

Publication of our current understanding on the issues pointed out in the BWI's report in relation to Athletes' Village construction site

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2020 Preparation, Tokyo Metropolitan Government

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The Tokyo Organising Committee of the Olympic
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1. Overview

(1) Objective of this publication

Tokyo Metropolitan Government (TMG), the Tokyo Organising Committee of the Olympic and Paralympic Games (Tokyo 2020) and Japan Sport Council (hereinafter referred to these 3 parties simply as the "three parties") received a report on the working conditions at Games construction sites from the Building and Wood Workers' International (BWI) in May 2019.

Since the aforementioned report includes sections noting specific issues in relation to Athletes' Village construction site, we, TMG and Tokyo 2020, made an inquiry to the designated builders and conducted a safety inspection. While we also requested BWI for more detailed information, we would like to present our current understanding on these issues as follows.

(2) Development of the Athletes' Village (for reference)

As for the Athletes' Village, the Bureau of Urban Development, TMG, in April 2016, obtained permission for execution as an executor of the Type-I Urban Redevelopment Project in the West Harumi 5-chome District, and since then has been working on the development of Athletes' Village for the Tokyo 2020 Olympic and Paralympic Games, as well as the urban development to be a legacy of the Games.

In the Project above, the buildings that will be residence after the Games, have been developed under the "Designated Builder System" that allows private sector developers

(designated builders) to construct buildings and dispose reserved floors on behalf of the executor.

Under this system, the designated builders¹ consisting of multiple private sector developers, as an orderer, made contracts with multiple contractors (principal contractors²), under which each of the contractors is working on the construction at their assigned area(s).

In addition, in the Athletes' Village, interior work entrusted by Tokyo 2020 has also been conducted since May 2018.

We, TMG and Tokyo 2020, have been working so that the development of the Athletes' Village proceeds steadily under appropriate construction periods, giving instructions to maintain appropriate working conditions and perform safety management thoroughly, as well as to ensure legal compliance.

(3) Future actions

Our current understanding is shown in the Section 2 below. We are working, under the cooperation of three parties, to examine the facts on the issues pointed out in the BWI's report, while we are making best efforts to ensure safety and health on the construction sites.

We will continue to work properly and take appropriate actions including additional examination of the facts in the cases that new information is provided by BWI in relation to the Athletes' Village construction site.

2. Current understanding on the individual issues

(1) Current understanding on working conditions of the Athletes' Village construction site

(Regarding a criticism that workers reported working 28 days in a row)

- The BWI report points out that there were workers who worked 28 days in a row at the Athletes' Village construction site.
- With regard to the working days of the workers of subcontractors who enter the site, each subcontractor is responsible to manage their labours in accordance with relevant laws and regulations.

¹ In this project, a group of the following 11 private sector developers was selected as the designated builders by public tender: Mitsui Fudosan Residential Co., Ltd., NTT Urban Development Co., Ltd., Nippon Steel Kowa Real Estate Co., Ltd., Sumitomo Corporation, Sumitomo Reality & Development Co., Ltd., Daiwa House Industry Co., Ltd., Tokyu Land Corporation, Tokyo Tatemono Co., Ltd., Nomura Real Estate Co., Ltd., Mitsui Fudosan Co., Ltd., Mitsubishi Jisho Residence Co., Ltd.

² The principal contractors are Tokyu Construction Co., Ltd., Haseko Corporation, Maeda Corporation, and Sumitomo Mitsui Construction Co., Ltd. (hereinafter referred to as "the principal contractors").

○As a general rule, the Athletes' Village construction site is closed on Sundays and national holidays, therefore we cannot expect continuous work on this site for 28 days in a row. We found that all the principal contractors have established the rule that workers can take at least six days off for four weeks at each construction site.

(Regarding a criticism that many workers were in danger under concrete materials lifted in strong wind blow)

○Through conducting safety inspection and inquiries to the principal contractors, we have confirmed that crane work is conducted safely in compliance with relevant laws and regulations.

(2) Current understanding on working conditions not specified as ones of the Athletes' Village

(Regarding a criticism that almost half of the workers consulted did not have formal written employment contracts)

○The BWI report points out that almost half of the workers surveyed did not have formal written employment contracts. This is claimed in the report, based on BWI's understanding that oral contracts are acceptable under Japanese law.

○While the report does not identify the construction site in question, as for the Athletes' Village construction site, we heard from the principal contractors that employment contracts for all the workers are kept by each subcontractors. In addition, the principal contractors check the employment contracts of workers at the same timing as giving a lecture for workers who enter the site for the first time.

(Regarding a criticism that some workers were compelled to purchase their own safety equipment such as helmets)

○The BWI report points out that safety equipment should be provided by the principal contractors while two workers interviewed are likely hitori-oyakata (self-employed workers) and the construction site in question is not identified. This is claimed in the report, based on BWI's understanding that principal contractors are not required to provide hitori-oyakata with safety equipment under relevant laws and regulations in Japan.

○Workers at construction sites are required to wear safety helmets in accordance with the Ordinance on Industrial Safety and Health.

○As for the Athletes' Village construction site, we heard from the principal contractors that the methods of the provision/rental of helmets to workers and who bear the cost vary by subcontractor, and that the principal contractors who conduct integrated safety and health

management at the site instruct each subcontractor to comply with safety-related laws and regulations.

(Regarding a criticism that migrant workers have only a very limited role)

○The BWI report points out that migrant workers under Technical Intern Training Program (TITP) who are engaged in the construction site of the Tokyo 2020 Games are given only menial tasks such as shifting raw materials, and that this is due to the stated purpose of the TITP which is to provide trade skills training for migrants. In addition, based on BWI's understanding that there is limitation of the type of work according to the purpose of TITP while construction sector is suffering labor shortage, the report points out that migrant workers could be more effectively contribute on the construction site if they are given assignments that would further build their trades skills.

○As for the Athletes' Village construction site, we heard from the principal contractors that each subcontractor properly assigns work based on skills and experience of each intern trainee. In addition, the principal contractors instruct each subcontractor to perform labour management and health management based on the purpose of the TITP.

(Regarding a criticism that a contractor went bankrupt with unpaid wages owing to migrant workers)

○We heard from the principal contractors that there are no subcontractors that went bankrupt, at least during the contract period at the Athletes' Village construction site.

(Regarding a criticism that migrant workers have lower safety standards on the construction site)

○The BWI report points out that at construction sites of the Tokyo 2020 Games, there is no special provision to translate safety materials or procedures into languages other than Japanese, and that having communication about occupational safety and health issues are extremely difficult.

○At the Athletes' Village construction site, while the methods vary by principal contractor, the alert signs to secure safety of the workers are not only in Japanese but also in other languages such as English, Chinese, Vietnamese. In addition, pictures are used so that anyone can understand without language.

○As for communication, principal contractors check Japanese proficiency level at the time of giving a lecture for workers who enter the site for the first time to determine whether the worker has enough ability to understand danger/safety on the site before they start working at the construction site. The principal contractors are making efforts to ensure comfortable

working environment for intern trainees, which include using interpreters or handy translators.

(Regarding a criticism about information control at construction sites)

○The report points out the information control of Tokyo 2020 Games is strictly restricted (e.g., restricted to take photos at workplaces) and making it hard to deal with labour and safety issues.

○At the Athletes' Village construction site, the information within the construction site has been properly handled in accordance with the security rules set by the principal contractors.

○For this reason, the site does not permit either disclosing information obtained within it or taking photos in it without permission for purposes other than necessary business. However, the site permits taking photos if it is necessary for safety and quality confirmation.

(Regarding a criticism that only Japanese language can be used in the Grievance Mechanism of TMG)

○The BWI report points out that TMG's Grievance Mechanism to handle reports of non-compliance with the Sustainable Sourcing Code deals only with a grievance/report submitted in Japanese.

○TMG's Grievance Mechanism has been available in Japanese and English from the outset, and TMG has already posted explanation in English on its website.

3. Issues that need to be specified in more details

○The report points out some items without any specific name of the construction sites, while it also points out other items clearly specifying the name of the Athletes' Village or the New National Stadium. In any case, it is difficult to examine the facts with the information described in the BWI report. In fact, there are still issues on which the fact is hard to examine without detailed information. An issue of crane work is such an example while it is specified as in relation to the Athletes' Village construction site.

○Since it is necessary to identify cases to examine the facts, three parties have discussed the response to BWI and decided to send a letter on June 4, 2019 to request BWI to provide more detailed information necessary to identify those cases.

○After receiving further information from BWI, three parties will deal with the cases appropriately, making an inquiry to the designated builders on the relevant facts if necessary.

4. Approach to ensure appropriate working environment at Athletes' Village construction site

○At the Athletes' Village construction site, the principal contractors have been working on the management to prevent overwork, providing guidance to subcontractors on e.g. thorough legal compliance and appropriate health management for workers, as well as recording entry/exit time of workers.

○The construction work of the Athletes' Village has progressed as originally planned, and no delays have occurred in the overall construction period. This is because the principal contractors have taken appropriate measures to deploy more workers and heavy machinery in advance.

○The principal contractors also strive to maintain a safe working environment by providing safety education.

○The principal contractors are taking measures to prevent heat stroke by providing refrigerant, blowers or mist sprays, making a cool rest area, and repeating alert to heatstroke, in order to maintain safe and comfortable working environment for workers.