

No.15 Protection of Workers' Human Rights (2)—Treatment of Nonpermanent Employee, Personal Rights (text 204-219)

1 Treatment of Nonpermanent Employee

1.1 Employment Management of Part-time Workers—Control by Part-time Work Law

- Definition (Art. 2)
- Regulatory content
 - Clear statement of working conditions (Art. 6)
 - Ban on discriminatory treatments (Art. 8)
 - Measures to convert into regular workers (Art. 12) and other
- Legal effect

1.2 Discrimination in Treatments Between Permanent and Nonpermanent Employees—Control by Precedents

1.2.1 Wage Discrimination

- Affirmative theory on redress and negative theory on redress
- Judicial precedents
 - #32 and other

1.2.2 Discrimination in Dismissal/Discontinuation of Employment

- Legitimacy of priority retrenchment
 - #85

RESEARCH What sort of legal policy should be taken for directing our steps toward the solution of the problem regarding nonpermanent employees (by extension, the one regarding permanent employees) in Japan?

2 Workers' Personal Rights and Privacy

2.1 Protection from Harassment

- Concept of harassment
 - Quid pro quo sexual harassment and hostile environment harassment
 - Legal significance?
- Business proprietor's duty to take preventive measures on sexual harassment (Art. 11 of Equal Employment Opportunity Law)
- Relief under private statute
 - Responsibility of the perpetrator oneself
 - *Profit in being victimized under tort law?

#33 and other

- Employer's liability as to the perpetrator's act (Art. 715, para. (1) of Civil Law Act)
- Responsibility based on the breach of duty of consideration by an employer oneself

2.2 Protection of Privacy

○ Legal framework

- Illegal act, abuse of authority, violation of deduction
- Exemption due to social conformity

○ Specific pattern and judgment

- Interference in privacy
#21, #22, #77
- Acquisition and disclosure of information on privacy
- Measures like bullying/warning

3 Protection of Inside Denunciation

○ Protection by Whistleblower Protection Act

- Deed to be the subject of "disclosing information in the public interest"
- Ban on disadvantageous treatment

○ Protection by judicial precedents

- Protection of justifiable act of denunciation (authenticity of truth, objective's public-interest disposition, conformity in means/terms)

