

Human Rights Violations in Toshiba Corporation

Regarding Articles 7 of the International Covenant on Economic, Social and Cultural Rights

Regarding Articles 18 and 19 of the International Covenant on Civil and Political Rights

Association of Toshiba Workers for Defending Human Right and Eliminating All Forms of Discrimination

Extraordinary Control of Workers in Toshiba

Since 1960s many of the Japanese large corporations have built up a structure where the management organizes an informal group and instructs the managerial class to control the labour union. At the same time they have made a wage system called meritocracy that includes the loyalty in the ability of the workers. These elements constitute a framework to control the workers inside the corporations indigenous to Japan.

In addition, Toshiba has an extraordinary peculiarity: it has systematically employed the personnel who were engaged in public security in the police organizations. There are at least tens of them in Toshiba as far as we have identified. They have played an important role in the anti-communist education the targets of which spread from the newly employed workers to the workers expected to promote to the managerial class. On the other hand, the people from the police organized set up an informal group called *Ohgi-Kai* in order to interfere in the elections of the officers of the labour union and change its nature.

Ohgi-Kai used to have more than three thousand members at the maximum. They were promoted to the managerial class or elected leaders of the union. They constructed the harmonious relations between the management and the labour and anti-communist ideology at the managerial level of Toshiba Corporation.

2. Outline and Fruit of the Struggle in Toshiba

A decade has passed since ten of us made our primary claim in 1995 to the Kanagawa Labour Relations Commission for remedy for the discrimination against us in wages, eligibility and promotion for the reason of activities in our voluntary and democratic union. Nine others made the secondary claims in 2003 and 2004. On the other hand, 45 of us submitted our demand to the president to eliminate the discrimination against us in 1996 and 30 of us in 2003.

In 2001 the Commission fully recognized our claims and provided an order to Toshiba Corporation to eliminate the discriminations and apologize. Toshiba made an appeal for retrial to the Central Labour Relations Commission. However, it rejected the corporation's appeal and another order to eliminate the discriminations. The order of the Central Commission recognized the following facts:

- A) Toshiba, abhorring its employees' voluntary and democratic union activities, blacklisted dangerous persons, put them under surveillance and discriminated against them in wages, acquisition of eligibility and promotion (Breaching of Article 7 of the International Covenant on Social, Cultural and Economic Rights).
- B) Toshiba employed those from the security police and let them take countermeasures against the labour offence by having them organize a secret group *Ohgi-Kai* leaders and stationing them at its leading positions.
- C) Toshiba used *Ohgi-Kai* as a tool to keep an eye on the plaintiffs' voluntary and democratic union activities and to exclude them from the leading position of Toshiba Labour Union, thus controlled and intervened in it.
- D) The above-mentioned practises constituted unfair labour practises violating the Japanese domestic labour act.

At present, the administrative litigation filed by the Corporation is in progress demanding to cancel the order to our primary claim by the Central Labour Relations Commission; our secondary to the Kanagawa Labour Relations Commission will be soon concluded this summer.