

a great effect particularly on young unmarried women. In addition, the system by which the Permanent Vice-Minister of Health and Welfare may have such authority without any legal basis has also been rigorously criticized. In this respect also lack of a viewpoint of women's right of self-determination has been pointed out.

Finally, it has earnestly been demanded that social arrangements for respecting women's right of self-determination in the context of reproduction should be established. In order that reproductive decisions can be fully guaranteed, social and economic conditions such as educational, medical and social services should be affirmatively ensured. This total change in social arrangements related to reproductive decisions may include the prevalence of sex education, reconsideration of the relationship between men and women, the realization of the social circumstances in which the person who wants to have a child can do so more easily or the handicapped can live more comfortably, and so on. In this sense, it is expected that this amendment of the Eugenic Protection Law will not be final but the starting point for designing much broader visions of reproductive freedom.

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2. Labor Law

The Revisions of the Law for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers, etc.

Promulgated on June 19, 1996. Ch. 90. Effective as of December 16, 1996.

[Background]

In the past, because of the general prohibition of worker-supply enterprises, the employment of extra-company workers who were

received from other enterprises in order to round out an employer's own work force was not permitted except in the form of a contract with another enterprise to accomplish work in one's own enterprise. In recent years, however, the tendency towards occupational specialization and orders placed outside the company has led to a striking increase in the number of enterprises which dispatch skilled workers. Such a situation had produced the need for legal controls to protect dispatched workers. Thus, in 1985, the "Law for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers" (the Worker Dispatching Law) was enacted. Legal recognition was given by this law to worker dispatch and the undertaking in which an enterprise can employ its own workers and dispatch those workers to be employed by another person on the basis of a worker-dispatching contract. However, the work for which worker-dispatching undertakings may be conducted is limited to the types of work which require special knowledge, technique or experience for expeditious and appropriate performance. These types of work are designated by Cabinet Order. There are 16 occupations which may be the objects of a worker-dispatching undertaking.

More than ten years have passed since the Worker Dispatching Law went into effect and the worker dispatching undertaking system has steadily developed as a new adjustment system for labor supply and demand. During the decade, other needs arose and many problems were pinpointed with respect to protection of dispatched workers.

[Main Points of the Revision]

(1) Measures for Securing Working Conditions for Dispatched Workers

(a) Measures concerning Cancellation of Worker-Dispatch Contracts (Article 26 (1))

In making a worker-dispatch contract, the parties involved are required to set forth necessary measures to stabilize the employment of dispatched workers which they would take in case of cancellation of the worker-dispatch contract.

(b) Enhancement of Measures to Deal with Complaints (Articles 26 (1), 37 (1) and 42 (1))

In making a worker-dispatch contract, the parties involved are required to set forth measures for dealing with a complaint when any complaint made by a dispatched worker is reported to them. In addition, the issues should be covered in a “management record with respect to dispatch work,” which an employer of a dispatching undertaking must prepare, and a “client record with respect to dispatch work,” which a client (e.i., a person receiving worker-dispatch services performed by dispatched workers employed by the employer) also is required to prepare.

(c) The Guidelines for the Measures Which the Dispatching and Client Employers Should Take (Article 47-2)

The Minister of Labor is to issue the necessary guidelines for the measures which the dispatching and client employers should take for appropriate and effective enforcement.

(2) Enhancement of Client Measures for Proper Dispatched Employment

(a) Ensuring that Dispatched Workers Are Not to Be Engaged in the Work Other Than the Covered Occupations (Article 4 (4))

Up to now, under the Worker Dispatching Law, the client could not engage a dispatched worker in work other than the covered occupations under its direction. This became clearly provided in the provisions of this revision.

(b) Making Sure That the Client Must Not Receive Dispatched Work through Non-Licensed Undertakings (Article 24-2)

In the same way, under the Worker Dispatching Law, the client must not receive worker-dispatch services from employers other than dispatching employers which obtain licenses from the Minister of Labor or submit reports to him. This became clearly provided in the provisions of this revision.

(c) Suspension Order for Worker Dispatching (Article 49 (2))

The Minister of Labor may order suspension of worker dispatching against the dispatching employer when the client violates the provisions of (a) and the Minister of Labor judges its continuance wholly inadequate.

(d) Recommendation to the Client and Announcement (Article 49-2)

When the Minister of Labor gives guidance or advice to the client who has violated the provisions of (a) or (b) and nevertheless he continues to violate or is deemed to violate them, the Minister of Labor may recommend that the client should take necessary measures to correct the inadequate dispatched employment or to end it. In addition, the Minister of Labor may announce the client's violation if he or she disobeys the recommendation.

(3) Simplification of Procedures (Articles 11 (1) and (3), 12 (1) and 19 (1) and (2)) and Extension of the Effective Period for the License Given to the General Worker-Dispatching Undertaking (Article 10 (4))

(4) Extension of the Covered Occupations

(a) Special Treatment for Dispatching to Work of Persons Who Take Child Care or Nursing Leave (Childcare Leave Law, Articles 40-2 and 40-3)

The dispatching employers may engage in worker dispatching that substitutes dispatched workers for persons who take child care or nursing care without strict limits (except for port transport services, construction work, and other work designated by Cabinet Order).

(b) Additional Eleven Covered Occupations (Work. Disp. Law Ords., Article 2)

In addition to the existing sixteen occupations, eleven new occupations have become covered as types of work for which worker-dispatching undertakings may be conducted. They are: tour conducting (extension of the limits of formerly permitted work) (No. 10), research and development (No. 14), consulting, planning or drafting of undertakings (No. 15), editing (No. 16), designing of advertisements (No. 17), interior design (No. 18), announcement (No. 19), instruction about office computers (No. 20), telephone sales (No. 21), sales engineering (No. 22), and stage carpentering (No. 23).

[Comment]

As mentioned above, worker-dispatching undertakings have increased dramatically after the Worker Dispatching Law became ef-

fective. Due to the tendency, this revision was made in order (1) to secure working conditions, (2) to rationalize dispatched employment, (3) to simplify procedures, and (4) to extend the covered occupations. For the past ten years, worker-dispatching undertakings have increased in work which is temporary and does not require special knowledge, technique or experience, as well as work which requires them. According to the change of functions, occupations covered by the Law have been gradually extended as in item (4) of this revision.

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3. International Law

Treaties and Agreements

[Multilateral]

Agreement for the Establishments of the Indian Ocean Tuna Commission, accepted on November 25, 1993, entered into force on June 26, 1996.

Certification of Modifications and Rectifications of the Schedules of Tariff Concessions to the General Agreement on Tariffs and Trade 1994, made at Geneva on February 8, 1996, approved on February 8, 1996, entered into force on July 1, 1996.

United Nations Convention on the Law of the Sea, made at Montego Bay on December 10, 1982, deposited on June 20, 1996, entered into force on July 20, 1996.

Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, made at New York on July 28, 1994, accepted on July 25, 1996, entered into force on July 28, 1996.

Second Protocol to the General Agreement on Trade in Services, made at Geneva on October 6, 1995, accepted on December 8, 1995, entered into force on September 1, 1996.