

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)
#112
- 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)

