

# Voice

National Union

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February 2004, Vol. 1 No. 14

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

## General Union sues Nishinomiya City over Unfair Labour Practices

General Union

On 28 January, the General Union filed an Unfair Labour Practices case against Nishinomiya City, for its discriminatory treatment of union members working for the Board of Education as ALTs or NEATs.

This branch of the General Union was established on 29 October 2001, demanding unemployment insurance and a grievance system. A little later, the union demanded payment of unpaid, contractually agreed bonuses. When the Board refused, with the excuse that the issue had overshoot the 2-year legal limitation on such claims, we realised this employer was just as unscrupulous as any tin pot Eikaiwa lawbreaker.

### The 'wild group' hits back

The branch scored a major victory, however, with the repeal of the 5-year employment limit in October 2002. The retaliation started quickly, even before the announcement of the decision. The branch leader was suddenly the target of an extraordinary campaign of harassment by the two main members of the 'wild group' in the board, Umeoka and Sakurai. *He didn't have a degree! His employment from 2003 could not be guaranteed!* The reality was that they had known this for

years, but were desperately rummaging around for ammunition against the GU. We beat off this attack, and the next year the branch forged on with new demands; a union office and notice board.

On 27 November last year, the board struck back in earnest. A 'proposal' to cut pay by 40,000 yen was sent to the union. This turned out to be a cut only for the union member teachers, not for non-union teachers doing the same job hired from the sister city in the USA. This was a clear Unfair Labour Practice, against the Trade Union Law ('disadvantageous treatment of union members'), and the union demanded negotiations in an attempt to persuade the Board to back down.

### Slash that deficit, smash that union!

On 8 December, collective bargaining was held, and the board claimed the cut was because of the city's financial crisis. How saving 4 million yen a year for Nishinomiya City would solve that deficit was not obvious to our members, and a 'lively' exchange followed, with members demanding to know the extent of the Board's bureaucrats' own pay cuts. After at first refusing to answer, they in the end admitted it amounted to 0.2%, as opposed to the proposed 12% for our members.

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## Nichibei Eigo Gakuin sued again for Unfair Labour Practices

On 24 December last year, faced with Nichibei's bad faith in collective bargaining, and their refusal to attempt to settle their labour problems in conciliation at the Labour Commission, the General Union filed an Unfair Labour Practice case at Osaka Labour Commission. Nichibei is accused of 'Bad faith negotiation', tantamount to refusal of collective bargaining, along with 'control and interference' and 'disadvantageous treatment' of union members. These are all violations of Trade Union Law, article 7.

Nichibei is no stranger to the Labour Commission. This is in fact the 3rd time they have been sued there, the other two being on 12 May 1998 and 24 September 1999, both times for flagrant union-busting, and both ending in a total victory for the General Union.

The 1st investigation in this case took place on 16 January. Nichibei got off to a less than flying start, submitting their 'Tobensho' (official reply to the union's allegations) late. This document was nothing but a long-winded exercise in trying to divert the attention of the Labour Commission from the main point of the case—bad faith negotiation over their financial condition.

Take a look at this sorry history on Pg.4:

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# Tokai Update Dispatch Teachers' Rights Seminar

General Union Tokai Branch

General Union

## TOKAI EXECUTIVE COMMITTEE

We now have a new executive committee in Tokai, and we've got ambitious plans for building the Union here in 2004. Thanks to those members who volunteered to serve on the committee. All the Union members in Tokai will benefit from your hard work.

## BHANGRA NIGHT

February 14, Valentine's Day, is the date for the next Bhangra and World Music Night at the Plastic Factory, Nagoya (subway: Imaike Stn., Exit 2). This is a great and fun event, with all the wine you can drink for 1500 yen between 8 and 10 p.m. A General Union member will be DJing, and other GU members will be there to answer any questions about the Union and your employment rights.

## Berlitz Nagoya

Berlitz management in Nagoya has a novel way of making sure teachers never call in sick. It's simple really! If a pay per lesson instructor calls in sick then they can expect to receive no lessons on their next working day(s) after recovering. How about guaranteed contract teachers? Just as simple. Stop giving additional out of contract lessons, change working schedules, and send instructors on distant journeys that can see teachers return home just before midnight.

<http://berlitz.generalunion.org>

The Immigration Department's relaxation of visa regulations has brought about new employment patterns in the language teaching industry. Employers have leapt at the opportunity these changes present, introducing working conditions that not so long ago would have been thought unbelievably bad. Conditions for those dispatched to business, university and school classes have all deteriorated.

Companies such as Westgate have been able to manipulate the system to their advantage, offering short-term contracts of 3-4 months duration at colleges and universities, with immigration granting teachers 1-3 year visas. Teachers are denied paid leave during school vacations and are reliant upon whatever part-time work they can obtain just to survive. Another company, Ziac, dispatching to Boards of Education are paying teachers as little as 10,000 yen per day.

Teachers at ECC-Best Career are in a similar bind. Best Career has turned reasonably paid full-time positions at Osaka Board of Education into sub-standard jobs that do not allow teachers to meet their financial commitments. Publicly, the Board stated they were introducing a new kind of position - 3 days per week at 160,000 per month. This is far from the reality. ECC-Best Career only pays teachers for the time worked, leaving them

unpaid throughout the long summer and winter vacations.

Dispatching denies teachers the stability of a regular monthly salary, and in the case of ECC-Best Career, teachers are left with salaries as low as 80,000 some months. Teachers are also denied basic working conditions such as paid preparation time, pension, and health and unemployment insurance.

Until recently, the majority of teachers were employed at one company with the occasional side-job. Today, it is not uncommon for teachers to rely upon multiple part-time employers for their livelihood. While this change has brought some benefits for teachers in terms of flexibility, ultimately it has led to a deterioration in working conditions and the quality of education across the industry.

Companies such as Interac, ALC, OTC, Time TI, and ILC traditionally hired full-time teachers, mainly dispatching them to company classes. Rather than grant the legal minimum working conditions to full-timers, these companies have been quick to take advantage of the changes in immigration rules. With a more disposable, part-time workforce available, these full-time positions are disappearing.

Paid annual leave is a major issue for many part-timers. While the Labour Standards Law guarantees paid annual leave, many companies simply refuse to acknowledge this. Other companies, in an attempt to circumvent their legal obligations have established sub-contracting systems where it seems workers are not entitled to benefits as they are "self-employed". In most cases this is bogus and the classification as "subcontractors" therefore invalid. If the company decides things such as the curriculum or textbooks the teacher is indeed an employee and entitled to paid annual leave.

The General Union will be holding a seminar on dispatching on Sunday March 7<sup>th</sup> at 1pm at our Osaka office. Please see our website ([www.generalunion.org](http://www.generalunion.org)) for more details and a map and to take a quick survey about your working conditions. If you have any other questions, please feel free to contact the union at 06-6352-9619.

## 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!

**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, Rakkon (Shinsaibashi), Kitano, Kitano Catholic Church (Umeda), Murphy's Irish Pub, The Playpen (Osaka), Banana House.

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

**Nara Area:** Nara Information Foundation, Rumours.

**Fukuoka Area:** Sakae Sushi, The Hacienda.

**Kanto Area:** Dubliners (Shinjuku), Dope Music Bar FOGGY, Mad Mulligan's, Franziskaner Bar and Grill, XYZ Bar, Paddy Foleys, Sid's Bar, Club Deja-Vu.

**Nagoya Area:** Queen's Head, Pub Restaurant Usquebaugh, Marky's, Pelican Pete's, NPO Plaza, Kakuozan Bar, The Book Shack, Tokuzo, Jazz Room Exit, Nagoya International Centre. The Elephant's Nest, Red Rock Bar and Grill, Dos Delfines, Desperados, The Creek, The Misfits.

# Letters to the Editor

Dear Editor,

*I work at one of those crappy aikaiwa places, and of course they make me work on National Holidays. My mate reckons it is illegal but I have my doubts. Hope I'm right - there's a beer riding on this.*

Cheers,  
The Thirsty One

Dear Thirsty One,  
Please drink up. Your mate is incorrect. Companies are not required by law to give days off, pay overtime, or provide days in lieu for working on National Holidays.

Some companies (Sumitomo, Matsushita et al.) do grant their workers National Holiday leave. This working practice is often written into the company work rules. If a worker was made to work on a National Holiday in a company with the above policy, and depending on whether there were any opt out clauses written into the work rules, the worker would be entitled to compensation if made to work a National Holiday. Compensation usually takes the form of a substitute day off or holiday rate payment.

In the case of some Eikawas, National Holidays are normal working days and no substitute benefits for working on a National Holiday are written into any working rules. NOVA is a fine example of this.

The NUGW has succeeded in negotiating Collective Agreements guaranteeing that members can take National Holidays as leave or receive additional benefits for working. Rather than just discussing workplace issues over a beer, come and talk to us about your working conditions and we'll show you how you and your colleagues can organize to make improvements.



Letters to the Editor can be submitted to  
[voice@generalunion.org](mailto:voice@generalunion.org)

Dear NUV,

At the General Union 2003 AGM, it was mentioned that GU membership dues were deductible against taxable income. Do you know how I should go about this, as there is no space on the form for such expenditure? Also, do you know if it's possible to claim Global (or other) private healthcare payments on the tax return? (Remembering that it's not a Japanese company) I have read the tax form inside out and it doesn't state anything to the contrary, but...

Yours,  
AK, Osaka

Dear AK,

As to union dues being tax deductible, simply take your green union receipt or the stub from the furikomi / postal remittance form to prove you paid union dues, to your local tax office when you do your tax returns. Also you can claim your Global Healthcare premiums (and other companies too). I always ask for a tax official to go through the whole form with me (dumb gaijin act!). When you get to the health insurance part just tell them how much your policy cost in yen, they'll add it to the other deductibles.

You won't get a full refund, but it is not insignificant. Everyone who does tax returns should claim for all their health and pension premiums. I always take my policy and credit card statement with me, but they usually just take your word for it, especially as it comes out a lot cheaper than national insurance. The tax return period in Japan is usually from February 16th to March 15th. Good luck.

(To all union members: please let us know how claiming for your union dues goes!)

## GU Demands Full Time Jobs from Osaka-fu

General Union

How fast stable jobs go! Until 2003, Osaka-fu hired English teachers (NETs) directly at full time wages, with benefits, and regular vacation periods; then came the 2003 academic year and Osaka-fu decided that these jobs would be phased out. Not because the need wasn't there. No, they would now let ECC (Best Career) supply the teachers for these jobs, Osaka-fu felt that even after ECC took their cut, they could still save money, and there went the decent jobs.

In a short while, jobs that were worth 300,000 yen per month became 2,250 per hour, and teachers now average about 130,000 yen a month. Unemployment, health, and pension insurance, all gone! Vacations? You just don't get paid for them, in fact there's only work for nine months of the year: May to January.

Of course, there was no mad rush for these jobs, but ECC was able to fill all 54 positions before the May start date. The problem was that on the day that everyone was to start, only twenty-three teachers showed up. What does this show? We all know that the language industry has a high turnover rate, but over half not showing up for the first day indicates clearly that the board's plan to get low paid teachers won't work. Teachers will take the jobs only until something full time comes along.

Understanding that there were massive problems, and realising the threat to full time employment in general, the union asked the board to meet in negotiations. The board has, however, refused collective bargaining (a clear illegality, against the Trade Union Law) but has met with the union for 'talks' on three occasions.

To give the board their due, they've been trying to do everything correctly, right down to the legal dispatch methods. They have actually told the union in negotiations that they believe that the way the Nishinomiya, Hirakata, and Toyonaka boards are doing dispatch is illegal and have also told these boards directly. The board has also realized that in time they must go back to direct full time hires if they are to maintain quality and in the meantime they will work to improve the conditions.

Most importantly of all, the board (against their own plans) will now have to hire some of the dispatched teachers directly. The union has now demanded the board hire our members. As this paper goes to publication, the Osaka-fu Board of Education is now deciding whether to hire GU members directly. Should be interesting! More next month. In the meantime, Osaka-fu teachers that are still employed at the board should join the GU to protect their working conditions, make sure they have jobs in the future, and try to improve their current lot.

# Nichibei Eigo Gakuin

*Continued from Front Page*

**1992:** Pay freeze announced. New pay rise system promised for 1993. Still waiting. GU demands rises in '98.

**1998:** 'In the red' 'Lost 20 million last year'

**2001:** 'You're getting pay rises through commissions' (Truth: we were getting less than in 1995)

**2002:** 'We're 5 million in the red' 'We cannot give you (union members) a pay rise while continuing to cut jobs and pay for the vast majority of other employees' (we found out that Nichibei's profits were actually 'soaring', according to one business research group. And the continuing layoffs and pay cuts? You guessed it: hogwash.

'We're not saying we're not making money' (later denied to the Labour Commission. New version: 'We never said that we're not saying we're not making money'). Uh...

**2003:** Finances: 'Good and Bad' 'Up and down' 'Botchi-botchi' 'tight'. Meanwhile, they have opened 2 new schools in central Tokyo within the last year, and hired new teachers to take over the union full-timers' lessons, thus increasing their personnel costs dramatically. Quite the financial crisis! Nichibei starts a performance-based pay rise system. Union members get nothing. New discovery by Nichibei: 'We've always managed to stay in the black'.

Don't worry, we're confused too. Welcome to the weird world of Nichibei's negotiating style. For years they didn't need to persuade anyone; they just contradicted themselves merrily, and if anyone objected, they were told 'If you don't like it, you can go back to your home country. We can replace you any time'.

Now, however, they have to explain their

logic and defend their honesty to a government agency. They fouled up royally last time, and there's no sign that it will be any different this time round – despite them turning up with a new lawyer. The last one who lost 3 civil court cases for them against us obviously became one of the 'job losses' they go on about.

Anyway, in addition to all this nonsense, the company has taken away union members' group lessons, and put us in a store-room with broken chairs —they call it the 'presidential library'—away from the school, while telling the students in leaflets that we are 'lacking in the consciousness of the responsibility that goes with the job of teacher'.

Sad to say, Nichibei has again decided to have an unpleasant relationship with the union. They recently slandered the union to a new teacher ("They're always wandering about. I don't know what they do all day long. As far as I know, they do nothing. If they say anything strange to you, anything you don't understand, come to me"). He came straight to us, as any sane person would.

Next Labour Commission session: GU's witness, the branch vice-chair testifies on 22 March, 1pm. Come and support!

ON STRIKE!



# Japanese Labor Law Class Up & Gambatteru-ing

NUGW - Tokyo South

"They said nobody would come, but I said 'build the class and they will come.'" NUGW Tokyo South (Nambu) Organizer Louis Carlet spoke tongue-in-cheek recently about the new Sunday morning class designed to teach foreigners Japanese and the labor law at the same time.

Launched Dec. 14, the class has attracted on average six NUGW union members from various branches, including beginner, intermediate and advanced students.

Taught by Carlet and Nambu volunteer Noriko Oe, the class – free for union members – focuses a great deal on kanji and kanji parts, or "bushu radicals". The advanced students read, analyze and translate excerpts from the "Pocket Labor Law."

"Rather than simply teaching Japanese, I try to work with the students to find ways to enjoy using the Japanese language," Oe said.

Students during a recent class sang a kanji radical alphabet song to the tune of the Abc's alphabet song (i.e. "Twinkle, Twinkle").

"Many think the class struggles with a bunch of radicals – and it's true," said Carlet. That joker!

# 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.

**JOIN THE GENERAL UNION ONLINE**  
[www.generalunion.org](http://www.generalunion.org) Click 'Join Now'

<b>Name:</b>	<b>Employer:</b>
<b>Address:</b>	
<b>Tel:</b>	<b>Email</b>

**Or fax this page to 06-6352-9630 (Osaka) or 052-735-9704 (Nagoya).**

# Discrimination in the Workplace

-NUGW-

In 1995, the Japanese Government ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which is one of the major human rights treaties adopted by the UN and the first to have established a monitoring mechanism in the form of the Committee on the Elimination of Racial Discrimination (CERD.) This body monitors the implementation of the provisions of ICERD by states party to it. How does this monitoring mechanism function and in what role can the NUGW union support it?

When the Japanese Government ratified ICERD, it assumed the obligation to submit state reports periodically to CERD on the measures it has taken to implement the convention. CERD assists the Japanese Government to implement their obligations by making suggestions and general recommendations based upon examination of the state reports. Such recommendations are not legally binding and progress is therefore dialogue-based. However, the Japanese government is eager to be granted a permanent seat on the UN Security Council and will hurt their bid if they are unable to follow through on their responsibilities.

NGOs just like our union body are invited to enter into this dialogue by submitting their own reports to CERD. They can provide extra information or information which conflicts with the state report.

The General Union in co-ordination with its National Union of General Workers' (NUGW) sister unions, the Fukuoka General Union and the NUGW - Tokyo South is applying for consultative status with the United Nation's Economic and Social Council (ECOSOC.) This will enable our unions to submit reports to CERD and a variety of other UN monitoring bodies.

The General Union's bid for consultative status is moving into the third stage of the application process that will formally begin in June 2004. At this time, ECOSOC's NGO section will review the General Union's application before submitting it to the NGO committee who will decide if our organization meets with its

requirements for consultative status. If the General Union meets these requirements then ECOSOC's council will be informed of the committee's recommendation and consultative status will be granted. In the event that the General Union is not granted consultative status we will still submit our reports using existing Japanese NGOs that have already been granted consultative status. Either way we will use this influential process to further protect our members' working rights.

As part of the report process, the NUGW has compiled a questionnaire to compare and monitor conditions of Japanese and foreign national workers. The questionnaire can be found at this link; <http://www.generalunion.org/worker>

## Discriminatory Practices at the YMCA

"We, the YMCAs in Japan, learning from the life of love and service manifested in Jesus Christ shall carry on the following mission in collaboration with other YMCAs throughout the world. We shall strive to preserve human rights, seeking justice and fairness".

Osaka YMCA is a quasi-religious organization purporting to follow the ethics of Jesus in its business dealings. Publicly, YMCA espouses a policy of fighting against discrimination but is in fact a patriarchy that fails to address the need for equal opportunities for both female and foreign employees.

In 1997, the Osaka YMCA and the General Union signed a collective agreement confirming the YMCA's policy of fighting against racial discrimination, stating that they would not discriminate on the basis of skin colour or nationality in the hiring process. While this policy is commendable, it fails to address the institutionalized discriminatory practices within the YMCA.

Not content to confine discrimination to foreigners, YMCA treats Japanese female employees with similar disregard.

Historically, Osaka YMCA has been a "male-centred" organisation, but for many years now has heavily relied upon its foreign and female employees to generate income. This is particularly true in the

International College and High School divisions. The YMCA's "two tiered" hiring practices belies this fact, and is evidence of their continued discriminatory practices.

As with many Japanese companies, the YMCA hires employees in one of three ways.

1. Unlimited term contracts
2. One year limited term contracts
3. Part-time (working up to 40 hours per week).

Within Japan, unlimited term contracts are recognized as the most desirable as they provide the strongest protection for workers. So, in 1996 the General Union and YMCA began discussions to develop a system whereby foreigners would be given the same rights as Japanese Nationals and have access to the unlimited term contract system, culminating in a legally binding collective agreement in February 1997. Again in March 1998, YMCA gave written assurances of their commitment to such a system. Six years later, YMCA seems to have dropped all pretence of equal opportunity employment, and have still not provided foreign employees access to unlimited term contracts.

At Osaka YMCA International High School, 50% of full-time employees are native speakers of English. Yet, not one has ever been placed on an unlimited term contract, despite foreign teachers being essential to the school's existence. With similar or identical duties to their Japanese male counterparts, native English speakers' salaries are as much as 30% lower.

Not content to confine discrimination to foreigners, YMCA treats Japanese female employees with similar disregard. While all full time Japanese male teachers at the International High School enjoy unlimited term contracts, no female teacher at present enjoys this privilege. Again, their salaries are substantially less than their Japanese male counterparts'.

In 2003, YMCA's continued blatantly discriminatory practices lead to foreign employees striking for better working conditions, and we will continue to carry on this fight until the YMCA becomes a discrimination-free workplace.

## General Union History – 2002

Jan	30	American English Academy case settled. Company pays and apologises.
Feb	20	American Village School. Unpaid wages and Dismissal Allowance paid.
March	1	Seisen Jr. College ; settlement in part-timer's non-renewal case.
	14	Tokai Gakuen, Nagoya. Settlement reached in part-timer's non-renewal case.
April	10	ECC settlement for non-renewed member.
	13	Strikes start at Nichibei Eigo Gakuin, continuing till July. Dispute over pay rise.
	18	GU Gandom Academy Branch, Nagoya, declared.
		AGM: GU 10th Anniversary Book published.
	21	AEON under pressure from the GU, enrolls its employees in Unemployment Insurance.
May	16	GU Matsushita Branch declared after 15% pay cut announced by company.
June	7	GU Zenken (World Academy/ZIA) Branch declared. Collective agreement signed 24 June.
July	19	GU Linguaphone Branch declared, Nagoya.
	22	Strikes begin at Osaka YMCA.
Aug	6	Linguaphone non-renews branch vice-chair.
	31	Strikes begin at Linguaphone. Students collect 200 signatures in petition drive.
Sept	6	Unfair Labour Practice case filed against Linguaphone.
Oct	15	Nishinomiya Board of Education withdraws 5-year term limit.
Nov	18	Linguaphone case settled. Settlement paid to dismissed member.
	19	GU Doshisha Kori Junior/Senior High School Branch declared. (Collective bargaining held 10 December.)
Dec	6	2-year dispute with Institut Franco-Japonais settled at Osaka Labour Commission. Total victory. Guarantees of employment and withdrawal of pay cut for one member.

# Eye Strain Campus Strike Enters Second Week

*NUGW - Tokyo South*

Despite the setback of the resignation of President Jeffrey Glenn in early January, the I-Campus branch of NUGW Tokyo South is back in the swing, now representing two of the company's three foreign teachers.

The two teachers struck on Feb. 5, 6 and 7, demanding new computer monitors at work, longer contracts and an array of other demands based on pre-contract oral agreements. The branch union has employed a variety of strategic strikes to maximize disruption and minimize pay loss.

I-Campus is fighting tooth and nail, apparently intent on crushing the union. "Apparently, the company scheduled phony classes as a decoy, hoping the teachers would strike them as well and lose more pay," says NUGW Tokyo South Organizer Louis Carlet. "But our spies passed us this information the night before so we pulled back the strike during the phony classes."



*"If you want paid holidays we can refer you to a temp agency on your days off"*

## Union Action Day

Wednesday, March the 3<sup>d</sup> is Union Action Day in Osaka. Union members affiliated to Zenrokyo (National Trade Union Council) to which the General Union belongs will be 'visiting' certain employers as part of our 'Shunto' campaign. Members will be getting a call. **Please keep this day open!** Meeting points are as follows:

**8.30 a.m.** Meet at NTT Nishi Nihon HQ, subway Tanimachi-sen / Chuo-sen, Tanimachi 4-chome station, Exit 9.

**9.00 a.m.** Labour Ministry, Osaka HQ, same as above.

**10.30 a.m.** Osaka-fu Board of Education. (pick-up point, 10.15 a.m. Tanimachi 4-chome station, Exit 1A)

**Continued from Front Page.**

On 16 December, the Board sent their reply, after considering our protests, but it was totally unsatisfactory: they failed to retract the proposal. The union's counter-blow fell swiftly. A strike was arranged for the very next day.

**Low level**

That evening, after getting wind of the strike, Board officials committed an astonishingly low level Unfair Labour Practice by calling round members' homes, prying for information and in effect putting pressure on them (and their wives, in some instances!) by telling them to come to work as usual the next day, as no strike notice had been received. The implication was that the strike would be illegal. They should have known very well that courts have ruled that strikes must be preceded by a strike notice, but that does not mean unions cannot give in the notice 2 minutes before the strikes commence...which is exactly what was to happen.

**Mayor forced to face the facts**

The next morning, branch members along with fellow union members from other workplaces descended on the Board of Education and City Hall, handing over the strike notice and picketing the building with a megaphone and leafleting of the general public. Some confused bureaucrats came out to protest, "You can't just strike like this; you have to try mediation at the Labour Commission", thereby compounding their feverish telephone calls of the night before with a new attempt to obstruct the right to strike. The branch leader even managed to explain the dispute to the mayor of the city, Mr Yamada, as he was pulling into the car park.

The stage was set now for the Labour Commission. The Board's violations of the Trade Union Law were clear, they were not backing down, and so we were left with no choice. The Unfair Labour Practices was filed at Osaka Labour Commission on 28 January, followed by a press conference in Kobe. The next morning the story appeared in the Asahi, Mainichi and Kobe Shimbun.

Meanwhile, we are continuing to try to settle the issue through negotiations. The next is scheduled for 13 February.

**Support the struggle!**

We hope the city realises the grotesque unfairness of its actions and comes to Osaka with the intention of settling this dispute, but we ask all members of the union to stand with their fellow members at Nishinomiyama and support them to the end in this fight. **Opening session, Labour Commission case: 17 February.**

# Lawbreaker of the month ALS Tomio

-General Union -

It has been a while since we ran this column, but we have the displeasure of introducing a very worthy candidate in this issue; American Language School, Tomio (Nara). President, Mr Shigenaga Hideyuki.

Towards the end of 2002, a teacher's pay started coming late, and she tried talking to the company (Mr Shigenaga). She received some promises about payment, but by the time she quit in disgust in May 2003, she was still owed nearly 600,000 yen in wages. He paid a few installments, honouring the agreement he had with her, but then the payments dried up in July.

In August, The General Union contacted ALS, and Mr Shigenaga agreed to pay the rest of the unpaid wages (300,000 yen) off in one go in November. He failed to do so. In December again, we gave him a warning, but last month, the member still had not been paid.

**Unpaid wages is a crime!**

The General Union now has no choice but to take more drastic action against this company. In November last year, the operators of American English Academy (John M. Christiansen and Mitsuko Kagawa, aka Kondo) were arrested under suspicion of exactly the same crime, and we will push for the Labour Standards Office to use their powers to the full again with this shameless lawbreaker.

If you are reading this, Mr Shigenaga, contact us immediately, giving a date of payment, or risk dispute actions and prosecution.

# GU Siberia

- General Union -

A Russian worker for Panasonic in Irkutsk, Russia, contacted the GU for help recently with a very strange problem.

For 3 years it seems she has been working unpaid for the company, because she refused to sign a new contract switching her over to a different employer, Matsushita Russia.

The GU asked Matsushita to investigate and report back. We are waiting.

# SAC

## GU Schools and Colleges Sector Roundup

-General Union SAC-

**Otemon Gakuin**

On 6 January we held collective bargaining here and won the reform of the system for test making. One of our members had endured disproportionate (and enormous) amounts of it for years. Other topics included the legality of Berlitz's dispatch to Otemon. We want to get this branch going again, so we invite GU members at Otemon to help build this branch by recruiting to the union. We will be putting up materials on the huge GU notice board there before too long.

**Kansai Ohkura High School**

We won a satisfactory settlement in a non-renewal case here this month, and to all foreign and Japanese teachers at Kansai Ohkura now, we'd like to say: Join now! The GU has shown we can get things done.

**Osaka Denki Tsushin University**

We won the total withdrawal of a non-renewal here last month, with the member renewed under exactly the same conditions as last year.

**Osaka Kokusai Owada High School**

We are currently negotiating over the attempted 'non-renewal' of a member working without a contract. We have protested that you cannot non-renew a non-contract. It constitutes a dismissal, for which good reasons are necessary (now enshrined in the 2004 revisions to the Labour Standards Law). GU Members should be ready to support our member here should this come to a dispute!



- ◇ Y M C A での差別的契約
- ◇ また訴えられた日米英語!
- ◇ 3・7 派遣労働者セミナー
- ◇ 日本語で、南部労働法講座

# Voice

ナショナルユニオン

## 西宮市教委の外国人講師が賃下げ撤回とまともな雇用を求めて一斉スト貫徹

ゼネラルユニオン西宮市教委支部は2001年の結成以来、西宮市教委の数々の法違反を摘発し、契約更新回数制限撤廃や雇用保険加入などを実現してきた。しかし、組合がますます強くなっていくのを嫌悪した市教委は、新制度の小学校からは講師の直接雇用をやめ、「業者への業務委託」を強行してきた。

ゼネラルユニオンが、大阪府教委や豊中・枚方・高槻などの市教委による違法な派遣や委託を摘発している矢先のことだった。「委託の場合、講師は

労働者ではない」とされ、労基法も労組法も適用されなくなることを狙ったものだ。だが、これは下請け請負で、授業管理は教委ではなく業者の指揮となり、学校教育法や派遣法にも違反する。

折しも12月になって突如、市教委から「外国人講師は月4万円の賃下げ」という信じられない提案が発表された。そのため支部は12月17日に全面ストライキに突入し、すべての外国人ALT講師10人が参加した。ところが、ストに恐れをなした市教委

は、前夜から管理職が手分けをして各組合員と家族宅に電話をかけまわった。曰く「明日のストは未承認だ。もし参加しても年休扱いをさせてもらう」。近頃これほどクリアな不当労働行為は珍しい。しかも、市教委の課長たちが直接に手を汚している。

ユニオンは1月28日、大阪地労委への提訴と、兵庫県教委への申入れを行い、各マスコミも大きく報道した。今後提案が撤回されないなら、春闘総行動のターゲットとなるであろう。

## 「違法派遣」の大阪府教委が直接雇用へ

府教委は03年5月から、外国人講師の一部をECCの派遣会社に委ねたが、ルーズな募集と悪い条件のため、授業初日に25校の講師辞退という事件を起こした。被害者の当該講師達が、ゼネラルユニオンに加盟してきたため、ECC・府教委の双方からの事情聴取を行ってきた。そして「派遣をやめ、直接雇用に戻す事」などを要求し闘ってきた。「派遣は縮小し、近く直接雇用に一本化」「現在のECC派遣講師が希望すれば4月から府教委で雇用」の回答を府教委にさせる成果を得た。派遣法も「派遣後、本人が希望すれば、派遣先に雇用義務 派遣元

に同意義務」と制定している。そこで現在ユニオンは、組合員である派遣講師リストを府教委に提出し、採用を迫り、がんばっている。

### 府教委「他の教委の委託・委任は違法」と断言

自らの派遣法違反を追及されている府教委は、「派遣でない委託・委任は違法」との見解を、ユニオンやマスコミに寄せてきた。これは、指揮管理権が学校側に帰属しないから、という正しい理由なのだが、「府下の豊中・枚方・高槻・寝屋川、そして西宮市教委

が、この違法な委託をしている」というユニオンの調査結果と、「ちゃんと指導しろ」という要求を突きつけられて追い詰められている。また派遣も委託も公共入札なのだが、その業者に「諸法令違反」があれば指名停止となる。残念なことだが、この派遣・委託業界は、ECC・インタラック・NOVA・全研などの寡占状態で、全社に、社会保険法・労基法・労組法違反が数え切れない。結局、ユニオンの主張通り、「まともな雇用を、直接に」しか、適法かつ安全な道はない。

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