

University Teachers Union

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UTU Information Second Edition

UTU

**National Union of
General Workers**

About this pamphlet

Whether you have a problem at work or are simply interested in knowing your rights, there are organisations that can provide you with the help, advice and information you need. The purpose of this pamphlet is to give a brief guide to labour and trade union laws in Japan, web sites that offer more detailed information in English, and unions, government agencies and other organisations that provide support, solidarity and advisory services. A pamphlet this size cannot cover everything, but we hope it proves a useful starting point.

University Teachers Union

The University Teachers Union is a branch of the 2,500-strong National Union of General Workers Tokyo Nambu. In addition to solidarity with other NUGW branches, our sister-union, General Union, and the Part-time Lecturers Union, we actively support the NUGW Nambu Foreign Workers Caucus and its work to protect and enhance the rights of foreign workers in Japan.

The University Teachers Union represents both part-time and full-time university teachers, mainly in the Tokyo area. Our aims are:

- to maintain and improve the working conditions of our members
- to provide a forum for discussing problems at work
- to support teachers in dispute, and to offer solidarity to fellow trade unionists
- to challenge discrimination based on ethnicity, age, gender or sexual orientation
- to work towards the creation of working environments in which professionalism and quality education are promoted

Your Basic Rights

The Labour Standards Law, Minimum Wage Law, Workers' Accident Compensation Insurance Law are applied to *all people* working in Japan to regulate working conditions.

"All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin."
(Article 14, Constitution of Japan)

An employer must clarify in a written contract of employment:

- The term of the working contract
- Place of work and work content
- Work starting time and finishing time, the possibility of work outside the specified work hours, rest time, holidays, vacations, etc.
- Pay terms, how it is calculated and method of payment, when it is to be paid, information about pay increases
- Details about retirement

"A dismissal shall, where the dismissal lacks objectively rational grounds and is not considered to be appropriate in general societal terms, be treated as a misuse of that right and be invalid." (Article 18-2, Labour Standards Law)

You have the right to join a trade union. "The right of workers to organize and to bargain and act collectively is guaranteed." (Article 28, Constitution of Japan)

If you resign or are dismissed, an employer must pay outstanding wages within 7 days following the receipt of a request for payment. (Article 23, Labour Standard Law)

Dismissals and resignations

What is work dismissal (kaiko)?

Work dismissal (kaiko) is the one-sided termination of an employment contract by the employer. An employer must have a rational reason to dismiss an employee. If you are dismissed without a justifiable reason, you should consult your union, a Labour Standards Inspection Office or a labour enquiries office immediately.

1. In the case where there is no fixed term of employment an employer must give at least 30 days notice of dismissal to the employee. If the employer dismisses an employee immediately, the employee must be paid an average wage for 30 days or more as 'notice pay'.

2. In the case where there is a fixed term of employment an employer cannot dismiss an employee during the term of the employment contract except under unavoidable circumstances. Even under unavoidable circumstances, the employer needs to give 30 days or more notice or pay 'notice pay'.

3. If you are dissatisfied with your dismissal, you should express your dissatisfaction with your employer and have the employer issue a 'Proof of Resignation' (taishoku shomei sho) to clarify the reason for the termination of the contract, whether it was a dismissal or resignation.

If you are not satisfied with the employer's reason for dismissal, you should consult the Labour Center (roudou centre), a lawyer or some trustworthy enquiry office. If you think your dismissal is in breach of the Labour Standards Law, consulting the Labour Standards Office is also possible.

Resignation (taishoku)

If the employee makes a request to resign and the employer agrees, the employment relationship is terminated by a mutually agreed contract.

An employee with no fixed term of employment can leave the company 2 weeks after the date of their notification of resignation even if the employer does not agree with the resignation.

If the employee is working under a fixed term of employment, they cannot ask to terminate the contract during the fixed term unless (1) this is permitted under the terms of the contract, (2) if the actual job conditions differ from (are inferior to) those stated in the contract, or (3) it is due to unavoidable circumstances.

If an employer agrees to an employee's resignation, the employee, in principle, cannot withdraw their resignation request. It is important to be careful when resigning.

In the case of resignation, if the employee demands, unpaid wages can be paid within 7 days. Savings, wages and other money which you have a claim to, can also be returned.

The employee must return to the employer any company ID cards, uniforms lent to them, and their health insurance card by the date stated in the 'working rules'.

Sample Action Plan for Dealing with a Grievance

The following suggestions are intended to help you organise documentation and build support in the event of a grievance at a university or college. Many of the points below may seem obvious, but experience suggests that the better organised you are, the clearer you are in specifying your grievance, and the more support you have from other teachers, the better your chances of achieving a successful resolution of the problem.

1. Gain the support of other teachers. This can be particularly difficult for part-time teachers, many of whom have minimal contact with the wider teaching community in a school. Taking time to foster good relations with others, however, can not only provide a basis for personal support when you have a grievance but also helps to create a better working environment.
2. Popularity with students. Being evaluated as a popular and committed teacher can strengthen your position in the case of criticism of your professional conduct, especially if it is supported by documentary evidence that was provided by the university. However, it is to be remembered that popularity can be felt as threatening to other teachers and pushing one's status among students can be counter-productive.
3. Keep and organise all documents related to your place of work - contract, pay slips, communications from the university, etc. Correspondence from the university will almost certainly be in Japanese, and it is your responsibility to understand it.
4. If you cannot speak or read Japanese, find someone who will help you. Your contract is the most important work-related document you have and must be understood in detail before you challenge any imposed change in working conditions, and ideally should be understood before being signed. In the process of resolving a grievance with management you should expect all communication to be in Japanese.
5. If you have a grievance, find out if other teachers have experienced a similar problem. What might appear at first a personal problem, such as a reduction in salary, may in fact be part of an across the board wage cut. In this case, your grievance might be better addressed in a collective response to the issue.
6. Organise all your documents chronologically, and write a summary of the sequence of events, with specific details of your grievance, backed up with evidence. Your case notes should be thorough, precise and objective as they may be used in discussions with management, consultations with a trade union and requests for legal advice at a Labour Consultation Center.
7. In the first instance, when dealing with a grievance, it is advisable to avoid a confrontational approach. Personally visit the relevant office or department and treat the problem as a mistake or misunderstanding. The office staff you are likely to deal with first are workers like ourselves and being antagonistic to people not responsible for the problem can jeopardise wider support in the university community.
8. If the response is unsatisfactory, then an approach must be made to the head of your department or faculty. Again, confrontation is unlikely to be productive, and the terms of any discussion should be to clarify the situation and find explanations. It is advisable to keep notes of any meeting in case the matter has to be pursued later.
9. At this point, if the grievance has not been resolved to your satisfaction, you need to consider if you are prepared to take the matter further. Possible gains have to be weighed against potential risks, and a realistic assessment made of the strength of your case, the support you can muster and the degree to which you think the university will accept your case or compromise. The law may well be on your side, but a management intent on forcing through changes to working conditions can be ruthless. Disputes can be drawn out, and the fight for what is right can be emotionally as well as financially demanding.
10. Should you decide to proceed further, consult a lawyer, visit a Labour Consultation Center or contact a trade union. The threat of legal action might be enough to expedite a quick resolution of the problem, but this certainly cannot be guaranteed.

The strongest and most reliable support you will get is from a trade union. It should, however, be borne in mind that trade unions do not have limitless resources, and are primarily concerned with protecting the interests of long-standing members - members who have given time and money to build the union's strength. It is unfortunate, but if you are not already a member, a union's response to your request for help may be limited to offering sympathy and the most basic advice.

The Labour Advisory System

The Tokyo Metropolitan Government offers free advisory services on labour affairs as part of its administrative service, using the labour consultation system. Through this service, consultants usually give advice on Japanese labour laws and on domestic employment practices.

There are many problems, however, that cannot be resolved only by advice to the parties - the employer and the employee(s). In such cases, consultants begin acting as third party conciliators upon the consent of the parties, to assist them in reaching an acceptable solution to the problem or matter in question. The consultants do not represent either party, but they try to bring the parties to a reasonable conclusion, taking both parties views into consideration.

If conciliation fails, it will be discontinued. If this, unfortunately, is the case, you may still:

- Refer the matter to the Labour Standards Inspection Office if it concerns a violation of any of the labour laws,
- Consult with a lawyer about the matter if it is a different problem, and bring it to court.

Source: The Foreign Workers Handbook, Labour and Economic Affairs Bureau, Tokyo Metropolitan Government, 1996

Advisory Services for Foreign Workers

Tokyo Metropolitan Labour Advisory Services for Foreign Workers

www.tfemploy.go.jp/en/coun/cont_4.html#tonai

The web site provides a complete list of Labour Standards Inspection Offices in Tokyo, Tokyo Immigration Bureaus, and Tokyo Labour Consultation Centres (at Shigoto Center, Osaki, Ikebukuro, Kameido, Kokubunji, and Hachioji).

Tokyo Metropolitan Government Labour Consultation Centre

Address: Tokyo Shigoto Center 9F, Iidabashi 3-10-3, Chiyoda-ku, Tokyo

Hours: Monday to Friday, 9:00am to 5:00pm (English 2:00pm to 4:00pm)

Tel: 03-5211-2346

www.tokyoshigoto.jp/traffic.php

Labour Consultation Centres offer consultations on workplace matters, advice on Japanese labour law and employment practices.

Prefecture Consultation Offices, Information and Advisory Services (English)

<http://www.clair.or.jp/tagengo/consult/en/index.html>

Chiba Labour Standards Office

Tel: 043-221-4311, English available, 10:00-12:00 & 13:00-15:00, Tuesday and Thursday

Fukushima Labour Bureau

Tel: 024-536-4602, English available, 9:00-16:30, Wednesday and 2nd and 4th Thursday

Gunma Labour Bureau

Tel: 027-231-4515 (Japanese only)

Ibaraki Labour Bureau Tel: 029-224-6214, English available, 9:00-12:00 & 13:00-16:30

Kanagawa Labour Bureau

Tel: 045-211-7351, English available, 10:00-12:00 & 13:00-16:30, Tuesday and Thursday

Nagano Labour Bureau

Tel: 026-223-0553 (Japanese only)

Niigata Labour Bureau

Tel: 025-266-4164, English available 8:30-17:00, Tuesday and Thursday

Saitama Labour Bureau

Tel: 048-600-6204, English available, 10:00-12:00 & 13:00-16:00, Tuesday and Friday

<http://www.city.kawagoe.saitama.jp/koryucenter/e/guide/96.htm>

<http://www.city.kawaguchi.saitama.jp/guide/e/consultation.html>

Shizuoka Labour Bureau

Tel: 054-25413352, English available 9:00-16:00, Monday and Friday

Tochigi, Hello Work Office Utsunomiya Station Plaza

Tel: 028-623-8609, English available 9:00-16:30, Monday through Friday

Yamagata Labour Standards Office

Tel: 023-624-8226 (Japanese only)

Yamanashi Labour Standards Office

Tel: 055-252-4856, English available 10:00-15:00, Tuesday

What is a Labour Commission (rōdō iinkai)?

A Labour Commission is an administrative agency, not to be confused with the Labour Standards Office, which offers procedures for correcting unfair labour practices. The Prefectural Labour Commissions are composed of commissioners representing the interests of labour, the interests of employers, and the public interest.

Unfair labour practices cases are formalized trial procedures presided over by a commissioner in which the union and the employer confront each other. Lawyers can represent the parties, but they are not necessary. Finally, the commissioners decide whether or not an unfair labour practice has been committed, and they issue orders either dismissing the complaint or providing administrative remedies.

The law does not envisage use of the Labour Commission as a normal form of procedure in labour relations. Employees and management are supposed to be able to settle problems by themselves through collective bargaining and collective agreements (Article 2, Labour Relations Adjustment Law), but sometimes unions have to apply for help from the Labour Commission. This should be regarded as an extraordinary measure.

Note: An unfair labour practice case can only be brought before a Labour Commission by a trade union, not an individual employee.

Thanks to General Union. Further information: <http://www.generalunion.org/law/ULPatLC.htm>

Tokyo Employment Service Centre for Foreigners

<http://www.tfemploy.go.jp/en/info/index.html>

Tokyo, Minato-ku, Roppongi 3-2-21, 1st Basement, Roppongi Job Park 106-0032

Tel: 03-3588-8639, Fax: 03-3588-8659

TESCF provides help-wanted information and employment consultation to foreigners and businesses in Japan. The TESCF can also answer questions regarding your visa in Japan and how your employment status will affect it. Through their website, you can link to Hello Work Offices, labour and immigration information services, and immigration bureaus. The TESCF website also provides links to offices in Osaka and other areas of Japan.

<http://www.tfemploy.go.jp/en/sitemap.html>

Other legal advice and counselling services

Tokyo International Communication Committee

<http://www.tokyo-icc.jp/map/index.html>

TICC provides information on advice services available in Tokyo. The NPO also offers professional consultations to foreign residents for legal problems concerning work, home, residency, health and education. Check the web site for places and times.

Japan Legal Support Center or “Hōterasu” www.houterasu.or.jp (Japanese)

80 operators, with an English-speaking operator available, deal with all legal issues.

Tel: 0570-078374, weekdays 9am to 9 pm, Saturdays 9am to 5pm

Human Rights Counselling Center for Foreigners

Tokyo Legal Affairs Bureau, Tokyo, Bunkyo-ku, Kouraku 1-9-20, Tel: 03-5689-0518

In English 13:30-16:00, Tuesday and Thursday.

Tokyo English Life Line (TELL) <http://www.telljp.com>

Tel: 03-5774-0992

Trained volunteers offer free telephone counselling and information in English seven days a week, from 9:00am to 11:00pm

For further sources of help: US Embassy, <http://tokyo.usembassy.gov/e/acs/tacs-7104.html>

Unions with members in colleges and universities

National Union of General Workers Tokyo Nambu

Tokyo-to, Minato-ku, Shimbashi 5-17-7, 105-0004

Tel: 03-3434-0669

Fax: 03-3434-0334

Nambu Foreign Workers Caucus

Email: info@nambufwc.org

Web site: <http://www.nambufwc.org>

University Teachers Union

Email: utu-japan@yahoo.com

Web site: <http://www.utu-japan.org/>

General Union - Osaka Office

Osaka, Kita-ku, Temma 1-6-8, Rokko Temma Biru 201, 530-0043

Tel: 06 6352 9619

Fax: 06 6352 9630

Email: union@generalunion.org

Web site: <http://www.generalunion.org>

General Union - Tokai

Nagoya-shi, Nakamura-ku, Meieki Minami 1-20-11, NPO Plaza Nagoya
450-0003

Tel/Fax: (052) 561-8555

Email: tokai@generalunion.org

Web site: <http://www.generalunion.org>

Education Workers and Amalgamated Union Osaka

Osaka, Chuo-ku, Kitahamahigashi 1-17, 8th Floor, Nippon Word Data Bldg,
540-0031

Fax: 06-4793-0644 Tel: 06-4793-0633

Email: info@ewaosaka.org

Web site: <http://www.ewaosaka.org>

Fukuoka General Union

Fukuoka-city, Hakata-ku, Hakataekimae 4-7-2,
"BIOTOPE" Fukuoka NPO office
Tel/Fax: 092-473-1222 Cell phone: 090-8396-7268
Email: fukuoka-general-union@nifty.com
Web site: <http://fukuoka.generalunion.org/index.htm>

Union of University Part-time Lecturers in the Tokyo Area

Email: Meat113@aol.com
Web page: <http://f47.aaa.livedoor.jp/~hijokin/KT02.html>

Union of Part-time Lecturers in the Hanshin Area

Union office: (06) 564-0027
c/o Mr Fukuda, Asahicho, Suita-shi, 564-0027
Email: DPE01273@nifty.ne.jp (Fukuda)
Tel/fax: 0744-29-2074 (Mr Nagasawa) or 0726-95-8031 (Mr Ejiri)

Source: debito.org and union web site information, May 2007

Trade Union and Labour Law: General Information

Q1: What rights do workers have in Japan?

The Japanese constitution (Article 28) guarantees three basic rights to workers:

1. The right to organise collectively
2. The right to bargain collectively
3. The right to act collectively

The Trade Union Law applies and regulates these rights for trade unions. Any workers' associations have these rights, but only registered trade unions are entitled to the protections contained in the Trade Union Law.

Q2: What is a Trade Union?

It's an association which promotes the economic well-being of its members without being a social, political or welfare organisation (Article 2).

1. It must NOT receive any financial help from employers.
2. It must NOT represent the interests of management. Managers with the power to hire and fire are excluded, as are employees with access to confidential company information. To be registered as a Trade Union with the local Labour Commission, and thereby be entitled to the protections of the Trade Union Law, it must also fulfil certain requirements (Article 5) in its constitution and practices (e.g. AGMs, strike votes, democratic elections, etc.). NUGW fulfils all these requirements, and is a properly registered trade union.

Q3: Who can join a union?

Anyone can, but a union must be predominantly composed of workers (Article 2).

Q4: Do unions have a right to refuse membership?

Yes. Unions are private voluntary associations, and have the right to exclude people. However, no exclusion can be based on considerations of race, religion, sex, family origin or creed (Article 5).

Q5: What are the purposes of the Trade Union Law?

To quote Article 1 of the Trade Union Law,
'The purposes of this law are to elevate the status of workers by promoting their being on equal standing with their employer in their bargaining with the employer, to protect the exercise by workers of autonomous self-organisation . . . that they may carry out collective

action . . . and to encourage the practice of collective bargaining .. for the purpose of concluding collective agreements.'

This is a very strong statement of affirmative action on behalf of unions, whereby union activity is not just tolerated, but promoted as something desirable for society. We should know this law, and know what it can do for us.

Q6: Does the Trade Union Law cover foreign workers in Japan, too?

Yes it does.

Source: General Union of Osaka. For more information, visit: <http://www.generalunion.org>

More information on trade union and labour law

General Union of Osaka <http://www.generalunion.org>

Detailed Q&A sections on Labour Standards Law (Contracts; Firing, Quitting and Contract Non-Renewal; Wages: Overtime, Lateness, Rest Periods and Days Off; Women) and Trade Union Law (The Right To Organise; The Right To Bargain Collectively; The Right to Collective Action: The Labour Commission).

Arudou Debito <http://www.debito.org/acadapartupdateoct05.html>

Increasing sophistication by employers to disenfranchise increasingly sophisticated employees: Labour protection and loopholes in the law

Japan Institute for Labour Policy and Training

<http://www.jil.go.jp/english/index.html>

The Japan Institute for Labour Policy and Training contributes to the planning of labour policies. It conducts comprehensive research projects regarding labour issues and policies, both domestically and internationally, and uses the findings in training programs for administrative officials.

- Labour Laws of Japan
- Japan Labour Review
- Labour Situation in Japan and Analysis
- Japanese Working Life Profile
- Statistics
- The Japanese Journal of Labour Studies

The Japan Labour Review is a quarterly journal of research in the field of labour studies. Free subscription to print version is available on-line.

Japan Institute of Workers' Evolution (JIWE)

<http://www.jiwe.or.jp/english/law/index.html>

The Japan Institute of Workers' Evolution (JIWE) was established in April 1986, following the introduction of the Equal Employment Opportunity Law. The JIWE aims to establish good employment relations within companies, improve the welfare of female workers, workers who care for children or family members, and part-time workers.

Free downloadable pdf files (English) include:

- Law Concerning the Improvement of Employment Management, Etc. of Part-Time Workers (Part-Time Work Law)
- Law Concerning the Welfare of Workers Who Take Care of Children or Other Family Members, Including Child Care and Family Care Leave

Japan International Center for Occupational Safety and Health (JICOSH)

<http://www.jicosh.gr.jp/english/index.html>

The Japan International Center for Occupational Safety and Health (JICOSH) was established in July 1999 by the Ministry of Health, Labour, and Welfare' with the Japan Industrial Safety and Health Association assigned the responsibility for its operation. It provides information and holds seminars on health and safety.

Free downloadable pdf files (English) include:

- Industrial Safety and Health Law (latest revision 2000.5.31)
- Working Environment Measurement Law (latest revision 1999.12.22)

International Labour Organisation (ILO)

<http://www.ilo.org/public/english/dialogue/ifpdial/info/national/jp.htm>

National Labour Law Profile: Japan, contribution by Liliane Jung includes: General Legal Framework; Labour Law; Contract of employment; Hours of work; Paid leave; Maternity protection and maternity leave; Equality; Pay issues; Trade union and employers association regulation; Collective Bargaining and Agreements; Workers' representation in the enterprise; Strikes and lock outs; Settlement of individual labour disputes. (Last updated 11 December 2006)

The National Diet of Japan

House of Councillors <http://www.sangiin.go.jp/eng/index.htm>

House of Representatives Internet TV <http://www.shugiintv.go.jp/en/index.cfm>

The Constitution of Japan http://www.shugiin.go.jp/index.nsf/html/index_e_kenpou.htm

Health, Pension, Employment and Accident Insurance

Every resident of Japan over twenty years of age, regardless of nationality, should be enrolled in a recognized health insurance and pension plan. Coverage provides benefits for the insured individual and his or her family in the event of illness, physical or mental disability, accident, unemployment, retirement or death.

Given the complexity of the health and pension system in Japan (particularly the latter) this outline is intended only as a summary of the main provisions. Consult your union, local Social Insurance Office (Shakai Hoken Jimusho) or local city hall for further information.

The following are available to university teachers depending on hours worked, the employing university and employment status:

1. Employees Health Insurance, Unemployment Insurance and Employees Pension (Shakai Hoken: Kenkō Hoken, Koyō Hoken and Kosei Nenkin)
2. Private School Mutual Aid Society (Shigaku Kyōsai)
3. National Health Insurance and National Pension (Kokumin Kenko Hoken / Kokumin Nenkin)

1. Employees Health Insurance, Unemployment Insurance and Employees Pension

The three components of this scheme are collectively known as **Shakai Hoken** (literally Social Insurance). All regular employees at companies and institutions with five or more full-time workers must be enrolled in Shakai Hoken. Government-registered companies and organizations (Hōjin) must participate in the scheme even if they have only one full-time employee. Companies should enrol foreign nationals who have resident, spouse, or working visas (but not short-term visas) on the same basis as they would Japanese

Employees Health Insurance (EHI): Kenkō Hoken

Employees Health Insurance provides financial assistance to salaried workers of companies and to their dependent family members by paying insurance benefits in the event of sickness, injury, childbirth and death. Premiums are paid equally by the employer and employee.

For further information visit Social Insurance Agency, Employees Health Insurance: Coverage, Benefits and Contributions <http://www.sia.go.jp/e/ehi.html>

Unemployment Insurance: Koyō Hoken

Unemployment Insurance (Koyō Hoken literally meaning Employment Insurance) provides workers who have lost or quit their jobs with unemployment benefits (shitsugyo kyufu) with the aim of providing financial support for a limited period (up to one year maximum) while they find new employment. There are other possible benefits, such as retraining course fee entitlements, for people who have worked for many years.

To receive unemployment benefits the insured person has to have worked consecutively for 6 months during the year prior to being made unemployed, and have a desire (and visa) to work. Those who were employed on short-term visas, or who leave Japan (or lose their work visa) soon after losing their jobs, may not be eligible to receive benefits.

Enquiries should be made to your local Public Employment Security Office (Kokyo Shokugyo Antei Sho)

Note: It is almost impossible to enrol in Unemployment Insurance without being enrolled in the Pension scheme (Kosei Nenkin) as well.

Employees Pension: Kosei Nenkin

The Employees' Pension Insurance system complements Employees Health Insurance and provides an "earning-related pension" on top of the Basic Pension provided by the National Pension system. The system also offers social security to those who can no longer work due to injury or illness and to surviving family members of workers who have died. All regular employees working at companies and institutions have the right to be enrolled. Premium payments are shared between the employer and the employee; the contribution is based on income. (Note section below on Retirement Pension Eligibility.)

For further information visit Social Insurance Agency, Employees' Pension Insurance: Coverage, Benefits and Contributions <http://www.sia.go.jp/e/epi.html>

Shakai Hoken and Part-time Workers

In principle, company part-time workers should be enrolled in Shakai Hoken if (1) their work days per month are more than 3/4 of the number of days worked by regular workers, and (2) their work hours per day or per week are more than 3/4 of those worked by regular workers.

Note: It appears that new legislation that comes into effect in April 2008 will loosen the above requirements and make it easier for long-term part-timers to qualify for Shakai Hoken. At present, for example, paid maternity leave is compulsory for full-timers. The new laws will make it more difficult to fire (or not renew the contracts of) many part-timers who would normally expect to continue employment had they not become pregnant, and make such workers eligible for paid maternity leave.

For enrolment, your employer should submit an Application to Enrol in the Employees Health Insurance/Employees' Pension Insurance (Shikaku Shutoku Todoke – Kenko Hoken/Kosei Nenkin) to the local Social Insurance Office within 5 days of you being hired.

Note: If you qualify for Shakai Hoken but have not been enrolled by your employer, you can pay a lump sum to cover unemployment contributions for up to two years in order to be enrolled retroactively.

2. Private School Mutual Aid Society: Shigaku Kyosai

This insurance is available to those working in private universities, colleges, and high schools. Similar to Shakai Hoken (the combined Employees Health and Pension scheme) it includes both health and pension insurance, and the employers' contributions are 50%. There are also numerous other benefits to this system and the working hour requirements are less strict.

3. National Health Insurance (Kokumin Kenkō Hoken or Kokuho) and National Pension (Kokumin Nenkin)

National Health Insurance and National Pension are for the unemployed, self-employed, farmers and fishermen, and most part-time or small-company employees who do not qualify for the Employees schemes described above. The premium for the National Pension scheme is a flat fee of about ¥14,000 per month. You pay 100% of the premiums. Enquiries regarding National Health Insurance and National Pension should be made at your local city hall.

For further information visit Social Insurance Agency, National Pension: Coverage, Benefits and Contributions <http://www.sia.go.jp/e/np.html>

Retirement Pension Eligibility

In principle, you have to pay into pension schemes for 25 years to collect a retirement pension. Some countries (like the US) have reciprocity arrangements with Japan. You can also combine Kosei Nenkin and Kokumin Nenkin payment periods to meet the 25-year eligibility requirement. In the event that you have been in and out of Japan (for example, five years in Japan, five years out, then 15 years in Japan) the middle five year period can be counted as "kara (empty) kikan (interval)" towards the 25-year eligibility requirement. In this case, however, the pension you will receive will be less than for someone who has paid for the full period.

Contribution Refund Option: Datai Ichijikin Shikyu Seido

There is a limited refund-of-contributions option for people who leave Japan and withdraw from the Employees Pension scheme or the National Pension scheme. Through this system, foreign nationals who, while living in Japan, entered a pension scheme and paid more than 6 months insurance premiums can receive a refund of up to three years of their contributions if they make an application in the prescribed way within 2 years after leaving Japan permanently.

Before leaving Japan, you should get a Withdrawal Refund Application Form' (datai ichijikin seikyu-sho) from the Social Welfare Insurance Office (Shakai Hoken Jimusho). After leaving the country, you should then fill in the form and send it with the attached documents to the Social Welfare Insurance Service Center (Shakai Hoken Gyomu Center) in Japan.

Enquiries should be made at the Social Insurance Office (Shakai Hoken Jimusho) for the address of your place of employment.

Workers' Compensation Insurance for Accidents: Rōdōsha Sagai Hoshō Hoken (or Rōsai Hoken)

If you become ill due to work, if you are injured at work or while commuting to and from work, and fulfil certain conditions, you may be eligible to receive medical treatment benefits (ryōyo hoshō kyūfu), benefits for sick leave (kyūgyō hoshō kyūfu), or disability benefits (shōgai hoshō kyūfu). If you die from overwork (karoshi) or commit suicide due to excessive work, your dependents will be entitled to an award. This system applies to all employees of government-registered companies and organizations (Hōjin).

Enquiries should be made at the Labour Standards Inspection Office (Rodo Kijun Kantoku Sho) for the district of your place of employment.

Health, Pension, Employment and Accident Insurance: Written and compiled by Nick Wood and Keith Wilkinson, January 2008. Free to use and distribute but please credit the authors and source.

Direct Employment and Outsourcing (Haken)

Direct Employment

This is the simplest employment relationship. The school hires the teachers, controls salaries and benefits and the day to day work. The school is also responsible if there are any employment disputes and has a duty to negotiate with a union.

Dispatch/Haken

In a *haken* relationship there are two contracts:

1. A contract between the school and the dispatch company (which must possess a dispatch license). The dispatch company agrees to hire workers and send them to the school.
2. An employment contract between the dispatch teacher and the dispatch company which sets wages and working conditions.

The dispatch company controls the employment, but the school controls the actual work done. The school also has a duty to make sure that all relevant labour laws are being followed and may have a duty to enter into collective bargaining with a union. This type of dispatch cannot go on forever (unless in the case of seasonal work). There is basically a three year limit set before the school must start hiring directly, or stop having any dispatch teachers.

For universities, dispatch teachers offer a flexible and often cheaper alternative to directly employed part-time staff. As undergraduate enrolment declines and universities seek to make economies, the use of outsourcing poses a direct threat to the long-term job security of all teachers.

Solidarity contacts

Action Center for Working Women (ACW2) <http://acw2.org/>

The Action Center for Working Women aims

- To support working women
- To ensure access to decent work and wages to all women
- To eliminate discrimination and violence against women
- To create a social structure where women are respected and encouraged

Working Women's Network

<http://www.ne.jp/asahi/wwn/wwin/fenglishdoc.htm>

WWN aims (1) to inform international organizations about the situation, including judicial cases, of working women in Japan, and to attract overseas support to put pressure on the government and employers, (2) to inform the general public through mass media, such as the newspapers and TV, and (3) to negotiate with the ministries, to call for the amendment of the EEOL so that it would be compatible with CEDAW.

Asia-Japan Women's Resource Center <http://www.ajwrc.org/english/index.html>

Solidarity Network with Migrants Japan

<http://www.jca.apc.org/migrant-net/English/English.html>

Aims to protect migrants' rights, support their empowerment, and create a multi-ethnic and multicultural society in Japan.

Tokyo-to, Bunkyo-ku, Koishikawa 2-17-41, Tomisaka Christian Center, House 2, #203
Tel : 81-3-5802-6033, Fax : 81-3-5802-6034

Amnesty International Japan

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

UTU - Frequently Asked Questions

Q. What is UTU?

A. The University Teachers Union represents both part-time and full-time university teachers, mainly in the Tokyo area. Its aims are to provide a forum for discussing problems at work, to support teachers in dispute, and to offer solidarity to fellow trade unionists. The UTU is a member union of the National Union of General Workers Tokyo Nambu (which has over 2,500 members) and actively participates in the NUGW Nambu Foreign Workers Caucus.

Q. Why should I join?

A. As the number of students enrolling falls, universities are looking for ways to cut costs - by cutting jobs and salaries, enforcing non-renewable contracts and outsourcing teaching work to agencies. The power of an individual to do anything when their job security is threatened is limited. As a member of UTU you will get help and advice from experienced members and gain the support of our union and NUGW. Through regular mailings and meetings you will also be kept up to date with the activities of UTU and FWC, and have the chance to support other workers in their fight to protect their jobs.

Q. Is UTU concerned with educational standards?

A. Yes. Our members are dedicated professional teachers. However, JALT offers a forum for discussing pedagogic ideas; UTU is principally concerned with supporting teachers as they seek to protect and improve their working conditions on campus.

Q. Could joining the union be used as a reason to fire me?

A. No. The right to join a union is guaranteed under the Japanese constitution.

Q. Can UTU provide legal support to its members?

A. Our parent union, NUGW, is legally registered as a labour union under Japanese law. It has the power to represent teachers in negotiations with schools when teachers feel they have been unfairly treated in some way. If you join UTU, NUGW can act on your behalf.

Q. Can UTU help me if I am not a union member?

A. A union's first responsibility is to its members; after all, they are the ones who have contributed time and money to make the union what it is. We will, however, try to offer advice if you have a problem; but the best advice is to join the union now!

Q. How much are union dues?

A. UTU members pay ¥30,000 a year. ¥24,000 goes to our parent union, NUGW, to help pay the salaries of the union's full-time workers and to fund the union's activities. The remainder is used to finance the work of UTU. Though the dues may seem expensive, consider them as a kind of insurance policy and a practical contribution to solidarity.

Q. How can I join?

A. Simply complete the online application form on our web site at www.utu-japan.org.

Q. How can I find out more?

A. To find out more about UTU, visit our web site. For more information about the work of NUGW and the Nambu FWC go to www.nugw.org and www.nambufwc.org.

Join the union today!

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UTU

**National Union of
General Workers**

UTU c/o NUGW Tokyo Nambu, Tokyo-to, Minato-ku, Shimbashi 5-17-7 〒105-0004
Email webmasterutu@gmail.com or visit our web site at www.utu-japan.org