

October 4, 2007

## Statement

Chairperson, MIZUTA Akio  
Faculty and Staff Union of Osaka University, Minoh Campus

On September 28, 2007, the president of Osaka University of Foreign Studies(OUFS) KORENAGA Shun gave a written notification to the laborers' majority representative SASAKI Takeshi and to the teachers' union chairperson MIZUTA Akio informing them of the termination of the conference regarding the terms and conditions of employment.

Because the proposed terms and conditions of employment contains problematic changes that are seriously disadvantageous and since, as matters now stand, no satisfactory explanation can be given, we protest against the unilateral termination of the conference and call for the continuation thereof.

First and foremost, article 1, clause 2 of the Labor Standards Act stipulates that the law does not allow disadvantageous modifications of the conditions of employment.

Labor Standards Act, Article 1, Clause 2

The standards for working conditions fixed by this Act are minimum standards. Accordingly, parties to labor relationship shall not reduce working conditions with these standards as an excuse and, instead, should endeavour to raise the working conditions.

In accordance with this law, we offered to have a conference concerning the items in Osaka University's proposed terms and conditions of employment which constitute disadvantageous modifications. In particular, we raised the following three points which contain certain serious problems.

- 1) The removal of the 7-day paid sick leave which may be availed of by the present office clerical assistants.
- 2) The shortening of the break time from 50 minutes to 45 minutes.
- 3) The amendment of the 65-years old retirement age of teachers into "65 years old for the time being."

Second, the disadvantageous modification of the conditions of employment may be tolerated

by way of exception in certain cases. In those instances, “reasonableness and social suitability” will be cited as reason for the change.

During the conference, we asked for an explanation of the reasons for the change. The explanation given by OUFS representative is as follows:

- 1) It is tailored to the Osaka University standard. We would like you to assess it comprehensively since the working conditions of office clerical assistants will get benefits on child care leave side.
- 2) It is tailored to the Osaka University standard. In the explanatory meeting, it was explained that being able to go home 5 minutes earlier is advantageous for employees with children.

In the conference, it was explained that actually, when the employment regulations were being formulated by Osaka University in 2004, one statement in the said regulations stated that as far as there is no hindrance, work should not be ordered for 15 minutes. But in July 2006, this sentence was deleted pursuant to the advice of the personnel authority. As a result, the break time in Osaka University became 45 minutes.

- 3) It is tailored to the Handai standard. “For the time being” does not mean more and neither does it mean less.

Both answers reflect a thinking that lowers the equilibrium by matching Osaka University’s employment regulations which are lower than that of OUFS.

In changing the employment regulations, no explanation was given that concretely states the justifications for the degree of disadvantages that the employees will suffer, the need for and the degree of necessity for changing the employer, and the basis for improvements to the compensation and other related working conditions. Neither was a written explanation of these grounds shown. Therefore, we think that the reasonableness and social suitability of the disadvantageous modifications was not shown.

Third, it has become evident that there are inconsistencies between the aforementioned reasons given by the representative of OUFS and the reasons written in answer to the Toyonaka district and Suita district majority representatives which were made known by the Osaka University representative on September 28.

- 1) Interim measures and regulations which are assumed to be paid until March 2008 have been installed.
- 2) There is merit to ending the work time 5 minutes earlier.
- 3) The phrase “for the time being” which appears in the interim measures is a provision meant to alleviate the abrupt change.

In this manner, the OUFSS representative with whom we conferred and the Osaka University representative after October 1 have different interpretations of the grounds for the disadvantageous modifications. It could not be granted that even this reason given for the change has “reasonableness and social suitability.”

Fourth, as of September 27, new problems about the maternity leave of female teachers and employment regulations of foreign teachers have been found.

It is written that the maternity leave of the female teachers of OUFSS will be paid “for the time being.” This is a disadvantageous modification. Why is it only “for the time being”? An answer with “reasonableness and social suitability” could not be deduced.

When asked why the foreign professors or foreign visiting professors who are foreign teachers of OUFSS are excluded from employment regulations, the explanation given was that “they are not workers.” The employment regulations of OUFSS included distinct working regulations for them. Why are teachers with foreign nationalities excluded from the employment regulations of Osaka University? Why are they not recognized as workers? It could not be admitted that this reason for the change has “reasonableness and social suitability.”

The representative has an obligation to explain the “reasonableness and social suitability” of the items in the employment regulations which constitute disadvantageous modifications. However, since the representative of OUFSS did not discharge his obligation, such doubts still remain. For this reason, the majority representative is not in a condition to write a written opinion.

In the conference with the OUFSS representative, we suggested that 36 agreements be discussed and concluded on October 1 in a conference. On October 1, Chairman MIZUTA Akio who was selected as majority representative addressed and proposed to the president WASHIDA Seiichi the reopening of discussions regarding employment regulations, labor-management agreement and collective bargaining agreement. The Osaka University representative is requested to reopen discussions regarding working regulations and to negotiate in good faith.