

No.25 Resolution of Labor Disputes (text 377-399)

1 Characteristics of Labor Disputes in Japan

- Traditional characteristics
 - Tendency to avoid usages of laws
 - *Is its main cause a culture (Japanese conscience), or a system (long-term employment)?
- Change on this day
 - Decrease in collective labor disputes
 - Increase in individual labor disputes
- Issues

2 Resolution System for Labor Disputes

2.1 Resolution System for Labor Disputes within Company

- Characteristics of labor disputes
 - Nature of "public goods"
 - Diversity/complexity of disputes
 - Costs associated with the outbreak of disputes
- Points in the system to resolve labor disputes
- Risk and issue associated with systems within Japanese corporations

2.2 Dispute Resolution System by Administration

- Promotion of the resolution of individual labor dispute by Prefectural Labour Bureau Chiefs
 - Law on Promoting the Resolution of Individual Labor Disputes in 2001
 - Synthesis labor consultation corner (one-stop service)
 - Advice/guidance by Prefectural Labour Bureau Chiefs
 - Conciliation by a mediation committee
- Dispute resolution by a labor relations commission
 - Examination of and relief from unfair labor practice (Art. 7 and infra Art. 27 of Labor Union Law)
 - Mediation of labor dispute (conciliation, mediation, arbitration) (Art. 6 and infra Art. 10 of Labor Relations Adjustment Law)
 - Consultation and conciliation of individual labor disputes

2.3 Dispute Resolution System by Court

- Labor judicial proceedings

Labor Judgement Law in 2004 (effectuated in April, 2006)

- Ordinary civil lawsuit
- Appeal for preservative disposition
- Small-claims lawsuit proceedings/ civil conciliation by Summary Courts

RESEARCH How should a grand design be drawn for the labor-dispute resolution system for Japan? For instance, should it be emphasized to resolve problems flexibly and harmoniously through decentralized discussions by parties? Or, should it be stressed to set up clear-cut benchmarks (behavioral standards) by means of laws and precedents, and to make parties conform to them by means of public authorities (the administration and court, etc.)?

