# ILO 結社の自由委員会 2 1 7 7 号案件に関する追加情報

# 1.この間の経過

(1)5月25日小泉総理大臣と笹森連合会長による会談が持たれた。この場で、笹森会長はILO87号、98号条約に基づいて公務員に労働基本権を付与すること、それに基づく公務員制度改革の断行を求めた。これに対して、陪席した尾辻秀久厚生労働大臣は政府として「引き続き公務員制度改革に取り組むために政労協議の枠組みを確保していく」との見解を表明した。

しかし、この会談以降1回の政労協議も行われず、公務員制度改革は全く進展していないばかりか、ILO の常任理事国でありながら日本政府は批准している ILO87、98 号条約に反して公務員労働者を一層無権利状態にする給与制度改革、賃金労働条件の引き下げを強行しようとしている。

(2)現在行われている衆議院選挙では公務員の雇用削減および賃金労働条件のあり方が重要な争点となっている。与党である自民党、公明党は現行の労働基本権を制約した一方的労使関係制度を改革する意志を表明しないばかりか、自民党幹事長は国会で、公務員関係労働組合を敵視、労使関係を否定する発言を行っている。更に、公務員労働者の政治活動の自由を否定するために法律改正をも主張し具体的準備を進めている。

これに対し、民主党、社民党は連合との協議を踏まえマニフェストで労働基本権付与を明記し、公務員制度改革断行を公約とし、キャンペーンに取り組んでいる。

(3)上記状況にあって、特筆すべき世論の変化が生じつつある。

日本を代表する経営者団体のひとつである日本経済同友会は、労働基本権を 付与した公務員制度改革を推進すべきとの公式見解を発表し、また日本を代表 する新聞の一つである毎日新聞、東京新聞、読売新聞はその社説で不十分なが ら、「政府は、現行の一方的労使関係制度を改革し、労使協議の必要性と労働 協約締結権の付与について肯定的に検討すべき」という要旨の見解を表明して いる。

# 2.われわれの主張

連合・公務労協は労働基本権の保障を前提とした民主的で公正な公務員制度 改革実現を求める。そのため、全国的にキャンペーンを展開し、世論喚起をは かるとともに、政党、国会議員等各界への働きかけを強めている。 われわれは、労働基本権を付与する公務員関係法の改正を実現するため、ILOに対し以下のことを要請する。

(1)日本政府に対し、日本の公務員制度が87,98号条約に掲げられた諸原則から逸脱していることに対して、体系的で全面的な勧告を含む報告(今後も進展状況について政府に情報提供を求める報告書)をできるだけ早期に発出するよう要請する。

(2)その前提として、ILO が日本へ調査団を派遣し、政府、政党、経済界、マスコミ、学識者、労働組合からの意見聴取を含め実態調査を行うよう要請する。

#### **Additional Information:**

# Case No. 2177 before the Committee on Freedom of Association

# Complaint against the Government of Japan for Violation of Freedom of Association

by the Japanese Trade Union Confederation (JTUC-RENGO) and

the RENGO Public Sector Liaison Council (RENGO-PSLC)

# 1. Progress to date

On May 25, Prime Minister Junichiro Koizumi met with JTUC-RENGO President Kiyoshi Sasamori to discuss the issue. President Sasamori requested the Prime Minister to provide civil service workers with fundamental trade union rights in accordance with ILO Conventions Nos. 87 and 98, and to push through reforms of the public service system. In response, Minister of Health, Labour and Welfare Hidehisa Otsuji, who was sitting with the Prime Minister, expressed the government's position, as follows: "the government will continue to secure the framework of government-trade union consultation to address reforms of the public service system."

However, since the May talks, there have been no government-trade union consultations, and reforms of the public service system have completely stalled. Rather, despite holding a non-elective seat in the ILO Governing Body, the Japanese government contravenes ILO Conventions Nos. 87 and 98, which it has already ratified, and is trying to go ahead with changes in the public service system, lowering wages and other working conditions, which will drive civil service workers further into a status without rights.

In the current run-up to the House of Representatives election, cutbacks in the employment of public servants and a review of their wage and other working conditions have become important points of contention. The Liberal Democratic Party and Komei Party, which form the ruling coalition, have shown no intention to reform the current one-sided labor-management relations that constrain the fundamental trade union rights of civil service workers. Worse, the Secretary General of the LDP has made remarks in the Diet that are hostile toward public service unions and reject labour-management relations in the public sector. Further,

these parties are calling for revisions to the relevant laws in an attempt to deny the freedom of political activities to civil service workers and are specifically preparing for such amendments.

In opposition to these moves, based on consultations with RENGO, the Democratic Party of Japan and Social Democratic Party have clearly included in their manifestos the guarantee of fundamental trade union rights to civil service workers, and they have committed themselves to reforms of the public service system in their electoral campaigns.

Within this situation, notable changes have taken place in public opinion. The Japan Association of Corporate Executives (Keizai Doyukai), one of Japan s major employers organizations, has announced an official stance calling for reforms of the public service system to provide fundamental trade union rights to civil service workers. Moreover, some major national daily newspapers, including the Mainichi Shimbun, Tokyo Shimbun and Yomiuri Shimbun, have expressed positive views in editorials, though still inadequately, in words outlined such as: "the government must reform the existing one-sided labor-management system and positively consider the need for labour-management consultations and for giving public service unions the right to conclude collective bargaining agreements."

# 2. Request to the ILO

JTUC-RENGO and RENGO-PSLC seek the realization of democratic and fair reforms of the public service system based on the guarantee of fundamental trade union rights for public service workers. To this end, we launched a national campaign to raise public opinion in support of these reforms and to carry out concentrated lobbying of political parties, Diet members and influential individual in other areas to support the reforms proposed by trade unions.

In order to win amendments to relevant laws to provide fundamental trade union rights to civil service workers, we make the following requests to the ILO:

(1) The ILO is requested to present, as early as possible, the "Report in which the Committee requests to be kept informed of developments" of the Committee on Freedom of Association on this case, including systematic and comprehensive recommendations to the Japanese government warning it regarding the deviation of the Japanese public service system from the principles stipulated in ILO Conventions Nos. 87 and 98; and

(2) As a prerequisite for formulating the above-mentioned report of CFA, the ILO is requested to send a mission to Japan to conduct a survey of actual conditions in Japan, including interviews with the government, political parties, business circles, the mass media, experts and trade unions.

# 87 号条約の適用に関する意見 結社の自由及び団結権保護条約(1948年)

2005 年 9 月 5 日 日本労働組合総連合会

87 号条約適用における最大の障害である公務員の権利問題について報告する。

- 1.前回の報告(2004年9月1日)にあるとおり、組合と政府・与党は様々なレベル/チャネルで協議を実施してきた。
- 2.この努力にもかかわらず、結論は得られなかった。その中で組合としてのギリギリの努力として、2004年9月3日、連合は最小限要求を提出した。
- (1)公務の労使関係の改革については、ILO 勧告を踏まえ、国際労働基準に近づく具体的 改善策を講ずるとともに、一般職公務員に労働基本権を付与するとの方針を明確にし、 それに向けた道筋を示すこと。
- (2)新たな評価制度の導入による能力・業績を重視した人事管理制度へ改革しこれを機能 させるためには、評価制度に関わる労使協議制度の確立が不可欠である。

また労働基本権が付与されるまでの間は人事院勧告制度下であることから職員団体の参加・関与が保障される制度への改善を図ること。

- (3)国民の厳しい批判のある公務員の再就職問題については、営利企業のみならず、その他の非営利法人についても幅広く規制することとする。その審査は、事前審査とし、 各府省大臣ではなく、公正・中立な機関が行うこととし、その基準と結果を公表し国 民の不信を取り除くよう務めること。
- 3.この「最小限要求」提出後も協議は継続し、与党自民党は 2004 年 11 月 12 日に回答を示したが、受容できるものではなかった。
- 4.組合は2004年11月18日に「最終見解」を発表した。
- (1)連合・公務労協は公務員制度の抜本改革が喫緊の課題と認識している。 改革には、国際労働基準を満たした新たな労使関係制度の確立とそれを基盤とした整 合性のとれた制度設計が不可欠である。
- (2)連合・公務労協の当面する改革に対する見解は、西尾研究会報告を踏まえ、2004年9月3日の懇談会の場で「最小限の要求」と「『評価制度について』の考え方メモ」及び2004年11月2日に示した考え方の通りである。

自民党側から 2004 年 11 月 12 日に示された考え方は、これらを満たしたものとは言えず受容できない。

(3)国と地方自治体の基盤的制度である公務員制度の改革には、それに相応しい手続きと

内容が求められている。

連合・公務労協としては、協議が実を結ばぬまま、一方的に政府・与党が法案を国会に提出することには強く反対する。

- (4)連合・公務労協は、政府・自民党に対し、可及的速やかに国民的合意に基づく抜本的 改革断行のため「ボタンの掛け違い」を正し、行革推進事務局公務員制度改革室を閉じ、 新たな枠組を作るべく特段の指導性を発揮されることを強く求める。
- (5)連合・公務労協は、この間の自民党行革本部役員との協議は誠実で真摯なものであったと評価しており心から敬意を表するものである。

現段階で成案を得るに至っていないことは誠に残念であるが、引き続き改革推進のために真摯な協議を続けることを希望する。

- 5.政府は2004年12月24日に開催した閣議において、「制度設計の具体化と関係者間の調整を更に進め、改めて関連改革法案の提出を検討する」とする「今後の行政改革の方針」を決定した。
- 6.2005 年 5 月 25 日、小泉総理大臣と笹森連合会長による会談が持たれた。この場で、笹森会長は ILO87 号、98 号条約に基づいて公務員に労働基本権を付与すること、それに基づく公務員制度改革の断行を求めた。これに対して、陪席した尾辻厚生労働大臣は政府として「引き続き公務員制度改革に取り組むために政労協議の枠組みを確保していく」との見解を表明した。

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7.現在行われている衆議院選挙では公務員の雇用削減および賃金労働条件のあり方が重要な争点となっている。与党である自民党、公明党は現行の労働基本権を制約した一方的労使関係制度を改革する意志を表明しないばかりか、与党自民党幹事長は国会で、公務員関係労働組合を敵視、労使関係を否定する発言を行っている。更に、公務員労働者の政治活動の自由を否定するために法律改正をも主張し具体的準備を進めている。

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8. 上記状況にあって、特筆すべき世論の変化が生じつつある。

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# 見解を表明している。

- 9. 公務員の団結権に関する個別の課題の進展状況について報告する。
- (1)消防職員の職場協議会制度の運営に関し、従来よりも職員側の意見が通るようになり、 一定の前進が得られたものの団結権については何ら前進が見られない。
- (2)職員団体の登録制度についても改善がなされていない。
- (3)管理職の範囲についても、当局側が恣意的に拡大する制度が温存されていて何らの改善もない。 奈良県大宇陀町の職員団体登録取り消し処分をめぐる裁判で、奈良地裁で職員側が勝訴したにも関わらず、当局側が控訴した。大阪高裁で出された判決も組合側の主張を認めたが、当局側はさらに最高裁に上告した。これは、当局側にこの問題を改善する意思がないことの表れである。
- (4)職員団体の専従役員にかかる任期の制限についても改善されていない。
- (5) ストライキ権を正当に行使する公務員が重い民事上または刑事上の制裁を課される現 行制度に改善が見られない。
- (6)政府は 2005 年4月から国立大学を独立行政法人化した。これにともない、国立大学 で働く職員 12万人が独立行政法人へ移行された。

以上

# Comment on the Application of Convention No. 87: Freedom of Association and Protection of the Right to Organise Convention, 1948

September 5, 2005 Japanese Trade Union Confederation (JTUC-RENGO)

The issue of public service workers rights which is the greatest obstacle in the application of Convention No. 87 is reported below.

- 1. As described in our previous Comment, dated September 1, 2004, the complainant unions have been conducting negotiations with the Government and ruling parties in various channels and levels.
- 2. In spite of such endeavors, no conclusions had been agreed. In our last and desperate effort, RENGO resorted to propose "The Minimum Demands" on September 3, 2004:
- (1) As for the reform of the labor-management relations in the public sector, the Government should adopt concrete measures to bring the public service system closer to the international labor standards based on the CFA recommendations. At the same time, the Government should clearly state the intention of and present a path towards granting the fundamental trade union right to public service employees.
- (2) In order to reform the personnel management system into the one focusing on individuals' competence and achievement by introducing a new evaluation system, and to make it work, it is indispensable to establish labor-management consultation system concerning the said evaluation system.
  - Meanwhile, until the grant of the fundamental trade union rights, the public service system will be under the current National Personnel Authority system. The NPA system should be improved so as to ensure the participation and engagement of the workers' organizations.
- (3) As for the golden parachutes of retired high-ranking public officials, which are under heavy public criticism, there should be wider restrictions on destinations to cover not only commercial companies but also other non-profit corporations. Screenings should be done in advance of placements, and done by a neutral institution not Ministers. Its standards and results should be disclosed to eliminate the public
- 3. Negotiations continued after our "Minimum Demands", and the ruling Liberal Democratic

distrust.

Party (LDP), not the Government, proposed their counter-measures on November 12, 2004, which was unacceptable for us.

- 4. The unions, therefore, issued their Final Statement on November 18, 2004, stating
- (1) RENGO and RENGO-PSLC recognize that the drastic reform of the public service system is pressing and urgent issue, which requires establishment and coherent system designing of new labor-management system in accordance with the international labor standards.
- (2) The short-term position of RENGO and RENGO-PSLC is as stated in our "Minimum Demands" issued on September 3, 2004; measures proposed by the ruling LDP does not sufficiently respond to our Demands, thus unacceptable.
- (3) The reform of the public service system, which is the basic component of the nation and local autonomous bodies, requires appropriate and adequate procedures and substance. RENGO and PSLC strongly oppose a unilateral proposition of bills to revise related legislations to the Diet by the Government and/or the ruling parties.
- (4) RENGO and RENGO-PSLC strongly request the Government and the ruling parties, in order to implement a reform based on the national consensus, to correct the procedure misalignment existing from the starting point, to close down the Reform Promotion Division for Civil Service System of the Administrative Reform Promotion Office in the Cabinet Secretariat, and to exercise their firm leadership to establish a new framework.
- (5) RENGO and RENGO-PSLC appreciate that negotiations with officials in charge at the ruling LDS have been serious and sincere; we express our genuine respect to them. Stating our profound regrets over that no agreement has not yet reached, we hope sincere negotiations continue for promotion of the reform.
- 5. The Government decided, at the Cabinet meeting held on December 24, 2004, "Future Policy for the Administrative Reform (title tentatively translated)" which stated "(the Government) will consider the proposition of bills at a future date following materializing of system designing and coordination between parties concerned."
- 6. On May 25, Prime Minister Junichiro Koizumi met with JTUC-RENGO President Kiyoshi Sasamori to discuss the issue. President Sasamori requested the Prime Minister to provide civil service workers with fundamental trade union rights in accordance with ILO Conventions Nos. 87 and 98, and to push through reforms of the public service system. In response, Minister of Health, Labour and Welfare Hidehisa Otsuji, who was sitting with the Prime Minister, expressed the government s position, as follows: "the government will continue to secure the framework of government-trade union consultation to address reforms of the public service system."

However, since the May talks, there have been no government-trade union consultations, and reforms of the public service system have completely stalled. Rather, despite holding a non-elective seat in the ILO Governing Body, the Japanese government contravenes ILO Conventions Nos. 87 and 98, which it has already ratified, and is trying to go ahead with changes in the public service system, lowering wages and other working conditions, which will drive civil service workers further into a status without rights.

7. In the current run-up to the House of Representatives election, cutbacks in the employment of public servants and a review of their wage and other working conditions have become important points of contention. The Liberal Democratic Party and Komei Party, which form the ruling coalition, have shown no intention to reform the current one-sided labor-management relations that constrain the fundamental trade union rights of civil service workers. Worse, the Secretary General of the LDP has made remarks in the Diet that are hostile toward public service unions and reject labour-management relations in the public sector. Further, these parties are calling for revisions to the relevant laws in an attempt to deny the freedom of political activities to civil service workers and are specifically preparing for such amendments.

In opposition to these moves, based on consultations with RENGO, the Democratic Party of Japan and Social Democratic Party have clearly included in their manifestos the guarantee of fundamental trade union rights to civil service workers, and they have committed themselves to reforms of the public service system in their electoral campaigns.

- 8. Within this situation, notable changes have taken place in public opinion. The Japan Association of Corporate Executives (Keizai Doyukai), one of Japan s major employers organizations, has announced an official stance calling for reforms of the public service system to provide fundamental trade union rights to civil service workers. Moreover, some major national daily newspapers, including the Mainichi Shimbun, Tokyo Shimbun and Yomiuri Shimbun, have expressed positive views in editorials, though still inadequately, in words such as: "the government must reform the existing one-sided labor-management system and positively consider the need for labour-management consultations and for giving public service unions the right to conclude collective bargaining agreements."
- 9. The progress of the specific issues concerning the public service workers—right to organize is reported below.
- (1) Steady progress has been obtained on the operation of the existing Fire-Defence Personnel Committee System, with voices of fire-defence personnel carrying more weight. However, no improvement has been made on securing the right to organize itself for fire-defense personnel.

- (2) There is no improvement on the existing trade union s registration system in the public sector.
- (3) There is no improvement concerning the scope of managerial personnel, where an authorities side expands the scope arbitrarily. In the trial of the trade union s registration cancellation in Oouda-cho, Nara prefecture, although the union won the case in the Nara District Court, the authority side filed an appeal. Despite the Osaka High Court ruling to uphold the Nara District Court s decision, the authority side filed an appeal to the Supreme Court further. This is manifestation of that the authority side has no intention to address the issue.
- (4) There is no improvement on the restriction against the term of office of full-time union officers in the public sector.
- (5) There is no improvement on the current legislation which stipulates that public employees who exercise legitimately their right to strike are subject to heavy civil or criminal penalties.
- (6) The Government changed the status of national universities into the independent administrative institution from April, 2005. In connection with this, 120,000 employees who work in national universities transferred to independent administrative institutions, losing their status as public service workers.

# 98 号条約の適用に関する意見 団結権及び団体交渉権条約(1949年)

2005 年 9 月 5 日日本労働組合総連合会

#### 1.公務員の交渉権について

専門家委員会から数度にわたり勧告されている「国家の運営に関与しない公務員の勤務条件を団体協約という方法によって決定することを目的とした自主的交渉の機構を全面的に開発かつ利用するよう奨励・促進するための方策」については何らの進展も見られない。

一方政府の公務員賃金に対する圧力と労使関係への介入が強められている。2005 年 6 月 21 日、政府は「地域における給与の官民格差を踏まえて、国家公務員給与の在り方を早急に見直し、2005 年の秋に総人件費改革の基本指針を取りまとめる」こと、および「地方公務員の給与等について、その適正化を強力に推進するとともに、地域の民間給与の状況をより的確に反映し決定できるよう、人事委員会の機能の強化をはじめとしてそのあり方を見直す。国はその参考となる指標を整備する」ことを内容とする「経済財政運営に関する基本方針(2005 骨太方針)」を閣議決定した。これに先立ち、われわれは政府に対し、「基本方針 2005」に公務員賃金問題を盛りこむのであれば、当該関係者の意見表明の機会を保障する協議の場を設置するよう繰り返し要請してきたが、この要求は黙殺され今日に至るまでまったく協議は行われていない。

このように、本来労使で決定すべき賃金・労働条件のあり方について、政府が労使関係を 越えて閣議で決定することは、団体交渉機能の発揮を真っ向から否定するものである。

加えて、2005 年 8 月 15 日、人事院は、新たな評価制度の整備、労使協議制度、労使関係制度の改革を行わないまま、使用者が一方的に勤務実績を評定して賃金を決める給与制度とする法改正を求める勧告を行った。われわれは人事院との交渉・協議をねばり強く進めてきたが、大きな制度の見直しにも関わらず、人事院とわれわれの主張は平行線に終わっている。この勧告は、賃金決定過程から労働組合を排除し、使用者が一方的に賃金を決定することにつながるものであり、われわれは到底これを認めることはできない。

### 2.公務員制度改革について

2 度の ILO 結社の自由委員会勧告にもかかわらず、政府は公務員制度改革において、公務員の団体交渉権の制約を維持し、制約の代償措置である人事院の機能を縮小する方針を変えようとしていない。

条約の適用に多大な影響を及ぼす公務員制度改革の進展については、87 号条約に関するコメントを参照されたい。

以上

# Comment on the Application of Convention No. 98: Right to Organise and Collective Bargaining Convention, 1949

September 5, 2005

Japanese Trade Union Confederation
(JTUC-RENGO)

## 1. Right to bargain collectively for public service employees

JTUC-RENGO sees no improvement in promoting "measures that could be taken to encourage and promote the full development and utilization of machinery for voluntary negotiation with a view to the regulation of terms and conditions of employment by means of collective agreements for public employees who are not engaged in the administration of the State," which has been recommended several times by the Committee of Experts the Application of Conventions and Recommendations.

Meanwhile, the Government has strengthened interventions on wage determination and labor-management relations. The Cabinet decided the Basic Policies for Macroeconomic Management and Structural Reform of the Japanese Economy (so-called "Honebuto Hoshin 2005") on June 21, 2005, which says; "the wage system of national public servants working in local offices/agencies should be swiftly reviewed, based on the wage disparities between public and private sector workers. A basic precept for their labour cost reform shall be compiled in autumn 2005. Wage system of local public servants should be reviewed so that its deficiencies are removed and that it would more accurately reflect the wage level of the region/district concerned, including strengthening the function of local personnel commissions. The national Government would prepare indexes for reference."

In advance of the Government s decision of "Honebuto Hosihn 2005", we repeatedly requested the Government to set up a place for discussion to provide parties concerned an opportunity to express their opinions, if the Government intends to include the public service workers—wage system issue into it. However, this request was ignored, and there have been no such consultations.

Such Government's attitude, unilaterally determining the modality of wage and working conditions which should be primarily decided by labor-management negotiations in disregard of the proper labor-management relations, obviously rejects the "machinery for

voluntary negotiation" outright.

In addition, the National Personnel Authority (NPA) requested in its recommendation submitted to the Diet and the Cabinet on August 15, related laws be amended so that the management side may evaluate the each public worker—s achievements and decide their wages unilaterally, without any consideration of development of new—evaluation system of workers nor reform in labour-management consultation/relations system. Although we made our best efforts in negotiating and consulting with NPA regarding this vastly review of the system, it is regret to note that the two sides remained as far apart as ever. It is physically impossible for us to accept this NPA—s recommendation of which excludes trade unions from the wage determination process and, allows the management side to decide wage unilaterally.

# 2. Progress of the public service system reform

Despite two recommendations of the ILO Committee on Freedom of Association, the Government has shown no intention to modify its position in the public service system reform to maintain the current restrictions on the fundamental trade union rights on public servants, and to undermine the function of the National Personnel Authority (NPA) which has been performing the role to compensate the said restrictions.

The recent developments of the public service system reform, which would have a grave impact on the application of the Convention, are reported in our Comment on the application of the Convention No. 87.

# 100 号条約の適用に関する意見同一報酬条約(1951年)

2005 年 9 月 5 日日本労働組合総連合会

1.条約第1条および第2条について

政府の「男女間賃金格差問題研究会」の報告や、「男女間の賃金格差解消のための賃金管理及び雇用管理改善方策に係るガイドライン」は現状では有意義なものと言える。しかし、2004年度の「賃金構造基本統計調査」によると、男女間の賃金格差は32.4%と、いまだ差は大きい。また、この統計にはパート労働者等の賃金は含まれておらず、正社員のみの統計であり、男女間格差の実態が正しく反映されていないので、統計の手法の見直しが必要である。

賃金格差の要因としては 2003 年 9 月 3 日に ILO に提出した連合の意見に述べたもののほか、日常の業務の与え方が男女で異なることや、長時間残業が常態となるなどの職場実態にも起因しており、法の規制が強く求められている。

また、「同一価値労働同一賃金」の実施のためには、職務評価手法を研究・開発し、横断的・標準的な職務評価手法の普及・促進をはかる必要がある。

連合が労働組合員 5,000 人を対象に実施した調査では、コース別雇用管理制度を導入している職場において、回答者が属するコースとして女性は「一般職」64.1%、男性は「総合職」78.3%と大きな偏りがある。コースごとに差別の認定を行うことしている、現行指針の「雇用管理区分」の廃止が必要である。

このため、連合は次のとおり法の改正を求めている。

(1)「雇用の分野における男女の均等な機会及び待遇の確保等に関する法律」の抜本改正

男女双方に対する性差別の禁止

仕事と生活の調和を図ることを目的・理念に明記

業務の与え方を含め、すべての労働条件における差別的取扱いを禁止

間接差別の禁止(間接差別概念の明確化を含む)

妊娠・出産を理由とする不利益取扱いの禁止

ポジティブアクション計画の策定・実施・履行状況報告を事業主に義務づけ セクシュアル・ハラスメント防止と事後の適正対応を事業主に義務づけ

指針上の「雇用管理区分」の削除

- (2)労働基準法第3条に「性による差別の禁止」を追加
- (3)行政から独立した「性差別救済委員会」を設置、勧告、救済命令を出せるようにし、事業者が命令に従わない場合は刑罰を科す。
- 2 パート労働者、有期契約労働者

パート労働者は女性が 69.2%を占めており(労働力調査 2004 年)。女性の中では、

パート、有期契約、派遣などで働く労働者は 55.6%(就業形態の多様化に関する総合 実態調査 2003 年)と、過半を占めている。一方男性一般労働者を 100 とすると、男 性パート労働者 49.9、女性パート労働者 44.4 と、賃金の格差は大きい。

このため連合は、パート労働者や有期契約労働者の均等待遇確保を目的とし、次のような「パート・有期契約労働法」の制定を求めている。(2003 年 9 月 3 日連合意見再掲)

「合理的理由」がある場合を除き、処遇について差別的取扱いを禁止する。

パートタイム労働からフルタイム労働、フルタイム労働からパートタイム労働 への転換希望の配慮を設ける。

有期契約締結にあたっては、契約期間および期間を定める理由を書面で明示する。

## 3 仕事と生活の調和

# (1) 法整備

「育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律」は 2003年9月3日連合意見の内容を一部盛り込み、2004年12月に改正された。しかし、仕事と生活の調和をはかるためには不十分であり、連合はさらに継続して次のような改正を求める。

育児休業制度の分割取得(複数回)を可能にする。

家族看護休暇を請求権とする。

短時間勤務制度を事業主に義務づける。

男性の育児休業取得促進を措置する。

### (2) 労働時間の短縮

一般労働者の総実労働時間は、2004 年は 2021 時間(年間)と、過去 10 年の最高となった。週労働時間が 60 時間以上の 30 歳代の男性も増え、23.8%にも達している。連合は、「年間総実労働時間 1800 時間」を指針で示すこと、時間外労働の限度時間「150 時間」の法制化の検討を進めることを要求している。

以上

# Comment on the Application of Convention No. 100: Equal Remuneration Convention, 1951

September 5, 2005 Japanese Trade Union Confederation (JTUC-RENGO)

# 1. Articles 1 and 2 of the Convention

Report of the Study Group on the Issue of Wage Disparity Between Men and Women and the a Guideline Concerning the Measures for Improving Wage and Employment Management for Eliminating Wage Disparity Between Men and Women, both issued by the Government, can be described as meaningful given the present circumstances. The wage disparity between men and women, according to the latest Basic Survey on Wage Structure 2004, is however still high at 32.4%. Additionally, the said statistic tally only wages of regular workers, not incorporating wages of part-time workers or workers in other forms; thus not properly reflecting the actual status of wage disparities between men and women. Statistic methods therefore need to be reviewed.

Factors of wage disparities between men and women are, in addition to points listed in our Comments to the Committee of Experts dated September 3, 2003, different ways to allocate tasks to men and women, and continuous long over-time. Tighter regulations on workplaces would be necessary.

In order to implement the principle of "equal pay for work of equal value", there is also a need to study and develop measures of job evaluation with a view to promoting and improving horizontal and standardized ones.

According to a RENGO research among 5,000 union members, in workplaces where career tracking systems are introduced, 64.1% of women replied they belonged to "regular office jobs (ippanshoku)" category, compared to 78.3% of men to "fast-track career development jobs (sogoshoku)". The current Guideline supplementing the Equal Employment Opportunity Act should be modified so that the "employment management category, which has been established with the intention of managing the employment of workers who belong to said category differently from the employment of workers who belong to other categories" should be abolished.

With a view to the above, RENGO demands legislations reform as follows:

# (1) The Equal Employment Opportunity Act should be fundamentally reformed:

• to prohibit discrimination against both women and men,

- to clearly stipulate work-life balance in "Purposes" and "Basic Principles",
- to prohibit discriminatory treatment in all conditions of work, including allocation of tasks,
- to prohibit indirect discrimination, with its definition clearly clarified,
- to prohibit disadvantageous treatment by reason of pregnancy and childbirth,
- to oblige employers to develop, implement and report on progress of Positive Action Measures for Women,
- to oblige employers to prevent of and deal properly to sexual harassment cases, and
- to abolish "employment management category" from its Guideline.

# (2) The Labor Standard Law should be revised

• to add "by reason of sex" to Article 3 (Equal Treatment).

# (3) An independent "Gender Discrimination Redemption Committee" should be established A "Gender Discrimination Redemption Committee" which is independent from the administration and authorized to issue recommendations and relief orders and to penalize employers who fail to obey orders, should be established.

# 2. Part-Time and Fixed-Term Workers

On the one hand women account for 69.2% of part-time workers, on the other part-time, fixed-term and contract workers occupy the majority accounting for 55.6% of women workers, according to the General Survey on Diversified Types of Employment, 2003 by the Ministry of Health, Labour and Welfare (MHLW). Meanwhile, wage disparities between types of employment are large; male part-time workers earn only 49.9 and female part-time 44.4, when male regular workers would earn 100.

Therefore, RENGO demands, as stated in our Comment of the Committee of Experts dated September 3, 2003, a Part-Time and Fixed-Term Work Law be enacted with a view to establish an equal treatment for part-time and fixed-term workers, incorporating the following points:

- prohibition of discriminatory treatments, excluding cases of "reasonable grounds",
- arrangements for conversion from part-time work to full-time work and vice versa, and
- obligation of confirmation in writing of contract period and reason of fixing the term.

# 3. Work-Life Balance

# (1) Legislative Measures

The Child-Care and Nursing-Care Leave Law was revised in December 2004, incorporating partly RENGO's demands listed in our Comment to the Committee of Experts dated September 3, 2003. The said revision is however not sufficient to achieve work-life balance

for all workers and RENGO continuously demands further revisions

- to make it possible to have child-care leaves in parts,
- to make it a right for workers to request family-care leaves,
- to oblige employers to establish a short-time work arrangements, and
- to introduce measures for promoting child-care leaves for men.

# (2) Shorter Working Hours

The annual actual working hours for regular workers in 2004 amounted to 2,021 hours, the longest record in past 10 years. The number of male workers at their thirties who worked more than 60 hours per week has increased to 23.8%. RENGO demands that "1,800 annual actual working hours" principle should be stipulated in the form of Guideline, and that discussions on legalization of restrictions on overtime to 150 hours should be advanced.