



Foreign workers after some time in Japan? – Not quite, but a bunch of people, who did not fight back, or never had the chance.

FIGHT BACK!

or: How to screw your employers after they screwed you.

A practical guide for exploited foreign workers in Japan.

G. Walt



Preface 2005

In the following I have reproduced a brochure I had put out during my time in Tokyo (1989-93). Originally 500 were printed and distributed for free. It was initially written to countermand the impression a lot of foreign workers in Japan had, that is: *Gaijin workers have no rights whatsoever!*

Looking at it again on a rainy Sunday afternoon, 12 years later – not having had contacts to Japan - I find that I have not mellowed, although I would make changes to the style of writing. By putting this online, I hope to show what teaching conditions in Japan used to be. (And maybe the odd reader still finds some useful hints).

Originally this text was written on a Mac Classic (9" mono-chrome monitor) with a NT-Laser Printer (this was the time when one had to buy a separate 40 MB Hard dis to display Japanes PostScript fonts, the whole setup a bargain at close to a million Yen [approx. US\$ 12000 in 1991]). Of course the original file has long been lost. I have used a scanner and OCR software to reconstruct the text, although I have not reproduced the original two-column layout, as this makes for inconvenient reading on-screen.. Some minor changes to the text have been made.

Original page numbers are included in brackets, close to where they appear in the original. Where originally footnotes (*) were included, I have moved them to the end of the relevant paragraph. Superscripted numbers indicate sources in appendix 1 (Bibliography). **BEWARE that any phone numbers and addresses given in the text are those of 1993!**

The original page numbers and comments added in 2005 are in **red** type.

Enjoy, and remember: ***Unity is strength!***

This brochure *in memoriam* to Norm Gallagher and the Builder's Labourer Federation of NSW.

G. Walt

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The author would like to thank the "Tokyo Journal" and "The Daily Yomiuri" for their permission to re-print.

Although all care was taken to ensure accuracy of the facts stated here, some inaccuracies y have been included, especially with respect to data obtained from third parties.

Please send any comments, suggestions, abuse, death-threats or requests for additional copies to:

G. Walt

[Note: old address omitted, to contact author: GermaniaHonyaku@freenet.de]



for additional copies please send a large (C5 minimum) self-addressed, stamped (250 ¥) envelope and a little donation (stamps or cash) to help me with the printing costs (How much do you think this rag is worth?)

Apologies for the small print in the appendices. To keep printing costs down I had to limit myself to 28 pages. For the same reason appendix 3 had to be omitted. Contact the Daily Yomiuri for a copy.

Due to copyright reasons the appendices mentioned have been omitted:
Contact the Tokyo Journal for the article „Labour Pains“ originally in the Aug. 1991 edition.

Introduction:

I shall speak not of men, but, in abstract, of Rights inherent to all, offending none, I think, but those, if there be any such, as do favour them. That which perhaps may most offend are certain quotes of those herein, alleged by me for other purpose than ordinarily they use to be by others.

But! I have done so with due submission, and also, in order to my subject, necessarily, as they are the outpourings of the Enemy, from they impugn on others freedom. If notwithstanding this, you find my labour generally decried, you may be pleased to excuse yourself...

Commence thus:



Do not read any further if,

you think unionism is an old-fashioned idea, that has outlived its usefulness; you are so glad to have finally scored some shitty Job in Japan, after being unemployed in some depressed Western country, that you are willing to put up with anything;

- your name is Thomas J. Nevins;
- you think Ronald Reagan, Yoshihiro Nakasone, Nick Greiner, and Margaret Thatcher were enlightened politicians.
- *This booklet is about fighting back. Fighting back against unjust and often illegal treatment by employers.* This (first) edition is mainly concerned with people teaching English (in Tokyo); I should like to widen its scope if possible, so please (!) don't hesitate to contact me with anything that might be relevant, especially if you live in the country, Kansai, or work in fields other than education (Address on inside front cover). This edition touches organizing of unions etc. only slightly; other people are experts

on that (call 03-3434-0669 or 03-3770-3471). This booklet is for your information and I am paying for the printing and distribution of this entirely out of my own pocket. Please show it to as many of your friends as possible.

[Matter of fact I paid it out of the ¥ 660000 compensation I got for being fired from *Fies*]

Acknowledgements

First, unfriendly, hostile and obnoxious people, who were of no help at all, or simply couldn't care less:

Anita's brother [who offered me a smack in the mouth when he read this booklet], Joe Altwasser; Liz; Stephen and his wife (take care of the kid, mate), this Israeli, who after being fired still is a good friend of the boss (sounds stupid? - Well it is!).

Secondly - luckily many more people to mention here - the helpful ones: Anita; Mr. Fujihira; Severin Head; Thom S.; Mr. Onitsuka; my adorable girl-friend; George Jacobi; Charlie; Sarah Keyt; NUGW; Junko; Ken; David B.; Terry; Mg.; Keiko; Claw; Chink; Neil; Mr. Ogawa, Mr. Omori, Mr. Kikuichi as well as many others who have given a helping hand or simply listened whilst I was whining. Thanks! The BWIU (NSW) and the BLF (Qld.) deserve a special mention for helping in times of trouble and sticking together for mates.

Notice: Throughout this booklet names may have been changed to protect the innocent. Names of schools (or language institutes as a lot of them would like to be called) remain unchanged (Faeces being the exception; the terms of my settlement prohibiting me to have anything to do with them). This booklet is not a legal guide but for general information only.

[3]

Abbreviations used:

LUL = Labour Union Law

LSL = Labour Standards Law

LSB = Labour Standards Bureau

Rosei = (Municipal) Labour Administration (only in Tokyo-to, Saitama, Kanagawa and Osaka-fu)

The little superscripted numbers refer to books listed in Appendix 1 (p. 23).

Before you Start, read appendix 2 (page 25) [not included, originally in the Tokyo Journal 8/91]

Short Note on Visa, Immigration

The revised Immigration Law of 1990 introduced major changes, basically making it easier to stay in Japan for "qualified" foreigners.

Maybe the most important change was, that the employer can no longer have the visa taken away from you, if you stop working for them during the period of stay. Once you have a work visa you are permitted to remain in Japan until its expiration date* -period. Sometimes, if you change jobs your new Company might request a "letter of release" from your previous job. That is no longer legally required, but you may want to show it to them anyway. Your old employer cannot refuse issuing one (Art. 22 LSL); if they do it is a criminal offense punishable by - don't laugh - a fine not exceeding 5,000 ¥.

[*) If your visa is about to expire while you are fighting an (ex-)employer of yours call LAFR (numbers in appendix 4, page 28). They might be able to organize a lawyer willing to Sponsor you until the problem is resolved.]

How to strengthen your position from the start:

a) Get a written contract (English and Japanese preferably), with the company's hanko on it. Contracts that are written in a language one of the parties does not understand are void.

If the Company Sponsors you, in many cases you will get paid less then it says in the contract they give you to take to Immigration. It is best to make copies of all the papers** you are given to take there (some places give you their papers in a sealed envelope, telling you that Immigration prohibits you from opening it - that is sheer bull...; example: Bi-Lingual).

**) Copy of your contract, your original degree, passport, gaijin-card, application form 2 parts (in duplicate), Company tax declaration, reasoning for Sponsoring you, letter of guarantee (private or Company), list of foreigners sponsored by the Company, additional Information where necessary. For extensions your tax-receipt (gensen joshusho) for the previous year can replace the letter of guarantee.

Immigration always decides on a case-by-case basis. Therefore, something they told your friend a week ago does not necessarily apply to you. Do not go to the Otemachi branch, if you can avoid it. A Japanese wife of a Bangladeshi said this about the place recently (Japan Times 13.8.92): "It was humiliating. We were just trying to explain our Situation and ask questions, but the junior officers were shouting, shouting, shouting. This was my first experience being yelled at by another Japanese. ... [4] There was no Interpreter, they used legal terms, talking very fast. His Japanese was not good enough to understand. I tried to Interrupt to Interpret, but they wouldn't talk to me." And the place has in fact greatly improved the last few years. My personal Suggestion, if you cannot avoid it: Go there pissed as a rat, or high as a kite. Good luck!

Original and "Real" Degrees
Another change in the Immigration Law in 1990 was, that you now have to show your original university diploma. That means the original that Mom might have hanging on the living room wall. No exceptions to this rule. Photocopies are no longer acceptable.
Never seen an university from the inside? Didn't pass the final exam? — According to "industry" sources there are several people in Tokyo that will supply you with a "real" certificate. If you get caught, theoretically, the maximum prison term is three years of hard labour. Japanese gaols are no fun, by the way. See Tokyo Journal 10/1992.)

b) Unionize

Join or form a union at your place of work. Don't be intimidated. In Japan being a member of a union increases your Job security tremendously. If there is no union at your Company and you cannot organize one you can always join a "joint labour union". Call KTUF-NUGW or "Tokyo Union" for details. By the way, no closed shops. Remember one thing: If your boss is a prick, with no or little regard for the law, you are going to be in for a long and hard fight -nothing for wimps (see NCB below). This can be nervewrecking and exhausting.

Notice for Illegals
According to <i>Rose</i> ^{5b} , the LSB will help you get-ting your wages and other rights, but will not report you to Immigration. This is spelt out on in LSB-internal circular only and does not necessarily apply to any other government agencies you deal with. (See also appendix 2)'

c) Make evidence

Keep every shred of paper right from the start (pay slips, memos etc.) Take notes about what was said in meetings with management. If possible always take a friend to those meetings.

If you want to quit, no matter what your contract says, 14 days notice is all that is required, although - theoretically – an "unavoidable" reason is required. (Art. 627 Civil Code)^{6b}

d) Speak Japanese when dealing with officials, or bring somebody who does. [Readers have commented that this should be understood, but you'd be surprised how many people speak enough Japanese even after years in the country.]

e) Always appear to be open to discussion (you can always be stubborn when negotiating).

f) The sooner you start action, the higher are your chances of success.

Labour Union Law, Art. 7

Unfair Labour Practice: The employer shall be for-bidden to carry out the following practices: 1) To discriminate against a worker by reason of his being a member of a labour union, having tried to join or organize a labour union, or having per-formed official acts of a labour union; (...) 2) To refuse collective bargaining without (...) fair and appropriate reason; 3) ...)^{6b}
Constitution of Japan, Art. 28: The right of workers to organize and bargain and act collectively is guaranteed.

Minimum Conditions

These should be ensured before you start work (some of these are legal minima, others just sensible): For details get books 10, 18 in appendix 1.

a) Salary

Immigration guidelines stipulate a minimum salary for foreign employees. This varies for different visa categories (Humanities 250,000 ¥, Entertainer 200,000 ¥, generally not less than a Japanese in a similar position would receive).

Your salary must be paid at least once a month on a specified day (Art. 24 LSL). A lot of companies have a penalty system whereby, if you are late or break some work-rule they fine you a certain amount (classic case here: NOVA). This is perfectly legal, under certain conditions:

[5]

- the fine for each single "offense" may not exceed half a day's wages and altogether the fines per month may not exceed 10% of your pay (Art. 91 LSL);
- It is you, who must pay the fine. That means, it is illegal to withhold any part of your contractual wages for penalties. They must pay you in full first, you then pay the fine! (Art. 16, 24 LSL)^{6b}
Again the maximal criminal sanction against employers: 5,000 ¥⁵

b) Decent hours

Most halfway decent schools do not require you to teach more then 25 hours per weeek unless you want to. If you value your sanity, you probably won't.

c) Short travel time

After you have been on the Yamanote line at 8 am you know what is meant by "Tokyo densha-shock". Some schools dispatch you to company classes that require long travel times. Most places do not pay you for time spent on trains. At IEC, for example, the travel and waiting time per day can easily add up to 3 hours. IPEC paid something like 1,500 ¥/hr., if your travel time exceeded 90 minutes.

d) Transportation Allowance

It is customary in Japan to cover all travel expenses of employees. Mr. Nevins in his book³ recommends a contractual limit of about 20,000 ¥. How far does that get you, if you live in Chiba or Saitama travelling to Yokohama on a daily basis? Bad example: Japan Concept Corp, only pays travel cost from their office to the client. Since JCC is in Shibuya and most of their clients are in the city you loose quite a bit here. (Their pay isn't that great either and hours minimal) Hitotsubashi Gaigo completely refuses to pay travel for part-timers (just about everybody there).

e) Health Insurance

Everybody in Japan for a year or more must have health insurance cover. The Health Insurance Law requires employers to pay half the insurance cost for full-time employees. (For a variety of reasons, many foreigners are cheated out of this). There are two types of health insurance:

National insurance (*Kokumin Kenko Hoken*) from your ward/city/prefectural office, which covers 70% of actual costs for medical treatment. You are eligible to get this insurance the day you receive your 1-year resident visa. For the first year you will be assessed at the minimum rate (around 1,400 ¥ per month). After one year the rate is 107% of the amount of resident (ward/city) tax you paid for the previous year. If you paid local tax, expect a big bill (about 5% of your income). You can pay in installments. This also includes your contribution to the Employees' Pension Insurance System* (*Kokumin Nenkyo*)

*) Not much of a chance that you ever get anything out of the pension fund, since it only pays to Japanese citizens and foreigners residing in Japan, after a minimum 25 years of contributions. (Since 1991 the Japanese Government negotiates an agreement with Germany **[Don't mention the War!]** with the aim of making each others citizens eligible for payments from each other's pension funds.)

Company Health Insurance. Every company having 10 or more full-time employees must have its own health insurance plan. These plans usually cover more (90%) of your cost than public insurance, but the choice of doctors may be limited. You still may have to join the pension fund (Kosei Nenkin). Ask your Company for details.

At Kanda Language Institute the teachers' union has struck a deal whereby the company supplies a basic health plan (no dental coverage) with payments towards a sever-ance package instead of a pension fund, resulting in savings for employees (up to 30,000 ¥/mth.) and the company (low premiums).

[6]

You may think health insurance is a waste of money, since you are healthy and are only going to be here for a year or two. Consider this: Recently a French Student (on 6- months cultural visas, which he had extended), was assaulted by some punks with knives outside a convenience store near his home. He was severely injured and spent two weeks in hospital. The total bill for operations, medicine and care came to almost 8 million Yen (Asahi Evening News, 15.7.92)

Japanese doctors also have the nasty habit of charging people without insurance a lot more then normal.

f) Sick pay

In some companies you will get paid sick days (usually 4-6; or based on seniority), in others you have to use your paid holidays or don't get paid at all.**

**) ILO (International Labour Organisation) convention No. 56 from 1936 bans this practice world-wide. The Japanese government - although a member of ILO - never bothered to implement this convention.

g) Overtime

Legally you are entitled to 125% of your regular rate for overtime. The law is a bit ambiguous as to when overtime starts. Art. 32-1 LSL5 "An employer shall not have a worker work more than 44 hours per week ..." (quite a few exceptions to this; usually based on written agreement with the union or somebody else representing the majority of workers...; in full force from fiscal 1994). What is not clear is, if you are contracted to work, say, 35 hours, at what rate those 5 hours difference are to be paid. NCB was trying to avoid overtime pay this way. I have seen a contract that stipulated 1,250 ¥ per hour overtime (Asia University) which is way below the regular pay. Bi-lingual's office staff, who earn approx. 1,450 ¥/hr., are expected to work 1 hour overtime a day unpaid, and receive 800 ¥/hr. for additional overtime worked!

Their are currently several plans before the Diet, trying to reduce weekly hours to 40 and increasing overtime pay. Business has been lobbying against these changes and there is a fair chance, that whatever changes will be implemented will have minimal impact or delay improvements. (Who

owns Japanese politicians anyway?)

h) Holidays

The Standard Japanese holidays are about one week around New Year (usually Dec. 27 to Jan. 3), a few days during "Golden Week" in May, and up to one week in August for O-Bon. A lot of companies pay their salaried employees (read: Full-timers) on top of your normal paid holidays. Rip-off warning: Some schools designate "company holidays" exactly in these periods, not paying you at all or requiring you to use your paid holidays then (e.g. Bi-lingual). You are entitled to 10 paid holidays (+1 for each years' Service, up to 20) per year (Art. 39 LSL). There are some exceptions to this rule until 1994, but those should not apply to you. Part-timers are eligible to a corresponding percentage (based on a 6-day week).

i) Additional benefits

The best benefit package I have been offered at an interview (conducted by Tom Flynn) so far was by Kurdyla. Apart from various pension and Insurance schemes, you get free lunch (and reasonable pay). I was surprised to hear that these schemes, especially the health/travel package by Nissan Fire & Marine are quite ineffective - not to say useless - within Japan. In at least one case Kurdyla - illegally - threatened an employee to withdraw sponsorship for her visa unless she provided certain information. One employee in Osaka had his visa refused, since the contract offered did not meet minimum standards. It may therefore be quite a good idea to carefully check what you are really offered.

[7]

Language Schools - Wages and Conditions

This list shows conditions offered by some schools. It is mainly based on a survey I conducted in July 1992 and data published in "Teaching English Abroad" 1991¹⁵ and can therefore be inaccurate or obsolete in some points. Schools where no city is mentioned are headquartered in the Greater Tokyo area. Where two numbers for working hours are given, the first one refers to all hours, the second to contact hours, other-wise contact hours only.

AIT*, 250-310,000 ¥/mth f/t; 4,000 ¥ p/t, only 5 holidays in first year

ALA, 5,500 ¥ p/t, main Company Business is telemarketing

ALC Institute, 250,000 ¥, 5 days 6-10 pm, "live-in" classes, sucks

Asia University, 15,000 to 25,000 US\$/yr., 271,900 ¥, 20 hrs./wk., US hiring

ASA**, from 2,500 ¥/hr., major labour problems and court cases in the past; strict non-fraternization policy; 150+ teachers, hired through KKASA staff centre; see note below Aspect, salary varies, 25-30 hrs./wk. ATTY, Osaka, up to 11,800 ¥/day (!), hours: daily 13.30 to 20.15 Berlitz, 250,000 ¥/mth., 20 hrs./wk., a lot more if you are keen

Bi-lingual, 250,000 ¥/mth., 95 hrs./mth., 3,200 ¥/hr. part-time, unionizing

for JT's 200,000 ¥/mth., from 1,900 ¥/hr., more on them below

California Lang. Inst., 250,000 ¥/mth., 30 hrs./wk.

DIC, 5,000 ¥/hr. p/t Dream, Kashigaya, 3,300 ¥/hr. p/t

ECC, 240,000 ¥/mth., 20 hrs./wk., 136 branches

ELEC, 378,000 ¥/mth. for senior teachers, approx. 20 hrs./wk., unionized English Academic Research, 30 US\$/hr.

English Circles, Sapporo, 290,000 ¥/mth., 35 hrs./wk.

Evergreen, 280,000 ¥/mth., daily 15.00 to 21.30 Fies, 230,000 ¥/mth., 30 hrs./wk. "no experience necessary"

Gakken White House, 250,000 ¥/mth., 280,000 ¥/mth. with MA

Institute f. Intl. Studies, Fujinomiya, 260,000 ¥/mth., 3 to 4 hrs. daily

Interac, 250,000 ¥/mth., 20 hrs./wk. split shifts, see related section below

Interlang, up to 4,000 ¥/hr., run by a Frenchman with a horrendous

reputation Int. Education Ctr, 369,000 ¥/mth. + bonus semi-annually
IES, Tokyo & Osaka, 3 million/yr., pay and hours fluctuate greatly, US hiring,
Sucks
ILC, 350,000 ¥/mth., 24 hrs./wk.
ISS, from 3,000 ¥/hr.
Heans, Chiba, 250,000 ¥/mth, 19 hrs/wk.
James, Sendai, 250,000 ¥/mth., 18 hrs./wk.
Kanda, up to 8 million/yr., 17 hrs./wk., oldest operative gaijin-union in Japan,
sadly by now a goyo-kumiai
Kirby Gakkuin, 250,000 ¥/mth., 20 hrs.
Kumon, 4,000 ¥/hr. p/t "nursing experience prefer-able"
Linguarama, 3,000 ¥/hr., at an interview I felt treated like a piece of dirt
LIOJ, Odawara, 329,000 ¥/mth., 20 hrs.
Matsuka Phonics Inst, 6,000 ¥/hr. p/1, 100% health insurance, no paid
holidays Matsudo Institute, Matsudo, 220,000 ¥/mth., 30 hrs./wk.
Matty's, Yokosuka, 1.5 million/yr. (l), 40 hrs./wk. (l)
MIL, Yachiyo-shi, from 250,000 ¥/mth., 40,25 hrs./wk.
Mobara Institute, Mobara, 250,000 ¥/mth., 33hrs./wk.

[8]

NCB, 250,000 ¥/mth., 23 hrs./wk., conditions to worsen, unionization
failed because of certain wimps.
NOVA, part-time 225,000 ¥/mth., 20 hrs./wk.; full-time 290,000 ¥, lots of
hours
QE, 2.9 million/yr., 33 hrs./wk.
Rio Grande Uni, 360,000 ¥/mth., unionized
Seiha, Fukuoka, 250,000 ¥/mth.
Shane, Funabashi, 3.3 million/yr., 25-30 hrs./wk.
Simul, 320,000 ¥/mth.
Sundai, 3.3 million/yr.
TFLC, 400,000 ¥/mth., 20 hrs./wk. .unionized
TCLC, nationwide, from 3,500 ¥/hr. part-time
Tokyo Language Inst, 5,000 ¥/hr. part-time, placement in high schools
TOEFL Academy, 3.1 to 8.1 million/yr., 6,000 ¥/hr. P/T, 20-40 hrs./wk. (l)
Trendy House, 2,500 ¥/hr., if you are lucky; 20 hrs./wk., said to be
pleasant
Ways Women's College, 5.5 million/yr.
WIN, Osaka, 215,000 ¥/mth.
Yamate YMCA, from 250,000 ¥/mth., 40,22

*) Although AIT has a history of treating employees badly, they were the first school to respond to my survey.

**) ASA was unable meet their payroll sever-al times in summer 92. (May: 3 days late, June: 29! days late, July: 10 days late). The personnel manager, T. Gabrieli, tried to interfere with a union meeting (July 22nd) and later alleged to police that he had been beaten up in the process, six witnesses say he wasn't. In a phone interview on 18.8.92 an amicable Mr. Gabrieli had "no comment". (Afterthought: The Australian Builders Labourer's Federation - before it was banned used to take bolt-cutters to amputate Supervisors' toes in cases like that) Apparently ASA reached an agreement with its bank suspending servicing of debts for 6 months in Oct.92, if you still work there you know how long you have to save your arse.

Dismissals, Non-extension of Contract and Changes of Conditions Without Consultations

A non-extension of the contract is tantamount to being fired, Japanese lawyers (and recently, courts) treat it the same way and you can follow the procedures outlined below.

Tokyo District Court ruled on 31.3.1992, that a worker on a one year contract can expect it to be extended. In this particular case, the school claimed to have sufficient reason to dismiss the teacher since he had been late 10 dmes during one year, absent for 13 days, and - the all time

favourite'- student's parents had compkined. The ruling clearly states - and the Company admitted - that non-extension is equal to firing. The full Japanese text of this decision, which sets an important precedent, can be found in *Rodo Kijun Koobo*, 3rd. Vol, 11. May 1992, page 20 ff*

*) A collection of translated Japanese court rulings in labour matters exists at the "*Gould Collection o Japanese Labour Cases*" of the Contemporary Japan Center, University of Essex, England. They are not particularly forthcoming with assistance inquiries, though.

Faeces

Some comments made by former teachers: "*The owners did not care about teachers or students, they only cared about money.*"; "*I was working there for 4 years part-time and never received the payrise promised when I started.*"; "*Like in South America, teachers often sud-denly disappeared without any trace. There was never any explanation...*"; "*After I had received my last pay-packet, ...H. [the manager] came up to me, demanding 150,000 ¥ in damages, since the husband of a student...had called and threatened she would quit the school because of me.*"

[9]

Sometime in May 1991 I was hired at Faeces by the then - manager, Liz, under the following conditions: starting salary 250,000 ¥ to rise by 20,000 ¥ after 2 or 3 months, 30 hours per week, work at the three (out of five) branches closest to my home, attend 12 hours of unpaid "training". When I finally got down to actually working there, Liz had quit and a Japanese become managet, with me ending up being sent to far-away branches like Yokohama thrice a week. Since I needed my visa renewed pretty soon I kept quiet, but pushed H. for a written contract; in this they offered 230,000 ¥ and 30 hours/5 days per week in far-away places. It took me 2 hours of hard negotiating to get the previously promised conditions. For about 3 months things were reasonably satisfactory, with only minor problems regarding under-payment of wages (16,000 ¥ one month).

Wage Calculation Sheet

Part of the contract at Faeces was a "Wage Calculation" sheet, that stipulated the calculation of wages, in case one did not work the full complement of hours (incidentally, no mention was made as to the rate at which overtime was to be paid). It was formulated so confusingly, that the LSB figured out eight different ways of calculating my salary for May. In the worst imaginable scenario four missed hours could have cost me 62,500 ¥.

Talking to various other teachers about working conditions yielded similar little problems. Not being a person who takes this kind of thing lying down, I had to com-plain on several occasions. Then, as I arrived for work one day (a "meeting" had been scheduled on my day-plan) H. told me:"Well let's keep this short - you are fired. ... Sign here and we give you two weeks termination pay."

Although not fully aware of Japanese labour law at this stage, I knew that 30 days notice or 30 days termination pay are the legal minimum (Art. 20 LSL)⁵. Only showing them a copy of it convinced them. They wanted to pay this over two months. This again violated the LSL (Art. 23, gives employers seven days for a final settlement). They also refused to issue a "letter of release" [Art. 22 LSL], claiming in an unsigned letter, that the Immigration Department had advised them to do so (which was a lie, of course). About two months before that, another teacher, Sarah, had been fired. The statement she gave to help me with my court case says it all:

STATE OF WASHINGTON COUNTY OF KING

1. I, Sarah K., being first duly sworn on oath depose and

say: I am a US citizen, over 21 years of age, and competent to serve as a witness in this matter. I make this statement on personal knowledge.

2. I worked for F. from November 1990 until July 1991. I began working full-time in February and I was told I would receive a raise to 250,000 Yen after three months. When I did not receive the raise when it came due in May, I spoke with the Manager, Liz, who had just quit working at F. She said I was due the raise and I should talk to H., the head receptionist. H. told me I had had a bad teacher evaluation and that I would begin receiving the raise next month which I did.

[10]

3. Everything was fine during June but in July F. suddenly began changing my schedule. I had a meeting with H. to find out why. She told me the receptionist had given me bad evaluations and she showed me the evaluations. Two receptionists had given me a "B" and two, including herself, had given me a "C".

4. When I asked why I was given "C's" she became very vague. She said some students had refused to take my classes. I asked which students. She said young, very low level students who had been coming to the school for 2 or 3 years had complained that my classes were boring. I found this strange for two reasons: (1) F. does not have any young students who are still low level after attending the school for 2 or 3 years, and (2) I got along very well with the beginning level students. H. also said that these students preferred to take classes from two other teachers, whom she named. The teachers were the two most popular teachers in the school.

5. I was also told that one of the receptionists had complained that I used the wrong level of materials in class. Because of its interest level, some of the material in the more advanced books is used with students of all levels by most of the teachers. Obviously, a receptionist should not be making judgements on what a teacher does in class.

6. I asked if I was going to be fired and H. said no. I asked if I should be looking for another job. She said, no because if F. should ever decide to fire me they would give me two weeks severance pay.

7. Everything seemed to be worked out but one week later I was let go. This time H. told me that a receptionist had complained that I wasn't putting enough energy into work. When I asked what that meant she told me I was arriving at the school only 15 minutes before class began. My contract stated I had to be in the school at least 10 minutes before class time.

8. I asked the particular receptionist about this and she

was upset. She said she had not complained and had in fact given me a good evaluation.

9. I was given the choice of not coming into work the next day and being deemed fired or working into the next week and being considered Frasquito's so I could get a favorable letter of release. I continued to work until the, next week. I was paid in full for the time I worked but I was not given the promised severance pay.

[Thanks again for that one, Sarah]

I suppose this has given the reader a fair idea what was going on there. Sometime during the week after I was fired, an article in the Asahi Evening News announced a seminar on "Foreign Workers Rights" to be held. At this event a lawyer gave some enlightening hints about how to use your rights as a worker in Japan (the biggest surprise being, that you actually do have rights). If you read about a similar event in the future - attend! Even if you have no trouble now, the knowledge gained will help you some other time.

Some unorthodox advice I was given while I kept fighting:

- get a couple of Iranians in Yoyogi park and let them beat up the boss;
- hire some Yakuza (the problem is that you don't know which way they will fuck you over);
- rent a right-wingers' sound truck and have them set up shop in front of the school. According to die Japan Times some of the smaller groups are available from 20,000 ¥ per day.

[11]

The first step to take, if you have trouble at your Job or simply do not like some conditions, get in touch with NUGW-KTUF at 3-21-7 Shinbashi, Minato-ku, Fax (03) 3433-0334, Tel. (03) 3434-0669 (English spoken, if you are lucky), for advice. Unfortunately, some of the people that took over after Ben Watanabe's retirement seem to take their basic philosophy from Hobbes and not Kropotkin as one would expect from cooperative enterprise. Another union that will render assistance mainly in Japanese, and which is a bit better organized is "Tokyo Union", Dogenzaka 1-19-10 4F, Shibuya-ku, Phone (03) 3770-3471, Fax 3770-0874. They also have phone hotlines every 3 months or so. Also try to talk to others about it and organize your workplace. ***Unity is strength!***

Unions are most effective before you have been fired; afterwards it may not be in their best interest to fully support you.

Secondly, if you need some sort of redress against your employer, the official Japanese place to go to is the Labour Standards Bureau (LSB); they are supposed to help you (don't count on it, though). The LSB is organised on a regional basis (by prefecture, with sub-districts). You first must find out which office is in charge of the area in which your employer's main office is registered. This is the only branch that will deal with your case.

Two warnings about them: (1) unless you are lucky enough to deal with the Tokyo main branch, they speak Japanese only; (2) they are slow and that means *reeeal* slow. Also, they work in a very Japanese, consensus-seeking way. They are the only government agency that has legal enforcement powers, but official policy is not to use them unless absolutely necessary. Don't expect too much help.

The best way to deal with the LSB might be to make a written complaint (in Japanese, make sure the translation is flawless). If the official in charge of your case thinks it is worth his while, a date for a hearing will be set to which your employer is "invited". In case you also attend, bring an interpreter and all information you have against them. This official will then produce a final report about 6-8 weeks later, in which your complaint may be turned down or your employer will be "advised" to improve things (a bit of the old "administrative guidance" here). As a rule, the LSB will not help you to get you your job back, nor determine if your dismissal was justified; for that you have to sue for unfair dismissal and breach of contract. The whole process is rather tedious, but having their report makes a good impression, especially if you really go to court.

The only area where the LSB is very effective is, if you have been fired/dismissed/made redundant/given the boot etc. and your (former-) Company refuses to pay termination pay (minimum 30 days) or out-standing wages. In that case they will come down on the Company like a ton of bricks. Labour Inspectors have the same enforcement powers as the police in their field [Art. 101.102LSL]⁵.

Another office that mediates, but has no enforcement powers is *Rosei* (currently only in Tokyo-to, Saitama, Kanagawa and Osaka-fu). Apparently they can be quite **[12] effective** as mediators (Not if your Company refuses to talk, though. Then stronger tactics are necessary). For addresses, their foreign language phone service (English, Korean, Chinese in Tokyo) and other information see appendix 4. If they cannot help you, they will send you to somebody who can.

The Nagoya City Hall also seems to run a similar service, although no details are available (Phone: 052-972-3193/9?)

If you have formed a union at your place of work and your employer engages in unfair labour practices (Art. 7 LUL) or refuses collective bargaining the place to take your grievances are the Labour Councils. For details call NUGW, Tokyo Union, Rosei or your local LSB.²

Lawyers

If you want your Job back or at least decent compensation* you must sue your Company. Either for breach of contract (Civil Code) or unfair dismissal (Labour Law). You can sue the day after you have received your notice, although you might first want to collect your last pay, termination pay** (30 days) and file a complaint with the LSB or Rosei. Once more: The sooner you Start action the higher your chances of success!

The next step would be hiring a competent lawyer. Ideally he*** should satisfy the following conditions:

- located near the court in question;
- speak English (or whatever else your native tongue happens to be); and
- be cheap.

For information on the first two conditions contact KTUF, Tokyo Union, me or the relevant numbers listed in the back (App. 4). The price might take some shopping *i* around. Do not accept any lawyer that wants any kind of up-front payment. In my case I paid 20% of the compensation the court ordered paid to me as fee, the lawyer spoke excellent English, having served over ; 30 years as legal adviser to the US base in Yokosuka. Apparently there are Japanese-,only Speakers who work for a 10% cut. Certain embassies have been known to suggest lawyers that take such cases on a pro-bono basis

*) You can expect from about half a million up to one years' salary.

**) They must pay you within 7 days (Art. 23 LSL)

***) My apologies to all radical feminists, but there are almost no female lawyers in this country.

If you still have not read the relevant books on Labour Law etc. (esp. numbers 6, 8, 10, 18 in appendix 1) do it now!

The first thing your lawyer will do for you is to send a letter to your (ex-)employer, explaining his view of the story and advising them to some legal points regarding labour and/or civil law, or simply inviting them for a "chat" to his office. Apparently about half the companies contacted this way chicken out there and then. This happened with one of the schools discussed in greater detail below, three times early in 1992 in Osaka. The Company then either pays some compensation for unfair dismissal or rehires you (see related section NCB), in which case they pay your lawyer's fees.

A short warning: Do not expect quick results. You should have another job or substantial funds lined up. If it comes to a fight it will take at least 3 months, possibly much longer (remember the Minamata victims - it started in 1959, final claims were settled in 1991. This kind of thing often just turns out to be an endurance test.

[13]

Court

If you really want your Job back, first try and get an injunction forcing your employer to re-hire you at least temporarily. (If you get re-hired wind them up enough, so they will be glad to pay you off...)

Before your case actually reaches a court you will have to go through some kind of mediation. You should attend all Hearings (expect a minimum of 4), well dressed; with an interpreter, if necessary. Try to be the innocent victim. Bear in mind the following:

- One year employment contracts are not meant to be broken by either party, although in practice employees get away with it;
- Most employers will argue that you were unbearable for some reason. Either because students complained about you, or you were late (see related section "Toms"), or you did not follow Orders. The argument against all this is, that it is the employer's duty to train and "guide" you appropriately. (Confucian ethics (*shushigaku*) are coming in here. Loyalty of subordinates in exchange for benevolence from superiors. For more read book 26.)
- If it is necessary to lie through your teeth, do it! (But make sure they cannot prove otherwise.)
- No holds barred! You are fighting some-one who has grown rich by exploiting you (by paying often ridiculously low wages; e.g. Matry's, Nouvelle Ecole, ATTY) and the students (by charging outrageous fees for lessons).

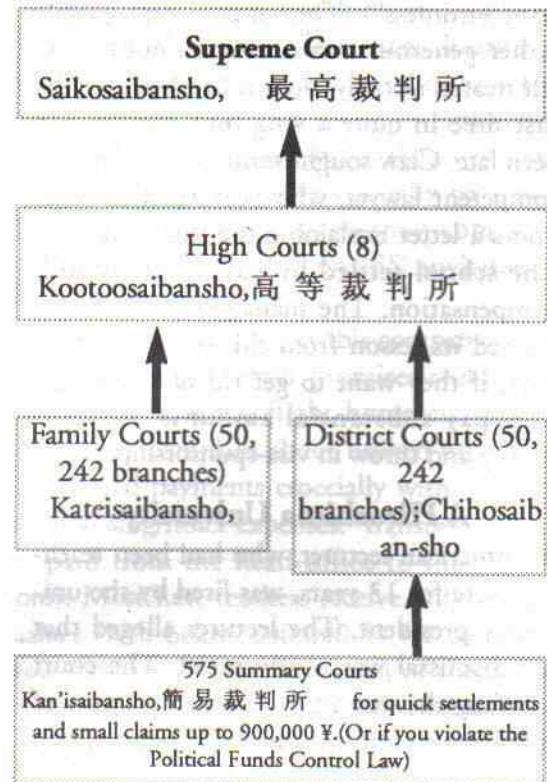
The Japanese Court System for Civil Matters

A diagram on the next page gives a short overview of the System. If your case gets as far as the District Court expect to be in it for the long run. Example: Early in 1992, the Supreme Court ruled, that the dismissal in of a worker at Hitachi for refusing to work overtime in 1967 was justified.

Some quirks in the Japanese legal system:

- There is no legal requirement to have a lawyer at any stage in the court system.
- An award of legal costs never includes lawyers' fees; these have to be settled by each party at their own expense.
- The presence of a party at a hearing is not required. In cases of no-show the court will accept the written pre-trial submissions of the non-appearing party as evidence. If both parties do not attend, the court will deem the suit to have been withdrawn, unless either party files a

Statement to die contrary within 90 days.



The following section is kept deliberately short, since conditions in each case and location will vary widely. Your first time in a Japanese court will certainly come as a surprise to you, particularly if you have ever been in a Western court before.

My first two (mediation) Hearings were in a room, that looked like a store room, which had not been painted for 20 years. The judge was dressed very informally. You and the opposing party will present your arguments alternately, whilst the others are waiting in the hall. This will be repeated several times over through several hearings until the judges decide.

[14]

In my case an unusually quick decision was reached after four hearings within 3 months. A rough translation of the main points of the final decision:

Case number etc. -

Names and addresses of opposing parties -

1. The respondent is herewith ordered to pay the plaintiff 220,000 ￥, in addition to this for months of Feb. through May 1992, 110,000 ￥ each month. Payable on the last day of each month.
- 2; The contract between the parties is dissolved
- 3; The respondent has to bear all costs. - Given by...

And I lived happily ever after ...

"SO RESPLENDENT WAS THE JANITOR'S CORPSE THAT THE NECROPHILIC FELL TO HER KNEES IN ADORATION"**

*) This headline has absolutely nothing to do with what follows.

NCB-Special

Sometime in 1986 a group of students complained strongly and repeatedly about what they perceived as decline in the quality of instruction at NCB. Management ignored these complaints completely. At least one of the people involved (a Todai law Student), who had taken about 200 lessons up to this stage, filed a complaint with the Japanese version of the Better Business Bureau. NCB was ordered to refund a large part of his tuition. Unlike in other companies, it appears, that NCB's management has learned from this incident and they are now engaging in negotiations with teachers, who are opposing the current (July 92) attempt to worsen working conditions. In this process a union was formed, their demands being rather moderate (e.g., certain guaranteed overtime rate, no increase in hours). At the time of this writing the negotiations drag on. This union itself is quite tame.** Only time will tell if they can resist management stalling tactics and achieve something.

**) My advice to the Devils Advocate: How about descending to the Hell of labouring at a building site in Australia or the US East Coast for a crash course in effective industrial action? There are situations where it is worth it to walk out over a burnt-out light-bulb.

[15]

A bit of trivia: While NCB is trying to reduce overheads by worsening conditions for employees, their business forecast predicts a 10% increase in profits for this year. Earlier in 1992, NCB had tried to force at least two teachers to leave the company. In one case they succeeded, mainly because the person concerned did not have the will to stay in Japan and fight back. He is now working in a coffee-shop in New York. In the other case, the employee concerned took action against the company and when given the choice opted for reinstatement. She is now being constantly harrassed by management for minor things ("dresscode" violations etc). Apparently students are deliberately misled by NCB salespeople (The cute girlies you see in most major book shops), when they sign on for lessons ("All our teachers have MAs.")

November update: The tameness of the union, which I mentioned when I wrote the section above 5 months ago, also led to its demise. When the union decided to go on a 1 hour strike after management refused to negotiate honestly with them, only 40 % of the teachers participated. The rest was afraid to "offend management" - Thats what striking is all about you twats! The "Devils' Advocate" then turned into the devil and offered to management to form a compliant union of slimeballs, which never got off the grounds. Various cases against NCB are presently pending before the Labour Commission and in court.

Tom's (Roppongi)

[recently renamed to Camel] As a restructuring measure, the management of Tom's decided to cut back the number of full-time teachers they employed. They were therefore looking for reasons to fire people. When Claw, who had been working there for about 2 years, turned up late one day, management had found its reason ("constant tardiness"). They sacked him with -rather generous - two months notice. He felt treated unfairly, since it had been for the first time in quite a long time that

he had been late. Claw sought some advice, found a competent lawyer, who proceeded to write Tom's a letter explaining the legal situation. The school settled by paying 500,000 ¥ compensation. The management certainly learned its lesson from this incident; these days, if they want to get rid of somebody, they pay substantial amounts of hush-money and throw in visa-sponsorship. [Which certainly did give me ideas]

A Hiroshima University

An American lecturer, who had been teaching there for 13 years, was fired by the university president. The lecturer alleged that her dismissal was overly racist. The court handling the case agreed after 21/2 years of deliberations and the university had to pay a large amount of compensation. The trustees, who administer this university were so embarrassed by this judgement, that they forced the president, who was seen as the main cause of this embarrassment, to resign (Managers beware!)

"The Cup o' Noodle Diet" International Education Service (IES)

Some quotes: *"I wound up a temporary pauper.";* *"I have perfected the art of living cheaply in Japan, and at this point I could survive on a desert island.";* *"The planners at IES should be the first against the wall when the revolution comes."*

IES has about 60 teachers in Tokyo and 20 in Osaka. It is run by two Japanese women in conjunction with their foreign husbands.

[16]

One of them, Mr. Malian, was quoted in the April 1992 issue of the Japan International Journal as follows: "Malian cites lack of both initiative and business experience as shortcomings common to most foreign teachers arriving in Japan the first time."* IES hires most of their teachers in the US. These teachers usually have no business experience when they come to Japan for the first time on IES' invitation. So much for that..

*) Others ascribe to him quotes like "crybaby" and "arsehole".

When people are hired at this Company they are given vague verbal promises regarding help with housing, flight home etc. Most employees complain about broken promises or delayed payments especially with regards to housing/hotel expenses. Transportation is paid from the head office to the client only. Most new teachers receive only a tiny salary (well below 200,000 ¥) for the first few months. At that time most of them are struggling to repay debts incurred for paying key-money as well as paying their bills (IES does sub-let apartments to some teachers; it appears to me, that this is done in a way whereby the company makes a profit on deposit and/or key-money). Standard practice seems to be the "starving out" of teachers (by giving them a minimal amount of hours), if they complain. (Example: One teacher had 8,000 ¥/wk. to live on; another lost 35 lbs. because he could not afford any food apart from Cup o' Noodles). Another management practice along the same lines, is to hold on to teachers' money as long as possible by delaying payment for expenses, plane tickets etc. People were actually forced to teach on the day their flight left, before receiving their tickets. Contracts included illegal indemnity clauses (Art. 16 LSI), stipulating fines of 200,000 ¥. The Company deducts "compulsory housing insurance" from teacher's pay against their will, thereby violating Art. 24 and 26 LSL. From the material I have it would be possible to go on for several more pages, but I think I have given any reader a pretty good idea about one place you certainly would not want to work for.

Recently IES has been advertising in *The Economist* for staff (Unable to spell their own address right. But that's just by the way). Apparently their reputation is too bad by now to hire locally.

Song Frank Zappa: "Wake up and make a decision – be a moron and keep your position, you oughta know now ... you gonna wind up working in a gas station, ... pumping the gas every night* ..."

"The Lunatic Fringe in Labour Relations"

Bi-lingual Special

Since my arrival in Japan I have been living with/near people that are/were employed at Bi-lingual. While I was compiling Information for this booklet, their name kept popping up frequently. I therefore have a special interest in this company, especially since there are quite a few things which strike me as rather odd:

THE VIDEO and The Lady

Bi-lingual was set up in Kyoto 1981 by Ms. Minami (The Lady) and appears to have led the existence of your average "Mickey Mouse" school until in the late 80s it expanded suddenly. (Where did the cash come from? - Persistent and as yet unsubstantiated rumors have it, that the Moonies [Unification Church, *To'itsu kyokai*] are behind it.)

[17]

Art. 5 LSL4: "The employer shall not Force workers to work against their will by means of violence, intimidation, imprisonment, or any other unfair restraint on the mental or physical freedom of the workers.

Art. 117 LSL: "Any person who has violated the provisions of Art. 5 shall be punished with penal servitude not less than 1 year but not exceeding 10 years, ... (fines)"

What is Bi-lingual? - In short, it is pink. Everything is pink. Walls, curtains, chairs, the semi-pornographic ads on the trains, the ribbon, The Lady's dress - all are pink. That is the first thing you notice if you go for an interview (The Tokyo Journal had a great report on that around spring 1991. For a good laugh - get a copy**). When you are finally seated, they first Force you to watch the Video. It is about the fabulous success of The Lady having won some insignificant prize, her speech etc. It also tells you, that you will learn to bow Japanese-style to your students, apart from serving them tea (lest you forget - you are applying for teaching Job not a waiter's). If you are still awake after 25 minutes (eyes glowing pinkish) you are supposed to make some witty comment about the whole pathetic thing. In case you get hired expect this:

*) Or checking tickets in a cinema, for that matter.

**) Special greetings to Miss Mills. Quote Zappa "I am a moron and this is my wife... we are so dumb, they're lining up at our door..." [moron: A feeble minded person or mental defective who has a potential mental age between 8 and 12 years and is capable of doing repetitive work under supervision. - Webster's 9th Ed.]

b) Company policy, "Standard Schedule of Remuneration"

Their very short contract contains the

phrase: "I will raise no objections should I be discharged from Bi-lingual resulting from a violation of company policy." This most certainly infringes on the basic rights of workers, since Rules of

Employment (called "company policy" in this case) can be drawn up unilaterally by employers and the newly hired person has no influence on them.* Before you start working at **Bi-lingual**, you must make yourself available with-in a certain time-frame. Although you are given a monthly schedule, it is not possible to refuse additional work within this time-frame, even on the shortest notice. If you refuse only once, you will be fired! On the other hand, if you want days off, you must apply for them ten days before a new schedule is issued, which can mean up to six weeks in advance. Holidays must be applied for 3 months in advance. Before actually starting to teach at **Bi-lingual** you must attend training sessions, which take the best part of a week. The company finally decides, if they want to hire you at the end of the "training"; in which case you will be paid 10,000 ¥ for having attended, 3 months later (!)

c) Intra-company Organisation

Teachers are grouped and ranked within the Company as follows:

Foreign Employee Ranking System:

- Main Foreign Manager, presently J. Crumb
- - (21) branch head-teachers
- Level 4: Teachers co-opted by management
- Level 3: Teacher must apply for this ranking and should do so within 1 year after starting.
- Level 2: Run-of-the-mill, visa received.
- Level 1: In training, no visa

[18]

Branches are organized in so-called blocks (5 in Tokyo plus cities in Kansai), whereby teachers are assigned classes at various schools within their blocks.

Bi-lingual has 21 branches with about 40,000 students within Japan, their student per branch ratio is therefore much higher than then "major" schools (ECC 136/22,800; AEON 180/30,000).

d) Evaluation System and Performance

Bi-lingual has a System whereby every student evaluates his/her teacher (grades A to D). In THE VIDEO they say: "We do not want D grade staff", read: If you average D, we give you the boot. It is doubtful, if this System constitutes an effective way of assessing a teacher's ability. Academic research in the US has shown that students, unless trained in assessment and with a proper professional background, are incapable of forming an objective judgement of their teacher. At **Bi-lingual** you are also evaluated by head-teacher conferences, which by informed sources have been described as "indoctrination sessions." **Bi-lingual** has a "Quality Control Department" (at least they make it clear that you are only a commodity) to figure out the averages. "A"-grade teachers receive a 10% bonus on their salary as well as more favourable class-schedules. As of June 1992 more than 44% of Bi-lingual's teachers were A-grade. Noticeable is the discrepancy between Japanese nationals, averaging 35.33%, as opposed to foreign teachers averaging over 50%. Depending on the location, this discrepancy increases to 11% vs. 60%. Maybe this has to do with the fact, that the Japanese Teachers (JT's in **Bi-lingual**) have to slave under conditions even worse than foreigners'. (Bi-lingual part-time starting wage for JT's is 58% of the foreigner's rate.) These days, according to the mass-circulation magazine "Friday", Japanese A-grade teachers receive their performance bonus in the form of towels and karaoke-tickets.

Bi-lingual regularly changes work rules and conditions (usually for the worse) without: consultation and agreement of its employees. The normal way is announcement By memo. Quote: "We are pleased to announce the following revisions which will make it easier for us to manage our day-to-day scheduling challenges." or "... two new programmes which will allow us to take further steps towards making **Bi-lingual** the best and most professional language school anywhere! - Good luck with

that, But you are still a long way off.

*) Changes to the Rules of Employment require the consent of a majority of workers or their union. (Art. 89 to 93 LSL)⁴

[19]

Some work rules (quotes from memos):

- "Effective immediately all Company Class Reports must Be postmarked no later than 16:00 on the first of the month." What if the mailbox doesn't get emptied before 5 pm?
- Envelopes received after the designated deadline will be fined ¥1000/day." I wonder how many envelopes have paid the fine? Kurata-san might want to attend some classes at a 'Better and more professional' English school.
- "The base hours and salary for first year Full-Time Instructors will rise from 81/¥220,000 per month to 92/¥250,000* respectively. ... Due to the changes mentioned above, you will ... attend a meeting ... During the meeting you will sign a new contract ... These changes are designed to increase job satisfaction and working conditions." The way this change was handled clearly violates the LSL. The "increased ... working conditions *[sic]*" amount to a pay-rise of 1.35 ¥ per hour ()
- "Many changes have occurred within the Company in the last year. ... These are attempts to improve the quality of our product *[sic]* while holding down costs; ... I never expected anyone to jump for joy ..." Well Mr. Crum, how many of these changes have been reached without intimidation (implied threat of dismissal) and in accordance with Japanese laws (not your personal interpretation of them, by the way)?
- For the final word in this section again Mr. Crum: "I would like to emphasize that this should be a cooperative enter-prise and that we all have mutually beneficial interests, if not the same goals. ... Now's your chance: put up or shut up."

Well, Mr. C. missed another solution -Fight back and achieve your goals against intimidating, harassing and money-grabbing management.

*) This was changed to 95 hours, late 1992; effectively a pay-cut

**) Two years is the time limitation on action to be taken under the LSL.

"ShukanJosei"-Affair

Although the details about this are a bit sketchy, it gives you an idea how their management works. Sometime in late 1989 *Shukan Josei* ("Women's Weekly") ran an article on how foreigners (mainly English teachers) had been picked up by Japanese girls and what happened afterwards ... Apart from those short stories the picture of each guy was shown (about 10 altogether). Amongst those people were four **Bi-lingual** teachers, who after having been recognized by management, were pressured into signing a letter of apology/explanation to the school. So much for the freedom of expression.

If you are reading this as a **Bi-lingual** teacher: Now's your chance: Don't put up with it - don't shut up! Join the Bi-lingual union and fight back! My recommendation to anybody who has been fired or did not get his/her contract extended within the last two years** is: Initiate legal action immediately!

Late in 1992 **Bi-lingual** paid compensation to two people, whom they had dismissed (unfairly), to the order of 3 million and 750,000 Yen respectively.

PostScript (Dec. 1992): Apparently a new round of pay-cuts and increased working hours are in

the making, this time including their most loyal employees (Level 4). By the time you read this working conditions will therefore have deteriorated even further. [I always preferred working at Cunnilingual ;))]

Interac

Interac (same owners as Selnate) advertises almost every week in the Japan Times for "FOREIGN LANGUAGE CONSULTANTS". It is run by a group of Japanese Mormons, which have been described as "tough capitalists". Most clients are companies. According to people inside the company hiring practises have changed recently, they now seem to prefer the just-out-of-college type not likely to stay more than a year. Previously the sales pitch of their approx. 45 salesmen was something along the lines of "... and here we have Mr. Smith, Ph.D. mature and very experienced ..." Interac does not seem to like long-term employees [20]

any more. Non-management staff staying longer tend to get forced out. Interac's first major corporate client about 14 years ago was a major Japanese steel manufacturer. This steel maker has since started to operate its own in-house school, but still kept some of Interac's classes. Quite recently, Interac did not extend the contract of a "consultant", who had been assigned to teach a very senior manager of the steel maker. This manager found out about it through a third party, assigned one of his assistants to investigate the matter and ultimately had all remaining contracts with Interac cancelled. This is a very typical reaction of Japanese corporate clients - they bail out at the slightest indication of trouble. (The teacher concerned was taken on by the steel manufacturer on a freelance basis.) According to one of their salesmen, Oxford University Press sued Interac for gross Copyright violations. The case was settled with Interac paying compensation. An apology is also supposed to appear in major newspapers.

Sadly, not a fairy tale: Once upon a time, a group of seven Canadians were hired in L.A. to teach English in Japan. After their arrival, they were posted to Gunma, where they cleaned toilets. After one month of this, they decided they had enough of it, went to their embassy, who helped two of them with tickets home. The others were referred to a lawyer who took the case on a pro-bono basis. Their damages suit for ¥ 100 million is currently pending.

Obituary

IPEC, the only English school listed on the stock-market went bust on Oct. 13 [1992], with speculative debts of 18.6 billion Yen. The owner and his secretary have disappeared. In case you see them, please let them know, that their friendly neighborhood yakuza and the MPD would like to talk to them ..

The Life of Brian: Brian, a qualified high-school teacher, arrived in Japan in March 92 and pretty soon scored a Job at ASA. Just as his first pay was due, ASA was "*encountering difficulties, but trying their best to pay their staff*". Brian was not stupid enough to believe that. He quit (without being paid until much later) and almost immediately obtained another Job - at IPEC. Again, just before pay-day, as he came to the office, he found it locked. Brian left Japan after 5 months....

Also bust: Lexington - speculative debts from investing in golf-club memberships. Here the students formed an organization trying to get their pre-paid tuition back. The system worked like this: A student signs on for a certain number of lessons (say 200), and pays up-front. Since few people have enough ready cash, Lexington got them a loan through a finance company, and collects the entire fee at once. The students then pay off the loan, while taking lessons. Now Lexington is bankrupt and the students still pay the loans....

A Todai Law Graduate, who didn't make it The National Translation Institute of Science and Technology

[21]

NATIST - the acronym this institute is known by, was founded in 1967 by Tadashi Koretsune, a graduate (class of 1949) of the prestigious law faculty of Tokyo University (where all the corrupt MPs come from), a fact of which he is immensely proud. The institute specializes in correspondence training courses for aspiring translators. Upon completing the course, students are awarded a professional certificate. NATIST does not have the required permission from the Ministry of Education to issue such certifications - in short, it is an illegal operation. Somehow Mr. Koretsune managed to get his - rather small - organisation affiliated with UNESCO's translator's organisation, FIT, another fact of which he is immensely proud. Just about every piece of stationary he puts out alerts you to the fact. So far, so good; if it wasn't for the fact that this institute has been technically bankrupt for several years. Mr. Koretsune keeps hiring and firing "instructors", most of whom never get paid in full or in time (most people leave in disgust). I have met people, who were ripped off 12 years ago. The director is a very arrogant and stubborn man and so far nobody really has stood up to him. Currently one complaint is pending at the LSB against him. If it will get the person the wages owed or force NATIST into finally admitting bankruptcy is to be doubted. If you feel like working at this institute, apply to the following address: 3-1-1-705 Ikejiri, Setagaya-ku, Tokyo. [Mr. Koretsune died in 2001. His organisation had been excluded from FIT for non-payment of dues in 1999. That membership has been taken up the JAT, another bunch of uptight idiots.]

The Last Word

Expect a lot more trouble with language schools, as competition increases and more companies get into financial difficulties (e.g. ASA, Evergreen) due to excessive overheads (EGG spent roughly 90,000 ¥ per enrolled student on advertising in 1991). Management will try to cut costs. One way will be by replacing long-term, experienced teachers on relatively high salaries with newly arrived people most of whom have no idea of what is going on. It is therefore very important that all employees stick together and fight back. **You can make the difference.**

Start by doing the following things:

- 1) Unionize your place of work. If that is impossible join an independent union.
- 2) If you get fired, or do not have your contract extended, sue the Company for all they are worth.
After they have lost several cases they may learn.
- 3) Show this booklet to as many people as possible.

If you work at a shitty place write to me or call. I know, that there are many more companies that deserve a not-so-honourable mention.

For additional copies of this tremendous piece of literature (Cough...), or any questions you might have, send a 250 ¥ stamped return envelope with a small donation (please), to the address below.

G. Walt

[Contact 2005: GermaniaHonyaku@freenet.de]

[22]

Appendix 1

Recommended Reading

This is an annotated list of texts that readers might find helpful. Where, in the main text, I have quoted from the materials below, they are identified by their respective numbers in this list.

- 1) Engels, Friederich: *Die Lage der arbeitenden Klassen in England* (English title: The Condition of the Working Classes in England), 1st Ed. 1848, many re-prints in various languages. This book is still very relevant to anybody employed for wages today. Amazing parallels.
- 2) Nevins, Thomas J.: *Labour Pains and the Gaijin Boss*, Tokyo 1984; (The Japan Times) approx. 3,400 ¥
- 3) Nevins, Thomas}: *Taking Charge in Japan*, Tokyo (The Japan Times), 5,150¥
Books 2 and 3 are written by a libertarian "expert on Japanese personnel policy and practices." They advocate the ruthless exploitation of workers in the pursuit of profits. Stomach churning - but gives you a good idea of how the enemy thinks.
- 4) EHS Law Bulletin: *Labour Standards Law dr Enforccement Ordinance Thereof*, Tokyo (Eibun-Horeisha) 1956,1985 Ed.
A mediocre translation of the Japanese Labour Standards Law. At 3,500 ¥ definitely overpriced, but a useful reference. One word of warning: Kinokuniya sells currently only the outdated 1985 edition, although they told me an updated re-print would be available soon (that was in Sept. 91, I am still waiting). Do not buy the old editions since major changes have been made. Instead obtain number 5 or 10, below. Many other abysmal translations of Japanese laws are available in this "EHS Law Bulletin" series.
- 5) Labour Administration Division of the Tokyo Metropolitan Government: *Pamphlet for Trade Unions*, Tokyo 1990, 1991 Ed.
An abridged version of the Labour Standards Law in Japanese and (superb) English. Apart from being very up-to-date the best thing about this booklet is its price: Free at the Tokyo Government Building No. 1, 31 st floor.
- 6) Labour Administration Division of the Tokyo Metropolitan Government: *The Foreign Workers'Handbook*, Tokyo 1991
Again a free booklet in English and Japanese that covers many critical points in Q & A format. It also touches Immigration regulations.
- 6b) Labour Administration of the Tokyo Metropolitan Government: *The Foreign Workers'Handbook*, Tokyo 1992
An Update on the 1991 edition; some minor changes. The section on Immigration has been replaced by a translation of parts of the LSL.
- 7) The Tokyo Journal (8/91): *Labour Pains*, re-printed in appendix 2, a rich and absolutely essential source of information.
- 8) Sugeno, Kazuo: *Japanese Labour Law*, 736 p., Tokyo 1992; University of Tokyo Press 12,360 ¥
Legal theory by a slightly pro-management (ex-Ministry of Labour) law professor. Heavy reading.
- 9) Kanagawa-ken Labour Administration Office: *Guide for Foreign Nationals Working in Japan*
Pretty much the same as 6 with a slightly different angle. Apparently only available in single copies on personal application at the Naka-ku ward office, Yokohama; free.
- 10) Beck: *Labour Laws of Japan*, Tokyo 1990, (Institute of Labour Administration) 8,000 ¥
The full English text of most labour-related laws. Available at: Rosei Bldg, 1-4-2 Higashi Azabu, Minato-ku, Fax: 03-3584-1698
- 11) *Shin Roku Ho*, Six New Laws, Sanseido, 1992, 1050 ¥
- 12) Sekiguchi, Chie: *Zairyu Tokubetsu Kyoka* (Special Permission for Residence), Tokyo 1992, Akashi Shoten, 2060¥ The story of a Bangladeshi-Japanese couple fighting for the husband's residence permit; with general advice.
- In Japanese, English edition planned.
- 13) Ventura, Ray: *Underground in Japan*, London 1992, (Jonathan Cape) £7.99, 2,880 ¥ The story of a Filipino Illegal. Excerpts appeared in the TJ 7/92.
- 14) Gould, William B.: *Japan's Reshaping of American Labour Law*, Cambridge Mass., 1st pb Ed. 1988, (MIT Press), 2,760 ¥
- 15) Griffith, Susan: *Teaching English Abroad*, Oxford 1991, (Vacation Work) The only person to get rich from this book will be the author.
- 16) Jones, Stephanie: *Working for the Japanese*, London, 1991, (Macmillan), 7,220 ¥

Mainly concerned with working for Japanese companies in England. Uninspiring.

16b) Another book with the same title authored by J. and S. Fucini exists in the US. It is concerned with working conditions at an American Mazda plant (The Free Press, 1990, 19.95\$, 4,190 ¥)

17) Woodiwiss, Anthony: *Law, Labour & Society in Japan - From Repression to Reluctant Recognition*, London 1992, (Routledge), £35.00, 12,600 ¥ An excellent book, unfortunately overpriced. About 200 pp.

18) Study Group, Immigration Bureau, Ministry of Justice: Q cf *A Employment of Foreign National**, Tokyo 1990, 1,400¥ A bilingual guide that contains all relevant information regarding immigration rules. It also lists Immigration internal guidelines for granting a visa.

18b) Japan Immigration Association: *A Guide to Entry, Residence and Registration Procedures in Japan for Foreign Nationalis*, Tokyo 1991, ISBN 4-8178-2004-7, 1,500 ¥ Based on the Study Group's text more or less the same as 18, but revised and slightly more comprehensive.

19) Osaka Bar Association: *Human Rights Handbook for Foreigners in Japan in 18 Languages*, Tokyo 1992, (Akashi Shoten), 4,330 ¥

This is not a typo: 18 - mostly Asian - languages, amongst them English, Korean, Burmese, Vietnamese, Farsi etc. This book covers every aspect of living in and running into trouble in Japan. It also has a comprehensive listing where and how to get assistance.

20) La Botz, Dan: *Troublemaker's Handbook*, Detroit 1991, (Labour Notes) ISBN 0-914093-04-5; The title says it all.

21) Parker M., others: *Choosing Sides - Unions and the Team Concept*, Boston 1988, (Labour Notes) ISBN 0-89608-347-0 Book 20 and 21 are available at 7435 Michigan Ave., Detroit, MI 48210, USA

22) Hanami, Tadashi: *Labor Relations in Japan Today*, Tokyo 1979, (Kodansha), pb 1981, 950 ¥, 5.25 US\$, ISBN 0-87011-492-1 Written by an ex-Labour Commissioner. Comprehensive, but anti-labour.

23) Labour Relations Bureau, Ministry of Labour: *Labor-Management Relations in Foreign Affiliated Firms in Japan*, Tokyo, 4th Ed. 1988, (Business Intercommunications), 10,000 ¥ Government Statistics, badly translated and overpriced. 5th out by now. As expensive, as pathetic.

24) Koike, Kazuo: *Understanding Industrial Relations in Modern Japan*, London 1988, (Macmillan), 4,320 ¥, boring

25) Mailand, Stephen: *The Birth of the Japanese Labour Movement*, Honolulu 1989, (Univ. of Hawaii Press), 27\$, 5,670 ¥ In one word - pathetic. The author might be clever but most certainly never held a blue-collar job. This deficiency shows in his book and makes it very poor reading, indeed.

26) Fukuzawa Yukichi: Fukuo Jiden - *Eine autobiographische Lebensschilderung* [in German], Tokyo 1971 (Keio-Tsushin) This is the life story of the "greatest" Japanese educator (the gentleman on the 10,000 ¥ note). According to his own admission he is also a liar, forger, cheat and thief. Gives great insights into Japanese mentality. Any major bookshop has English translations.

27) von Wolferen, Karel, *The Enigma of Japanese Power*, about 5,000 ¥. A must-read.. Classic Japan bashing with a lot of truth in it. Not everybody agrees with his conclusions.

[24]

[Pages 25-27:

Appendix 2 Labour Pains from the Tokyo Journal 8/1991

Appendix 3 2 English Teachers "from the Daily Yomiuri

have been omitted for copyright reasons]

Appendix 4

Notice: The data below is, as published in 1993. It has not been confirmed that any of the organisations mentioned still exists or can be reached at the addresses or phone numbers mentioned.

Helping Hands - Useful addresses and phone-numbers

The following abbreviations for languages are used: E = English, Ch = Chinese, Fi = Tagalog, Sp = Spanish, P = Portuguese, K = Korean, D = German, Bah = Bahasa Malaysia/Indonesia, Fr = French, J = Japanese

1) Unions, Professional Organisations and Information for Workers

Asian Labor Solidarity (ALS no kai), Nagoya, (052) 935-9448

Asian Worker's Solidarity Ass., Hiroshima: (0849) 23-0047

Association of Foreign Teachers in Japan, 9.00-17.00: (03) 3238-3909 (E)

CALL Network (Co-operative of Asian Labourers¹ for Liberation) union: (03) 3357-5507

Casa de Amigos: (0559) 93-6425, 86-8155 (K,Ch,Fr,Sp,P) Edogawa Union, Tokyo, (03) 3653-2211 Foreign Labourer's Emergency Number, 1st and 3rd Saturday: (045) 201-1350

Foreign Migrant Worker's Connection Chiba, Thursdays 10.00-20.00: (0472) 24-2154

Hamamatsu Overseas Labourer's Solidarity: (053) 434-2660 Higoro Union, Osaka, (06) 942-0219 Kaisha Society, association of foreigners in Japanese companies: (03) 3668-3095 (E)

Kanagawa City Union, Yokohama, (045) 575-1948 Labour Counselling Centre for Foreign Workers, Kokubunji: (0425) 23-6100

NIKKIETS Employment Service, Mo-Fr. (03) 3836-1087 (P) NUGW (National Union of General Workers, South Tokyo), JCTUF

(Kanto Teachers Union Förderation) is affiliated with this union, a most effective Organisation if you have labour problems, their main aim is to unionize work-places, membership 20,000 ¥/yr.: (03) 3434-0669 0, sometimes E)

Thai Worker's Support: (0566) 76-2486 (Thai) Tokyo Union, highly efficient when it comes to labour problems, Phone: (03) 3770-3471, Fax: (03) 3770-0874 0; membership 1500 ¥/mth.

Rosei - Tokyo Metropolitan Government Labour Administration, mediators only, no enforcement power, but lots of good-will and very helpful. If possible appear in person with a Japanese Speaker.

Office, Address, Phone

Main 31F Shinjuku Tokyo Government Building I (03) 5320-6110

Shibuya 1-19-8 Jinnan, Shibuya-ku (03) 3770-6110

Chuo 12F Central Plaza, 1-1 Kaguragashi, Shinjuku-ku (03) 3267-6110

Shinjuku 3-18-1 Toyama, Shinjuku-ku (03) 3203-6110

Shinagawa 2-1-36 Hiro-machi, Shinagawa-ku (03) 3776-6110

Tachikawa 3-7-10 Akebono-machi, Tachikawa-shi (0425) 25-6110

Kameido (Chinese Fr 14.00-16.00) (03) 3637-6110

English spoken at all these offices Mo and Thu 14.00-16.00

Main branch daily during office hours. Chuo also Ch on Tue.

Labour Standards Bureau (LSB), Ministry of Labour, E daily except Wed, 10.00-16.00 (they go for lunch): (03) 3814-5311 ext. 327 (E); Foreign Worker's Affairs Office, (03) 3593-1211 ext. 5478 (E); call these numbers to find out which LSB branch is in charge of your area. All other branches Japanese only. (Kanagawa: 045-651-1351 ext. 322; Aichi: 052-951-8561 ext. 217; Osaka: 06-942-6231)

2) Legal Advice

Centre for Foreigner's Human Rights, English Thu. 10.00-16.00: (03) 3581-2136

Foreigners Criminal Case Bar Ass. in Tokyo: (03) 3591-1301 Human Rights Counselling, Tu+Thu 13.30-16.00: (03) 3214-0424 (E,D) Ch on Mo.

Immigration Department, Tokyo, Mo-Fr 9.00-17.00, (03) 3213-8111 (E,Ch,K,Sp,P) or (03) 3213-8523/70: Yokohama, Mo-Fr, 8.30-17.00, (045) 681-6801; Osaka: (06) 774-3409

Japan Bar Association, Legal advice in Japanese only, income Statement necessary and case must be a sure winner. Avoid! (03) 3581-6941

Kaigai Nikkei Koryu Centre, for people of Japanese ancestry: (03) 5256-5301

Lawyers Association to Support Refugees in Japan, advice for Illegals: (03) 3503-8765

LAFR - Lawyers for Foreign Labourer's Rights, mainly in Japanese: (03) 3357-5506 Fax: (03) 3357-2207 Legal Affairs Bureau, Justice Ministry, toes a strictly government line regarding civil liberties, Tu, Th 13.30-16.00: 3214-6231 (ext. 2422/23)

Legal Aid Association, J only: (03) 3580-2851

Legal Conciliation Centre, J only, Mo-Fr 13.00-16.00: (03) 3581-3839

Nichi Ben Ren, Law Support Association, legal advice, Mo-Fr 13.00-15.00: (03) 3580-2230 Second Tokyo Bar Ass., specialising in human rights, Mo-Fr 9.30-15.00 (03) 3581-2255 0)

Tokyo Bar Association, legal aid service, Mo-Fr 10.00-17.00: (03) 3581-2201 0, E, Ch on Thu.

Tokyo Co-operative Lawyers Office: (03) 3341-3133

3) General Counselling and Help

AMDA Medical Info Service: (03) 3706-4243, 3706-7574

Asian Friendship Flame, Shikoku: (0886) 23-6618

Asian Friends, Osaka, 19.00-21.00: (06) 634-2127 (J,E,K,Ch,Thai,Sp,P)

Catla (for Latin Americans), Mo-Fr 15.00-19.00: (03) 3770-0735 (Sp,P,J)

Chiba Prefectural Government, Mo-Fr 9.00-16.00: (0472) 23-2414

Concem for Foreigners, Kumamoto: (096) 352-3030, 324-6749 (Q,E,Fi)

Filipinas Room MScF, from 21.00: (0484) 33-5729 (F,j,E)

Foreign Residents Advisory Centre, Mo-Fr 10.00-16.00: (03) 5320-7744

Foreign Students Ctr., introductions for work and housing, males: (03) 3951-9103, females: (03) 3359-5997

Forum on Asian Immigrants, Tokyo: (03) 3816-0161

Forum on Asians in Shizuoka, Mo-Fr 9.00-17.00: (054) 273-3884

Gay Helpline: (03) 3453-1688;

International Lesbians, P.O.B 1780, Tokyo 100-91
HELP-Asian Women's Shelter, daily 10.00-17.00: (03) 3368-8855
Japan Consumer Ass., 9.30-17.00: (03) 3553-8601 0) Japan Helpline, referral Service, 24 hrs.: (0120) 461-997 (E,J)
Japan Hotline, general info Service about Japan, Mo-Fr 10.00-16.00: (03) 3586-0110
JISS - Japan Int'l Social Service: (03) 3312-6661, (03) 3777-7245
Kanagawa Prefectural Government, Mo-Fr, 9.00-17.00: (045) 324-2299
Kobe International Community Ctr.: (078) 322-0030
Living in Asia Ass., Fukuoka, (092) 716-0577
Medical Network, Nagano, (0268) 38-7119 Nowhere Culture Club: (03) 5380-5262, requests for info got me nowhere
Okinawa Nikkei Ctr. Tu-Fr 10.00-20.00: (098) 946-2111 (J,E,Sp,P)
119 Network for Foreigners, Saitama: (048) 834-0236
Pag-Aga Community, Kyoto: (075) 822-2369 (E,DJ)
Philippino Women's League: (03) 3783-1033, (03) 3777-7245 (F,i,E?)
Saitama Prefectural Government, Mo-Fr 8.30-17.00: (048) 647-4175
Shinagawa Tenant Leases Ass., for trouble with your landlord, membership 5,000 Y, Wed-Fr: (03) 3786-6047 (small charge for some of their services)
Society for Protection of Foreigner's Rights, Hokkaido, (011) 552-5579
Tachiyori (Asian Women): (03) 3463-0752
TELL, Tokyo English Life Line, referrals, 9.00-16.00, and 19.00-23.00: (03) 3264-4347 (E)
Tochigi International Life Line (YMCA), Mo-Fr 10.00-18.00 (E,Ch,F,i,Sp,Thai,Bah), (0268) 24-2546
Tsukuba Solidarity with Asian Migrants: (0298) 55-5743 (J,E)
Women's Councilling Ctr., Tokyo: (03) 3355-1551, Osaka: (06) 725-8511

A comprehensive listing of Japanese "alternative" organisations can be found in the quarterly: RAIN, Vol XII, No.1 (spring 1986) "The Other Japan", obtainable from the Center of Urban Education, 3116 N. Williams, Portland OR 97227, US of A