

In Case You Forgot...how the 5 minutes of recognized work came about

September of 2013 A Begunto (Tokyo) union member in sent in a letter outlining work done out of lesson time and asked the company to pay for one month.

The company declined to pay.

The instructor went to the Union and with Nambu (National Union General Workers) to the Labor Standards Office (LSO) in Mita in December to file a claim for unpaid wages of the month.

January 2014 The LSO mentioned to Berlitz that work had been done and Berlitz should pay for the month and the LSO levied a 2 year statute of limitations making it 24 months of payment. The company refused to pay.

July 2014 the LSO was asked to go to the company on a Saturday or Sunday when the school is the busiest to inspect the work place. The LSO chose a Thursday instead. The LSO said there was no work being done - at a quiet time.

October 2014 The Company unilaterally sends out letters to employees outlining changes which will change the work structure to recognize work done in the 5 minute breaks in the future but recognizing none of the work previously done. Proposed implementation 2016March.

The Union protests the unilateral move without proper negotiation. Begunto wants to establish guarantees to employee work security. Berlitz states they will change the system in March 2015. Part of this is the unit reduction to reflect work done in break time.

January 2015 The Osaka Union (Begun) threatens to strike. Begun sent in strike notification.

Berlitz unilaterally reschedules the time table for changes to work which include work in the five minute break to later in 2015.

February 2015 Begunto members choose to take Berlitz Japan to Tokyo Summary Court to claim for back wages. The first step was the union lawyers sending a notification for the company to pay back wages. The claim lists work done between lessons, before and after lessons for a period of 2 years from Feb. 2013 to Feb 2015.

August 2015 The court case was filed in Summary Court.

December 2015 The case sees its first session. Berlitz sets start as March 2016 for new contracts.

January 2016 Berlitz Backwages Lawsuit appears in Mainichi Newspaper.

Second Court Session held.

Berlitz tells the Shakai Hoken office work is never done in breaks. Therefore any break time is just that, break time. It doesn't qualify for social benefits.

When you are asked to work by staff, or expected to work - if you follow the guidelines of the IPE for "meets" or "exceeds expectations" to receive a better pay grade, Berlitz gets the benefit of your work, but you do not receive recognition through pay & benefits. If a student stops you in the break to ask questions about homework, texts or lessons, you are not working according to Berlitz. MGT claims you need to get authorization from your MI to talk to the student- without that authorization it is not work.

So if your MI is telling you Begunto is delaying the payment of work in break time, that isn't right.

Begunto wants Berlitz to pay you for your work as breaks are student breaks, teachers still have to carry the iPad & materials to and from class and prep, etc.

We've had the demand for recognition of work as a union demand for several years. It is something the Union has been working on for a long time.