
INTRODUCTION

Feature Articles: Labor Dispute Resolution System

Japan's system of labor laws has been undergoing various important changes in recent years, but nothing is so particularly striking as the progress that has been made on procedures to resolve labor disputes. The enactment of the Law on Promoting the Resolution of Individual Labor Disputes in 2001 led to provisions for the national mechanism of administrative counseling and conciliation in employment disputes. The 2004 amendments to the Trade Union Law were designed to strengthen the Labor Relations Commission processes related to unfair labor practices, speeding up case processing in particular. Moreover, the Labor Tribunal Law, which was enacted in 2004, will finally take force in April this year (2006), setting up a completely new organ in the district court to deal with individual labor disputes. This is part of structural reforms to Japan's judicial system, and has the potential to yield fundamental changes to the functions of Japanese society and its laws.

Some readers may have the image that Japan is a stranger to labor disputes. It is true that collective labor disputes such as strikes and unfair labor practices have diminished markedly over the past three decades. On the other hand, however, aided by the worsening economic environment, individual labor disputes regarding working conditions and dismissal have rapidly increased since the beginning of the 1990s (and there have also been many cases of group conflicts after these were brought to labor unions), which led to enactment of the new laws described above. In the past, ordinary workers found it quite hard to avail themselves of Japan's civil litigation system because it was so time-consuming and intimidating, and its improvement was long overdue. If a great number of cases are brought before the tribunal, there will be less room for an argument that litigations are few because Japanese people do not like fighting.

This issue features four articles on Japan's labor dispute resolution system. The first, *Judicial Reform and the Reform of the Labor Dispute Resolution System*, by Professor Kazuo Sugeno, presents a general picture of the theme. After reviewing Japan's post-war labor dispute resolution systems, it provides an overview of recent years' labor dispute structural changes, trends in judicial system reforms, the introduction of the labor tribunal system, and improvements

to unfair labor practice procedures. Professor Sugeno led the planning for the labor tribunal system as chair of the labor sector study group of the Judicial Reform Council and is doubtless the most appropriate person to write on this subject.

The second article, *Labor tribunal System: Significance and Issues*, by Professor Katsutoshi Kezuka, provides a more detailed description of the labor tribunal system. Readers will enjoy a precise analysis of the various characteristics the new system possesses, such as the participation of experts who are not professional judges, rapid disposition of the case in three sessions, and efforts at resolution through mediation.

The third article, *The Labor Relations Commission As an Organization to Resolve Collective Labor Disputes*, by Professor Tetsuya Doko, features the Labor Relations Commission, which underwent procedural reforms in 2004 in an effort to remain viable in the declining age of collective labor relations. The article provides an historical overview of the Commission since the enactment of the Trade Union Law in 1945, describes the conditions of today's unfair labor practice system, summarizes the contents of the 2004 amendments to the law, and analyzes some issues to be addressed in the future.

The fourth article, *Employment Problems and Disputing Behavior in Japan*, by Professors Isamu Sugino and Masayuki Murayama, sheds light on the actual form labor disputes take in Japan. Employing their own questionnaire, the authors provide some interesting findings. For example, in the case of work-related trouble, there were remarkably many "did nothing" responses compared to problems in other areas, and there were also significant numbers of replies that thought had been given to using attorneys or the courts for resolution, but that these had not actually been used. It is worth watching whether the labor tribunal system will lead to changes in these sorts of patterns.

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