

Abstracts

Analysis of Working Time Regulations Policy: A Focus on the Revision Bill of the Labor Standard Act in 2015

Yumiko Kuwamura (Tohoku University)

This paper examines the Advanced Professionals System, which is a matter of considerable public concern, among the proposed amendment to the Labor Standards Act (LSA) under discussion, which was submitted to the Diet in April 2015, with a view to clarify its objective and content. The paper also looks into the framework of the working time system including the options that are not supposed to be legislated this time. This paper points out that, the Advanced Professional System is a concept that emerged from the discussions on the countermeasures for the workers who are illegally treated as administrative supervisors (LSA Art. 41 No. 2) and are forced to work long hours without financial compensation. For those workers, it is not necessarily appropriate to improve enforcement of working hours regulations or to induce enterprises to introduce the current discretionary work schemes. The proposed system legalizes the non-application of the regular regulations on working hours under some alternative protections in terms of wage and health. Therefore, it is not merely an exemption of working hours regulations. However, the paper also points out the inadequacies of the health regulations that are provided as a substitute to principle regulations on working hours. It is necessary to strengthen regulations on rest periods for all employees in order to secure health in the workplace.

The Effects of Overwork on Health and Productivity

Sachiko Kuroda (Waseda University)

The objective of this article is to provide as much a quantitative evidence as possible, through reviewing previous studies on the relationship between long working hours and health issues and reducing long working hours and productivity. Firstly, in Section 2, we will focus on the issues of working hours and health and introduce the accumulation made of the recent research on how long-hour labor can have a negative effect on mental and physical health. In the subsequent Section 3, we outline the data currently obtainable and previous studies from inside and outside the country. In the final Section 4, we will briefly examine the directionality for the future concerning the legislations on working hours.

Working Hours in Japan and the Struggles of the Labor Union

Takeshi Matsui (UA Zensen)

The post-war struggle for the shortening of the working hours by the Labor Union roughly occurred in 2 stages; one was the struggle for the two-day holiday system in the first half of the 1970s, and the other was the struggle aiming to achieve total actual working hours of 1800 hours around 1990, and the working hours in Japan as a whole was reduced over these periods in phases. However, this mainly occurred in the workplaces where the collective regulation of the working hours was possible, such as factories, and the issue remained unresolved in workplaces where the working hours are personalized such as the white collar industry, distribution, and service industry. In this paper, we examine the significance and the challenges of the struggle for the shortening of the working hours, using the UA Zensen as a case example.

The Frontier of the Work Style Reform: With a View to Expand the Scope of Reform

Tamie Matsuura (NLI Research Institute)

This paper focused on the broader Work Style Reform, including relevant business strategies, organization strategies and HRM policies, based on the notion that there is a limit to the Work Style Reform in a narrow sense such as “the restriction of working hours” and “the flexibility in the working style”. Specifically, we conducted an interview survey with five companies that are at an advanced stage in the Work Style Reform to clarify the following three points: (1) what kind of efforts are being implemented in the

broad sense of Work Style Reform, (2) how the Work Style Reform is affecting human resource development, and (3) what changes have been seen in the “problem finding function” that has been provided by the working hours, after the issue of working long hours has been corrected. In order to effectively further advance the Work Style Reform, there is a need to expand the scope of reform to a Work Style Reform in a broader sense. For that purpose, the Work Style Reform has to be positioned as a management strategy. Even with the companies that are at an advanced stage in the Work Style Reform, the efforts as regards the Work Style Reform in a broad sense are still limited. However, the content of their effort is helpful for other companies that are aiming to expand the scope of the Work Style Reform. In order to develop human resources effectively while promoting Work Style Reform, support by management is essential. There are noteworthy cases that show working hours functioning as a signal for finding problems, as a result of the Work Style Reform being properly conducted. However, when organizational goals that stipulate the workload is decided through a decision-making process that is different to the Work Style Reform, and is also not on the negotiation agenda with the trade unions, then that is a cause for great concern that could lead to situations where the expectation of productivity per hour cannot be adequately controlled. Therefore, in the future various problem finding functions will have to be reorganized to address this issue.

The Mechanisms of Worker Representation in Korean Labor Law

Dongwook Cha (The University of Tokyo)

This study explores the workplace representation system in Korean collective labor law, including work councils, by comparing that system with the Japanese equivalent. The Korean and Japanese collective labor laws resemble each other in the sense that both are based on enterprise unionism and its resulting practice of enterprise level collective bargaining. On the other hand, they are distinguished from each other because Korea has particular procedures for determining the bargaining representative union where there are two trade unions or more within a bargaining unit, and the determined union retains the exclusive bargaining authority on behalf of all the union members therein. Representative unions have a statutory duty of fair representation. A workers' representative in Korea, in contrast with Japan, lacks detailed regulations, for instance, on how to elect such a representative and to organize the constituents. And the relevant legislation and instruments are silent as to the legal effect of agreements concluded between a workers' representative and their employer. Korea's Labor-Management Council is a statutory organization, and the details of its operations, such as matters of consultation, resolution and report, are prescribed by an act. A Labor-Management Council has a legal status as a representative of employees in the establishment, and can in fact affect their terms and conditions of employment. It is still fair to evaluate that such a Council in Korea is an institutionalized employee representative when compared with a person representing a majority of the workers in Japan.

Does Japanese Regulation on Dismissal Really Reduce the Employment Rate?

Masayuki Takahara (The Japan Institute for Labour Policy and Training)

Otake/Okudaira (2006) and Okudaira (2008) proposed the original EPL index that shows the judgement trend of Japanese courts regarding cases on disputes on dismissals by reason of firm's economic necessity (collective redundancy). They carried out an empirical analysis using the index and showed that the variable has a negative effect in the employment rate, and stated that Japan's employment regulations that restrict the dismissal of employees have an effect of reducing the employment rate. This index calculated by accumulate the data of each year, and close attention is required in creating and using them. There are issues with the above analysis, such as the mismatch between the theoretical assumption and the data used to create the index, the fact there is no basis for setting the starting point for the variable creation, there are measurement errors that randomly walk, the omission of relevant variables, and the assumed behavior of the firm is not realistic. I made proposals regarding the improvement of the model

formulation. At this current stage, it is not clear what kind of influence Japan's employment regulations that restrict the dismissal of employees has on the employment rate. It is anticipated to improve the data and the model to grasp the effect that the employment regulations that restrict the dismissal of employees have on the employment rate.

Enterprise Unions, Trustful Industrial Relations and Employee Voice in Japanese Firms

Tomohiko Noda (Osaka Prefecture University)

This study investigates the function of enterprise unions in trust relationships between labor and management. It tests the mutual gains hypothesis with respect to Japanese firms in the automobile industry. The factors related to trustful industrial relations are determined. Then, the effects of employee trust in management on those employees' suggestions to enhance productivity and on their sense of job security are assessed. The results suggest that where employment relations are characterized by mutual trust, employees are likely to make productivity enhancing suggestions because unions can obtain credible commitments from employers to honor implicit employment contracts.

Work Time Flexibility and Its Benefits: A Revisit through the Score of O*Net Occupational Characteristics

Yanfei Zhou (The Japan Institute for Labour Policy and Training), **Tomoe Naito** (National Graduate Institute of Policy Studies)

Long working hours and rigid work time management for regular workers is a notoriously long-standing practice in Japan. The present Abe administration has set the reduction of long working hours as one of its major policy goals, but the work-time data shows that little progress has been made in the last several decades. Utilizing the scores of seven categories of O*Net occupational characteristics as an index of work time flexibility (WTF), this paper investigate how WTF can help in achieving the governmental goal of reducing long working hours. Based on the analysis of a regular worker survey conducted by the JILPT, we find that the degree of WTF is directly connected with less over-time work, less work at nights or on holidays or weekends, and longer private time. The estimation results show that both workers and employers benefit from WTF through its positive influence on employee work-life-balance, deeper loyalty to the workplace and higher work productivity. To improve the degree of WTF, however, a more active role of the labor unions in work environment negotiations as well as a more thorough enlightenment upon the positive effects of WTF to employers is necessary.

Employment Management and the Forces of Elderly Employees: Focusing on Diversity of Employment Classification

Miho Fujinami (Chiba Keizai University), **Eiichi Ooki** (Tamagawa University), **Haruyuki Kanou** (Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers)

In order to design HR system for elderly employees (employees in their early 60s), there is a need to first determine the classification of the elderly employees. In this report we introduce the analysis results focusing on the classification of the elderly employees, and have broken down the classification into 4 patterns — the standards used are (1) employment period (fixed-term/indefinite) and (2) form of employment (full-time employee/non-permanent employee)— and we captured the characteristic of the (1) company attribute and (2) status of the arrangement of personnel management and the utilization status of elderly employees by using the questionnaire survey results to corporates (4203 companies). The first analysis result was on the characteristics by employee classification which was composed of 70.5% “fixed-term/non-permanent employees”, followed by “fixed-term/full-time employees” (19.3%), “indefinite/full-time employees” (9.1%) and “indefinite/non-permanent employees” (1.1%). “Fixed-term/non-permanent employees” were mainly employed by the “manufacturing industry” and in large corporations, and “fixed-term/full-time employees” were mainly employed by the “construction

industry” and medium-sized corporations. Secondly, we focused on the top 2 patterns (“fixed-term/non-permanent employees” “fixed-term/full-time employees”) and analyzed the differences from the status of the arrangement of personnel management and the utilization status point of view. As regards the status of the arrangement of HR management, the “fixed-term/full-time employees” were same as that of the active employees in the fields other than the employee rating system, and with the “fixed-term/non-permanent employees” the status tended to be similar to that of the active employees in field of employee rating system only. Moreover, “fixed-term/full-time employees” received a high evaluation, in particular receiving positive evaluation as regards “management ability/leadership ability”, “the transfer of technology and skill to the young and mid-level employees”, and “the flexibility to changes in work”. The utilization of elderly employees was evaluated as contributing to the “improvement of productivity”. Furthermore, future policies are extremely positive towards utilizing elderly employees, including the review with regard to the retirement system. The above indicates that establishing a category for employees called “fixed-term employment” among the regular employees will contribute to the development of the employment of elderly employees.

Intention and Action of People Who Move from Big Firm to Small-medium Firm

Makoto Fujimoto (The Japan Institute for Labour Policy and Training)

The number of workers who changed their jobs, especially those in the age group of “middle-aged” ranging from 35-50, tends to increase. Under such a circumstance, it is assumed that one of the widely-recognized issues is how career changers can overcome various problems due to cultural differences between organizations they belonged to before and after changing their jobs. This paper analyzes factors which encourage workers who transferred to SMEs and enable them to settle down in their new enterprises and work vigorously for their new jobs, according to the number of employees of enterprises the workers belonged to before they changed their jobs. This paper also studies and discusses what features can be found in factors which enable workers to settle down in their new enterprises and work vigorously for their new jobs when their career transfers from large enterprises to SMEs are rather drastic in terms of enterprise scales. For those who transferred from large enterprises to SMEs, if they have feelings that they are treated better with regard to supports from their new enterprises, education and trainings given to them after their enrollment in their new enterprises, and supports from their superiors and colleagues of their newly assigned working places, such feelings can better contribute to their intentions to remain at their new enterprises as well as their willingness to work harder for their new enterprises and working places, resulting in their positive attitudes to their new jobs. On the other hand, when analyzing those transferred from SMEs to SMEs, while their attitudes to their new job show trends similar to those of workers who transferred from large enterprises, there is no significant correlation between their intentions to remain at their new enterprises, and supports from their new enterprises, education and trainings given to them after their enrollment in their new enterprises, and supports from their superiors and colleagues of their newly assigned working places. The analysis results shown above suggest that what can play more important roles are measures taken by enterprises for workers who transferred from larger enterprises to SMEs in terms of enterprise scale changes as well as various supports given to them in their working places.