

By Sara
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Japan's unique death benefit

Country provides compensation to the families of those who die from overwork

Some Japanese employees are literally working themselves to death. With hundreds of people succumbing to punishing overtime hours each year, the deaths are common enough to have their own terminology. Karoshi refers to fatal strokes, heart attacks or cerebral hemorrhage, while karojisatsu relates to suicide. And if their families can link the deaths to brutal work schedules, they may receive workers' compensation.

Labour boards may recognize a death as karoshi or karojisatsu if the victim worked an average of 80 hours of overtime in each of the six months before death or 100 hours in the month before dying, says Rika Morioka, a medical sociologist in Myanmar who has studied karoshi. Government agencies estimate the number of claims related to karoshi in recent years at about 300 annually.

It's hard to determine how many hours an employee works, since many white-collar workers don't punch in and out, she says. As a result, families will submit computer logs, voice-mail messages and even convenience store receipts from late-night commutes home as evidence.

An employer's defence

Workers' compensation bureaus accept just under half of karoshi and karojisatsu claims, says Masako Banno, a corporate lawyer who primarily represents employers at Okuno & Partners in Tokyo. The process can take up to five years and, once a claim is successful, the family will receive a one-time bereavement payment of roughly three million yen (about \$36,000), a burial payment of 315,000 yen (about \$3,800) and a monthly pension based on the victim's salary and the number dependants, according to Scott North, a sociology professor at Osaka University.

Survivors who remain unsatisfied can file a lawsuit against employers, according to Banno. The cases can be hard to defend because a labour board would have already ruled excessive overtime was a factor in the employee's death.

"Prevention is the best way for employers to manage the risk. That's why good employers are trying to reduce overtime work," says Banno, pointing to large corporations that require employees to take at least seven hours off between shifts.


Other companies encourage more reasonable hours by turning the lights off each evening, but that doesn't necessarily help, Morioka notes. If workloads don't change, staff may keep working late, huddled under the lights of emergency exit signs.

The 25-hour workday?

North points out that while companies can't legally force their staff to work overtime, because of enormous power differences between management and labour, workers' representatives rarely refuse. And while the Ministry of Health, Labour and Welfare recommends a maximum of 350 hours of overtime each year, employees can still end up working much more due to "agreements that far exceed these guidelines," says North. "And in some cases, these agreements are absolutely nonsense, allowing for as much as 25 hours of labour a day."

In 2014, the federal government passed a law aimed at preventing karoshi, but North argues it's ineffective since it doesn't punish misbehaving employers. "It's going to be reviewed next year, and the hope is it'll have more teeth after the review."

Banno isn't optimistic. "The government always needs to keep the balance between the requests of the industry or employers and also the labour market and employees' side," she says.

While Japan has a universal health-care system, Morioka says many employees simply don't have enough time to take care of their health. One victim's widow, she notes, said her husband tried to schedule surgery during his lunch break because he felt he couldn't take a full day off. 

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