

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 involved in labor relations must make special efforts mutually to promote proper and fair labor relations, to prescribe in labor agreement matters concerning the establishment and operation of regularized organs in order to promote the constant adjustment of labor relations at all times, and, in the event labor disputes have occurred, to settle them voluntarily in good faith.

Article 3 The Government must endeavor to assist the parties involved in labor relations in achieving a voluntary adjustment of the differences in their claims concerning labor relations in order thereby to prevent the occurrence of acts of dispute as much as possible.

Article 4 No provision in this Act is to be construed either to preclude the parties from prescribing working conditions and other matters regarding labor relations, or from adjusting differences in their claims concerning labor relations through direct consultations or collective bargaining, or to waiver the parties involved in labor relations of their responsibility for making such efforts.

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

Article 6 In this Act, a labor dispute means a disagreement over claims regarding labor relations arising between the parties involved in 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 means a strike, a slowdown, a lock-out or other acts or counteracts performed by the parties involved in labor relations for the purpose of attaining their respective claims, which hamper normal business operations.

Article 8 (1) In this Act, public welfare business means the following businesses, which provide services essential to the daily life of the general public:

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

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

(3) Upon the designation of a public welfare business pursuant to the provisions of the preceding paragraph, the Prime Minister must without delay publicize to that effect 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 Labour Relations Commission by the Minister of Health, Labor and Welfare and in Prefectural Labour Relations Commissions by the prefectural governor in order to have them participate in conciliation or arbitration of labor disputes carried out by the Labour Relations Commissions.

(2) The special members for adjustment established in the Central Labour Relations Commission are appointed by the Minister of Health, Labor and Welfare and the special members for adjustment in the Prefectural Labour Relations Commissions by the prefectural governor.

(3) The special members for adjustment are 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 are to be appointed based upon the recommendation of the employers' organizations, those representing the workers are to be appointed based upon the recommendation of the labor unions, and those representing the public interest are to be appointed with the consent of both the members of the Labour Relations Commission concerned that represent employers (excluding the employer members responsible for the specified incorporated administrative agencies, etc., as provided for in Article 25 of the Act on Labor Relationship of Specified Independent Administrative Agency, etc. (Act No. 257

of 1948) (referred to in the following Article as "the employer members, etc. responsible for the specified incorporated administrative agencies")), and the members of the Labour Relations Commission concerned that 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 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 provisions of Cabinet Order.

(6) Matters concerning the special members for adjustment beyond what is provided in this Act are prescribed by Cabinet Order.

Article 8-3 In the case that the Central Labour Relations Commission performs the functions of appointment of candidates for mediators and preparation of a list thereof, as provided for in Article 10; giving the consent of the Labour Relations Commission as provided for in the proviso to Article 12, paragraph (1); agreeing on a resolution of the Labour Relations Commission as provided for in Article 18, item (iv); 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 general 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 general enterprises" in the 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 general enterprises" in the paragraph and in Article 31-2) participate in the performance of those functions. In these cases, matters necessary for the performance of the functions of the Central Labour Relations Commission are prescribed by Cabinet Order.

Article 9 When acts of dispute have occurred, the parties concerned must immediately report to that effect to the Labour 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 applies hereinafter).

Chapter II Mediation

Article 10 The Labour Relations Commission must each appoint candidates for mediators and prepare a list thereof.

Article 11 The candidates for mediators must be persons with relevant expertise that are capable of rendering assistance for the settlement of labor disputes under the provisions of this Chapter, but the mediators need not reside within the jurisdictional district of the Labour Relations Commission.

Article 12 (1) In the case of labor disputes, upon the request or its authority of one or both of the parties concerned, the chairperson of the competent Labour Relations Commission must nominate mediators from the list of mediators; provided, however, that with the consent of the Labour Relations Commission a person not on the list may be nominated by the chairperson as a temporary mediator.

(2) With respect to disputes prescribed by Cabinet Order as disputes to be dealt with by the Central Labour Relations Commission in local areas provided for in Article 19-10, paragraph (1) of the Labor Union Act, the chairperson of the Central Labour Relations Commission, notwithstanding the provisions of the preceding paragraph, upon the request or its authority of one or both of the parties, nominates mediators from among the local members for adjustment provided for in paragraph (1) of the same Article; provided, however, that this does not apply in the case that the chairperson of the Central Labour Relations Commission determines that it would be inappropriate to nominate a mediator from among the local members for adjustment concerned.

Article 13 The mediators must endeavor to act as intermediaries between the parties concerned, ascertain their respective points of view, and assist in arriving at a settlement of cases.

Article 14 When a mediator has no prospect of effecting a settlement of a case on their own, they must withdraw from the case and report the key points of the case to the Labour Relations Commission.

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

Article 15 Procedural matters concerning candidates for mediators beyond what is provided in this Chapter are prescribed by order.

Article 16 No provision in this Chapter precludes the settlement of a case by method of mediation other than those provided herein, either by mutual

agreement of the parties of labor dispute or in accordance with the provisions of a labor agreement.

Chapter III Conciliation

Article 17 Conciliation of a labor dispute by the Labour Relations Commission under the provisions of Article 20 of the Labor Union Act is prescribed by the provisions of this Chapter.

Article 18 The Labour Relations Commission carries out conciliation in any of the following cases:

- (i) when an application for conciliation has been made to the Labour Relations Commission by both parties concerned;
- (ii) when an application for conciliation has been made to the Labour Relations Commission by either one or both of the parties concerned based on the provisions of a labor agreement;
- (iii) when, in a case concerning a public welfare business, an application for conciliation has been made by either party concerned to the Labour Relations Commission;
- (iv) when, in a case concerning a public welfare business, the Labour Relations Commission has decided on its authority that it is necessary to carry out a conciliation;
- (v) when, in a case concerning a public welfare business or in a case of a large scope or that involving business of a special nature and therefore seriously affect public welfare, a request for conciliation 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; the same applies hereinafter) or by the prefectural governor to the Labour Relations Commission.

Article 19 Conciliation of a labor dispute by the Labour Relations Commission is carried out by a conciliation committee, by establishing a committee consisting of conciliation committee members representing the employers, those representing the workers and those representing the public interest.

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

Article 21 (1) The chairperson of the Labour Relations Commission nominates the conciliation committee members representing the employers from among

the employer members of the Labour Relations Commission (or, in the case of the Central Labour Relations Commission, from among the employer members responsible for general enterprises) or the special members for adjustment of the Labour Relations Commission representing the employers; nominates the conciliation committee members representing the workers from among the labor members of the Labour Relations Commission (or, in the case of the Central Labour Relations Commission, from among the labor members responsible for general enterprises) or the special members for adjustment of the Labour Relations Commission representing the workers; and nominates the conciliation committee members representing the public interest from among the public members of the Labour Relations Commission (or, in the case of the Central Labour Relations Commission, from among the public members responsible for general enterprises) or the special members for adjustment of the Labour Relations Commission representing the public interest.

(2) With respect to cases prescribed by Cabinet Order as those to be dealt with by the Central Labour Relations Commission in the local areas provided for in Article 19-10, paragraph (1) of the Labor Union Act, the chairperson of the Central Labour Relations Commission nominates, notwithstanding the provisions of the preceding paragraph, conciliation committee members from among the local members for adjustment provided for in paragraph (1) of the same Article; provided, however, that this does 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 those local members for adjustment.

Article 22 A conciliation committee is to have a chairperson. The chairperson is elected by the conciliation committee from among the conciliation committee members representing the public interest.

Article 23 (1) The conciliation committee is convened by its chairperson and its proceedings are decided by a majority vote of those in attendance.

(2) No meeting may be held unless the conciliation committee members representing the employers and those representing the workers are present.

Article 24 The conciliation committee fixes a date, requests the attendance of the parties concerned and requests them to present their opinions.

Article 25 In conducting conciliation proceedings, the conciliation committee may prohibit any persons other than the parties concerned and persons of reference from participating.

- Article 26 (1) The conciliation committee may draft a conciliation proposal, present it to the parties concerned and recommend that it be accepted, as well as to publish the conciliation proposal together with a statement of the reasons therefor. If necessary, the conciliation committee may request the cooperation of newspapers and radio stations in making these matters public.
- (2) If the conciliation proposal presented under the preceding paragraph is accepted by both parties concerned and thereafter disagreement arises over interpretation or implementation of the mediation proposal, the parties concerned must request the conciliation committee to provide its views on the interpretation or implementation of the proposal.
- (3) Within fifteen days from the date of the request set forth in the preceding paragraph, the conciliation committee must provide its views on the interpretation or implementation of the matters requested to the parties concerned.
- (4) Until the views on interpretation or implementation under the preceding paragraph have been presented, neither of the parties concerned may resort to acts of dispute with regard to the interpretation or implementation of the conciliation proposal; provided, however, that this does not apply in the case that the period set forth in the preceding paragraph has elapsed.

Article 27 Necessary preferential treatment must be given in order to expedite the conciliation of cases concerning public welfare business, in particular.

Article 28 No provision in this Chapter is to be construed to preclude the settlement of a case by means of mediation other than those prescribed herein, either by mutual agreement of the parties involved in labor dispute or in accordance with the provisions of a labor agreement.

Chapter IV Arbitration

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

Article 30 The Labour Relations Commission carries out arbitration in any of the following cases:

- (i) when a request for arbitration has been made to the Labour Relations Commission by both parties concerned;
- (ii) when a request for arbitration has been made to the Labour Relations Commission by either one or both of the parties concerned based on a provision in a labor agreement requiring that a request for arbitration by the

Labor Relations Commission be made.

Article 31 Arbitration of a labor dispute by the Labour Relations Commission is carried out by an arbitration committee, by establishing a committee consisting of three arbitration committee members.

Article 31-2 The chairperson of the Labour Relations Commission nominates the arbitration committee members from among the members of the Labour Relations Commission 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 been conducted, the chairperson of the Labour Relations Commission nominates the arbitration committee members, after asking the opinions of the parties concerned, from among the members of the Labor Relations Commission (or, in the case of the Central Labour Relations Commission, from among the public members responsible for general enterprises) or the special members for adjustment representing the public interest

Article 31-3 The arbitration committee is to have a chairperson. The chairperson is elected from among the arbitration committee members.

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

Article 31-5 Members of the Labour Relations Commission, or special members for adjustment, representing the employers or members of the Labour 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 conducting arbitration proceedings, the arbitration committee may prohibit any persons other than the parties concerned and persons of reference from participating.

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

Article 34 An arbitration award has the same effect as a labor agreement.

Article 35 No provision of this Chapter is construed to preclude the settlement of a case by methods of arbitration other than those prescribed herein, either by mutual agreement of the parties of the labor dispute or based on the provisions of the labor agreement.

Chapter IV-2 Emergency Adjustment

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

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

(3) The Prime Minister must, when having made a decision of an emergency adjustment, immediately publicize the decision together with a statement of the reasons therefore, and at the same time notify the Central Labour Relations Commission and the parties concerned.

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

(2) The Central Labour 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 case concerned:

(i) undertake mediation;

(ii) undertake conciliation;

(iii) undertake arbitration (limited to cases falling under the provisions of any item of Article 30);

(iv) investigate and publicize the facts of the case;

(v) recommend to take measures deemed necessary for the settlement of the case.

(3) Conciliation under item (ii) of the preceding paragraph may be carried out even for matters that do not fall under any of the items of Article 18.

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

Article 35-5 No administrative appeal under the Administrative Complaint Review 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 may be resorted to even as an act of dispute.

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

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

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

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

(2) The provisions of the preceding paragraph, in the case of corporation, apply to the executive board members, directors, executive officers or other officers who execute the business of the corporation, and in the case of organization without legal personality, apply to the representative person or other officers who execute the business of the organization.

(3) The total amount of the fine imposed for one act of dispute may not exceed one hundred thousand yen.

(4) When applying the provisions of paragraph (1) to corporations, employers' or workers' unions or strike bodies without legal personality, that have been dissolved, those organizations are deemed to be as still in existence.

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

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

Article 41 Deleted.

Article 42 Violation under Article 39 is to be discussed upon the request of the Labour Relations Commission.

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