

No.8 Source of Labor Laws (3) — “Labor Contract” (text 107-120)

1 Interpretational Framework of Labor Contract

- Framework of interpretation
- Legal weight of common labor practices
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2 Rights and Duties under Labor Contract

2.1 Fundamental Rights and Duties

- Labor due and right of command/order concerning business operations
 - *What is the ground for the right of command (order concerning business operations)?
#27
 - *Can the command be lawfully assumed as long as it's founded on the contract?
#16, etc.
- Redemption of labor due
 - To provide a fulfillment in accordance with the “principal object of obligation”
#18
#971
#111
 - Liability for damage for breach of obligation/illicit activities in the course of duty
#23 (claim for compensation from employers to workers)
 - Invention in the course of duty and its “proportionate compensation”
(←Patent Law)
- “Rights” of labor?—right to claim for work
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2.2 Additional Obligations

- Rights and duties under organizational operation
 - Authority over personnel issues
 - Right to put forward the corporate order

○Rights and duties under the principle of faith and trust

- Employer's duties to consideration
- Employer's duties to sincerity
 - Obligation of confidentiality (←Act Against Unfair Competition, the principle of faith and trust)
 - Duty not to compete

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RESEARCH Labor contract (employment contract) is considered to be a contract to exchange labor and wages (Article 6 of Labor Contract Law, Article 623 of Civil Law Act). In actuality, however, it has a strong character of communal interdependent relationship that is beyond a mere head-to-head commutation relation. How should we grasp this by law?

