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Current State of Working Hours and Overwork in Japan:

Part III: How Can We Prevent Overwork?

Tomohiro Takami

In this series, we have discussed thus far overwork mainly from the aspect of the length of working hours. Following a review of the distinctive features regarding Japanese working hours in international or longitudinal comparison, Part I addressed the background to long working hours in relation to the legal system. Part II examined the reasons why the Japanese work long hours, highlighting the relationship with the Japanese-style employment system and paying attention to industry-specific working customs and practices in particular. This final article discusses important aspects to consider overwork besides the length of working hours, namely, timing of work, flexibility as to when and where they work, and work intensity. We will reexamine the characteristics of overwork from these three aspects and search for measures to be adopted in terms of workers' health, family lives, and well-being to prevent overwork.

I. *Karōshi* as a current social issue

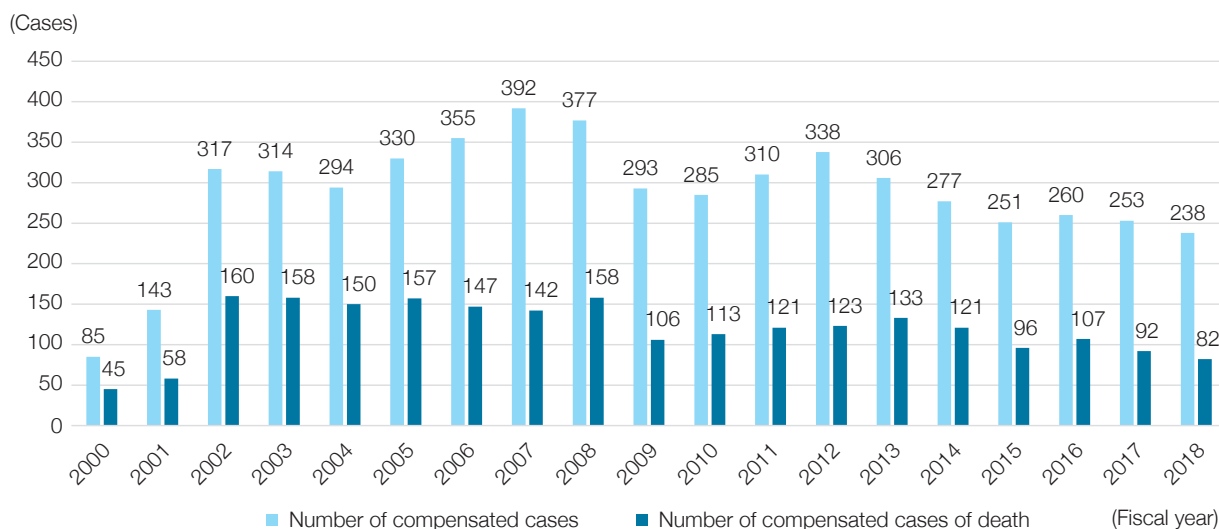
Overwork is an issue due to the ways in which such working styles have a negative impact on workers' health and work-life balance. Workers' health, in particular, can be severely affected by overwork. In Japan, cases in which excessive work burdens cause workers to develop conditions such as cerebrovascular and cardiovascular diseases (CCVDs) or mental disorders that may ultimately be fatal are classed as industrial accidents, and compensation for them may be received.¹

As can be seen in Figure 1, for over 10 years the number of compensated cases in relation to CCVDs has consistently exceeded 200 and at times reached

high in to the 300s since exceeding 300 in FY 2002. The number of death cases among them was as high as 160 in FY 2002, but has dropped to the 90s and the low 100s in the past few years. The rates of incidences differ according to industry and occupation. Truck driver is a typical occupation for which the number of compensated cases are particularly high. In terms of workers' ages, the number of compensated cases are highest among those in their fifties.

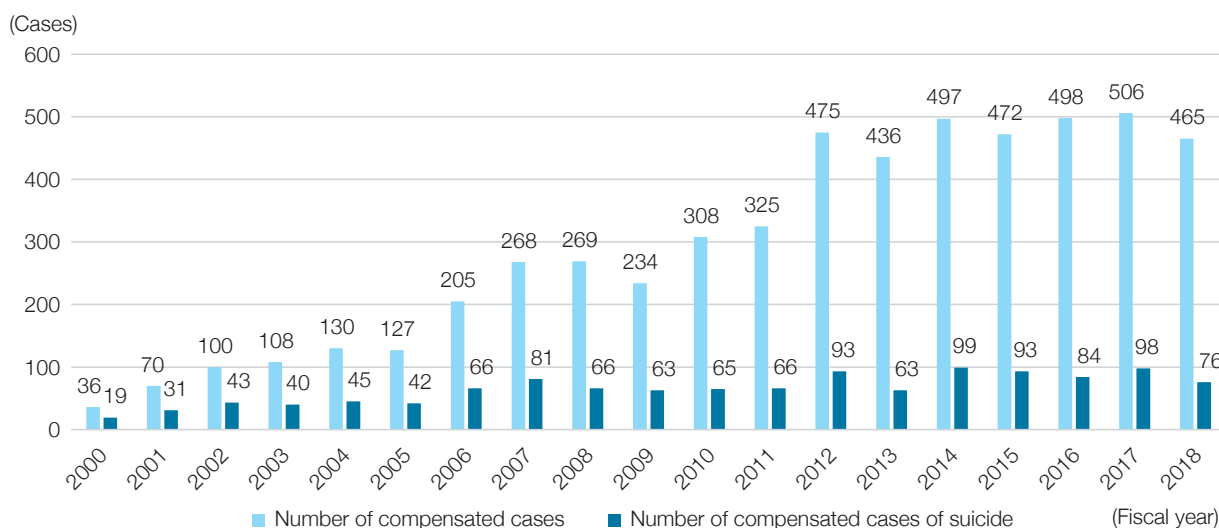
Mental health is also an issue that draws considerable attention at present. The number of compensated cases related to mental disorders exceeded 300 in FY 2010 and has been well above 400 since FY 2012 as shown in Figure 2. Suicides caused by overwork have been a particularly great focus of attention in the past few years as the result of a number of related lawsuits and other such incidents. These have prompted calls for companies to address their social responsibilities. The number of compensated cases related to mental disorders are largely centered on workers in their thirties and forties, a slightly different trend from that among CCVDs.

Karōshi (death from overwork) has been a major issue in Japanese society. Policies related to overwork have seen significant developments in recent years. Prompted by movements led by bereaved families and their supporters, the Act Promoting Measures to Prevent Death and Injury from Overwork was established in 2014, the Outline of Measures to Prevent Death and Injury from Overwork was approved in 2015. In 2016, the first white paper on overwork *White Paper on Measures to Prevent Karōshi, etc.* was put together. Similarly, with regard



Source: Ministry of Health, Labour and Welfare, "Status of industrial accident compensation for 'death and injury from overwork'."

Figure 1. Trends in the number of industrial accident, compensated cases regarding CCDVs



Source: Ministry of Health, Labour and Welfare, "Status of industrial accident compensation for 'death and injury from overwork'."

Figure 2. Trends in the number of industrial accident, compensated cases regarding mental disorders

to mental health, the "Stress Check Program" was introduced in 2015 for workplaces employing 50 or more people. Companies have continued to further focus on maintaining employees' mental health in the years since.

II. Key points of the ongoing discussion

In Japan, the issue of overwork has typically been almost solely equated with the problem of

long working hours. While long working hours are still the focus of such discussions today, changes in working environments have led to other aspects that also need to be addressed.

The first aspect is the changes in timing of work that have arisen by factors such as the growth of 24 hour service economy and economic globalization. More specifically, while the number of people working during the daytime on weekdays are

decreasing, that of people working in the evenings or at night are increasing.² While this growing diversity in timing of work any time across 24 hours can be seen to reflect an increase in the options for employment, it has also been noted for the potential problems it may cause in terms of its negative impacts on workers' health and family lives. This trend of increasing diversity in timing of work is not limited to Japan, and it will no doubt become an ever more crucial issue of working hours in the future.

The second trend to be addressed is the growing flexibility in working styles with regard to when and where workers work. Discussions have explored what kinds of approaches are needed to adopt to manage working hours in the case of professions such as sales or specialist roles, which are unsuited to rigid control or constant monitoring of working hours by employers and the case of positions for which workers can work outside their regular workplaces. As a means of adapting to the changes in the economic environment and responding to the diverse needs of workers, working time arrangements have been devised to manage the legally-prescribed working hours more flexibly. Flexible working time arrangements enable working style adjustments to suit companies' changing levels of demand or schedules that are convenient for workers.³ Expanding the options for working styles such as working from home and other such approaches has also been a topic of policy development in recent years, allowing workers greater flexibility with regard to the place where they work. The fact that such flexible working styles also help to reduce commuting time is a key benefit in Japan where the lengths of commuting time are particularly long in comparison with other countries.⁴ With laptop computers and cellular phones now in common use, it has become ever easier to avoid being restricted to a fixed workplace or working hours. At the same time, there are concerns that workers who are free to determine their own working styles may find it difficult to draw the line between work and other aspects of their lives and potentially overwork to an extent that is detrimental to their health or private lives. Especially, when they are under pressure

to meet deadlines for clients or expected to fulfil high achievement targets, it may be hard for them to liberate themselves from the burdens of work, even if they are able to choose when and where to work.⁵ More specifically, there is a risk that workers "working *where, when, and how they want*" may turn out to be "working *anytime, anywhere,*" and what is worse, "working *everywhere, all the time.*" This is an especially relevant issue in Japan given that it has long been typical for workers in Japanese companies to take their work home with them (*mochikaeri zangyō*).

Third, work intensity is another aspect that needs to be addressed in relation to overwork. Discussion of work intensification, which tends to be related with increased workloads, mostly focuses on the pace and density of work. Needless to say, environments in which workers are expected to constantly process tasks at a high speed or meet tight deadlines are demanding and stressful. This has for some time been highlighted by countries in the EU as a major issue in the labor environment against the background of progress in information and communications technology and other such developments.⁶ In Japan, on the other hand, relatively little attention has been given to the aspect of work intensity. This is simply because it is typically considered that the larger amounts of work there are, the longer overtime hours occurs. Now that Japan has seen the introduction of stricter regulations on overtime hours, it is possible that work intensification may become a growing interest in the future discussion on overwork along with the attention to the worldwide developing technological innovation.⁷

III. Preventing overwork

What steps then need to be taken to prevent overwork? Looking at the typical practices and current state in Japan that have been touched on in this series, the length of working hours remain an important aspect to tackle the problem. The Work Style Reform Act enacted in 2018 (and put into effect in 2019) placed clear upper limits on overtime hours—namely, 45 hours a month and 360 hours a year—and these are expected to have an impact

in the coming years. In order to ensure that these regulations are effective in practice, government bodies need to monitor and provide guidance to companies.

Moreover, we should search for measures beyond the conventional approach toward preventing overwork. First, it is necessary to consider how to address the work-related factors that may prompt to overwork, such as pressure to fulfil clients' demands or performance quotas. It is crucial that efforts be made to ensure appropriate workloads.

Second, it is also important to consider steps toward ensuring time for sleep and other such activities that constitute private time and rest. One approach that has been discussed as its potential measure is the introduction of a "work-interval system,"⁸ which is thought to be an effective method for ensuring rest time, particularly for workers in jobs involving work at night or shifts. Moreover, with the growing digitalization, there is an urgent demand among workers for the development of rules to protect the time that they are able to switch off from work, such as those seen in France, where steps have been taken to honor them "right to disconnect" (*le droit de la déconnexion*). There is a demand for measures that will prevent work from intruding upon a non-working time.

Since the efforts were made to address overwork as a major issue and to adopt policy measures from the end of the 1980s, the average working hours of an individual worker have decreased in comparison with previous years. However, we still face the issue of overwork and the negative impact it exerts on workers' health and family lives. Overwork in Japan can, to a great extent, be attributed to factors that are common to contemporary industrial nations, and yet the problem is also firmly rooted in Japan's distinctive systems, practices and values. It will be important to follow the social shifts in the coming years.

Notes

1. The industrial accident compensation insurance system sets out provisions determining what is treated as an "employment injury" (the injuries and diseases to which this

applies and the criteria for determining how they are related to the work, etc.).

2. The Ministry of Health, Labour and Welfare 2015 showed an increase in engagement in work in the evenings or at night between 1986 and 2011.
3. When the Labor Standards Law (LSL) was amended in 1987 to reduce the maximum number of working hours, several statutory flexibility arrangements were added to the LSL at the same time. Since the 1994 amendment, the LSL has permitted five arrangements to make working hours flexible: (1) uneven distribution of working hours over a period not exceeding one month (Art. 32-2), (2) flex-time (Art. 32-3), (3) uneven distribution of working hours over a period not exceeding one year (Art. 32-4), (4) uneven distribution of working hours over a one-week period (Art. 32-5), and (5) presumed working hours for discretionary work (Art. 38-3). The 1998 amendment also created a different kind of discretionary work arrangement (Art. 38-4). Arrangements (2)-(5) require the employer to have a worker-management agreement on the relevant points and to submit it to the Labour Standards Inspection Office. See Hanami et al. 2015.
4. According to NHK 2016, a Japanese worker's average commuting time on weekdays is 79 minutes (total for both directions), and is particularly long in the Tokyo Metropolitan area, at 102 minutes (total for both directions).
5. The risks of overwork due to pressure to meet client demands are covered in more detail in Takami 2018.
6. Green 2006 is a key source on this topic. Green's scale of work intensity is based on the frequency at which workers are expected to work at very "high speed" and to "tight deadlines." Surveys in recent years have also highlighted work intensity as an issue and noted concerns regarding its impact on health and stress levels. See Eurofound 2017.
7. In fact, in a survey by the JILPT in 2014 where workers were asked if "being expected to complete heavy workloads" and "often being expected to meet tight deadlines or delivery schedules" were scenarios that apply to them, the percentages of workers who responded "applies" (the total for all workers who responded "applies" or "slightly applies") were around 47% and around 56%, respectively. See JILPT 2015.
8. A "work-interval system" sets out a certain period of no work (rest period) in the period between the ending time of work on a given day and the starting time of work on the next day. This approach was discussed in Japan on the basis of an initiative developed by the EU, and efforts to promote the application of this system were prescribed in the Work Style Reform Act enforced in 2019.

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Tomohiro Takami

Vice Senior Researcher, The Japan Institute for Labour Policy and Training. Research interest: Sociology of work.

<https://www.jil.go.jp/english/profile/takami.html>

