

Voice

National Union

News from the General Union (Kansai & Tokai), NUGW Tokyo South, Fukuoka General Union

Inside the "Voice"

- ✧ Matsushita wage campaign starts
- ✧ Nichibei Labour Commission
- ✧ *Shakai Hoken* Update
- ✧ Relaunch of the Lado union

Winter 2006/07 Edition

GABA teachers and staff need a union

www.gaba.generalunion.org

-General Union-

Starting in December the General Union will begin an organizing drive at a new, but expanding, Kansai employer, GABA. This is an employer which scarily advertises itself as the "future" of language education in Japan under the slogan "Teaching is Learning", and

if we do not win improved working conditions for teachers and staff at GABA, this company truly has the ability to become the future for all language industry workers, in the *Eikaiwa* as well as high schools and universities sectors (want to see your job outsourced to a Gaba teacher on ¥1,400 a (see 'Organize' pg. 3) cont. from pg. 1

Berlitz Union wins on travel time, bonuses

-NUGW Tokyo Nambu-

This year's *Shunto* spring offensive has gone well for Nambu members at Berlitz (Berlitz General Union Tokyo), with the union signing five labour-management (collective) agreements on Friday Sept. 22, 2006. The deals cover everything from increased pay for time traveling between language centers, to a lump-sum bonus for teachers who have worked at Berlitz for 13 years or more, to use of the fax and copy machine by the local president, currently Catherine Campbell. After last year's weeks-long strike

of dozens of teachers that pushed management to unfreeze pay and give teachers their usual hike, Berlitz bosses were wary about pushing their luck this year. Once bitten, twice shy. Lacking the drama of last year's victory, this year's is more important because we won without a dispute. The trick is to position ourselves so that we no longer need to fight and that's what we have accomplished thanks to the courage and solidarity of our Berlitz members. Management conveyed their wish to continue to build a positive relationship with the union. Exactly what we want!

Stopping the slow decline

-General Union-

The Osaka Gaigo branch has been active for many years. After winning important rights such as paid holidays, enrolment in employment insurance (*Koyo Hoken*) and health and pension insurance (*Shakai Hoken*) as well as a formal grievance procedure for union members, things had generally been quiet until recently. A couple of years ago the ownership of the school changed, and (see 'Stopping' pg. 2)

ECC signs agreement!

-General Union-

After 18 months of talks and demonstrations, ECC instructors now have *Shakai Hoken* thanks to the General Union. Since October 1st, full-time instructors with 29.5 hour contracts have the option to enroll in *Shakai Hoken*, on the condition they change to a 30 hour working schedule, with extra pay. Negotiations were difficult from Day 1, with ECC continuously refusing to budge from their stance that full-time instructors don't (see 'ECC' pg. 2)

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Stopping the slow decline at Osaka Gaigo

(cont. from pg. 1)

things took a turn for the worse, culminating in the dismissal of 29 teachers in March this year, ostensibly because student numbers were down.

In addition, working conditions were gradually changed, particularly the number of regularly assigned classes allotted to full-time teachers and the number of substitution classes increased as well. Teaching loads became ridiculously high, leaving teachers exhausted.

The General Union put in demands calling for the reinstatement of two part-time members who were dismissed and a reduction in teaching loads and substitutions. The branch

held some labour actions, particularly leafletting students and staff. As the branch had not previously taken any industrial action this came as a shock to Osaka Gaigo's management, who then committed some unfair labour practices such as calling the police to have them stop our constitutionally protected actions as well as openly lying to students about our demands.

Action culminated in a half-day strike in May, because the school was stonewalling during negotiations. This strike, in which student support for the teachers became all too evident to the school, was the watershed. After that Osaka Gaigo started to negotiate in good faith.

First, a redundancy package was reached for the 2 union members who were dismissed. The 27 non-union members left with nothing! A second financial settlement for the remaining members and the union itself was reached over the unfair labour practices, which Osaka Gaigo admitted to.

And finally, we really won! Class loads have been brought down to their previous maximum, and substitutions are now strictly limited.

Even though this agreement has a only lasts until 31 March, we consider our union's ability to stop declining conditions to be a major victory. Branch members will be meeting again to discuss ways to stop any increases in 2007.

ECC Branch wins Shakai Hoken, improved union rights

(cont. from pg. 1)

need to be enrolled. Furthermore, after the Social Insurance Agency starting investigating major language school chains over suspected non-compliance with the Health Insurance and Pension laws, other companies began offering 29.5 hour contracts, too.

The Namba Social Insurance Agency Office initially sided with ECC. Their reason: 5 Japanese instructors work 40 hours, thus the line for enrollment is 30 hours based on the three-quarters rule from a 1980 government ordinance. An appeal was filed, and within weeks the decision was cancelled pending further investigation and a very embarrassed Social Insurance Agency. Mr. Sugiyama Noboru, a Social Insurance Agency Official from the Tokyo head office came to Osaka and officially apologized for the blunder.

By mid-December 2005, ECC was still refusing to enroll instructors, and the General Union stepped up

demonstrations outside major ECC schools. Santa Claus even made surprise visits to ECC Umeda School and ECC Shinjuku with the help of our sister union, Tokyo Nambu.

Action was further intensified and January 6 was a National Day of Action. ECC schools throughout Japan were the target of the actions with schools in Tokyo and Fukuoka visited with the co-operation of our sister unions, Tokyo Nambu and Fukuoka General Union. The General Union demonstrated in Sannomiya, Kyoto and a contingent campaigned along the JR Tokaido Line stopping outside ECC schools between Osaka and Nagoya.

With new contracts to be issued in early March 2006, instructors and their families were still without *Shakai Hoken*. A welcome ruling by the Osaka Chuo Labour Standards Office helped clarify that 29.5 hour contract teachers worked more than 29.5 hours. The ruling found it inappropriate for contract

start and finish times, to match the first lesson starting time and last lesson ending time.

With General Union actions becoming more and more visual, not only their customers, but newly recruited instructors were greeted outside ECC Headquarters in Namba and given information packs and General Union supplies. All employees working at headquarters, including instructors, were handed newsletters updating them on recent developments in the *Shakai Hoken* campaign.

Finally, in late July, after months of talks, ECC agreed to give 29.5 hour instructors the option to enroll in *Shakai Hoken*. The union was also able to win an agreement which guarantees that all new teachers have the right to get union information at their orientation.

This is a giant victory for the union not only in terms of clear benefits to union members, but also in terms of union rights and company recognition of the union.

Excel Branch launches wage, job security, and union rights campaign

-General Union-

After finally settling a four year dispute regarding cut wages and employment rights the General Union Matsushita Branch members, submitted new demands to their employer on 11 November.

The branch's goal for 2007 is to make up for a lack of pay increases in recent years. To this end the union has demanded a 10% increase in hourly wages.

Another branch goal is to further stabilize union members' employment by both preventing the employer from doing unnecessary hiring and allowing union members to work until 65 years of age (the current retirement age is 60).

Branch members, after winning

major improvements to working conditions over the past four years for all teachers, union and non-union, made demands for a union shop agreement with Matsushita. If won, this would guarantee that all employees not only share in the benefits of union negotiations but also in the responsibilities of union membership.

The union expects a written answer to the demands during the week of 11 December after which union members will examine the company's position and develop their bargaining strategy before negotiations start in January.

Watch for more groundbreaking news from this branch in the future!

Fired after demanding your rights

Last year, a Nambu member at British Culture Academy (BCA) in Saitama demanded paid holidays and enrolment in unemployment insurance. Management hemmed and hawed, but after some pressure from the local Labour Standards Office finally paid up.

Although the member had been renewed five times in five years, BCA this year announced that all teachers must come to a "hiring interview" if they want to be "hired" for the next year. The union protested. The member went to what was called a "meeting." As predicted, BCA announced that our member had "failed the interview" and was therefore out of a job.

We sent him to do *shuro-seikyu* (reporting for work), and the company dragged him to the local police box. The police had no idea what to do and nothing came of it. Nambu sued in the Tokyo Labour Relations Board for unfair labour

practices, asking for a ruling to reinstate our member. The next day, management called our member and asked him to return to work. However, he no longer had the monthly guarantee he had last year and was paid according to how many classes management provided.

Management begged us to withdraw the case now that he was back at work. We said we would withdraw it when he got last year's conditions back. Finally, after months of talks at the board, we signed a labour-management agreement returning his monthly set pay, unemployment insurance, and the like. We hope to build good relations with BCA but we have to brace ourselves for possible trouble come April 2007. In the meantime, we have another reinstatement victory.

Organize GABA

cont. from pg. 1

lesson?). The future for you could well be the same conditions that GABA employees now enjoy, namely:

- NO paid holidays at all!
- NO set or guaranteed salary or working hours.
- 1400YEN/class - when they give you a class.
- NO unemployment insurance.
- NO health and pension insurance.
- NO rights to overtime pay or extra pay regardless of working hours or working time.
- NO right to 30 days notice in case of dismissal.
- NO rights under any labour laws.

How can they get away with it? Simple; you call your teachers subcontractors, tell them that they're FREE as they aren't bound by set working hours and hope that no one like the union finds out. But we have. Now it's time to act. We hope that each and every union member can participate even a little in organizing at GABA and making sure conditions meet the minimum standards that the union has set in the industry.

You can start participating by visiting the General Union GABA website. Take our 2 minute survey to help guarantee your future and bring better working conditions to GABA teachers and staff.

[www.gaba.generalunion.org/
helporganizegaba.htm](http://www.gaba.generalunion.org/helporganizegaba.htm)

Health and pension insurance (Shakai Hoken - SH) news

Gov't starts talks on major SH reform

With an increasing number both of companies evading their obligations to enroll all employees on *Shakai Hoken* (Employees' Health and Pension), and of individuals failing to enroll in or pay the National Pension, the Social Insurance Agency (SIA) is proposing radical changes to enrollment guidelines and premium collection methods.

Currently, discussion at the SIA is centering around the idea that all part-time employees working 20 hours or more, or with an annual income of ¥650,000+, will have to be enrolled. The SIA has already drawn up new income brackets for calculating *Shakai Hoken* premiums to be implemented from April 1, 2007. The system is changing to incorporate 47 average monthly income brackets ranging from 58,000 yen to 1,210,000 yen, making *Shakai Hoken* premiums more affordable for part-time workers.

While more and more instructors are being enrolled, many employers fail to inform their employees of the individual obligation to enroll in *Kokumin Nenkin* (National Pension) and *Kokumin Kenko Hoken* (National Health Insurance) if they are not enrolled in *Shakai Hoken*. All residents of Japan, regardless of nationality, are required to be enrolled in Japanese government health insurance and pension plans. While the SIA has been lenient with companies not enrolling full-time instructors in *Shakai Hoken*, and individuals not paying

into *Kokumin Nenkin*, changes are being proposed to rectify the current situation.

Reducing the enrollment threshold for part-time workers will see many more workers eligible for compulsory enrollment in *Shakai Hoken*.

To deal with individuals failing to pay *Kokumin Nenkin* premiums, the Social Insurance Agency is proposing that employers deduct *Kokumin Nenkin* premiums directly from salaries, just like income tax. An employer clearly knows which employees are enrolled in *Shakai Hoken*, thus eliminating loop holes for employed individuals to evade the *Kokumin Nenkin* system.

A common argument against enrolling into the Japanese pension system is that it is a waste of money. However, for non-Japanese citizens, the pension does have a refund system. If you leave Japan, you are currently entitled to a refund of contributions paid, up to a maximum of 36 months' worth of contributions. A major difference between the Employees' Pension fund and National Pension fund is the amount refundable. The refund system clearly favours those enrolled in the Employees' Pension system, and if the current proposals are realized instructors not enrolled in *Shakai Hoken* are likely to be worse off.

GU SH scorecard

In November 2004 the General Union kicked off its *Shakai Hoken* (SH) campaign by submitting demands to ECC for full enrollment in *Shakai Hoken*. In January 2005 demands were sent to NOVA, GEOS, AEON, and Berlitz, and following these demands, the General Union has dealt with SH demands in workplaces big and small, from universities to language schools. Not only has the union held negotiations with employers, but also with ministry and Social Insurance Agency officials, thereby setting off the first round of major investigations into SH enrolment in the *Eikaiwa* industry. So how have we fared?

NOVA: Many teachers that would have otherwise been refused enrolment or hassled over their attempts to register have been allowed into the system. NOVA has now changed its working hours to try to keep new hires off the system.

GEOS: In order to evade SIA officials, GEOS lowered working hours from 40 to 29.5; however, 140 previously non-enrolled teachers are now in SH.

Berlitz: Without having to go into dispute with the union, Berlitz has enrolled all teachers working over 30 hours per month. Over 200 Berlitz teachers are now enrolled.

ECC: (See story front page).

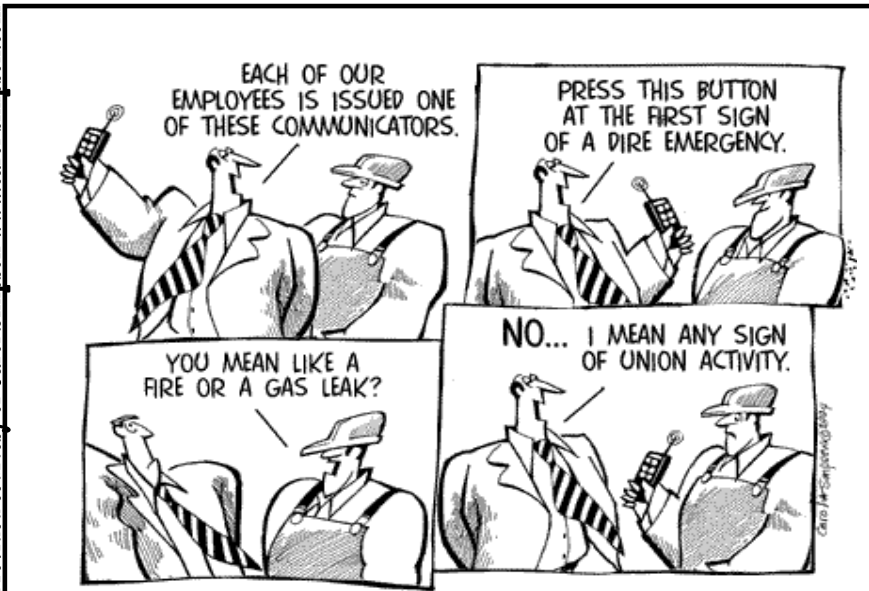
AEON: As of 1 November AEON has enrolled all new hires and raised starting salaries by ¥15,000 per month (rent subsidies were reduced by ¥5,000). With the pension money returning to teachers through the lump sum withdrawal, teachers will have no basic change in salary

-See more in the next edition-

	Employees' Pension Monthly premium	National Pension Monthly premium
Salary + Transport ¥275,000	¥19,034	¥13,860
Total premiums paid ¹	¥685,224	¥498,960
Lump Sum Withdrawal ²	¥650,000 ³	¥249,480
¹ 36 months ² based on 36 months of contributions ³ minus a refundable withholding tax of 20%		

This article was deleted under the terms of an agreement between that company and the General Union.

Provided courtesy of Carol Simpson www.carol-simpson.com



ECCの勝利

法で、加入を免れようとした。しかし、ゼネラルユニオンは、果敢に団交を展開し、またその要請を受けている社会保険庁の監視も厳しいことから、徐々に加入せざるをえなくなってきました。

社会保険庁を動かしたゼネラルユニオンの「確認請求」

社会保険加入に「常勤の4分の3以上の労働時間」という通達があり、「週30時間以上」という誤解があふれており、ECCも常勤講師を「週29.5時間」としました。しかし「常勤」は「4分の3の分母」であり、また、「それ以下で加入できない」という法律もありません。組合は、難波社会保険事務所に加入資格を問う「確認請求」をしましたが、当初、「数名の40時間の日本人講師分母」と却下されました。だが、大阪社会保険審査会に上告し争ったところ、却下が破棄され、社会保険庁が来阪し、ゼネラルユニオンに謝罪しました。

一方、ECCの教職員からは「サービス残業」の苦情も、数多く届いていたため、ユニオンは大阪中央労基署に申告、「労基法違反＝未払残業代支払い」が認定されました。またこれを労働時間に算入すると、29.5時間も虚偽だとされ、一層、社会保険加

入義務が浮き彫りになりました。

社会保険とサービス残業で、全国に争議が拡大

莫大な掛金負担を避けたいECCは、それでも拒否を続けたため、大きな全国争議が始まりました。全国一般労組全国協の、東京南部や福岡ゼネラルユニオンの連帯も得て、東京・名古屋・岐阜・京都・大阪・兵庫・福岡などのECC各校前での「社会保険・サービス残業」キャンペーンも続けられました。ユニオンニュースも全国の各校にFAX送信され、これらは、日本人女性スタッフ達にも好意的に受け取られました。また、ユニオンのホームページでは「社会保険への加入とサービス残業の申告」を、会社に代って受け付け始めました。

こうしたECCの組合員たちの奮闘や、全国の仲間からの支援が拡大するなか、要求から2年たった06年7月28日、とうと

うECC本社が、これらの要求を受諾することになりました。懸案の上記要求だけではなく、「会社が、ゼネラルユニオンの社会的権利を認める」合意も多く、今後、大学・語学業界・専門学校など業界各社への波及も期待されています。

主な合意項目

[1] 組合員である常勤講師に、社会保険加入を認める【2年間の遡及加入も】

[2] 将来については、厚生労働省の基準に基づき、会社と労組で決定する。

[3] ECCは、常勤講師の、労働時間内におけるクラス設定に配慮する。

[4] ECCは、新規採用常勤講師の入社時研修の中に、「ゼネラルユニオンの自己紹介コーナー」のプログラムを認める。

[5] ECCは、労働組合法の定めに基づき、ゼネラルユニオンに組合事務所を貸与する。

Read the National Union 'VOICE'

You can find a copy of the National Union 'VOICE' at the following establishments. Also, read the 'VOICE' online at www.generalunion.org

Osaka Area: Balabushka (Shinsaibashi), The Cellar (Shinsaibashi), Pig and Whistle, Tin's Hall (Tennoji), Tramps (Kyobashi), Murphy's Irish Pub, The Playpen (Osaka), Banana House, The Blarney Stone, Moriguchi International House, Orange House, Sam & Dave's (Umeda/Shinsaibashi), Kitano Catholic Church,
Kobe Area: Hyogo International Plaza, Ryan's Irish Pub (Sannomiya), Hyogo Int'l Exchange Centre.
Kyoto Area: Café Independent, The Hill of Tara, Kyoto City International Foundation, Peace Café, Tadg's Irish Pub.

Nara Area: Nara Information Foundation.
Fukuoka Area: Sakae Sushi, Kambal Restaurant.
Kanto Area: Dubliners (Shinjuku), Dope Music Bar FOGGY, Franziskaner Bar and Grill, Paddy Foleys, Sid's Bar, Club Deja-Vu, The Bodhran.
Nagoya Area: Queen's Head, NPO Plaza, Tokuzo, Jazz Room Exit, Nagoya International Centre, The Elephant's Nest, The Misfits, The Plastic Factory, Dining Bar Vita.

松下支部の勝利

はいなかった。よく契約書を読み直すと、雇用とも請負とも明記されていない。この区別の判断は、署名させられた契約文章ではなく、「業務の指揮管理権がどちらにあるか」という「実態判断」で決まる。ただ松下も、あまり一貫性がなく、自信もなかった。さらに、ゼネラルユニオンの剣幕に押されてか、「団交はできないが、交渉には応じる」という態度であったため、松下社内は「雇用かどうか、労働者かどうか」で、労資が怒鳴りあう攻防の場となった。

労組からは「雇用の動かぬ証拠」として、【 契約の英語翻訳にEmploymentと明記 社員証交付 従業員としてビザ申請 定年がある 松下が作業内容や査定を決定】などの証拠を突き付け、雇用である労働実態を鋭く指摘した。

松下側は【 契約書に雇用と書かず、収入は報酬と表記。源泉徴収はせず 本人の要望に添って、クラス担当を決定 指揮や拘束は通常の注文程度】などと反論したものの、「雇用的委任？」だ、との苦しい弁明まで持ち出した。

このままでは、「団交拒否」で松下が訴えられ、労働委員会が「不当労働行為救済」で、労働者性を認定する。加えて、源泉

徴収をしないことが国税局に漏れれば、大きなスキャンダルになる。何れにしても、松下が負けるのは確実視された。そこで松下は、02年7月に、ユニオンの諸要求を受諾。さらに03年4月、年間15%のカットを復元し、ユニオンを通じて、全組合員に支払った。そして、委託＝個人請負がなくなるかに見えた。

「続く松下の抵抗。06年秋に完全雇用を実現」

しかしその後も、松下電器、そして関連子会社は、「請負」に未練を持ち続け、雇用への切替を履行しなかったため、やむなく第二次争議が再開された。怒ったゼネラルユニオンは、ついに「年休の申請運動」に踏みきり、当然ながら、労基署に「労働者性あり、年休拒否は違法」の命令を出させた。それでも会社は当初、「生活依存度の大きい、常勤だけ雇用にする」としたため、このパート差別で再び紛糾。06年夏になってやっと「非常勤も雇用に」と認めため、この度やっと基本合意を見た。

しかし労組は追撃の手を緩めず、「これまで雇用を否定してきた責任と賠償」問題の団交が続いた。組合員には、日本語講師の日本人女性もいるが、勤続30年の外国人講師もいる。年休なし、のみならず、健保や年金も

ない、長期の不安定な生活を、余儀なくされてきたのである。

そして06年9月、とうとう、「全員を雇用とする。勤続年数を踏まえた年休をさかのぼって支給。過去の不利益も償う」という趣旨の労資協定がかわされ、4年間もの長い、「労働者として認めさせる、雇用への闘い」が、ゼネラルユニオンの完全勝利で解決した。しかも注目すべきは、外国人講師の決起から始まった闘いが、日本人講師の労組加入に拡大し、争議で獲得した「雇用」は、研修部門のすべての非正規の仲間に適用される、という成果と、運動の拡がり、実現したのである。会社幹部は言った。「新聞報道で請負が大問題になる直前に、労組の

General Union 2007

Shakai Hoken Campaign

• Send a letter to your MP/Senator/Congressperson demanding that the Japanese Government enforce enrollment of foreign workers in Shakai Hoken.

• Send a fax to the Social Insurance Agency demanding that they order language schools to enroll full time and regular teachers.

• Fight for the rights of part time workers for enrollment

More information to follow in January

Voicé

ナショナルユニオン

“Voice”の紙面

- ◇ 松下支部の春闘要求
- ◇ 日米英語学院中労委
- ◇ 社会保険アップデート
- ◇ LADO 組合の再結成

2006 / 07 冬号

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

松下電器の偽装請負を撤回させ、まともな雇用を実現

松下研修部門のユニオン支部が、4年間の争議に勝利

年休や過去の補償など、労働者としての権利を獲得

財界や労働界のボス＝キャノンや松下の偽装請負が発覚し、相次ぐ告発で世間を騒がせているが、これらは、今に始まった法違反ではなく、資本主義の古くて新しい手口である。しかし反面、粘り強い闘いの成功例もある。ゼネラルユニオンの有期労働者・外国人組合員たちが、4年間もの争議で、松下電器の「偽装請負」を粉碎し、この秋、全組合員の契約を完全な雇用に変更させ、賠償させる勝利を得たのである。

海外進出の草分けとしての松下は、戦後まもなくから、大阪・東京の研修センターで、多くの外国人スタッフを抱え、来日技術者や海外転勤者らへの教育などをさせてきた。現在の松下は、大量人員整理が成功？し、大儲けしているが、リストラの嵐が吹荒れていた当時【02年5月】、ゼネラルユニオンの松下電器支

部が、30数名の有期講師で結成された。「非正規の月収の15%カット」が突然通告されたからであり、それへの反撃を軸に22項目の要求が、中村邦夫社長宛に提出された。ところが、驚くべき拒否回答が来た。

すなわち「契約が雇用でなく、委託【請負】なので、労基法・労組法・雇用保険・社会保険の法的義務はない」という内容であり、「講師は一人親方で、労働者でない」という、信じられない想定外の開き直りであった。組合員たちは、「我々は、松下に就職した『労働者』だ。何故『下請け』なんだ」「松下に採用され、松下の言う通りに働いてきた」と、寝耳に水の発表にあきれるばかりであった。

「雇用か、委託＝請負か、攻防戦が火ぶた」

誰一人として、「請負である」との説明を、これまで聞いた者「次ページに続く」

ECCが、社会保険を認め、争議解決

ゼネラルユニオンは、1991年の結成以来、大学・高校、民間語学産業における教職員の雇用安定や労基法適用や雇用保険加入など、労組の闘いによって、多くの権利を実現させてきました。

健保と年金からなる「社会保険」は、社会保険庁の怠慢と、各会社の抵抗もあり、加入が遅れてきました。また「外国人の年金はムダ」との誤解もありますが、「帰国時の掛金返却、各国年金との通算条約」などで改善が進んでいます。また、病気や休業補償などの深刻な相談が、ゼネラルユニオンに多数寄せられています。

そこでゼネラルユニオンは、2004年秋、語学全国大手の全社に「社会保険加入」への統一要求を決定する一方、記者会見でNOVAを告発しました。

各社は、「授業の準備時間＝労働時間を減らす」などの欺瞞的方「6ページに続く」