

National Union Voice

News from the General Union (Kansai & Tokai), NUGW Tokyo South, Fukuoka General Union

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W i n t e r 2 0 1 2

Peppy Kids Club fires branch chair - union moves into action

After eight years of service, the chair of our newly formed union branch at Peppy English Kids Club has been fired for union activity. The company will claim it is a simple case of "contract non-renewal" for poor performance amongst other things, but after eight years and eight consecutive contracts, the union strongly believes it is an illegal firing under Japanese Trade Union Law.

However, the firing has not had the intended effect. Even more teachers at the company have joined the union out of disgust with the actions of management in dismissing the branch chair.

Pretext for the firing

The company initially claimed that the branch chair was performing poorly and that he had "failed to" (see 'Union will win' - pg. 2)

Labour Contract Law amendments · 労働契約法改正

The Labour Contract Law has been revised to deal with the expanded use of contract workers in Japanese society. Very basically, the change stipulates that after five years work, your employer has an obligation to make you permanent if you ask. We're worried that it will be used to get rid of workers before they have a chance to work five years.

日本における非正規労働者の継続雇用に関する労働契約法の改正が行われた。基本的な改正点は、5年間の雇用の後、労働者が求めれば使用者は期限のない正規雇用を行うことが義務付けられる。だが、5年間働くことができるようになる前に雇用者はこれを濫用して労働者を雇止めするのではないかと我々は警戒している。

Real worries

- 使用者は4年後に自分を解雇するだけに終わるか? Will they just fire me after four years?
- 使用者は労働契約に上限を定め始めるのではないだろうか? Will employers impose contract limits?
- そうなると、5年後には何が起るのだろうか? So what happens after 5 years?
- もう会社で働き始めて12年もたっているのに。。。I've already worked at my company for 12 years.

Questions about how the change will affect you? Contact the union. 質問がありますか? 組合へ連絡。

Working in an elementary, junior or senior high school?

For many years the General Union has organized workers at private elementary, junior and senior high schools. In the recent period the situation in many of these workplaces has become dire and we have had many consultations and requests for help from teachers. While as a union we have been able to win individual victories and defend conditions for groups of our members, working conditions have continued to deteriorate for teachers across the sector.

What are the problems?

In particular, the falling school age population has led to a savage competition between schools. Schools administrations have attempted to compete at the expense of workers by worsening pay and conditions. Full-time teachers, while often receiving reduced bonuses, have been pushed to take on extra (see 'Working at' - pg. 3)

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Contact the General Union
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Union will win at Peppy Kids Club

improve as a teacher". While it is true that teachers everywhere should strive to improve, in the case of our branch chair it is a little difficult to show improvement when all your evaluations are in the 96-97% range like his were.

The company later raised in negotiations the fact that Jason had private students. This is true. Like many other teachers, Jason has a small number of private students. Mindful that Peppy is a kids' school, he has only ever taught private adult lessons. He has never taught children. It should also be noted that different levels of management had known our member had private students for many years. How can this suddenly become a fireable offence?

The Reality

In reality, the firing is a barely veiled attack on the branch chair for organizing teachers, and demanding improvements for both foreign and Japanese teachers at Peppy. For example, Japanese teachers working at Peppy are denied unemployment insurance, so if they lose their job they have no safety net. The union called on the company to follow the law and enroll them, and our branch chair was at the front of these efforts.

What we're doing about it

Negotiations were held on October 31 and it was hoped that the company would see sense and realize that their reasons for the firing were unfounded. After a lot of argument, the union set a deadline for a retraction of the firing for November 8th.

However, the company failed to back down by the time the deadline came around. As a result the union promptly declared a dispute with the company and began to discuss strike

action.

We also filed a case with the Osaka Labor Commission to deal with the dismissal and other unfair labor practices, and we intend to press ahead with strikes.

Company Reacts

After the company received our notice of dispute, they panicked, and the branch chair was hastily removed from the teaching schedule at the last minute. This was to prevent him from striking. Despite this, strikes have begun with others being planned.

The head office also began calling teachers wanting details of other strikes etc. Some people have reported that they have felt intimidated. This is another violation of the Trade Union Law. Japan is not like back home. Managers do not have the right to ask if you are a union member, nor do they have the right to give their opinions on the union. This is a violation of the law. If this happens to you we ask that you report it to us immediately.

We'll win

Employers usually avoid doing such blatant union-busting, as they tend not to get away with it. However, it has happened to other GU branches. At GEOS and Nichibeï there were similar cases previously, and just a year ago at Gaba Corporation a similar dismissal took place.

In all of these cases the union won back the job of the dismissed branch chair, and we are confident the same will happen here. The union fights for those who stand up to try to organize their coworkers and improve working conditions. The law is on our side, and more than that, it is totally immoral for a company to fire an employee for trying to improve the conditions of their fellow employees. We won't stand for it – watch this space.

Osaka University to introduce 5 year limit for PT teachers. Others to follow?

The General Union, along with other trade unions and individual teachers has been informed by Osaka University that it intends to amend its working rules from next April to **include a five year limit for its part-time teachers.** Ironically, the reason given by the university for introducing the limit is the passage through the Diet in August of this year of a law aimed at increasing security of employment of workers on limited term contracts.

The law gives workers who have worked for an employer for **over** five years the right to apply for and receive a permanent contract. This is a sick attempt by the university to circumvent this law by suddenly introducing contract limits, and deny its employees the rights guaranteed by law

We believe that should Osaka University succeed in its plan that it would set a very dangerous precedent and other universities would almost certainly follow. Already *Hijokin Kumiai* (another union that organizes only part-time university teachers) reports that it has been told by Ritsumeikan and Honan Universities that they are considering introducing similar limits.

The General Union will be conveying our opinion to Osaka University that its planned changes are not only unfair and against the spirit of the law, but that any attempt to force a limit on their existing workforce in an attempt to avoid the provisions of the new law is actually illegal. We believe that it is outrageous that a public university and an institution as prestigious as Osaka University is considering such measures. This issue has already led to questions in the diet from a Communist Party diet member. The General Union will be attempting to work with other unions to fight off this attack on the rights if part-time teachers.

General Union You Tube channel
www.youtube.com/generalunionjapan

Elementary, junior, or senior high teacher?

responsibilities, and in some cases teach more classes. Teachers have traditionally worked unpaid overtime, often consoling themselves with extra free time in school breaks. However, administrations have shortened this time and increased responsibilities during these periods. The GU has received reports of 60 or 70 hour weeks and of Labour Standard's Office investigations of schools. The number of teachers on limited term contracts has been increased at the expense of the number of permanent employees

While full-time teachers are being pressed to teach more classes for the same pay, part-time teachers, who rely on the number of classes to maintain their income, may turn up school in April to find that they have had their class load, and income reduced by as much as 50%. Schools have also attempted to cut pay rates per class for part-time teachers.

What can be done?

While there is not much trade unions can do about the birthrate the

situation is not helped by the fact that most unions in the sector are school based, or represent only sections of workers, often those on permanent contracts. There needs to be action organized to maintain conditions working conditions across sector to defend pay and conditions.

What we're fighting for

- Fight for the interests of all workers, regardless of employment status or nationality.
- Defend existing pay and working conditions.
- No increase in workload without a corresponding increase in pay.
- Abolish the system limited term contracts where work is permanent.
- Obey the Labour Standards Law. Pay overtime rates for all work over 40 hours.
- For coordinated action by unions across the sector to resist management attacks.
- An end to forced Saturday work.

ECC teachers demand job security, pay rises

Branch members at ECC have submitted demands for unlimited term contracts for those seeking more permanent type employment, contract completion bonuses for those who are on one year contracts and a 10% pay increase for all teachers.

Unlimited term contracts

This demand has been on the table for a long time at ECC and union members are adamant that they will win it this year. On the back of the new Labour Contract Law which will offer unlimited term contracts after having worked for over five years starting in 2013, teachers feel that ECC should follow the spirit of this law and start offering unlimited term contracts now.

Pay

Understanding that not all union members wish to make ECC their long term career, union members decided that those who stick through their year contracts should be eligible for a yearly bonus. A general pay increase of 10% is also being demanded. Some may feel that in this economy such a pay increase is too much to ask for. ECC teachers feel that an economically healthy ECC should not use the general economy as an excuse to offer low or non-existent pay increases.

Management digs in

Understanding the members' determination in winning big improvements, ECC management has already dug in their heels at our first bargaining session. This negotiating style will not deter union members who will only be insulted by this approach and strengthen their resolve to improve their working lives.

Your job and job security on the line

Open meeting for university and school teachers

Sat. 12 Jan 4-6PM

General Union office in Temmabashi (www.generalunion.org/map)

Stop contract limits.

Stand up for job security.

National Union Voice Online
www.voice.generalunion.org

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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

雇用保障なし？ユニオンに加入を！

何千人もの一年契約で働く大学教員が、「次年度のスケジュールはどうなるだろう」という不安を抱えています。あなたはどうか？同じ大学で10年、15年、同じ講義を担当していても、カリキュラムが変更になるだけで、長年一生懸命働いて大学に貢献してきたはずなのに、他の仕事を探さなければならなくなったり、ひょっとしたら給料が大幅に下がってあなたや家族の生活に深刻な影響が及ぶこともあるかもしれません。これは仕方がないことで、どうすることもできないと思いますか？これを運命とあきらめてしまうと、現在のひどい待遇が続くことになるだけだとゼネラルユニオンは考えます。教員は団結して、職の安定をかちとるために先手を打ってゆく必要があると私達は考えます。

授業数削減に対してゼネラルユニオンができることは？

- ユニオンには、労働組合として、組合員の労働条件変更について、経営側と交渉する法的権利があります。
- ユニオンには、非常勤講師のコマ削減を防いできた実績があります。
- 多くの大学で、コマ数削減・労働条件の改悪を行わない

よう、要求書を提出し、事前に交渉をしています。

- ユニオンと事前協議協定を結んでいる大学もあります。この協定があれば、大学側は労働条件を変更する際には必ず、ユニオンに事前に警告し、協議を行わねばなり



急な授業キャンセル

多くの大学で、教員は、前年度の12月までに、次年度の授業を確約し、シラバスを作成するよう求められます。しかし、新年度が始まってから、授業がキャンセルされるケースが増えてきています。特に、学校側が開講に必要な最低履修学生数を決めている場合に、選択制の講義でこのような問題が起こります。こういったケース

では、講師は、当該授業については一ヶ月分の賃金しかもらえないこともあります。これは不当であるばかりではなく、労働基準法違反です。ゼネラルユニオンは、大学側が講義をキャンセルした場合には、賃金を全額支払うべきだと考えます。労働基準法では、平均賃金の60%以上を支払わなければならないと定められています。このような状況に直面したら、すぐにゼネラルユニオンに連絡しましょう。

授業キャンセルについてのユニオンの主張は？

- 労働基準法を守れ！
- 急な授業キャンセルは許せない。どうしても避けられない場合には、賃金を全額支払うこと。

これらはゼネラルユニオンが取り上げ、取り組んでいる問題の一例でしかありません。個々の事業主との交渉に加え、労働組合の全国組織を通して、文部科学省、厚生労働省にも毎年申し入れを行っています。皆の声を届け、働く者の利益が代表されるようにしましょう。今すぐゼネラルユニオンに加入を！