

To : Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)

All Japan Teachers and Staffs Union (ZENKYO)

Yoshihisa KITAMURA

President, National Executive Committee

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## **Problems concerning the work of teachers in Japan Allegation related to the 1966 Recommendation**

### **Introduction**

1. All Japan Teachers and Staffs Union (ZENKYO) in 2002 filed an allegation with the CEART regarding “incompetent teachers” and “teacher appraisal system” in Japan. Since then, it has endeavored to promote social dialogue with the Ministry of Education, Science and Technology (hereinafter the MEXT) for the full observance of the ILO/UNESCO Recommendation concerning the Status of Teachers (hereinafter the 1966 Recommendation) in Japan.
2. Having judged that a number of provisions of the 1966 Recommendation are not observed in Japan with regard to the working conditions of teachers, ZENKYO decided to file the present allegation with the CEART and inform the Committee of the actual status of Japanese teachers.
3. The allegation is comprised of two parts: “long hours of work of teachers affecting their professional skills” in Chapter III, and “the problem of precarious employment status (non-regular or temporary) teachers” in Chapter IV.
4. These work-related problems of teachers are closely linked to the class size and teacher-pupil ratio, to the freeze of teachers’ salaries and the system of State contribution to teaching personnel cost which is basically born by prefectures. In “Chapter I: Teacher Posts and Funding in Japan”, we give a general sketch of the Japanese system for determining the number of teacher posts, and in “Chapter II: Class Size and Current Disposition of Teachers and Basic Demands of ZENKYO”, we outline the demands ZENKYO has presented to the MEXT.

## **Chapter I: Teachers Posts and Funding in Japan**

### **(1) Teacher Posts**

5. The total number of teacher posts to be assigned to compulsory education schools within in a prefecture is determined by the “Act concerning the standards of class size and teacher posts in public schools of compulsory education (hereinafter the “Teacher Posts Act (compulsory education)”). Likewise, the total number of teacher posts in public high schools in a prefecture is determined by the “Act concerning the standards for appropriate disposition and number of teacher posts in public high schools” (hereinafter the “Public High School Teacher Posts Act”).  
Note: Compulsory education in Japan lasts nine years, including six years in primary school and three years in lower secondary (junior high) school. Upper secondary (high school) education that last three years (fulltime) or four years (part-time) is not compulsory.
6. Each prefectural government determines the number of teachers to be assigned to each school in the prefecture in accordance with these two Acts.
7. However, these standards do not set the minimum number of posts to be observed. Therefore, the number of posts actually created and maintained by a prefectural government could be more or less these standards.
8. Basically, teachers both in compulsory education and public high schools are recruited and hired by prefectural governments.
9. The number of teachers to be assigned to each school is determined on the basis of the number of classes in that school. The State on its part allows some additional teacher posts whose number is fixed by a government ordinance in accordance with its policy.

### **(2) Teachers' Salary**

10. It is provided by a law that the State should bear one third of salaries of the total number of teachers (including additional teachers allowed by the State) in a prefecture.
11. The ratio of the State participation used to be 50% until 2006 when it was brought down to one third on the pretext of “adjusting and rationalizing State subsidies” . The rest, two thirds, are now borne by the prefectural governments.
12. Salaries of public high school teachers are entirely paid by the prefectural governments.
13. Through a financial adjustment system, the central government distributes State tax revenues to the prefectures that are short of self-generated revenues.
14. The calculation of the amount of State tax revenues distributed to prefectural governments takes into account the salaries of both compulsory education and public high school teachers.
15. Neither compulsory education teachers nor public high school teachers are paid for their overtime work.

### **(3) Limited discretionary use of the State funding for payment of compulsory education teacher salaries**

16. Until 2003, the State had participated in funding compulsory education teacher salaries and various allowances. The amount of State funding for each teacher was calculated for each item of pay and allowances, according to a list established by the State. That amount was then

multiplied by the number of teacher posts to obtain the total money to be distributed to each prefecture.

17. Around 2004, however, while continuing to cover one third of the teachers' pay, the State left to the discretion of prefectural governments the decision of the number of teachers they hire with the State fund.

18. This resulted in removal of standards for setting teacher salaries. This in turn has led certain prefectures with insufficient source of revenue to cut salaries of compulsory education teachers. In these prefectures, public high school teachers have seen their salaries curtailed just like compulsory education teachers. According to a study made by the Ministry of Home Affairs, 33 prefectures (of 46 in total) have implemented cuts in teachers' pay as of April 1, 2012.

#### **(4) Teacher posts and salaries in each prefecture vary with State policy changes**

19. To guarantee a national minimum, the State bears a part of education spending of local governments as State assistance.

20. The State financial assistance consists of State subsidies for fixed purposes and State tax-revenue distribution for non-fixed purposes.

21. More precisely, the State assistance is used by prefectural government to cover teaching personnel cost, school equipment and facilities cost and schooling assistance cost. The level of State assistance for each expenditure item as well as the standard amount for each item is determined by the State.

22. Each prefectural government decides the amount it spends on teacher salaries and the number of teacher posts. If it wants to increase teacher salaries or create additional teacher posts beyond the State-set standards, it will have to bear all the additional expenses. The room for each prefectural government to increase teacher salaries or teacher posts is very small.

23. When a prefectural government hires a school employee whose job category is not included in the Teacher Posts Act, it must bear the total personnel cost for that employee.

24. The method and amount of the State assistance therefore strongly influence the prefectural government in deciding the number of teacher posts and teaching personnel expenditure.

## **Chapter II: Class Size and Teacher-Pupil Ratio: ZENKYO's Basic Demands**

### **(1) Current Situation and ZENYO's Basic Demands**

25. In response to the request of the MEXT that began to review class size standards in February 2010, ZENKYO submitted its basic demands regarding organization of classes and number of teacher posts. After presenting its fundamental position in favor of an education that guarantees sound growth and development of all children and emphasizing the need for ensuring conditions for supporting and encouraging education in each school, ZENKYO described the current situation of teachers and commented in detail the basic demands of the union members. Set below are the description of current class size in Japanese schools and ZENKYO's demands that concern the present allegation.
26. A standard class of the 1st grade of primary education is made up of 35 pupils. For other grades in primary school, the standard class size is 40. ZENKYO demands that the standard be quickly reduced under 30 pupils for all grades from primary to secondary education levels.
27. The standard size for specially-assisted classes is eight children. ZENKYO demands a class of six pupils or less, recognition of 1 pupil class and provision of differentiated education by types of disabilities.
28. A class in special schools is made up of 6 pupils at primary and junior high levels and 8 pupils at high school level. A class for children with two or more different disabilities comprises of 3 pupils. ZENKYO demands that the specific needs of children for certain medical care be taken into account in deciding class size. It also calls for the inclusion into the "Standards Act" of professionals who take care of children's special needs such as nurses, physical and occupational therapists.
29. There is no upper limit to the number of lessons a teacher must teach per week. According to the governmental statistics, a public primary school teacher in charge of a class teaches 24.4 hours (a teaching hour is 45 minutes) a week while a junior high school teachers teaches 18.1 hours (a teaching hour is 50 min.) and a high school teacher 15.6 hours (a teaching period is 50 min.). These figures are averages including small-size schools. In reality, teachers teaching 20 hours or more a week account for 86.1% in primary schools and 39.2% in junior high schools. ZENKYO calls for the introduction of an appropriate upper limit for each type of school and review the number of teachers assigned to each school to ensure adequate teaching staff. For the immediate period, we demand the upper limit be set to 20 hours a week in primary school, 18 hours in junior high and 15 hours in high schools.
30. In primary schools, teachers other than those in charge of a class are extremely few. ZENKYO demands, in addition to class teachers corresponding to the number of classes, teachers specialized in specific education subjects be also assigned to primary schools by drastically increasing the number of teachers posts.
31. Current level of teaching staff is inadequate compared with the workload for improving children's academic ability and providing them with adapted guidance. To fill this gap, ZENKYO calls for increases in teaching posts in each school according to the number of pupils.
32. There are also schools where there is no nurse, no clerical personnel no school dietitian etc. ZENKYO demands that these categories of personnel be assigned to every school. In addition,

the roles of different professionals for specific educational needs should be clearly defined and acknowledged while, at the same time, new types of professionals to be introduced to schools be considered.

## **(2) ZENKYO's Demand Concerning Personnel Cost Funding**

33. In order to reduce class size and increase teacher posts, it is essential to ensure that adequate funding is allocated to that purpose. In its opinion letter presented to the MEXT, ZENKYO referring to financial guarantees for increasing teacher posts stated:

34. "Believing that improvements should be made in teacher posts at the responsibility of the State as national minimum, we demand the State maintain its contribution in funding compulsory education and increase the ratio of that contribution".

35. We also demand the creation of an "education subsidy" (temporary name) that local governments can use for creative educational activities that are adapted to the realities of children and specific local conditions.

36. We demand the creation of a State contribution to the high school teacher salary payments.

### **Chapter III: Long Working Time of Japanese Teachers**

#### **(1) ZENKYO's 2012 Survey on Working Conditions (hereinafter ZENKYO Survey)**

37. ZENKYO has so far conducted two similar surveys in 1992 and in 2002. The results of the 1992 survey showed that teachers worked overtime in average 27 hours and 52 minutes a month and spent 32 hours and 50 minutes on work taken home. The ZENKYO Survey showed that teachers worked overtime much longer than ten years ago with 57 hours and 20 minutes a month in average and spent 25 hours 0 minute on work taken home.

38. The MEXT conducted on its part a survey on teachers' working practices from July to December 2006. According to the results aggregated for the month of October (the same period as that of the ZENKYO Survey), primary school teachers worked 1 hour 42 minutes overtime a day on workdays and 19 minute a day on holidays. Calculated with the method used in the ZENKYO Survey, overtime work on workdays amounts to 52 hours a month and on holidays to 2 hours and 32 minutes, totaling 54 hours and 32 hours of overtime work a month.

In the case of junior high teachers, their overtime work account for 2 hours and 9 minutes a day on workdays and 1 hour and 35 minutes a day on holidays. Calculated similarly as the 2012 Survey, overtime work amounts to 60 hours 20 minutes on workdays a month and 12 hours 40 minutes on holidays, the total being 73 hours 0 minute.

In the case of high school teachers (full-time), they work 1 hour 50 minutes overtime a day on workdays and 1 hour 42 minutes a day on holidays. Treated similarly as the ZENKYO Survey, these figures would be 47 hours and 13 hours 36 minutes respectively, with a total of 60 hours 36 minutes.

As shown here, even the conservative MEXT survey results clearly testified to the long working time of teachers.

39. Based on the results of the 2006 Survey, the National Education Council of the MEXT on 29 March 2007 issued a recommendation concerning the "teacher salary in future". However, no concrete action has been taken so far towards the resolution of long working time of teachers.

40. In June 2007, ZENKYO issued on its webpage a "Black Paper on Overwork". A media report (Rengo Tsushin) presented excerpts from this paper that described deplorable realities of teachers' work that extends far beyond on-duty hours, including the case of a primary school teacher who is so busy in helping children with learning difficulties to study or take school meals that he could hardly find time to go to toilet, and the case of a junior high teacher who has to give up New Year holidays to prepare documents required for college entrance examination of his students and to develop questions for term-end testing. The report pointed out that the current law that sets standards for public school teacher salaries basically does not allow for overtime work of teachers. It fails to take into account excessive workload weighing on teachers".

Another media report issued in April 2011 read: "For many years, teachers have been said to get busier and busier. The system in place that determines the amount of State funding for teachers' pay on the basis of a global evaluation of teachers' work is showing the signs of structural fatigue. It does not take into account whether teachers work during or outside on-duty hours and denies them the right to be remunerate for their work overtime and on holidays". As these reports demonstrate, the root-cause of teachers' long working time is

partly institutional.

41. According to the “Policy concerning the Mental Health of Teachers (Definitive Conclusion)” made public on March 19, 2013 by the Committee on Teachers’ Mental Health of the MEXT, the average hours of teachers for coming to and leaving from school during a month are:

Average time of arrival at school:

7 to 7:30 a.m. (24.3% of the total )          7:30 to 8 a.m. (45.2%)

Average time of leaving school

6 to 7 p.m. (38.3%)                                  7 to 8 p.m. (27.2%)

The average legal workday for teachers is from 8:30 a.m. to 5 p.m.

42. In order to establish laws and regulations to put an end to teachers’ long and intensive work in Japan, it is necessary above all to amend the “Act on Special Measures concerning Teaching Personnel in Public Compulsory Education Schools” (hereinafter the Special Measure Act).

43. The Special Measure Act is based on the principle that “School principal shall allocate work in an appropriate manner to ensure that teachers do not work beyond on-duty hours” and that “appropriate and adequate considerations shall be made and recovery measures included when allocating work”. However, it is undeniable that these legal provisions for preventing overtime work do not function properly since long hours of work are chronic and widespread among teachers working under this Act. On the contrary, the Act serves as a “legal cover” for allowing endless extension of overtime work. In addition, as the law provides that no overtime work allowance is afforded to teachers, there is no financial ground for demanding an increase of teacher posts.

44. The MEXT on September 8, 2008, in a document titled “Synthesis of Deliberations” concluded the following: “Public school teachers, except for those in managerial posts, are not subject to the application of Article 37 of the Labor Standards Law regarding overtime pay. They do not receive overtime allowance which should be proportional to hours worked outside duty-hours. They are given instead an across-the-board adjustment pay equivalent to 4 percent of the basic salary. Under such a system, managers are rarely asked to grasp the situation of overtime work of the teachers under their supervision for determining their monthly salary”.

45. The amendment of the Special Measure Act ZENKYO calls for is aimed at instituting a prohibition of overtime work. Concretely, the Act should provide for the obligation of the manager to check and control teachers working time. Also, an upper limit should be put on their actual working hours by a law or a regulation. In addition, when actual working hours exceed the legal hours of work (38 hours 45 minutes a week) for any compelling reason, an extra pay calculated according to Article 37 of the Labor Standards Law should be paid.

46. In October 2012, ZENKYO conducted a survey on 10 percent of its members nationwide to make visible the actual working conditions of teachers in the society and mobilize public opinion to call for improving these conditions on one hand, and to begin consultation and negotiation with the MEXT on the implementation of concrete remedial measures on the other.

## **(2) Results of the ZENKYO Survey**

47. The ZENKYO Survey was conducted during the week from 1 to 7 October 2012 in 39 prefectures with the cooperation of members of ZENKYO affiliates and other teachers’ unions

belonging to the Coordination of Union Joint Struggle.

48. In the Survey, the “monthly average overtime work hours” or “average O” is obtained by the following method:

Average of hours worked on a weekday workday (from arrival at school till departure from school)

– legal working hours (7 hours 45 minutes) – [rest time actually taken]=A

$A \times 20$  (days) + [average of hours worked on Saturdays and Sunday]  $\times 8$  (days) = Average O

49. 5,880 teachers (3,221 men and 2,659 women) took part in the survey.

The monthly average of overtime work hours spent at school was 72 hours 56 minutes while the monthly average of overtime work hours spent at home was 22 hours 36 minutes. The total of monthly average overtime work hours was 95 hours 32 minutes, testifying to an aberrant working practice of teachers.

50. The Ministry of Health has warned working overtime more than 100 hours a month represents a risk of karoshi (death from overwork). However, the survey showed that 21.3% of teachers work more than 100 hours overtime a month while another 14.5% work more than 80 hours. In total, more than one third of teachers (35.8%) work over 80 hours overtime a month.

51. Average overtime work in different types of school is:

primary : 68 hours 36 minutes

junior high : 91 hours 43 minutes

high school (fulltime) : 79 hours 19 minutes

Special schools: 55 hours 54 minutes.

The average overtime work is particularly long in junior high and high schools (fulltime) compared with other types of school. It is certainly due to coaching extracurricular club activities.

52. Set below is the comparison of overtime work between teachers who are assigned to coaching of club activities and those who are not.

(1) Teachers who are coaching club activities:

Primary school: 77 hours 0 minutes;

Junior high school: 94 hours 13 minutes;

High school (fulltime): 80 hours 10 minutes;

Special school: 63 hours 35 minutes.

(2) Teachers not assigned to coaching

Primary school: 68 hours 31 minutes;

Junior high school: 53 hours 50 minutes;

High school (fulltime): 72 hours 45 minutes;

Special school: 54 hours 14 minutes.

53. The survey has allowed to have a general view on teachers' 24 hours.

(1) The time when teachers arrive at school peaks between 7: 30 and 8 a.m. Some teachers come to school as early as 6: 30 a.m. to start “morning duties”.

\*Refer to the questionnaire as to the content of morning duties”.

(2) Legal working hours start in national average at 8: 26 a.m. Teaching lessons is the major duty in working hours, with “student guidance” concentrating during noon recess. Student guidance also peaks after school hours.



- (3) "Preparation for lessons" is basically done after teaching classes are over, but meetings, consultations and other miscellaneous school business are concentrated around that time. Students' club activities also begin. Legal working hours end at 4:56 p.m. in national average. Most teachers leave school between 7:00 and 7:30 p.m.
- (4) As teachers are still busy with meetings and other school matters after class, they often have to give up Saturdays and Sundays to preparation for lessons, to deal with administrative matters and prepare various reports.
- (5) It must be noted that the time zone for "preparation for classes", "processing pupils' marks" and "preparation for reports and administrative documents" extends beyond midnight. Also, there are differences in time zones among various school types. In junior high and high schools, there is a big peak after school hours for "club activities" whereas in primary schools and special schools, teachers do not have any uncommitted time they can devote to "preparing classes" or "meetings or consultations" which fact forces them to work overtime. It would be possible therefore to improve their situation by allowing them to have one uncommitted hour a day or by reducing their teaching hours.

54. The average of workday sleeping time for all the surveyed teachers was 6 hours 19 minutes (with standard deviation of 51 minutes). The average for men was 6 hours 27 minutes (22.5% sleep less than 6 hours) and for women 6 hours 10 minutes (35.7% sleep less than 6 hours). In percentage, slightly more than one third of women teachers sleep less than 6 hours. Only 19.7% of women teachers sleep more than 7 hours while 32.4 % of men teachers get more than 7 hours of sleep.

55. In the Survey, 81.5% of teachers responded that they feel their profession "very rewarding" or "rather rewarding". On the other hand, 74.8% said that they are "pressed with work and have no time to spare in everyday life". 75.8% find that they "do not have sufficient time to prepare for classes". 63.0% think that they "have to spend more and more time to ensure good relations with parents and local community" and 84.6% complain that they "have too much work to do".

56. The top 10 duties that teachers want to "see reduced" are listed in the table below:

1. Preparation of reports and other documents and statistics	3, 031	33.2%
2. Meetings, consultations	1, 068	11.7%
3. Extracurricular activities including sport events	749	8.2%
4. Lesson periods, teaching hours	697	7.6%
5. Seminar and training (including first-year training)	629	6.9%
6. Work related to different school ceremonies and events	435	4.8%
7. Preparation documents for teacher appraisal	290	3.2%
8. Relations with parents, PTA and local community	249	2.7%
9. Preparation of teaching program and teaching practice classes	215	2.4%
10. Workloads	187	2.0%

"Preparation of documents, statistics and reports" could be partially reduced if the MEXT sorts out the types of document teachers have to prepare. Also, "preparation of documents for teacher evaluation" and "Preparation of teaching plan and study classes" needs to be subject to

consultations with the MEXT and prefectural education boards to find out a solution. However, no consultations have been so far held by the education authorities with teachers' organizations on these issues.

### (3) Institutional Causes of Teachers' Long Working Time

57. Legal time of work for teachers is 7 hours 45 minutes a day, 38 hours 45 minutes a week.

58. Student guidance and club activities coaching as well as emergency duties are teachers' duties that could extend into off-duty hours. In ZENKYO Survey, "hours worked" do not include the time spend on these duties. Even though, but they exceed the legal working hours of 7 hours 45 minutes (Table 1).

(Table1)

Task or activity	Primary	Junior High	High (fulltime)	Special school
Morning duty	34min	36min	28min	37min
Daily duties	7min	6min	10min	9min
Teaching	5h07min	3h47min	3h03min	4h06min
Preparation of class	1h18min	1h19min	1h48min	1h15min
Learning guidance	10min	7min	15min	5min
Treatment of records	31min	37min	34min	6min
Guidance for student council	3min	6min	3min	1min
School ceremonies	26min	34min	27min	24min
Management of class	17min	23min	11min	10min
Meeting and consultation	37min	29min	26min	49min
Administrative work, reports	18min	23min	33min	44min
Training at school	7min	3min	2min	5min
Training outside school	7min	6min	9min	3min
Subtotal time	9h42min	8h36min	8h09min	8h34min
Student guidance, counseling	42min	60min	39min	38min
Extracurricular activities	5min	42min	47min	5min
Relations with PTA, local community	7min	7min	3min	7min
Other tasks	17min	25min	29min	29min
Emergency tasks	1min	1min	1min	1min
Total time	10h54min	10h51min	10h08min	9h54min

59. Leaving this situation without remedy would make it impossible to put an end to teachers overtime work. In order that teachers can perform their regular duties within legal working time, it is indispensable to reduce the number of lessons for each teacher by drastically reviewing the current Teacher Posts Acts and significantly increasing teacher posts.

60. ZENKYO's demands towards the MEXT regarding teacher posts are detailed in Chapter II.

61. Chronic overtime work of teachers is a problem directly linked with their working conditions. It is therefore the obligation of the employer who has the power to appoint teachers to hold good faith consultation or negotiations requested by them in view of solving that problem. While the question of teacher posts can be considered as a “management and operational matter”, it also falls into the category of working conditions. It is therefore unfair to exclude that question from consultation/negotiation on the ground that it is a management and operational matter.
62. The Special Measure Act stipulates that “overtime work allowance shall not be paid to teachers” and that “in principle, it is not allowed to order a teacher to work overtime”. In reality, however, the second provision has completely turned into a dead letter. The results of the Zenkyo Survey have eloquently demonstrated it.
63. On the ground of the Special Measure Act provision, the MEXT does not allocate any funding to overtime work allowance of teachers. Neither MEXT nor local education boards would set a limit to teachers’ overtime work since they do not pay for it.
64. ZENKYO is asking the MEXT to: (1) ensure that the employer accurately grasp hours worked outside duty-hours; (2) revise the Special Measure Act so as to provide allowance to teachers in accordance with the Labor Standards Law for hours worked outside duty-hours for compelling reasons.
65. The situation of teachers as described above is contrary to paragraphs 8, 9, 82, 89, 90 and 92 of the 1966 Recommendation. ZENKYO is requesting the MEXT to do the following:
- (i) In order to reduce and eliminate overtime work of teachers, to hold negotiations/ consultations with teacher organizations about the following matters, without excluding them on the ground that they are management and operational ones:
  - (ii) To set an upper limit on teaching hours of each teacher and institute a new law on teacher posts which provides for a mechanism for assigning teacher posts to each school in sufficient number so as to ensure that the set upper limit is not surpassed.
  - (iii) To amend the Special Measure Act to:
    - 1. Maintain the principle that it is not allowed to order a teacher to work overtime.
    - 2. For overtime work that is unavoidable even under the principle above, set upper limits for a day, a week, a month and a year so as to control extra working hours and pat overtime work allowance.

#### (4) Impact of Long Working Time on Education and Professionalization of Teachers

##### 1) Teaching Hours and Lesson Preparation

66. The questions regarding the “consciousness of teachers” asked in ZENKYO Survey revealed that as much as 75.8% of the respondent “feel very much “ or “feel” that they “do not have enough time to prepare for classes”.

67. Set below is the time teachers in different types of school spend on teaching and preparation for classes, compiled by 30 min. time-zones

School type	Teaching	Preparation of class
Primary	5 h 7 min.	1 h 18 min.
Junior high	3 h 47 min.	1 h 19 min.
High (fulltime)	3 h 3 min.	1 h 48 min.
Special school	4 h 6 min	1 h 15 min

The number of teachers preparing for lessons peaks after duty-hours that end at 5:00 p.m. and never becomes zero in any of 30 minutes-time zones. Teachers work in off-duty hours including early morning and late night to prepare for classes.

68. At the House of Councilors Education Commission meeting on May 23, 2002, the MEXT (Mr.Higenori YANO, Director for Primary and Secondary Education) acknowledged that “one hour preparation is necessary for one hour class teaching”. In the light of that statement, primary teachers lack 3 hours 49 minutes and high school teachers 1 hour 15 minutes for preparing for the classes they teach. These figures support the general feeling among teachers of not having sufficient time for class preparation.

69. The imbalance between hours of teaching and hours of preparation for teaching is partly caused by the revised Ministerial “Guidelines for School Teaching” issued in 2008 that increased teaching classes without increasing teacher posts.

	Teaching hours before 2008	Current teaching hours	Teaching weeks before 2008	Current teaching weeks
Primary year 1	782 h/year	850 h/year	23 weeks	25 weeks
Primary year 2	840 h/year	910 h/year	24 weeks	26 weeks
Primary year 3	910 h/year	945 h/year	26 weeks	27 weeks
Primary year 4	945 h/year	980 h/year	27 weeks	28 weeks
Primary year 5	945 h/year	980 h/year	27 weeks	28 weeks
Primary year 6	945 h/year	980 h/year	27 weeks	28 weeks
Junior high year 1	980 h/year	1015 h/year	28 weeks	29 weeks
Junior high year 2	980 h/year	1015 h/year	28 weeks	29 weeks
Junior high year 3	980 h/year	1015 h/year	28 weeks	29 weeks

\*1 hour in this table means 45 minutes in primary and 50 minutes for junior high.

70. At high school level, the revised MEXT Guidelines provides that the “standard for weekly class teaching hours in fulltime courses shall be 30 unit hours (6 units/ day x 5 days/week) , but add that “ The standard teaching hours may be increased if necessary”. As a result of this provision, more and more schools create a seventh and eighth periods within a day. In fact, the 2010 survey on organization and implementation of school teaching in public high schools showed that 60.2% of these schools (fulltime) set more than 30 teaching hours a week. However, no increase in teacher posts has been implemented to meet the need for additional teaching staff.
71. The number of children with various disabilities going to special schools is rapidly increasing. However, because of lack of professionals assigned to these schools, ordinary teachers are required to perform highly specialized acts such as medical care and functional training of children with disabilities. Stress from these duties added to their normal work weigh heavily on special school teachers.
72. At the same time, the annual “nationwide study on academic ability and school teaching (national standardized testing)” began in 2007 and its results by prefecture were published each year. Since then, each school is strongly called on to develop a strategy to improve children’s academic ability. From the standpoint of ensuring “adequate class instruction” for improving academic achievement, a number of measures were taken including shortening of long vacations and decreasing of shortened class periods, but these measures were not accompanied by necessary staff increase.
73. According to the strategy of “improving academic ability” aimed at raising school’s average score for each subject, teachers were encouraged to push children into competition, by making them solve past test questions or prepare for the achievement test using drill books during the classes. This has led to cases of de-professionalization of teachers observed now in many parts of Japan.
74. In the light of paragraphs 70, 71, 90 (a) to (e) of the 1966 Recommendation, the most important policy for the MEXT should focus on enabling teachers to “achieve the highest possible standards in all their professional work”. Such a policy should consist of assigning necessary number of teachers and fixing a number of lessons each teacher has to teach a day so as to ensure them time for adequate planning and preparation of lessons. The MEXT does not have such a policy and has not held any consultation/negotiation with teachers’ organizations on these questions.

## 2) Time for Professional Training

75. The table below shows the time for training per day obtained by compiling 30 minutes time zones by type of duty.

School type	In school	Outside school	Total
Primary	7minutes	7minutes	14minutes
Junior high	3 minutes	6 minutes	9 minutes
High (fulltime)	2 minutes	9 minutes	11 minutes
Special school	5 minutes	3 minutes	8 minutes

In-school training means training on a given subject assigned to each school. Outside-school training consists of open class study meeting and meeting of teachers responsible for each teaching subject. Generally, "training" includes very few training undertaken on teachers' initiative.

76. In situations where the time necessary for executing daily duties exceeds legal on-duty hours, it is not possible to secure time for training necessary for improving quality of education. In spite of this, the MEXT has not held any consultation/negotiation with teachers' organizations with a view to maintain "teachers' expert knowledge and specialized skills, acquired and maintained through rigorous and continuing study" essential for teaching profession as stated in paragraph 6 of the 1966 Recommendation.

## 3) Lessons on Saturdays

77. On November 29, 2013, the MEXT revised the regulation relative to the application of the School Education Act that stipulated Saturday as off day for school. The revision was about allowing prefectural education boards to decide to give lessons on Saturdays.

78. The MEXT claims that because school weekdays have become too congested, moving some lessons to Saturdays would create more spare time on weekdays. More concretely, the MEXT has prepared a "Plan for the Promotion of Educational Activities on Saturdays" to be implemented in 2014 that consists of "use of special part-time instructors, outside human resources and private sector service providers", "Saturday Education Coordinators and Promoters (active and retired entrepreneurs) and other people with a variety of experiences including public personnel, researchers, people who have lived in other countries etc. However, Article 37-11 of the School Education Act stipulates that "teachers shall be in charge of education of children", specifying that "in the event of letting children come to school as part of school education, teachers must be there on duty to deliver education". It is therefore incorporated in the law that teachers (fulltime) must come to school on Saturdays if children are there.

79. The ZENKYO Survey shows that overtime work on Saturdays and Sundays exceed in average 15 hours a month. It has also become evident that Saturday is a day when teachers are at home but do work they cannot do on weekdays at school such as keeping children's academic records.

80. In addition, many Japanese teachers do voluntary training and study on holidays including Saturdays. The ZENKYO Survey has not taken account of the time for these voluntary activities

of teachers.

81. If work on Saturday is increased without corresponding increase in fulltime teachers, the problem of long hours of work of teachers will be aggravated and may affect their physical and mental health. It will also reduce the time teachers can spend for voluntary study and training which fact will be detrimental to their professional skills.

#### **4) Securing Time with Children**

82. In the Report of the 44<sup>th</sup> session held in 2010, the U.N. Committee on the Rights of the Child notes with concern that “Japan’s highly competitive school environment may contribute to bullying, mental disorders, truancy, drop-out and suicides among children of school-going age” and recommended that “Japan review its school and academic system”. It is a matter of urgency to redress this adverse situation for children’s education. The Report also refers to low levels of emotional well-being of children and points out that “poor relationships with parents and teachers may be determinants”.

83. Towards the solution of the problem of bullying, the MEXT, in the “Basic Guidelines for the Prevention of Bullying” adopted on October 11, 2013, proposes to “create an environment in which teachers attentively look after children and deliver care and guidance adopted to each child by assigning some teachers specifically to student guidance and nurse-teachers” and to take measures for increasing teacher posts given the importance of establishing a system that enables teachers to openly deal with children and unites all school staff tackle the problem of bullying in an organized way”.

84. As stated above, to ensure that teachers have adequate time with children is essential for guaranteeing sound growth and development of children. This is evident in the light of existing international standards as well as the MEXT guidelines.

85. Nevertheless, according to the “Study on Working Conditions” that surveyed 24 hours of teachers, the total daily on-duty hours for primary teachers is 10 hours 54 minutes, for junior high teachers 10 hours 51 minutes, high school teachers 10 hours 8 minutes and special school teachers 9 hours 54 minutes. At any level of education, the actual hours spent to perform regular duties by teachers by far exceed the legal 7 hours 45 minutes. In that context, it is very difficult for teachers to look after children, be close to them when they are in distress and steadily build relations with them.

86. The MEXT has not held any consultation/negotiation with teachers’ organizations in view of “organizing and assisting teachers’ work so as to avoid waste of his time and energy”, as set out in the paragraph 85 of the 1966 Recommendation.

## **Chapter IV: Problem of Temporary Teachers in public schools**

### **(1) Japan's Education Policy Continuously Increasing Temporary Teachers**

87. The number of temporary teachers working in schools is increasing in Japan. According to the MEXT, the number of temporary teachers working in public primary and junior high schools grew by 1.3 times in six years, passing from 84,000 (12.3%) in 2005 to 112,000 (16.0%) in 2011.

88. The percentage of temporary teachers in the total teaching personnel is: 17.23% in primary schools; 18.55% in junior high schools; 23.86% in high schools; 23.21% in special schools. On the whole, they account for 19.51% or one out of five teachers is employed on temporary basis (Document prepared by ZENYO using the teacher post statistics compiled in 2012 by the MEXT).

89. Temporary teacher means here "temporarily hired teachers" and "part-time teachers". The first category of teachers are fulltime teachers, and include those who replace for a certain period regular teachers on maternity leave or child rearing leave (they occupy temporary posts) and those hired temporarily to fill regular posts (they occupy regular posts). The latter have been rapidly growing in the last few years. They both work just like those regular fulltime teachers. Part-time teachers are those who are in charge of specific lessons and duties.

90. Temporary teachers have increased rapidly due to the State policy of "saving money on teaching personnel".

- 1) In 2001, the Compulsory Education Standards Act and High School Standards Act were amended to make it possible to replace a fulltime teacher with several part-time teachers (to break down a fulltime teacher post into several part-time posts).
- 2) In 2004, a new system was introduced, leaving to each prefecture the discretion for the determination of total teacher posts and teachers' basic salaries and allowances on condition that their total amount does not exceed the limit of the State funding allocated to each prefecture for teaching personnel.
- 3) In 2006, the system through which the State pays for compulsory education was revised, bringing the State financial participation in compulsory education from 1/2 down to 1/3.
- 4) From 2006 on, the so-called "Trinity reform" imposed a significant cut in the State tax revenues distributed to local governments putting heavy pressure on their finances.
- 5) Taking advantage of the discretionary system that gave them the power for determination of teacher posts and salaries, the local governments began to hire temporary teachers at levels of salaries and allowances lower than that for regular teachers. In parallel with this, more and more regular teachers were replaced with part-time teachers.

91. From 2006, the State does not draw up any plan for securing teaching personnel. For this reason, local governments have had difficulty in hiring and assigning teachers in a stable and planned manner. They therefore tend to turn to temporary teachers for securing personnel needed for improving educational conditions including the promotion of small size classes.

92. Most of temporary teachers want to take hiring examination to be regular teachers. However, as explained in 90 and 91 above, the prefectures do not hire all teachers they need. Also, they usually hire temporary teachers from those who have not passed the examination. There are two different problems here: the fact that those who do not meet hiring requirements are allowed to teach children just like regular teachers do, and that those temporary teachers who prove to be



fully capable to teach just like regular teachers are disqualified several times by the hiring examination.

93. According to OECD indicators, Japan's public spending on educational institutions in 2010 accounted for 3.6% of the country's GDP, the lowest ratio among OECD member countries for which comparative data are available. Given the financial strength of Japan, it is possible to drastically increase education budget and improve significantly educational conditions. It is also necessary to solve the problem of increasing temporary teachers.

## **(2) Impact of increase of temporary teachers on education**

94. As a result of what is described in para. 90 and 91 above, shortage of qualified teachers is becoming widespread in the country, making it difficult for prefectures to fill vacancies of class teachers or to recruit sufficient number of teachers necessary for delivering lessons (so-called "holes in education" situation). Schools in short of teaching staff resort to those with "temporary teaching certificate" to serve as class teachers for specially-assisted classes although they need a special certificate to do so. There are also cases of teachers with junior high teacher license who are working as class teachers in primary schools or teachers who teach subjects for which they do not have the necessary license. These situations, now found in every part of the country, are affecting the quality of education.

95. A "temporary teacher occupying regular post" is in principle hired for a period of less than a year which fact has an important impact on education.

First, a teacher should anticipate the growth and development of children he/she is in charge of and prepare a long-term guidance plan for them, but a temporary teacher cannot do that. Also, children can show all their abilities on the basis of relationship of trust with their teacher, but with temporary teachers who often change, they have to start all over again to build such relationship which is destabilizing for them.

Second, school education in Japan is sustained by collective work of teachers. Class management and lessons are tasks for individual teachers but they need to be supported by team work of their colleagues. This is especially true when dealing with children with particular needs.

Third, teachers must build a good relationship with the parents of children and the local community as a whole. Their support is essential for school and children. Temporary teachers, even though they are hired several times over, they are almost always assigned to different school in different area every year. This makes it difficult for them to build any relationship with local community.

96. As most of temporary teachers wish to be hired on regular basis, they take hiring examination while teaching in schools. However, their experiences in teaching are not valued and many of them remain in temporary status.

97. Certain prefectures set an age limit for taking hiring examination. Teachers who have to work in temporary status until retirement age because of this age limit are not few.

98. Every year, as the end of their term approaches, temporary teachers are under strong stress worrying about their employment. This could impact negatively on education.

99. Temporary teachers are not given any opportunity to take professional training programs that

are accorded to their regular counterparts. They suffer important prejudice for not being able to improve their practical educational skills.

100. Temporary teachers do not have their rights sufficiently guaranteed. It is important to secure their rights so that the rights of children are guaranteed.

101. Cases of power harassment and sexual harassment on temporary teachers are increasing. Being in vulnerable position, temporary teachers tend to bear and not report these harassments by fear of seeing their employment contract terminated. This evidently results in “silencing teachers”.

102. Guaranteeing freedom of education is to guarantee children’s right to learn. This freedom must be granted to any teacher regardless of his/her status of employment.

### **(3)Disadvantages suffered by temporary teachers in employment, pay, treatment and social security**

103. Salaries and allowances of “fulltime temporary teachers” are usually kept at lower levels than those of regular teachers.

104. Although they work continuously, some of them have their hiring contract interrupted for the sake of formality, especially to the prejudice of pension, social security, bonus and annual paid leave.

105. There are also cases of temporary women teachers who were found to be pregnant during the contract period and had the renewal of hiring contract refused because of pregnancy. This is a blunt violation of Paragraph 55 of the 1966 Recommendation.

106. As for “part-time temporary teachers, they have fewer paid leave and often deprived of sickness leave and other leaves granted to teachers with family responsibilities or for maternity protection. Their treatment is subject neither to the National Personnel Authority recommendation nor to negotiations with the local education boards that employ them.

107. In end 2013, the age for receiving public pension was raised to 65 years while the retirement age for regular teachers is kept to 60 years. Re-hiring of regular teachers past the retirement age is expected to grow very quickly and threaten the employment of temporary teachers. It is inadmissible that temporary teachers who have served for children, their parents and the local communities for a long time are disposed like throwaway objects.

108. The MEXT at the “Conference on Class Size and Teacher Posts” stated that the increasing ratio of temporary teachers in the overall teaching personnel is a “problem for school management and maintaining and improving education quality” and concluded that “it is necessary to curb increases in temporary teachers”. To solve this problem, the MEXT proposes that the State will encourage the prefectures to take remedial measures by making public actual number of temporary teachers employed by each prefecture and “review its policy regarding teacher posts in a planned manner” so that prefectures can plan hiring and assignment of teachers on a long-term basis. However, no plan for reviewing teacher posts has been drawn up so far which fact sets the biggest obstacle to the solution of the problem of temporary teachers.

#### **(4)For Solving the Problem of Temporary Teachers in Japan**

109. ZENKYO believes the solution of the problem of temporary teachers needs the following:

- (i) That the MEXT acknowledge that growing precarious employment of teachers is causing de-professionalization of teachers and affect the quality of education and that it should implement concrete measures to improve employment status of teachers;
- (ii) That the MEXT hold good faith consultation/negotiation with ZENKYO and other teachers' organizations in view of resolving the problem of temporary teachers.

[Attached sheet] Questionnaire used for ZENKYO's "2012 Survey on Working Conditions"