

# Berlitz General Union Tokyo

*Maintaining and improving conditions in the workplace*

Happy  
New  
Year!  
2014



## No pay for work?

With the implementation of the iPad into Cosmos, the company's information management system, you might have heard the trite comment "if you don't put your name on it, you don't get paid."

According to Japanese Labor Law if you perform work you should be paid. It is that simple. It is illegal to deny someone wages earned.

We have a few questions:

Do we get methods to stay behind to log in data when the wi-fi goes down and we cannot operate the Cosmos extension?

What happens when the system crashes?

Do we get paid methods when we have to spend our time out of contract/lesson to fill out the student cards as E-peda?

Are students being made aware of the change over and the possibility of delays due to use of the new system?

How will the company treat iPad based disrequests?

## Five minute breaks & Labor Standards Office

Lessons are 40 minutes, Instructors are paid for 40 minutes of work. That is what Berlitz tells the Shakai Hoken Agency and that is why the numbers are 198 to join the system and 176 to stay on the system. If the company acknowledged that there was work on the breaks those numbers would be lowered to reflect the real work we instructors have to do for preparation and other tasks which are class related.

No doubt you have noticed the "photo-copy" sections in the new BE texts? That doesn't happen by magic and definitely not in class, so that leaves your break.

Here are a few other examples:

- Follow up comments for final reports
- Questions about students
- Progress reports
- Thank you letters
- Counseling forms
- Feedback forms
- Suggestions for new material
- Questions about groups
- Questions about levels

Berlitz received a letter from an employee asking to be remunerated for unpaid work in the August pay period. Berlitz in their response refused stating,

"Please note that we do not require nor expect our instructors to work during break times. The breaks between lessons are important and necessary in order to allow our instructors (and our customers) to take a break from the fast paced Berlitz lesson." (Original Response dated Sept 17, 2013)

The employee went to the Labor Standards Office on December 4th, 2013 regarding unpaid break time work.

Following their instructions a certified letter was sent asking HQ to pay for 8.2 units of unpaid work during breaks for the August pay period.

Again Berlitz refused. On December 24th, an official complaint was submitted asking the Labor Standards Office to investigate the claim of unpaid wages for August. The investigation would cover as far back as 2 years of unpaid wages due to the 2 year statute of limitations if Labor Standards finds for the instructor. The result will take two weeks.

continued on other side



## **Kids Class Prep Time?**

Are you being paid for Kids prep time? There is a policy from June 19, 2001 stating that if an instructor needs prep time for Kids lessons, they should be paid for it; 4 lessons=1 prep.

“it is the job of the LC management to make sure that LC employees are being properly paid for their work, and that a quality product is being delivered to to the LC’s customers”(Basic Policy for Assigning Methods/Office Units June 19, 2001)

You have a two year statute of limitations on seeking back pay. If you aren’t getting your prep paid, ask for it. Contact HQ.

## **6 units- what is a unit?**

January 7, 2013 the Union demanded Berlitz change policy limiting the number of consecutive units to 6 (not counting travels to and from home).

On February 12, 2013 MGT changed the policy. A unit is for example: lesson, assessment, method, office, travel between LCs.

“The maximum number of consecutive units which may be scheduled, without prior consent, is six. The exception is if units immediately before and or after the six are travels.” (memo 2013-029)

If you have questions, contact HR.

## **Upcoming Collective Bargaining**

The next session for collective bargaining (cb) for Shunto is slated for Monday 20th 11:30 to 12:30 at HQ. Members are encouraged to attend. We will be meeting in Cafe Croissant in B1 of the HQ building at 11:00 and will head up before 11:30.

Items for the agenda:

The union would like to discuss MGT's policy on internet posting. In the past and recently we heard about the company taking issue on employees' activity on the internet. Does the company have a clear policy on internet posting?

Are MI telling/implying to new teachers that they must float their contracts?

Has the Shakai Hoken office specifically told Berlitz to delist employees who do not make quota? We want to see the actual directive from the Shakai Hoken office as reference.

In previous CB we mentioned Kid's preps and how they should be paid. Does the policy of 4 lessons getting one prep still stand? If instructors are not getting paid for prep time in their break which is necessary for their kids lessons, how do they ask for payment?

Regarding break time: How are the schools with eped handling extra prep time in the break? Are there complaints by students because the teachers are spending too much time on the iPad and not making eye contact or giving a Berlitz lesson? Are instructors being told by MI to do iPad fill out during the breaks? Are any LCs offering follow up training? How do instructors go about billing the company for eped work on the break?

Currently how many teachers are on Shoku Taku (retiree) contracts in Kanto?

**You can contact us at  
begunto1@yahoo.com  
Visit our website  
berlitzuniontokyo.org**

continued from other side

