

National Union Voice

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

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April 2003, Vol. 1 No. 9

NOVA sued at Labour Commission and Bar Human Rights Association

General Union

On February 28th, 2003 NOVA received two presents from the GU. One, a suit at the Osaka District Labour Commission claiming unfair labour practices regarding NOVA's unfair pay rise for the branch chair. The other was a suit filed with the Osaka Bar Association Human Rights Committee regarding NOVA's socialization policy. The union is confident that we will win both cases and the response from the press and public has been highly encouraging. The Human Rights case was reported on several TV evening news programmes, and in major newspapers. The last time the General Union filed a

case against Nova was in 1994, over the company's drug testing policy. On 25 July 1995, the Bar Association sent an admonition to Nova, saying enforced drug-testing was a human rights violation. Nova has never tested anyone, though this clause is still in the contracts.

We are sure that the committee will again rule against the company. Our union has been campaigning on this issue for a few years now, and faced with Nova's refusal to cancel the non-socialisation policy, we had no choice but to file this complaint.

We hope that once these cases come to trial, NOVA's history of ignoring union demands will become a thing of the past. More news to come as the cases progress.

Why do People Join the Union?

Union member benefits include:

- greater job protection and security
- improvements in pay and conditions
- solidarity with other members
- individual rights and security
- support in the workplace
- information about your rights
- a liaison between management
- education and training

How do you compare?

Member	Non-member
Pay, benefits and conditions are negotiated and protected by the union.	Changed at the whim of management.
Union protects members' rights and ensures fairness.	You're on your own!
Union works to solve members' grievances.	If you don't like it, management will push you out.
Unions' campaigns for workers' impact the good of society.	Individual campaigns are weakened by management pressure and bureaucracy.
Union protects the interests of all members.	Individuals remain isolated.

General Union Annual General Meeting Sunday, April 20 1:00-5:00 PM

As the General Union continues to grow, inside and outside of the Kansai area, it is becoming more difficult to achieve the 50% quorum necessary for our annual strike vote. Due to this fact a constitutional amendment leading to a representative system for the strike vote will be voted on at this AGM. We need a quorum for this vote to take place and therefore are expecting that all Kansai General Union members attend.

Please see inside this mailing for more information and a detailed map.

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National Union of General Workers

Fired for asking for paid holidays

General Union

A teacher living in Aichi Prefecture was recently fired by an employer - just for requesting paid holidays. As readers may know, workers in Japan are legally entitled to a number of paid flexible vacation days per year. These days are "flexible" because an employer cannot tell you when to take them - in principle, you can take them on a date of your choosing. It doesn't matter if your contract doesn't allow for paid holidays - the labour laws override contracts. Even if your employer gives you paid holidays at fixed times (Golden Week, New Year, etc), you can still take flexible holidays on top of them.

Unfortunately, in our industry there are all too many employers who imagine they have some God-given right to disregard the law.

Last January, one of the company's teachers requested the number of paid holidays owed him by law. Just for requesting them, he was immediately - and illegally - fired.

This unfortunate episode shows the limitations of the labour laws - they grant you a lot of rights on paper, but trying to obtain them can be dangerous if there isn't a strong Union Branch at your company. It was through the activities of GU Branches that major EFL chains - NOVA, ECC, Linguaphone - were forced to accept the legal standards for working conditions. The truth is, without a union to look after foreign workers' interests here, the labour law would in many cases be a dead letter.

First ever Arrest over Non-payment of Overtime

Japan Institute of Labor

This February, the Tokyo Labour Bureau investigated a case of a board chairman of a special nursing home for the elderly who unreasonably failed to pay his staff's overtime work, and arranged this individual's arrest for suspected violation of the Labor Standards Law (nonpayment of extra wages). This is the first case in Japan for an executive to be arrested in relation to unpaid overtime work.

Of this nursing home's 60 staff members, 40 regularly worked an average of 50 hours overtime each month. Some worked as much as 100 hours.

However, these individuals received only about 4 hours'-worth of overtime pay. The non-paid overtime allowance totaled 2.5 million yen per month and an estimated 100 million yen since the home opened in 1999.

The arrest came as the Labor Standards Inspection Office determined the following acts as being malicious:

- (1) tampering with the staff members' time cards (rewriting the time of their leaving the nursing home) despite repeated advisories issued by the Bureau to correct the situation; and
- (2) putting pressure on the staff members not to declare their overtime work hours.

Recently, employees' unpaid overtime work is becoming a serious social issue because of its possible causal relationship with 'Karoshi' (death from overwork), and because it was impeding the promotion of work-sharing schemes. The first-ever arrest that occurred in relation to this is noteworthy, as it shows the authorities' determination to eradicate unpaid overtime work.

What led to the Labor Standards Inspection Office's decision was information sent in by a member of the workforce. Indeed, many of the scandals in major corporations that made headline news last year were triggered by insider information. Heated discussions are currently under way on how to legally protect these 'whistleblowers'.

Unpaid overtime work is a practice seen nowhere else in the world, and may be said to be a corrupt practice unique to Japan.

This case shows that the workers are by no means happy about accommodating this practice.

The context for unpaid overtime work seems to be the view that "workers would be nothing without their company". At present, labor unions are not fighting sufficiently hard to eradicate this vicious practice, highlighting one of the weaknesses of Japan's labor union system that centers on enterprise-based unions.

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, 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.

Simul Academy Form Union

NUGW - Tokyo South

On February 24, Simul Academy teachers, accompanied by representatives from the NUGW Tokyo South presented notification of formation of a union to the management in company headquarters in Toranomon, Tokyo.

Teachers formed the union in response to concerns over working conditions and discriminatory arbitrary treatment of teachers by managers.

Letter to the Editor

I recently went for an interview for a job (for a public school board, April start) that I thought was well paid and was highly sought after. The pay on offer for a qualified and experienced teacher was 350,000yen per month. I thought this was low as an investigation found that for the current year the pay is in fact 500,000yen; therefore the employer was instituting a pay cut of 30%. To my dismay, when I discussed the pay cut with other applicants, those I spoke to thought the pay was actually quite good, which it was if you were coming from a low paid dispatching company, but for those of us already in the schools' sector it was one more example of a cut in pay and conditions. What I would like to know is what is the union's position on pay cuts of this magnitude and what should the teachers employed before last year have done to oppose the pay cut and indeed what can the new hires do to reverse this decision? It now looks like two sets of contracts, with different pay rates will be in force for people doing the exact same job, teaching and preparation course load and hours wise.

Yours fraternally,
J.M. (Osaka)

Dear J.M.

The opinion of the union is simple on this matter. Pay cuts can be reversed if people are truly willing to stop them and go through the struggle that it takes to win back rights. The remaining teachers, those on 500,000yen a month need to take heed, as this salary cut is the first sign that their own salaries are in jeopardy. Our experience shows that when salaries are cut for new workers, the older workers' salaries are soon to follow. They may feel safe for the time being, but they will lose out in the end. The remaining workers need to join with the new hires to demand a reversal of the policy. As stated in the letter, the new hires thought the pay was actually good; therefore it's up to the remaining workers to pave the way for unionization. New workers will feel grateful for the chance to earn 350,000 yen per month so it's up to the 500,000 yen per month workers to explain that the difference in pay is wrong and that they will struggle together for the same pay rates. Only when this happens will the foreign teachers have any chance of real success.

13th Annual Migrant & Workers' Rights Day

NUGW - Tokyo South

On March 10th, at the 13th Annual Day for Migrant and Immigrant Workers' Rights, unions presented demands to officials from various government ministries at the Diet Lower House Representatives' Building No.2 in Kasumigaseki.

At the session, organizers from the various unions faced ministers from the various ministries. The organizers were supported by union members who filled the conference room.

Discussions with the Ministry of Health, Welfare and Labor and concerned cases of the mistreatment of migrant workers.

Additional discussion concerned the regulation of pension payments to contributors in their home countries.

Expansion of the current system to benefit more workers is pending. Thereafter, the labor unions of foreigners met with officials of the Ministry of Education, Culture, Science, Sports and Technology. The demands centered on the unclear status of the Assistant English Teachers (AET),

members of the Japan Exchange and Teaching (JET) Programme. This group is not under government surveillance; and frequent infringements of labor rights are said to occur.

The case of the Tokyo International High School, where in April 2000 the teaching load (and salaries) of foreign staff was cut by 20% without compensation, was also raised. This is an ongoing case and a decision can be expected soon.

Other demands concerned government positions on matters such as the place of foreign workers in the Japanese economy, tax policy with regard to foreign workers, and the status of foreign national children in the Japanese educational system.

The day ended with a short closing address of Diet member Kaneda, who appealed to foreigners for patience. He emphasized that changes would come gradually.

Simultaneous interpretation into English, Spanish and Korean was provided for the first time for this event.

NOVA Holidays - FOUR WEEKS NOTICE - Not Mandatory

General Union

The above headline is not only the union's legal opinion; NOVA management at our December collective bargaining session stated it very clearly. The union's position with NOVA over this matter has been very clearly established, the law gives no minimum for notice to take paid leave but says that workers must be able to use these holidays flexibly, therefore a four week notice period is against the spirit of this law. When pressed in bargaining, NOVA admitted that the four weeks no-

tice is only a request from management.

It was pointed out that the contracts say that teachers MUST give four weeks notice, but NOVA answered that they would not change the contracts.

We therefore urge teachers to use their paid holidays flexibly and contact the union if their request is turned down due to the four-week rule. This especially affects NOVA teachers who have to quit suddenly and therefore feel that they don't have enough time to use their paid holidays. Contact the union if you can't use your holidays FLEXIBLY.

OSAKA GAIGO Shame on You!

General Union

After a long history between Osaka Gaigo Senmon Gakko and the General Union, where the company was forced to follow the law and give other allowances to teachers, we find ourselves in a big mess. Osaka Gaigo recently fired a non-union teacher thinking that the union would not get involved (all full timers are in the union except for a very few teachers).

After listening to the problem faced by the fired teacher, both the union and the members at Osaka Gaigo decided that we needed to take action and allow the member back into the union. The company fired this teacher due to a complaint from a student regarding an off campus matter which is impossible to ascertain. Union members have decided that all teachers are vulnerable if a student complains and the teacher can be fired unilaterally.

The union entered into talks with Osaka Gaigo through the grievance procedure. We believed that this issue could be settled peacefully but Osaka Gaigo decided to break that law and threaten the member that his union involvement over this issue would lead to the student filing a complaint with the police. Of course, filing a complaint with the police is everyone's legal right, but using it as a threat against continued union action violates article 7 of the Trade Union Law.

The member, feeling that he has done nothing wrong, welcomes the student filing a legal complaint and will continue challenging the Senmon Gakko regarding his unfair dismissal. Osaka Gaigo, after their long study of the law regarding unions and what they should and should not do, now find themselves threatened with action regarding the unfair dismissal, and with the union angry over an unfair labour practice.

We will win at this school because we are right and the teachers also feel that their co-worker is right. Make sure you are available for picket duty at this school.

Berlitz Gakuenmae Franchise School

An Instructor's Story, March 2003

Just over six months ago I was offered a job at the Berlitz Gakuenmae (Nara) franchise. This offer included a one-year contract, fully paid training, health insurance, a 10-day paid holiday, help in finding and obtaining an apartment and ¥250,000 per month for an availability schedule of 36 hours per week and approximately 25 hours per week of actual work.

After finishing my one week training I was informed that my salary would be cut to a lower rate than that I was first told and only half of my training would be paid.

One month later, I was finally given a written contract, but five minutes before the signing process, Mr. Morita, the owner of this franchise, suddenly changed a "few" items:

My contract was reduced to six months. I was assured that I was still hired for a year but due to their accounting system they had to proceed that way...!

The health insurance would only be paid at 50%

My hours of actual work went up to 40 hours per week

My base salary was reduced to ¥210,000 a month plus a ¥35,000 housing allowance and a mysterious ¥5,000 full time allowance (supposedly to be retrieved if I was late for a lesson)

Moreover, I ever never got any help of any sort to find an apartment.

During the following months, the franchise owner slowly started to take money out of my (and other instructors') salary. It took months before they unclearly informed us that we had to remain on the school premises although we didn't have any lessons or duties. This was contradictory to what Instructors had been told on hiring. The working practices would change by the hour so we didn't know if we were coming or going. My paper con-

tract came to an end on March 15th, 2003, I requested to be provided with a clearer contract based on our verbal agreement at my initial hiring. On March 13th, I was handed a new contract stating that from March 16th, I would be put on a pay per lesson contract with no salary guarantee, no insurance and no paid holiday.

I wrote a letter to Mr. Morita's aide, Mr. Nakajima, to request that our initial 1 year contract agreement be respected. My reply was that since I complained, I could consider myself fired.

I visited the unemployment office to declare that I was seeking new employment as I had been fired. In order to claim unemployment benefits, I need to submit paperwork from Gakuenmae L.C (Language Center). I contacted Gakuenmae L.C. for the paperwork to be told that it would only be released if I submit a letter of resignation stating why I left the L.C.

Many Instructors have passed through this company in exactly the same way as I have. Many Instructors are still here suffering. If ever you feel you are in a working environment where your boss doesn't respect you, your contract and your rights, just leave ASAP. You will never get anything from such people except anxiety and stomachaches!

Branch Declaration

General Union

Instructors at Gakuenmae L.C. have declared the formation of their own branch union in order to begin Collective Bargaining with the joint owners of their 'independently owned and operated' L.C. Gakuenmae L.C. is in breach of numerous Labor Standards Laws that Berlitz Japan were forced to correct in the past. The previous article is a clear reminder of the difficulties and unfairness faced when workers bargain their grievances alone. If your workers' rights are being abused then don't allow your situation to hit bottom before you contact your union.

Back on Strike! GU Secures Jobs in High Schools

General Union

A labour dispute at Nichibei Eigo Gakuin looks certain gain this year after two collective bargaining sessions which saw the company refuse pay rises again to the union members.

Last year, after strike action, the company offered a measly 1.5 % par rise to teachers of over 5 years service. One union member had worked for 11 years with no increase whatsoever, so naturally we rejected the offer. The company, clearly in order to draw the sting from our demands, set up a 'transparent' evaluation/pay rise system. The first pay award from this came in January. Not surprisingly, not a single union member got one, and most of the small minority who did seem to have received only 0.5% or so. Furthermore, the company refused to explain in collective bargaining how they evaluated the teachers, saying that it could only be done in private meetings. Quite some transparency! The vice-president herself evaluated the teachers by observing them for 20 minutes each. This is the same person who for several years tried to smash the General Union in the company, firing three union members, but finally losing in Osaka High Court and backing down completely 2 years ago. The union cannot possibly entrust pay rises into such hands, and informed the company that it intends to carry on bargaining and fighting if necessary for fair wages.

This year, with the company spending liberally on new computer networks, remodeling and a new school in Shinjuku, we were in no mood to hear that finances were 'tight' and that no pay rises were possible.

Nor were we too happy to hear a threat from the vice-president Kuroda Noriko in collective bargaining to sue a union member for 'obstruction of business' if we went on strike over a deduction from our January pay. She obviously hasn't read Trade Union Articles 1 and 8, which provide for immunity from civil and criminal liability for their proper actions in labour disputes. This aside, she has committed a clear unfair labour practice, which we intend to pursue as part of our dispute.

The GU Nichibei Eigo Gakuin Branch asks for the support of all General Union members in our Shunto campaign this year.

General Union

A flurry of calls from existing union members over the last month or so has happily ended in victory in all the cases. In Otani High School, Kyoto, one member was informed his working hours would be cut. One letter from the union was enough to raise the number of classes to 13, which he was happy with. At Kyoto Gaidai Nishi High School, another member was told there was no work for him in the coming year. The union sent demands and school officials visited the GU office. Finally all of his classes were guaranteed for the

coming year.

At Shoin High School, another member was facing layoff, but with union backing won all the lessons she was hoping for. Another case in an Osaka prefecture high school is still under negotiation.

Existing union members get full priority over people joining with a problem. This year we have had to turn people away, as we have been too busy. To all non-members out there, we would like to say, 'Don't be silly. Join now before it's too late. If you try to join later on, it may already be too late, or we may be too busy to help'.

NCB Fukuoka Unfair Dismissal

Fukuoka General Union

The continuing story of my dismissal from NCB, Fukuoka, for attending an interview.

After a negotiation in February this year with NCB management from Fukuoka, Tokyo and Osaka, NCB refused to accept any of the General Union's points about the unfairness of my dismissal. NCB kept to their story that I was happy to be dismissed on December 10th 2003 and that I agreed to it.

Nothing could be further from the truth. I was angry to be dismissed and worried about my future as my wife is expecting a child. NCB asked me to sign a form and didn't tell me it was a resignation form. They said I needed to sign it to show that I acknowledged my dismissal. Of course I refused, this was a dirty trick.

At the negotiation, I told NCB that I have always opposed their termination of my contract. Because they refused to accept even this point, the GU said to NCB that a further negotiation would be futile and that we should continue with arbitration via the Labour Commission.

The Labour Commission's procedure entailed that NCB and the GU meet twice. The first meeting, March 7th, had us stating that I was given no chance to save my job as I was sacked a full four

days before the interview that I wished to attend was scheduled.

A little like the sci-fi film *Minority Report*, I was busted for something that they thought that I might do in the future. To the contrary, I told NCB that I would not attend that interview if it would entail a risk to my current job with them. I also told the commission that on the first meeting I had with NCB on December 10th to discuss my wish to go to an interview and hence request time off, NCB told me not to worry about my job with them and that I was free to attend the interview. However, 2 hours later they told me that my contract would be terminated in 30 days.

The Labour Commission seemed to agree with us and suggested that NCB consider a financial settlement.

We said that we would settle for 3 months pay. However, at the next meeting, NCB said that they were not prepared to settle financially yet because we had not yet negotiated enough. My feelings are that at the next negotiation, which seems like a time-wasting exercise set by NCB in the hope that we'll give up, we should say that we intend to sue them for 4.5 million yen, representing 9 months severed contract and the same monetary amount by way of apology pay.

In solidarity

Union begins talks with Boards of Education over dispatch

Don't be fooled!

General Union

General Union

This March, General Union executive officers visited three boards of education to discuss their employment practices for foreign language teachers. Specifically, the union was discussing the BofE's use of dispatch workers (workers hired by private companies and sent to work at BofEs). In all, three boards were visited; Hirakata, Toyonaka, and Osaka, and were quite cooperative in providing the union with information (the Osaka city board does not use dispatched teachers).

The points that were discussed are as follows:

1. Why the boards are using dispatch teachers and aren't hiring directly.

Basically the boards feel that they are paying less for dispatched teachers and have more flexibility based on their needs regarding the numbers of teachers.

Aside from this very quick answer, the people we met with weren't too sure why dispatch teachers were being used.

2. How the boards plan to keep teachers over one year.

The boards were clear that they want teachers longer than one year because it takes at least one year to get used to the job. They were quite shocked to find that if they intended to have teachers working past one year; the dispatch law says that they should be hired directly.

3. How the boards could control qual-

ity when they don't employ directly.

The boards admitted that they do require the dispatch company to provide quality teachers, but do not check the levels of training and evaluation.

4. How the boards assure that the dispatching companies are obeying all relevant labour laws.

The union explained that, according to the dispatch law and because the boards are public bodies, the boards have an obligation to guarantee that teachers being dispatched to them are gaining all the benefits of the law. These include; paid holidays, unemployment insurance, workers' compensation insurance, and health and pension. Again, the boards stated that they do have a clause in the contract stating that dispatching companies will follow the laws of Japan, but they do not police this.

Campaign for direct hiring

In the coming months the union will continue visiting boards of education and sending our surveys regarding their employment practices. We hope to encourage the boards to use direct hires as we believe that it will lead to improvements in working conditions and the quality of education, while leaving parasitic middle men out of the equation.

If you work for a dispatch company and are being sent to school boards, the union wants to hear your story.

The British Council's reputation for quality English teaching may be well deserved. But how does it measure up as an employer? If you actually work there as a teacher, you have cause for concern. A lot of concern. Here's why:

Job security Worldwide, BC policy is to allow staff to remain for only two or three years in one post. Up to now, Japan has been an exception. How much longer will this be so?

If you're hourly paid at the BC, you already know what insecurity means: your schedule is only guaranteed for ten weeks at a time.

Welfare benefits Did you know that companies in Japan are obliged by law to enrol employees on workers' insurance? This includes unemployment insurance, which provides enough to live on for a while if you lose your job, and accident insurance. Without workers' insurance, you're not covered. NOVA, ECC, and Linguaphone have complied with the law on workers' insurance (after some "persuasion" from the Union). Why should the British Council not offer employees the welfare benefits they're entitled to? It should be setting standards in the language industry, not trailing behind NOVA!

Paid holidays Under the Labour Standards Law, if you work 5 days a week, you should get at least ten *paid flexible holidays* a year. That means holidays you can take at a time you choose. BC contracts set the dates of your paid holidays, and thus they fall short of the legal standard. If you work less than 5 days a week, you should get a proportionate number of paid flexible holidays, even if you're an hourly paid teacher. In fact, hourly paid teachers get no paid holidays. And that's 100% illegal.

Unfair treatment of staff In both Japan and Spain, BC teachers have suffered unfair dismissals. In Spain, the Council admitted it was in the wrong after being taken to court by the teacher concerned. In Japan the Union is dealing with the grievance. So far, the British Council is refusing even to meet the Union for negotiation – a violation of the Trade Union Law. In Japan an employer *must* negotiate with a Union when requested to do so.

We know a BC staff rep system was set up recently. Don't be taken in by this: it's just a ruse to keep the Union out – and keep you in line.



"Your predecessor was good at the opening threats and bluster...but he always disappointed me by actually reaching an agreement with the union."

NOVA Usagi sending the wrong message

ELT News www.eltnews.com

Love it or hate it, it's hard to ignore the "Nova Usagi" and its catchy jingle. The animated pink bunny that has been the central character in a series of TV commercials for the Japan's biggest eikaiwa school chain is enjoying a huge popularity boom. Nova claim to have sold some 260 million yen's worth of stuffed toys and other merchandise over the last three months. But for some the rabbit's welfare has been a cause for concern.

The Japan Society for the Prevention of Cruelty to Animals were not impressed when the second ad in the series showed the bunny having its ears lopped off by a passer-by on a (Shane English School?) double-decker bus. "That commercial could only be perceived as mistakenly telling children it was fine for them to pull a rabbit's ears," said a JSPCA spokesperson.

They filed a complaint in mid-January and a couple of weeks later Usagi-chan was transformed into a club DJ. Nova claim the ad was due to change anyway.

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.

Fred Shannon - Berlitz Timeline

NUGW Berlitz Union

August 2002

I asked for a copy of the schedule today. The Language Center manager looked at me and asked, 'Do I have to do this every day? Do you need it now because I don't have time as I'm very busy. I will have to contact Human Resources about this.'

I asked her how often my lessons were being recorded and she said, this was the first of the day

I asked my Instructional Supervisor if I could be provided with a copy of the teachers' schedule and was told that 'I did not have a legitimate reason to have it printed out for me.'

I had another meeting with the I.S. at Nakano L.C. today. The I.S. advised me that I had received another disrequest. As a punishment, I would have my lessons listened to more often to help correct my teaching style.

I was informed that my disrequests had suddenly shot up from 1 disrequest to '11 or 12 disrequests' in a matter of days and as such I would be receiving a third forthcoming official Berlitz Reprimand which would ultimately have me receiving no lessons. I was told there was nothing that the I.S. could do but take me off the schedule and only call me in to teach at during emergency situations.

I submitted a request for disclosure of my personnel file through the L.C. di-

rector and I.S. The I.S. advised me that he had the discretionary power to reject my request as I had not addressed the letter to Paul Bell of Human Resources. The I.S. wanted to make it clear to me that he was being a nice guy for forwarding my request even though it was not addressed to Paul Bell in H.R.

I was shown the contents of my personnel file. Contrary to the I.S.s' earlier statements, there was only 1 documented disrequest in my file during almost 2 years of service.

The I.S. didn't show up for his first class this morning. He was scheduled to teach at 10:45. Our secretary came running into the teacher's room asking for teachers to help with a schedule change. The I.S. had "Over slept."

During a 5 minute break, our L.C. secretary, was sitting at the I.S.s desk with a cassette recorder. I asked whose lesson had been recorded and she said it was mine. I asked her how often my lessons were being recorded and she said, this was the first of the day.

I receive 3 lessons - none of my lessons are consecutive with the longest break 5 lessons long

I receive 3 lessons - none of my lessons are consecutive with the longest break 5 lessons long, which had me coming back to teach a 5:30 X 1 class and then locking up the L.C. This becomes a repeating pattern.

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).

Voice

ナショナルユニオン

"Voice"の紙面

- ◇ ゼネラルユニオン総会
- ◇ Y M C A 争議報告
- ◇ 愛知全労協
- ◇ U T U の活動

2 0 0 3 年 4 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

NCBは不当解雇を撤回せよ!

福岡ゼネラルユニオン

昨年12月10日 NCB 英会話教習所は、ピーター・チェイニー氏を不当に解雇しました。解雇理由は、チェイニー氏が「他への就職を目的とした面接のために繁忙時の欠勤を申し出て、会社の拒否・説得に反して敢えて欠勤して一部の授業を閉めざるを得なくし、生徒に多大な迷惑をかけたこと」となっています。

ところが、面接は12月14日に予定されていました。チェイニー氏は1週間前の8日には面接の内容も明らかにしたうえで、休暇を申し出ています。直前や当日の申し出ならともかく、チェイニー氏が休むことで授業を閉めたり、生徒に多大な迷惑をかけることがある訳がありません。さらに、彼は「面接を受けることで NCB の仕事を失うのであれば面接へはいかない」ことを明言しています。しかし、NCB は彼に対して一度も面接に行かないよう説得をして

いません。その代わりにまったくの突然、「解雇」を通告したのです。要するに、NCB は自己主張をする労働者を排除することを目的に「解雇」という決定をしたのです。

チェイニー氏は福岡ゼネラルユニオンに加盟し、直ちに団体交渉を要求しました。NCB は団交で、チェイニー氏が解雇に同意したと主張し、解雇には何の問題もないと主張しました。労組は NCB のそうした主張を具体的に反論し、解雇がいかに不当なものであるかを立証しました。しかし、まったく歩みよらないまま団交は決裂しました。

止むを得ず、労働委員会に解雇に関してあっせんを申請しました。2 回に渡って開かれたあっせんの場でも、NCB は解雇の合理性のみを主張し、「そもそも英会話の教師としての素質がないから解雇したという」新しい主張まで持ち出す始末です。

結果として NCB は労働委員会

のあっせん案すらも拒否し、あっせんは不調に終わりました。ただ、団体交渉には応じる用意があることを表明したため、後日、再度団体交渉を開催する予定です。ただし、これまでの NCB の主張から判断して、団交だけでは解決できるとは思えません。裁判闘争も準備していくつもりです。本人は断固として闘い続ける決意をしています。皆さんの支援をよろしくお願いします。

ゼネラルユニオン
2003年定期総会
2003年4月20日
13:00~17:00
ドーンセンター(大阪)

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