

Order for the Enforcement of the Labor Relations Adjustment Act

(Imperial Order No. 478 of October 12, 1946)

Amendments:

Imperial Order No.118 of Apr. 8, 1947
Cabinet Order No. 180 of Aug. 1, 1947
Cabinet Order No. 15 of Jan. 16, 1948
Cabinet Order No.380 of Dec. 27, 1948
Cabinet Order No. 232 of June 29, 1949
Cabinet Order No. 237 of July 27, 1950
Cabinet Order No. 323 of July 31, 1952
Cabinet Order No. 173 of July 1, 1957
Cabinet Order No. 54 of Mar. 29, 1965
Cabinet Order No. 113 of Apr. 28, 1972
Cabinet Order No. 42 of Mar. 27, 1981
Cabinet Order No.176 of June 6, 1984
Cabinet Order No. 31 of Mar. 15, 1985
Cabinet Order No. 317 of Dec. 21, 1985
Cabinet Order No. 263 of Sep. 6, 1988
Cabinet Order No. 251 of July 27, 1994
Cabinet Order No. 309 of June 7, 2000
Cabinet Order No. 200 of June 7, 2002
Cabinet Order No. 487 of Dec. 3, 2003
Cabinet Order No. 373 of Dec. 1, 2004
Cabinet Order No. 14 of Feb. 1, 2006

Order for the Enforcement of the Labor Relations Adjustment Act

(Imperial Order No. 478 of October 12, 1946)

Article 1. Whether Special Members for Adjustment shall be appointed for the Central Labor Relations Commission under the provisions of Article 8-2 of the Labor Relations Adjustment Act (Act No. 25 of 1946; hereinafter referred to as the "Act") shall be decided by the Minister of Health, Labor and Welfare after hearing the opinions of the Central Labor Relations Commission.

2. The number of Special Members for Adjustment to be appointed to the Central Labor Relations Commission, not to exceed five each of those representing employers, those representing workers and those representing the public interest, shall be decided by the Minister of Health, Labor and Welfare with the consent of the Central Labor Relations Commission.

Article 1-2. The Minister of Health, Labor and Welfare, when appointing Special Members for Adjustment representing employers or Special Members for Adjustment representing workers of the Central Labor Relations Commission in accordance with the provisions of Article 8-2, paragraphs 2 and 4 of the Act, shall request the recommendation of candidates from employers' organizations or labor unions with an organization covering two or more prefectures and make appointments from among the persons recommended by them.

2. The Minister of Health, Labor and Welfare, when appointing Special Members for Adjustment representing the public interest of the Central Labor Relations Commission pursuant to the provisions of Article 8-2, paragraphs 2 and 4, shall request consent of employer

members responsible for ordinary enterprises and worker members responsible for ordinary enterprises provided for in Article 8-3 by presenting to them the list of candidates for Special Members for Adjustment whom he/she intends to appoint and make appointments from among those for whom consent has been obtained.

Article 1-3. The term of office of Special Members for Adjustment of the Central Labor Relations Commission shall be one year (where the Minister of Health, Labor and Welfare fixes a period of less than one year in respect of all or part of the Special Members for Adjustment with the consent of the Central Labor Relations Commission, such period in respect of such Special Members for Adjustment); provided, however, that a substitute Special Member for Adjustment shall be in office during the remaining term of the predecessor.

2. If the Minister of Health, Labor and Welfare considers that any Special Member for Adjustment of the Central Labor Relations Commission is incapable of performing his/her duty due to mental or physical disorder or that any Special Member for Adjustment has violated an obligation of his/her office or otherwise committed misconduct unworthy of a Special Member for Adjustment, he/she may dismiss such Special Member for Adjustment with the consent of the Central Labor Relations Commission.

Article 1-4. A Special Member for Adjustment of the Central Labor Relations Commission may give his/her opinion at a meeting of the Central Labor Relations Commission with the consent of the Central Labor Relations Commission (excepting a meeting dealing with a case in whose disposition only public members of the Labor Relations Commission shall participate under the provisions of the main clause of Article 24, paragraph 1 of the Labor Union Act (Act No. 174 of 1949)).

Article 1-5. The kind and amount of the expenses for which a Special Member for Adjustment of the Central Labor Relations

Commission is to be compensated under the provisions of Article 8-2, paragraph 5, shall be the same as the kind and amount of the expenses received by an employee who works at Class 10 of the Administrative Service Salary Schedule (1) provided for in item 1 (a) of Article 6, paragraph 1, of the Act Concerning Salary, etc. for Employees in the Regular Service (Act No. 95 of 1950) (hereinafter referred to as the "Administrative Service Salary Schedule (1)) pursuant to the provisions of the Act Concerning Travel Expenses of National Public Officers, Etc. (Act No. 114 of 1950; hereinafter referred to as the "Travel Expenses Act").

2. In addition to the provisions of the preceding paragraph, the provisions of the Travel Expenses Act shall apply to matters pertaining to the payment of the expenses referred to in said paragraph.

Article 1-6. The provisions of Articles 1, 1-3 and 1-4 shall apply mutatis mutandis in respect of Special Members for Adjustment appointed for Prefectural Labor Relations Commissions. In this case, the term "Central Labor Relations Commission" shall be deemed to be replaced with "Prefectural Labor Relations Commission" and "Minister of Health, Labor and Welfare" as "prefectural governor concerned."

Article 1-7. The prefectural governor, when appointing Special Members for Adjustment representing employers or a Special Member for Adjustment representing workers of the Prefectural Labor Relations Commission pursuant to the provisions of Article 8-2, paragraphs 2 and 4, of the Act, shall request the recommendation of candidates from employer organizations or labor unions having an organization only in the area of the prefecture concerned and make appointments from among the persons recommended by them.

2. The prefectural governor, when appointing Special Members for Adjustment representing the public interest of the Prefectural Labor Relations Commission pursuant to the provisions of Article 8-2,

paragraphs 2 and 4 of the Act, shall seek the consent of the members representing employers and the members representing workers by presenting to them the list of candidates for Special Members for Adjustment whom he/she intends to appoint and make appointments from among the persons for whom consent has been obtained.

Article 1-8. Any secret which a Special Member for Adjustment of a Prefectural Labor Relations Commission has learned in the course of his/her duty shall not be disclosed.

Article 1-9. With respect to the kind, amount and payment method of the expenses for which a Special Member for Adjustment of a Prefectural Labor Relations Commission is compensated pursuant to the provisions of Article 8-2, paragraph 5, of the Act, the provisions of the ordinance of the prefecture concerned shall apply.

Article 1-10. Functions to be fixed by Cabinet Order provided for in Article 8-3 of the Act shall be the decisions by Labor Relations Commissions referred to in items 3 and 4 of Article 14 and item 3 of Article 15 of the Local Public Enterprise Labor Relations Act (Act No. 289 of 1952).

2. Where the Central Labor Relations Commission performs the functions provided for in Article 8-3 of the Act, if there is no member, among the public members responsible for ordinary enterprises provided for in said Article, who acts for the Chairman under the provisions of Article 19-9, paragraph 4, of the Labor Union Act, the Central Labor Relations Commission shall, through mutual election among the public members responsible for ordinary enterprises provided for in Article 8-3 of the Act, designate in advance the member who is to act for the Chairman with respect to the performance of the functions provided for in said Article in case of incompetence of the Chairman. In this case, the member who is to act for the Chairman under the provisions of Article 19-9, paragraph 4, shall not act for the

Chairman with respect to the performance of the functions provided for in Article 8-3 of the Act.

Article 1-11. The Labor Relations Commission or the prefectural governor referred to in Article 9 of the Act shall be the Prefectural Labor Relations Commission concerned or the prefectural governor concerned if the act of dispute concerns the area of one prefecture only, and the Central Labor Relations Commission or one of the prefectural governors concerned if the act of dispute concerns two or more prefectures or a problem of national importance.

Article 2. The report provided for in Article 9 of the Act shall be made through a labor office orally, by telephone or by another suitable method.

2. In a case where there has been a report provided for in Article 9 of the Act, if the act of dispute concerned is one affecting only the area of one prefecture, notice to such effect shall be given to the prefectural governor concerned where the one to receive such report is the Prefectural Labor Relations Commission and to the Prefectural Labor Relations Commission where the one to receive such report is the prefectural governor.

3. In a case where there has been a report provided for in Article 9 of the Act, if the act of dispute concerned spans two or more prefectures or if the said case concerns a problem of national importance, notice to such effect shall be given to the Minister of Health, Labor and Welfare concerned where the one to receive such report is the Central Labor Relations Commission and to the Minister of Health, Labor and Welfare and the Central Labor Relations Commission where the one to receive such report is one prefectural governor.

Article 2-2. Authority of the Labor Relations Commission with respect to the conciliation, mediation and arbitration of labor disputes shall be exercised, if the labor dispute concerns the area of one

prefecture only, by the Prefectural Labor Relations Commission, but if the act of dispute concerns two or more prefectures, the Central Labor Relations Commission finds it a problem of national importance, or involves a decision relating to emergency adjustment, by the Central Labor Relations Commission.

2. If, under the provisions of the preceding paragraph, the Central Labor Relations Commission finds it necessary and designates one Prefectural Labor Relations Commission concerned with respect to the disposition of a particular case within its authority, the disposition of the case concerned shall be made by said Prefectural Labor Relations Commission.

Article 3. As for nomination of the conciliator provided for in the provisions of Article 12 of the Act and mediation provided for in the provisions of Article 18, items 1 through 3 of the Act, the statement of views on interpretation or implementation of the mediation plan provided for in the provisions of Article 26, paragraph 2 of the Act and petition for arbitration provided for in the provisions of Article 30 of the Act, the parties concerned (if a party is a group such as a juridical person, an employer or labor union which is not a juridical person, or a group of strikers, this shall mean the representative thereof; hereinafter the same shall apply.) or the persons appointed thereby shall provide a written summary of the main points of the case.

Article 4. The Chairman of the Labor Relations Commission shall, through a suitable method, let the parties concerned with labor relations know well the names, personal history, etc., of candidates for conciliators.

Article 5. When a conciliator has offered to resign or he/she has come to be considered unsuitable as a conciliator, the Labor Relations Commission may dismiss him/her.

Article 6. Any secret which a conciliator has come to learn in the

course of his/her duty shall not be disclosed.

Article 6-2. The kind and amount of the expenses for which a conciliator of the Central Labor Relations Commission is to be compensated under the provisions of Article 14-2 of the Act shall be the same as the kind and amount of the expenses received by an employee who works at Class 10 of the Administrative Service Salary Schedule (1) pursuant to the provisions of the Travel Expenses Act.

2. In addition to the provisions of the preceding paragraph, the provisions of the Travel Expenses Act shall apply to matters pertaining to the payment of expenses referred to in said paragraph.

Article 6-3. With respect to the kind, amount and payment method of the expenses for which a conciliator of a Prefectural Labor Relations Commission is to be compensated under the provisions of Article 14-2 of the Act, the provisions of the ordinance of the prefecture concerned shall apply.

Article 7. If one of the parties concerned has applied for mediation under the provisions of item 2 or 3 of Article 18 of the Act or for the provision of views concerning the interpretation or implementation of a mediation plan under the provisions of Article 26, paragraph 2, of the Act, the Labor Relations Commission shall notify the other party concerned to that effect without delay, and if a decision has been made under the provisions of item 4 of Article 18 of the Act or a request for mediation has been filed under the provisions of item 5 of said Article, the Labor Relations Commission shall notify both parties concerned to that effect without delay.

2. In the case provided for in the preceding paragraph, if the dispute concerns a public welfare undertaking, the Labor Relations Commission shall give notice of the fact as well.

Article 8. A request for mediation referred to in item 5 of Article 18 of the Act, if the dispute concerns the area of one prefecture only,

shall be made by the prefectural governor concerned, and if the dispute concerns two or more prefectures or if the Central Labor Relations Commission considers the dispute to be a problem of national importance, shall be made by the Minister of Health, Labor and Welfare.

2. Notwithstanding the provisions of the preceding paragraph, authority of the prefectural governor or the Minister of Health, Labor and Welfare under the provisions of said paragraph may be exercised by the Minister of Health, Labor and Welfare or the prefectural governor whom the Minister designates if the Minister of Health, Labor and Welfare considers it necessary.

Article 9. The chairman of the mediation committee shall direct its affairs and represent it.

Article 10. Within 15 days of a petition for mediation under the provisions of Article 18, items 1 through 3, a resolution under the provisions of item 4 of the same article, or a request for mediation under item 5 of the same article, the mediation committee shall draft a mediation plan, set a time limit of 10 days and recommend that it be accepted.

Article 10-2. The chairman of the arbitration committee shall direct its affairs and represent it.

Article 10-3. The publication of a decision of emergency adjustment referred to in Article 35-2, paragraph 3, of the Act shall be made by announcement in the Official Gazette.

2. The Prime Minister, when he/she has decided on emergency adjustment, shall endeavor to let the public know of the fact through newspapers, radio broadcasting and other means in addition to publication referred to in the preceding paragraph.

3. The publication of the facts referred to in item 4 of Article 35-3, paragraph 2, of the Act shall be made through newspapers, radio

broadcasting and other means by which the public may learn the facts.

Article 10-4. The notification referred to in Article 37 of the Act shall be made, if the act of dispute concerns the area of one prefecture only, to the Prefectural Labor Relations Commission and the prefectural governor concerned and, if the act of dispute concerns two or more prefectures or a problem of national importance, to the Central Labor Relations Commission and the Minister of Health, Labor and Welfare.

2. The notification to be made to the Central Labor Relations Commission and the Minister of Health, Labor and Welfare under the provisions of the preceding paragraph may be made through one of the Prefectural Labor Relations Commissions or one of the prefectural governors concerned.

3. The notification referred to in paragraph 1 shall be made by a document mentioning the date and time when and the place where the act of dispute is to take place, as well as the outline of that act of dispute.

4. The Minister of Health, Labor and Welfare or the prefectural governor, when he/she has received a notification referred to in paragraph 1, shall promptly publish it through means by which the public may learn it.

Article 11. A request referred to in Article 42 of the Act shall be made by the Chairman of the Prefectural Labor Relations Commission having jurisdiction over the place where the offense has been committed to the public prosecutor in writing based on decision by that Prefectural Labor Relations Commission.

Article 12: deleted

Article 13. With respect to mariners to whom the Mariners Act (Act No. 100 of 1947) is applicable, in this Cabinet Order (excepting the provisions of Articles 1 through 1-10 and Article 6-3), the term

"Minister of Health, Labor and Welfare" shall be deemed to be replaced with "Minister of Land, Infrastructure and Transport"; "Central Labor Relations Commission" as "Central Labor Relations Commission for Seafarers"; "the prefectural governor" as "the Director-General of District Transport Bureau (including the Director-General of District Transport Administration Department)"; "Prefectural Labor Relations Commission" as "Local Labor Relations Commission for Seafarers"; "prefecture" or "area of a prefecture" as "jurisdiction of a Local Labor Relations Commission for Seafarers"; and "a labor office in charge of labor-management relations and workers welfare" as "a Transport Branch, District Transport Bureau, Transport Administration Department or Transport Branch's office

2. The provisions of Article 6-2 shall apply mutatis mutandis to the Local Labor Relations Commission for Seafarers. In this case, "Class 10" in paragraph 1 of the said Article shall be deemed to be replaced with "Class 8."

Supplementary Provisions

This Imperial Order shall come into force from the date of enforcement of the Act (October 13, 1946).

Supplementary Provisions (Cabinet Order No. 180 of 1947) (Excerpts)

Article 9. This Cabinet Order shall come into force from the date of enforcement of the Act Establishing the Ministry of Labor (September 1, 1947).

Supplementary Provisions (Cabinet Order No. 232 of 1949)

This Cabinet Order shall come into force from the date of promulgation and shall apply from June 10, 1949.

Supplementary Provisions (Cabinet Order No. 237 of 1950)

This Cabinet Order shall come into force from the date of promulgation.

Supplementary Provisions (Cabinet Order No. 323 of 1952)

This Cabinet Order shall come into force from August 1, 1952.

Supplementary Provisions (Cabinet Order No. 173 of 1957)

1. This Cabinet Order shall come into force from the date of promulgation.

2. The provisions of Articles 1-5 and 6-2 after amendment (including cases where they are applied mutatis mutandis under Article 13, paragraph 2) shall apply to trips starting on or after the date of enforcement of this Cabinet Order and, with respect to trips having started before said date, the previous practice shall apply.

Supplementary Provisions (Cabinet Order No. 54 of 1965)

This Cabinet Order shall come into force from the date of promulgation, and the provisions of the Order for the Enforcement of the Labor Relations Adjustment Act, the Order for the Enforcement of the Labor Union Act and the Order for the Enforcement of the Public Corporation and National Enterprise Labor Relations Act after amendment by this Cabinet Order shall apply from December 17, 1964.

Supplementary Provisions (Cabinet Order No. 113 of 1972)

This Cabinet Order shall come into force from the date of coming into effect of the Agreement on the Ryukyu Islands and the Daito Islands between Japan and the United States of America (May 15, 1972).

Supplementary Provisions (Cabinet Order No. 42 of 1981)

(Enforcement date)

1. This Cabinet Order shall come into force from the date of enforcement of the Act for Partial Amendment of the Act Establishing the Administrative Management Agency, Etc., for the Reorganization of Local Branch Offices (hereinafter referred to as the "Amendment Act") (April 1, 1981).

Supplementary Provisions (Cabinet Order No. 176 of 1984)

(Excerpts)

(Enforcement date)

Article 1. This Cabinet Order shall come into force from July 1, 1984.

(Interim measures)

Article 2. An approval, authorization, other disposition, contract or other act (hereinafter referred to as "disposition, etc.") made by an administrative agency mentioned in the left column of the following table under the provisions of a act or an order based thereon before the enforcement of this Cabinet Order shall be considered a disposition, etc., made by the administrative agency mentioned respectively in the right column of said table; and an application, notification or any other act (hereinafter referred to as "application, etc.") made to an administrative agency mentioned in the left column of said table before the enforcement of this Cabinet Order shall be considered an application, etc., made to the administrative agency mentioned respectively in the right column of said table:

Director-General of Hokkai District Maritime Transport Bureau	Director-General of Hokkaido District Transport Bureau
Director*General of Tohoku District Maritime Transport Bureau (excepting cases where disposition, etc., or application, etc., with respect to the area of Yamagata Prefecture of Akita Prefecture is concerned)	Director-General of Tohoku District Transport Bureau
Director-General of Tohoku District Maritime Transport Bureau (limited to cases where disposition, etc., or application, etc., with respect to the area of Yamagata Prefecture or Akita Prefecture is concerned) and Director-General of Niigata District Maritime Administration Department	Director-General of Niigata District Transport Bureau
Director-General of Kanto District Maritime Transport Bureau	Director-General of Kanto District Transport Bureau
Director-General of Tokai District Maritime Transport Bureau	Director-General of Chubu District Transport Bureau
Director-General of Kinki District Maritime Transport Bureau	Director-General of Kinki District Transport Bureau
Director-General of Chugoku District Maritime Transport Bureau	Director-General of Chugoku District Transport Bureau
Director-General of Shikoku District Maritime Transport Bureau	Director-General of Shikoku District Transport Bureau
Director-General of Kyushu District Maritime Transport Bureau	Director-General of Kyushu District Transport Bureau
Director-General of Kobe District Maritime Transport Bureau	Director-General of Kobe District Maritime Administration Department
Director-General of Sapporo District Land Transport Bureau	Director-General of Hokkaido District Transport Bureau
Director-General of Sendai District Land Transport Bureau	Director-General of Tohoku District Transport Bureau
Director-General of Niigata District Land Transport Bureau	Director-General of Niigata District Transport Bureau
Director-General of Tokyo District Land Transport Bureau	Director-General of Kanto District Transport Bureau

Director-General of Nagoya District Land Transport Bureau	Director-General of Chubu District Transport Bureau
Director-General of Osaka District Land Transport Bureau	Director-General of Kinki District Transport Bureau
Director-General of Hiroshima District Land Transport Bureau	Director-General of Chugoku District Transport Bureau
Director-General of Takamatsu District Land Transport Bureau	Director-General of Shikoku District Transport Bureau
Director-General of Fukuoka District Land Transport Bureau	Director-General of Kyushu District Transport Bureau

Supplementary Provisions (Cabinet Order No. 31 of 1985) (Excerpts)

(Enforcement date)

Article 1. This Cabinet Order shall come into force from April 1, 1985.

Supplementary Provisions (Cabinet Order No. 317) (Excerpts)

(Enforcement date, etc.)

1. This Cabinet Order shall come into force from the date of promulgation; provided, however, that the provisions of Article 42 shall come into force from January 1, 1986.

**Supplementary Provisions (Cabinet Order No. 263 of 1988)
(Excerpts)**

(Enforcement date)

Article 1. This Cabinet Order shall come into force from October 1, 1988; provided, however, that the provisions of Article 3 of Supplementary Provisions shall come into force from the date of promulgation.

Supplementary Provisions (Cabinet Order No. 251 of 1994)

This Cabinet Order shall come into force from the date of

enforcement of the Act concerning Working Hours, Leave, Etc., of Employees in the Regular Service (September 1, 1994).

**Supplementary Provisions (Cabinet Order No. 309 of 2000)
(Excerpts)**

(Enforcement date)

1. This Cabinet Order shall come into force from the enforcement date of the Act Partially Revising the Cabinet Act (Act No. 88 of 1999) (January 6, 2001).

**Supplementary Provisions (Cabinet Order No. 200 of 2002)
(Excerpts)**

(Enforcement date)

Article 1. This Cabinet Order shall come into force from July 1, 2002.

**Supplementary Provisions (Cabinet Order No. 487 of 2003)
(Excerpts)**

(Enforcement date)

Article 1. This Cabinet Order shall come into force from April 1, 2004.

**Supplementary Provisions (Cabinet Order No. 373 of 2004)
(Excerpts)**

(Enforcement date)

Article 1. This Cabinet Order shall come into force from the enforcement date of the Act Partially Revising the Labor Union Act (hereinafter referred to as the "Revised Act") (January 1, 2005).

Supplementary Provisions (Cabinet Order No. 14 of 2006) (Excerpts)

(Enforcement date)

Article 1. This Cabinet Order shall come into force from April 1, 2006.