

Abstracts

Theoretical Basis for Legislative Policy regarding Non-Regular Employment Tomoko Kawada (Chuo University)

In recent years, legislative measures have addressed the issue of rectifying a significant gap in working conditions and treatment among regular employees and the employment instability of non-regular employees. These have occurred through revisions to the Worker Dispatch Law, Labor Contract Law, etc. Until now, legal policies related to non-regular employment prioritized quantitative job security while being weak on qualitative job security. However, recent legal policies in this area can be said to emphasize a balance between the two. Yet, if one examines Japan's recent legislative changes, it seems that the direction in which such legal policies are attempting to proceed-and in which they should proceed-remains unclear. It is necessary to indicate an ideal direction for employment after sufficient consideration of the theoretical foundation of legal policies related to non-regular employment. In particular, the normative basis of labor relations legislation (personal dignity [Article 13 of the Constitution], equal rights [Article 14], the right to life [Article 25], and the right to work [Article 27]) must be revisited to determine this basic direction for legislative policy regarding non-regular employment. Moreover, as an ideal direction for employment, investigation should be conducted into mechanisms that allow workers to independently select diverse work styles from amongst stable employment options that guarantee fair treatment.

Legal Approach to the Equal Treatment of Non-regular Workers Katsutoshi Kezuka (Chuo University)

Treatment gap problem between regular workers and non-regular workers is the central issue of today's labour law policy. The Part-time Workers Act of 2007 prohibited discrimination against part-time workers, in the case that their duties and assignments were equal to those of the ordinary workers at the workplace, throughout the entire period until the termination of the employment relationship. On the other hand, the Labour Contract Act of 2012 prohibited unreasonable differences in working conditions between workers with a contract of indefinite duration and workers with a fixed-term contract. How should this change in regulatory method be estimated? In this paper, after clarifying the differences in theoretical structure of equal treatment and non-discrimination, I suggest that the equal treatment-approach based on the equality principle is adequate and useful for resolving problems of treatment disparities based on managerial employment patterns. As far as there is no valid reason, the employer should take the same treatment system (the principle of the same treatment system), and make different treatment systems transferable (the adjustment principle of different treatment systems), and ensure treatment of all workers proportional and corresponding to duties and time-progress among all treatment systems (the principle of balanced treatment). Compared to the non-discrimination (equal requirement) approach, the equal treatment approach is neutral to wage systems, practical to use because of the wide scope in personnel and subjects of equal treatment, and appropriate for distributing the burden of proof.

Employment Security concerning "the Various Regular Employee" Nobutaka Shinohara (Kansai Gaidai University)

This article clarifies the influence to the dismissal regulation when "The Various Regular Employee", who is employed by limited type of job, is introduced. When analyzing the judicial precedent, the dismissal based on employees lack of ability, or on economic reasons, courts tend to regulate the dismissal strictly. But in contrast, courts tend to relax the dismissal regulation in the case of specialist job employee. Therefore, the dismissal regulation to "the Various Regular Employee" might relaxed because their type of job is limited as a specialist job employee and if their job differs as it of a contemporary permanent employee. When choosing employee to dismiss in the economic reason, it must be chosen in the ability based criteria in such job category, and courts would decide whether the employee is chosen by the fair criteria or not.

Flexible Jobs and Compensating Wage Differentials: Theory and Evidence

Emiko Usui (Nagoya University)

The theory of compensating wage differentials predicts that there will be a positive relationship between wages and poor working conditions and that workers are fully compensated for poor working conditions through their wage. In this article, we first present a theoretical model of compensating wage differentials under the assumption of a perfectly competitive labor market to confirm these predictions. We then show that empirical studies have found evidence that contradicts these theoretical predictions. Specifically, we introduce studies that show the following: (1) workers are not matched with their desired working conditions, and those workers who report dissatisfaction with their hours change employers to work in jobs that are more consistent with their preferred hours; and (2) workers are overcompensated for poor working conditions. We provide the following two theoretical models that assume asymmetric information that are more consistent with the observed empirical patterns: the first is an equilibrium labor search model in which a job is a package of wages and working hours, and the second is a “rat-race” model in which professional employees are required to work inefficiently long hours. Finally, we offer suggestions for offering more flexible jobs in the labor market.

Diversity of Limited Regular Employees and Issues of Human Resource Management

Koji Takahashi (The Japan Institute for Labour Policy and Training)

While polarization through working lifestyles of regular employees and non-regular employees spreads, the working lifestyle of limited regular employees as the intermediate form between the afore-mentioned two types is expected to grow in popularity. In this paper, focusing on the variety of limited regular employees, issues of HRM inherent in each type of limited regular employees are analyzed. In the first half, taking a general view of their working situation, failure of a career to develop within the same company among occupationally-limited regular employees and low level of satisfaction with wage among regionally-limited regular employees are suggested. In the latter half, it is shown that assignment of coordination tasks has a positive effect on promoting career development within the same company among occupationally-limited regular employees, but at the same time, it has a negative effect on their WLB. Correspondingly, integration of the wage system of normal regular employees and that of regionally-limited regular employees enables regionally-limited employees to improve their level of satisfaction with wages. On the other hand, however, it makes it difficult to resolve so called non-regular employment problems. In facilitating HRM of limited regular employees, government assistance such as installation of skill evaluation systems and reform of industrial relation systems are needed, in addition to efforts by the company.

Multiplication of the Categories for Regular Workers and Its Impact on Gender Equality

Kaoru Kanai (Saitama University)

This paper discusses how multiplication of the categories for regular workers impacts on gender equality. In Japan, the Multiple-Career-Track Personnel Management System was introduced to cope with the EEOL in the 1980s. I categorize the differences from this Multiple-Career-Track Personnel Management System in the 1980s and the multiplication of the categories for regular workers at present. “New regular worker” is similar to a lower level career track-the so-called “clerical track (ippanshoku)” in Multiple-Career-Track Personnel Management System from the 1980s-in that this career track is (1) type and content of job to which the worker is assigned; (2) whether a worker is able to accept a transfer, or the area within which a worker is able to accept a transfer. However it differs in the matter of whether they are supposed to work for short or long terms. “New regular workers” are supposed to be long term-employees and they have specific programs for education and training, specific channels of job assignments and promotion and wage scales. There is some possibility that the work condition for “new regular workers” is better than the so-called “clerical track (ippanshoku)” from the 1980s.

Expanding Needs of Union Members

Kayo Goto (Labour Research Council)

In recent years, labor unions have worked on organizing non-regular workers. As a result of the effort, membership of non-regular workers has gradually increased, which brought about consistent improvement in their working condition. Nevertheless, the pace of change and the contents are not as same as that of regular workers. One survey shows that many of non-regular workers seek realization of “Equal pay for Equal work,” taking a step forward from the current uniform wage increase. On the other hand, the work style of union members (regular workers) is changing. The unions’ approach succeeds at balancing work life and family life for regular workers. There are also a growing number of workers even not facing difficulty in balancing work and family, seek alternative work style. Through covering the multifaceted needs of their union members, the unions’ tasks have also become multifaceted, such as an increase of workers on sick-leave for mental health care, and more exposure of industrial accidents. Moreover, increasing number of non-regular workers could impact the financial situation of labor unions because their union dues are lower than regular workers. Under these circumstances, labor unions need to shift their existing focus which centers on regular workers.

The Impact of Employers’ Gender Role Attitudes on the Proportion of Women

Hiroki Yasuda (Kyushu Sangyo University)

This study examines the impact that employers’ gender role attitudes have on the proportion of women in the workplace. The study showed that, irrespective of the company size, when the employer has strong attitudes about gender roles, this reduces the proportion of females in the company. OLS estimates for both samples (i.e., 2-299 and 5-299 employees) showed that employers’ strongly-held gender role attitudes such as “if a husband has sufficient income, it is better for his wife not to have a job,” and “a husband’s job is to earn money; a wife’s job is to look after the home and family” are likely to lead to a lower proportion of female employees in the workplace. Moreover, using instrumental variable method estimates that takes account of the endogeneity of the gender role attitudes variable, we observed that in companies with between 2 and 299 employees, the more strongly employers hold the belief that “a preschool child is likely to suffer if his/her mother works,” the lower the proportion of female employees; and similarly in companies with a workforce of 5 to 299, the stronger the belief amongst employers that “without a doubt, a woman’s happiness lies in a marriage,” the lower the proportion of female workers.