
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.

Sumiko Ebisuno
Rissho University