Karoshi, Labor relations and Japanese Society

Introduction

The existence of anti-karoshi activism in Japan attests to the salience of such a phenomenon in society. Yet, despite an effective civil society and growing activism for victims, karoshi continues to be an issue at the workplace. Although numbers are far below those from a couple of decades ago, there are still hundreds, if not thousands, of Japanese workers whose cause of death is attributed to overwork and stress, in other words, to karoshi. Thus, an in-depth analysis of the evolution of karoshi, from when the term was coined in the 1970s to present day, may provide invaluable insight into labor relations and labor culture in Japan.

There is relatively little ambiguity in the relationship between extremely long working hours and the sudden death of an overworked employee. However, the root causes of this phenomenon are less clear. Upon first glance at the literature, it seems as though economic factors associated with increasing economic output are the main forces behind this phenomenon. Indeed, Japan has long been known for its demanding work environments, a legacy of the Yoshida doctrine. As Japan was taking huge leaps forward in terms of industrialization and trade to ensure rapid economic development, a philosophy of lean cost production was adopted throughout the years after the war. In consequence, labor productivity was maximized using various cost-effective means of producing the goods that were going to propel Japan’s economy.
Early after the war, some of those means meant lower wages but as unions started to bargain for their employees, higher wage concessions led to longer hours by regular employees, a term which will be defined later in the paper. Nevertheless, the simple fact of longer hours does not entirely explain why karoshi is prevalent in Japanese society. In fact, long work hours are very common in industrialized nations. Yet, the sudden death of employees as a result of overwork doesn’t appear to be as salient in those other countries as it is in Japan. Then, there must be some other reason, or several, as to why karoshi is a persistent problem in society. In this paper, I argue that a combination of cultural and social factors, such as the significance of loyalty in Japanese culture and social pressures to perform highly at the workplace, with a weak enforcement of labor laws provides the most holistic explanation for the perseverance of this phenomenon into the 21st century.

To demonstrate the unfortunate consequence of this amalgamation of sociocultural forces and labor and capital arrangements in Japan, the paper is divided into four main sections. The first section frames the karoshi problem into a historical context in order to understand the significance and prevalence of karoshi in Japanese society. Moreover, it highlights the different responses in society over the years in terms of labor and social laws, activism and historical trends around the karoshi phenomenon. The second part addresses the various legal and bureaucratic factors that shape labor relations in Japan. Here, I investigate the three-way relationship between the supply and demand for labor and the legal entities that regulate the labor market. Such a relationship provides crucial insight into why there exist very few constraints to prevent
many Japanese employees from working themselves to death. The following section then delves into the cultural norms that influence the Japanese workplace. In particular, the concept of loyalty, which is a defining pillar of confucian ideology, is reflected in labor relations in Japan. The nature of such relations will thus be examined to underline the passive role of traditions in contributing to the Karoshi problem. Along with some significant social barriers, as will be demonstrated in the final section of the paper, I conclude that labor culture and a lack of legal protection for Japanese workers are the root causes for the persistence of Karoshi in Japanese society.

The Rise of Karoshi

Even though the first Karoshi case was reported in 1969, widespread recognition of karoshi as a societal problem was a slow, but gradual evolution. In 1978, Dr. Uehata Tetsunojo, an occupational medicine specialist, coined the term “karoshi” for the relationship he observed between the sudden deaths of thousands of Japanese workers and an increasingly demanding work environment for employees. Four years later, Uehata and two other colleagues published Karoshi, a book that became crucial in creating public awareness of the phenomenon.¹ In their book, Karoshi is described as a condition of being permanently unable to work or dead due to cerebral or cardiovascular diseases induced by excessive work overload.² They argue that inherent health

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problems, such as hypertension and arteriosclerosis, worsen with excessive overwork, and in turn increase the risks of heart failures and other heart diseases that may ultimately lead to the demise of an overworked employee. Despite the clear medical link established between overwork and the sudden deaths of Japanese workers in the book’s findings, it wasn’t until a few years later that Karoshi became a major public concern.

In the late 1980s, several high ranking executives suddenly died in spite of no known illnesses prior to their death. The news of their death ushered in a wave of public outcry against working conditions at many of Japan’s top firms. During that period, Japanese workers were working some of the longest hours amongst advanced industrial nations. In 1988, an estimated of 7.77 million workers worked on average at least 60 hours per week, a record high for Japan at the time. Concerned with growing public criticism, the Ministry of Health, Labor and Welfare (MHLW) supported reforms, leading to an amended Labor Standards Law that decreased the regular workweek from 48 hours to 40 hours, excluding overtime. However, the revision to the Labor Standards Law failed to significantly reduce the amount of hours put in by Japanese workers. In fact, throughout the 1990s and early 2000s, Japanese employees consistently worked the longest hours in the world. In 2006, total annual hours of work per worker figured at 2,288 on average, according to Marioka Kōji–one of the top work hour scholars in Japan. This figure also included 408 hours of overtime, of which almost two thirds

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weren’t paid.\textsuperscript{5} Despite a lack of radical change in terms of work hour reduction, anti-karoshi activism became a means by which some protection was extended to the victims of Karoshi or their surviving family members when the karoshi phenomenon was at its peak.

Anti-karoshi activism looks very much like the other social movements that brought about significant reforms in other aspects of Japanese society in the 1950s and 1960s. For instance, Patricia G. STEINHOFF identified several characteristics emulated directly from the student movement of the 1960s and the earlier social movements in support of those from the Japanese Left accused of criminal wrongdoing. For instance, emergency hotlines, volunteer support groups, pro-bono legal assistance and civil litigation to incite reforms have all been crucial elements of the anti-karoshi movement, but which had played an important role in compelling governmental action two decades ago.\textsuperscript{6} More specific to the cause was the creation of the National Defense Council for Victims of Karoshi (NDCVK) in response to the increased incidence of karoshi during the late 1980s and early 1990s. Founded by a group of professionals, mainly lawyers, this national organization soon proved to be vital to the fight against karoshi as civil litigation became a powerful tool to acquire justice for victims and their families.

Prior to the 1990s, the avenues available to families of karoshi victims for seeking compensation or establishing corporate responsibility were very limited. In fact, before the whole anti-karoshi movement garnered strong public support, many surviving relatives of employees who had suddenly died of karoshi had to settle for the retirement

\textsuperscript{5} Ibid.

money that those workers had accumulated over their career. Given that karoshi affected even employees in their late 20s, the money that these families received sometimes was almost insignificant. Then, as anti-karoshi activism developed throughout the years and public pressure on the MHLW increased, standards of approval of karoshi deaths for the Workers’ Compensation were gradually relaxed after years of reluctance on the part of the ministry to recognize karoshi as a fatal, occupational outcome. Consequently, for many years, eligibility under the Workers’ Compensation Insurance System became the only viable way to make sure that the families of karoshi victims are not forgotten after the death of their loved one.

However, 1994 marked a turning point in the anti-karoshi movement. Mr. Hiraoka Satoru, a 48 year old family man who had been working at Tsubakimoto Seiko—a manufacturer of small, specialized equipment used in various types of devices—for 28 years, collapsed in his home due to heart failure on February 23rd, 1988. Though Mr. Hiraoka had been taking medication for a while before his passing, his death was ruled as karoshi and the conditions under which he was working up until the day he died strongly supported the ruling. Between February 1987 and February 1988, as a section chief, Mr. Hiraoka was required to spend over 4,000 hours at the factory, of which 1,400 were in overtime. The two previous years were even more demanding; Mr. Hiraoka worked a total of 1,650 and 1,715 hours of overtime in 1986 and 1985, respectively. With no single 24 hour rest period during the two months leading up to his death, it was clear that the section chief experienced excessive work overload. Convinced that the

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company was responsible for her husband’s death, Mrs. Hiraoka first attempted to appeal to management and the company’s union.

However, both were unwilling to do more than what had been already done. Besides sympathy rituals from some of the company’s executives, Mrs. Hiraoka was compensated her husband’s pension funds, a sum that amounted to just 7 million yen. In spite of the company’s indifference, Mrs. Hiraoka and her daughter’s resilience ensured the case would end up all the way to the Osaka District Court. After Tsubakimoto Seiko denied responsibility, Mrs. Hiraoka reached out to the NDCVK and with the help of its lawyers, filed a workers’ compensation insurance claim. The Ministry of Health approved Mr. Hiraoka’s case and the family became eligible for a monthly stipend, a one time, special payment and funeral expenses. Nevertheless, the Hiraokas did not stop there. Motivated by a desire for contrition and an apology from the company, Mrs. Hiraoka and her daughter filed a civil suit against Tsubakimoto Seiko in May 1990. Four years and 24 trials later, the court helped the two parties reach an agreement, rather than allowing the case to come to a verdict. Tsubakimoto Seiko was required to make a public apology and pay Mr. Hiraoka’s family 50 million yen and in return the family was to drop all of their other demands.  

Although there were numerous challenges on this pursuit of corporate responsibility, Mr Hiraoka’s karoshi case was an important milestone for the anti-karoshi movement. It set not only substantial precedents for future litigation in karoshi cases, but also encouraged more families to seek justice for victims and the Ministry of Health,

\[\text{\cite{Ibid.}}\]
Labor and Welfare to implement reforms. [Figure 1] shows the significant rise in the number of compensated karoshi cases as a result of both an increase in the amount of claims filed and the approval rates by the MHLW. Moreover, the ministry modified the approval standards three times between 1995 and 2002 to recognize mental illnesses and their sometimes fatal outcomes, like karojisatsu or “suicide by overwork”, if claimants prove they were a result of excessive work overload.

Nevertheless, the fact that there employers are penalized much more often than they were twenty years ago doesn’t mean that karoshi is now a rare occurrence in 21st century Japan. In contrast, the MHLW recognized 189 deaths from overwork in 2015 that were eligible for workers’ compensation. For reasons explained later in the paper, the actual number of karoshi cases every year likely exceeds the government’s report by a long shot. Despite the best efforts from activists, the public, and even sometimes the MHLW, karoshi continues to be a looming threat for Japanese employees. As will be demonstrated in the remaining sections of the paper, an amalgamation of labor culture and persistent socio-cultural factors provides the best explanation for the continued presence of karoshi in present-day Japan.

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Labor Relations and Karoshi in Japanese society

The literature on labor relations in Japan is split along two main theoretical frameworks. On one side, most scholars in the field characterize Japanese labor as being powerless to a hegemonic corporate sector. They believe that the different labor movements in Japan have played a relatively docile role in affecting the policymaking process. In this regard, most political scientists from Japan describe their country as “corporatism without labor”.  

On the other side, there are some scholars who take a revisionist approach to argue that the Japanese enterprise is more employee-oriented than credited and that labor plays a much more important role in decision making than orthodox views have described. Ikuo Kume (1998) attempted to reconcile this less popular argument with its apparent apolitical nature by analyzing “labor’s role in setting up the employee-oriented management system”.  

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12 Ibid. 4-5
rejects the conventional notion that Japanese labor unions have had little effect on management decisions, Kume fails, however, to address one of the most pressing objections from orthodox scholars. Undoubtedly, Japanese workers have come to enjoy benefits similar to those in other advanced industrial nations, such as high wages and employment security.\textsuperscript{13} Nonetheless, a meaningful reduction in the total amount of working hours has long been a struggle for the Japanese labor movement. Yet, Kume does not comment on the significance of such long working hours on the overall welfare of Japanese workers despite the undeniable link between overwork and the sudden death of overworked employees. By extension, the author disregards the prevalence of karoshi in Japanese society and the underlying forces behind this phenomenon, which are also integral to the understanding of labor relations in Japan.

Working conditions in Japan are regulated by two major laws: the Labor Standards Act (LSA) of 1947 and the Industrial Safety and Health Act (ISHA) of 1972. The former sets the standards by which wages, working hours and other working conditions must abide and the latter stipulates the health and safety responsibilities of employers to promote a safe and comfortable working environment. In spite of the numerous provisions of these laws, their weak enforcement often jeopardizes the safety of employees. First, the means by which compliance is supposed to occur is heavily criticized. Throughout all of Japan, there exists local Labor Standards Inspection Offices (LSIO) and regional Labor Standards Bureaus (LSB) that are tasked with investigating LSA and ISHA violations within their geographic jurisdictions, with the Ministry of Health,

\textsuperscript{13} Ibid.
Labor and Welfare having ultimate jurisdiction. However, these government agencies are often understaffed and overburdened by heavy caseloads, leading to the investigation of only the most serious and intentional of violations.

Anti-karoshi activists also criticize the bureaucratic nature of this legal system charged with upholding the health and safety of employees at the workplace. Violations reported to the the LSIO don’t automatically translate into an immediate course of action to halt illegal practices or to penalize violators. Instead, the case must be referred to the public prosecutor who will also conduct his own investigation, thereby lengthening the overall process. The Workers’ Compensation Insurance system is also bureaucratic in its structure. A claimant has to go through three levels examination and meet the quantitative standards of recognition set by the MHLW before they could hear back for a decision. Unsurprisingly, critics have sometimes accused the ministry of stalling or uncovered employers’ successful attempt at bribing Labor Standards Inspection officers.\(^\text{14}\)

Even more concerning, these labor laws are also weak in substance. For instance, while a workweek and workday system for an employee is clearly defined by the Labor Standards law, employers have managed to make their employees work more hours through a legally sanctioned loophole. Commonly referred to as the “Article 36 agreement”, this loophole characterizes the management-labor arrangements about overtime hours that firms can require of their employees, which almost always exceed any limitation stipulated under the LSA. Therefore, it is unsurprising that most karoshi

victims can work on average over 80 hours a week in the months or days leading up to their collapse. Moreover, typical of these special agreements are unpaid overtime hours, also known as “service overtime”, which happen to be one of the most important contributing factors to the karoshi phenomenon. From a labor perspective, there is no economic incentive to put in service overtime. Yet, almost two thirds of the total overtime hours worked by the average Japanese employee is in service overtime.\textsuperscript{15} What then explains such a discrepancy? The reason that service overtime has been such a common practice is because Japanese courts have often times supported the right of an employer to dismiss an employee who has refused to abide to certain company rules, especially in regards to overtime.\textsuperscript{16} It was under these conditions that Mr. Hiraoka was sometimes required to worked for 15 hours a day in overtime. According to his wife, Mr. Hiraoka told her that the factory manager used his rank to intimidate employees into working unpaid overtime and that these “voluntary” overtime hours were part of the company’s evaluation process.\textsuperscript{17} Therefore, it is clear that the inadequate protection provided by the LSA and IHSA allows management to ultimately determine total working hours, exposing employees to greater risks of karoshi.

At this point in the paper, one may ask why do Japanese workers simply allow themselves to be worked to death? Why don’t they stop or seek help before it is too late? The answers to these questions may lie in the more cover role of social and cultural determinants of karoshi. The final sections address these issues and reiterate

\begin{itemize}
\item \textsuperscript{15} Ibid.
\item \textsuperscript{16} Ibid.
\item \textsuperscript{17} Ibid.
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the need for a holistic framework to explain the continuous threat of karoshi in Japanese society.

A strong sense of loyalty

Another important aspect of the relationship between capital and labor in Japan is reflected in the idea of job security in exchange for strong commitment to an employer. This notion has been reinforced over the years through the lifetime employment or other opportunities of job security which many big corporations offer their employees. These types of advantages prove to be very valuable during economic downturns, such as the oil crisis of the 1970s and the burst of the Japanese economic bubble in the 1990s. As a result, the dominant pattern amongst labor unions or labor movements in Japan is the fervent pursuit of employment security for workers and high wages, above all else. However, the price for this sense of security is paid through the special arrangements between unions and management under the infamous Article 36 agreement. Instead of dismissing its employees during economic downturns, a company would cut back on the overtime hours they require from their workers. Given the sheer magnitude of overtime hours in the total working hours of the Japanese employee, such a reduction would allow the firm to weather bad economic periods it faces.

Furthermore, Japanese corporations have employed other means of obtaining the loyalty of their employees. Whether it is through financial incentives or the corporate
culture promoted at the workplace, Japanese workers are encouraged to fully devote themselves to their work responsibilities. For example, it is common practice for the company recruiter to provide financial rewards to talented workers as well as a “system that encourages a strong sense of common identity and association with the company and fellow employees”. In addition, techniques used by Japanese firms to efficiently manage costs, such as kaizen, nenko, or QC (quality control), instill a sense of association with the firm amongst employees, sharing goals and interests that are not distinct from those of their employer. The result is the perception that the livelihood of the company is tied to the secure employment of an individual.

Lastly, the loyal service of Japanese workers can be ascribed to more ingrained ideologies. Meek (2004) presents an interesting parallel between child-parent dynamics and the relationship between employee and employer. In fact, the author attempts to demonstrate that the loyalty displayed at the workplace is preceded by childhood socialization. Through various disciplinary tactics, such as the threat of separation or the threat withdrawing protection, a child learns to behave correctly if he wants his desires to be indulged. According to the author, this lesson is learned and reinforced over the years, eventually “for the purpose of maintaining the family’s good name as well as avoiding ridicule and shame in front of significant others inside and outside of the family group”. Likewise, there is a social contract between the employee and the employer, as opposed to just an economically based one, that is bound by “filial piety and absolute

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19 Ibid. 316-317
loyalty in return for an unbreakable pledge of support”. In that sense, there may be some deep-rooted reasons, perhaps in confucian ideology even, why japanese workers pledge their unbreakable loyalty to their employer, and therefore, why they sometimes are willing to overwork themselves when fulfilling their duties. To complete our framework, we will briefly see how such cultural factors are supplemented by various social elements within the personal and professional realms.

Social Impediments on Workers’ Health

One final consideration that should be made is taking into account the different social barriers to ameliorating working conditions and eradicating the problem of karoshi encompass both the private and public life of workers. To begin with, the social value of hard work and sacrifice underlies the strong commitment of employees to carry out their responsibilities no matter the cost. Due to the value placed on an employee’s ability to sacrifice his personal interests for the sake of the company, Japanese workers “will often go to great lengths to show others just how much hardship they are willing to endure in their work”, and as a result, frequently put their own wellbeing in jeopardy. Those workers who are not willing to make such sacrifices risks stalling their advancement through the ranks. Therefore, the social environment that exists at most Japanese enterprises is one that calls for compliance with the company’s culture.

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20 Ibid.
21 Ibid.
Unfortunately, as workers try to display their devotion to the company by working more hours, the threat of karoshi grows all the more imminent.

Finally, the anti-karoshi movement itself faces some social pressures that may thwarted its overall impact policy. First, there is still this misconception that karoshi, and especially karojisatsu, is an individual problem and not a societal one. Second, although the number of karoshi cases that make it to court has considerably risen over the years, there are still a large proportion of families that do not file a claim on behalf of their victims or pursue corporate responsibility for the death of their loved on in court. Considering that even the justice system is designed to settle dispute out of court, there is a stigma attached to public disputes, such as lawsuits. Filing a lawsuit can easily be seen as selfish or greedy, and therefore, families often refrain from filing claims, fearing for their reputations.\(^{22}\) In order for the anti-karoshi movement to gain real ground, these social forces must be considered.

**Conclusion**

The first layer of analysis reveals that overwork is at the core of the karoshi phenomenon. The rise of karoshi into a public safety concern since the 1980s proves that it is a societal problem and just an isolated occurrence that happens occasionally at the workplace. Despite strides made by anti-karoshi activists in terms of equipping more families with the tools they need to get justice for their victim, actual practices at the workplace have failed to change for the better. The relationship between capital and

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labor in Japan partly shares the blame for the static characteristic of labor policies. Different arrangements negotiated between union members and employers have given rise to terms like “overtime service work” and have allowed firms to bypass laws enacted to protect the safety of employees. More importantly, the weak enforcement of labor laws, combined with the bureaucratic nature of the entities tasked with ensuring compliance to those laws, have also proven to be an opposing force against the welfare of Japanese workers, even after death, when surviving families seek compensation for karoshi victims.

In addition, the relationship between employee and employer in Japan should also be analyzed within a cultural context in order to understand fully the reasons why Karoshi is still prevalent in Japanese society. Most Japanese workers feel a strong sense of duty towards their employer and this loyalty, whether motivated by the value of employment security or by cultural norms, in turn impedes on their ability to leave an unhealthy relationship, especially as working environments become more demanding. Finally, a social approach to the karoshi phenomenon provides valuable insight into this unresolved problem in Japanese society. There are numerous social pressures on not only a worker itself, in terms of the moral significance of hard work and extreme sacrifices, but also on the entire anti-karoshi movement. To build upon the advancements of anti-karoshi activism and create real, meaningful change that will safeguard workers’ health and safety, one must consider all of these socio-cultural forces at play. A purely economic approach is not sufficient to understand nor eradicate karoshi in Japanese society.
References


