

Attn: ILO Executive Secretary

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In 2017, the Local Public Service Act was revised by the Japanese government. We believed that the revision of the act unilaterally deprives non-regular local government employees of their basic labor rights supported by their labor unions and is in clear violation of Conventions 87 and 98 ratified by the Japanese government. Therefore, we filed a petition with the Committee on Freedom of Association on May 24, 2017, seeking the protection of labor rights of non-regular public employees. However, in November 2018, the petition was rejected by the Committee on Freedom of Association. So, we provided information on the issue to the Committee of Experts on the Application of Conventions and Recommendations in 2019 and continued to do so in 2020 and 2021.

The 2017 revision of the Local Public Service Act has caused serious problems not only in terms of basic labor rights but also in terms of employment policy. The government (the Ministry of Health, Labor and Welfare) revised the Labor Contract Act and the Fixed Term and Part-Time Work Act in order to achieve employment stability and equal treatment of non-regular workers in the private sector. However, for

non-regular local government employees, the government has adopted a policy that is what we claim the exact opposite of these employment policies, resulting in employment instability and discriminatory treatment. The reason for this is that the Ministry of Internal Affairs and Communications (MIC) is in charge of labor policy for non-regular local government employees, a structure that makes it difficult for the Ministry of Health, Labor and Welfare (MHLW) to intervene.

Therefore, we have decided to provide information from the perspective of the Employment Policy Convention No. 122, focusing on the government policy that has led to employment instability among non-regular local government employees. Please refer to the following "Provision of Information on Employment Policy Convention No. 122" for the specific details.

We strongly request that the Expert Committee present its "Observations" on the achievement of decent work in order to change the Japanese government (the Ministry of Internal Affairs and Communications) policy that is destabilizing the employment of non-regular local government employees.

**That is all.**

**Provide information to the Committee of Experts on Employment Policy Convention No. 122**

**<Specific items for which we seek views from the Committee>**

**1. The government (the Ministry of Internal Affairs and Communications) should allow "renewal" of employment contracts of non-regular public employees as in the past and withdraw the advice that "annual open recruitment is mandatory," which places excessive burdens on those employees.**

**2 Cancel the "triennial open recruitment process" that many local governments are planning to implement at the end of this fiscal year.**

**3 Realize indefinite-term employment of non-regular public employees in accordance with the "principle of permanent employment" of the Public Service Act. At least, apply the "right concerning conversion to indefinite-term employment" in the Labor Contract Act to non-regular public employees.**

**<The Japanese Government's Basic Employment Policy on Part-Time Workers >**

The 2013 Japanese Government Report on Employment Policy Convention No. 122 states that with regard to non-regular workers, "Problems such as unstable employment and low wages have been pointed out, and in order to eliminate the polarization between regular and non-regular workers, it is important to promote the conversion of non-regular workers who want to become regular employees to full-time employment status. We believe it is important for society as a whole to create an environment in which workers, whether regular or non-regular, can live without any worries. This is the basic recognition of the "Basic Policy for the Establishment of a Workers' Welfare System.

Based on the recognition, the Report also provides for "(1) a mechanism to convert a fixed-term labor contract to a contract with no fixed term upon the worker's application when the contract is repeatedly renewed, (2) legalization of the principle concerning suspension of employment established by judicial precedents (the rule that the employer is not allowed to suspend employment in certain cases), (3) revision of the Labor Contract Act to establish "rules prohibiting unreasonable differences in working conditions between workers with fixed-term contracts and workers with indefinite-term contracts, which is to come into effect in April 2013."

**<The Situation of non-regular public employees>**

However, the results of these amendments to the Labor Contract Act do not apply

to non-regular public employees. This is because the Labor Contract Act, which aims to stabilize the employment of non-regular workers, and the Part-Time Work and Fixed-Term Work Act, which prohibits discriminatory treatment concerning working conditions, do not apply to public employees. As a result, non-regular public employees are subject to employment policies made at the discretion of their employers, the national government and local governments.

There are approximately 150,000 non-regular public employees in the national government and 1,125,746 in local governments. Since there are 2,762,020 regular public employees in local governments, the percentage of non-regular public employees in local governments has reached 30.0%. Of the non-regular public employees in municipalities, 76.6% are women, and in many municipalities there are almost equal numbers of regular and non-regular public employees. These non-regular public employees are excluded from the basic principles of civil service legislation, such as "permanent employment," "guarantee of status" and "adequate wages and working conditions," and are also excluded from general labor legislation. We have called them "irregular public employees" who are "caught in between laws".

We, as a labor union, have been working hard to achieve employment stability, reduce wage discrimination and improve working conditions of these irregular public employees. Our common slogan is "Establish a system for employees with no fixed term who engage in short-time working!" and "Apply the Labor Contract Act and the Act on Part-Time and Fixed-Term Work!"

#### <Problems with the 2017 Revision of the Local Public Service Act>

1 **Switching most of the non-regular public employees of the local governments to newly created employment category called "fiscal year appointed employees" and making "one-year term of office" a statutory requirement**

(1) Japan's civil service legislation stipulates "in principle" a "life term. The only exception was the provision of "a term of office of one year or less" for "temporary duties to be completed within one year. In this sense, the Public Service Act has adopted a regulation that restricts fixed-term employment.

(2) However, the Ministry of Internal Affairs and Communications (MIC) has overstepped the principles of the Public Service Act and revised it to introduce a "one-year term of office" for permanent, non-temporary duties through the establishment of a fiscal year appointment system. This was a transformation of the Public Service Act. This is despite the fact that fiscal year appointed employees are engaged in permanent and continuous duties such as those at schools,

libraries, nursery schools, childcare centers, community centers for children and citizens affairs divisions, and various consultants.

- (3) Why? It is because a local government can easily terminate employment contracts of those workers at its convenience. One of the reasons for termination of employment is changes in workload. Local governments also terminate those employees to promote outsourcing work to the private sector and to secure job openings for retired regular employees. The biggest problem is that arbitrary personnel evaluations are actually being used to stop the hiring of those who are unable to work due to maternity, childcare, or sick leave, those who are enthusiastic about union activities, and those who are unafraid to express their opinions to their supervisors.

## **2 Changing the interpretation of the conventional "renewal" to "annually reappointed" and advising "triennial open recruitment"**

- (1) Until now, municipal non-regular public employees have continued to be employed by means of "renewal" of their contracts even if they were employed for one year. However, the Ministry of Internal Affairs and Communications took the opportunity of the revision of the act to change the interpretation to "open recruitment every year," instead of allowing "renewal" of their contracts. The aggressive change in interpretation has resulted in the treatment of even long-serving veteran employees as new hires, with a "probationary period" each year, an operation that offends the dignity of workers.
- (2) The change in interpretation results in the following procedure: "Non-regular public employees are terminated every year  $\Rightarrow$  New applicants compete for the positions through open recruitment every year. Therefore, whether they are hired again is at the discretion of the local government authorities. At the end of each fiscal year, fiscal year appointees face the anxiety of "Will I continue to be employed?"
- (3) However, the process of annual open recruitment involves an enormous amount of paperwork: application  $\Rightarrow$  document screening  $\Rightarrow$  interviews and examinations  $\Rightarrow$  hiring decision. The Ministry of Internal Affairs and Communications (MIC) has therefore proposed a "triennial open recruitment system." Under the system, the "one-year term will be renewed twice based on the employees' performance, and after three years, the positions will be filled through open recruitment". According to the 2020 MIC survey, 42.3% of the local governments accepted the MIC's advice and adopted an open recruitment system, such as a triennial or

quinquennial recruitment system, and 42.2% of the municipalities chose the annual open recruitment system.

(4) As a result, many non-regular employees currently working on the front lines are voicing concerns about continued employment and are being mentally pressured. This is also known as the "power harassment open recruitment system" because it makes it difficult for an employee to be hired unless he or she is obedient to his or her supervisor, who in effect has the authority to hire. After the end of this fiscal year, hundreds of thousands of fiscal year appointees are about to be subject to termination because of open recruitment.

(5) The "triennial open recruitment system" is modeled after the preceding national system for term-time employees. The Federation of National and Public Workers' Unions (\*Japan Federation of National Service Employees), to which national fixed-term government employees belong, has launched an "online petition for the conversion of non-regular public employees to indefinite-term employees" and submitted the petition to the government on May 27, filing demands from those employees working at the front lines.

### **3 Revision of the law that runs counter to the points raised by the court and without social dialogue**

(1) In a 2007 case involving the termination of employment of a childcare worker in Nakano Ward, Tokyo, the Tokyo High Court ruled that "in this case, although there is no difference in substance between an employment contract in private law and an appointment under public law as the plaintiffs claimed at the lower court trial, it is indeed unreasonable that workers are treated differently from legal perspective and that workers appointed under public law are at a disadvantage compared to those who work under employment contracts in private law." The court also found that "laws need to be developed to reflect the substantive aspects of the appointments of part-time employees who have been appointed under public law on a recurring and continuous basis." However, the MIC responded by revising the existing law in a manner that runs counter to reality, neglecting to strengthen the legal system in line with the actual situation, as pointed out by the court. In addition, the MIC also changed the interpretation to "annual open recruitment, not renewal" in order not to lose the court case.

(2) In the first place, the postwar civil service legislation started out with the uniform application of labor laws, regardless of the distinction between public and private law. The Labor Standards Act and the Labor Union Act were applied across the

board. However, exemptions from labor laws were set forth in parallel with the deprivation of basic labor rights, and the trend has accelerated in recent years.

(3) The application of labor laws to public employees and exemptions from the application of labor laws are so complicated that even legal experts have difficulty in understanding the entire process. It is all Greek to non-regular public employees. There are so many things that we utterly do not understand. The complicated civil service legal system, which makes it impossible for public employees to understand their own legal status, must be changed.

(4) Furthermore, the principle of tripartite consultation, which is a social dialogue on the revision of laws, has been neglected. In the revision of general labor laws, the Ministry of Health, Labor and Welfare serves as the secretariat and the "Labor Policy Council" comprising representatives of public interest, labor and management deliberates upon the revision. However, there is no such council for the revision of the Public Service Act. The situation, which is contrary to the purpose of Article 3 of the Convention and Article 144 of the "Tripartite Consultative Convention" ratified by the Japanese government, must also be corrected.

### <Conclusion>

As mentioned above, the abolition of the "triennial open recruitment system" and the introduction of a system of converting non-regular employees to indefinite-term status are the earnest wish shared by non-regular public employees in both the national and local governments. We sincerely hope that the expert panel (CEACR) will express its views and urge the Japanese government to establish an employment policy that will stabilize the employment of non-regular public employees, the majority of whom are women, and enable them to continue to work without undue worries.

Please refer to the attached reports from our four labor unions and two support organizations to understand the plight of non-regular public employees.

## Attached Reports

Rentai Union Suginami  
President, Tadachika Kinoshita

With regard to Convention No. 122, I will report on the situation in Suginami Ward after the enforcement of the revised Local Public Service Act.

1. The ward office terminates non-regular workers every year even though the jobs they were engaged in continue. Every year, a specific probationary period is set for fiscal year appointees.

Firstly, take a look at the types of workers who support Suginami Ward Office. You will find that those who support public services are by no means the only regular workers.

Full-time employees and former employees		Fiscal Year Appointed Employees (All part-timers)		Specially appointed part-time workers★4	Third party workers
Full-time employees	Reappointed ex-employees★1	Constant business★2	Temporary business★3		
3,309	445	2,337	209	976	3,986
3,754		2,546			
Totals					11,262

Figures except those for third party workers -- as of April 1, 2022. Figures for third party workers -- as of April 1, 2021.

If a job duty is accomplished within one year, it will be a temporary appointment. There were 209 non-regular employees (★3) who were employed for only one year. On the other hand, there were 2,782 non-regular employees who were engaged in general service (★1 ~2) (of which 2,337 were not ex-employee★2) and 976 were



in special service positions (★4) that are considered "one-year appointments" even though the jobs to which they were assigned are continuous ones.

To put it simply, more than 3,000 people are dismissed every year even though the jobs they are engaged in are maintained.

What would be the problem if this wasn't the problem?

Special service positions mean occupations in which appointees are not engaged exclusively. Typical occupations in the category are school physicians (doctors) and legal counsel (lawyers), who have other stable sources of income.

The situation of ★2 people is serious. (★1 people are those who were originally regular employees and also received retirement benefits). The ★2 people, unlike the ★1 people, have a "1 month probationary period" every year.

The system has caused excessive anxiety among ★2 non-regular employees. Regular employees in charge of grading employees on probation have also been affected by heavy workloads and are feeling psychologically distressed.

For example, the evaluator is usually a manager, but in some workplaces, a single manager has to evaluate more than 100 employees on probation, and eventually, a chief clerk-level employee who is not a manager is forced to evaluate some of those workers to assist the manager.

Regular employees who just assumed their posts in April and have no idea about the situation of the parties involved sometimes conduct evaluations. Both the evaluator and the person being evaluated undoubtedly feel psychological burdens.

Of the fiscal year appointed employees (★2 and 3), 80% are women and 70% live in the ward. The figures shed light on the issues of gender inequality and regional employment.

## **2. After 6 years, non-regular staff are hired through the "open recruitment" process.**

I addressed the issue of the "triennial open recruitment" system in the opening graphs of the report.

In the case of Suginami, it is sexennial. Although the number of non-regular workers affected by the open recruitment system varies depending on the year, 300 to 400 people are covered by the system every year. ★2 non-regular employees are subject to the system.

The ward office operates the system to screen non-regular employees periodically, even though we have a system of rehiring every year. In Suginami, the system has

been functioning to stifle our union's struggle for improving working conditions of non-regular employees -- the function to forestall and break the unity of the union.

The system, which has been in place in Suginami since the late 1980s, is the worst system that inflicts emotional upsets and distress and mental pressure on non-regular employees, and coerce them into hesitating to make legitimate requests for fear of not being hired. Under the system, they are harassed by supervisors who have the authority to hire employees, and feel compelled to curry favor with their supervisors.

After all, we have employees who have professional knowledge, experience and skills required to do the jobs and trusted by their colleagues in the workplace apply and compete with new applicants.

While some people reapply and are rehired, there are workers who are not rehired at the discretion of their supervisors, ostensibly because of their work performance or age.

Municipal officials will say to workers who protest: "I didn't fire you, I just didn't hire you."

### **3. People in the hot seat are the people who need basic labor rights**

On March 31, 2020, the Japanese government unilaterally deprived 220,000 part-time employees nationwide, including those in Suginami Ward, of their basic labor rights under the revised Local Public Service Act. In Suginami, ★2 employees became the initial target of the government measure (see the 2017 petition by our union and three other organizations).

As the result, their basic labor rights are restricted in the same way as those of full-time regular employees. However, compensatory measures similar to those for full-time employees are not fully guaranteed for non-regular employees (e.g., guarantee of status, exclusion from recommendations of the personnel committee, etc.).

### **4. To the Committee of Experts**

We hope that you will again strongly urge the Japanese government to immediately ensure basic labor rights of non-regular public employees as you did in 2020 and 2021.

And at the same time, we request that you make strict recommendations based on the purpose of Convention No. 122 with regard to the following issues.

- (1) the fact that a large number of non-regular workers are being dismissed every year.
- (2) the practice of intimidating and discharging non-regular workers through open recruitment (triennial, sexennial and so on)
- (3) the rule concerning conversion to indefinite-term employment contracts in the private sector is not applied to non-regular public workers.

**Thank you very much.**

**Union Rakuda (Kyoto Municipality Related Workers' Independence Union)  
Masanori Urabe**

## **1. Introduction!**

Effective on April 1, 2020, the Japanese government has institutionalized the fiscal year appointment system, depriving non-regular public employees working for local governments of their basic labor rights and leaving them with insufficient guarantee of status as public servants. In response to the information we provided, the ILO Committee of Experts expressed strong concern to the Japanese government.

Furthermore, the Japanese government does not apply the continuous employment system to fiscal year appointed employees. This has left those employees in an incredibly precarious state. Private-sector workers are legally guaranteed continued employment, as a matter of course.

The main purpose of providing the information to the ILO experts is to request that they present their views to the Japanese government on this matter as well.

## **2. Labor union activities in Kyoto City prior to the adoption of the fiscal year appointed employees system!**

For 30-something years until March 31, 2020, we were specially appointed part-time

contract employees to whom the labor union act applies. We formed a labor union called Union Part-Time Contract Staff Section and engaged in union activities.

When collective bargaining with city officials hit an impasse, we went on strike and filed a petition to the Labor Relations Commission over the municipality's insincere attitude towards negotiations. Through such union activities, we have progressively improved working conditions over the years.

We bargained collectively with the municipality every year over working conditions for the coming fiscal year. At the same time, we confirmed during collective bargaining that we will continue to be employed in the following year. Why? Because it is completely meaningless to negotiate about working conditions for the next year when there is no guarantee of continued employment. Therefore, it was a great relief for us to be able to confirm the continuation of employment for the next year through collective bargaining.

### **3. Our situation since April 1, 2020**

However, the institutionalization of the fiscal year appointment system has deprived us of our basic labor rights by means of the following classifications -- "one-year appointment," "reappointment," "open recruitment after fourth reappointment," and "annual open recruitment for those aged 65 and over," which means that we can no longer confirm continued employment for the ensuing fiscal year through collective bargaining. The introduction of a "personnel evaluation system" has also made it impossible to confirm the continuation of employment for the coming year.

Under the "personnel evaluation system," the lowest evaluation or disciplinary action (if not dismissal) will affect "reappointment" and result in job loss. This is something that does not happen to regular employees. The "personnel evaluation system" was introduced for the purpose of "improving the capabilities of fiscal year appointees and vitalizing the workplace" of those employees. But evaluation is only for the relevant fiscal year, and no matter how good the evaluation is, it is not taken into consideration when determining "reappointment".

To give a specific example, a fiscal year appointed employee who received a good evaluation in the last fiscal year (FY2021) and reached 65 lost his job as a result of open recruitment even though he wanted to continue to work. A retired executive was rehired instead of the employee. In order to "reappoint" the retiree, the long-serving fiscal year appointed employee was dismissed. All fiscal year appointed employees will be at risk of losing their jobs at the end of FY2023, when their "fourth reappointment" expires. That is very worrisome.

The fiscal year appointment system is terrible because it allows the appointer to make arbitrary decisions and wield make-or-break power over fiscal year appointees. Thus, fiscal year appointed employees with the fear of being dismissed are forced to obey their appointer and department heads and make even more strenuous efforts to perform their duties. They hesitate to use sick leave when they need. Overwork becomes a norm and there are cases in which fiscal year appointees quit their jobs because of illness. In turn, this can have a major impact on labor union activities, as fiscal year appointees are hesitant to speak up and join labor unions.

In addition, the personnel authorities are not committed to resolving the problems, saying "demands for continued employment" and "refusal of reappointment" are matters concerning municipal administration and thus do not fall within the scope of collective bargaining. Fiscal year appointees are not allowed to file a complaint with the Labor Relations Commission, an agency vested with the power to safeguard employees' rights to organize and resolve labor disputes, alleging the municipal authorities engaged in bad-faith collective bargaining. The Personnel Relations Commission, an agency to be responsible for personnel matters affecting employees, states that "refusal of reappointment" is not an administrative disposition and that since the employee has lost his/her status, he/she is not entitled to seek relief. Fiscal year appointees have nowhere to file a request for redress or file a complaint. The situation not only hampers labor union activities, but also increases anxiety of those workers about employment and living. We are at a loss what to do. We believe that a possible solution is for the Japanese government to grant fiscal year appointed employees the basic labor rights and guarantee continued employment -- the legitimate right of workers.

### **Finally!**

As I mentioned in the introduction, I hope that the ILO Expert Committee will be sympathetic to the plight of fiscal year appointees who are not guaranteed continued employment, feel insecure about their life, and are discouraged from engaging in trade union activities. We also hope that the committee will urge the Japanese government to provide them with the same rights as their private sector counterparts. We would appreciate if you could express strong concern to the Japanese government to ensure that these employees are offered continued employment similar to that of private-sector workers.

## Rentai Workers Union Itabashi-Section

Yukiko Takai

Rentai Workers Union Itabashi-Section is a labor union comprising "fiscal year appointed employees" working at Itabashi Ward Office.

As of April 2022, Itabashi Ward had 3529 full-time employees. And 1155 (971 female and 184 male) were working as fiscal year appointees.

In 1994, a "contracted employee" working at a children's center joined a local joint labor union, the Solidarity Workers Union, after being notified that her working days would be reduced.

As a result of negotiations with the ward office, it was confirmed that the employee was a worker subject to the Labor Union Act and the Labor Standards Act, and it was decided that the employee would be assigned as a "specially appointed part-time employee. "

Subsequently, we could exercise our basic labor rights until March 2020, and achieved stable employment and improved working conditions.

Two of the most important points were as follows.

(1) In 2005, the "temporary staff" who were working at the after-school care facilities were designated as "specially appointed part-time employees. Concerning temporary staff, it was stipulated that they have to leave after working for one year, even though the job duties they engaged in continue.

(2) When the operation of all after-school care facilities was outsourced to the private sector in 2016, we made it possible for specially appointed part-time workers at those facilities to work at community centers for children to secure the employment of the employees.

The top priority for any worker is maintaining his or her job.

After the decision to amend the Local Public Service Act in 2017, the ward office continued to discuss with us working conditions of "fiscal year appointed employees." However, they continued to stick to the instruction of the Ministry of Internal Affairs and Communications (MIC), which stated "there is no need to consult with the labor union. The municipalities have only to provide information. " The union grilled the ward office about the unfairness of its stance, got the office to enter into "collective bargaining," and worked out working conditions suitable for those workers. The biggest problem at that time was the proposal to introduce a system to limit the frequency of reappointments to five consecutive times without open recruitment. The

proposal was made under the influence of the MIC instruction.

The ward office explained that this is in line with the principle of fair and equal treatment to allow many people to apply for a position, and that even in such a case, a person who had previously taken up the position can reapply.

We argued that "we are not opposed to open recruitment in case of hiring new staff. However, there is absolutely no reason to dismiss an employee who has worked for five years." We also argued that "if the employee was terminated, it would "destroy the livelihood of the employee who continued to carry out ward office work and even deprive him or her of willingness to work. " We continued to oppose the introduction of the new system no matter what compromise was offered by the ward.

The "specially appointed part-time employees" could in principle renew their contracts for one year, and the average continuous employment period of these workers working at the community centers for children at that time was 13 years. Therefore, the proposal was not at all acceptable to the union members who continued to work while making use of their experience and improving themselves.

The union demanded that the proposal be retracted not only at the collective bargaining session but also on various other occasions. As a result, the majority of the ward assembly members expressed their opposition to the introduction of the system for limiting the frequency of reappointments of specially appointed part-time workers, saying that the presence of experienced workers is important for business operations. The ward office withdrew the proposal and decided not to introduce the system.

Thus, Itabashi Ward currently has no "system to hire staff through open recruitment after the employment period of a non-regular employee reaches a certain number of years." Concerning this point, there is no issue to be discussed. However, the "fiscal year appointment system" is regarded as "the appointment for single fiscal year" even if the duties continue, and there is a risk of "not being reappointed" due to "conditional employment," "performance evaluation," or "warning action. The risk of a non-regular employee losing his or her job for the next fiscal year is much stronger than before, and the system is highly inconsistent.

In addition, we are "engaged in general public service" in the civil service workplace, so we are not entitled to file a complaint with the Labor Relations Commission.

Civil servants who are responsible for services provided to residents are classified as "regular" and "non-regular" employees, along with the difference in the number

of working days, working hours and length of employment -- this is the biggest problem.

Employers do not believe that fiscal year appointed workers are living on only wages payable. Regular employees are guaranteed employment even if their work is scaled back because they are transferred to other departments. However, this is not the case for non-regular employees such as fiscal year appointed staff. Employers do not pay retirement allowance to non-regular employees and take it for granted that these employees will be jettisoned because they are fiscal year appointed staff or because their work has been scaled back.

We will continue to demand that the government and Itabashi Ward Office change their attitude and the employment system.

We strongly urge the ILO Committee of Experts to submit an advisory "Opinion" to the Japanese government to stop the "triennial open recruitment system" that put many people at risk of losing their jobs at the end of this fiscal year.

Apaken Kobe

Susumu Naitou

The following is a case study on the treatment of Kakogawa municipal non-regular civil servants between 2005 and 2007, before the 2017 revision of the Local Civil Service Act. The reality of disposable non-regular civil servants remains the same.

**【Temporary library staff dismissed by Kakogawa City after over 20 years of continued service】**

Kakogawa City in Hyogo Prefecture had been commissioning the "Kakogawa City General Culture Promotion Public Corporation," an affiliated body of the city, to run its libraries. However, in 2005, the city suddenly decided to directly run the libraries whose operations had been commissioned to a third party for over 20 years. It was then that librarians that had been working in the facilities for a number of years joined our union, seeking continued and stable employment. We immediately bargained with the city to attain the demands. However, the city employed the librarians as "temporary workers" for a period of one year, and dismissed all 29 of them in 2007 without renewing their employment contracts. The city then took on



retired regular employees as “re-hired contract workers (special public service employees)” to replace them. The city substituted 29 “temporary workers” with retired city workers with guaranteed retirement benefits and mutual pensions.

In the initial negotiations, the union members were still employees of the public corporation, and we were able to bargain collectively with the city. However, once the members were converted to temporary workers engaged in regular public service, the city refused to engage in collective bargaining, saying that the municipality “is not obligated to bargain with organizations except registered staff organizations.” We then created a registered staff organization. But the city never engaged in negotiations in good faith. Staff organizations are not allowed to file a complaint with the Labor Relations Commission. All an individual staff member can do is to demand “measures to improve working conditions ” from the Equity Commission under the Local Public Service Act.

The librarians filed complaints with the commission as individuals, contending that it was unreasonable to employ them as 1-year temporary staff when their posts at the libraries are permanent ones. However, the Equity Commission rejected the claims on April 25, 2007 after the city declined to renew their employment contracts and dismissed them. The commission confirmed the city’s contention, saying the librarians “were offered and accepted the posts as temporary appointed workers, therefore their demands are not granted.”

In this case, long-term temporary workers with over 20 years of service were converted to “short-term temporary workers” with a maximum contract term of one year (Article 22, Local Public Service Act) under the municipality’s personnel policy after joining an “outsider” local-based general union. They were refused collective bargaining because they did not belong to a registered staff organization and left with no option for relief except demanding remedial measures to be taken by the Equity Commission (the commission members designated by the city include lawyers and university professors). Their complaint was dismissed following the examination that is merely a formality, and the staff organization was forced to dissolve.

This case is an example of the dismissal of non-regular civil servants who worked at libraries for more than 20 years in order to secure workplaces for regular civil servants after retirement. City officials have a deep-seated mindset that “non-regular civil servants can be easily dismissed at the convenience of the municipality.” This is because of the employment policy, which is based on the system of “one-year employment” and “the local government is free to decide whether or not

to continue employing those workers". Along with guaranteeing basic labor rights, it is essential to have an employment policy that overhauls the system that uses and throws away non-regular public employees.

**Anonymous : Librarian with 22 years of service**

I am a librarian working at a city library in Japan. I have been working at my current job for 22 years. In my city library, 60% of the approximately 250 employees are low-paid, one-year workers like myself. Most librarians are engaged in this type of work and are called "fiscal year appointees," meaning "auxiliary positions for which the need is vetted each fiscal year. More than 90% of them are women.

As you know, the job of librarian is a qualified position, requiring a high level of skill, an accumulation of knowledge backed by experience, and a long-term perspective. It is by no means something that lasts only one year. In the past, they were engaged by regular employees with no fixed term. The city authorities then began cutting labor costs by replacing them with us part-time fixed-term employees.

Being employed on a year-to-year basis, we sometimes endured harassment and even gave gifts to our supervisors to be hired again the following year. We decided to form a labor union to protect our jobs and the quality of our library services 18 years ago, when the law still allowed us to form a labor union. As a result, even though it was in the form of one-year employment, we were able to continue working with repeated renewals in practice. Since then, we have gained the knowledge and skills necessary to serve the city and its citizens.

However, we are now facing a major crisis.

Based on the Local Public Service Act, which was amended in 2017 and went into effect in 2020, the city authorities forcefully defined our job as "an auxiliary job placed for each fiscal year," as mentioned above, called us "fiscal year appointees" and stipulated that hiring the same person in the same position for the following year is not "renewing" but "new assignment in a new position." It means that no matter how long a person has worked, a probationary period is imposed every year.

Not only that, the authorities have introduced a system of "open recruitment for employment every three years" for us fiscal year appointees, meaning that we can only be employed for up to three years at the most, and if we want to work longer than that, we must apply for open recruitment and compete with others. They say that the reason for this is the "principle of equal treatment" and "competency assessment" as stipulated in the Local Public Service Act.

We receive the annual personnel assessment and have a probationary period every year. Why should incumbents who are not at fault be subjected to an open recruitment process every three years? Doesn't the "principle of equal treatment" mean that nobody may be discriminated against in employment due to their gender, age, ethnicity, religion, or sexual orientation?

What was even more shocking was that, due to the change in the Local Public Service Act, fiscal year appointees were excluded from the application of the Labor Union Act and could no longer form a labor union. We are therefore compelled to register every year as a "staff organization" without the right to strike or to conclude a collective agreement. Thus, we lost the labor union that had protected us from unfair dismissal and harassment.

Have the changes in the law improved our working conditions? Far from it. Our annual salary is still less than half the average of regular employees including year-end allowance. We have lost our labor union and now we are forced to work and live with the fear of being fired even more than before.

We sincerely hope that you are aware of this current situation for us librarians working in the public libraries which are known as "bastion of democracy" and urge the Japanese government to establish employment policies that will allow us to continue working without undue worries.

2022/08

## No Bright Future Ahead for Public-sector Workers in Japan ～ Report on a survey of Non-regular Government Employees ～

The National Women's Network on Non-regular Government Employees (Hamu-Net)

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Hamu-Net, the National Women's Network on Non-regular Government Employees, was launched in March 2021 and is mainly run by women who currently work or used to work as Non-regular Government Employees. Thus far, the network has worked on surveys, submission of requests to the government, exchanges with non-regular workers, and dissemination of information through the media.

In Japan, more than half of female workers are non-regular workers. Non-regular employment refers to unstable positions that can easily be "terminated," non-renewal of a fix-term contract. Non-regular workers also have no decision-making authority and are mostly receiving low pay. In the private sector, to improve this situation, the Labor Contract Act was amended to allow employees with five years' work experience to convert to permanent employment. Problems have been pointed out in this law, such as terminating employment in order to avoid conversion, but the situation has improved. However, this law does not apply to non-regular government employees.

The number of non-regular government employees has continued to rise in Japan since around 2000. As a result, the government amended the Local Public Service Act in 2017 to clarify the legal status of non-regular civil servants of local governments, and the law came into force in April 2020.

According to statistics from the Ministry of Internal Affairs and Communications, there are about 2.7 million regular employees and 1.12 million non-regular employees in local governments. One in four local government employees is a non-regular employee. Moreover, nearly 80% of non-regular employees in local governments are women.

The new system, which began in 2020, named non-regular workers "Fiscal Year Staff" and only guarantees single-year employment.

There is the possibility of renewal of employment, but there is no guarantee, since the employment is premised on single-year employment. In addition, public recruitment is conducted every three or five years. Thus, if the non-regular workers do not apply, they will lose their job, and there is no guarantee that they will be re-hired even if they apply for the position.

This fiscal year, 2022, is the first "third year" after the law came into force. More than 400,000 non-regular local government employees nationwide are therefore expected to face termination in March 2023.

If they want to continue to work, they must make an application under the public recruitment system.

The National Women's Network on Non-regular Government Employees conducted a survey between 2nd May and 4th June 2022 in an attempt to reveal the problems we face.

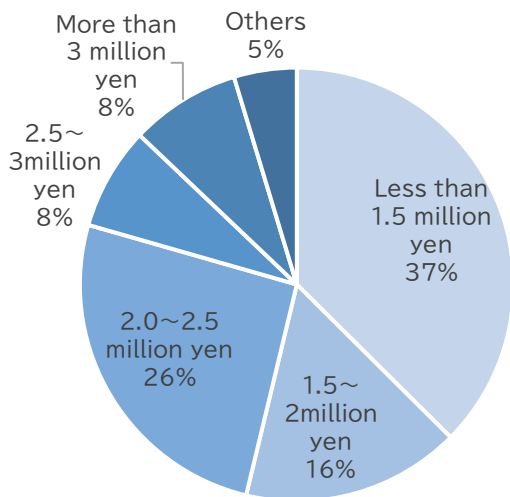
■ Method: Internet survey (using Google Forms)

■ Target: Non-regular government employees currently working or those who have worked recently

■ Number of responses: 715 (705 valid responses)

- The respondents' top three concerns were job insecurity, low wages, and wide disparities.
- More than 90% of respondents were women, mostly in their 40s and 50s.
- 90% of the answers were from people currently in work. Workers in all 47 prefectures responded.
- 90% of the workers had an employment contract period of one year or less.
- Workers are placed in a very vulnerable position, since they will lose their jobs if the contract is not renewed.
- In addition, this induces harassment, because non-regular workers feel that it is difficult to speak out even if they are faced with a problem at work.

● Annual employment income



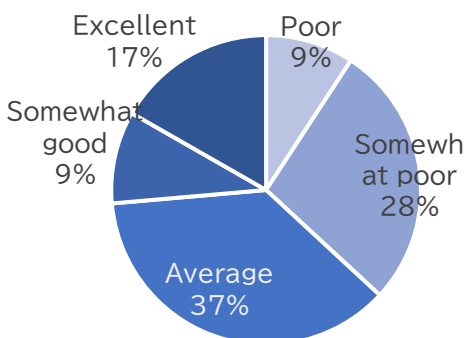
Over 50% of workers earn up to 2 million yen annually, and 26% earn 2 to 2.5 million yen annually, which means almost 80% earn less than 2.5 million yen annually.

Even if they work full-time, 60% have an annual income of less than 2.5 million yen. What is even more serious is that about 40% of the workers who answered that they are the breadwinners in their households earned less than 2 million yen annually.

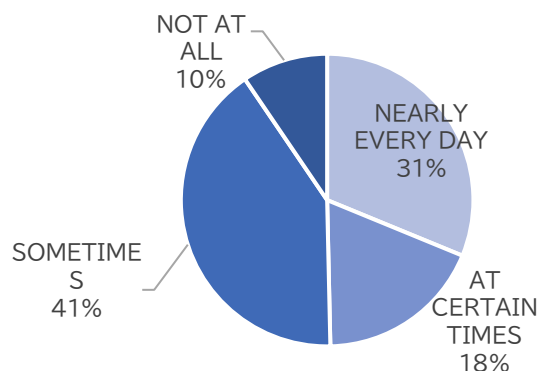
(The latest median annual income of Japanese people is about 4.4 million yen.

Thus, 2 million yen is less than half of the median income. 2 million yen is about USD15,000.)

● How would you rate your mental health?



● Have you felt anxious about your future during the past month?



●Workers' Voices

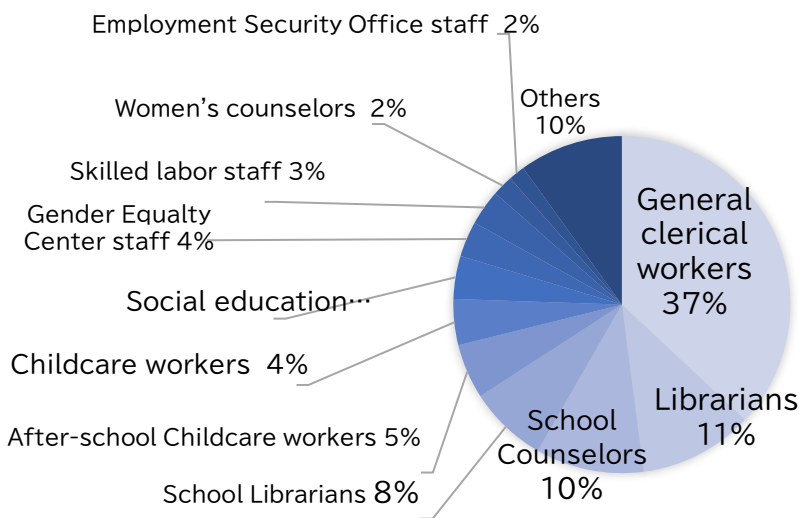
- While the non-regular contract is unstable, the workers are required to have higher skills and qualifications than regular employees. These unstable workers, like myself, are doing consulting work with job seekers. My heart is about to break. (Female, 50s, Kanto region, Employment Security Office)
- My salary is too low. I will improve my skills and provide good service. Please raise my salary. I need a stable job. (Female, 40s, Chubu region, Museum Curator)
- I worked for 10 years but was fired. I was afraid of being fired and didn't feel safe expressing my opinion at work because I was only on a one-year

contract. We are workers and humans. Stop discriminating against us! Please give us regular employment. (Male, 40s, Kanto region, Schoolteacher)

- Unstable employment cannot provide sustainable public services on a contract that must be renewed every year. (Female, 60s, Kanto region, Librarian)

- I was infected with Covid-19 last year and realized the instability of working on an hourly wage. I cannot feel at peace on low wages and with no savings. It is difficult to continue to be a public service worker. I AM suffering. (Female, 50s, Kansai region, Counselor)

● Respondent attributes



General office workers	260	36.9%
Librarians	77	10.9%
School Counselors /School social workers	73	10.4%
School Librarians	53	7.5%
After-school childcare workers	37	5.2%
Childcare workers	31	4.4%
Social education instructors	29	4.1%
Gender Equality Center staff	24	3.4%
Skilled labor staff	24	3.4%
Women's counselors/consultants	14	2.0%
Employment Security Office staff	11	1.6%
Others	70	9.9%
NA	2	0.3%
Total	705	

※ Others: Schoolteachers, curators, medical staff, counselors, etc.

●Reference:

Yoji Kanbayashi, 2015, The Situation of Non-regular Public Employees in Local Government in Japan: Focus on Gender, International Labour Office, Geneva, 2015, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---sector/documents/publication/wcms\\_442070.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_442070.pdf)