

No.13 Termination of Employment Relationship (1)—Grounds for Termination Other Than Dismissal (text 174-183)

1 Resignation/Contract Termination by Consent

Meaning and effect of "resignation"

Meaning and effect of "contract termination by consent"

*At what point in time does contract termination come into effect? (Up until what point in time is the withdrawal possible?)

#79

2 Age-Limit System

Pattern

Age-limit retirement system and age-limit dismissal system

Is an age-limit system legally valid?

#26 (part not listed in *Selected 100 Judicial Precedents*)

Current Japanese legal policy

Requirement of the measure to secure employment of older persons aged from 60 to 65 (Article. 9 of Law concerning Stabilization of Employment of Older Persons)

RESEARCH Should the age-limit system be maintained in Japan for the future? Should we plan to utilize workers irrespective of age by legally forbidding age discrimination at job site as in the U.S. and Europe?
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3 Refusal to Renew Labor Contract with Prescribed Time Span (Discontinuation of Employment)

3.1 Conclusion of Labor Contract with Prescribed Time Span

Article 628 of Civil Law Act, and Article 17, paragraph (1) of Labor Contract Law

Article 14 of Labor Standards Law

3.2 Termination of Labor Contract with Prescribed Time Span

Principle under Civil Law

Virtual protection by precedents

· Virtually-indefinite-contract type composition

· Expectation-protection type composition

#85 and such

→ Analogical application of legal principles on dismissal

*What does Article 17, paragraph (2) of Labor Contract Law mean?

4 Legal Relation after Termination of Labor Contract

- Continuation of rights and duties based on contract
 - Duty not to compete and duty of retirement payment, etc.
- Continuation of rights and duties based on law
 - Obligation of confidentiality (Unfair Competition Prevention Law)
 - Certificate at retirement, restitution of money and goods, travel expense for returning home (Articles.22, 23, and 64 of Labor Standards Law)

