

# Voice

National Union

Inside the "Voice"

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December 2003, Vol. 1 No. 13

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

## Commission Rules in Favor of The Union of Foreign Teachers at Tokyo Metropolitan Kokusai High School

NUGW Tokyo - South

*The Tokyo Local Labor Relations Commission on Nov. 26 handed down a re- dress injunction for unfair labor practices. "Tokyo Metropolitan Government must agree to collective bargaining talks in good faith whenever the union demands collective bargaining talks to discuss terms of employment of English-language and other instructors who are foreign nationals and union members."*

The Union of Foreign Teachers at Tokyo Metropolitan Kokusai High School won an important victory on Nov. 26 in an ongoing dispute at the Tokyo Local Labor Relations Commission over the refusal to negotiate with the union. The injunction demands that Tokyo Metropolitan Government negotiate in good faith. This is the first step, after a long struggle, towards a decisive victory.

Foreign national instructors at Tokyo Kokusai High School formed a union in May 2000. Since the last collective bargaining talks in October 2000, however, the Tokyo Board of Education refused any negotiations, asserting that "Foreign English-language and other instructors are not technically workers because they are on special 'i-nin' or 'proxy' contracts." After establishing the actual working con-

ditions of the foreign instructors employed on the "proxy" contracts, the labor commission recognized their status as workers and ordered Tokyo Metropolitan Government to hold collective bargaining talks in good faith. The board also recognized Tokyo's obligation to negotiate improving the terms of employment for the next academic year for those yet without contracts.

This is a crucial ruling in light of the soaring number of local government employees without worker status or with non-standard worker status. We will continue to lobby the Ministry of Education and Culture and the Tokyo metropolitan assembly in our fight to stop Tokyo Metropolitan Government from committing unfair labor practices. We count on your continued support.

## Arrests made at American English Academy

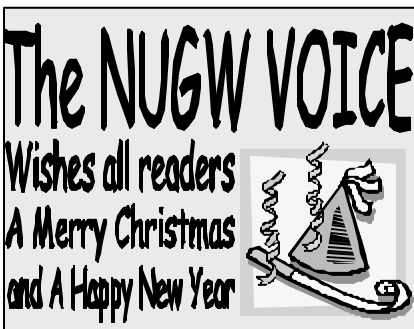
General Union

John M. Christiansen, 49, operator of the American English Academy (3 schools in Suita City, Osaka) and his wife, Mitsuko Kagawa (aka Kondo), were arrested on 25 November by Ibaraki Labour Standards Office (LSO) on suspicion of violating the Labour Standards Law (unpaid wages). The General Union has heard of many cases of unpaid wages with this company since 1996. Most recently, we managed to get payment of one teacher's wages and an apology through mediation in January last year at the Osaka Labour Commission.

The arrests were inevitable considering that the LSO had already given the company 6 warnings and prosecuted twice. The problem was that the company still showed no real intention of improving the situation.

Our union has long been pushing for the LSO to use their powers more against recalcitrant companies, and this, the first arrest of its kind in Osaka for 14 years, is a great step forward.

We will now be pushing the LSO to take harsher action against all those companies who refuse their orders, and not to wait till the seventh refusal.



### Fukuoka General Union

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Hakataekimae, Hakata-ku, Fukuoka-city  
Tel/Fax: 092-473-1222  
Email: fukuoka@generalunion.org

### Language Teachers Union of Sendai

Tel: 022-261-4392 Fax: 022-222-7734  
Email: ltus@generalunion.org

### Kansai: General Union

Osaka-shi, Kita-ku, Temma 2-1-17-3F  
Tel: 06-6352-9619 Fax: 06-6352-9630  
Email: gu@generalunion.org  
URL: www.generalunion.org

### Kanto: NUGW Tokyo South

Tokyo-to, Minato-ku, Shimbashi 5-17-7-2F  
Tel: 03-3434-0669 Fax: 03-3433-0334  
Email: nugw\_ts@jca.apc.org

### Tokai: General Union

450-0003 Nagoya-shi, Nakamura-ku,  
Meieki Minami 1-20-11, NPO Plaza  
Tel/Fax : 052-561-8555  
mail: tokai@generalunion.org

### Kumamoto General Union

Email: kumamoto@generalunion.org

National Union of General Workers

# The Want Ads Kansai Int'l School

The General Union, after being approached by two fired teachers, has learned about openings about this prestigious Kansai School. If you are interested in any of the following benefits of this school, please contact the union at [gu@generalunion.org](mailto:gu@generalunion.org)

You too could have:

- ✧ No paid holidays as per the Labour Standards Law.
- ✧ No unemployment insurance, as stipulated in the law.
- ✧ No health and pension insurance, as per the law.
- ✧ Firings at the whim of management.

Interested? Presently working there? Let us know.

## WINBE teachers E-Group

Join the Winbe egroup. With an ever increasing number of enquires from teachers it's time to start talking to see what can be done.

The GU has successfully dealt with a number of problems at Winbe and think that a lot more can be done if teachers get together.

Visit us at:

<http://groups.yahoo.com/group/Winbe/>

# I-Campus means Eye-Strain

### NUGW Tokyo-South

Math/Science teachers at I-Campus in Ogikubo, Tokyo, declared a branch union on Saturday morning, Oct. 11.

The teachers had come to NUGW, Tokyo South (Nambu) with complaints of serious eye strain and pain due to unusual real-time online teaching conditions.

Most of the teachers at ICampus teach various video courses in English. Required to stare at old computer screens for 30-minute stretches, the teachers between these classes receive 10-minute "breaks," during which time each instructor must wrap up and prepare for the next class onscreen. The PCs are old, the fluorescent office lighting is irritating to the eyes and they teach in the middle of a busy, noisy office, with superiors watching over their shoulders.

Unlike ordinary PC work, the teachers are unable to let their eyes wander around the room during the online classes; they must stay focused on the screen.

The result is that nearly every teacher has complained of eye pain. One teacher in the past quit the school because of eye pain. The current president of the recently established branch of I-Campus has such severe eye pain that he has had to

cancel classes for two weeks running. His ophthalmologist notes he has "severe eye fatigue" and has called on the company in writing to provide real breaks of at least 15 minutes between classes in order to properly rest the eyes. The school has refused this.

**One manager was reported to have quipped that eye pain is to be expected with this kind of work.**

In addition, the school does not provide paid holidays to its teachers as required by law. It claims it gives paid holidays. But the teachers are required to make up all missed classes without pay, so in effect they receive no paid holidays.

Nambu demands that the school immediately overhaul the class schedule to ensure teachers can properly rest their eyes. We also demand that the school give paid holidays in accordance with the law.

At first, the school resisted the union's establishment and has tried to put off collective talks. After we began pressuring the parent firm Nagase, however, I-Campus management finally came around and has begun to show a modicum of good faith.

# 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.

**Osaka 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), Bar and Grill Pump (Shinsaibashi), Green Leaf, Rakkan (Shinsaibashi), Kitano, Kitano Catholic Church (Umeda), Murphy's Irish Pub, The Playpen (Osaka), Banana House.

**Kanto Area:** Dubliners (Shinjuku), Dope Music Bar FOGGY.

**Kyoto Area:** Café Independent, The Hill of Tara.

**Nagoya Area:** Queen's Head, Pub Restaurant Usquebaugh, Marky's, Pelican Pete's, NPO Plaza, Kakuzan 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, Rumours.

# 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](mailto:administration@efl-law.com)

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

# General Assistance in Western Japan

General Union

## General Assistance

### Information Plaza

#### Osaka International House

TEL: 06-6773-6533

Consultations available in English, Korean, Chinese, Spanish, Portuguese, Thai, and Indonesian. <http://www.ih-osaka.or.jp>.

#### Kobe Community House and Information Center

TEL: 078-857-6540

Consultations available in English.

<http://www.chickobe.com/Welcome.htm>

#### Kyoto City International Foundation

TEL: 075-752-3010

Consultations in English and Chinese.

<http://www.kcif.or.jp>

#### Nara International Foundation

TEL: 0742-27-2436

Consultations in English, Chinese, and Portuguese. <http://www.pref.nara.jp/silk/>

#### Nagoya International Center

TEL: 052-581-0100

Consultations in English, Spanish, Portuguese, Chinese, Korean, French, and Filipino.

<http://www.nic-nagoya.or.jp>

#### Hiroshima International Center

TEL: 082-541-3777

Consultations in English, Chinese, and Spanish.

[http://www.hiroshima-ic.or.jp/hic\\_eng/](http://www.hiroshima-ic.or.jp/hic_eng/)

#### Fukuoka International Association

TEL: 092-733-2220

Consultations in English, Chinese, and Korean.

<http://www.rainbowfia.or.jp>

# 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.

# 10th Anniversary General Union Berlitz Branch

General Union

The General Union is delighted to announce the 10<sup>th</sup> Anniversary of the formation of the General Union Berlitz Branch. In December 1993, General Union members working at Berlitz joined together to found a Berlitz Branch. The formation was due to rapidly deteriorating working conditions at Berlitz Language Centers. Berlitz's response to the Berlitz Branch's first demand for Collective Bargaining was to refuse and request a list of the names of all union members. The General Union does not supply member lists but informed Berlitz that they could contact the Berlitz Branch Chair who would act as

the window person for its members.

The first session of Collective Bargaining was held early in the New Year of 1994.

Things have moved on a lot since those early days and the Berlitz Branch/Berlitz history shows why forming a branch union is beneficial for members located within one company. The Berlitz Branch has successfully negotiated among other things; reversal of firings, paid vacation, payment of unpaid wages, contract agreements, and individual settlements. The Berlitz Branch is now pushing for clear contracts for members who are giving in excess of 80 hours per week availability but without a guaranteed income.

<http://berlitz.generalunion.org>

## Letter to the Editor

Dear Editor,

My employer recently told me that I had been overpaid by ¥200,000 more than a year ago. I went home and checked my pay slips – he was correct. Now he is demanding I repay the money almost immediately.

I have a number of questions. Firstly, can he ask me to repay the money at all? It was such a long time ago that I wonder if I am legally required to do so. Secondly, if I must repay it, can he demand it all immediately or in two installments as he has requested? Thirdly, I don't have a lot of money at the moment and feel that I can only afford to pay ¥10,000 yen per month. Is this acceptable legally? And if my employer doesn't accept this, what can I do?

Sincerely,  
Strapped for Cash

*Dear Strapped for Cash,*

*Sorry to tell you this but yes, you are legally required to repay the money. Saying that though, there have been cases where people have successfully refused to repay the money and the employer has dropped the matter. Would we recommend this in your case? No. I suspect that you knew of the overpayment and were hanging out to see if the company ever realized.*

*What are the consequences of not repaying the money? Firstly it will damage your relationship with the company. Secondly, they would be legally entitled to sue you for the funds, and thirdly, they could possibly fire you. Of course, any such firing would most likely be illegal but who has the time and energy to fight something that could easily be avoided?*

*In your case, I suggest you give your employer a letter outlining your plan to repay the money, along with reasons why you can not do so immediately. If the company knows you are leaving the country in a year's time for grad school they probably won't be too happy to accept that ichi-man plan. It might be better to propose a plan that repays the money relatively quickly. If ultimately they refuse to accept the offer you make, contact the union for more advice. Also, remember that your employer is unable to deduct the money from your salary without your consent.*

# Berlitz Contracts

General Union

At a recent round of Collective Bargaining with Berlitz, the General Union Berlitz Branch made one simple request;

**provide instructors with clear contracts as per Japanese labor law.**

You'd think that a company with a reputation to maintain and a long history behind it wouldn't have to be asked to implement such a simple working practice but you'd be surprised. Berlitz's official response to the union's request was this:

*Due to the unique nature of our business in this regard we find that it is difficult, at the moment, to offer contracts with fixed schedules. The Company however recognizes the concerns of our PL (pay per lesson) instructors and that this is therefore an issue that needs to be addressed. Although at this point we are unable to offer a fixed guarantee, we would like to:*

- *Continue our best efforts to ensure that teachers receive enough lessons.*
- *Continue organizing events to try to increase students.*
- *Introduce a campaign that focuses on re-enrollment.*
- *Human Resources will communicate more with its Language Centers to prevent overstaffing.*
- *Human Resources will also look at the possibility of introducing new Full-time and Part-time contracts with fixed schedules.*

The Berlitz Branch has, as the saying goes 'heard it all before' and would have preferred a simple 'NO' to this collection of regurgitated excuses. The General Union has been very patient with Berlitz on this matter and can only be patient for so long. Members are struggling to make ends meet simply because Berlitz does not want to do what all of the other major chain schools have done and provide a clear working contract. Our request to Berlitz is one of the most fundamental labor agreements made between an employer and employee. It is regarded as important enough that it is governed by both the Labour Standards and Part-time Workers' Law.

If you can answer yes to the following questions then you might want to consider a career at Berlitz.

**Can you join a company that offers the possibility of some lessons at some time but with no guarantees?**

**Can you provide an availability of over 80 hours per week?**

**Can you work without a set working schedule?**

**Can you call your school every evening to check if you have work on the following day?**

Berlitz Japan is the real diamond of Berlitz International and even more so for its parent company the Benesse Corporation who are funding the recent expansion of Berlitz's new Language Centers. It looks as if the General Union will have to involve the parent company.

## A fight for basic rights at The Asahi Shimbun

*NUGW Tokyo-South*

More than 30 people joined a leafleting session outside The Asahi Shimbun in the downtown Tsukiji district Nov.4 as part of the IHT/Asahi union's efforts to win basic rights for non-contract employees at the English-language newspaper.

NUGW members and supporters carried placards and distributed 500 leaflets calling on the International Herald Tribune/Asahi to end its hypocritical treatment of employing full-time fixed-hour staff as "freelancers" with no benefits while maintaining a pro-union, pro-workers' rights editorial policy.

Non-contracted staff such as Japanese translators – some of whom have worked at the paper for almost a decade – work a fixed schedule with work assigned by management, yet are deemed "freelancers" to avoid giving them their basic rights: paid vacations, health insurance and pensions. This is both morally wrong and legally dubious.

In the 12 months since the IHT/Asahi union was formed to address such moral and legal inequalities, management has failed to negotiate a single demand and has done everything in their power to crush the union, from stalling negotiating in the hope members will leave, to daily harassment of certain individuals, pay cuts and veiled threats that joining the union will disadvantage members' careers.

Meanwhile, The Asahi Shimbun hypocritically bills itself as the most liberal of Japan's newspapers and adopts a positive editorial stance towards the rights of all workers, even encouraging part-time and non-contracted workers to form unions to protect themselves—only not in their own company!

Following the leafleting session, management filed a complaint against the union and has failed to offer improved conditions to its non-contract staff. Further actions are expected.

<b>JOIN THE GENERAL UNION ONLINE</b>	
<a href="http://www.generalunion.org">www.generalunion.org</a> Click 'Join Now'	
Name:	Employer:
Address:	
Tel:	Email
Or fax this page to 06-6352-9630 (Osaka) or 052-735-9704 (Nagoya).	

# Japan rethinks 'goodwill' assistance

Guardian Newspapers Limited

## Andrew Tope on the rising demand for trained teachers

"Give us another two years and we won't be hiring any more Jets," says Elizabeth Knight, co-ordinator for the Yokohama Municipal Board of Education. Despite the Japanese government placing more than 2,800 new recruits in state schools through the Japan Exchange and Teaching (Jet) programme this year, changes are afoot.

Established in 1987, the Jet programme seeks to promote mutual understanding between Japan and other countries through cultural and educational exchange.

It draws participants from 40 countries, 90% of whom are employed as Assistant Language Teachers (Alts). However, Yokohama, Tokyo and the neighbouring Saitama Prefecture are leading the way in a growing trend to recruit Alts from other sources. Saitama, traditionally the largest user of Jet teachers, has 236 people this year; well down on last year. The shortfall is made up of non-Jet assistant teachers. Of the 61 teachers employed as Alts in Yokohama 65% are privately hired.

The reason is partly economic. The continuing slump in Japan has resulted in budget cuts in education. Privately hired Alts tend to be cheaper than their Jet counterparts. The greater availability of suitably qualified native speakers, particularly in metropolitan areas, is another factor.

"We find that people with teaching experience and experience of living in Japan prove far more effective," said Knight, citing problems of culture shock and lack of teaching skills among Jets as big factors in the city's decision to phase out the Jet scheme.

Employing Alts through private agencies can mean that BoEs get better administrative support and flexible cover when teachers fall sick. These are things that education boards with limited resources often find difficult to provide for schools participating in the Jet

programme.

Large numbers of cost-effective, trained teachers are part of the packages offered to educational boards by companies such as Interac, Nova and ECC who have been quick to meet the growing demand for non-Jet Alts.

NOVA, the largest language school chain in Japan, began sending teachers into elementary schools in Osaka in 2001 and now has contracts nationwide. ECC began its school placement programme earlier this year and sends out 46 teachers in conjunction with the Osaka Prefectural Board of Education.

Increased privatisation is not without its dangers, though. Privately supplied teachers working for lower wages than their Jet counterparts are sometimes apt to move on to better paid jobs at short notice.

Indeed, when Osaka City first used a private company to supply Alts, only half of the 44 teachers showed up for the first day of work, complaining of low pay.

There are also fears that teachers who are being paid by the hour might not spend sufficient time with their students outside the classroom.

"I'm here at six o'clock in the evening helping the kids with the school culture festival," says Steve Thompson, a teacher and head of the Osaka City English Teacher's Union. "All the private hires have gone home: they've got to get to the next gig."

Some see this increasing tendency for hiring privately as a judgment on the Jet programme. Although it has produced thousands of ambassadors for the Japanese way of life – recruited from among the graduate elite, most Jets return to their home countries destined for influential jobs – it has been less successful at meeting Japan's English language goals.

Earlier this year the minister of education, Atsuko Toyama, came up with a plan to combat "the lack of sufficient English ability" among many young Japanese by setting a target of hiring 300 extra full-time junior high teachers in the next three years with a further 1,000 qualified native speakers sought over the coming years. These teachers will be

given special licences and the freedom to teach classes by themselves – unlike Alts who work with Japanese teachers.

But others disagree about the supposed shortcomings of the Jet programme.

"It was created as a cultural exchange programme," says Tony Crooks, an associate professor at the Miyagi University of Education and former Alt adviser to the Sendai Board of Education. "The overemphasis on English in recent years in regards to Alts, and the expectations tied to these assistants when it comes to students' skills, sets the Jet programme, and Alts in general, up for a fall.

And just by bringing more Alts into play doesn't mean that the English-speaking situation is going to improve."

Huw Oliphant, Alt adviser to the education ministry's international education division, says the government's initiative should be seen as an addition to the Jet programme to meet the demand for English at the local level.

"It reflects an increase in demand for native speakers to work at elementary and secondary schools," he says.

With the total number of Jet Alts this year standing at 5,600 the programme still remains the world's largest educational exchange. "The number of Alts will stay close to this figure for the foreseeable future," says Oliphant.

"As 90% of Jets work in schools, the foreign language education part of the programme will continue to be an important goal."

Despite recent developments in the sourcing and use of Alts, Japan's education system in general remains extremely inflexible. Students are still faced with a stark choice: learn English for communication at the expense of the all – important (and non-communicative) university entrance exams, or focus on the exams and sacrifice communication for rote learning.

Irrespective of how many native speakers are placed in classrooms as Alts, general communicative ability will remain low as long as English remains a subject rather than a skill.

Education.Guardian.co.uk ©  
Guardian Newspapers Limited 2003

## General Union History – 2001

Jan	23	Grandom Academy, Nagoya; unfair dismissal case settled.
	25	Demands sent to eXLearn, Dot-com in California.
Feb	2	Heian Jo Gakuin; non renewal case settled.
	13	GU Mabuchi Interkids Branch declared.
March	15	World Gakuin; Japanese member's unpaid wages case settled.
	2	GU Human International University branch declared.
April	21	Institut Franco-Japonais branch: GU files Unfair Labour Practices case against French government, Osaka Labour Commission. Reported on TV and in major news papers.
	6	Collective bargaining, Chris English Masters, Kyoto. GU wins continuation of working conditions for members.
May	15	Nichibe Eigo Gakuin Victory Party.
	24	GU/TOEFL Seminar collective bargaining. Dismissal case settled.
Sept	27	GU/Berlitz collective agreement signed. GU wins posting rights.
	9	GU Britannica Japan Branch declared in response to company closing May 31, negotiates May 24, Kyoto.
Oct	1	GU moves into new, larger office space.
	7	NOVA Ochanama Ryugaku Branch declared.
Nov	10	eXL Japan.com Unfair Labour Practices case judgement; GU victory.
	29	Nishinomiya Board of Education Branch declared. First Collective Bargaining Nov 19.
Dec	7	New Unfair Labour Practices case filed against Institut Franco-Japonais. French ambassador main defendant.
	9	GU China Northern Airlines Branch declared.



*"The Department of Lies and Innuendo?  
You must have the wrong number."*

# Iraq Federation of Unions

By Harry Kelber  
<http://www.laboreducator.org>

On March 16, 2003, just four days before the U.S.-British invasion of their country, some 400 Iraqi trade unionists, well-known for their opposition to the Saddam regime, met in Baghdad to form the Iraqi Federation of Trade Unions (IFTU). They then elected a national committee, which in turn elected its president, vice president and secretary.

Representatives of the Iraqi legal system, the British and American occupying powers and the local Iraqi council were invited to attend as observers to confirm that the elections were freely and democratically conducted, a process that Iraqi workers were experiencing for the first time in decades.

Since then, unions have been established in virtually every industry and occupation in the Iraqi economy: oil and gas, railway, construction, transport, communications, printing, agriculture and local government. Unions are being organized not only in Baghdad but also in major cities like Basra, Mosul, Najif, Kurbala and others.

IFTU leaders say that the task of building a new labor movement is a difficult one under the martial law of the occupying powers. One of the major problems is unemployment, which is estimated at upwards of 50%.

The new unions are in desperate need of funds. They face shortages of transport, communications equipment and basic office facilities. Whatever funds they have in banks have been frozen by coalition authorities. In the meantime, no union officials are being paid.

IFTU faces competition from the "yellow" unions that helped maintain Saddam Hussein's brutal regime in power and supported his legislative decrees, as for example, that young people under age 12 are allowed to work in both private and public industries.

# UCLA Labor Leader calls for Unionisation of Foreign Workers

*NUGW Tokyo-South*

*Robert Lohmann, President, BEGUNTO*

The director of the UCLA Center for Labor Research and Education on Sunday (Nov. 9) discussed the importance of incorporating immigrant laborers in union movements.

Kent Wong, who is also the founding president of the Asian Pacific American Labor Alliance, described problems migrant laborers have faced in the US, including anti-immigrant legislation dating back to the 1880's and the anti-immigrant policies of mainstream American labor. He noted that the AFL-CIO has only recently reversed its anti-immigrant stance.

Speaking in Ohsaki, Tokyo, Wong related success stories from labor history, including solidarity between Japanese and Mexican farm workers in Oxnard, California in 1903 as well as the growing efforts by unions new and old to bring in immigrant workers.

The successes themselves underline the crisis in both the American and international labor movements for migrant workers despite their rising profile, Wong noted. While organizations such as the IMF (International Monetary Fund) and the WTO (World Trade Organization) work to expedite the flow of capital seeking a better return across international borders, the migrant worker seeking a better life abroad is met with resistance and opposition. Globalization presents problems to the labor movement as yet unresolved. Wong had been invited by the Center for Transnational Studies.

Kent Wong is the author and co-author of a number of labor related books which can be found on the UCLA webpage.

<http://www.sscnet.ucla.edu/labor/publications/index.html>

# Nishinomiya Board and YMCA Kick Off Shunto 2004

*General Union*

At the Nishinomiya Board of Education, General Union members who busted the cities five-year contract rule have started a new offensive against an offensive board of education. Knowing that the union beat the contract limits (previously teachers could only work for five years) and that it would be harder to get rid of teachers who have no limit on renewals and are 100% in the union, the board decided to subcontract some of the teaching jobs, and to none other than the worst of the worst dispatch companies, Zia Zenken. At most boards, ZIA sends out subcontractors and doesn't even recognize these teachers as employees, but rather subcontracts to teachers again on an individual basis. This no doubt is a way to replace all the union members with subcontractors as the teachers go home or change jobs and thereby bust the union.

Nishinomiya members won't accept this and have decided to charge against the board's illegal subcontracting methods (see the pullout section in this edition), and continue to fight for improvements in their working conditions.

What are the members' main demands?

- ✓ Hire all the subcontractors properly by the board of education. – **NO TO SUBCONTRACTING!**
- ✓ Provide the General Union with a union board and office on the board's premises, just like the other unions. **KEEP US 100% UNION!**
- ✓ Negotiate the entirety of the 2004 employment contract with the union. **NO SUBSTANDARD CONTRACTS!**
- ✓ Provide a housing allowance to all the AET's (actually AET's hired through Nishinomiya's sister city's agreement have a housing allowance, while domestically hired AET's don't) –

## **FAIR WORKING CONDITIONS!**

Demands have now been sent to the Nishinomiya board and the General Union is awaiting the board's answers and their acceptance of collective bargaining. At the time of printing, the board has yet to say that they'll meet us but are using illegal stalling tactics. These stalling tactics will find them with both a large dispute and a possible legal case at the Osaka District Labour Commission.

This is a fight that is integral to the en-

tirety of the General Union and the labour movement in general. If we are able to stop contracting out of jobs (just like we stopped the contract limits) at one board, it will encourage more workers in Japan to stand up and demand that their jobs are secure.

## **YMCA teachers start Shunto 2004**

Teachers at the both the YMCA language centre and the International High School have submitted demands to their employer to start negotiating the working conditions for the 2004 school year. After two years of dispute with the YMCA it appears that the Y is ready to sit down in good faith and negotiate new working conditions after an onslaught against the union to try to smash the working conditions that the union has gained over the past six years.

The union members have made the following demands on the Y:

- ✓ Negotiate all working conditions including hours of work and work duties with the union.
- ✓ Provide the General Union with an office on YMCA premises (just like the other YMCA union has).
- ✓ Provide money for the training of teachers.
- ✓ Provide a 5,000 pay increase for teachers.
- ✓ Provide more job security for part time teachers at the International High School.

These demands are quite far reaching in that the union has now asked for total collective bargaining over all working conditions at the YMCA. Also, this is the first time in the General Union's history that we have asked for clear funds for teacher training at an eikiawa school.

The YMCA could make history in the eikaiwa industry by making funds available to teachers for teacher development as opposed to the foolish in house training programmes offered by most Eikaiwas. A victory over training funding would be a first in our industry and large step in achieving quality education for students and proper training for teachers.

Teachers at the YMCA, who already enjoy a twenty hour per week teaching cap and thirty five days of paid leave, would continue to expand on the working conditions that already the best in the industry.

# Voice

ナショナルユニオン

“Voice”の紙面

- ◇ ベルリッツ
- ◇ 派遣・委任
- ◇ 朝日新聞
- ◇ UCLA

2003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、熊本ゼネラルユニオン、仙台外国語教員労組

## 賃金不払いアメリカンイングリッシュアカデミーのを、労基署が逮捕

### ゼネラルユニオン

吹田市にある英会話学校「アメリカンイングリッシュアカデミー」では、労働法違反が絶えず、ゼネラルユニオンはこの数年来、労基署や地労委への訴えを続けてきた。だが米国人のクリスチャンセン社長と共同経営者の賀川美津子らは、これを無視し、労基法違反で2回送検されたが、有罪確定後、「罰金を払っても、賃金を払わない」悪質さであった。

ヒドイ労働条件に抗議した外国人講師に、「教え方が悪いから生徒が減った」などの言いがかりをつけ、損害賠償をデッチあげ、未払賃金を相殺する手口である。だが被害講師の申告が続く中、ついに茨木労基署は、11月25日この経営者達を逮捕し、留置場に拘束するとともに、身柄送検を行った。容疑は、直近1~2か月分の賃金不払いである。

「労基署が警察権を持っている」のが労基法であるが、実際に逮捕

状を執行するのは珍しく、大阪でも、賃金不払事件では14年ぶりの快挙である。「たかが労基法違反」と悪質な経営を繰り返す例が多い中、わずか2人の講師への計34万円の不払いでも逮捕=拘留される、というケースで、語学業界各社の反省を迫る事例となった。

また今後、各地の労基署が同様の法違反でも、こうした断固たる逮捕権を発動するよう期待するものである。

## 都労委。石原知事に『委任は違法』と命令

### 全国一般東京南部

都立国際高校外国人教員組合団体交渉拒否事件で勝利命令勝ち取る！11月26日 東京都地方労働委員会は「東京都は、組合が、組合員である外国人英語等教育指導員の労働条件について団体交渉を申し入れたときは、誠実に団体交渉に応じなければならない」と不当労働行為救済命令を出す

東京都地方労働委員会で闘いを続けてきました都立国際高校団交渉拒否に関し、11月26日、勝利命令を勝ち取りました。東京都に

対し、誠意を持って団体交渉に応じるよう求める内容となっています。長期の闘いとなりましたが、勝利に向けた最初のステップを勝ち取れました。

都立国際高校で働く外国人講師で、2000年5月に組合を結成しました。しかし、東京都(教育委員会)は、2000年10月の団体交渉を最後に、「外国人英語等教育指導員は、委任契約を締結しているため労働者ではない」として、団交を拒否してきました。

労働委員会は、形式上「委任契約」を締結している外国人指導員の労働実態を把握して、労働者で

あることを認め、東京都に誠実に団体交渉に応じることを命令しました。また、未だ契約が締結されていない翌年度の労働条件の改善要求についても団交に応じる義務を認めました。

地方自治体において、非常勤職員や「労働関係」ではない労働者が急増している中で、重要な命令です。今後、文部省や都議会へも働きかけ、東京都の不当労働行為をやめさせる闘いをしていくこととなります。引き続きご支援をお願い致します。

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