

No.22 Guarantee of Right to Collective Action (text 323-334)

1 Legal Framework for Guarantee of Right to Collective Action

- Art. 28 of the Constitution and its legal effect

2 Workers' Collective Action

2.1 Concept of Actions Taken in Dispute

- "Actions taken in a dispute" and "union activities"

2.2 Legitimacy of Collective Action

2.2.1 Legitimacy of Actions Taken in Dispute

- Subject
- Objective
 - #5, #104
- Proceedings
- Mode
 - When confined to passive actions (strike, slowdown)
 - When accompanied by positive actions
 - #105, #108

2.2.2 Legitimacy of Union Activities

- Subject
- Objective
 - #91
- Mode
 - Activities against duties under a labor contract
 - #76, #971
 - Activities inside corporate facilities
 - #98

2.3 Actions Taken in Dispute and Wages

- Wages for participants in a strike
- Wages for nonparticipants (members of the union on a strike) in a strike
 - #112
- Wages for other union members/ nonunion workers

3 Employer's Counteraction to Dispute

- Freedom of operations
- Lockout

#113

RESEARCH In Japan where the history and culture of class-oriented labor-management disputes are not ingrained as in Europe, and where an interest-community consciousness is strong between the workers and the employers, is it necessary and appropriate to approve an European-type “right to collective action” as a legal right? If some legal methods—different from foregoing—to resolve labor-management negotiations/disputes should be designed, what sort of schemes can you think of?

