

Brief Outline: LABOUR DISPUTE RESOLUTION IN JAPAN

Ryuichi Yamakawa
Professor of Law, University of Tokyo

I. FEATURES OF LABOR AND EMPLOYMENT RELATIONS IN JAPAN

Labor Market, Employment Practices, Industrial Relations, Recent Changes

II. BASICS OF JAPAN'S LABOR AND EMPLOYMENT LAW

1. Employment Law

Labor Standards Act, Labor Contract Act, Equal Employment Opportunity Act etc.
Dismissal without Just Cause is Impermissible (Abusive Dismissal Doctrine).

2. Labor Relations Law

Labor Union Act etc.

III. SYSTEMS AND OPERATION OF LABOR DISPUTE RESOLUTION SYSTEMS IN JAPAN

1. Overview

2. Public System / Private System

3. Judicial System / Administrative System

4. Collective Disputes / Individual Disputes

5. Interest Disputes / Right Disputes

6. Human Rights (Public Policy) Disputes / "Private" Disputes

7. Private Sector / Public Sector

IV. FEATURES OF LABOR DISPUTE RESOLUTION IN JAPAN

1. Changes in Traditional Preventive Mechanism

joint-consultation, middle manager, long-term employment

2. Increase of Individual Disputes (but comparatively far smaller number)

Around 7,000 cases are filed before court.

3. Legislative Development of Individual Dispute Resolution System

Administrative ADR & Labor Tribunal Procedure

4. Underdevelopment of Private ADR

Arbitration agreement before individual dispute arises is prohibited by Arbitration Act.

5. Existence of Tripartite System

Labor Tribunal Procedure and Labor Relations Commission

6. Emphasis on Consensus

Settlement, Preference of Conciliation and Mediation over Arbitration

See Resolving Individual Labour Disputes: A Comparative Overview (Minawa Ebisui, Sean Cooney & Collin Fenwick eds.), International Labour Office, 2016 (Chapter 6: Japan, by R. Yamakawa)

https://www.ilo.org/global/publications/books/WCMS_488469/lang--en/index.htm