

# National Union Voice

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



Save Farzad - pg.3  
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Winter 2008/09 Edition

## Berlitz heats up

-Tokyo Report-

Berlitz General Union Tokyo (BEGUNTO) has now spent a good part of 2007 and all of 2008 in dispute with Berlitz over a 4.6% increase in base salary demand (16 years overdue) and a top up bonus demand of one month's salary.

Recently memos from Berlitz to all employees were sent to all language centres across Japan. The memos covered a number of topics, but were generally complaints about BEGUNTO's demands and sustained dispute activity (strikes, pickets, visits to parent company Benesse). One memo attempted to justify Ber-

litz's stance on not agreeing to BEGUNTO demands by presenting statistics to show how the company's performance-related pay rises were in line with rises amongst other corporations in Japan for 2007. Instructors were also reminded they received a 52,000 yen 'token gesture' bonus. The memos wisely left out a bonus comparison with other corporations in Japan and it's hardly surprising when the average bonus payment made in Japan for 2007 stood at 839,779 yen for a major

(See Berlitz Tokyo – pg. 3)

- Kansai & Chubu Report -

Over the past year, the General Union has been monitoring the amount of unpaid work instructors perform before and after their schedule begins and also during the break period between lessons, as there are clearly numerous duties being performed that are necessary to ensure the company can function. In 2007 the union submitted demands to Berlitz for full payment for these extra duties. The company's response: 'It's

not unreasonable to expect instructors to perform these unpaid duties in a sentiment of camaraderie'. The General Union's position has always been clear to Berlitz on this issue; payment is justifiably expected when work is being done. Berlitz also uses this non-payment in a purposeful way to report lower working hours and keep teachers ineligible for enrollment in the state health and pension system (*Shakai Hoken*).

(See 'Kansai Berlitz' pg. 3)

## Schools & Colleges

-General Union-

In this day and age when anyone can go to university and when the number of under-subscribed universities is increasing, we can sometimes forget that some places are doing well. Ritsumeikan University, for example, had its subsidies cut by 1,500,000,000 yen on the grounds of exceeding its student capacity. While some profitable universities treat non-regular workers as disposable and in a high-handed manner, others are making efforts to protect workers' employment and create an environment in which employees can work in security and peace of mind. While it is true that the situation varies from place to place, in this year's GU Schools and Colleges 'busy season' we are hearing universities give reasons such as falling enrolment, curriculum changes, outsourcing, introductions of limits on numbers of classes, etc., for union members losing classes and receiving notices of non-renewal.

(See 'Stable employment' pg. 6)

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# New NOVA? Still to be seen

## Contact us: [changenova@generalunion.org](mailto:changenova@generalunion.org)

-General Union-

A year has passed and G.Education has over 400 NOVA schools up and running. How have things changed? For the better? For the worse?

The jury is still out. In some ways teachers say NOVA v.2 is better than before. In other ways teachers say it is worse. There is a consensus on two issues troubling NOVA teachers; the regularity allowance and the overtime pay rate.

### Regularity Allowance

Traditionally, Nova gave part of the salary as a regularity allowance. G.Education has taken it to a new level with the allowance now totaling 40,000 yen per month. This is at

least 15% of a regular teacher's salary.

Teachers who are absent for even just one day lose the entire 40,000 yen! The allowance is simply another way to punish teachers. While we have no objection to a system to encourage attendance this is even more ridiculous than the old fines system.

### Overtime Rate

The company pretends that the regularity allowance is not part of the usual salary and does not include it when calculating the overtime pay rate. This is a blatant manipulation of the facts. 40,000 yen is a major part of earnings and the union be-

lieves it should be used to calculate the overtime rate. We also question the legality of the new system and will be investigating further.

Right from the beginning, the General Union has been in negotiations with G.Ed; getting our members back to work and sorting out unemployment insurance issues. The work continues as we currently negotiate over annual leave and health and pension insurance.

### What can you do?

Join the union and get involved in our campaign to improve working conditions at NOVA. Union reps are available to meet and discuss the issues with you.

# ECC 100 Campaign = a demand for 100 yen per hour

-General Union-

In response to the General Union's ECC 100 Campaign, membership at ECC continues to grow strongly. More and more teachers are joining the union to improve their working conditions. Already this year the union has negotiated and signed a labour agreement doubling the training pay to around 2,000 yen per hour for mandatory training.

Continuing on this momentum the ECC Branch membership voted to submit 2009 demands. As part of the ECC 100 Campaign the union is submitting demands for a ¥100 per hour increase for instructors. The cost of living continues to rise while at ECC the starting salary has remained constant for the past ten

years.

### UNFAIR!

Instructors make up the majority of the workforce at ECC but see very little of the pie. *Seishain* (permanent employees) enjoy yearly increases and twice yearly bonuses. In January 2008, the majority of school management staff on one-year contracts saw their base salary jump by more than 10 percent.

This is in stark contrast to full-time instructors. Salary increases this year were at an all time low, with only a handful of teachers receiving the maximum increase of ¥40 per hour, while the majority received zero, or 10 yen per hour. This is outrageous!

In collective bargaining earlier this

year, the union was told that sales were bad and that the NOVA bankruptcy was part of the reason. However, union research has found this to be untrue. Figures recently obtained from Teikoku Databank showed that in fact sales for the financial year ending May 31<sup>st</sup>, 2008 were up from a year earlier. Profit almost doubled from the previous financial year.

### Improve teachers' lives

Come on ECC; isn't it time to reward the instructors that teach your clients and man the free time lesson booths? To find out more about the General Union ECC Branch and the ECC 100 Campaign checkout [www.generalunion.org/ecc](http://www.generalunion.org/ecc) for an update on union demands.

# Kansai Berlitz

While Berlitz has made concessions to some of the union's demands over grievance procedures, lockers, and less teaching time for 40-lesson per week contracts, and has greatly expanded the number of teachers on Shakai Hoken, the union cannot accept these in a trade off for full enrollment in Shakai Hoken and pay for all work.

*"It's not unreasonable to expect Instructors to perform these unpaid duties..."*

To keep the pressure on the company, in the spring of this year, Berlitz Branch members and General Union officers visited the Labour Standards Office to submit complaints over non payment for duties performed. This complaint was supported by a significant amount of evidence from both instructors and Berlitz itself.

After examining the evidence and

visiting a Kansai-based language center, the Labour Standards Office made a simple request to the company to pay for all work that is done. The General Union permitted the matter to temporarily move away from the Labour Standards Office while negotiations took place on how payment would be made for both the past and future. Berlitz requested time to consider their options at a half yearly budget meeting in October and recently announced that no decision had been made and no date could be given on when a decision would be made.

The General Union has more often than not given Berlitz the time and room it needs to make decisions. The result typically brings agreement that is beneficial to both parties. However, regarding these two fundamental rights; insurance and pay, the union must continue its campaign to win the full benefits.

# Iran: Save the life of Farzad Kamangar

Please join with the thousands of trade unionists and human rights defenders around the world who are mobilising in defence of Farzad Kamangar, an Iranian Kurdish teacher and trade unionist who is at risk of execution.

Education International received information from reliable sources that on 26 November Kamangar was taken from his cell 121 in ward 209 of Tehran's Evin prison in preparation for execution by hanging. However, the latest information is that he is still alive and was able to meet with his lawyer on 27 November for the first time in over two months. His situation remains precarious nonetheless.

Kamangar, aged 33, was sentenced to death by the Iranian Revolutionary Court on 25 February 2008 after a trial which took place in secret, lasted only minutes, and failed to meet Iranian and international standards of fairness. His lawyer, Kahlil Bahramian, said: "Nothing in Kamangar's judicial files and records demonstrates any links to the charges brought against him." Indeed, Kamangar was initially cleared of all charges during the investigation process.

Education International, the International Trade Union Confederation, the International Transport Workers Federation, Amnesty International and LabourStart are appealing to the Iranian authorities to commute the death sentence and ensure his case is reviewed fairly.

## Berlitz General Union Tokyo

enterprise Summer bonus and 845,119 yen for the Year End bonus.

### Union Activities

A further follow up memo from the Berlitz Japan president was effectively a one sided complaint about the 'teachers' union's' constitutionally protected dispute activities over the past year. This memo should have remained as a private internal complaint from the company to the union. To actively complain to the workforce about union activities does not, despite the claims in the introduction to the memo attempts to present, recognize the constitutional rights of BEGUNTO. This memo

takes an anti-union stance and appears to be an attempt to intimidate union members and describe union activities as illegal.

In addition to the memo's unfair comments, Berlitz also submitted letters by hand, threatening termination, to instructors who had been on strike. An unfair labour practices suit was promptly filed on the morning of Monday, November 17 by BEGUNTO and Nambu (National Union of General Workers – Tokyo South), asking the Tokyo Labour Commission to investigate unfair labour practices at Berlitz Japan; first hearing 22 December.

# General Union dispatching special

While companies have been dispatching teachers to private schools and universities for many years, changes in the dispatching law and the push to deregulation have given more of an impetus to the use of dispatch companies. The falling birth-rate with a corresponding reduction in the number of university age students has hit the less prestigious private universities, junior colleges and women's universities particularly hard. Outsourcing has been used as a way of cutting costs. However, it is not limited to these institutions.

Even a university such as Ritsumeikan, which is not so severely affected by the falling school rolls has introduced dispatch teachers at new schools and faculties.

At universities like Mukogawa Joshi Dai (Mukogawa Women's University) cost cutting is probably the major factor. However, other factors can sometimes be involved. Outsourcing may provide employers with more flexibility. It is easier to increase or reduce the number of dispatch teachers than to employ new teachers or "let go" existing employees. In addition in some universities it may result in a strengthening of the administration's hand in relation to faculty.

## **Why is the General Union opposed to dispatching?**

Cost savings made are largely at the expense of employees' pay and conditions. Generally speaking pay rates and working conditions are worse for the dispatch teachers and the office staff who administer them

than for their directly employed equivalents.

Dispatching means a reduction of income and even loss of employment for some of our members. It introduces a fresh barrier to the unity of workers working in the same workplace, between dispatched and directly employed, in addition to the existing divisions between part-time, full-time, tenured and contract teachers.

## **What does dispatching mean for education?**

We believe that the trend towards dispatching will lead to a decline in the quality of education provided.

It is driven not by concern for maintaining and improving the quality of education but a desire to reduce costs.

There are excellent, highly qualified and motivated teachers employed both directly by institutions and by dispatch companies. However, conditions are generally better for directly hired teachers. As a result these teachers tend, on average, to be more experienced and better qualified. Many universities, such as Ritsumeikan, require that all new part-time teachers have a master's degree. They do not have the same requirement for teachers supplied by the dispatch company. The replacement of existing teachers is likely to have a detrimental rather than beneficial effect on the quality of classes. A further problem is that the legal basis on which dispatching is conducted often limits the power of the institution to control classes. Assessment can sometimes be a prob-

lem. There have been instances where, to comply with Education Ministry guidelines, a grade is given by a directly employed teacher who has no actual contact with the students as the classes concerned are taught by dispatch teachers.

## **Why does the GU demand the direct employment of dispatch teachers?**

The General Union is a labour union that fights to defend the interests of all employees. It is not a union limited to one section of the workforce. The General Union is opposed to dispatching for the reasons outlined above. However, once dispatching has been introduced it poses the question concretely what should be done about it.

In the present climate very few workers are in a position to pick and choose their jobs. For many a dispatch job may offer the only chance to get daytime work that will allow them to spend time with their families. It is also quite natural for teachers to want to get experience that will get them better jobs in the future. Indeed many presently employed university teachers once worked for companies now doing the dispatching, before they got their "foot in the door". We do not believe this shows any desire by dispatch teachers to "trample on" directly employed teachers and take their jobs. In a sense we are all competing against each other for the jobs available but the whole point of a union is to limit that competition. In many, possibly most, cases dispatch teachers have not even directly re-

# General Union dispatching special

placed existing employees.

Many dispatch teachers understand quite well that a reduction in the number of better-paying directly employed positions will make it more difficult for them to get better jobs in the future. While we are opposed to outsourcing we have never called for union members or others to refuse to take jobs at dispatching companies. In short we do not regard dispatch teachers as the enemy or "scabs" or anything like that.

In this situation, while we want to see an end to dispatching we do not support the dismissal of existing teachers, whether they are directly employed or dispatched. On the contrary we demand that the institution take responsibility for its past employment policies and employ these teachers directly. In some ways this is analogous to the situation with existing part-time university teachers when a university introduces a requirement that they have a master's degree. We would be opposed to the dismissal of existing teachers in this situation. Basically the General Union is only in a position to represent the interests of its members, and we will fight against their dismissal whether they are directly employed or dispatched.

If you are not a member yet now is the time to join!

## Do dispatch teachers want to be directly employed?

There are situations when the dispatch teachers may not be interested in becoming directly employed. For example in cases where they have only very few classes at a particular

institution and most of their classes are arranged by the dispatching company elsewhere. However, there are other situations where dispatch teachers are completely dependent on the classes provided at one educational institution. In situations like this it is likely that dispatch teachers would welcome the chance to become directly employed. By raising the demand for the institution to employ these teachers the union branch can gain their sympathy and support, striking a blow against dispatching and helping to reduce the future threat to the jobs of directly employed teachers.

## Why do we need unity?

The experience of unions in Japan and elsewhere has shown that a union that bases itself on narrow sectional interests is ultimately a weak union. Dispatching is aimed at worsening working conditions and strengthening the hand of employers against their workforce. It has adverse affects not only for those teachers losing work as a result of its introduction but for all of us. To win this battle, those most affected must reach out to win the support of all sections of the workforce. We should not fall in the trap set by the employers and mistakenly regard the dispatch teachers as our enemy. There should be no "us" and "them" between directly hired and dispatch teachers and between Japanese and non-Japanese teachers.

## ブラジル人労働者 を取り巻く問題

ゼネラルユニオンと友好関係にある神奈川シティユニオンから、2008年6月に紹介を受けたブラジル人労働者が組合に加入して以降、続々とブラジル人労働者がゼネラルユニオンに加入しています。雇用先が違えど、彼らを取り巻く状況には共通点があります。

### 1. 派遣・請負が主流

ブラジル人労働者の多くは工場で働いていますが、直接雇用は稀で、ほとんどが派遣か請負会社を通じての勤務です。この派遣・請負会社の多くが法を守ろうとせず違法・脱法行為を繰り返しています。

### 2. 有給無し、保険ナシ、保障なし

派遣・請負会社は、「有給は日本人だけ」、「社会保険に入ると時給が下がる。」「労災事故は、健康保険で直せ。」など、嘘八百を並べ立て、ブラジル人を無権利・無保障・無保険状態にしています。

### 3. 突然の解雇

「お前は今日から来なくていい。」と、突然の不当解雇も横行しています。組合が「解雇撤回」の要求書を送付すると、「本人が突然辞めた。」と居直るのも手口です。

以上、ブラジル人を取り巻く労働環境は非常に劣悪で、彼らを使う派遣・請負会社そして就労先の企業が暴利を貪る構図が出来上がっています。そんな中、私たちゼネラルユニオンは、悪質な派遣・請負会社と交渉し、ブラジル人労働者の権利を徐々にですが確立しています。また、組合の要求に聞く耳を持たない派遣・請負会社に対しては、就労先の企業に交渉を申し入れるなど、組合の権利を駆使し、日夜奮闘しています。

# Stable Employment Means Better Education

At **Mukogawa Women's University**, we saw the beginning of outsourcing from 2006, and because the number of classes for our union members fell as a direct result of this, we have been demanding the abolition of outsourcing there ever since. There were concerns about class allocations for 2009, though in the end the union members were offered all the classes they wanted. This was a sign that the university, even though continuing with outsourcing, may have decided that they will not cut more lessons from the directly hired teachers.

At **Poole Gakuin University**, all the part-time teachers have had their koma reduced over the last 2 years. One member has seen a cut from 8 koma to 3 koma. (For the next year he was offered 1, but through collective bargaining, another has been offered.) The reduction in koma is not limited to the foreign part timers, Japanese and Korean part-time teachers have also been affected. One of the main problems at Poole: lack of communication between part-time teachers and administration. When the union members were first notified of their reduction two years ago, the notification was only in Japanese, whereas previous serious correspondence had always been either bilingual or in English only. Although a pre-consultation agreement was requested 2 years ago, the University has yet to agree and we are still demanding it.

This year, **Tezukayama University** announced that it would be changing the name of one of the faculties from *Jinbunkagakubu* to *Jinbungakubu*. In the announcement, the admini-

stration indicated that some courses would require instructors with specialized training.

Some union members indicated misgivings with the letter because of the vagueness of the English; therefore, we requested a meeting. At the meeting it came out that the curriculum had not yet been decided, so they had put something in the letter just in case; however, they had already chosen the course names, but not the content. In conversation with full-timers, it has been discovered that the name change was purely superficial. The course content will be basically the same, but the titles of the courses will be different. The faculty has been having trouble attracting new students, so instead of actually making a real change, they thought a name change would be good enough.

**Osaka University of Arts** also started outsourcing in 2008. Worried about the effects on our members' class numbers, we approached them for negotiations early this autumn, and in collective bargaining the university explained that the outsourcing would have no impact on the directly hired teachers and promised to maintain union members' employment.

At **Kyoto Seika University**, our members were given a two-year notice of non-renewal in July with curriculum changes given as the reason, but one collective bargaining won a promise from the university to make efforts to guarantee union members' employment.

In its written reply to our recent demands, **Ritsumeikan University** claimed things like, 'We don't have

any Jokin Koshi working here any more' which was totally untrue, but as regards our demands for better equipment for the Shokutaku teachers' room, we received a positive response and noted a slight but welcome shift in attitude.

At **Ryukoku University**, with curriculum changes as the reason given, a wide-ranging cut in classes was proposed, and the matter is currently under negotiation.

It is often the case that the management of part timers is in the hands of a small number of full-time regular teachers, and if these people do not understand the seriousness of labour problems, they may tend to overlook part-timers' rights, and because of their assumption that cutting labour costs is always by definition a good thing, it is not uncommon for them to make inappropriate personnel decisions. However, by using the union's right to organise, the right of collective action and of collective bargaining, we are often able to fix them.

While we cannot say that restructuring and cutting of labour costs are never necessary, it is often the case that they are done without due consideration of alternatives, and can be blocked or mitigated by the union's intervention.

Security of employment is one of the indispensable conditions for ensuring the quality of work. Insecurity can certainly never raise the quality of one's work. The quality of an educator's work is in fact the quality of education, and so joining the General Union to protect your livelihood means protecting the quality of education, too.

# イーオンの講師のみなさん、働き過ぎていませんか？

## 伝説その1

イーオンは、講師が過労状態にあると感じているのは、本人が怠け者だからか、生まれてからまともに働いたことがないからだとか、思わせようとするでしょう。「だいたい日人はもっとよく働き、文句も言わない」とか言って...でも、それは間違いです。

講師が過労だと思うのは、実際、過労状態にあるからです。特に、新しく入った講師はなおさらです。生徒のカウンセリングや体験レッスン、生徒向けにカードを書いたり、その他もろもろの業務が山積みで、契約就労時間内では、授業の準備をすませるにも時間が足りません。

## 毎日、何時間時間外労働をしていますか？

たいていの人には、ちょこちょこ余分に仕事をするぐらいのことは

何とも思わないでしょう。そういうことはギブ・アンド・テイクだと思うからです。けれど、イーオンは取るばかりです。講師をスケジュールいっぱい働かせ、毎日サービス残業をしないと追いつかないようになってきているのです。なぜ、学校によっては、生徒のカウンセリングを、わざわざ契約時間外に設定するのでしょうか？

## 伝説その2

イーオンのマネージャーの中には、残業代が出るという人もいます。日本の労働法では、すべての時間外労働について時間外手当を支払わなければならないと、明確に定められています。これは、イーオンにも、あなた自身にも適用される法律です。

マネージャーによっては、あなたが一日の仕事を終えるずっと

前に、タイムカードを押してしまう人がいるのに気がつきませんか？タイムカードを書き換えて、勤務記録を改ざんしていることさえあります。これは、イーオンが、講師に時間外手当を支払う法的責任を逃れられるように、やっているのです。

## イーオンを変える力になりたいと思いませんか？

ユニオンの代表に今すぐご連絡下さい。あなたの大切な時間への不当な要求に反対するには、どうしたらよいでしょう？ユニオンと

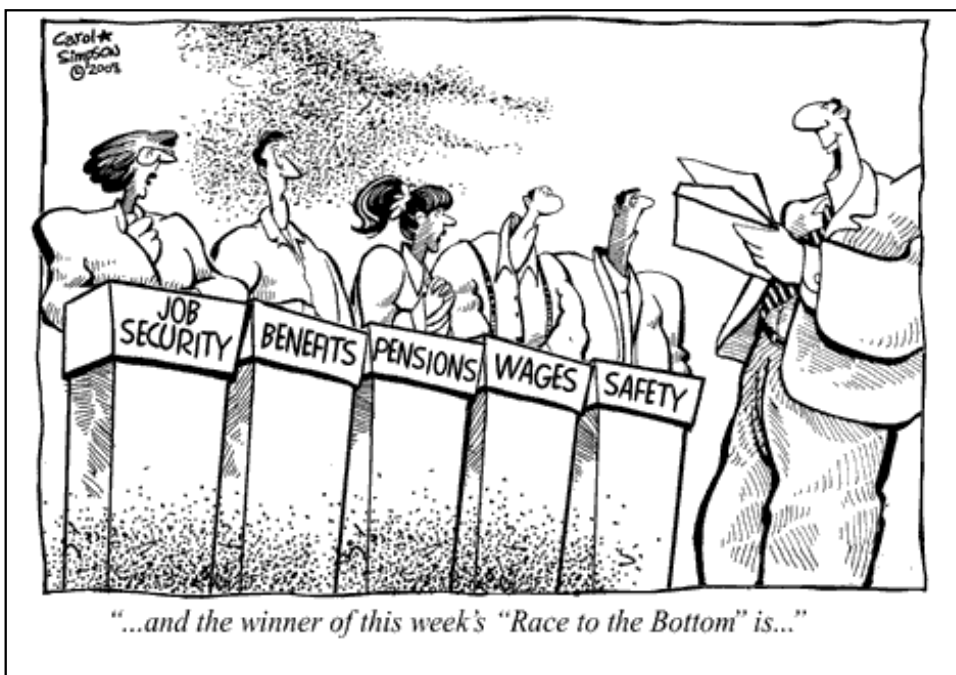
ともに、時間外手当を勝ち取るキャンペーンにご参加下さい。

## ECC Sub Teachers: Raw deal!

-General Union-

New instructors at ECC are finding times tough. It appears that in the Kinki district, ECC has over hired. More and more instructors are finding themselves with substitution shifts. Some of the newer instructors have no regular shifts and are sent here there and everywhere. They must call personnel in their own time to confirm their working location at their own expense.

The union feels that it is only fair for ECC to provide sub teachers with an allowance. As part of the ECC 100 Campaign, the union is demanding that ECC reimburse sub-teachers for telephone costs and their time.



Courtesy of [www.carol-simpson.com](http://www.carol-simpson.com)

# Vo<sup>ナショナルユニオン</sup>ice



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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

## 雇用安定こそが良い教育につながる

-ゼネラルユニオン-

「大学全入時代」などと言われ、大学定員割れの大学が増えている一方、定員オーバーを理由に補助金を15億円削減された大学もある。大幅な黒字でも高圧的なやりかたで非正規を使い捨てにする大学がある一方、定員割れでも、労働者の雇用を守り、安心して働ける環境を作ろうと努力する大学もある。

大学のありかたは様々であるのと同時に、今まさに繁忙期のゼネラルユニオンでの大学の交渉も、定員割れや、カリキュラムの変更、外部委託、コマ数上限ルールの新設といった、様々な理由で、組合員のコマが減らされたり、雇い止めが通告されたりしている。しかし、その多くはすでに解決している。

武庫川女子大学では、2006年から英語教育の外部委託を始め、その影響で、組合員の担当コマ数が削減されてきたため、ユニオンは外部委託の中止を要求してきた。その流れの中で、2009年度の組合員の担当コマ数にも不安があったが、結局、組合員全員が希望すクラスを担当することが決まった。これは、学校が、外部委

託をするとしても、それを理由に、それまでの講師を追い出さない姿勢を示したものだ。大阪芸術大学では、2008年度から外部委託が始まった。組合員の担当コマ数への影響を心配して、交渉を行ったが、大学は、外部委託は直接雇用の教員の置き換えのためのものではないことを明言し、組合員の雇用の確保を確約した。

プール学院大学では、定員割れを理由に、コマ減が提案されたが、交渉の結果、100%満足の行く結果ではないものの、コマ数を一部回復させた。京都精華大学では、カリキュラム変更を理由に、2年後の雇い止めが通告されたが、交渉の結果、学校は、組合員の雇用の確保の努力を確約した。

立命館大学は「常勤講師はもう全員いなくなった」などとデタラメの回答をしてきたのはあいかわらずだが、嘱託講師控室の備品の整備について前向きな回答をするなど、若干の姿勢の変化が見られた。

その他、龍谷大学で、カリキュラム変更を理由とした大規模な大幅減ゴマの提案について目下交渉中である他、いくつかの大学で交渉が進行中である。

残念ながら、非正規教員の雇用管理は、少数の専任教員の判断で行われることが多く、労働問題の重大性を理解しない専任教員が、非正規教員の権利を軽視したり、人件費削減は常に良いことだと妄信して、不適切な人事を行うという事例は絶えない。しかし、団結権、団交権、団体行動権を上手く行使すれば、無知な専任教員が問題を起こしたとしても、それを解決することができる。学校は、基本的には労組とのトラブルを望んでいないし、安定した労働環境を犠牲にしなければ行えない改革や人件費削減は、全く存在しないとは言わないが、非常に少ない。労働者が「安心して働ける」ことは、労働の質を確保するための必要条件であり、不安が労働の質を上げることはない。教育者の労働の質は、教育の質である。労組に加入してあなたの生活を守ることは、すなわち教育の質を守ることなのである。

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