

Our present understanding regarding criticisms indicated in the BWI report

June 17, 2019

Update: July 31, 2019

Japan Sport Council

Recently¹ the Tokyo Organizing Committee of Olympics and Paralympic Games (hereinafter referred to as "Organizing Committee"), the Tokyo Metropolitan Government, and the Japan Sports Council (hereinafter referred to as "JSC"); hereinafter collectively referred to simply as the "three parties" received a report regarding the labor working environment at the construction site of the facilities related to Olympic Games from the Building and Wood Worker's International (hereinafter referred to as "BWI").

Since aforementioned report includes sections noting specific criticisms identified at the JSC or the New National Stadium construction sites, we made an inquiry to the contractor and confirming detailed information with the BWI.

Our current understanding of these matters is as follows.

1. Our current understanding of criticisms regarding the JSC and New National Stadium construction site

(Criticism regarding work 26 days in a row)

- The report indicated that workers reported working up to 26 days in a row.
- First, with regard to the working days of workers of subcontractors who enter the site, each subcontractor is responsible to manage their labors in accordance with local laws and regulations.
- As a general rule, the construction site of the New National Stadium is closed on Sunday, therefore we cannot expect continuous work on this site for 26 days in a row. A business operator performing dust control watering etc. to prevent dust migration to the surrounding environment may enter on Sunday. However, according to the contractor's worker site entry and exit records managed by the contractor, there was no record that a worker has worked for 26 days in a row at this site.

(Criticism regarding injury due to poor lighting)

- The report points out that an incident occurred at the New National Stadium due to poor lighting.
- JSC has not received any report from contractor regarding an incident occurred at the construction site of the New National Stadium due to poor lighting. Furthermore, the contractor has not received any reports from each subcontractor regarding the occurrence of similar events.

¹ JSC confirmed the receipt of the email from BWI officials on May 15, 2019. A letter and the report dated on May 8 was attached to the email and sent to the Organizing Committee, the Tokyo Metropolitan Government, and the JSC on May 14 (Geneva local time).

- Temporary lighting is removed in order after each time of final inspection of construction works at each location of the site, and each subcontractor is responsible to install temporary lightings considering safety and workability in accordance with its purposes and the characteristics of that location when doing inspections or repairs after final inspection.
- Incident report that may correspond to this incident, i.e. an evidence equivalent to an injury required six stitches to the foot reported by media, was not occurred when injured person was working under poor lighting condition but the time when the supervisor of a contractor was walking the site under well-maintained lighting condition by temporarily lighting equipment.

(Criticism regarding dismiss of the report)

- The report points out that the JSC rejected the report regarding the case of “injury due to work under poor lighting” because it has been reported by third party instead of the affected individual her/himself.
- JSC will refrain from commenting on the progress of individual cases due to the nature of the procedure for processing specific disputes related to individual interests. As described in the Work Operational Standards (hereinafter referred to as the “Operational Standards”), the Grievance Mechanism to handle reports of non-compliance with the Tokyo 2020 Sustainable Sourcing Code established by the JSC shall accept the grievance/report not only submitted by the person/party who was specifically and negatively affected but also submitted by an agent. Our Grievance Mechanism to handle reports of non-compliance with the Tokyo 2020 Sustainable Sourcing Code will not dismiss the grievance/report from labor unions only because it is has not been submitted by affected person.
- According to the Operational Standards, JSC will confirm whether the prescribed required items have filled in the form when a grievance/report is submitted to the Grievance Mechanism to handle Sustainable Sourcing Code. If there is a deficiency in the description of a report, JSC will ask a reporter to revise the description of a report. JSC will not immediately notify a reporter that we made a decision not to proceed with the process without such process.

(Criticism regarding information control at the construction site)

- The report points out the information control of the new National Stadium is strictly restricted (eg, restricted to take pictures at work places) and making hard to deal with labor and safety issues.
- At the construction site of the New National Stadium, based on non-disclosure agreement between JSC and the contractor, the information within construction site is properly handled in accordance with the security rules set by the contractor.
- For this reason, the site does not permit either disclosing information obtained within it or taking pictures in it without permission for purposes other than necessary business. However, the site permits taking pictures if it is necessary for safety and quality confirmation.

(Criticism regarding Grievance Mechanism to handle report of non-compliance with the Tokyo 2020 Sustainable Sourcing Code only deals with a grievance/report submitted in Japanese)

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

- Grievance Mechanism to handle report of non-compliance with the Sustainable Sourcing Code established by JSC has regulated Japanese as a language to be used for grievance/report. However, JSC has revised the operational procedure on March 2019 and accept grievance/report submitted in English, and announced it to the public.

(Criticism regarding that some workers were compelled to purchase their own personal protective equipment (safety equipment) such as helmets)

- The report indicates that two interviewees, who were likely *hitori-oyakata* or self-employed workers, replied they purchased their own personal protective equipment (safety equipment) by themselves. The report claims that the principal contractor should provide personal protective equipment (safety equipment) for these self-employed workers.
- In principle, it is subject to the relevant provisions of the agreement between each employer and each employee whether an employer should provide personal protective equipment (safety equipment) for an employee or an employee should prepare them for her/himself.
- In practice, self-employed workers usually purchase their own personal protective equipment (safety equipment) by themselves since principal contractors are not required to provide self-employed workers with personal protective equipment (safety equipment) under relevant laws and regulations in Japan.

(Updated on July 31, 2019)

2. Criticism that need to be specified in more details

- The report pointed out some items without any specific name of the construction site, while it pointed out other items clearly specifying the name of the New National Stadium or the names of other sites. In the light of those items without any specific name of the construction site, it is difficult to examine whether the facts described in the report actually exist.
- Since it is necessary to identify cases to examine the facts, three parties have discussed the response to the BWI and decided to send a request for information to the BWI to provide detailed information necessary to identify those cases. Actually, a letter of this request has been sent on June 4, 2019 by the name of the three parties.
- After receiving further information from the BWI, we, three parties, will deal with the case appropriately. We will inquire of the contractor the relevant facts if the submitted information relates to the construction site of the New National Stadium.

3. Approach to human health management at New National Stadium construction site

- JSC has repeatedly requested each subcontractor through the contractor to manage their labors in compliance with relevant laws and regulations properly.○ From the start of this project, the contractor has been providing instruction to subcontractors and encouraging them to both fully comply with regulations and manage worker's health properly. In addition, the contractor is promoting reduction of overtime-working hours among site workers by both providing the site-entry and exit records to subcontractors and closing the site trailer houses by 8PM. Furthermore, the contractor has set up a health counseling room where it deploys nurses, rest areas, shower rooms, etc. within construction site, striving to maintain such environment where everybody can work safely in a comfortable manner.
- JSC has been reporting the status of these activities at each meeting of “2020 Tokyo Olympics and Paralympic Games Facilities Construction Health and Safety Committee” organized by relevant ministries, contractors, and construction industry personnel.