



June 2015

ECC & Berlitz Branches Private Language Industry Newsletter

“The General Union - Protecting its members' rights since 1991”

Taking a Stand, Together in Solidarity

Welcome to the ECC & Berlitz Branches of the General Union joint newsletter for June 2015. This joint newsletter reflects the solidarity of two sister branches that are dealing with many common workplace issues. The General Union brings together employees from a variety of backgrounds and our strength has always lain in our ability to combine our efforts in a spirit of solidarity.

Gains and Losses

Over the past two decades, our branches have seen fundamental gains in many areas (Health and Pension Rights, Paid Vacation, Collective Agreements with Management) that would not have come about without constant bargaining and vigilance. However, the drive to increase profits has led to cost cutting measures that go far beyond our companies and tug at the core of Japanese society. With a company friendly government in place, employee safeguards have decreased and the only option available is for employees to take matters into their own hands through their collective actions. For the ECC & Berlitz Branches, the recent trigger to act was the change in consumption tax which instantly cut our salaries and livelihoods since we

received no automatic base rate pay increase for our members.

Berlitz Branch Strike Vote

In October 2014, instructors at Berlitz Language Centers received a hand delivered letter, outlining a set of arbitrary contract changes that were being touted as an increase in benefits and working conditions. These changes were, in fact, clawbacks where one hand dangled a carrot while the other swiped long standing benefits off the table. The Union saw this attempt for what it was, and after receiving a negative response from the company, passed a unanimous strike vote (93% in favour) to begin disputes from Feb 1, 2015. This led the company to issue a memo a few days before the deadline to state that the changes were on hold. Union members have been negotiating with the company over the changes since then, along with a long standing issue of how you will be reimbursed for unpaid work for the five minutes before, between, and after lessons.

ECC Branch Strike Vote

Members at ECC have decided to focus their efforts on winning an across-the-board 5% pay raise, as

employees have been feeling the pinch of cost-of-living increases. At an April 19 branch meeting, members of the ECC branch voted on the following proposal:

"If our demand for a 5% pay increase for all ECC General Union members is not met, we will go into dispute as of June 30, with a strike date to be determined if the company, with over two months' notice of a possible dispute, does not make a pay raise offer acceptable to members."

The members who attended the meeting, unanimously voted for the proposal, as did the overwhelming majority of the absentee members who voted online in the following week.

In Solidarity

The ECC and Berlitz Branches have grown rapidly and membership remains strong and very active. Our right to act collectively is guaranteed and we will firmly act together as sister branches. This joint newsletter clearly reflects our members' determination to send management a clear message that we have voted to act and the clock is still ticking.

<http://www.generalunion.org>

Gains and Demands

The General Union operates on many levels, from individual workplace grievances to national actions, that set precedents far beyond the rights' of our members. In each workplace we represent, we are legally entitled to organise members and improve working conditions within a constitutional framework.

Article 28 of the Japanese Constitution

The rights of workers to organise and to act collectively is guaranteed.

Article 7 of the Trade Union Law

Employers shall not treat workers in a disadvantageous manner for being members of, or performing proper duties for a trade Union.

ECC and Berlitz formed their General Union Branches in the 1990s and since then have been demonstrating to their respective companies that it's better to consider employees as valued permanent stakeholders rather than disposable assets. A company can meet the needs of all stakeholders without needing to jeopardise its long term profitability. Our Union is all about finding a balance that creates a win-win situation for everyone involved. If either side takes too much, and the balance shifts too far, then expect a reaction. We have found that for the long term, it's better for all parties to work together in an environment of mutual trust and cooperation, considering it takes up such a large part of our lives. The following columns outline examples of our gains and most recent sets of demands.

ECC Branch Berlitz Branch

Some of our gains include:

- Annual Leave with Pay Days (ALPs)
- Union-ECC Grievance Procedure
- Enrolment in Employee's Social Welfare Insurance
- Special Leave
- Improved Environmental Conditions
- Reinstatement of Annual Pay Increases

Main demand:

In light of higher living costs that are clearly detrimental to our members' livelihoods, our primary demand is a 5% pay raise. The ECC branch plans to spend until June 30 working towards winning our pay rise demand through discussions with ECC management through all available channels of negotiations before we are forced to take strike action.

The consequences of any strike action; the interruption to business, the bother to students, and the stress for already overworked staff, will lie solely with upper management. This is about workers who refuse to have their living standards dictated to them arbitrarily, by an unfair and biased evaluation system.

Some of our gains include:

- Paid Vacation for MG and PL Instructors
- Pre-consultation Agreements
- Enrolment in Employee's Social Welfare Insurance
- Right to Refuse Work on Set Rest Days or National Holidays
- Union Representation during Potential Disciplinary Meetings
- Language Center Posting Rights

Main demand:

On 28 October 2014, instructors received a personalized hand delivered letter outlining a set of changes to their contracts and working practices. A significant number of instructors became concerned that well established work practices; National Holiday Allowance, Sunday Rate, Commutation Allowance, and the introduction of a degrading contract were introduced as part of a clawback action. After NO progress was made in collective bargaining over the changes, we served notice that a strike mandate was approved with a February 1st, 2015 deadline to begin the dispute. Prior to the deadline, the company took its plans off the table and members are making progress in finding a fair and alternative lasting resolution.

Join us and stand strong!

Benefits and Questionable Practices

BERLITZ

Berlitz offers a number of benefits to instructors and office staff based on contract type, lesson count, and seniority. Here is one benefit members see as essential.

National Holiday Allowance

While regular office staff and contract instructors receive their regular salary during public holidays and Christmas Day, Paid per Lesson instructors, and at times contract instructors, receive a holiday allowance provided they work 114 units in a month containing one holiday, 108 units in a month containing two holidays, and further reductions of six units for each further holiday. Those meeting the quota receive 6 lesson units at their PL rate for each recognised holiday. For the Golden Week and Christmas period the required number of units to receive this allowance drops substantially and provides members a little 'retainer fee bonus' to tide them over during a period where monthly income can be low. Members wish to keep this long standing and most necessary benefit.

There are numerous questionable practices at Berlitz and the most recent ones have become 'official'.

CTL Snatch

In the May newsletter we reported how a recent CTL policy took on one of the meanest work practices we've ever seen Berlitz implement. CTLs were moved from our members' German schedule to the Manager of Instruction's English schedule. Members have been submitting their own evidence on this practice, and in some cases the CTLs were shifted to the MI's line on days they aren't even scheduled to work and certainly do not appear at the LC to report for work duty.

'Official' Flexible Floaters

We also reported 20/25 PTG or 40/50 Instructor Contracts for Tokai that do not exist in the official Policies and Procedures Manual. Reports of contracts that add the extra availability alongside an additional floating element are also being sent in to the union office. More brazen attempts to lower working conditions for the purpose of unfairly lowering costs.

ECC

Income Disparities

Seishain at ECC get an average bonus of 700,000 yen; TWICE A YEAR. The starting monthly salary of a native teacher is 252,000 yen a month. Full time native teachers (Jokinkoushi) do not get bonuses. Last year the company split the native teachers' pay increase in half and paid the other half as a lump sum payment. At first, ECC wanted to freeze wages and pay raises totally as lump sum payments. A strike in May restored pay increases (although smaller than in previous years). This year native teachers received pay increases of an average yearly raise of 23,400 yen with some teachers getting 0 yen. No lump sum was awarded.

Paid Special Leave

Seishain and Keiyakushain get paid special leave for family funerals and their own wedding. Other full-time employees get only unpaid special leave, which the Union had to fight tooth and nail to wrest from management's hands.

Half Day Leave

Non-teaching employees at ECC are allowed to take their annual leave in half day increments. Native teachers are not.

Broken Pay Raise Evaluation System

All Native teachers are evaluated yearly through the same half-cooked evaluation system, which does not reward teachers fairly or take into account all types of possible classes which are taught at ECC. The use of this evaluation system has resulted in many teachers' hard work not being recognized or rewarded.

Unpaid Work

Unpaid work for all teachers is a huge issue but Japanese teachers' workloads are of particular concern. Most Japanese teachers are part time and are paid only for their teaching time plus 10 minutes after class as a small class management allowance. This time is insufficient for Japanese teachers to write class records and contact absent students. As a result, Japanese teachers do large amounts of unpaid overtime.

Our members are you and colleagues like you!

Take a Stand, Together in Solidarity

The ECC and Berlitz Branches remain highly committed to protecting members' rights and improving our working conditions. Branch members are workers just like you who have joined together to protect our livelihoods and rights. As branches of the General Union, we can be confident in the abilities of our well experienced long term branch executives and General Union activists in the main union office. We are able to provide professional advice on workplace issues and actively organize and negotiate at our workplaces.

Without a union, ECC and Berlitz management has a free hand to treat people as they please. Our presence keeps management in check, provides a support network and acts as a force for positive change.

ECC Main Demand

- **A 5% pay INCREASE for all ECC General Union members**

Berlitz Main Demands

- **NO unilateral and arbitrary contract changes**
- **A proportional INCREASE to cover duties in the five minutes**
- **FULL BACK PAY for the years teachers worked the five minutes**

For new members joining the Berlitz Branch, dues are 1,000 yen and cover the remainder of that month and the complete following month. For Full-Time ECC members in their first year, dues are 2,000 yen. Thereafter, normal dues apply based on income for both the ECC and Berlitz Branch. You can check dues rates, learn more about the union and complete an application online at

<http://www.generalunion.org>

Alternatively you can join through or ask any questions you have to:

ECC Branch

Branch Co-Chair, Elsa Budzowski at budzowski@generalunion.org

Branch Co-Chair, Lil Kelly at kelly@generalunion.org

Berlitz Branch

Branch Chair, Joe McVay (Umeda LC) at mcvay@generalunion.org

Branch Secretary, Jools Collis (Umeda LC) at collis@generalunion.org

Once you become a declared union member your activities are protected under the Japanese Constitution and Trade Union Law. We should exercise our rights to the full and coordinate our branches in acts of solidarity.



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JOIN Your Branch NOW!