

6. Labor Law

The Japan Labor Law Association holds its general meeting twice a year (spring and autumn). The 1979 meetings were held on May 11 in Tokyo and October 6 in Kanazawa, under the major themes of “Legal Problems in Multi-Union Situation” and “Legal Principles of Dismissal for Redundancy,” respectively. The symposia under the above mentioned themes were rounded up in the essays of the chairman concerned which were carried in the organ magazine “Labor Law” (54th and 55th issues).

(1) On “Legal Problems in Multi-Union Situation”

This theme is closely related to the union activities of this country. Labor unions of this country developed under the pattern of “one union in one enterprise” in the years following the end of World War II. The pattern, however, became shaky due to a split in the unions from about 1950, although this was temporary in most cases.

Since the latter part of the 1960s, the pattern characterized by multi-unions coexisting within the same enterprise with different campaign policies began to take root in Japan’s labor activities. The number of disputes within the pattern of multi-unions coexisting in an enterprise, resulting from unfair labor practices centering on discrimination in promotion and wages, discrimination in collective bargaining, and intervention for the purpose of domination, have increased markedly in recent years. At the same time, these disputes have posed such a serious problem from the legal standpoint that they have been taken up as the major theme of the symposia.

The Symposium of the Japan Labor Law Association, Spring, 1979.

Theme: “Legal Problems in Multi-Union Situation”

Chairmen: Prof. Kichiemon Ishikawa, Tokyo University

Prof. Kiyohiko Hagizawa, Seikei University

Prof. Tadashi Hanami, Sophia University (Jochi)

Reports:

1. Legal Problems in Multi-Union Situation (General report)
Prof. Yasuhiko Matsuda, Yokohama State University
2. Multi-Union Situation and Collective Bargaining
Asst. Prof. Tetsunori Doko, Otaru University of Commerce
3. Multi-Union Situation and Discrimination of Wages and Job Qualification Grading
Asst. Prof. Kozo Kagawa, Toyama University
4. Multi-Union Situation and Labor Agreements
Prof. Jiro Narasaki, Tokyo Gakugei University

(2) On "Legal Problems of Dismissal for Redundancy"

This country enjoyed an extraordinary economic growth rate from 1960 to the early 1970s. The "high economic growth," however, lost its ground due to the heavy blows it suffered resulting from the so-called dollar shock of 1971 and the oil shock of 1974, in addition to various contradictory factors which accumulated in the meantime.

Hardest hit were the shipbuilding and textile industries as symbolized by their structural recession and subsequent rationalization attempts. Even such sectors enjoying good business performances, supported by their strong competitiveness in overseas markets, moved to further strengthen the profitability of their business by carrying out rationalization and management scale-downs.

Many workers are under heavy pressure because of this. Loss of jobs due to dismissal, coupled with the unique features of Japan's traditional employment pattern, has more often than not meant the direct destruction of their livelihood. Hence, personnel dismissals for the convenience of company management has given rise to major confrontations between labor and management. And there has arisen the necessity to scrutinize the restraints on the freedom of dismissal centering on "dismissal for redundancy."

The Symposium of the Labor Law Association, Autumn, 1979.
Theme: "Legal Problems of Dismissal for Redundancy"

Chairmen: Prof. Ken-ichi Hokao, Tohoku University
Prof. Tetsuo Yamato, Hokkaigakuen University

Reports:

1. Some Legal Problems of Dismissal for Redundancy, Centering on an Analysis and Study of Judicial Decisions.
Prof. Takashi Shimoi, Hokkaido University
2. Criteria for Dismissal of Workers in Manpower Adjustment and Problems Associated with Execution of Dismissal
Asst. Prof. Ken-ichi Ogawa, Senshu University Hokkaido Junior College
3. Regulations in Foreign Countries concerning Dismissal for Redundancy
Prof. Kishio Hobara, Hokkaido University

By Prof. KAZUHISA NAKAYAMA
KUNIYUKI MATSUO

7. Legal History, Sociology of Law and Legal Philosophy

Since information concerning the academic fields of legal history, sociology of law and legal philosophy is invariably limited to the trends of the respective fields, judging from the nature of studies conducted, presented here are objective data considered necessary regarding related documents, the situation surrounding respective academic societies, themes of reports submitted and outlines of the contents of the reports. Questions and answers as well as other related discussions on the reports are all omitted due to the limited space in this report.