

7. Labor Law

The Japan Labor Law Association holds its general meeting twice a year. In 1988, the 75th General Meeting was held at Kumamoto University on May 15 on the topic “Administrative and Judicial Remedies for Unfair Labor Practices.” The 76th General Meeting was held at Aoyama Gakuin University on October 5 on the topic “Japanese-Style Employment Practices and the Legal Theory of the Contract of Employment.” The reports and discussions of the 75th and 76th meetings appeared in the *Journal of Labor Law*, Nos. 72 and 73 respectively.

1. The 75th General Meeting: Administrative and Judicial Remedies for Unfair Labor Practices.

(1) The Labor Relations Commissions in the Prevention of Unfair Labor Practices — A Comparison with the National Labor Relations Board in the U.S., by Hiroya Nakakubo (Associate Professor, Fukuoka University).

(2) Features of the Administrative Remedies for Unfair Labor Practices — A Focus on Refusing to Collectively Bargain, by Kenji Harada (Associate Professor, Nihon University).

(3) Interpretation of the Trade Union Act's Provisions for Remedies for Unfair Labor Practices — Different Approaches of the Courts and the Commissions, by Shigeya Nakajima (Professor, Tokai University).

(4) Characteristics of Judicial Remedies for Unfair Labor Practices, by Ryuichi Yamakawa (Lecturer, Musashi University).

The Japanese system on unfair labor practices has its origin in the U.S. system. There are, however, some important differences between the Japanese and U.S. systems. In the Japanese system, unfair labor practices mean anti-union practices by an employer including (i) anti-union discriminatory treatment of a worker, (ii) refusal to bargain collectively, and (iii) control of or interference with

a trade union. A worker or a trade union may file a complaint requesting remedies for unfair labor practices with an administrative commission called the "Labor Relations Commission." The Commission issues a remedial order when it finds unfair labor practices. The order may be subject to judicial review.

A worker or a trade union may also bring an action against an employer to court. Thus there exist both administrative and judicial remedies for unfair labor practices. Discussions at the meeting focussed on how to consider and how to improve this dual system.

2. The 76th General Meeting: Japanese-Style Employment Practices and the Legal Theory of Employment Contracts.

(1) Japanese-Style Employment Practices — Their Basic Forms and an Evaluation of Recent Changes, by Manabu Mine (Professor, Hosei University).

(2) Japanese-Style Employment Practices and Employment Contracts, by Michio Tsuchida (Lecturer, Dokkyo University).

(3) Japanese-Style Employment Practices and Part-Time Employees, by Koji Yamashita (Associate Professor, Takachiho University).

(4) Changes in the Japanese-Style Employment Practices and Their Impact on the Collective Industrial Relations, by Kazuhiko Hayashi (Associate Professor, Nihon University).

It has been pointed out that industrial relations in Japan have three major features: (i) lifetime employment, (ii) seniority-oriented wages and promotion, and (iii) enterprise-wide unions. The first two features, however, were changing in connection with changes in the economic circumstances that followed the two Oil Shocks. Enterprises have reduced their work force and, where necessary, increased overtime work and hired part-time employees. Discussions at the meeting focussed on how we should take these Japanese-style employment practices including the recent changes into consideration as a legal matter.

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