

Topics: Recent topics in public health in Japan 2024

< Review >

Prevention and future issues of karoshi and suicide by overwork in Japan

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Abstract

Since death from overwork became a social problem, the enactment of laws and the establishment of standards for certification, as well as improved actions on both the company and worker sides have been made. However, there is rarely a day in which news reports on death from overwork, suicide by overwork, power harassment (bullying in the workplace, which is so-called power harassment in Japanese), etc. are not heard. This paper discusses “death from overwork/karoshi,” a common social problem worldwide, covering the evolution of “measures against death from overwork in Japan” and major cases, and describes the latest trends regarding current measures against death from overwork and cooperation, mainly between healthcare professionals and the legal process.

After summarizing how death from overwork and suicide by overwork became established as a social problem, as well as preventive policies, the Act on the Prevention of Death from Overwork, a review of the criteria for certification, activities by workers and their families who are suffering from overwork and stress in the workplace, and the activities of lawyers who have developed nationwide consultation services such as “Death from Overwork 110,” this paper provides a detailed explanation of the legal. In addition, we explain in detail the legal procedures to be taken when death by overwork or suicide by overwork occurs.

Medical professionals in the field of occupational health and judiciary professionals who work on the legal aspects of labor issues need to work together to combat and provide support regarding death from overwork. Until such time as death from overwork is eradicated, it is necessary to support relief for cases that have occurred and to educate society at large.

keywords: death from overwork, labor-related suicide, occupational health, Law, KAROSHI, Japan

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I. Introduction: Background of the social problem of death from overwork

The first use of the term “karoshi” (death from overwork) was by Uehata, et al. in 1978 [1], when they reported 17 cases of karoshi deaths [2], and in 1982, when they reported 52 cases of karoshi deaths. They referred to deaths caused by overwork as “karoshi (death from overwork)” [3], which

has now become a universal word beyond Japan.

Since death from overwork became a social problem, the enactment of laws and certification standards, as well as improved measures on the part of companies and workers, have been implemented. However, there is rarely a day in which a news report on death from overwork, suicide by overwork, or power harassment is not heard. Until preventive measures bear fruit and death from overwork is

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eradicating, it is necessary to support the relief of victims of the incidents that have occurred, and to alert, and provide awareness-raising in society.

This study summarizes the history of the problem of death from overwork, and suggests how occupational health-related professionals who are involved in issues with death from overwork should cooperate with workers and their families who are suffering from their working environments, as well as with judicial officials who address labor problems from legal aspects, through programs such as the “Death from Overwork Hotline 110,” to take measures against and to provide support regarding death from overwork, respectively.

II. What are death from overwork and suicide by overwork workers?

Laws, Revisions to Laws, Guidelines, and events sur-

rounding the issue of death from overwork are shown in Table 1.

1. Death by overwork

Death from overwork is “death caused by overwork.” The excessive accumulation of fatigue and mental strain caused by long working hours can impair mental and physical health, leading to death (Supreme Court ruling in the Dentsu Inc. case, March 24, 2000) [4]. Death from overwork is defined as death resulting from physical factors, such as brain hemorrhage or myocardial infarction, whereas death resulting from mental factors, such as mental illness, is defined as overwork suicide.

However, after the enactment of labor laws and the rise of the labor movement in the late 1980s, karoshi began to attract social attention, and this term is widely used internationally [5]. In recent years, despite growing awareness among employers and employees regarding the need to

Table 1 Concerning the events surrounding the issue of death from overwork

Date	Event
1947/9	Labor Standards Act, Workers' Accident Compensation Insurance Act
1961/2	Workers' Compensation Criteria for Cardiovascular Disease Established in Relation to Overwork (Division, the Labour Standards Bureau of the Ministry of Health, Labor and Welfare)
1978/6	The term “death from overwork” was used officially for the first time at the 51st Japan Society for Occupational Health in Matsumoto City, Nagano Prefecture, with regard to cerebrovascular disease and myocardial infarction from various occupations and jobs.
1987/10	Revision of the Certification Criteria, “Certification Criteria for Cerebrovascular Disease and Ischemic Heart Disease, etc.” (October 26, Kiho No. 620)
1988/6	Volunteer attorneys provide the first “Death from Overwork 110” telephone consultation at eight locations nationwide
1988/10/2	The National Liaison Conference of Lawyers for Death from Overwork was formed.
1988/11/13	The Chicago Tribune reported on the issue of overwork deaths in Japan, with the headline “JAPANESE LIVE AND DIE FOR THEIR WORK,” introducing the Hiraoka case on the papers' front page.
1991/11/12	The National Association of Families of Deaths from Overwork was formed.
1995/2/1	Revision of the criteria for certification of death from overwork (Notice No. 38, Article 1 of the Inspection Division, the Labor Standards Bureau of the Ministry of Health, Labor and Welfare)
1997/10/18	Held a “Suicide and Death from Overwork 110” telephone consultation
1999/9/14	Criteria for Recognition of Suicide Caused by Overwork, “Criteria for Judgment of Off-the-Job Work for Mental Disorders, etc. Caused by Psychological Overburden.”
2000/3/24	Dentsu Case Supreme Court Decision
2001/6/12	Labor Standards Ombudsman formed in Osaka
2001/12/12	Establishment of new standards for certification of death from overwork (Notice No. 1063, Article 1 of the Inspection Division, the Labor Standards Bureau of the Ministry of Health, Labor and Welfare)
2005/3	Filed an administrative lawsuit in Osaka against non-disclosure of information on 36 agreements (won and finalized at Osaka District Court on 2005/3/17)
2006/3	“Comprehensive Measures for the Prevention of health disorders due to Overwork” (March 17, Kiho No. 0317008). This indicated that the risk of developing cerebrovascular disease increases when overtime hours are more than 45 hours in a month. This was revised in February 2008, February 2011, April 2016, April 2019, and April 2020.
2009/11/18	Filed an administrative lawsuit demanding disclosure of the names of companies that caused deaths from overwork (Osaka District Court won on 2011/11/10, Osaka High Court lost on 2012/11/29, Supreme Court rejected on 2013/10/1)
2011/12/26	Establishment of new criteria for certification of suicide from overwork (Notice No. 1226-1, Article 1 of the Inspection Division, the Labour Standards Bureau of the Ministry of Health, Labour and Welfare)
2011/11/16	The Executive Committee for Enactment of the Basic Law for Prevention of Death from Overwork was formed. Approximately 550,000 signatures were signed by local governments; 143, including 10 from prefectural assemblies.
2012/6/13	The Nonpartisan Diet Members Caucus for the Enactment of a Basic Law for the Prevention of Death from Overwork was formed.
2013/5/17	Recommendation made to the Japanese government by the UN Committee on the Covenant on Social Rights
2014/6/20	The Act Promoting Measures to Prevent Death and Injury from Overwork was established, as Law No. 100 of 2014.
2015/7	Guidelines on measures to prevent death from overwork, etc. approved by the Japanese Cabinet
2015/12	In September 2016, a female employee in her 20s at Dentsu was found to have committed suicide due to overwork, which was attributed to a significant increase in overtime hours and was certified as a work-related accident. In October 2017, Dentsu was found to be in violation by the Tokyo Summary Court and assessed a fine of 500,000 yen for failing to take measures to prevent illegal overtime.
2018/7	The Law Concerning the Establishment of Relevant Laws to Promote Workplace Improvement was enacted. The Labor Standards Law, the Industrial Safety and Health Law, the Act on Improvement of Working Hours, etc. were revised.
2020/8	Cerebrovascular Disease and Ischemic Heart Disease Certification Criteria was revised.
2023/4	Notice of “Self-Diagnosis Checklist for Fatigue Accumulation Level of Workers,” etc. (Notice No. 0404-1 of the Labour Standards Bureau of the Ministry of Health, Labour and Welfare)

improve mental health and workplace environments, there have been many cases of death from overwork and suicide by overwork in the entertainment, art, and medical fields, making the improvement of workplace environments an urgent issue.

2. Suicide by overwork

The number of suicides in Japan exceeded 30,000 for 14 years starting in 1998, but has declined after 2010, and in 2022, a total of 21,881 suicides were reported (Figure 1). In 2022, a total of 2,968 suicides were attributed to work-related problems [6]. In terms of cause and motive, health problems accounted for 12,774 (58.4%), family problems for 4,775 (21.8%), and economic and lifestyle problems for 4,697 (21.5%) cases, followed by work problems. The reasons for work-related suicides included workplace relationships (26.5%), job fatigue (24.4%), and changes in the

work environment (19.8%). Slightly more occurrences were among older workers: 40–49 (27.5%), 50–59 (25.1%), 30–39 (18.2%), and 20–29 (17.4%).

Long hours of overwork are the greatest cause of fatigue accumulation, which is strongly associated with brain and heart disease. Mental disorders caused by work-related psychological strain can significantly interfere with proper cognition and inhibition, resulting in suicide.

3. Economic background of death from overwork and suicide by overwork

In both cases, the common denominator was a strong relationship between the economic situation and deaths due to overwork. In particular, following the period of high economic growth from around 1955 to 1973, the economic growth rate declined after the oil shock, and overwork-related deaths became a social problem in Japan in the 1980s.



Note that the data prepared by the Ministry of Health, Labor and Welfare from the National Police Agency's original data on suicide statistics were modified by the authors.

Note: Due to the following changes in the method of recording causes and motives, a simple comparison of the number of suicides by cause and motive is not possible.

Before 2006: One closely related cause was recorded per suicide.

From 2007 to 2021: Up to three suicide attempts per person were recorded, only in cases where there was a suicide note.

2022: A maximum of four suicide attempts per person, including cases where there is a suicide note and family testimony.

Figure 1 Trends in the number of suicides (total, suicide caused by work problems)

In the late 1980s, real economic growth increased, stock prices and land prices soared, and the bubble economy collapsed, leading to long-term economic stagnation after roughly 1991. Economic stagnation became a long-term problem in Japan, and suicides due to overwork began to surface in the late 1990s, when the economy entered a period of economic stagnation. Case reports of overwork suicides by Amagasa, et al. indicate that the causes of suicide were long working hours, low discretion, low support, life events, and harassment in the workplace [7,8].

The differences between the two are as follows. The number of deaths due to overwork has been decreasing, while the number of suicides due to overwork has remained constant. The industries with the largest number of deaths were transportation, postal services, accommodation, and food services for the former, and medical services, transportation, and postal services for the latter. Both were dominated by males. Death from overwork occurred mostly among middle-aged and older workers in their 40s and 50s, while suicide occurred mostly among young workers in their 20s and 30s. All deaths from overwork involved more than 60 hours of monthly overtime, while 25% of suicides involved less than 60 hours of overtime.

4. Changes in the number of persons affected

Of Japan's 120 million people, 66.76 million are employed (2022) [9]. The number of work-related fatalities, such as falls and traffic accidents, declined from 6,712 in 1961 to 802 in 2020, whereas the number of work-related diseases increased to 8,997. The number of deaths due to overwork resulting from work-related accidents decreased from 160 in 2002 to 54 in 2022. The number of overwork-related suicides increased from 11 in 1999, when the "Guidelines for Determination of Work-related Accident Claims" were established, to 67 in 2022 [6].

III. Background of the establishment of the Law for Measures to Prevent Death from Overwork, etc.

The Law for Measures to Prevent Death from Overwork, etc. (Law for the Prevention of Death from Overwork), enacted on June 14, 2014, defines death from overwork, etc. (Article 2) [10]. The law defines death and injury from overwork as 1) death due to cerebrovascular or cardiac disease caused by work overload, 2) death due to suicide caused by mental disorders due to strong psychological strain at work, and 3) cerebrovascular or cardiac disease or mental disorders caused by such work-related causes.

The enactment of the Law for the Prevention of Death from Overwork was prompted by the activities of the be-

reaved families of those who died from overwork, who appealed for the prevention of death from overwork while filing for workers' compensation and civil suits. The Executive Committee for the Enactment of the Basic Law for the Prevention of Death from Overwork was formed in November 2011, bringing together bereaved families, supportive lawyers, academics, and others to collect signatures and advocate for the reality of overwork death. In May 2013, the Committee on the Covenant on Social Rights, established by a resolution of the United Nations Economic and Social Council, recommended that Japan strengthen measures to prevent long working hours [11]. Furthermore, the Federation of Diet Members was formed in Parliament, and the Law for the Promotion of Measures to Prevent Death from Overwork, etc., was submitted, enacted in June 2014, and enforced in November 2014.

The law requires the government to study deaths from overwork, etc. Seven industries are designated as priority industries, including automobile drivers, educational staff, IT, food service, medical, construction, and media, and are being analyzed by the Research Center for the Prevention of Death from Overwork, etc. The law also requires governments to study deaths from overwork in the IT, food service, medical, construction, and media industries [12].

IV. The structure of the problem of death from overwork

The structure of the problem of death from overwork is shown in Figure 2. Death from overwork, by narrow definition, refers to cases in which death occurs due to brain and heart diseases caused by overload. In addition, there are cases in which suicide (including attempted suicide) or a leave of absence and medical treatment are necessary due to mental disorders caused by psychological overload. Even if the person has not yet reached the point of physical or mental disorder, he or she can be said to be in the "reserve army for death from overwork" if there are long working hours, work stress, or power harassment. Since long working hours and power harassment can occur simultaneously, it is difficult to strictly classify these factors. However, the following is a general description of stressors such as long working hours and power harassment.

1. Working hours and work stressors

Annual working hours for the general Japanese workforce continues to be 2000 hours, but have been slowly declining due to an increase in part-time workers [13]. For major first world countries, the rankings in 2022 had South Korea with the highest number, followed by the United States, Japan, and the United Kingdom [14]. With the enactment of the

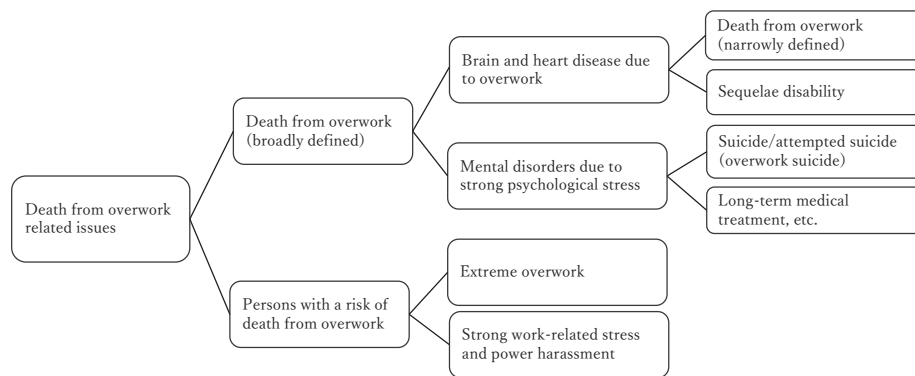


Figure 2 The structure of the problem of death from overwork

“Working Style Change Law” in 2019, the total hours of work in 2022 became 1909 hours. The percentage of workers with “60 hours or more per week” has decreased by 5.1% in recent years [6]. “Comprehensive measures for the prevention of health disorders due to overwork” was stipulated in 2006 and states that overtime hours of 45 hours or more increase the risk of developing cerebrovascular diseases. This included measures such as Reduction of overtime and holiday work hours, Promotion of taking annual paid leave, Improvement of working hour arrangements, and Thorough the implementation of health management measures for workers, which has been revised several times afterwards [15].

The percentage of workers who “feel strong anxiety, worry, or stress about their work or professional life” is roughly 60% every year, and is expected to reach 54.2% in 2022. “Strong anxiety, worry, and stress” was at 56.7% for the quality and quantity of work, 35.0% for job failures and responsibilities, and 27.0% for personal relationships, including sexual harassment/power harassment [6].

Mental disorders and suicides due to long hours and overwork have decreased in recent years. However, the number of certified cases of mental disorders due to bullying and sexual harassment has been increasing. In addition to the relationship between long working hours and depression, it can lead to circulatory disease, diabetes mellitus, metabolic syndrome, other psychological disorders, sleep condition, cognitive function, and health-related behavior [16]. High job demands, low discretionary work (strain), and effort-reward imbalance can cause stress and depression, and social support in the workplace can help to alleviate stress [17]. Job demands and job control are also important, as high-discretion jobs are less likely to cause depression than low-discretion jobs.

The causal relationship between “harassment” and “bullying”, and depression has an odds ratio of 2.82. Continued bullying can cause cardiovascular disease, depression, and death among workers [18]. Since the collapse of the bubble

economy in the late 1990s, the pay-for-performance system in Japan may have caused various work-related stressors. In 2007, a Court also ruled that power harassment was a work-related injury in a case in which a worker at a factory suffered from depression and committed suicide in 1997, due to the psychological burden and overwork caused by overwork and power harassment by colleagues [19]. In addition, awareness-raising on power harassment is currently provided [20].

In 1999, after the Dentsu lawsuit, the “Guidelines for Determining Psychological Disorders Caused by Psychological Overload Outside of Work” were formulated, and in 2011, the “Certification Criteria” for workers’ compensation for mental disorders were established. Physicians’ opinions play an important role in certifying workers’ compensation. The guidelines have since been revised [21]. However, the fact that physicians are unfamiliar with the workers’ compensation certification system and certification criteria is one reason for low workers’ compensation certification rates, by approximately 50% for suicide by overwork and 30% for mental disorders, making familiarizing physicians with the system an urgent issue.

2. Mental health in the workplace

In Japan, owing to the rapid aging of the population and a declining birthrate, the ratio of effective job offers for applicants increased from 0.47 in 2009 to 1.29 in 2023. During the period of high economic growth and GDP expansion, from the high economic growth period to the Bubble Economy of the late 1980s, it was easy for workers to feel the positive effects of their work. However, the economy did not grow for 30 years after the collapse of the Bubble Economy, making it difficult for workers to achieve positive job outcomes, which may have worsened their mental health.

The 13th Industrial Accident Prevention Plan (from 2008 to 2022) [22] indicates the promotion of mental health measures in the workplace, as follows: 1) increase the percentage of workers who have a place to consult regarding

anxiety and stress at work, including resources outside of the workplace, to 90% or more; 2) increase the percentage of workplaces that are taking mental health care actions to 80% or more; and, 3) increase the percentage of workplaces that have a mental health care system to 80% or more. In addition, 4) the percentage of workplaces that conduct group analyses of stress checks and utilize the results should be at least 60%. The percentage of workplaces taking mental health care actions is approximately 63.4%, and over 90% of offices with 50 or more employees had implemented them by 2022 [6].

The criteria for the certification of mental disorders were presented, and power harassment was added to the 2020 revised version [23]. The number of workers' compensation claims for mental-health disorders due to work-related psychological strain increased to 2,683 in 2022. The number of cases of workers' compensation decisions (certifications) had stood at approximately 500 since 2012, but in 2022, there were 710 cases (including 67 suicides and attempted suicides). The breakdown included 147 cases of "power harassment," such as physical and mental attacks by superiors. In 89 of these cases, the cause was "experiencing or witnessing a tragic accident or disaster," while in 66 cases it was, "being assaulted or bullied by coworkers," which were caused by human relations in the workplace [24,25]. The number of claims for workers' compensation for mental-health disorders is increasing, and improvements are urgently required.

The Ministry of Health, Labour and Welfare has established the "Guidelines for the Maintenance and Promotion of Workers' Mental Health" to promote mental health care actions in the workplace [26]. This guideline is a policy under Article 69, Section 1 of the Occupational Health and Safety Law (consideration of mental health by business operators for workers), and covers "primary prevention" for mental health problems through the use of stress checks and improvement of current conditions in the workplace, "secondary prevention" to detect problems at an early stage and take appropriate care, and "tertiary prevention" to support workers who are not in good health by supporting their return to work.

3. Outline and review of measures to prevent death from overwork, etc.

Based on the provisions of the Law for the Prevention of Death from Overwork, in December 2014, the Ministry of Health, Labor, and Welfare established the Council for the Prevention of Death from Overwork, composed of bereaved families of overwork deaths, labor-management representatives, and experts, and prepared the "Outline of Measures to Prevent Death from Overwork," published in July 2014.

In accordance with the Law on the Prevention of Death from Overwork, etc. and the Outline, the government and other organizations have been promoting measures to prevent deaths from overwork, such as surveys and research, awareness-raising, and the development of consultation systems, as well as efforts to support the activities of private organizations, which are reported annually in the "White Paper on Measures to Prevent Death from Overwork, etc." under Article 6 of the Law.

The Outline was decided in July 2015 after the Council discussed measures to prevent death from overwork, etc., thereafter. Furthermore, based on changes in socioeconomic conditions and other factors, the outline was again decided after the first review in July 2018. Subsequently, although various efforts were undertaken to reform the work styles of workers, the need for a review was pointed out, considering the increase in the number of deaths of overworked workers, especially among younger workers, the response to COVID-19, and teleworking [27]. In July 2021, a new outline was decided.

The new outline included the following points: It is necessary to prevent the occurrence of overwork and other deaths due to responses to the novel coronavirus infection and changes in work styles, as evidenced by overwork at some medical workplaces and workplaces that are understaffed due to the spread of infections of the novel coronavirus. In addition to disseminating guidelines on teleworking, side/concurrent jobs, and freelancing, which are new ways of working during the corona and post-corona eras, surveys and research should be conducted. Measures to prevent death from overwork, etc. of public servants should be employed.

Major measures include providing support to small- and medium-sized enterprises which have long work hours, and an inadequate introduction of interoffice interval systems and mental health care actions. Priority industries, such as automobile drivers, teaching staff, information technology, food service, medical care, construction, and media industries, were listed in the surveys and studies. In addition, a determination of the status of working hours under the influence of the novel coronavirus infection, as well as on-line utilization of telework and the development of support tools, such as checklists, should be conducted.

4. Trends in measures against death from overwork and suicide in other countries

In the UK and France, from a health perspective, in addition to the upper working hour limit of "48 hours per week in principle, including overtime," there is a provision for a minimum of 11 consecutive hours of rest per 24-hour period. The percentage of people working 50 hours or more

Table 2 Proportion of workers working 49 hours or more per week

	2010	2015	2016	2017	2018	2019	2020	2021	
Japan	23.1	20.8	20.1	20.6	19.0	18.3	15.0	15.1	
United States of America	15.4	15.8	15.9	15.7	15.8	15.7	14.2	14.6	1)
Canada	12.5	12.1	11.9	11.6	11.9	11.1	10.0	10.8	
United Kingdom	11.6	12.3	12.2	11.7	11.5	11.4	-	-	2)
Germany	11.7	9.6	9.3	8.5	8.1	7.7	5.7	5.7	2)
France	12.1	10.6	11.0	10.4	10.6	10.6	9.5	9.1	3)
Italy	11.1	9.8	9.9	10.2	10.2	9.8	7.8	9.0	2)
Netherlands	8.5	8.7	8.8	8.4	8.0	7.8	6.7	5.8	2)
Belgium	11.3	11.6	11.4	8.6	8.1	8.1	7.0	7.9	2)
Denmark	8.6	8.5	7.8	7.5	6.9	6.6	6.3	7.2	2)
Sweden	8.0	7.3	7.1	6.8	6.6	6.5	5.7	5.8	2)
Finland	8.7	8.2	8.4	8.1	8.1	8.1	7.3	6.9	2)
Norway	5.7	5.9	5.7	5.2	5.1	5.0	4.7	4.8	2)
Switzerland	16.7	14.6	14.5	14.1	14.1	13.4	11.8	10.4	2)
Spain	10.8	9.6	8.9	8.3	8.0	7.2	5.9	6.6	2)
Portugal	9.4	10.8	10.0	10.0	9.6	9.4	7.4	7.8	2)
Russia	3.0	3.0	2.8	-	-	-	-	-	4)
Hong Kong	37.7	30.0	29.9	-	-	-	-	-	5)
Korea	37.6	31.9	29.9	28.8	25.1	23.1	19.5	18.4	
Malaysia	29.5	21.5	21.0	-	-	16.0	-	-	6)
Thailand	39.5	30.8	23.8	23.0	21.8	20.2	17.1	16.8	
Indonesia	30.4	27.0	29.1	30.6	29.6	28.8	26.9	24.8	
Philippines	24.6	22.9	25.0	22.8	23.5	22.8	17.6	19.4	
Australia	15.2	14.2	14.3	13.8	13.1	13.0	11.8	-	2) 7)
New Zealand	14.8	13.8	14.9	14.9	14.9	14.9	-	-	
Mexico	28.7	28.6	28.9	28.6	28.2	28.2	-	27.4	
Brazil	-	11.6	10.8	11.2	11.7	12.3	10.6	12.0	

ILOSTAT (<https://ilostat.ilo.org/data/>) December 2022

Modified by the author from "Labor Force Survey (Basic Tabulation)" (February 2022), Statistics Bureau, Ministry of Internal Affairs and Communications

1) The survey covers persons aged 16 years and older.

2) Subject to both full- and part-time workers.

3) Excludes production workers for own use.

4) Subjects up to 72 years of age; 2010 excludes the institutional population and some territories.

5) Excludes the institutional population; in 2015–2016, government-controlled areas are covered.

6) Subjects up to 64 years of age; 2016 and 2019 exclude the institutional population.

7) Excludes the institutional population, military, and conscripts. Excludes overseas territories; after 2015, excludes production workers for own use.

8) "Long hours" refers to 49 hours or more per week, which is the longest category common to all countries in this table, in ILOSTAT's statistics on workers by working hours. In principle, all industries and workers (including part-time workers) are covered. In Japan, the percentage of workers who worked 49 hours or more per week was calculated using the JILPT.

per week is over 30% in Japan, 12% in the UK, and 9% in France [28] (Table 2). In May 2021, based on a joint study with the International Labor Organization on stroke and heart disease caused by long working hours (55 hours or more per week), the World Health Organization announced that "long working hours kill 745,000 people per year" [29].

In a famous overseas case, 37 employees of France Télécom S.A. (now Orange), a major French telecommunications company, attempted suicide between 2008 and 2009, with 24 of them dying. The suicides were attributed to "work stress," as all of the employees' on-the-job activities were monitored and they were forced to respond constantly, even during breaks, without leaving their communication devices (France Télécom case) [30]. In 2016, the "loi El Khomri" (Law on El Khomri) was enacted [31], which requires com-

panies with more than 50 employees to ensure that employees are not allowed to send or receive work emails during mandatory hours. Khomri workers gained the "right to disconnect" (right to be offline), which means that they did not have to look at work emails outside of work hours. In the UK, in 2013, a 21-year-old German intern at the Bank of America's London office died of a stroke after working 72 hours straight [32]. This led to restrictions on working hours on Wall Street.

In the United States and Europe, the system evaluates employees based on ability rather than time. However, long working hours are more serious in Asian countries such as India, South Korea, Taiwan, and China. A difference in work values between Asia and the West is behind this situation. In particular, in Asian culture, overtime is seen as working

hard, and perseverance and hard work are virtues. In this regard, it is necessary to take measures against death from overwork beyond national borders.

V. Collaboration between medical care and the judiciary

In 2000, the Supreme Court of Japan ruled in a case,

“Dentsu’s Suicide by Overwork,” which fully recognized the causal relationship between long hours of overwork, depression, and suicide, as well as the responsibility of the company. However, the number of overwork-related suicides has not decreased since then, and in 2014, the Law for Measures to Prevent Death from Overwork was enacted, due to the efforts of the Association of Families Affected by Death from Overwork and the Lawyers’ Committee for

Table 3 Major compensation cases for death from overwork or suicide by overwork

Case	Date	Court	Bibliographic Information	Summary of Case ¹⁾
Fuji security Case	March 28, 1996	Tokyo District Court	Labor Case No. 694	A security guard in his 60s died of a stroke while in security guard service. The court found that the company violated its duty of care in failing to conduct medical examinations and to reduce the volume of work (62.94 million yen).
Dentsu overwork suicide	March 24, 2000	Supreme Court	Hanrei Trial Court No. 1028	An employee in his 20s, who was constantly involved in long hours of overtime work, suffered from depression and committed suicide. A settlement was reached in which the company paid 168 million yen to the bereaved family.
System Consultant	October 13, 2000	Supreme Court	Labor Case No. 791	An employee engaged in computer software development died of a brainstem hemorrhage. The second trial court found that his death was caused by overwork, and that the company was in breach of its duty of care for safety (32 million yen).
Tokio Marine Branch Manager’s driver	July 17, 2000	Supreme Court	Hanrei Times No. 1041	A driver who was engaged in the driving a car as a driver for a branch manager developed a subarachnoid hemorrhage while driving. The Supreme Court found that the work-related factors were attributable to the fact that the excessive mental and physical strain, caused by the work he was engaged in before the onset of the disease aggravated the underlying disease beyond its natural course, leading to the onset of the disease.
Overwork Suicide of a Toyota Section Chief	July 8, 2003	Nagoya High Court	Judgment Litigation Monthly, Vol. 50, No. 6	The work-related nature of the suicide of a male section chief in his 30s in charge of automobile design work at an automobile company was affirmed on the grounds that his suicide in 1988 was caused by depression resulting from overwork. The Nagoya High Court upheld the decision of the first trial court, which rescinded the disposition of the Toyota Labor Standards Inspection Office, which denied recognition of the work-related accident, and dismissed the appeal by the Labor Standards Office.
Mikumano Agricultural Cooperative	February 19, 2002	Wakayama District Court	The law times report No. 1098	An employee of an agricultural cooperative died (committed suicide), and his family demanded for the cooperative to pay damages, as well as damages for delay, based on the right to claim damages for tort or default (breach of duty of care for safety). Payment of 8.59 million yen was approved.
Minami Osaka My Home Service	April 4, 2003	Osaka District Court	The law times report No. 1162	A case in which a representative director’s breach of his duty of care for health and the company’s breach of its duty of care for safety were affirmed, finding a reasonable causal relationship between his work and the acute cardiac death of an employee of a renovation construction company with an underlying condition of dilated cardiomyopathy. The court ordered the payment of approximately 19.8 million yen to the surviving wife and 9.9 million yen to each of their two children (39.6 million yen).
Kawasaki Waterworks Bureau	March 25, 2003	Tokyo High Court	Labor Case No. 849	In a case in which an employee of the Waterworks Bureau committed suicide due to harassment and bullying in and outside of the workplace, the Bureau was found to have breached the city’s duty of care for safety, and was liable for damages amounting to 21 million yen under the National Compensation Law.
Rissho Kosei-kai Hospital	October 22, 2008	Tokyo High Court	Labor Case No. 963	A pediatrician in his 40s became depressed and committed suicide due to overtime work and duty work, etc. However, the court judged that it was unexpected and not a failure of the hospital’s duty of care for safety, because he had not talked to anyone around him. Later in 2010, the case was settled by the Supreme Court (the settlement payment was 7 million yen).
Toshiba Depression	March 24, 2014	Supreme Court	Hanrei Times No. 1424	A female worker in her 30s developed and aggravated a depressive illness due to overwork; in determining the amount of damages based on the employer’s breach of its duty of care for safety, etc., the employer’s negligence cannot be offset by the fact that the worker did not report certain information about her mental health to the employer.
West Japan Railway Co. (Suicide by Depression)	March 20, 2015	Osaka District Court	Labor Case Journal, No. 40	A male employee in his 20s at JR West who committed suicide admitted to working roughly 113-254 overtime hours per month, which was a failure of the company’s duty of care for workers’ safety (100 million yen).
Otoyama Fruit and Vegetable	November 30, 2017	Nagoya High Court	Hanrei Times No. 1449	A female employee in her 20s at a fruit and vegetable brokerage company was reassigned from accounting to sales in April 2012, but committed suicide in June of the same year. She was bullied and power-harassed by two senior female employees in both departments, and the company ignored this and reassigned her without sufficient handover, burdening her with excessive work. As a result, she suffered a strong mental burden, fell into depression, and committed suicide. The high court found a reasonable causal relationship between the tort (including employer’s liability) and suicide, and the district court’s decision which denied a reasonable causal relationship with the suicide was modified.
Nagasaki Minato Medical Center	May 27, 2019	Nagasaki District Court	Labor Case No. 1235	A male physician in his 30s died in December 2014 due to overwork, averaging 177 hours of overtime per month, and the court found that the hospital had failed to consider the safety of the staff (167 million yen).
La Tortuga (Overwork Death)	February 21, 2020	Osaka District Court	Labor Case No. 1221	Regarding a considerable relationship between a chef’s death and the restaurants’ failure to provide appropriate safety care, the court found that the chef had worked approximately 250 hours of overtime per month, resulting in weakened immunity and the occurrence of myocarditis (84 million yen).

1) The final monetary amount at the end of the sentence indicates the Amount of compensation/ Settlement.

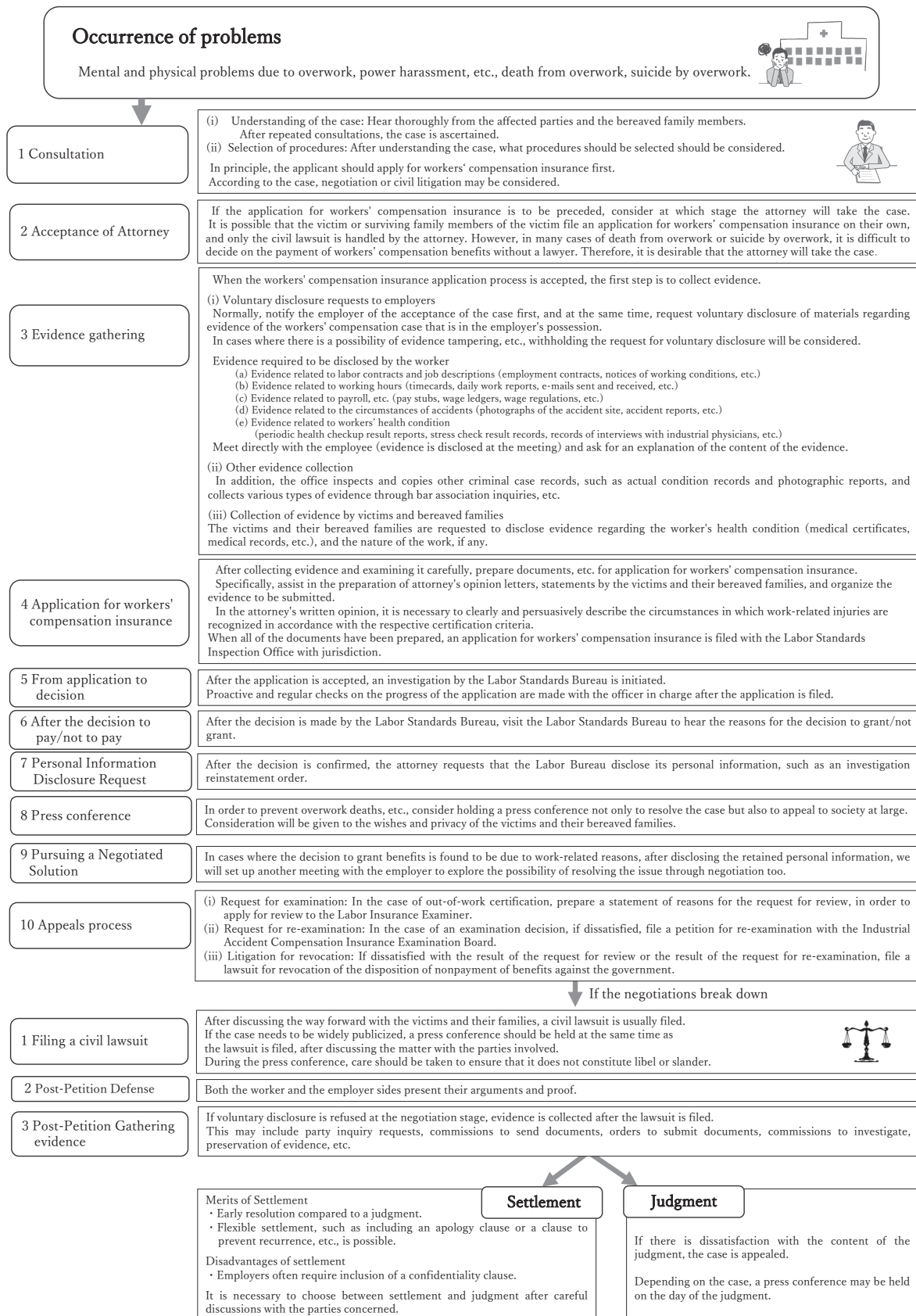


Figure 3 Legal procedures for issues related to the death of overwork

Death from Overwork. Every year, the National Network of 110 Hotlines for Death from Overwork, composed of lawyers and others, provides free telephone counseling on death from overwork and harassment in Japan. The network has conducted nearly 40 such calls since 1988, targeting workers and bereaved families.

Death from overwork and suicide by overwork are terms used in public health, and are not fully recognized by the general public, including medical professionals. There is not enough cooperation between the medical and judicial systems in the recognition of workers' compensation and in trials for death from overwork. Table 3 shows the major compensation cases, and the legal procedures related to death from overwork are shown in Figure 3.

1. Impressive events that occurred during the actual activities of the lawyers' group

As a member of the Death from Overwork Defense Lawyers Group, while working on several cases of death from overwork, we found that death from overwork can change not only the lives of the victims themselves, but also the lives of the bereaved families and the families who support the victims [33,34].

A system engineer who was forced to work overtime exceeding 100 hours per month developed depression at the young age of 30 years, and even after 10 years, he was still unable to lead a normal life. His wife supported him in his daily life while raising their young child, while simultaneously collecting evidence and preparing documents for his application for workers' compensation insurance, and continuing to support him in the civil lawsuit process after the decision was made. As a result of exposure to such harsh conditions, the wife suffered from a mental disorder. Although the case was resolved by settlement, the wife, who had supported the victim for many years, tearfully complained to the company executives on the settlement date that the life of the victim and his family had been changed, leaving a strong impression on the legal team.

With the enforcement of the Law for Measures to Prevent Death from Overwork, etc., which came into effect in 2014, November is designated as a month for raising awareness to prevent death from overwork, etc., and symposiums on the prevention of death from overwork are held in various parts of Japan. At the symposiums, there is an opportunity for survivors of death from overwork to share their stories, and their experiences make us keenly aware that death from overwork, etc. can transform the lives not only of the victims but also of the survivors and their supporting family members.

2. Complaints from bereaved families and workers

whose health was harmed by overwork

At symposiums on the prevention of death from overwork, etc. and in cases involving death from overwork, etc., victims and their bereaved families earnestly appealed that they did not want a tragedy like theirs to happen to anyone. To realize the wishes of the victims and bereaved families, we believe that lawyers involved in the issue of death from overwork have an important responsibility not only to provide relief to individual victims, but also to work to build a society in which death from overwork is eliminated [35].

Below, we introduce some of the specific legal activities that our lawyers are engaged in to help victims of death from overwork and to prevent such deaths.

3. Legal defense activities prior to court trials

When an attorney receives a consultation regarding a case of death from overwork, etc., the response varies depending on the case and the attorney. However, the following presents an example of such activities. [36-39].

(1) Consultation stage

1) Understanding the case

First, it is important to fully understand the circumstances of the affected party and bereaved family. Since it is difficult to hear everything in a single consultation, the case is ascertained through repeated consultations.

2) Selection of procedures

After gaining an understanding of the case, the attorney considers the procedures that should be selected. As a general rule, we first file an application for workers' compensation insurance to determine whether the injury was caused by work. However, if there is a high probability of non-recognition, negotiation or civil litigation will be considered.

(2) Timing of receiving an appointment by an attorney

When an application for workers' compensation insurance is filed in advance, the attorney considers the stage at which to accept the case.

It is possible that the victim or surviving family members of the victim file an application for workers' compensation insurance on their own, and only the civil lawsuit is handled by the attorney. However, in many cases of death from overwork or suicide by overwork, it is difficult to apply for worker's compensation insurance without a lawyer.

(3) Evidence gathering

When an attorney accepts a client's request for a workers' compensation application, first of all, the attorney collect evidence regarding the application for workers' compensation insurance.

1) Voluntary disclosure requests to employers

Normally, we first notify the employer of our acceptance of the case, and simultaneously request that the employer voluntarily disclose evidence concerning the workers' com-

pensation case, since the employer often possesses such evidence.

However, when there is a risk of evidence tampering, withholding the request for voluntary disclosure will be considered.

Workers may request the following types of evidence. The requested content varies depending on the case.

a) Evidence related to labor contracts and the nature of work

Employment contracts, written notices of working conditions, work rules, company organization charts, etc.

b) Evidence related to working hours

Timecards, daily work reports, attendance records, entry/exit records, sent/received emails on the worker's computer, log-in/log-out, server access records, records of overtime work requests, contents of sent/received emails on work cell phones and their sending/receiving history, telephone calling/receiving histories, etc.

c) Evidence related to payroll, etc.

Pay stubs, wage ledgers, wage regulations, etc.

d) Evidence related to accident circumstances, etc.

Photographs of the accident site, accident reports, work procedure manuals, work content reports, etc.

e) Evidence related to the workers' health conditions

Periodic health checkup result reports, stress check result records, records of interviews with industrial physicians, etc.

After receiving the disclosure of this evidence, the employer should meet directly with the employee (or they are asked to disclose the evidence during the meeting) and ask for an explanation of its content.

Subsequently, we examine the disclosed evidence closely, and if there is a need for further disclosure of evidence, we may request additional evidence disclosure.

2) Collection of other evidence

In addition, we can inspect and copy criminal case records, such as actual investigation records and photographic reports, or use bar association inquiries to collect various types of evidence.

For example, in the case of an emergency medical evacuation due to suicide by overwork, we may request that the fire department disclose emergency dispatch records by making an inquiry to the bar association, in addition to inspecting and copying criminal case records.

3) Collection of evidence by victims and bereaved family members

Victims and their bereaved families will be asked to disclose any evidence regarding the worker's health condition (medical certificates, medical records, etc.) and the nature of the work, if any.

(4) Application for workers' compensation insurance

After collecting and examining the evidence, the lawyer prepares the documents to apply for workers' compensation insurance. Specifically, they will assist in the preparation of written opinions from lawyers, and written statements from disaster victims and their bereaved families, and in organizing the evidence to be submitted. The lawyer's written opinion must clearly and persuasively describe the circumstances deemed to be caused by the work, in accordance with each certification standard. Once you have all of the documents, an application is made for workers' compensation insurance at the Labor Standards Inspection Office with jurisdiction.

(5) Activities from application to decision

After the application is received, the Labor Standards Office will begin the investigation. After filing an application, it is not sufficient to simply wait for a decision to be made. Immediately after filing an application, the lawyer will contact the officer in charge, either at the Labor Standards Office or over the phone, to directly explain an outline of the case to the officer and request any particular points that should be investigated. In addition, when the applicant is interviewed, a lawyer will be present. Subsequently, we will periodically check on progress with the officer in charge, and depending on the content of the response, we will consider submitting additional evidence.

(6) After the decision to pay (or not to pay)

After the Labor Standards Bureau's decision is made, the attorney visits the Labor Standards Bureau to hear the reasons for the decision to grant or deny benefits.

(7) Request for disclosure of personal information

After the decision is confirmed, the client requests that the Labor Bureau disclose its personal information, such as an investigation reinstatement order.

(8) Press release

To prevent deaths due to overwork, it is important not only to solve the case, but also to alert society at large by appealing to the public. Therefore, some patients may require press releases after the disclosure of the investigation report. In such cases, press releases should be held for the affected workers and their families. It is important to consider the privacy of the clients and their wishes.

(9) Pursuing a resolution through negotiation

In cases where the employer is found to be at fault, after personal information is disclosed, the attorney arranges another meeting with the employer to pursue a solution to the problem through negotiation. Generally, it takes a considerable amount of time to settle a civil lawsuit; therefore, it is important for clients to be aware of the emotional and procedural burden of such a lawsuit. The mental and procedural burden on the client cannot be ignored. For this reason, it is necessary to explore the possibility of a resolution

through negotiation as much as possible, to reduce such burdens.

(10) Complaint procedures against the judgment

1) Request for examination

If the case is found to be out-of-work, the attorney may request an examination from the Labor Insurance Examiner. We analyze the disclosed personal information (e.g., investigation reinstatement order, etc.) and prepare a statement of the reasons for the request for examination.

2) Request for re-examination

If a review decision is issued on a request for review filed with the Labor Insurance Examiner and the decision is unsatisfactory, a petition for re-examination against the decision can be filed with the Workers' Accident Compensation Insurance Board of Appeals. In the re-examination request, a statement of oral opinion is made, and an attorney is present to state their opinion. Although it is rare for a conclusion to be overturned in a re-examination request, it is necessary to not give up. In addition, by requesting a re-examination, a set of documents (referred to as a case record) from the investigation stage of the Labor Standards Inspection Office to the stage of requesting an examination sent to the applicant. This case record will be useful in subsequent litigation procedures, making the request for re-examination meaningful.

3) Litigation for revocation

If the client is dissatisfied with the result of the request for review, or if the client is dissatisfied with the result of the request for re-examination, the client may file a lawsuit against the government to rescind the disposition of non-payment.

4. Defense activities after the filing of lawsuits

(1) Filing a civil lawsuit

When negotiations break down, the attorney discusses the next action with the client and family, and usually files a civil lawsuit. If the case requires a broad public appeal, a press conference may be held at the same time as the lawsuit is filed. In some cases, a settlement is reached outside of court before the first date of the lawsuit, due to media coverage of the press conference at the time of filing the lawsuit. Care should be taken to avoid defamation during press conferences.

(2) Defense activities after the lawsuit is filed

After the lawsuit is filed, both sides, the worker and employer, present their arguments and proof.

(3) Gathering of evidence after the lawsuit is filed

If voluntary disclosure is refused during the negotiation stage, evidence is gathered only after a lawsuit is filed. Specifically, this includes party inquiries, document delivery requests, document submission orders, investigative com-

missions, and evidence preservation.

(4) Cases of resolution by settlement

The cases are sometimes resolved by settlement rather than judgment. Compared with a judgment, a settlement has the advantages of early resolution (the parties are not burdened with interrogation, etc.) and flexible resolution (if the employer does not refuse), such as including an apology clause or a clause to prevent recurrence. However, employers often require confidentiality agreements in settlements, which is a disadvantage if it is desired to appeal widely to the public. The choice between settlement and judgment should be made after careful discussions with the client, and a settlement proposal should be carefully prepared.

(5) Judgment

If the client is dissatisfied with the judgment, an appeal should be filed. If necessary, prepare to hold a press conference on the Day of Judgment.

5. Need to inform occupational health professional of the issue of death from overwork and the system

In cases such as death from overwork, the cooperation of medical professionals is indispensable. In particular, the opinion and medical certification of the attending physician plays an important role in the certification of workers' compensation. Unfortunately, there are cases in which a decision not to grant workers' compensation benefits is made due to a physician's insufficient understanding of the workers' compensation procedures and certification criteria. Even when attorneys ask attending physicians to prepare opinion letters and medical certifications, they may not be familiar with the system, and efforts are made to improve their understanding by providing explanations and materials on workers' compensation application procedures.

To provide relief for workers related to overwork, the understanding and cooperation of medical professionals is very important. It is desirable for the workers' accident compensation system and certification criteria to be better known to medical professionals, and for medical professionals and judicial officials to cooperate to provide relief for victims.

VI. Perspectives for the future to eradicate death from overwork

In 2006, the Occupational Health and Safety Law established "long-hour worker counseling," followed in 2014 by the "stress check program." In 2018, the "Working Conditions Improvement Law" gradually introduced a maximum overtime working hour requirement, which will be extended to doctors, automobile drivers, and the construction industry by 2024. Efforts to improve the working conditions

of long-hour workers have been progressing.

In addition, the 2019 “Revised Law on Comprehensive Promotion of Labor Policies and Initiatives” made prevention policies against power harassment mandatory for large companies from 2020, and from 2022 for small and medium companies. The Industrial Safety and Health Law requires companies with 50 or more employees to appoint industrial physicians. As described above, measures have been established to prevent long working hours and workplace stress. Future research should be conducted in an appropriate and effective manner.

If by any chance death from overwork, suicide by overwork, or work-related disorders occur, it is necessary for medical professionals and judicial professionals to understand and cooperate with each other more than ever before, to provide relief.

To eradicate death from overwork, it is desirable to analyze not only working hours and workplace environments, but also many other factors and relationships, such as industry-specific environments, lifestyles, and other conditions on the worker side, and to continue research and education toward more effective preventive measures from a multifaceted, interdisciplinary perspective.

Conflicts of Interest

The authors declare that there are no conflicts of interest.

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<総説>

日本における過労死・過労自殺の状況・対策と今後の課題

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抄録

過労死が社会問題となって以降，法律や認定基準の制定，また企業側，労働者側での対策が充実してきた。しかし，過労死や過労自殺，パワーハラスメントなどに関する報道を聞かない日はない。世界共通の社会問題である「過労死／KAROSHI」について「日本の過労死対策」の変遷や主要な事件を取り上げ，現在の最新の過労死対策の動向や医療と司法を中心に連携について解説する。

過労死・過労自殺が社会問題として確立した経緯から，予防策，過労死防止法，認定基準の見直し，過重労働や職場でのストレスに悩む労働者や家族の活動，「過労死110番」といった相談窓口を全国に展開した弁護士の活動などを整理したうえで，過労死・過労自殺が生じた時の法的手続きを詳説する。

労働衛生分野の医療関係者と，労働問題に法的側面から取り組む司法関係者とが連携し，過労死対策や支援に取り組み，過労死が根絶されるまでは，発生した事件の救済を支援し，社会に広く啓発していく必要がある。

キーワード：過労死，過労自殺，労働衛生，法律，KAROSHI，日本