In the wake of increased international focus on *karoshi*—a common Japanese term meaning “death by overwork”—Japan’s government and business leaders alike agree that Japan’s “culture of overwork” is a critical issue in need of a solution. Consider the following events of last month:
A broadcasting company announced on its own program that Japan’s Ministry of Health, Labour and Welfare (労働・厚生省 Kōsei-rōdō-shō), had previously held it responsible for a 31-year-old journalist’s 2013 death from congestive heart failure after working over 150 overtime hours in a month.

A Japan court penalized (albeit with a nominal fine) a large advertising agency in connection with a 24-year-old employee’s December 2015 suicide that Japan’s Labour Standards Bureau (労働基準局 Rōdō kijunkyoku) had previously found was karoshi. In the weeks leading up to her death, the recently hired employee had spoken about her stress on social media, often slept two hours a night, and underreported hours at her supervisors’ direction. In 2016, the agency head resigned over this incident, and the new head and other senior executives accepted a voluntary pay cut.

The Japanese government published its second annual paper on the prevention of karoshi, having concluded in its first report the previous year that a staggering one in five Japanese employees were at risk of death from overwork.

Though a longstanding concept in Japan, karoshi usually remains a private matter among the parties involved, often at the family’s behest. (The broadcasting company, for example, cited its respect for the family’s wishes in explaining why it had previously kept the matter quiet.) But the notion of work driving a person to heart failure or suicide shocks the collective conscience of an increasingly global workforce—leading to publicity, outrage and, hopefully, sustainable change.

Even after acknowledging the seriousness of the problem, curbing the forces underlying karoshi poses a real challenge for leaders. Researchers say that the so-called “culture of overwork” arises from employees’ ingrained drive to seek professional achievement at any cost, placing success above even their own health. Laws on the books have thus far failed to overcome the culture of overwork on a widespread basis. The primary employment statute in Japan, the Labour Standards Act (労働基準法 Rōdō kijun-hō), most recently amended in 2012, requires premium overtime and night-shift pay for all employees except senior executives—and exemptions akin to those found under the United States’ Fair Labor Standards Act do not exist. Even if properly paid, the law caps overtime hours at 45 hours per month and 360 hours per year.

Japan’s Labour Contract Act (労働契約法 Rōdō keiyaku-hō), which deals with workplace safety, separately requires employers to create comfortable working environments, maintain reasonable working conditions, and provide necessary considerations to foster worker safety and health—including mental health. The Industrial Safety and Health Act (労働安全部 Rōdō anzen eisei-hō) also requires employers to pay for all employees to undergo doctors’ physical examinations each year to ensure fitness for duty, identify any work-related health concerns, and—quite contrary to our U.S. Health Insurance Portability and Accountability Act (HIPAA) sensibilities concerning the privacy of health information—to maintain the results on file.

Last year, Japan’s government even increased the number of public holidays in an attempt to force workers to take days off from work. The government also initiated a nationwide campaign—“Premium Fridays”—to encourage workers to leave work by 3:00 p.m. on the last Friday of each month, specifically to engage in recreational activities. The food and beverage industry and entertainment industry each started...
providing happy hour-esque discounts on those Fridays in the late afternoons and early evenings. Some regional governments have even encouraged a “lights out” practice where employers turn off office or building lights by a certain time so that employees are forced to leave.

Internationally headquartered employers may be at a disadvantage with respect to some of these initiatives. Japanese employees reporting to foreign companies often work irregular hours and easily evade “lights out”-type programs by working from home. Headquarters management sometimes has little visibility on ongoing issues, either because their Japanese operations are autonomous or because no one is willing to speak up. And though reports (internal and external) and court claims are on the rise—a likely consequence of the media’s treatment of the issue of karoshi—the government’s recent white paper confirms that top management is often unaware of overwork. In situations where supervisors pressure employees to underreport hours, for example, Japanese employees are reluctant to tell on an authority figure. The language barrier may increase intimidation from those otherwise inclined to raise a concern.

For employers headquartered outside Japan, here are a few points to consider:

- **Take employee concerns seriously.** Because many concerns about workload are raised during discussions of low performance or employment termination, employers are understandably skeptical. If employees begin raising individual concerns, employers should—while not jumping to any conclusions—consider the possibility that the issues are real and broader than just a single employee. Management may want to consider complaints, discussions, or mentions of decreased performance being due to overwork, exhaustion, or stress, and perhaps engage with the employee (e.g., “What do you think would help here?” “Do you need to work part-time?” “Would you like time off?”)
- **Offer amicable separations.** When an employee mentions overwork or stress, it may be advantageous to offer the employee a way out: A little bit of encouragement as to the overall benefits of better health and well-being, with separation pay, can go a long way.
- **Increase headquarters face time.** In a culture of overwork, it may be prudent to set the proper tone at the top. Consider increasing face time with employees in Japan by scheduling training sessions surrounding workplace culture or the company’s code of conduct and policies.
- **Consider revising contracts and policies.** Remind employees that they are responsible for accurately tracking their hours and reporting them to their supervisors—specify that the employee is responsible for accurately tracking hours and reporting to his/her supervisor, and consider noting in the open-door or grievance policy (or its equivalent) that employees are encouraged to report their concerns about overwork or work-life balance.
- **Consider a labor management agreement.** A labor management agreement is a formal agreement between the Japan employer and its employee representatives (or in the absence of those, all employees collectively) that allows agreed-upon alternative overtime work arrangements.
- **Consider offering health and stress checks.** It may make sense to provide free health checks and “stress checks” to your Japan employees, regardless of the size of operations. The Industrial Safety and Health Act requires employers
to offer annual stress checks (at employers’ expense) in workplaces with 50 or more employees. The key is to offer the opportunity, not to mandate the checks. This requirement went into effect to help employees maintain their mental health; the check examines causes and symptoms of work-related stress and provides resources for personal support if applicable. Employers are charged with establishing measures to reduce any work-related stress if a physician determines that an employee is stressed due to work. Employers with workplaces of 50 or more employees must also submit annual reports on their stress-check results and available resources to the Labor Standards Bureau.

Heaven forbid any employee or employer ever experiences a tragic event like karoshi. The lessons learned from these cautionary tales may help employers prevent further such incidents.
