

Abstracts

The Current State of Non-Regular Employment Understood through Statistics

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This paper overviews changes in the demographic attributes, working conditions, and workers' attitudes of non-regular employment in Japan over the past 40 years based on major official statistics. In the 1980s, official surveys began classifying workers by titles used in workplaces, such as "part-time worker" and "temporary worker," to measure the number and conditions of workers other than "regular employees." Initially, most non-regular workers were married women who chose part-time employment to supplement household income. After the burst of the "bubble economy," however, young and full-time workers increasingly entered the non-regular labor market. This raised concerns about a dual labor market of regular and non-regular workers and growth in involuntary non-regular employment. In the 2010s, laws and policies to protect non-regular workers were introduced, and, together with labor shortages, helped to ease some of these problems. Nevertheless, new challenges have emerged, including an increase in older non-regular workers, the spread of short-term "spot" jobs, and the need to discuss regulation of freelance and platform work.

Health Inequalities between Regular and Non-Regular Employment: Focusing on Workplace Titles and Social Insurance Coverage

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This paper analyzes the actual state of health inequalities between regular and non-regular employment as well as contributing factors. It also examines inequality in social insurance coverage (health insurance, pension, and employment insurance). While non-regular employment is often either lumped together and compared with regular employment or discussed with a focus on specific forms of non-regular employment, this paper examines employment forms within non-regular employment in detail. The results revealed the following: (1) Health status varies widely depending on the form of non-regular employment, such as whether it is part-time work, contract work, dispatch work, and commissioned work. Dispatch workers in particular have poorer health status than other forms of employment for both men and women. (2) Econometric analysis shows that, as in previous studies, non-regular employment is associated with poorer health than regular employment when analyzed using repeated cross-sectional data. However, when fixed effects are considered and the various labor conditions are controlled, regular employment is associated with poorer health. (3) Long working hours have a negative impact on health for both male and female workers. Indefinite contracts have a positive impact on the health of female workers. (4) Health inequalities can be largely explained by the definition of non-regular employment based on workplace titles. (5) Regardless of workplace titles, non-regular employees have lower enrollment rates in health insurance, pension, and unemployment insurance compared to regular employees across all non-regular employment types. This trend is particularly pronounced among part-time workers for both men and women.

Issues Related to the Restriction on Refusing to Renew Fixed-Term Employment Contracts

Nobutaka Shinohara (Komazawa University)

This report explores key legal issues concerning the restriction on refusing to renew fixed-term employment contracts, focusing on non-renewal clauses and changes in working conditions. The principle was first developed through case law and later codified in Article 19 of the Labor Contract Act, which institutionalized two levels of scrutiny: the "applicability test" and the "validity test." Through analogy with the doctrine prohibiting abuse of dismissal rights, courts recognized an "intermediate" contract type between fixed-term and indefinite-term employment, enabling similar evaluation standards for both. Debate centers on whether non-renewal clauses, constitute binding agreements and how these affect reasonable expectations of continued employment. Renewal limit clauses raise similar concerns, especially when they obstruct conversion to indefinite contracts. In disputes

over working condition changes, the primary issue is whether the doctrine applies and what standards govern its use. Viewing the doctrine as grounded in an intermediate contract model, this report clarifies key theoretical divisions and offers interpretive conclusions.

Issues in Equal and Balanced Treatment Regulations for Fixed-Term Contract Workers and Future Challenges

Tomoko Kawada (Chuo University)

In recent years, non-regular employment has become more diverse to include a variety of forms, including a mixture of fixed-term and indefinite-term employment or full-time and part-time employment. The working styles of regular workers have also diversified, with the introduction of “limited regular employment,” a trend that has spread to the general workforce. The purpose of this study is to reexamine regulations on equal and balanced treatment for fixed-term workers from the perspective of the increasingly diverse realities of fixed-term workers. This paper concludes that 1) disparities in employment status are “disparities (discrimination) due to employment management classifications” that have been exacerbated by current legal regulations (such as the equal and balanced treatment regulations in Article 8 of Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers and Fixed-Term Workers), and 2) in order to correct disparities in treatment between regular and non-regular workers, it is necessary to establish legal regulations that, as a general rule, treat all workers equally in the workplace, without distinguishing between regular and non-regular workers or fixed-term and indefinite-term workers, and that different treatment is permitted only when there is a legitimate reason.

The Effects and Problems of the Deemed Employment Offer Contracts by Companies Receiving Dispatched Workers under the Dispatched Workers Act

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Restrictions on labor dispatch, a form of labor supply, were gradually lifted by the Worker Dispatch Act enacted in 1985 and were fully lifted in 2003. This resulted in no restrictions on the indirect employment of workers, and the employment of workers became extremely unstable. To address this situation, the “Deemed Employment Contract Offer System” was introduced by the revised Act, Article 40-6, enacted in 2012. This system presumes that, in the event of a serious violation of the Worker Dispatch Act, a company that accepts a dispatched worker is deemed to have offered them an employment contract with the same working conditions as the dispatching company, except in cases of good faith and no negligence. This system attracted a lot of social attention when it was first introduced, and there have been a certain number of court cases related to it. In this paper, we have examined those court cases and considered the effectiveness and problems of this system, and found that it is difficult to establish an employment contract with the company accepting the dispatched worker. The main reason for this is not only the flaws in the way the current Article 40-6 is written, but also the fact that the courts, which have taken the position of emphasizing the freedom to enter into employment contracts, have interpreted it in a way that limits the forcing of companies that accept dispatching workers to enter into labor contracts to “civil sanctions.”

Employment-Based Labor Platform: Matching, Working Conditions, and Policy Implications

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The advancement of ICT and AI technology has expanded online labor platforms (OLPs) while increasing the number of freelancers working under unstable conditions. Recently, employment-based labor platforms have gained attention. Unlike traditional OLPs, which match freelancers with businesses based on contracts for services, employment-based platforms match workers with companies through formal employment contracts. However, little is known about how these platforms operate or about the actual working conditions of workers who have been matched. This study uses data and materials provided by Timee Inc., a leading employment-based platforms, to shed light on these realities. Employment-

based platforms achieve three key features through big data and AI: (1) outsourcing of recruitment and labor management tasks, (2) highly immediate “spot” matching, and (3) systems offering high convenience for both companies and workers. Most jobs offered are low-skilled and pay wages near the minimum wage, but workers benefit from flexible scheduling that avoids the hassle of fixed shifts. Some employment-based platforms, including Timee, also provide mechanisms to improve working conditions and facilitate transitions to regular employment. However, challenges remain, such as issues related to social insurance enrollment. Improving working conditions on these platforms requires not only company initiatives but also policy measures like raising the minimum wage. Timee’s approach may have important implications for skill development among non-regular workers.

The Unsustainability of Female Professional Non-Regular Government Employees from the Perspective of Gender

Naoko Hiromori (Osaka Shin-Ai Gakuin University)

This study analyzed interviews with 25 female professional non-regular government employees (librarians, school librarians, support workers, staff members at facilities for women, staff members at social educational facilities), to examine their narratives about the sustainability of their jobs. Data was collected via semi-structured interviews and analyzed using qualitative and descriptive methods. The interviews were transcribed, then coded focusing on job sustainability. The following three categories were extracted: (1) sustainability of career and skill development as professionals (they continue to work), (2) sustainability as an occupation (the next generation joining the job), (3) sustainability of public services with professionalism. Their narratives indicate difficulty in career and skill development as professionals under their current treatment, that their workplaces do not work on professional staff development, that the next generation does not join these jobs because of poor treatment and lack of prospects, and that there are concerns that public services with professionalism will be difficult to provide.

The Impact of Employer Contributions on the Take-Up of Job Retention Schemes during the Covid-19 Pandemic: An Analysis of the Accommodation and Food Service Industries in Germany, France, and the United Kingdom

Kenta Kawase (Ministry of Health, Labour and Welfare)

This paper examines the impact of the (re) introduction of employer contributions on the take-up of job retention schemes (JRS) in Germany, France, and the UK during the Covid-19 pandemic. It analyses the relationship between JRS take-up in the accommodation and food service industries and employer wage and social insurance contributions in JRS, taking into account changes in the stringency index (SI) of the containment measures that affected these industries. The result of a multiple regression analysis showed the significant impact of employer contributions on JRS take-up. Further analysis of trends in JRS take-up and SI reveals that the large decrease of JRS take-up began concurrently with the decline of SI, and that JRS take-up in Germany and France, which maintained special measures, decreased at a similar or faster rate than that in the UK, which introduced employer contributions, when changes in SI are taken into account. In light of these findings, the basis for modifying employer contribution policy should include trends in SI and JRS take-up. For example, when JRS take-up decreases in line with the decline of SI, one potential course of action would be to refrain from phasing out special measures. However, the analysis in this paper also highlights the importance of (re) introducing the employer contributions at the appropriate time.