

# Media for Labour Rights 2008

## First ITC-ILO Journalistic Prize

### The Winner



Misako Hida is an independent journalist who writes mainly for Japanese weekly magazines, including the *Economist*, *Sunday Mainichi*, *Tokyo Business* and *Newsweek Japan*. She is also the co-translator of non-fiction English books, including *The*

*Working Poor: Invisible in America*. She is originally from Tokyo and has lived in New York City since 1997. She is a member of the Society of American Business Editors and Writers and other organizations.



# The Best Story on Labour Rights

## The Land of Karoshi

“The time I spent has been wasted.”

On one early March day in 1999, even before the cherry blossom buds began to swell, a 23-year-old man named Yuji Uendan killed himself in the depths of depression caused by overwork. He was found in his apartment in Kumagaya City, Saitama Prefecture, on the outskirts of Tokyo, with these words scribbled on a whiteboard used for his daily workout menu.

The late Mr. Uendan had worked for nearly 16 months as an inspector of semiconductor producing equipment in the subdued yellowish light of a clean-room at a Nikon factory in Kumagaya, dressed from head to toe in a white dust-free garment. The young man was employed by the manufacturing contractor Nextar (currently known as Atest) and was temping at his employer's client, Nikon, a major Japanese camera and optical equipment maker.

Uendan worked 11-hour rotating day and night shifts with overtime and extra business trips that brought his work hours to as long as 250 hours a month at times. In his final stretch of work at the factory, he had worked 15 straight days without a day off. He was suffering from stomachaches, insomnia, numbness of extremities. His weight had dropped 13 kilograms.

“He looked so rigid in his face,” says his mother, Noriko Uendan, 59, who has suffered from angina since his son’s death and now carries nitroglycerin pills with her wherever she goes. “It pains me to think how many days he was there alone undiscovered.”

A Tokyo district court ruled in March of 2005 that both his employer and Nikon were responsible for Uendan’s death and ordered each company to pay compensation. “It was a groundbreaking victory for temporary workers,” said Uendan’s lawyer, Hiroshi Kawahito, who serves as Secretary General of the National Defence Council for Victims of Karoshi.

“Karoshi” is a Japanese term meaning “death from overwork,” and a look at the Oxford digital dictionary shows that it has been adopted into English since 2002 as well. “This was the first case in which not only the company supplying temporary personnel but also the company receiving the personnel was convicted of negligence,” Mr. Kawahito added.

But the case is not over. Both companies lodged an appeal against the decision and so did the plaintiff, the victim’s mother. The legal battle is still going on in the Tokyo High Court, where the 12th trial hearing was held in late January.

“In recent years, an increasing number of temporary workers have been forced to work as long as fulltime employees do. Also, it’s very common for manufacturing contractors to illegally supply their clients with employees as temporary staff,” says Koji Morioka, an economics professor and the author of *The Age of Overwork*. “Because of the status quo, the Uenden case has a special significance as the first compensation claim ever for a temporary worker’s suicide from overwork.”

The issue of “karojisatsu,” meaning “suicide from overwork,” is a serious and profound issue in Japan. Japan’s suicide tally has increased drastically, topping 30,000 since 1998, when the unemployment rate hit a record postwar high. According to the latest data of the World Health Organization, the number of suicides per 100,000 people is about twice the American rate.

Japan’s National Police Agency’s latest study shows that 32,155 people killed themselves nationwide in 2006. Mr. Kawahito estimates that roughly more than 5,000 suicides per year are the result of depression caused by overwork.

The ILO’s book released in 2004 shows that Japan has the highest proportion (28.1 %) of employees working more than 50 hours per week, while in most EU countries the corresponding number is well under 10 percent. According to *The Age of Overwork*, the ratio of employee use of paid vacations dropped to 47 percent in 2004 from 61 percent in 1980.

“Too much overtime, which virtually precludes worker use of paid vacations, is a serious issue,” says a lawyer, Kosuke Hori, who is previous Director General of the Labour Lawyers Association of Japan. Japan has not ratified any ILO worktime-related conventions, including Convention 132 concerning Holidays with Pay and Convention 1 concerning Hours of Work.

The domestic Labor Standards Law does not cap the amount of overtime under certain conditions. “When it comes to working hours,” Mr. Morioka writes in his book. “In Japan, nothing in the way of international labor standards exists.”

“I swore to my son as he lay in a coma .....that I would never give up,” says the mother. “I truly wish corporate Japan would allow employees to have decent lives so they can die full of years,” she said before pausing and adding quietly but firmly, “I will keep fighting the companies until I win.”

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