

Article

Fact-finding Research on Financial Compensation for Unfair Dismissal Cases in Court

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The Japan Institute for Labour Policy and Training (JILPT) published a research report *Comparative analysis of cases of employment termination resolved by labor tribunals or court settlements* (JILPT 2023, hereinafter the “Report”) in April 2023. The Report summarized the results of two surveys conducted in 2014 and 2022 by JILPT as requested by the Ministry of Health, Labour and Welfare (MHLW), of which outline was previously reported to the MHLW’s Labor Policy Council’s Working Conditions Committee in October and December 2022. This article reviews previous studies in this field and visualizes the data of the 2022 Survey mainly in comparison with the 2014 Survey. The 2014 Survey covered 452 labor tribunal cases that ended in either labor tribunal mediation or a labor tribunal decision in four district courts in 2013, and 193 labor-related civil litigation cases that ended in a settlement in the same four district courts in the same year. The 2022 Survey covered 785 labor tribunal cases that ended in either labor tribunal mediation or a labor tribunal decision in one district court in 2020 and 2021, and 282 cases of labor-related civil litigation cases that ended in a settlement in the same district court in the same years.

1. Overview of previous studies

Each time judicial policy on financial compensation of unfair dismissal cases has become the focus of public discussion, JILPT has conducted studies on the state of resolution of those cases in order to examine the evidence used in the cases. In that sense, it can be said that those studies are typical

of policy-oriented research, which is the centerpiece of JILPT’s survey and research activities.

The starting point of the research in this field was JILPT’s first term project “Research on Reconstruction of the Mechanism for Establishing Terms and Conditions of Employment” (FY2003-2006). When the Labor Standards Act was amended in 2003, an explicit provision concerning “abuse of the right to dismiss” theory was introduced into the law, while the introduction of a financial compensation system concerning dismissal cases was considered but abandoned for the moment. As a result, in response to a request from the MHLW, JILPT investigated the state of dismissed employees’ return to their original job following decisions that nullified dismissal by sending a questionnaire survey to attorneys on both the labor and management sides (JILPT 2005). While the response rate for the questionnaire survey was extremely low, approximately 4-6%, the survey results showed that employees who won nullification of dismissal were evenly split, at 40%, between those who returned to and continued to engage in the original job and those who did not.

In April 2005, JILPT established the Study Group on Court Experiences and Employment Adjustments (chaired by Kambayashi Ryo, Professor of Hitotsubashi University at the time) and published a final summary of the studies conducted in the following two years, *Regulations on dismissals and court* (JILPT 2007) in May 2007. One of the articles included, titled “Dismissal Cases held in Tokyo District Court” (Kambayashi 2007) could be viewed as the clear starting point of the Report in that it

conducted a complete survey concerning the amounts of financial compensation based on court records of litigation proceedings. However, the financial compensation amount discussed in the article was not specified but a standardized compensation amount was indicated, which represented the compensation amount per month of the period from dismissal to settlement as a proportion of the amount claimed. As a result, while a direct comparison with that and the JILPT's survey is difficult to make, the median of the standardized compensation amount was 0.48 months' worth and the average was 0.80 months' worth.

JILPT's second term project "Analysis of Contents of Individual Labor-Related Dispute Resolution Cases" (FY2007-2011) examined the state of dismissal cases in terms of dismissed workers' gender, employment status, employers' firm size, the amount claimed, and the resolution amount by conducting a detailed analysis of documents related to a total of 1,144 cases of conciliation processed by the prefectural labor bureaus. As a result, it was found that 30% of those cases of conciliation were financially resolved and that the resolution amounts were distributed mostly in the 100,000 to 300,000 yen range, with the median at 190,000 yen and the average at 306,000 yen (JILPT 2010).

On the other hand, the Institute of Social Science, The University of Tokyo conducted a questionnaire survey with users on the labor tribunal system in 2010. While the scope of survey items was wide-ranging, the median and average of the resolution amount were 1,000,000 yen and 1,449,000 yen, respectively, based on the replies from workers and were 1,000,000 yen and 1,397,000 yen, respectively, based on the replies from employers (Institute of Social Science, The University of Tokyo, 2011).

Later, after the change of government at the end of 2012, the Industrial Competitiveness Council, which was established at the Prime Minister's Office in 2013, held brisk discussions on the financial settlement system concerning dismissal cases. The Japan Revitalization Strategy revised in 2014 (Cabinet decision on June 14) required an investigation of the resolution amounts in cases

handled through means of resolving individual labor disputes, such as labor bureau conciliation, labor tribunal and court settlement proceedings. In response, the MHLW requested JILPT to conduct the fact-finding investigation. Immediately, JILPT closely examined relevant records held at the prefectural labor bureaus and district courts and compiled a research report *Comparative analysis of employment dispute cases resolved by labor bureau conciliation, labor tribunals and court settlement* (JILPT 2015). It was structured in the same way as the latest Report (JILPT 2023) except for some differences in the scope of survey items.

The results of the 2014 Survey (called the Heisei Survey in the Report) were reported to the first meeting of the MHLW's Study Group on Transparent and Fair Labor Dispute Settlement System, etc. and were used as a basis for discussion. After this study group compiled a report in 2017 and the Study Group on Legal Issues concerning the Financial Compensation System for Unfair Dismissal Cases (established in the Labour Standards Bureau in 2018) compiled a report in 2022, discussions started at the Labor Policy Council's Working Conditions Committee. In the first round of discussion, committee members pointed out that the 2014 Survey was outdated and proposed that a new survey should be conducted. In response to this, as mentioned at the beginning, the MHLW requested JILPT to conduct an emergency survey, namely, the 2022 Survey (called the Reiwa Survey in the Report).

2. State of financial resolution of dismissal cases in the 2022 Survey

Below, the result of the 2022 Survey is outlined item by item in comparison with the 2014 Survey. The types and number of cases covered by the survey are as mentioned at the beginning. Note that the survey does not cover all the cases that occurred during the survey period. Cases for which public perusal is restricted and cases that were recorded together with those cases were excluded from the survey.

The research method is the same as the one used

in the 2014 Survey. At each courthouse, Hamaguchi, the author of this article, and the other researcher perused the records of labor tribunal and labor-related civil litigation proceedings in an office room and entered necessary data to create database on the site. The data entry period was around one month from late May to late June. Subsequently, data processing was done and JILPT reported the outline of the results to the Working Conditions Committee in October and December that year. In March 2023, the results were summarized in the Report (JILPT 2023).

(1) Worker' attributes

(A) Gender

When classified by the gender of claimants, males accounted for 174 cases (61.7%) and females accounted for 108 cases (38.3%) of the cases that ended in a court settlement (hereinafter "court settlement cases"). Meanwhile, of the cases that ended in a labor tribunal (hereinafter "labor tribunal cases"), males accounted for 494 cases (62.9%) and females accounted for 291 cases (37.1%). In other words, roughly speaking, the male-female ratio was six to four in both case categories. There has been a sharp increase in the proportion of female claimants in 2022 compared that in 2014 (Figure 1).

(B) Age

Age was added as a survey item in the 2022 Survey. The age of approximately 20% of the claimants was identified. Regarding both the court settlement and labor tribunal cases, the proportions of middle-aged or older claimants were particularly large, with those who are in their 50s accounting for the largest proportion in both case categories (Figure 2).

(C) Job type

The job type was also added as a survey item in the 2022 Survey. In both the court settlement and labor tribunal cases, clerical workers accounted for the largest proportion, roughly 30%, of the claimants—to be exact, clerical workers were involved in 84 cases (29.8%) of the court settlement

cases and in 236 cases (30.1%) of the labor tribunal cases. For the second largest proportion, professionals/engineers accounted for 60 cases (21.3%) regarding the court settlement cases, and sales workers for 160 cases (20.4%) regarding the labor tribunal cases. In both case categories, the top five job types were of the white-collar variety, while the lack of presence of blue-collar job types was conspicuous (Figure 3).

(D) Length of Service

The largest difference in results between the 2014 and 2022 Surveys lies in workers' length of service. Over a period of seven to eight years, the length of service halved for both the court settlement and labor tribunal cases. Regarding the court settlement cases, the median of the length of service, which was 4.3 years in 2014, fell to 2.1 years, less than half, in 2022. Similarly, the median for the labor tribunal cases almost halved from 2.5 years in 2014 to 1.3 years in 2022. Along with the cases that ended in labor bureau conciliation (1.7 years in 2014), it can be said that workers using the litigation procedures became closer to workers using labor court bureau conciliation in terms of this attribute (Figure 4).

(E) Managerial Position

With respect to managerial positions, no significant difference was observed between the 2014 and 2022 Surveys. In both surveys, of the court settlement cases, nearly 80% involved workers who were not in a managerial position, while slightly less than 10% involved department or plant managers and roughly 7% involved section or store managers. Among the labor tribunal cases, the proportion of cases involving workers who were not in a managerial position decreased from slightly less than 90% in 2014 to slightly over 80% in 2022, while the proportion of cases involving workers who were department or plant managers, or section or store managers increased slightly accordingly (Figure 5).

(F) Employment status

In the 2022 Survey, the categorization of employment status was modified from the 2014 Survey. In the 2014 Survey, employment status was

classified into regular workers, directly employed non-regular workers, temporary agency workers, and workers with outsourcing agreements, while the classified categories in the 2022 Survey were workers with indefinite-term labor contracts, workers with fixed-term labor contracts, temporary agency workers, and workers with outsourcing agreements. In 2022, the proportion of cases involving workers with indefinite-term labor contracts was the largest, approximately 80%, among both the court settlement and labor tribunal cases. The proportion of cases involving workers with a fixed-term labor contract was slightly less than 20%, and that involving temporary agency workers was slightly less than 2%. Of particular interest is an increase in cases involving workers with outsourcing agreements (in which the employers asserted the point that the workers in question were subcontractors working under outsourcing contracts, while the workers claimed the right to employment protection). The number of cases involving workers with outsourcing contracts rose markedly in 2022 compared with that in 2014, from one case (0.5%) to nine cases (3.2%) among the court settlement cases, and from one case (0.2%) to 20 cases (2.5%) the labor tribunal cases (Figure 6).

(G) Wage system

In the 2022 Survey, the wage system was added as a survey item. Nearly 80% involved monthly salary workers—216 court settlement cases (76.6%) and 614 labor tribunal cases (78.4%). The proportion of cases involving workers with annual salary was

slightly over 10%—33 court settlement cases (11.7%) and 85 labor tribunal cases (10.9%). Meanwhile, the proportion of cases involving workers receiving hourly wages was smaller than 10%—24 court settlement cases (8.5%) and 61 labor tribunal cases (7.8%).

There has been no survey that identified the proportions of workers by the wage system as classified above with respect to the entire labor force. If it is assumed that part-time and casual workers are equivalent to workers receiving hourly wages, it can be said that this category of workers is significantly underrepresented in the 2022 Survey given that part-time workers account for a quarter of the labor force according to the *Labour Force Survey* (Figure 7).

(H) Monthly wage earnings

The distribution of all types of wages, including hourly, daily, and annual wages, as converted into monthly wage earnings, has shown a slight increase in 2022 compared that in 2014. Among the court settlement cases, the most common wage band was 200,000–300,000 yen range in 2014 but shifted upward to 300,000–400,000 yen range in 2022. Among the labor tribunal cases, the most common wage band was 200,000–300,000 yen range in both surveys, while the distribution of monthly wage earnings around that level shifted toward the higher end of the range (Figure 8). The Report further analyzes the determinants of monthly wage earnings based on a cross-tabulation of workers' and employer firms' attributes (omitted in this article).

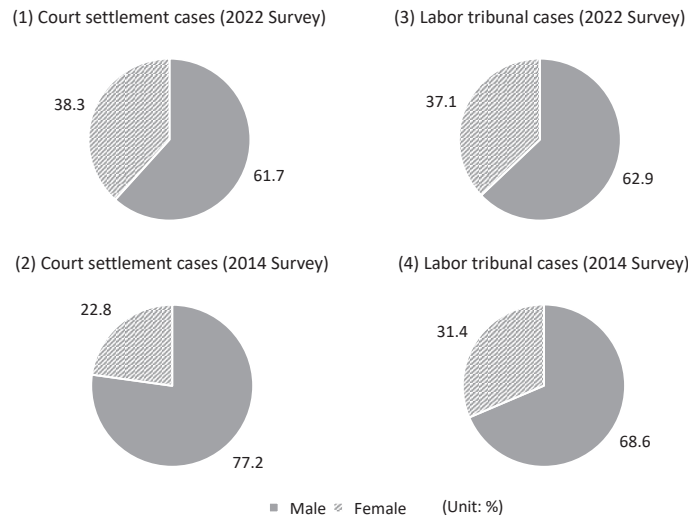


Figure 1. Breakdown by gender

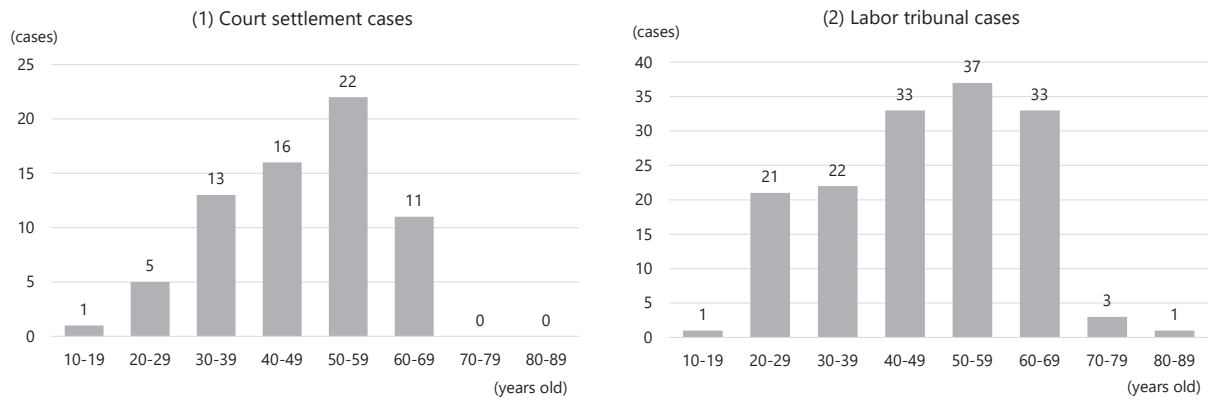


Figure 2. Breakdown by age (2022 Survey)

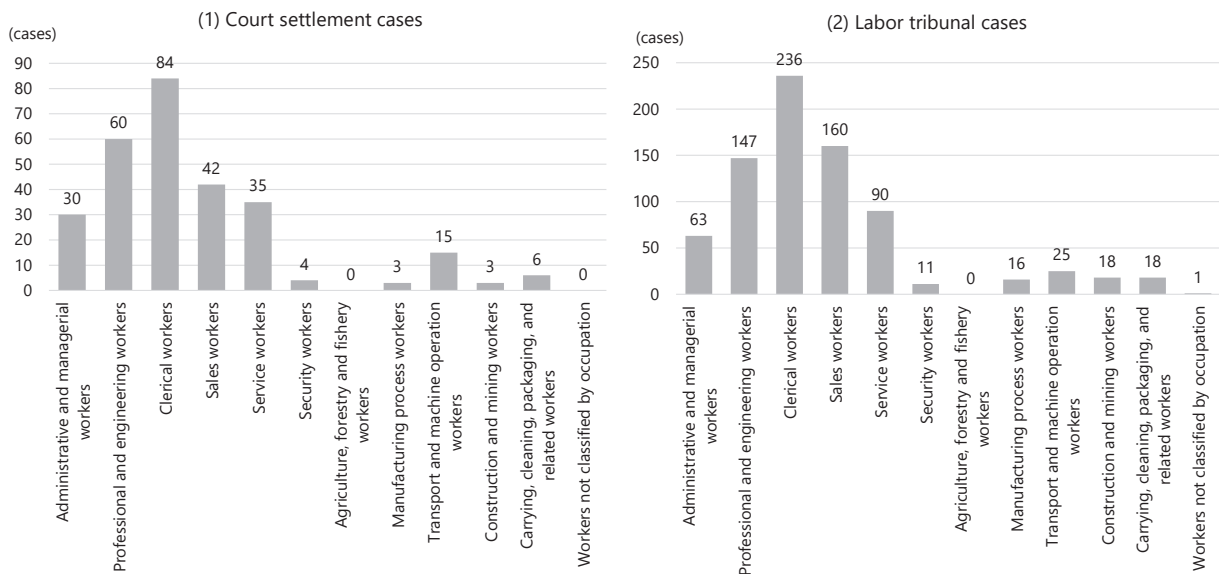


Figure 3. Breakdown by job type (2022 Survey)

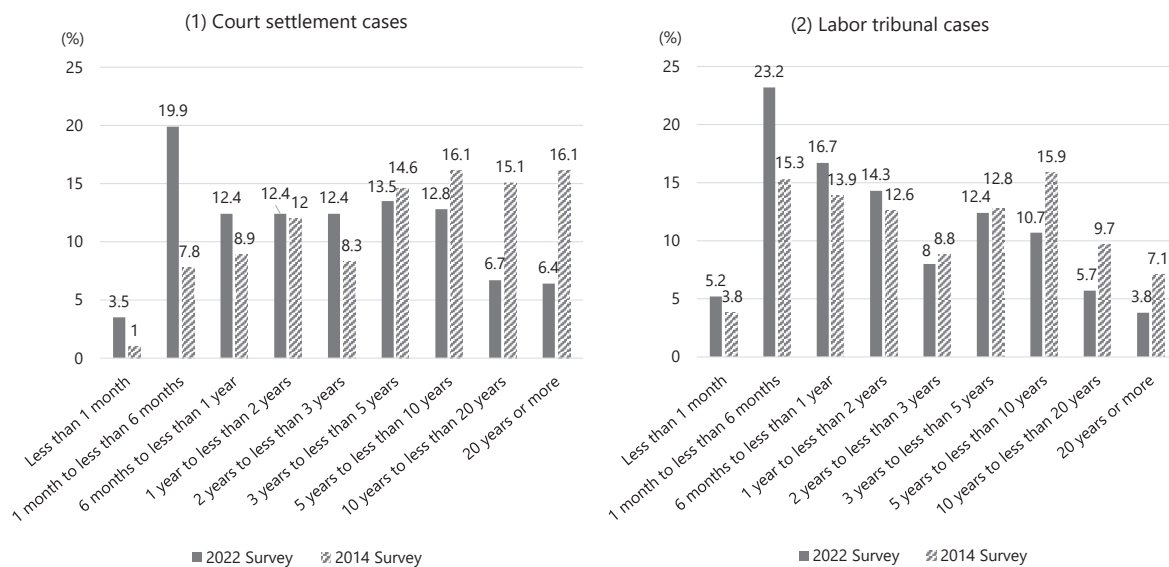


Figure 4. Breakdown by length of service

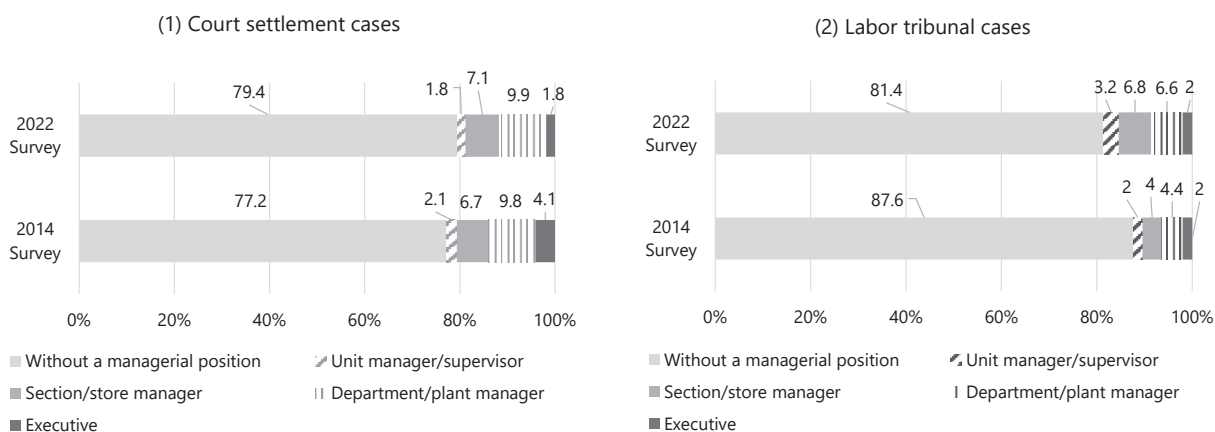


Figure 5. Breakdown by managerial position

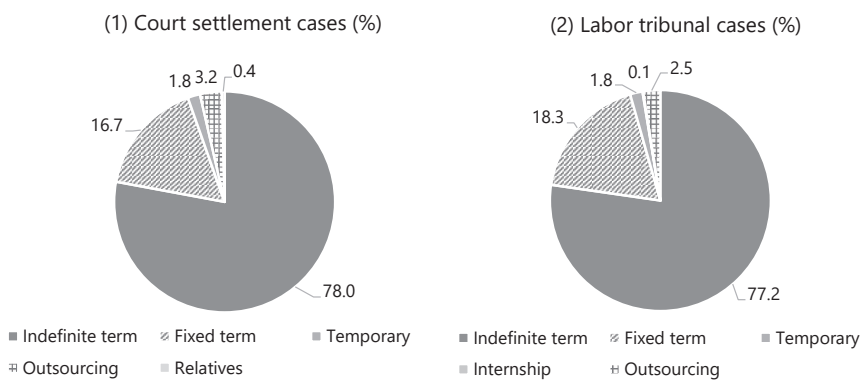
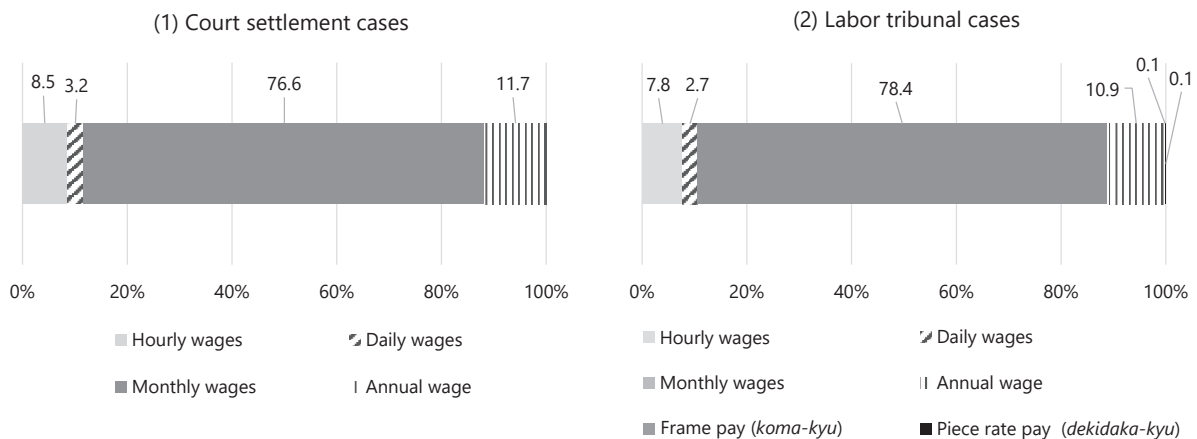


Figure 6. Breakdown by employment status (2022 Survey)



Note: “Koma-kyu” (translated here as frame pay) is a form of pay in which the amount is determined on the basis of unit of work, for example, pay per class (koma) for a lecturer.

Figure 7. Breakdown by wage structure (2022 Survey)

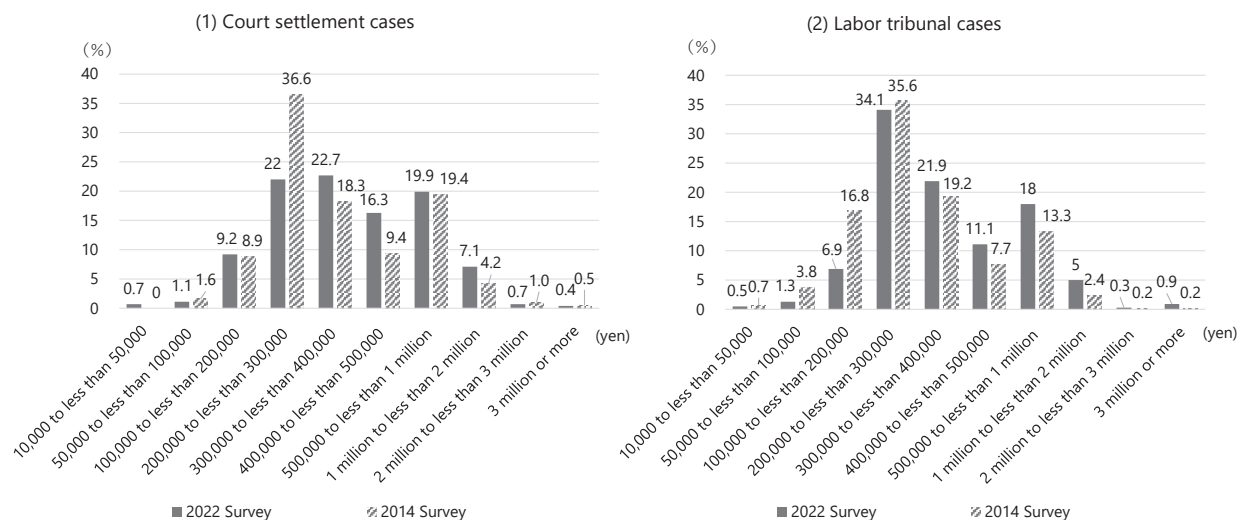


Figure 8. Breakdown by monthly wage earnings

(2) Employer firms’ attributes

(A) Industry sector

The industry sector was collected as a survey item only in the 2022 Survey as was the job type in workers’ attributes. The largest proportion involved workers employed in the wholesale and retail trade sector—to be exact, 47 court settlement cases (16.7%), as did 118 labor tribunal cases (15.0%). Among the court settlement cases, the second largest proportion, 36 cases (12.8%), involved workers employed in medical, health care and welfare, and

the third largest proportion, 31 cases (11.0%) in manufacturing. Among the labor tribunal cases, the second largest proportion, 104 cases (13.2%) involved workers employed in information and communications, and the third largest proportion, 78 cases (9.9%) in the manufacturing (Figure 9).

(B) Firm size (number of employees)

In the 2014 Survey, the firm size (number of employees) was identified in only 20 to 30% of all cases covered by the survey because the court records

did not contain that information in many cases. Therefore, the 2022 Survey adopted a different approach: the number of employees was identified based on information available from the websites of the employer firms. As a result, the number of employees was collected in 246 (87.2%) of 282 court settlement cases and 785 (90.8%) of 713 labor tribunal cases.

Consequently, it was found that workers employed by small and medium-sized enterprises (SMEs) and micro enterprises had a dominant presence—a much larger presence than might be expected—as users of both court settlement and labor tribunal proceedings. Cases involving firms with less than 300 employees, which are generally classified as SMEs, accounted for 71.1% of the court settlement cases and 74.8% of the labor tribunal cases. Thus, both figures, roughly three-quarters of the total, are close to such workers' share among the labor bureau conciliation cases, 77.4% in 2014. Cases involving firms with less than 30 employees, which are usually classified as small enterprises, made up 26.8% of the court settlement cases and 35.3% of the labor tribunal cases, while such cases' proportion was 42.0% among the labor bureau conciliation cases in 2014. Cases involving firms with less than 10 employees, which are usually classified as micro enterprises and exempted from the obligation to develop work rules, accounted for

9.3% of the court settlement cases and 16.3% of the labor tribunal cases. Comparing with the share of 20.9% in the labor bureau conciliation cases in 2014, workers employed by micro enterprises have a stronger tendency to use labor bureau conciliation, but not more than double the proportion of workers who use court settlement or labor tribunal proceedings. Rather, what is noteworthy is the fact that nearly 10% of the workers who filed a lawsuit and reached a settlement were workers employed by micro enterprises with less than 10 employees.

In Japan, it is usually argued that the financial compensation system for dismissal cases is unfavorable for workers employed by large firms who can endure an extended period of litigation and is favorable for large firms' management, while workers employed by SMEs who cannot endure an extended period of litigation stand to benefit from the system and SMEs' management stand to suffer a disadvantage. Indeed, there appears to be such a tendency. However, from the data concerning the firm size presented in this article, that tendency may be not so strong as is generally assumed. Now, the firm size, which is mentioned neither in the records of the court nor labor tribunal proceedings, was identified for the first time, it has become possible to hold discussions based on solid facts, rather than based on assumptions, paving the way to further evidence-based research on this subject (Figure 10).

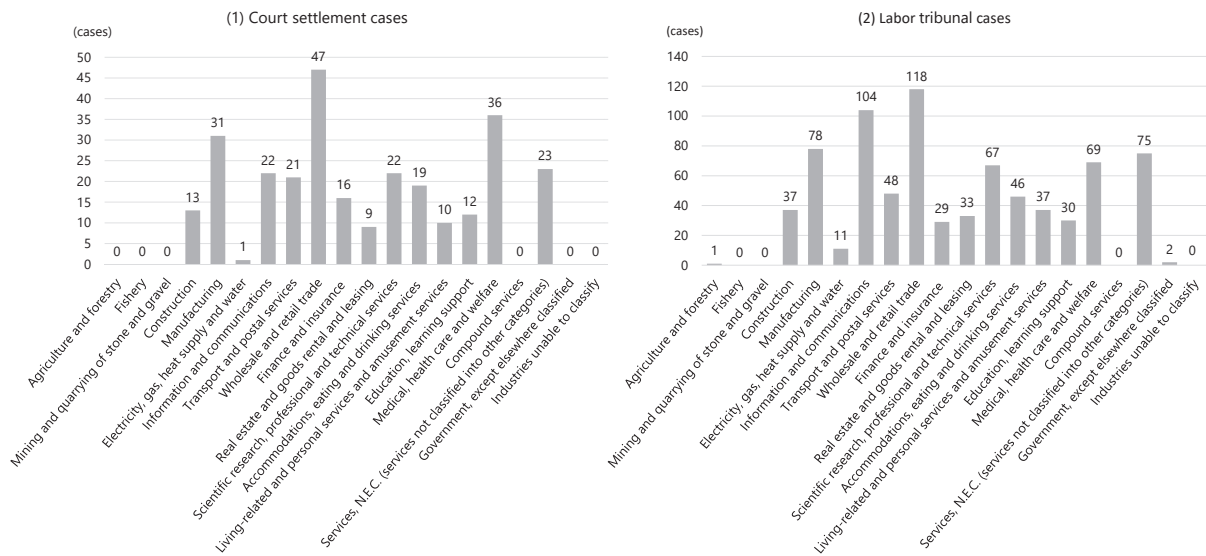


Figure 9. Breakdown by industry sector

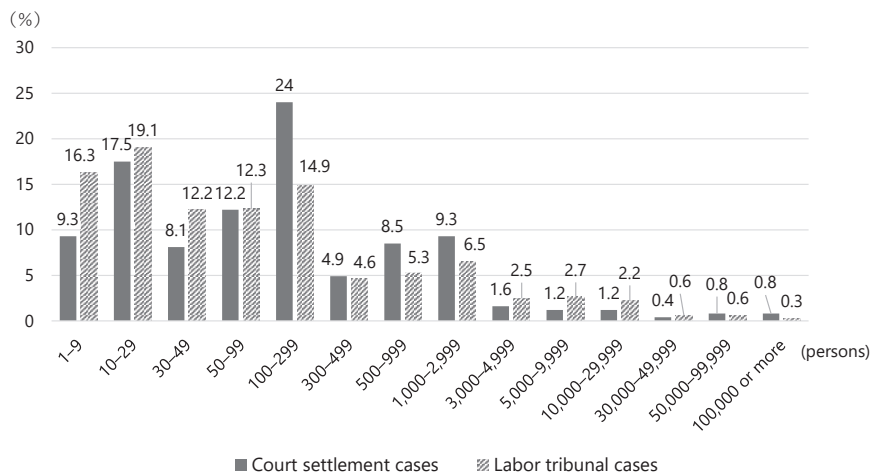


Figure 10. Breakdown by firm size (number of employees)

(3) Time cost

(A) Duration of proceedings

Regarding the duration of litigation and labor tribunal proceedings, from the filing of litigation and filing of a petition to resolution, the litigation proceedings tended to take a considerably longer time to be completed than the labor tribunal proceedings in both surveys. In 2022, both the litigation and labor tribunal proceedings tended to take a somewhat longer time to be completed compared with the duration observed in 2014 (Figure 11).

(B) Time required for resolution

In line with the lengthening of the duration of litigation and labor tribunal proceedings, the duration of the time required for resolution also tended to be longer in 2022 compared with that in 2014 (Figure 12).

(4) Form of employment termination

By form of employment termination, 114 cases (40.4%) were related to normal dismissal, 61 cases (21.6%) related to disciplinary dismissal, and 31

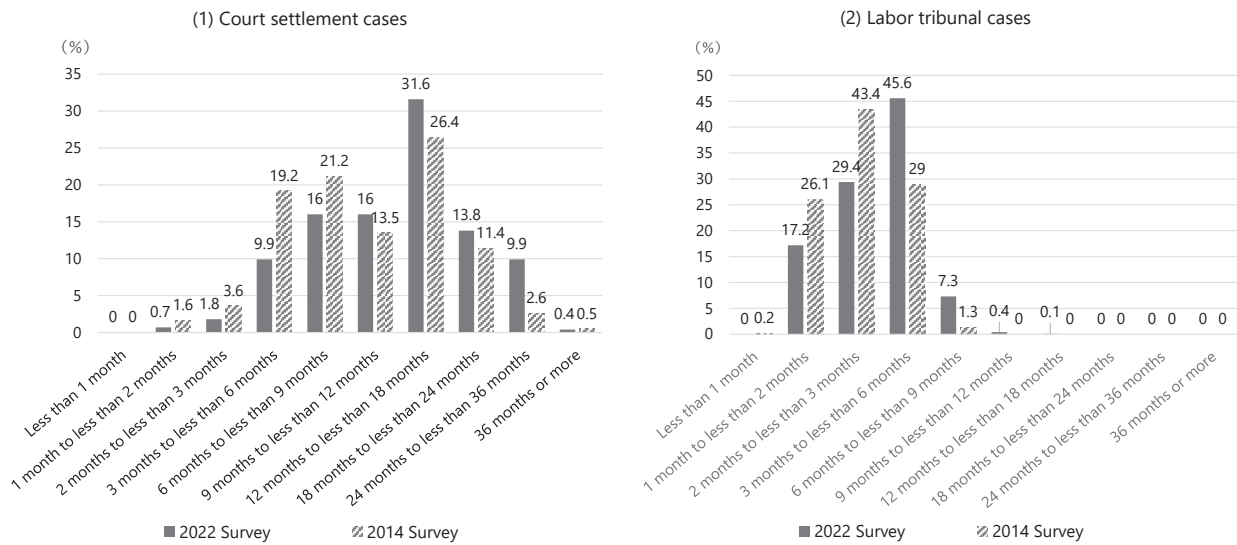


Figure 11. Breakdown by duration of proceedings

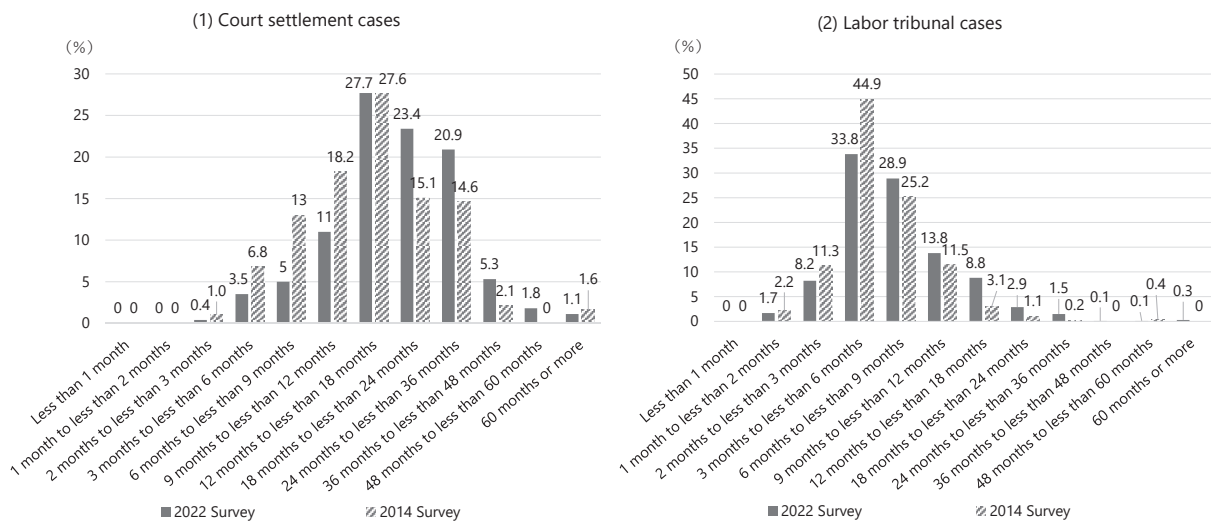


Figure 12. Breakdown by time required for resolution

cases (11.0%) related to dismissal for economic reasons among the court settlement cases: together, these three forms of termination accounted for 206 cases (73.0%). Among the labor tribunal cases, 365 cases (46.5%) were related to normal dismissal, 114 cases (14.5%) related to disciplinary dismissal, and 90 cases (11.5%) related to economic dismissal, with those three forms of dismissal together accounting for 569 cases (72.5%). Although there is little difference between the court settlement and labor tribunal cases in the total number of cases for the

three forms of employment termination, the proportion of cases related to disciplinary dismissal was somewhat higher among the court settlement cases than among the labor tribunal cases.

One notable result of the 2022 Survey is that the number of cases related to automatic termination due to the expiry of the term of leave of absence—15 cases (5.3%) among the court settlement cases and 27 cases (3.4%) among the labor tribunal cases—was in no way small. In these cases, the workers had taken an extended period of leave of absence due to

depression or other mental disorders—a situation reflecting the deterioration of mental health conditions in the labor community in recent years—and the employer firms asserted that those workers’ employment had been terminated in the form of automatic termination due the expiry of the term of their leave of absence. Those cases arose because the

workers refused to recognize the expiry of the term of leave of absence as the fulfillment of the requirement for automatic termination. Given the substantial proportion of cases related to automatic termination that reached court, it is conceivable that the number of similar cases that are occurring in real society is fairly high (Figure 13).

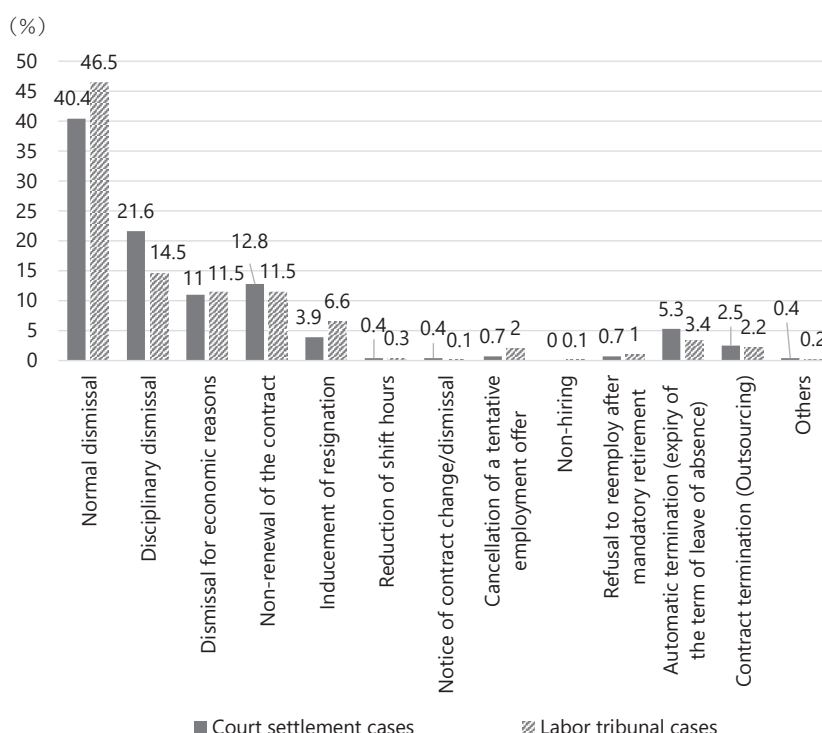


Figure 13. Breakdown by form of termination of employment

(5) Statement of claim and amount claimed

(A) Statement of claim

One of the criteria for selecting cases for the survey was that the case claimed included the confirmation of the employee status (confirmation to the effect that the dismissal is nullified, and that the claimant continues to be entitled to the status of employee under agreement with the employer firm) among the statement of claim. With that as a premise, Table 1 shows the result of triple cross-tabulation of the confirmation of employee status with the three main claims (besides the confirmation of the employee status): back pay, overtime pay, and

consolation money.

Among the 282 court settlement cases, there was a claim for back pay in the overwhelming majority of cases (274 cases, 97.2%), while there was not a claim for back pay in eight cases (2.8%). Meanwhile, there was a claim for overtime pay in slightly more than a quarter (72 cases, 25.5%), and there was a claim for consolation money in slightly less than 40% (112 cases, 39.7%).

Among the 785 labor tribunal cases as well, there was a claim for back pay in the overwhelming majority of cases (762 cases, 97.1%), while there was not a claim for back pay in 23 cases (2.9%). One

major difference compared with the court settlement cases is that the number of cases in which there was a claim for overtime pay was fairly small, at 114 (14.5%). One possible reason for this would be that the nature of the labor tribunal proceedings that emphasizes simplicity and promptness. The claimant may have become somewhat hesitant about claiming overtime pay because they need to present overtime hours and the calculated amount to claim in detail. On the contrary, there was a claim for consolation money in 254 cases (32.4%). The figure is slightly lower than the proportion of such cases among the court settlement cases but still a substantial number (Table 1).

(B) Amount claimed

In the 2022 Survey, the total amount claimed in each case was calculated by adding up the amounts of the above individual claims. On the other hand, in the 2014 Survey, the amount claimed was directly cited from the amount of the complaint or that of the matter for which the labor tribunal was sought in the petition, and as a result, those amounts were not necessarily the same as amounts actually claimed by claimants. In this respect, comparing this item between the two surveys is not feasible. The median of the total amount claimed in court settlement cases was 8.4 million yen, while that in labor tribunal cases was 2.9 million yen (Figure 14).

Table 1. Statement of claim (2022 Survey)

(1) Court settlement cases

				Claim for overtime pay					
				W/		W/o		Total	
Back pay	W/	Consolation money	W/	26	(9.2%)	79	(28.0%)	105	(37.2%)
			W/o	44	(15.6%)	125	(44.3%)	169	(59.9%)
			Total	70	(24.8%)	204	(72.3%)	274	(97.2%)
	W/o		W/	2	(0.7%)	5	(1.8%)	7	(2.5%)
			W/o	—		1	(0.4%)	1	(0.4%)
			Total	2	(0.7%)	6	(2.1%)	8	(2.8%)
	Total		W/	28	(9.9%)	84	(29.8%)	112	(39.7%)
			W/o	44	(15.6%)	126	(44.7%)	170	(60.3%)
			Total	72	(25.5%)	210	(74.5%)	282	(100.0%)

(2) Labor tribunal cases

				Claim for overtime pay					
				W/		W/o		Total	
Back pay	W/	Consolation money	W/	46	(5.9%)	198	(25.2%)	244	(31.1%)
			W/o	66	(8.4%)	452	(57.6%)	518	(66.0%)
			Total	112	(14.3%)	650	(82.8%)	762	(97.1%)
	W/o		W/	1	(0.1%)	9	(1.1%)	10	(1.3%)
			W/o	1	(0.1%)	12	(1.5%)	13	(1.7%)
			Total	2	(0.3%)	21	(2.7%)	23	(2.9%)
	Total		W/	47	(6.0%)	207	(26.4%)	254	(32.4%)
			W/o	67	(8.5%)	464	(59.1%)	531	(67.6%)
			Total	114	(14.5%)	671	(85.5%)	785	(100.0%)

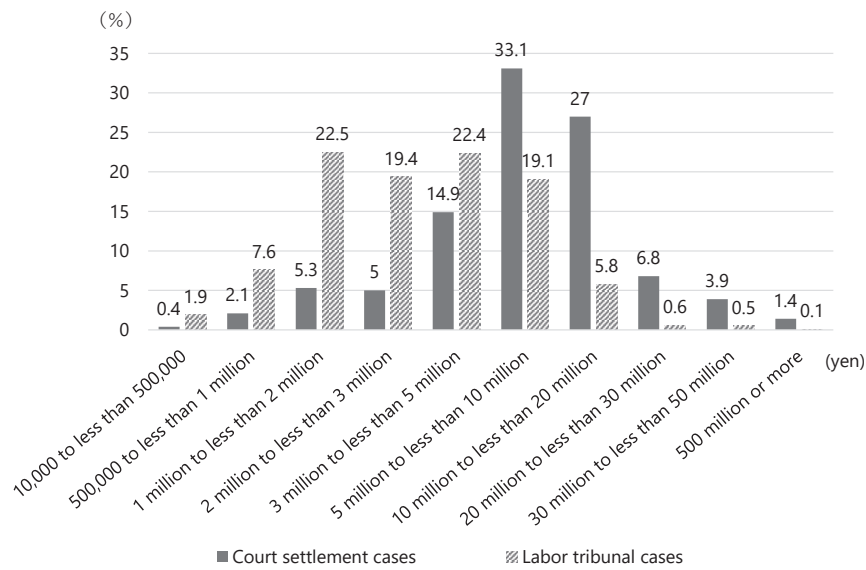


Figure 14. Breakdown by amount claimed

(6) Resolution content and resolution amount

(A) Resolution content

Here, we look at resolution content in terms of reinstatement and financial compensation. Among both the court settlement and labor tribunal cases, the overwhelming majority (higher than 96%)—272 court settlement cases (96.5%) and 758 labor tribunal cases (96.6%)—were resolved without reinstatement. The result sheds light on the current picture of employment termination cases: although dismissed workers seek reinstatement, their cases are mostly resolved with their employers agreeing to pay financial compensation but refusing to reinstate them.

The number of cases in which the dismissed workers were reinstated in some form to continue working was extremely small—three cases (1.1%) among the court settlement cases and six cases (0.8%) among the labor tribunal cases. While their number is very small, those cases had some interesting features. In all those three court settlement cases in which the dismissed workers were reinstated, the workers also won financial compensation. On the contrary, in just one (0.1%) out of those six labor tribunal cases, the dismissed workers were reinstated and won financial compensation at the same time. In

the other five cases (0.6%), the workers were reinstated, but financial compensation was not awarded (Table 2).

(B) Resolution amount (net amount)

The survey item that attracted the greatest attention in previous studies was, obviously, the resolution amount (the net amount of financial compensation). In both the court settlement and labor tribunal cases, the resolution amount was considerably higher in 2022 than in 2014.

Regarding the court settlement cases, in 2014, the 1 million to 2 million yen range in the resolution amount accounted for the largest proportion, 36 cases (20.7%), with the median at 2,301,357 yen in 2014, while in 2022, the 1 million to 2 million yen range and the 3 million to 5 million yen range were the most common ranges, accounting for 54 cases each (19.6%), with the median at 3,000,000 yen, 30% higher than the median in 2014. The greatest factor behind the increase is a rise in wages divided by monthly wages. As will be later explained, there was little difference between the 2014 and 2022 Surveys in terms of the resolution amount expressed in monthly wage earnings, which is calculated by dividing the resolution amount by the monthly wage

amount. Regarding the labor tribunal cases, the most common range was 100 million to 200 million yen in both surveys. However, while the distribution of the resolution amount in 2014 was more concentrated in ranges below 100 million to 200 million yen range, the distribution in 2022 was more concentrated in higher ranges. The median rose from 1,100,000 yen in 2014 by 30% to 1,500,000 yen in 2022 (Figure 15). The Report explores the determinants of the resolution amount based on a cross-tabulation of workers' and firms' attributes (omitted in this article).

(C) Resolution amount divided by monthly wage earnings

In terms of the resolution amount divided by monthly wage earnings, there was little difference between the 2014 and 2022 Surveys. Regarding the court settlement cases, 6 to 9 months' worth of monthly wages was the most common range in both surveys. The median was 6.8 months' worth in 2014 and 7.3 months' worth in 2022. Although the median rose 10%, the margin of increase was small compared with the increase in the actual amount of resolution. Regarding the labor tribunal cases as well, 6 to 9 months' worth of monthly wages was the most common range in both surveys. The median, which was 4.4 months' worth in 2014, remained roughly flat, at 4.7 months' worth, in 2022 (Figure 16).

(D) Resolution amount divided by monthly wage earnings and length of service

The resolution amount divided by the monthly wage earnings and length of service is considered to be an indicator useful for international comparison, given that some foreign laws, such as the German Protection Against Unfair Dismissal Act (KSchG) (Section 1a, Subsection 2), use the length of service and monthly wage earnings multiplied by a certain value, as the standard financial resolution amount in dismissal cases.

Regarding the court settlement cases, the resolution amount divided by the monthly wage earnings and length of service was less than 0.1 months' worth in most cases, to be more exact, 70 cases (40.7%) in 2014. In 2022, the most common range was 0.1 to 0.2 months' worth and 0.2 to 0.5 months' worth, each of which accounted for 62 cases (22.5%), and higher ranges also accounted for relatively larger percentages. The median, which was very low, 0.13 months' worth, in 2014, rose steeply to 0.39 months' worth in 2022. Regarding the labor tribunal cases, less than 0.1 months' worth, which accounted for 166 cases (38.2%), was by far the most common range in 2014. In 2022, 0.1 to 0.2 months' worth, which accounted for 191 cases (25.2%), was the most common range followed by 0.2-0.5 months' worth, for 171 cases (22.6%). The median, which was very low, 0.14 months' worth, in 2014, rose significantly to 0.29 months' worth in 2022 (Figure 17).

Table 2. Breakdown by resolution content (2022 Survey)

(1) Court settlement cases

		Reinstatement					
		W/		W/o		Total	
Financial settlement	W/	3	(1.1%)	272	(96.5%)	275	(97.5%)
	W/o	0	(0.0%)	7	(2.5%)	7	(2.5%)
	Total	3	(1.1%)	279	(98.9%)	282	(100.0%)

(2) Labor tribunal cases

		Reinstatement					
		W/		W/o		Total	
Financial settlement	W/	1	(0.1%)	758	(96.8%)	759	(96.7%)
	W/o	5	(0.6%)	21	(2.7%)	26	(3.3%)
	Total	6	(0.8%)	779	(99.2%)	785	(100.0%)

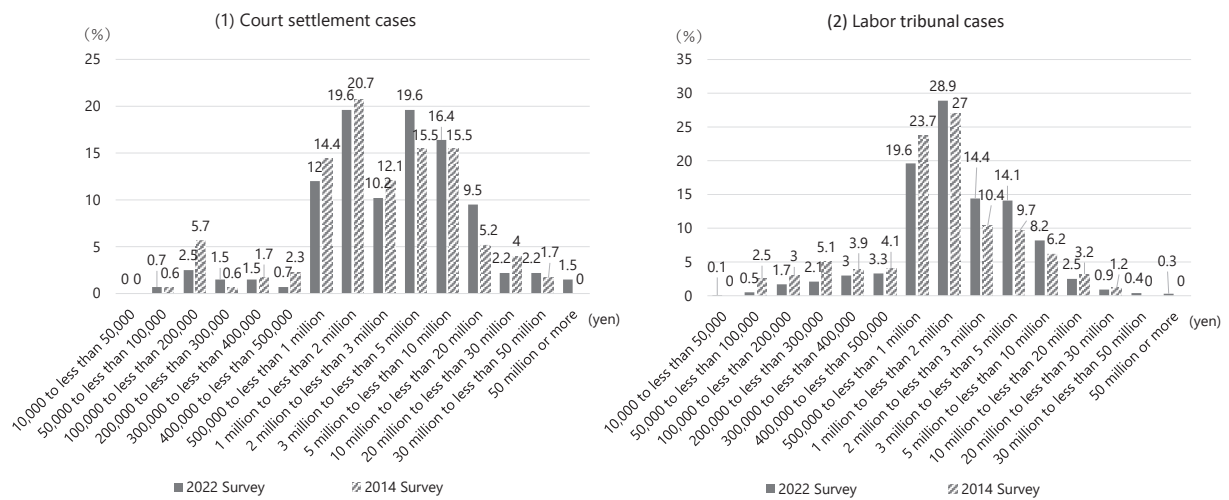


Figure 15. Breakdown by resolution amount

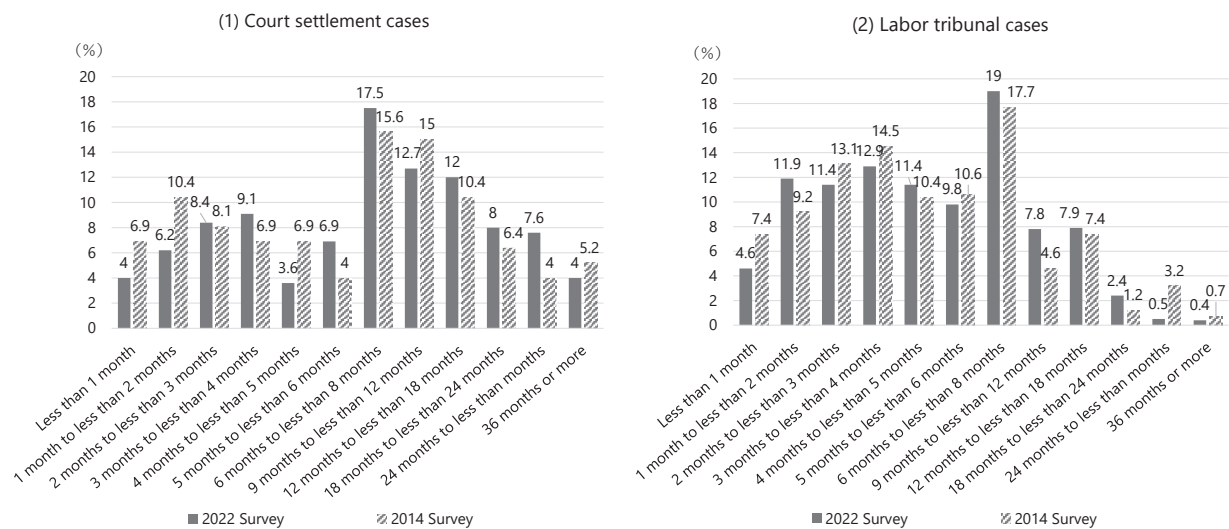


Figure 16. Breakdown by resolution amount divided by monthly wage earnings

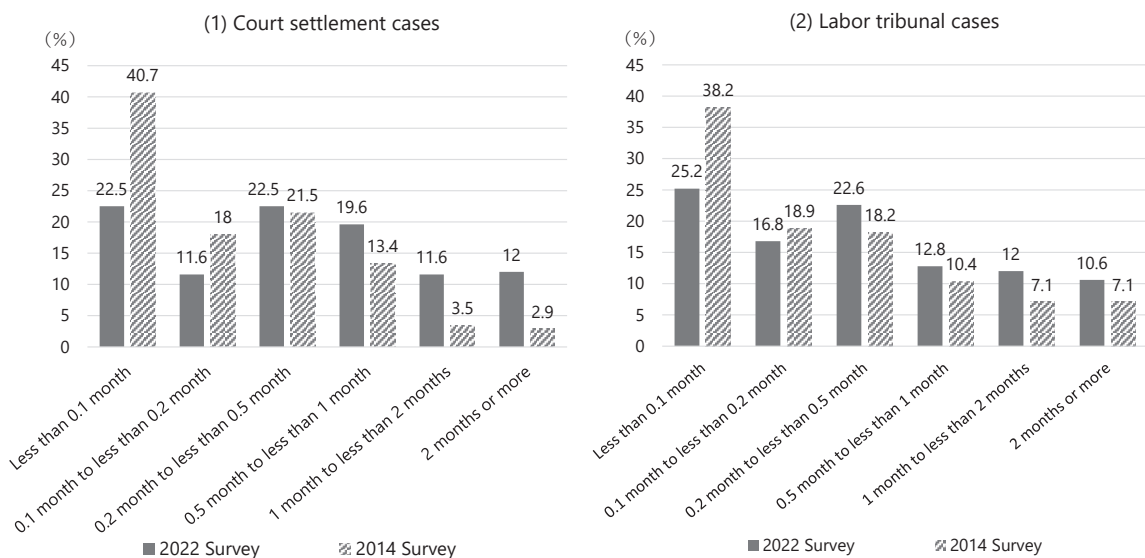


Figure 17. Breakdown by resolution amount divided by monthly wage earnings and length of service

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