

# National Union Voice

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

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December 2007 Edition

## NOVA union members say: "We're not going back to old NOVA" Union to launch industry wide campaign for overhaul

As many NOVA teachers return to work with the new NOVA, (G-Education), union members have stated unequivocally that they will not work under the old NOVA tyranny. Former NOVA teachers in the General Union are now set to establish a new union branch to deal with their new employer and are considering demands that cover improvements in *shakai hoken*, contracts, full compliance with all laws, the right to bargain with their new employer on an equal footing, and to end middle management's reign of terror over teachers and staff. Union

members will also establish a system of shop stewards to police former NOVA managers and make sure that a fair system for teachers and staff is achieved.

We should all heed the call from NOVA teachers to never go back to old NOVA, not at the new NOVA and not at any other employer of language teachers in Japan. The General Union Executive Committee has heard the voice of NOVA teachers and on 17 February will kick off a new campaign for industry-wide demands and how to win them. De-

mands currently being considered are:

- A starting wage of Y280,000 per month and at least that much for current teachers.
- Full enrolment of full and part-time teachers in *shakai hoken*.
- Full compliance with all Japanese labour laws
- The abolition of one-year contracts and all renewal limits
- The end of institutionalized racism in our members' workplaces.

Now is NOT the time to sit back and relax. While we are in the midst of cleaning up the NOVA fiasco, we are also fighting for basic workers' rights at GABA, trying to make an ever better Berlitz, and generally improve conditions in the *eikaiwa* industry. In the high schools and colleges sector we are also trying to stop union busting at Ritsumeikan University as well as deal with attacks on the pay and conditions / koma allocation for instructors. This campaign is to make all of our members' employers tow the line and offer more stable employment.

**Are you working in language education?**

**The lessons from NOVA**

**Open Seminar**

**Sunday, 17 February from 1:30 to 3:30pm**

**L Osaka, Temmabashi**

**See [www.generalunion.org](http://www.generalunion.org) for map**

**NUGW Tokyo Nambu**

Tel: 03-3434-0669 Fax: 03-3433-0334  
carlet@jca.apc.org  
www.nambufwc.org

**General Union – Kansai & Tokai**

Tel: 06-6352-9619 Fax: 06-6352-9630  
Tokai Tel/Fax: 052-561-8555  
union@generalunion.org  
www.generalunion.org

**Fukuoka General Union**

Tel/Fax: 092-473-1222  
fukuoka@generalunion.org  
www.fukuoka.generalunion.org

**National Union of General Workers**

# Kansai Berlitz Talks Collapse

-General Union-

It's hard to imagine that teachers in one of the better *eikaiwa* schools would choose to join a union, but the General Union Berlitz branch is one of the oldest around. This is what happens when you have a work place that isn't despicable; people actually stick around and try to make it a better place. According to General Union organizers, "Oddly it's not the worst places where we have a fighting membership. In the better workplaces, workers have much more confidence in their ability to win improvements because their history has shown that victory is possible."

Well, Berlitz members do believe that they can continue their strong winning tradition and have decided to end talks with the company in the hope of pressuring them to make a better offer in health and pension insurance coverage for all teachers and to improve the pay that teachers currently receive.

What are the current sticking points?

**Shakai Hoken:** Berlitz has done a lot in lowering the bar for enrolment (of course only after the union demanded proper enrolment), but Berlitz members think that they can do more. Currently, many regular salaried teachers are not enrolled as the law requires and thus Berlitz's massive reserve of 'per lesson' teachers (those who work day to day with no regular or set schedule) who work from early in the morning until late at night remain mostly un-enrolled. Berlitz union members are fighting for a lower bar which will cover most Berlitz workers. Berlitz itself is confused by the Social Insurance Agency's guidance. The guidance only states who Berlitz MUST enrol, but this does not preclude Berlitz from offering it to all those on even less hours. We hope that Berlitz will come to their senses and realize their own obligation to their employees and not stick to the bare minimums.

**Unpaid work:** Another big sticking point is Berlitz's failure to recognize and pay for a lot of unpaid work. Teachers are currently only paid for their lesson time, but not for the work that they must do before, be-

tween and after lessons so that they can be ready to teach. Berlitz's answer, "We don't believe that it is unreasonable for teachers to do a little work in non-teaching time." Neither does the union, we just believe that it has to be paid for. It's amazing that since most companies, correctly, would never allow someone to be a little late every day, that Berlitz would actually demand teachers work for free. The union will begin making a record of all work done at Berlitz and present a demand to the Labour Standards Office for unpaid wages over the past few years and ask that Berlitz be punished to the full extent of the law.

Oddly enough, winning this currently unpaid time for teachers would mean that many teachers would not only be enrolled in *shakai hoken*, but also have a significant pay increase, almost covering the full employee portion of the cost.

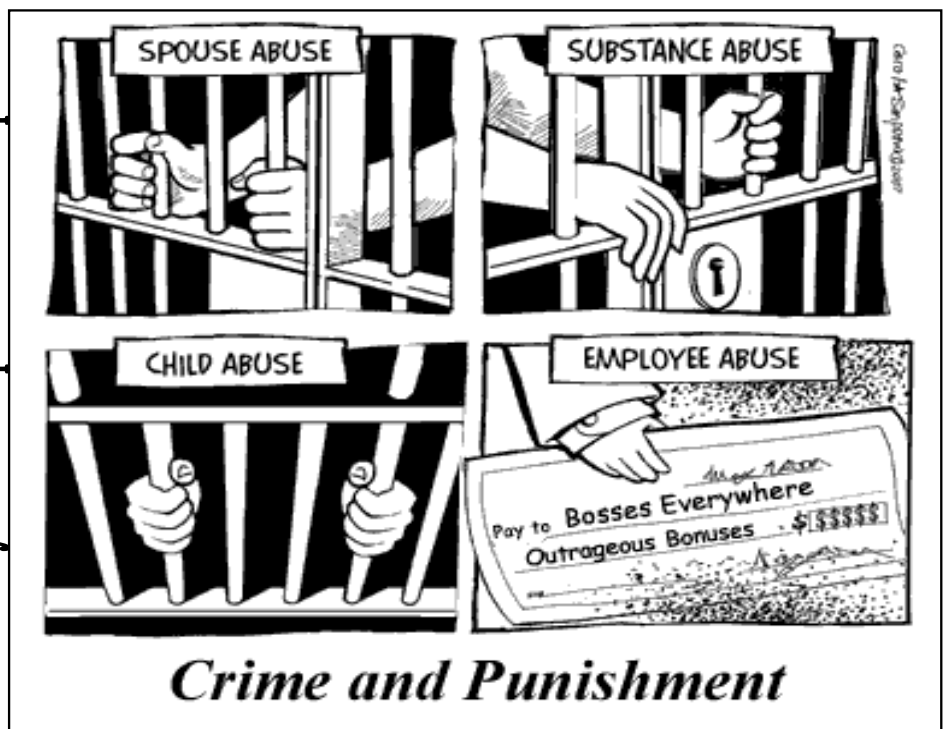
Come on Berlitz, use your head, it's better to settle now than have to do it after a fight.

## Join the Union

- Article 28 of the Japanese Constitution guarantees the rights of all residents of Japan to for a union and partake in its activities.
- Article 7 of the Trade Union Law forbids employers from harassing, firing, or treating union members in a discriminatory manner.
- See [www.generalunion.org](http://www.generalunion.org) for information on joining the union closest to you.

06-6352-9619

Provided courtesy of Carol Simpson [www.carol-simpson.com](http://www.carol-simpson.com)



# Schools & Colleges Round-up

-General Union-

## Osaka Kogyo Daigaku & Setsunan Daigaku

Negotiations were held with these two colleges (part of the same group) on November 20. The union presented a list of 10 demands, 8 of which were positively answered, including - hours and conditions for 2008 have basically been guaranteed; no major changes are anticipated for 2009; the university will clarify its new pay scale - going from 6 to 3 ranks - and no instructor will lose out in the process, pay rises even possible; the colleges have agreed to give all part-time instructors access to the on-campus computers; part-time and full-time job vacancies will be advertised between the two colleges; in the case of school mandated class cancellations it may be possible to set students assignments when instructors can't do make-up lessons, we also raised the possibility of them paying for cover teachers in this case.

Two outstanding demands were over new hiring of teachers at a time existing teachers were given small *koma* cuts - they will get back to us over this once they have fully investigated. The other is our demand to remove the upper limit on *koma* (5 at Kodai, 6 at Setsunan). We will re-visit this issue in the future.

## Mukogawa Joshi Dai

The union made three demands at negotiations on November

13; i. Establish a *jizen kyogi sei* (pre-consultation agreement) with the union, ii. Union members to receive no less *koma* than they currently have. ii. Stop receipt of illegally dispatched teachers and resume direct hire of all positions.

As is normal with a first negotiation, the university refused our demands though they did hint at looking into protecting our members' *koma*. As to dispatching, they claimed what they are doing is legal. This invited a very detailed explanation from the GU Chair proving to them that they are in the wrong. We will be re-submitting demands here again soon and expect to see some movement from the university towards meeting our demands.

## Kobe Shoin Joshi Daigaku

This university will cease the use of dispatch teachers from April 2008 and only have directly hired instructors.

## Hotoku Gakuen (Nishinomiya)

Alarmed by the school's decision to cut a lot of the *Eikaiwa* classes, and fearing the school would use it as a pretext to cut hours and pay, the General Union held collective bargaining on 21 November. The school, however, promised that there would be no pay cut commensurate with the loss in classes, and that they would find other non-*Eikaiwa* work for the teachers to do. The school also promised enrollment in Unemployment Insurance.

# NOVA

以降、賃金又は、自宅待機の休業補償【60%以上】の支給が、開始されるはず

です。  
3 = 「面接は採否の決定ではなく、本人希望や開校時期の確認のため」

以上の前提と経過に基づくと、面接はそのような実務と考えられます。しかし、面接そのものが遅れていることで、不安がついています。さらに、「NOVAの元幹部が先にジーエデュケーションに入社し、その立場を利用して、面接において、過去の遺恨で差別する」などの噂もあります。「親猿橋・親アンダースかどうか?」「組合員かどうか?」等が、報復に使われるなら、今回の合意を揺るがせかねない不祥事と

なりかねません。すべての幹部は、裁判所での協定と諸法令を守り、NOVAの悪しき体質を脱却した「新生NOVA」を、速やかに実現しようではありませんか。

**再開は順調。年内に百数十校開校。お茶の間留学MMセンターも年内予約開始**

**=講師 300人体制で、1月10日に開講**

一方、新生Nova = ジーエデュケーションとしての再開校は、当初予定より早く、順調に推移しており、年内には、ほとんど全県での開校ができるようです。現に多くの教職員、そして、ゼネラルユニオン組合員も、雇用継続 = 職場復帰を果たしています。

さらに、開校が遅れて待機中となる場合で、年末年始に休暇をとり、開校日に戻る選択も用意され、このケースを選択した者

に、15万円の「支度金、又は帰国費用」が、ジーエデュケーションから補助されます。

一方、旧NOVAが社会保険に入らず、「NOVA講師が無保険で路頭に迷っている」などの報道もありました。「NOVAの労働条件を引き継ぐ」との合意協定は当然としても、社会保険の各法違反を継続することはできません。

幸い、管財人もジーコムも、コンプライアンスに理解をお持ちなので、適法な契約を期待しています。待機中などの現時点でも、「無保険なので病気もできない」状態が今なお、続いています。健保の任意継続は高価で、国保の加盟は自治体によっては、過去2年間の遡及負担が請求されます。12月からの社会保険加入を改めて要請していきたい。

# Voice

ナショナルユニオン

“Voice”の紙面

- ◇ NOVA ニュース
- ◇ BERLITZ
- ◇ 高等学校・大学ニュース
- ◇ 語学産業セミナー

2007年12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

## 【退職届の提出しなかった】全教職員は「NOVA解雇」と同時に12月1日から新生NOVA＝ジーエデュケーション社員になります

12月1日、NOVAから、ジーコミュニケーションに従業員身分が移管。

退職届提出のない、全教職員は「NOVA解雇」のうえ、ジーエデュケーション社員として雇用開始

NOVAと、ジーコミュニケーション&ジーエデュケーションとの「企業譲渡協定」は、地裁の承認決定を得て、更生法から破産への移行が11月26日に決定しました。これを受けて、11月末日をもって、既に退職届を提出していた者以外の全員に、解雇通告書が送付されました。これで自動的に、「NOVA従業員から、ジーコム&ジーエデュケーション従業員への身分移管」が確定したことになります。

【退職届提出済の方も希望すれば、ジーエデュケーションの雇用が可能です】

遅配開始から解雇までの賃金と休業手当【60%】は、「立替払制度」により、「労働者健康福祉機構」から、NOVAにいた者全員に、それぞれの80%が支給されます。近日中に、破産管財人から申請書が、元従業員全員に届きますので、点検と署名のうえ、返信用封筒で機構に送付して下さい。

【申請から約1か月で振込みがあります。

海外口座への振込みも可能】

ジーエデュケーションへの雇用予定者は、雇用保険と離職票は使えません

NOVAと管財人は、解雇通告と離職票を発行する義務があるため、退職者以外の全員に送付しました。しかし、雇用保険は「仕事を捜している者」が給付の対象ですから、ジーエデュケーションでの雇用が、内定もしくは待機している者は、失業給付は不可能なので、離職票は関係ありません。現時点で、ジーエデュケーションへの継続雇用を断念され、かつ転職先未定の方は、雇用保険が受給できます。

公約＝「希望する者全員は、ジー社で雇用。開校が遅れても賃金を払う」

これは、11月10日の説明会や記者会見で、保全管理人やジーコム稲吉会長が、何度も公表された内容です。これはそれぞれのホームページや、全国紙でも、この表現で報道され、地裁でも文書で承認されました。企業譲渡は、従業員身分移管とセットの合意であり、「企業と従業員は別」とか、「どちらの従業員でもない、などのタイムラグがある」とかは、ありえません。

ジーエデュケーションの再雇用手続が遅れ、ユニオンに問い合わせが殺到

保全管理人とジーコム&ジーエデュケーションは、11月9・10日に説明会を開催しましたが、開催案内の不十分さに加え、沢山の積み残しがあり、手続きの遅れもみられます。

1＝説明会の案内が、前日、ホームページのみであったため、「知らなかった」教職員が多数いました。また、最近、転宅や帰国をした者を、NOVAやジーコムが十分把握できず、連絡できなかった者も少なくありませんでした。

【ゼネラルユニオンは、倒産前の移動を含めた最新のデータファイルを保全管理人に提供しましたが、案内徹底へのさらなる活用が望まれます】

2＝説明会に出席はでき、「ジーエデュケーションへの雇用申込み受付は完了しましたが、面接の案内が未だにない」という苦情もユニオンに続いています。

ジーエデュケーションとしての再開校が未確定で、授業再開時期などが、遅れている事情は理解できます。しかし、法律と基本合意に基づくなら、12月1日付の雇用契約書を、退職者以外の全員に即刻交付され、

「3ページに続く」