

# Voice

National Union

Inside the "Voice"

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March 2008 Edition

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

## Last chance for new NOVA General Union applies for mediation

### 'I was led around by the nose'

That's how many members have described their treatment by Geducation. To explain why they feel this way, let's go back to the NOVA bankruptcy crisis and the founding of new NOVA (Geducation).

After the collapse of NOVA, with many teachers and staff left penniless, without health insurance, and evicted from their homes, the news that Geducation would take over NOVA operations with jobs and pay guaranteed for all ex-NOVA employees was greeted enthusiastically by many, including the General Union. Teachers were offered employment immediately or ¥150,000 to take a short break and return to work on 10 January ("not a day later", they were told). In a meeting with Union officials from Osaka and Tokyo, Geducation and its parent company Gcommunication gave an assurance that things were going smoothly, and that they could deliver on their promises. They even said that they were concerned about not having enough teachers.

Today, after greeting the revival of NOVA, many teachers and the union believed that the new company has broken their promises and managed

their own decline quite poorly.

### Merry Christmas from Geducation

At Christmastime, and just a week after the meeting with the Unions, teachers who had selected the 150,000 yen option were told that their services would no longer be needed because the company would not be able to open new schools on schedule.

After negotiations with the union the company agreed to hire any ex-NOVA union member, and it put 84 union members back to work on 10 January. Unfortunately, two union activists from Osaka and Tokyo who were still working at NOVA at the time of the collapse were left unhired without explanation from the company.

While the union was preparing to deal with the problem of the unhired union activists from NOVA, Geducation was planning something even more sinister. While they were taking people back to work on the one hand, on the other they were informing teachers that contracts – that is, old NOVA contracts that had already ended on 30 November 2007 with NOVA's bankruptcy - would not be renewed. As if that wasn't

enough, the company notified French and German teachers that they would all be fired in March.

### Is this for real?

Unfortunately it is. After all they went through in the NOVA crisis last year, teachers are now suffering at the hands of NOVA's successor. Geducation was chosen to take over NOVA operations precisely because of its promise to Osaka district court to employ all teachers. That promise has been broken.

### Union punches

On 15 February the union led a picket at the Labour Standards Office to protest Geducation's failure to manage contracts and dismissals according to the laws of Japan. The union's action was quite successful, as it was covered nationally by many news outlets. Also, the company's subsequent news conference showed a demoralized company. Based on our belief that the company may now be ready to discuss, we have asked the Osaka Labour Commission to mediate our dispute with the company. We have been very clear; Let those who want to work, work, and find a more appropriate way to deal with the company's inability to keep their promise of jobs for all ex NOVA

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## ECC members demand pay increase and permanent contracts

-General Union-

The ECC Branch has submitted new demands for collective bargaining. Sick and tired of the stress of having to renew contracts every March we are asking ECC to abolish annual contracts. Unlimited term contracts are not completely unheard of in the eikaiwa industry; they exist at Berlitz, and the other major language schools do have a number of foreign regular employees - ECC has just one!

The branch is also demanding that ECC explain the system to calculate yearly wage increases, and provide an across the board 3.8% base salary increase. Full-time instructors have not seen a base increase since 1998 when the current 29.5 hour contract was introduced. Yearly performance-based increases appear to be completely random, with some instructors not receiving a raise at all.

We also plan to address issues relating to fixed paid holidays, special leave, which regular employees already enjoy, and asking ECC to clarify its position on discrimination in the workplace.

## 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.

# Service Overtime Unrest as Berlitz Teachers expected to do more unpaid work

-General Union-

Unpaid or 'service' overtime is a major issue for workers in Japan. While some are too intimidated to take up the issue, there is a growing number challenging the status quo. There are more and more instances of the Labour Standards Office ruling in favour of employees. The recent award of 7 million yen to a McDonalds' manager made national headlines.

### Teachers at Berlitz are ready to take on the company over this same issue.

Berlitz was historically a company that offered a fair employment package: this has changed. Instructors on a decent base salary, a fair schedule (unfloating, fairly set, progressively improving, or considerate for families and social lives) and benefits are a thing of the past.

Berlitz teachers are expected to perform an ever increasing amount of unpaid overtime as paid preparation time disappears. Teaching children's

lessons requires preparation time and in some cases lots of it. Berlitz used to pay a fixed preparation allowance for instructors teaching these lessons but decided to allow schools (LCs) to dictate their own rules in this regard. This has inevitably led to some LCs who having done away with a preparation time allowance altogether.

Berlitz recognizes the need for lesson preparation and at a Berlitz Japan Instruction Workshop gave written instructions for teachers to prepare for lessons and develop their own tasks to challenge students, and to come to work early to do so. This is all good and teachers are in agreement, good preparation is essential. The difference is that Berlitz teachers rightly expect payment for such work.

The union is building documentary evidence of exactly how much unpaid work Berlitz Instructors are required to perform as part of their everyday duties. For more information contact the General Union.

[union@generalunion.org](mailto:union@generalunion.org)

*JOIN THE GENERAL UNION ONLINE*

*www.generalunion.org Click 'Join Now'*

<b>Name:</b>	<b>Employer:</b>
<b>Address:</b>	
<b>Tel:</b>	<b>Email</b>
<b>Or fax this page to 06-6352-9630 (Osaka)</b>	

# Letter to the editor

Dear Editor,

I work as a homeroom teacher at a private elementary school. Recently, a student spoke to me and left me concerned she may be being sexually abused by a family member. Along with school policy, I reported the matter to the school manager and wrote a report for the principal. I was later told by the principal to "let the matter drop" and that he would speak to the parents. This never happened.

I spoke with the police but they were very evasive in answering my questions. So, my questions to you are – 1) What are my legal obligations in regards to reporting this matter to the authorities and 2) What are the school's legal obligations?

## Answer:

The "Child Abuse Prevention Law" requires:

Article 5. Schools and school staff etc are to make every effort for the early discovery of

child abuse

Article 6. Anyone who finds child abuse (suspicion) must report the case to the Welfare Office (Hukushi-jimusho) or Child Guidance Center (Jido-sodansho) of the city or prefecture.

Article 6's duty has priority over all other duties to protect information under other laws.

So we can say, in your case, you and the school both have the duty to report.

## Additional Information

While eventually resolved, this case highlights one of the predicaments teachers at private schools may find themselves in. The teacher is in the first year of employment on a one year contract and felt a strong threat that her job was in jeopardy if she reported the matter to the authorities. With negotiations between the school and the union, the teacher was assured that her job was protected, along with the welfare of the child.

## NOVAの勝利

ゼネラルユニオンは正月を返上、NOVAに続く形での労働相談継続となった。消費者対策では、ユニオンも結成に尽力した「NOVA 生徒の会」が活動を全面展開しており、今回のジー社問題にも、労組と共に「緊急声明」を突きつけた。しかし労組の団交要求は再三拒否され、ついに労働委員会提訴、労組の記者会見【会社への社会的制裁としては強烈】かと思われたが、1月7日ついに、ジー社が小野社長出席のもと、大阪での団交に応じてきた。そこで会社は、労組要求に屈し、一旦解雇した講師の「再々雇用」を受諾、「労組

が、改めて就労を希望する労働者をリストアップしてくれたら、全組合員直ちに就労して頂く」と回答した。

ゼネラルユニオンは翌8日に「ジー社雇用公開説明会」を開催、怒りを持って日本へ戻ってきた講師たちが大勢結集した。ここで「復職 OK」との団交結果が伝えられた。また、猿橋の片腕であったアンデルスらがジー社幹部に登用された、リストラや労組対策を指揮していたのだが、労組の「戦犯追放」要求により「1月末退職」となったことも発表された。この2つのニュースは、参加者の大きな拍手で迎えられた。そして当初の就労予定日であった1月10日には、最上

# New NOVA

teachers. Numerous demonstrations and marches have now been suspended to give the company a chance to rethink its losing strategy. There is little cause to doubt that the new company is having difficulties. Many teachers have been sent home on 60% salary, and those who are at work report very little teaching time. The problem here is not G.education's financial difficulties; these should have been foreseen by any employer taking over such a large risk. The problem is the damage to the livelihood of G.education's employees, who took their own risk in opting for employment by a company unknown in this industry. G.education, instead of working out other ways to shed employees, has decided to take the disposable teacher approach for which the whole industry is notorious.

The Union demands that all Union members be hired and their contracts renewed. At the time of writing, we have submitted demands for mediation and hope that our demand of employment will be met by this employer.

階に猿橋御殿のある大阪難波の本部に、30名の解雇者代表団が就労要求に押しかけた。今、労組の反撃で、最悪の状況は打開されつつあるが、まだまだ「契約更新拒否」「お茶の間留学の海外移転」など、基本合意の一部不履行は続き、一層の監視が必要である。しかし、ゼネラルユニオンと、全国一般東京南部の「ジー支部」組合員は増え続け、「NOVA 生徒の会」・マスコミ・語学業界・大使館・行政・裁判所のすべてが注目している。戦後最大の「NOVA 消費者・雇用問題」に全力投球してきた両労組と、ベンチャー独裁者との攻防は今後も熾烈に続く。

# Voice

ナショナルユニオン

“Voice”の紙面

- ◇NOVAニュース
- ◇BERLITZ
- ◇大学ニュース
- ◇ECC

2008年3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

## 新生NOVAで、ジー社が800名を解雇 地裁認可の基本合意違反に 労組と生徒の怒り爆発

会社更生法という形で倒産したNOVAは、大阪地裁が、「ジーコミュニケーション」をスポンサーにし、その100%子会社の「ジーエデュケーション」を事業継承会社にすることを決定した。地裁認可の企業譲渡条件は「希望するNOVA教職員の原則全員再雇用」「被害者である生徒さんの75%割引での入学」などであった。

これまで公開説明会を主催してきたゼネラルユニオンに続き、07年11月10日には、地裁保全管理人とジー社が従業員説明会を全国各地で開催。ジーコムの稲吉会長も「200校で全員雇用、開校が間に合わなくても給与を払う」と宣言し大きく報道された。これを受けてNOVAは破産に移行し、従業員は、11月末をもって全員解雇となり、身分がジー社に移行した。

但、数千人もの一斉解雇で、離職票や立替払手続きもベタ遅れし、一方、ジー社の説明会もホームページだけで、周知不足であった。そのためゼネラルユニオンは、独自でファイルしていた講師アドレスに、これらの雇用案内を発信し続けた。それでも、講師・スタッフ・生徒さんから問い合わせが殺到し、11月にゼネラルユニオンのホームページを検索した件数は60万を数えた。

一方、新生NOVAでの再開校も11月で30校、12月末で100校となり、再雇用が拡大してきた。12月14日、最初の労使会談が管財人立会でもたれ、山原委員長と、東京南部のカーレット書記次長が名古屋のジー社本社を訪問した。ここで稲吉会長は「すべて順調、3月には200校で講師が足りない程だ」と述べた。だが1週間後、衝撃が各国を走った。

### Xマス帰国中の講師・家族のもとへ「解雇メール」が

次々と復職はしていたが、次のグループは年末年始が自宅待機で、1月10日からの就労再開決定組であった。会社は、それらの講師たちに「休業手当として15万円払うので、Xマスに一時帰国したら」と勧め、大勢が応じていた。しかし何と、帰国中の800名に12月21日「雇用取消」のメールが一斉に届いたのだ。理由は「再開校は126校で凍結。お茶の間留学センターを海外移転」など記載されていた。これらは基本合意協定違反のだまし撃ちであり、労組だけでなく、地裁や管財人への挑戦ともいえる信じられない豹変であった。

でも会社側は無防備だった。今回の大量首切りの対象者は、面接をすませ、再雇用手続きが完了のうえ、就労

日も確定し待機中の講師であった。会社も手当まで支払済で、「内定取消」とも言えない。このケースは、合理的理由の必要な「解雇法理適用」そのものであり、Xマス休暇が指名解雇の理由になるはずもない。もちろん「整理解雇4要件」などカケラも守っておらず、ここでまたまた労組の出番となった。

### ジー社迷走 初団交で組合員講師の復職がOKに

「3ページに続く」

## 姫路獨協大学

大学の生き残り競争が激化する中、労務対策を何一つしてこなかった大学で、正規・非正規の教職員をまきこんだ争議が多発している。姫路獨協大学では、露骨な退職強要が横行する中、ゼネラルユニオンの支部が結成され、着々と組合員を増やしている。労働者の権利の保障もできない学校が、まともな教育ができるはずもない。すべての教職員は、労組に結集し、違法な退職強要をやめさせよう！