

Japan Labor Issues

1

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Volume 5 Number 28

● Trends

Column: How Women Bear the Brunt of COVID-19's Damages on Work

ZHOU Yanfei

Column: Impact of the COVID-19 Recession on Full-Time Workers: Shortened Work Hours, Working from Home, and Possible Widening of Income Disparities

TAKAMI Tomohiro

● Japan's Employment System and Public Policy 2017-2022

What Is *Shunto*?

OGINO Noboru

● Special Feature on Research Papers (I)

The Law to Prevent "Power Harassment" in Japan

OBATA Fumiko

Where Does Career Support and Education in Japanese Universities Stand? Erosion by Business, or a New Form of University Education?

KOMIKAWA Koichiro

● Statistical Indicators



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Japan Labor Issues

Volume 5 Number 28
January 2021

CONTENTS

Trends

- | | | |
|---------|---|---|
| Columns | How Women Bear the Brunt of COVID-19's Damages on Work
ZHOU Yanfei | 2 |
| | Impact of the COVID-19 Recession on Full-Time Workers: Shortened
Work Hours, Working from Home, and Possible Widening of Income Disparities
TAKAMI Tomohiro | 9 |

Japan's Employment System and Public Policy 2017-2022

- | | | |
|-------------------------|--------------|----|
| What Is <i>Shunto</i> ? | OGINO Noboru | 18 |
|-------------------------|--------------|----|

Special Feature on Research Papers (I)

- | | |
|---|----|
| The Law to Prevent "Power Harassment" in Japan
OBATA Fumiko | 23 |
| Where Does Career Support and Education in Japanese Universities Stand?
Erosion by Business, or a New Form of University Education?
KOMIKAWA Koichiro | 37 |

Statistical Indicators	52
------------------------	----

Column

How Women Bear the Brunt of COVID-19's Damages on Work

ZHOU Yanfei

I. The number of workers on temporary leave ('furlough') in April was largest ever

The government, companies, and individuals are being forced to voluntarily curtail economic activities to contain the novel coronavirus. As a result, the world's countries, including Japan, are finding themselves in a condition that deserves to be called a "designed recession"¹ and, since April, the Japanese economy has fallen so far as to be facing the "worst postwar crisis" (Prime Minister Abe). It is believed there is a strong possibility the situation will develop into a major depression if condition does not improve. In fact, according to the results of the May Economy Watchers Survey released by the Cabinet Office on June 8, the indicator for current economic conditions (DI) stood at 15.5%. Although the DI had recovered slightly from its lowest point in April (7.9), it continued to be far below the DI of January (41.9), prior to the coronavirus pandemic.

With the lifting of the state of emergency declaration (May 25), there are signs of a slight improvement in recent business confidence. However, the risk of a resurgence in infections remains, and therefore it is likely that a full recovery is still a long way away. When *The Asahi Shimbun* (June 23) newspaper surveyed 100 major companies about when they expect the economy to recover to its pre-coronavirus level, none of the managers surveyed anticipated a V-shaped recovery during the year. Most companies (45) said they expect the recovery will be in "autumn of 2021 or later."² Despite the enormous economic stimulus being provided by the government,³ it is likely that deteriorating

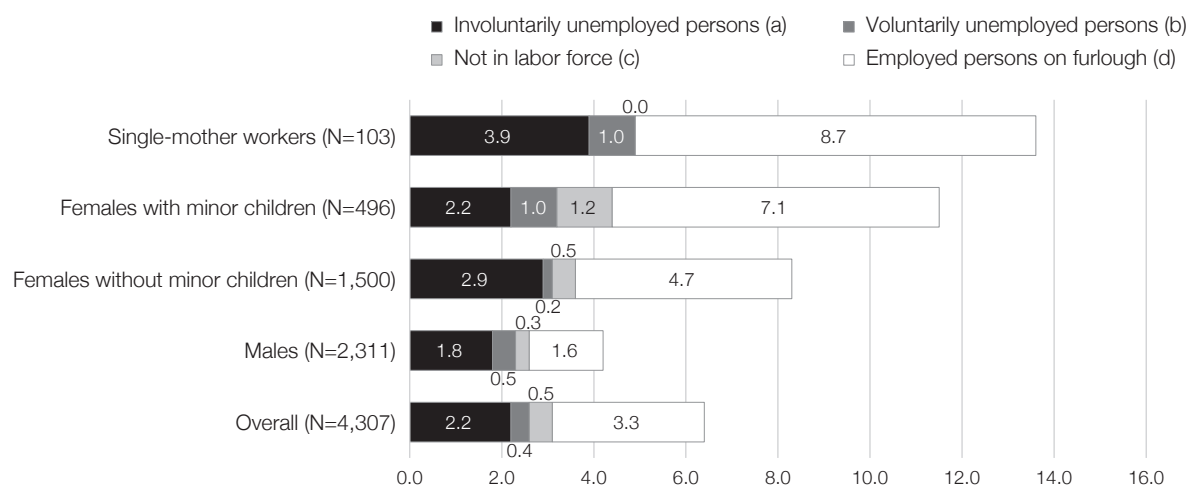
corporate earnings and the poor employment environment will continue for a long period of time.

Shocking statistics telling of the employment situation's severity are coming to light one after another. According to the April *Labour Force Survey*, which was announced by the Ministry of Internal Affairs and Communications (MIC) on May 29, the number of employees on temporary leave ('furlough') was at 5.97 million. This is the largest figure since December 1967, the earliest time that comparison is possible. This is a number equivalent to about 9% of total employed persons (66.25 million) and about 3.4 times the number of unemployed persons (1.78 million). The number of people who cease job-hunting activity is also rising rapidly, and the population not in the labor force has grown by 940,000 since March. In other words, as of April, one in ten workers is in a condition of either being on furlough or being discouraged job seekers and can thus be referred to as latent unemployed persons.



II. Females are three to four times more likely to be on furlough than males

The most recent JILPT survey revealed that the coronavirus pandemic is having a larger impact on the jobs of females than males. This is particularly true for females who are rearing children. When the survey asked 4,307 employees (aged 20 to 64) of private companies who were employed on April 1 about their employment situation in May,⁴ it found a remarkable gender gap in terms of percentage of persons who



Source: Statistics based on the JILPT “Survey on the Impacts that Spreading Novel Coronavirus Infection has on Work and Daily Life” (conducted around the end of May 2020).

Notes: 1. The aggregated respondents are 4,307 employees who worked at a private enterprise on April 1.

2. (a)=Dismissed, had employment contract terminated, or became unemployed due to company bankruptcy, (b)=Not employed but engaged in job-hunting activity (excluding (a)), (c)=Not employed and not engaged in job-hunting activity, and (d)=Employed but worked zero hours in May.

3. “Minor child” refers to a dependent child who is under the age of 18.

Figure 1. Percentages of private sector workers who became unemployed or furloughed (% as of the end of May 2020)

became unemployed or furloughed. In particular, it was apparent that female employees who are raising children under the age of 18 are in particularly disadvantageous circumstances (Figure 1).

First, the percentage of “involuntarily unemployed persons” due to dismissal, termination of employment contract, or company bankruptcy was 1.8% for males but 2.9% for females without minor children and 2.2% for females with minor children (of which, “single-mother workers” was 3.9%). While these percentages are low when the occurrence of involuntary unemployment is viewed as a whole, the situation of females (and particularly single-mother workers) is much more serious than that of males.

Looking next at the combined percentage of “voluntarily unemployed persons” who left employment of their own will and persons “not in the labor force” who ceased job-hunting activity, the percentages for males and females without minor children fall below 1%; however, that for females with minor children rises to 2.2%.

Where the largest gender gap appears is the percentage of “employed persons on furlough,”

which refers to people who are employed but were not actually working. The percentage of people on furlough among males was 1.6%. However, this percentage rises to 4.7% for females without minor children and to 7.1% for females with minor children. Compared to males, the underlying risk of unemployment resulting from being on furlough is three times higher for females without minor children and 4.4 times higher for females with minor children. Looking only at single-mother workers, the furloughed take-up rate reaches 8.7%, making it clear that the novel coronavirus is having a particularly large impact on the jobs of single mothers.

III. Many child-rearing females are obliged to temporarily reduce labor supply

Females have higher percentages of people working in non-regular employment and in small enterprises than males. Personnel adjustment resulting from an economic slowdown tends to begin with small enterprises, which have weaker management foundations, and to take place in non-regular employment rather than among regular employees. Consequently, females typically have

a higher risk of losing employment than males in recessions.

However, it is worth noting that, unlike during ordinary economic slowdowns, this recession is characteristic in that many child-rearing females are voluntarily refraining from working. One underlying factor is a sudden change in social living brought by the temporary closure of nurseries, kindergartens, elementary schools, junior high schools and high schools. The temporary closure of schools—which began with a request from the Prime Minister and was originally intended to last for roughly one month (“from March 2 until the spring break”)—ended up lasting for three whole months until the end of May. Around the same time, nurseries and kindergartens were also driven through the phases of “voluntary stay at home” and “restricted use” to, beginning in April, “partial closure” and then “complete closure.” Even if only temporary, the new burdens of having to care for and educate children placed a heavy burden on parents.

Mothers cannot even ask grandparents, whose risk of death by infection is higher, to care for their children, and therefore their time available for work necessarily decreases. Although some women are successfully balancing work at home and child-rearing, there are undoubtedly many other women who find working while caring for children difficult. It can be imagined that the burden of increased housework and child-rearing duties resulting from the pandemic is not being fairly distributed between husbands and wives and thus a heavy load ends up being placed upon mothers.

In past recessions, a so-called “added worker effect” was observed whereby wives supplemented the household’s income by beginning new employment or increasing their working hours to cope with lower earnings by their husbands or income uncertainties.⁵ However, in the case of the current recession associated with the pandemic, wives’ behavior in terms of supplying labor is exactly the opposite. Despite lower earnings by their husbands and income uncertainties, more and more wives have no choice but to temporarily reduce their supply of labor.

IV. Working hours fell 15.5% and monthly income fell 8.8% on average for child-rearing females

The labor supply of child-rearing females (average weekly working hours from March until May) has declined significantly, although temporarily (Table 1).

The working hours of male employees were, in comparison with a normal month of 43.0 hours, 42.3 hours in March, 39.6 hours in April, and 37.9 hours in May. This represents a rate of change for the March–May average against the normal month of -7.1% . On the other hand, the working hours of female employees with minor children were, in comparison with a normal month of 31.2 hours, 28.1 hours in March, 26.6 hours in April, and 24.3 hours in May. This represents a rate of change for the March–May average against the normal month of -15.1% . The rate of decrease in the working hours for child-rearing females is more than double that of males, and the decline of working hours is particularly large in March (-9.9%), when the temporary closures of schools began.

In comparison with working hours, the extent of decrease in monthly income is mild for both sexes. Nonetheless, it remains true that a disparity exists between males and females. The average monthly income of male employees was 302,000 yen (approximately US\$2,850) in a normal month, 294,000 yen (US\$2,770) in March, and 288,000 yen (US\$2,720) in April. This represents a rate of change for the March–April average against the normal month of -3.9% . On the other hand, the average monthly income of female employees with minor children was 149,000 yen (approximately US\$1,410) in a normal month, 139,000 yen (US\$1,310) in March, and 133,000 yen (US\$1,250) in April. This is a rate of change for the March–April average against the normal month of -8.8% .

One reason that the decreases in March–April income were unexpectedly mild is thought to be the success of enterprises’ self-help efforts as well as so-called “disaster relief” measures, which were public policies to mitigate economic hardship for

Table 1. Average working hours and monthly income from March to May

	Total		Males		Females without minor children (a)		Females with minor children		Single Mothers	
	Weekly working hours	monthly income (10,000 yen)	Weekly working hours	monthly income (10,000 yen)	Weekly working hours	monthly income (10,000 yen)	Weekly working hours	monthly income (10,000 yen)	Weekly working hours	monthly income (10,000 yen)
Normal month	39.0	24.1	43.0	30.2	35.2	17.7	31.2	14.9	32.5	14.9
March	37.8	23.2	42.3	29.4	33.6	16.9	28.1	13.9	30.0	14.1
April	35.3	22.6	39.6	28.8	31.4	16.2	26.6	13.3	27.7	13.3
May	33.2		37.9		28.8		24.3		24.8	
Rate of change (Apr–May average (b) against normal month, %)	–9.1	–4.8	–7.1	–3.9	–11.3	–6.3	–15.5	–8.8	–15.4	–7.8
N	4,203	3,797	2,274	2,035	1,457	1,322	472	440	101	95

Source: Same as Figure 1.

Notes: 1. The aggregated respondents are 4,203 employees (including those on furlough) who worked at a private enterprise on March 1, April 1, and the survey time. However, the working hours for March are the figures for 3,533 people who responded to both the April Survey and May Survey.

2. (a) “Minor child” refers to a dependent child who is under the age of 18. (b) March–April average is used for monthly income.

3. Working hours and monthly income are roughly calculated based on 12 categories. In specific, working hours of 60 or more hours are considered to be 60 hours and monthly income of 500,000 yen or more is considered to be 500,000 yen; the median value is used for the other categories.

the nationals. A series of relief measures targeting household finances is being put forth as novel coronavirus countermeasures. They include the job retention program named “Employment Adjustment Subsidy with COVID-19 special provisions”, compensation in respect of closure of nurseries and schools named “business suspension allowances for parents and guardians”, special rental subsidies named “housing security benefits”, and lump-sum payments to child-rearing households.⁶ It is doubtful whether these relief measures will be sufficient in coping with the novel coronavirus over an extended time. However, at least in a short-term, they appear to be effective to a certain degree.

V. Remote workers are less likely to be furloughed, except for child-rearing females

Due to the effects of the novel coronavirus, traditional work style of “commuting to the company at a specified time” is no longer a norm. Staggered commuting at off-peak hours as well as teleworking by using a personal computer or other device at home is suddenly becoming more commonplace. Although It’s often said that Japanese companies

lagged in IT use and internet literacy, this time they had a quick catch-up. Many Japanese companies were forced to implement teleworking in response to the stay-at-home request that was issued during the state of emergency declaration in April. According to a survey of roughly 25,000 people throughout Japan that was conducted by Persol Research and Consulting Co., Ltd., in April, the teleworking implementation rate among companies reached 27.9%, which represented a doubling in just one month.⁷ Additionally, according to a survey by the Japan Productivity Center of 1,100 employees in May, 29% of workers are engaged in teleworking.⁸ The teleworking rate approached 30% in JILPT’s May Survey as well.

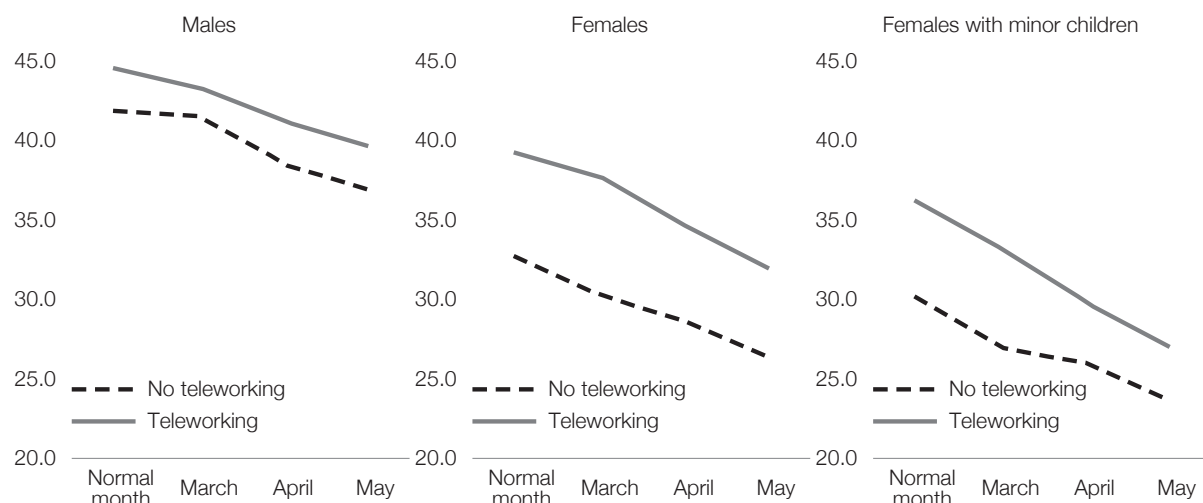
The percentage of employed persons on furlough among teleworking employees is notably low (Table 2). The furloughed take-up rates in May is 1.0% for those engaged in “teleworking” and 4.2% for those committed “no teleworking”. In the cases of males and females without minor children, the gap of furloughed take-up rates is as large as 4 or 5 times between teleworking workers and non-teleworking workers. But for females with minor children, the gap is almost negligible (1.2 times).

Table 2. Percentages of being furloughed and transition of working hours by teleworking/not teleworking

	Total		Males		Females without minor children		Females with minor children	
	No teleworking	Teleworking	No teleworking	Teleworking	No teleworking	Teleworking	No teleworking	Teleworking
Percentage of being furloughed (%)	4.2	1.0	2.1	0.5	5.8	1.2	7.0	5.9
Weekly average working hours								
Normal month	37.3	42.9	42.0	44.7	33.7	40.4	30.1	36.1
March	36.0	41.5	41.6	43.3	31.7	39.0	27.0	33.2
April	33.7	39.1	38.6	41.4	29.9	36.2	25.9	29.8
May	31.6	37.1	36.9	39.7	27.4	33.4	23.8	27.0
N	2,963	1,240	1,459	815	1,117	340	387	85
Percentage of obs. (%)	70.5	29.5	64.2	35.8	76.7	23.3	82.0	18.0

Source: Same as Figure 1.

Note: The aggregated respondents are 4,203 employees (including employed persons on furlough) who worked at a private enterprise on March 1, April 1, and the survey time. However, the working hours for March are the figures for 3,533 people who responded to both the April Survey and May Survey.



Source: Same as Figure 1.

Note: Same as Table 2.

Figure 2. Changes in weekly average working hours by teleworking/not teleworking

Looking at changes in average working hours, only in the case of males, teleworking workers fell at a slightly milder pace than non-teleworking workers in April (Table 2, Figure 2). In the case of females, the working hours of both teleworking workers and non-teleworking workers fell at roughly the same pace. When only child-rearing females are examined, teleworking workers even had a slightly steeper decline of working hours in April and May than non-teleworking workers.

However, it is unclear whether the notably low

furloughed take-up rate and relatively mild decline in working hours among teleworking workers are effects from the use of teleworking. Teleworking is mainly being applied to the employees of large enterprises and regular employees, and those workers may belong to advantageous groups experiencing fewer employment adjustment. This makes it necessary to check the effects of teleworking after controlling size of enterprise and employment status. As can be expected, the estimation results show that teleworking do have a negative impact on

Table 3. Effects that teleworking has on the labor supply

	Total	Males	Females without minor child	Females with minor children
Probability of being on furlough [probit model]	-0.0271*** (0.008)	-0.0132* (0.007)	-0.0558*** (0.020)	0.0016 (0.032)
Rate of change in working hours (%) [OLS model]	-0.655 (0.936)	-0.713 (0.996)	0.026 (2.029)	-6.035* (3.490)
N	4,203	2,274	1,457	472

Source: Same as Figure 1.

Notes: 1. The marginal effects of using teleworking (probit model) and coefficient estimates (OLS model) are reported. The figures in parentheses are the standard error. Included in the explanatory variables are size of enterprise, employment status, age of the youngest child, and marital status.

2. The rate of change of working hours is the rate by which the average working hours of April/May change with respect to the average working hours of the normal month.

3. *p-value<0.1, **p-value<0.05, ***p-value<0.01

the furloughed take-up rate for males and females without minor children. For females with minor children, however, the effect of teleworking is insignificant (Table 3).

Looking at the situation as a whole, the effect of teleworking in terms of softening the decrease in labor supply is conspicuous for males but limited for females. Particularly in the case of child-rearing females, it appears the use of teleworking is not demonstrating the effects that might be expected. Possible factors behind this are the novel coronavirus's making it difficult to choose to eat out, increased housework associated with preparing meals and the like, and increased child-rearing burden associated with the temporary closure of nurseries and schools. In other words, it seems likely that many women could not cope with teleworking alone and thus had no alternative but to be absent from work.

VI. The pandemic could be a good opportunity to narrow gender gap in employment

JILPT's May Survey shows that the novel coronavirus has disproportionate impact on women, reflected both on their deeper declining working hours and on their higher furloughed take-up rates relative to males. There are concerns that this situation will severely impact women's careers if it continues. Moreover, if women's earning keeps

declining, it will also have a major impact on household finances.⁹

However, the picture may not be entirely bad for working women. Some researchers point out that the wave of teleworking and other forms of work-style reform that is surging forward as a result of the novel coronavirus pandemic will have long-term benefits for women.¹⁰

Teleworking—which does not require commuting by train and permits childrearing and work to take place side by side—is a working manner expected to help eliminating the gender gap. Other highly time-flexible forms of working, such as staggered commuting at off-peak hours and discretionary work system, are also seen as work styles that make it easier for women to continue working as regular employees. It is anticipated that these kinds of highly flexible work styles will expand speedily, spurred by infection control measures, and become firmly rooted in Japanese society even after the pandemic ends.

If flexible work styles become a new norm, it is highly likely that they will bring revolutionary changes to women's lifestyles. Heretofore, many Japanese women have led a “full-time housewife”-type lifestyle whereby they leave the career battlefield upon becoming pregnant or giving birth and then later reenter employment as part-timers when their child-rearing duties decrease.¹¹ If a major “work-style revolution” were to occur as a

result of the pandemic, the number of women who continue working as regular employees even through childbirth and child-rearing will likely increase. Indeed, it may no longer be a fantasy to imagine a near future in which the full-time dual earner model replaces the traditional “full-time housewife”-type lifestyle. In this sense, the pandemic has the potential to be an excellent opportunity for closing the employment inequality gap between men and women.

The opinions expressed herein are those of the author and do not reflect the opinions of Japan Institute for Labour Policy and Training. The author is grateful to Ms. Yuko Watanabe of JILPT for her contributions in constructing the dataset for analysis.

1. Greg Mankiw's Blog, “COVID-19 & the Economy: A Q&A Session” (May 05, 2020).
2. *The Asahi Shimbun*, “Korona Kiki: Sakiyuki Shincho” (the coronavirus crisis: a cautious outlook) (June 23, 2020).
3. The government has raised coronavirus relief spending to the unprecedented amount of approximately 234 trillion yen through two times of supplementary budgets.
4. For survey details, see Press Release “Results of the ‘Survey on the Impact that Spreading Novel Coronavirus Infection has on Work and Daily Life’ (May Survey, a follow-up survey coupled

with the respondents of April Survey) (First Aggregation).”

5. Theoretically, a scenario in which employment opportunities dwindle in a recession and more people stop looking for work and wait for recovery (a situation referred to in economics as the “discouraged worker effect”) is also possible. However, it is reported that, in Japan, the effects of the so-called “added worker effect,” whereby wives’ employment increases in a manner corresponding to decreases in their husbands’ earnings during a recession, has been predominant since the 2000s.
6. A “cash handouts of 100,000 yen to all citizens” was added to relief measures in May.
7. *Nihon Keizai Shimbun*, “Nihon ni mo Seika Shugi no Nami: Korona Kiki ga Yobimizu ni” (the coronavirus crisis induces a wave of performance-based payment reform in Japan) (May 17, 2020).
8. *Nihon Keizai Shimbun*, “Zaitaku, Seisanseikojo Saguru” (groping for better productivity with workers remotely working at home) (June 21, 2020).
9. Zhou Yanfei, (2020) “Koronashokku de Kowaru Josei no Hataraki-kata” (how the work style of women are changing amid the coronavirus crisis), *The Toshi Mondai* (July 2020).
10. Titan Alon, Matthias Doepke, Jane Olmstead-Rumsey, Michèle Tertilt, “The impact of the coronavirus pandemic on gender equality,” VOX CEPR Policy Portal—Research-based policy analysis and commentary from leading economists (April 19, 2020) <https://voxeu.org/article/impact-coronavirus-pandemic-gender-equality>.
11. Zhou Yanfei, *Hinkon Sengyo Shufu* (the impoverished full-time housewife), Tokyo: Shincho-sha, 2019, 37–54.

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Impact of the COVID-19 Recession on Full-Time Workers: Shortened Work Hours, Working from Home, and Possible Widening of Income Disparities

TAKAMI Tomohiro

I. Introduction

This column examines the effects of the COVID-19 pandemic, especially its impact on full-time workers in April and May 2020. Also, it focuses on income disparities, which are highlighted by major fluctuations in work hours and access to working from home.

In Japan, no significant worsening of the unemployment rate following the advent of COVID-19 was confirmed in the government statistics (*Labor Force Survey*) for May 2020. However, the figures show that a large number of companies have been making various employment adjustments, as the number of employees on temporary leave had significantly increased as of April, and overtime work were significantly reduced (See Figure 6 of Statistical Indicators in this issue).

A survey conducted by the Japan Institute for Labour Policy and Training (JILPT) in May 2020 also showed that the most widespread impact of the coronavirus on employment and income was “decrease in working days and working hours,” which is associated with reduced income.¹ In addition, the analytical report cited above found that there are great differences in the level of decrease in working hours depending on industry and occupation.²

Shortened working hours are directly linked to loss of income for part-time workers and other hourly-wage workers.³ Even among regular workers who work full-time, it is quite probable that shortened working hours lead to shrinking income due to a reduced overtime allowances and salary

cuts associated with reduction of scheduled working hours. In assessing the impact of the COVID-19 recession on workers, whether or not working hours (labor supply) was maintained during this period may serve as an important indicator.



The spread of COVID-19 and stay-home requests forced many workers into changing their places of work. Specifically, a significant increase in working from home was observed. Remote working, which includes teleworking from home and mobile work, was being advocated under public policy aimed at promoting flexible working styles prior to the COVID-19 pandemic, but for a range of reasons it had not been widely adopted. Now, with this urgent impetus it appears to have suddenly caught on. However, while some enterprises seem to have transitioned to work from home relatively smoothly, others have been forced to make an imminent decision to have their employees work from home in response to social conditions and public health advisories. Furthermore, even during the first wave of infection period, not a few workers have never transitioned to work-from-home. And while the public was being requested to stay home, whether or not workers smoothly shift to work from home was strongly related to maintenance of both labor supply and income levels.

Overall, the COVID-19 recession through May 2020 (especially April and May) is clearly marked by changes in work hours and places, especially for full-time workers.⁴ JILPT conducted a questionnaire

survey of individuals from May 18 to 27 regarding the impact of COVID-19 on work and life. Reading between the lines of the data, we see disparities between those who have been able to cope with this crisis smoothly and those who have not. Below, let us drill down a bit on these findings.

II. Changes in working hours in April and May 2020

Whether or not the working hours of full-time workers could be maintained in some way during the national state of emergency (in April and May) can be considered as an indicator of whether the impact of the COVID-19 recession was moderated. Let us examine the issue.

First of all, what kind of change in hours worked in April and May among full-time workers? In this column, those whose weekly hours worked were 35 hours or more in an ordinary month before pandemic are treated as “pre-COVID full-time workers.”⁵ Figure 1 shows that there is an overall tendency for working hours to be decreased, and for quite a few people hours worked are cut to less than 35 hours, with some of them having hours drastically reduced (to less than 20 hours).⁶

When we speak of shortened working hours, the situation may be quite different between workers whose overtime hours are reduced, and those who

have experienced shortening of regular working hours involving temporary leave, shorter business hours and so forth. This is because the labor supply is severely restricted in the latter case, compared with the former in which full-time work is basically maintained. Although the two cannot be accurately distinguished based on this survey data, we have attempted to divide the samples roughly into two groups based on hours worked in April and May compared with those prior to COVID-19 outbreak.

Specifically, when actual hours worked in April and May were compared with those before the pandemic, survey samples can be classified into three categories described below. The first is “Maintaining working hours” group, where hours remained at a comparable level.⁷ The second is “Reduced overtime work” group, where hours decreased but remained more or less within the “full-time” range (i.e. overtime work outside regular working hours decreased). The third is “Experienced short-time work” group, where hours declined below the “full-time” range.⁸

Looking at the survey results according to these classifications, it is evident that the fluctuation of working hours is clearly stratified by degree of COVID-19 impact. As Figure 2 shows, compared to Maintaining working hours group, Reduced overtime work group and the Experienced short-time

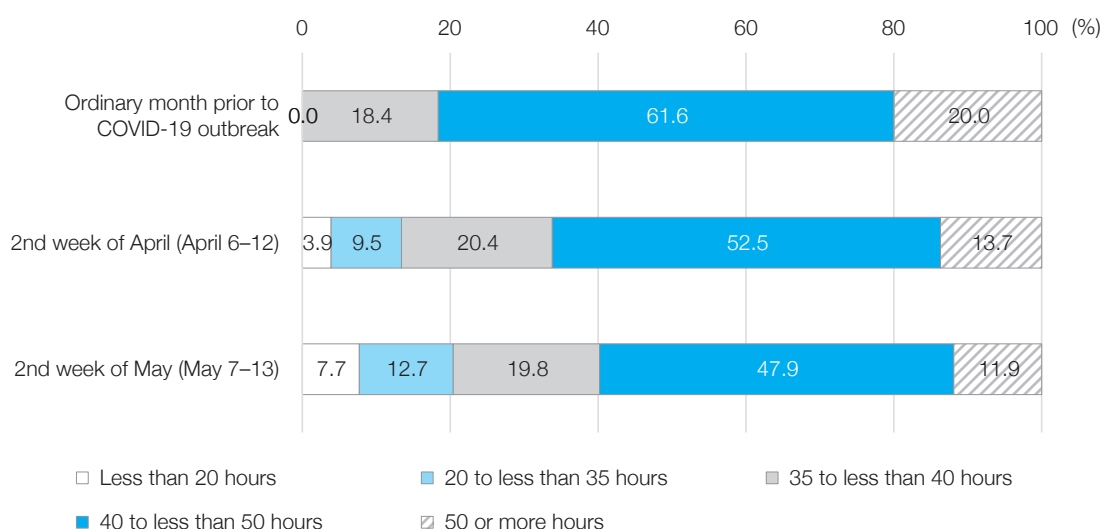


Figure 1. Change in distribution of hours worked during April and May 2020 among pre-Covid full-time workers (N=2,255)

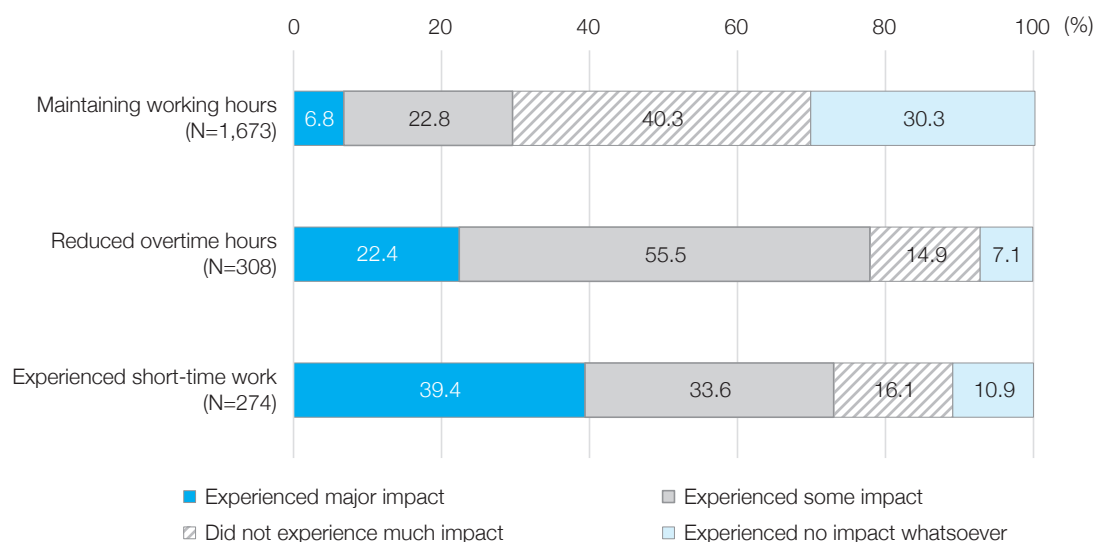


Figure 2. Impact of COVID-19 outbreak on employment and income (by change in working hours, among pre-COVID full-time workers)

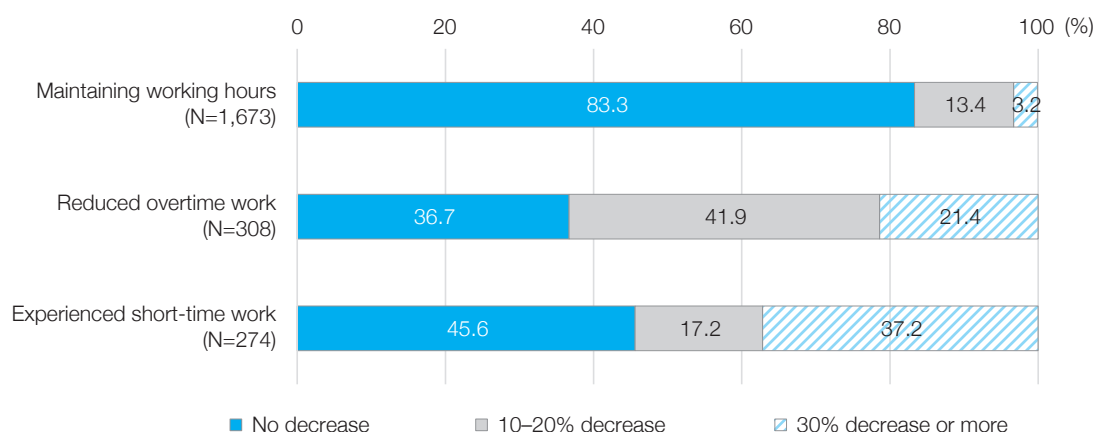


Figure 3. Change in income due to COVID-19 pandemic (by change in working hours, among pre-COVID full-time workers)

work group are more likely to experience impact on employment and income. It is particularly notable that a large percentage of Experienced short-time work group experienced “major impact.” Thus, changes in working hours during the April and May period are an effective yardstick for measuring the impact of the COVID-19 recession on full-time workers. Moreover, workers’ experiences were very different even among two groups where working hours decreased, depending on how they were decreased. Specifically, among Reduced overtime work group and Experienced short-time work group,

workers had different experiences depending on whether overtime hours were simply reduced within the full-time range, or working hours were shortened to below full-time levels. The latter case was found to be particularly significantly affected.

Obviously, declining income is more prevalent among the groups with reduced working hours compared to the employees maintaining working hours. As Figure 3 shows, Reduced overtime work group broadly sees income declines of 10% to 20%. We can infer that this is mainly due to decreased overtime allowance. In contrast, among Experienced

short-time work group, a high percentage sees income decrease by more than 30%. It is clear that many in this group suffered a significant income decrease during the COVID-19 crisis.⁹

So, who experienced fluctuations in working hours? See Appendix 1 for details. In summary, there are gender-based disparities, with more men having only overtime hours reduced, and more women experiencing short-time work.¹⁰ There are also major discrepancies depending on form of employment, with regular employee status correlated with reduced overtime work, and non-regular employees more likely to have their working hours reduced below full-time levels. Industry and occupation are also significant factors. By industry, short-time working is most prevalent in industries of accommodations, eating and drinking services. By occupation, the same tendency is most notable for service positions. Many in administrative and managerial positions and professional and engineering positions kept the same working hours, and even among those whose working hours fell, it was almost within the range of overtime reduction. When categorized by pre-COVID individual annual income, a relatively high percentage of those with incomes of “7 million yen or more” maintains the same working hours, while a lower income group is correlated with experiencing short-time work. There are also differences depending on region, and short-time work is more prevalent in the Tokyo metropolitan area and the Kansai and Fukuoka areas where infection rates were rising and stay-home requests were issued earlier.

III. Disparities associated with access to work from home: Tokyo metropolitan area as a case example

During the current crisis, much attention was paid to the expansion of working from home. The conventional wisdom thus far has been that remote working, which includes teleworking from home and mobile work, has not caught on for various reasons, but it seems that with the outbreak of COVID-19, teleworking has suddenly become popular. However, it should be noted that the expansion of working from home during this crisis seems to go beyond the

scope of the conventional criterion of “to what extent the work is feasible for ICT-based telework.” This is because, especially since mid-April, the government and municipalities have issued strong requests intended to curtail the number of commuters, and a lot of companies have unavoidably made the transition to work from home, prioritizing prevention of the virus’s spread. For those who have suddenly switched to work from home, there may have been cases where level of work performance could not be maintained. In that sense this kind of workers may be qualitatively different from those who had the option of working from home prior to the declaration of the state of emergency.

The following analysis is limited to the Tokyo metropolitan area, because degrees of increase in infection risk (number of confirmed cases, etc.) and work-from-home application rates vary greatly depending on the region.¹¹ In the Tokyo metropolitan area, the Governor of Tokyo held an emergency press conference on March 25 in which she requested that residents stay home unless they had an unavoidable and/or urgent need to go out, which was a major catalyst for aroused public awareness of the crisis. From then until the declaration of a state of emergency (on April 7 in the Tokyo metropolitan area), the situation has worsened due to a rapid rise in the number of COVID-19 cases, and the sense of crisis among the residents increased rapidly. While at this stage there was no legally binding prohibition on going to work, the access to working from home was seen as valuable option for workers in terms of preventing infection. In that sense, the situation during the phase lasting until the end of March was somewhat different from that during the phase after the first half of April, when advisories to avoid work attendance were strengthened and workers were strongly requested to stay at home. In light of this, workers who had options to choose working from home before the beginning of April could have changed their places of work smoothly without suffering a deterioration in work performance level. Conversely, the rushed transition to work from home from April onward must have been quite different. Let us examine the data below.

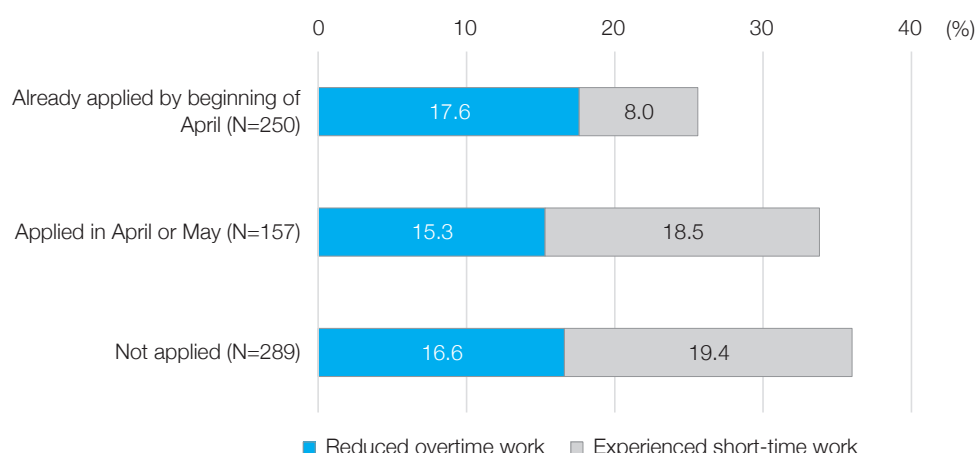


Figure 4. Change in working hours during April and May 2020, by timing when work-from-home arrangement was applied (Tokyo metropolitan area residents who were pre-COVID full-time workers)

Figure 4 shows differences in changes to working hours depending on when working from home was introduced. In cases of work from home was already in place as of the first of the April, percentages of workers experiencing short-time work were low and full-time work schedules were easily maintained.¹² By comparison, changes in working hours among workers whose employers introduced working from home in April or May were similar to those whose employers did not apply work from home at all, and a significant percentage saw an experience of short-time work. From this, although the transition to work from home in response to the declaration of a state of emergency had implications in terms of curbing work attendance, the actual levels of work performance also declined in cases where work from home is applied as an emergency measure

So, which workers were able to switch to work from home at the beginning of April smoothly? Appendix 2 shows relationships between application of work-from-home arrangement and gender, age, educational background, form of employment, industry, occupation, and company size. In addition, it is important to note the relationship with individual annual income. Individual annual income before the COVID-19 outbreak is strongly correlated not only with application of working from home, but also with changes in working hours and income during this period.

To summarize Table 1, higher income is correlated with faster transition to work from home,¹³ less change in working hours, and maintenance of income level. Higher income group was more likely to switch their workplaces flexibly, which in turn makes it possible to moderate change in working hours and prevent income decrease.¹⁴ Conversely, lower income group suffered severe damage due to the COVID-19 crisis in terms of changes in labor conditions such as reduced working hours and decreased income. To put it simply, this can be called a phase in which existing income disparities have widened drastically through fluctuations of working hours and access to working from home.

IV. Conclusion

This survey data shows the severity of this era of crisis, in which there are non-negligible social hierarchy in resources needed to weather the storms battering society, and these can directly lead to amplification of income disparities. The facts presented by this survey should be taken into consideration when considering not only labor policy, but also broader social policy.

This column is originally released in Japanese on July 1, 2020 (https://www.jil.go.jp/researcheye/bn/039_200701.html) and translated with additions and amendments in line with the gist of *Japan Labor Issues*.

Table 1. Application of work-from-home arrangement, change in working hours, and change in income during April and May 2020, by individual annual income prior to the COVID-19 outbreak (Tokyo metropolitan area residents who were pre-COVID full-time workers) (N=696)

(%)

	Application of work-from-home arrangement			Change in working hours			Change in income		
	Already applied by beginning of April	Applied in April or May	Not applied	Maintaining working hours	Reduced overtime work	Experienced short-time work	No decrease	10–20% decrease	30% decrease or more
Pre-COVID-19 individual annual income									
Less than 3 million yen (N=122)	13.9	16.4	69.7	55.7	9.0	35.2	59.0	17.2	23.8
3 million yen to less than 5 million yen (N=237)	21.9	27.0	51.1	68.4	16.9	14.8	71.3	17.3	11.4
5 million yen to less than 7 million yen (N=169)	38.5	24.3	37.3	68.0	21.3	10.7	66.9	23.1	10.1
7 million yen or more (N=168)	69.0	19.0	11.9	77.4	17.3	5.4	79.2	13.1	7.7

Notes: 1. With regard to “Application of work-from-home arrangement,” cases where response to the RENGO-RIALS (Rengo Research Institute for Advancement of Living Standards) April survey (conducted April 1 to 3, 2020) was “Already applied” are referred to as “Already applied as of the beginning of April,” while cases where working from home had not been applied at that stage but the response to the JILPT survey (conducted May 18 to 27, 2020) was “Already applied” are referred to as “Applied in April or May,” and cases where both responses were “Not applied” are referred to as such.

2. Figures for “Individual annual income prior to the COVID-19 outbreak” are based on the RENGO-RIALS April survey (conducted April 1 to 3, 2020), survey item “Your pre-tax income from wages over the past year.”

1. “Survey on Impact of the Spread of COVID-19 on Work and Life,” conducted by JILPT as joint research with the Rengo Research Institute for Advancement of Living Standards, RENGO-RIALS. For survey design and tabulation, refer to the material released in Japanese on June 10 at <https://www.jil.go.jp/press/documents/20200610.pdf> (later released as a summary in English “Results of ‘Survey on Impact of the Spread of COVID-19 on Work and Life’ (May Survey, a follow-up survey coupled with the respondents of April Survey) (First Aggregation),” at <https://www.jil.go.jp/english/special/covid-19/survey/documents/20200610.pdf>). I would like to thank my colleagues, Yuko Watanabe who provided survey data, and Koji Takahashi who provided crucial advice in the preparation of original column. It should be noted that opinions in this column are the author’s personal views and do not necessarily reflect that of institution with which he is affiliated.

2. Koji Takahashi (2020), “Decreased Working Hours and Impact on Wages: A Look Back at the Novel Coronavirus’s ‘First Wave’,” *Japan Labor Issues*, vol.4, no.26, October 2020 <https://www.jil.go.jp/english/jli/documents/2020/026-01.pdf> (originally released in Japanese on June 18, 2020, at https://www.jil.go.jp/researcheye/bn/037_200618.html). According to Takahashi (2020), there were particularly large decreases in working hours for service workers, in terms of occupational classification, and in, “Accommodation, eating and drinking services,” “Education and learning support,” and “Services (not elsewhere classified)” in terms of industry.

3. Takahashi (2020) also noted that compared to regular employees and contract employees, part-time workers and

dispatched workers had a more straightforward connection between reduced working hours and decreased wages.

4. In contrast, part-time workers may be experiencing more problems with continued employment than with reduced hours. See Takahashi (2020).

5. While there were some cases where people had changed or lost jobs by the time of the survey was conducted, this article deals only with those who remained employed by the same employer. Also, while most “full-time employees” are regular employees, this data includes some non-regular employees (see Appendix 1). As the focus of this article is the impacts on full-time workers, non-regular employees are not excluded from its scope.

6. Among those who were working less than 20 hours, some respondents replied that they were “working zero hour.” However, as long as an employment contract is in force, this article considers that there is no significant qualitative difference between “working zero hour” and working with extremely short hours, and does not make a particular distinction.

7. The “maintaining working hours” group includes both cases where average hours worked during April and May were the same as pre-COVID and those with increased working hours. Also, those who experienced reductions of less than approximately 5 hours were classified as the “maintaining working hours” group.

8. Among those whose working hours were reduced, cases where average hours worked in April and May were less than 30 hours, or hours worked were less than 20 hours in any given period, were classified as the “experienced short-time work” group. Since this survey was carried out immediately after holidays

at the beginning of May (called the “Golden Week”), it is an expedient dividing line considering the possibility of cases in which two days (for example, Thursday, May 7 and Friday, May 8) of paid leave were taken without being direct relation to the pandemic.

9. Among those in the “experienced short-time work” group, almost half of the respondents reported “no reduction” in income. Although there are limits to what can be inferred within the scope of this data, it is conceivable that there are cases where a considerable number of paid leave days were taken during this period, as well as cases where companies maintained wages by providing leave allowances while putting employees on temporary leave.

10. It appears that the reason the female labor supply decreased sharply was the temporary closure of elementary and junior high schools and nursery schools, and sudden changes in social and living conditions due to school closures. See Yanfei Zhou (2020), “How Women Bear the Brunt of COVID-19’s Damages on Work,” *Japan Labor Issues*, vol.5, no.28, January 2021 (this issue).

11. In fact, the data shows major discrepancies between the Tokyo metropolitan area and the Kansai area in terms of work-from-home application rates as of April 1, 2020. Among the seven prefectures covered by the declaration of a state of emergency issued on April 7, the situation was not uniform.

12. While the table containing this data was not included in this

column, the same tendency was observed in a regression analysis that controlled for gender, age, form of employment, industry, occupation, and company size. It should be noted that trends differed in the Tokyo metropolitan area and in other areas.

13. While the table containing this data was not included in this column, a strong correlation between income class and early transition to work from home was also observed in a regression analysis that controls for industry, occupation, company size, and other factors that have conventionally been related to the access to teleworking.

14. In this column, annual income of 7 million yen or more is designated as one of the income brackets based on distribution of responses, but it should be noted that this does not mean 7 million yen is some kind of specific demarcation. Also, it appears that significant factors underlying the influence of individual annual income on working from home relate to the presence or absence of a teleworking-compatible living space and the necessary information and communications equipment. However, there is no intention to further emphasize the importance of economic resources. Rather the individual annual income as discussed in this column is thought to be an index that represents the “position of individuals within industrial society (social status)” and cannot be fully explained according to industry, occupation, and size of company. It is necessary to continue examining the existence of so-called “good jobs” which relate to this social status.

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Appendix 1. Status of changes in working hours in April and May 2020 by attribute of pre-COVID full-time workers (N=2,255)

		Maintaining working hours (%)	Reduced overtime work (%)	Experienced short-time work (%)	N
Total		74.2	13.7	12.2	2,255
Sex	Male	75.2	15.4	9.4	1,496
	Female	72.2	10.3	17.5	759
Age	20–29 years old	68.0	14.5	17.5	331
	30–39 years old	72.0	15.1	12.9	510
	40–49 years old	76.8	13.0	10.2	706
	50–59 years old	74.7	14.7	10.6	546
	60–64 years old	80.9	6.8	12.3	162
Educational attainment	Junior high/High school graduate	76.0	11.9	12.1	663
	Vocational school/Junior college	72.0	13.0	15.0	432
	University/Graduate school	74.0	14.9	11.1	1,160
Form of employment	Regular employee	75.0	14.7	10.3	1,947
	Non-regular employee	68.8	7.1	24.0	308
Main type of business	Construction	83.0	13.1	4.0	176
	Manufacturing	76.9	14.3	8.8	679
	Electricity, gas, heat supply and water	85.7	9.5	4.8	42
	Information and communications	83.0	9.4	7.6	171
	Transport	71.9	16.3	11.9	160
	Wholesale and retail trade	69.1	15.2	15.6	269
	Finance and insurance	65.6	14.6	19.9	151
	Real estate	65.2	18.2	16.7	66
	Accommodations, eating and drinking services	37.5	22.9	39.6	48
	Medical, health care and welfare	93.3	3.9	2.8	179
	Education, learning support	69.4	13.9	16.7	36
	Postal services, cooperative association	88.9	5.6	5.6	18
	Services	60.8	16.5	22.7	260
Occupational classification	Administrative and managerial	79.2	14.6	6.2	308
	Professional and engineering	82.2	11.9	5.9	437
	Clerical	76.2	11.4	12.4	614
	Sales	61.5	19.9	18.6	322
	Service	59.4	12.9	27.7	155
	Security	78.6	7.1	14.3	14
	Production/skilled	74.3	12.3	13.4	253
	Transport and machine operation	66.7	20.0	13.3	60
	Construction and mining	83.9	12.9	3.2	31
	Carrying, cleaning, and packaging	77.0	14.8	8.2	61
Size of enterprise (number of employees)	29 or fewer employees	76.2	11.1	12.7	442
	30 to 299 employees	74.7	13.9	11.4	740
	300 to 999 employees	74.0	13.9	12.1	339
	1,000 or more employees	72.5	14.9	12.7	734
Pre-COVID-19 individual annual income	Less than 3 million yen	70.6	9.6	19.8	615
	3 million yen to less than 5 million yen	76.3	12.2	11.5	819
	5 million yen to less than 7 million yen	72.5	18.7	8.9	461
	7 million yen or more	77.8	17.5	4.7	360
Area of residence	Tokyo metropolitan area	68.6	16.9	14.6	687
	Kansai or Fukuoka area	68.9	15.7	15.4	408
	Six additional specific-alert prefectures	80.7	9.5	9.8	378
	Other areas	78.8	11.8	9.5	782

Notes: 1. Figures for “Pre-COVID-19 Individual annual income” are based on the RENGO-RIALS April survey (conducted April 1 to 3, 2020), survey item “Your pre-tax income from wages over the past year.”

2. “Area of residence” is classified according to prefecture, with those covered by the April 7 declaration of a state of emergency (Tokyo, Kanagawa, Chiba, Saitama, classified as the “Tokyo metropolitan area,” and Osaka, Hyogo, and Fukuoka classified as “Kansai or Fukuoka area”), and the six prefectures designated additionally by the new April 16 declaration of a state of emergency (Hokkaido, Ibaraki, Ishikawa, Gifu, Aichi, Kyoto) classified as “six additional special-alert prefectures,” and other prefectures as “other areas.”

Appendix 2. The timing of application of work-from-home arrangement by attribute of pre-COVID 19 full-time workers (N=696)

		Already applied by beginning of April (%)	Applied in April or May (%)	Not applied (%)	N
Total		35.9	22.6	41.5	696
Sex	Male	38.9	22.3	38.7	475
	Female	29.4	23.1	47.5	221
Age	20–29 years old	29.6	19.4	50.9	108
	30–39 years old	36.4	20.0	43.6	165
	40–49 years old	35.1	23.9	41.0	222
	50–59 years old	43.6	21.5	35.0	163
	60–64 years old	23.7	39.5	36.8	38
Educational attainment	Junior high/High school graduate	17.8	21.7	60.5	129
	Vocational school/Junior college	18.6	21.6	59.8	97
	University/Graduate school	44.5	23.0	32.6	470
Form of employment	Regular employee	37.6	22.8	39.6	606
	Non-regular employee	24.4	21.1	54.4	90
Main type of business	Construction	28.9	34.2	36.8	38
	Manufacturing	47.6	19.3	33.1	166
	Electricity, gas, heat supply and water	16.7	50.0	33.3	6
	Information and communications	63.4	24.7	11.8	93
	Transport	8.2	27.9	63.9	61
	Wholesale and retail trade	27.6	18.4	53.9	76
	Finance and insurance	50.0	23.5	26.5	68
	Real estate	29.0	25.8	45.2	31
	Accommodations, eating and drinking services	15.4	15.4	69.2	13
	Medical, health care and welfare	4.8	11.9	83.3	42
	Education, learning support	15.4	46.2	38.5	13
	Postal services, cooperative association	—	—	—	—
	Services	28.1	20.2	51.7	89
Occupational classification	Administrative and managerial	55.6	27.4	17.1	117
	Professional and engineering	49.2	19.7	31.1	132
	Clerical	34.3	23.9	41.8	213
	Sales	36.5	21.2	42.3	104
	Service	6.4	25.5	68.1	47
	Security	0.0	0.0	100.0	4
	Production/skilled	13.2	26.3	60.5	38
	Transport and machine operation	5.0	15.0	80.0	20
	Construction and mining	0.0	33.3	66.7	3
	Carrying, cleaning, and packaging	0.0	0.0	100.0	18
Size of enterprise (number of employees)	29 or fewer employees	14.7	24.5	60.8	102
	30 to 299 employees	19.1	29.6	51.3	199
	300 to 999 employees	41.0	21.0	38.0	100
	1,000 or more employees	52.9	17.6	29.5	295
Pre-COVID-19 individual annual income	Less than 3 million yen	13.9	16.4	69.7	122
	3 million yen to less than 5 million yen	21.9	27.0	51.1	237
	5 million yen to less than 7 million yen	38.5	24.3	37.3	169
	7 million yen or more	69.0	19.0	11.9	168

Notes: 1. With regard to “Application of work-from-home arrangement,” cases where response to the RENG0-RIALS April survey (conducted April 1 to 3, 2020) was “Already applied” are referred to as “Already applied as of the beginning of April,” while cases where working from home had not been applied at that stage but the response to the JILPT survey (conducted May 18 to 27, 2020) was “Already applied” are referred to as “Applied in April or May,” and cases where both responses were “Not applied” are referred to as such.

2. Figures for “Pre-COVID-19 individual annual income” are based on the RENG0-RIALS April survey (conducted April 1 to 3, 2020), survey item “Your pre-tax income from wages over the past year.”

What Is *Shunto*?

OGINO Noboru

I. A wage determination system unique to Japan

Shunto (spring wage offensive) is a united campaign by labor unions, led by industrial unions. It is launched every year between March and April, the main aim of negotiations being higher wages. Since it began in 1955, *Shunto* has served as a platform for setting wage increase across enterprises and industries. In Japanese labor-management relations, wherein enterprise unions are the basic unit of negotiation, *Shunto* established a schedule for strike action and unified demands in each industry. It provided a framework that transcended internal individual corporate negotiations and created a wage determination system unique to Japan whereby wage increases could be secured across industries.

It was in the 1960s when rapid economic growth was truly getting underway that the results of these negotiations not only began to affect individual industries, but also came to have a ripple effect on wage settlements for the year throughout the country as wage-increase levels (benchmark for wage increase called “*Shunto* rate”), including those of small and medium-sized enterprises and civil servants.

The administration of Prime Minister Hayato Ikeda, which came to power in 1961, announced the National Income Doubling Plan, and in response labor advocates in 1963 adopted a slogan “realization of wages on a par with Europe.”

II. The ripple effect of “*Shunto* rate”

In the 1960s, labor and management in the

iron and steel sector, one of Japan's leading manufacturing industries, came to act as “pattern setters” (pacesetters) for wage-increase levels among enterprises and industries throughout the country. After the Japan Council



of Metalworkers' Unions (IMF-JC) was formed in 1964 by industries such as shipbuilding, heavy machinery, electrical appliances, and automobiles, which along with steel and iron had become forces driving economic growth, the four metal-related private-sector industries led negotiations and became “pattern setters” for wage-increase levels. In the same year, there was a high-level meeting between Prime Minister Ikeda and Kaoru Ota, chairperson of General Council of Trade Unions of Japan (Sohyo), and it was agreed that steps would be taken to correct wage differentials between public and private workers and respect public and private wage parity principles. This created a mechanism for wage increases in the private-sector heavy and chemical industry to spread to those for workers at public enterprises.

In the course of these events, *Shunto* came to be recognized by society and increasingly took on the character of a public-private undertaking. And the number of union members participating in *Shunto* grew from 6.35 million in 1965 to 8.01 million in 1970, accounting for two-thirds of organized workers.

In terms of tactics, a game plan was established in which increases in private-sector wages were first pursued, which would then spread to public

enterprises, in particular against the backdrop of the simultaneous nationwide traffic strikes unified and led by trade unions of private and national railway workers. From the late 1960s through 1973, just before the oil crisis, the Japanese economy was at the pinnacle of its rapid growth period, with a 10% in real growth rate. A tight labor supply market meant wages were likely to rise, and indeed they rose by 10% or more annually for twelve consecutive years from 1964 onward.

In particular, during the eight years starting in 1967, the ripple effect of “*Shunto* rate” was well produced and there was a consistently negligible difference in wage increase amounts depending on enterprise size, with annual wage increases acting to contribute to reduction of such scale-based disparities. It was a period when there was a marked shortage of younger workers, and management would not be able to secure human resources if they ignored the wage levels set through *Shunto* negotiations.

In 1970 the National Personnel Authority Recommendation, which balanced the salary levels of national civil servants with the salaries of private-sector employees, was fully implemented for the first time, and a pattern was entrenched in which “*Shunto* rate” applied not only to private enterprises (including small and medium-sized ones) but also to public employees. In this way, by contributing to reduce wage disparities across Japanese society, *Shunto* can be said to have played a part in forming a so-called “universal middle-class society,” in which the majority of people view their lifestyles as middle-class.

III. *Shunto* at a turning point as rapid economic growth halts

Shunto reached its first turning point when the period of rapid growth came to an end with the first oil crisis in 1973. Commodity prices jumped by 20%, bringing confusion to the market, and real GDP recorded negative figures for the first time in the post-war period. It was in 1975 that *Shunto* first incorporated the “theory of economic conformance,” which was essentially a self-imposed limit on wage

increase demands by labor unions with the aim of achieving price stability. Ever since, *Shunto* has been constrained by this concept to a great degree. As a result, *Shunto*’s initial objective of “large-scale wage increases” to realize wages equivalent to those of Europe was abandoned, and the era of double-digit annual wage increases ended.

After rapid economic growth ground to a halt, the theory of economic conformance espoused by IMF-JC, which took the lead in negotiations, made significant macro-economic contributions with the curbing of inflation and the achievement of moderate growth in the 4–5% range. After the second oil crisis, Japan quickly broke out of the stagflation (recession combined with inflation) that remained entrenched in Western countries. In the West, governments implemented an “income policy” of intervening in wage determination in order to cope with inflation, but in Japan, labor and management co-ordination overcame this difficult situation and underpinned Japan’s positive economic performance. In fact, Japanese labor-management relations began to attract attention around the world. The international reputation of Japanese-style management based on positive labor-management relations grew, and Ezra Frivel Vogel’s *Japan as Number One: Lessons for America* (1979) argued that the United States should also learn from Japan.

Shunto functioned as a kind of “social income distribution mechanism” built into the Japanese economy, and from 1977 to 1989 the wage-increase rate remained stable in the range of 3% to 8%. However, its demand strategy based on this theory of economic conformance could not stand up under the deflationary economy that emerged in the late 1990s after the burst of the economic bubble in the early 1990s, and *Shunto* faced a second major turning point.

IV. *Shunto* after the collapse of the economic bubble

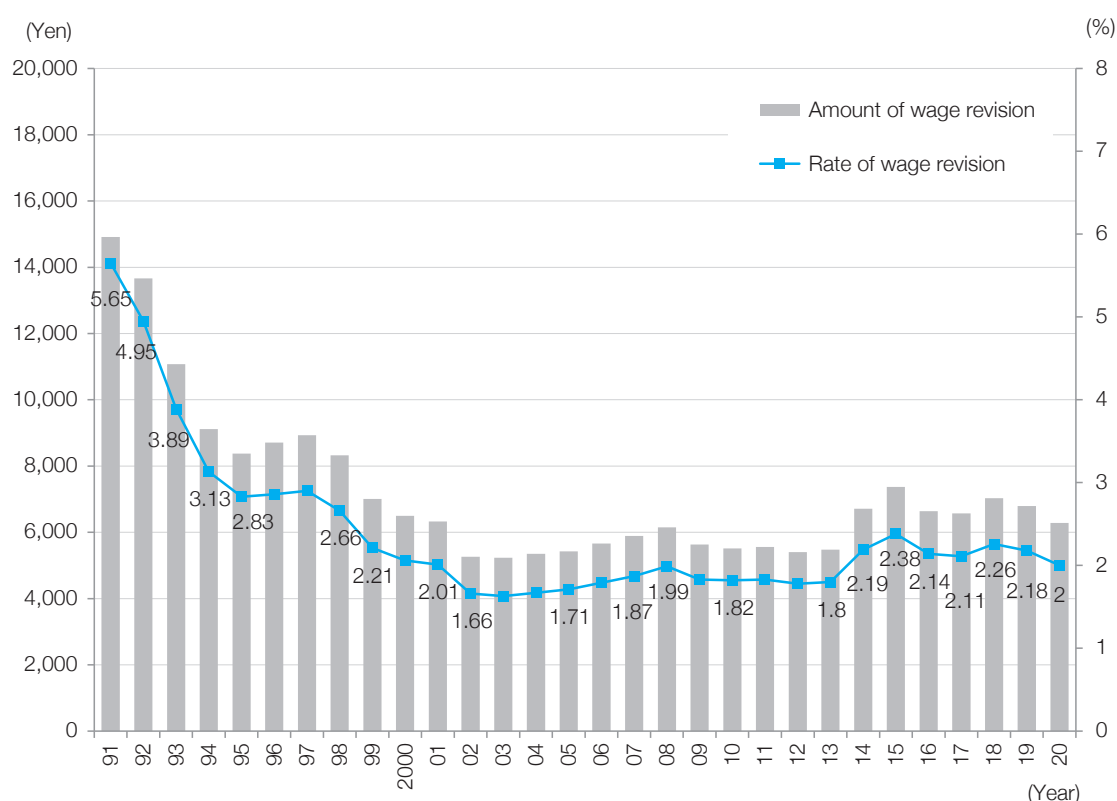
After the stock market average hit a record high of 38,915 yen at the end of 1989, Japan’s economic bubble rapidly declined, and stock prices dropped by half in just 10 months, plunging the economy in the

depths of a long-term recession. The Japanese Trade Union Confederation (JTUC-Rengo) established in 1989 described *Shunto* as an “initiative to improve overall standards of living,” with three main pillars (wage increases, shorter working hours, and policy and institutional demands), with shorter hours especially emphasized in the early 1990s.

In the late 1990s management began insisting on the structural reform of *Shunto*, and by thoroughly implementing (i) in-house wage determination, (ii) management of overall personnel costs, and (iii) ability and performance-based wages, aiming to undermine “across-the-board *Shunto*” in which ripple effects of wage-increase level spread across the economy. The advance of deflation added to management’s impetus, and the traditional labor-

side demand approach of “annual wage increases + commodity price increases in the past fiscal year + improvements in living standards,” premised on inflation, became ineffective. The diminishing of wage-increase rates continued unabated (Figure 1).

As the 21st century began, employment instability worsened, with significant negative impact from the bursting of the tech bubble and the unemployment rate topping 5% for the first time. *Shunto* found it difficult even to maintain increases equivalent to so-called annual wage increases (around 2%). From 2002 the IMF-JC ceased to make unified requests for basic wage increases, referred to in Japan as “base-up.” The Japan Business Federation (Keidanren), Japan’s largest economic organization, declared that “*Shunto* is dead,” in that industrywide settlements



Source: Ministry of Health, Labor and Welfare (MHLW), “Status of wage increase demands and settlements at major private-sector enterprises.”

Note: As a rule, “major enterprises” up to 2003 are those listed on the First Section of the Tokyo Stock Exchange or the Osaka Securities Exchange which also have capital of two billion yen or more, 1,000 or more employees, and a labor union (simple average up to 1979, weighted average from 1980 onward). Since 2004, as a rule, enterprises tabulated as “major” are those with capital of one billion yen or more, 1,000 or more employees, and a labor union (weighted average).

Figure 1. Changes in the amount and rate of revised average wages per capita at major private-sector enterprises (weighted average)

for hikes in base pay through the ripple effects of wage-increase level had come to an end.

In response, however, labor began exploring a new role for *Shunto* as a means of correcting disparities. One new initiative for remedying disparities among enterprises is the determination of wages based on “occupational rates.” Starting with the 2007 *Shunto*, the Japanese Electrical, Electronic and Information Union shifted to an “occupation-based wage demand system” to seek wages commensurate with the value of work according to occupation. Based on the fact that there are pronounced wage gaps depending on company size (major vs. small/medium-sized) as well as form of employment (regular vs. non-regular), the JTUC-Rengo launched a “joint offensive for small and medium-sized enterprises” and a “joint offensive for part-time workers.”

V. Ending deflation becomes the key policy issue for government, labor, and management

With the percentage of non-regular employees rising, wage levels in Japan as a whole peaked in 1997, and have been trending downward ever since. To make matters worse, under the impact of the 2008 financial crisis, the following year saw the largest fall in wages since World War II. In light of this, beginning with the 2011 *Shunto*, labor embarked on a strategy of negotiation aimed at returning to wage levels at their peak. However, just before the negotiation reached at the critical point, the Great East Japan Earthquake struck, and its impact extended to the 2012 *Shunto*.

Then, at the end of 2012, the Democratic Party of Japan backed by Rengo-affiliated labor unions suffered a crushing defeat, marking the start of a second term of office began for Shinzo Abe, whose

administration viewed ending deflation as the most pressing policy issue, and the launch of the economic program called “Abenomics.” To foster consensus toward the realization of continuous wage increases, which would be key to the administration’s goals of “ending deflation” and “realization of a positive economic cycle,” the Government-Labor-Management Meeting for Realizing a Positive Cycle of the Economy was established in 2013 with labor and management representatives and policy experts as members. It compiled a written agreement that included the statement “it is necessary to link economic upturn to the expansion of enterprise profits and thereby to increase wages.”

Labor-management negotiations conducted in the context of agreements among government, labor and management and governmental policies to promote wage increases resulted in a 2.01% rise in 2001, and while increase rates stagnated between 1% and 2% over the ensuing years, the 2014 Ministry of Health, Labor and Welfare (MHLW) survey found that wage increases among major private-sector enterprises had topped the 2% level for the first time in 13 years. Since then, springtime labor-management negotiations have resulted in wages hikes by more than 2% for seven consecutive years since 2014 as shown in Figure 1.

In response to these wage increases, regional minimum wages have increased by more than 3% for four years in a row since FY2016. In 2020, *Shunto* negotiations took place amid uncertainty over the spread of COVID-19. While the average wage increase at major enterprises stayed barely above 2%, the outlook for labor and management negotiations in the near future is unpredictable and appears troubled due to sharp deterioration in enterprises’ performance.

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Special Feature on Research Papers (I)

Here is a special feature for three (I-III) including six significant papers selected by the Editorial Office of Japan Labor Issues from various relevant papers published in 2019–2020. Each author has arranged the original papers written in Japanese for the benefit of overseas readers. We sincerely thank authors for their effort. These papers address the latest subjects as well as conventional themes on labor in Japan and surely will offer useful information and deeper insights into the state of labor in Japan.

Editorial Office, *Japan Labor Issues*

The Law to Prevent “Power Harassment” in Japan

OBATA Fumiko

The provisions pertaining to workplace bullying (known as “power harassment” in Japan) were established in the Comprehensive Labor Policy Promotion Act (CLPPA).¹ They are, however, not prohibitive provisions that can serve as grounds for civil claims for damages. Instead, they are provisions that establish the responsibilities of the national government, employers, and workers while imposing obligations for employers to develop systems and take other such measures to prevent power harassment. The obligations to take measures are actualized through the employment of administrative measures to ensure effectiveness, such as administrative guidance, on employers who violate the obligations. The provision of obligations to take measures has the advantage of enforcing administrative guidance, etc., possible, even before the occurrence of power harassment if an employer does not implement measures prescribed by the Act. Moreover, the execution of obligations to take measures can be taken into consideration when making judgments about breaches of Civil Code obligations. As a result of the imposition of obligations to take measures, employers are required to develop work rules that include the disciplinary action against wrongdoers; develop understanding of what constitutes workplace power harassment to ensure that supervisors or workers in leadership positions do not make the mistake of thinking that actions taken to instruct problematic workers are not regarded as power harassment; accept victim’s requests for consultation by setting up a consultation desk; encourage other workers to work to prevent the spread of damage caused by power harassment; and improve work environments to prevent the manifestation of workers who engage in power harassment to relieve stress resulting from long working hours, etc. Urgent tasks for the national government include the formulation of guidelines providing a specific definition of “power harassment,” study of the need to establish “prohibitive provisions concerning power harassment behaviors that can serve as the grounds for claims for damages” in law, the study of the Convention Concerning the Elimination of Violence and Harassment in the World of Work, and study of measures to prevent power harassment by customers and other outsiders.

- I. Problem presentation
- II. The necessity of laws and regulations
- III. Prohibitive provisions that can serve as grounds for civil claims for damages
- IV. Liability provisions and obligations to develop systems for the prevention and other measures
- V. Future challenges

I. Problem presentation

There has been no end to lawsuits in which workers who experience mental suffering because of bullying, mobbing, or abuse of power in the workplace (hereinafter referred to collectively as “power harassment”) claim damages against the wrongdoer or their employer. The same is true of lawsuits in which abused workers who experienced the development or exacerbation of a psychiatric illness or the families of abused workers who commit suicide as a consequence claim damages against the wrongdoer or employer.² The number of consultations concerning workplace bullying and harassment made to the general labor consultation counters of Prefectural Labor Bureaus continues to increase. Such consultations make up a considerable share of all individual civil labor dispute-related consultations.³

Under current law, victims and their families can claim damages for such behaviors as torts or defaults. Moreover, wrongdoers can be held criminally liable if their behaviors are deemed to be defamation or assault.⁴

Additionally, on March 15, 2012, “Recommendations for Prevention and Resolution of Workplace Power Harassment” were issued by the Ministry of Health, Labour and Welfare (MHLW).⁵ The Recommendations defined the “workplace power harassment” as “any act harming physical or mental health of the victim beyond the appropriate scope of business by exploiting one’s superior position or human relationship with co-workers, or leading to a deterioration of the working environment.” Further, messages from top management, the formulation of internal rules, identifying situations likely to lead to bullying and harassment, education to prevent power harassment, and dissemination of guidelines and initiatives have been recommended as corporate actions toward preventing workplace power harassment. On the other hand, the establishment of places for consultation and resolution and the prevention of a recurrence (e.g., through training, etc.) have been recommended as means for resolving it. MHLW has made the importance of preventing power harassment broadly known through its *Akarui Shokuba Oendan* (“Supporters of human-centered workplace”) website.⁶

In March 2018, a report was released by MHLW’s Investigative Commission on Measures to Prevent Power Harassment in the Workplace.⁷ The report clarified the advantages and disadvantages of proposed responses—namely,

- (i) establishing the criminal liability or civil liability of wrongdoers (criminal penalties or unlawful acts),
- (ii) establishing provisions providing the grounds for claiming damages against employers (private-law effects),
- (iii) placing obligations to take measures on employers,
- (iv) countermeasures to be taken by employers in guidelines that explicitly indicates how they do, and
- (v) raising awareness

At the same time, the report organized the concept of power harassment that was constituted by three elements: “the behavior is committed by a person in a superior position (or based on superiority) at the workplace,” “the behavior exceeds the scope of necessary and reasonable elements of business operations,” and “the behavior caused mental anguish, physical pain, or a degradation of the working environment.”

Deliberations on this topic subsequently began in the Labor Policy Council and were compiled into a report at the end of 2019.⁸ Employer members found proposals (v) and (iv) useful, while worker members recommended proposals (i) and (ii). In the end, however, it was a proposal (iii) that was prepared as a bill. The bill was enacted with a supplementary resolution by both Houses of the Diet in May of this year.⁹

In this paper, I will evaluate whether or not adopting proposals (iv) and (v) was appropriate in Part II. Then, in Part III, I will study whether or not adopting proposals (i) and (ii) was appropriate while also considering the reasons power harassment has not been eradicated. Given that incorporated into the supplementary resolution of both Houses of the Diet¹⁰ is an item calling for consideration of the necessity of establishing “provisions prohibiting power harassment behaviors that can become grounds for claims for damages” in law, it could be argued that such prohibitive provisions should have been established during the current Diet session. In Part IV, I will explore what significance the new provisions based on (iii) would have while giving attention to the

reasons that power harassment has not been eradicated, and then consider future challenges in Part V.

II. The necessity of laws and regulations

When the Labor Policy Council discussed how best to eradicate power harassment, employer members asserted that proposals (v) and (iv) were appropriate.¹¹ The main concern was that the establishment of provisions prohibiting power harassment with a lack of clear distinction between work-related guidance/instruction and power harassment would make supervisors think twice about giving guidance or instructions to their subordinates, and operations would become hampered as a result. Undoubtedly, if supervisors hesitated to guide or instruct their subordinates out of fear, they would be accused of power harassment, operations could become hampered, and expectations for subordinates' growth would be diminished. Given this concern, would it not better to go as far as the measures of (v) and (iv) and not beyond them?

However, cases in judicial precedents¹² reveal the cruelty of bullying and power harassment, and they occur in Japan. It must, therefore, be admitted that stopping at (iv) and (v) is not possible.

For example, there was a case in which a worker who, having suffered a foot injury when a ball with a needle used in surveying was thrown at him and been forced to do overtime work all night without being permitted to even take a noontime break, caused a car accident with possible suicidal intent.¹³ There was also a case in which a worker claimed for damages for mental suffering after being forced to drink alcohol despite having a low tolerance for it and being forced to drive when not feeling well.¹⁴ Moreover, there was a case in which a supervisor slapped subordinates' face and head more than ten times or shot them with BBs with an air gun when in a bad mood or frustrated with work, which lead to a subordinate's suicide.¹⁵ No one would doubt that the bullying shown in these cases is unpardonable.¹⁶

In light of the fact that judicial precedents concerning suicides following the onset of poor mental health due to workplace bullying, mobbing, or power harassment continue to occur even after the release of the Recommendation,¹⁷ it is difficult to say that raising awareness, formulating guidelines, and other such measures are enough. A legal system to prevent such cases must be immediately established.

III. Prohibitive provisions that can serve as grounds for civil claims for damages

Should the proposals (i) and (ii) that were pushed by the worker members been adopted?

1. The time required for establishing the scope of remedy and conceptual development

The proposals (i) and (ii) that were recommended by worker members were also prominent in the Labor Policy Council's discussions.¹⁸ Under these proposals, it is thought that the reasons power harassment occurs are lack of understanding among those concerned and the weak deterrence posed by current laws. Through (i) and (ii), both wrongdoers and employers would realize that power harassment is unlawful, and the threat of significant disadvantage, if power harassment occurs, would be applied. Their aim would be to make wrongdoers (and potential wrongdoers) refrain from engaging in behaviors considered to be power harassment and make it easier for victims to sue.

Even under current laws, it is possible to make claims for damages and press charges of criminal responsibility if a behavior is deemed to constitute defamation or assault. If the proposals (i) and (ii) establish provisions bearing the name "power harassment" while still envisioning exactly the same kind of remedy provided in current laws, some may think it sufficient to promote broader awareness of current laws. Admittedly, the argument that expanding public awareness by establishing provisions that can be simplified in easy-to-understand slogans—such as "power harassment can result in imprisonment or fines" and "power harassment can bring about claims for damages against you"—would be better and able to effectively suppress power harassment would be persuasive to some extent. However, if this will be the path taken, it will

become necessary to develop the relationship between proposals (i) and (ii) and the remedial system provided by current laws.

If these (i) and (ii) proposals' intent is to target a narrower scope than the scope of the remedy under current laws and to prepare legal remedies with greater "threat effectiveness" within that scope, then it becomes necessary to define that scope and to provide justification for implementing legal remedies with greater threat effectiveness within it.

If the proposals are to target a broader scope of remedy than that under current laws, then it becomes necessary to define why the expanded behaviors will now be seen as a breach of obligation or unlawful even though they are not currently considered so and also to define the extent of the expanded scope.

Moreover, regardless of which of the above describes the proposals' intent, it is necessary to define what "power harassment" is in order to prohibit it. Prohibiting power harassment without first defining it will, as was pointed out by employer members, result in managers' and supervisors' refraining from instructing or scolding their subordinates out of excessive fear of being accused of power harassment, which could lead to a situation whereby the number of workers who engage in problematic behaviors does not decline, and business stagnates. Vague definitions are impermissible, specifically if criminal penalties are to be imposed, and therefore it becomes necessary to narrow down requirements into something that can be called criminally unlawful.

However, the definition of power harassment has been inconsistent when reviewing judicial precedents.¹⁹ Moreover, if there are judicial precedents whereby behavior that is deemed power harassment is judged as unlawful and which legal liability is found, there are also judicial precedents that do not always find legal liability because, even though a behavior is deemed power harassment, it contains elements that are not judged to be unlawful.²⁰ Under such circumstances, realizing the aforementioned proposals will require the time needed to define what "power harassment" is more precisely, develop the relationship between proposals (i) and (ii) and the remedial system provided by current laws and make other preparations.

2. The difficulty of undoing wrongdoers' misconceptions

One reason why power harassment cannot be eradicated despite the remedial system and the posting of the aforementioned Recommendation and other materials on MHLW's website is that wrongdoers do not believe their behaviors are illegal.

(1) Wrongdoers' misinterpretations

Analyzing judicial precedents involving power harassment-related claims for damages reveals many cases in which people who are identified as wrongdoers see themselves as (A) "relieving the tension by making jokes for a change," (B) "strictly reprimanding people with problematic behaviors to make them reflect on their actions and prevent a recurrence," or (C) "giving strict instruction to shape new or inexperienced people into fully qualified workers" and thereby contributing to the company and serving the role of supervisor, manager, or mentor.²¹

(A) Relieving the tension by making jokes for a change

For example, in the instance of (A), in a case in which a worker of a client company said to a dispatched worker, "I'm going to make your hair burning" "with a lighter," the court ruled that looking at the interaction before and after that, it is considered that the above-mentioned statement was fended off as a joke and therefore it cannot be said to be extremely inappropriate." However, concerning the wrongdoer's saying regarding a vehicle (a Daihatsu Copen) owned by the dispatched worker that "I hate your Copen; I think I'll smash it up," and the wrongdoer's suspecting that the dispatched worker was actually playing pachinko when absent from work for feeling ill, the judge stated that "these are remarks that seem to be made frivolously as part of instruction" but also added that "it must be stated that if they are repeated even when the dispatched worker shows bewilderment or discomfort, then, the communication could be abuse and occasionally insults

and therefore lead to illegality.” Thus, the court determined that the behavior could be judged as power harassment, affirmed the employer’s liability of the client company, and ruled that it had the obligation to pay compensation for pain and suffering (company-specific tort liability was denied).²² It is possible in this case that the wrongdoer was surprised at being ordered to pay damages, as he thought that all of his actions were “just teasing.”

In another case, an experienced worker told a younger worker who had obtained a construction project order for trivial mistakes, saying, “Don’t think you’ll stay here in the company when the construction starts.” The experienced worker asked the younger worker “Do you want to stay in the project?” asking if the younger worker want to continue to be involved in the project he had obtained the order for, and, when the younger worker did not respond immediately to this question, said with a laugh, “You’re no good because you can’t answer right away.” And the experienced worker made statements that gave the supervisor the impression that the worker was pilfering change. In its decision, the court recognized the (existence of) torts considered power harassment behavior that “includes inappropriate expressions and responses that can only be described as diverging from the scope of normal instruction and education” and ordered the payment of damages for associated with the onset of depression by the victimized worker.²³ In this case, as well, it is possible that the wrongdoer was surprised at being ordered to pay damages despite “only teasing” and “simply pulling practical jokes.”

(B) Reprimanding workers with problematic behavior

Looking next at an example in the instance of (B), a court ruled that asking a worker who committed problematic acts (which included spreading degrading gossip about other employees without grounds and making groundless remarks slandering people in the workplace directly to executives) to affix his personal seal on a memorandum pledging not to engage in such behavior again and ordering him to carefully read the company’s regulations are appropriate measures in light of social norms and therefore not torts.²⁴ On the other hand, in the same judgment, regarding an interview set up so that the personnel officer could provide warning and instruction to the worker (which was secretly recorded by the worker), at which time the officer became fed up with the worker’s sulky attitude and shouted, “What do you mean you’re going to sue! Don’t act stupid. I’ll never forgive this!” the court ruled that this behavior went beyond the boundary of warning and instruction permitted by social norms, even if the purpose was justified, and was constituted a tort, and thus affirmed the employer’s liability of the company for this portion of the complaint. It is possible that the personnel officer found this ruling unacceptable, believing that the person who should be criticized was not him but the worker.

Moreover, a court ruled in a case involving a consumer electronics retailer that issuing a written warning to a worker who improperly processed sales is an act whose necessity and appropriateness is admissible in the course of work, that a shift change conducted by the company cannot be judged to be part of power harassment, and that scolding for problematic behavior was neither groundless nor done repeatedly or continuously to make an example of the worker. Therefore such acts cannot be judged to be part of power harassment. However, concerning a transfer order made without concrete explanation and causing a mistaken understanding about workload, the court judged that the order was an act of making the worker engage in an excessively heavy workload that went beyond an appropriate scope of work and caused severe psychological distress and therefore was a tort.²⁵ Here, too, it is possible that the worker’s supervisor found being judged to have committed a tort, even if only partially, to be unreasonable, as he was only acting to ensure that business was not hindered in consultation with headquarters and company managers.

(C) Instruction of new and inexperienced workers

Furthermore, looking at (C), a court recognized that saying things like, “Do you have any intention of learning this?” “How long do you intend to be a new employee?” “It’s a waste of time dealing with you,” “Do you think the company needs someone who lies so easily?” “Why don’t you just die?” and “I hope you quit” are “typical examples of power harassment if it is considered that they were said to an employee who had not yet been with the company for a year.” Liability for damages associated with the victim’s suicide was affirmed

based on a tort in the case of the wrongdoer and employer's liability in the case of the company.²⁶ As with the other cases, it is possible that the supervisor wondered why he received this judgment when he was only scolding a new employee with a bad attitude.

Additionally, there is a case in which a supervisor said things like, "Give me break. Can't you take care of even processing single subrogation properly? Just quit. Stop slowing everyone down," and "You can't do it even when you try hard. See, it's because you're not paying attention. You do the same thing, over and over" to a worker who was slow, made frequent mistakes, and had only just returned to work following medical treatment, and, further, in which, after the worker returned to the workplace, the supervisor made no effort to understand or consider the worker's medical condition and believed that the worker could physically handle a normal workload. Here, the court ruled that "When it is considered that the work, which was mentally demanding even for a healthy person, was even more mentally difficult for the plaintiff, who had just returned to work following treatment for syringomyelia and who continues to suffer from the aftereffects of the disease, and that the defendant Y2 gave no consideration to this whatsoever, and even when based on the aforementioned problems experienced by the plaintiff, it can be said that the acts of the defendant Y2 fall under power harassment." The court ruled that obligation exists on the part of the supervisor to pay 1 million yen in compensation for pain and suffering based on a tort, and that obligation to pay the same amount exists on the part of the employing bank based on employer's liability.²⁷ Here, too, it is possible that the supervisor thought the judgment of power harassment was unreasonable, as scolding a subordinate whose work is inadequate is a natural part of a supervisor's duties.

Additionally, in a case involving a restaurant operated by one employer and one worker,²⁸ where the employer, after severely scolding the worker, who made the same mistakes even after being admonished repeatedly and who, immediately after being warned not to turn on the gas with a rice cooker on top of a burner, turned on the gas with a rice cooker on the burner, was sued for liability for damages relating to the worker's suicide by the worker's family. The court mitigated the amount of damages the family sought by 50%, ruling that "there is an aspect whereby simple admonishment was not enough, and severe scolding was unavoidable on occasion." However, the court also noted that it is not hard to imagine that, for the worker, who, by nature, made the same mistake dozens of times even when admonished frequently, repeated strong warnings and scolding would cause an excessive psychological burden and feeling of self-denial. Considering this together with the employer's slapping the worker on two occasions, the court ordered the payment of damages, as the employer's acts "deviated from the scope of instruction and response to a worker and neglected the aforementioned duty of care." It is possible that the employer felt it was impossible not to lose his temper when the worker made the same mistake dozens of times even after being admonished each time, and thus he felt that being made to pay damages, even if only 50% of the damages sought, for the worker's suicide was unreasonable.

Thus, learning is necessary to change the perception of people who may think their own acts "are natural," "unavoidable," or "not of a kind that would bring liability" so that they realize that, depending on the circumstances, their actions could be deemed torts or power harassment.

(2) Judgments differ depending on specific circumstances

As I mentioned in Part I, some claims for damages brought by a victim or the victim's family involve claims made for pain and suffering due to mental anguish. A fair number involve claims for damages relating to the loss of health or life when a victim suffers a mental disorder and ends up committing suicide. In the latter case, particularly when a worker already has a disorder or is a new employee, that worker could suffer greatly from behavior that would not affect a worker who does not have a disorder or is not new employee. Given this, attention must be given to the fact that employers and supervisors are deemed to have the obligation of giving a higher level of consideration to such workers. However, there are also fairly numerous judicial precedents that considered the circumstance that the worker already had a disorder by reducing the amount of damages.²⁹

If a wrongdoer engages in a particular behavior with knowledge that a worker is easily affected but does not take this into account and, as a result, the worker's condition worsens, or the worker subsequently commits suicide, that behavior is considered to be a breach of the wrongdoer's obligation. In a case in which a worker's illness was severe, and the worker had difficulty withstanding a behavior that would not cause suffering to another worker, it is possible that the fact that the wrongdoer/employer neglected to give consideration to this would be judged a breach of obligation and that payment of damages would be ordered. However, whether such a case should be treated as power harassment or not depends on the definition of power harassment.

Additionally, if the same strict instruction is given at a workplace where workers in a team handle operations that could put others' lives in danger and it is deemed that strict instruction of less experienced members and subordinates by the team leader is necessary because mistakes that could harm life must never happen, and at a workplace where no such worries exist, the judgment of whether the instruction is unlawful or not can vary.³⁰

Because it cannot be judged whether a behavior is unlawful or not without taking such detailed and concrete circumstances into account, there is a need to study and learn what constitutes illegal behavior based on the specific circumstances of each workplace. If this is left to a self-initiated study by individuals, it can be anticipated that some people will take no action, and it becomes possible that others will be unable to make correct judgments due to a lack of information. Under such circumstances, even if provisions for civil liability and criminal liability are established, and it is demonstrated to wrongdoers who believe their behaviors are correct that engaging in power harassment can bring legal liability, this will probably not spur them to correct their behavior.

3. The difficulty for victims to demand remedial procedures

Another reason for the difficulty in eradicating power harassment could be that workers subjected to power harassment cannot utilize remedial procedures despite the existence of remedial system and the posting of the aforementioned Recommendation and other materials on MHLW's website.

Wrongdoers who intentionally engage in abuse of power harassment or bullying are unlikely to choose and target workers who would not hesitate to fight back determinedly and take the matter to court if subjected to power harassment or bullying. Even if legal provisions are established, and it is demonstrated that civil liability or criminal liability can be pursued to wrongdoers who repeatedly engage in power harassment or bullying with certainty that the person will not sue and that others will not intervene, getting those wrongdoers to change their behavior will not be easy if the risk of being sued is too small.

Assuming that it is difficult for victims to take wrongdoers to court on their own, the national government must implement separate means for taking action, such as establishing places where victims can seek consultation nearby, etc.

IV. Liability provisions and obligations to develop systems for the prevention and other measures

1. Content of new provisions

As I mentioned in Part II, there are questions concerning how effective the proposals involving raising awareness and guidelines would be. The proposals establishing provisions concerning the civil liability and criminal liability of wrongdoers and claims for damages against employers have the problems discussed in Part III.

Recently established Article 30-2 of the CLPPA states that an employer shall "ensure that the working environments of workers they employ are not harmed by behaviors in the workplace that take place against the backdrop of a relationship in which one party has some form of superiority over the other and that exceed a scope that is necessary and appropriate for the conduct of business" and will bear obligations to develop

systems and implement other measures (hereinafter referred to as “obligations to take measures”).

At the same time that this provision was established, the prohibition of less favorable treatment for the reason of engaging in consultation, etc., pertaining to power harassment was also set forth in the CLPPA Article 32 Para.2 (on this occasion, similar provisions concerning harassment for the reason of sexual harassment, etc., were also set forth [Equal Employment Opportunity Act (EEOA)³¹ Article 11 Para.2; EEOA Article 11-3 Para 2; and of the Child Care and Family Care Leave Act (CCFCLA)³² Article 25 Para 2]). Additionally, provisions on the liability of the national government, employers, and workers concerning power harassment were set forth in the CLPPA Article 30-3; on this occasion, similar provisions concerning harassment for the reason of sexual harassment, etc., were also set forth (EEOA Article 11 Para 2; EEOA Article 11 Para 4; CCFCLA Article 25-2).

The following points should be made concerning these new provisions.

2. Significance of obligations to take measures

Obligations to take measures are not provisions under private law but rather administrative provisions. They are targeted at employers. Provisions for obligations to take measures do not take a form that establishes a civil relationship of rights and obligations, such as the existence or non-existence of liability for damages. It must be remembered that they establish standards of behavior for employers in the form of implementing preventative measures, and do not establish standards that provide grounds for claims in civil suits, etc.³³

In other words, obligations to take measures are actualized in the form of taking administrative measures to ensure the administrative effectiveness of administrative guidance, etc., against employers who violate those obligations. If an employer does not implement a legally prescribed measure, a breach of obligation to take measures are affirmed (even if harassment has not actually occurred) and the administrative guidance, etc., against the employer could be carried out.³⁴

The preparation of provisions for support for labor dispute resolution by the directors of Prefectural Labor Bureaus and mediation by Dispute Adjustment Committees (*Funso Chosei Innkai*) as well as to ensure the fulfillment of obligations to take measures, etc., (e.g., advice, guidance, recommendation, etc.) for labor disputes relating to power harassment is scheduled based on the new provisions.³⁵ Less favorable treatment for the reason of going to the consultation process, etc., was also prohibited in the new provisions (CLPPA Article 30-2).

It is hoped that the national government will utilize the advantages of the means of actualizing labor policy known as “obligations to take measures” and strive to achieve “prevention,” which is the essential aspect of harassment.

With the establishment of provisions for employers’ obligations to take measures concerning power harassment, it is thought that developed guidelines would lead to the clarification of employers’ guidelines, etc., as well as dissemination and education concerning them, the development of systems necessary for appropriate responses to the consultation, and quick and appropriate responses to workplace harassment after it occurs resembling those established in the guidelines on measures concerning sexual harassment that employers should implement in employment management.³⁶

It can be expected that if, as a result of the new provisions, “power harassment” is defined, provisions on the liability of those concerned are set forth, the obligations to take measures for prevention borne by employers are clarified, awareness among concerned persons in workplaces rises, systems for prevention function, the hurdles victims face in demanding remedial procedures are lowered, and administrative guidance is effectively implemented even when harassment does not occur, instances of power harassment will decrease in comparison with the present time.

3. Employers' breaches of obligations to take measures and lawsuits involving claims for damages

It is interpreted that like Article 11 of the EEOA concerning sexual harassment and Article 11-3 of the same law concerning so-called "maternity harassment," Article 30-2 of the CLPPA and other provisions do not have civil effect. Nonetheless, employers' taking of measures for prevention can be taken into consideration when judgments are made about whether or not breaches of Civil Code obligations have occurred. It can also be taken into account when making judgments concerning the employer liability with respect to whether or not reasonable care was exercised in the appointment and supervision of a worker who becomes a wrongdoer. In other words, provisions on obligations to take measures can have an indirect effect on civil claims for damages.³⁷

Already, many employers are implementing such measures as establishing guidelines for severely dealing with wrongdoers in internal rules and providing training for dissemination and education based on the recommendations included in the "Recommendations for Prevention and Resolution of Workplace Power Harassment"³⁸ of March 15, 2012.

In cases in which the employer took those steps, and those steps were effective, it has been considered that there were no breaches in terms of the employer's obligation to adjust (consider) job environments, duty of care, and obligation to care for employee safety and health in a civil lawsuit for damages.³⁹

4. The role of employers

The new provisions obligate employers to spearhead to eliminate power harassment from the workplace by taking specific measures. It is important and quite significant in relation with the reason power harassment has not been eradicated.

First, as I discussed in Part III, it is unlikely that victims will take wrongdoers to court, considering that wrongdoers who intentionally engage in power harassment and bullying typically target weak workers who cannot do so. Therefore, it is more effective to enable victims to consult with services that are more accessible than a court of law, encourage co-workers to support workers who suffer from power harassment, and create ethical workplaces where wrongdoers give up engaging in power harassment or bullying. If employers lead with solid guidelines for eradicating power harassment, encourage workers to contribute to the fulfillment of those guidelines, implement preventative measures that include specifying that disciplinary action will be imposed on wrongdoers, and indicate explicitly that neither wrongdoers themselves nor those who facilitate harassment will be tolerated, the result will be a higher likelihood that wrongdoers will be called out and the possibility that they will correct their behaviors to avoid being subjected to disciplinary action or another disadvantage.

Secondly, as I described in Part III-2, there are cases when people who are identified as wrongdoers see themselves as (A) "relieving the tension by making jokes for a change," (B) "strictly reprimanding people with problematic behaviors to make them reflect on their actions and prevent a recurrence," or (C) "giving strict instruction to shape new or inexperienced people into fully qualified workers" and thereby contributing to the workplace and serving the role of supervisor, manager, or mentor.

Employers must change the cognition of such wrongdoers by pointing out to them the possibility that their actions could be considered torts or power harassment. However, given that it cannot be judged whether an act is illegal or not without taking such detailed and concrete circumstances into account, there is a need to study and learn what constitutes unlawful acts based on the specific circumstances of each workplace when doing so. An effective way of approaching this is for employers to share information throughout the workplace and perform an active role in helping employees deepen their understanding of power harassment, rather than leaving the matter to individuals' self-initiative.

Thirdly, there is the possibility that employers simply highly regard workers who claim (A), (B), or (C),

without looking at their behaviors objectively, and leave them to be. The provisions for obligations to take measures will likely be effective in encouraging employers to rethink this posture.

In other words, employers hire many workers and build an organization for the purpose of business, and demand that people at the lower ranks follow the instructions of those at the top (by going so far as to establish disciplinary actions). They ask new employees and transferred workers who are beginning a job in a new department to strive to become capable of wholly taking their responsibility by receiving instructions and training from workers in leadership positions, managers, supervisors, and mentors. If a worker engages in problematic behavior, they urge the worker to reflect on that behavior by having a supervisor or manager severely reprimand him or her to prevent a recurrence. Supervisors, managers, and workers in leadership positions who serve to provide instruction, training, and reprimands by grasping the employer's intentions have an important presence in terms of maintaining company order and contributing to the company. In addition, it is not unusual to see cases where workers take the initiative to relieve workplace tension with humor demonstrate leadership that brings coworkers together. In fact, there are times when such workers relieve workplace stress with harmless jokes. Moreover, it may be more advantageous for employers to take a relaxed approach than fussing over tiny details.

However, employers must acknowledge that the people who caution, instruct, train, and reprimand are performing the role of a supervisor, manager, or instructor, and employers must also ensure that the behaviors of those people do not go beyond what is appropriate for business and do not cause suffering to victims. Furthermore, while accepting workers who relieve tension with light humor, employers must severely rebuke those who engage in abuse, bullying, or power harassment that goes far beyond light humor. The new provisions demand that employers take measures to create workplaces where all workers can work without experiencing unreasonable suffering.

Fourthly, there is the point that when employers are overly concerned about business success or work efficiency, this can place long working hours and excessive workloads on workers and unbalance them physically and mentally. While indirect, this situation can create a breeding ground for bullying and power harassment. Employers must ensure that workers who become exhausted in a workplace disrupted by long working hours or other factors do not turn to bullying to take out their frustration with others or release stress.⁴⁰ As was stated in the Labor Policy Council's report,⁴¹ improving workplace environments eliminates the factors behind power harassment and is a desirable action for employers to take. The ideal path forward is to effectively reduce mental disorders among workers and resulting suicides by implementing measures to decrease long working hours and excessive stress and, simultaneously, measures to prevent power harassment.

V. Future challenges

1. Specific definition

A pressing challenge for the national government is the establishment of guidelines that provide a specific definition of power harassment; a point that was included in the supplementary resolution of both Houses of the Diet.⁴²

To perform the role identified in Part IV-4, employers who encourage onsite study and learning must personally gain an accurate understanding of power harassment's specific definition and then take thorough steps to convey this definition to workers and prevent power harassment. Their guidelines could present descriptions of criteria drawing a line for determining whether a behavior is (a) "a behavior committed by a person in a superior position at the workplace," is (b) "a behavior that exceeds the scope of necessary and reasonable elements of business operations," and resulted in (c) "deterioration of the working environment of the worker." They could also provide examples of what constitutes a typical case.

From last year's discussions by the Labor Policy Council, it is expected to be confirmed that, as was demanded by employer members, scolding workers who engage in problematic behavior and cautioning

new or clumsy employees who repeatedly make mistakes are, in themselves, actions that supervisors must naturally take in their capacity, and that issuing a severe warning or reprimand when a problematic behavior or mistake causes a serious situation is not illegal so long as a situation lacks balance. What instances will be considered “lacking balance” and what will be considered “behavior that exceeds the scope of necessary and reasonable elements of business operations” will likely be points that attract attention.

It should be noted that within the supplementary resolution⁴³ the “feelings of an average worker” would be the standard when making judgments about power harassment and that consideration would also be given to the “subjective view of the worker.” However, how these points will be reflected in guidelines will also draw attention.

2. Other matters

The following issues must also be urgently addressed in addition to those presented in V-1 above.

The supplementary resolution of both Houses of the Diet⁴⁴ stated that the study to legislate the aforementioned “provisions prohibiting power harassment behaviors that can become grounds for claims for damages” must be considered, including its necessity as well and that, following the adoption of the Convention Concerning the Elimination of Violence and Harassment in the World of Work by the 108th Session of the ILO, the consideration toward the convention’s ratification would be given. In light of this, it is necessary to begin the study of the aforementioned prohibitive provisions in a manner that includes their establishment in law, while at the same time promoting labor-management understanding of power harassment in the workplace by applying the obligations to take measures, confirming how effective this approach is and ascertaining the urgency for implementing further measures, and reconciling these steps with the time required to complete the conceptual development mentioned in Part III-1.

Additionally, measures for preventing business partners’ and customers’ power harassment, malicious complaints, and other behaviors, mentioned in the supplementary resolution must be explored.⁴⁵ Theoretically, power harassment by one’s own employed worker against a business partner, or a student or other person engaged in job-hunting is something that employers can control. However, when it comes to the behaviors of business partners, customers, and other outside person, those behaviors are difficult for employers who employ workers who encounter them to directly control. This is a remaining issue.

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Notes

1. CLPPA is an abbreviation for the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers and Enhancement of Occupational Life.
2. There are instances when a worker who suffers a mental disorder or other condition as a result of power harassment and committed suicide, or the worker’s family, makes a claim for damages based on a tort against the wrongdoer and, simultaneously, makes a claim for damages against the wrongdoer’s employer (company) based on employer’s liability. Among such instances, there are also instances when the worker or worker’s family makes a claim for damages based on a breach of obligation to care for employee safety and health or torts, claiming that there was a breach of obligation to protect workers as an employer (company) of the worker who suffered damage (Fumiko Obata, “Pawa harasumento to rosai hoshō” [Power harassment and workers’ accident compensation], *Horitsu Jiho* 89, no.1 (2017): 72). There are also instances when a worker who experiences mental anguish as a result of power harassment makes a claim for compensation for pain and suffering against the wrongdoer and, simultaneously, makes a claim for damages against the employer (company) of the wrongdoer based on employer’s liability. Among such instances there are also instances when the worker also makes a claim for damages based on breach of obligation to consider (adjust) job environments or torts, claiming that there was a breach of obligation to protect workers on the part of the employer (company) of the worker who suffered damage. For details on the obligation to consider (adjust) job environments and on the relationship between it and the obligation to care for employee safety and health, see Fumiko Obata, “Saitama-shi Kankyo Senta jiken hyoshaku” [Commentary on the *Saitama City Environmental Center* case], *Monthly Jurist*, no.1534 (July 2019): 120. See also, Yuichiro Mizumachi, *Shokai rodo ho* [Labor and employment law], (Tokyo: University of Tokyo Press, 2019), 275–284.

3. “Akarui shokuba oendan,” Ministry of Health, Labour and Welfare, <https://www.no-harassment.mhlw.go.jp/foundation/statistics/> (in Japanese).
4. For categorization of judicial precedents, see the website of “Akarui Shokuba Oendan,” run by MHLW, *supra* note 3, <https://www.no-harassment.mhlw.go.jp/foundation/judicail-precedent/> (in Japanese).
See also Mizumachi, *supra* note 2, 276–284; Yuichiro Mizumachi, *Rodo ho* [Labor Law], 7th ed. (Tokyo: Yuhikaku, 2018), 228–233; Kazuo Sugeno, *Rodo ho* [Labor Law], 11th corrected ed. (Tokyo: Kobundo, 2017), 242–243; Takashi Araki, *Rodo ho* [Labor Law], 3rd ed. (Tokyo: Yuhikaku, 2016), 274–277; Michio Tsuchida, *Rodo keiyaku ho* [Labor Contracts Act], 2nd ed. (Tokyo: Yuhikaku, 2016), 128–131; Fumiko Obata, “Rodo kankei ni okeru jinkaku-ken” [Personal rights in labor relations], in *Rodoho no soten* [Issues in labor law], ed. Michio Tsuchida and Ryuichi Yamakawa, special issue, *Jurist: Issues in jurisprudence series no.7* (March 2014): 18–19; Shinobu Naito, “Pawa harasumento” [Power harassment], ed. Michio Tsuchida and Ryuichi Yamakawa, special issue, *Jurist: Issues in jurisprudence series no.7* (March 2014): 32–33; Yukio Takanaka, “Pawa harasumento” [Power harassment], ed. Masahiko Iwamura, et. al, special issue, *Jurist: Labor precedents for practical procedures selected*, 2nd ed. (October 2018): 224–233; Masato Hara “Pawa harasumento” [What is power harassment? from the perspective of labor law], *Monthly Jurist*, no.1530 (April 2019): 34–39, and Susumu Noda, “Kigyo chitsujo hoji gimu ihan toshiteno harasumento” [Power harassment as a breach of obligation to maintain corporate order], *Horitsu Jiho* 89, no.1 (2017): 66–71.
5. <https://www.mhlw.go.jp/stf/houdou/2r98520000025370.html> (in Japanese).
6. Ministry of Health, Labour and Welfare, *supra* note 3.
7. <https://www.mhlw.go.jp/stf/houdou/0000201255.html> (in Japanese).
8. https://www.mhlw.go.jp/stf/newpage_03620.html (in Japanese).
9. “Supplementary resolutions of the 198th Diet session at a glance,” House of Councillors, The National Diet of Japan, https://www.sangiin.go.jp/japanese/gianjoho/ketsugi/198/futai_ind.html (in Japanese). “Supplementary resolution concerning a bill to revise a part of the Act on the Promotion of Female Participation and Career Advancement in the Workplace,” The House of Representatives, Japan, http://www.shugiin.go.jp/internet/itdb_rchome.nsf/html/rchome/Futai/kourouF4A4EEE1E4CE9333492583E800014D3F.htm (in Japanese).
10. *Supra* note 9, supplementary resolution.
11. Agenda, minutes, materials, etc. of the Employment Environment and Equal Opportunity Subcommittee of Labour Policy Council, https://www.mhlw.go.jp/stf/shingi/shingi-rousei_126989.html (in Japanese).
12. Other examples of cruel bullying include the *Kawasaki City Waterworks Bureau* case in which a worker who was subjected to collective violence that included such expletives as “What the hell is that dirtbag doing here?” and having a cheese knife brandished in front of him during drinking on a company trip later committed suicide (Tokyo High Court (Mar. 25, 2003) 849 *Rohan* 87); the *Seishokai Kitamoto Kyosai Hospital* case in which a worker who was told to “die” during work, made to massage the wrongdoer’s shoulders and clean the wrongdoer’s residence, forced to buy a can of oolong tea (costs almost 100 yen) for 3,000 yen, and subjected to other acts committed suicide (Saitama District Court (Sept. 24, 2004) 883 *Rohan* 38) ; and the *Meiko Advance* case in which a worker who was shouted at with such insults as “What are the hell are you doing, stupid,” “How will you make up for this,” and “You idiot” when he made mistakes and was sometimes hit in the head committed suicide (Nagoya District Court (Jan. 15, 2014) 1096 *Rohan* 76).
13. The *Nippon Doken* case (Tsu District Court (Feb. 19, 2009) 982 *Rohan* 66).
14. The *Windsor Hotels International* case (Tokyo High Court (Feb. 27, 2013) 1072 *Rohan* 5).
15. The *Maritime Self Defense Force* case (Tokyo High Court (Apr. 23, 2014) 1096 *Rohan* 19).
16. *Supra* note 12: In the *Kawasaki City Waterworks Bureau* case, liability for damages was affirmed in accordance with the State Redress Act based on breach of the city’s obligation to care for employee safety and health. *Supra* note 12: In the *Seishokai Kitamoto Kyosai Hospital* case, it was judged that the wrongdoer bore liability for damages for the victim’s death based on a tort, and that the employer bore liability for damages based on a breach of obligation to care for employee safety and health (however, the amount of damages to be paid by the employer was reduced to half of the wrongdoer’s amount because the death could not be foreseen). *Supra* note 13: In the *Nippon Doken* case, only the employer was the defendant, and liability for damages was affirmed based on breach of obligation to care for employee safety and health as a breach of obligation to prevent power harassment and torts, as the responsible person not only took no action but did not even have awareness of the problem. *Supra* note 14: In the *Windsor Hotels International* case, liability for damages for mental anguish was judged to exist for the supervisors based on torts and for the employer based on employer’s liability. However, some of the supervisors made an apology, and this was taken into account in the amount of compensation for pain and suffering. *Supra* note 15: In the *Maritime Self-Defense Force* case, the Self-Defense Force’s liability for damages was affirmed, as it was judged that there was a violation of the State Redress Act and also a breach of obligation for guidance and supervision for violent acts conducted as instruction. Additionally, it should be noted that, in the *Meiko Advance* case at *supra* note 12, liability for damages was affirmed based on Article 350 of the Companies Act.
17. *Supra* note 5, at the Recommendation.
18. https://www.mhlw.go.jp/stf/shingi/shingi-rousei_126989.html (in Japanese).
19. For consideration and details of judicial precedents, see Fumiko Obata, “Saitama-shi Kankyo Senta jiken hyoshaku” [Commentary on the *Saitama City Environmental Center* case], *Monthly Jurist*, no. 1534 (July 2019):120, and Takanaka, *supra* note 4, 228. For discussion that includes theory, see Naito, *supra* note 4, 32–33.
20. Judicial precedents that fall under the former include the *Reform Business YI Company* case, (Nagoya District Court (Dec. 5,

2017) 2371 *Hanrei Jiho* 121) and the *Tomato Bank* case, (Okayama District Court (Apr. 19, 2012) 1051 *Rohan* 28). Judicial precedents pertaining to the latter include the *Meiko Advance* case, *supra* note 12, the *Nihon Aspect Core* case, (Tokyo High Court (Aug. 13, 2014) 2237 *Rokeisoku* 24), and *Kofu City, Yamanashi Prefecture (Municipal Junior High School Teacher* case, (Kofu District Court (Nov. 13, 2018) 1202 *Rohan* 95).

21. Whether or not an act falls under (A) “relieving the tension by making jokes for a change” can be problematic. Examples in which torts were recognized include the *Arkray Factory* case, (Osaka High Court (Oct. 9, 2013) 1083 *Rohan* 24) and the *Reform Business YI Company* case, *supra* note 20.

Judicial precedents in which the question of whether or not (B) “strictly reprimanding people with problematic behaviors to make them reflect on their actions and prevent recurrence” was excessive was examined include the *Maeda Road Construction* case (Takamatsu High Court (Apr. 23, 2009) 990 *Rohan* 134) and the *Hospital A* case (Fukui District Court (Apr. 22, 2009) 985 *Rohan* 23) as examples in which a supervisor’s behavior was judged to not be a tort or default.

Judicial precedents in which the question of whether or not (C) “giving strict instruction to shape new or inexperienced people into fully qualified workers” was excessive was examined include the *Suntory Holdings* case (Tokyo District Court (Jul. 31, 2014) 1107 *Rohan* 55) and the *Kano Seika* case (Nagoya High Court (Nov. 30, 2017) 1175 *Rohan* 46) as examples in which such behavior was judged to be a breach of obligation to care for employee safety and health and a tort.

22. *Supra* note 21, at the *Arkray Factory* case.

23. *Supra* note 20, at the *Reform Business YI Company* case.

24. The *Sanyo Consumer Electronics* case (Hiroshima High Court, Matsue Branch (May 22, 2009) 987 *Rohan* 29).

25. The *Kansai K’s Denki* case (Ōtsu District Court (May 24, 2018) 2354 *Rokeisoku* 18).

26. The *Akatsuki Sangyo and Others* case (Fukui District Court (Nov. 28, 2014) 1110 *Rohan* 34).

27. *Supra* note 20, at the *Tomato Bank* case.

28. The *A-an* case (Fukuoka High Court (Jan. 18, 2017) 1156 *Rohan* 71). See also the commentary by Fumiko Obata, *Monthly Jurist*, no.1526 (December 2018): 134–137.

29. The *Suntory Holdings* case at *supra* note 21 and the *A-an* case at *supra* note 28.

30. In the *Kenwakai* case (Tokyo District Court (Oct. 15, 2009) 999 *Rohan* 54), it was judged the work instructions of managers in workplaces that are entrusted with life and health should stay within the scope that is required in a medical setting. Takanaka, *supra* 4, 232.

31. EEOA is an abbreviation for the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment.

32. CCFCLA is an abbreviation for the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members.

33. Ryuichi Yamakawa discusses sexual harassment in this manner in “Shokuba ni okeru harasumento mondai no tenkai to hoteki kiritsu no doko” [development of workplace harassment problem and legal and regulatory trends], 89-1 *Horitsu Jiho* 64. Mizumachi, *supra* 2, 277; Sugeno, *supra* 4, 262; Mizumachi, *supra* 4, 229; Araki, *supra* 4, 109; Tsuchida, *supra* 4, 755.

34. See Yamakawa, *supra* note 33, 64.

35. Article 30-5 and Article 30-6 of CLPPA. Material 3 of the 16th Employment Environment and Equal Opportunity Subcommittee session of the Labor Policy Council (August 27, 2019), https://www.mhlw.go.jp/stf/newpage_06377.html (in Japanese).

36. See MHLW Notice No. 615 of October 11, 2006, and MHLW Notice 312 of August 2, 2016.

37. The *Reform Business YI Company* case, *supra* note 20, is an example of a case in which it was judged that, although the company had implemented certain measures, it had not paid sufficient attention to appointment and supervision as it ultimately could not prevent power harassment. The same point applies to sexual harassment (Mizumachi, *supra* note 2, 278; Sugeno, *supra* note 4, 262; Mizumachi, *supra* note 4, 229; Tsuchida, *supra* note 4, 755–756).

38. *Supra* note 5, at the Recommendations.

39. Looking at the *Kansai K’s Denki* case, *supra* note 25, as a substantial cause-and-effect relationship between the relevant behavior and the worker’s suicide was not recognized, the wrongdoers and the company were ordered to together pay 1 million yen in compensation for pain and suffering, and a breach of the company’s obligation to consider workplace environments was denied because the company conducted training on preventing power harassment for store managers and others, the company set up a consultation service, and the service was actually being used. The *Saitama City Environmental Center* case (Tokyo High Court (Oct. 26, 2017) 1172 *Rohan* 26) is an example in which the obligation to adjust workplace environments and obligation to care for employee safety and health were judged to have been breached because the employer did nothing to change the situation and did not investigate the facts. See the *Nippon Doken* case, *supra* note 13, for an example in which it was deemed that the obligation to prevent power harassment and obligation to care for employee safety and health had been breached because the employer not only did not address the situation but was not even aware a problem existed. In the *Suntory Holdings* case, *supra* note 21, the employer’s liability was affirmed, but it was deemed that there was insufficient evidence to recognize a breach of obligation to maintain workplace environments or a tort against the plaintiff by the defendant company itself because the defendant company had conducted interviews and urged the wrongdoer to reflect on his behavior.

40. The *Yoka Municipal Hospital Union and Others* case (Hiroshima High Court, Matsue Branch (Mar. 18, 2015) 1118 *Rohan* 25). A relationship in which employers and workers can mutually identify behaviors is important (the same point is made in Masato Hara, et

al, “Zadankai: Genba kara pawahara o kangaeru” [Roundtable discussion: Considering power harassment as seen from where it occurs], *Monthly Jurist*, no.1530 (April 2019):14).

41. *Supra* note 8, at the report.

42. *Supra* note 9, at supplementary resolution.

43. *Supra* note 9, at supplementary resolution.

44. *Supra* note 9, at supplementary resolution.

45. *Supra* note 9, at supplementary resolution.

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Where Does Career Support and Education in Japanese Universities Stand? Erosion by Business, or a New Form of University Education?

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The current university education landscape is very different from what it used to be, especially in terms of job placement support, career support, and career education. This article gives an overview of the expansion process of career support and education in universities according to three phases: (1) from job placement support to career support, (2) from career support to career education, and (3) the “universal phase” of career support and education, and traces the effects of higher education policies and the human resource and education business on this expansion process. Also, it makes clear that the expansion of career support and education was not carried out based on the independent initiative of universities, but rather the main factors were adaptation to environmental changes and universities’ dependence on services provided by the human resource and education business. How should we view the current situation? As one perspective, this article points out that one valid viewpoint is that of “erosion” of university education by the business sector, and that many problems are actually occurring in this regard. Meanwhile, another perspective presented is that although career support and education has developed unevenly and cannot be accepted in its current form, universities in the universal phase, which includes redefinition of university education, may be generating “prototypes” for building *a new form of university education*.

- I. The drastically changed landscape of university education
- II. The process of expansion of career support and education at universities
- III. The structure of expansion of career support and education
- IV. Critical challenges facing university education

I. The drastically changed landscape of university education

The current landscape of university education, or somewhat more broadly speaking the lifestyles of students of which academics are a part, is filled with a deep, dark and heavy sense of anxiety, the source of which is *job hunting*. The typical interpersonal relationships and atmosphere surrounding students during the process of job hunting is like that compellingly depicted in Ryo Asai’s novel “*Nanimono*” [Somebody] (Asai 2012), but that is not all.

Compared to when this novel was published, over the last few years the labor market has clearly been a “seller’s market” for university students. Looking at the students around me, it seems that their sense of frustration and despair over job hunting have been alleviated to a great extent. Nevertheless, even today the

mere prospect of job hunting is like a dark cloud hanging over students long before they actually start looking for jobs, and once the *actual* process begins it comes to dominate their lives and occupy enormous amounts of time and energy. Moreover, in light of the recent actions of *Keidanren* [the Japan Business Federation] with regard to “job hunting rules,” and the growing prevalence of internships which can be called “pre-job hunting activities,” the *actual* process of job hunting is starting earlier than ever and the overall period of job hunting is becoming longer.

To be sure, we see what is described as “*Zenshin Shūkatsu*” [total dedication to job hunting] (Ouchi and Takenobu 2014) cite this as one example of contemporary Japanese people dedicating themselves totally to the hunt for something, such as a job. This does not mean that a majority of students devote body, soul, and all of their time to job hunting. However, if one closely observes students who skillfully toggle back and forth between academics, part-time jobs, extracurricular activities, their own hobbies, and job hunting, they resemble people watching TV who may be fully engrossed in a program unrelated to job hunting, but as soon as a commercial comes on they switch over to the job-hunting channel. Even if they are not devoting body and soul to the search for employment all the time, they are always prepared to shift their focus to it whenever the need arises. Thus when the hunt begins in earnest, they do not hesitate to quit part-time jobs and extracurricular activities, and unashamedly, even somewhat audaciously skip academic obligations and seminars on the grounds that they have an internship, briefing for prospective students, or job interview to attend.

Faced with such students, quite a few university instructors lament “Aren’t academics a student’s main duty?” or “The university is not a preparatory school for employment,” or else quietly harbor a sense of shame. However, these instructors should be clearly aware of the situation. They may not personally be directly involved, but nowadays universities offer a wide range of “career support” (services that aid students in finding employment) as extracurricular activities, and even in the context of the official curriculum they are frantically seeking to provide educational opportunities, referred to as “career education,” that are not so different in essence from job-hunting support. Students are sensitively attuned to the university’s stance, and can pick up on *unspoken messages* about the actual mission of university education (“We want you to take academics seriously, but your employment outcome is an even more serious matter.”) In other words, the university education system itself is now starting to relegate the unwritten rule that “academics are a student’s main duty” to a mere stance lacking true substance (Komikawa 2018).

With that in mind, look around a university coolly and calmly, and you will see the career center has a revolving door for representatives of companies, through which frequently pass what appear to be members of the personnel departments of companies planning to hire students, or employees of human resources companies that the university has hired as instructors for seminars or classes offered as job-hunting support. Visit the teachers’ room, and you will often meet “new types of university instructors” (Komikawa 2017a) who were not found on university campuses in the past and do not always have academic backgrounds. These are adjunct instructors, including those dispatched from human resources companies and so forth, who are teaching “career education courses” at the university, or else limited-term, specially appointed teaching staff affiliated with the career center rather than being involved with teaching and learning in the university’s faculties and departments.

As we have seen, the current “landscape” of university education is something that we certainly did not see, and indeed would not have been possible, at Japanese universities 30 years ago. In short, university education itself is obviously leaning toward providing job placement support and in many cases fully “leaning in” to this role.

How did we get to this point? Without a doubt, there are diverse and complex factors involved, including a decrease in the 18-year-old population, trends in the market for new graduates, the universalization of university education, the higher education policies of the Ministry of Education, Culture, Sports, Science and Technology (MEXT), students and their parents’ perceptions of higher education, and changing attitudes

throughout society as a whole. However, we cannot afford to overlook the human resource and education business (and its influence) as actors (factors) that have brought about the “status of university education” over the past 15 years or so, in which universities have so drastically leaned in to the role of providing career support. The human resource and education business, a newly emerging actor, originally included human resource companies, including private business operators that provided services specially adapted to career and job hunting support for students, as well as services targeted at elementary schools, junior high schools, high schools and universities. Over the last 15-plus years, these private business operators have increasingly moved into university education, providing reference materials, teaching materials, and programs, dispatching lecturers for seminars, classes, and career education courses, administering various diagnostic tests, and offering consulting about how to provide career support and education at the university.

This article will examine the current state of career support and education at today’s universities, focusing on the involvement and impact of the human resource and education business, and discuss the nature of the problems this is causing in university education and the issues we are facing.

II. The process of expansion of career support and education at universities

First of all, I would like to present an overview that covers when career support and career education became an entrenched part of university education, what kind of processes they have gone through, and how the current “landscape” described in Part I emerged.

In my personal opinion, the process leading from the establishment of career support and education at universities to their entrenchment and rapid expansion can be divided into three phases.

1. Phase 1: From job hunting support to career support (ca. 2000–)

Universities have traditionally been engaged in providing support for students’ job hunting, an activity that can be seen as a precursor of the career support and education of today. At the start of the first phase of the process in question, which is also the start of the path toward the current situation, there was a shift from job hunting support to “career support.”

One change of symbolic importance was the widespread renaming of universities’ existing “job placement” departments or bureaus, to something along the lines of “career center” (sometimes “career support center” or “career support office,” depending on the university, but below the term “career center” will be used), accompanied by reorganizations of these bodies. Sawada (Sawada 2011) lists the years of establishment (reorganization) of career centers at leading universities across Japan as shown in Table 1.

It is evident that major universities at the leading edge of this trend had made these changes by the early 2000s. It is also noteworthy that national universities such as Kyoto University, Hitotsubashi University and the University of Tokyo appear on this table. It is likely that afterward, while there may have been a time lag, a considerable number of universities nationwide followed in converting job placement departments to career centers.

What is important is that the shift from job placement department to career center was not just a matter of renaming, but was accompanied by an *expansion* of the contents of support the university provides to students. In short, conventional job hunting support carried out by traditional job placement departments was targeted at students just before or during the job hunting process, and consisted of offering information and guidance regarding job hunting and prospective employers, while passing along various pieces of job hunting know-how and giving individual counseling (Oshima 2012). While career centers took over these duties as is, but at the same time they targeted students in earlier years not yet near the job hunting stage, aiming to raise awareness regarding work, facilitate career design, explore what they hope to do, industries and occupations in which students might be interested, encourage self-analysis, and support searches for internships (for case studies, see Saito 2005).

Table 1. Years of establishment (reorganization) of career centers

1999	Ritsumeikan University
2000	Teikyo University
2001	Kyoto University
2002	Rikkyo University, Waseda University
2003	Chuo University
2004	Komazawa University, Meiji Gakuin University, Toyo University, Kansai University, Doshisha University, Hitotsubashi University
2005	Asia University, Hosei University, Senshu University, The University of Tokyo
2006	Meiji University, Kwansei Gakuin University, Shinshu University
2007	Kobe University, University of Yamanashi, Utsunomiya University

Source: Sawada 2011.

As it happened, Phase 1 coincided with a period when university graduates were finding it increasingly difficult to secure employment. For this reason a significant number of universities must have recognized, if not stating outright, that unless they laid the “groundwork” for students to begin job hunting, not just in the first semester of the third year but starting in earlier years, by “raising awareness” and “cultivating” marketable skills, simply offering job hunting support from late in the third year onward would not suffice. However, at the same time, what gave theoretical validity to expansion of the contents of support was the perception that the primary role of a university was not to provide job hunting support in a narrow sense, but rather give students insight and foresight regard living and working that would stand them in good stead throughout their lives, and the discourse on “careers” and “career support” that rapidly gained prevalence in Japanese society at this time, which dealt with support intended to enable students to choose a future path based on long-range career design.

So, what were the substantive results of the conversion from job placement department to career center? One thing obvious to any observer is the significant expansion of the scope of work carried out at career centers. Does this mean that the career centers established (reorganized) at universities from this period onward were reinforced with abundant in-house human resources to carry out an expanded range of duties? It is not hard to imagine that the answer is no. As a result, work at career centers that could not be carried out by regular staff on their own was outsourced, and this is precisely when the human resource and education business came on the scene. Even before the above-described changes, at private universities with large numbers of students, even when if job placement departments handled job hunting support for students, they sometimes formed partnerships or outsourced work to private business operators in the human resources sector. In some cases, professionals in the human resource and education business changed jobs and went to work for the job placement departments of universities. The conversion of job placement departments to career centers and the expansion of job hunting support to broader career support strengthened these connections and encouraged these trends while boosting them in quantitative terms.

Looking back objectively, even during the period when job placement departments were strictly dedicated to offering job hunting support to students, changes in job hunting platforms and styles (primarily online recruitment, entry sheets, introduction of aptitude testing that gauges abilities and personality) meant that universities’ job hunting support for students was growing gradually more dependent on the human resource business. We can see that the new “career support” sector emerged in this context, and its dependence on outside business operators suddenly accelerated. Initially, universities’ job placement departments (career centers) did not necessarily have the track record or expertise to provide “career support” to students in lower

grades prior to job hunting. It was the human resource and education business that sharply observed these developments, saw opportunities, and entered the world of university education.

2. Phase 2: From career support to career support and education (2006–)

Phase 2 was a time when, in addition to further enhancing career support for students, including job hunting support, as seen in Phase 1, a series of major universities began offering not only extracurricular support through the career center but also “career education courses” as part of the regular curriculum (at universities that joined this trend later, once they were on board the emphasis was on “career education” rather than career support).

A major stimulus for this development was that MEXT around this time designated “promotion of career education” as a pillar of its Good Practice Project, a series of subsidy programs implemented with the intention of reforming university education. It began with the 2006 “Support Program for Contemporary Educational Needs” (Theme 5: “Promotion of Practical, Integrated Career Education”), which was followed by subsidy programs entitled “Support for University Programs Developing Employment Skills of University Students” (2010–) and “Educational Improvement and Enhancing the Organization Based on Needs of the Industry” (2012–) (at one point the Good Practice Project for “employment skills” was suspended under the then-ruling Democratic Party of Japan’s budget screening initiative).

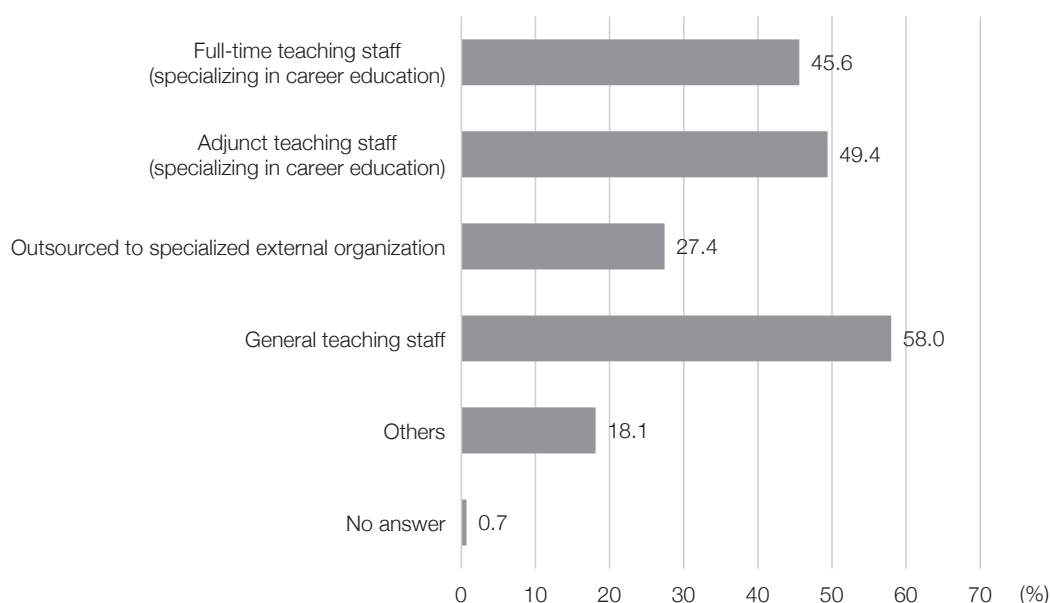
At the outset of this period the job shortage for university graduates was less severe than at the peak, but their situation was still severe compared to what it had been before the 1990s. A few years later, following the global financial crisis, the job market appeared to be growing sparse once more. Under these circumstances, universities that wanted to focus on offering job hunting support and career support to students could not avoid seeking out financial aid through the government’s higher education policies. The Good Practice Project not only provides funding for individual universities, particularly universities that receive subsidies, to further enhance support for students, but also appears to have facilitated consensus-building within universities towards building such support systems (Suzuki 2013).

As a result, forms of support that emerged during Phase 2 included enhancement and strengthening of support and counseling for students including career counseling, distribution and utilization of portfolios for career support, and internships and experience-based PBL (Problem-Based Learning) in conjunction with bodies outside the university, but what many universities focused on intensively was the establishment of career education courses (including internships and PBL for which academic credit was offered). Career education courses developed out of career support courses and seminars (that went beyond direct job hunting support) which career centers had begun offering in Phase 1, establishing them as part of the regular curriculum.

Why was it necessary to shift to a model where career education courses were part of the core curriculum? Simply put, students who really needed such support through extracurricular courses and seminars were in an overwhelming majority of cases unable to obtain it because they were not aware of their own needs. For this reason, many universities have made career education courses (at least some of them) mandatory.

So, who was responsible for teaching the career education courses that proliferated at universities from this period onward? It is hard to believe that the university education system was prepared to handle this. In some cases full-time faculty members with related areas of specialization, such as business administration, psychology, and education, may have been in charge of career education courses, but in many cases, it was the human resource and education business, which had been steadily growing stronger since Phase 1, that was responsible for the rapidly increasing number of career education courses.

During Phase 2, while human resource and education business operators offered consulting on lesson plans and teaching materials for universities’ career education courses, they also began dispatching personnel to teach career education courses, which contributed to a further rise in their numbers. And that is not all. Of these personnel, coming from private business operators many went on to start their own businesses, and



Source: “Survey of University Presidents on Employment Skills Education” (2010).

Figure 1. Who is charge of career education classes? (Multiple answers possible)

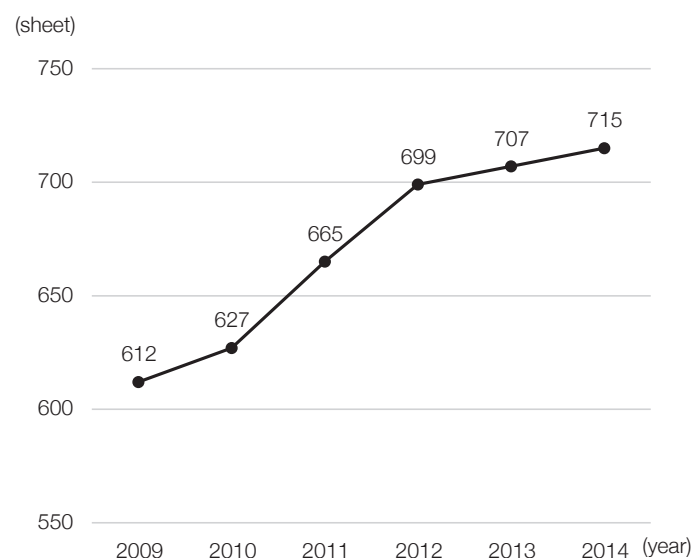
among those with experience as instructors dispatched by private business operators to teach career education courses, an increasing number went on to become adjunct instructors of such courses, unaffiliated with any business operator (Y. Watanabe 2017). In this way, the pool of “external human resources” in charge of universities’ career education course expanded, and from this pool, a new type of specially appointed teaching staff affiliated with career centers went on to become regular university staff members at many universities.

Figure 1 shows the results of the “Survey of University Presidents on Employment Skills Education” (2010) conducted by Recruit Shingaku Soken. In terms of who was in charge of career education courses, the three commonly selected responses as indicated from the top to the third were teaching staff can be classified as “external human resources.” The exact breakdown is not clear, but it suggests a significant dependence on this sector.

In the educational system up to high school, “external human resources” involved in career education does not indicate those in charge of classes, but literally to external actors that cooperate with career education at schools by acting as guest lecturers, coordinating partnerships between schools and companies and so forth (the “Research Survey Collaborators Meeting on the Practical Use of External Human Resources in Career Education” 2011). However, in university education, it is precisely these “external human resources” that teach career education classes as part of the regular curriculum.

3. Phase 3: From career support and education to universalization (2011–)

During Phase 2, change took place at faster-moving universities and gradually spread to other universities, and career support and education, including the establishment of career education courses, expanded quantitatively in the Japanese university education system. Then, during Phase 3, these trends became broadly universal throughout Japan, even at universities that had thus far been slow to act. The decisive factors were clearly MEXT’s amending the Standards for the Establishment of Universities (2010) and declaring the implementation of “career guidance” (which used to be called “vocational guidance”) mandatory. More precisely, under the amended Standards for the Establishment of Universities, universities were called on to “implement curricula and conduct work for students’ welfare and guidance” (Article 42-2) so as to enable



Source: MEXT, “Status on the Reform of the Contents of Education at Universities” (data for each academic year).

Figure 2. Number of universities offering career education as part of the curriculum

students “to cultivate the abilities necessary for being socially and professionally independent.” In fact, the implementation of career guidance (vocational guidance) is not synonymous with the establishment of career education, and many other approaches to the former could be taken. However, it is not hard to imagine that for universities that had been slow to act thus far, the establishment of career education courses like those already in place at other universities appeared to be the easiest course of action.

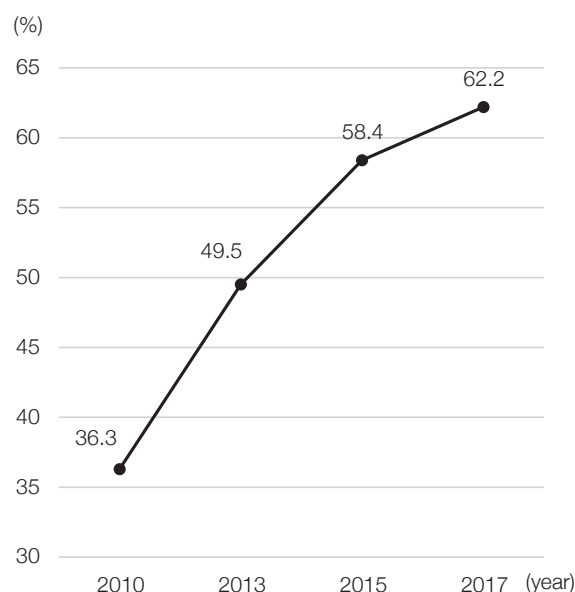
MEXT data for each academic year from the “Status on the Reform of the Contents of Education at Universities” show changes in the number of universities offering career education as part of the curriculum, as in Figure 2.

As of 2009, the figure already stood at a high percentage (85%) of all universities, but the amended Standards for the Establishment of Universities must certainly have had a great impact in the direction of eliminating the remaining universities not yet offering career education.

Meanwhile, “Survey on the Student Support Initiatives at Universities” conducted by the Japan Student Services Organization (JASSO) investigated the number of universities offering career education is required, and the percentages for only the years in which the survey was administered are shown in Figure 3.

These figures do not necessarily mean that career education courses are mandatory throughout the entire university, but includes universities where they are offered as a required course in a specific faculty/department (in 2017, such courses were conducted across the entire university in 40.1% of cases, implemented by faculty or department unit in 22.1% of cases). Furthermore, even if a career education course is established as a required course, most universities have curricula structured so that it is required only in the first year and as an elective course from the second year onward. However, even taking these points into account, it is clear that the spread of career education courses is remarkable, and they have become a thoroughly accepted part of university education in Japan.

Phase 3 is a period in which the amendment of the Standards for the Establishment of Universities required the Japanese university education system to offer career support and education and provided legal grounds for its legitimacy, resulting in its widespread adoption at universities throughout Japan. In terms of basic principles, it would not be surprising if there were debate over how universities, with a mandate “as the center of arts and sciences, to teach a wide range of knowledge, and to develop intellectual, moral



Source: JASSO, "Survey on the Student Support Initiatives at Universities."

Figure 3. Percentage of universities at which career education is required

and advanced abilities through educating and researching specialized arts and sciences deeply" (Article 83 of the School Education Act), should incorporate career support and education into their regular curricula. However, it would be safe to say there is no evidence of major debates occurring at the nation's universities. Both MEXT's higher education policies and the individual universities prioritize the *reality* and *actuality* of the university system over its *principles*, and universities that had become universalized could be said to have slipped into, as the path of least resistance, the practice of supporting students with the increasingly difficult process of "transitioning from education to employment" and moved forward incrementally.

Thus, seen from the human resource and education business side as well, Phase 3 was a period of further expansion (universalization) of the university's "career support and education" market. Certainly, during this time an increasing number of universities sought to offer support and education independently rather than relying on the human resource and education business, but in many cases a central role was played by "external human resources" coming from private business operators in the human resource and education sector, who were later incorporated into the university organization. In that sense, the relationship between business and university education has come to the point where it is not possible to grasp the relationship only in terms of outsourcing or dispatching of instructors.

Also, from the perspective of human resource and education business, it could be anticipated that market expansion would reach a ceiling if the business model was limited to providing services specially tailored to job hunting support and career education courses. Therefore, during this period, the participation of the human resource and education business in university education was greatly expanded in scope, including providing tools for effect measurement of career education and evaluation methods for measuring generic skills that students have acquired (Kawaijuku Educational Institution and RIASEC Inc. 2015; 2016), as well as offering internships, PBL, and global experience programs, all of which areas significantly overlap with those of the reformed university education system. While Phase 3 can be seen as a period of market *saturation*, it can also be seen as one of exploration of new markets.

III. The structure of expansion of career support and education

The characteristics of the process of expansion of career support and education in university education, over less than 20 years, as described in the preceding section, can be summarized as follows.

First, the content of support has expanded from “job hunting support” to broader “career support” and further to “career education” that provides career support as a part of an academic curriculum. As a matter of fact, job hunting support is still being carried out energetically, and as the Career Consulting Study Group (MEXT 2012) points out, while universities describe what they offer as “career education,” in practical terms there are many universities that provide what can best be categorized as “job hunting-centered” support through the curriculum.

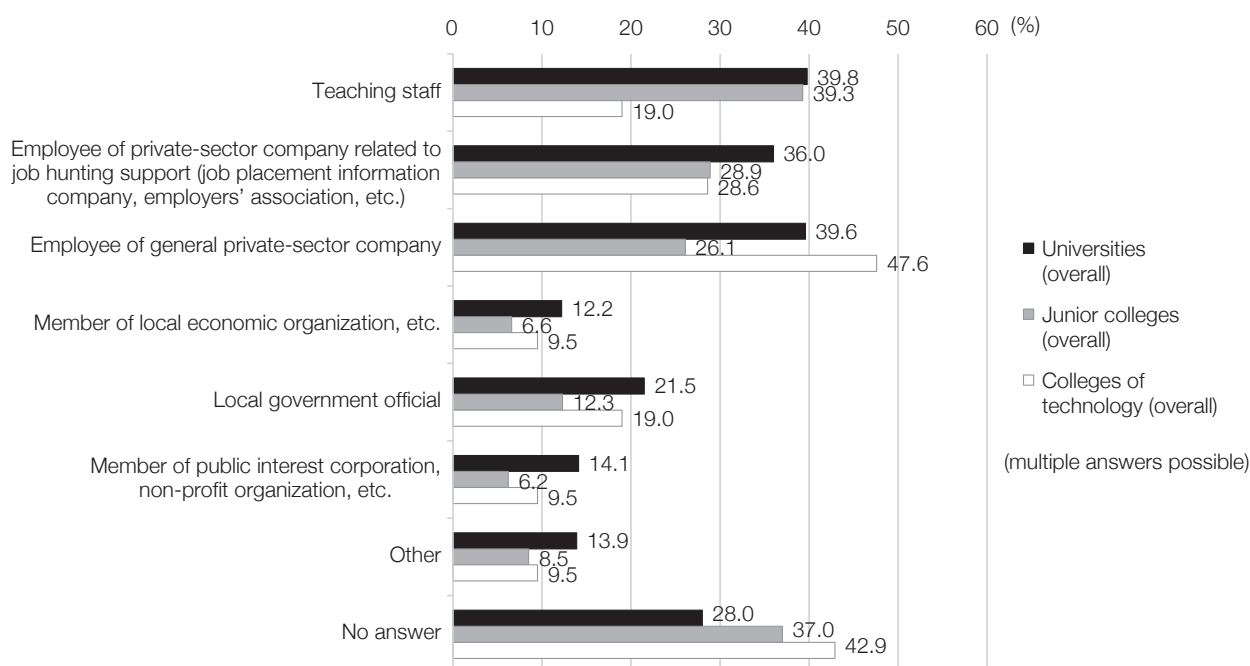
It may appear that universities offer such career support and education for the reason of job hunting support during the third year is not sufficient for students under current circumstances (i.e. realities of students), but conversely, at universities that are classified as “career education-oriented” there is also scope for job hunting support, and in the sense that it overlaps with the principles of general university education (liberal arts education), it can be said that career support and education is being implemented with a broad perspective at these universities. In that sense, it should be noted that the actual situation of the expansion from job hunting support to career support and career education is quite diverse, even though the sequence of the expansion process is common to all universities.

Second, support for students has expanded from focus on the third year of university to seamless support for students from the first through the fourth year. However, support for students in the fourth year of university is often in effect limited to counseling for students during the job hunting process, and in that sense, the latter half of the fourth year is a lull in support activities. As a matter of course, career centers continue to provide individualized support with regard to job interviews and so forth for students who have not yet secured employment, but the scope of this support is limited. In terms of debate, some argue that universities should actively provide work rule education and life planning education related to taxes, insurance, pensions, finances, social security and so on to students during the period right before entering the working world (Komikawa 2011), but few universities practically do so. This state of affairs symbolically represents the *reality* of career support and education at Japanese universities, of which job hunting support remains the mainstay.

Third, the format of support for students has expanded, from mainly consisting of extracurricular guidance, seminars and classes, and individual counseling, to support provided through the regular curriculum. In terms of support outside the regular curriculum, many programs are one-time-only, but with regard to career education courses as part of the regular curriculum, there are examples of generous and ongoing support with a minimum of 15 classes in a course.

However, most career education courses are not designed to deepen systematic learning based on career-related academics and theory, but rather are pragmatic in terms of content and structure, intended to encourage students’ awareness and understanding of career design. Some of these courses apply in each class what was once covered in extracurricular seminars and classes, as suggested by Figure 4 (JASSO 2017), which shows “persons partially in charge of career education courses.” Although there is generally a particular person responsible for the class, there are some examples of a different person coming to teach the class each time.

Finally, there has been a major shift from a system in which students’ career support and education was primarily the responsibility of staff at career centers, with some areas entrusted to private business operators from the human resources sector, to one increasingly dependent mainly on “external human resources” such as adjunct instructors and specially appointed teaching staff, while some internal teaching staff remain involved. While today this has become a familiar “landscape” of education, it cannot be overlooked that reliance on the business sector to handle these areas ultimately has a major effect not only on the *content* but also on the *quality* of universities’ career support and education.



Source: JASSO (2017).

Figure 4. Persons partially in charge of career education courses (2017 academic year)

As we have seen, in the final analysis, the structural characteristics of the process of expansion of career support and education at universities are such that it could not take place without “partnership with,” i.e. dependence on, the human resource and education business. Underlying this state of affairs is a persistent job shortage for university graduates that became apparent to all in the late 1990s, and resulted from the prolonged recession from the 1990s onward and the downsizing and restructuring of the Japanese-style employment practices. It was precisely the same period when “second-generation baby boomers” (the children of postwar baby boomers) were reaching the end of their university years, the 18-year-old population was beginning to decline, and a struggle for survival among universities was heating up. Naturally, universities had no choice but to focus on offering job-hunting support, but it was just then, right before the year 2000, that the platform for job hunting changed. As a result, universities’ measures to strengthen job hunting support increasingly could not be implemented without the *support*, in turn, of the human resource business that was leading the platform change. This was the starting point for all the changes we have been seeing.

Since then, universities’ superficial stance, that it was against their principles to simply keep beefing up job hunting support, formed an illicit union with their actual intentions regarding insufficient job hunting support measures from the third year onward, which were shaped by their acceptance of large numbers of first-generation university students (i.e. whose parents and forebears had not attended university) (Kaneko 2013) who would not previously have been considered eligible for higher education as a result of simultaneous declining birthrate and ever-growing capacity of universities. As a consequence, “job hunting support” developed and expanded first to “career support” and then further to “career education. Needless to say, this was given great impetus by MEXT’s “carrot” (subsidies) and “stick” (amendment of the Standards for the Establishment of Universities) policies of higher education.

In this way, the expanded field of career support and education at universities presented an ideal business opportunity (or market) for the human resource and education sector. And these business operators succeeded not only in expanding support, but also in integrating themselves into university education, including regular

curriculum, while skillfully utilizing the “bases” they had embedded within universities during the job hunting support phase. Obviously, a decisive factor in this process was that universities lacked the abilities and resources, in terms of both expertise and human resources related to career support and education, to push back against this process.

IV. Critical challenges facing university education

So, how should we evaluate the current state of career support and education at universities, as described above? No doubt there are certain widespread and prevalent views of it. By extension, it is also possible to adopt a boldly different angle and present a new perspective in specific terms.

1. The “erosion” of university education by the business sector

One view of the current situation is that it represents “erosion” of university education by the business sector, and that university education as it was originally intended is being “distorted.” In fact, the expansion of career support and education, or the transformation of university education itself which led to this expansion, has certainly caused a number of worrisome problems affecting present-day university education.

To cite some of the main ones: first, the situation naturally differs depending on the university, but the establishment of a large number of career education courses is placing a strain on other parts of the curriculum, and it is possible that the ever-growing volume of extracurricular job hunting support and career support is squeezing out other aspects of student life. Students’ time and energy are not infinite, and the more they focus on their future careers and job hunting, the less time and energy they will be able to devote to the specialized education and liberal arts education that are supposed to be their main academic activities, as well as their to own independent study and activities. This situation is not limited to the latter half of the third year, when job hunting looms on the horizon, but it has crept into the first and second years, and is beginning earlier and lasting longer. The earlier start and longer duration of the job hunt, which has widely been pointed out, is caused not only by relationships with companies that recruit new graduates, but also by the state of university education.

Second, while extracurricular job hunting support and career support, detached from the regular university curriculum, would appear to be an unavoidable necessity, under current circumstances career education courses are part of the regular curriculum (mostly positioned within the framework of general education courses or required courses for all students), but are not linked to specialized education and liberal arts education, meaning they are “external attachments” to the undergraduate program. In other words, the ambiguous group of career education courses, which are not clearly positioned within the Diploma Policy, Curriculum Policy, Curriculum Map and Curriculum Tree (all currently popular frameworks for the reform of undergraduate university education), are in fact quite dominant and occupy a significant portion of the curriculum.

Third, the ongoing growth of career support and education is in fact propelled by current university education’s increasing inclination toward “Enhancement of Employability.” For instance, the dispute arose from a notice issued by MEXT itself, which calls for “the reorganization or the abolishment of the humanities and social sciences at national universities” (MEXT 2015) and the highly impactful proposal of reorganization of national universities by dividing into two groups consists of G and L types” (Toyama 2014) (G and L standing for “global” and “local”), the implications of which were that with the exception of a few top-level research-oriented universities, the majority of universities should double down even more strongly than before on education that responds to “the needs of society.” However, what is meant by “society” is not the civil society within which diverse people coexist, but rather economic and corporate society. This leads to the idea that universities should focus on career education, which raises students’ awareness of job hunting and employment skills, and teach practical or pragmatic knowledge and skills that will be useful immediately

after they make their debut in “society.”

If the fundamental purpose of university education is the formation not only of good professionals (i.e. career education) but also of good citizens (i.e. citizenship education) (Kameyama 2009), the current trend is clearly one of bias toward one of these two areas. In short, in today’s university education, there is extremely faint awareness of the importance of citizenship education (H. Watanabe 2019). Moreover, even as universities lean in to and pour resources into career education, this education lacks breadth and depth in the sense of fostering members of “professional society,” and the focus is on training members of “corporate society” for maximum employability. Furthermore, training for employability is also generally based on addressing individual factors, as symbolized by the dominant paradigm of cultivating “[fill-in-the-blank]-ability,” and it is highly likely that this paradigm is far removed from the world of intelligence and cultivation connected with the fully integrated knowledge and well-rounded character that university education was originally intended to produce (Komikawa 2010).

Finally, it must be noted that the above-mentioned changes in university education and the inclination toward “enhancement of employability” are certainly affecting students. This does not need to be discussed in detail here, so I will only present conclusions.

There are certainly differences among individuals in terms of how deeply students get involved in the career support and education offered by universities, and in their own search for employment. However, they fully absorb the message from today’s university education landscape, where they are surrounded by various forms of support, and by going through the actual job hunting process after experiencing the preparatory stages of career support and education, they are succeeding marvelously in achieving “anticipatory socialization” for members of corporate society (Komikawa 2012 and 2019). While this socialization overlaps with the process of “independent transition to professional society”, it lacks the latter’s broadening of social perspective and is confined to narrower “corporate society,” and fosters an ethos in which the burden of responsibility is on the individual. How university education takes responsibility for this state of affairs emerges as a highly serious issue.

2. Toward redefinition of university education

As described above, the current state of university education, which has expanded not only job hunting support but also career support and education under the influence of the human resource and education business, is certainly a distorted one, and efforts to improve it are required. Clearly this much may be acknowledged. However, does this mean that what we want for the future of university education is total avoidance of job hunting support, career support and career education, and for the human resource and education business to withdraw completely from the field? Asking this question literally underscores anew how difficult it would be to resist the current state of university education. Perhaps, however, this can lead us to another way of looking at the current status of career support and education.

Present-day universities, which have reached a “universal phase” and are accepting a large number of first-generation students, are in need of a radical redefinition and reform of university education. Even prior to the idea of “border-free universities” where the enrollment limit exceeds the number of applicants (Miyake et al. 2014), this has been pointed out for a long time on many occasions including the necessity of “differentiation of university by mission” presented by Central Council for Education (CCE) in 2005.

Why is “redefinition” necessary? In short, if we were to adhere to the current definition of university education, it would only be effective at a handful of top-level universities. The need for “reform” comes from the fact that except for at this handful of top-level universities, it has been necessary to expand the function (role) of university education. Specifically, this role is to ensure that students acquire basic academic ability and basic knowledge at the general education level, to strengthen their motivation toward university academics and specialized education, and to develop a career-oriented mentality and basic or general employment abilities for their future after graduation. These may not be part of the traditional definition of a university

that engages in *academics-centered* research and education, but it is essential in order for universities in the universal phase to fulfill the role (mission) expected by society. Naturally, “society” in this case does not mean only economic and corporate society in a narrow sense.

So, over the last 15 years, have Japanese universities succeeded in redefining and reforming university education in that sense? The various efforts and initiatives carried out at the level of individual universities or in specific fields, such as First-Year Experience, cannot be overlooked, but when viewed as a whole, the pace of change has been quite glacial. In that context, the area of career support and education can be seen as a truly exceptional one in which reforms proceeded at a rapid pace. In reality, this was propelled by the “invasion” of the human resource and education business, and the true face of “reform” is highly distorted and problematic, as described above.

Career support and education at universities today certainly fulfills one of the roles into which redefined university education is expected to expand, and has the characteristic of linking extracurricular education with the regular curriculum, which has the effect of encouraging students’ independent learning and activities. Certainly, under current circumstances there is an excessive emphasis on job hunting support, and this has a harmful effect in that it is closer to the rationales of business than to those of university education.

Also, while redefinition of university education inevitably requires “differentiation of universities by mission,” in fact this requires a combination of research and education staff and of full-time and part-time staff. In the context of career support and education, a new type of university teaching staff that do not necessarily have academic backgrounds has appeared due to the internalization of personnel from human resource and education business. Along with “external human resources” such as adjunct instructors and so forth, they are playing an expanded role in university education. Expansion of the function of university education cannot be carried out exclusively by on-campus staff to begin with, it is obviously necessary to collaborate with external actors, and there is already a significant track record of doing so. Actually, the construction of such frameworks has been propelled by immediate need and influenced by subsidy programs under the nation’s higher education policies, rather than being independently carried out by universities based on a clear vision, and has been characterized by patchwork solutions.

One could say that when you have seen one case of how this develops, you have seen them all, and there is no need for further discussion. The current state of career support and education at universities is certainly severely imbalanced by the influence of the human resource and education business. However, if it is possible to address the already evident problems one by one and improve career support and education so as to achieve legitimate “university education”, it may be possible to see a “new form of university education” in the universal phase, and this is another perspective.

I am keenly aware that this is neither easy nor simple, but the point is that it depends on universities taking the initiative. As Shirai (Shirai 2017) has noted, even in the field of job hunting support and career support, it is not impossible for universities to exert control over the business sector. The refinement of these relationships in a more comprehensive set of dimensions, encompassing the overall design of career support and education as part of university education, and its practical and effective implementation, should not be a logical impossibility.

If this is the case, we must acknowledge that simply bemoaning universities’ blatant lack of initiative, and the “erosion” of university education through utter reliance on the business sector for career support and education, could be called the mere howling of the losing team. Bemoaning the situation alone cannot solve the current problems. Perhaps, having fully grasped the seemingly insurmountable challenges we face, and remaining cognizant of the situation, it is time for us to adopt a positive stance and take positive actions toward shaping the future.

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I. Main Labor Economic Indicators

1. Economy

The Japanese economy is still in a severe situation due to the Novel Coronavirus, but it is showing movements of picking up. Concerning short-term prospects, the economy is expected to show movements of picking up, supported by the effects of the policies and improvement in overseas economies while the socio-economic activities will be resumed with taking measures to prevent the spread of infectious diseases. However, attention should be given to situation in domestic and overseas infections and the effects of fluctuations in the financial and capital markets. (*Monthly Economic Report*,¹ October 2020).

2. Employment and unemployment

The number of employees in September decreased by 560 thousand over the previous year. The unemployment rate, seasonally adjusted, was 3.0%.² Active job openings-to-applicants ratio in September, seasonally adjusted, was 1.03.³ (Figure 1)

3. Wages and working hours

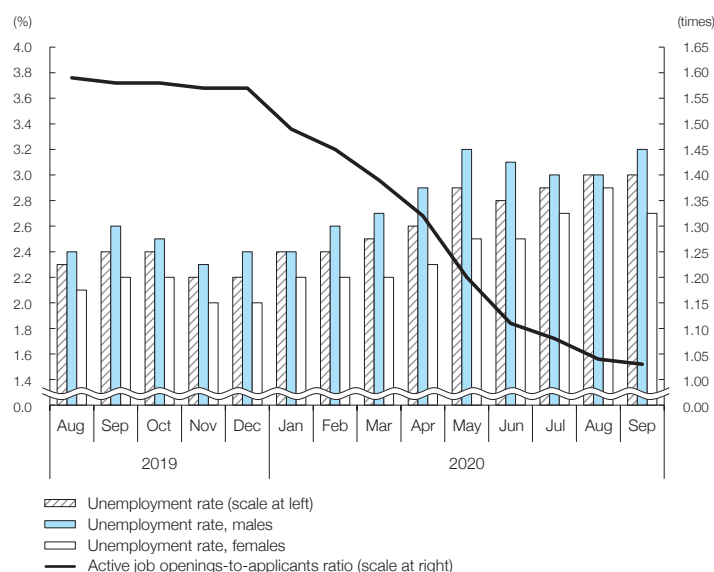
In August, total cash earnings decreased by 1.3% year-on-year and real wages (total cash earnings) decreased by 1.4%. Total hours worked decreased by 5.1% year-on-year, while scheduled hours worked decreased by 4.5%.⁴ (Figure 2)

4. Consumer price index

In September, the consumer price index for all items remained unchanged year-on-year, the consumer price index for all items less fresh food declined by 0.3%, and the consumer price index for all items less fresh food and energy remained unchanged.⁵

5. Workers' household economy

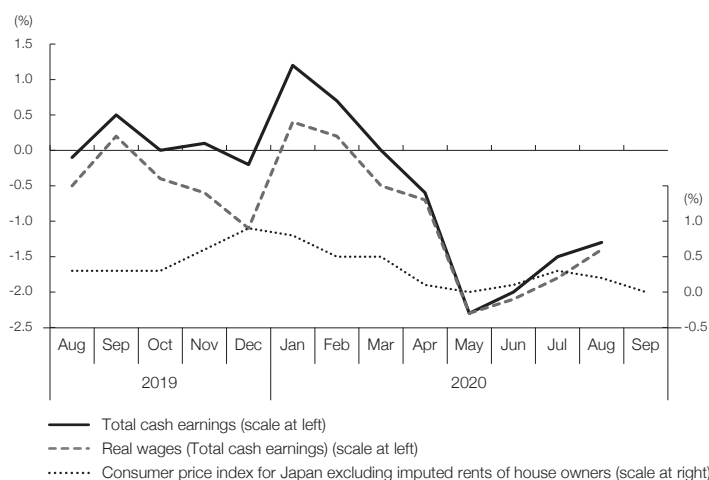
In September, consumption expenditures by workers' households decreased by 7.7% year-on-year nominally and decreased by 7.7% in real terms.⁶



Source: Ministry of Internal Affairs and Communications (MIC), *Labour Force Survey*; Ministry of Health, Labour and Welfare (MHLW), *Employment Referrals for General Workers*.

Note: Active job openings-to-applicants ratio indicates the number of job openings per job applicant at public employment security. It shows the tightness of labor supply and demand.

Figure 1. Unemployment rate and active job openings-to-applicants ratio (seasonally adjusted)



Source: MHLW, *Monthly Labour Survey*; MIC, *Consumer Price Index*.

Figure 2. Total cash earnings / real wages annual percent change

For details for the above, see JILPT *Main Labor Economic Indicators* at <https://www.jil.go.jp/english/estatis/eshuyo/index.html>

1. Cabinet Office, *Monthly Economic Report* analyzes trends in the Japanese and world economies and indicates the assessment by the Japanese government. Published once a month. <https://www5.cao.go.jp/keizai3/getsurei-e/index-e.html>

2. <https://www.stat.go.jp/english/data/roudou/results/month/index.html>

3. https://www.mhlw.go.jp/english/database/db-l/general_workers.html

4. For establishments with 5 or more employees. <https://www.mhlw.go.jp/english/database/db-l/monthly-labour.html>

5. <https://www.stat.go.jp/english/data/cpi/index.html>

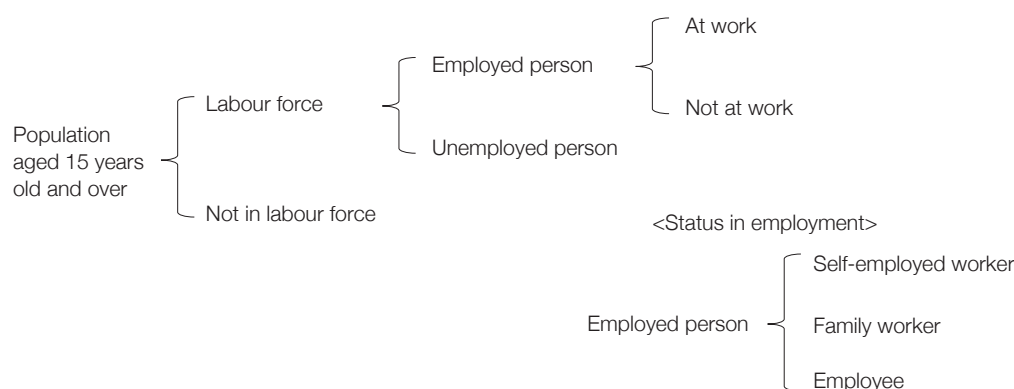
6. MIC, *Family Income and Expenditure Survey*. <https://www.stat.go.jp/english/data/kakei/index.html>

II. Impacts of the COVID-19 pandemic on employment and unemployment

There are growing concerns that COVID-19's spread will have a significant impact on employment by retarding economic activity in Japan. The following outlines the recent trends shown in statistical indicators relating to employment. See JILPT website *Novel Coronavirus (COVID-19)* for the latest information (<https://www.jil.go.jp/english/special/covid-19/index.html>).

1. Employment and unemployment

(1) Definitions of *Labour Force Survey*



Source: Ministry of Internal Affairs and Communications (MIC), *Labour Force Survey, Concepts and Definitions*.
<https://www.stat.go.jp/english/data/roudou/pdf/definite.pdf>

(2) Labor force

Table 1. Labor force

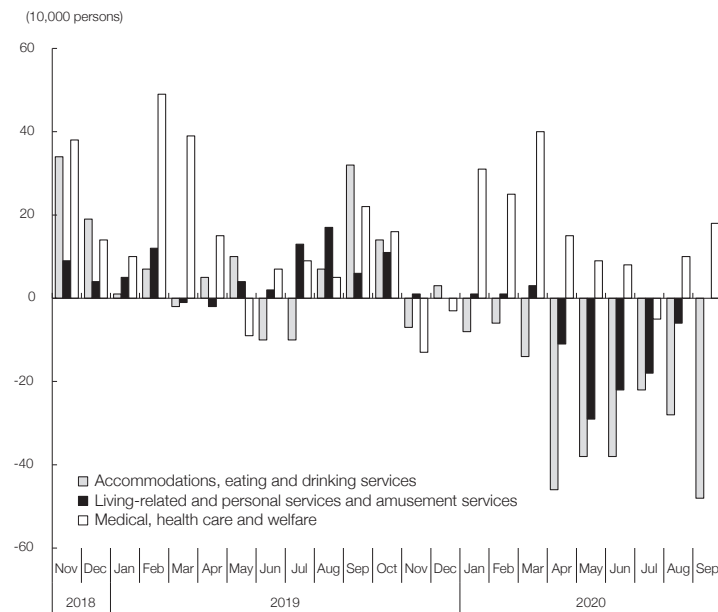
(10,000 persons)

Labor force				
		Total	Employed person	Unemployed person
			Not at work	
2017		6,720	6,530	190
2018		6,830	6,664	166
2019		6,886	6,724	162
2020	January	6,846	6,687	159
	February	6,850	6,691	159
	March	6,876	6,700	176
	April	6,817	6,628	189
	May	6,854	6,656	198
	June	6,865	6,670	195
	July	6,852	6,655	197
	August	6,882	6,676	206
	September	6,899	6,689	210

Source: Compiled by JILPT based on Ministry of Internal Affairs and Communications (MIC), *Labour Force Survey (Basic Tabulation)*(unadjusted values).



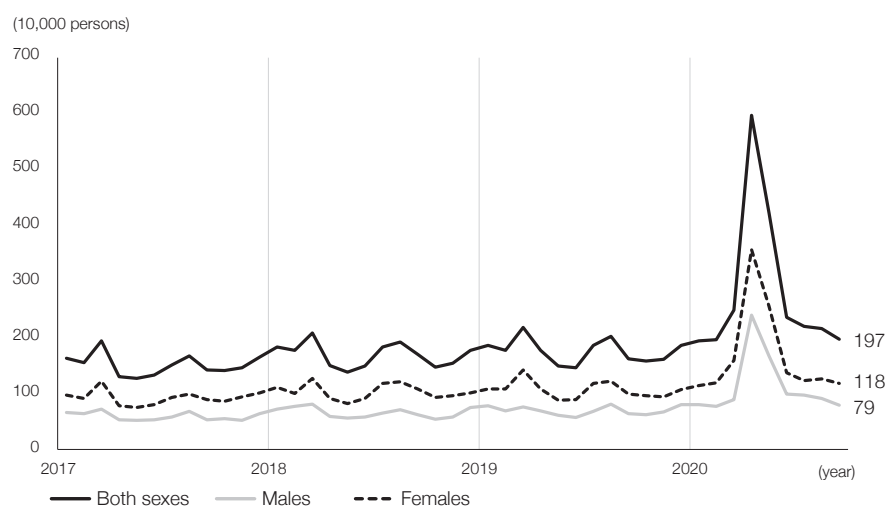
Medical, health care and welfare/Living-related and personal services and amusement services/Accommodations, eating and drinking places



Source: Ministry of Internal Affairs and Communications (MIC), *Labour Force Survey* (Basic Tabulation).⁷

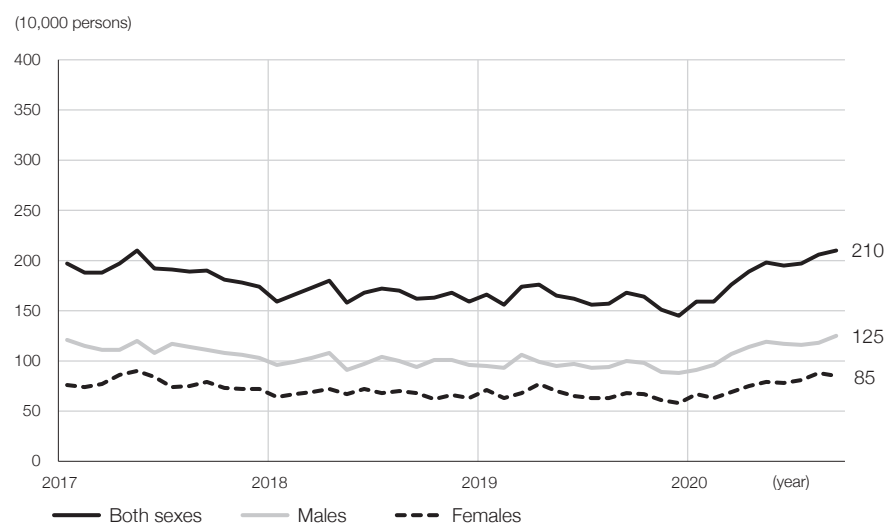
Figure 3. Number of employed persons by main industry (unadjusted values, year-on-year change) (November 2018 to September 2020)

7. For up-to-date information and further details, see <https://www.jil.go.jp/kokunai/statistics/covid-19/c01.html#c01-1> (in Japanese).



Source: MIC, Labour Force Survey (Basic Tabulation).⁸

Figure 4. Number of employed persons not at work (unadjusted values, by sex) (January 2017 to September 2020)



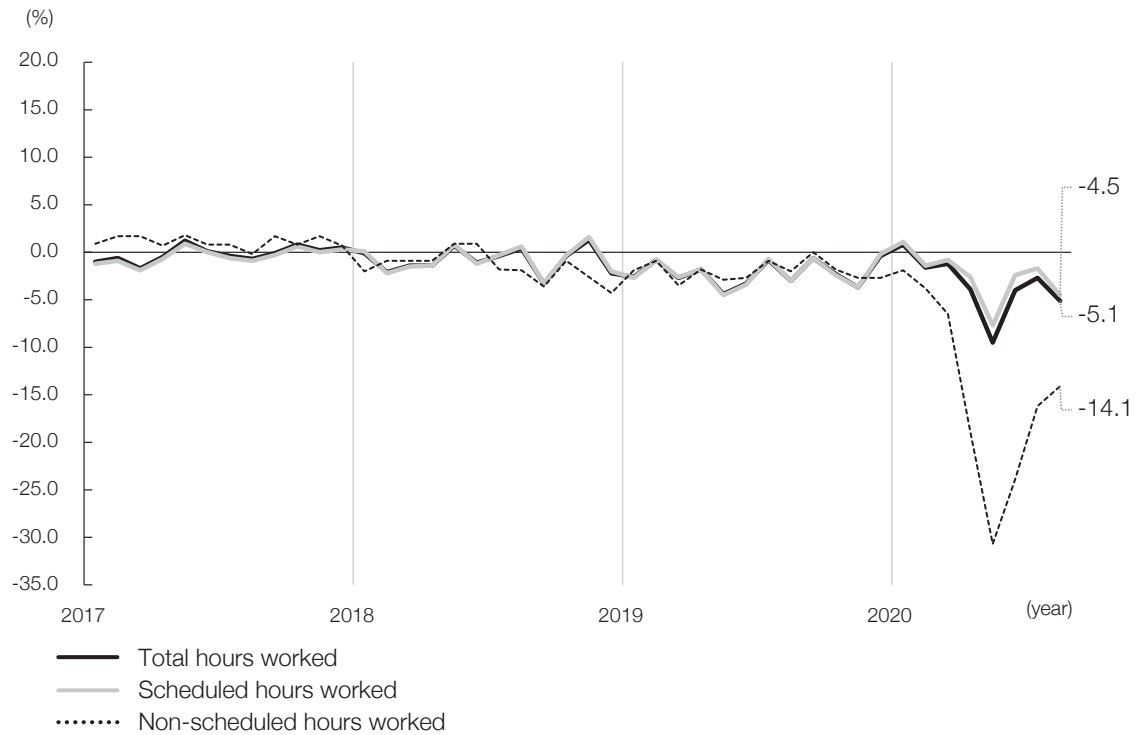
Source: MIC, Labour Force Survey (Basic Tabulation).⁹

Figure 5. Number of unemployed persons (unadjusted values, by sex) (January 2017 to September 2020)

8. For up-to-date information and further details, see <https://www.jil.go.jp/kokunai/statistics/covid-19/c23.html> (in Japanese).

9. For up-to-date information and further details, see <https://www.jil.go.jp/kokunai/statistics/covid-19/c03.html#c03-1> (in Japanese).

2. Working hours



Source: Compiled by JILPT based on MHLW, "Monthly Labour Survey."¹⁰

Notes: 1. Beginning in June 2019, values are based on a complete survey of "business establishments with 500 or more employees."

2. "Business establishments with 500 or more employees" for the Tokyo metropolitan area are re-aggregated beginning in 2012.

Figure 6. Total hours worked, scheduled hours worked, and non-scheduled hours worked (year-on-year change, total of full-time employees and part-time workers) (January 2017 to August 2020)

For the up-to-date information, see JILPT *Main Labor Economic Indicators* at <https://www.jil.go.jp/english/estatis/eshuyo/index.html>

10. MHLW, *Monthly Labour Survey*. <https://www.mhlw.go.jp/english/database/db-l/monthly-labour.html>. For up-to-date information and further details, see <https://www.jil.go.jp/kokunai/statistics/covid-19/c11.html#c11-1> (in Japanese).

What's on the Next Issue

Japan Labor Issues

Volume 5, Number 29,

February-March 2021

tentative

●Trends

[Column]

▷ For Whom has Working From Home Taken Root?: Reading Changes that Occurred through the “Emergency” in the COVID-19 Crisis

▷ The Coronavirus’s Lopsided Effects on Women: The Gender Gap in Employment Recovery

●Judgments and Orders

▷ Does the Formation of a Fixed-term Part-time Contract When Returning to Work after Childcare Leave Constitute the Cancellation of the Regular Employment Contract?

The Japan Business Lab Case, Tokyo High Court (Nov. 28, 2019)

●Special Feature on Research Papers (II)

▷ How Human Coexistence with ICT in the Era of Telework Enabled Should Be: From the Viewpoint of Now and the Future of Telework in Japan
YANAGIHARA Sachiko

▷ Panel Data Analysis of the Generational Replacement Effect on Employment in Japanese Companies
YASUDA Hiroki

ARAKI Hiroko

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●Statistical Indicators



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