

at the same time it was decided to measure ship tonnage, the basis for calculating the limited amount of liability, according to the international unified standards.

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5. Labor Law

There was no legislation or abolition of important laws throughout 1982. Regarding ministry ordinances there was an amendment of the enforcement ordinance of the Labor Standards Act which plays an important part concerning regulations involving overtime work.

Labor Standards Act Enforcement (Amendment) Ordinance

Labor Ministry Ordinance No. 25. Promulgated on June 30, 1982. Put into force on Jan. 1, 1983.

[Points of the Amendment]

(1) Article 16, Paragraph 1 of the Labor Standards Act Enforcement Ordinance.

“In reaching a written agreement as provided for in Article 36 of the Labor Standards Act, the employer shall make an agreement with a trade union etc. on legitimate reasons requiring overtime work or engaging workers on weekly rest days, the type of work, the number of workers, *and the hours that can be extended in a day or the fixed period of time exceeding one day* or the rest days when workers can be employed.” (Italicized is the newly amended part.)

The old provision simply says, “. . . the number of workers *and* the hours that can be extended . . .” (See the difference

between the italicized parts.)

(2) Article 17, Formula No. 9 of the Labor Standards Act Enforcement Ordinance.

In the preceding Article 16, it was obligated to conclude an agreement on "the time that can be extended during the fixed period of time exceeding one day." In the old Formula No. 9, the entry about the extended time during the fixed period of time was optional, but the description as such has now become absolutely obligatory. The fixed period of time was also illustrated by example such as "one week, four weeks, one month, three months, etc."

[Comment]

With regard to overtime work in Japan, the maximum of the extended time is left up to a voluntary decision between labor and management on condition that a labor-management agreement (based on Article 36 of the Labor Standards Act) shall be concluded at respective work places.

However, such a legal policy of leaving it up to a voluntary decision between labor and management has resulted in the longest working hours and the longest overtime work of all the advanced capitalist countries.

As a consequence of the amendment of the Enforcement Ordinance, labor and management are obligated to make an agreement on the maximum of overtime work in a day or the particular period of time exceeding one day (for example, one week, four weeks, one month, three months, etc.) as per the provisions in the agreement provided for by Article 36 of the Labor Standards Act.

At the same time, a guideline was established concerning "the time that can be extended over the fixed period of time exceeding one day, which is to be agreed upon in the agreement based on the Labor Standards Act." (Labor Ministry Notice, promulgated on June 30, 1982, and put into force on Jan. 1, 1983).

The guideline fixes the maximum overtime work limit over

the fixed period of time (such as 15 hours in a week, 28 hours in two weeks, 39 hours in three weeks, 48 hours in four weeks, and 50 hours in a month), and on this basis the administrative guidance is to be made (although not obligated by law). Such ordinance and notice are expected to help decrease overtime work indirectly.

Further drastic revision of the laws relating to working hours, however, is required in this country vis-à-vis international conditions calling for fair economic competition, i.e. reduction of weekly working hours from 48 hours to 40 hours, the establishment of maximum overtime working hours, and more than two weeks annual holidays with pay.

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6. International Law

—Treaties and Agreements—

Multilateral:

Protocol Relating to the Status of Refugees, acceded to on Jan. 1, 1982, entered into force with Japan on Jan. 1, 1982.

Convention on the Conservation of Antarctic Marine Living Resources, signed on Sep. 12, 1980, entered into force with Japan on Apr. 7, 1982.

1981 Protocols for the Sixth Extension of the Wheat Trade Convention, 1971 and the First Extension of the Food Aid Convention, 1980, Constituting the International Wheat Convention, 1971, signed on May 12, 1981, entered into force with Japan on May 25, 1982.