

Article 6 -- the Right to work: The Revised Labor Contract Act has caused leading universities in Japan to dismiss tens of thousands of workers with fixed-term contracts with them by the end of the academic year 2017.

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As the Revised Labor Contract Act was enacted in 2012, definite legal protections are given to workers who repeatedly renew a fixed-term labor contract. For instance, dismissing workers who have repeatedly renewed a fixed-term contract only because their contract is terminated is deemed invalid if the dismissal lacks objectively rational grounds. The Act also stipulates that unreasonable working conditions are prohibited only because the labor contracts concerned are fixed-term ones. In addition, Article 18 of the Act entitles the workers who have repeatedly renewed a fixed-term contract for a period exceeding five years to a labor contract without term if they apply for one.

Because the Act does not prohibit putting a limit on the number of renewals of fixed-term contracts, however, the very enactment of Article 18 of the Act in April 1, 2013 has caused leading universities as well as many businesses in Japan to put a five-year contract limit on their workers with fixed-term contracts in order not to grant them an entitlement to a labor contract without term. As a result, Osaka University and Kobe University, two of the leading national universities, as well as such leading private universities as Waseda University are going to dismiss tens of thousands of workers with fixed-term contracts with them by the end of the academic year 2017. Yet, these universities have violated not only Article 10 of the Act, which regulates revising the working rules of workers to their great disadvantage against their will, but also Article 90 of the Labor Standards Law, which stipulates that the opinion of the trade union or elected employee that represents the majority of all the employees in the workplace must be sought and written as their working rules are newly made or revised. As they never allowed the workers concerned to elect their representatives, we have charged Waseda University with violation of Article 90 of the Law this month, and are going to charge Osaka University with the same violation of the Law next month.

On the assumption “that stable employment and fair treatment of workers have been secured based on this Act” given in their reply to paragraph 9 in List of issues in connection with the consideration of the third periodic report of Japan concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights, the Government of Japan has done nothing to prevent these universities violating the laws. We entreat the Committee to urge the Government of Japan to take measures to prohibit putting a limit on renewals of fixed-term contracts of the workers concerned.