

Act on Promoting the Resolution of Individual Labor-Related Disputes

(Act No. 112 of July 11, 2001)

(Purpose)

Article 1 The purpose of this Act is to promote the prompt and appropriate resolution, adapted to their actual circumstances, of individual disputes between individual workers and employers on working conditions and other matters concerning labor relationships (including disputes between individual job applicants and employers on matters concerning the recruitment and employment of workers; hereinafter referred to as "individual labor-related disputes") through the establishment of a system of mediation, etc.

(Voluntary Resolution of Disputes)

Article 2 If an individual labor-related dispute arises, the parties to the individual labor-related dispute must endeavor to achieve a voluntary resolution promptly and in good faith.

(Provision of Information to Workers and Employers)

Article 3 The Director of the Prefectural Labour Bureau, in order to prevent the occurrence of individual labor-related disputes and to promote the voluntary resolution of individual labor-related disputes, is to provide workers, job applicants and employers with information on matters concerning labor relationships and matters concerning the recruitment and employment of workers and give consultations and other assistance.

(Advice and Guidance to the Parties)

Article 4 (1) In a case where the Director of the Prefectural Labour Bureau is requested by one or both parties to an individual labor-related dispute (except disputes which are labor disputes prescribed in Article 6 of the Labor Relations Adjustment Act (Act No. 25 of 1946) and disputes prescribed in Article 26, paragraph (1) of the Act on Labor Relationships of Specified Independent Administrative Agency, etc. (Act No. 257 of 1948)) for assistance in the resolution thereof, the Director may give necessary advice or guidance to the parties to the individual labor-related dispute.

(2) If the Director of the Prefectural Labour Bureau finds it necessary in order to provide the advice or guidance prescribed in the preceding paragraph, the Director is to hear the opinions of persons who have broad knowledge of industrial society and have expert knowledge of labor issues.

- (3) An employer must not dismiss or otherwise treat a worker disadvantageously due to the reason that the worker has requested the assistance set forth in paragraph (1).

(Delegation of Mediation)

Article 5 (1) In a case where one or both parties to an individual labor-related dispute (hereinafter referred to as "disputing parties") set forth in paragraph (1) of the preceding Article (except disputes on matters concerning the recruitment and employment of workers) files an application for mediation for the individual labor-related dispute, if the Director of the Prefectural Labour Bureau finds it necessary for the resolution of the individual labor-related dispute, the Director is to have the Dispute Coordinating Committee conduct mediation.

- (2) The provisions of paragraph 3 of the preceding Article apply mutatis mutandis to a case where a worker files the application set forth in the preceding paragraph.

(Establishment of Committee)

Article 6 (1) A Dispute Coordinating Committee (hereinafter referred to as the "Committee") is to be established in Prefectural Labour Bureaus.

- (2) The Committee is to be established as the organ that conducts the mediation set forth in paragraph (1) of the preceding Article.

(Structure of the Committee)

Article 7 (1) The Committee is to be composed of more than three persons but less than the number of persons specified by Cabinet Order.

- (2) The Committee members are appointed by the Minister of Health, Labour and Welfare from among persons with relevant expertise.
- (3) The Committee is to have a chairperson, who is elected from among the Committee members.
- (4) The chairperson presides over the work of the Committee.
- (5) If the chairperson is incapacitated, another Committee member elected from among the Committee members in advance acts in place of the chairperson.

(Term of Office of Committee Members)

Article 8 (1) The term of office of a Committee member is two years; provided, however, that the term of office of a member who fills a vacancy is the remaining term of the predecessor.

- (2) A Committee member may be reappointed to office.
- (3) A Committee member carries out their duties until the successor is appointed.
- (4) A Committee member is to serve on a part-time basis.

(Disqualification Clause of Committee Members)

Article 9 (1) A person to whom any of the following items applies may not become a Committee member:

- (i) a person who is bankrupt whose rights have not been restored; or
- (ii) a person who has been sentenced to imprisonment or severer punishment and for whom five years has not passed since the completion of the sentence or the date on which the person ceased to be subject to the sentence.

(2) If a Committee member comes to fall under any of the items of the preceding paragraph, the member loses their position as a matter of course.

(Dismissal of Committee Members)

Article 10 If a Committee member comes to fall under any of the following items, the Minister of Health, Labour and Welfare may dismiss the member:

- (i) the Committee member is found unable to perform his duties due to a mental or physical disorder; or
- (ii) the Committee member is found to have committed a violation of obligation in the course of their duties or other misconduct unbecoming for a member.

(Meetings and Resolutions)

Article 11 (1) The Chairperson convenes the meetings of the Committee.

(2) The Committee may not hold a meeting and adopt a resolution unless in addition to the chairperson or the person who substitutes for the chairperson pursuant to the provisions of Article 7, paragraph (5), a majority of Committee members are present.

(3) The agenda items of meetings of the Committee are to be decided by a majority of Committee members present; and in the event of a tie, the chairperson decides.

(Mediation)

Article 12 (1) Mediation by the Committee is to be conducted by three mediation members whom the chairperson designates for each case from among the Committee members.

(2) Mediation members must conduct mediation between the disputing parties, confirm the main points of the claims of both parties, and endeavor so that the case is resolved in accordance with the actual circumstances of the case.

Article 13 (1) In addition to hearing the opinions of the disputing parties, the mediation members may hear the opinions of witnesses, as necessary, or request that these persons submit written opinions, prepare a mediation plan necessary for the resolution of the case, and present it to the disputing parties.

(2) The mediation plan set forth in the preceding paragraph is to be prepared with the unanimous approval of all mediation members.

Article 14 If it is found necessary based on the application of a disputing party, the mediation members are to hear the opinions on the case from the representatives of relevant workers or representatives of relevant employers who are designated by major labor organizations or employer organizations within the area of jurisdiction of the Prefectural Labour Bureau where the Committee is established.

Article 15 If the mediation members find that there is no prospect of resolving the dispute by mediation, they may discontinue mediation.

(Renewal of Prescription)

Article 16 In a case where mediation is discontinued pursuant to the provisions of the preceding Article, if the person who requested the mediation files a lawsuit with respect to the claim that was the subject of the mediation within 30 days from receiving notice of the renewal, the lawsuit is deemed to be filed at the time of the application for mediation regarding the renewal of prescription.

(Requests for Providing Materials)

Article 17 If the Committee finds it necessary for the resolution of the case pending in the Committee, it may request the provision of materials and other necessary cooperation from the relevant administrative authorities.

(Reports on the Status of Mediation)

Article 18 The Committee, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, must make a report to the Director of the Prefectural Labour Bureau with respect to the status of mediation.

(Delegation to Order of the Ministry of Health, Labour and Welfare)

Article 19 In addition to what is provided for in this Act, necessary matters concerning the Committee and the procedures of mediation are prescribed by Order of the Ministry of Health, Labour and Welfare.

(Measures by Local Government)

Article 20 (1) In cooperation with the measures of the national government, local governments, in accordance with the actual circumstances of the relevant area, are to endeavor to promote the provision of information, consultations, mediation and other necessary measures for workers, job applicants or

employers, in order to prevent the occurrence of individual labor-related disputes and promote the voluntary resolution of individual labor-related disputes.

- (2) In order to support the measures taken by local governments set forth in the preceding paragraph, the national government is to provide information and take other necessary measures.
- (3) In the case where a prefectural labor relations commission receives the delegation of the governor of municipalities based on the provisions of Article 180-2 of the Local Autonomy Act (Act No. 67 of 1947) and takes the measures prescribed in paragraph (1), the Central Labour Relations Commission may give the prefectural labor relations commission necessary advice and guidance.

(Special Provisions Concerning Mariners)

- Article 21 (1) Regarding mariners prescribed in Article 6, paragraph (1) of the Mariners' Employment Security Act (Act No. 130 of 1948) and persons seeking to become mariners as prescribed in the same paragraph, the term "the Director of the Prefectural Labour Bureau" in Article 3, Article 4, paragraphs (1) and (2) and Article 5, paragraph (1) is deemed to be replaced with "the Director of the District Transport Bureau (including the Director of Transport Supervision Department)," and the term "is to have the Dispute Coordinating Committee conduct mediation" in the same paragraph is deemed to be replaced with "is to delegate mediation to the District Labour Relations Commission for Mariners".
- (2) The provisions Article 6 to Article 19 do not apply to mediation that the District Labour Relations Commission for Mariners conducts under the delegation pursuant to the provisions of Article 5, paragraph (1) with the terms replaced pursuant to the provisions of the preceding paragraph.
 - (3) The administrative work of the mediation set forth in the preceding paragraph is conducted by three mediation members whom the chairperson of the District Labour Relations Commission for Mariners designates for each case from among the public interest members. In this case, if it is found necessary based on the application of a disputing party, the mediation members are to hear the opinions on the case from members that the chairperson of the District Labour Relations Commission for Mariners designates from among the employer members and labor members.
 - (4) The provisions of Article 12, paragraph (2), Article 13 and Articles 15 to 19 apply mutatis mutandis to the mediation set forth in paragraph 2. In this case, the term "committee" in Articles 17 and 18 is deemed to be replaced with "District Labour Relations Commission for Mariners"; the term "the Director of the Prefectural Labour Bureau" in the same Article is deemed to be replaced with "the Director of the District Transport Bureau (including the Director of

Transport Supervision Department)"; the term "Order of the Ministry of Health, Labour and Welfare" in the same Article and Article 19 is deemed to be replaced with "Order of the Central Labor Relations Commission for Mariners"; and the term "the Committee and mediation" in the same Article is deemed to be replaced with "mediation."

- (5) The authority of the Director of the District Transport Bureau (including the Director of Transport Supervision Department) prescribed in Article 3, Article 4, paragraphs (1) and (2), and Article 5, paragraph (1) with the terms replaced pursuant to the provisions of paragraph (1), and Article 18 with the terms replaced and applied mutatis mutandis pursuant to the provisions of the preceding paragraph may, pursuant to the provision of Order of the Ministry of Land, Infrastructure, Transport and Tourism, be delegated to the Director of the District Transport Bureau or the head of the office of District Transport Bureaus, Transport Supervision Departments, or Transport Branch Offices.

(Exclusions from Application)

Article 22 This Act does not apply to national public officers or local public officers; provided, however, that this does not apply to disputes concerning the working conditions of employees other than those prescribed in Article 2, item 4 of the Act on the Labor Relationship of Specified Independent Administrative Agency, etc.; employees of municipal utility prescribed in Article 15, paragraph (1) of the Local Public Enterprise Act (Act No. 292 of 1952); employees prescribed in Article 47 of the Local Independent Administrative Agency Act (Act No.118 of 2003) and local public officers who are in regular service positions hired to perform simple tasks as prescribed in Article 57 of the Local Public Service Act (Act No. 261 of 1950) and employees prescribed in Article 3, item 4 of the Local Public Enterprise Labor Relationships Act (Act No. 289 of 1952).