

# Voice

National Union

Inside the "Voice"

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December 2002, Vol. 1 No. 7

News from the General Union (Kansai & Tokai), NUGW Tokyo South, Fukuoka General Union, Kumamoto General Union, and the Language Teachers' Union of Sendai

## 3 Sister Unions Linguaphone Withdraws Unfair Dismissal Come Together

*Joint Union Release*

On Sunday, December 1<sup>st</sup>, 2002, representative members from the Fukuoka General Union, NUGW – Tokyo South and the General Union came together for a year-end meeting of solidarity. Members participating at the meeting agreed that our unions must continue to promote and synchronize our joint activities and demands. In addition, a further increase in our level of communication will be attained through a joint union website (as we already have for Berlitz) and a continuation of The National Union Voice. Members were able to discuss a number of successful union gains that will be demanded from companies across the board as we enter 2003.

*General Union*

At the November 18<sup>th</sup> session of the Labour Commission, a mediation session between Linguaphone (Zenken Honsha) and the General Union, Linguaphone withdrew its unfair contract non-renewal of the union branch vice-chair. After numerous strikes at the Linguaphone Nagoya School and a petition drive by students, the company, faced with the prospect of an unfair labour practices suit which would have gone to trial if the mediation failed, finally backed down.

The unfair contract non-renewal occurred after Linguaphone teachers in Nagoya started a union branch to make gains in their working conditions, such as proper legal paid holidays and unemployment insurance coverage. The company started

negotiating with the union from the position that the Linguaphone teachers were not employees but subcontractors and therefore not eligible to join a union or have paid holidays and unemployment insurance coverage. These two problems are also now being negotiated after Linguaphone received an order from the Labour Standards Office that the teachers are indeed employees and therefore Linguaphone must raise its standards to the legal minimums.

**Still a long way to go**

Linguaphone teachers from outside the Nagoya School have now joined the union and will keep up their campaign to improve the working conditions and quality of education at Linguaphone schools throughout Japan.

## Stop Zia Zenken's Subcontracting Scam

*General Union*

Are you a Zia Zenken employee? Does Zia decide your working hours? Do they decide your working place? Do they give you a curriculum? Do they train you? If you answered YES to these questions, then you are an employee of Zia Zenken. Of course any reasonable person would think that they were employees, but Zia continues to hold that these teachers are subcontractors and therefore are not entitled to coverage by the Labour

Standards Law (which guarantees paid holidays and overtime pay), or the Unemployment Insurance Law (which provides you with income if you lose your job). Add all this to the lack of job security, constant harassment if you want quit your job, and a dictatorial management style, and you have the makings of a big bust up between the union and Zia.

***The union is now on the move***

**Continued on Page 4**

### General Union Fundraiser

Saturday,  
January 18  
7:00PM start

At The  
Playpen in  
Shinsaibashi

Featuring Live Music by:  
Bumpskool  
The Rice Paddies  
Needlemouse & L'Ocean

Includes live music,  
a beer, and a  
raffle ticket.  
¥2000

#### Kanto: NUGW Tokyo South

Tokyo-to, Minato-ku, Shimbashi 5-17-7-2F  
Tel: 03-3434-0669 Fax: 03-3433-0334  
Email: nugw\_ts@jca.apc.org  
URL: www.ktuf.org

#### Kansai: General Union

Osaka-shi, Kita-ku, Temma 2-1-17-3F  
Tel: 06-6352-9619 Fax: 06-6352-9630  
Email: gu@generalunion.org  
URL: www.generalunion.org

#### Tokai: General Union

Nagoya-shi, Chikusa-ku, Uchiyama 3-28-2-5F  
Tel/Fax: 052-735-9704  
Email: tokai@generalunion.org  
URL: www.generalunion.org

#### Language Teachers Union of Sendai

Tel: 022-261-4392 Fax: 022-222-7734  
Email: ltus@generalunion.org

#### Fukuoka General Union

Kasuga-shi, Kasugabaru Kitamachi 1-3-24-207  
Tel/Fax: 092-573-3094  
Email: GZC05153@nifty.ne.jp

#### Kumamoto General Union

Email: kumamoto@generalunion.org

National Union of General Workers

# YMCA Talks Continue as Strike Deadline Looms

General Union

After seven one-day strikes in which the majority of YMCA English teachers struck to defend working conditions and strengthen their union, the YMCA and General Union are back at the bargaining table. The strikes began in July after it was found that two new teachers were hired on conditions inferior to those agreed upon in the collective agreements held between the GU and YMCA. The company held that it was their right to hire new teachers on any conditions that the YMCA felt were fair. Members were rightfully worried that this would mean the junking of their working conditions. This fear seemed especially real after the YMCA (contrary to our agreement) failed to consult the GU regarding the new working conditions they were introducing. This, along with twenty four grievances filed by the union in this academic year, forced the members into a strike position.

### Members Demand Union Shop to Protect Working Conditions

The union immediately filed grievances over these cases and demanded collective bargaining once the company failed to

resolve these issues. Union members also demanded that the company recognize a union shop, as the majority of teachers in the YMCA Language Centre and International High School were union members. The demand for a union shop would have guaranteed union conditions for all teachers and all teachers would therefore join the union.

At the YMCA's insistence the union withdrew its demand for a union shop but continued to demand that a system for the union conditions to cover all teachers (especially new teachers who may not have heard about the union yet) be put in place. The YMCA is now holding weekly meetings with the union in order to resolve outstanding grievances as well as working out a general plan for peace.

Union members are still not letting up, though, and have set a strike deadline for the end of January. This strike deadline is to keep the company on notice that if no progress is made, strikes will restart. Our members sincerely hope to avoid this scenario and will meet again in January to discuss any progress and hopefully vote to discontinue strike action if the YMCA negotiates in good faith to resolve our differences.

# Berlitz Organising

NUGW Tokyo-South

On Sunday, December 1, representatives of unions representing Berlitz teachers met at the General Union head office in Osaka. Kawaguchi Eiji of Fukuoka General Union, Dennis Tesolat and Jools Collis of General Union, and Robert Lohmann of NUGW Tokyo South discussed matters of common interest to Berlitz Union members.

### The prospect is of the three unions coordinating negotiations and actions

A major issue was the development of website services for members. Recently, the website has been enabled for interactive applications, and the site shows promise as a means of collecting data and announcing issues and events on a regular basis. Members are encouraged to contribute their ideas and efforts to increase communication throughout Japan.

### Improved communications represent the best means of promoting future consultation.

The prospect is of the three unions coordinating negotiations and actions as a way to maximize benefits to their members while minimizing the effort required to obtain them. Improved communications represent the best means of promoting future consultation. To this end, website and NUGW VOICE provide nationwide coverage of Union events and also the means to allow members to state their opinions and give notice of local working conditions.

Members are encouraged to contribute their ideas and efforts to increase communication throughout Japan.

Berlitz teachers should express their opinion of web and print publications so that these represent as closely as possible not only their concerns, but also the means to address them in the workplace and at the negotiating table.

<http://berlitz.generalunion.org>

## 4 Weeks Notice for Paid Holidays? What Law Is NOVA Looking At?

The Labour Standards Law stipulates that companies must allow their workers to use their legally entitled paid holidays, flexibly. Four weeks notice is OK if you're planning a long trip, but how about if you need a day off to get something done? We believe that law is clear and that NOVA cannot impose a four-week notice period on paid holidays.

If your paid holiday request is turned down because you didn't give four weeks notice, **CALL THE UNION IMMEDIATELY!**

## NOVA will answer the union on December 19th

**We demand that NOVA follow the spirit of the law and withdraw its ludicrous four-week rule.**

**If the answer from NOVA is NO, then the 'Bust The 4-Week Rule' Campaign Starts!**

# The return to Berlitz-Japan

Continued from the last issue of the VOICE. 'Berlitz and Fred Shannon'.

After Fred returned to Japan from his Korea experience, he hoped he could slip back into the same routine he had enjoyed before taking the transfer. Berlitz management decided that this was not to be. The following list represents some of the countless meetings and punishments he has had to face since then.

1. Fred meets Berlitz management to discuss the 'Berlitz teaching method'. Fred receives a letter of reprimand and is asked to find other employment.

2. Fred is called into a meeting with his I.S. to be told that maybe "Berlitz isn't for him". The IS informs Fred he will be taken off the teaching schedule.

3. I.S. monitors Fred's lesson and gives him a "Needs improvement" grade. This particular student had her own lesson specifications and had in fact requested Fred as their teacher.

**I accepted the reprimand without confrontation as I did not want to upset the relationship between myself, the IS, and the Omiya LC Staff.**

4. Fred's every move starts to be monitored by Nakano LC staff and he's called in to meetings to discuss things that he had said or done around Nakano LC - specifically his conversations with secretarial staff. Fred receives a warning after his I.S. is informed that he used the photocopier to copy his schedule. Fred tracked down his schedule and copied it after being told he had no lessons for a Sunday and Monday when in fact he did.

5. HR meetings become more frequent with higher and higher ranking Berlitz officials involved. The aggressiveness of

the meetings increases with Fred being shouted down in an attempt to force him into submission.

6. Fred is informed that he loses his Health Insurance Benefits and has to purchase his own although he still remained eligible for the Health Insurance Scheme.

7. Berlitz informs Fred that he has lost his Sunday premium rate. This has to be returned after Berlitz realized they were breaking Labour Standards Law.

## **Fred's Timeline of Events From October 28, 2000**

I joined Berlitz as a per-lesson English Instructor at Omiya LC. Satisfied with my 3 month probation, the IS told me that he was very happy with my teaching and told me to keep doing what I was doing. I had no complaints from Berlitz management prior to August 2001 (excluding my employment in South Korea).

## **Fred receives a warning after his I.S. is informed that he used the photocopier to copy his schedule.**

### **From March 19, 2001**

I was sent to Korea to work for 3 months. I believe that Berlitz Japan sent all of the Berlitz Japan teachers to Korea on holiday visas under the guise of helping with the S. Korea/Japan World Cup Soccer preparation. This was illegal. I was told by Korean Immigration Officials at the airport that I had been working in Korea illegally. I was subsequently detained by Officials while exiting the country. While detained I was questioned and asked to give information regarding my employment in South Korea. Immigration officials wanted to know the names of any other Berlitz Instructors working illegally in South Korea. I was then permitted to get on my plane and leave the country. However, I

do not know if I will ever be welcome back as a tourist or worker in Korea, as they have very strict Immigration Laws.

## **It was here that Fred entered into his "meetings and punishments" period.**

### **From May 7, 2001**

I returned to Berlitz Japan and continued working at Omiya LC as a pay per lesson English Instructor. Harassment began.

### **From August 14, 2001**

Berlitz finally give me a First Written Warning. Reasons cited: An Omiya LC secretary told the IS that I wasn't performing my job properly in class.

My IS also said I had a disrequest but couldn't provide any details. I was also warned for missing a Monday, 7:00am lesson after coming back from vacation that very weekend. Omiya LC didn't send me my schedule to tell me that I had a class. I was reprimanded for asking Omiya LC staff to fax me a copy of my schedule. I was working on the 3rd floor of Tamachi LC in Tokyo, where there are no phones for Instructors to call into their LC's to confirm their next day schedule. Even though I am a dependable Instructor and have never been late or missed a class before, I was still written up by Omiya IS.

## **Fred is called into a meeting with his I.S. to be told that maybe "Berlitz isn't for him". The IS informs Fred he will be taken off the teaching schedule.**

I accepted the reprimand without confrontation as I did not want to upset the relationship between myself, the IS, and the Omiya LC Staff.

**An update of Fred's case and a continuation of his time line at Berlitz will appear in the next edition.**

# Berlitz and Fred Shannon

# Stop Zia Zenken's Subcontracting Scam

From Front Page

The union, after studying the question of subcontracting vs. employment, is in no doubt that teachers at Zia are clearly employees.

Zia thought that by simply calling teachers subcontractors, and writing it in their contracts, the teachers and the union would just give up and allow teachers to work on substandard, illegal contracts. The union is now on the move, getting Zia teachers in the union and to stand up for their rights. Zia is a growing dispatch company sending teachers all over the Kansai region to public schools.

# Join the Union!

## GU Schools Dispatching Campaign

Part of the GU's Shunto (spring campaign) will be to visit public boards of education and question them on their use of dispatch workers. Boards of Education who have dispatched workers sent to them from private companies must make sure that the dispatching companies are following the laws of Japan.

We want to guarantee that boards of education are using only companies that follow the minimums laid down in the law so that dispatching agencies don't try to undercut each other by lowering working conditions.

# GU, Institut Franco-Japonais Make Peace

General Union

Some people thought it just wasn't possible. "You can't take on the French state; it's a monolith. Every decision has to come from Paris; they'll never move an inch". And yet, in another major victory for the General Union, after two years of negotiations and two labour commission cases, we signed an agreement with the French government-run Institut Franco-Japonais du Kansai in Kyoto on 6 December, winning all of our demands for job security.

On 10 November 2000, we declared a branch at the institute among the French teachers, who had been feeling the pinch of worsening conditions and had heard rumours about a possible closing of the institute for remodeling. Our demands included clarification of the future plans of the institute. By spring the institute had still not agreed to collective bargaining, despite frequent protests and warnings from the union that refusal of collective bargaining was illegal. We had no choice but to file an unfair labour practices case in March 2001 at the Osaka Labour Commission, which received considerable publicity in the press, especially the Asahi Shimbun. President Jacques Chirac, Elysee Palace, Paris, was named as defendant. We kept negotiating tirelessly through 2001, while the labour commission researched some technical points related to suits against foreign governments, judging finally that we would have to re-file the case with some alterations, which we did in November 2001. This put enough pressure on the institute and the French embassy to swing the negotiations our way, and finally in March this year came the big breakthrough; with the cultural chief from the Embassy, Mr Siganos, attending

collective bargaining and giving the first promise of job security for our members. The monolith had creaked and moved.

Unfortunately, a little later, the director of the Kyoto institute announced a pay cut for one of our leading members, justifying it with the breathtaking claim that it was in fact a pay rise. This crass act removed at a stroke any possibility of a quick settlement. Duthion insisted that the issue was separate from the 'global agreement', and he would not have it included in the talks. This game went on until he, to our relief, was transferred back to France at the end of August. We decided to wait till the arrival of the new director, who we hoped would be easier to reach an agreement with.

On 24 October, we sent our congratulations to Mr Pierre Fournier, the new director, asking for talks to settle all outstanding problems. On November 1<sup>st</sup>, we held bargaining in Kyoto, and quickly realized that this was a man we could do business with. He announced that the pay cut for the member was withdrawn, effective immediately, and his old rate would be restored in full. After that, we quickly agreed on the final wording of the agreement document. Mr Fournier thanked the union for all its hard work in settling the dispute, and declared that he hoped we had entered a new chapter of friendly relations. We would readily concur with such sentiments, and would like to thank him for taking a bold and far-sighted approach to the issues.

So what has the union learned from all this? For one thing, that disputes can take many shapes and forms. The defining disputes in our history have been Interac, Geos, Higashi Osaka, and Nichibei – all involving strikes, pickets, and sound trucks, and in the first ten years, the union has undoubtedly mastered the art of the all-out labour dispute. This time, we chose different weapons to suit the situation. The Labour Commission proved to be a very effective lever. This, combined with our constant pressure and marathon negotiation sessions gave notice of the absolute determination that we would not accept the French government's fait accompli. The key was endurance and patience. It took time, but we won because we simply stayed the course.

**Our members at the institute would like to thank all GU members who have supported them in this long struggle.**

<b>JOIN THE GENERAL UNION ONLINE</b>	
<a href="http://www.generalunion.org">www.generalunion.org</a> click JOIN NOW	
<b>Name:</b>	<b>Employer:</b>
<b>Address:</b>	
<b>Tel:</b>	<b>Email</b>
<b>Or fax this page to 06-6352-9630 (Osaka) or 052-735-9704 (Nagoya).</b>	

# 5th International Migrants' Day in Tokyo

## We appeal for Ratification

*NUGW – Tokyo South*

On December 18, 1990, the International Convention on "The Protection of the Rights of All Migrant Workers and Members of Their Families" was adopted by the United Nations. Recently, 19 countries have ratified the Convention, and only one more country's ratification is needed to enforce it.

**We would like all the participants to share their appeals from a personal point of view and to discuss the issues together.**

On International Migrants' Day, many events are organized all over the world and in Japan. National Network in Solidarity with Migrant Workers has been organizing the International Migrants' Day celebration every year since 1998. The main theme of the gathering this year is "We Appeal for Ratification!"

We would like to make this an occasion for migrants to be able to express their situations and their concerns in varied forms, such as through skits, singing, dancing, or short speeches.

We would like all the participants to share their appeals from a personal point of view and to discuss the issues together.

### Please join us!

**Date:** December 14th, 2002, Saturday

**Time:** 14:00 to 17:30

**Place:** 6F, Labor Square Tokyo (Chuo-ku, Shintomi 1-13-14, 2-minutes walk from A3 Exit at Hatchobori Stn., Hibiya Line or JR)

**Participation fee:** 700 yen

Interpretations in English, Spanish and Korean will be available.

#### Program:

14:00 - Current Status of the Ratification of the Convention

14:30 - Appeal Session: Let's play, sing, dance and talk!

17:00 - Party

Organized by the Preparation Committee for the 5<sup>th</sup> International Migrants' Day in Tokyo.

**Contact:** National Network in Solidarity with Migrant Workers Bunkyo-ku, Koishikawa 2-17-41, TCC2-203

**Phone:** 03-5802-6033 Fax: 03-5802-6034

**E-mail:** fmwj@jca.apc.org

What is International Migrants' Day? It is December 18 when the UN adopted the International Convention. Initially, N.G.O.s and labor unions have been voluntarily celebrating this day to encourage signatories of this U.N. Convention to ratify it, and to promote protection of migrant workers and their families. In 2000, the U.N. officially declared this day as International Migrants' Day.

# No Prep Pay for Berlitz Kids Instructors?

General Union

A few weeks ago, Berlitz released an article in the national press detailing how its expansion will be led by the Berlitz Sesame English Kids Course. For most readers this meant very little, but for Berlitz Instructors, this meant even more unpaid work.

### Needs Basis

The General Union brought up the issue of unpaid preparation time for its Berlitz Branch members at a recent round of Collective Bargaining resulting in the following official reply.

*"We already have a policy, which stipulates that 'Method' units should be paid on a 'needs basis'...the amount to be paid is mutually agreed upon between the Language Center and the Instructor. We believe that our Language Centers have been following these guidelines in keeping with the spirit of this policy and feel there is no need for backdated pay in this regard. We will, however, re-issue this memo to all Language Centers as a reminder."*

The General Union feels that if Berlitz had really checked up on the implementation of this policy then they would know that the majority of Language Centers have not kept with the spirit of it. The General Union will be submitting demands for backdated pay for all members who have outstanding unpaid wages. Some General Union members haven't received 'Method' units for preparing kids lessons for over 3 years and it's time they got their full dues.

## Calling All Instructors

The General Union asks all Berlitz Instructors who have not received 1 'Method' unit for every 4 kids lessons taught to contact the union office on;

**TEL: 06-6352-9619**

**FAX: 06-6352-9630**

**e-mail: [berlitz@generalunion.org](mailto:berlitz@generalunion.org)**

**<http://www.generalunion.org>**

**<http://berlitz.generalunion.org>**



*"Hansford, you can never arrive at a decision.  
I want you to answer the union's pay equity petition"*

# Fukuoka Pension Scandal Tokai News

*Fukuoka General Union*

*General Union – Tokai Branch*

## Updated from the last Union Voice

The teacher involved here was a former MG30 teacher, who contributed enough out of contract lessons to exceed the required number of lessons for pension qualification. The first round of union negotiations produced the following results: The Human Resources Director stated pension calculations for national holidays and paid vacation that differed vastly from the information provided to the General Union before the grievance was filed.

In fact, Berlitz's claims here were so off the mark that not even a full time contract teacher would qualify for the pension. Berlitz also contends that unworked contract lessons do not count towards the pension. This is absurd. The MG30 contract clearly states that

providing contract lessons is the company's responsibility. ("The teacher is available for and will be given 30 lessons of 40 minutes each (20 hrs.) a week". Penalizing a teacher by denying him or her benefits due to unworked contract benefits is a travesty! Allocation of contract lessons is determined by management's ability to procure students as well as the IS's whimsical scheduling of available work.

### The teacher plays no role here.

The HR Director clearly stated that Human Resources communicates information about the pension every year with all employees. This begs the question: How was the pension kept secret from the teachers for so many years at the Fukuoka L.C.? The following may provide some insight.

## Interac

Complaints have recently come to us about widespread late payment of salaries at this company. Has this happened to you? Do you know of other labour standards violations by Interac? Contact us at tokai@generalunion.org without delay.

## Nagoya International Centre

After requests from us and another NPO, Nagoya International Centre has decided to change its policy on the price for the use of pamphlet boxes there. Formerly, all users, whether for-profit businesses or non-profit organisations, were required to pay the same high rate. Now the use of pamphlet boxes will be offered to NPOs at a 50% discount. Thank you NIC: the new policy will greatly aid NPOs like us who provide an essential service to the foreign community with very limited funds.

## Benefit concert

We will be holding our first ever concert to raise money for the GU in Nagoya next spring.

### Details to be announced later.

**Don't miss it!**

# Berlitz Double Fault on Holiday Pay

## The 'No Information' Saga In Fukuoka Continues

The Berlitz system for legally mandated extra vacation pay for out of contract work was changed in 1998 because it was administered illegally.

At the Fukuoka Language Center, this was changed to an even more illegal system: no extra vacation pay for out of contract work. When the change occurred, the IS clearly communicated that henceforth teachers would receive only their contract salary as vacation pay. Therefore, since 1998 no teachers at the

Fukuoka Berlitz School have received extra vacation pay that they are legally entitled to. A chance perusal of the recent, first time ever available Service Manual made the teachers there aware of their ignorance in this regard. The member of the office staff who was formerly in charge when the former system of paying extra vacation pay was in effect, has gone on record that she was never even informed of the new system. So once again, the company that helps the world communicate profits from not communicating legally required information to its employees!

# Contract Indemnity

*General Union*

A General Union member came to us for help after his previous employer withheld 50,000 yen from their final salary. After looking at the teacher's contract we found the offending clause that stated, 'if teacher quits within the first year of his employment by the reason of his own business, Teacher has the obligation to reimburse the cost for PLS training to (company). The 50,000 yen deduction from the final salary was to cover the cost of initial in-house training.

The General Union contacted the company and warned them that their contracts were in breach of Article 16 of the Labour Standards Law that prohibits a fixed fine for breach of contract. The company immediately paid back the fine and removed the clause from their contracts. We shall not be publicizing the name of this company due to their willingness to put right their wrongs.

**Other companies knowingly breaching the law will not be so lucky.**

# Thanks

NUGW would like to thank the following establishments for displaying copies of the National Union "Voice".

**Kanto Area:** Dubliners (Shinjuku)

**Kansai Area:** Balabushka (Shinsaibashi), Bar Isn't It (Abeno), The Cellar (Shinsaibashi), Dubliners' (Kobe), Pig and Whistle (Kyoto, Shinsaibashi & Umeda), Ryan's Irish Pub (Sannomiya), Someplace Else (Shinsaibashi), Tin's Hall (Tennoji), Tramps (Kyobashi), Rumours (Nara), Bar and Grill Pump (Shinsaibashi), Green Leaf, Rakkan (Shinsaibashi), Community House Information Centre (CHIC-Kobe), Kitano, Kitano Catholic Church (Umeda), Murphy's Irish Pub.

**Nagoya Area:** Jerry's Uno, Queen's Head, Pub Restaurant Usquebaugh, Bumphy's Irish Pub, Marky's, Pelican Pete's, The Lazy Lizard, Kakuoan Bar, The Exit, The Book Shack, Tokuzo, Jazz Room Exit, Nagoya International Centre. The Elephant's Nest, Red Rock Bar and Grill, Dos Delfines, Desperados.

**Fukuoka Area:** Sakae Sushi, The Hacienda.

**Okayama Area:** Varie Mitsukete Bar

# Grievances Resolved in Nagoya

## *We force schools to obey the law*

*General Union – Tokai Branch*

**Bohme Academy** Readers of last month's newsletter will remember the report of a labour law violation by the Bohme Academy in Ichinomiya City, Aichi. This small EFL operation owes its fifteen minutes of fame to the fact that it fired one of our members without notice and without paying a dismissal allowance, contrary to the Labour Standards Law. We told the owner, Steven Bohme, repeatedly that he would have to pay the dismissal allowance and enrol our member in Unemployment Insurance. He wouldn't listen. He seemed to believe that he could just set aside the parts of the law that didn't suit him. Then, in a conversation with a GU staff member, he declared that he was only concerned to do "the right thing". He added that he would put all the financial resources of his company into fighting the Union's "challenges", i.e. into avoiding compliance with Japanese law! After we'd stopped laughing, we went to Ichinomiya Labour Standards Office and Hello Work and filed a complaint on our member's behalf. Bohme's posturing and big talk didn't last long. After the LSO ordered him to pay the dismissal allowance Bohme meekly complied. If only he had listened to us and spared us the trouble of filing a complaint at the LSO, we wouldn't be naming him as a lawbreaker here. This newsletter is, incidentally, distributed all over Japan and read both by people seeking employment at conversation schools and by members of the press.

Let that be a warning to other employers suffering from delusions of grandeur. If the labour laws here don't suit you, then go and do business in another country where they do. You can't rewrite them as you wish. If you break the law, we shall find out and act to make you obey it.

**A Small English School in Nagoya** This year we have received complaint after complaint about a small school situated only a few minutes' walk from our office in Nagoya's Chikusa Ward. Let's call it "School H". We recently intervened to resolve two grievances there.

**Grievance #1** A teacher resigned because of a manager's continued rudeness and intimidating behaviour. She had become so scared of him that she could no longer

continue working at the school. The school decided to penalise her for quitting by imposing a ¥100,000 penalty and deducting from her last salary the airfare it had paid for her. After we told the school that the ¥100,000 penalty was illegal under Labour Standards Law Article 16, it refrained from imposing it. We also pointed out that the manager's unprofessional behaviour and the school's illegal working conditions (no paid flexible holidays, no unemployment insurance) had given our member valid reasons for quitting, so the school should not deduct the airfare either. After negotiation, the school agreed to deduct only half the cost of the airfare, on the grounds that our member had worked half of her contract term. Our member agreed to this. Finally, the sum the school deducted was only one third of what it had originally threatened to.

**Grievance #2** At the end of August School H fired a teacher without notice or payment of a dismissal allowance. After we warned the school that we would file a complaint at the Labour Standards Office and publicly name the school as a lawbreaker, it paid the allowance.

That's not the end of the story, however. We know that that school H has not acknowledged any problem with the behaviour of its manager towards female staff (although four of them have complained about him). Nor has it accepted that its working conditions are illegal. For example, the owner, Ms O, has denied that the company's paid holiday system is out of line with the Labour Standards Law. In fact, the teachers' contracts say that they are not entitled to paid holidays outside periods set by the school, although the law says that workers must be given paid holidays at a time of their own choosing. In addition, Ms O lied to a GU staff member when he asked her if her full-time teachers were on unemployment insurance. She said that they were, "because we're a good company" ("ii kaisha dakara"). Well the teachers who came to us told us different, and so did Mr Ito of Nagoya Hello Work. According to him, on November 1, 2002, none of the company's teaching staff was enrolled. Did you think we wouldn't check, Ms O? Do you think we believe that School H is a good company? NO, WE DO NOT.

Because you resolved the grievances before we had to go the LSO, we shan't name your school THIS TIME. However, this is the last warning you will get. If any more grievances come to us from your employees, then we will file complaints with all the competent authorities (LSO, Hello Work, Immigration), inform your dispatch clients (we have a list of their names and numbers) of the problems at your company, and name and shame you in the press and on the Internet, here and in Australia, where you recruit many of your staff. So why not just treat your teachers decently, like human beings, and offer legal working conditions? Wouldn't that be a lot easier than intimidating them and trying by duress to keep them from quitting?

We are still dealing with two more grievances in Nagoya:

**Kids' House** This is an English-language pre-school which fired a GU member in September. Yet again, the firing was without notice or a dismissal allowance. In October, the school refused our request to pay the allowance. In November, when we met the employer, a Ms Yoshimi Qureshi, to discuss the grievance, her husband shouted at our member "If you tell wrong thing [sic], I will beat you". There were four witnesses to this outburst. Ms Qureshi did not seem to find such a threat of violence towards another woman unacceptable. Remember that Kids' House is a pre-school. We wonder if Mr and Ms Qureshi are fit people to be around children.

**Tsubasa International Pre-school** also fired a teacher without notice in September. Once again, the employer, Mr Kasai, ignored the requirement to pay a dismissal allowance. He also ignored two letters from GU Tokai. When we telephoned him, he said that under his company's terms of employment he was not required to give notice of dismissal. When we pointed out that under the Labour Standards Law he *was* required to do this, he just put the phone down. So now we shall have to file an official complaint for a labour standards violation and name Tsubasa International Pre-school as a lawbreaker.

**More news on these grievances in a future issue.**

# Voice

ナショナルユニオン

“Voice”の紙面

- ◇ 国際移住労働者デー
- ◇ Y M C A 争議報告
- ◇ 日仏学館、仏政府と和解
- ◇ ベルリッツで未払賃金

2 0 0 2 年 1 2 月 号

ゼネラルユニオン(関西・東海)、全国一般東京南部、福岡ゼネラルユニオン、熊本ゼネラルユニオン、仙台外国語教員労組

## 日仏学館 謝罪 雇用継続で勝利

## Love FM

Love FM 闘争

勝利的な和解を勝ち取る

ゼネラルユニオンの支部への不当労働行為で、昨春、シラク大統領を大阪地労委に訴えた関西日仏学館争議が、労組の全面勝利で解決した。組合結成当初の不当な支配介入への提訴と新聞報道で注目されたが、すぐに仏政府は、前代未聞の労組宛の謝罪文を提出した。

だが、学館の建物改築を口実にした雇い止めが浮上し、団交と地労委が長期化していた。労組はフランス語生徒の勉学と、フランス人・アルジェリア人ら講師の雇用継続をめざし、京都での代替教室の会場確保なども実現させてきた。その後仏領事館での交渉を経て、「工事中も工事後も、組合員の雇用を継続する」との勝利協定が12月6日に結ばれた。同時に、組合を敵視してきた館長【仏文部省官僚】は、パリの政府から解任された。

これは外国政府にも労働法を守らせ、雇用責任を取らせる大きな成果となった。

福岡ゼネラルユニオン  
書記長 川口 英治

11月27日に開催された福岡のLove FM局との交渉において、勝利的な和解を勝ち取りました。和解の内容は、以下の通りです。

1. 会社は組合員に対して、本件紛争の原因が、両者間に明確な条件を記載した契約書が作成されていなかったことを認め、遺憾の意を表明する。
2. 会社は組合員に対して、解決金を2002年12月20日までに支払う。
3. 会社は、雇用保険の受給に協力する。

解決金の内容は、2か月分の賃金保障、2年間分の有給休暇の買取り、未払交通費の支給です。要求の全てが取れた訳ではありませんが、裁判闘争や実力闘争を検討しながらのギリギリの交渉の中で、Love FMに最大限の譲歩を引き出すことが出来ました。

また、この間の契約書の不備に関する“謝罪”および雇用労働者の権利である失業保険を勝ち取ったのは、大きな成果だと思います。

「業務委託ではなく雇用契約であった」という回答書はありませんが、年休や雇用保険の実施は、雇用契約に基づく権利を勝ち取ったと思います。この勝利的な協定の締結を以って、Love FM闘争を終結します。この間の皆様の支援に重ねて御礼を述べます。ありがとうございました。尚、Love FM闘争勝利報告会などにつきましては、改めてご連絡いたします。

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