

JAPAN¹²⁴

El affiliates

Japan Teachers Union (JTU)

Other unions

ZENKYO All Japan Teachers and Staff Union

ZEN-NICHIKYOREN National Teachers' Federation of Japan

Union Density Rate

around 30% of the formal workforce

Ratification

- C. 87 Freedom of Association and the Protection of the Right to Organise (1948) ratified 1965
- C. 98 Right to Organise and Collective Bargaining (1949) ratified 1953
- C. 100 Equal Remuneration (1951) ratified 1967
- C. 144 Tripartite Consultations (1976) ratified 2002

Introduction

The Japan Teachers Union covers approximately 30% of teachers and education employees of national, public and private kindergartens, primary, secondary and higher education institutes. The membership also includes employees of other education related institutions, such as the hospitals which are operated directly by the Mutual Aid Association of Public School Teachers.

The JTU was founded in 1947 and is certified by the Central Labour Relations Commission. Its aims are to:

- (1) secure the social, economic and political status of teachers and education employees;
- (2) democratise education and achieve academic freedom;
- (3) contribute to building a democratic state that respects peace and freedom.

The JTU has a biennial Congress, a Central Committee and a Central Executive Board. JTU has the following divisions: the kindergarten division; the disabled children education division; the youth division; the women's division; the clerical staff division; the school nursing teachers division; the non-clerical workers division; the nutrition teachers/staff division; the interns division; the secretaries and employees of JTU division; the school library ad-hoc committee and the temporary teachers and education employees ad-hoc committee.

¹²⁴ Grateful acknowledgements to Hiroaki Akaike, director Japan Teachers' Union and Tamaki Terazawa, International Affairs Department, who provided valuable information and comments for this country study



Status of teachers

Teachers in the State sector are local public employees. At elementary and middle school level, the municipal education board supervises the profession, while prefectural authorities appoint teachers and other staff and pay their salaries.

Freedom of Association

The Constitution recognises the right to organise and to collective bargaining but these rights are restricted in the case of public employees, state-owned industry workers and in private companies which are considered to provide essential services. The police, prison staff, fire services, Coast Guards and Armed Forces do not have the right to organise. National and local public sector workers do not have the right to strike. Public workers, who incite others to strike, are subject to fines, imprisonment or other disciplinary measures.

The Local Public Service Employee Act has a trade union registration system, whereby a separate public employee trade union must be established in each administrative district. Hence, teachers' organisations can only be composed of teachers and the related clerical or administrative staff from a given local authority. The Special Act for Education Personnel specifies that separate teachers' organisations can be formed on a municipal and a prefectural basis.

Collective bargaining

Wages and working conditions are established based on the annual recommendations of the National Personnel Authority and local personnel commissions. Based on these recommendations, the prefectures negotiate with unions to decide the details of the wages. National government provides one third of the wages and each prefecture two-thirds. Teachers in the public sector only have the right to participate in negotiations but they do not have the right to sign collective agreements. In order to take part in negotiations with the local authorities, the following conditions must be met:

- There is a legal Constitution;
- the accounts and accounting system is in order;
- official elections have been carried out;
- The union members all come from the same municipality.

Negotiations cover the following issues:

- wages and bonuses; working hours and rest periods; holiday leave;
- criteria for promotion; job transfers; temporary leave; disciplinary procedures and dismissals;
- occupational health and safety and accident compensation;
- other working conditions.

Teachers in the private sector are covered by the basic labour rights as other private sector workers, including the right to collective bargaining. However, in practice, there are more than a few schools which do not follow the labour laws.

Social dialogue

Social dialogue on education policies is not well-developed. The CEART carried out a fact-finding mission to Japan in 2008 and reported that consultation processes were limited. For example, issues related to teachers' performance appraisals and merit assessments were defined as management and operational matters, as stipulated in the Local Public Service Law, and were therefore not subject to consultation. CEART noted that the unions considered that consultations were often "pro-forma hearing with no intention to alter policies or decisions." They also noted a widespread feeling of frustration and marginalisation attributed to the lack of information sharing.¹²⁵

In 2002, the Japanese trade unions filed a complaint to the Committee on Freedom of Association¹²⁶ concerning the lack of collective bargaining rights for public employees, which is still on-going.

Trends since the 2008 financial crisis

Since 2008, there have been no major changes in the right to freedom of association and collective bargaining for teachers, although there have been a series of proposals concerning reforms to the civil service and other public employees.

In 2008, the Civil Service reform law was enacted, with the intention of expanding the scope of public employees with the right to conclude collective agreements. Based on the provisions of the Reform Law, the Headquarters for Promoting Civil Service Reform was established in the cabinet of the Prime Minister, and an Autonomous Labour Employer Relations Reform System draft proposal released in 2010. Four bills related to Civil Service Reform were drafted together with a Basic Concept of the Labour–Employer Relations System for Local Public Service Employees.

In 2010, the government also announced that it would consider granting the right to organise to fire services workers but the proposal was subsequently laid aside.

In November 2012, following the inauguration of the Democratic Party government, a bill for the provision of the right to conclude collective agreements for public employees was introduced into the Lower House. However, when there were new elections, the Liberal Democratic Party came back to power, and the bill was withdrawn.

¹²⁵ Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) Report of the Fact-finding mission to examine allegations of non-application of the Recommendation concerning the Status of Teachers in Japan 20-28 April 2008 p. 26

¹²⁶ ILO Committee on Freedom of Association Case No 2183 Japan



The JTU and other public sector unions continue to seek to obtain basic labour rights. In June 2012, the ILO Committee on Freedom of Association repeated its earlier recommendations to the Japanese government, requesting them to take measures with respect to:

- (i) granting basic labour rights to public servants;
- (ii) granting the right to organise to firefighters and prison staff;
- (iii) ensuring that public employees not engaged in the administration of the State have the right to bargain collectively and to conclude collective agreements, and that those employees whose bargaining rights can be legitimately restricted enjoy adequate compensatory procedures;
- (iv) ensuring that those public employees who are not exercising authority in the name of the State can enjoy the right to strike, in conformity with freedom of association principles, and that union members and officials who exercise legitimately this right are not subject to heavy civil or criminal penalties; and
- (v) the scope of bargaining matters in the public service.¹²⁷

Education expenditure and GDP growth

% of government expenditure on education	% GDP spent on education	GDP % Growth
2007:		2.0%
2008: 9.4%	3.4%	-0.7%
2009:		-5.2%
2010:	3.8%	3.9%
2011		-0,7%

Source World Bank/IndexMundi

¹²⁷ see *Interim Report Case No 2183 Japan Report no 363 March 2012* http://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:3057186