

Labor Relations Adjustment Act

(Act No. 25 of September 27, 1946)

Chapter I General Provisions

Article 1 The purpose of this Act are, in conjunction with the Labor Union Act, to promote the fair adjustment of labor relations and to prevent or settle labor disputes and thereby contribute to the maintenance of industrial peace and economic development.

Article 2 The parties concerned with labor relations shall make special efforts mutually to promote proper and fair labor relations, to fix by collective agreement matters concerning the establishment and operation of regularized organs in order to promote the constant adjustment of labor relations, and, in the event labor disputes have occurred, to settle them voluntarily in good faith.

Article 3 The Government shall endeavor to assist the parties concerned with labor relations in achieving a voluntary adjustment of the differences in their claims concerning labor relations in order thereby to prevent to the utmost the occurrence of acts of dispute.

Article 4 Nothing in this Act shall be construed either to preclude the parties from determining for themselves their labor relations including labor conditions or from adjusting differences in their claims concerning labor relations through direct consultations or collective bargaining or to relieve the parties concerned with labor relations of their responsibility for making such efforts.

Article 5 In effecting any adjustment under this Act, the parties and the Labor Relations Commissions and other organs concerned shall as much as possible utilize appropriate means to expedite the disposal of the case.

Article 6 In this Act, a labor dispute shall mean a disagreement over claims regarding labor relations arising between the parties concerned with labor relations resulting in either the occurrence of acts of dispute or the risk of such occurrence.

Article 7 In this Act, an act of dispute shall mean a strike, a slowdown, a lock-out or other act or counteract hampering the normal business operation

performed by the parties concerned with labor relations with the purpose of attaining their respective claims.

Article 8 (1) In this Act, public welfare undertakings shall mean the following undertakings, which provide services essential to the daily life of the general public:

- (i) transportation undertakings;
- (ii) mail, correspondence delivery or telecommunications undertakings;
- (iii) undertakings for supplying water, electricity or gas;
- (iv) medical treatment or public health undertakings.

(2) With the approval of the Diet, the Prime Minister may be entitled to designate as a public welfare undertaking a period of not more than one year for any undertaking in addition to the undertakings set forth in the preceding paragraph, the stoppage of which will seriously affect the national economy or seriously endanger the daily life of the general public.

(3) Upon the designation of a public welfare undertaking pursuant to the provisions of the preceding paragraph, the Prime Minister shall without delay publicize such by appropriate means such as newspapers and the radio, in addition to giving notice in the Official Gazette.

Article 8-2 (1) Special Members for Adjustment may be established in the Central Labor Relations Commission by the Minister of Health, Labor and Welfare and in Prefectural Labor Relations Commissions by the prefectural governor in order to have them participate in mediation or arbitration of labor disputes carried out by the Labor Relations Commissions.

(2) The Special Members for Adjustment established in the Central Labor Relations Commission shall be appointed by the Minister of Health, Labor and Welfare and the Special Members for Adjustment in the Prefectural Labor Relations Commissions by the prefectural governor.

(3) The Special Members for Adjustment shall be persons representing the employers, persons representing the workers and persons representing the public interest.

(4) Of the Special Members for Adjustment those representing the employers shall be appointed based upon the recommendation of the employers' organizations, those representing the workers shall be appointed based upon the recommendation of the labor unions, and those representing the public interest shall be appointed with the consent of both the members of the Labor Relations Commission concerned who represent employers (excluding the employer members responsible for the specified incorporated administrative agencies, etc., as provided for in Article 25 of the Act Concerning the Labor Relations of Specified Incorporated Administrative Agency (Act No. 257 of

1948) (referred to in the following Article hereof as "the employer members, etc. responsible for the specified incorporated administrative agencies")), and the members of the Labor Relations Commission concerned who represent the workers (excluding the labor members responsible for the specified incorporated administrative agencies, etc., as provided for in Article 25 of the above mentioned Act (referred to in the following Article hereof as "the labor members responsible for the specified incorporated administrative agencies, etc.")).

- (5) The Special Members for Adjustment may be reimbursed for necessary expenses incurred in performing their duties, pursuant to the provision of Cabinet Order.
- (6) Matters concerning the Special Members for Adjustment in addition to what is provided in this Act shall be prescribed by Cabinet Order.

Article 8-3 In the case that the Central Labor Relations Commission performs the functions of appointment of a panel of conciliators and preparation of a list thereof, as provided for in Article 10; giving the consent of the Labor Relations Commission as provided for in the proviso to Article 12, paragraph (1); making a decision of the Labor Relations Commission as provided for in item (iv) of Article 18; and other functions prescribed by Cabinet Order, only those members representing the employers other than the employer members responsible for the specified incorporated administrative agencies, etc. (such members being referred to as "the employer members responsible for ordinary enterprises" in Article 21, paragraph (1)), those members representing the workers other than the labor members responsible for the specified incorporated administrative agencies, etc. (such members being referred to as "the labor members responsible for ordinary enterprises" in said paragraph), and eight members representing the public interest nominated in advance by the chairperson, together with the chairperson (referred to as "the public members responsible for ordinary enterprises" in said paragraph and in Article 31-2) shall participate in the performance of those functions. In these cases, matters necessary for the performance of the functions of the Central Labor Relations Commission shall be prescribed by Cabinet Order.

Article 9 When acts of dispute have occurred, the parties concerned shall immediately so report to the Labor Relations Commission or the prefectural governor (or, as regards mariners covered by the Mariners Act (Act No. 100 of 1947), to the Director of the Local Transport Bureau (including the Director of the Transport Control Division); the same shall apply hereinafter).

Chapter II Conciliation

Article 10 The Labor Relations Commission shall each appoint a panel of conciliators and prepare a list thereof.

Article 11 The conciliators shall be persons of knowledge and experience who are capable of rendering assistance for the settlement of labor disputes under the provisions of this Chapter, and the conciliators need not reside in the district where that Labor Relations Commission has jurisdiction.

Article 12 (1) In the case of labor dispute, upon the request of one or both of the parties or ex officio, the chairperson of the competent Labor Relations Commission shall nominate one or more conciliators from the list of conciliators; provided, however, that with the consent of the Labor Relations Commission a person not on the panel may be nominated by the chairperson as a temporary conciliator.

(2) With respect to disputes prescribed by Cabinet Order as disputes to be dealt with by the Central Labor Relations Commission in local areas, as provided for in Article 19-10, paragraph (1) of the Labor Union Act, the chairperson of the Central Labor Relations Commission, notwithstanding the provisions of the preceding paragraph, upon the request of one or both of the parties or ex officio, shall nominate one or more conciliators from among the Local Members for Adjustment provided for in paragraph (1) of the same Article; provided, however, that this shall not apply in the case that the chairperson of the Central Labor Relations Commission determines that it would be inappropriate to nominate a conciliator from among the Local Members for Adjustment concerned.

Article 13 The conciliators shall endeavor to act as an intermediaries between the parties, ascertain their respective points of view and assist in arriving at a settlement.

Article 14 When a conciliator has no prospect of effecting a settlement, the conciliator shall withdraw and report the salient facts of the case to the Labor Relations Commission.

Article 14-2 A conciliator may be reimbursed for necessary expenses necessary incurred in performing their duties, as prescribed by Cabinet Order.

Article 15 Procedural matters concerning conciliators in addition to what is provided in this Chapter shall be prescribed by Order.

Article 16 Nothing in this Chapter shall preclude the settlement of a case by means of conciliation other than those provided herein, either by mutual agreement of the parties of labor dispute or in accordance with the provisions of a collective agreement.

Chapter III Mediation

Article 17 Mediation of a labor dispute by the Labor Relations Commission under the provisions of Article 20 of the Labor Union Act shall be prescribed by the provisions of this Chapter.

Article 18 The Labor Relations Commission shall carry out mediation in any of the following cases:

- (i) when an application for mediation has been made to the Labor Relations Commission by both parties concerned;
- (ii) when an application for mediation has been made to the Labor Relations Commission by either one or both of the parties concerned based on the provisions of a collective agreement;
- (iii) when, in a dispute concerning a public welfare undertaking, an application for mediation has been made by either party to the Labor Relations Commission;
- (iv) when, in a dispute concerning a public welfare undertaking, the Labor Relations Commission has decided ex officio that it is necessary to carry out mediation;
- (v) when, in a dispute concerning a public welfare undertaking or in a dispute of a large scope or involving work of a special nature and therefore seriously affecting the public welfare, a request for mediation has been made by the Minister of Health, Labor and Welfare (or, as regards mariners covered by the Mariners Act, by the Minister of Land, Infrastructure and Transport; hereinafter the same shall apply) or by the prefectural governor to the Labor Relations Commission.

Article 19 Mediation of a labor dispute by the Labor Relations Commission shall be carried out by a mediation committee, which shall be established, consisting of one or more mediation committee members representing the employers, one or more mediation committee members representing the workers and one or more mediation committee members representing the public interest.

Article 20 The number of the mediation committee members representing the employers and mediation committee members representing workers shall be equal.

Article 21 (1) The chairperson of the Labor Relations Commission shall nominate the mediation committee members representing the employers from among the employer members of the Labor Relations Commission (or, in the case of the Central Labor Relations Commission, from among the employer members responsible for ordinary enterprises) and/or the Special Members for Adjustment of the Labor Relations Commission representing the employers; shall nominate the mediation committee members representing the workers from among the labor members of the Labor Relations Commission (or, in the case of the Central Labor Relations Commission, from among the labor members responsible for ordinary enterprises) and/or the Special Members for Adjustment of the Labor Relations Commission representing the workers; and shall nominate the mediation committee members representing the public interest from among the public members of the Labor Relations Commission (or, in the case of the Central Labor Relations Commission, from among the public members responsible for ordinary enterprises) and/or the Special Members for Adjustment of the Labor Relations Commission representing the public interest.

(2) With respect to disputes prescribed by Cabinet Order as those in local areas to be dealt with by the Central Labor Relations Commission as provided for in Article 19-10, paragraph (1) of the Labor Union Act, the chairperson of the Central Labor Relations Commission shall nominate, notwithstanding the provisions of the preceding paragraph, one or more mediation committee members from among the Local Members for Adjustment provided for in paragraph (1) of the same Article; provided, however, that this shall not apply in the case that the chairperson of the Central Labor Relations Commission finds that it would be inappropriate to nominate a mediation committee member from among the Local Members for Adjustment concerned.

Article 22 There shall be a chairperson of the mediation committee. Said chairperson shall be elected by the mediation committee from among the mediation committee members representing the public interest.

Article 23 (1) The mediation committee shall be called by its chairperson and matters shall be decided by a majority vote of those in attendance.

(2) No meeting shall be held unless the mediation committee members representing the employers and the mediation committee members representing the workers are present.

Article 24 The mediation committee shall fix a date, request the presence of the parties concerned and request them to present their views.

Article 25 In mediation proceedings, the mediation committee may exclude any persons other than the parties concerned and relevant witnesses.

Article 26 (1) The mediation committee may draft a mediation proposal, present it to the parties concerned and recommend that it be accepted, as well as to publish the mediation proposal together with a statement of the reasons therefor. If necessary, in such a case the mediation committee may request the cooperation of newspapers and radio stations in making these matters public.

(2) If the mediation proposal presented under the preceding paragraph is accepted by both parties and thereafter disagreement arises over interpretation or implementation of the mediation proposal, the party or parties concerned shall request the mediation committee to provide its views on such matter of interpretation or implementation.

(3) Within fifteen days from the date of an application set forth in the preceding paragraph, the mediation committee shall provide its views on the applied matters of interpretation or implementation to the parties concerned.

(4) Until the views on interpretation or implementation have been presented in accordance with the preceding paragraph, neither of the parties concerned shall resort to acts of dispute with regard to the interpretation or implementation of the said mediation proposal; provided, however, that this shall not apply in the case that the period set forth in the preceding paragraph has expired.

Article 27 Necessary preferential treatment shall be given in order to expedite especially the mediation of cases concerning public welfare undertakings.

Article 28 Nothing in this Chapter shall be construed to preclude the settlement of a case by other means of mediation other than those prescribed herein, either by mutual agreement of the parties or in accordance with the provisions of a collective agreement.

Chapter IV Arbitration

Article 29 Arbitration of a labor disputes by the Labor Relations Commission under the provisions of Article 20 of the Labor Union Act shall be prescribed by the provisions of this Chapter.

Article 30 The Labor Relations Commission shall carry out arbitration in any of the following cases:

(i) when an application for arbitration has been made to the Labor Relations

- Commission by both parties concerned;
- (ii) when an application for arbitration has been made to the Labor Relations Commission by either one or both of the parties concerned based on a provision in a collective agreement requiring that an application for arbitration by the Labor Relations Commission be made.

Article 31 Arbitration of a labor dispute by the Labor Relations Commission shall be carried out by an arbitration committee, which shall be established consisting of three arbitration committee members.

Article 31-2 The chairperson of the Labor Relations Commission shall nominate the arbitration committee members from among the members of the Labor Relations Commission and/or the Special Members for Adjustment representing the public interest, who have been selected with the agreement of the parties concerned; provided, however, that in the case that selection in accordance with the agreement of the parties concerned has not occurred, the chairperson of the Labor Relations Commission shall nominate the arbitration committee members, after asking the opinions of the parties concerned, from among the public members of the Labor Relations Commission (or, in the case of the Central Labor Relations Commission, from among the public members responsible for ordinary enterprises) and/or the Special Members for Adjustment representing the public interest

Article 31-3 There shall be a chairperson of the arbitration committee. The said chairperson shall be elected from among the arbitration committee members by mutual vote.

Article 31-4 (1) The arbitration committee shall be convened by the chairperson.
(2) The arbitration committee shall not open a meeting nor make any decision unless two or more arbitration committee members are present.
(3) Matters shall be decided by a majority vote of the arbitration committee members.

Article 31-5 Members of the Labor Relations Commission, or Special Members for Adjustment, representing the employers and/or members of the Labor Relations Commission, or Special Members for Adjustment, representing the workers, nominated by the respective parties concerned, may attend meetings of the arbitration committee and state their opinions with the consent of the arbitration committee.

Article 32 In arbitration proceedings, the arbitration committee may exclude any

persons other than the parties concerned and relevant witnesses.

Article 33 The arbitration award shall be made in writing, and that writing shall state the date when the award goes into effect.

Article 34 The arbitration award shall have the same effect as a collective agreement.

Article 35 Nothing in this Chapter shall be construed to preclude the settlement of a case by other means of arbitration, other than those prescribed herein, either by mutual agreement of the parties or based on the provisions of a collective agreement.

Chapter IV-II Emergency Adjustment

Article 35-2 (1) The Prime Minister, where he finds that, because the case is related to public welfare undertaking, or is of a large scope or is related to work of a special nature, suspension of the operation thereof arising from an act of dispute would gravely imperil the operation of the national economy or the daily lives of the people, may decide on emergency adjustment, but only when such a risk actually exists.

(2) The Prime Minister shall, in making the decision set forth in the preceding paragraph, ask the opinion in advance of the Central Labor Relations Commission (or as regards mariners covered by the Mariners Act, of the Central Labor Relations Commission for Seafarers; the same shall apply hereinafter).

(3) The Prime Minister shall, when he has decided on emergency adjustment, immediately publish that decision together with a statement of the reasons therefore, and at the same time shall notify the Central Labor Relations Commission and the parties concerned.

Article 35-3 (1) The Central Labor Relations Commission shall, when it has received the notice set forth in paragraph (3) of the preceding Article, exert its utmost efforts to settle the dispute concerned.

(2) The Central Labor Relations Commission may, in order to perform the duty set forth in the preceding paragraph, take the measures listed in the following items with respect to the dispute concerned:

(i) undertake conciliation;

(ii) undertake mediation;

(iii) undertake arbitration (but only in cases falling under the provisions of any item of Article 30);

- (iv) investigate and publish the facts of the case;
 - (v) recommend the taking of measures deemed necessary for the settlement of the case.
- (3) Mediation under item (ii) of the preceding paragraph may be carried out even for matters that do not fall under any of the provisions of Article 18.

Article 35-4 The Central Labor Relations Commission shall deal with cases involving a decision for emergency adjustment in precedence to all other cases.

Article 35-5 No appeal under the Administrative Complaint Investigation Act (Act No. 160 of 1962) may be filed with respect to a decision made by the Prime Minister pursuant to the provisions of Article 35-2.

Chapter V Restriction, Prohibition, etc., of Certain Acts of Dispute

Article 36 No act which hampers or causes the stoppage of normal maintenance or operation of safety equipment at factories or other workplaces shall be resorted to even as an act of dispute.

Article 37 (1) When a party concerned in a case involving public welfare undertaking resorts to an act of dispute, the party shall so notify the Labor Relations Commission and the Minister of Health, Labor and Welfare or the prefectural governor at least 10 days prior to the day on which the act of dispute is to be commenced.

(2) With respect to a case involving public welfare undertakings as to which a decision for emergency adjustment has been made, the notice under the provisions of the preceding paragraph shall not be made until the period provided for in Article 38 has expired.

Article 38 When it has been publicly announced that a decision for emergency adjustment has been made, the parties concerned shall not resort to any act of dispute for 50 days from the date of such public announcement.

Article 39 (1) In the case of a violation of the provisions of Article 37, the employer or employers or organization thereof responsible for such violation, the workers' organization responsible for such violation, or such other person or persons or organization thereof responsible for such violation shall be punished by a fine not more than one hundred thousand yen.

(2) The provisions of the preceding paragraph shall, in the case of juridical person, apply to the executive board members, directors, executive officers or other officers who execute the business of such juridical person, and shall, in

the case of organization which is not a juridical person, apply to the representative person or other officers who execute the business of such organization.

(3) The total of fines imposed for one act of dispute shall not exceed one hundred thousand yen.

(4) When applying the provisions of paragraph (1) to dissolved juridical persons or to dissolved employers' organizations, workers' unions or organizations, such as strike bodies, which are not juridical persons, those organizations shall be deemed to be as still in existence.

Article 40 (1) In the case of a violation of the provisions of Article 38, the employer or employers or organization thereof responsible for such violation, the workers' organization responsible for such violation, or such other person or persons or organization thereof responsible for such violation shall be punished by a fine not more than two hundred thousand yen.

(2) The provisions of paragraphs (2) to (4) inclusive of the preceding Article shall apply mutatis mutandis to a case set forth in the preceding paragraph. In case, the term "one hundred thousand yen" in paragraph (3) of the same Article shall be deemed to be replaced with "two hundred thousand yen".

Article 41 Deleted.

Article 42 Violation under Article 39 shall be considered upon the request of the Labor Relations Commission.

Article 43 The chairperson of a mediation committee or the chairperson of an arbitration committee, in carrying out mediation or arbitration, may order anyone obstructing the fair progress of mediation or arbitration to withdraw from the meeting place.