

Japan Labor Review

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Special Edition Labor Relations in Japan

Articles

Japan's Labor Unions: Past, Present, Future

Hiroyuki Fujimura

Unionization of Non-Regular Workers by Enterprise Unions

Shuichi Hashimoto

The Functions and Limits of Enterprise Unions in Individual Labor Disputes

Norio Hisamoto

The Current Status and Significance of General Unions: Concerning the Resolution of Individual Labor Disputes

Hak-Soo Oh

General Unions and Community Unions, and Japanese Labor Law

Hisashi Takeuchi-Okuno

Article Based on Research Report

The Scheduled Increase in the Pension Age and the Effect of Job Security Measures for the Elderly in Supporting Their Subsistence

Koji Hamada

JILPT Research Activities



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CONTENTS

Labor Relations in Japan

Articles

- 6 Japan's Labor Unions: Past, Present, Future
Hiroyuki Fujimura
- 25 Unionization of Non-Regular Workers by Enterprise Unions
Shuichi Hashimoto
- 44 The Functions and Limits of Enterprise Unions in Individual Labor Disputes
Norio Hisamoto
- 63 The Current Status and Significance of General Unions: Concerning
the Resolution of Individual Labor Disputes
Hak-Soo Oh
- 86 General Unions and Community Unions, and Japanese Labor Law
Hisashi Takeuchi-Okuno

Article Based on Research Report

- 103 The Scheduled Increase in the Pension Age and the Effect of Job Security
Measures for the Elderly in Supporting Their Subsistence
Koji Hamada

125 **JILPT Research Activities**

NEXT ISSUE (Spring 2012)

The spring 2012 issue of the Review will be a special edition devoted to **Problems Brought by Unemployment**.

Introduction

Labor Relations in Japan

After the end of the war until 1960, Japan went through the days of violent labor disputes provoked by intense conflicts between labor and management. Following that period, stable labor relations were gradually formed, and as a result, labor-management relations in Japan were described as remaining cooperative over many years. The employment situation was stable with the unemployment rate staying at a low level. Enterprise unions played the central role in creating this situation, and for such a function, they were regarded as a key factor of Japanese-style management.

However, since the mid-1990s, the employment situation has deteriorated in Japan, and the employment relationships have become increasingly unstable. This has led labor unions to face diverse challenges that they have not experienced before, and they have changed so as to cope with various labor issues.

In view of these circumstances, this issue of *Japan Labor Review* describes the movements of labor unions in Japan, which are experiencing a severe employment situation, and takes up the problems confronting enterprise unions, the core players in the Japanese labor field, as well as the changes that they have shown thus far. It also addresses the activities and challenges of general unions, a new type of union whose presence has increased in recent years. The articles contained herein are study papers written from various viewpoints, divided into (1) analysis of enterprise unions and (2) analysis of general unions. For better understanding of the respective authors' awareness of the issues and the significance of their studies, I will introduce each paper while giving a brief explanation of the recent changes in labor-management relations in Japan, and the reforms of the relevant systems and rules, as well as the labor market and employment situation in Japan.

(1) Enterprise unions

The unionization rate started to decline after peaking at 55.8% in 1949, and in recent years, it has been staying at the low level of 18.5%. Amidst the deteriorating employment environment, the role and significance of labor unions are now being called into question again, and studies are being carried out targeting various issues, such as the cause of the low unionization rate and the problems found with union activities.

Fujimura's paper clarifies issues related to labor-management relations at the workplace level, which are the most fundamental labor relations. It points out the reduction in workplace labor union activities and reveals the actual status of labor-management relations in the workplace and issues relating to this, based on the survey of the actual situation conducted by the Institute for Industrial Relation and Labor Policy, Chubu. Although the survey shows that both union officials and workers in managerial positions recognize that there are good relations between labor and management, the author finds problems with the decline in the interest in labor union activities amongst union members and the dysfunction of workplace union meetings. The author stresses the importance of the role of union officials in solving these problems. In this respect, the current

weakness of the ability of union officials to take control of the workplace is a big problem. To overcome this, it is paramount for union officials to enhance communication with rank-and-file union members and to accurately convey issues arising in the workplace to management executives, with the aim of improving the quality of management. In this process, union officials are required to maintain a clear recognition of their own status as union officials, rather than regard themselves as subordinates to those in managerial positions, so as to build cooperative relationships with those in managerial positions in discussing various issues at the workplace.

Hashimoto's paper addresses the unionization of non-regular workers, a new and significant movement among enterprise unions. Since, as a rule, only regular workers were entitled to become union members, the decrease in the number of regular workers was one of the factors that caused a decline in the unionization rate. In 2010, the ratio of non-regular workers to all of those employed rose to as high as 34.3%. In such a situation, today it is not rare that there are more non-regular workers than regular workers in a company, and that non-regular workers sometimes engage in the core business of a company. In other words, today, companies cannot run their business without non-regular workers, and labor unions cannot act as the representatives of workers if they organize regular workers alone. In this paper, based on the survey results, the author classifies the cases of the unionization of non-regular workers into four types, and analyzes the background and benefits of unionization.

The current movement toward unionization has been going on mainly targeting non-regular workers, who now form a core workforce, and the problems relating to indirectly employed workers, such as workers from temporary agencies and supplementary, temporary workforce, still remain to be addressed. Since these problems are difficult for enterprise unions to cope with, the author points out the necessity to develop cooperation between these unions and industrial unions and national centers and improve labor supply programs that labor unions are legally permitted to implement.

Hisamoto's paper takes up the issue of individual labor disputes, which have been increasing in number rapidly in recent years, and examines the role of enterprise unions. The number of labor disputes as a whole slightly increased in 2009. Looking at the data more closely, the number of collective labor disputes has significantly decreased for the long term, whereas the number of disputes between individual workers and employers has sharply risen over the last ten years or so, becoming a social problem. In most cases, individual labor disputes are handled within enterprises by individual workers' own efforts, with the help of their superiors or the staff in charge of personnel or labor affairs. In some cases, these disputes are solved by complaint resolution bodies consisting of the representatives of both labor and management.

However, more problems have emerged that are unable to be solved within enterprises, and this has increased the importance of dispute resolution systems outside enterprises. In 2001, the Act on Promoting the Resolution of Individual Labor-Related Disputes came into effect, and dispute resolution services are provided under this Act, in the form of advice and guidance offered by the Director of the Prefectural Labor Bureau and mediation conducted by the Dispute Coordinating Committee. In 2004, the Labor Tribunal Act was enacted, and the labor tribunal system was established as a route for resolving individual labor disputes through simple and expeditious proceedings conducted by a labor tribunal judge and labor tribunal members who have expert know-

ledge and experience in the labor field. Thus, in addition to mediation and other dispute resolution services by the Labor Relations Commission, these alternatives for labor dispute resolution outside enterprises are now available to workers.

The number of requests for consultation submitted to the general labor consultation divisions installed within the Prefectural Labor Bureaus and the major Labor Standards Offices has been on a constant rise since this consultation service was launched. In FY2010, the number stood at the same level as the record high reached in FY2009. The number of requests for individual labor dispute consultations under civil law also sharply increased and has remained at a high level. The most common complaint was concerned with “dismissal,” accounting for 21.2% of the total, followed by “bullying and harassment” at 13.9%, and “deterioration of working conditions” at 13.1%. The proportion of requests for consultations about “bullying and harassment” has grown, and the particulars of disputes have become more diversified. Now, individual labor disputes are as critical and serious as, or more critical and serious than, collective labor disputes.

In his paper, the author demonstrates how labor unions, the typical party to collective labor disputes, are involved in individual labor disputes. He identifies several types of individuals’ dissatisfaction, which are apt to come to the surface in the form of individual labor disputes, and presents five approaches that enterprise unions can take in order to cope with and resolve the causes of worker dissatisfaction and complaints before they develop into disputes. However, not all unions carry out productive activities, and some types of worker dissatisfaction may be difficult for unions to handle. Furthermore, as individual labor disputes take place mainly at small and medium enterprises, it is often the case that workers involved in these disputes do not belong to any labor unions. In conclusion, as an approach to reduce the number of potential individual labor disputes, the author recommends the effective implementation of the system of representatives of the majority of workers.

(2) General unions

Speaking of labor unions in Japan, enterprise unions have been the core players, while, contrastingly, the true picture of general unions has been difficult to grasp. Looking at the recent trends, however, about two-thirds of all labor dispute cases handled by Labor Relations Commissions involve general unions. This shows the significance of the role of these unions in society. To sum up the characteristics of general unions briefly, they are “labor unions based in specific regions that allow workers to join on an individual basis.” The history of general unions dates back to the pre-war period, and from around the time when the 1955 system was established, these unions, mainly consisting of workers of small and medium enterprises, started to carry out vigorous activities. Subsequently, their activities slowed down along with the decrease in momentum of labor movements as a whole, but since the 1980s, these unions have returned to the center stage of society, in the form of community unions. General unions and community unions attract attention because they organize part-time workers and workers in managerial positions, who previously faced difficulties in obtaining membership for enterprise unions.

With this in mind, two papers aim to depict the true picture of general unions, which currently engage in carrying out important activities in response to labor disputes, and discuss their role and significance.

Oh's paper first outlines the historical transformation of general unions. Then, based on the survey of the actual conditions, it specifically describes the current status of union members and the details of union activities, inquiring into the significance of the existence of general unions in today's society. General unions do not simply take on a role of a safe haven for individual workers. They also actively raise legal issues relating to non-regular workers and workers placed in a weak position. While achieving a high voluntary resolution rate, general unions play a significant role in resolving individual labor disputes and make labor problems visible. Through these activities, general unions contribute to creating more desirable labor rules, in addition to resolving labor disputes. In the last section of the paper, the author argues that there are challenges that need to be tackled by the government, labor, and employers respectively for future development in the labor sector. More specifically, he proposes that the government should consider the best form of official support and employers should strive for more active communication between management and labor, while general unions should enhance the interactions among themselves.

Takeuchi's paper discusses labor law issues that general unions and community unions occasionally encounter. It first takes a look at the general framework under the Japanese labor law for providing labor unions with statutory protection and assistance, and then discusses various issues related to labor law, focusing on general unions' organizational aspects and collective bargaining. In relation to the former theme, the first question is, who can be "workers" according to the meaning under the labor law. Since general unions widely admit non-regular workers into their membership, they are more likely to include among their members those people whose eligibility as "workers" is not clear from their work arrangements, as compared to enterprise unions. Another question is, whether union members who hold managerial positions might be recognized as "persons who represent the interests of the employer." As for the theme of collective bargaining, when general unions and community unions collectively bargain with employers, they do so, in most cases, substantially with the aim of dealing with individual workers' complaints about working conditions, etc. That is to say, collective bargaining carried out by general unions and community unions fulfills the function of processing individual disputes in labor relations. In his paper, the author presents the constructions based on the leading cases and academic theories for each theme of discussion. In conclusion, he states that general unions, as labor unions according to the meaning under the labor law, are guaranteed the constitutional labor rights and also granted a variety of statutory protection and assistance, and that there is no difference in the legal treatment of these unions directly derived from the different type of organization.

As outlined above, the five papers in this issue analyze the recent outstanding movements of labor unions in Japan, from the perspectives of various disciplinary fields. Japanese labor unions have shown changes over the last ten years or so, and raised new issues to address. I hope that the studies presented by these papers will facilitate an understanding of the climate surrounding Japanese labor unions.

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Japan's Labor Unions: Past, Present, Future

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Enterprise unions have been viewed as one of the Japanese-style employment systems; following the harsh labor disputes of the 1950s and 60s, the labor-management consultation system was improved and relationships based on collaboration and cooperation with those in management were created. As a result, although enterprise unions have contributed to increases in productivity at companies, they also face problems such as the organizational format centered on regular employees and the decline in the unionization ratio that this has brought about, as well as the difficulty in union participation rate that transcends the boundaries of individual companies, a decrease in organizational strength due to the replacement of union officials within a short period of time, and the stagnation of activities at the workplace level, due to the lack of full-time officials. The Institute for Industrial Relation and Labor Policy, Chubu conducted a survey of the actual situation in 2008-2009, which revealed the actual status of labor-management relations in the workplace and issues relating to this; specifically, this included the fact that there is an awareness that there are good relations between labor and management, but interest in labor union activities among union members has declined, discussions at workplace union meetings are sluggish, and one can see a reduction in workplace labor union activities. What is required is for enterprise unions to alter the style of their activities to suit changes in society, by such means as issuing statements to management from a broader perspective and a medium- to long-term viewpoint.

I. The Objective of This Article

Enterprise unions have been taken up as an example of Japanese-style employment systems. The fact that the organizational unit of labor unions is the “company,” rather than the industry, occupation or region, has been understood as “something typically Japanese,” which differs from labor unions in the USA and European countries. Moreover, the basic stance toward their activities is focused on cooperation and discussion between labor and management, and only a very small minority of labor unions engages in labor-management negotiations based on a position of conflicting interests between the two sides from the outset.

Such labor-management relations have been highly praised as one element shaping the competitiveness of Japanese companies. However, with the union participation ratio having fallen to 18.5%, the presence of labor unions is becoming dilute not only amidst society as a whole, but even within companies.

After providing a broad overview of the current status of Japanese labor unions, this article summarizes the problems faced by enterprise unions. In addition, it analyzes the current status of labor union activities at the workplace level and issues relating to these, based

on knowledge gained by the author from a survey in which he participated, and discusses the best approach to enterprise unions in Japan in the future.

II. A Few Facts about Labor Unions

1. The Decline in the Union Participation Ratio

According to the 2010 Basic Survey on Labour Unions, there are around 26,000 labor unions in Japan (single labor unions), with about 10 million people being affiliated to a labor union. The majority of these are labor unions organized in individual companies, while labor unions with other organizational formats are limited to the minority, such as the National Federation of Construction Workers' Unions and the All Japan Seamen's Union.

After reaching a record high of 55.8% in 1949, the union participation ratio remained in the low 30% range from the 1950s until the mid-1970s. However, as a result of the first oil crisis in 1973 and the belt-tightening that followed, the increase in the number of regular employees was curbed, so the rate continued to fall from 1975 until 2008. In 2009, due in part to the fact that there was growing unionization of part-time workers, the rate increased by just 0.4 points on the previous year, and remained the same in 2010. However, one still cannot say whether this has halted the 34-year decline in the unionization rate.

Having said that, the unionization rate of part-time workers is growing steadily. If one looks at the estimated unionization rate of part-time workers, one can see that it has doubled, from 2.6% in 2000 to 5.6% in 2010. Moreover, the proportion of union members accounted for by part-time workers rose from 2.3% in 2000 to 7.0% in 2009.

2. The Roles of Industrial Unions and National Centers Are Also Important

It is reasonable to say that enterprise unions are a feature of Japan's employment system, but, as pointed out by Nakamura (2009) and Nitta (2008), it is not necessarily the case that enterprise unions act independently. Three-quarters of enterprise unions, accounting for 90% of union members, are affiliated to an industrial union. This fact indicates that enterprise unions recognize the significance of acting in collaboration with other unions.

3. The Reduction in the Number of Strikes

Strikes are used by labor unions as a means of negotiating with management and passing on requests to them. The Survey on Labour Disputes investigates the number of man-days lost each year as a result of strikes. The post-Second World War peak was 15.1 million days in 1952. Subsequently, the number ranged from 3.5 to 6 million days, falling continuously after recording a figure of 8.016 million days in 1975, reaching just 7,492 days in 2009. With regard to labor disputes in 2010, the number of cases fell by 10 (20.8%), with the number of people participating in industrial action falling by 1,149 (31.7%); although the number of man-days lost to strikes doubled to 15,752 days, there was no change in the fact that it was still a rather low level.

Strikes are an effective means of negotiating when the economy is good, but when corporate performance is poor, they actually please management. The decline in the number of strikes is partly due to the fact that relationships of trust between labor and management in Japan have improved, and it has become possible to reach an agreement without resorting to force in the form of a strike, but one could also say that the stagnation of the economy has also had an impact.

However, the problem is that the number of union members with experience of going on strike has declined considerably, so the transmission of the skills for holding a strike is being disrupted. This situation applies not only to labor unions, but also to the management side. In holding a strike, there are proceedings and actions that both the labor union and management must implement. The fact that this has not adequately been conveyed means that the “trump card” that is a strike will become unable to be used. It would be wonderful if it was not necessary to go out on strike, but it is necessary to ensure that this is possible when needed.

4. The Stagnation of Labor-Management Consultation Organizations

Labor-management consultation organizations have played an important role in communication between labor and management. They provide a place where representatives of management executives and ordinary workers can exchange opinions directly, making it possible to share information when communication through conventional organizational channels may become bogged down. In this sense as well, they should be a powerful forum for information-gathering for management executives, but from looking at the Survey on Labour-Management Communications, one would have to say that these organizations have been in decline since the latter half of the 1990s. At the time of the first survey in 1972, they had been established in more than 60% of offices, but the proportion has declined steadily, to 58.1% in 1989, 55.7% in 1994, 41.8% in 1999, and 37.3% in 2004. The figure recovered slightly to 39.6% in 2009, but it is still only around the 40% level.

Labor-management consultation organizations were established in 83.3% of undertakings with labor unions as of 2009, but the figure for undertakings with no labor unions was 19.9%. This proportion has declined steadily from 38.7% in 1989, to 17.1% in 1999, and 15.0% in 2004. One can see that there is a big difference in the establishment of labor-management consultation organizations, depending on whether or not there is a labor union.

5. It Took Many Years for Relationships of Trust to Develop between Labor and Management

Collaboration between labor and management, which has been referred to as one of the Japanese-style employment systems, did not emerge immediately after the Second World War. The period from the latter half of the 1940s through to the 1950s was one of

complete conflict between labor and management.¹ However, from the latter half of the 1960s, the situation gradually began to change. One factor in this was the shift among union leadership from a focus on conflict with management to an approach centered on collaboration. There was also the fact that some labor unions had experienced severe internal power struggles. As a result, labor unions, which had opposed every suggestion from management up to that point, began to come to the table with an unbiased attitude.²

Another change was one that occurred on the management side. Noticing that productivity did not increase amidst a situation in which there was conflict between labor and management, the number of companies changing their approach to workplace management began to increase, based on guidance provided by the Japan Productivity Center. Starting with training for those in managerial posts, training was implemented for those in supervisory positions in workplaces (many of whom were union members) and those in managerial positions were made to understand the importance of workplace management based on relationships of trust between labor and management. As a result, strikes, which had been very common at factories, declined considerably and some companies began to experience dramatic increases in productivity. Seeing this, other companies in the same industry also began to receive instruction from the Japan Productivity Center, and the productivity movement began to spread like wildfire.

The Japan Productivity Center is an organization established in 1955 with three guiding principles: expansion of employment, cooperation between labor and management, and fair distribution of the fruits of productivity. One of its objectives was to stabilize relationships between labor and management by popularizing the labor-management consultation system, thereby achieving improvements in productivity. In the 1970s, when this organization had been active for more than 15 years and more than 25 years had passed since the end of the Second World War, relationships of trust between labor and management had at last become established in Japanese companies.³

Those were a few facts about labor unions in Japan. Other important points include the relationship between labor unions and political parties, how ordinary workers view labor unions, and how union members view labor unions. Due to space constraints, such matters have had to be omitted, but readers should refer to the detailed analysis provided in Nakamura and RENGO-RIALS (2005).

III. Issues Concerning Enterprise Unions

The majority of enterprise unions have built good relationships with management. It is certainly the case that, in terms of creating relationships of trust between labor and management, Japan's enterprise unions have built up a considerable record of achievement.

¹ Nitta (2008) describes the labor union movement during this period in detail.

² Hisamoto (1998) has conducted a detailed analysis.

³ For further details, please refer to Fujimura (2009).

However, there are also many challenges facing labor unions in Japan. This section seeks to summarize the issues relating to enterprise unions.

1. The Organizational Framework Is Limited to Regular Employees

Enterprise unions in Japan have primarily been organized around regular employees. During the era when 85% of employed workers were regular employees, it was possible to represent a workplace even with an organization centered on regular employees. However, today, when one-third of employed workers are workers on fixed-term contracts, one can no longer say that an organization that is solely for regular employees is a “representative of the working people.” Since a few years ago, an increasing number of labor unions have been accepting employees on fixed-term contracts, in the form of part-time workers and contract workers. However, this development is still restricted to certain unions. Unless those working in the same workplace are organized, irrespective of their employment status, it will be difficult to claim that the union “represents the workplace” when engaging in discussions with management. The expansion of the organization is a pressing issue.

2. It Is Difficult for Workers to Engage in Lateral Solidarity

It has already been stated that most enterprise unions are affiliated to an industrial union or national center. At the time of the *Shunto* Annual Spring Wage Offensive, each industry lists its demands and strives to elicit even a small improvement in working conditions from management. However, apart from in the case of some industrial unions, this has not gone as far as standardizing the activities of enterprise unions.

Labor unions should fundamentally have the power to restrict the supply of labor. They are organizations which can refuse, saying, “We cannot work more than this,” if management says, “We want you to do more overtime.” At most Japanese companies, the long hours worked by regular employees are a problem, and even companies with labor unions are no exception to this. The actual situation is that unions do not deal with this adequately, even if the request to “do something about the long working hours” emerges from the workplace.

In negotiations with management, if unions request that “We want you to do something to rectify the long working hours,” management executives indicate some level of understanding. However, when management says, “What if we lose out in competition with other companies?” union leaders weaken, and many years have passed without a radical solution being reached. The normalization of long working hours causes mental health problems. Even at companies where labor unions have been organized, there is a problem in that there is no sign of a decline in the number of workers who are forced to take long-term leaves of absence as a result of poor mental and/or physical health.

3. It Is Difficult to Pass on the Experience of Union Officials

Officials at enterprise unions are usually selected from among the employees and

serve for a fixed period. Since the collapse of the economic bubble in the early 1990s, until the present day, managers have run their companies without a significant increase in the number of regular employees. As a result, the pool of workers from which to supply labor union officials has become rather sparse.

At the same time, one can see a tendency for the period of activity as a union official to become shorter. Previously, there were many people who served as full-time union officials for ten years or more. However, since officials who have graduated from university have become the mainstream, the number of officials changing after four to six years has been increasing. Through their experience, union officials acquire various knowhow. In the age when people served as full-time officials for long periods of time, it was easy for senior union officials to pass on their experience to their junior colleagues, but as the time period has become shorter, this important knowhow has ceased to be conveyed adequately just by engaging in activities together.

The author calls this situation “the amateurization of union officials,” and it is difficult for amateurs to engage in discussions and negotiations with veteran management executives on an equal footing. It would seem that this is one of the reasons why labor unions are said to have become weaker than before.

4. The Level of Activity of Unions at the Workplace Level Is Falling

Labor unions are democratic organizations and set great store by accurately reflecting the opinions of their rank-and-file members in their activities. Officials at the workplace level (works committee members and union representatives) form the cornerstone of this. They are part-time officials who engage in labor union activities in between their normal work.

Following the collapse of the economic bubble, personnel numbers have been reduced and many employees are working in an environment in which there is no leeway, with overtime having become the norm. Amidst this situation, it is not easy to combine one's work with activities as a workplace official. Even if one were selected as a workplace official, one must prioritize one's work, so it is frequently the case that union activities end up being neglected. At some companies, when allocating work, consideration is given to enabling staff to fulfill their roles as workplace officials, but such companies are very much in the minority.

The fact that activities at the workplace level, which form the foundations of union activities, are stagnating hints at the possibility that the probability of individual labor disputes arising is increasing. If workplace officials are able to identify at a very early stage those people who have complaints about the management of the workplace or the application of systems by engaging in close communication with rank-and-file union members, it is possible to resolve those issues before they become a major problem. However, if those activities are thin on the ground, there is an increasing risk that individual complaints will build up and eventually explode.

Workplace activities form the foundation upon which labor unions can fulfill their role as labor unions. If this foundation becomes weakened, their ability to negotiate with management will also decline. It is often said that it is necessary to establish a solid footing in order to strengthen an organization, and this also applies to enterprise unions.

5. There Is No System for Dealing with Consolidated Management

Since companies have been obliged to adopt consolidated accounting, management has engaged in actions that seek to maximize profits across the group as a whole. Despite the fact that the behavioral patterns of management have changed, labor unions still retain their old organizational formats, namely organizations focused on companies as individual units. Right now, what is needed is to form an organization that brings together and can negotiate on behalf of all of the companies subject to a particular consolidation (for example, a corporate group union federation), and to establish a forum for discussions with management. At present, the labor union for the parent company keeps an eye on the group as a whole, but it is not established systematically, so in many cases, it ends up engaging only in unofficial talks. The establishment of group union councils and group union federations and the deployment of substantive activities on their part are required.

There are many challenges facing enterprise unions. From among those challenges listed above, this article focuses on activities at the workplace level. This is because activities at the workplace level have hitherto not been explained in any detail overseas, and because the enhancement of labor union activities in the workplace is thought to be the most important task in order to revitalize enterprise union activities in the future. The data on which this article is based are derived from a survey implemented by the Institute for Industrial Relation and Labor Policy, Chubu in 2008 and 2009.⁴

⁴ This survey was primarily carried out in the form of a questionnaire. As a preliminary survey to draw up the questionnaire, six labor union officials, three managers in clerical divisions, and three manager in technical divisions were interviewed. Based on the outcomes of the interviews, the questionnaire was finalized after three rounds of discussion by a specialist committee consisting of labor and management from the Toyota Group, and the questionnaire was conducted in February and March 2009. The subjects of the questionnaire were managers and workplace officials (works committee members, heads of workplace officials, and councilors) in clerical and technical workplaces in six companies in the Toyota Group. The distribution of the questionnaires to those in managerial positions was carried out through the human resources division, with 570 forms being distributed to managers in the technical and clerical divisions. The distribution of the questionnaires to workplace officials was carried out through each company's labor union, with 1,090 forms being distributed and 1,028 valid responses being received. The response rate to both questionnaires was high, at 93.9% and 94.3% respectively.

IV. The Actual Situation Concerning Labor-Management Relations at the Workplace Level and Related Issues

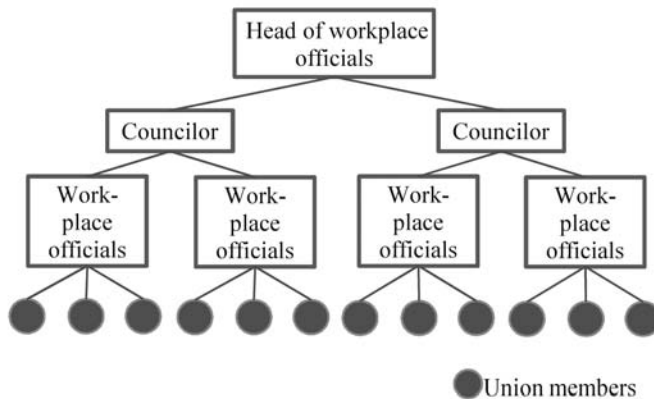
1. Research Framework

Changes in the business environment have a major impact on the workplace. A succession of issues will emerge that must be dealt with promptly. Cooperation between labor and management is essential in order to resolve each and every one of those issues and implement sound workplace management. Close cooperation between front-line management and union officials⁵ makes it easier to resolve issues in the workplace. As shown in Figure 1, those in managerial positions in the workplace carry out their everyday workplace management tasks, while sharing information with workplace officials of the labor union. There are people in the workplace who are not affiliated to a labor union, so both those in managerial positions and workplace officials must take such people into consideration in their actions.

Recently, the opinion has been aired that the ability to resolve problems in the workplace is falling. Problems that would previously have been resolved within the workplace are now being referred to the human resources division. This is believed to be due not only to a lack of ability on the part of those in managerial positions, but also to a lack of ability on the part of workplace officials of labor unions. There are also those who point out that the sight of heated discussions has disappeared, and both management and workplace officials have ceased to engage in discussions that get deep into the heart of their counterpart's position. In addition, some express doubts that those in managerial positions lack the knowledge of how to interact with union officials.

As a result of an interview-based survey and a questionnaire, it was possible to confirm that the research points of the issues shown in Figure 1 is fairly accurate. Both

⁵ The organization of the unions at each company in the Toyota Group is basically as shown below.



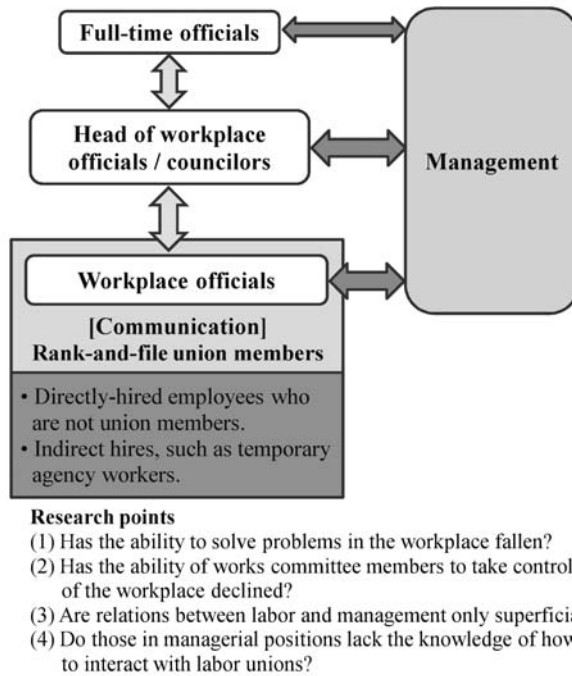


Figure 1. The Strengthening of Union Activities at the Workplace Level and the Construction of Sound Relationships between Labor and Management

workplace officials and those in managerial positions had the awareness that labor-management relations have improved overall, but many issues were pointed out, such as the fact that there is little interest in union activities among union members, and the fact that adequate discussions are not carried out because workplace meetings are held infrequently and the time allocated for them is too short. It became clear that concerns that activities at the workplace level have become weak were real.

2. The Necessity of Workplace Officials Who Can Clearly Articulate Issues to Management

The most common method of choosing workplace officials at present is “Being asked to take over by one’s predecessor.” About 60% of heads of workplace officials and councilors, and exactly 50% of workplace officials in clerical sections responded that they had been asked by their predecessor. One also often hears people saying, “I cannot step down from being an official until my replacement is decided”; in the case of heads of workplace officials and councilors in particular, it is the custom not to step down until one’s successor has been determined. It is not necessarily the case that it is a bad thing for a predecessor to designate their successor, but the issue is against what standards they choose their successor.

The survey did not ask about this matter.

With regard to what triggered their becoming a workplace official, those responding “According to some kind of sequence” were in the minority. In the case of workplace officials, the figures were 15.9% for those in clerical sections, 12.4% for those in technical sections, and 14.3% for those in professional sections. On the other hand, among heads of workplace officials and councilors, those who selected this option were an exception, as the figures were 0% for those in clerical and technical sections, and just 6.1% for those in professional sections. Heads of workplace officials and councilors play an important role in workplace management, so it appears that they are not determined according to a sequence.

What was comparatively common when workers were appointed as workplace officials was “I was ordered to do it by my boss at work.” 48.3% of workplace officials in professional sections and 34.7% of heads of workplace officials and councilors in professional sections responded that they had been ordered to do it by their boss at work. The same response was seen among 26.1% of workplace officials in clerical sections, 26.9% of workplace officials in technical sections, 20.0% of heads of workplace officials and councilors in clerical sections and 31.1% of heads of workplace officials and councilors in technical sections.

At first glance, being ordered to become a labor union official by one's boss at work seems bizarre. In fact, labor union officials go through a process, in which they sound out those in managerial positions in advance and if the manager consents, they notify the person concerned. From the perspective of the actual workplace official, it looks as though they were “ordered to do it by their boss at work.” It is a phenomenon resulting from stable relations between labor and management.

However, the question remains as to whether this is actually a good thing. Cooperative relationships between labor and management are important and it is necessary to resolve problems by working in partnership. Nevertheless, this does not mean that labor should comply with every single request from the company or those in managerial positions. If something arises that is contrary to the agreements and established practices cultivated over the history of the labor-management relationship, the union must push back emphatically and discuss the issue. If they cannot do that, the working conditions of its members will deteriorate and it will not be able to fulfill its responsibilities as a labor union.

It would seem less than desirable for someone who is supposed to say the things that need to be said to management as a representative of those in the workplace to have the awareness that they “became a workplace official because of an order from the boss at work.” In order to clearly assert the opinions of the union to management, it is necessary to have an awareness of the role as a position for which one was selected by the members of the union in the workplace.

3. Workplace Officials Have Little Ability to Take Control of the Workplace

The source of the influence of labor unions is the workplace. It is difficult for em-

employees to convey their true feelings to management. This is because it is usual for employees not to disclose their true feelings to those in managerial positions who are in the position of appraising them, while those in managerial positions are unwilling to convey to their bosses anything inopportune that is occurring in the department that they lead. As well as carefully picking up on the true feelings of employees and ascertaining the approach to workplace management of those in managerial positions, labor union officials assume a role that involves conveying issues arising on the workplace directly to management executives and asking them to improve the quality of management.

What forms the cornerstone for undertaking these activities is the ability of workplace officials to take control of the workplace. However, looking at the survey of those in managerial positions, one can see results that suggest that workplace officials have weaknesses in this area. In response to the question “Do you think that workplace officials understand what is occurring in the workplace and have an accurate grasp of the problems?” only 7.9% of those in managerial positions answered “Yes.” The responses were particularly low in production technology divisions, and research and development divisions, at 2.9% and 5.1% respectively. If one includes those who responded “If I had to give an answer, then I would say yes,” a total of 58.9% of those in managerial positions gave favorable responses, but it does seem that those in managerial positions generally feel the weakness of workplace officials in terms of their ability to take control of the workplace.

On the other hand, if looking at the survey of workplace officials, the results that emerge make it hard to say that active communication is taking place between workplace officials and rank-and-file union members. With regard to the frequency of workplace meetings, these take place around twice a month even at the time of events such as the *Shunto* Annual Spring Wage Offensive, and around once a month normally. Moreover, the number of workplaces that hardly ever have workplace meetings is as high as around 30%. The time of day when workplace meetings take place tends to be during lunch-breaks in the overwhelming majority of cases, so the time allotted for these meetings is up to 30 minutes. The actual situation is that members only discuss messages from the headquarters or local branch while eating their lunch and then they run out of time, so it is not the kind of environment in which things can be discussed thoroughly.

With regard to the status of attendance of workplace meetings, whereas the proportion of those in professional sections responding “almost everyone attends” was around 70%, the proportion of workplace officials in technical sections responding “almost everyone attends” was just one-quarter. The figure for those in clerical sections was about half-way between the figures for those in professional and those in technical sections. As well as the low frequency with which workplace meetings, which form the foundation for labor union activities, are held, the fact is that the time allotted for them is short and they are a long way from achieving full attendance by all members.

In order to improve this situation, the only thing that can be done is for workplace officials to increase the number of opportunities for them to meet and speak directly with

rank-and-file union members. However, it is not necessarily the case that there are many workplace officials who place great importance on meeting members directly. The survey of workplace officials asked about means of communication with rank-and-file union members, and the results showed that workplace officials in clerical and technical sections frequently use e-mail for this purpose.

With regard to the situation when a senior union official asks them to convey something to the workplace members, the proportion of those responding "I use e-mail every time" was 45.1% among workplace officials in clerical sections, 40.0% among workplace officials in technical sections, 48.0% among heads of workplace officials and councilors in clerical sections, and 45.9% among heads of workplace officials and councilors in technical sections. Moreover, the figures for those responding "Not every time, but frequently" were 31.9%, 30.8%, 36.0%, and 31.1% respectively. E-mail is a convenient means of conveying information, but it entails the risk that it will end up being a one-way provision of information. What is important is to consistently and repeatedly convey things while directly looking at the faces of the people to whom you are speaking, and ask their opinions, but there is a strong possibility that this is not taking place adequately in clerical and technical workplaces.

4. It Is Necessary to Clearly Indicate the Activities Required of Workplace Officials

As stated in the previous paragraph, workplace officials in clerical and technical sections often use e-mail to convey information to workplace members. However, they do use e-mail differently according to the content of what they are conveying. Although they use e-mail to notify people of workplace union meetings, they do try to tell people verbally about events, as much as they possibly can. Moreover, it was ascertained from this survey that they strive to convey directly to union members the things that were decided upon in workplace union meetings.

The practice of using e-mail or verbal communication according to the content is preferable. The problem is the standards for judging what information will be sent by e-mail and what information will be conveyed directly at a mass meeting. If one dismisses this matter, individual workplace officials will use e-mail in their own fashion. In that situation, inconsistencies will emerge in the way in which information is conveyed. If categories are set forth in advance, such as (a) information that can be disseminated by e-mail; (b) information that is preferable to be conveyed directly but can be disseminated by e-mail; and (c) information that should be conveyed directly, without fail, disparities between individual workplace officials will become smaller. It would seem to be effective to present guidelines on the use of e-mail to convey information, during the training that workplace officials receive upon their appointment.

5. Cooperative Relationships between Management and Workplace Officials Are Weak

In response to the question, “Do you think that the labor union at your company is useful in making your company a better one?” those in managerial positions who answered “Yes” or “If I had to give an answer, then I would say yes” was 88.9%. Even among those in managerial positions in research and development divisions, who had a tendency to give comparatively low evaluations, 82.0% responded that they believed the union was useful in this respect. The vast majority of those in managerial positions have a high regard for the role of labor unions.

This result demonstrates that the relationships of trust that the labor and management at the various companies of the Toyota Group have built up over many years have also permeated the managerial level in the workplace. Labor and management are said to be two halves of the same whole, but only when they are both working hard together is high-quality corporate management achieved. The fact that those in managerial positions who responded to this survey have a clear awareness of the importance of the existence of labor unions is profoundly significant.

Next, turning one’s attention to the workplace level, one can see that there is a disparity in terms of the presence of unions in workplace management. In response to the question, “Do you think that labor unions are useful in the management of your workplace?” 71.1% of those in managerial positions answered in the affirmative. However, looking at the situation by division, whereas 79.9% of those in manufacturing divisions answered “Yes,” the figure was 54.4% in production technology divisions, so the difference was around 25 points between the two divisions. Workplace officials play a part in workplace management on the labor side, so the issue is the degree to which they are active in the workplace.

Even when looking at the free text responses to the survey of those in managerial positions, one can see numerous opinions that demonstrate the expectations in regard to workplace officials.

I would like workplace officials to have an awareness of themselves as representatives of the workplace, and to pick up on all of the problems in the workplace and individual problems about which workers cannot talk to their boss but can talk to their workplace official or colleagues, and to consult me about them. (*Production management and manufacturing division*)

After sharing with the company the style of workplace management and operation for which we are aiming, I would like workplace officials to pick up on the workplace problems and true feelings of union members, which workplace managers cannot grasp, and convey them appropriately to the company. By understanding the front line of labor-management relations in the company, I would like workplace officials to use this as a means of cultivating themselves as future managers (broadening their horizons,

improving their communication skills, and developing and improving their sense of responsibility and sense of mission, etc.) (*Clerical division*)

In order for workplace officials to become entities respected by those in managerial positions, it is necessary for them to be able to point out what management does not know or has not noticed. This is certainly not difficult. As pointed out in the remarks by those in managerial positions, ordinary employees just do not disclose their true feelings to management. Even if they are not convinced by their boss's instructions, subordinates passively accept them. If people bear grudges in their hearts, it throws teamwork into disorder and the subordinates themselves can develop mental health problems.

Workplace officials are people who work alongside members of the workplace, and are in a position in which they can gain an understanding of those workers' true feelings. By talking directly to members of the workplace, they can find out about what those workers really feel to be problems, and deal with them at an early stage. It is necessary for workplace officials to be aware that they are on the front line of creating a better workplace.

6. Creating a Forum in Which Managers and Workplace Officials Can Regularly Exchange Information

Workplace officials are required to meet with managers on a daily basis to exchange information and to cooperate in workplace management, but the fact is that the level of activity differs according to the person. In order to improve this situation, it would be effective to institutionalize a forum for the regular exchange of information between both parties. In the free text section, one manager wrote the following opinion:

Reflecting on my own actions, I have noticed afresh that I am not normally aware of the role of "workplace officials" and do not communicate with them. They are people who often hear the true opinions of those in the workplace, so in the future, I would like to strive and take care to make time for communication that seeks to be conscious of our positions as manager and workplace official, rather than as boss and subordinate. (*Production management and manufacturing division*)

Even if union leaders strongly insist that "Everyday exchanges of information are important," there will be no actual progress unless workplace officials and those in managerial positions are aware of their importance. The only way to understand the effectiveness of everyday exchanges of information is to actually put it into practice. It is effective to hold regular meetings between managers and workplace officials, around once a week or once every two weeks. Workplace officials have to report on something there, so they are compelled to listen to what workplace members have to say and to strive to gain an understanding of the current situation in the workplace. Managers also become sensitive to the things that are problems in day-to-day workplace management and prepare to apprise workplace

officials of their own awareness of the problem. The institution of regular meetings for the exchange of information can be anticipated to increase the awareness of both parties, and improve the quality of workplace management.

7. The Necessity of Education for Managers in Developing Relationships between Labor and Management in the Workplace

According to the survey of those in managerial positions, managers who have workplace officials with whom they can exchange opinions on a daily basis in close proximity and have opportunities to meet them frequently are able to maintain good communication with them, which they believe works positively for workplace management. Conversely, managers who do not have any workplace officials with whom they can exchange opinions on a daily basis seldom have opportunities to meet and communicate with them. As a result, they tend to consider that the exchange of information with workplace officials is not useful to workplace management.

Various problems arise every day in the workplace. Problems occur even in places where managers do not see them. It is the workplace officials of labor unions that pick up on them and cooperate in resolving them. There can be no doubt that if managers exchange information frequently with workplace officials and share their awareness of problems, it makes workplace management easier.

Nevertheless, there do seem to be many in managerial positions who do not know how to create good relationships with workplace officials and how to interact with them. It is the role of the human resources division to resolve this issue. It is necessary to encourage them to make proactive use of cooperative relationships with labor unions, by such means as including the theme “How to interact well with labor unions” in management training, and holding presentations in which more experienced managers discuss their own experiences that demonstrate how advantageous it is to create good relationships with labor unions in terms of workplace management.

8. The Necessity of Increasing the Frequency with Which Informal Workplace Discussions Take Place

Workplaces are the basis for relationships between labor and management. Both the survey of workplace officials and the survey of those in managerial positions investigated whether or not the workplace had an atmosphere in which one could say what one wants to say. In the survey of workplace officials, the total number of those who responded “Yes” or “If I had to give an answer, then I would say yes” was the highest in the case of heads of workplace officials and councilors in clerical sections (84.0%), while the figure was lowest in the case of heads of workplace officials and councilors in technical sections (68.9%). Somewhat negative responses were received from those in technical sections. 29.3% of workplace officials and 31.1% of heads of workplace officials and councilors responded, “I cannot say either way,” “If I had to give an answer, then I would say no” or “No.” On the

other hand, of those in managerial positions, 21.8% answered “Yes,” while 61.4% answered “If I had to give an answer, then I would say yes,” giving an overall figure for the two responses in excess of 80%. Looking at the situation by division, the figure was only rather low in the case of production technology, at 74.8%, while in the other divisions it was in excess of 80%.

The basis of an atmosphere in which one can express oneself freely is a relationship of trust between the people of whom the workplace consists. Relationships of trust are formed through everyday work. By exchanging the information that individual employees have, areas of deficiency are supplemented and new ideas are born, thereby forging solid relationships of trust. Through progress in IT, various information has come to be transmitted at a low costs, but the really important information is only conveyed via people. In this sense, meeting and talking directly is an activity that should be valued more than anything else.

This point was made in many of the opinions written in the free text box in the surveys of both workplace officials and those in managerial positions. Some of those opinions are introduced below.

This is something that one could say not only to the union executive members, but also to the managers—I would like them to come out onto the floor more often and walk around. There are many good things and bad things. The best thing is for them to see things with their own eyes, hear things with their own ears, and feel things for themselves. *(Head of workplace officials and councilor, professional sections)*

We should listen properly to the thoughts and opinions of union members. I think it is important to take the time to discuss things. Activities will not be enhanced unless we gain an understanding of people's real thoughts, feelings and the actual situation. I think that this is the basis of many objections to the company. *(Manager, production management and manufacturing division)*

Recently, it feels as though there have been few workplace union meetings. It is not a case of the more, the better, but rather than communication from the union taking place only by e-mail or on paper, they should convey things verbally via the workplace officials more often. *(Manager, production management and manufacturing division)*

In the workplace, various meetings are held every day. One could imagine that the sharing of information that takes place in these meetings would be sufficient, but it is better to set aside a separate period of time to discuss issues such as the way of managing the workplace and the coordination of labor-management relations in the workplace and labor-management relations in the company as a whole. There are workplaces where informal workplace discussions are held regularly; ensuring that these take place regularly for the

company as a whole is believed to promote lively discussions between labor and management at the workplace level, and to have a positive effect on workplace management.

9. Increasing the Interest of Union Members in Labor Union Activities

In the survey of workplace officials, when they were asked about interest in union activities among union members, the proportion of those responding that “There are many people who are highly interested” was very low, and among heads of workplace officials and councilors in clerical sections, it was 0%. If one adds the response “If I had to give an answer, then I would say that there are many people who are highly interested,” the only group that exceeded 40% was the heads of workplace officials and councilors in professional sections. Moreover, looking at the responses to the question about problems in conducting union activities, the biggest problem listed among all of the positions was that “Union members do not demonstrate any interest in union activities.”

The fact is that ordinary union members are not interested in the activities of labor unions. People demonstrate an interest in the things that concern them, but do not react to anything else. If labor unions ceased their activities at this point, union members would be unlikely to experience any problems straightaway. However, it is anticipated that the impacts of this would gradually emerge, such as communication between labor and management ceasing to go smoothly, information that should be conveyed not being conveyed, and information important from a compliance perspective being overlooked. It is best to notice and deal with problems before they arise. In this sense, labor unions play an important role.

In the free text field, one respondent wrote the opinion that, “If the union executive members came to mass workplace meetings and created more opportunities to explain things directly, understanding of union activities among union members might deepen.” As has already been pointed out, it will likely only be possible to increase interest among rank-and-file union members by building up such initiatives as increasing the opportunities for the union executive members and workplace officials of the union to meet the employees directly, for the union executive members to address the rank-and-file union members directly, for the union to create and run a forum for discussions between the management and members of the workplace. The key phrase is “the development of direct dialogue.”

10. Labor Unions Provide Management with a Social Perspective, as Well as a Medium- to Long-Term Viewpoint

When the business is threatened, management becomes introverted and there is an increasing tendency to demand internal optimization. At that stage, if labor unions also engage in introverted discussions with them, it will not lead to a true solution to the problem. Such opinions regarding this point were also written in the free text box of the survey of those in managerial positions.

I hope that the union will consider things from a broad perspective, focusing not only on Toyota's employees, but also on its subcontractors, while being aware of its status as one of the world's top companies, and that it will think deeply about the happiness of the workers and the development of the company and society as a whole, with union activities being conducted based on this. (*Research and development division*)

I would like the union to gain an accurate understanding of the problems that arise when there are changes in the environment, as well as the circumstances and situations around us, and to make proactive, swift proposals (because there are problems that do not come up through the company organization). In addition, when profits deteriorate, perspectives tend to become narrower, so I would like the union to provide advice on the company's social roles and responsibilities, taking into consideration its impact on society as a whole. (*Production technology division*)

One of the roles of labor unions is to remind management executives of the role that the company should fulfill in society as a whole. Although management executives invariably used to say that "companies are a public institution for society," when business performance deteriorates and the pressure is on, managers are tempted to behave in ways that differ from what they usually preach. In those situations, the role of labor unions is to go back to the basics of the company's existence and check the behavior of its management executives. The automotive industry is an industry with a broad base and it is not possible for the final assembly manufacturers alone to flourish. It is the responsibility of the core company to manage things while taking into consideration the future of its subcontracting companies. The words of the manager in the research and development division quoted above emphasize this point.

V. Conclusion

The above described the current state of enterprise unions in Japan, the issues that they are facing and the status of labor-management relations at the workplace level. There are no organizations or systems in existence that have no problems whatsoever. Even where something is ideal at some point, as the environment changes with the passage of time and the people of whom it is composed change, it ceases to be ideal. Japanese enterprise unions are no exception.

Japan is facing major socioeconomic changes in the form of the further graying of society and decline of the birthrate, and the market shrinkage that arises from a decrease in the population. Labor unions organize around 20% of all employed workers, but what can they do—indeed, what must they do—in this situation? This is an issue that must be considered not only by national centers and industry unions, but also at the level of enterprise unions. However, no clear answer has emerged in regard to this question as yet.

Rather than empty theories about what they should do, in order to engage in down-to-earth discussions, it would be more effective to take as the starting point the actual situation of labor-management relations at the workplace level. It is the author's hope that this article will be of some assistance in enabling readers to gain a more accurate understanding of the true situation with regard to the enterprise unions of Japan.

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Unionization of Non-Regular Workers by Enterprise Unions

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In recent years, there has been a growing move among enterprise unions to unionize non-regular workers. Consequently, there has been a change in the downtrend of the unionization rate that had continued for many years. This paper explains the factors behind the growing unionization movement as well as its benefits, challenges and significance based on an analysis of advanced cases of unionization. An increase in non-regular workers has created problems related to work motivation, employee retention and workplace communication, thereby affecting corporate earnings. The growing sense of crisis about this situation has prompted unions to unionize non-regular workers, who have come to form a core workforce. Unions have made efforts to improve working conditions, leading to increased union activity. With their influence increased, unions have come to play a significant role. The move to unionize non-regular workers represents an attempt to reconstruct the internal labor market through the unionization of the core workforce as a whole and to rebuild the original function of enterprise unions so as to enable the unions to play their original role.

I. Introduction

In Japan, employees other than regular workers account for a third of the overall labor force. According to the Labour Force Survey, conducted by the Ministry of Internal Affairs and Communications, the average number of non-regular workers in 2010 totaled 17.08 million, up from 6.55 million in 1985, and accounted for 33.7% of the overall workforce, up from 16.4%.

Although the unionization rate has long been declining, there have been signs of a change in the downtrend in recent years. According to the Basic Survey on Labour Unions, conducted by the Ministry of Health, Labour and Welfare, the peak of the estimated unionization rate since 1956 was 35.4%, registered in 1970, and the rate has continued to decline since it stood at 34.4% in 1975. The number of union members consistently declined after peaking at 12,698,847 in 1994. In 2006, the number of union members hit a low of 10,040,580, with the unionization rate dropping to as low as 18.2% from 24.1% in 1994. However, in recent years, the decrease in the number of union members appears to have come to a halt: the number stood at 10,079,614 in 2007, at 10,064,823 in 2008 and at 10,077,506 in 2009. In addition, the unionization rate rose to 18.5% in 2009, after declining for 34 consecutive years. In 2010, the unionization rate remained unchanged at 18.5%.

While it would be premature to conclude from these figures alone that the unionization rate has entered a recovery phase, the number of unionized non-regular workers has continued to rise in recent years. The estimated unionization rate among part-time workers continued to increase slightly in the 2%-3% range in the 1990s and then, the rate started to

rise at a faster pace, coming to 3.0% in 2003, to 3.3% in 2005 and to 4.3% in 2006. It stood at 4.6% in 2007, at 5.0% in 2008, at 5.3% in 2009 and at 5.6% in 2010. These factors have brought about a change in the long-term downtrend in the overall unionization rate.

We have observed new activities, including the unionization of non-regular workers by enterprise unions and the formation of unions by non-regular workers themselves. RENGO (the Japanese Trade Union Confederation) established a joint council of part-time workers during the *shunto* spring wage-negotiation season and set forth a policy of improving working conditions for and unionizing part-time workers and other non-regular workers. RENGO and Zenroren (National Confederation of Trade Unions) are stepping up activities related to non-regular workers, including the establishment of the Non-Regular Workers' Center, and these activities are developing into a social movement.

What does the move to unionize non-regular workers and improve working conditions for them mean for union activities in Japan, which have traditionally focused on the interests of regular workers, and for the future of labor-management relations in the country? This paper provides a brief overview of cases in which non-regular workers were unionized by enterprise unions, which started happening in recent years, and explain factors behind this movement, its benefits and the challenges that remain to be overcome. In light of these, the paper examines the significance of the unionization of non-regular workers in recent years and demonstrates that it is an attempt to rebuild the role and function of enterprise unions.¹ Below, we take up 10 cases that we examined based on hearings conducted between December 2007 and October 2008.²

II. Overview of Cases of Unionization and Their Four Types

We classified 10 cases of the unionization of non-regular workers into four types, according to the characteristics of the unionized non-regular workers concerned. Below, we explain the classification of the unionization of non-regular workers while providing a brief overview of each case.

¹ This paper is based on *Employment of Non-Regular Workers and Roles of and Prospects for Enterprise Unions*, which was the second report concerning the common theme of the fiscal 2009 spring conference (118th conference) of the Society for the Study of Social Policy (held at College of Law, Nihon University, on May 23-24) "Transformation of Welfare Society and Labor Unions." Hashimoto's paper (2009, 2010) is based on this report.

² This survey was conducted by the Survey and Research Committee on Labor Union Activities in Japan in the 21st century (chief researcher: Keisuke Nakamura) of the Research Institute for Advancement of Living Standards. A report entitled *Survey Report on the Unionization of Non-Regular Workers* (Research Institute for Advancement of Living Standards, January 2009) was issued in relation to this survey. For the details of the individual cases, refer to this report. Keisuke Nakamura (2009) wrote a paper based on this report. His paper examines the implications of the cases and gives plain explanations while providing practical advice.

1. Unionization of Workers with Short Hours

In the following four cases, a large number of non-regular workers, including workers with short hours, were unionized.

Case 1

Aeon Retail Labor Union is the union of a major retailer that operates a nationwide network of stores (420 stores and other business facilities) with a workforce of 107,000 employees, 83% of whom are non-regular workers (90% of whom are women) (as of January 2008). The union's membership includes 15,800 regular workers and 64,800 non-regular workers (91% of whom are women). Between May 2004 and August 2006, Aeon Retail Labor Union unionized 64,000 store clerks, who accounted for most of the female store clerks who were non-regular workers. Consequently, in June 2006, the company accepted the union's demands and signed a union shop agreement under which "community employees," excluding those who work less than 84 hours per month and who do not participate in the employment insurance plan, automatically become union members. As part-time workers had been increasing at a faster pace than before, problems such as a lack of communication and a decline in work motivation had arisen, fueling a sense of crisis within the union about the negative impact on corporate earnings. In November 2001, the union adopted a policy of unionizing non-regular workers. It gradually unionized the large number of non-regular workers, starting with workers with longer working hours, by persuading them to join the union with a call to improve the working environment. Initial success fostered confidence, and part-time workers who joined the union at an early date contributed to the promotion of unionization. The unionization of part-time workers invigorated union activities at the branch level.

Case 2

Sunday's Sun operates 322 family restaurants across Japan, with a workforce of 7,500 employees, 93% of whom are non-regular workers (70% of whom are women) (as of January 2007). The company's union unionized 3,500 non-regular workers, who accounted for most of such workers at the company, between November 2004 and May 2006. Its membership includes 420 regular workers and 3,500 non-regular workers (70% of whom are women). Consequently, the company signed a union shop agreement under which part-time workers aged 18 or over with a service length of seven months or longer automatically become union members (the agreement was signed in May 2006). The union decided to unionize part-time workers because a rapid expansion of the company's network of restaurants had led to frictions between inexperienced store managers and part-time workers, negatively affecting the customer draw, and also because cuts in wages for part-time workers had garnered complaints from the workers and calls from unionized store managers to take some manner of action to deal with the situation. The union's chairman decided to unionize non-regular workers, overcoming his own concerns the implications of such a move after

studying advanced cases of unionization at other companies, and spent a year persuading other union leaders and unionized store managers to agree with his decision. The union compiled an FAQ to help store managers persuade part-time workers to join the union and union executives directly met with reluctant workers to persuade them.

Case 3

Odakyu Department Store operates three stores with a workforce of 2,621 employees, 40% of whom are non-regular workers (91% of whom are women) (as of September 2007). The company's union unionized 700 female store clerks working short hours in a short period of time, between August and December 2007. Its membership includes 1,248 regular workers and 840 non-regular workers (94% of whom are women). The company signed a union shop agreement under which non-regular workers who work three days or more per week and three hours or longer per day automatically become union members. By the time of the unionization of non-regular workers, the number of regular workers had been halved from the peak level, and the increased dependence on non-regular workers as the core workforce had disrupted the division of roles and had fueled employee discontent. The union concluded that it was important to improve working conditions from the perspective of corporate competitiveness and employee morale and to relieve the burden on regular workers, and it adopted a policy of unionizing non-regular workers on the occasion of the request for an increase in the base salary in 2007. Over a period of a month, the union held five briefing sessions a day so as to enable attendance by employees working on widely varying shifts. The union succeeded in recruiting an increasing number of workers through the briefings as it immediately satisfied their requests when possible.

Case 4

Geobit, a subsidiary of Kenwood, operates 30 mobile phone shops across Japan, with a workforce of 134 employees (70% of whom are non-regular workers) and 72 workers from temporary agencies (as of July 2008). Between February and May 2004, Geobit's union unionized 90 store clerks (contract workers), most of whom were young women, with the support of the parent company's union, Kenwood Group Union. In May 2005, Geobit and its union signed a union shop agreement under which fixed-period contract workers with a service length of six months or longer working over 20 hours a week automatically become union members. As of July 2008, 113 workers, who accounted for around 80% of all non-regular workers (most of whom were women), were union members. Kenwood Group Union recognized the need to unionize non-regular workers at Geobit when the full transfer of Kenwood employees working at the subsidiary on loan was proposed in late 2003. As around 70% of all workers at Geobit were contract workers, it was decided that non-regular workers should be unionized. The unionization efforts on a group basis corresponded to the consolidated business management of the Kenwood group. The group's union persuaded regular workers to agree with the decision by pointing out that problems faced by

fixed-term workers are issues that they may face themselves after reaching the mandatory retirement age. The union, with the support of the parent company's union, established a unionization preparatory group comprised of unionized workers on loan (who were scheduled to be transferred to the subsidiary) and engaged in unionization activities using paid holidays. As a result, 90% of all contract workers agreed to join the union over a three-month period.

The above cases are examples of unionization at companies operating retail stores and restaurants at which around 40% to 90% of the entire workforce was non-regular workers. Most non-regular workers are women, and the division of labor is relatively clear. Regular workers are responsible for such operations as procurement of goods and materials and store management, while non-regular workers undertake routine and supplementary jobs. However, non-regular workers also perform some core jobs. Consequently, without the presence of non-regular workers, it would be difficult to keep business going, so a large number of women are employed as workers with short hours. The division of roles and collaboration between regular and non-regular workers is essential to the execution of business operations and could even have a significant impact on sales.

As is observed at many retail stores and restaurants, female non-regular workers, including workers with short hours, account for the majority of overall workers in the above four cases and form the core workforce for sales and other business operations. Nevertheless, these workers were facing such problems as a lack of communication with regular workers and inadequate management of working conditions. As a result, their work motivation declined, their skills failed to be fully utilized, and many of them quit their jobs. This situation led to poor earnings at some companies, fueling a sense of crisis among unions. To resolve this situation, unions adopted a policy of unionizing most of the non-regular workers and made efforts to improve working conditions. Unions also collected opinions from non-regular workers and strengthened communication with them. These efforts were made based on the consensus that if non-regular workers are motivated to work, corporate earnings improve, benefiting unionized regular workers as well. The unionization effort based on that consensus is a common factor in those four cases. Through the unionization of non-regular workers, the unions played a leading role in increasing employees' motivation, improving the employee retention rate and invigorating the workplace.

Although the process of unionizing non-regular workers involved difficulties, the unions attained their goal of unionizing a large number of non-regular workers by holding conscientious discussions and by being resourceful. The companies initially opposed the unionization, but they eventually signed union shop agreements. In these four cases, most of the non-regular workers who worked three days or more per week were unionized. The unionization efforts have led the companies to direct renewed attention to the role of unions.

2. Unionization of Non-Regular Employees Forming the Core Workforce

The following two cases highlight non-regular workers who worked long hours and who engaged in the same jobs as regular workers or in similar jobs.

Case 5

Nippon Meat Packers is a food producer that has 10 factories and a workforce of 3,590 employees, 49% of whom are non-regular workers (69% of whom are women). The membership of the company's union includes 1,740 regular workers and 1,420 non-regular workers (68% of whom are women as of July 2008). Between July 2004 and December 2006, the union unionized 1,400 female part-time workers working on the factory floor, and persuaded the company to sign a union shop agreement under which "partner employees" with a service length of at least a year working 30 hours or longer a week and at least six hours a day automatically became union members (the agreement was signed in November 2006). Although the "employee partner system" had been introduced in 2003 following an increase in non-regular workers, working conditions were not commensurate with the workload, leading to a decline in non-regular workers' motivation and a weakening of unity in the workplace, and this led the union to decide to unionize non-regular workers. Another reason for the decision was a decline in the unionization rate below 50% at some branches. However, as opposition to the unionization of non-regular workers was strong, union leaders needed to persuade the union branch leaders. To overcome differences of opinion with the branches, the union leaders compiled manuals for union recruitment activities and designated some branches as pilot branches. The unionization efforts convinced branch leaders of the role of the union, and the orthodox approach of patiently persuading reluctant workers led to successful unionization.

Case 6

Yazaki Corporation Group manufactures transport machinery at four manufacturing subsidiaries, which together own 12 factories (with a total workforce of around 12,000 employees as of October 2008, 9% of whom were semi-regular workers and 7% of whom were non-regular workers; about 4,200 of whom were workers from temporary agencies). In 1991, the company designated part-time factory workers working at least eight hours a day as semi-regular workers without a fixed term of employment. The majority of employees were semi-regular workers at one branch, and those workers joined the union as special union members as a pilot case. In 2005, the union began unionization efforts at all branches in response to a request from JAM (Japanese Association of Metal, Machinery, and Manufacturing Workers), an industry-based union organization. The union made conscientious unionization efforts while answering questions from branch leaders in light of the results of the pilot case of unionization and the lessons of the unsuccessful unionization efforts made in the past. Union leaders from the headquarters and branches visited workplaces and briefed union members. The union compiled reference materials and DVDs and called for

reluctant workers to join the union. Following these unionization activities, in March 2007, the union and the company signed a union shop agreement under which semi-regular workers with a service length of three months or longer (with daily working hours of at least eight hours) automatically became union members. As a result, 900 workers (many of whom were women in their 50s) were unionized at once.

In the unionization of non-regular employees who form the core workforce of manufacturers, non-regular workers accounted for around 10% to 40% of the entire workforce. If workers from temporary agencies are included, non-regular workers accounted for roughly half of the entire workforce. In the above two cases, directly employed non-regular workers accounted for less than half of the entire workforce. Although non-regular workers increased considerably at the companies, regular workers still constituted the pillar of the workforce. Only internally trained regular workers joined the unions. However, there were many non-regular workers with long lengths of service who engaged in core jobs or who acted as group leaders. This was because the division of labor between regular and non-regular workers changed in line with advances in technology and the sophistication of products, and some jobs undertaken by non-regular workers came to require advanced skills. Consequently, non-regular workers with long lengths of service came to have a status similar to that of a regular worker.

Therefore, in response to the increase in non-regular workers with long lengths of service, labor management was improved to a certain degree. Nippon Meat Packers introduced a wage increase system for “partner employees” who worked at least 30 hours a week in 2003. Yazaki employed part-time workers who worked at least eight hours a day as semi-regular workers without fixed terms of employment and with a mandatory retirement age of 60 in 1991, and introduced a qualification system, bonuses and severance pay. However, the proportion of non-regular workers varied from factory to factory and there were problems related to the division of job duties and the management of institutional systems. In addition, a decline in the unionization rate due to the increase in non-regular workers created a situation in which unions did not automatically become the representatives of workers at factories where non-regular employees accounted for more than a half of the entire workforce.

This situation prompted the unions to unionize non-regular workers and sign union shop agreements with the company. The unionization efforts were targeted at non-regular workers with long lengths of service whose working hours were similar to those of regular workers and who engaged in core jobs. That meant the unionization of most of non-regular workers who had skills critical to the manufacturing of products. However, the unionization efforts were not targeted at non-regular workers working under 30 hours a week and workers from temporary agencies, whose numbers were by no means small. In this respect, the cases of Nippon Meat Packers and Yazaki are different from Cases 1 to 4, in which even short-hours workers with under 30 hours a week were unionized.

Moreover, union branch leaders had greater concerns over the implications of the unionization of non-regular workers in the cases of these two manufacturing companies than in Cases 1 to 4. Very conscientious efforts were made to dispel such concerns. In addition, it was particularly important for the unions to be resourceful, using activities such as designating certain union branches as pilot models of unionization and disseminating the experience gained there to other branches. The unionization led to an improvement in working conditions for the non-regular workers who had come to form the core workforce, invigorated union branches and strengthened the voice of unions.

3. Unionization of Non-Regular Workers Employed as Substitutes for Regular Workers

In the following three cases, which concern a manufacturing company, a transportation company and preschools, non-regular workers engaging in the same or similar kinds of jobs as regular workers or performing the same or similar work duties were unionized after their number increased due to freezes on the hiring of regular workers.

Case 7

Knorr-Bremse Japan is a manufacturer of auto parts and accessories that operates one factory with a workforce of 157 regular workers, 38 workers from temporary agencies and 11 workers employed by subcontractors (as of February 2008). In response to the union's request, the company employed young male workers from temporary agencies who were working on the factory floor as regular workers, and they were unionized (the number of workers thus unionized was seven in both 2006 and 2007). Although the company increased the number of workers from temporary agencies as a result of corporate reorganization, it froze the hiring of regular workers, leading to a rise in the average age of workers. Both the union and the management were concerned over the company's future and the maintenance of product quality. Union members called for workers from temporary agencies to be employed as regular workers. Supported by JAM's policy, the union decided to demand this at the general meeting during the *shunto* spring wage-negotiation season in 2006, and its demand was accepted. As regular workers were covered by the existing union shop agreement, workers thus employed as regular workers were unionized. The union made its decision after ascertaining individual workers' wishes and holding discussions at a general assembly of union members. It made a precise cost calculation and persuaded the company, which had shown reluctance to accept the demand, to come around by pointing out the merits in terms of the transfer of skills to younger workers. The company proposed to combine the employment of workers from temporary agencies as regular workers with an early retirement program, and implemented the proposal. Although the company later criticized union executives, the union showed strong unity, as indicated by a rise in the approval rate for the leaders in a vote of confidence.

Case 8

Hiroshima Electric Railway is a transportation company with 10 business facilities and a workforce of 1,488 employees, 19% of whom are non-regular workers. The membership of the company's union, which is a branch of the Chugoku region private railway union, includes 1,132 regular workers and 246 non-regular workers (2% of whom are women) (as of January 2008). To deal with a shortage of workers amid the severe business environment, the company proposed to hire bus drivers, streetcar drivers and conductors as contract workers. In July 2001, the union accepted this proposal on condition that a union shop agreement be signed. The company agreed to sign the agreement in light of the negative experience it had had with a divided union. In addition, the company employed contract workers with a service length of three years or longer as Type II regular workers (starting in October 2004) and later integrated the wage systems for this new type of regular workers and existing regular workers.

Case 9

At the 24 public preschools in Ichikawa City, Chiba Prefecture (with a total workforce of 712 employees, 57% of whom were non-regular workers, most of them women, as of January 2008), non-regular workers increased due to the curb imposed on the employment of regular workers as a result of administrative reforms. However, many non-regular workers quit the preschools because of inequality between working conditions for them and those for regular workers. On the other hand, the community's need for preschools continued to grow, making it necessary to stem the outflow of skilled personnel. The union of Ichikawa City government workers decided in fiscal 2004 to unionize non-regular workers based on consultations with the Chiba Prefectural head office of the All-Japan Prefectural and Municipal Workers Union. Between July 2004 and June 2005, 97 temporary workers at the preschools (preschool teachers, cooks, etc.) formed a union (comprised of 88 members, with a unionization rate of 68%, as of July 2008). After the unionization, union members were active in encouraging non-unionized workers to join the union.

In the above three cases, non-regular workers were employed as substitutes for regular workers due to a freeze on the hiring of regular workers. As jobs performed by regular workers and non-regular or workers from temporary agencies were the same or similar, it was an important task for the unions to resolve the inequality in working conditions by unionizing non-regular workers. However, in such cases, there are two different types of non-regular worker. One comprises younger people who undergo training after being employed as non-regular workers, and the other comprises people who already have professional qualifications or experiences in specific fields when they are employed. The presence of the different types of non-regular workers has affected the efforts to resolve inequality.

In the case of Knorr-Bremse Japan's union, the company secured the supply of younger workers only through the employment of workers from temporary agencies due to

the freeze on the hiring of regular workers and the absence of directly employed non-regular workers. Given the rise in the average age of regular workers and the decline in their number due to retirement, the transfer of skills to younger workers and the company's future would have been threatened unless the workers from temporary agencies were employed as regular workers. Therefore, the union argued that it was reasonable to employ workers from temporary agencies with a certain level of skills as regular workers, and made an effort to unionize them through their employment as regular workers and resolve inequality.

In the case of the preschool workers in Ichikawa City, people equipped with specific skills, such as preschool teachers and cooks, were employed as non-regular workers to make up for a shortage of regular workers. There was little difference between the jobs performed by regular and non-regular workers, except for a slight difference in working hours. Therefore, if there was not any difference in working hours, it would not have been appropriate to apply different employment arrangements. Non-regular workers grew increasingly discontent with the inequality in their working conditions and formed their own union. However, as the employer was the municipal government in this case, the union made an effort to resolve the inequality in the face of such constraints as the severe fiscal conditions and the laws that prescribe the limits on the number of personnel at administrative organizations.

In the case of Hiroshima Electric Railway's union, the employment of contract workers as regular workers was intended to promote both the training of young non-regular workers and the retention of non-regular workers with specific skills. Bus drivers, streetcar drivers and conductors were employed as contract workers whose wages were determined on the basis of their job type, and they were unionized under a union shop agreement. The union demanded that contract workers be employed as regular workers. After working for three years, these workers were employed as regular workers without a fixed term of employment. However, as the job-specific wage system was retained, the possibility emerged that the status of all regular workers would be changed to that of a Type II regular worker. Since some workers quit the company after acquiring a professional license, concerns about the difficulty of retaining workers grew. In response to the union's demand, the company decided to integrate the wage systems for Type I and Type II regular workers. In October 2009, after three years of negotiations, the union and the company agreed on wage cuts for long-serving regular workers, on the integration of the wage systems into one that provided for a wage increases based on certain conditions, and on pushing back the mandatory retirement age to 65.³ The company has acknowledged the merits in terms of improved mo-

³ Resolution of inequality by non-regular workers who were hired as substitutes for regular workers being hired as regular workers thus led to cuts in the level of working conditions for regular workers. The union placed a priority on the resolution of inequality over the interests of existing regular workers. In negotiating this arrangement, the union did not compromise on the principle of protecting lifetime employment and seniority-based pay regardless of smaller wage raises. That is because adherence to that principle meant the protection of the members' working lives and the survival and pros-

tivation.

4. Unionization of Workers Engaging in Public Service at the Local Level

Case 10

This is a case of unionization in the municipal government of Hachioji City, Tokyo. The Hachioji City government provides administrative services (services provided by the head office, incineration facilities, schools, preschools, etc.) with a workforce of 3,300 employees, 30% of whom are non-regular workers (as of January 2008). In the 1980s, demand for administrative services grew rapidly, leading to an increase in temporary workers. The Hachioji City government workers' union, whose membership comprised only regular workers, began to discuss this problem in the latter half of 1980s, and adopted a policy of unionizing all workers engaging in public service in October 1991. The union decided to consider public service reform and improvement of working conditions for public service workers at the same time, since the provision of public services and the working environment for public service workers are inseparably related. From this viewpoint, the union decided to unionize temporary workers. In October 1992, a new union comprising around 1,000 temporary workers and non-permanent workers was formed (as of January 2008, this union had around 321 members [including 174 re-employed workers], and the unionization rate was 30%). With the cooperation of section managers, who supervised such workers in the workplace and who are union members, the unionization was implemented across the boundaries of different job duties. Workers re-employed after reaching the mandatory retirement age were also unionized. Executive members of the regular workers' union and former executives were appointed as organizers dedicated to this purpose. The separation of the unions of regular and temporary workers made it easier for the latter to express their opinions. With the corporation of the regular workers' union, unionization has proceeded further since then. The temporary workers' union also acts as a union for workers engaging in public service jobs at private companies, aiming to improve working conditions for public service workers as a whole.

Despite an increase in the demand for local administrative services, the deterioration in the municipal government's fiscal situation made it difficult for regular workers alone to provide administrative and various other public services, and this led to an increase in non-regular workers, including temporary and non-permanent workers, and in the outsourcing of services. In light of the increases in non-regular workers and outsourcing, union members promoted the unionization of non-regular workers in the city government, as well as workers at affiliated organizations and private companies. The regular workers' union of the city government served as a consultation center for non-regular government workers and

perity of the company.

non-governmental public service workers, and also as the organization responsible for promoting the unionization of such workers. Specifically, section managers, who supervised non-regular workers in the workplace and who are union members, encouraged non-regular workers to join the temporary workers' union. It also supported the temporary workers' union by assisting with the unionization of workers re-employed after reaching the mandatory retirement age.

III. Factors behind the Unionization Movement and Its Benefits and Challenges

Why have enterprise unions, which previously neglected to unionize non-regular workers and limited their membership to regular workers, come to engage in the activities described above? What provided the opportunity for them to do so and what were the motivating factors? Also, what benefits has unionization produced and what challenges lay ahead for future unionization efforts? Below, we analyze the above cases and identify their common features.

1. Background to and Factors behind the Unionization Movement

Amid the increase in non-regular workers, some of these workers had come to have such a presence as to be critical to business as a core workforce. However, due to inequality between their working conditions and regular workers', non-regular workers faced problems related to motivation, communication and unity in the workplace, creating a situation in which the future of their employer companies could be threatened. On the other hand, regular workers shouldered an increased workload, including an increase in overtime work, due to a drop in the number and proportion of regular workers in many cases.

Because of this situation, unions had grown concerned that their companies' survival and competitiveness could be threatened, and recognized the need to try to improve productivity and ensure competitiveness by fostering a sense of unity in the workplace and enhancing motivation by improving working conditions for non-regular workers. To that end, some unions have concluded that it was essential to unionize non-regular workers.

These circumstances not only indicated the need to resolve inequality between regular and non-regular workers through the improvement of working conditions for non-regular workers. While companies tried to deal with the difficult business environment by increasing non-regular workers, they failed to implement adequate measures to make full use of their personnel by improving labor management accordingly, creating a situation with grave implications for their survival and future. As a result, corporate prosperity based on traditional labor-management relations was imperiled, making it difficult even to protect the livelihoods and jobs of unionized regular workers. Therefore, it was essential to create an environment that would enable non-regular workers to approach their jobs with a strong motivation by unionizing them and improving their working conditions. Unions recognized

that doing so would benefit regular workers as well and would allow them to perform their original role, which is to protect the interests of union members by improving productivity through the utilization of workers' capabilities and making corporate survival and prosperity possible.

Due to the spread of this recognition, the policy of promoting unionization was put into practice. The unions recognized the importance of the non-regular workers who had come to form a core workforce exactly because they were enterprise unions. The scope of non-regular workers who form a core workforce as recognized by a company depends on the circumstances of the company and industry to which it belongs. Therefore, there are various circumstances that distinguish the unionization of non-regular workers: there are cases of unionization at retail stores and restaurants in which workers with short weekly working hours of around 20 hours or longer were unionized; cases of unionization at manufacturing companies where part-time workers similar to regular workers were unionized; cases where non-regular workers employed as substitutes for regular workers were unionized; and cases where unionization was extended to workers engaging in local public services in general.

Unionization had other objectives as well. It was also a response to the threat posed to labor unions' status as the representative of the majority of workers due to a decline in the unionization rate caused by an increase in non-regular workers. In some cases, unionization was implemented with a strong awareness of the importance of using unionization as a measure to reverse the hollowing-out of unions as the predominant supply source of workers to the internal labor market, a status that provided the unions with the power to maintain and improve working conditions. In other cases, unions promoted unionization with an awareness of the need to eliminate the opportunity for other unions to intervene, by recruiting non-regular workers themselves in order to resolve problems through the development and enhancement of existing labor-management relations. Unionization of non-regular workers was promoted as an activity to improve working conditions for employees and lift struggling companies out of a crisis through the restructuring of existing labor-management relations.

2. Benefits of Unionization

The unionization of non-regular workers and ensuing activities have produced the following benefits.

First, working conditions for non-regular workers are starting to improve. Although specifically what has improved varies from case to case, gradual improvements are being made toward equality in working conditions between regular and non-regular workers. The improvements made so far include a resolution of inequality in special discounts for employees, the introduction of, or resolution of inequality in commuting allowances and membership in employee health insurance associations. Moreover companies have raised wages for non-regular workers, which have long been kept at a low level, for example by

equalizing the growth rate of their base salaries with the growth rate of salaries for regular workers. In some cases, unions adopted the tactic of not agreeing on a wage increase for regular workers until the employers proposed a wage increase for non-regular workers. Moreover, rule-making concerning the employment of non-regular workers as regular workers is proceeding.

Second, union activities have been invigorated. In particular, activity at the factory and workplace level has grown actively, and some non-regular workers have come to play a leading role in union activities. In some cases, non-regular workers serve as executives dedicated to such union activities at the union headquarters or executives for general activities at union branches, and an increasing number of non-regular workers are appointed to senior union positions in the workplace. Some unions have established separate committees specific to the type of employment arrangement or have elected union assembly representatives and executives in proportion to the mix of employment arrangement types. That means that non-regular workers have been unionized not merely as nominal members, but as members who are expected to play a leading role in union activity.

Third, unions play an increasingly important role in the implementation of reform at companies and in the workplace. As a result of unions' training programs and efforts to collect workers' opinions and to promote workplace communication, non-regular workers' skills have improved, their motivation has strengthened and the sense of unity in the workplace has grown. Consequently, the retention rate of non-regular workers has risen and such workers are contributing to the improvement of corporate earnings and productivity.

Fourth, due to the confluence of all the above-mentioned results, unions' influence over both companies and union members has grown. As a consequence, union shop agreements have been concluded between companies and unions. Unions have entered a new stage in the development of the internal labor market and labor-management relations that involve non-regular workers.

Fifth, the unionization movement and its benefits are spreading from individual companies to corporate groups and industries. Kenwood Group Union signed a union shop agreement covering non-regular workers with the company on a group basis in 2008. Activities by Aeon Retail Labor Union and Nippon Meat Packers' union, which are the leading unions within their groups, are spreading group-wide. The union of Ichikawa City government workers has started to unionize temporary and non-permanent workers other than those working at preschools.

3. Challenges Ahead

The following are the challenges that still need to be resolved given the problems recognized by the 10 unions cited above, which are advanced cases of the unionization of non-regular workers, and the problems that are just emerging.

First, as unions have unionized non-regular workers working under a diverse range of conditions, they face an increasing variety of problems in conducting union activities. They

need to come up with resourceful ideas for union management operations, including communications and organizing assemblies and rallies. Unions have started to review how they should be organized; for example, they are revising the number of union assembly representatives and union executives and transferring authority to their branches.

Second, as unions have reaffirmed their role and significance through the unionization of non-regular workers and have invigorated union activity, it is becoming increasingly important for them to consider how to pass on the benefits produced by the unionization to younger generations, namely how to promote the education of union members. This is all the more important because of a rapid increase in new union members. It is particularly important to consider what to do with general union executives after their terms of office.

Third, as some progress has been made in the improvement of working conditions for non-regular workers, unions are now confronted with the issue of how to fully resolve inequality between regular and non-regular workers. They face difficult problems such as deciding on what is the fair treatment of non-regular workers commensurate with their jobs and roles, what is the basis for the differences in the treatment of regular and non-regular workers in terms of employee grading and working conditions, and how to treat non-regular workers. In many cases, unions are tackling these problems based on the idea that a step-by-step approach is the only path to a solution. In the case of Hiroshima Electric Railway, the company's union tried to improve working conditions for non-regular workers and achieve corporate prosperity at the same time by promoting the employment of such workers as regular workers and by fostering a sense of unity between regular and non-regular workers by resolving inequalities, regardless of the resulting reduction of wages for regular workers. Advocating equality in working conditions, the union is implementing reform that tackles the classic problem that has continued to confront them to date: how to look at the relationship between job types and duties and wages.

Fourth, in all the above cases but one, it is unclear what unions should do to deal with the issue of how to stabilize the employment of workers from temporary agencies, who are not directly employed by the companies for which they work. Moreover, non-regular workers with short hours who are not engaging in core jobs are not the targets of unionization. This is because there is a strong tendency for companies to use such workers as a buffer against economic cycles. It is difficult for enterprise unions to unionize such non-regular workers because their employment cannot be looked at merely as an internal labor market issue, but must be considered in relation to the external labor market. Therefore, it is increasingly important for unions to consider how they should function at the industry and regional levels, and how industrial unions, regional federations of unions and enterprise unions should collaborate.

IV. Role of Unions and Significance of the Unionization of Non-Regular Workers

In light of the above, we examine what the unionization of non-regular workers means for the role and function of unions. If enterprise unions are to retain their *raison d'être* amid the changes that have occurred in the environment surrounding unions in recent years, the unionization of non-regular workers has a greater significance than ever and it is an issue that the unions must not shy away from.

1. Rebuilding the Role and Function of Enterprise Unions

The employment structure has changed because non-regular workers have increased and they have come to form a core workforce.⁴ Non-regular workers are divided into a core workforce without which business cannot be executed, and a supplementary, temporary workforce that serves as a buffer against economic cycles. Therefore, as was shown in the above cases, enterprise unions have started to rebuild the internal labor market by unionizing non-regular workers who form the core workforce. This means that unions have started to tackle the challenge of reforming traditional Japanese employment practices in response to the changes in the employment structure.

This move reflects the sense of crisis about the emergence of a situation in which the survival and competitiveness of companies are threatened because non-regular workers are losing motivation, their capabilities remain unutilized and they lack sufficient communication with regular workers in the workplace due to a significant inequality between the regular and non-regular workforces, in spite of the fact that the non-regular workers form the core workforce. Unions are trying to ensure the survival and prosperity of their companies and improve wages and other working conditions by unionizing the entire core workforce. If the original function of enterprise unions is to involve themselves in the prosperity of companies through their position as the predominant supply source of workers to the internal labor market in order to enable workers to acquire occupational skills through their working lives and in order to improve their working conditions, we may say that the unionization movement is an attempt to revive that function. The weakening of this function of unions is one reason why the employment structure has changed in such a way as to cause an increase in the proportion of non-regular workers to a third of the entire workforce, leading to a decline in the unionization rate.

⁴ Survey and research reports on the increase in part-time workers and their emergence as a core workforce began to come out toward the end of the 1980s. As for document research, Honda (2006) and Mitsuyama (2008) provide a brief overview of reports on this issue. Those reports examined an increase in part-time workers and their emergence as a core workforce mainly in the retail, restaurant and service industries. From the late 1990s onwards, the changes in the labor market have been accompanied by changes in the employment structure, so further surveys and research need to be conducted to explain their emergence as a core workforce in that context.

If enterprise unions are to perform their original role and function, it is essential for them to expand their membership beyond regular workers, incorporate the entire core workforce and rebuild their position as the predominant supply source of workers to the internal labor market by unionizing non-regular workers who form the core workforce. However, this will not be a mere return to the starting point. Due to its status as an economic giant, Japan has been under constant pressure to change its economic and social structure, including labor-management relations, amid ongoing globalization. On the one hand, Japan faces population shrinkage and a declining birthrate coupled with an aging society, and Japanese people's approach to work is diversifying. On the other hand, the country has been suffering from prolonged economic stagnation and is now confronted with a global economic crisis. Now that the labor market has undergone significant changes, Japan needs to devote a full-fledged effort to solving problems arising from the expanded presence of non-regular workers. In the new social environment, enterprise unions must find a solution to the question of how to improve the internal labor market and rebuild their role and function.

Two major challenges lie ahead. First, the problems faced by enterprise unions require a fundamental review of the conventional employment practices and wage systems, making it necessary for companies to more or less reform the existing system that is based on lifetime employment and seniority-based pay. This is because the labor structure has undergone a change not only on the demand side, but also on the supply side, and the expanded presence of non-regular workers is a typical problem arising from the supply-side change. To address this problem, it is necessary to implement new policy measures such as achieving equality in working conditions, and to create a new function for unions by transcending the existing focus on enabling regular workers to acquire occupational skills through their working lives and to improve their working conditions. The unionization of non-regular workers marks the start of this effort. Second, it is difficult for enterprise unions to unionize non-regular workers who form a supplementary, temporary workforce, rather than a core workforce. However, the number of such non-regular workers supplied from the external labor market is by no means small. Moreover, without the presence of such non-regular workers, it would be difficult to stabilize the internal labor market. In that sense, enterprise unions cannot afford not to make light of the presence of non-regular workers supplied from the external labor market. Even so, it is outside the scope of the function of enterprise unions to unionize such regular workers. Therefore, the role of industry-based labor organizations and national centers is very important. How should Japan create a mechanism that ensures that enterprise unions, industry-based organizations and national centers cooperate with each other in dealing with changes in the labor market caused by economic cycles and in order to improve the employment situation while making effective use of each other's functions? How should the government provide support through social policy measures such as the creation of safety net programs? It is more important than ever to resolve these challenges.

2. Division of Roles between Enterprise Unions and Industry-Based Labor Organizations and National Centers: Significance of Labor Supply Projects

There are many non-regular workers and workers from temporary agencies who have not been integrated into the internal labor market and do not form a core workforce. The function of enterprise unions alone is not sufficient to resolve the issue of how to stabilize the employment of such workers; this is an issue strongly related to economic cycles and the improvement of the social environment. There are few cases in which enterprise unions have sought to unionize such workers. However, as companies need such workers, enterprise unions cannot afford to make light of this issue. The employment of such non-regular workers serves as a buffer against economic cycles and contributes to the stability of the internal labor market. In light of this, it is essential to stabilize the employment of such workers and improve their working conditions by establishing industry-specific and region-specific mechanisms that facilitate the supply of workers to the internal labor market across the boundaries of individual companies, in an attempt to ensure permanent employment in industry-based, occupational-based and region-based labor markets. A major option for proactively creating such mechanisms is the use of labor supply projects, which legally, only unions are permitted to implement. The programs, which have until now been disregarded, have grown very important. Industry-based labor organizations and national centers need to serve as the core of the programs and conduct full-scale labor supply activities in cooperation with enterprise unions. This will make it possible for unions to make substantial progress in the unionization of non-regular workers. Enterprise unions also need to actively engage in the creation of such a labor supply mechanism while dividing roles and cooperating with industry-based labor organizations and national centers. Developing the external labor market through unions' labor supply projects will also be effective in stabilizing the internal labor market and promoting an appropriate work-life balance.

There are 78 labor supply project associations across Japan (as of the end of March 2010). In fiscal 2009, those associations supplied labor worth a total of 1.37 million man-days, performed by 38,000 workers.⁵ The number of workers supplied by the associations is small as there are many constraints.⁶ The association of labor unions involved in labor supply projects (comprised of 19 unions) has started to explore new possibilities that may be opened up by the enactment of a proposed law tentatively called the Labor Supply Project Act. If an activity like this leads to the development of unions' labor supply projects, it could pave the way for permanent employment and improvement of working conditions

⁵ These figures were taken from Tabulation Results of Labor Supply Program Reports for FY2009 by the Ministry of Health, Labour and Welfare. This data was published for the first time in October 2010 by the Demand and Supply Adjustment Division, Employment Measures for the Dispatched and Fixed-term Workers Department, Employment Security Bureau at the ministry. As of the end of March 2009, the number of union members eligible for supply was 8,797 (of whom 7,822 were for permanent employment).

⁶ For the actual circumstances of labor supply projects, refer to Ito (2009a, 2009b).

not only for the non-regular workers who form a core workforce and who are targeted for unionization, but also for many other non-regular workers. Japan has reached a stage at which this is the path that must be taken. For such an effort, leadership of industry-based labor organizations and national centers is essential.

In the recent labor market following significant changes in the employment structure, enterprise unions have taken the first step toward rebuilding their role and function through the unionization of non-regular workers who form a core workforce. If progress is made in the division of roles, with enterprise unions and industry-based labor organizations implementing labor supply projects and national centers unionizing non-regular workers supplied from the external labor market whom enterprise unions find it difficult to unionize, the unions will be given the chance to perform a new role and function suited to the recent social environment.

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The Functions and Limits of Enterprise Unions in Individual Labor Disputes

Norio Hisamoto

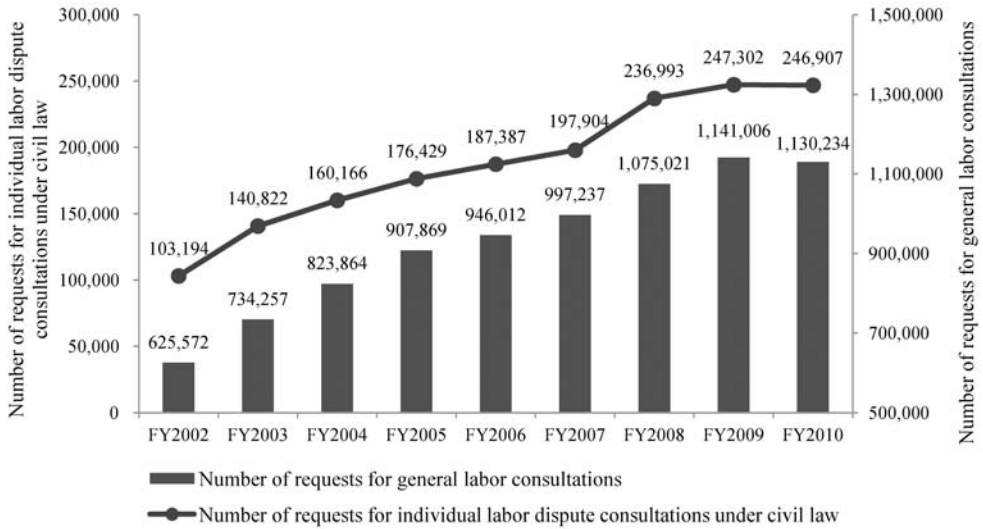
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Activities of enterprise unions may contribute to reducing various types of dissatisfaction and complaints of workers but cannot necessarily result in reducing the number of individual labor disputes that come to light. We should rather focus on the qualitative aspects of such individual labor disputes. From this viewpoint, I will first review the activities of enterprise unions, which engage in grasping various types of dissatisfaction and complaints of union members, so that these members will not have to leave their jobs, endure hardship, and finally initiate disputes. These activities, which enterprise unions carry out as their regular services, function as a means available to workers for voicing complaints to their employers. Meanwhile, the great majority of small and medium-sized enterprises do not have such in-house unions. In view of this situation, I will recommend the effective implementation of the system of representatives of the majority of workers, as an organ in charge of preventing individual labor disputes and grasping various types of dissatisfaction and complaints among workers at the workplace where there is no enterprise union.

I. Introduction

The number of individual labor disputes occurring in Japan has been increasing significantly in recent years. Needless to say, the biggest cause of this phenomenon is the deterioration of the employment environment. As indicated in Figure 1, both the number of requests for general labor consultations and the number of requests for individual labor dispute consultations have doubled. Such an upward trend is also seen in the use of the labor tribunal system. The fewer the favorable job opportunities available, the more important the role of the administrative agencies becomes. Yet, the service that these agencies can provide for workers is the processing of disputes, not the prevention of disputes. Day-to-day efforts at the workplace are indispensable for preventing the occurrence of disputes. In this context, in what manner are labor unions involved in individual labor disputes? In this paper, I will discuss the functions and limits of enterprise unions, which tend to function more like the organs which represent workers in the respective enterprises or business establishments.

The recent rapid increase in the number of individual labor disputes, which had been almost negligible in statistics, has come from two factors. The first is that while the employment environment in Japan was not so bad in the past by international standards, it has recently deteriorated to a degree that career changers now face more difficulty than before in finding better jobs. Secondly, many workers previously had no choice but to suffer their hardships in silence due to the inadequate system for individual labor dispute settlement. However, as a result of the recent reforms carried out step by step, such as the introduction



Source: Website of the Ministry of Health, Labour, and Welfare, “FY2010 Status of Implementation of the Individual Labor Dispute Resolution System.”

Figure 1. Changes in the Number of Requests for General Labor Consultations

of the labor tribunal system and the establishment of the regional labor bureaus—though they may be a little too late—the situation has improved and this has been partially conducive.¹ As seen in other advanced countries, it is common that individual labor disputes take place on a daily basis, and the fact that such disputes occur in large numbers statistically does not necessarily represent the existence of a serious problem. What matters more may be the substances of disputes.

What role do Japanese labor unions play in individual labor disputes? Labor unions can be divided into several types. Traditionally, industrial unions, general unions, and enterprise unions have been typical examples. There are also industry and region-based federations of labor unions, and national centers to which labor unions are affiliated. In connection with individual labor disputes, enterprise unions, community unions, and national centers often have different functions. Regarding individual labor disputes, labor unions play the following two roles: one is to make everyday efforts to get rid of dissatisfaction among workers so as to prevent the occurrence of disputes; the other is to endeavor to resolve the individual labor disputes that have occurred. These two roles are not always assumed by the

¹ The “individual labor dispute resolution system” was put into operation in October 2001 as the means to ensure amicable settlement of disputes on labor relations between individual workers and their employers. Meanwhile, the labor tribunal system was introduced in 2006 as a type of court proceedings aimed at early settlement of individual labor disputes.

same type of labor union. The former is mainly assumed by enterprise unions, and the latter is usually assumed by community unions. Regional organs of national centers take charge of additional tasks, including not only providing consultations for unorganized workers, but also dispatching their personnel as the delegates on the labor side to administrative agencies or labor tribunal proceedings.²

In this paper, Section II looks at workers' *dissatisfaction*, which is the cause of individual labor disputes, and their behavior driven thereby, and discusses the issue as to whether or not the existence of enterprise unions is conducive to reducing individual labor disputes. Section III studies various functions of enterprise unions in their efforts to prevent the occurrence of individual labor disputes. The last section, in light of the reality that the great majority of workers does not belong to any labor union, suggests the importance of the effective implementation of the system of representatives of the majority of workers.

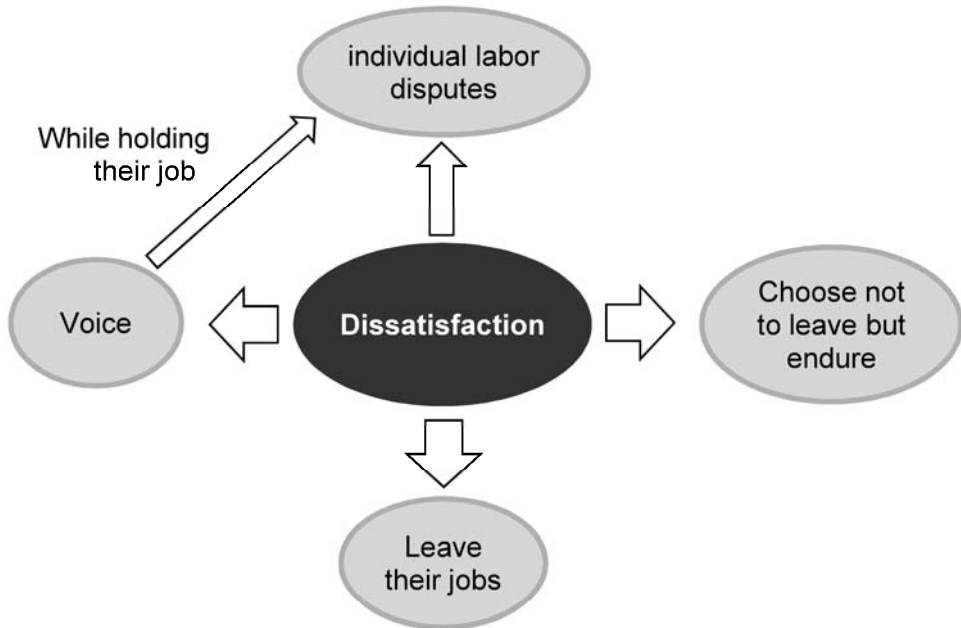
II. Workers' Dissatisfaction and Individual Labor Disputes

1. Types of Dissatisfaction and Individuals' Reactions

Individual labor disputes are a sort of phenomenon in which various types of dissatisfaction felt by individuals come to the surface. With this in mind, the issue of individual labor disputes should be understood from a broader perspective. In this paper, I assume behavioral patterns depending on the four types of reactions to one's dissatisfaction (Figure 2). First, discontented workers may settle their dissatisfaction by expressing it to their superiors, colleagues, or unions. This behavior is called *voice*.³ Next, among those who choose not to leave their jobs, some often *endure* their dissatisfaction, refraining from voicing it. They lose their morale but choose not to leave their jobs unless they can find better jobs. As the third pattern, workers may choose to *leave* their jobs; that is, if they think that they cannot work at their current workplaces any longer, they quit their company to settle their dissatisfaction. Workers tend to leave easily if the working conditions are unfavorable, whereas they often endure the situation if the working conditions are favorable. In general, *endure* and *leave* are the ordinary behavioral patterns that workers choose. The last option is to initiate a *dispute*. Some may initiate disputes while holding their jobs, while others may do so after they are fired. If it cost much to initiate individual labor disputes, the great majority of workers would not choose this option. Accordingly, it cannot be said that it is good if the number of visible *disputes* is small.

² Community unions are discussed in the report by Dr. Oh [Hak-Soo] in the present issue of JLR. As Omi (2006) also points out, serving as the delegates on the labor side at administrative and judicial bodies is also an important duty of labor unions.

³ The discussion here is concentrated on the relationship between individuals and unions. The term "voice" is limited to one that takes place within the organization. As the main topic of this report is individual labor disputes, such voice as raised outside the organization is referred to as "dispute." As is well known, this terminology is based on the study by Hirschman (1970).



Source: Created by the author.

Figure 2. Dissatisfaction and Individuals' Reactions

In the first place, *dissatisfaction* exists on a daily basis, and dissatisfaction of a serious nature might lead to individual labor disputes. How individuals react to their dissatisfaction may depend on the working conditions offered to them at the company where they work, or the type and level of their dissatisfaction. Dissatisfaction can be divided into two types: one is felt toward economic aspects and the other arising from human relationships. Dissatisfaction toward economic aspects can be tentatively further divided into the following two types: dissatisfaction resulting from continuous employment, such as dissatisfaction with one's merit rating, working hours, or work process, and dissatisfaction resulting from discontinuation of employment, such as dissatisfaction with dismissal or nonpayment of wages. At good-standing enterprises and enterprises where labor unions work well, the former type of dissatisfaction can be settled through various channels for voicing (e.g. superiors, personnel departments, and labor unions) and does not often develop into an individual labor dispute. Workers *endure*⁴ even if their problems are not completely settled. Labor unions also actively try to settle this type of dissatisfaction, considering that grasping the dissatisfaction of their members is itself a labor movement to be promoted at workplaces. On

⁴ Nevertheless, this is the optimal situation for neither the enterprises nor the labor unions because workers who *endure* lose their morale.

the other hand, at enterprises which do not offer favorable working conditions nor have labor unions that work well, workers might *voice* their dissatisfaction to their superiors or management, and if their complaints are rejected, they leave their jobs or endure. In any case, it is rare that their dissatisfaction leads to individual labor disputes, unless they have a personal grudge or resentment.

Dissatisfaction resulting from discontinuation of employment, such as dissatisfaction with dismissal and the nonpayment of wages, often takes place at small and medium-sized enterprises whose business performance is rather poor. Although quite a number of discontented workers would endure (suffer in silence), this type of dissatisfaction is prone to develop into individual labor disputes. This usually happens at enterprises which do not have labor unions, but even where there is an enterprise union, if the union is not powerful enough or the discontented worker is isolated, or does not get along with other workers at the workplace, the union may take no action or the union officers may stand on the same side as the management.

Dissatisfaction arising from human relationships pertains to workers' relationships with their superiors or colleagues at the workplaces. Labor unions find it difficult to meddle in workers' private affairs and do not take such action. However, if the problems that workers are experiencing are bullying or a nuisance in connection with work or sexual harassment, labor unions may take some actions to resolve these problems.

2. Can Labor Unions Reduce Individual Labor Disputes?

Whatever just resolution is attained for collective labor disputes, this does not necessarily put an end to individual labor disputes. For instance, when a worker is fired due to his/her attitude, this is not an issue of a collective labor-management relationship, but an individual labor dispute, although the individual worker may be backed up by the labor union. This is evident from the situation in Germany where, notwithstanding the existence of the boards of representatives of workers as well as labor unions, a number of individual labor disputes are brought to labor courts. It is uncertain at all whether labor unions or organs which represent workers can reduce individual labor disputes. All in all, the existence of labor unions at workplaces does not always result in reducing individual labor disputes. Let us look at the three hypothetical cases.

(1) Where the Labor Union Has Little Influence on the Management

The labor union in such a state could rather increase members' dissatisfaction. If there were no labor union, discontented workers would just leave their jobs, but if a labor union existed, they would expect the union officers to help them, and when the union did nothing or little for them, they would feel betrayed and bring their dissatisfaction to light as an individual labor dispute, or they would feel resentful about the union's attitude of tolerating or closing its eyes to wrongdoings.

(2) Where There Is a Labor Union but the Discontented Workers Are Not Its Members

Non-regular workers are less likely to belong to the labor union. Even where there is a labor union at the workplace (in the case of temporary workers, at the company which dispatches them or at the company to which they are dispatched), most of such workers are not members of the union. Seemingly, the number of individual labor disputes initiated by these workers is quite large. Not many labor unions accept non-regular workers as their members, and labor unions are not very willing to accept such workers as their members. This is typical to enterprises which have labor unions and employ both regular workers, who belong to the unions, and non-regular workers, who do not, rather than enterprises which apply unfavorable working conditions to all employees. In the former type of enterprise, the ineligibility to be union members makes non-regular workers discontent with their working conditions, and in this respect, the very existence of the labor unions might be the cause of increase of individual labor disputes. In Japan, enterprise unions are generally slow to respond to non-member workers, in particular, workers under indirect employment. Most labor unions which accept non-regular workers as members hold the amount of contributions collectible from such workers at a low level. In fact, these unions consider that acting for these workers is "laborious but fruitless," or struggle to solve the difficult problem of the disparity in working conditions between non-regular workers and regular workers.

(3) Where the Discontented Worker, Who Is a Union Member, Is Isolated at the Workplace, or Has Conflict of Opinions with the Union Officers

If the worker were not able to gain understanding of his/her dissatisfaction from his/her colleagues, he/she would recognize the labor union as being on the same side as the company. Enterprise unions are powerless in dealing with this type of dissatisfaction or dispute, which can be settled only through administrative or judicial proceedings, with the help of a union outside the enterprise.

If there is a labor union, workers may often settle their dissatisfaction by voicing it before it develops into a dispute. It is very likely that the causes of individual labor disputes are being reduced through the improvement of labor-management communication. This is to be discussed in the next section.

In addition, at enterprises which have labor unions that function well to a certain degree, individual labor disputes are less likely to arise from obvious wrongdoings. As mentioned above, in the case of disputes arising from problems that are difficult for labor unions to handle, such as human relationships at the workplace, labor unions might be able to reduce but probably not completely get rid of the causes of disputes.

With regard to the role of enterprise unions in dealing with individual labor disputes, what is important is the *qualitative aspect* of disputes. One cannot simply say that the fewer the number of visible individual labor disputes, the better, and vice versa. For instance, enterprise unions would find it easy to cope with obviously illegal conduct, or could make a

strong assertion against the management if it were supported by workers.⁵ On the other hand, labor unions cannot easily handle problems caused by conflicts between workers, such as bullying, misconduct, and poor performance. There may be cases where union members are placed in the position of the accused.

III. Prevention of Disputes by Enterprise Unions

When it comes to individual labor disputes, only those that come to light tend to be discussed. However, as shown above, what matters is not just the disputes that have actually happened. It is important to identify a number of elements of dissatisfaction and complaints, which could be the causes of individual labor disputes, and resolve them as soon as possible, rather than trying to discourage workers from initiating disputes. Finding a proper resolution is the task that enterprises should tackle in the area of human resource management. Actually, many labor problems are resolved through the process where workers consult with their superiors or colleagues, or with personnel departments. For enterprises, holding labor-management communications is their daily task. In this respect, many enterprise unions work to cope with dissatisfaction or complaints expressed by their members.

1. Union Activities

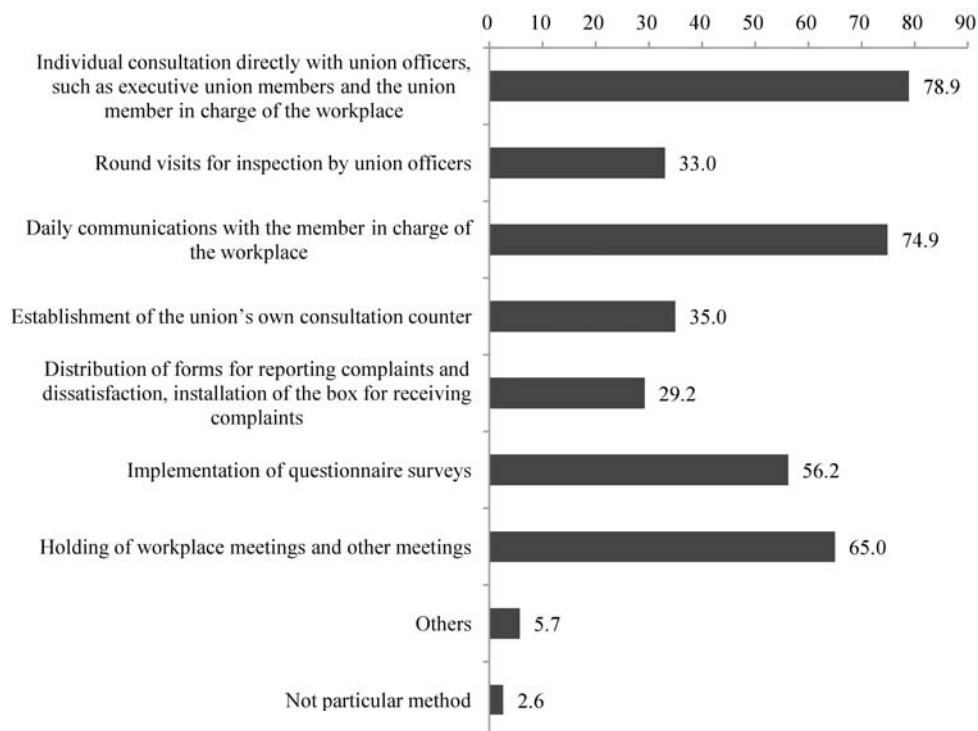
First, let us look at the results of the questionnaire survey that targeted labor unions (JILPT 2009b).⁶ As shown in Figure 3, popular methods chosen by labor unions for identifying members' complaints and dissatisfaction are: "Individual consultation directly with union officers, such as executive union members and the union member in charge of the workplace," "Daily communications with the member in charge of the workplace," "Holding of workplace meetings and other meetings," "Implementation of questionnaire surveys." On the other hand, "Establishment of the union's own consultation counter" and "Round visits for inspection by union officers" were not frequently chosen.

Figure 4 indicates that 20 to 30% of labor unions deal with not only union members but also non-members in the process of identifying workers' complaints and dissatisfaction. This shows that labor unions in Japan are not very exclusive. However, with regard to non-members, labor unions seem to have not yet decided their policy on how to deal with non-regular workers under indirect employment,⁷ as compared to those under direct

⁵ The labor union finds it difficult to handle problems which constitute violation of law but for which they cannot gain support of workers for their taking some actions. In such situation, if a worker strongly asserts violation of law, an individual labor dispute could take place, in which case the labor union is often regarded as standing on the same side as the management.

⁶ In this paper, the Japan Institute for Labor Policy and Training shall be referred to as JILPT.

⁷ "Indirect employment" refers to the mode of employment in which workers are not directly employed by the companies where they work, but they have a similar status as employees, such as dispatched workers and contracted workers. Companies tend to prefer indirect employment because by choosing this type of employment, they are exempt from employer liability under the labor laws.



Source: JILPT (2009b, 9).

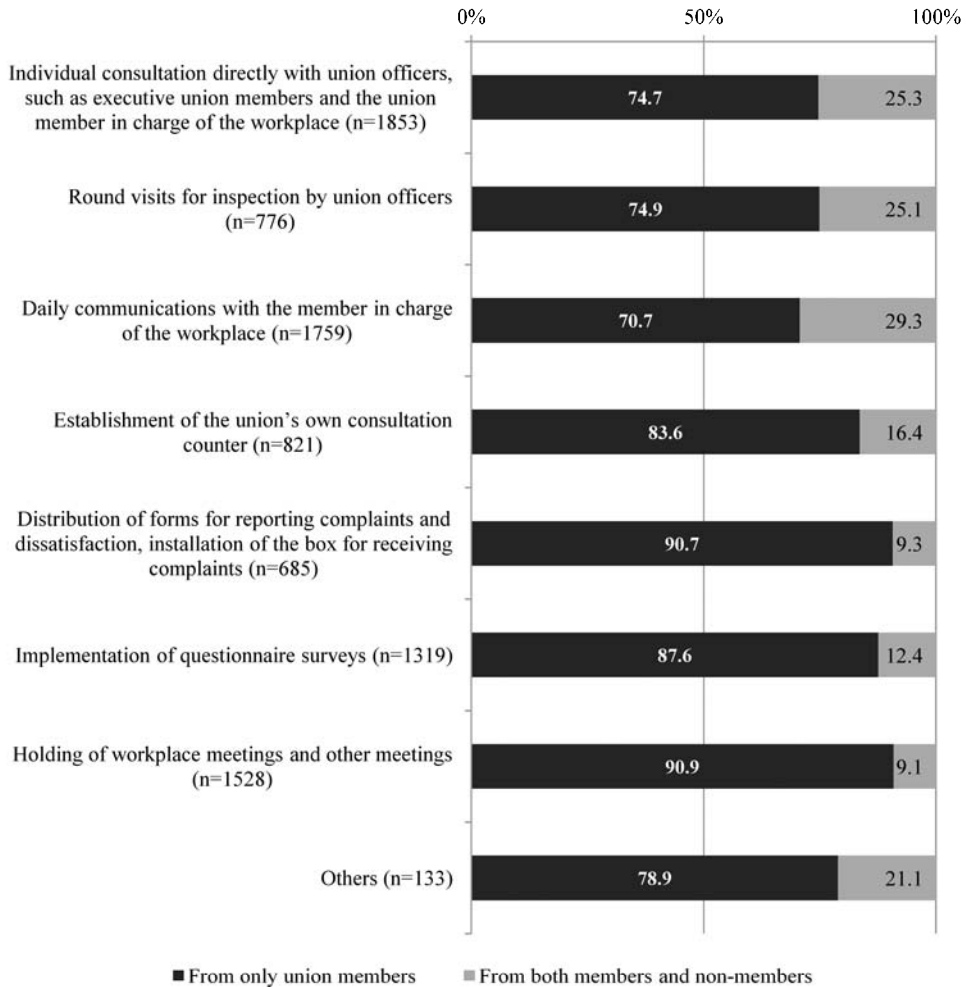
Figure 3. Methods for Identifying Individual Complaints and Dissatisfaction (MA, %, n=2349)

employment⁸ (this issue was not addressed in this survey).

Figure 5 indicates the topics of complaints received by unions. The topic that was most frequently heard was “Complaints about overtime, day-offs, and leaves of absence,” followed by “Complaints about wages and other payments,” “Complaints about the work process, etc.,” “Complaints about performance evaluation or assessment,” “Complaints about the human relationships at the workplace,” “Complaints about job relocation, reassignment, temporary transfer,” and “Complaints about sexual harassment and power harassment.” This suggests that labor unions consider that the number of complaints and dissatisfaction cited by individual workers has been increasing due to the lack of elbow room in the work schedule and the introduction of the performance-based pay system (the specific numerical data are omitted here).

Figure 6 shows the measures taken by unions in response to the complaints and

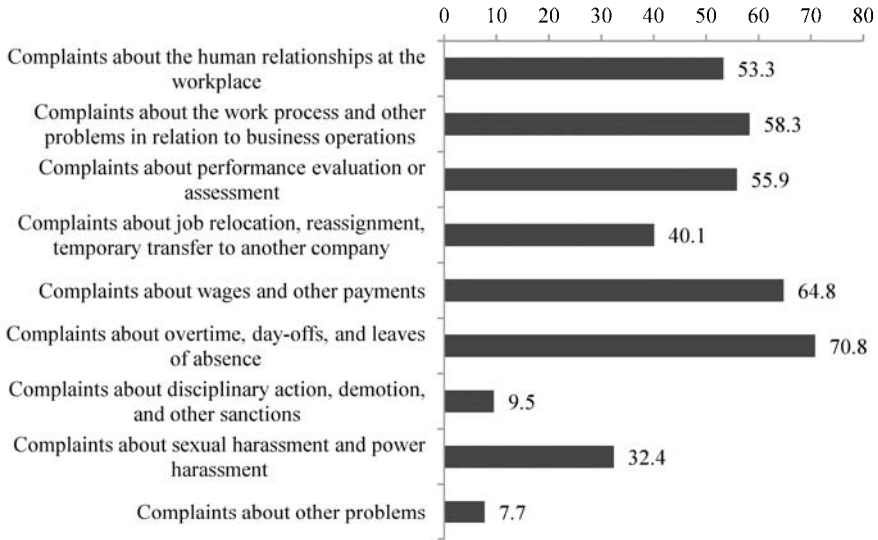
⁸ Research Institute for Advancement of Living Standards (2007, 55–61).



Source: JILPT (2009b, 10).

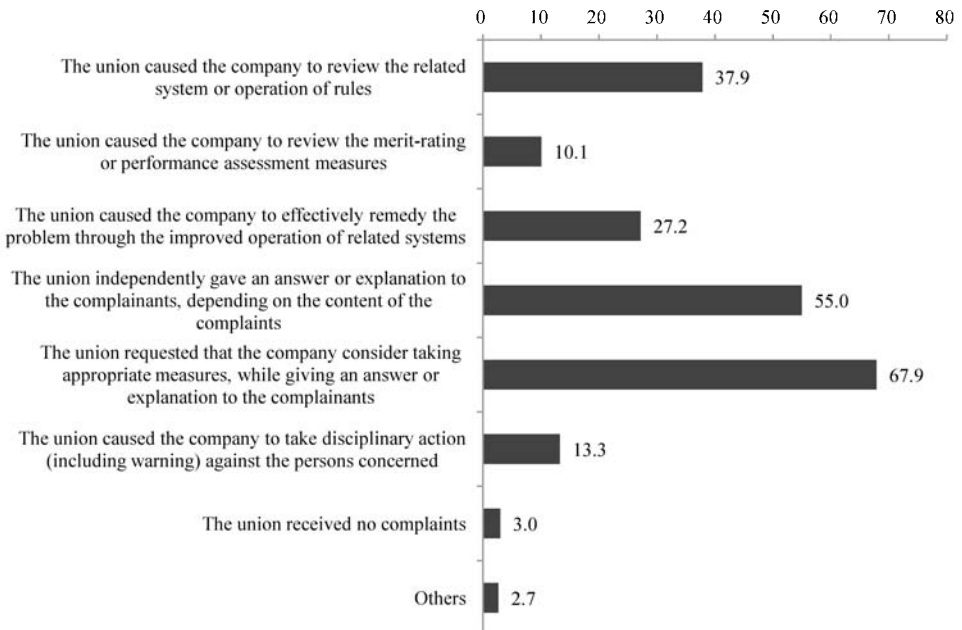
Figure 4. Workers from Whom Unions Hear Complaints and Dissatisfaction Individually (only union members, or both members and non-members, %)

dissatisfaction voiced by workers. As the most frequent option, unions request that the company consider taking appropriate measures, while giving an answer or explanation to the complainants to that effect, followed by the second option whereby unions independently answer and explain to the complainants. Ten to 30% of unions caused the company to effectively remedy the problem through the improved operation of related systems. Slightly less than 40% took measures that could be equivalent to collective dispute settlement, such as causing the company to review the related system or operation of rules. Thus,



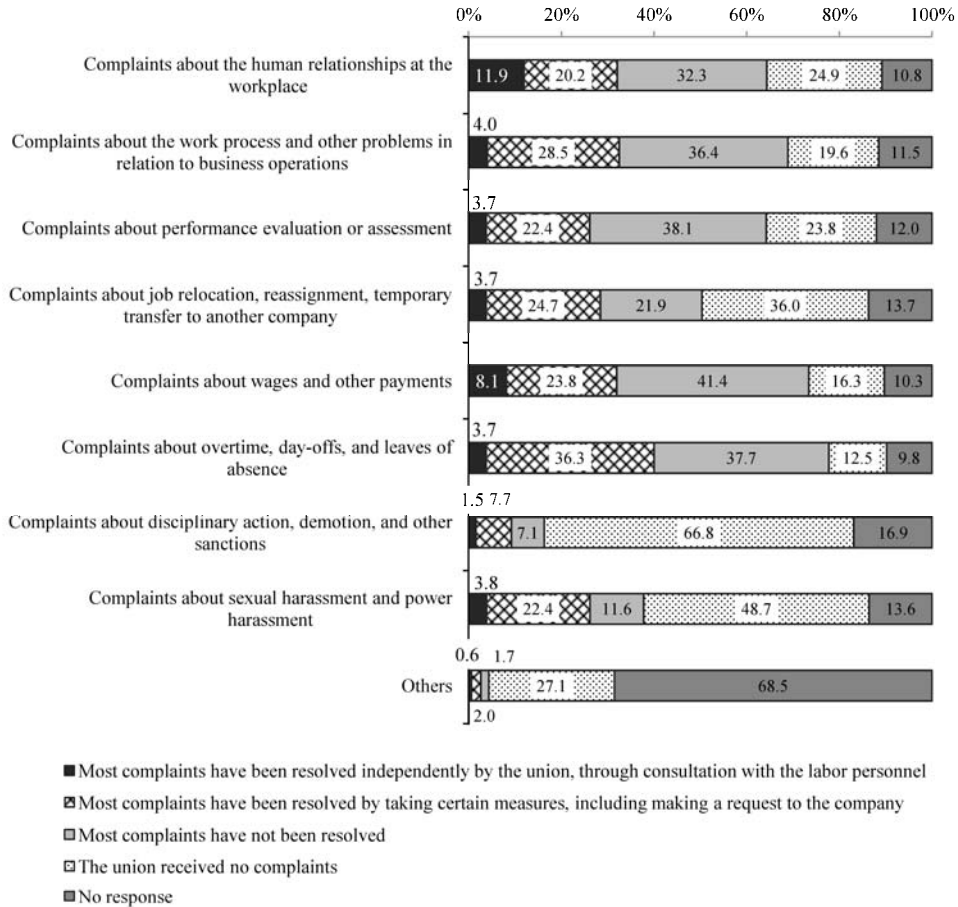
Source: JILPT (2009b, 14).

Figure 5. Topics of Complaints Received in the Past Five Years (MA, %, n=2349)



Source: JILPT (2009b, 17).

Figure 6. Measures Taken in Relation to Workers' Complaints and Dissatisfaction in the Past Three Years (MA, %, n=2349)



Source: JILPT (2009b, 19).

Figure 7. Success and Failure in Resolving Workers' Complaints and Dissatisfaction in the Past Three Years (MA, %, n=2349)

in some respect, those measures taken by unions cannot be simply categorized as individual labor dispute settlement.

Unions give an answer or explanation to complainants. Then, do they really consider that they have successfully resolved individual workers' complaints or dissatisfaction? This point is illustrated in Figure 7, which shows that the results are almost equally divided into successful cases and failed cases. Unions more frequently fail than succeed in resolving workers' complaints about wages and other payments, performance evaluation or assessment, and the work process.

Table 1. Expectations of Labor Unions to Handle Individual Workers' Complaints and Dissatisfaction

	Have many expectations	Have expectations	Do not have many expectations	Have no expectations	No response	Sample Size
Belong to enterprise unions	10.2%	37.5%	37.0%	13.8%	1.4%	2,506
Belong to outside labor unions	9.3%	27.1%	31.8%	14.0%	17.8%	107
Belong to no labor unions	4.5%	21.8%	33.5%	13.6%	26.5%	7,876
No response	3.9%	12.4%	22.1%	10.8%	50.8%	362

Source: JILPT (2009a).

2. Workers' Expectations of Unions

According to the survey on workers (JILPT 2009a, 46, 402, 405), among the workers who responded that their companies have labor unions, 45.4% stated that their labor unions had some system or other means for responding to or resolving workers' complaints or dissatisfaction. The survey shows that quite a number of enterprise unions were not very active in promoting dispute resolution.

Given such a fact, in response to the question about workers' expectations of labor unions for resolving their complaints and dissatisfaction, among those who belonged to enterprise unions, "Have many expectations" accounted for 10.2%, "Have expectations" for 37.5%, "Do not have many expectations" for 37.0%, "Have no expectations" for 13.8%, and "No response" for 1.4%. Thus, those who have expectations of their unions and those who do not have such expectations were almost equal in proportion (Table 1). When the enterprise union members who chose "Do not have many expectations" or "Have no expectations" were targeted and asked why they have little or no expectations, the most and second most frequent responses were "The union does not have much influence on the management" (49.6%) and "The union only follows the company" (42.0%), followed by "The union is not interested in handling problems of individual workers" (21.6%), "Workers are not well informed of the union's activities" (21.3%), and "Approaching the union might result in an adverse treatment" (18.4%). Labor unions are not omnipotent. At the same time, it is interesting to see that about 25% of non-member workers have expectations of labor unions.

3. Methods of Responding to Complaints and Dissatisfaction

The questionnaire survey conducted by the Research Institute for Advancement of Living Standards (1999) aimed to investigate how enterprise unions handled workers' complaints. This subsection classifies the activities of enterprise unions that vigorously engage in responding to workers' complaints and dissatisfaction.⁹ The methods implemented by enterprise unions are classified into the following types.¹⁰

(1) Use of Senior Workers

In the process of carrying out union activities, the central role is played by experienced workers who have the highest position among union members at the respective workplaces, such as the work chief or section chief. Using these senior workers may not be unique, but it is a basic method for complaint resolution. For example, workers called "seniors" assume this role. A senior is in the highest position among the workers in each workplace (basically a section), one step before holding a managerial position, well-versed in the overall business operations of the workplace, and is usually engaged in supervising operations, such as making budgetary or business plans and performing specially assigned duties. The boss uses the senior to grasp what subordinates worry about in relation to work or other matters, while the subordinates first consult with the senior about their worries, sometimes hoping that the senior will convey these worries to the boss. The labor union also makes inquiries to the senior first, in order to understand the situation at the workplace. Thus, such senior workers concurrently function as the union.

(2) Information Sharing

This method is implemented at medium-sized business establishments. For example, the union designates a month following the annual spring wage offensive as the month for complaint resolution, during which executive union members, three members in each of three groups, make a round of visits to all workplaces to have meetings. Three to five workers participate in each meeting, totaling about 400 workers during the designated month. Since each meeting is a small-group unit and the company is supposed to answer to all complaints, all participants say something about their complaints. The production taskforce organizes the inquiries, opinions, and requests collected from workers into categories such as welfare, union, problems at the workplace, and so forth, enters these matters into the designated form, and submits the form to the labor personnel, leaving the answer space

⁹ This subsection is the summary of the abovementioned survey by the Research Institute for Advancement of Living Standards (1999) and of the study by Hisamoto (2002). JILPT (2007) also describes a similar type of questionnaire survey.

¹⁰ Complaint resolution committees formed jointly by the union and the management are rarely used. This fact, however, does not mean that these committees are unnecessary. Both the union and the management try to resolve complaints before bringing them to the complaint resolution committee. In this sense, the very existence of these committees functions as a deterrent. A union officer said that the union's decision to bring a complaint to the committee signifies the failure of the union activities.

blank. The taskforce also confirms unclear points in the workers' comments. What is distinctive about this sample case is that the union does not conduct screening or assess the importance with regard to any complaints submitted by union members. The labor personnel send all forms containing workers' complaints to the respective departments in charge and ask the relevant departments to enter an answer and the date into the forms. The date refers to the date on which a specific measure is to be taken, if it is possible to do so, or the date on which the company gives an explanation to the union members, if no measure can be taken. The forms completely filled out by the respective departments are sent back to the union via the labor personnel. The union checks the content of the company's answers, and requests that the labor personnel re-enter a response upon finding defective answers, demanding that the company clearly explain why it cannot take a measure. If the company answers that it cannot take a measure due to a budgetary limit, the union confirms with the company how much it would cost to take the measure and whether it could take the measure if there were enough money. If the company answers that it will take a measure, the union confirms who will be in charge of taking the measure and by when the measure will be taken. The answer forms created through such a process are distributed to the section chiefs, and then made available to ordinary members. Union members are very interested in the meetings with union executives because answers are given regarding all of their complaints.

(3) Systematic Processing

Complaint resolution through information sharing cannot be easily achieved by unions which have thousands of members. It may not be completely impossible to divide the union so that each division handles complaints from workers assigned thereto. However, since this is not an effective method, unions aim to grasp and handle workers' complaints more systematically and on a larger scale. Systematic processing covers a wide range of issues, from personnel affairs and wages, to staffing and personnel relocation, and also policy and system-related matters. In the steel industry, a project for systematic complaint processing called "Lifestyle Overhaul" is held once every two years on a considerably large scale. As this project addresses a wide range of complaints, it involves different types of entities in charge of providing resolutions, such as the workplace, local unions, federations, and regional entities (e.g. prefectural headquarters of an industry association, or local councils of or Diet members affiliated with the Japan Trade Union Confederation [*Rengo*]), and national politics (*Rengo*). Items to check in the overhaul relate to: (1) personnel affairs, wages; (2) working hours; (3) temporary dispatch; (4) health; (5) transportation; (6) union activities; (7) welfare; (8) staffing and personnel relocation; (9) safety and sanitation; (10) workplace environment; (11) regional or living environment; (12) policies and systems; (13) others. These items can be divided into three categories. In principle, complaints concerning items (1) to (6) are directly submitted to the union, whereas those concerning items (7) to (10) are taken up in negotiations at the workplace. Complaints concerning items (11) and (12) are treated as regional or national issues. With regard to complaints submitted to the

union, the union decides on a policy and explains it to the central committee members on a day in late May. After that, before the end of May, the branch committee holds a meeting to explain the policy to branch members (one out of 70 union members acts as a central committee member and one out of 25 union members acts as a branch committee member). The first two weeks in June are designated as a period for *digging up*, during which all union members state their complaints in the designated forms. In the last two weeks in June, the central committee members collect and organize these complaints. During this period, the branch chief, in the capacity of full-time union member (by taking a leave for union activities), engages in finalizing those complaints collected and organized by central committee members.

(4) Collaborative Decision Process

Unions actively take part in deciding on workers' promotion or merit-rating. There is a company where workers have a meeting to talk with their superiors using OJT-forms, on condition that their remarks will not be used for their merit-rating. Workers appreciate this system because they can tell their requests and complaints about work to their superiors. They have this meeting semiannually, for about 30 minutes to one hour on each occasion. The union checks the status of holding of this meeting and the results thereof, by conducting the questionnaire survey targeting union branches. A characteristic feature of this system is that the Job Evaluation Committee, consisting of members from both the labor and management sides, plays a part in the actual process of deciding on workers' merit-rating or promotion. The committee is formed for each business establishment to review the report of performance and proposed treatment submitted by each division or department with regard to every worker. Then, the company-wide committee examines the review results and decides on the treatment for each worker. This system can be reckoned as a collaborative decision process. Members of both the committee organized for each business establishment and the company-wide committee are evenly divided, ten members each from the labor side and the management side.

(5) Negotiation at Workplace

This is the method by which the workplace has the strongest influence. In the sample case, the company has several departments, one of which operates bus services. The union branch set up at the bus department is divided into a number of local chapters set up at the respective service offices. At a service office, the local chapter and only two persons in the managerial post (the office chief and the deputy chief) handle almost all issues at the office. Individual issues are discussed by all staff members within the local chapter. The union branch corresponding to the bus department has slightly less than 1,200 union members. Personnel issues are first checked by the executives of the local chapters, and then organized by the executives of the union branch and brought up for negotiations with the company. There is no complaint resolution committee, and all issues are subject to la-

bor-management negotiations.

If there is no complaint resolution system within the enterprise or there is such system but complaints cannot be solved, complaints are to be brought to the administrative or judicial bodies outside the enterprise. These complaints are beyond the control of enterprise unions, and when dealing with them, enterprise unions are often regarded as being on the same side as the management. In that case, it is inevitable that individual labor disputes take place outside the enterprise.

VI. Closing—Toward the Effective Implementation of the System of Representatives of the Majority of Workers

Enterprise unions in Japan resolve workers' complaints and dissatisfaction successfully to some degree, and we should fully admit the significance of their achievement. However, not all unions actually carry out the activities discussed above. There are quite a number of unions that are not so vigorous in union activities. More seriously, union members account for only 18.5% of all workers (Ministry of Health, Labour and Welfare 2010). In particular, looking at the situation in medium and small-sized enterprises, the percentage of union density is miserably low. In 2010, the estimated percentage of union density among private enterprises with less than 100 workers was as low as 1.1%. A system for accepting the complaints and dissatisfaction of workers who are not union members needs to be developed at the workplace in order to eliminate a serious level of individual labor disputes. One approach to achieve this is the effective implementation of the system of representatives of the majority of workers, wherein the workers' representative is to be vested with legal authority on various issues. At present, the representative of the majority of workers is legally authorized to refuse overtime work imposed on all workers except for those in the managerial post, but is unable to exercise such authority effectively because the system itself is not designed as an effective one as contemplated by the labor law.¹¹

The representative of the majority of workers is not a labor union, but in light of the labor-management relationship in Japan supported by enterprise unions, such a representative can perform functions that are similar to a labor union. Looking at the fact, without bias,

¹¹ Under the labor laws of Japan, many provisions require the consent of "either a labor union organized by a majority of the workers at the workplace, or a person representing a majority of the workers at a workplace" as a condition for exception to statutory labor regulations. For example, Article 32 of the Labor Standards Act prohibits the employer from having a worker engage in work for more than 40 hours per week or having a worker engage in work for more than eight hours per day, whereas Article 36 of said Act provides, as an exception to the former provisions, that the employer may extend the working hours by concluding an agreement with the representative of the majority workers. In reality, this labor-management agreement has been concluded and overwork is imposed on workers at many business establishments. The representative of the majority of workers is also vested with legal authority on other issues concerning variable working hours and paid leaves.

that most individual labor disputes take place at small and medium-sized enterprises, one can recognize that collective bargaining between the labor and the management must be implemented at these enterprises. Workers' complaints cannot be resolved just by setting up consultation counters at administrative agencies. Then, what is important for the effective implementation of the system of representation of workers? First of all, there must be more than one person to represent workers. There should be at least three representatives. One of the biggest problems with the existing representation system is that there is only one representative. It is impossible for a single person to negotiate with the management as a representative of all workers. If the representative has somebody to turn to, he/she can make the right decision more easily.

The representative of the majority of workers should assume the duty to provide workers with information and explanation of the content of the agreement concluded with the management, so that worker can understand the particulars of the agreement. A person who represents others assumes responsibility to those who have appointed him/her, like the Diet members are obliged to report their activities to and tolerate criticisms from citizens—democracy is not just the matter of the right to vote or eligibility for election—or like union executives have accountability to ordinary union members. Every agreement concluded between the representative and the management must be made known to ordinary workers.

Even granting that communications at the workplace are important, it is expected that the management in many enterprises will show a considerable resistance to the legislation for establishing the system of representatives of the majority of workers. However, according to the survey by the Japan Institute of Labor (1996), about 60% of enterprises without a labor union supported the legislation for the establishment of the representation system,¹² whereas only 10 to 20% expressed a strong resistance. It is understandable that they resist this legislation, for two reasons concerning the representative's authority and the company's bearing of costs. More specifically, enterprises are worried that the representative of workers might restrict the right of the management, and they are also unwilling to bear costs for the representative. As for the first point, the representative of the majority of workers will surely restrict the right of the management. However, needless to say, labor-management communication in its true meaning is important for the management as well. Lack of communication will make both workers and the management unhappy. There are things enterprises can do and things they cannot, and the majority of workers probably understand that. Another point is a cost issue. Since the workers' representative cannot engage in union activities full-time, he/she has to carry out activities outside office hours. It is recommended that the representative be paid the minimum amount of allowance. In the case of a me-

¹² This very optimistic data should be taken carefully because it is suspected that the management of enterprises was not very serious when answering the question. Still, it suggests that a number of persons who manage enterprises in Japan do not have a very strong aversion to the idea of the statutory system of representation.

dium-sized enterprise with about 100 workers, 500,000 yen will be enough as the annual cost, including the cost for making the conference room available for use by the representative. This is not a heavy burden to an enterprise; considering the benefits from improved labor-management communication, it is rather cost-effective.

What is important here is that an organ that might be regarded as a collective dispute resolution body is rather capable of handling individual labor disputes. Organs outside the workplace can cope with visible individual labor disputes but cannot respond to potential disputes. In short, it is important to set up a collective dispute resolution body at the workplace. However, as the statistics clearly show, the union density at small and medium-sized enterprises is catastrophic. I cannot help but feeling that in order to reduce potential individual labor disputes, the effective implementation of the system of representatives of the majority of workers is the truly important task.

Whatever excellent system is created, individual labor disputes will not disappear, and in a sense, this is a normal condition. What matters is not the number but the nature of individual labor disputes. The important thing is to reduce the number of situations where workers are forced to silently put up with their complaints even when the complaints are caused due to violations of labor laws.

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The Current Status and Significance of General Unions: Concerning the Resolution of Individual Labor Disputes

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Japan's general unions (*godo roso*) have a long history, but they developed in earnest as unions to which individuals are affiliated after the emergence of community unions in the latter half of the 1980s. In addition to the national unions of the National Trade Union Council (*Zenrokyo*) that existed hitherto, the formation of the regional unions of the Japanese Trade Union Confederation (*Rengo*) in 1996 and the local unions of National Confederation of Trade Unions (*Zenroren*) in 2002, and the strengthening of their activities mean that general unions are in their prime. One of the most important activities of general unions is the resolution of individual labor disputes. The number of disputes resolved is increasing each year, with the independent resolution rate for disputes resolved by general unions through collective bargaining with companies climbing to 67.9%. While resolving disputes that have arisen as a result of violations or ignorance of labor law on the part of employers, general unions also provide opportunities for employers to learn about labor laws, as well as resolving disputes that cannot be resolved by government bodies. Official support for these activities would be desirable.

I. What Are General Unions?

Before defining general unions (*godo roso*), the following provides a simple description of enterprise unions, which are the predominant form of labor unions in Japan. Japanese enterprise unions are unions that exercise in regard to individual companies the three rights of labor recognized in the Constitution of Japan and the Labor Union Act, namely the right to organize, the right to negotiate, and the right to act. Under the enterprise union system, it is not possible to become a member of the enterprise union concerned unless one is an employee of that specific company (and in almost all cases, one must be a permanent employee). In addition, it is not possible to engage in labor-management negotiations or collective bargaining unless one is an official or member of the enterprise union. Enterprise unions also have the right to act. Looking at the actual status of enterprise unions, one can see that 76% of unions have concluded union-shop contracts with companies (Ministry of Health, Labour and Welfare 2005), and welcome people joining the company as union members. Moreover, 93.5% of unions have concluded checkoff contracts (Ministry of Health, Labour and Welfare 2006), which means that their union dues are deducted from their wages. The industrial unions, which are the umbrella organizations to which the enterprise unions belong, are basically unable to restrict the three rights of labor of the enterprise unions.

Given this situation, if we define general unions on the basis of a number of existing definitions developed hitherto (Central Labor Relations Commission 2008, 130; Sugeno

2010, 507; Watanabe 1963, 24; Ishikawa 1963, 215), general unions can be summarized as labor unions that “are based in a particular region,” “which individuals can join” “irrespective of the confines of company, job type or industry,” in which mainly “workers at small or medium-sized enterprises” are enrolled.

II. The Historical Development of General Unions and Their Spread

1. The Full-Scale Development of General Unions

Looking at the situation historically, the full-scale development of labor unions began with the holding of the inaugural conference of the National Union of General Workers (NUGW) in July 1955 in Tokyo, which brought together regional general unions scattered across various parts of the country, focusing primarily on industrial unions in local timber industries. In addition, in the same year, at its 6th Regular Conference, the General Council of Trade Unions (Sohyo), which was the national center of trade unions at the time, proposed a “¥10 contribution per union member, in order to organize non-unionized workers at small and medium-sized enterprises”; the following year, based on this contribution, Sohyo deployed 100 organizers across the country. In 1961, that number apparently exceeded 250 (Matsui 2010). Furthermore, the Japanese Trade Union Congress (Zenrokaigi) and the national center, called the National Federation of Industrial Organization (Shinsanbetsu), decided on a unionization policy that “general unions are the most desirable format” for promoting organization amongst small and medium-sized enterprises, as a result of which, the formation of general unions progressed. With regard to general unions before 1960, there were 296 industrial general unions, which were formed with industries as their organizational unit, accounting for 63% of all general unions. In the case of craft general unions, which are organized for particular professions, there were 84 such unions, accounting for 18% of the total, while there were 92 ordinary general unions,¹ which are unions that do not stipulate a particular industry or profession, accounting for 19% of the total.

It was during the first half of the 1960s that general unions were established from a legal perspective as well as from the perspective of labor-management relations, as a result of the right to collective bargaining being recognized. In 1961, Sohyo defined “unions that mainly organize the workers of micro-enterprises as a union independent of and external to their company, on an individual membership basis” as a form of general union, and undertook organization on an individual membership basis, but in reality, many general unions were formed due to the fact that there was no industrial union to which the enterprise union could be affiliated. Thereafter, many general unions were formed and the number of union members also increased.

¹ It is believed that the term “ordinary” was used in order to distinguish these from industrial and craft general unions (mainly collectives of enterprise unions), and express the sense that they had purely individual membership (Numata 1963).

2. The Formation and Expansion of Community Unions

Sohyo had many district labor union councils/district labor union congresses (Chikuro), the autonomy of which was recognized. Amidst this situation, the Edogawa District Labor Union Council in Tokyo (Edogawa Chikukyo) formed the Edogawa Union in 1984 as a union that even individuals could join, which would protect and enhance their rights, having been consulted by part-time workers (Obata 1993a, 1993b); this is said to be the first example of a community union. Subsequently, many community unions were formed as an organization to which part-time workers could be channeled.

With the formation of the Japanese Trade Union Confederation (JTUC, known as Rengo) in 1989, it was decided to disband Sohyo, so it was inevitable that the Chikuro, which were the regional branches of Sohyo, would also be disbanded as a result, but in the latter half of the 1980s, many district labor union councils and congresses appeared that sought to incorporate the Edogawa Union movement. The community unions formed by the district labor union councils and congresses expanded the scale of their organizations, organizing non-regular workers such as part-time workers, while fulfilling a role as a safe haven for workers. With the disbanding and contraction of district labor union councils and congresses, an additional movement developed, aimed at making community unions autonomous. Such community unions gathered together, holding national meetings from 1989, and formally creating the Community Union National Network the following year. From 1990, it has held the Community Union National Meeting, attended by 300-400 people annually, thereby increasing its presence. Moreover, as well as the National Meeting, block conferences are held each year in Hokkaido, Tohoku, Tokyo Metropolitan Area, Tokai, Kansai, Hyogo and Kyushu.

Many unions moved away from the National Union of General Workers (NUGW), which were general unions, towards participation in the community union movement, and community unions with special features also emerged, such as unions for those in managerial positions, women's unions, and unions for part-time workers.

Based on the above, one can say that there are three main currents in community unions (Kurosaki 2003). Firstly, there are the "district labor union-type" community unions, which were formed with a district labor union council or congress as their parent body, as typified by the Edogawa Union, the Kobe Workers' Union, and the Rengo Fukuoka Union. Secondly, there are the "NUGW type" community unions, which originally acted as the National Union of General Workers; these have a comparatively large membership, such as the Sapporo General Union, Tokyo Union, and Tokyo Managers' Union. Thirdly, there are the "citizens' movement-type" community unions, such as the Women's Union Kanagawa, which was formed when the necessity for a labor union arose while working on issues such as the women's movement.²

² Yoshitake Obata, who created the Edogawa Union, divides community unions into the following five types. Specifically, these are "the district labor union council or congress basis type," "the small

As of September 2010, the number of community unions had reached 73 nationwide, with 15,000 union members.

3. The Heyday of Unions with Individual Membership and General Unions

Rengo Japanese Trade Union Confederation (JTUC-RENGO)

Amidst a situation in which the social presence of unions is waning, due to such problems as the decline in union membership and the inadequacy of their handling of various labor problems, Rengo, which emerged primarily from the industrial union movement, has been under pressure to respond to the intensification of regional union activities, expand the organization, and better deal with non-unionized workers. As a means of responding to these issues, Rengo's 22nd Central Committee, which met in June 1996, established a "policy of expanding organization for the time being" and decided to form regional unions based on its regional councils, as organizations to receive the members who joined as a result of the unionization and expansion activities. In order to encourage this, the committee decided to establish the "organization expansion promotion grant"³ system. As a result, from 1998, the regional councils established a free labor consultation phonenumber and a system of regional advisors. The activities via the free labor consultation phonenumber were assigned a role in linking labor consultations to active unionization, and striving to connect this to unionization within regional unions and membership of component organizations. Moreover, the regional advisors were assigned roles such as gaining an understanding of information relating to non-unionized workers and unions not affiliated to industrial unions, providing information to relevant industrial unions, expanding organization through collaboration and joint actions with component organizations, implementing initiatives linking the permanent free labor consultation phonenumber to unionization, and providing support for activities focused on regional unions.

In November 2001, a meeting of Rengo's Primary Organizational Finance Review Committee recommended the drastic strengthening measure of proactively deploying regional unions centered on regional councils and congresses, with the approach to regional unions being based on the premise that "regional councils will proactively unionize individuals and small-scale local companies, while taking as their basis the approach of 'industry-based membership', which is the unionization policy of Rengo." More specifically, the framework involved (i) promoting membership of unions consisting of individuals and units

and medium-sized enterprise ordinary labor union type," "the mutual aid type," "the local citizens' movement type," and the "part-timer workers' union type." For further details, refer to Obata (1993a, 1993b).

³ Amongst these grants were "grants for expanding regional unions." In addition, "regional union special funds" were introduced as funds for forming regional unions and expanding unionization, which were distributed as required, on the basis of applications featuring plans for and/or actual results of the formation and expansion of regional unions.

of fewer than 100 people (unit unions); (ii) setting affiliation fees at a level in proportion to the annual dues for industry unions; and (iii) handling the rights and obligations in regard to regional councils in the same way as regional organizing bodies. Based on this thinking, Rengo decided upon a policy of considering its approach to regional unions with a greater emphasis on regional councils⁴. Incidentally, Rengo stipulated that regional unions are “‘labor unions with a regional community within a specific range as their organizational unit’, different from ‘regional labor unions’ such as district labor union congresses or district federations, which serve as consultative bodies for enterprise unions, and are labor unions with a mixture of individuals and groups with differing job types, industry types, workplaces, and forms and types of employment” (Rengo 2000). It is said that community unions had a significant influence on the decision concerning the policy on forming regional unions, with the aim of increasing unionization.

As a result of such initiatives, as of March 31, 2010, there were 67 unions which even individuals could join, located in 45 of Rengo’s regional councils. Within those regional unions were 458 member unions, with 15,551 union members (Rengo 2010); individually-affiliated union members accounted for 1,672 of these. The number of labor consultations is increasing by the year, reaching 10,940 in 2009 (Rengo Center for Non-Regular Employment 2010). Moreover, the number of regional advisors had increased to 98 as of September 2010.

The National Confederation of Trade Unions (Zenroren)

Zenroren, which was formed in 1989, first devised a plan to form local unions, which individuals could join, at its 20th conference in July 2002 (Terama 2010).⁵

In November of that year, Zenroren held the first National Assembly of Local Unions and decided that: (i) it would construct local unions as organizations under the direct control of regional organizations that are not affiliated to a specific unit industrial union; and (ii) it would not have a vision of mobilizing local unions to create a single unit industrial union. Thereafter, for three years from 2004, as well as deploying 12 organizers, Zenroren decided upon a mid-term strategy of expanding and strengthening the organization and clarified the positioning of local unions at its 22nd regular conference in July 2006. At that conference, Zenroren ascribed the credit for the tremendous nationwide progress achieved by local unions to the fact that “(i) workers’ mutual aid (workers helping each other out), (ii) the estab-

⁴ Rengo website (<http://www.jtuc-rengo.or.jp/news/weekly/no691/03.html>).

⁵ According to records showing the agenda for the 20th conference, Zenroren advocated that “the formation of ‘local unions’ in all prefectures should be pursued, as a way of creating unions to organize non-unionized workers that transcend industrial sectors. ‘Local Union Assemblies’ will be held to facilitate interaction, the exchange of information, and learning about the experience and practice of others.” At the 19th conference, although it was stated that “through labor consultations and negotiations focused on achieving a resolution, we will proactively mobilize workers at small, medium and micro-enterprises and retail businesses into ‘regional labor unions’ and ‘community general unions,’” but the term local union was not used (Zenroren 2000).

lishment of permanent labor consultation services, and (iii) the establishment of local unions were positioned as a ‘three-piece set’ that was consciously pursued in many regional organizations.” In 2008, union dues were raised by ¥5 per member, with the increase being assigned to a special account for maintaining the expansion of the organization, from which funds were allocated to initiatives focused on strengthening regional organizations, including local unions, and measures to unionize non-regular workers.

As of June 24, 2009, Zenroren had 135 local unions that individuals could join; of these, there were 34 unions with a prefecture as their unit and 101 with a region as their unit, covering a total of 10,355 union members (Zenroren 2009a). The number of labor consultations has been in excess of 10,000 each year since 2002. The number of dedicated consultants dealing with labor consultations has been increased from 150 in 2002 to 235 in 2008. Factors behind this progress in the field of local unions include (i) the effect of mass advertising; and (ii) the establishment of labor consultation centers and workers’ mutual aid schemes (Zenroren 2009b).

Seiji Terama, who is the Director of the Organizing Bureau at Zenroren, has summarized the roles of local unions as follows: (i) to ensure that there are no “solitary” workers in workplaces or regions and to translate their requests into reality; (ii) to strengthen the movement aimed at education and learning promoted by the labor union and cultivate people who can take on a leading role in the community movement; (iii) to unionize those in non-regular employment, such as temporary agency workers, contract workers, temporary workers and part-time workers, especially women and young people (Terama 2009). Moreover, Terama (2010) classifies local unions into three categories: (i) the insider union model, which satisfies the requirements for labor unions with a focus on collective bargaining (e.g. Shinjuku Union, Iwate Local Union, Tokyo Metropolitan Youth Union), (ii) unions with a unionization model focused on seeking to provide a place for people who have nobody to talk to and nowhere that they fit in, while providing practical benefits and real advantages through such initiatives as workers’ mutual aid (e.g. Fushimi Fureai Union, Community Union Tokyo), and (iii) a “hybrid model,” which emphasizes both of these aspects (e.g. Yui Sapporo Local Union, Local Union Osaka).

National Trade Union Council (Zenrokyo)

Zenrokyo emphasizes that, “general unions play a critically important role in creating a forum for non-regular workers and workers at small, medium-sized and micro-enterprises in which both regular and non-regular workers within a company can present a united front, as well as in accepting individual members” (Zenrokyo 2009).

The general unions of Zenrokyo are grouped together under the umbrella of the National Union of General Workers (NUGW, also known as Zenkoku-Ippan); as of September 2010, 43 organizations were affiliated to this body, with approximately 7,000 union members. Since its inauguration in 1989, Zenrokyo has advocated the strengthening of the small and medium-sized labor movement, but specific activities have been left up to the compo-

nent organizations.

Since the latter half of the 1980s, community unions have been formed in succession and the labor movement has expanded. As a result of this, there were many examples of general unions, which hitherto had tended to give a strong impression of being federations of small and medium-sized labor unions, experiencing a resurgence as general unions for unions with individual members. Subsequently, in 1996, Rengo decided upon a policy of forming and strengthening regional unions for unions with individual members, while Zenroren also sought to strengthen unions with individual members from 2002 onwards. Consequently, both national centers have experienced an upward trend both in the number of unions and the number of union members. The general unions can truly be said to be in their heyday.

III. The Current Status of General Unions: Concerning the Resolution of Individual Labor Disputes

Amidst the increase in individual labor disputes in recent years, the Japan Institute for Labour Policy and Training has conducted surveys concerning the resolution and prevention of disputes; as part of this, it has also conducted a survey concerning the role of labor unions. The survey involved visiting community unions that were deemed to be playing a major role in the resolution of individual labor disputes, and not only examining the content of the union's activities, but also conducting interviews with workers whose disputes had been resolved via the union, in order to clarify the background to the dispute, the resolution process and the union's role in that process (JILPT 2009). At the same time, a survey concerning initiatives to resolve and prevent individual labor disputes (referred to below as the Monitor Survey; the author was in charge of conducting this survey) was conducted in regard to community unions, Rengo's regional unions, Zenroren's local unions, and Zenrokyo's national ordinary unions (the National Union of General Workers [NUGW]). Let us now examine the current status of general unions, focusing primarily on the results of those surveys.

The Monitor Survey was conducted between January 2009 and March 2010,⁶ in regard to general unions affiliated to the aforementioned four organizations. With regard to the survey methodology, officials with overall responsibility for community unions, general unions of Rengo, Zenroren and Zenrokyo were asked to cooperate in the survey and select suitable targets for the survey, after which they drew up written requests to the relevant unions for cooperation in the survey, which were sent to the unions along with the questionnaire. The survey was carried out on two occasions; details of the number of valid response forms and the response rates are as follows. In the case of the first survey, 41 forms were

⁶ However, the survey of Zenrokyo's ordinary unions was only carried out for the period November 2009 to March 2010.

Table 1. Number of Union Members, Proportion of Men, Proportion of Permanent Employees, Number of Individual Members and the Fluctuations Thereof

	Number of union members	Proportion of men	Proportion of permanent employees	Number and proportion of individual members
2006	201.5	62.5	58.7	51.0 (25.3%)
2007	216.8	61.5	58.6	56.1 (25.9%)
2008	240.2	60.3	56.7	65.2 (27.1%)
2009	234.4	63.5	57.7	77.2 (32.9%)
2010	221.2	63.0	57.2	61.1 (27.6%)

Source: Japan Institute for Labour Policy and Training, results of the *Monitor Survey on the Resolution and Prevention of Labor Disputes by Labor Unions*. The tables below are all derived from the same source.

received from community unions (out of 73 distributed, giving a response rate of 56%), 42 forms were received from Rengo's regional unions (out of 47 distributed, giving a response rate of 89.4%), 18 forms were received from Zenroren's local unions (out of 41 distributed, giving a response rate of 40.9%), and 7 forms were received from NUGW (out of 41 distributed, giving a response rate of 17.1%). In the second survey, the figures were 26 forms from community unions (35.6%), 22 forms from Rengo's regional unions (46.8%), and 15 forms from Zenroren's local unions (34.1%).

1. The Organizational Composition of General Unions: Trends in the Number of Union Members

The number of members of general unions is in the lower half of the 200 range per union on average. The number increased from 201.5 people in 2006 to 240.2 people in 2008, but subsequently declined, reaching 221.2 people as of 2010. Amongst the union members, the proportion accounted for by men was in the lower 60% range, which was lower than the proportion of men amongst all union members across Japan as a whole, which was 70.9% (2009); consequently, one can say that these unions had a comparatively large number of female members. The proportion of permanent employees was in the upper 50% range, which is quite low compared with the proportion of permanent employees amongst all union members across Japan as a whole, which was 93% (2009).⁷ Amongst the union members, the proportion accounted for by individual members is around 30% (Table 1).

In terms of which unions have the highest number of union members per union, the union types in descending order are regional unions, community unions, the National Union

⁷ This figure was obtained by subtracting 7%, the proportion of all union members accounted for by part-time members, from 100.

Table 2. Number of Union Members by Affiliation and the Proportion of Individual Union Members (%)

	Community unions	Regional unions	Local unions	National Union of General Workers (NUGW)
2006	187.2 (33.4)	304.3 (9.3)	52.4 (66.4)	175.0 (85.3)
2007	196.4 (36.4)	322.8 (8.5)	65.8 (74.2)	189.1 (81.2)
2008	209.5 (42.9)	356.6 (10.8)	80.4 (74.3)	183.9 (85.4)
2009	232.8 (41.0)	340.5 (18.5)	91.2 (78.3)	188.7 (83.1)
2010	204.6 (41.2)	341.6 (15.2)	83.1 (67.5)	

of General Workers (NUGW) and local unions. Moreover, in terms of which unions have the highest proportion of union members accounted for by individual members, the union types in descending order are NUGW, local unions, community unions, and regional unions (Table 2).

If we look at fluctuations in union membership figures during the three years from 2006 to 2008, one can see that the proportion accounted for by “The number of people joining the union is greater than the number leaving the union and the total number is increasing” was the largest, at 41.1%, while 25.2% responded “The numbers of those joining and those leaving the union are both low and the total number is more or less steady,” 11.2% responded “The numbers of those joining and those leaving the union are both high and the total number is more or less steady,” and 9.3% responded “The number of people leaving the union is greater than the number joining the union and the total number is decreasing.” If we look at the situation by labor union, we can see that in the case of both local unions and community unions, the largest proportion was accounted for by those responding “The number of people joining the union is greater than the number leaving the union and the total number is increasing.” In the case of NUGW and regional unions, there were many who responded that “The numbers of those joining and those leaving the union are both low and the total number is more or less steady,” but in the case of regional unions, there were about the same number who responded “The number of people joining the union is greater than the number leaving the union and the total number is increasing.”

2. The Resolution of Labor Disputes, the Background to Those Disputes and Dispute Prevention Measures

One of the most crucial activities of labor unions is providing labor consultation and dispute resolution services. As an overall average, the number of labor consultations each

Table 3. Number of New Applications for Collective Bargaining

	Overall average	Community unions	Regional unions	Local unions	National Union of General Workers (NUGW)
2006	13.6	18.1	11.8	10.9	9.8
2007	14.5	19.7	14.0	11.1	5.3
2008	17.4	23.9	15.5	13.8	7.0
2009	22.4	23.9	26.0	20.1	7.0

year was 245 in 2006, 303.4 in 2008, and 293.5 in 2009. If we look at the situation by affiliation, we can see that community unions, regional unions, and local unions are all demonstrating the same trend as the overall trend, but the amplitude of fluctuation in the case of NUGW is large each year.⁸ In terms of the number of consultations, the union types in order of size are NUGW, regional unions, local unions, and community unions. With regard to the workers who sought labor consultations, men accounted for 50-60%, slightly higher than the figure for women, while non-regular workers accounted for slightly more than permanent employees, the latter accounting for 46-47%. There was almost no difference between years.

Table 3 shows the number of verbal or written applications for collective bargaining by general unions in order to resolve labor disputes. The national average has been increasing annually, from 13.6 in 2006 to 14.5 in 2007, 17.4 in 2008, and 22.4 in 2009. Community unions, regional unions, and local unions are all demonstrating the same trend as the overall trend, but there are both increases and decreases in the case of NUGW. With regard to new requests for collective bargaining, community unions had the largest number, but the fact that the number of requests by regional unions and local unions increased sharply in 2009 is striking. With regard to the composition of workers who were party to new requests for collective bargaining, men outnumbered women, accounting for 53%-59%, while permanent employees accounted for 48%-56%, figures which have been on the increase of late. From this, one can see that labor disputes are spreading, even amongst permanent employees. With regard to the parties to disputes, in 2008, solo workers accounted for the largest proportion, at 72.3%, while multiple workers accounted for 17.0%, and labor unions such as branches accounted for 10.6%. Almost all applications for collective bargaining are made in order to resolve the problems of individual workers.

⁸ Amongst the figures for NUGW, the number of consultations sought with the Tokyo Tobu labor union was in the thousands, whereas the national average was in the hundreds, with Tokyo Tobu receiving 4,840 requests in 2006, 2,914 in 2007, 4,085 in 2008, and 4,647 in 2009; consequently, the large amplitude of fluctuation in the case of NUGW is due to the impact of this union.

Table 4. Dispute Resolution Methods by Share (Status Over the Year of 2008)

	Overall average (number of cases)	Community unions	Regional unions	Local unions	National Union of General Workers (NUGW)
Dispute resolved by collective bargaining between the general union and the employer	67.9 (14.8)	74.5	67.4	48.9	64.4
Dispute resolved with the Labour Relations Commission as an intermediary	6.9 (1.5)	6.2	9.5	2.3	6.3
Dispute resolved with a labor tribunal as an intermediary	6.4 (1.4)	5.0	7.4	8.6	4.4
Dispute resolved with an ordinary court as an intermediary	4.1 (0.9)	3.9	3.7	7.2	6.3
Dispute resolved with a labor bureau or labor standards inspection office as an intermediary	3.7 (0.8)	3.1	3.7	4.5	3.1
Dispute resolved with the local government as an intermediary	0.9 (0.2)	0.4	0.5	4.5	0.0
Ended without resolution	10.1 (2.2)	7.0	7.9	24.0	15.6

Note: In the case of the options “Carried over to the following year” and “Other,” the resolution method was unknown, so they have been excluded. The figures for such cases were 4.1 and 1.6, respectively.

Table 4 shows how the applications for collective bargaining for resolving disputes that were made over the course of the year of 2008 ultimately ended. The proportion of disputes that were “resolved voluntarily” by general unions through collective bargaining with employers was quite high, at 67.9% of the total. In the event that a general union cannot voluntarily resolve a dispute due to the employer refusing an application for collective bargaining, for example, it is possible to use a dispute resolution organization such as the

Labour Relations Commission; if we look at the proportion of disputes resolved using such organizations, we can see that 6.9% were resolved with the Labour Relations Commission as an intermediary, 6.4% were resolved with a labor tribunal as an intermediary, 4.1% were resolved with an ordinary court as an intermediary, 3.7% were resolved with a labor bureau or labor standards inspection office as an intermediary, and 0.9% were resolved with the local government as an intermediary. 10.1% ended without being resolved. The voluntary resolution rate was the highest amongst community unions (74.5%).

The voluntary resolution rate for general unions (67.9%) can be said to be high, even in comparison with the success rates for conciliation and mediation undertaken by other organizations involved in the resolution of individual labor disputes. According to Gaku Watanabe (2008), the success rate for conciliation and mediation was 49.6% in the case of ordinary court cases, 41.5% in the case of provisional ruling procedures, 68.8% in the case of labor tribunals, 38.4% in the case of dispute coordinating committees operated by labor bureaus, 43.5% in the case of the Equal Opportunity Conciliation Conference, 67.6% in the case of the Labour Relations Commission, and 73.5% in the case of the Tokyo Metropolitan Labor Consultation Center; accordingly, the voluntary resolution rate for general unions was the third highest, following the cases of the Tokyo Metropolitan Labor Consultation Center and labor tribunals. The proportion ultimately resolved by general unions through bodies such as the intervention of courts, the Labour Relations Commission, or labor bureaus was very high, at 90%.

Figure 1 shows the background to and reasons for labor disputes, as identified by senior officials of general unions. The biggest proportion of respondents (65.4%) selected violations of labor laws by the company, while other issues commonly selected were ignorance of labor laws on the part of managers, at 45.8%, excessively authoritarian management on the part of managers, at 43%, declining corporate performance, at 40.2%, and lack of communication between labor and management, at 23.4%. Those cited as the biggest factors in the background to and reasons for labor disputes were violations of labor laws on the part of companies, at 24.3%, and ignorance of labor laws on the part of managers, at 13.1%. One could say that most labor disputes arise from violations of labor laws on the part of companies and ignorance of labor laws on the part of managers.

Incidentally, if one looks at the various business-related situations on the part of companies that give rise to labor dispute, a strikingly large proportion is accounted for by "There are many companies and groups experiencing declining business performance" (92.5%). Moreover, the issue "Monetary labor conditions, such as wages, lump-sum payments and bonuses, are deteriorating" was seen at the majority of companies (86.9%). Next, the companies experiencing the issue "Non-monetary labor conditions, such as working hours, job transfers, and redeployment" accounted for 68.2%. Moreover, what was characteristic was the fact that more than half (52.3%) pointed out that "There are many disputes at companies where the company president is a relative of the founder, such as their child or wife," while only 29.9% responded that "There are many disputes at companies where the



Figure 1. The Background to and Reasons for Labor Disputes

company president is the founder.” One can see that labor disputes occur more frequently at companies where the founder’s child or wife is the company president than at companies where the founder is the president. The proportion of general unions which were aware that “An increasing number of companies do not respond sincerely to collective bargaining” was around half, at 49.5%. There were comparatively few responses that “There are many disputes at companies that have undergone reorganizations or the transfer of business operations” (30.8%) or “There are many labor disputes in the public sector” (27.1%).

3. The Activities of General Unions and the Status of Members Remaining with the Union

This survey asked what activities the general unions undertook, how their activities

Table 5. Status of Parties to Disputes Remaining in the Union after Dispute Resolution (Select up to 3)

	Overall average	Community unions	Regional unions	Local unions	(%) National Union of General Workers (NUGW)
There are many people who consciously remain in the union because the union helped them, so they want to contribute to union activities.	32.7	41.5	23.8	33.3	28.6
There are many people who remain in the union because the union helped them, so they feel it would be inexcusable to withdraw straight away and will remain in the union for a few months.	55.1	65.9	38.1	77.8	28.6
There are many people who remain in the union because there is a provision that one remains in the union automatically for a certain period of time if one pays settlement money.	9.3	14.6	7.1	0.0	28.6
There are many people who withdraw immediately after paying the settlement money.	26.2	36.6	16.7	27.8	28.6
There are many people who withdraw immediately, without paying the settlement money.	10.3	4.9	11.9	16.7	14.3
There are many people who are treated as though they have withdrawn because they do not pay their union dues.	42.1	51.2	23.8	72.2	28.6
There are many people who are treated as though they have withdrawn because they cannot be contacted.	25.2	29.3	14.3	50.0	0.0
Other	18.7	22.0	21.4	5.6	14.3

are evaluated by the local community, and to what degree union members participate in union activities. Firstly, more than half of general unions take pride in the fact that “We make a big contribution to improving the working environment for local workers” (52.3%), and “Local understanding of union activities is increasing” (54.2%), while almost half responded that “The activities of the union are often reported in the mass media, such as the newspapers” (44.9%). The largest number of respondents selecting these options was accounted for by community unions. All general unions undertaking these kinds of activities responded that “We would like official support,” with the proportion reaching at 58.9%.

At the same time, how long do union members who were facing labor disputes and who joined general unions seeking their resolution remain in the union after their disputes were resolved? If we look specifically at the question of whether workers remain in the general union after their dispute is resolved or whether they withdraw from it (Table 5), firstly, they can be broadly divided into “the group that remains” and “the group that withdraws.” Among “the group that remains” are “those who proactively remain,” who “consciously remain in the union because the union helped them so they want to contribute to union activities,” accounting for 32.7%, and this type of member supports general unions a great deal. Moreover, there are “those who remain out of obligation,” because “the union helped them, so they feel it would be inexcusable to withdraw straight away and will remain in the union for a few months” (55.1%) and “those who remain because they are dependent on rules,” because “there is a provision that one remains in the union automatically for a certain period of time if one pays settlement money” (9.3%). On the other hand, among “the group that withdraws” are “those who withdraw by failing to pay union dues or settlement money,” which includes “those who are treated as though they have withdrawn because they do not pay union dues” (42.1%), “those who withdraw immediately without paying the settlement money” (10.3%), and those who not only do not pay union dues, “but who are treated as though they have withdrawn because they cannot be contacted” (25.2%); in addition, there are “those who withdraw after paying union dues or settlement money,” namely “those who withdraw immediately after paying the settlement money” (26.2%). For general unions, increasing the number of those in “the group that remains,” particularly members who are “those who proactively remain” is a major issue; the union type with the largest number of such members is community unions, at 41.5%.

4. Union Leaders

The number of full-time general union officials is 1.1 on average overall.⁹ If one looks at the number of full-time general union officials, the figures in descending order are

⁹ On the survey form, respondents were asked to fill in the total number of full-time officials and to divide them up into full-time executives and employees/part-timers, filling in the relevant numbers on the form. The results showed that there were 1.5 full-time executives and 0.8 employees/part-timers. Adding the two figures together, the total number of full-time officials is in excess of 1.1 people.

Table 6. The Actual Status of Union Activities on the Part of General Union Leaders

	(%)	
	Overall average	Full-time officials
Generally spend in excess of 8 hours on activities every day	50.5	77.6
Often spend more than 5 days a week on activities	58.9	83.7
Often spend more than 22 days a month on activities	62.6	87.8
Deal with union activities even outside working hours if contacted by a union member	90.7	100.0
Often conduct activities on days off (Saturday, Sunday, public holidays)	80.4	93.9
It would be no exaggeration to say that, as a general rule, every day—24 hours a day, 365 days a year—is labor union time	38.3	46.9

1.5 people at local unions, 1.4 at the National Union of General Workers (NUGW),¹⁰ 1.0 at community unions, and 1.0 at regional unions.

The average age of general union leaders was 53.8 years, the proportion of men was 82.2%, and the number of years of experience was 11.9.

If we look at the status of changes in the number of full-time officials at general unions since 2000, we can see that as a nationwide average, the proportion of unions where there was “no change” is 64.5%, the proportion reporting an “increase” is 18.7%, and the proportion reporting a “decrease” is 2.8%. In descending order by union type, those reporting an “increase” were local unions (27.8%), community unions (22%), and regional unions and NUGW (14.3%). Local unions accounted for the largest number of unions experiencing increases, had no decreases, and had the biggest increase in the number of full-time officials.

If we look at the actual status of the union activities of general union leaders (Table 6), dividing them into the overall average and full-time officials, we can see that 50.5% of leaders (full-time leaders: 77.6%; the same format applies below) “generally spend in excess of 8 hours on activities every day,” 58.9% (83.7%) “often spend more than 5 days a week on activities,” and 80.4% (93.9%) “often conduct activities on days off (Saturday, Sunday, public holidays).” Furthermore, most leaders—90.7% (100%)—“deal with union activities even outside working hours if contacted by a union member,” while as many as 38.3% (46.9%) of general union leaders devote their whole lives to union activities, res-

¹⁰ The fact that one union has six full-time officials pushes up the figures for NUGW as a whole.

ponding that “it would be no exaggeration to say that, as a general rule, every day—24 hours a day, 365 days a year—is labor union time.”

Among the general union leaders conducting such rigorous union activities, 89.7% (93.9%) state that they “feel that union activities are worthwhile,” but 48.6% (51.0%) confess that, financially speaking, “it is hard to make ends meet from the remuneration paid by the union alone.” One wonders how general union leaders are seen by their families. 75.7% (79.6%) think that “their family demonstrates understanding of union work,” but 24.3% (24.5%) perceive that “their family feels that their own work is a nuisance in terms of family life.” Moreover, the lowest share—6.8% (18.4%)—was accounted for by those who responded that they “want their children to do this job as well.” Based on the responses above, the biggest factors in this are believed to be financial reasons.

IV. The Significance of the Existence of General Unions

Looking at the general unions targeted by this survey just in terms of the number of union members, they have no more than 50,000 members, making them smaller than larger unit unions or company federations. However, if we look at the different aspects of the situation, we can see that there is great significance in their existence.

1. People Who Can Take on a Leading Role in the Labor Movement

Amongst the number of new pending cases of coordination by the Labour Relations Commission, the proportion accounted for by general unions climbed to 68.7% in 2008,¹¹ and that share is increasing almost every year. Amidst a situation in which the number of cases of industrial disputes in Japan (strikes lasting at least half a day) has decreased consistently, recently tracking at around 50 cases annually, the status of general unions in the labor movement certainly is not low.

General unions do not simply take on a role as a safe haven for individual workers. They also actively raise legal issues relating to workers placed in a weak position and non-regular workers, such as part-time workers and temporary dispatch workers. The starting point for the community union movement was the opening of the helpline for part-time workers, called “Part-time 110,” which sought to resolve problems affecting part-time workers. Moreover, to a considerable degree, the recent moves focused on amending the Worker Dispatching Act have resulted from general unions such as the Haken Union, which

¹¹ The proportion accounted for by general union cases has been demonstrating an upward trend, rising from 55.2% in 2002 to 57.1% in 2003, 57.4% in 2004, 59.6% in 2005, 58.9% in 2006, and 65.2% in 2007. In the case of general unions, almost half of new pending cases are “last-resort” cases (cases in which the worker joins the general union after the situation that could become a case for coordination has arisen, and where there has been an application from the union in question for the matter to become the subject of coordination); the share of such cases was 31.7% in 2002, 37.9% in 2003, 44.7% in 2004, 49.5% in 2005, 43.0% in 2006, 46.9% in 2007, and 48.3% in 2008 (Central Labor Relations Commission 2008).

focuses on temporary agency workers, raising pertinent issues.

Since 2000, through the revision of labor agreements with companies, enterprise unions have been unionizing part-time workers; factors behind this include their intention to maintain sound labor-management relationships and to defend their organizations (Oh 2004). The relevant enterprise unions are unionizing part-time workers by concluding labor agreements to expand the scope of union members, after persuading companies that they would be unable to maintain sound labor-management relationships if a proportion of employees join a general union and the company is made to accept requests from the general union for collective bargaining. The recent progressive unionization of part-time workers has also been brought about by intensive activities on the part of general unions, albeit indirectly.

Some employers say that they were bewildered by a sudden request from a general union for collective bargaining, but surely they should take it positively, as an opportunity to verify whether they have constructed a workplace environment in which a worker, who joined the general union as a last-resort, could say what he/she thought. Moreover, some enterprise union executives are critical of general unions, but actually, the general union movement is passive rather than active. To be more specific, rather than going to seek out workers who are facing problems in terms of enterprise-based labor-management relationships, the general union movement is one in which they accept workers who come to them in search of a solution to the problems that they are facing.

There are both advantages and disadvantages to the enterprise union and enterprise-based labor-management relationship system in Japan. One is that if labor-management cooperation goes too far, the union can become a “company-controlled union.” Amidst this situation, there are cases, infrequent though they may be, in which a union member or employee of the company concerned who is at a disadvantage joins a general union so as to resolve the problem. In some aspects, general unions, requesting that companies engage in collective bargaining, may have encouraged improvement or revitalization on the part of enterprise unions that have a sense of crisis in regard to labor-management relationships. The existence of general unions, which are outside the company structure, has significance all the more in Japan, where activities by enterprise unions are at the heart of the union movement.

2. Strong Ability to Resolve Individual Labor Disputes

General unions play a role of the utmost importance in resolving “last-resort” labor disputes, where a worker seeks assistance. As described earlier, the voluntary resolution rate in regard to disputes resolved by general unions through collective bargaining with the employers of the workers concerned is 67.9%, which is a high level compared with the success rate of conciliation and mediation undertaken by other government or judicial institutions focused on the resolution of individual labor disputes. The powerful ability of general unions to resolve disputes is based on the professionalism of the union executives, their

wide-ranging networks both within and outside their communities and the exchange of information with members of those networks, the firm faith and zealous spirit of the union executives, and the technique of joint struggle (JILPT 2009, 2010).

General unions not only have a powerful ability to resolve disputes, but also resolve a large number of disputes. During the year 2008, it is estimated that general unions resolved 2,387 disputes¹² voluntarily through collective bargaining with employers. Although this is lower than the 3,234 cases resolved by the dispute coordinating committees of the labor bureaus (2,647 cases of successful mediation and 587 cases withdrawn [Ministry of Health, Labour and Welfare 2009]), it is higher than the 271 cases resolved by the Labour Relations Commission (212 cases resolved and 59 cases withdrawn), 1,028 cases resolved by labor tribunals (2007), and 1,114 cases resolved by means of ordinary court cases concerning labor relations (2007).

Hitherto, in many cases there were no accurate statistics concerning the individual labor disputes in which general unions were involved, and it tended to be the case that only examples were taken up. In this survey, responses were not obtained from all general unions, so it is difficult to ascertain the whole picture, but the high voluntary resolution rate and large number of individual labor disputes resolved by general unions is evident, with the results comparing favorably with those of government and judicial institutions. Moreover, it is not unusual for disputes that cannot be resolved by government bodies to ultimately be resolved by general unions.

3. Making Labor Problems Visible

General unions are open unions in two senses. They have both an open entrance and an open exit. Basically, they are open organizations that anyone can join as long as they are a worker, and the people who come to and join general unions have information about a variety of labor problems. Consequently, general unions have a great deal of information about real-life labor problems that exist in society. On the other hand, they are open organizations from which union members can withdraw with hardly any restrictions, and general unions proactively disclose information about unions, both within the union and outside it. The disclosure and visualization of information is undertaken proactively because while it is an internal measure that must be carried out in order to facilitate an understanding of union members, of whom there is a high turnover, it is also a social measure that must be disclosed to many mass media outlets in order to improve the actual situation with regard to various outrageous labor problems. General unions play a major role in making labor problems visible, and make no small contribution to the formation of more desirable labor rules and the elimination of labor problems. Because general unions are open in terms of their leaders as well, there is constant renewal and reform from within the organization, which

¹² These figures are based on the average number of new applications for collective bargaining made by general unions during the year 2008 (17.4 cases) × the number of general unions targeted by the survey (202 unions) × the voluntary resolution rate (67.9%).

increases these unions' ability to make labor problems visible.

V. Proposals for the Government, Labor and Employers Based on the Results of Research into General Unions

Finally, I would like to make some proposals to the government, labor and employers, based on the findings of this paper and research carried out hitherto. Firstly, the government should give specific consideration to its approach to official support for general unions. General unions, which deal with many individual labor disputes, resolve disputes through collective bargaining with employers, on behalf of workers who have suffered unfair treatment caused by violations or ignorance of labor law, and who seek refuge with a union in order to find a solution. There are not a few cases in which issues that government bodies could not resolve have been solved by general unions. In the process of resolving issues, general unions provide employers with opportunities to learn about labor law, including the principles of case law. One could say that ensuring thorough knowledge of and compliance with labor law is the role of government, but general unions take on this task. Furthermore, they respond to countless labor consultations from workers, and provide information about labor problems and issues relating to labor administration. Consideration should be given to providing proactive official support to general unions, which fulfill such roles.

In the meantime, employers should strive for smoother communication between management and labor. Labor-management communication is a management resource that decreases management crises and increases the morale, skills, labor efficiency, and teamwork of employees (Oh 2009). In almost all cases, workers who visit general unions cannot raise issues within their companies because of a lack of communication between labor and management. Moreover, as pointed out by the executives of general unions, the emergence of disputes results from either violations or ignorance of labor law on the part of employers, but if employers do not reject the general unions that point out such problems, but respond with integrity, disputes will be resolved swiftly and smoothly. All organizations face problems. What is important is whether or not one notices them and can resolve them. From this perspective, it would be desirable for employers to proactively utilize the raising of problems and applications for collective bargaining by general unions as a good opportunity to strive to build better communication between labor and management, and to refine its management resources.

Finally, there is a suggestion for labor unions. Amidst globalization, labor unions are undertaking intensive international exchange, but it appears that interaction between domestic unions, particularly with general unions, is surprisingly sparse. There are many labor and social problems that one does not notice in the arena of labor-management relationships within companies, and general unions have an abundance of information regarding these and are striving to resolve these problems. Moreover, in the process of negotiating with many companies, general unions have developed great insight into more desirable ap-

proaches to corporate management and labor-management relationships. It is possible to learn a lot from interaction with general unions, and to utilize this knowledge in improving labor-management relationships within companies and constructing a better society. Interaction with general unions, whose door is always open, could become an opportunity to revitalize the labor movement in Japan.

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General Unions and Community Unions, and Japanese Labor Law

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General unions and community unions are labor unions composed mainly of workers of small- and medium-sized enterprises and organized on a regional basis, beyond the boundaries of enterprises, and particularly referring to such labor unions that allow workers to join on an individual basis. As the Constitution and the Labor Union Act of Japan do not differentiate the treatment of labor unions according to their organizational aspects, both general unions and community unions are guaranteed the constitutional right to organize as well as to bargain and act collectively, as enterprise unions and other types of labor unions are guaranteed these rights. Yet, general unions and community unions are distinctive in the sense that, as one of their important tasks, these unions carry out collective bargaining substantially for the purpose of trying to resolve disputes arising from the dismissal or the working conditions of individual workers, which is different from the primarily presumed purpose of collective bargaining, *i.e.* establishing collective standards for working conditions. Due to this reality, the question of how to understand such a way of using collective bargaining in the context of the labor law arises. The academic views, the Labor Relations Commissions and courts recognize the collective bargaining processed by general unions and community unions for resolving individual disputes in labor relations as being eligible for protection and assistance under the Labor Union Act, and as being basically covered by the measures for assistance for dispute resolution, such as relief from unfair labor practices and dispute adjustment. This handling is based on the perception of the current situation where general unions and community unions serve as a *safety net*, to some extent, for workers of enterprises that do not have well-organized in-house unions. From the perspective of legal theory, however, there are still many issues that need further in-depth discussions on this point.

I. Introduction

This article discusses labor law issues concerning a specific category of labor unions, namely “general unions” or “community unions.”

Most labor unions in Japan are enterprise unions, which are formed within the respective enterprises and composed of their workers.¹ These unions basically admit only regular workers into their membership.² In Japan, the unionization rate is extremely low among small- and medium-sized enterprises as compared to that among large enterprises.³

¹ About 90% of organized workers are the members of enterprise unions. Kazuo Sugeno, *Rodoho (dai 9 han) (Labor and Employment Law, 9th ed.)* (Kobundo, 2010) 506.

² Recently, however, some enterprise unions admit non-regular workers, such as part-time workers, into their membership.

³ As of 2010, the unionization rate was 46.2% among private enterprises with 1,000 workers or more, whereas the rate was lower among those with 100 to 999 workers, at 14.2%, and far lower among those with 99 workers or less, only at 1.1%. The average union density among all private en-

Against the backdrop of this situation, a new type of labor union has emerged since the mid-1950s, as regional unions organize workers of small- and medium-sized enterprises, irrespective of the enterprise or industry that the workers belong to. These unions are called “general unions.” Subsequently, since around the 1980s, another type of regional labor union, called a “community union,” has come on the scene. Community unions accept non-regular workers such as part-time workers, who usually were not entitled to membership in enterprise unions, as members affiliated on an individual basis,⁴ and help these workers resolve their labor disputes. Although there are no clear definitions of the terms “general union” and “community union,” these terms are generally used to refer to labor unions composed mainly of workers of small- and medium-sized enterprises and organized on a regional basis, beyond the boundaries of enterprises. In most cases, these terms especially refer to labor unions that allow workers to join on an individual basis, instead of in units of enterprise, as an approach to organize workers beyond the boundaries of enterprises. In the sections below, the terms “general union” and “community union” mean this category of labor union.⁵

An important area of activities carried out by general unions and community unions is to provide individual union members with assistance for resolving their labor disputes arising from dismissal or in relation to working conditions.⁶ These unions attempt to resolve the disputes through collective bargaining with the members’ employers. In practical terms, individual workers’ complaints about working conditions and other labor-related problems are handled through the collective bargaining process. In other words, general unions and community unions play a role in resolving *individual* disputes in labor relations through collective bargaining, a means primarily tailored to resolving *collective* disputes in labor relations.⁷

Article 28 of the Constitution of Japan guarantees labor-related rights to workers, namely, the rights to organize, bargain collectively, and act collectively (engage in strikes and other concerted activities). Based on these constitutional rights, the Labor Union Act

terprises was 16.9%. Ministry of Health, Labour, and Welfare, *Basic Survey on Labour Unions of FY2010*, available at: <http://www.mhlw.go.jp/toukei/itiran/roudou/roushi/kiso/10/kekka03.html> (last accessed, November 1, 2011).

⁴ General unions and community unions generally do not limit their membership only to non-regular workers, but they also admit regular workers, who account for slightly less than 60% of all members. Hak-Soo Oh, *Roshikankei no Furontia: Rodokumiai no Rashinban (Frontiers of Industrial Relations in Japan: Compass for Labor Unions)* (Japan Institute for Labour Policy and Training, 2011) 317–318.

⁵ For the history and status of general unions and community unions, and the functions that they actually perform, see Oh, *supra* note 4, at 264–341.

⁶ Of course, general unions and community unions also carry out activities to maintain and improve working conditions for groups of workers at medium- and small-sized enterprises by conducting collective bargaining and concluding collective bargaining agreements, in addition to solving individual disputes in labor relations.

⁷ Oh, *supra* note 4, at 321–322.

provides that a variety of protection and assistance shall be given to labor unions that meet the definition of “labor unions” set forth in this Act (Article 2) (for more details, see Section II). The Labor Union Act does not limit the scope of such “labor unions” that are eligible for this protection and assistance only to enterprise unions. Therefore, as long as it falls within the scope of “labor unions” under this Act, any labor union—whether it is an enterprise union, industrial union, or trade union, or is a general union or community union—is to be granted the statutory protection and assistance.

However, general unions and community unions often face legal issues that enterprise unions rarely encounter, due to the difference in the types of workers they organize and the activities that they engage in. Among others, a question arises as to how we should understand the fact that the collective bargaining process conducted by general unions and community unions is often intended to resolve individual disputes in labor relations.

Bearing in mind the current situation as explained above, in the following sections, I will first take a look at the general framework under the Labor Union Act of Japan for providing labor unions with the statutory protection and assistance, and then discuss various issues related to labor law that general unions and community unions sometimes encounter, focusing on issues concerning the organizational aspects and collective bargaining.

II. Overview of the Labor Union Act of Japan

Article 28 of the Constitution of Japan provides that, “The right of workers to organize and to bargain and act collectively is guaranteed.”

Under this constitutional principle, the Labor Union Act provides workers with a variety of protection and assistance, for the following purposes: “to elevate the status of workers by promoting their being on equal standing with their employer in their bargaining 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 bargaining agreements regulating relations between employers and workers” (Article 1). One of the measures for such protection and assistance is the relief from unfair labor practices, granted by the Labor Relations Commission.

1. “Labor Unions” Eligible for the Protection and Assistance under the Labor Union Act

A variety of protection and assistance set forth in the Labor Union Act shall be given to “labor unions” as defined by this Act. Workers are free to form a labor union, but in order for the labor union to receive the statutory protection and assistance, the labor union needs

to comply with the definition of “labor unions” under this Act (Article 5, paragraph 1).⁸

Article 2 of the Labor Union Act defines the term “labor unions” as used in this Act as “those organizations, or federation 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.” According to this definition, in order to be recognized as a “labor union” in the meaning under the Act, a labor union must meet the following conditions: (i) it must be composed “mainly of workers;” (ii) its “main purposes” must be to “maintain and improve working conditions and raise the economic status of the workers;” (iii) it must be formed “voluntarily;” and (iv) it must be an “organization.” Among these conditions, (i) and (iii) are often to lead to legal problems, while (ii) and (iv) rarely become problems.⁹

(1) Who Are “Workers”?

A “labor union” in the meaning under the Labor Union Act must be composed “mainly of workers.” This condition involves an issue of who can be “workers.” This issue has recently attracted much attention for the following reasons. Along with the increased diversification of people’s style of working, it has become more popular to adopt a scheme wherein work that was conventionally performed by workers under employment contracts is, at least as a matter of form, assigned to self-employed individuals under contract for services. In addition, under such circumstances, rulings rendered by lower courts in recent years tend to narrowly interpret the concept of “workers” under the Labor Union Act (as discussed later). As general unions and community unions are willing to admit non-regular workers, who face difficulty in joining enterprise unions, into their membership, it may be more likely that members of these unions include people who engage in work, at least in form, in the capacity of the self-employed. In this respect, the issue of who are “workers” could mean more to general unions and community unions.

Article 3 of the Labor Union Act defines the term “workers” as “those persons who live on their wages, salaries, or other equivalent income, regardless of the kind of occupation.” Meanwhile, the term “workers” is defined in different ways in the field of employment law: “persons who are employed to engage in work and are paid wages by an employ-

⁸ In order to receive assistance, including the relief from unfair practices granted by the Labor Relations Commissions, a labor union must also have a constitution which provides for, among others, equal treatment of members and members’ direct participation in determining important matters concerning the labor union (Article 5, paragraphs 1 and 2 of the Labor Union Act).

⁹ Condition (ii) can be met as long as “maintaining and improving working conditions and raising the economic status of the workers” is the main purpose of the organization concerned, and the organization does not need to have this purpose as its sole purpose. It follows that organizations that conduct mutual aid services or carry out political or social movements only as their auxiliary purposes can also fall within the scope of “labor unions” under the Labor Union Act (see the proviso, items (iii) and (iv) of Article 2). In order to meet condition (iv), the labor union must consist of at least two members and have its own management structure, including a constitution, decision-making organ, officers, and assets.

er” (Article 2, paragraph 1 of the Labor Contract Act); “people who are employed at an enterprise...and are paid wages thereby” (Article 9 of the Labor Standards Act). Thus, unlike these statutes requiring one party (the worker) to be “employed” by (under the control and supervision of) the other party (the employer), the Labor Union Act does not literally require such an employment relationship. Academic views, Labor Relations Commission orders, and lower court rulings, based on such wording and the legislative history of the Labor Union Act, conventionally understood that the definition of “workers” under the Labor Union Act was broader than the definition of “workers” in the field of employment law.¹⁰ Given this understanding, for instance, professional baseball players and football players are excluded from the scope of “workers” in the context of the Labor Standards Act, etc., whereas they are regarded as “workers” under the Labor Union Act. Similarly, unemployed people are not “workers” in the context of the Labor Standards Act, etc. but they are “workers” under the Labor Union Act.

In recent years, a new trend has been seen in lower court rulings in connection with this issue, that is, lower courts began to understand the concept of “workers” under the Labor Union Act as being almost the same as that applied in the field of employment law, thereby construing the concept of “workers” under the Labor Union Act narrowly, and they tended to draw a conclusion that the person concerned was not a “worker” under the Labor Union Act.¹¹ However, the Supreme Court¹² denied this narrow construction, and it reaffirmed the relaxed criteria for acknowledging that a person who engages in work meets the definition of the term “workers” under the Labor Union Act, by comprehensively taking into consideration the following circumstances: (i) whether or not the person is integrated into the organization of the firm; (ii) whether or not the firm decides the details of the contract one-sidedly; (iii) whether or not the remuneration for the person has the nature of compensation for his/her provision of labor, in light of the calculation method, etc.; (iv) whether or not the person is basically obligated to accept individual offers of work from the firm; and (v) whether or not the person provides labor under the control and supervision of the firm or under some constraints in terms of time or place of work.

¹⁰ For details of academic views, lower court rulings, and Labor Relations Commission orders, see Hisashi Takeuchi-Okuno, *Rodokumiaiho jo no Rodoshasei ni tsuite Kangaeru: Naze Rodo Keiyaku Kijun Apurochi nanoka? (Eligibility as a Worker Under the Labor Union Act: Why to apply employment contract-based approach?)*, 229 *Kikan Rodoho* 99 (2010).

¹¹ *Cent. Lab. Rel. Comm'n v. Shin-Kokuritsu Gekijyo Un'ei Zaidan*, 981 *Rodo Hanrei* 13 (Tokyo High Ct., Mar. 25, 2009); *Cent. Lab. Rel. Comm'n v. INAX Maintenance*, 989 *Rodo Hanrei* 12 (Tokyo High Ct., Sep. 16, 2009); *Cent. Lab. Rel. Comm'n v. Victor Service & Engineering*, 1012 *Rodo Hanrei* 86 (Tokyo High Ct., Aug. 26, 2010).

¹² *Cent. Lab. Rel. Comm'n v. Shin-Kokuritsu Gekijyo Un'ei Zaidan*, 1026 *Rodo Hanrei* 6 (S. Ct., Apr. 12, 2011), *Cent. Lab. Rel. Comm'n v. INAX Maintenance*, 1026 *Rodo Hanrei* 27 (S. Ct., Apr. 12, 2011). For the commentary on these two rulings of the highest court, see Hisashi Takeuchi-Okuno, *Rodokumiaiho jo no Rodoshasei wo meguru 2 tsuno Saikosai Hanketsu ni tsuite (Two Supreme Court Decisions on Eligibility as a Worker under the Labor Union Act)*, 118 *Nihon Rodoho Gakkaishi* 165 (2011).

(2) Securing *Voluntariness* (Independency) and Prohibiting the Membership of “Persons Who Represent the Interests of the Employer”¹³

Another condition to be met by a labor union in order to be recognized as a “labor union” under the Labor Union Act is that the labor union is organized and operated “voluntarily,” or independently of the employer. For securing such *voluntariness*, the proviso, item (i) of Article 2 of the Labor Union Act provide that a labor union which admits into its membership, officers, “workers in supervisory positions having direct authority with respect to hiring, firing, promotions, or transfers,” and “other persons who represent the interests of the employer,” shall not be recognized as a “labor union” under this Act.

In practical terms, enterprise unions often deny membership to workers who hold managerial positions in the organization of their firms. However, the judicial precedent¹⁴ presented a very narrow interpretation on the scope of “persons who represent the interests of the employer,” and determined that only a limited range of persons in senior managerial positions fall within this scope.

Since the 1990s, in the depression following the burst of the economic bubble, one after another firms lowered working conditions offered to the middle-aged or older workers in managerial positions. This situation led to the formation of labor unions for workers in managerial positions, and some general unions and community unions started to admit these workers into their membership. The question may arise as to whether such unions, which can be called “managers’ unions,” can be recognized as “labor unions” under the Labor Union Act. According to the aforementioned judicial precedent, most of such unions would not be regarded as admitting “persons who represent the interests of the employer” into their membership, so they are eligible to be recognized as “labor unions” under the Labor Union Act.¹⁵

2. Collective Bargaining

(1) Adopting Plural Representation System, Instead of Exclusive Representation System

As mentioned earlier, Article 28 of the Constitution of Japan guarantees workers the right to bargain collectively, in addition to the rights to organize and act collectively. Following this, Article 7, item (ii) of the Labor Union Act designates the employer’s “refusal to bargain collectively with the representatives of the workers employed by the employer

¹³ For details on this topic, see Hisashi Takeuchi-Okuno, *The Position and Function of Executive Staff Members in Japanese Labor Law*, in Manfred Weiss et. al., eds., *Labour Law of Executive Staff in Selected Countries* (Nomos, 2010) 228–260.

¹⁴ See, e.g., *Natoko Paint v. Aichi Lab. Rel. Comm’n.*, 524 Rodo Hanrei 35 (Nagoya Dist. Ct., July. 15, 1989).

¹⁵ In *Cemedine v. Cent. Lab. Rel. Comm’n.*, 807 Rodo Hanrei 7 (Tokyo High Ct., Feb. 29, 2000), which involved a “managers’ union” consisting of workers in managerial positions of a particular firm, the court found that the union did not admit to membership “persons who represent the interests of the employer,” and recognized its eligibility as a “labor union” under the Labor Union Act.

without justifiable reasons” as a type of unfair labor practice, thus placing the employer under the obligation to bargain collectively.

As for the workers’ right to bargain collectively, Article 6 of the Labor Union Act provides that “Representatives of a labor union...shall 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 bargaining agreements and other matters.” Thus, each union has the right to bargain collectively with respect to matters affecting its own members. In other words, the Japanese labor law does not adopt the “exclusive representation system.” Furthermore, every labor union has the right to bargain collectively, irrespective of its size or the number of its members.¹⁶ It often happens that a general union or community union includes among its members only one worker among those who belong to a particular firm (this situation is occasionally seen in the case of the “*kakekomi-uttai*” discussed later). Even in that situation, the firm is bound to bargain collectively with the union.

(2) Mandatory Subjects of Bargaining

The employer has the obligation to bargain collectively only with regard to mandatory subjects of bargaining. According to the judicial precedent,¹⁷ mandatory subjects of bargaining are specified as “matters concerning the working conditions and other terms of treatment of the workers or the handling of the collective labor relations between the labor union and the employer, for which the employer has the power to decide.”

Mandatory subjects of bargaining are specified as follows: (i) matters concerning “working conditions and other terms of treatment” include wages, working hours, rest periods, days-off, leaves of absence, safety and health, industrial accident compensation, and education and training, as well as standards for personnel affairs, such as personnel relocation, disciplinary action, and dismissal; (ii) matters concerning the “handling of collective labor relations” include the procedures for conducting a collective bargaining process and carrying out industrial actions. In addition, (iii) matters concerning corporate management and production are regarded as mandatory subjects of bargaining as long as they are related directly to the employment of the worker concerned and only with regard to the issue affecting the employment.¹⁸

It is a theory established as the case law doctrine and supported by the academic sector that not only the *standards* for personnel affairs such as personnel relocation, disciplinary action, and dismissal, but also *each dispute* over relocation, disciplinary action, or

¹⁶ In *Nissan Motor Co. v. Cent. Lab. Rel. Comm’n*, 39 Minshu 730 (S. Ct., Apr. 23, 1985), the Supreme Court ruled that where two or more labor unions concurrently exist within one firm, each of these unions, irrespective of its size or the number of its members, has its own right to bargain collectively with the firm.

¹⁷ *Cent. Lab. Rel. Comm’n v. INAX Maintenance*, 1026 Rodo Hanrei 27 (S. Ct., Apr. 12, 2011).

¹⁸ See e.g., *Hayashi v. Meidi-ya*, 14 Rominsu 1081 (Nagoya Dist. Ct., May 6, 1963).

dismissal of a particular union member, are included in the scope of mandatory subjects of bargaining.¹⁹ Similarly, each worker's claim or complaint about his/her working conditions, etc., is also construed as a mandatory subject of bargaining. This construction, in combination with the legal status of the labor union's authority to bargain collectively mentioned in (1), provides a legal basis for general unions and community unions functioning to handle individual workers' complaints through collective bargaining.

3. Collective Bargaining Agreements

When the labor and the management reach an agreement on the matters discussed in the collective bargaining process, the parties usually enter into a collective bargaining agreement. This is an agreement between a labor union and an employer or an employers' organization concerning working conditions and other matters, which is put in writing and is either signed by or affixed with the names and seals of both of the parties concerned (see Article 14 of the Labor Union Act). Provisions of collective bargaining agreements for the "standards concerning working conditions and other matters relating to the treatment of workers" are given a "normative effect" (see Article 16 of the Labor Union Act). Any part of an employment contract that contravenes a provision of a collective bargaining agreement that is given the "normative effect" shall be void, and as for the part of the employment contract thus made void, those standards provided in the collective bargaining agreement shall be effective to directly govern the terms of the contract (the same shall apply to matters which a employment contract does not provide).

Article 17 of the Labor Union Act provides that, "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 bargaining agreement, the agreement concerned shall also apply to the remaining workers of the same kind employed in the factory or workplace concerned." This provision gives rise to a question, in connection with the rule of plural representation, as to whether or not this provision is applicable if those remaining workers, less than one-fourth of all workers, have membership in other labor unions. Opinions are divided into those for and against the applicability of this provision, both among scholars and among lower courts.

4. Collective Action

Article 28 of the Constitution of Japan guarantees workers' right to carry out strikes

¹⁹ Tokyo Daigaku Rodoho Kenkyukai ed., *Chushaku Rodokumiaiho (Jo) (Commentary on the Labor Union Act [1st volume])* (Yuhikaku, 1980) 303; Sugeno, *supra* note 1, at 577. Note that, one academic view argues that the labor relations law should be revised to exclude individual workers' complaints from the scope of matters for which the employer's refusal to bargain collectively constitutes unfair labor practice, while allowing the Labor Relations Commissions to conduct conciliation. Noriaki Kojima, *Roshikankeiho to Minaoshi no Hoko (Labor-Management Relations Law and the Direction of Its Revision)*, 96 *Nihon Rodoho Gakkaishi* 123, 131–135 (2000).

and other concerted activities. Those who engage in a justifiable collective action are exempt from criminal and civil liability and are also protected from adverse treatment imposed thereon by the employer on the grounds of their engagement in the collective action.

As such exemption and protection are granted only for *justifiable* collective action, the criteria for such *justifiability* become an issue. This issue is discussed from four aspects, namely, (i) the party who takes the initiative in the collective action, (ii) the purpose of the collective action, (iii) the procedure for commencing the collective action, and (iv) the manner in which the collective action is carried out. Among these aspects, the fourth one, the manner in which the collective action is carried out, is often called into question. The judicial precedent found *picketing* to be justifiable, provided that this action was carried out only by refusing to provide labor or trying to dissuade workers from going to work. On the other hand, justifiability has been denied in the case where union members placed the facilities and assets that were in the possession of the employer under their control by force.²⁰

5. Labor Relations Commissions

The Labor Union Act provides for the Labor Relations Commission system as a means to resolve collective disputes in labor relations. A Labor Relations Commission, set up as a dispute resolution body specialized in labor relations, consists of members who respectively represent the public interest, the workers, and the employer. Labor Relations Commissions play a role in promoting the settlement of collective disputes in labor relations through two approaches, granting relief from unfair labor practices and adjusting labor disputes.

(1) Relief from Unfair Labor Practices

Article 7 of the Labor Union Act prohibits the employer from committing the following acts, which constitute unfair labor practices: (i) to discharge or otherwise treat in an adverse manner a worker “by reason of such worker’s 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” (“adverse treatment”); (ii) to “refuse to bargain collectively with the representatives of the workers employed by the employer without justifiable reasons” (“refusal of collective bargaining”); (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” (“control or interference”).²¹ When the employer has committed any of these acts, a worker or the labor union may file a petition with the Labor Relations Commission for remedy. Where the Labor Relations Commission examines the case and finds the unfair labor practice as claimed, it will issue a remedial order which the Commission considers

²⁰ *Mikuni Haiya v. Noguchi*, 619 Rodo Hanrei 8 (S. Ct., Oct. 2, 1992).

²¹ The Labor Union Act also prohibits the employer from applying adverse treatment to a worker as a retaliatory action by reason that the worker has filed a petition with the Labor Relations Commission for relief from unfair labor practices (Article 7, item (iv)).

appropriate for the case. The relief from unfair labor practices is a system aimed for securing normal labor relations for the future.²²

As a recent trend, more than half of the petitions for remedy filed with Labor Relations Commissions come from general unions or community unions.²³

(2) Assistance for Settling Labor Disputes

In addition to granting relief from unfair labor practices, Labor Relations Commissions also play a role in assisting the settlement of labor disputes between workers and employers through making adjustments to labor relations under the Labor Relations Adjustment Act. In this context, the term “labor dispute” refers to a “disagreement over claims regarding labor relations arising between the parties concerned with labor relations, resulting in either the occurrence of acts of dispute or the risk of such an occurrence” (Article 6 of the Labor Relations Adjustment Act; the term “act of dispute” is defined in Article 7 of this Act). Under this Act, Labor Relations Commissions are entrusted with the mission of assisting the settlement of disputes through conciliation, mediation, or arbitration. Actually, almost all of the cases brought to the commissions for the adjustment of labor relations are processed by conciliation, while mediation is used only on rare occasions and arbitration is used in almost no cases.²⁴

As provided in Article 6 of the Labor Relations Adjustment Act, in order for a Labor Relations Commission to commence the conciliation or other adjustment proceedings, it is required that an act of dispute has occurred or that there is the risk of such an occurrence. Of these prerequisites, the “risk of occurrence of an act of dispute” is interpreted very loosely. In reality, where a general union or community union, both of which are quite unlikely to carry out a strike, files an application with a Labor Relations Commission for conciliation or other adjustments in order to seek the settlement of an individual dispute arising from the dismissal, etc., of a particular member, such a case is also handled as a case subject to the dispute adjustment process by the Labor Relations Commission.²⁵

In 2010, about 70% of all cases seeking adjustment for disputes with private enterprises (393 of 563) were brought by general unions and community unions, and more than half of all dispute adjustment cases involving general unions and community unions (207 of

²² *Tokyo Lab. Rel. Comm'n v. Anzen Kogyo, successor of Dai Ni Hato Taxi*, 31 Minshu 93 (S. Ct., Feb. 23, 1977).

²³ Sugeno, *supra* note 1, at 508.

²⁴ In 2010, of all 566 cases newly brought to Labor Relations Commissions, 556 were conciliation cases, 10 were mediation cases, and there was no arbitration case. Central Labor Relations Commission, Status of Handling Adjustment Cases, available at: <http://www.mhlw.go.jp/churoi/chousei/sougi/sougi05.html> (last accessed, November 1, 2011).

²⁵ For an academic view that claims the revision to the Labor Relations Adjustment Act based on the recognition that the actual operations conducted by Labor Relations Commissions should be properly incorporated into the language of this Act, see Akira Watanabe, *Rodokankeichoseiho no Jidai (Age of the Labor Relations Adjustment Act)*, 633 *Roi Rokyō* 3 (2009).

393, or 52.7%) were cases of the “*kakekomi-uttai*” discussed later.²⁶

III. Labor Law Issues Pertaining to General Unions and Community Unions

In this section, among labor law issues pertaining to general unions and community unions, those concerning the organizational aspects of labor unions and those concerning collective bargaining are discussed, with more emphasis placed on the latter.²⁷

1. Issues Concerning the Organization of Labor Unions

The first point at issue concerning the organizational aspects of general unions and community unions is that a question may be raised in some cases as to whether members of these unions can be regarded as “workers” according to the meaning under the Labor Union Act. This question could arise in relation to enterprise unions as well. However, as mentioned above,²⁸ while enterprise unions consist mainly of regular workers, general unions and community unions widely admit non-regular workers into their membership, in which case these types of unions are more likely to include among their members those people whose eligibility as “workers” is not clear from their work arrangements. Consequently, this issue has more importance to these unions than to enterprise unions.

As also mentioned above,²⁹ the existing case law doctrine interprets the term “workers” rather broadly, acknowledging the eligibility as “workers” under the Labor Union Act for those engaged in self-employment only as a matter of form.

Unlike enterprise unions, some general unions and community unions also accept workers in managerial positions as their members, a tendency that raises concerns about whether these members in managerial positions might be recognized as “persons who represent the interests of the employer.” However, according to the very narrow interpreta-

²⁶ Central Labor Relations Commission, *Data on Labor Relations Disputes Handled in Japan in 2010*, available at: <http://www.mhlw.go.jp/churoi/houdou/kobetsu/dl/shiryo-h22-roushihunsou.pdf> (last accessed, November 1, 2011).

²⁷ In addition to those discussed in the main text, labor law issues pertaining to general unions and community unions include an issue concerning a collective bargaining agreement, that is, supposing the situation where the employer and the general union or community union reach an agreement on a dispute over the dismissal of a particular worker or conditions thereof, and the agreement is formed in writing, whether the written agreement should be treated as a collective agreement, or as an agreement between the employer and the dismissed worker represented by the union. Furthermore, although it is rare that a general union or community union carries out a strike or other act of dispute, a theoretical question may arise due to the nature of this type of union as a labor union organized beyond the boundary of only one enterprise, that is, in the case where a labor dispute takes place at a particular enterprise, and the commencement of an act of dispute is decided only by the union members employed by that particular enterprise, whether or not such an act of dispute is justified, and whether or not it is justifiable for the rest of the union members employed by other enterprises to carry out the act of dispute.

²⁸ See Section II 1 (1).

²⁹ See Section II 1 (1).

tion given by the judicial precedent as mentioned earlier,³⁰ it is rare that the unions are denied eligibility to receive protection and assistance under the Labor Union Act by being regarded as admitting “persons who represent the interests of the employer” into their membership.

2. Issues Concerning Collective Bargaining

Most labor law issues that general unions and community unions face are taking place in conjunction with collective bargaining. This is because, when general unions and community unions collectively bargain with employers, they do so, in most cases, substantially with the aim of dealing with individual workers’ complaints about working conditions. In other words, collective bargaining carried out by general unions and community unions fulfills the function of processing individual disputes in labor relations, rather than the primarily expected function of negotiating standards for working conditions for the collective benefit of a group of workers. How should we understand such a reality in the context of the Labor Union Act?

(1) Mandatory Subjects of Bargaining?

When general unions and community unions demand collective bargaining with employers, in most cases, they intend to bargain about individual workers’ grievances in terms of working conditions, such as the ones seeking the revocation of the dismissal of a particular worker. Theoretically, this leads to a question as to whether or not the treatment of individual workers in terms of working conditions is included in the scope of mandatory subjects of bargaining. As mentioned earlier,³¹ the theory established in the judicial and academic communities is that individual treatment falls within this scope of matters.

(2) Are General Unions and Community Unions the “Representatives of the Workers Employed by the Employer”?

(i) “Workers Employed by the Employer”?

As stated in (1), in the process of collective bargaining between general unions and community unions and employers, the dismissal of particular workers and the treatment of individual workers in terms of working conditions are frequently brought up for debate. On such an occasion, in association with the wording in the provision of Article 7, item (ii) of the Labor Union Act, which designates the employer’s refusal to bargain collectively with the representatives of the “workers employed by the employer” without justifiable reasons as a type of unfair labor practice, one would question whether a worker who has already been dismissed by the employer can still be regarded as maintaining the status of a “worker

³⁰ See Section II 1 (2).

³¹ See Section II 2 (2).

employed by the employer.”

In general terms, the concept of a “worker employed by the employer” refers to a worker who is *currently* being employed by the employer.³² Nevertheless, in cases where a dispute exists between the worker and the employer regarding the termination of the employment contract, such as the validity of the dismissal or terms for dismissal, or where a dispute over working conditions, occurred while the employment contract was in effect and it has yet to be resolved even after the employment contract has been terminated, the worker concerned should be regarded as maintaining the status as a “worker employed by the employer” with respect to the disputed matter, in line with the purports of Article 28 of the Constitution and Article 7, item (ii) of the Labor Union Act. This is now applied as an established theory in academic views, Labor Relations Commission orders, and leading judicial cases.³³

Whether one is a “worker employed by the employer” may also become a problem in the situation where a dispute, which did not surface during the term of and at the end of the employment contract, emerges after the contract has been terminated and a labor union, which the ex-worker joins after the dispute emerges, demands collective bargaining in order to resolve the dispute. In that situation, does the ex-worker maintain the status as a “worker employed by the employer?” This problem has recently been drawing attention as retirees, who left their employment several years ago, claim that they are suffering from health problems due to asbestos exposure during their employment and request collective bargaining with their former employer through a labor union which the retirees join after the health problem arises.³⁴ Both Labor Relations Commissions³⁵ and lower courts³⁶ acknowledged the existence of unsolved disputes in labor relations derived from risks that had existed

³² Article 7, item (ii) of the Labor Union Act uses the term “employed.” According to the dominant academic view, whether or not a person who engages in work is “employed” is determined depending on whether or not the person falls within the scope of a “worker” as defined in Article 3 of this Act. The judicial precedent (*Cent. Lab. Rel. Comm’n v. INAX Maintenance*, 1026 Rodo Hanrei 27 [S. Ct., Apr. 12, 2011]) appears to take the same stance.

³³ Takayasu Yanagiya, *Rodo Keiyaku Kankei Shuryogo Soto no Kikan Keikago ni Rodosha ga Kanuyushita Rodokumiai to no Danko Odaku Gimu no Sonpi (Legal Status of Labor Union to Demand Collective Bargaining Concerning Ex-Workers)*, 60 Ho to Seiji 65, 70–75 (2009).

³⁴ Health problems that ex-workers suffer due to having been exposed to asbestos while at work, such as lung cancer, become evident only after a long period of incubation has passed. In addition, in Japan, it is only recently that the health risk of asbestos exposure has become publicly known. Given such circumstances, disputes making claims for compensation for the health problems caused by the asbestos exposure that workers experienced while at work some decades ago, were initiated only after a long period of time has passed since their retirement. These disputes have frequently occurred in recent years.

³⁵ *Nichias*, 1387 Bessatsu Chuo Rodo Jiho 93 (Nara Pref. Lab. Rel. Comm’n, Jul. 24, 2008); *San’yo Dannetsu*, 979 Rodo Hanrei 96 (Kanagawa Pref. Lab. Rel. Comm’n, Feb. 25, 2009); *Honda Giken Kogyo*, 988 Rodo Hanrei 95 (Kanagawa Pref. Lab. Rel. Comm’n, Jul. 30, 2009).

³⁶ *Hyogo Union v. Hyogo Pref.*, 973 Rodo Hanrei 5 (Kobe Dist. Ct., Dec. 10, 2008); *Hyogo Pref. v. Hyogo Union.*, 994 Rodo Hanrei 81 (Osaka High Ct., Dec. 22, 2009). The Supreme Court denied the petition for acceptance of appeal (i.e., petition for writ of certiorari) for the case on Nov. 10 2011.

during the term of employment contracts, even when the disputes had not surfaced prior to the termination of the contracts, and determined that the ex-workers involved in the disputes over health problem due to asbestos exposure during their employment were “workers employed by the employer.”

It should be noted, however, that the Central Labor Relations Commission took a narrower view.³⁷ Apart from those who are currently employed, persons who fall within the scope of “workers employed by the employer” are only found in such cases as a dispute over working conditions *already surfacing* while a labor contract was in effect and having yet to be resolved even after the labor contract is terminated; or a dispute existing between the worker and the employer with respect to the termination of the labor contract. If a dispute did not surface during the duration of the labor contract, the ex-worker is regarded as a “worker employed by the employer” *only* where it is objectively unavoidable that the dispute had not come to light prior to the termination of the labor contract. Some Labor Relations Commissions orders also deny the ex-workers’ status as “workers employed by the employer” in similar cases, ruling that it would be unsuitable to the purpose of the remedial system, which is designed to secure normal labor relations for the future, to order the employer to bargain collectively with the labor union over the compensation for retirees’ health damage caused by asbestos exposure.³⁸

Thus, opinions over this problem are divided in practices. This conflict in opinions reflects the different understanding of the purpose of the unfair labor practices remedial system, which is one of the cornerstones of the Japanese Labor Union Act.³⁹

(ii) “Representatives” of the Workers Employed by the Employer?

Collective bargaining about the dismissal of individual workers, mentioned in (i) above, is often demanded with regard to workers who were not affiliated with any labor union at the time of dismissal but became members of general unions or community unions after being dismissed (this way of demanding collective bargaining is sometimes called a “*kakekomi-uttai*”). In such a case, one would also question whether these general unions and community unions can be recognized as the “representatives” set forth in Article 7, item

³⁷ *Nichias*, 1394 Bessatsu Chuo Rodo Jiho 21 (Cent. Lab. Rel. Comm’n, Mar. 31, 2010).

³⁸ *Sumitomo Gomu*, 1366 Bessatsu Chuo Rodo Jiho 427 (Hyogo Pref. Lab. Rel. Comm’n, Jul. 5, 2007); *Sumitomo Gomu (No. 2)*, yet to be published, (Hyogo Pref. Lab. Rel. Comm’n, Mar. 4, 2010).

³⁹ Opinions are divided as to the scope of normal labor relations to be secured for the future. Some understand this scope rather narrowly, only including the relations between the employer (a specific enterprise) and the workers who are currently under employment contracts with the employer (see *Sumitomo Gomu*, 1366 Bessatsu Chuo Rodo Jiho 427 [Hyogo Pref. Lab. Rel. Comm’n, Jul. 5, 2007]; *Sumitomo Gomu (No. 2)*, yet to be published, [Hyogo Pref. Lab. Rel. Comm’n, Mar. 4, 2010]). Others enlarge this scope by including more continuous relations, taking into consideration the possibility that the resolution of a specific dispute through collective bargaining will lead to resolving similar issues that may be disputed in the future (Yuichiro Mizumachi, *Ishiwata ni Bakuro shita Rodosha no Taishokugo no Danko Moshire to Danko Kyohi no Seitona Riyu (Casenote on Nichias, 1394 Bessatsu Chuo Rodo Jiho 21)*, 1183 Chuo Rodo Jiho 14, 18 (2011).

(ii) of the Labor Union Act. The dominant academic view answers this question in the affirmative, stating that these unions can be regarded as the “representatives” of such dismissed workers and that they are eligible to demand collective bargaining of the employer on behalf of these workers. The practice also follows this view.⁴⁰

(3) Demand for Collective Bargaining Made after a Long Period of Time Has Passed Since Dismissal, and Justifiability of the Employer’s Refusal of Such a Demand

In some of those cases where workers become members of general unions or community unions after being dismissed by their employer and then seek collective bargaining with said employer, collective bargaining is demanded only after a considerable period of time has passed since the workers were dismissed. In such cases, does the employer still have the obligation to accept the demand for collective bargaining about the dismissal?

In one case, the Central Labor Relations Commission stated that “request for collective bargaining should be made by the labor union within a reasonable period of time following the dismissal of the worker concerned, according to the socially accepted standards.” This was a case in which a worker joined a labor union after about two years had passed since her dismissal, and it was not until about six years after her joining the union that the union actually demanded collective bargaining about the dismissal. The Commission found the fact that collective bargaining had not been demanded during reasonable period of time, although litigation was initiated and negotiation other than collective bargaining was attempted. Based on this, it concluded that the firm had a justifiable reason to refuse collective bargaining and its refusal would not be regarded as an unfair labor practice.⁴¹

This view was also seen in a past lower court ruling. In this case, a worker joined a labor union after seven years and seven months had passed since his dismissal, and it was only one year and three months after his joining the union that the union actually demanded collective bargaining to seek the revocation of the dismissal. The court held that “there may be cases where, depending on the period of time that has passed since the dismissal of the worker or on other circumstances within that period, the labor union’s demand for collective bargaining to seek the revocation of the dismissal would be deemed to be unreasonable, and therefore one cannot say that the employer has no justifiable reason to refuse collective bargaining.” Based on the fact that the labor union had not tried to resolve the dispute through collective bargaining until that time, the court concluded that the firm had a justifiable reason to refuse collective bargaining, and that its refusal would not be regarded as an unfair labor practice.⁴²

Thus, both orders by Labor Relations Commissions and rulings by lower courts require that collective bargaining be demanded via the labor union within a reasonable period

⁴⁰ Yanagiya, *supra* note 33, at 75–76.

⁴¹ *Toyo Kohan*, 64 Meireishu 777 (Cent. Lab. Rel. Comm’n, Nov. 15, 1978).

⁴² *Sohyo Zenkoku Ippan Rodo Kumiai Kanagawa Chiho Honbu v. Cent. Lab. Rel. Comm’n*, 532 Rodo Hanrei 7 (Tokyo Dist. Ct., Dec. 22, 1988).

of time, depending on the circumstances following the dismissal of the worker.⁴³

IV. Conclusion

General unions and community unions, just like enterprise unions, are guaranteed the right to organize and to bargain and act collectively, and they are also granted a variety of protection and assistance under the Constitution and the Labor Union Act and other labor laws. There is no difference in the legal treatment of these unions directly derived from the different types of organization.

Yet, general unions and community unions are distinctive in the respect that these unions, as one of their important tasks, carry out collective bargaining substantially for the purpose of trying to resolve individual employment disputes. How this task should be construed under the labor law becomes an issue. The academic views, the Labor Relations Commissions and courts consider that collective bargaining carried out for that purpose remains within the scope of legally protected collective bargaining, thus basically acknowledging the relief from unfair labor practices granted by Labor Relations Commissions in the event that an employer refuses to bargain collectively. They also recognize the labor-management conflict over such collective bargaining as a kind of “labor dispute” defined in the Labor Relations Adjustment Act and thus as the subject of dispute adjustment by Labor Relations Commissions. In short, the dispute resolution process conducted by general unions and community unions through collective bargaining, which is substantially for the purpose of resolving individual disputes in labor relations, is regarded to be fit within the collective dispute resolution system.

This notion is based on the awareness that general unions and community unions, in reality, serve as the *safety net* for workers of small- and medium-sized enterprises which do not have well-organized in-house unions, and also for non-regular workers who are generally not admitted into enterprise unions. By assisting these workers in resolving individual disputes in labor relations, these unions play a role in filling the vacancy of enterprise unions to some extent. However, in many cases, collective bargaining carried out by general unions and community unions is not completely the same as collective bargaining in its

⁴³ The specific length of time following the dismissal that can be regarded as a “reasonable period of time” is not clear, however, due to other factors in the respective cases. In *Nihon Kokan v. Kanagawa Lab. Rel. Comm’n*, 406 Rodo Hanrei 69 (Tokyo High. Ct., Oct. 7, 1982), two dismissed workers, while challenging the validity of their dismissal in litigation, joined a labor union several years after the dismissal (six years and ten months or four years and five months), and the labor union demanded collective bargaining about the dismissal immediately after their joining the union. The court found that these workers had not left their issue unaddressed but had been arguing against the validity of their dismissal and that the labor union demanded collective bargaining immediately after they joined the union. The court also pointed out that the attempt to resolve a dispute through collective bargaining in addition to litigation has its own meaning. In conclusion, the court determined that the labor union’s demand for collective bargaining was not an extremely belated one, and therefore the employer had no justifiable reason to refuse collective bargaining.

primarily presumed meaning, which aims to establish standards for working conditions, so its compatibility with the purpose of the relief from unfair labor practices should be further studied.

The Scheduled Increase in the Pension Age and the Effect of Job Security Measures for the Elderly in Supporting Their Subsistence

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This thesis looks into how elderly people in their early 60s pay their cost of living, through an analysis of how necessary it will be for them to earn incomes when the pension age is raised to 65 as scheduled, as well as examining the effect of job security measures for the elderly (raising the mandatory retirement age, continued employment¹ including re-employment and extension of the term of employment, and abolishing the mandatory retirement system). According to the results of the analysis, it is estimated that when the pension age is raised to 65, the incomes of a certain portion of elderly people will fall short of their cost of living, and they will need some support to make up for this shortage. If job security measures for the elderly are adopted more widely and the employment rate among elderly people rises accordingly, their earned income levels will increase, leading to a decrease in the number of elderly people who suffer a shortage of income. This positive effect is expected to be greater if, among those job security measures for the elderly, reforms to the retirement system, that is, raising the mandatory retirement age or abolishing the mandatory retirement system, become more common. Toward achieving this, it is necessary to ensure that all enterprises adopt job security measures for the elderly aged up to 65 and guarantee job opportunities for all applicants who wish to continue to work until the age of 65.

Relationship between This Thesis and the Study Group's Preceding Report

In Japan, amidst the advancement of the aging of population, baby boomers have reached the age of 60, which is the currently the ordinary age of mandatory retirement, while the public pension age has been raised by phases. Under such circumstances, how to secure employment for elderly people is now a material issue, calling for a system that allows them to exert their abilities effectively.

With this in mind, in FY2007, the Japan Institute for Labour Policy and Training (JILPT) set up a Study Group on Employment Promotion of the Elderly (chaired by Mr. Atsushi Seike, President of Keio University), and carried out their study with the help of in-house and outside researchers in this area. In its report released in June 2011, entitled *Study on the Current Status of Employment among the Elderly* (JILPT Research Report No. 137), the study group presented the following research results based on the analysis of the Survey on the Employment Status of the Elderly.

When the public pension age is raised, as is currently scheduled, a considerable por-

¹ The term “continued employment” means a system in which workers are employed continuously after the mandatory retirement age if they desire to continue working.

tion of elderly people in their early 60s will be unable to receive pension benefits, and will face difficulties in meeting their living expenses. To avoid this situation, one possible approach is to pay them reduced basic pension benefits in advance of the pension age. However, the detailed analysis indicates that among elderly people who actually use this advance payment system, those who are in poverty account for a relatively large proportion, which implies that this system is not necessarily conducive to their subsistence.

To support these elderly people, measures to secure their employment need to be implemented. In this context, the degree of satisfaction with work may be an influential factor. The analysis revealed that the degree of satisfaction with work is affected by workers' own assessment as to whether they are paid high enough wages for their work performance. This fact suggests that if the wage level offered to workers who are continually employed after their mandatory retirement is far below the wage level offered before retirement, they could become less satisfied with work and more inclined to leave their jobs. In this respect, finding the best wage system for the elderly is an important task.

Promoting employment among the elderly may also be related to human resource development. According to the analysis, inequality in terms of the human capital that workers held at the time they began to work, such as their academic backgrounds, have an influence on their access to education and training offered from the age of 55, and this factor has a positive correlation with earned income offered in the later stages of life. Therefore, it is also important to support workers in their own human capital formation by providing them with the constant and equal opportunity for education and training throughout the long-term span of their working lives, beginning from when they first start to work.

Institutionally, to help those elderly people who have difficulties in gaining employment, job security measures are provided for in the Act on Stabilization of Employment of Elderly Persons. In the study group's preceding report, I carried out my analysis in order to explore to what extent these job security measures will prove to be effective for supporting people in meeting their living expenses in the later stages of life when the pension age will be raised to 65 as scheduled (Hamada 2011). This thesis is an extended and revised version of my previous thesis (Hamada 2011).

I. Introduction

The employees' pension age is scheduled to be raised to 65 for the flat-rate benefits in FY2013, and then is also expected to be raised for the wage-proportional benefits, and through the phased system revision, workers will ultimately receive no pension benefits in their early 60s. In preparation for this, in the Basic Policy on Employment Security Measures for Older Persons, the government declared its target of ensuring that all enterprises adopt job security measures for the elderly in their early 60s by the end of FY2012.

Accordingly, this thesis inquires into how elderly people, especially those in their early 60s, pay their cost of living, through the analysis of how necessary it will be for them

to earn incomes when the pension age is raised to 65 as scheduled, as well as examining the effect of job security measures for the elderly (raising the mandatory retirement age, continued employment including re-employment and extension of the term of employment, and abolishing the mandatory retirement system). Sample data used in this analysis are individual data collected by JILPT in the Survey on the Employment Status of the Elderly conducted in August 2009, in relation to factors such as cost of living, income (including earned income, pension benefits, and other unearned income), and assets or net savings (savings minus borrowings).

This thesis studies the situation elderly people in their early 60 are facing in the following order. Section II explains the analysis method employed in this study, including data attributes and variables. Section III estimates how elderly people pay their cost of living and how short of income they will run when the pension age is raised to 65, and based on the cross tabulation analysis, regression analysis, and analysis by inequality measures, examines their need for employment and earned income as well as the effect of job security measures for the elderly. Section IV offers a conclusion to the study.

II. Analysis Method

Focusing on elderly people in their early 60s, a comparison is made between their income (including earned income, pension benefits, and other unearned income) and assets or net savings (savings minus borrowings), and their cost of living, to estimate how they pay their cost of living and how short of income they will run when the employees' pension age is raised to 65. Then, based on the cross tabulation analysis and analysis by inequality measures in relation to their access to the job security measures for the elderly and retirement system reforms, an examination is carried out as to how necessary it will be for elderly people to have employment and earned income when the employees' pension age is raised to 65 as scheduled, as well as the effect of job security measures for the elderly.

1. Data

Sample data used in this study are individual data collected by JILPT in the Survey on the Employment Status of the Elderly. The survey targeted 5,000 men and women aged 55 to 69 nationwide, who were picked up by a stratified two-stage sampling based on the basic residence registries. It was conducted during the period from August 20 to September 15, 2009, using a survey method wherein research personnel visited the targeted respondents and asked them to respond to the questionnaire, and then collected their responses on a later day. The number of valid responses was 3,602, and the response rate was 72.0%.

The subjects for the analysis were elderly people in their early 60s, and in order to see the relevance with job security measures for the elderly, the subjects were further narrowed down to those who had worked as regular employees of private businesses at the age of 55. The necessary data for the analysis in this study, such as the cost of living, income (includ-

ing earned income, pension benefits, and other unearned income), assets or net savings (savings minus borrowings), employment status, and implementation status of job security measures for the elderly, were available with regard to 265 of all the targeted samples.

2. Data Items

Data items set up for analysis are categorized into: (i) cost of living, limited to costs incurred by the respondent alone or with his/her spouse if he/she has a spouse; (ii) earned income, consisting of wages (other than bonuses) and expected annual bonuses; (iii) unearned income arising from sources other than work, in which pension benefits are specified by the amount of benefits; and (iv) assets or net savings, calculated as savings minus borrowings.

(1) Cost of Living

The monthly cost of living is based on costs incurred by the respondent alone or with his/her spouse. As this item was used to ask the respondents about the cost of living that they would need to live the life they wanted, the cost of living stated in their responses is likely to be relatively higher than the actual level that is needed. Therefore, when the result of converting the actual cost of living by the rate for the number of people in the household (2 [the respondent and his/her spouse] or 1 [the respondent alone] \div actual number of people in the household) fell below the stated amount of the cost of living, the lower number was used.²

Because of this arrangement, the cost of living used for this study more likely represents the minimum requisite.³

(2) Income

A. Earned Income

The monthly amount of earned income is calculated by combining income except for bonuses, with expected annual bonuses converted into a monthly rate (by dividing the total

² This approach is based on the concept that the cost of living in each household is divided by the respondent alone or with his/her spouse, and other household members. However, from the perspective of calculating the converted amount of living costs, the amount obtained may be smaller than the actual amount, as explained in footnote 2 below.

³ Household spending is not a mere total of individual spending by household members, but includes spending for the benefit of the household as a whole, and therefore, there are economies of scale with respect to consumption of a sort of public goods within the household. For instance, the efficiency at which a TV set, refrigerator, and other such appliances purchased for the joint use of all household members are used, increases as the number of people in the household increases, until the household becomes too crowded. Therefore, the cost of living incurred in the household does not decline in line with the decrease in the number of people in the household, and costs of living converted by means of the rate of the number of people in the household, as the one used in this study, may be smaller than the actual costs. In this respect as well, the cost of living used in this study more likely represents the minimum requisite.

by 12). The spouse's earned income is based on income from work.

B. Pension Benefits

The monthly amount of pension benefits is based on the amount of employees' pension benefits that the respondent receives. This includes not only the actual amount received but also the monthly amount of initial pension benefits before reduction due to employment.⁴

C. Unearned Income/Other Unearned Income

The monthly unearned income is based on income arising from sources other than work. If the amount of pension benefits, etc. exceeds the monthly amount of unearned income that is supposed to include the former, the amount of pension benefits, etc. is used as the monthly amount of unearned income for purposes of accuracy. Because of this arrangement, the amount of unearned income used in this study is estimated at a relatively high level.

The amount of other unearned income is calculated by subtracting the amount of pension benefits (B) from the amount of unearned income.

D. Household Income

The monthly household income is based on income gained by each household. If the total of the earned income (A) and the unearned income (C) exceeds the monthly amount of household income that is supposed to include this total, this total is used as the monthly amount of household income for purposes of accuracy. Because of this arrangement, the monthly amount of household income used in this study is estimated at a relatively high level.

As the monthly cost of living is limited to costs incurred by the respondent alone or with his/her spouse as mentioned in (1), the households subject to this study are also limited to those where household income consists only of income earned by the respondent or the sum of the income earned by the respondent and that earned by his/her spouse.

(3) Net Savings

The amount of net savings is calculated by subtracting borrowings from savings in the household. Housing loans are excluded from borrowings because a household that has such loans also has the corresponding housing assets. Because of this arrangement, the

⁴ Since the subjects were limited to people who worked as regular employees of private businesses at the age of 55, except for employees' pension benefits, the amount of pension benefits gained by the respondents is small. In addition, the responses on the amount of pension benefits before reduction due to employment were obtained only with regard to employees' pension benefits. For these reasons, this study only takes up employees' pension benefits, while including other kinds of pension benefits into the category of other unearned income.

amount of borrowings is estimated at a relatively low level, and consequently, the amount of net savings, calculated by subtracting borrowings from savings, is estimated at a relatively high level.

III. Analysis Results

1. Funds to Pay the Cost of Living and Need for Pension Benefits

Table 1 shows how elderly people in their early 60s pay their cost of living. On average, income exceeds the cost of living considerably, and there is also an income surplus even excluding employees' pension benefits. As for assets, savings exceed borrowings, making net savings positive.

However, for some 15% of these people, if they did not receive employees' pension benefits, their incomes would fall short of their cost of living, and they would not be able to make ends meet even by reaching into their net savings. Their monthly amount of shortage of income is 120,000 yen on average. As mentioned in Section II, the monetary amount given as the cost of living more likely represents the minimum requisite, whereas the amounts of income and net savings are estimated at a relatively high level. Thus, at least for these needy people, measures should be taken to support them when the pension age is raised to 65, as scheduled.

Comparing such people who cannot pay their cost of living without employees' pension benefits with the others (those who can pay their cost of living without employees' pension benefits by using income or reaching into their net savings), while there is not much difference in the amount of the cost of living between them, the income of the former group is significantly smaller than that of the latter group, by as much as 210,000 yen per month. By income item, people in the former group gain 70,000 yen more than those in the latter group as employees' pension benefits each month, but their earned income is smaller by as much as 160,000 yen, which exceeds that difference in the amount of pension benefits. This may be the biggest reason why those some 15% cannot pay their cost of living without employees' pension benefits.

2. Employment and Job Security Measures for the Elderly

(1) Employment Rate

One factor due to which those who cannot pay their cost of living without employees' pension benefits gained far less earned income than those who can pay their cost of living is their low employment rate. As indicated in Table 1, the employment rate among those who cannot pay their cost of living is 32%, far lower than the rate among those who can pay, at 75%.

One can presume this difference implies that those who cannot pay their cost of living receive more pension benefits than those who can pay, as indicated in Table 1, and such those who intend to increase their earned income when the pension age is raised to 65

Table 1. Funds to Pay the Cost of Living and Need for Pension Benefits

	Who cannot pay their cost of living without employees' pension benefits			Access to job security measures for the elderly			Applicability of retirement system reforms		
	15%	85%	Total	Have benefitted from such measures	Others	Have benefitted from such reforms	Others	Others	82%
Composition ratio (%)	15%	85%	100%	42%	58%	18%	58%	18%	82%
Net savings at the age of 65*	84.8	1980.5	1694.3	2037.0	1451.1	2861.4	1451.1	2861.4	1442.7
Without employees' pension benefits*	-667.8	1674.5	1321.0	1773.0	1000.2	2764.6	1000.2	2764.6	1009.7
Difference between income and cost of living**	0.3	22.5	19.1	26.9	13.6	37.8	13.6	37.8	15.1
Without employees' pension benefits**	-12.2	17.4	12.9	22.5	6.1	36.2	6.1	36.2	7.9
Cost of living**	20.2	19.0	19.2	20.8	18.0	23.2	18.0	23.2	18.3
Income**	20.6	41.5	38.3	47.7	31.6	61.0	31.6	61.0	33.4
Earned income**	2.8	18.9	16.4	26.9	9.0	38.4	9.0	38.4	11.7
Employees' pension benefits**	12.5	5.1	6.2	4.4	7.5	1.6	7.5	1.6	7.2
(Before reductions due to employment)**	13.0	6.2	7.3	5.9	8.2	2.1	8.2	2.1	8.4
Other unearned income**	2.6	6.8	6.2	5.2	6.9	6.0	6.9	6.0	6.2
Spouse's earned income**	1.4	6.7	5.9	8.4	4.1	12.0	4.1	12.0	4.6
Spouse's unearned income**	1.3	4.0	3.6	2.9	4.1	3.1	4.1	3.1	3.7
Employment rate (%)	32%	75%	68%	90%	53%	100%	53%	100%	61%
Part-time employment rate (%)	46%	20%	22%	17%	27%	11%	27%	11%	25%
Who have benefitted from job security measures (%)	27%	44%	42%	100%	0%	100%	0%	100%	29%
Who have benefitted from retirement system reforms (%)	3%	20%	18%	43%	0%	100%	0%	100%	0%
Rate of failure to gain continued employment (%)	20%	9%	11%	0%	19%	0%	19%	0%	13%

* (10,000 yen)

** (10,000 yen, monthly amount)

entitlement to more benefits may diminish their willingness to work. In the former group, account for 25%, higher than the level in the latter group of people who can pay their cost of living without employees' pension benefits, 18%.⁵ However, the difference shown here is smaller than the difference in terms of the employment rate mentioned above. This suggests that the low employment rate arises from not only individuals' unwillingness to work but also largely from external factors out of individuals' control, such as the employment environment.

As indicated in Table 1, the percentage of people who have benefitted from job security measures for the elderly was 27% in the group of people who cannot pay their cost of living without employees' pension benefits, which is lower than that in the group of people who can pay, at 44%. In contrast, the rate of those who wished to gain continued employment (re-employment or extension of the term of employment) but failed to do so or whose workplace did not have a continued employment system, in short, the rate of failure to gain continued employment, is 20% in the group of people who cannot pay their cost of living without employees' pension benefits, which is higher than that in the group of people who can pay, at 9%. The low employment rate in the former group may be attributed to such difference in the implementation status of job security measures for the elderly. In fact, as indicated in Table 1, the employment rate reached 90% among people who have benefitted from job security measures for the elderly, which is far higher than that among people who have not benefitted from them,⁶ 53%, and because of the high employment rate, the amount of earned income is higher by 180,000 yen and the total amount of income is also considerably higher among those who have benefitted from job security measures.

(2) Part-Time Employment Rate

In the group of people who cannot pay their cost of living without employees' pension benefits, the employment rate is low as mentioned in (1) above, and even among those who are employed, a large number are employed on a part-time basis. In this group, the part-time employment rate is 46%, which is far higher than that in the group of people who can pay their cost of living without employees' pension benefits, at 20%. This may be another factor that causes the amount of earned income of those who cannot pay their cost

⁵ Another factor that enables people who cannot pay their cost of living without employees' pension benefits to gain more pension benefits than those who can pay may be the old-age pension system for active employees under which, while the recipients of pension are in employment, the amount of pension benefits is reduced in proportion to the amount of wages, etc. that they receive. Because of this system, those who earn more wages receive less in pension benefits. Nevertheless, Table 1 shows that even on the basis of the initial amount of employees' pension benefits before such reduction, those who cannot pay their cost of living without pension benefits receive more benefits than those who can pay their cost of living without them.

⁶ Among people who have not benefitted from job security measures for the elderly, those who wished to but failed to gain continued employment account for 19%. This means that the remaining some 80% did not wish to use these measures. However, about half of these people were dissatisfied with their wages, positions, working hours, etc., and they did not really wish to retire.

of living without employees' pension benefits to fall below that of those who can pay. The average amount of earned income of part-time employees is about 140,000 yen, which is far lower than that of full-time employees, who earn about 270,000 yen, and this difference leads to a smaller amount of total income for part-time employees.

With regard to this phenomenon, the same background factors can be presumed as those mentioned in (1). Although the entitlement to higher pension benefits may diminish the willingness to work among people who cannot pay their cost of living without employees' pension benefits, their employment rate may be affected not only by individuals' unwillingness to work, but also significantly by external factors out of individuals' control, such as the employment environment.

As for the applicability of retirement system reforms, that is, the raising of the mandatory retirement age or abolishment of the mandatory retirement system, people who have benefited from such reforms accounted for only 3% of those who cannot pay their cost of living without employees' pension benefits, which falls far below the level among those who can pay, at 20%. The high part-time employment rate among those who cannot pay their cost of living without employees' pension benefits may be partly due to the difference in the implementation status of retirement system reforms. In fact, as indicated in Table 1, the part-time employment rate is 25% among people who have not benefited from retirement system reforms, which is higher than that among those who have benefited, at 11%.

3. Factor Analysis for Earned Income, and the Effect of Job Security Measures for the Elderly

As reviewed above, earned income will be crucial in allowing elderly people to pay their cost of living when the pension age is raised to 65 as scheduled, and the amount of earned income is connected with the accessibility of job security measures for the elderly. In relation to this, Table 2 indicates the results of linear regression analysis concerning the effect of job security measures for the elderly on the amount of earned income, which were obtained by controlling factors such as age, gender, academic backgrounds, etc.

In this table, the coefficient for job security measures for the elderly is significantly positive (significance level: 1%), and the coefficient for retirement system reforms (raising the mandatory retirement age or abolishing the mandatory retirement system) is also significantly positive (significance level: 1%).⁷ These results may reflect the fact that both the employment rate and the amount of earned income are high among people who have benefited from job security measures for the elderly (see 2 [1]), and that part-time employees, who make less earned income, constitute a small proportion of those who have benefited

⁷ The coefficient for failure to gain continued employment (elderly people who wished to but failed to gain continued employment [re-employment or extension of the term of employment] or whose workplace did not have a continued employment system) is negative as expected, but not significant.

Table 2. Factor Analysis for Earned Income

Variable	Coefficient	Standard error	t value	Significance probability
Constant term	63.65	59.57	1.07	0.286
Dummy for job security measures for the elderly	8.61	2.99	2.88	0.004
Dummy for retirement system reforms	17.15	3.81	4.50	0.000
Dummy for failure to gain continued employment	-2.51	3.86	-0.65	0.516
Employees' pension benefits (before reductions due to employment)*	-0.47	0.18	-2.57	0.011
Other unearned income*	0.07	0.12	0.53	0.598
Spouse's earned income*	-0.04	0.09	-0.38	0.702
Net savings**	0.00	0.00	0.45	0.651
Dummy for women	-7.61	2.97	-2.56	0.011
Age	-0.82	0.97	-0.84	0.402
Dummy for high school graduates	0.53	3.03	0.17	0.862
Dummy for junior college graduates	2.73	4.50	0.61	0.545
Dummy for university graduates	4.50	3.56	1.26	0.208

* (10,000 yen, monthly amount)

** (10,000 yen)

Coefficient for determination, degree of freedom adjusted 0.278

Sample size 265

Descriptive Statistic

Variable	Mean	Standard deviation
Earned income	16.4	21.7
Dummy for job security measures for the elderly	0.42	0.49
Dummy for retirement system reforms	0.18	0.38
Dummy for failure to gain continued employment	0.11	0.31
Employees' pension benefits (before reductions due to employment)	7.3	7.4
Other unearned income	6.2	9.8
Spouse's earned income	5.9	13.2
Net savings	937.3	1588.6
Dummy for women	0.23	0.42
Age	61.9	1.4
Dummy for high school graduates	0.45	0.50
Dummy for junior college graduates	0.10	0.30
Dummy for university graduates	0.22	0.42

from retirement system reforms (see 2 [2]).⁸

The coefficient for employees' pension benefits (before reductions due to employment) is significantly negative (significance level: 5%), which implies that being entitled to pension benefits may diminish elderly people's willingness to work, as mentioned in 2 (1). There is an interdependent (endogenous) relationship between working and pension entitlement in that the amount of pension benefits is reduced as they make more earned in-

⁸ Logistic regression analysis of the factors in the employment rate shows that the coefficient for job security measures for the elderly is significantly positive (significance level: 1%). On the other hand, logistic regression analysis of the factors in the part-time employment rate shows that the coefficient for reforms in the retirement system (raising the mandatory retirement age or abolishing the mandatory retirement system) is significantly negative, although the significance level is slightly low (about 10%).

Factor Analysis for the Employment Rate

Variable	Coefficient	Standard error	Significance probability
Constant term	-6.69	7.88	0.396
Dummy for job security measures for the elderly	2.00	0.39	0.000
Dummy for failure to gain continued employment	-0.15	0.44	0.738
Employees' pension benefits (before reductions due to employment)	-0.07	0.03	0.003
Other unearned income	-0.02	0.02	0.270
Spouse's earned income	0.03	0.02	0.074
Net savings	0.00	0.00	0.252
Dummy for women	-0.79	0.38	0.039
Age	0.12	0.13	0.341
Dummy for high school graduates	0.28	0.42	0.512
Dummy for junior college graduates	1.04	0.64	0.101
Dummy for university graduates	-0.38	0.48	0.422
Coefficient for determination, degree of freedom adjusted 0.309			
Sample size 265			

Factor Analysis for the Part-Time Employment Rate

Variable	Coefficient	Standard error	Significance probability
Constant term	-24.89	10.84	0.022
Dummy for retirement system reforms	-1.03	0.64	0.104
Dummy for continued employment	-0.72	0.50	0.149
Dummy for failure to gain continued employment	-0.29	0.74	0.699
Employees' pension benefits (before reductions due to employment)	0.00	0.03	0.901
Other unearned income	0.02	0.02	0.280
Spouse's earned income	-0.01	0.02	0.571
Net savings	0.00	0.00	0.153
Dummy for women	0.63	0.55	0.254
Age	0.41	0.18	0.022
Dummy for high school graduates	-1.18	0.48	0.014
Dummy for junior college graduates	-2.02	0.85	0.017
Dummy for university graduates	-2.80	0.89	0.002
Coefficient for determination, degree of freedom adjusted 0.248			
Sample size 181			

come while the amount of pension benefits that are received affects elderly people's choice of whether to work. To deal with this issue, instead of the actual amount received, the initial amount of pension benefits before reductions due to employment was applied as an explanatory variable.

As for other factors, the coefficients for dummy variables are negative for women, negative for age, and positive for academic background, as ordinarily expected, whereas the coefficients are not significant for age and academic background.

Thus, job security measures for the elderly, especially raising the mandatory retirement age and abolishing mandatory retirement systems, have the effect of increasing the earned income of people in their early 60s, and the impact of these measures is far greater than that of people's attributes such as the age, gender, academic background, etc.

4. Income Inequality and the Contribution of Pension and Employment to Eliminating It

(1) Inequality Measures

In Subsection 2, analysis was carried out with regard to elderly people who cannot pay their cost of living without employees' pension benefits, thereby reviewing the shortage of income that is expected to happen when the pension age is raised to 65 as scheduled, their need of employment and earned income, and the effect of job security measures for the elderly. However, this was a review of the average conditions for the elderly, and in reality, there is variation in their income and other areas.

Nevertheless, the number of samples available is not enough to assess the variance of the income brackets, etc. (there were only 40 samples of people who cannot pay their cost of living without employees' pension benefits). To overcome this constraint, inequality measures are used to measure income inequality. As the inequality measures may be zero for some factors such as earned income, pension benefits, and other unearned income, and the difference between income and the cost of living is negative in the case of a shortage of income, the inequality measures used for analysis should be one that can be defined for zero or negative values as well (in this respect, the Theil Index and Atkinson index are unsuitable for this analysis). In addition, in order to measure the degree of contribution of factors such as earned income and pension benefits to inequality (disparity) in income, etc., the inequality measures for income, etc. must be decomposable by these factor components. From this standpoint, the pseudo Gini coefficient (Appendix 1) and pseudo relative variance (pseudo squared coefficient of variation) (Appendix 2) are used as inequality measures. Furthermore, as pseudo relative variance allows decomposition by constituent groups such as the employed/unemployed, the degree to which inequality (disparity) between the employed and the unemployed contributes to inequality in income, etc. can also be ascertained.

(2) Inequality in Income, etc.

Table 3 shows the calculation of the degree of contribution of income factor components to income inequality, using the pseudo Gini coefficient and pseudo relative variance (pseudo squared coefficient of variation). The income factor components used here include earned income, employees' pension benefits (after reductions due to employment), and other unearned income. The degree of contribution of employees' pension benefits is negative both for the pseudo Gini coefficient (-0.014) and the pseudo relative variance (-0.023). This suggests that when the pension age is raised to 65 as scheduled, such negative contribution will disappear and income inequality will expand, in which case elderly people are highly likely to run short on income as funds to pay their cost of living. As shown in Table 5, the degree of contribution of employees' pension benefits is also negative for inequality in terms of the difference between income and cost of living (excess of income or shortage of income), which means raising the pension age to 65 has an effect of expanding inequality.

In order to prevent such expansion of income inequality, it is important to reduce inequality in earned income by taking measures to promote employment among the elderly. In this connection, looking at the impact of the employment situation on inequality in earned income based on the pseudo relative variance, inequality in earned income is 0.691, of which inequality between the employed and the unemployed accounts for 0.149, whereas among those who have benefitted from job security measures for the elderly, inequality between the employed and the unemployed is considerably small, at 0.038 (see Table 3). Then, the impact on income inequality is estimated based on the assumption that as a result of the spread of job security measures for the elderly, inequality in earned income between the employed and the unemployed would decline to the level of inequality between the employed and the unemployed who have benefitted from job security measures for the elderly. As indicated in Table 4, the degree of contribution to income inequality is -0.048 , which shows that such measures have an effect of reducing inequality and such effect is greater than the effect of the raising the pension age to 65 in expanding inequality, standing at 0.023. Although this estimation is made on the basis of the hypothesis that all enterprises will allow all applicants to continue to work until the age of 65, one can see that if job security measures for the elderly are adopted more widely, they will have a considerable effect in reducing income inequality. This is also valid for inequality in terms of the difference between income and the cost of living (see Table 6).⁹

Furthermore, in relation to inequality in earned income (0.691), inequality also exists within those who are employed, between part-time employees and full-time employees, as mentioned in 2 (2). This inequality, standing at 0.031 based on the pseudo relative variance (see Table 3), is considerably small among those who have benefitted from retirement system reforms (raising the mandatory retirement age or abolishing mandatory retirement

⁹ As more elderly people gain employment through job security measures for the elderly, income inequality might increase within those employed. However, such impact on inequality within the employed cannot be estimated and therefore is excluded from consideration in this analysis.

Table 3. Degree of Contribution to Income Inequality

	Degree of contribution	Pseudo Gini coefficient	Degree of contribution	Pseudo relative variance	Between the employed and the unemployed	Who have benefitted from job security measures	Between part-time employees and full-time employees	Who have benefitted from retirement system reforms	Composition ratio
Total income	0.330	0.330	0.507	0.507	0.048	0.013	0.013	0.005	1.000
Earned income	0.185	0.432	0.296	0.691	0.149	0.038	0.031	0.002	0.429
Employees' pension benefits after reduction	-0.014	-0.088	-0.023	-0.139	-0.069	-0.068	-0.022	0.006	0.162
Other unearned income	0.045	0.281	0.073	0.453	-0.031	-0.008	-0.004	0.002	0.162
Spouse's earned income	0.086	0.562	0.132	0.863	0.066	0.001	0.014	0.017	0.153
Spouse's unearned income	0.028	0.294	0.028	0.296	-0.106	-0.024	0.017	0.006	0.094

Note : Degree of contribution: pseudo Gini coefficient or pseudo relative variance multiplied by the composition ratio.

Table 4. Effect of Reducing Inequality in Earned Income through the Spread of Job Security Measures for the Elderly

	Degree of contribution	Pseudo relative variance
Reduction of inequality between the employed and the unemployed through the spread of job security measures	-0.048	-0.111
Reduction of inequality between part-time employees and full-time employees through the spread of retirement system reforms	-0.013	-0.030

Table 5. Degree of Contribution to Inequality in Terms of the Difference between Income and Cost of Living

	Degree of contribution	Pseudo Gini coefficient	Degree of contribution	Pseudo relative variance	Between the employed and the unemployed	Who have benefitted from job security measures	Between part-time employees and full-time employees	Who have benefitted from retirement system reforms	Composition ratio
Total income	0.588	0.294	1.641	0.819	0.095	0.026	0.016	0.003	2.003
Earned income	0.348	0.405	1.026	1.195	0.297	0.075	0.037	0.001	0.859
Employees' pension benefits after reduction	-0.032	-0.098	-0.080	-0.244	-0.137	-0.133	-0.026	0.003	0.325
Other unearned income	0.063	0.194	0.202	0.624	-0.062	-0.016	-0.004	0.001	0.324
Spouse's earned income	0.163	0.530	0.385	1.253	0.131	0.002	0.017	0.009	0.307
Spouse's unearned income	0.046	0.248	0.107	0.572	-0.211	-0.046	0.020	0.003	0.187
Difference between income and the cost of living	0.601	0.601	1.585	1.585	0.189	0.050	0.018	0.002	1.000

Note : Degree of contribution: pseudo Gini coefficient or pseudo relative variance multiplied by the composition ratio.

Table 6. Effect of Reducing Inequality in Earned Income through the Spread of Job Security Measures for the Elderly

	Degree of contribution	Pseudo relative variance
Reduction of inequality between the employed and the unemployed through the spread of job security measures	-0.191	-0.222
Reduction of inequality between part-time employees and full-time employees through the spread of retirement system reforms	-0.031	-0.036

systems), standing at 0.002. Then, the impact on income inequality is estimated based on the assumption that as a result of the spread of retirement system reforms, inequality in earned income between part-time employees and full-time employees would decline to the level of inequality between part-time employees and full-time employees who have benefited from retirement system reforms. As indicated in Table 4, the degree of contribution to income inequality is -0.013 , which shows that these measures have an effect of reducing inequality, and suggests that if retirement system reforms become more common, such reforms will have a considerable effect in reducing income inequality. This is also valid for inequality in terms of the difference between income and the cost of living (see Table 6).

Thus, raising the pension age to 65 has the effect of expanding income inequality, but if job security measures for the elderly are adopted more widely and the employment rate among elderly people rises accordingly, there is expected to be a considerable reduction in inequality as a result. Job security measures for the elderly are essential for stopping the expansion of income inequality and reducing the number of elderly people who run short on income as funds to pay their cost of living. Similarly, when retirement system reforms become more common, such reforms will also have the effect of reducing income inequality within the employed.

5. Spread of Job Security Measures for the Elderly

Table 7 shows data by age regarding how elderly people in their early 60s pay their cost of living. In all age groups, although income exceeds cost of living even excluding employees' pension benefits, the difference between income and cost of living is larger in the younger age groups, and the amount of net savings is also larger in the younger age groups. Reflecting such a tendency, the percentage of elderly people whose income would fall short of their cost of living, supposing they received no employees' pension benefits, and could not make ends meet even by reaching into their net savings is lower in the younger age groups, standing at 12% at the age of 60, 11% at the age of 61, 13% at the age of 62, 18% at the age of 63, and 26% at the age of 64.

These phenomena may show that the younger the age, the larger the amount of earned income, and accordingly, the larger the total amount of income.

One factor of this relationship is that the employment rate is higher in the younger age groups. Seeing that the amount of employees' pension benefits increases with age (Table 7),¹⁰ one can presume that the entitlement to pension benefits may diminish elderly people's willingness to work. However, the percentage of those who intend to increase their earned income when the pension age is raised to 65 as scheduled does not rise with age, standing at 18% at the age of 60, 11% at the age of 61, 25% at the age of 62, 34% at the age

¹⁰ At the time of the survey, those aged 63 or over were entitled to receive flat-rate benefits as well as wage-proportional benefits, and because of this, the amount of employees' pension benefits was larger from the age of 63.

Table 7. Funds to Pay the Cost of Living, by Age

	Age group					Total
	60	61	62	63	64	
Composition ratio (%)	19%	25%	23%	17%	16%	100%
Net savings at the age of 65*	2018.2	1908.2	1584.2	1314.9	1526.4	1694.3
Without employees' pension benefits*	1872.1	1638.8	1260.5	747.6	851.8	1321.0
Difference between income and cost of living**	22.3	19.9	19.9	16.9	15.5	19.1
Without employees' pension benefits**	19.9	15.4	14.5	7.4	4.3	12.9
Cost of living**	19.4	21.0	17.4	18.9	18.9	19.2
Income**	41.7	40.9	37.2	35.8	34.4	38.3
Earned income**	24.6	18.2	16.8	10.1	9.8	16.4
Employees' pension benefits**	2.4	4.5	5.4	9.5	11.2	6.2
(Before reductions due to employment)**	3.2	5.6	5.9	11.6	12.1	7.3
Other unearned income**	4.6	7.0	5.8	6.8	6.8	6.2
Spouse's earned income**	5.8	8.8	6.2	3.8	3.2	5.9
Spouse's unearned income**	4.2	2.5	3.0	5.6	3.3	3.6
Employment rate (%)	76%	73%	69%	59%	60%	68%
Part-time employment rate (%)	13%	12%	29%	24%	38%	22%
Who have benefitted from job security measures (%)	55%	47%	44%	30%	26%	42%
Who have benefitted from retirement system reforms (%)	35%	20%	18%	9%	2%	18%
Rate of failure to gain continued employment (%)	4%	8%	13%	18%	14%	11%

* (10,000 yen)

** (10,000 yen, monthly amount)

of 63, and 7% at the age of 64. This suggests that the difference in the employment rate by age may be attributed to external factors out of individuals' control, such as the employment environment.

The percentage of those who have benefitted from job security measures for the elderly is higher in the younger age groups, as indicated in Table 7. Conversely, the percentage of those who wished to gain continued employment (re-employment or extension of the term of employment) but failed to do so or whose workplace did not have a continued employment system, in short, the rate of failure to gain continued employment, is lower in the younger age groups. The tendency for the employment rate to be higher in the younger

age groups may be attributed to such difference in terms of the implementation status of job security measures for the elderly.

In addition, among those who are employed, the part-time employment rate is lower in the younger age groups. This may be another reason why younger people make more earned income. As indicated in Table 7, the percentage of those who have benefitted from retirement system reforms (raising the mandatory retirement age and abolishing the mandatory retirement system) is higher in the younger age groups. The tendency for the part-time employment rate to be lower in the younger age groups may be attributed to such difference in terms of the implementation status of retirement system reforms.

According to the regression analysis discussed in subsection 3, age has no significant effect in relation to the earned income of elderly people in their early 60s, whereas the implementation of job security measures for the elderly, and in particular, retirement system reforms, have the significant effect of increasing earned income of such people. Thus, the difference in terms of the implementation status of these measures has a greater impact than the age difference.

However, following the establishment of the obligation to take job security measures for the elderly in a phased manner pursuant to the revised Act on Stabilization of Employment of Elderly Persons (the target age for the obligation to take job security measures is 62 in FY2006, 63 in FY2007 to 2009, 64 in FY2010 to 2012, and 65 in FY2013 and thereafter), more enterprises now offer continued employment for elderly people. In view of such developments, the aforementioned difference in terms of the implementation status of job security measures can be regarded as arising from a difference by cohort (year of birth), rather than a difference by age. In the future, through the promotion of job security measures for the elderly up to the age of 65, the decline in earned income with age will become smaller. This positive effect is expected to be greater if more enterprises also reform their retirement systems by raising the mandatory retirement age or abolishing their mandatory retirement systems.

IV. Conclusion

This thesis inquired into how elderly people, especially those in their early 60s, pay their cost of living, through an analysis how necessary it will be for them to earn income when the pension age is raised to 65 as scheduled, as well as examining the effect of job security measures for the elderly (raising the mandatory retirement age, continued employment including re-employment and extension of the term of employment, and abolishing the mandatory retirement system). By using individual data collected by JILPT in the Survey on the Employment Status of the Elderly conducted in August 2009, cross tabulation analysis, regression analysis, and analysis by inequality measures were carried out in relation to their access to job security measures for the elderly and retirement system reforms.

According to the results of cross tabulation analysis, for some 15% of the targeted el-

derly people, their incomes fall short of their cost of living without employees' pension benefits, and as they will become unable to make ends meet even by reaching into their net savings, measures should be taken to support these people when the pension age is raised to 65 as scheduled. The biggest reason why they will not be able to pay their cost of living without employees' pension benefits may be their low earned incomes, which may be derived from a low employment rate and may be attributed to difference in terms of the implementation status of job security measures for the elderly. Also among those who are employed, the high part-time employment rate is considered to be the cause of the low earned income, which may also be attributed to difference in terms of the implementation status of retirement system reforms (raising the mandatory retirement age and abolishing the mandatory retirement system). Meanwhile, the results of regression analysis on the factors for earned income indicate that job security measures for the elderly, including retirement system reforms, have the effect of increasing the earned incomes of elderly people in their early 60s.

However, this was a review of the average conditions of those who cannot pay their cost of living without employees' pension benefits, and in reality, there is variation in their incomes and other conditions. Therefore, using the pseudo Gini coefficient and pseudo relative variance (pseudo squared coefficient of variation) as inequality measures, income inequality was calculated, as well as the degree of contribution of the relevant factor components (e.g. earned income, employees' pension benefits) to income inequality. According to the results of this analysis, raising the pension age to 65 has the effect of expanding income inequality, but if job security measures for the elderly are adopted more widely and the employment rate among elderly people rises accordingly, there is expected to be a considerably reduction in inequality as a result. Job security measures for the elderly are essential for stopping the expansion of income inequality and reducing the number of elderly people whose incomes fall short as funds to pay their cost of living. Similarly, when retirement system reforms become more common, they will also have the effect of reducing income inequality within the employed.

Thus, when the pension age is raised to 65 as scheduled, a certain portion of elderly people will see their incomes fall short of their cost of living, and will need some support to make up for that shortage. If job security measures for the elderly are adopted more widely and the employment rate among elderly people rises accordingly, their earned income levels will increase, leading to a decrease in the number of them who suffer a shortage of income. This positive effect is expected to be greater if, of those job security measures for the elderly, retirement system reforms become more common.

Job security measures for the elderly have become more accessible to the later generations along with the phased raising of the target age for such measures. This initiative must be further promoted so as to ensure that all enterprises will adopt job security measures for the elderly aged up to 65, and that they will guarantee job opportunities for all applicants who wish to continue to work until the age of 65. To this end, the existing criteria by enter-

prises for limiting the people who are eligible to continue employment must be abolished. Another task that should be achieved for the future is to raise the mandatory retirement age to 65 or over before the employees' pension age for wage-proportional benefits is completely raised to 65.

Appendix 1. Pseudo Gini Coefficient

The Gini coefficient (G) denotes the proportion of the area that lies between the Lorenz curve, which represents the order of inequality based on the weakest value judgment, and the line of perfect equality, to the total area under the line of perfect equality. Supposing that all households are indexed in increasing order of income, the Gini coefficient is as follows.

$$G = \left[1/2 - 1/(2n^2u) \left\{ A_1 + \sum_{j=1}^{n-1} \left(\sum_{i=1}^j A_i + \sum_{i=1}^{j+1} A_i \right) \right\} \right] / (1/2)$$

(A_i : income of i th household; u : mean for all households; n : number of households)

On the other hand, the pseudo Gini coefficient (G_m) is calculated in the same way, using income factor components, such as earned income and pension benefits, in increasing order of income ($m=1\sim M$, in which M denotes the number of income factor components).

$$G_m = \left[1/2 - 1/(2n^2u_m) \left\{ A_{1m} + \sum_{j=1}^{n-1} \left(\sum_{i=1}^j A_{im} + \sum_{i=1}^{j+1} A_{im} \right) \right\} \right] / (1/2)$$

(A_{im} : value of income factor component m of i th household; u_m : mean for all households)

When the values calculated by multiplying the pseudo Gini coefficient (G_m) by the share of each income factor component in income (u_m/u) are added together, the total sum equals the Gini coefficient for income (G). Thus, as mentioned by Takayama (1980), the Gini coefficient can be decomposed by income factor components. Accordingly, $u_m/u \times G_m$ represents the degree of contribution of the relevant income factor component to income inequality, and the pseudo Gini coefficient (G_m) represents the degree of contribution of the unit share of the relevant income factor component to income inequality.

Appendix 2. Pseudo Relative Variance

The relative variance (squared coefficient of variation) denotes a square of the coefficient for variation:

$$V = 1 / n \sum_{i=1}^n (A_i - u)^2 / u^2$$

(A_i : income of i th household; u : mean for all households; n : number of households)

On the other hand, the pseudo relative variance (pseudo squared coefficient of variation) (V_m) is a mean of the rate of divergence between the value of each income factor component of each household and its mean for all households, which is weighted by the rate of divergence between income of each household and its mean for all households.

$$V_m = 1 / n \sum_{i=1}^n (A_{im} - u_m) (A_i - u) / (u_m u)$$

(A_{im} : value of income factor component m of i th household; u_m : mean for all households)

When the values calculated by multiplying the pseudo relative variance (V_m) by the share of each income factor component in income (u_m / u) are added together, the total sum equals the relative variance (V). Thus, the relative variance can be decomposed by income factor components. Accordingly, as mentioned by Shorrocks (1982), $u_m / u \times V_m$ represents the degree of contribution of the relevant income factor component to income inequality, and the pseudo relative variance (V_m) represents the degree of contribution of the unit share of the relevant income factor component to income inequality.

The pseudo relative variance (V_m) can also be decomposed by constituent groups, such as the employed and the unemployed. Supposing that all households are divided into K constituent groups, the pseudo relative variance within each constituent group (W_{km}) ($k=1 \sim K$) and the pseudo relative variance between the constituent groups (B_m) are represented as follows:

$$W_{km} = 1 / n_k \sum_{i=1}^{n_k} (A_{im} - u_{km}) (A_i - u_k) / (u_{km} u_k)$$

$$B_m = 1 / n \sum_{k=1}^K n_k (u_{km} - u_m) (u_k - u) / (u_m u)$$

(n_k : number of households in k th constituent group; u_{km} : mean of the income factor component m ; u_k : mean income)

Accordingly, when the values calculated by multiplying the pseudo relative variance within each constituent group (W_{km}) by the proportion of the mean for each constituent group to the mean for all households (u_{km} / u_m , u_k / u) and by the proportion in the number of households (n_k / n) are added together and the pseudo relative variance between the constituent groups (B_m) is added to the total sum, the result is as follows.

$$\begin{aligned}
 & \sum_{k=1}^K (n_k / n \times u_{km} / u_m \times u_k / u \times W_{km}) + B_m \\
 &= 1 / n \sum_{k=1}^K \sum_{i=1}^{n_k} \{(A_{im} - u_{km})(A_i - u_k) + (u_{km} - u_m)(u_k - u)\} / (u_m u) \\
 &= 1 / n \sum_{k=1}^K \sum_{i=1}^{n_k} \{(A_{im} A_i - u_{km} u_k) + (u_{km} u_k - u_m u)\} / (u_m u) \\
 &= 1 / n \sum_{k=1}^K \sum_{i=1}^{n_k} (A_{im} - u_m)(A_i - u) / (u_m u) \\
 &= V_m
 \end{aligned}$$

Thus, the pseudo relative variance (V_m) can be decomposed by constituent groups. Here, B_m represents the degree of contribution of inequality between the relevant constituent groups to income inequality.

As shown above, the pseudo relative variance can be decomposed by income factor components and by constituent groups.

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JILPT Research Activities

International Workshop

The Japan Institute for Labour Policy and Training (JILPT), the Chinese Academy of Labour and Social Security (CALSS), and the Korea Labor Institute (KLI) held a research forum on the theme “Comparative Research into the Best Approach to Support Workers in their Capacity Building and Career Development amidst the Changing Economy and Society” on September 15 in Tokyo, Japan. The three institutes hold a forum once every year with a common theme and present their research results with the aim of promoting mutual understanding among the three countries and raising the standards of research. This was the ninth forum held with the collaboration of the three research institutes. The research papers presented at the forum will be released shortly on the JLPT website (<http://www.jil.go.jp/institute/chosa/>).

JILPT

Takahiko Kusano (Executive Director, JILPT), *Evolution of the Policy for Vocational Ability Development in Japan*

Makoto Fujimoto (Vice Senior Researcher, Labour Quality Management and Career Development, JILPT), *Actions Taken by Japanese Businesses for Human Resource Development and Capacity Building: Focusing on the Service Industry*

KLI

Soon-Hie Kang (Senior Research Fellow KLI), *Current Situation, Achievements Made Thus Far, and Challenges for the Future Regarding the Public Vocational Training System in Korea*

Hong-Guen Chang (Research Fellow, KLI), *Reorganization and Challenges of the Training System for the Unemployed: Cases in Korea*

CALSS

Jing Wang (Vice President, CALSS), *Evolution of the Policy for Human Resource Development in China*

Jun Liu (Director of Foreign Labour and Employment, Institute of International Labour and Social Security), *Current Situation of Vocational Training in China*

Research Reports

The findings of research activities undertaken by JILPT are compiled into Research Reports (in Japanese). Below is a list of the reports published in 2010 and 2011. The complete Japanese text of these reports can be accessed from the JILPT website (<http://www.jil.go.jp/institute/pamphlet/>). We are currently working on uploading abstracts of

reports in English onto the JILPT website as well (<http://www.jil.go.jp/english/>).

Research Reports

No.139 *Career Path, Style of Working, and Awareness among Temporary Workers Registered with Temp Staff Agencies: Based on the Results of Interviews with 88 Temporary Agency Workers* (1. Analysis and Data, 2. Case Study) (November 2011)

Research Series

No.89 *General Survey on Employment in Japan in FY2009* (Volume 1: Main Survey, Volume 2: Employment Data) (November 2011)

No.88 *Results of the Survey on Part-Time Workers: Situation after the Enforcement of the Revised Part-Time Workers Act* (October 2011)

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No.94 *Report of the 11th Japan-Korea Joint Workshop: Comparison between Japan and Korea on Long Working Hours and Policy Measures to Reduce Working Hours* (September 2011)

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