a stand to improve their workplace.

The problem now is that the company will not, in good faith, negotiate any of the union's demands, claiming that the teachers are subcontractors.

Members at Matsushita are now discussing filing a complaint at the Labour Commission, to make them intervene and have Matsushita recognize the teachers as employees, as well as order the company to enter into collective bargaining with the union.

Matsushita teachers are confident in their ability to overturn their new working conditions and ask that all teachers join the union and take a stand to improve their workplace.

A follow-up report will appear in next issue of the "Voice".

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GU Busts Nishinomiya BofE Contract Limits

General Union

On October 15, the General Union received a simple document bearing the seal of the Nishinomiya Board of Education (NBoE) stating that the five year contract limits imposed on foreign teachers working at the board would be lifted. Up to now, teachers employed by the board would only be allowed four contract renewals, but with our new agreement, the contract renewal limits are gone.

Sounds simple? It was and it wasn't. It wasn't simple because it took the courage of the teachers involved to stand up and say that they wouldn't tolerate discriminatory limits on their employment terms any longer. The union members' thinking was reasonable; why should they lose their jobs once they're getting good at it, due to a unilateral policy which had no logic to it, especially in terms of quality of education. The General Union was preparing for a long fight over this issue, similar to the struggle over contract limits at the Higashi Osaka Board of Education from 1997 to 2000 (see story inside).

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BOHME Academy Berlitz An English School McDonald's Style Scheduling

General Union - Tokai Branch

In July, the Bohme English Academy, a rather small school in Ichinomiya City, Aichi Prefecture, emerged for the first time from its obscurity. This was because it attracted our attention for labour law violations. A former teacher at the school consulted us after he was fired without notice. In this situation, the Labour Standards Law Article 20 prescribes that an employer must pay the employee the equivalent of the average wage for thirty days in lieu of notice. School owner Steven Bohme did not do this. As we investigated the school, we discovered other illegalities. Predictably, it does not enrol its employees on the state workers' insurance scheme. This is an important benefit for workers in Japan, because it includes both unemployment and workers' accident compensation insurance. Employers like Bohme who do not comply with their legal obligation to enrol staff on this scheme, are guilty of gross social irresponsibility. Without unemployment insurance, workers who lose their jobs could lose all means of support for themselves and their dependents. Without accident compensation insurance, workers who suffer occupational injuries or illnesses, or just have an accident while commuting to work, could find themselves liable to pay astronomical medical bills. Bohme Academy constitutes yet another example of how small English schools here, run by would-be tycoons motivated only by a quick buck, can resemble McDonald's.

No concern for staff qualifications or training, flagrant breaches of labour standards, disregard for employees' welfare, high staff turnover (we are informed that the school has had 100% teacher turnover this year, a figure that would make NOVA proud)... In short, the kind of place that gives this industry a bad name.

Bohme turned a deaf ear to Tokai GU's requests to obey the Labour Standards Law and fulfil his obligations as an employer under the workers' insurance laws. After several letters and faxes went unanswered, we finally telephoned him for his response. This was a flat refusal, accompanied by the baffling declaration that he was determined to "do the right thing". How obstinately disobeying the laws of the country where one does business could be construed as "doing the right thing" is a conundrum that mystifies us.

Clearly we had by this time given Bohme every opportunity to resolve our member's grievance with the minimum of inconvenience, and he was not interested. So now we have informed Hello Work and the Labour Standards Office in Ichinomiya about Bohme Academy's labour law violations. We are also publicly naming this employer as a lawbreaker.

More news on this case next month.

NUGW Tokyo-South

A case of bad scheduling or petty harassment?

You be the judge.

At Berlitz, a lot of language center branches are combined into 'units'. One of the benefits of doing this is that it saves money on hiring a head teacher and director for each individual center. 'Unit' branches also have a larger pool of teachers available and can be more flexible with scheduling.

The following account details how this scheduling benefit fundamentally broke down.

Matsudo LC is part of the **Kashiwa - Matsudo - Kita-Senju** unit. If **Kita-Senju LC** is short of a teacher then it is standard practice to request a teacher from either **Kashiwa LC** or **Matsudo LC**. On October 8th, two teachers came to understand the meaning of substandard practice.

Kita-Senju requested a teacher to cover evening lessons. At the same time, a distant branch, **Kudan LC**, requested a teacher too. A teacher from **Matsudo LC** who could have easily traveled to their unit school **Kita Senju LC** was sent to **Kudan LC** (a 1 hour commute), while a teacher from **Nakano LC** was sent all the way to **Kita-Senju LC**.

A quick lesson for management. **Nakano LC is closer to Kudan LC than Kita-Senju LC.**

Matsudo LC is closer to Kita-Senju LC than Kudan LC.

Both teachers had to make unnecessarily long journeys to LCs far out of their unit boundaries. Now if the teacher from **Matsudo LC** had been sent to **Kita-Senju LC** and the teacher from **Nakano LC** had been sent to **Kudan LC** then this unfair scheduling needn't have happened. For those of you who have kept up so far, there's another interesting point. Both teachers are known union activists and are in the process of disputes with management!

BEGUNTO will seek an accounting on this matter from management.

JOIN THE GENERAL UNION ONLINE	
www.generalunion.org click JOIN NOW	
Name:	Employer:
Address:	
Tel:	Email:
Or fax this page to 06-6352-9630 (Osaka) or 052-735-9704 (Nagoya).	

University Lecturers' Unions meet with Ministry of Education and Science - Ministry of Labour and Welfare

On September 19, 2002 four labour unions of the Tokyo and the Kansai area met for the second time this year with representatives of the Ministry of Education and Science and the Ministry of Labour and Welfare. More than 30 people attended including several Diet members and their secretaries.

Can frustrated, underpaid teachers be good teachers?

As always at the beginning of the meeting officials read out a kind of a ritual response; answers to the questions and demands of the lecturers' unions, which had been submitted weeks in advance.

1. Conduct a proper nationwide survey of the situation of part-time lecturers at universities to get a picture of the number and problems of the lecturers, their subjects, numbers of lessons taught, problems and social situation of the part-timers without full-time positions, etc.

Ministry response: This may be done at national universities at an unspecified time.

The unions ask, when?

2. Raise pay of part-timers without full-time positions, introduce social security benefits, contributions to national pension systems etc.

Ministry response: The labour law may change in 2004.

The unions ask if this is any cause for hope.

3. Improve research possibilities, introduce extra funding for research, facilitate access to research facilities for part-timers at universities, etc.

Ministry response: This is left in the hands of the educational institutions.

The unions assume this means the Ministries will take no part in this effort.

4. Rethink the destabilizing yearly (limited-term) contract system, which weakens job security, progress in research and continuity in education, and undermines the livelihoods of lecturers and researchers without full-time positions.

Ministry response: According to labour law the lecturer can refuse to accept the contract and renegotiate it with the university.

The unions are not aware of the procedure or of any successful instances. The unions call for information on any such cases

5. End discrimination against foreign teaching staff by means of special term-limited contracts, and in other forms. Do not discriminate against women.

Ministry response: The foreign teaching

staff, including women should be treated equally according to law.

The unions wonder if this implies that Ministries assume there is no discrimination at universities and schools in Japan.

6. Give more funding to private universities to improve their financial situation and the situation of the part-timer staff there.

Ministry response: The ministries follow the rules and watch closely whether standards are met.

The unions believe that this largely involves scrutiny of documents, and not actual practice.

Most of the responses were well-worded repetitions of what the unions had already heard at a meeting in February 2002. Legal aspects were stressed, but the daily reality of education and working conditions at the various universities were hardly touched on. "Kentou" (consideration) is the magic word. It will continue (and continue); we must be patient. Education was hardly a topic at the meeting. Low pay and one-sided, unfair contracts are not the problems of bureaucrats, it seems. The daily struggle for survival of ten thousands of part-time lecturers at universities does not fit into the lofty realms of Monbukagakusho. The unions, once again, got vague promises. Will there be more of the same next time?

II. A middle-aged Japanese male lecturer presented his hard weekly schedule in written form to the officials and explained it. He had 4 to 5 different places to go to make a living, involving problems of timing, job instability, low pay, lack of social security and more. The officials seemed unmoved, but the diet members seemed interested and asked questions or gave short comments.

The four lecturers' unions (and more in future) will continue to negotiate better working conditions and fair treatment for part-time lecturers at all universities, regardless of nationality.

III. A Japanese female part-time lecturer of law, the mother of two young children, gave her view of the situation, of how it affects family life and hampers research and education in general. A brief discussion with diet members followed, with hardly any comment from the side of the Ministry of Education and Science although problems of child-rearing, low birth rates, and quality of education should be part of their domain.

IV. A foreign part-time lecturer, a member of University Teachers Union (UTU), gave

his view, the side of the foreign teaching staff. He mentioned mutual language barriers, uncooperative professors and university staff and discrimination in various ways (e.g. unilateral disadvantageous contracts), low pay, rare pay-raises, sudden reduction of the number of classes taught, pay-cuts at several universities and high schools or unilateral termination of contacts. He pointed out that the deterioration of education and morals in Japan has also to do with the worsening of working conditions at educational institutions, the low pay for ten thousands of part-timers and their job instability. Their contributions to education in Japan and their research work is hardly appreciated, either by the universities or by Monbukagakusho. Can frustrated, underpaid teachers be good teachers? Does the Ministry not have the will to improve this situation to build a better future for Japan? Little discussion followed this brief speech. The officials left five minutes ahead of schedule.

V. The negotiations with the Ministry of Labour and Welfare later on got stuck in lengthy discussions about social security problems and benefits for part-timers.

1. Old positions were repeated – laws were cited. One got the feeling the Ministry does not even understand what the unions are talking about.

Fortunately, Diet members intervened. However, the daily reality of education seems far from removed from the bureaucratic world of the ministries and diet members. Again, it was shocking to see how little they know or want to know. Will the status quo be preserved forever?

2. A Japanese male lecturer of the Kansai area explained how social standards are declining, how working conditions are worsening and how it affects the lives of young people. Japan does not meet ILO standards. And, according to the officials, it will probably not ratify the ILO part-time labour treaty (paragraph 175) in the near future.

3. A representative of the labour union of "freeters" explained the unstable life of this group of mostly young people: long working hours for low pay and exhausting evening studies for high tuition. Again, Business over Education?

The four lecturers' unions (and more in future) will continue to negotiate better working conditions and fair treatment for part-time lecturers at all universities, regardless of nationality.

H.T.

YMCA Update

General Union

A foreign manager took it upon himself to broadcast a teacher's union membership around the office. When warned he may be committing an unfair labour practice by discussing such personal matters, the manager asked, "Is it okay to talk about her sock colour?"

As the dispute at YMCA progressed, the same manager decided it would be OK to cut the teacher's working hours. Wrong! Labour Law gives the right to strike, and cutting working hours as a result of striking is a clear case of an unfair labour practice.

But still the manager failed to heed our warnings. After the next round of strikes, the manager ordered the teacher to apologize to the parents of students and fellow teachers. Again this is illegal. The manager then began to tell parents that the teacher had "abandoned" the students. He went as far as to put it in writing.

THE RESULT

The fear of an unfair labour practice ruling has brought the YMCA back to the negotiation table. Why? Such a ruling would jeopardize the YMCA's financial situation.

Osaka city and prefectural governments have policies that prohibit them from engaging in business with companies who are found guilty of unfair labour practices. This would leave many YMCA joint ventures, including the International School at Bentecho, in danger.

My first time

To be honest I was a little nervous. I had never done it before. Of course I knew people who had done it, and my friends were always talking about doing it, but for me this was going to be my first time.

I can remember every detail - the only problem was that it was over so fast.

You probably find it hard to believe. Here I was in my late 30's and I had never done it, but the opportunity had never arisen before. What should I say? Should I move around or just stay in one place?

What if I do something wrong? Is it even possible to do it 'wrong'? My hands were sweaty and my mental balance was just ever so slightly off centre.

Then the time came. Before I even thought about it - I WAS DOING IT! This really felt great, a release from all of the built up tension I had inside.

I can remember every detail - the only problem was that it was over so fast. My first time and it was over in just a few moments.

I hear some people go their whole lives and never do it.

After some of my friends asked me how it was. I just shrugged nonchalantly, "No big deal. Done it hundreds of times. Do it all the time." Truthfully I have only done it a couple of times since my first time. But hey, I hear some people go their whole lives and never do it. Will I do it again? I don't know. You never know when these things will pop up. If I do it again I'll be ready. It won't be my first time to do it...my first time to STRIKE!

Berlitz Mail

NUGW Tokyo-South

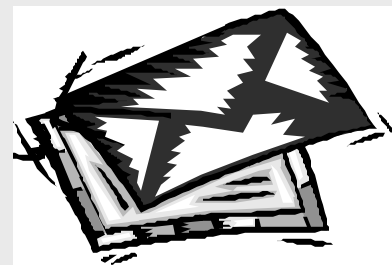
Berlitz Tokyo HQ informed the union that it opened union mail (supposedly with the permission of the union member).

Upon realizing it was union mail, Berlitz gathered up all the envelopes that looked similar and refused to give them to BEGUNTO (Berlitz General Union Tokyo) members.

An April 30th, 1996 agreement stipulates that 'Berlitz will not unlawfully interfere with the communication process between BEGUNTO and its members' and 'Berlitz will transmit any mail addressed to BEGUNTO and received by Berlitz to a person designated by a notice from BEGUNTO to Berlitz'.

The same points were noted earlier in the July 28th, 1995 memo to all directors and head teachers on July 31st, 1995, which states:

'Berlitz will not interfere with the communication process vis-à-vis the union and its members. This includes the use of mail service (we agree to pass on any mail, etc. received at the centers for union members)...



Editor's VOICE

Summer 2002 saw the unions involved in more frontline activity than the previous two years combined. Are the union activists losing their grip? You'll be happy to hear, **NOT AT ALL!** What this really means is that the unions are growing and branching out to more schools and companies than ever before. We are seeing exactly the same cycle of activity that the 'reformed' companies went through in the past. In the end, they will all shape up and follow Labour and Trade Union Law.

When workers realize their rights and get organized they can bring real changes to their workplace.

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, Kakuozan 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

Berlitz and Fred Shannon

Fred Shannon joined Berlitz in October, 2000. During his 3 month probationary period, he worked hard and received a 'good instructor' status at the end of it. When Fred applied for a position in South Korea in early 2001, he was asked to transfer immediately because he had become a 'good instructor'. However, on finding the South Korea situation to be appalling, he returned in March, 2001.

Since then he has been a target of HR. Fred is receiving "Loopy" – "Bizarre" schedules with lots of breaks in between classes and fewer lessons than his colleagues and new probationary instructors. Management continues to schedule meetings with Fred at a moments notice giving Fred no opportunity to exercise his union rights to consult with BEGUNTO. And that's only the start of it... Fred's complete account of events will be printed over the next few editions of the VOICE.

Here's the first part of Fred's story: My name is Frederick Shannon and I have been employed with Berlitz Japan Inc. since October, 2000. I started working at Omiya L.C. and then transferred to Nakano L.C. in August of 2001. I briefly worked for Berlitz Korea in Seoul between March 19th, 2001 and May 1st, 2001 in an agreement between Berlitz Japan and Berlitz Korea.

I responded to a Berlitz Japan job posting in February of 2001 for 1 of 3 temporary English instructor positions at an L.C. in Seoul, South Korea. There had been a car accident and 2 teachers had been killed. The posting indicated that this was the reason that Berlitz Korea needed 3 teachers. I applied for this temporary posting and received an offer to teach for 3 months. Berlitz Human Resources obtained a C-2 90 day tourist visa from the Korean Government to help with the Japan/Korea World Cup. The Korean Government returned the original work visa applications to Human Resources because Korea doesn't give out 3 month work visas. The Korean Government is very strict with regards to issuing work visas to foreigners. I was working in Korea illegally and both Berlitz Japan and Berlitz Korea were aware of this. At the airport in Seoul, I asked to speak to an Immigration Officer. The Immigration

Officer told me that I had been working in Korea illegally.

The condition of the accommodation provided by Berlitz Korea was very poor. I had to purchase tape from the store to plug a huge hole in the bath tub.

The Immigration Officer asked me to tell him the names of all Berlitz Japan teachers and the location of the Berlitz Schools. He said that they would be investigated and that there had been problems before. I was advised that Immigration Officials had come to the L.C. to arrest and deport 2 teachers in 2000 for working on tourist visas.

In Korea, language schools must provide housing and return air fare and 1 month severance pay to all teachers in accordance with Korean laws. The housing I was placed in was substandard. My roommate and I lived in the basement of a house. The condition of the accommodation provided by Berlitz Korea was very poor. I had to purchase tape from the store to plug a huge hole in the bath tub. The floors were moldy, old and cracked and the bedroom had not been cleaned prior to my arrival as some of the previous teacher's belongings were still in the room. One of the Berlitz Japan instructors immediately moved out of his Berlitz Korea housing after acquiring a skin condition on his feet and legs due to the lack of cleanliness in his apartment. I was housed in a community of prostitutes and migrant workers who would play loud music and party until the early hours of the morning. A female American English teacher was murdered near my apartment about a week prior to my arrival.

I was told that approximately 7 teachers had quit in the span of 1 month at another L.C.

Berlitz Korea starts classes at 6:30am and the last class ends at 9:10pm. Most teachers teach 16 lessons a day, 6 days a week. The schedules sometimes have 2 or 3, 40 minute breaks in between classes making it impossible to do anything but hang around the L.C. waiting for your next class to start. I personally, asked the Berlitz Korea Director to give me a split schedule or to teach from 6:30am to 3:30pm. After about the 3rd request I

realized that my schedule wasn't going to change. I decided to return to Japan. I informed my I.S and L.C. Manager of my decision to return to Japan. The hours were just too long and my quality of life had been suffering. Most of the Berlitz Korea instructors were exhausted and the turn over rate was very high.

The Berlitz Japan teachers were also given an extra 150,000 yen per month. We were told not to tell the Berlitz Korea teachers about this.

Berlitz Korea indicated that they lost 2 teachers in a car accident and that they needed extra teachers as a result. However, the first 2 Berlitz Japan teachers were sent to a different L.C. to teach. There were no Berlitz Japan teachers sent to the school where the 2 Berlitz Korean teachers had been killed. I was told that approximately 7 teachers had quit in the span of 1 month at another L.C. I was told by other teachers that the high turn over rate was the real reason that Berlitz Japan teachers were asked to help out. The Berlitz Japan teachers were also given an extra 150,000 yen per month. We were told not to tell the Berlitz Korea teachers about this. Some of the Berlitz Korea teachers found out and began to protest. We were doing the same work as the Berlitz Korea teachers but were being paid more. Understandably, Berlitz Korea teachers were very upset as they work a very demanding schedule and get paid much less than the Berlitz Japan teachers.

Most teachers teach 16 lessons a day, 6 days a week.

Berlitz Korea doesn't pay severance pay in accordance with Korean Labour law and they have lost in court and have been ordered to pay teachers severance pay upon completion of contracts. Berlitz Korea fires people a month before they are to finish their contracts in order to avoid paying severance pay.

Complaints were received by my I.S. in Omiya telling them that I complained about how difficult the schedule was and that I was not supposed to discuss the pay package that the Berlitz Japan Instructors were receiving in Korea. My I.S. at Nakano, earlier this year, made inquiries regarding a job posting in Kyushu teaching at a university. My I.S. was told that Berlitz was not interested in my application.

More on Fred's ongoing harassment in the next edition of the VOICE.

Helping Each Other General Union 10 Year History Project

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.

Joining a Union

Article 28 of the Japanese Constitution guarantees the rights of all residents of Japan to form a union and to partake in its activities.

Article 7 of the Trade Union Law forbids employers from harassing, firing, or treating union members in a discriminatory manner.

Overtime Pay

- The maximum hours per week that you can be made to work are 40.
- All work over 40 hours must be paid at 125%.
- If you work on your rest day, the premium is 135%.
- Work between 10:00PM and 5:00AM is 135%.

Firings

- If you are fired, except in the most extreme situations, your employer must give you 30 days notice or 30 days pay in lieu of notice.
- Do not negotiate with your employer over your severance as this may mean that you accept the dismissal. Call the Union.

Fines for Lateness

- A fine is a deduction over the number of minutes you were actually late.
- The maximum fine for one day cannot exceed half a day's pay.
- Your total monthly fines cannot exceed 10% of your monthly pay.
- You can only be fined if your company has proper working rules (if there are over 10 employees).

1998 was the year the dispute at Nichibei Eigo Gakuin started. This was one of the hardest fought battles ever in our history, against a union-busting company that had carried out a vicious campaign of slander and intimidation, followed by firings of union members. We finally won an outright victory in 2001, after two Labour Commission cases and three civil court judgements. It was also the year a major English conversation school, Alles/Toza went under, leaving the GU to pick up the pieces. We took over the running of the company after the president went into hiding, and ensured the payment of unpaid wages.

1998	
Feb 26	GU wins workers' accident compensation and apology for Mr Ito, Eiwa Shinyo Kinko.
Mar 1-2	Foreigners' Rights General Action Day, Tokyo and National Meeting.
3	GU strike against restructuring at ECC. March 12, victory.
11	ECC Head Office accepts GU demands for enrolment of all workers in Unemployment Insurance.
23	Dispute leafleting at all Nichibei Eigo Gakuin schools. Strikes start March 28, and continue all year.
5	GU/Union Zenrokyo joint Hanami BBQ.
9	Nichibei Eigo Gakuin fires striking GU member Corey (and Colin on April 20.)
11	Toza goes bankrupt. GU Meeting, 150 employees attend. Meetings held at 2 locations – at the office and in the park by the river- as not everyone fits in the office. 100 join.
May 11	U.S. Researcher Hugh Williamson visits GU.
12	GU files Unfair Labour Practices case against Nichibei Eigo Gakuin at Osaka LC for unfair dismissal and union-busting. Press conference held; reported in Asahi Shimbun.
June 23	Dennis gets union staff working visa.
24	Action organised by Kumamoto GU in support for dispute at Kumamoto Pref. Univ.
30	GU wins demand for interpretation for foreign witnesses at Osaka Labour Commission. First hearing with new system is held (Nichibei case).
Sept 28	GU starts using sound truck against Nichibei at Umeda, Namba, Tennoji, and Yao schools.
Oct 7	Toza Student group and GU open 'Independent lessons' in Umeda.
29	Nichibei Eigo Gakuin exposed at Osaka Labour Commission using president posing as student recommending the school in advertising leaflet.
Nov 3	'Leap' closes all schools. Independent lessons start in Suita.

NUGW Tokyo-South Annual General Meeting

NUGW Tokyo-South

The National Union of General Workers Tokyo South 9th Annual General Meeting 2002 was held on September 28th at the Nambu Rosei Kaikan in Ohsaki, Tokyo.

At the meeting, members of Tokyo South teachers unions assembled for the Foreign Workers Caucus. The following matters were discussed:

- The formation of a committee to offer guidance to union members in matters relating to sexual harassment.
- The successful launch of the NUGW VOICE was noted. A co-operative venture of Kanto Teachers Unions Federation and General Union, the VOICE follows unsuccessful efforts to distribute union news to members nationwide.

The successful launch of the NUGW VOICE was noted.

In a case with ramifications for foreign university teachers, a Nihon University (sennin-atsukai) instructor is being threatened with non-renewal of his contract despite experience and credentials qualifying him for promotion.

A discriminatory practice of non-renewal has been followed unchallenged to date. As a result of dissolution of its member unions and other factors, delegates took preliminary action to replace the Kanto Teachers' Unions Federation (KTUF) with a deliberative body within NUGW Tokyo South comprised of foreign workers' unions and their members. Membership would not be restricted to teachers.

Tokyo International High School Foreign Teachers' Union continues its efforts to get assistant language teachers (ALTs) recognized as workers under the Japanese Labor Union Law and the Japanese Labor Standards Law by the Tokyo Board of Education and the City of Tokyo. The

union was formed because of a 20% cut in the number of teaching hours for the ALTs in April 2000. The next sessions with the Tokyo Labor Relations Commission are Nov. 12 and Dec. 5, from 4 to 6 pm. on the 34th floor of the South Tower of the main City Hall building, or Tocho, in Nishi Shinjuku.

A Tokyo Foreign Language College Teachers Union representative offered thanks to union members for support in the recently concluded seven-year struggle.

A new English language labor consulting service will be offered by the NUGW Tokyo South office.

At the AGM, Max Woollerton of Tokyo Foreign Language College Teachers' Union was re-elected to the NUGW Tokyo South Executive Committee. Robert Lohmann of the University teachers' Union was elected for the first time.

Berlitz work rules

General Union

Work rules for All?

A teacher at Honmachi LC, Osaka was copying a section of the work rules, when their IS asked what they were doing. The teacher replied that they were copying a section of the rules to refer to in their own time.

The IS informed the teacher that the work rules were the property of Berlitz Japan and they were not allowed to make copies. The teacher was instructed to immediately dispose of anything they had.

The Berlitz General Union was not aware of the new work rules retrieval number. 00:

Keep the teachers ignorant.

Readers will remember that Honmachi LC appeared in a recent edition of the VOICE with regard to union literature.

GU Pledge

General Union

General Union Members Pledge to Organize 70 New Members by May Day

On October 20th, GU members in the Kansai area held the 2002 Shunto (Spring Bargaining) Planning General Meeting to prepare for the spring industry-wide negotiations. Union members, representing teachers from most of the large eikaiwa chains, colleges and universities, high schools, and teachers from small and medium sized schools met to plan the organizing that will be needed if our union is to continue to grow and win improvements for our members. Members met with their individual branches to decide the demands which the union will send to all workplaces in mid-November which will officially start our 2003 Shunto. The next issue of the "Voice" will carry a feature outlining the demands and activities of all branches. Branches also decided on recruiting strategy and numerical targets to reach for new members so that more teachers can work together to make their workplaces and the language industry a better place for staff, teachers, and students.

Sign the General Union Pledge – Organization, Fundraising, and Activity

The General Union General Meeting of October 20th passed a resolution which asks all members to voluntarily pledge to either recruit one new member into the union and/or make a 10,000 yen pledge to union fundraising. This was based on the understanding that the General Union needs both funds and members to continue to expand the union and win improvements.

Members met with their individual branches to decide the demands which the union will send to all workplaces.

Members were also asked to sign up for organizing events which may include leaflettings and visits to non-union members to get information to them about joining the union. We will also be organizing crews to put together mailings aimed at non-union members and non-unionised companies. We ask that all members take the pledge to build a stronger union for ourselves, our families, and our friends.

Nishinomiya Board of Education

Continued from front page

The NBoFE must also have been aware of our battle in Higashi Osaka and probably weren't prepared to have a similar problem at their school board.

It was simple because the board had only a guideline on this issue, not a formal policy. Teachers were simply told that their employment would terminate after five years.

Once we found out that it wasn't the board's formal policy we knew that it could be changed without much of a fight, unless they made it a formal policy, which they never did. NBoFE foreign teachers will be informed formally on November 1st, in writing, stating that the policy in force up till now regarding contract renewals has been withdrawn.

Teachers were simply told that their employment would terminate after five years.

Nishinomiya teachers will now be able to work on improving their working conditions and their workplaces through union activity without having the five year limits hanging over their heads. The union now needs to use the victory at the NBoFE to win the withdrawal of contract limits at other workplaces, especially Kwansei Gakuin University, where we have a strong branch, which is also located in Nishinomiya. If you are having a similar problem with contract limits, and think that there is no way to deal with the problem, maybe you should think again.

Lessons from Our Past

Higashi Osaka Board of Education 1996-2000

On March 4, 1996, the Higashi Osaka Board of Education decided to introduce three-year contract limits for native English teachers. The teachers' first reaction was disbelief, since nobody could see any reasons for it. The board had been touting this program as a model and there was talk of other cities doing the same thing. It made no sense to turn out the most experienced teachers after three years. The teachers felt that their worth was not being recognized by bureaucrats who were not involved in the day-to-day process of education.

A General Union branch was declared one week after the announcement of the contract limits. Some teachers didn't join, mainly those who were planning to leave and didn't care. However, a few veteran teachers who were already planning to leave joined the union because the contract limits were wrong.

Two teachers went on hunger strike on March 15, 1999.

The demands included a pay rise and a teacher-training programme but may the focus should have stayed more strongly on ending the contract limits to make things less complicated. The demand for a training program was a good one because it showed teachers wanted to be good teachers.

Originally the Board of Education rejected arbitration by the Osaka Labour Commission, but later accepted it. The agreement that was reached was that the teachers who were currently employed would be taken on for two more years, and that this was a temporary measure which would be negotiated again in the future. At some negotiations the board seemed to want to settle the problem, but other times their attitude was, "No. No. No." Maybe they hoped teachers would give up and go. Throughout the dispute many demonstrations and leafletings were staged, including the use of a loudspeaker truck at the Board of Education.

Originally the Board of Education rejected arbitration by the Osaka Labour Commission, but later accepted it.

The mayor of Higashi Osaka was forced to resign in 1998 because of pension fraud. During the subsequent mayoral election the union approached the candidates, but only one, Mr. Nagao, was sympathetic and offered to meet the union whether he won or not. He ended up winning, but when he met with the teachers he said he would tell the board to negotiate but wouldn't interfere with their jobs.

Two teachers went on hunger strike on March 15, 1999. We called it off on doctor's advice after only two and a half days. We didn't receive as much publicity as we expected.

"If you think you're right, fight for it, and never give up."

March 31 was the last day of one of the member's contract, but it was also the day that the superintendent of education was notified that *his* contract would not be renewed. There were rumours that he had tried to bribe the mayor into renewing his contract.

The members all fought hard, but in March 2000 it was accepted that our dispute was lost.

We must learn from both our successes and our failures, but if you think you're right, fight for it, and never give up. What happened at Higashi Osaka may mean that other education authorities won't want to go through the same thing. They know what we're capable of.



"Find me a clause in the union contract I haven't violated yet."

Continued from Japanese Front Page

ことを選択します。

4. 公判闘争

不当解雇の撤回を求めて、福岡地裁へ提訴します。すでに準備に入っています。近日中に山本弁護士との打ち合わせを行います。

5. 地方労働委員会

11月6日(水)午後4時半から予定されている第2回調査において、解決にとっては「説明会」ではなく団体交渉が不可欠であることを主張します。団体交渉での協議を通して Love FM が責任を自覚し、弁護士による「事象收拾案」ではなく、Love FM 自身が「解決案」を提示する必要があります。

6. ハローワーク

すでに失業保険の取得を申請しています。職安の担当官は、私たちの申請に好意的です。

一部には認めてきた雇用保険の適用を全員に適用させ、Love FM の恣意的で不合理な労務管理をただします。

7. 労働基準監督署

未払い残業、有給休暇、休日出勤、雇用契約書の未締結など、労働基準法に違反するすべての事項について労基署に申告ないしは告発を行います。「労働者ではない」という Love FM の主張と真正面から対決します。また、有給休暇や交通費など、一部にだけ適用してきた恣意的で不合理な労務管理の不当性を明らかにし、全員に適用するよう要請していきます。

8. 地域共闘

こうした闘いを開始するにあたり、全国協の仲間をはじめ地域の労働者やリスナーなどへ支援を呼びかけます。11月半ばを目処に、集会を開催します。同時に、大衆的な抗議行動を計画します。

9. 具体的日程

ハローワーク = すでに連絡済

裁判 = 山本弁護士との打ち合わせを来週中に実施。事前に各自が陳述書を準備。

Love FM の弁護士への返答は、ミッチと確認をした上で今週末に行う。労働基準監督署へは、11月4日の週に予定します。

労働委員会は11月6日(水)午後4時半です。

11月半ばに Love FM 闘争勝利へ向けた集会を開催します。

G.U. Schools and Colleges Branch Unemployment Insurance Discussion

General Union

The National Unemployment Insurance (Koyou Hoken) is running a deficit and the government is attempting to increase contributions to pay for it. However, it has come to light that 123 members of the Association of Private Universities have been evading registering their employees on the scheme since its introduction in 1975. The Universities are reportedly saving some 33,000,000,000 yen a month by evading their legal responsibility. Many private high schools where our members work are also not enrolling their employees on the scheme.

It now appears that the crisis in the insurance scheme has finally pushed the government into taking action.

General Union members at Kwansai Gakuin have demanded to be enrolled on the scheme, but the university has so far refused, despite the visit of government inspectors to the college. In another case that received widespread publicity in the Japanese press, a member of a sister union of the GU filed a complaint against Kansai University (Kandai) with the Public Prosecutors, because of their refusal to enroll him on the scheme.

It now appears that the crisis in the insurance scheme has finally pushed

the government into taking action. The issue has been discussed at Cabinet level, and finally after 27 years they will do more than gently urging the universities to join the system. The Universities argue that their employees, "Don't need to be on the scheme." because there have been no bankruptcies at private universities, and because tenured staff get substantial redundancy payments from the private universities Social Insurance. However, with falling school roles there is no guarantee against bankruptcies in the future.

General Union members at Kwansai Gakuin have demanded to be enrolled on the scheme, but the university has so far refused..

In addition non-tenured staff, who make up an increasing percentage in many institutions, are specifically excluded from receiving the severance payments. The General Union believes the law should be fully enforced in all institutions employing workers.

Come along to the discussion of this and other issues in your area. The discussion will be followed by a social event.

Unemployment Insurance Forum and Social

Come join General Union members employed in schools and colleges in their discussion around unemployment insurance (see article).

Kyoto Friday, November 8th – 6:00pm
"The Pig and Whistle" – Sanjo

Osaka Friday, November 15th – 6:30pm
"Murphy's" - Shinsaibashi

Voice

ナショナルユニオン

“Voice”の紙面

- ◇ 文部・労働省交渉報告
- ◇ Y M C A 争議報告
- ◇ B O H M E
- ◇ ベルリッツ

2 0 0 2 年 1 0 月 号

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

西宮市教委で、 5年の雇用限度廃止 の画期的勝利

ゼネラルユニオン

労基法で「有期1年以内か、無期」と定められているのに、「最高何年・更新何回限り」とかの条件を付ける大学・高校などが後を絶たない。西宮市も、雇用契約や就業規則には明記せず、採用時に手渡す別紙で「最高5年」と、労働者に通告していた。これは特に、外国人講師【ALT】を対象にしており、団交で労組がその理由を問いただしたところ、市教委は「授業がマンネリ化する。フレッシュな先生が良い。日本語が上手になって都合が悪い」などの、差別そのものの暴言すら吐いた。これには「日本人の英語の先生が、英語を話せないで、授業の打ち合わせを日本語でしている実態を知っているのか」とも抗議され、頭を下げるしかなかった。講師を、使い捨ての人寄せパンダのように扱う市教委への、組合員の怒りは爆発。この問題へのユニオンの激しい闘いの歴史と決意をも、市教委にぶつけた。そして団体交渉を重ねるうち、以下の勝利協定が実現した。

「これまでALTに伝えてきた雇用契約更新回数については、これを改め、各ALTについて、採用時以降、雇用契約書と労基法に基づいて取り扱うこととします」

この雇用限度問題は、ユニオンにとって永年の懸案であり、大きな風穴が空いた成果となった。今後各地で隠然と横行している同様の慣行を摘発し、撤回させていく共闘ネットを拡大していきたい。

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Love FM 闘争報告と今後の方針

福岡ゼネラルユニオン

1. 「説明会」

10月17日(木)、労働委員会で確認されたLove FMによる「契約終了に関する説明会」が開催されました。Love FMからは、富澤専務、羽鳥総務部長、今村営業担当取締役の3名でした。労組からは、当該7名と川口が出席しました。

Love FMからの説明は、ただ赤字続きの経営状況の説明だけでした。しかも、その説明は、経営責任をまったく自覚していない無責任な内容でした。雇用契約書を交わしておきながら「業務委託契約」と主張していることの合理的な説明などは全くありませんでした。

労組は、別紙「要求書」を提出しLove FMを追及しました。当該労組員からは「何時、雇用契約が業務委託になったのかを具体的に示せ」「雇用保険に加入していないことは、私たちが人間と考えていないことと同じだ」

「Love FMの現状は、国際FMというには余りにもひどすぎる」など厳しい指摘が出されましたが、Love FMは全く返答できませんでした。

最後に、10月21日の週に再度協議を行うことを確認し終了しました。

2. Love FMからの「解決案」

この「説明会」を受けて19日(土)Love FMの弁護士と予備折衝を行いました。弁護士からは、以下のような「解決案」が提示されました。

解決金として、一か月分の賃金。

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業務委託が雇用契約かには触れないが、今後は契約書の締結は必ず行う。

労働基準法に関わる要求は取り下げてほしい。労基法にこだわるのであれば、全面的に争う。

失業保険の取得には協力する。未払いの交通費については支払う。

3. 「解決案」の評価

一か月分の解決金は、Love FMが責任を自覚している金額ではない。「業務委託」を理由とした解雇は違法・不当である。謝罪と撤回を要求する。

一部には認めている「有給休暇」を、要求から取り下げるべきでは無い。

交通費も一部には支払われており当然支払われる必要がある。そもそも駆け引きに利用することは許されない。

失業保険の取得は当然の権利であり、解決案ではない。

要するに今回の「解決案」は、経営責任・雇用責任を一切認めない内容です。さらに言えば、弁護士が事態を收拾するために考えた方策であり、不当解雇問題を解決する案ではないといえます。私たちはLove FMの雇用責任を追求めます。解雇が違法・不当であったことを認めさせ、謝罪に見合う解決金を要求します。私たちは、この「解決案」を拒否し、断固として闘う

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