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General Survey

Corporate Spinoffs Becoming More Popular

On April 1, 2001, the revised Commercial Code, which allows for corporate spinoffs, was implemented. This system was introduced to secure flexibility and swiftness for corporate business activities, and to facilitate reorganization. With market competition intensifying in every industry, more companies have been resorting to spinoffs as a means to reorganize their operations.

There are two types of corporate spinoffs: in one case, an entire business or a particular business is spun off and established as a new company; in the other, a spun-off unit is taken over by an existing company. Under this system, companies have transfer rights and duties involving employees and the operations of a particular business without the need for creditor approval. The business subject to spinoff is noted in a spinoff plan (in the former case) or a takeover contract (in the latter case), and the same rights and duties will be transferred to the new company.

The Law Concerning Succession of Labor Contracts after Spinoffs, enacted in conjunction with the Corporate Spinoff System, states that labor contracts of workers engaged mainly in tasks undertaken by the divested divisions will be taken over by the new company. However, workers who do not work mainly in the divested division but are mentioned in the spinoff plan or takeover contract may object in writing to being transferred up to a given date. (See *Japan Labor Bulletin*, August 2000, concerning the Corporate Spinoff System under the revised Commercial Code and the Law Concerning Succession of Labor Contracts after Spinoffs.)

To date, more than six months after implementation of the system, a number of companies in various industries have announced plans to reorganize themselves, taking advantage of the new law. The following are the major examples of spinoffs.

- <u>Electronics Manufacturers:</u> NEC spun off its optical and micro semiconductor divisions and established new subsidiaries in October 2001.

 Hitashi Itd plans to spin off its home electrical appliance group and to integrate it.
 - Hitachi, Ltd. plans to spin off its home electrical appliance group, and to integrate it with domestic manufacturing subsidiaries on April 1, 2002.
- <u>Steel Industry</u>: Itochu Corp. and Marubeni Corp. integrated their steel products businesses and launched a new company on October 1, 2001.
- <u>Housing</u>: INAX Corp. and Tostem Corp., manufacturers and suppliers of building materials and housing products, set up a new share-holding company, followed by the

- spin-off of all Tostem business operations. A new Tostem Corp. was established on October 1, 2001.
- <u>Financing and Securities</u>: Sakura Card Co., Ltd. and Sumitomo Credit Service Co. have integrated their business operations. Sumitomo Credit Service took over Sakura's UC card operations in April 2001
 Nikko Securities Co., Ltd. spun off its securities division, and a subsidiary took over
- <u>Real Estate</u>: Nippon Steel Corp. is to spin off its urban development division, which
 will consolidate operations with a subsidiary, Nippon Steel Life Planning Co. Ltd.,
 which deals in real estate and sales of condominiums. The plan will be realized
 during fiscal 2002.

the operation of the division on October 1, 2001.

- <u>Chemicals</u>: Idemitsu Kosan Co., Ltd. has spun off its LPG division, to be launched as a subsidiary. The plan was carried out in October 2001.
- <u>Retailing</u>: Following the merger of franchised stores Circle K and Sunkus & Associates Inc., the business operations of Circle K were spun off on July 1, 2001.

In the above cases, the working conditions of employees taken over by new companies are not known.

• Transportation: Tobu Railway Co., Ltd. has spun off its bus division and set up a bus management company. At the same time, four bus operating service companies were established on October 1, 2001. Employees in the bus division were taken over by the bus management company, then transferred to the bus operating service companies. Their working conditions are expected to be substantially revised, basic payments are slated to be cut by 15 percent, and various allowances either reduced or abolished. Consequently, their average annual salary may decline by some 30 percent while their scheduled working hours per year are projected to increase by about 140 hours to 1,957 hours.

Sagami Railway Co., Ltd. will split off its bus division in the form of a transfer of trade rights. Bus drivers will stay in the company, but workers at service centers and engineers will be transferred. The working conditions of these employees are expected to remain more or less the same. The firm initially proposed to spin off its bus division and have the employees taken over by a new company, but the union refused the proposal, threatening strike action. No agreement was reached, apparently, so the company chose to transfer business activities.

The cases of corporate spinoffs described above show that the use of the spinoff system has spread to many different industries. As the above cases show (surveyed by viewing their

homepage on the Internet), as competition intensifies in each industry, many companies are using spinoffs to achieve more efficient and speedy business management. At the same time, the process varies: while some companies spin off a single business operation, others opt for a merger of a division with another group company, or with a rival company, while others spin off a division when a share-holding company is established.

It is not entirely clear how employees required to transfer to other companies by such spinoffs will be treated, but when one remembers that the measure is aimed at strengthening the companies' competitiveness, it is a fair assumption that such company measures will bring, as in the case of Tobu Railway Co., Ltd. a drastic worsening of working conditions for employees. Judging from the case of Sagami Railway Co., Ltd. where the firm chose a transfer of business activities over a spinoff, it appears that the union's response concerning spinoffs will be extremely important.

Working Conditions and the labor market

Recent Trends in Transferring Employees

The practice of transferring workers from a parent firm to a subsidiary is commonly referred to as *shukko*. There are two types of *shukko*: *zaiseki shukko*, or *shukko* for short, occurs when a parent firm formally retains on paper their transferred employees while they are transferred to and work at a subsidiary. Usually, these employees are called back to the parent firm when the transfer period is over. The other type, *tenseki shukko*, or *iseki* for short, occurs when the transferred worker terminates his/her employment relationship with the parent firm and is formally re-employed by the subsidiary. In both cases, the practical procedures are undertaken by the two companies involved, and the worker is transferred under working conditions agreed to by them.

The results of the latest survey conducted by the Ministry of Health, Labour and Welfare reveal that there are many transfers with a duration exceeding five years.

Transfers have traditionally been realized in the form of workers moving from a parent company to affiliates or related companies. Their aims include on the one hand active aspects such as supplementing a personnel shortage, lending technical or managerial support, giving workers an opportunity to improve their abilities, or strengthening ties between two companies in terms of personnel exchange. Passive aspects include cutting labor costs, reducing an excess of labor in relation to existing posts, or adjusting employment levels when the transferring company faces economic sluggishness. In addition, workers are transferred

when a new company is established. In some cases, moreover, a head company employs all workers and distributes them – in the form of transfers – to its group companies.

Transfers thus are conducted for various reasons, and at the same time serve as an effective device in promoting "labor mobility without passing through unemployment," in that they help to eliminate mismatches between labor supply and demand at the inter-industry and inter-group company levels. To assist in smooth transfers not only within group companies but also outside the group, the Industrial Employment Stabilization Center of Japan promotes the inter-flow of workers. The government has also been discussing possible problems arising from the transfer of workers to non-group companies and necessary countermeasures, so as to encourage such types of transfer.

Since transfers are a form of labor mobility dependent upon inter-company agreements, the duration of service and working conditions for transferred workers varies. The current situation is documented below, aided by results from the *Comprehensive Survey for Employment Conditions* (formerly known as the *General Survey on Wages and Working Hours System*) released by the Ministry of Health, Labour and Welfare. (The survey targeted 5,326 private corporations with 30 or more regular employees at headquarters, with an effective reply rate of 90.1%. The results are as of January 1, 2001.)

The percentage of firms with schemes for transferring workers stood at 37.3 percent. As for the form of transfers (multiple replies), 24.5 percent have schemes to transfer out workers, while 29.5 percent have schemes to accept transferred workers. The larger corporations were more likely to have a transfer scheme: 88.0 percent of firms with 1,000 or more employees have schemes to transfer out workers, and 71.2 percent have schemes to accept workers. Moreover, companies with programs to either transfer or accept employees, or both, accounted for 92.5 percent of those surveyed. The percentage of firms with *zaiseki shukko* schemes to transfer workers was 23.4 percent, while the percent of firms with *iseki* schemes was 7.6 percent. Companies which accepted workers as part of a *zaiseki shukko* transfer totaled 28.6 percent, and that of firms which accepted workers as part of a iseki transfer was 5.7 percent. Among companies with 1,000 or more employees, these figures stood at 87.5 percent, 44.2 percent, 69.7 percent, and 22.1 percent, respectively, showing higher figures than the average.

Of the firms with *zaiseki shukko* schemes, 39.1 percent set a time limit on the transfer, but the majority do not. Of those which set a time limit, 21.2 percent transferred workers for "one year or less," 23.6 percent at "more than one year but not over two," and 26.2 percent at "more than two years but not over three years." Therefore, in more than 70 percent of cases, the period of transfer is three years or shorter. However, taking into consideration firms

which do not set a time period, the proportion of firms transferring out workers for more than five years was the highest, 34.1 percent (see Statistical Aspect on page 3). Incidentally, time periods do not show differences in relation to the size of companies.

The survey also asked firms with *zaiseki shukko* schemes about the wages of the workers transferred. The results showed that the percentage of firms applying their own wage criteria was 78.9 percent when "the criteria was lower in the firms that the workers were sent to," and 55.0 percent when "the criteria was higher in the firms that the workers were sent to." Ways of making up the difference when the wage level was lower were "companies which transferred the workers make up the difference" (51.8%), while 26.1 percent of the companies to which the workers were transferred made up the difference.

While a high percentage of firms maintain the wage of the workers at the level of the company which transferred them, working hours are, in many cases, adjusted to the standards of the firms accepting the workers. A high 70.6 percent of firms follow the practice of the companies the workers actually work for regarding "scheduled working hours per day;" 70.3 percent followed the practice for "scheduled weekly working hours," 68.4 percent for "weekend holidays," and 66.6 percent for "holidays apart from weekends." On the other hand, where criteria for "annual paid leaves" are concerned, 64.2 percent follow those of the companies which transferred workers.

Incidentally, many transfers resulting from a lack of suitable posts, or for the purpose of employment adjustment, take the form of *zaiseki shukko* (an initial transfer with the workers' affiliations unchanged for a certain period), followed by a switch to *iseki* (registration to the companies they are actually working for), which involves termination of employment contracts with the original company. According to the survey, among firms with *zaiseki shukko* schemes, 22.3 percent answered that there was a possibility that *zaiseki shukko* transfers may develop into *iseki* transfers; the corresponding figure for companies with 1,000 or more workers was 42.6 percent.

The Situation and Views of Dispatched Workers

In late September, the Temporary Work Services Association of Japan, an organization of companies in the worker dispatching industry, released a report concerning the work situation and personal views of dispatched workers. The survey targeted dispatched workers who are registered at dispatching companies and work on the basis of one-shot job contracts. The questionnaires were distributed via 328 dispatching companies affiliated to the

Association, and valid replies were obtained from 9,151 workers, an effective rate of 23.6 percent.

The survey found that while the highest percentage, 45.2 percent, answered they "would like to continue working as dispatched staff," a significant proportion, 36.6 percent, said that they "would like to work as regular staff if possible."

Where level of satisfaction is concerned, a majority were content with "human relationships in the workplace" (57.4%), and "the content of their duties" (46.7%). On the other hand, a relatively small share, some 30 percent, are satisfied with "wage levels" and "opportunities to improve their job skills." On the whole, those who were "satisfied" or "more or less satisfied" accounted for 40.7 percent, and those who were "dissatisfied" or "more or less dissatisfied" totaled 21.4 percent. A special feature was the large number of "in-between" workers who answered "cannot tell," accounting for 36.8 percent.

Concerning the legal infrastructure for dispatching workers, more than half answered "do not know," showing their lack of interest in and knowledge of the legal aspects.

The survey asked those who worked 10 months or more per year about the number of job contracts they had made during the previous year. The most frequent answer was four (27.8%), followed by two (25.2%), one (23.3.%), three (9.8%), and five (4.7%). To the question as to whether the companies to which they were dispatched changed during the previous year, a majority, 67.3 percent, said that they had stayed with one company. The Association deduces, from these findings, that typical dispatched workers, who engage in jobs on a regular basis, have their job contracts renewed every three or six months, and continue working at one location.

Apart from these questions, the survey asked about social insurance coverage, with the highest proportion, 50.2 percent, answering that they were "insured with the social insurance plan of the dispatching company they belong to," followed by 22.3 percent insured under the National Health Insurance and National Pension plans, 14.6 percent were insured as dependents, and 4.5 percent did not apply for any insurance plan. At the same time, judging from the fact that only a small number, 3.4 percent, said that they were refused insurance under the insurance plan of the dispatching company they were registered with, the survey report concluded that the application of social insurance to those requiring coverage is being successfully encouraged.

As for the characteristics of the dispatched workers surveyed, women accounted for 95.6

percent. By age group, those in their 30s comprised 46.9 percent, and those in their 20s 40.6 percent. Regarding marital status, 63.6 percent are unmarried, while 23.0 percent have the status of dependent of other family members. As for job type, a conspicuously high proportion of these workers, 56.3 percent, operate office equipment, while a mere seven percent are engaged in "sales."

Human Resources Management

Few Female Workers on Management Track

Four years ago, revision to the Equal Employment Opportunity Law (EEOL) stipulated that employers must provide equal opportunity to men and women in terms of recruitment and hiring, and that when assigning jobs and promotions they must not treat men and women differently. The revision was intended to encourage companies to open up to women jobs thought to lead to future management positions ("management career track"). However, the situation has not improved much, and there are still only a small number of female employees in these positions (see Japan Labor Bulletin, June 1999 for details of the revised EEOL, and the June 2001 issue for a detailed analysis of the law).

Via the employment opportunity offices of Prefectural Labour Bureaus, the Ministry of Health, Labour and Welfare conducted an survey of firms which have adopted personnel management schemes classifying jobs into various "tracks" that indicate a worker's potential future in the firm. Of the 168 firms which hire employees for two types of tracks (out of 215 firms surveyed), a mere 3,042 employees of the 139,322 in "management career track" positions as of October 2000 were female. This represents only 2.2 percent. (The two tracks are called *sogoshoku*, or management career track, for workers who are engaged in planning and other core jobs and are required to move and work in various locations across the country, and *ippanshoku*, or general track, for employees engaged in routine jobs, who are not required to move to other offices involving a change in residence, and with no specific future manager perspective.)

As the table on page 5 shows, firms with up to 10 percent of females in "management career tracks" accounted for the highest share, 72.6 percent, of all companies surveyed, followed by firms with none (13.1%) to talling 85.7 percent of firms with less than 10 percent of their female employees on a management track. (See *Japan Labor Bulletin*, November 1999 for a discussion on the current situation of women in managerial posts, closely related to management career track employees. Also, see the September 2000 issue regarding special attention in personnel management by status.)

Faced with little success in increasing the number of women in management career tracks, the government is advising 32.6 percent of the firms surveyed to make more use of women by reviewing their personnel management schemes, including the stipulation that employees must be prepared to move anywhere across the country, an effective obstacle for females. At the same time, it is advising 61.9 percent of the firms surveyed to take positive action to increase the recruitment and hiring of female workers.

Note: The survey was conducted from October 2000 to March 2001, targeting 215 companies across the country. From the manufacturing sector, 66 firms were selected, 56 from the financing and insurance sector, 45 from the wholesale and retail sales sector, 25 from the construction sector, and 23 from other sectors. The number of firms with 1,000 or more employees was 96, 76 firms employ 300 or more but less than 1,000 employees, and 43 have fewer than 300 employees. The interviews were carried out with staff members in charge of personnel management at the firms concerned.

Labor-Management Relations

Rengo's New Leadership Vows to Expand Organizing Efforts

On October 4 and 5, Rengo (Japanese Trade Union Confederation) held its 7th Regular Convention in Tokyo and approved policies for its activities in the coming two years. In elections to executive posts, General Secretary Kiyoshi Sasamori was chosen as president, replacing the retiring Etsuya Washio. Tadayoshi Kusano, a former president of Jidosha Soren (Confederation of Japan Automobile Workers' Unions), was elected as the new secretary general.

The unionization rate of Japanese workers has been decreasing, falling to 21.5 percent last year. Rengo decided to pursue expansion of the organization as its top priority, drawing up specific measures such as the "Action Plan 21," which aims to "concentrate union resources on expanding the organization." According to the plan, Rengo will allocate 20 percent of its annual budget to organizing, and has requested that affiliated industry unions allocate 10 percent of their budgets for the same purpose. Rengo is also urging these unions to maintain at least one staff member whose main responsibility will be to work toward increasing its membership, and to make efforts to appoint one or more such organizers per 100,000 union members. It has set forth a policy of "representing all workers in advancing the labor movement in a socially acceptable manner," focusing on workers such as part-timers, dispatched workers and contract workers for unionization.

"We shall stay in the vanguard of the labor movement," President Sasamori emphasized in his nomination speech. "We will send our message to all workers. The workplace is the starting point for the labor movement. We intend to tackle the issues, not forgetting our anger, even if it may offend some people."

In addition to winning new members, Rengo is determined to carry through policies concerning crucial issues in the sphere of employment and social security; and to work to change the current flow of politics.

In particular, with enterprises undertaking reorganization and employment patterns diversifying in recent years, Rengo, aware of the deficiencies in legal regulations for dismissals in Japan, will aim at reinforcing various aspects of the legal infrastructure, including regulations on dismissals and providing safety nets, and "constructing a welfare society centered on workers."

Special Topic

Non-regular Workers and Labor-management Relations: A Case Study of the Electric Industry

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1.0 Introduction

The number of so-called "non-regular workers" – which includes part-time workers, dispatched workers and so on – has been on the increase. According to a Ministry of Labour *General Survey on Diversified Types of Employment* (1999), non-regular workers accounted for 27.5 percent of all workers⁽¹⁾. The increase in the number of such workers is attributable to mutual satisfaction on the part of both the enterprises who use them and of the workers who prefer such working styles; thus labor supply and demand in this market can be said to be more or less matched. On the other hand, there have been some objections regarding economic policies⁽²⁾ aimed at realizing equal treatment for part-time workers, and others concerning the negative effects of an increase of non-regular workers on morale in the workplace⁽³⁾.

As the search continues to find new ways to improve the working conditions for non-regular workers, especially part-time workers, it seems important to examine how labor unions view these issues, what they are saying, and what they are doing in practice⁽⁴⁾.

This article takes the Japanese electric industry as an example in an attempt to clarify the present situation surrounding non-regular workers, and the views and practical involvement of the unions, focusing on these issues as observed in factories⁽⁵⁾.

The main thrust of the paper is devoted to the following issues: First, the percentage of non-regular workers and the trends in the number and percentage of such workers, outlining a general picture of the employment structure in the electric industry. Secondly, it seeks to elucidate the reasons behind the demand for non-regular workers in factories, and the way regular and non-regular workers co-exist in terms of duties. Thirdly, the paper analyzes the measures and policies adopted by enterprises and labor unions concerning the use of non-regular workers, and surveys practical steps taken and comments made by the unions on the issue.

2.0 Changes in the Employment Structure in the Electric Industry

Table 1 shows the trend in employment structures in the electric industry.

Table 1. Trends in Employment Structures in the Electric Industry

(%)

	19	96	1999		
	Ratio of part-time & other workers	Ratio of dispatched & subcontracted workers ⁽²⁾	Ratio of part-time & other workers ⁽¹⁾	Ratio of dispatched & subcontracted workers*	
Entire manufacturing industry	14.3	3.6	17.8	5.2	
Electric machinery & equipment sector	15.0	4.8	15.0	7.0	

Sources: Statistics Bureau and Statistics Center, Management and Coordination Agency. Establishment and Enterprise Censuses. 1996 and 1999.

Notes: "The ratio of part-time workers and others is definable as the percentage of part-timers and arubaito workers to the number of workers as a whole.

Of The ratio of dispatched and subcontracted workers is definable as the percentage of dispatched workers and subcontracted workers from business establishments under different management to the number of workers as a whole.

The total number of workers in the electric machinery and equipment manufacturing sector was 2.325 million in 1993, decreasing to 2.045 million in 1996 and 1.858 million in 1999. This decreasing trend is attributable in part to the prolonged sluggishness in the manufacturing industry, but also to the deployment of production overseas to developing countries – at first mainly to Southeast Asia, but more recently to China.

Despite the shrinking number of jobs, the percentage of part-time and *arubaito* (side-job) workers in the manufacturing industry as a whole increased from 14.3 percent in 1996 to 17.8 percent in 1999. Moreover, the percentage of dispatched and subcontracted workers also increased, from 3.6 percent in 1996 to 5.2 percent in 1999. In the manufacturing industry, the electric and machinery equipment manufacturing sector maintained its percentage of

part-time and *arubaito* workers at 15.0 percent between 1996 and 1999, and showed an increase in the proportion of dispatched and subcontracted workers, from 4.8 percent in 1996

to 7.0 percent in 1999. Japanese firms at one time stepped up overseas production in the search for cheaper labor costs, but now that the electric industry is exposed to intensifying pressure from international business competition, many companies have decided to take advantage of non-regular workers to further compress their "relatively expensive," by international standards, overseas labor costs. In particular, an increase in the percentage of workers dispatched from business establishments who have no direct employment agreement, and workers from subcontractors – though it is difficult to make a precise estimate – leads to a situation where an increasing number of workers are working at companies but which have no direct employment contracts with the workers themselves. In this sense, it will be interesting to see what labor unions think of this tendency and, more generally, the way non-regular employees as a whole are used.

3.0 Background to and Percentage of Non-regular Employment: Denki Rengo Research Institute

This section analyzes the use made of non-regular workers in the electric industry, and the stance of the unions, with the help of the results of a survey recently conducted by the Denki Rengo (Japanese Electrical Electronic and Information Union) Research Institute.

3.1 Combination of Various Job Contract Patterns

Table 2 gives a breakdown of non-regular workers at production sites, as shown in the Denki Rengo survey.

Table 2. Number and Breakdown of Non-regular Workers at Production Sites in the Electronic Industry

	Number of workers	Percent
Part-time, arubaito & other types of workers	39.9	14.6
Dispatched workers	49.5	18.2
Subcontracted workers	183.1	67.2
All non-regular workers	272.5	100.0

Notes:

¹¹ The number of regular workers per production site averaged 1,312.

¹²¹ The definitions of various job contract applied in this survey are:

Part-time, arubaito and other types of workers: workers who are not employed on a regular basis but have a direct job contract with the subject establishment, including contracted and commissioned workers.

[•]Dispatched workers: workers who are employed by a dispatching company and sent to a client company, under whose direction they work while maintaining an employment relationship with the dispatching company. The Worker Dispatching Law stipulates that dispatched workers may not be employed in sectors such as transportation services and at construction/production sites.

Subcontracted workers: workers who are dispatched from their employer to a client company on the basis of commissioned business agreements, and work under the direction/supervision of their employers.

The number of regular employees per factory surveyed averaged 1,312, and the percentage of non-regular workers was 17.2 percent. A notable fact is the extremely high percentage, 67.2 percent, of subcontracted workers among non-regular worker. It would not be an exaggeration to say that subcontracted workers form a majority of non-regular workers in the factories of major electric manufacturers.

However, despite the high percentage of subcontracted workers, factories rarely rely on such workers alone but, in many cases, make use of workers under three different types of non-regular job contracts: part-time, dispatched and subcontracted. Table 3 provides the percentages, in terms of these three types of contracts, of non-regular workers in establishments.

Table 3. Classification of Establishment by Combination of Non-regular Workers (%)

Types ⁽¹⁾	Ratio of non-regu	lar workers to	Ratio to all non-regular workers(2)				
	Part-time	Dispatched	Subcontracted	Total	Part-time	Dispatched	Subcontracted
I. (n=119)	4.7	3.8	12.5	21.0	26.1	14.4	59.5
II. (n=30)	6.8	6.3	0.0	13.1	46.4	50.0	3.6
III. (n=22)	5.7	0.0	18.8	24.5	13.6	9.1	77.3
IV. (n=50)	0.0	3.0	17.3	20.3	2.2	23.9	73.9
V. (n=27)	7.1	0.0	0.0	7.1	73.1	3.8	23.1
VI. (n=18)	0.0	10.3	0.0	10.3	5.9	88.2	5.9
VII. (n=11)	0.0	0.0	15.0	15.0	0.0	18.2	81.8
VIII. (n=8)	0.0	0.0	0.0	0.0			01.0

(I. refers to "Part-time, Dispatched, Subcontracted;" II.: "Part-time, Dispatched;" III.: "Part-time, Subcontracted;" IV.: "Dispatched, Subcontracted;" VI.: "Dispatched;" VII.: "Subcontracted;" VIII.: "No non-regular workers.")

Notes: "Establishments are classified in individual types where one or more non-regular workers are hired.

Establishments that responded "no answer" (n=29) were not included.

The table shows that non-regular workers have various types of job contracts, their proportions varying greatly depending on the establishment. The establishments surveyed are classified according to the percentages: establishments using all types of non-regular workers are labeled as Type I; those using part-time and dispatched workers as Type II; those using part-time and subcontracted workers as Type III; those using dispatched and subcontracted workers as Type IV; those using part-time workers only as Type V; those using dispatched workers only as Type VI; those using subcontracted workers only as Type VII; and those which do not have non-regular workers at all as Type VIII. The table clearly shows that, among the establishments surveyed, a mere eight employ no non-regular workers at all. Secondly, the majority of establishments (119) with non-regular workers hire all three types, followed by those with two out of three types, and those with only a single type.

In short, many establishments do not confine themselves to any single job contract pattern, but take advantage of various types of non-regular workers.

3.2 Reasons for Using Non-regular Workers

Table 4 shows the reasons for making use of non-regular workers in terms of job contract patterns. It presents the answers frequently chosen by the establishments surveyed.

Table 4. Reasons for Using Non-regular Workers (multiple answers)

(%)

Reason	Firms using mainly part- time workers	Firms using mainly dispatched workers	Firms using mainly subcontracted workers
Inability to secure regular workers	2.0	9.2	8.4
Inability to increase regular workers	31.3	50.7	53.0
Adjusting employment levels to business fluctuations	29.3	38.7	54.0
Cutting labor costs	48.5	46.5	50.0
Maintaining continuity of operations	8.1	10.1	29.2
Temporarily or seasonally adjusting employment levels in fit busy/slack periods	24.2	29.0	36.1
Dealing with specialized duties	8.1	38.7	18.8
Obtaining workers who can immediately contribute	6.0	46.1	16.8
Related to re-employment of elderly workers	5.1	3.7	3.5
Related to re-employment of female workers	3.5	1.8	1.0
Other	6.6		0.5

First, the most common reason for using part-time workers was "cutting labor costs" (48.5%), followed by "inability to increase the number of regular workers" (31.3%) and "adjusting employment levels in accordance with business fluctuations" (29.3%).

Second, the most common reason for using dispatched workers was "inability to increase the number of regular workers" (50.7%), followed by "cutting labor costs" (46.5%) and "obtaining workers who can immediately contribute to their business" (46.1%).

Third, the most frequent reason for using subcontracted workers was "adjusting employment levels in accordance with business fluctuations" (54.0%), followed by "inability to increase the number of regular workers" (53.0%), and "cutting labor costs" (50.0%).

Judging from the table, business establishments show both similarities and differences as to why they are attracted to non-regular workers. Common responses for hiring all types of non-regular workers was "cutting labor costs," "adjusting employment levels in accordance with business fluctuations," and "inability to increase the number of regular workers." As for differences, "cutting labor costs" was the most frequent reason for hiring part-time workers; "inability to increase the number of regular workers" in the case of dispatched workers; and "adjusting employment levels in accordance with business fluctuations" for subcontracted workers. In addition, reasons given for hiring dispatched workers include "dealing with specialized duties," which is a feature not found in the other two types of non-regular workers. These differences show of individual features of each type of non-regular worker.

3.3 Co-existence of Non-regular and Regular Workers in Terms of Duties

Let us now look at how duties are apportioned between regular and non-regular workers in reality and, as the unions would see things, ideally (see Table 5).

Table 5. Duties Performed by Regular and Non-regular Workers (multiple answers)

(%)

Type of duty	Ideally exercised mainly by regular workers	Ideally exercised mainly by non- regular workers	In reality, exercised mainly by regular workers
Duties involving confidential matters of firm or client	89.8	_	92.4
Duties requiring giving orders or instructions to regular workers	86.0	0.3	89.5
Duties requiring negotiations with other firms or clients	86.0	-	89.8
Duties requiring acquired skills	82.5	-	86.6
Duties regular workers must tackle for their careers	81.9		86.7
Duties involving R&D, and development of new products	72.5		81.2
Duties requiring systematic knowledge	66.9		74.6
Duties relating to maintenance of production equipment and machinery	51.9	2.2	67.5
Duties involving mechanical failures	48.7	1.3	64.6
Duties requiring skills and knowledge insufficiently available			
within the workplace	43.0	7.4	53.5
Duties requiring overtime or other time restraints	20.4	3.8	27.0
Duties involving consecutive late-night operations	8.9	14.6	14.4
Duties where the labor demand varies substantially from time to time	5.8	37.9	8.0
Duties that can be handled in a standardized way	5.1	37.6	6.7
3D (dirty, difficult, dangerous) duties	4.1	13.1	5.7
Duties requiring skills which can be acquired in a short time	1.9	50.6	3.5

Table 5 reveals, first, that the duties exercised by regular workers – including "duties involving confidential matters," "duties requiring giving orders or instructions to regular workers," "duties requiring negotiations with other companies," "duties requiring skills that take a long time to learn," "duties necessary for regular workers to tackle for the sake of their careers" – are the so-called essential duties; in other words, regular workers are there to do such tasks. Second, it seems that non-regular workers are mainly engaged in "duties requiring skills which can be acquired in a short time," "duties where the labor demand varies substantially from time to time," "duties that can be handled in a standardized way," and so on. In other words, these are "simple duties" and "duties whose quantity fluctuates considerably." The third finding is that there is little difference between actual and ideal role assignments between regular and non-regular workers.

In short, regular workers' duties are the essential tasks, which non-regular workers are not expected to get involved in and are not in fact involved in, lest this results in an erosion of the regular workers' realm.

4.0 Commitments and Voices of Labor Unions concerning Use of Non-regular Workers

4.1 Number of Labor Unions Taking Up Issues Related to Non-regular Workers

The demand of companies for non-regular workers is likely to be affected by the voices and commitments of the labor unions. For example, if out-sourcing or replacement of regular workers with non-regulars goes too far, then regular workers may be pushed out, turning the presence of non-regular workers into a threat to job opportunities for regular workers. If that scenario is taken into account, the unions whose membership is open to regular employees and who seek to safeguard their jobs and improve their working conditions, cannot remain indifferent on the basis that they have nothing to do with non-regular workers because they

are not union members.

Then, to what extent in fact are labor unions involved in the issue of employment of non-regular workers? More concretely, do unions voice, or commit themselves to restraining the number and the activities of non-regular workers?

Table 6 shows a series of topics which labor unions and management are discussing or moving toward resolution on. It highlights the following points:

First, only a small number of establishments, from a mere 10 percent to no more than 30 percent of all surveyed, answered that they discussed or included the issue of non-regular workers in labor-management agreements. Many unions simply "hear reports on such workers (from management)." The remaining unions "do nothing."

Table 6. Topics for Discussion or Resolution regarding Non-regular Workers (%)

Issues	Firms using mainly part-time workers	Firms using mainly dispatched workers	Firms using mainly subcontracted workers
Number of non-regulars to be allocated	20.8	17.9	23.5
Budget (labor costs, costs for out-sourcing)	11.7	9.0	10.1
Percentage of non to regular workers	16.9	19.4	24.2
Sections and workplaces where non-regulars are used	15.6	19.4	28.9
Scope of non-regular worker duties	13.0	22.4	28.9

Note: "Topics for discussion or resolutions" refers to the proportion of establishments that selected either (1) or (2) out of five choices: (1) unions discuss with management in discussing or making resolutions; (2) unions discuss with management; (3) unions hear reports from management; and (4) unions do nothing.

Secondly, however, the issues discussed vary depending on the type of non-regular employment. A relatively large number of establishments discuss and incorporate in a resolution the number of part-time workers to be hired when such workers are the major type of non-regular workers; the scope of duties when dispatched workers are the main type of non-regular workers; and the scope of sections, workplaces, and duties when subcontracted workers are mainly used.

4.2 Do Voices or Comments of Unions Effect Percentage of Non-regular Workers?

Nevertheless, the previous survey itself does not give a clear picture of whether or not the resolutions of labor unions have an effect in curbing the use of non-regular workers. Let us now compare, then, in each non-regular employment pattern, unions which discuss or make resolutions concerning the use of non-regular workers, with those which do not take any action, so as to see the differences, if any, among establishments with various percentages of non-regular workers to the total number of workers.

Table 7 shows the degree of union involvement in issues concerning non-regular workers.

Table 7. Degree of Union Involvement in Issues concerning Non-regular Workers

Issues		reating issues on a or resolution" basis	Unions treating issues on a "hearing report from management" or unions doing nothing		
	Average (%)	Standard variation	Average (%).	Standard variation	
Number of part-time workers to be hired/allocated	4.11	5.44	4.44	7.18	
Budget allocated for part-time employment	2.62	3.60	4.59	7.14	
Percent of part-time workers to regular workers	4.83	6.67	4.38	7.03	
Sections and workplaces that use part-time workers	4.62	7.31	4.36	6.88	
Scope of duties assigned to part-time workers	4.37	7.08	4.42	6.93	
Number of dispatched workers to be hired/allocated	2.87	3.71	3.91	5.64	
Budget allocated for dispatched employment	3.00	4.73	3.64	5.12	
Percent of dispatched workers to regular workers	3.70	4.57	3.56	5.20	
Sections and workplaces that use dispatched workers	3.80	4.47	3.69	5.57	
Scope of duties assigned to dispatched workers	4.08	4.83	3.49	5.12	
Number of subcontracted workers to be hired/allocated	11.0	9.47	12.5	14.3	
Budget allocated for subcontracted employment	10.7	8.31	12.9	13.7	
Percentage of subcontracted workers to regular workers	13.1	11.9	11.9	13.8	
Sections and workplaces that use subcontracted workers	14.2	13.1	11.4	13.4	
Scope of duties assigned to subcontracted workers	15.2	13.2	11.2	13.3	

Note: The average figures indicate the proportion of each type of non-regular workers to the total number of workers employed.

From this analysis, the conclusion can be drawn that even if unions discuss or make certain decisions concerning the use of non-regular workers, union activities do not necessarily pose any constraints or restrictions on the employment of non-regular workers. In practice, of course, establishments with unions which regard the number of non-regular workers and the budget for such workers as topics for discussion, tend to have lower percentages of non-regular workers, regardless of the type of employment, to workers as a whole, and in this sense some unions can be seen as imposing restrictions on the number of such workers in the workplace. However, this tendency is not applicable to all unions. As is particularly conspicuous in the case of subcontracted workers, companies whose unions discuss or include in their resolutions topics such as the sections to which non-regular workers should be allocated and their duties have larger percentages of all non-regular workers, so one can conclude that there are labor unions which, accepting that the companies will make use of many non-regular workers, commit themselves to a clear definition of the sections and scope of duties those workers should be involved in.

5.0 Summary

(1) Now that the electric industry is exposed to severe international competition, non-regular workers under various types of employment contracts are increasing. This includes part-time, *arubaito*, and dispatched workers, as well as subcontracted workers. A noticeable fact is an increase in the number of subcontracted workers relative to all non-regular workers.

- (2) Although many companies are eagerly making use of non-regular workers, such companies differ in terms of the percentage and combination of types of non-regular workers. Of the establishments surveyed, just under 40 percent utilized all the three types of workers part-time, dispatched, and subcontracted. More than 30 percent combined two out of the three types: part-time and dispatched workers; part-time and subcontracted workers; or dispatched and subcontracted workers. A minority, less than 20 percent, took on a single type of non-regular worker.
- (3) The establishments surveyed uniformly chose "inability to increase the number of regular workers," "cutting labor costs," and "adjusting employment levels in accordance with business fluctuations" as the reasons for using non-regular workers. But it should be noted that a substantial proportion of those mainly employing subcontracted workers attributed this to "adjusting employment levels in accordance with business fluctuations." Subcontracted workers have no direct employment agreement with the recipient companies; it is the contract companies sending such workers that are responsible for the adjustment of employment levels and the quantity of duties, giving companies the advantage of being able to flexibly adjust employment levels according to business fluctuations or significant changes in product demand.
- (4) An ideal allocation of duties from the unions' viewpoint is to assign to non-regular workers simple tasks and tasks where the labor demand fluctuates substantially. The actual situation generally speaking confirms the validity of this.
- (5) The unions' stance towards the use of non-regular workers seems aimed not so much at restricting the number of such workers in workplaces for the purpose of protecting the jobs of regular workers, as at allowing a certain percentage of non-regular workers in the workplace, and restricting the range of duties assigned to them.

However, if the number of non-regular employees, including subcontracted workers who have no direct employment contract with the particular company, increases further as globalization progresses, then unions may face a new situation in which the job security of union members is concerned⁽⁷⁾.

Notes:

- (1) See "30 Percent of All Employees Non-regular: Ministry of Labour Special Survey." Japan Labor Bulletin, 39.11 (2000): 1-2.
- (2) See Kezuka, Katsutoshi. "Legal Problems Concerning Part-time Work in Japan." Japan Labor Bulletin, 39.9 (2000): 6-12.
- (3) See Morishima, Motohiro. "Contingent Workers in Japan: New Developments and Unexpected Consequences." Japan Labor Bulletin, 40.3 (2001): 6-14.
- (4) Incidentally, in the 2001 spring wage offensive the focus was on improvement of the labor situation and the diversification of employment patterns. For the first time Rengo called for a uniform increase of \(\frac{\pmathbf{4}}{10}\) or more per hour for part-time workers. The delay in organizing non-regular workers has long been a matter for concern, and Rengo's action can be taken as a turning point in the sense that labor unions have at last gone into action concerning the use and treatment of non-regular workers.

- (5) The main source of survey data for this paper is the Denki Rengo Research Institute (2001). In November 2000, the Denki Rengo Research Institute, a think tank affiliated with Denki Rengo (Japanese Electrical Electric and Information Unions), conducted a survey, handing out questionnaires to 480 affiliated unions (most factories; unions in headquarters, sales offices and research offices were not included). Responses were received from 314 unions, an effective reply rate of 65.4%. The research group in charge of this survey was headed by Professor Hiroki Sato of Tokyo University, and the author participated in the group as a committee member. Survey samples covered unions of major electric manufacturers, including Matsushita Electric Co., Hitachi, Fujitsu, Toshiba, NEC and Mitsubishi.
- (6) In fact, an interview survey covering unions and employers found that there were some establishments that had discussed the extent of use of non-regular workers, and others that, in their guidelines, specifically set the proportion of non-regular workers to regular ones at around 10 percent in their guidelines.
- (7) In fact, items of union concern prompted by the increase in the number of non-regular workers included "(they) may reduce employment opportunities for union members" (67.9%), "inability to maintain product quality" (56.3%), "union members may loose the will to work" (46.0%) (three multiple answers). Incidentally, the past history of union activities concerning non-regular employment in the electric industry shows that their commitment was not necessarily insignificant, as was seen in the "struggle to employ temporary manual workers as regular workers" in the 1960s. For further details, see Kamuro (2001).

References:

Kamuro, Ayami. "Denki Sangyō no Part-timer wo Meguru Rōshi Kankei" (Labor-Management Relations and Part-timers in the Electric Industry). Ohara Shakai Mondai Kenkyūjo Zasshi (Journal of the Ohara Institute for Social Research), 515 (2001).

Denki Rengo Research Institute. *Chōsa-Jiho: Denki Sangyō no Koyō Kōzō ni Kansuru Chōsa No. 323* (Survey of the Employment Structure in the Electric Industry). Denki Rengo, 2001.

JIL News and Information

The 4th Survey on Work and Life among Japanese Expatriates at Japanese-affiliated Companies Abroad (Part 2)

Results from the first part of this survey can be found in the November issue of the Japan Labor Bulletin.

This includes:

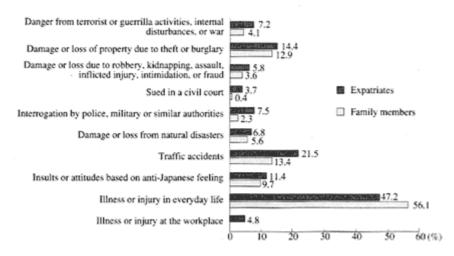
- 1. Situation of expatriates before working abroad
- 2. Situation of expatriates during their stay abroad
- 3. Working conditions of expatriates

4. Living Environment

(1) Almost half of the expatriates (47.2%) responded that the most common problem they experienced while living abroad was "illness and injuries." This figure was even higher

(56.1%) for family members.

Figure 4-1. Type of Problems Experienced by Expatriates

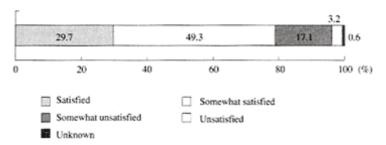


Notes: "Unknown" was excluded in compiling the data.

The figures for "family members" indicate the number of individual expatriates with family members who have had such

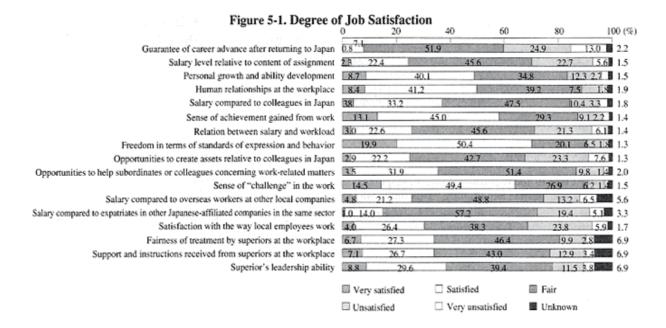
(2) Some 80 percent of expatriates found the educational environment "satisfactory" or "somewhat satisfactory" for their children.

Figure 4-2. Satisfaction with Educational Environment



5. Attitude of Expatriates

(1) There was a high degree of satisfaction with "freedom," "sense of challenge," and "sense of achievement."



(2) Expatriates were very satisfied with the "housing" and "commuting" aspects of daily life, but were not satisfied with "medical support."

20 40 60 100 (%) 80 Housing 49.0 6.5 3.0 0.5 39.5 Commuting [39.2 Medical support 6.4 Relations with local people 3.9 19.7 Education for children 311 33.6 Security and public morals 9.1 35.2 Daily conveniences 9.9 General living conditions 8.7 43.3 Satisfied Very satisfied Fair Unsatisfied ☐ Very unsatisfied Unknown

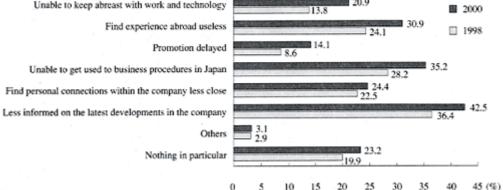
Figure 5-2. Degree of Satisfaction with Living Conditions

6. Situation Upon Returning Home

(1) Concerns about work after returning to Japan have increased since the previous survey. "Shortage of the latest information about domestic affairs" (42.5%) and "unable to get used to business procedures in Japan" (35.2%) ranked as the two major concerns.

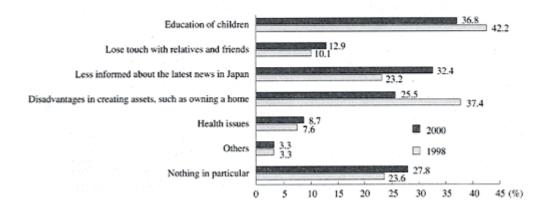


Figure 6-1. Concern about Working Life after Returning to Japan (multiple answers)



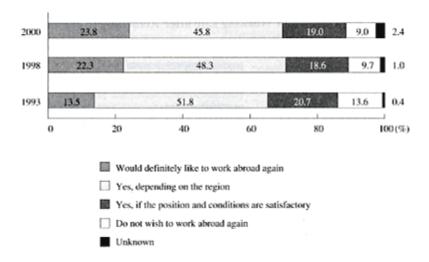
(2) Concerns after returning to Japan include "children's education."

Figure 6-2. Concerns after Returning to Japan (multiple answers)



(3) An increasing number of expatriates wish to work overseas again.

Figure 6-3. Desire to Work Overseas Again



Conclusion

The above is a brief summary of the results of the survey. The survey explores the attitudes of expatriates in Japanese affiliated companies abroad with respect to work, daily life and other factors. These results are not conclusive and require further analysis and discussion. We welcome comments and inquiries from all interested, so that we can better plan and conduct quality surveys that will provide reliable and relevant information. The results of the survey will be published as a report in Japanese.

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OPINIONS REQUESTED

The editor invites readers to send their views and comments on the contents of JLB via e-mail to akuwa@jil.go.jpor via fax to +81-3-5991-5710.

Statistical Aspects

Recent Labor Economy Indices

	September 2001	October 2001	Change from previous year (October)
Labor force	6,753 (10 thousand)	6,757 (10 thousand)	-65 (10 thousand)
Employed	6,362	6,367	-110
Employees	5,338	5,331	-83
Unemployed	356	360	43
Unemployment rate	5.3%	5.4%	0.7
Active opening rate	0.57	0.55	-0.09
Total hours worked	152.3 (hours)	p155.2 (hours)	p-1.0
Total wages of regular	(¥ thousand)	(¥ thousand)	
employees	284.4	p285.7	p-1.2

Note: p = Preliminary figures.

Source: Ministry of Public Management, Home Affairs, Posts and Telecommunications, Rödöryoku Chösa (Labour Force Survey); Ministry of Health, Labour and Welfare, Shokugyö Antei Gyömu Tökei (Report on Employment Service), Maitsuki Kinrö Tökei (Monthly Labour Survey).

Percentage of Companies that Transfer Employees to Affiliates, by Duration

(%)

			Companie	s with a Zais	eki Shukko Sc	heme					
			Most Frequent Duration								
Company size	Total	l yr or less	more than 1 yr to 2 yrs or less	more than 2 yrs to 3 yrs or less	more than 3 yrs to 4 yrs or less	more than 4 yrs to 5 yrs or less	more than 5 yrs	Unknown			
Total	[23.4] 100.0	10.6	13.7	21.7	11.2	7.0	34.1	1.6			
1,000 or more	[87.5] 100.0	4.1	14.4	22.2	10.1	7.6	38.0	3.6			
300 - 999	[66.4] 100.0	5.2	15.0	24.5	7.6	7.8	38.2	1.7			
100 - 299	[34.9] 100.0	9.7	14.2	22.4	13.5	6.6	32.1	1.4			
30 - 99	[14.0] 100.0	14.8	12.7	19.9	11.2	6.9	33.1	1.4			

Notes: Figures in brackets indicate the percentage of companies with a zaiseki shukko scheme.

Zaiseki shukko refers to transferring workers to an affiliate or related company for a specific period, while retaining the employee at the

original company.

Source: Ministry of Health, Labour and Welfare, Comprehensive Survey of Working Conditions, 2001.

Classification of Dispatched Worker, by Type of Contracts and Working Style

No. of contracts per year	No. of firms registered with	No. of workplaces dispatched to	Type of working style	%	Average duration (months)	Average no. of contracts per year	% who waited between contracts
more than 1	1	1	stay with 1 dispatching firm and work for 1 section	36.5	10.7	3.5	15.5
		more than 1	stay with 1 dispatching firm but change workplaces	15.8	9.0	4.4	71.8
more than 1	more than 1	1	change dispatching firm but remain working for 1 section	1.6	9.9	3.7	36.1
		more than 1	change dispatching firm and change workplace	16.9	8.1	4.8	81.0
1	1	1	one-shot contract with no extension (12 months)	12.7	12.0	1.0	3.9
			one-shot contract with no extension (less than 12 months)	16.5	4.4	1.0	46.2

Source: Temporary Work Services Association of Japan. Report on Work Situation and Personal Views of Dispatched Workers.

Percentage of Females in "Management Career Track" Positions

			Prop	Proportion of females in "management career track"				Unknown or no	
Number of companies			0%	more than 0% but less than 10%	more than 10% but less than 20%	less than 20% but more than 30%	more than 30%	scheme to employ females in management career track	Ratio of females
	Total	168	13.1%	72.6%	3.0%	2.4%	1.2%	7.7%	2.2%
	Manufacturing	46	17.4%	76.1%	2.2%	0%	0%	4.3%	1.8%
	Financing and insurance	47	10.6%	74.5%	4.3%	0%	0%	10.6%	2.6%
Industry	Wholesale and retail trade	35	5.7%	71.4%	2.9%	5.7%	5.7%	8.6%	3.6%
	Construction	21	14.3%	76.2%	0%	0%	0%	9.5%	1.1%
	Others	19	21.1%	57.9%	5.3%	10.5%	0%	5.3%	3.0%
Company size	1,000 or more	74	5.4%	78.4%	2.7%	1.4%	0%	12.2%	2.1%
(number of	300 - 999	62	17.7%	74.2%	0%	1.6%	0%	6.5%	2.5%
	299 or less	32	21.9%	56.3%	9.4%	6.3%	6.3%	0%	4.2%

Note: Figures are for 168 companies which offer "management career" (sogoshoku) and "general" (ippanshoku) tracks at the time of recruitment but have no specific course for future managers.

Source: Ministry of Health, Labour and Welfare, Report on the Current Situation and Administrative Action concerning Personnel Management Schemes Employing 'Tracks', 2001.

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(%)

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		Most Frequent Duration										
Company size	Total	l yr or less	more than 1 yr to 2 yrs or less	more than 2 yrs to 3 yrs or less	more than 3 yrs to 4 yrs or less	more than 4 yrs to 5 yrs or less	more than 5 yrs	Unknown				
Total	[23.4] 100.0	10.6	13.7	21.7	11.2	7.0	34.1	1.6				
1,000 or more	[87.5] 100.0	4.1	14.4	22.2	10.1	7.6	38.0	3.6				
300 - 999	[66.4] 100.0	5.2	15.0	24.5	7.6	7.8	38.2	1.7				
100 - 299	[34.9] 100.0	9.7	14.2	22.4	13.5	6.6	32.1	1.4				
30 - 99	[14.0] 100.0	14.8	12.7	19.9	11.2	6.9	33.1	1.4				

Notes: Figures in brackets indicate the percentage of companies with a zaiseki shukko scheme.

Zaiseki shukko refers to transferring workers to an affiliate or related company for a specific period, while retaining the employee at the original company.

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		more than 1	stay with 1 dispatching firm but change workplaces	15.8	9.0	4.4	71.8
more than 1	more than 1	1	change dispatching firm but remain working for 1 section	1.6	9.9	3.7	36.1
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N	0%	more than 0% but less than 10%	more than 10% but less than 20%	less than 20% but more than 30%	more than 30%	scheme to employ females in management career track	Ratio of females		
Total 168			13.1%	72.6%		3.0%		2.4%	7.7%
Industry	Manufacturing	46	17.4%	76.1%	2.2%	0%	0%	4.3%	1.8%
	Financing and insurance	47	10.6%	74.5%	4.3%	0%	0%	10.6%	2.6%
	Wholesale and retail trade	35	5.7%	71.4%	2.9%	5.7%	5.7%	8.6%	3.6%
	Construction	21	14.3%	76.2%	0%	0%	0%	9.5%	1.1%
	Others	19	21.1%	57.9%	5.3%	10.5%	0%	5.3%	3.0%
Company size (number of employees)	1,000 or more		5.4%	78.4%	2.7%	1.4%	0%	12.2%	2.1%
	300 - 999	62	17.7%	74.2%	0%	1.6%	0%	6.5%	2.5%
	299 or less	32	21.9%	56.3%	9.4%	6.3%	6.3%	0%	4.2%

Note: Figures are for 168 companies which offer "management career" (sogoshoku) and "general" (ippanshoku) tracks at the time of recruitment but have no specific course for future managers.

Source: Ministry of Health, Labour and Welfare, Report on the Current Situation and Administrative Action concerning Personnel Management Schemes Employing 'Tracks', 2001.