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6. Labor Law

The Japan Labor Law Association holds its congress twice a year. In 1983, the 65th Congress was held at Niigata University on May 12, on the topic "Industrial Customs and Practices". The 66th Congress at Kyoto University on Oct. 6 was held on the topic "Legal Problems of Transfers among Enterprises". The reports and discussions at the 65th and 66th Congresses appeared in the *Journal of Labor Law*, Vols. 62 and 63 respectively.

1. 65th Congress: Industrial Customs and Practices

(1) Legal Problems of Industrial Customs and Practices, by Masafumi Kaneko (Professor, Hosei University).

(2) The Legal Theory of Customs and Practices Related to Working Hours in Industrial Relations, by Akira Nomura (Associate Professor, Nihon Fukushi University).

(3) On the Legal Theory of Customs in Employment, Transfer and Dismissal, by Takayoshi Yoroi (Professor, Ryukoku University).

(4) Some Legal Problems Involving Customs and Practices of Union Activities, by Kazuo Nakamura (Lecturer, Chuo University).

(5) Legal Problems Concerning Withdrawal of Customs and Practices, by Nobuo Fukaya (LL.M. of Waseda University).

Discussed at the symposium of the 65th Congress were legal problems of industrial customs and practices on various matters: working hours, holiday with pay, personnel matters, union

activities, and so on. Also discussed were possibilities and conditions of lawful withdrawal of established customs and practices. Recently, the subject of “customs and practices” has attracted public concern. Behind this new interest, there lies the fact that in an increasing number of cases employers have tried to withdraw set customs and practices — not expressed in collective agreements, work rules or individual contracts — favorable to workers, given the circumstances of economic recession and the financial crisis experienced by the Government.

2. 66th Congress: Legal Problems Involving Transfers among Enterprises

(1) An Employer's Order to Work at Related (Subsidiary) Employment, by Joju Akita (Professor, Hosei University).

(2) Legal Basis for Ordering “*Shukko*”, by Hajime Wada (Associate Professor, Nagoya University).

(3) “*Shukko*” and Working Conditions, by Hiroshi Watanabe (Associate Professor, Shinsyu University).

(4) Transfer between Enterprises and the Law of Collective Labor Relations, by Akira Watanabe (Associate Professor, Tokyo-Gakugei University).

In Japan, the “*shukko*” system exists, mainly in big business. “*Shukko*” is a system in which employers order their employees to work under the direction of, and as an employee of, another enterprise. This occurs with or without the transfer of one's status as an employee of the original employer to the new employer, and with or without later retransfer to the original enterprise. At the symposium of the 66th Congress, the legal basis and limits of the “*shukko*” system were discussed, including examination of concrete cases. “*Shukko*” is used to make cut-backs in personnel and to reduce wage costs for senior workers in most cases, because industrial practices and case law make it difficult to dismiss a worker, and because the “*nenko*” wage system — in which seniority is a major element of calculating wages — has been generally adopted. But, in some cases, “*shukko*” has the same nature as that of a promotional process.

By Prof. KAZUHISA NAKAYAMA

KUNIYUKI MATSUO

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7. Legal History, Sociology of Law and Legal Philosophy

a. Legal History

The 35th Congress of the *Japan Legal History Association* was held at Komazawa University, Tokyo, on Apr. 4 and 5, and the 31st Study Meeting at Kyoto University on Oct. 13 and 14, 1983. The programs of the two meetings were as follows:

[The 35th Congress]

First Day:

1. A Study on the Family of Beak-je King under the *Ritsuryo* System of Tang-Styled Governmental System, by Toshizo Ueno (Lecturer, Matsuzaka University).

2. The Law of Divorce for Commoners in the Tokugawa Period, by Tadashi Takagi (Associate Professor, Kanto Junior College).

3. On the Magic Crime, by Makoto Saikawa, (LL.M., Waseda University).

4. Shiguan Dangan or the Archives of the Department of Historical Compilation of Qing China, and Xingke Shishu or the Records of the Administration of Criminal Justice Punishments Compiled in the Qianlong Era, by Masaro Shimada (Professor, Meiji University).

5. Criminal Legislation in Contemporary China — Fragmentary Opinions from the Standpoint of Legal History —, by Shuzo Shiga (Professor, Chiba University).