

# Labor Union Act

(Act No. 174 of June 1, 1949)

## Chapter I General Provisions

(Purpose)

- Article 1 (1) The purpose of this Act is to elevate the status of workers by promoting their being on equal standing with their employer in their negotiations with the employer; to defend the exercise by workers of voluntary organization and association in labor unions so that they may carry out collective action, including the designation of representatives of their own choosing to negotiate working conditions; and to promote the practice of collective bargaining, and procedures therefore, for the purpose of concluding collective agreements regulating relations between employers and workers.
- (2) The provisions of Article 35 of the Penal Code (Act No. 45 of 1907) are to apply to collective bargaining and other acts of labor unions which are justifiable and have been performed for the attainment of the purpose of the preceding paragraph, provided, however, that in any case exercises of violence must not be construed as justifiable acts of labor unions.

(Labor Unions)

- Article 2 The term "labor unions" as used in this Act means those organizations, or federations thereof, formed voluntarily and composed mainly of workers for the main purposes of maintaining and improving working conditions and raising the economic status of the workers; provided, however, that this does not apply to cases that fall under any of the following items:
- (i) organizations that allow participation by workers in supervisory positions having direct authority with respect to executives, hiring, dismissal, promotions, or transfers; workers in supervisory positions having access to confidential information relating to plans and policies on the employer's labor relationships so that their official duties and responsibilities directly conflict with their sincerity and responsibilities as members of the labor union; and other persons who represent the interests of the employer;
- (ii) organizations that receive the employer's financial assistance in paying the organizations' operational expenditures; provided, however, that this does not prevent the employer from permitting workers to deliberate or negotiate with the employer during working hours without loss of time or wages, and excludes the employer's contributions for public welfare funds or welfare and other funds which are actually used for payments to prevent or relieve

economic adversity or misfortunes, or to the provision of office of minimum space;

(iii) organizations whose purposes are limited to mutual aid projects or other welfare businesses;

(iv) organizations whose purposes are principally political or social movements.

(Workers)

Article 3 The term "workers" as used in this Act means those persons who live on their wages, salaries, or other equivalent income, regardless of the kind of occupation.

Article 4 Deleted.

## **Chapter II Labor Unions**

(Treatment of an Organization Established as a Labor Union)

Article 5 (1) Unless a labor union has submitted evidence to the Labour Relations Commission and proved that it is in compliance with Article 2 and paragraph (2) of this Article, the labor union is not qualified to participate in the procedures provided in this Act and will not be granted the remedies provided in this Act; provided, however, that nothing herein should be construed as to deny protections for individual workers pursuant to Article 7, item (i).

(2) The constitution of a labor union must include the provisions listed in the following items:

(i) name;

(ii) the location of its principal office;

(iii) that the members of a labor union other than the labor union that is a federation (hereinafter referred to as a "local union") have the right to participate in all issues or disputes of the labor union and have the right to receive equal treatment;

(iv) no one will be disqualified from union membership in any case on the basis of race, religion, sex, family origin or status;

(v) in the case of a local labor union, that the officers are elected by direct secret vote of the union members, and, in the case of a federation or a labor union having national scope, that the officers are elected by direct secret vote either of the members of the local unions or of delegates elected by direct secret vote of the members of the local unions;

(vi) that a general assembly meeting is held at least once every year;

(vii) that a financial report showing all sources of revenues and expenditures, the names of main contributors and the current financial status, together

- with a certificate by a professionally qualified accounting auditor commissioned by the union members proving that the reports are accurate are released to the union members at least once every year,
- (viii) that no strike is to be started without a majority decision made by direct secret vote either of the union members or of delegates elected by direct secret vote of the union members;
- (ix) in the case of local labor union, that its constitution will not be amended unless the amendment has received majority support by direct secret vote of the union members, and, in the case of a labor union which is a federation or a labor union which has national scope, the constitution will not be amended unless the amendment has received majority support by direct secret vote either of the members of the local labor unions or of the delegates elected by direct secret vote of the members of the local labor unions.

(Authority to Negotiate)

Article 6 Representatives of a labor union or those to whom the authority has been delegated by the labor union have authority to negotiate with the employer or the employers' organization on behalf of the labor union or the members of the labor union with respect to conclusion of collective agreements and other matters.

(Unfair Labor Practices)

Article 7 The employer must not commit the acts listed in any of the following items:

- (i) to dismiss or otherwise treat in a disadvantageous manner a worker by reason of the worker being a member of a labor union, having tried to join or organize a labor union, or having performed justifiable acts of a labor union; or to make it a condition of employment that the worker will not join or will withdraw from a labor union; provided, however, that this does not preclude a worker from concluding a collective agreement which requires, as a condition of employment, that the workers will be members of such labor union where a labor union represents a majority of workers employed at a particular factory or workplace;
- (ii) to refuse to bargain collectively with the representatives of the workers employed by the employer without legitimate grounds;
- (iii) to control or interfere with the formation or management of a labor union by workers or to give financial assistance in paying the labor union's operational expenditures; provided, however, that this does not preclude the employer from permitting workers to deliberate or negotiate with the employer during working hours without loss of time or wage, and this excludes the employer's contributions for public welfare funds or welfare and

other funds which are actually used for payments to prevent or relieve economic adversity or misfortunes, or to the provision of office of minimum space;

(iv) to dismiss or otherwise treat in a disadvantageous manner a worker for the reason that the worker has filed a motion with the Labour Relations Commission that the employer has violated the provisions of this Article; that the worker has requested the Central Labour Relations Commission to review an order issued under the provisions of Article 27-12, paragraph (1); or that when the Labour Relations Commission has conducted an investigation or a hearing in regard to these motions, or has made a recommendation of a settlement to the party, or has made an adjustment of labor disputes as provided for under the Labor Relations Adjustment Act (Act No. 25 of 1946), the worker has presented evidence or made a statement.

#### (Compensation of Damages)

Article 8 An employer may not claim compensation against a labor union or a union member for damages received through a strike or other acts of dispute which are justifiable acts.

#### (Diversion of Funds)

Article 9 When a labor union seeks to divert funds specially set up for mutual aid projects and other welfare businesses for other purposes, it must obtain a resolution of the general assembly meeting of the union.

#### (Dissolution)

Article 10 A labor union will be dissolved due to the following causes:

- (i) emergence of causes of dissolution as provided in the constitution of the labor union;
- (ii) resolution for dissolution at the general assembly meeting of the labor union by at least three-fourths of majority of the union members or of the affiliated organizations.

#### (Labor Union That is a Corporation)

Article 11 (1) A labor union which has received certification by the Labour Relations Commission that it is in compliance with the provisions of this Act is incorporated by registering at the location of its main office.

(2) The matters necessary for registration of labor unions in addition to what is provided for in this Act are prescribed by Cabinet Order.

(3) The information necessary for registration of labor unions may not be duly asserted against a third party until registration has been made.

(Application Mutatis Mutandis)

Article 12 The provisions of Articles 43, Article 44 (except for the cases provided for in Article 8 of this Act); Article 50, Article 52 through Article 55, Article 57, and Article 72 through Article 83 of the Civil Code (Act No. 89 of 1896); and the provisions of Article 35 through Article 40 of the Non-Contentious Case Procedures Act (Act No. 14 of 1898) apply mutatis mutandis to a labor union which is a corporation.

Article 13 Deleted.

### **Chapter III Collective Agreements**

(Collective Agreement Becoming Effective)

Article 14 A collective agreement between a labor union and an employer or an employers' organization concerning working conditions and other matters becomes effective when the agreement is put in writing and is either signed by or affixed the names and seals by both of the parties concerned.

(Term of Collective Agreements)

Article 15 (1) An effective period exceeding three years may not be provided for in a collective agreement.

(2) A collective agreement providing for an effective period exceeding three years is deemed as a collective agreement providing for an effective period of three years.

(3) A collective agreement which does not provide for an effective period may be terminated by either party by giving advance notice to the other party in writing either signed by or affixed the name and seal by the party giving notice of the termination. The same applies to a collective agreement which provides for a definite term that includes a provision to the effect that the agreement continues to be effective after the expiration of the period without specifying a deadline after the expiration of the period.

(4) The advance notice set forth in the preceding paragraph must be given at least ninety days prior to the date on which termination is to be made.

(Effect of the Standards)

Article 16 Any part of an individual labor contract that contravenes the standards concerning working conditions and other matters relating to the treatment of workers provided in the collective agreement will be void. In such a case, the invalidated part of the individual labor contract is to be governed by those standards. The same applies to particulars the individual labor contract does not prescribe.

(General Binding Effect)

Article 17 When three-fourths or more of the workers of the same kind regularly employed in a particular factory or workplace come under application of a particular collective agreement, the agreement also applies to the remaining workers of the same kind employed in the factory or the workplace.

(General Binding Effect in a Locality)

Article 18 (1) When a majority of the workers of the same kind in a particular locality come under application of a particular collective agreement, the Minister of Health, Labour and Welfare or the prefectural governor may, at the request of either one or both of the parties to the collective agreement and, pursuant to a resolution of the Labour Relations Commission, decide that the collective agreement (including an agreement amended pursuant to the provisions of paragraph (2)) should apply to the remaining workers of the same kind employed in the same locality and to their employers.

(2) In the case the Labour Relations Commission, in adopting the resolution set forth in the preceding paragraph, finds that the collective agreement contains inappropriate parts, the Commission may amend those parts.

(3) The decision as prescribed in paragraph (1) is to be made by public notice.

(4) When a collective agreement pertaining to the request set forth in paragraph (1) is found to fall under the collective agreement as provided for in Article 11 of the Minimum Wage Act (Act No. 137 of 1959), the Minister of Health, Labour and Welfare or the prefectural governor in making the decision referred to in that paragraph, must hear the opinion of the Central Minimum Wages Council or the Director of the Prefectural Labour Bureau concerning the part of the collective agreement relating to wages in advance. In such a case, the Director of the Prefectural Labour Bureau must hear the opinion of the Local Minimum Wages Council in advance, when submitting an opinion.

## **Chapter IV Labour Relations Commission**

### **Section 1 Establishment, Duties, and Administrative Affairs under the Jurisdiction, Organizations, and Related Matters**

(Labour Relations Commission)

Article 19 (1) A Labour Relations Commission is to be composed of equal numbers of persons representing employers (hereinafter referred to as "employer members"), persons representing workers (hereinafter referred to as "labor members"), and persons representing the public interest (hereinafter referred to as "public interest members").

(2) The Labour Relations Commissions are to consist of the Central Labour

Relations Commission, Central Labour Relations Commission for Seafarers, Prefectural Labour Relations Commissions, and Local Labour Relations Commissions for Seafarers.

- (3) The particulars concerning the Labour Relations Commission in addition to what is provided for in this Act are to be prescribed by Cabinet Order.

(Central Labour Relations Commission)

Article 19-2 (1) The Central Labour Relations Commission is established under the jurisdiction of the Minister of Health, Labour and Welfare based on the provisions of Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948).

- (2) The Central Labour Relations Commission has the duty to defend the workers' uniting and promote the fair adjustment of labor relationships.
- (3) In order to fulfill the duties set forth in the preceding paragraph, the Central Labour Relations Commission takes charge of affairs set forth in the provisions of Article 5, Article 11, Article 18, and Article 26 of this Act, administrative affairs concerning examination, etc., cases of unfair labor practice, (meaning the disposition of cases pursuant to the provisions of Article 7, the following Section, and Section 3 of this Act; the same applies hereinafter), administrative affairs concerning the conciliation, mediation, and arbitration of labor disputes, administrative affairs pursuant to the provisions of Article 35-2 and Article 35-3 of the Labor Relations Adjustment Act, and other administrative affairs belonging to the Central Labour Relations Commission based on other laws (including orders based on laws).

(Appointment of the Members of the Central Labour Relations Commission)

Article 19-3 (1) The Central Labour Relations Commission is to be composed of fifteen members from employer members, labor members, and public interest members.

- (2) The Prime Minister appoints the employer members based upon the recommendations of employers' organizations (for six of the employer members, based upon the recommendations of specified Independent Administrative Agency (meaning the specified Independent Administrative Agency provided for in Article 2, paragraph (2) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999) the same applies in this paragraph, Article 19-4, paragraph (2), item (ii), and Article 19-10, paragraph 1)), state-owned enterprises that implement national forestry projects (meaning national forestry project as provided for in Article 2, item (ii) of the Act on Labor Relationship of Specified Independent Administrative Agency, etc. (Act No. 257 of 1948); the same applies in this paragraph and Article 19-10, paragraph (1)), or the Japan Post. The Prime Minister appoints the labor

members based upon the recommendations of the labor unions (for six of the labor members, based upon the recommendations of the labor unions formed or joined by employees of specified Independent Administrative Agency provided for in Article 2, item (iv) of the Act on Labor Relationship of Specified Independent Administrative Agency, etc. (hereinafter referred to as "employees of the specified Independent Administrative Agencies" in this Chapter)); personnel of state-owned enterprises that implement national forestry projects provided for in the same item (hereinafter referred to as "personnel for national forestry projects" in this Chapter); or employees of Japan Post provided for in the same item (hereinafter referred to as "employees of the Japan Post" in this chapter). The Prime Minister, after obtaining the consent of both Houses, appoints the public interest members from among the persons stated in the list of candidates prepared by the Minister of Health, Labor and Welfare with the consent of the employer members and the labor members.

- (3) In the case where the term of office of a public interest member has expired or a vacancy has occurred for a public interest member and the consent of both Houses cannot be obtained because the Diet is not in session or the House of Representatives has been dissolved, notwithstanding the provisions of the preceding paragraph, the Prime Minister may appoint a public interest member from among the persons stated in the list of candidates prepared by the Minister of Health, Labor and Welfare after obtaining the consent of the employer members and the labor members.
- (4) In the case referred to in the preceding paragraph, subsequent approval by both Houses must be sought at the first session of the Diet after the appointment. In this case, if subsequent approval of both Houses cannot be obtained, the Prime Minister must immediately dismiss the public interest member.
- (5) As to appointment of the public interest members, seven or more those members must not belong to the same political party.
- (6) The members of the Central Labour Relations Commission (simply referred to as "members" in the following Article to Article 19-9) is to serve on a part-time basis; provided, however, that up to two public interest members may serve on a full-time basis.

(Disqualification Clause of Members)

- Article 19-4 (1) A person who has been sentenced to punishment of imprisonment without work or a greater punishment, and who is still under the execution of the sentence or who has not ceased to be subject to the execution of the sentence, may not become a member.
- (2) A person who falls under any of the following items may not become a public interest member:



- (i) a member of the Diet or a member of the assembly of a local government;
- (ii) an employee or officer of specified Independent Administrative Agencies, or a member or officer of a labor union formed or joined by employees of specified Independent Administrative Agencies;
- (iii) personnel for national forestry projects, or a member or officer of a labor union formed or joined by personnel for national forestry projects;
- (iv) an employee or officer of the Japan Post, or a member or officer of a labor union formed or joined by employees of the Japan Post.

(Term of Office of Members)

Article 19-5 (1) The term of office of members is to be two years; provided, however, that the term of office of a member who is appointed to fill a vacancy is to be the remaining term of the predecessor.

(2) Members may be re-appointed.

(3) When the term of office of a member has expired, the member is to remain in office until a successor is appointed.

(Services of Public Interest Members)

Article 19-6 (1) A public interest member serving full-time may not perform any act falling under any of the following items while in office:

(i) to become an officer of a political party or other political organizations, or actively engage in political activities;

(ii) except in cases permitted by the Prime Minister, to receive remuneration and engage in any other duty, undertake a business for profit, or otherwise engage in any business for pecuniary profit.

(2) A public interest member serving part-time may not perform any act falling under item (i) of the preceding paragraph while in office.

(Loss of Job and Dismissal of a Member)

Article 19-7 (1) A member loses their job in the case where the member comes to fall under any of the items of Article 19-4, paragraph (1). The same applies in the case where a public interest member comes to fall under any of the items of paragraph (2) of the same Article.

(2) When the Prime Minister finds that a member cannot execute their duties by reason of mental or physical disorder, a member has breached their duties, or a member has committed a misconduct unbecoming for a member, the Prime Minister may dismiss the member with the consent of the Central Labour Relations Commission in the case of an employer member or a labor member, or with the consent of both Houses in the case of a public interest member.

(3) Pursuant to the provisions of the preceding paragraph, if the Prime Minister has requested the Central Labour Relations Commission to give its consent to

the dismissal of an employer member or a labor member, the member may not take part in the decision.

- (4) The Prime Minister is to immediately dismiss a public interest member who has newly come to belong to a political party to which six of the other public interest members already belong.
- (5) If seven or more public interest members have come to belong to the same political party (excluding cases which fall under the provisions of the preceding paragraph), with the consent of both Houses, the Prime Minister is to dismiss public interest members so that the number of public interest members belonging to the same party is six; provided, however, that the Prime Minister may not dismiss members who have not changed the political party to which they belong.

(Remuneration of the Members)

Article 19-8 Members are to receive salaries, allowances, and other remuneration as prescribed separately by laws, and are also to be reimbursed the necessary expenses incurred in performing their duties as specified by Cabinet Order.

(Chairperson of the Central Labour Relations Commission)

- Article 19-9 (1) The Central Labour Relations Commission is to have a chairperson.
- (2) The chairperson is elected by the members from among the public interest members.
  - (3) The chairperson presides over the business of the Central Labour Relations Commission and represents the Central Labour Relations Commission.
  - (4) The Central Labour Relations Commission must designate in advance a member, by election by the members from among the public interest members, who acts on behalf of the chairperson in the case the chairperson is impeded from performing their duties.

(Local Members for Adjustment)

Article 19-10 (1) Local members for adjustment are to be established within the Central Labour Relations Commission representing the employers, the workers, and the public interest, to participate in conciliation or mediation in disputes and other cases arising between specified Independent Administrative Agencies and the employees thereof; between state-owned enterprises implementing national forestry projects and personnel thereof; and between the Japan Post and the employees thereof; as well as other disputes or other cases as provided for by Cabinet Order as those to be dealt with locally by the Central Labour Relations Commission; and to participate in procedures as

provided for in Article 24-2, paragraph (6).

- (2) The Minister of Health, Labor and Welfare appoints local members for adjustment with the consent of the Central Labour Relations Commission for each district specified by Cabinet Order.
- (3) The provisions of the main clause of Article 19-5, paragraph (1) and paragraph (2); Article 19-7, paragraph (2); and Article 19-8 apply mutatis mutandis to the local members for adjustment. In this case, the term "the Prime Minister" in Article 19-7, paragraph (2), is deemed to be replaced with "the Minister of Health, Labour and Welfare"; and the phrase "with the consent of the Central Labour Relations Commission in the case of an employer member or a labor member, or with the consent of both Houses in the case of a public interest member" in the same paragraph is deemed to be replaced with "with the consent of the Central Labour Relations Commission."

(Secretariat of the Central Labour Relations Commission)

- Article 19-11 (1) A secretariat is to be established within the Central Labour Relations Commission to organize the administrative affairs of the Commission, and the secretariat is to have a director-general and other necessary staff members appointed by the Minister of Health, Labor and Welfare with the consent of the chairperson.
- (2) A local office that takes charge of administrative affairs in the local area is to be established in the secretariat.
  - (3) The location, name, and jurisdictional district of a local office are prescribed by Cabinet Order.

(Prefectural Labour Relations Commission)

- Article 19-12 (1) A Prefectural Labour Relations Commission is established under the jurisdiction of the prefectural governor.
- (2) The Prefectural Labour Relations Commission is to be composed of thirteen members each, eleven members each, nine members each, seven members each, or five members each for employer members, labor members, and public interest members, respectively, for the number as specified by Cabinet Order; provided, however, that it may be composed of the number of members adding two members each of employer members, labor members, and public interest members to the number specified by Cabinet Order, pursuant to the provisions of Prefectural Order.
  - (3) The prefectural governor appoints the employer members based upon the recommendations of the employers' organizations, the labor members based upon the recommendations of the labor unions, and the public interest members with the consent of the employer members and the labor members.
  - (4) The appointment of public interest members is to be made in accordance with

the number of public interest members listed in the left-hand column of the Appended Table for the Prefectural Labour Relations Commission (for Prefectural Labour Relations Commissions composed of members with two members added to the number specified by Cabinet Order pursuant to the proviso to paragraph 2 of this Article, the number of public interest members that added those two members ), and the number of public interest members exceeding the number specified in the right-hand column of the Table must not belong to the same political party.

- (5) When a public interest member has contravened the provisions of the preceding paragraph due to their actions, the member is to retire as a matter of course.
- (6) The provisions of Article 19-3, paragraph (6); Article 19-4, paragraph (1); Article 19-5; Article 19-7, the first sentence of paragraph (1), paragraph (2) and paragraph (3); Article 19-8; Article 19-9; and paragraph (1) of the preceding Article apply mutatis mutandis to Prefectural Labour Relations Commissions. In this case, the term "on a full-time basis" in the proviso to Article 19-3, paragraph (6) is deemed to be replaced with "on a full-time basis pursuant to the provisions of Prefectural Order"; "the Prime Minister" in Article 19-7, paragraph (2) is deemed to be replaced with "the prefectural governor"; "with the consent of the Central Labour Relations Commission in the case of an employer member or a labor member, or with the consent of both Houses in the case of a public interest member" in the same paragraph is deemed to be replaced with "the Prefectural Labour Relations Commission"; "the Prime Minister" in paragraph 3 of the same Article is deemed to be replaced with "the prefectural governor"; "an employer member or a labor member" in the same paragraph is deemed to be replaced with "a member of the Prefectural Labour Relations Commission"; and "the Minister of Health, Labor and Welfare" in paragraph (1) of the preceding Article is deemed to be replaced with "the prefectural governor."

(Labour Relations Commission for Seafarers)

Article 19-13 (1) As for mariners (excluding employees of a specified Independent Administrative Agency, personnel for national forestry projects and employees of the Japan Post; the same shall apply in this paragraph) covered by the Mariners Act (Act No. 100 of 1947), the authority of the Central Labour Relations Commission, the Prefectural Labour Relations Commission, the Minister of Health, Labour and Welfare and the prefectural governors as provided for in this Act is to be exercised, respectively by the Central Labour Relations Commission for Seafarers, the Prefectural Labour Relations Commission for Seafarers and the Minister of Land, Infrastructure, Transport and Tourism. In this case, the provisions of Article 18, paragraph (4) does not

apply to mariners.

- (2) The Central Labour Relations Commission for Seafarers is to be composed of seven employer members, labor members, and public interest members, and Prefectural Labour Relations Commissions for Seafarers is to be composed of five employer members, labor members and public interest members.
- (3) The Minister of Land, Infrastructure, Transport and Tourism appoints the employer members based upon the recommendations of the employers' organizations, the labor members based upon the recommendations of the labor unions and the public interest members based upon the consent of the employer members and the labor members.
- (4) The provisions concerning the Central Labour Relations Commission and the Prefectural Labour Relations Commission (excluding the provisions of Article 19-2; Article 19-3, paragraphs (1) through (4) and the proviso to paragraph (6); Article 19-4, paragraph (2); Article 19-6; Article 19-7, the second sentence of paragraph (1), paragraph (4) and paragraph (5); Article 19-10; Article 19-11, paragraph (2) and paragraph (3); paragraph (2), paragraph (3) and paragraph (6) of the preceding Article (limited to the part to which the proviso to Article 19-3, paragraph 6 applies *mutatis mutandis*); Article 24, paragraph (2); Article 24-2, paragraph (1), paragraph (2), the proviso to paragraph (4) and paragraph (6); Article 26, paragraph (2); and Article 27-23) apply *mutatis mutandis* to the Central Labour Relations Commission for Seafarers and the Local Labour Relations Commission for Seafarers. In this case, the term "seven or more" in Article 19-3, paragraph (5) is deemed to be replaced with "three or more"; "the Prime Minister" in Article 19-7, paragraph (2) is deemed to be replaced with "the Minister of Land, Infrastructure, Transport and Tourism"; the phrase "with the consent of the Central Labour Relations Commission in the case of an employer member or a labor member, or with the consent of both Houses in the case of a public interest member" in the same paragraph is deemed to be replaced with "the Central Labour Relations Commission for Seafarers"; "the Prime Minister" in paragraph (3) of the same Article is deemed to be replaced with "the Minister of Land, Infrastructure, Transport and Tourism"; "an employer member or a labor member" in the same paragraph is deemed to be replaced with "a member of the Central Labour Relations Commission for Seafarers"; "the Minister of Health, Labor and Welfare" in Article 19-11, paragraph (1) is deemed to be replaced with "the Minister of Land, Infrastructure, Transport and Tourism"; "under the jurisdiction of the prefectural governors" in paragraph (1) of the preceding Article is deemed to be replaced with "whose jurisdictional district is to be that of each District Transport Bureau (excluding areas specified by Cabinet Order for District Transport Bureaus prescribed by Cabinet Order) and the areas specified by the Cabinet Order, and until otherwise provided for by law, the areas of Okinawa

Prefecture"; "the prefectural governor" in paragraph (6) of the same Article is deemed to be replaced with "the Minister of Land, Infrastructure, Transport and Tourism"; "In cases concerning the labor relationship of employees of specified Independent Administrative Agency, personnel for national forestry projects, or employees of the Japan Post, the Central Labour Relations Commission assumes exclusive jurisdiction over the conciliation, mediation, arbitration, and disposition (as for disposition under the provisions of Article 5, paragraph (1), and Article 11, paragraph (1) concerning a labor union which is formed or joined by employees of specified Independent Administrative Agency, personnel for national forestry projects, and employees of the Japan Post, the disposition is to be limited to that specified by Cabinet Order); and the Central Labour Relations Commission is to assume initial jurisdiction over the conciliation, mediation, arbitration, and disposition; and "two or more prefectures" in Article 25, paragraph (1) is deemed to be replaced with "two or more jurisdictional districts of the Local Labour Relations Commission for Seafarers."

- (5) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis to a public interest member of the Central Labour Relations Commission for Seafarers.

(Authority of the Labour Relations Commission)

Article 20 In addition to those particulars provided under the provisions of Articles 5, Article 11, and Article 18, the Labour Relations Commission has the authority to conduct examinations, etc., of unfair labor practice cases and perform conciliation, mediation and arbitration of labor disputes.

(Meetings)

Article 21 (1) When a Labour Relations Commission finds it necessary for the public interest, its meetings may be opened to the public.

- (2) The meetings of a Labour Relations Commission is convened by the chairperson.
- (3) The Labour Relations Commission may not hold a meeting nor make any decision unless one or more employer members, labor members, and public interest members are present.
- (4) Decisions are to be made by a majority of the members present, and in the case of tie in votes, the chairperson is to make the decision.

(Compulsory Authority)

Article 22 (1) If a Labour Relations Commission finds it necessary for performing its administrative affairs, it may request the attendance, submission of reports or necessary books and documents, by the employer or

the employers' organization or the labor union, or other persons concerned. The Labour Relations Commission may also have its members or staff members (hereinafter simply referred to as "staff members") inspect factories and other relevant workplaces and inspect the business situations, books and documents and other objects.

- (2) In cases where a Labour Relations Commission has its members or staff members inspect or investigate the places pursuant to the preceding paragraph, the Commission must require them to carry an identification card and to present the card to the persons concerned.

(Obligation to Keep Secrets)

Article 23 Members or those who have been members, as well as staff members or those who have been staff members of a Labour Relations Commission, must not disclose any secrets obtained in relation to their duties. The same applies to local members for adjustment or those who have been local members for adjustment of the Central Labour Relations Commission.

(Authority Executed Solely by Public Interest Members)

Article 24 (1) The public interest members of a Labour Relations Commission participate in the disposition of cases as prescribed in Article 5 and Article 11; examinations, etc., of unfair labor practice cases (referred to as "examinations, etc." in the following Article); and dispositions of cases as prescribed in Article 42 of the Labor Relations Adjustment Act; provided, however, that employer members and labor members may participate in the procedures for conducting an investigation (limited to cases in which the public interest members so request) and holding a hearing pursuant to the provisions of Article 27, paragraph (1) (including as applied mutatis mutandis pursuant to Article 27-17) and in the procedures for recommending a settlement pursuant to the provisions of Article 27-14, paragraph (1) (including as applied mutatis mutandis pursuant to Article 27-17), or may perform an act pursuant to the provisions of Article 27-7, paragraph (4) and Article 27-12, paragraph (2) (including as applied mutatis mutandis pursuant to Article 27-17).

- (2) The Central Labour Relations Commission may have public interest members serving full time investigate the situations of labor relationships of employees of specified Independent Administrative Agencies, personnel for national forestry projects, and employees of the Japan Post, and other particulars found necessary for performing administrative affairs of the Central Labour Relations Commission, in addition to those related to the cases pending before the Central Labour Relations Commission.

(Panel)

- Article 24-2 (1) The Central Labour Relations Commission conducts its examinations, etc., through a panel, consisting of five public interest members appointed by the chairperson.
- (2) Notwithstanding the provisions of the preceding paragraph, in cases that fall under any of the following items, a panel consisting of all public interest members conducts the examinations, etc.:
- (i) cases in which the panel set forth in the preceding paragraph finds that its opinion concerning the interpretation and application of law and regulations is opposed to dispositions imposed by the Central Labour Relations Commission pursuant to Article 5, paragraph (1) or Article 11, paragraph (1), or Article 27-12, paragraph (1) (including as applied mutatis mutandis pursuant to Article 27-17);
  - (ii) cases in which the panel set forth in the preceding paragraph cannot make its coordinated opinion because opinions of its members are divided;
  - (iii) cases in which the panel set forth in the preceding paragraph finds it reasonable for a panel consisting of all public interest members to conduct examinations, etc.; and
  - (iv) cases in which filing of an objection pursuant to the provision of Article 27-10, paragraph 3 (including as applied mutatis mutandis pursuant to Article 27-17) are conducted proceedings.
- (3) The Central Labour Relations Commission for Seafarers conducts the examinations, etc., through its panel consisting of all public interest members; provided, however, that a panel consisting of five public interest members appointed by the chairperson may conduct examinations, etc. In this case, the provisions of the preceding paragraph apply mutatis mutandis to the Central Labour Relations Commission for Seafarers.
- (4) A Prefectural Labour Relations Commission conducts the examinations, etc., through its panel, consisting of all public interest members; provided, however, that a panel consisting of five or seven public interest members appointed by the chairperson may conduct examinations, etc. In this case, the provisions of paragraph (2) (except items (i) and (iv)) apply mutatis mutandis to Prefectural Labour Relations Commissions.
- (5) A Labour Relations Commission, in conducting examinations, etc., in accordance with the provisions of the preceding paragraphs (including as applied mutatis mutandis pursuant to Article 19-13, paragraph (4)), have one or more public interest members carry out the procedures for examinations etc., in whole or in part (excluding disposition under the provisions of Article 5, paragraph (1), Article 11, paragraph (1), Article 27-4, paragraph (1) (including as applied mutatis mutandis pursuant to Article 27-17); Article 27-7, paragraph 1 (including as applied mutatis mutandis pursuant to Article 27-17, other than parts where the parties concerned or witnesses are made to give a



statement or where the submitted objects are retained); Article 27-10, paragraphs (2) and (4), and Article 27-12, paragraph (1) (including as applied mutatis mutandis pursuant to Article 27-17); and a motion under Article 27-20; the same applies in the following paragraph).

- (6) Among the procedures for examination, etc., carried out by the Central Labour Relations Commission, the Central Labour Relations Commission may have the local members for adjustment representing the public interest undertake the procedures in whole or in part in making an investigation and holding a hearing pursuant to the provisions of Article 27, paragraph (1) (including as applied mutatis mutandis pursuant to Article 27-17), and the procedures in whole or in part in recommending a settlement pursuant to the provisions of Article 27-14, paragraph (1) (including as applied mutatis mutandis pursuant to Article 27-17). In this case, the local members for adjustment representing the employers and the local members for adjustment representing the workers may participate in those procedures (for the procedures in conducting an investigation, limited to the case where the local members for adjustment representing the public interest so request).

(Jurisdiction of the Central Labour Relations Commission)

- Article 25 (1) In cases concerning the labor relationships of employees of specified Independent Administrative Agencies, personnel for national forestry projects, or employees of the Japan Post, the Central Labour Relations Commission assumes exclusive jurisdiction over the conciliation, mediation, arbitration, and disposition (for dispositions under the provisions of Article 5, paragraph (1) and Article 11, paragraph (1) concerning a labor union that is formed or joined by employees of specified Independent Administrative Agencies, personnel for national forestry projects, or employees of the Japan Post, the dispositions are limited to those specified by Cabinet Order); and the Central Labour Relations Commission assumes priority jurisdiction over the conciliation, mediation, arbitration, and disposition of cases which extend over two or more prefectures or which are related to issues of national significance.
- (2) The Central Labour Relations Commission may re-examine the dispositions of the Prefectural Labour Relations Commission pursuant to the provisions of Articles 5, paragraph (1); Article 11, paragraph (1); and Article 27-12, paragraph (1), with full authority to rescind, approve, or modify the dispositions, or dismiss an appeal for re-examination of those dispositions. The re-examination is to be conducted based on an appeal of either party to the disposition of the Prefectural Labour Relations Commission, or by the Central Labour Commission's authority.

(Rule-Making Power)

Article 26 (1) The Central Labour Relations Commission may establish rules for its procedures as well as for the Prefectural Labour Relations Commission's procedures.

(2) The Prefectural Labour Relations Commission may establish rules on matters concerning the convocation of its meetings and other particulars specified by Cabinet Order to the extent that they do not violate the regulation set forth in the preceding paragraph.

## **Section 2 Procedures for Examination of Unfair Labor Practice Cases**

(Commencement of Examinations of Unfair Labor Practice Cases)

Article 27 (1) If a motion that an employer has violated the provisions of Article 7 is received, the Labour Relations Commission must conduct an investigation without delay and, if it is found necessary, hold a hearing on whether there are reasons for filing the motion. In this case, sufficient opportunity to submit evidence and to cross-examine the witnesses must be given to the employer and to the movant for the procedures of the hearing.

(2) A Labour Relations Commission may not accept a motion set forth in the preceding paragraph when more than one year has elapsed since the day on which the act in question was committed (in the case of a continuing act, the date on which the act was finished).

(Disqualification of Public Interest Members)

Article 27-2 (1) A public interest member is disqualified from execution of duties concerning examinations in the case where the member falls under any of the following items:

(i) the public interest member, their spouse, or any person who was formerly their spouse, is or was formerly a party involved in the case or the representative of the party which is a corporation;

(ii) the public interest member is or was formerly a blood relative of the party within the fourth degree of kinship, a relative by marriage of the party within the third degree, or a cohabiting relative;

(iii) the public interest member is a guardian, supervisor of a guardian, a curator, supervisor of a curator, an assistant, or supervisor of an assistant to the party involved in the case;

(iv) the public interest member has become a witness to the case; or

(v) the public interest member is or was formerly the party's agent, with regard to a pending case.

(2) If any of the causes for disqualification prescribed in the preceding paragraph apply, the party to the case may file a motion for the disqualification of the public interest member in question.

(Challenge to Public Interest Members)

- Article 27-3 (1) If a public interest member has any circumstances which should preclude fair examination, the party may challenge the public interest member.
- (2) The party may not challenge a public interest member after the party has made a statement in writing or orally on the case to the Labour Relations Commission; provided, however, that this does not apply to a party who did not know the existence of grounds for a challenge, or when the grounds for a challenge arose after the statement was made.

(Decisions on Motions for Disqualification or Challenge)

- Article 27-4 (1) The Labour Relations Commission makes decisions on motions for disqualification or challenge.
- (2) Public interest members who are involved in the motion for disqualification or challenge may not participate in the decisions set forth in the preceding paragraph; provided, however, that the members may state their opinions.
- (3) The decisions made pursuant to the provisions of paragraph (1) are to be made in writing with the reasons attached.

(Suspension of the Examination Procedures)

- Article 27-5 If a motion for disqualification or challenge has been filed, the Labour Relations Commission must suspend the examination procedures until a decision is made concerning the motion; provided, however, that this does not apply when urgent action is required.

(Examination Plan)

- Article 27-6 (1) Prior to commencement of a hearing, the Labour Relations Commission must hear the opinions of both parties and establish an examination plan.
- (2) The examination plan set forth in the preceding paragraph must include the following information:
- (i) issues and evidence consolidated in the investigation procedure (including those consolidated as evidence requiring examination during the course of the subsequent examination procedure);
  - (ii) the duration and number of hearings, and the number of witnesses to be examined;
  - (iii) scheduled timing for delivery of orders provided for in Article 27-12, paragraph (1).
- (3) The Labour Relations Commission may change the examination plan upon hearing the opinions of both parties if it finds that the change is necessary in consideration of the present state of examination and other circumstances.

- (4) The Labour Relations Commission and the parties must endeavor to ensure that examinations are conducted in accordance with the examination plan, so as to realize a proper and expeditious examination.

(Examination of Evidence)

Article 27-7 (1) The Labour Relations Commission, upon motion by either party or by the Labour Relations Commission's authority, may examine evidence by the methods listed in item (ii) for the procedures for investigation, and by the methods listed in the following items for the procedures for hearings:

- (i) to order the parties or witnesses to appear and have them make statements to the extent necessary to find facts;
  - (ii) to order the holders of those books and documents, or other objects related to the case (hereinafter referred to as the "objects") to submit the objects, without which it is found likely to be difficult to certify the facts, or to retain the objects already submitted.
- (2) The Labour Relations Commission, when deciding whether or not to make a disposition to issue an order to submit objects pursuant to the provision of item (ii) of the preceding paragraph (hereinafter referred to as the "order to submit objects"), must take into consideration the protection of secrets of individuals and business secrets of companies.
- (3) The Labour Relations Commission, in issuing an order to submit objects, may order the submission of the objects other than the parts the submission of which it finds unnecessary or inappropriate as a result of consideration taken pursuant to the provision of the preceding paragraph.
- (4) Employer members and labor members who participate in the procedure for investigations or hearings may state opinions when the Labour Relations Commission intends to issue an order to the parties or witnesses to appear pursuant to the provisions of paragraph 1, item (i) (hereinafter referred to as the "order to appear as witnesses, etc."), or intends to order the submission of the objects.
- (5) The Labour Relations Commission, when it has examined evidence by its authority, must hear the opinions of the parties about the results of the examination.
- (6) The motion for an order to submit objects must be filed with clarification of the following information:
- (i) indication of the objects;
  - (ii) purport of the objects;
  - (iii) holder of the objects;
  - (iv) facts to be proved.
- (7) The Labour Relations Commission, before issuing an order to submit objects, must interrogate the holders of the objects.

(8) The Labour Relations Commission, when issuing an order to submit objects, must clarify the information listed in each item (except for item (iii)) of paragraph 6.

Article 27-8 (1) The Labour Relations Commission, when having witnesses give a statement, must have them take an oath.

(2) The Labour Relations Commission, when having the parties give a statement, may have them take an oath.

Article 27-9 The provisions of Article 196, Article 197, and Article 201 paragraphs (2) to (4) of the Code of Civil Procedure (Act No. 109 of 1996) apply mutatis mutandis to the procedures whereby a Labour Relations Commission has witnesses give a statement. The provisions of Article 201, paragraph (2) as applied mutatis mutandis pursuant to the provisions of Article 210 of the same Act apply mutatis mutandis to the procedure in which a Labour Relations Commission has the parties give a statement.

(Appeal)

Article 27-10 (1) When persons have received an order to appear as witnesses, etc., or an order to submit objects from a Prefectural Labour Relations Commission (hereinafter referred to as an "order, etc., to appear as witnesses, etc." in this Article) and are dissatisfied with the order, etc., to appear as witnesses, etc., those persons may appeal to the Central Labour Relations Commission in writing for examination stating the reasons within one week from the day when they received the order, etc., to appear as witnesses, etc., (when there are compelling reasons such as natural disaster for not appealing within that period, within one week from the day following the date the reasons have ceased to exist).

(2) In the case that the Central Labour Relations Commission finds that there is a reason for the appeal for examination pursuant to the provisions of the preceding paragraph, it shall rescind the whole or part of the order, etc., to appear as witnesses, etc.

(3) When persons have received an order, etc., to appear as witnesses, etc., from the Central Labour Relations Commission and are dissatisfied with the order, the persons may file a written objection to the Central Labour Relations Commission, stating the reasons within one week from the day when they received the order, etc., to appear as witnesses, etc. (when there are compelling reasons such as natural disaster for not appealing within that period, within one week from the day following the date the reasons have ceased).

(4) In the case that the Central Labour Relations Commission finds that there is a reason for filing of an objection pursuant to the provisions of the preceding

paragraph, it rescinds the whole or part of the order, etc., to appear as witnesses, etc., or modifies the order.

- (5) The proceedings of request for examination or filing of an objection is executed in writing.
- (6) The Central Labour Relations Commission may interrogate persons who request examination or file an objection by its authority.

#### (Maintenance of Order at Hearing Tribunal)

Article 27-11 The Labour Relations Committee may order persons interfering hearings to leave the courtroom, and take other necessary measures to maintain order at hearing tribunals.

#### (Order for Relief)

Article 27-12 (1) The Labour Relations Commission, when the case is ready to issue of an order, must certify the facts and, on the basis of the certification, admit the whole or part of the relief related to the request of the movant, or issue an order to dismiss the motion (hereinafter referred to as the "order for relief, etc.").

- (2) Employer members and labor members who participate in the procedure for an investigation or hearing may state opinions in the case that the Labour Relations Commission intends to issue an order for relief, etc.
- (3) The certification of facts and the order for relief, etc. set forth in paragraph (1) is to be executed in writing, and their copies must be delivered to the employer and the movant.
- (4) An order for relief, etc. becomes effective on the day of the delivery.

#### (Finalizing an Order for Relief)

Article 27-13 (1) An order for relief, etc. becomes final and binding when the employer has not filed an action for rescission provided by Article 27-19, paragraph (1) within the period set forth in the same paragraph.

- (2) If the employer does not accede to the final and binding order for relief, etc., the Labour Relations Commission must notify the district court with jurisdiction over the location of the employer to that effect. Labor unions and workers may also make this notification.

#### (Settlement)

Article 27-14 (1) The Labor Relations Commission may recommend settlement to the parties at any time in the course of the examination.

- (2) When a settlement has been established between the parties and both parties make motions before the order for relief, etc. becomes final and binding, and when the Labour Relations Commission finds that the content of the

- settlement is appropriate to maintain or establish normal order of labor relationships between the parties, the examination procedure is terminated.
- (3) In cases as prescribed in the preceding paragraph, the order for relief, etc. already issued for the case related to the settlement (limited to the settlement that the Labour Relations Commission finds appropriate pursuant to the provisions of the preceding paragraph; the same applies in the following paragraph) ceases to be effective.
  - (4) The Labour Relations Commission, in the case that a settlement includes agreement on payments of a certain amount of money or delivery of a certain quantity of fungible things or securities, draw up a record of settlement concerning the agreement upon request from both parties.
  - (5) The record of settlement prescribed in the preceding paragraph, where compulsory execution is concerned, is deemed to be the title of obligation listed in Article 22, item (v) of the Civil Execution Act (Act No. 4 of 1979).
  - (6) Granting of certificate of execution concerning the title of obligation set forth in the preceding paragraph is performed by the chairperson of the Labour Relations Commission. The service of the certificate of execution and the transcript of the documents pursuant to the second sentence of Article 29 of the Civil Execution Act are to be made in the same way.
  - (7) Trial on objections concerning the granting of the certificate of execution, pursuant to the provisions of the preceding paragraph, is to be conducted at the district court having jurisdiction over the location of the Labour Relations Commission.
  - (8) Particulars necessary for the services of the record of settlement set forth in paragraph (4), and the certificate of execution and transcript of documents pursuant to the second sentence of paragraph (6) are specified by Cabinet Order.

(Request for Re-examination)

- Article 27-15 (1) When receiving order for relief, etc. from a Prefectural Labour Relations Commission, employers may request re-examination to the Central Labour Relations Commission within fifteen days (if there are compelling reasons, such as natural disaster for not making a request within that period, within one week from the day following the date the reasons ceased to exist); provided, however, that the request does not suspend the validity of the order for relief, etc., and the order for relief, etc. ceases to be effective when the Central Labour Relations Commission rescinds or modifies the order as a result of re-examination conducted pursuant to the provisions of Article 25, paragraph (2).
- (2) The provisions of the preceding paragraph apply mutatis mutandis to requests for re-examination by labor unions or workers of the Central Labour

Relations Commission.

(Relations between Re-examination and Lawsuit)

Article 27-16 The Central Labour Relations Commission may not re-examine an order for relief, etc. when the whole or part of the order for relief, etc. by a Prefectural Labour Relations Commission is supported by a final and binding judgment based on the action pursuant to Article 27-19, paragraph (1).

(Application Mutatis Mutandis to the Procedure for Re-examination)

Article 27-17 The provisions of Article 27, paragraph (1); Article 27-2 through Article 27-9; Article 27-10, paragraphs (3) through (6); and Article 27-11 through Article 27-14 apply mutatis mutandis to the procedure for re-examination taken by the Central Labour Relations Commission. In this case, the phrase "when the public member bears witness to the case" in Article 27-2, paragraph (1), item (iv) is deemed to be replaced with "when the public member bears witness to the case, or when the public member gets involved in the order for relief, etc. of a Prefectural Labour Relations Commission which has already been issued for the case."

(Period of Examination)

Article 27-18 The Labour Relations Commission, for the purpose of conducting expeditious examinations, is to set a target for the period of examination, and publicize the degree of achievement of the target and any other implementation status of the examination.

### **Section 3 Lawsuits**

(Filing an Action for Rescission)

Article 27-19 (1) When an employer has not requested the Central Labour Relations Commission to review an order for relief, etc. by the Prefectural Labour Relations Commission, or when the Central Labour Relations Commission has issued an order for relief, etc., the employer may file an action for rescission of the order for relief, etc. within thirty days from the day on which the order-for-relief, etc. was delivered. This period is unextendable.

(2) When an employer has requested the Central Labour Relations Commission to re-examine an order pursuant to the provisions of Article 27-15, paragraph (1), the employer may file an action for rescission only against the order for relief, etc. by the Central Labour Relations Commission for that request. The provisions of Article 12, paragraphs (3) through paragraph (5) of the Administrative Case Litigation Act (Act No. 139 of 1962) do not apply to this action.



(3) The provisions of the preceding paragraph apply mutatis mutandis to actions for rescission filed by labor unions or workers, pursuant to the Administrative Case Litigation Act.

(Emergency Order)

Article 27-20 In the case where an employer has filed an action to a court pursuant to the provisions of paragraph (1) of the preceding Article, the court in charge of the case, at the request of the Labour Relations Commission which has issued the order for relief, etc., may order the employer to comply with the whole or part of the order for relief, etc. in accordance with a ruling until the judgment becomes final and binding, or rescind or modify this ruling upon the request from the parties or by its authority.

(Restrictions on Offer of Evidences)

Article 27-21 A person who has not submitted an object notwithstanding the order to submit objects by the Labour Relations Commission (excluding persons who are not the party to the procedure for examination) may not offer evidence for the object to the court to prove facts which could be certified by the object specified in the order to submit objects; provided, however, that this does not apply when it is found that there are legitimate grounds for not submitting the object.

#### **Section 4 Miscellaneous Provisions**

(Recommendations of the Central Labour Relations Commission)

Article 27-22 The Central Labour Relations Commission may request a Prefectural Labour Relations Commission to report on administrative affairs conducted by the Prefectural Labour Relations Commission pursuant to the provisions of this Act, or make recommendations, give advice, provide training of members and staff members of the secretariat, or provide any other assistance necessary for the application of laws and regulations and for conducting those administrative affairs.

(Handling of Action for Judicial Review of Administrative Disposition)

Article 27-23 (1) In a lawsuit in which a prefecture is the defendant pursuant to the provisions of Article 11, paragraph (1) of the Administrative Case Litigation Act (including as applied mutatis mutandis pursuant to Article 38, paragraph (1) of the same Act; the same applies in the following paragraph) related to the disposition (meaning dispositions pursuant to the provisions of Article 3, paragraph (2) and including dispositions imposed by public interest members pursuant to the provisions of Article 24-2, paragraph (5) and

dispositions imposed by local members for adjustment representing public interests pursuant to the provisions of paragraph (6) of the same Article of the same Act; the same applies in the following paragraph), the Prefectural Labour Relations Commission represents the prefecture.

(2) The Prefectural Labour Relations Commission may designate persons from among its public interest members, directors-general or staff members of its secretariat, and have them file an action regarding the disposition of Prefectural Labour Relations Commission pursuant to the provisions of Article 11, paragraph (1) of the Administrative Case Litigation Act in which a prefecture is the defendant, or file an action in which the Prefectural Labour Relations Commission is a party.

(Reimbursement of Expenses)

Article 27-24 A person who has been required to appear pursuant to the provisions of Article 22, paragraph (1) or a witness pursuant to Article 27-7, paragraph (1), item (i) (including as applied mutatis mutandis pursuant to Article 27-17), may be compensated for the expenses as specified by Cabinet Order.

(Exclusion from Application of the Administrative Procedure Act)

Article 27-25 The provisions of Chapter 2 and Chapter 3 of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to dispositions imposed by a Labour Relations Commission (including dispositions imposed by public interest members pursuant to the provisions of Article 24-2, paragraph (5) of this Act and dispositions imposed by local members for adjustment representing public interests pursuant to the provisions of paragraph (6) of the same Article).

(Restriction on Appeal)

Article 27-26 No appeal may be filed pursuant to the Administrative Complaint Review Act (Act No. 160 of 1962) against the dispositions imposed by a Labour Relations Commission (including dispositions imposed by public interest members pursuant to the provisions of Article 24-2, paragraph (5) of this Act and dispositions imposed by local members for adjustment representing public interests pursuant to the provisions of paragraph (6) of the same Article).

## **Chapter V Penal Provisions**

Article 28 In the case that the whole or a part of the order for relief, etc. has been supported by final and binding judgment, and the order is violated, the offender is punished by imprisonment without work not exceeding one year or

a fine not exceeding one million yen, or both.

Article 28-2 In the case that a witness who has sworn pursuant to the provisions of Article 27-8, paragraph (1) (including as applied mutatis mutandis pursuant to Article 27-17) has made a false statement, the witness is punished by imprisonment with work of not less than three months and not exceeding ten years.

Article 29 A person who violates the provisions of Article 23 is to be punished by imprisonment with work not exceeding one year or by a fine not exceeding 300,000 yen.

Article 30 A person who, in violation of the provisions of Article 22, has failed to report, made false reports, or failed to submit books and documents; and a person who, in violation of the same Article, has failed to appear or has escaped, obstructed, or refused inspection pursuant to the provisions of the same Article is punished by a fine not more than 300,000 yen.

Article 31 When a representative of a corporation, or an agent or employee of a person or corporation has committed a violation set forth in the provisions of the preceding Article with regard to the business of the person or corporation, not only the offender, but also the person or the corporation is punished, as prescribed in the same Article.

Article 32 When an employer has violated an order of the court pursuant to the provisions of Article 27-20, the employer is punished by a civil fine not exceeding 500,000 yen (in cases where the order demands physical action, and where the number of the nonperformance days from the day following the date of order exceeds five days, the amount obtained by multiplying 100,000 yen by the number of days exceeding five is added). The same applies to cases in which an employer has violated an order for relief, etc. which has become final and binding pursuant to the provisions of Article 27-13, paragraph (1) (including as applied mutatis mutandis pursuant to Article 27-17).

Article 32-2 A person falling under any of the following items is punished by a civil fine not exceeding 300,000 yen:

- (i) a person who, in violation of the disposition pursuant to the provisions of Article 27-7, paragraph (1), item (i) (including as applied mutatis mutandis pursuant to Article 27-17), has failed to appear or give a statement without legitimate grounds;
- (ii) a person who, in violation of the disposition pursuant to the provisions of

Article 27-7, paragraph (1), item (ii) (including as applied mutatis mutandis pursuant to Article 27-17), has failed to submit an object without legitimate grounds;

(iii) a person who, in violation of the disposition pursuant to the provisions of Article 27-8 (including as applied mutatis mutandis pursuant to Article 27-17), has failed to take an oath without legitimate grounds.

Article 32-3 When a party who has sworn an oath pursuant to the provisions of Article 27-8, paragraph (2) (including as applied mutatis mutandis pursuant to Article 27-17) has made a false statement, the party is punished by a civil fine not exceeding 300,000 yen.

Article 32-4 A person who, in violation of the disposition pursuant to the provisions of Article 27-11 (including as applied mutatis mutandis pursuant to Article 27-17), has interfered in the hearing is punished by a civil fine not exceeding 100,000 yen.

Article 33 (1) When the liquidator of a labor union which is a corporation has violated the provisions of the Civil Code that apply mutatis mutandis to Article 12 of this Act, and has committed an act punishable pursuant to the provisions of Article 84-3, paragraph (1) of the Civil Code, the liquidator is punished by a civil fine of the same amount provided for in that paragraph of the Civil Code.

(2) The provisions of the preceding paragraph apply mutatis mutandis to the representative of a labor union that is a corporation when the representative has failed to make a registration of the changes in the registered information, as provided for in Cabinet Order issued based on the provisions of Article 11, paragraph (2) of this Act.