



# General Assembly

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## Human Rights Council

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Human rights situations that require the Council's attention

### **Written statement\* submitted by the Japanese Workers' Committee for Human Rights (JWCHR), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 February 2011]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **We report the illegal and unfair dismissal of 165 employees, which was enforced by Japan Airlines at the end of 2010**

Japan Airlines went into bankruptcy on 19 January 2010. The reasons of the bankruptcy are rooted in the distorted aviation administration and the irresponsible management of successive CEOs of the Company. We are convinced that any responsibility does not lie with its employees. The job-reduction program under JAL's rehabilitation plan was to shed 1,500 jobs, but the number of applicants finally reached 1,733, in which 786 cabin attendants applied against its 662 cutting-target. Therefore, as it exceeded the number of the target, there existed no need for the dismissal. But JAL enforced the dismissals of 84 flight attendants and 81 pilots, or 165 in total, to meet its downsizing goal, despite reaching no mutual agreements with all its labour unions.

The way, in which the government and the management do not take any responsibility but force it only to the workers, undermines the security basis and betrays the expectations of customers looking for its real reconstruction.

72 flight attendants and 74 pilots, or 146 persons in total, seeking to cancel their dismissals, filed a lawsuit in Tokyo District Court on 19 January 2011. The points at issue of this dismissal are as follows.

1. JAL Cabin Crew Union (CCU) and JAL Flight Crew Union (JFU) proposed the abolition of voluntary retirement subject to age (over 42 years old) and the adoption of a work-sharing program and layoffs to avoid the dismissal, but the Company had no intention of considering them.
2. JAL enforced retirement three months on those who were subject to dismissal, not assigning them in a flight schedule and setting them on reserve as from last October.
3. The trustees, lawyers, threatened and interfered in the ballot of the right to strike, which was performed by the CCU and the JFU in order to nullify their dismissals. As a result, it brought the JFU the cancellation of the ballot.
4. The selection criteria of the dismissal indicated by JAL were subjected to sick persons being absent from work by hard working and rich-experienced persons, such as flight attendants aged over 53, pilots aged over 55, and copilots aged over 48. This is age discrimination and obviously the violation of human rights.
5. As the flight attendants of high age belong mostly to union members of the CCU, by reason of the promotion- discrimination policy carried out by JAL for a long time, this selection is equal to an unfair labour practice, which aimed at weakening and destroying the existence of CCU.

Article 23-1 of the Universal Declaration of Human Rights provides that "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment".

This dismissal enforced by JAL violates Article 7 (equal protection of the law), Article 22 (social and cultural rights) and Article 23 (the right to work) of the Universal Declaration of Human Rights, Article 7 (the right to conditions of work) and Article 8-1 c and d (the right of trade unions) of the International Covenant on Economic, Social and Cultural Rights, and Article 26 (the equal protection of the law) of the International Covenant on Civil and Political Rights. And it is also clear that the Japanese government has not fulfilled its obligations.