

No.16 Wage (text 210-240)

1 Right to Claim Wage

1.1 Occurrence of the Right to Claim Wages

- With what does wage occur?
- What would happen if labor due is not fulfilled?

1.1.1 Right to Claim Bonus

- Occurrence of the right to claim a bonus
- Validity of a requisite for being employed on the day of the payment

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1.1.2 Right to Claim Retirement Allowance

- Characteristics/nature of Japanese retirement allowance
- Occurrence of the right to claim a retirement allowance (validity of stipulations as to a cut and no provision)

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1.2 Changes in Right to Claim Wage

1.2.1 Wage Hike

- Wage hike system in general
- Existence or nonexistence of the right to claim a wage hike

1.2.2 Wage Cut

- Legitimacy of a wage-cut measure

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- Wage cut and tacit agreement

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2 Legal Regulations on Wage

2.1 Wage under Labor Standards Law

- Definition of wage (Art. 11 of Labor Standards Law)

- "What to be paid by the employer"
- "Compensation for labor"

Optional and beneficial payment/ social services payment/ company's facilities and operating expense

2.2 Payment Method of Wage

2.2.1 Principle of Payment in Legal Tender

- Gist
- Exception

2.2.2 Principle of Direct Payment

- Gist
- In case credit of wage gets handed over to the third party
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- Exception

2.2.3 Principle of Payment in Full

- Gist
- Exception
- What about an offset of a credit of wage by the employer?
 - Reconciliatory offset
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 - Offset based on the worker's consent
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 - Deduction of an intermediary income from the wage during an invalid dismissal period
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- What about a case where a worker abandons his credit of wage?
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2.2.4 Principle of Payment on Fixed Date and Not Less Than Once a Month

- Principle
- Does it extend over an annual salary system?

2.2.5 Payment in Emergency (Art. 25 of Labor Standards Law)

- Duty to pay wages in the worker's emergency

2.2.6 Guaranteed Payment in Performance-based Pay (Art. 27 of Labor Standards Law)

- Guarantee of a fixed wage for the worker on performance-based pay

2.3 Closure Allowance (Art. 26 of Labor Standards Law)

- Gist
- Relation with risk bearing (Art. 536, para. (2) of Civil Law Act)
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- Wage during the dismissal period and an intermediary income
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2.4 Minimum Wage

- Guarantee under Minimum Wages Law (Art. 4 and 40, and other)
- Minimum wage by region and specified minimum wage (infra Art.9, infra Art.15)

RESEARCH The minimum wages in Japan are at the lowest level among advanced countries. Should these be raised on a grand scale?

2.5 Guaranteeing Fulfillment of Credit of Wage

- Legal lien and bankruptcy proceedings (Civil Law Act, Corporate Rehabilitation Law, Civil Rehabilitation Law, Bankruptcy Law)
- Securement of wage payment (Security of Wage Payment Law)

