

Voice

National Union

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October 2003, Vol. 1 No. 12

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

The Truth About NOVA Revealed!

General Union

Labour Commission Report, 2 September

Nova put forward one of its directors, Mr Anders Lundquist as a witness in the unfair Labour Practice case brought by the General Union over unfair wage discrimination. One of the original company founders, and number 2 after the president, Mr Saruhashi, he came to pieces under cross-examination, exposing the company's illegalities and the real nature of Nova's attitude to its disposable teachers and students.

English forbidden at NOVA!

GU (Chair, Yamahara Katsuji): Have you ever produced any written responses (to the union's demands) or entered into any collective agreements?

NOVA (witness, Lundquist): I haven't ever seen anything like that.

GU: Is it true that in collective bargaining, Nova insists on Japanese in the demands and the talks?

NOVA: That's right. That's because Mr Ishimatsu (Note: Nova's vice-president, in charge of union affairs) only understands Japanese.

Company proposes workers' representative, Fails to submit working rules to Labour Standards Office.

GU: Have you submitted working regulations, overtime agreements to all the relevant Labour Standards Offices? Do you

have workers' representatives?

NOVA: We have 550 schools, so we haven't done this yet. We put up notices on the walls of teachers' rooms and the teachers sign against the company's candidate.

GU: Isn't it illegal for the company to recommend a workers' representative?

NOVA: (Company's lawyer). Objection! Is that illegal?

GU: I didn't ask for your opinion. You don't know labour law anyway.

GU: Does NOVA enroll its employees in the Health and Pension Scheme?

NOVA: Some teachers are enrolled, others aren't. It's the individual's choice.

GU: Hasn't the union told you that it is illegal not to enroll eligible employees?

NOVA: Why do I have to answer that question?

GU: Are all your foreign teachers on one-year contracts?

NOVA: Visas are one year, so it matches. (Note: Working visas are now 3 years)

GU: How long on average do teachers work at Nova?

NOVA: From 1.5 to 2 years. Many of them leave of their own accord.

GU: Don't they leave to go to other companies, because the teaching load and conditions are so bad?

(At this point the company's lawyer objects 'This has nothing to do with the case in hand')

Into the classroom after 3 days of training!

GU: Tell us about the training after hiring and before teaching.

NOVA: It's the first 3 days.

GU: How many times have you been sued over consumer problems, with students demanding their lesson fees back? Tell me about examples of teachers being punished because of your anti-socialisation policy.

NOVA's lawyer again objects on grounds of irrelevance.

General Union
Shunto General Meeting - from 1.00 p.m.
Sunday, October 19, 2003
L-Osaka - 5th floor
www.generalunion.org for more details

Fukuoka General Union

'BIOTOPE' Fukuoka NPO office, 4-7-2
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Language Teachers Union of Sendai

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Email: ltus@generalunion.org

Kansai: General Union

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Tel: 06-6352-9619 Fax: 06-6352-9630
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Tokai: General Union

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Kumamoto General Union

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National Union of General Workers

Simul Eikaiwa Encroaching Academy on Hallowed Ground

NUGW Tokyo-South

The Simul Academy International Teachers' Union (SAITU) won a major victory in a lightning industrial action in August. On Wednesday, August 27, SAITU members voted to refuse all overtime work until the Union's demands were met. On Friday, August 29 the management of Simul International conceded to the Union's demands. The Union members determined to launch the action when, in a surprise announcement, management inserted new provisions to Union members' contracts coming up for renewal at the end of September. Management proposed axing two weeks of teachers' vacation and putting teachers on a "merit pay" system. When teachers cancelled Sunday overtime interviews for new students, management quickly threw in the towel. Management withdrew the contract changes and agreed in writing not to make future changes in teacher contracts. One of the keys to the success of the boycott was that all the teachers at Simul participated, Union and non-union alike.

Anthony Dolan
President SAITU

Simul Academy and Berlitz are subsidiaries of the Benesse Corporation.

A lack of faculty members with English communicative skills is forcing an increasing number of universities to take on teachers from eikaiwa schools as assistant lecturers. Also, credits for English classes are becoming more widespread. Tokyo Institute of Technology started a course in Technical English for 3rd year students last October. But they discovered that there were not enough teachers with both the technical expertise and English skills to handle the course. So last month they contracted with Berlitz to take on 24 "temp teachers."

Also, following a survey of graduates asking them the degree to which they had achieved their academic goals, in which English ranked last of 11 subjects, they have set a target TOEIC score of 650 for all graduates.

So last month they contracted with Berlitz to take on 24 "temp teachers."

According to lecturer Osamu Kusakabe, "Teachers who have only taught Shakespeare and literature may resist the changes. But we have to consider the students' needs and educate engineers who can use English at work."

Tokyo University of Agriculture took on 10 teachers from eikaiwa school ECC in 2000 in order to teach classes in

English conversation, composition and TOEIC preparation. An administrator said, "We had to swallow our pride in order to start these English classes. But they are well received by the students." But there are those who disagree, seeing it as "passing the educational buck."

Berlitz currently has contracts with about 60 universities, while ECC has about 50.

In April, lecturers at Keio University had their hands full with English classes of higher-level students. So the Environmental & Information Sciences and Policy Studies departments took on 2 Berlitz teachers to teach 4 classes of students who had chosen English as their compulsory foreign language class, but had TOEIC scores below 400.

Berlitz currently has contracts with about 60 universities, while ECC has about 50. Of these institutions, about 20% give credits for the English classes, following approval given by the education ministry in April. Both eikaiwa schools see this as a growing market, particularly with the deregulation of state-run universities set to take place next April.

(translated from Asahi Shimbun)

Thanks

NUGW would like to thank the following establishments for displaying copies of the National Union "Voice". Special thanks also to all members who help get the NUGW VOICE out on time. You know who you are!

Fukuoka Area: Sakae Sushi, The Hacienda.

Kanto Area: Dubliners (Shinjuku).

Kansai Area: Balabushka (Shinsaibashi), 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), Kitano, Kitano Catholic Church (Umeda), Murphy's Irish Pub, The Playpen (Osaka).

Kyoto Area: Café Independent, The Hill of Tara.

Nagoya Area: Queen's Head, Pub Restaurant Usquebaugh, Marky's, Pelican Pete's, The Lazy Lizard, Kakuoan 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.

Nara Area: Nara Information Foundation.

eFl-law.com

The efl-law.com website is looking to find someone (a TEFL teacher) in Japan who is very familiar with TEFL and is willing to write a monthly article. The article will describe teaching and living experiences in Japan (about 500 words).

The style will be at the writer's discretion although legible enough that people in Korea and China can read it and get a glimpse inside Japan. It can be controversial - factual - author's prerogative. Contact administration@efl-law.com

<http://www.efl-law.com/>

Unpaid Overtime Practice of Unpaid Overtime Spreading to Part-time Workers

Consumer finance giant Takefuji was alleged to have made its employees work overtime without pay under orders from its head office. The Osaka Prefectural Labour Bureau will send papers to the public prosecutor's office, charging Takefuji as well as its former board directors in charge of general affairs, with suspected violation of the Labour Standards Law.

Takefuji has reportedly paid a total of 3.5 billion yen in unpaid overtime allowance covering the past two-year period, to about 5,000 employees who were made to work overtime without pay.

The direct charges for which the papers have been sent to the prosecutor's office pertain to a criminal case in which three employees working in Takefuji's Osaka Branch Office from 2000 to 2001 allegedly were forced to work overtime for the number of hours exceeding the maximum limit stipulated under the company's labor-management agreement, as well as suspicion of failure to pay approximately 500,000 yen worth of overtime allowance.

At the time, Takefuji had established 25 hours per month for male employees and 6 hours per month for female employees as the maximum number of hours to which payment of overtime work would apply.

The company's head office reportedly instructed branch offices throughout Japan and other business offices not to report overtime work hours exceeding the upper limit.

(Yomiuri Shimbun)

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%.

The practice of unpaid overtime work is spreading even to part-time and temporary workers. The backdrop to this practice, which traditionally was thought to involve only regular, full-time employees, is the increase in work volume of non-regular employees as a result of growing layoffs and other corporate restructuring measures. No clear-cut regulations on overtime work are in place, revealing the vulnerable position of these non-regular workers who, for fear of losing their jobs, have no choice but to comply.

In February of this year, the Japanese Trade Union Confederation, or Rengo, implemented nationwide telephone consultation services on work-related problems, and received numerous questions pertaining to unpaid overtime work. According to Rengo's Director of Labor Conditions, about 10% of all consultation requests were sent in by non-regular

workers, with the number of such calls having increased sharply over the past year or two.

One of the contributing factors to the spread of unpaid overtime work is the growing number of non-regular employees being appointed to higher posts, such as "part-time store managers." The Young Contingent Workers' Union, to which many non-regular employees, including job-hopping part-time workers, are affiliated, declares that a growing number of part-time workers are assigned actual management tasks, such as becoming "shift leaders," and that these individuals are compelled to work overtime when there are staff shortages. The Union adds that the more responsibilities an individual is given, the more extra work he or she must take up, and therefore the more stressed he or she becomes.

(Nihon Keizai Shimbun)

Gearing-up for Consultative Status

In the last issue of the *NUGW Voice*, readers were presented with an article outlining the need for NGO's in Japan to apply for UN consultative status. For the NUGW, such status would allow our sister unions to submit reports to the UN's monitoring division to further push for improvements in the lives of foreign nationals living and working in Japan. As part of this process, we are conducting some nationwide research into the employment conditions of foreigners in Japanese universities and conversation schools for the academic year 2003-4, prior to the so-called "privatisation" of public universities from next year. We would like to monitor and compare changes in employment conditions and to this end; we would like to invite you to fill in our online questionnaire, which can be accessed from the following links:

<http://www.generalunion.org/>
<http://fukuoka.generalunion.org/>

The questionnaire is based upon typical employment structures currently in place at public universities and conversation schools but is flexible enough to be filled in by employees at any type of learning establishment. Please make it your own. We would like to ask you to collect as much accurate information as possible from your employer and submit the completed questionnaire to us by **31st March 2004**.

Please be assured that we would treat any information you provide in the strictest confidence and we would be happy to provide you with a summary of the results.

Status of Employees' Mental Health Deteriorating

Japan Institute of Labor

A FY2003 fact-finding survey conducted by the Japan Productivity Center for Socio-Economic Development targeting labor unions produced findings that were more serious than those of surveys conducted last year targeting corporations.

The survey, targeting 873 labor unions randomly selected from local unions throughout Japan, took the form of a questionnaire. Responses were sent in from 241 unions, or 27.6%.

The survey found that 67.2% of the labor unions felt that the number of members suffering from mental diseases had increased over the past three years (versus 48.9% of the respondents in last year's corporate survey who were asked the same question). Of the respondents belonging to labor unions with 3,000 or more members, moreover, the rate was a shockingly high 81.5%. A total of 63.5% of the labor unions had members unable to work for one month or more due to depression and other mental illnesses. Of these labor unions, 140 or 90.9% predicted that such members would continue to increase.

These survey results show that physical and mental fatigue and dissatisfaction are growing among employees as a result of increased workload and the tough performance goals being imposed on them. However, their responses related to vitality and motivation toward work revealed a different picture. While many of today's

employees felt that they were in no condition to state that their current corporate life was stable, and that they had no anxieties whatsoever about their future life, they did acknowledge that they were more motivated than ever before to "embrace even difficult tasks and problems and use imaginative strategies to resolve them."

The survey also asked the respondents about the influence of the personnel evaluation system--introduced along with the spread of a merit-based salary structure--on employees' mental health.

Their answers revealed that those who were not totally happy with their evaluations experienced both physical and mental adverse effects. The survey stresses that not only rationally improving the evaluation system but also making the system more readily acceptable by the employees, and ensuring fairness and equality of work allotments suited to employees' abilities and personality, can greatly help improve and maintain employees' mental health.

This, of course, is true. What is troubling, however, is the fact that the percentage of respondents citing "satisfaction with their evaluations" has dropped continuously since FY2000, and the fact that the number of respondents who cited physical and mental fatigue--such as tired eyes, a feeling of fatigue still remaining after waking up in the morning, tired nerves, and a general feeling of fatigue being felt recently--has increased by more than 5% in the past three years.

Foreign Workers' Caucus

NUGW Tokyo-South

The 10th NUGW Nambu Annual General Meeting took place at Hakone Kaiun, Saturday and Sunday, September 20-21. On Saturday, 16 union members representing 13 unions met in the Foreign Workers' Caucus to discuss common interests in the changing labor environment in Japan. Among the issues discussed were the distribution of the NUGW VOICE to bars and clubs in Tokyo for the convenience of interested foreign workers. The experience in Kansai has been that the VOICE is a valuable organizing tool for teachers and other workers who do not receive information elsewhere concerning options in changing their working conditions or protecting their rights. Enrollment in the General Union has increased as a result. Steps were taken to ensure that the VOICE would be available in the coming months.

The Foreign Workers Caucus was proposed as a successor to the Kanto Teachers Unions Federation (KTUF), though eliminating the restriction to language teachers. The Caucus would meet informally to discuss tactics and strategy to handle common workplace problems, and to disseminate information concerning the evolving conditions and standards in Japan. The next meeting has tentatively been set for November 9th at NUGW HQ in Shimbashi.

The 2003 Nambu Annual Policy was delivered in English and is available to interested members in hard copy.

Branch union reports included news of the Labor Commission decision concerning foreign teachers at Tokyo To-Ritsu Kokusai High School that acknowledges worker status of Assistant English Teachers (AETs) at Tokyo high schools. This decision will result in compensation to teachers for paid days off going back one year.

A questionnaire issued by the International Labor Organization (ILO) concerning living and working conditions of migrant workers in Japan will be distributed to union members. Care should be taken by branch unions to insure a high rate of return.

Louis Carlet of the former Nikkei Staff Union was recommended to the Nambu Executive Committee as candidate for Part-time Organizer; Robert Lohmann of BEGUNTO as Executive Committee Member. Both were subsequently elected at the General Meeting.

The Foreign Workers' Caucus would like to thank Ms Wakako Ichikawa and Mr Hirohiko Takasu, who are now departing Nambu, for their service to NUGW and their actions in the interest of foreign workers.

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).	

Term Limits, Foreign Nationals and The Japanese Old Age Basic Pension

Fukuoka General Union

This paper discusses the entitlement of foreign nationals on term-limited contracts (often with a limited number of renewals) to receive Japanese Old Age Basic Pension benefits after retirement. The information regarding the Japanese pension system has been confirmed with the Social Insurance Agency in Tokyo. Foreign nationals on term-limited contracts (often with a limited number of renewals) may not be allowed to join the Mutual Aid Association (*kyosai kumiai*) pension system but along with other salaried employees in Japan, they are required to participate in the Employees Pension Insurance (*kosei nenkin*) scheme, which theoretically provides Disability Basic Pension, Survivors Basic Pension and Old Age Basic Pension cover.

Foreign nationals are not eligible for exemption from the Employees Pension Insurance (*kosei nenkin*) but in order to receive Old Age Basic Pension benefits from the age of 65, they must have made pension contributions for a total of 25 years. In the case of foreign nationals on visas, failure to make pension contributions for the full 25 years means that they will fail to qualify for pension benefits. Though they may claim back up to 36 months pension contributions under the lump-sum withdrawal payment system within 2 years of permanently leaving Japan, up to 22 years of pension contributions may be lost, leaving them without a pension.

This lies in stark contrast to the position of Japanese nationals, naturalized foreigners, special permanent residents and permanent residents in Japan, for whom any periods of residence in a foreign country from the age of 20 are factored into the period counted for pension eligibility as *karakikan*. Thus, it is not necessary for members of those categories to work in Japan for 25 years in order to qualify for Old Age Pension benefits. Foreign nationals on visas are not entitled to *karakikan* because they are expected to leave Japan after their visas expire and are not considered fully part of the system; they have guest status. It would thus seem advisable for foreign nationals on visas to apply for permanent residence in order to protect their pension but what exactly is permanent residence? Permanent residence is a formal status conferred by the Japanese government

upon foreign citizens who desire to remain in Japan, make an application and persuade the Japanese authorities of their sincerity and worthiness. Conditions of eligibility appear to vary by region but in Fukuoka, for example, 10 years of continuous residence are required for those who are not married to a Japanese national (in which case, the term is reduced to 3 years from the date of the marriage.)

This may prove difficult to attain for some foreigners on term-limited contracts with a limited number of renewals, since failure to find work the following year(s) in order to renew the working visa may break the continuous residence required for permanent residence, jeopardising their pension. Given that much of the university work made available to foreign nationals is on term-limited contracts with a fixed number of renewals and/or age-limited, the wisdom of planning to settle in Japan in the longer term and perhaps start a family is questionable and fundamental job insecurity in the longer term may understandably lessen the incentive to take permanent residence.

Clearly, foreign nationals should inform themselves of the situation in advance but they can be forgiven for not knowing about *karakikan* and that it only applies to Japanese nationals, naturalized foreigners, special permanent residents and permanent residents in Japan. Though various multilingual brochures are available detailing pension liability for foreigners and the lump-sum withdrawal payment system, no mention is made in them of the *karakikan* provisions or of the permanent residence requirement. The *karakikan* rules themselves are only available in Japanese from the Social Insurance Agency. If one does not know the right question to ask, the information will not be forthcoming.

In order to avoid cases whereby up to 22 years of foreigners' pension contributions may be lost, leaving them without a pension, the Japanese government is apparently seeking to negotiate social security agreements with other countries. As it stands, the contribution records of foreign nationals on visas who failed to qualify for pension benefits would remain recorded on the database of the Social Insurance Agency and if Japan were to conclude a social security agreement with their country in the future,

with their country in the future, those records would be considered. Japan already has social security agreements with Germany and the U.K. but the totalization system, whereby pension contributions made in one country qualify the insured person to receive pension benefits from the other, is only in place with Germany. Currently, British citizens are fully liable to pay pension contributions into the Japanese pension system but this does not entitle them to receive benefits from the British national pension system should they return to the U.K. later in life.

So does the British government have any plans to extend the current social security agreement to cover pension benefits as well as contributions? Apparently not. Successive British governments have since 1981, according to the Inland Revenue, taken the view that no new agreements should be negotiated with other countries that would lead to the payment of pension benefits to persons abroad. In 1996, social security agreements were limited so as to protect people against dual pension liability but do not extend to protecting their pension benefits. Similar 'contributions only' agreements apply to Canada and Korea. Of course, one can continue to pay national insurance contributions to qualify for a British pension but be aware that pension benefits might not rise in line with inflation, depending on where you choose to retire. Pensions are index-linked if you retire in some countries but not others. The ongoing case of ex-pat pensioner, Annette Carson, who recently applied to the House of Lords for the right to challenge the British government's 'frozen pension policy' makes this a hot topic. In the face of a rapidly ageing society, governments round the world can be expected to make savings and cut corners wherever they can. To make sure that the rights of migrant workers caught between systems are fully protected, I urge you to contact your local politician and make your presence known.

By **Stephanie Houghton**

General Union History – 2000

Jan	17	GU Kwansei Gakuin Branch declared. Demands on withdrawal of pay cut, paid holidays and UI (Pay cut withdrawn March 13). Strike at Higashi Osaka Board of Education over term limits.
Feb	9	'Unemployed Union' founded in Kansai, at Kansai Concrete Workers' Hall.
	14	General Action Day. Demo outside Geos, Namba School in support of Hitomi Nishikawa.
	16	GU submits demands to Ritsumeikan Uji High School, wins renewal of teacher's contract.
	28	GU Chris English Masters Branch declared. March 27 Collective Bargaining, collective agreement signed July 1, guaranteeing pay rises.
March	10	GU civil court victory in unfair dismissal case; Paul vs Nichibeigo Gakuin. Case makes major papers and national TV. Company appeals to High Court March 22. End of dispute against the Higashi Osaka Board of Education over term limits. Superintendent of Education fired.
April	27	Anti-Ishihara Demo in protest against 'Sangokujin' case.
June	16	Geos dispute settled in victory for General Union. 14 Japanese staff win unpaid overtime allowance. Company promises in writing to obey labour law.
	30	Zenrokyo 'Workers' Summit' Asia International Meeting.
July	23	Geos dispute victory seminar. Tokai Geos Union Fund set up.
Aug	16	GU sends demands to Ashoka Indian Restaurant, with Fukuoka General Union.
Oct	6	GU eXL Japan (dot.com) Branch declared. ULP case filed Dec 28, Osaka Labour Commission. Dismissal case at NOVA Toyama school for 'getting engaged to a student.' Dismissal withdrawn one month later after GU protests.
Nov	10	GU Institut Franco-Japonais Branch declared. (files ULP case against French government March 21 '01)
	17	GU High Court victory against Nichibeigo Gakuin. Paul returns to work Nov 27. (March 5 '01, ULP case settled at Osaka Labour Commission. GU victory. Colin returns to work.)
	21	GU Kyoto City Branch declared (ALT's).
	26	Korea Omron union visits Osaka, while visiting Japan to protest at the parent company. Victory in Tokyo.

Equality Plan at Itochu

Itochu Corporation unveiled a plan to establish an in-house committee to study hiring and promoting more women and non-Japanese employees.

This is seen as an attempt by the company to promote employees regardless of nationality, age or gender, as a means of reinvigorating the corporate structure. At present, the company has no female or foreign employee ranked at the level of division director or higher, and only several section managers. When it comes to employing women and foreigners, Itochu is lagging behind companies in the manufacturing and other sectors.

Itochu President Niwa's aim is that in ten years' time, half of the current 11 board directors will be made up of women and non-Japanese employees.

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.

Kansai Int'l School Sued!

General Union

The General Union filed an unfair labour practices case against Kansai International School with the Osaka District Labour Commission.

In July, the school dismissed two union members, and then refused to discuss the issue with the union, as they are obligated to do when the union so requests.

Now, a new school which is trying to build a solid reputation will end up having to issue a public apology to the union and to its teachers for failing to obey the Trade Union Law.



Progress at Kokusai High

NUGW Tokyo-South

Progress in the labor dispute at Tokyo Metropolitan Kokusai High School

On September 3, 2003, the Tokyo Bureau of Education agreed to accept the decision of the Shinagawa Labor Standards Office to grant all assistant language teachers of English in Tokyo public high schools paid days off in accordance with the Japanese Labor Standards Law. This was in response to an appeal filed by Douglas Marvin, president of the Union of Foreign Teachers of Tokyo Metropolitan Kokusai High School in Komaba, Meguro, Tokyo. The appeal was filed in August 2002 with the assistance of Hirohiko Takasu, Secretary General of NUGW Tokyo South. Each AET will receive written notice with details of the decision in October of this year.

It is good that the Tokyo Bureau of Education has taken this step to recognize the fact that the sons and daughters of Tokyo taxpayers deserve to be taught by teachers who are covered by the Labor Standards Law. It is also an indication of what can be accomplished by a little union aided by a bigger union to bring about a change that affects a city that by itself has an economy equivalent to the size of a member of the G7.

This is by no means the end of the problems at Kokusai High. A decision by the Tokyo Labor Relations Commission regarding whether AETs have the right to be recognized as union members and thus the right to conduct formal negotiations is still pending. It is hoped that the decision by the labor Standards Office will encourage the Labor Relations Commission to find in the union's favor.

The union asks everyone for continued support and guidance as its struggle moves forward.

University Lecturers' Unions Meet Monbukagakusho

University lecturers' unions of Kanto and Kansai meet Monbukagakusho

On September 16, 2003 the third "regular" meeting this year with officials of the Ministry of Education, Science and Sports took place. Three part-time teachers unions and three members of the UTU (University Teachers Union), representatives of foreign teaching staff, took part in the negotiations. Scheduled for 30 minutes, the negotiations dragged on for over 70 minutes, especially after Minshuutou Diet member Kamimoto Mihoko intervened in favour of the unions. (Kaminoto and other sympathetic Diet members have brought up the situation of part-time university lecturers in recent Diet sessions.)

As usual, the seven ministry officials, each of them "specialists" in their rather narrow fields, presented vague answers to the demands and requests the four teachers' unions had handed in days before the meeting. Demands centered on better pay for part-timers, inclusion in the social welfare and security system for both Japanese and foreign staff, and more appreciation of teachers' roles in Japanese higher education. In addition, the unions have requested a nation-wide official survey to achieve more details about the situation of the estimated 45,000, mostly poorly paid, part-time university lecturers in this country.

Since the ministry is reluctant to carry out its own survey, the part-timers' unions presented the results of a smaller survey carried out at their own expense. It clearly shows the plight of this lecturers' group, and their growing unstable situation in a changing educational environment. Although from 2004 on there may be more funds available to universities for educational purposes, a large portion will go to (former) national universities. Even if private universities receive more money from the state, the MoE apparently does not regard itself as in a position to provide evidence concerning where the tax-payer

money goes and how educational institutions use it. If ministerial officials tell the truth, there has been no proper accounting so far. (Diet member Kamimoto mentioned the recent, embarrassing financial scandals at Teikyo University of misappropriated public funds).

Although these unions have continually demanded a balanced system and equal treatment for teaching staff, working conditions fail to improve. The sole advice from the bureaucrats remains "Negotiate your own contracts". Yet how this might be accomplished is never mentioned. Discussion finally returned to the labour contract problems of part-timers, unemployment insurance and how to force universities to include them into the social security system ("Shigaku-Kyosai".) But MoE bureaucrats dismiss these as minor problems which are the responsibility of the "Kourousho", the gigantic Ministry of Welfare and Labour. (Communication and co-operation between these two ministries is said to be rare.)

In the end, it looked again, at least for a while, most universities will be able to continue to evade their social responsibilities towards part-timers. They will continue to be in a position to impose unfair and unbalanced contracts on part-time teaching staff and on foreigners, unchecked by any governmental institution. (The yearly guidance given to universities by MoE is not legally binding, in any sense.) Monbukagakusho once again showed little understanding of the situation of part-time educational staff without a full-time position at universities, Japanese and foreign. But discussion of this set of problems has now reached political circles in the Diet. There is hope for change.

Negotiations will continue. The unions would like your support.

HT-UTU

ナショナルユニオン Voice

“Voice”の紙面

- ◇ サイマル・アカデミー
- ◇ 国際高校の報告
- ◇ 東京南部外国人分会
- ◇ 年金と期限付雇用

2003年10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

NOVAの本質を自ら暴露 本社取締役が、地労委で証言

賃上げの不公平な差別を、ゼネラルユニオンから訴えられているNOVAが、9月2日大阪地労委の審問に、アンダース取締役を証人として出廷させた。猿橋につくNo.2の創業者は、労組による反対尋問でボロボロになり、NOVAの法違反と「従業員も生徒も使い捨て」の体質を浮き彫りにした。

NOVAの本社はこんな!
御粗末【地労委速記録より】

NOVAでは英語は禁止

労組【尋問は山原委員長】団交の時に、回答書や合意書を組合に渡した事がありますか？

会社【アンダース証人】そういうのは見ていないですね。合意した事は最近ないから。

労組 団交での会話や要求とか、会社は日本語でしか受け付けない、って本当？

会社 そうですね。石松【注=労組担当の元社長補佐】さんは日本語しかわからないから。

**会社が従業員代表を提案
労基署届出もせず。**

労組 就業規則や時間外労働協定を各地の労基署に届けていますか？従業員代表は？

会社 550校もあってまだ出していない、、、ティーチャーズルームに、会社の提案した従業員代表でいいかどうかを張

って、講師がサインする。

労組 従業員代表を会社が推薦するのは違法なのですが。

会社【代理人弁護士】異議があります。それは違法ですか？

労組 貴方の意見を聞きたくない。あなたも労働法をわかっていない。

労組 NOVAは健保や年金に加入していますか？

会社 加入している講師と、していない講師がいます。個人が選択します。

労組 資格のある者は入らないと違法だ、と労組から言われていませんか？

会社 何故、こんな事を答えないといけないのか。

劣悪条件で1年後ほとんど退職

労組 外国人講師の雇用はみんな1年契約なのですか？

会社 ビザも1年間だから合わせている【注=現在はビザは3年毎更新】

労組 先生は平均、何年間、NOVAで働きますか？

会社 1年半から2年の間です。本人からやめていくのが多いです。

労組 これではNOVAで、給与が上がる機会がないですね。レッスン数などの労働条件がハードで、よその会社に行くのでは？

=ここで会社側弁護士から「本件と関係のない質問をやメロ」との異議

研修はほとんどなし。3日後、教壇へ

労組 NOVAに雇用されて、レッスンに出る前の研修は？

会社 最初の3日間です、、、労組消費者問題で生徒さんから「レッスン料を返せ」等の裁判は何件？「生徒との交際禁止条項違反」で、会社が講師を処分する例は？

会社【会社側弁護士より】関連性のない質問だと、中止を求める異議

ゼネラルユニオン総会

日時:10月19日【日】

13時から

場所:エル・おおさか

地図はホームページ参照

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全国一般労働組合全国協議会