

## **No.7 Source of Labor Laws (2) — “Work Regulations”** (text 91-107)

### **1 Procedure of Work Regulations—Procedure for Drawing Up/ Alteration**

- Drawing-up obligation and necessary entries
- Hearing, notification, and publicity

### **2 Substance of Work Regulations—Legal Weight**

#### **2.1 Relationship with Other Source of Law**

- Relationship to statute and the labor-management contract (Article 92 of Labor Standards Law, Article. 13 of Labor Contract Law)
- Relationship to the labor contract (Article 12 and the proviso in Article 7 of Labor Contract Law)

#### **2.2 Validity of Work Regulations—Legal Disposition**

- Validity of the work regulations per se
  - Article 7 of Labor Contract Law
  - Theories and judicial precedents as its background
    - #26
    - #27
  
- Validity of the disadvantageous modification of work conditions under the work regulations
  - Article 10 of Labor Contract Law
  - Theories and judicial precedents as its background
    - #26
    - I and II in #28
  - Criteria for “rationality”
  - Interpretation problem over Article 10 of Labor Contract Law
    - \*How should work conditions be changed due to a “new drawing up” of the work regulations?
    - \*In case a labor contract should set up a more beneficial condition than one prescribed in the (traditional) work regulations, is it possible to change the content of the labor contract by changing the work regulations?

<b>RESEARCH</b> Regarding “rationality” for altering the work regulations, how should we evaluate a tendency that the judgment is made with an emphasis on the procedure (more than all, the presence of reasonableness with a great number of unions)?
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### **2.3 Requisites for Work Regulations to Come into Force**

- Requisites for coming into force as a minimal standard (Article 12 of Labor Contract Law)
- Requisites for coming into force as a contract (Article 7 and 10 of Labor Contract Law)
  - \*Is it necessary to fulfill the procedure under Labor Standard Law?

