

4 Labor Disputes and Resolution Systems

Decline in Collective Disputes and Increase in Individual Disputes

Due to the impact of the diversification of forms of employment resulting from changes in Japan's socioeconomic structure, the unionization rate is demonstrating a downward trend (standing at an estimated 17.9% as of the end of June 2012, according to the summarized findings of the 2012 Basic Survey on Labor Unions published by the Ministry of Health, Labour and Welfare on December 18, 2012), and the dispute settlement and collective industrial dispute resolution functions of unions (measured in terms of the number of unfair labor practice relief and dispute adjustment cases) are weakening. At the same time, the diversification of forms of employment and consequent increase in individualized employment management are pushing up the number of individual labor disputes.

After providing an overview of the collective and individual dispute resolution systems, this section examines the operational status of each and provides an introduction to recent trends in collective and individual disputes.

Collective Labor Disputes

1. Resolution systems

The Trade Union Law (TUL) provides for a system of relief against unfair labor practices, with a view to protecting and promoting labor union activity by providing relief when certain acts have been committed by employers against labor unions and their members (Article 7). It also establishes a system of labour relations commissions designed to provide said relief (Article 19 onwards), among others.

Meanwhile, the Labor Relations Adjustment Act (LRAA) focuses on voluntary adjustments by parties involved in labor relations (Articles 2 and 4), and provides for government assistance in adjusting labor disputes (Article 3).

(1) Unfair labor practice relief system

The unfair labor practice relief system in the Labor Union Act prohibits prejudicial treatment, refusal of collective bargaining, and dominance and intervention by employers against labor unions and union members, and provides for corrective measures in the event of such acts in order to normalize future relations between labor and management and ensure the functioning of the right to organize, the right of collective bargaining, and right of collective action as guaranteed in Article 28 of the Constitution of Japan.

The bodies involved in providing relief are labour relations commissions (both prefectural and central), which are independent tripartite administrative bodies made up of representatives of the public interest, employees, and employers.

The procedure for examination in cases of unfair labor practices follows the sequence of (i) filing a motion for relief (the motion principle), (ii) investigation (claims of the parties, gathering evidence, organizing issues), (iii) hearings (examining witnesses, etc.), (iv) meeting of public members (fact finding, deciding content of orders), and (v) orders (TUL Article 27 onwards).

In the final stage of the process, labour relations commissions issue administrative dispositions in the form of orders for relief or rejection of the motion. The content of relief orders depends on the circumstances of each individual case, and labour relations commissions are permitted broad discretion on the content of relief orders (Supreme Court Full Bench Decision on the 1977 Dai-Ni Hato Taxi Case).

Anyone wishing to contest an initial ruling by a prefectural labour relations commission may continue the dispute either by filing an appeal for reexamination by the Central Labour Relations Commission (CLRC) (TUL Article 27-15), or by filing an action for rescission of the order (administrative disposition) with a court of law (TUL Article 27-19).

Labour relations commissions may recommend settlement to the parties when an opportunity arises

for negotiated settlement between the parties during the course of investigation and hearings (TUL Article 27-14 para.1). If a settlement is successfully reached, the case is concluded (para. 2 of the same).

(2) Labor disputes adjustment system

The methods of adjustment of labor disputes stipulated in the Labor Relations Adjustment Act are conciliation, mediation, and arbitration. Labour relations commissions are involved in adjustment. As well as situations where dispute tactics have already taken place, labor disputes subject to adjustment also include situations where there is concern that dispute tactics might take place (Article 6). Moreover, in the Labor Relations Adjustment Act, dispute tactics refer to actions that hinder the normal duties carried out by the parties concerned on both the labor and the management side, such as slowdowns and lockouts, as well as strikes (Article 7). The following provides an outline of the adjustment methods by type.

[Conciliation] Conciliation (Article 10 onwards) commences following an application by one or both parties concerned. Conciliators appointed by the labour relations commission chairperson from among a register of conciliators (often consisting of a mix of representatives of the public interest, employees, and employers) ascertain the assertions of each party and produce a conciliation proposal. However, the decision on whether to accept this proposal is left up to the parties themselves.

[Mediation] Mediation (Article 17 onwards) commences following either: (1) an application from both parties, (2) an application based on the provisions of a collective agreement by one or both parties, or (3) in cases involving public services, an application from one interested party, the decision of the labour relations commission, and the request of the Minister of Health, Labour and Welfare or the prefectural governor. Mediation is carried out by a tripartite mediation committee formed of representatives of the public interest, employees, and employers, which is appointed by the labour relations commission chairperson and on which employees and employers are equally represented. Both parties present their opinions, and the mediation committee drafts a mediation proposal that it advises them to

accept. Acceptance of this proposal is left up to the parties themselves.

[Arbitration] Arbitration (Article 29 onwards) takes place in the event of an application either by both parties, or by one or both parties in accordance with the provisions of a collective agreement. The chairperson of the labour relations commission appoints three people agreed to by the parties concerned from among public interest members to form an arbitration committee. This committee meets after hearing about the circumstances from the parties concerned, and determines the details of an award by means of a majority vote of the arbitration members. The arbitration award is prepared in writing (Article 33) and has the same force as a collective agreement (Article 34).

However, in the case of dispute tactics being undertaken by parties involved in public services (Article 8: transportation, postal and telecommunications services, water, electricity and gas supply, or medical and public health services), the labour relations commission and the Minister of Health, Labour and Welfare or prefectural governor must be informed at least 10 days in advance (Article 37, paragraph (1)). Moreover, in the event of dispute tactics relating to any kind of business, the parties must immediately notify the labour relations commission or prefectural governor (Article 9).

2. Operational status and trends relating to cases

(1) Unfair labor practice cases

The number of unfair labor practice cases handled over the past eight years is shown in Table IV-7 and Table IV-8. Judging from these, “Cases pending (Total)” could be said to be in a generally decreasing trend for both “First examinations” and “Reexaminations”, although the number has slightly increased over the last two or three years in both cases. The same is true for cases pending “Carried over from previous year”. However, cases of reexamination “Carried over from previous year” are in a decreasing trend.

In terms of “Cases concluded”, cases of reexamination (see Table IV-8) generally tend to be settled more frequently by “Orders / decisions” than

by “Withdrawals/settlements”. Conversely, significantly larger numbers of “First examinations” (see Table IV-7) are concluded by “Withdrawals/settlements” than by “Orders/decisions”. In “First examinations”, “Cases concluded (Total)” generally remain on a par, although some inconsistency can be seen depending on the year. By contrast, “Cases concluded (Total)” in “Reexaminations” turned downwards after peaking in 2006, and either decreased or remained level thereafter. After a huge decrease to 53 cases in 2009, however, they returned to an increase in 2010 and 2011.

Incidentally, the unfair labor practice relief system was revised by means of an amendment to the Labor Union Act in 2004, in order to expedite examinations and increase their accuracy by improving examination procedures and systems. The main revisions were as follows: (1) systematic examination (formulation of examination plans and establishment of targets for examination periods); (2) swifter and more accurate fact-finding (through ordering the appearance of witnesses and submission of articles, and by limiting the submission of evidence in annulment actions relating to articles subject to submission orders); (3) upgrading of the CLRC’s examination system (to enable the issuance of orders through consultations by a subcommittee consisting of five public interest members, and the provision of training and assistance to prefectural labour relations commissions by the CLRC); and (4) promotion of settlements (by allowing labour relations commissions to advise the parties to reach a settlement, and by deeming the execution of written statements of settlement to be a debt).

Of these institutional developments, in the case of the establishment of targets for examination periods mentioned in (1) above, the target set is “to conclude new cases within as short a period as possible within one year and six months” (moreover, as of December 2010, the same target was set for cases submitted for reexamination by the CLRC during the three years from 2011 to 2013). Viewing the “Conclusion Status” of 172 cases pending in 2012 (the total of new motions and cases carried over from the previous year) according to the “Examination Period Target Attainment Status (Dec. 31, 2012)” published on the

CLRC website, 92 cases were concluded in total, and cases took 385 days on average to process. Of all cases concluded, 80 were concluded within the target period of one year and six months, and the rate of target attainment was 87.0%. On the other hand, 12 cases took longer than one year and six months to conclude.

Meanwhile, the “Examination Period Targets (2011-2013)” published by CLRC in December 2010 included a note to the effect that “These targets do not include cases in which significant numbers of cases between the same parties were pending and it was deemed difficult to proceed immediately after a motion was brought, or cases that were pending from before the effectuation of the 2004 amendment to the Trade Union Law and are extremely difficult to process. For these cases, individual efforts are to be taken in accordance with the respective circumstances of each”. Thus, realistic aims have been set out with a view to resolving disputes.

(2) Labor dispute adjustment cases

Numbers of labor dispute adjustment cases and their conclusion status are shown in Table IV-9. According to the data, cases “Carried over from the previous year” are tending to alternate between increases and decreases. Meanwhile, “Cases pending” and the “Total” are generally trending on a par, with the exception of 2009.

In terms of different adjustment methods, “Conciliations” are overwhelmingly in the majority. This is thought to be due to the simplicity of procedures, and the fact that conciliation serves as a means of arbitration, in that, in practice, it brings out problem points between the parties.

In terms of “Cases concluded”, the “Total” and cases concluded by “Settlement” are trending more or less on a par. However, although cases concluded by “Withdrawal” temporarily increased in 2009 and 2010, they may be regarded as being in a decreasing trend in the medium term. Conversely, cases concluded as “Abandoned” are in an increasing trend.

If we look at the conclusion status, we can see that the resolution rate has been demonstrating a downward trend each year (see Table IV-10). One of the reasons for this would seem to be the decline in

the number of cases being withdrawn.

Regarding the grievances leading to labor dispute adjustment, we can see that, in general, financial grievances have accounted for approximately 36% and non-financial grievances for approximately 63% in all years (see Table IV-11). A breakdown of the financial grievances shows that the proportion accounted for by “lump-sum payments” is somewhat higher than all other categories except “other.” The most common non-financial grievance is “pursuit of collective bargaining,” with just under 30%, followed by “management/personnel,” at around 22%.

Looking at trends in the resolution rate, we can see that it has been on the decline year-on-year (see Table IV-12). Until 2008, the figures for the number of cases concluded and the number of cases resolved were both mostly holding steady, but there was a rise in 2009 compared with the previous year, in cases handled by prefectural labour relations commissions and all labour relations commissions, with the number of cases concluded increasing by 200 and the number of cases listed as resolved increasing by 100. It is thought that this might be one of the reasons for the decline in the resolution rate. Since then, however, the resolution rate has declined even though the number of cases has decreased. Deteriorating labor relations due to the worsening economic situation are thought to be partly to blame for this.

If we look at the average time required for adjustment, we can see that there is considerable variation according to the form of adjustment and the year (see Table IV-13). If one were compelled to list the characteristics in recent years, one would have to say that in 2009, in the case of conciliation by all labour relations commissions, the number of cases concluded increased by more than 100, and we can see that the total number for all labour relations commissions consequently increased in the same way. This, probably, is why the average number of days required for adjustment is growing. The number of cases concluded since 2010 has either increased or decreased, depending on the type of adjustment. Here again, deteriorating labor relations may have had an impact on increasing the number of days required for adjustment.

According to data published by CLRC, joint union

cases and last-minute cases in collective industrial dispute adjustment (except specified incorporated administrative agencies, etc.) are in an increasing trend. In particular, the ratio to “all cases” has increased (see Table IV-14).

In 2011, the number of joint union cases was 380, approximately 70% of all cases; among these, 184 were last-minute cases, accounting for approximately 48.4% of the total number of joint union cases, and even as a proportion of all cases, these cases account for approximately 33.9%. This is just conjecture, but the main reasons for this are thought to be the decline in the unionization rate, the rise in the number of irregular employees, and the increase in the number of non-unionized staff in managerial positions.

On the state of occurrence of labor disputes, the Ministry of Health, Labour and Welfare’s “Summary of the 2012 Survey on Collective Bargaining and Labour Disputes” (published June 18, 2013) shows that only 3.7% of individual labor unions had experienced a strike or other labor dispute in the previous three years as of June 30, 2012 (in 2007, the ratio was 5.4%; 4,891 subjects surveyed, 3,147 valid responses, valid response rate 64.3%).

Individual Labor Disputes

Japan has two systems for resolving individual labor disputes: one administrative and one judicial.

1. Administrative system

(1) Resolution system

The administrative system for the resolution of individual labor disputes is based on the Act on Promoting the Resolution of Individual Labor Disputes. Put simply, the resolution system prescribed by this act is focused on voluntary resolution between the parties concerned (Article 2) and consists of the following three steps: “information provision and consultation” for the parties concerned at a consultation service (Article 3), followed by “advice and guidance” by the head of the labour bureau in question, in the event that a voluntary resolution cannot be achieved between employee and employer (Article 4), and finally “conciliation” by the Dispute Resolution Council (Article 5) (see Figure IV-15).

A wide range of disputes concerning the initiation,

conduct, and termination of employment are eligible for resolution by this system, including problems at the time of hiring, withdrawal of job conditional offers of employment, redeployments, temporary secondments, job transfers, worsened working conditions, discrimination such as sexual harassment in the workplace, and dismissals (including dismissals due to economic reasons and termination of fixed-term contract) (Article 1 and Concerning the Enforcement of the Act on Promoting the Resolution of Individual Labor-Related Disputes, September 19, 2001, Ministry of Health, Labour and Welfare Notification No.129, (2) Individual Labor-Related Disputes, 1. Purpose).

(2) Operational status and trends relating to cases

Data on the operation of this dispute resolution system in FY2012 are as follows (Ministry of Health, Labour and Welfare, "Status on the implementation of individual labour dispute resolution in FY2012", published May 31, 2013).

Consultation In FY2012, there were around 1,067,000 cases of consultation. Of these, consultation on civil individual labor disputes (e.g. dismissal not involving violation of labor laws, worsened working conditions, etc.) accounted for about 255,000 cases (see Figure IV-16).

In the main breakdown of consultation on civil individual labor disputes, "bullying / harassment" accounted for the largest proportion with 17.0% (51,670 cases), followed by "dismissal" with 16.9% (51,515 cases), "worsened working conditions" with 11.2% (33,955 cases), "voluntary retirement" with 9.8% (29,763 cases), and "encouragement to retire" with 8.5% (25,838 cases) (see Table IV-17).

By employment format, "regular employees" accounted for 39.8% of those seeking consultation (101,472), followed by "part-time and arubaito workers" with 16.6% (42,309) and "fixed-term contract employees" with 10.6% (27,094). These trends in consultation are also reflected among workers seeking "advice and guidance" and "conciliation". To highlight a specific characteristic, however, the ratios of applications or requests for consultation, advice, guidance and conciliation have

gradually been increasing among "fixed-term contract employees".

Advice and guidance Trends in requests or applications for advice, guidance and conciliation are shown in Figure IV-18. This reveals that advice and guidance are in an increasing trend, while conciliation is conversely decreasing.

There were 11,089 requests for advice and guidance in FY2012, taking account of overlapping in the case content. In descending order of frequency, "dismissal" accounted for the largest proportion with 16.3% (1,811 cases), followed by "bullying / harassment" with 15.6% (1,753 cases), "worsened working conditions" with 9.8% (1,084 cases), "encouragement to retire" with 8.1% (900 cases), and "voluntary retirement" with 7.6% (843 cases) (see Table IV-19 for main details).

Altogether, 10,290 requests for advice and guidance were processed during FY2012, and 10,019 (97.4%) of these were processed within one month (see Table IV-20). Of these, advice and guidance were given in 9,979 cases (97.0%), the request was withdrawn in 249 cases (2.4%), and the procedure was discontinued in 43 cases (0.4%).

Conciliation In FY2012, there were 6,059 applications for conciliation, taking account of overlapping in the case content. In descending order of frequency, "dismissal" accounted for the largest proportion with 29.7% (1,904 cases), followed by "bullying / harassment" with 20.2% (1,297 cases), "encouragement to retire" with 8.9% (574 cases), and "termination of employment" and "worsened working conditions", both with 8.0% (515 cases) (see Table IV-21).

Of cases for which conciliation was requested, 6,059 were processed during FY2012. Of these, agreement was reached between the parties in 2,272 cases (37.5%), the request was withdrawn at the convenience of the applicant in 363 cases (6.0%), and conciliation was discontinued in 3,403 cases (56.2%), for reasons such as failure of one of the parties to take part in the process.

The period needed for processing conciliation was "within 1 month" in 3,381 cases (55.8%) and "between 1 and 2 months" in 2,302 cases (38.0%). Thus, 5,683 cases or approximately 94% of cases

requested were processed within 2 months (see Table IV-22).

(3) Resolution of individual labor disputes by prefectural labour relations commissions

Since 2003, prefectural labour relations commissions have also been providing consultation or conciliation in connection with individual labor disputes.

According to data published by CLRC on its website, 44 prefectures provided conciliation for 393 individual labor disputes in FY2011, with a resolution rate of 57.8%. The processing time was “within 1 month” in 52.9% of cases and “between 1 and 2 months” in 37.1%. Thus, in total, 90% of cases were processed within 2 months.

Meanwhile, cases of guidance, advice and conciliation undertaken by 14 prefectural labour relations commissions are in a generally increasing trend year on year, with 2,287 cases of “guidance and advice”, 423 cases of “conciliation” pending and 406 cases concluded in FY2011. On average, 36.0 days were taken to process conciliation.

2. Judicial system

(1) Resolution system

Two methods of the judicial resolution of individual labor disputes are available: civil litigation and the labor tribunal system, which began operating in April 2006. As the former is conducted in accordance with the procedure for civil actions, in the same way as other civil cases, it is the latter that is explained below.

To put it simply, the labor tribunal system is aimed at disputes concerning rights and obligations in individual contractual labor relations (individual civil disputes in labor relations) (Article 1); in contrast to ordinary civil litigation cases, procedures for dispute resolution take place at district courts (main branch) and are accelerated by a tribunal composed of a judge (labor tribunal judge) and persons involved in industrial relations who have expert knowledge and experience in this field (labor tribunal lay members) (Articles 7, 9 and 15). This tribunal panel attempts a resolution by mediation where possible (Labor

Tribunal Ordinance Article 22), but if this ends in failure, then a ruling is handed down (Article 20. This takes place within three sessions, as a rule: Article 15, paragraph (2)). If there is any objection to a decision, the parties can make a submission to this effect (Article 21), in which situation, the case proceeds to become an ordinary civil lawsuit, with the institution of action deemed to have taken place from the date of the initial submission to the labor tribunal (Article 22, paragraph (1)) (see Figure IV-23).

The following first of all provides an overview of civil litigation relating to labor relations and then looks at the labor tribunal system.

(2) Operational status of ordinary civil litigation concerning labor relations and trends relating to cases

Firstly, if we look at trends in changes over time, we can see that the number of new cases of ordinary civil litigation concerning labor relations that were received by district courts demonstrated a downward trend until 2006, but there has been an upturn over the last few years, with a major increase to approximately 3,200 cases up to 2009 (see Figure IV-24). However, while the number of cases disposed of fell slightly in 2010 and 2011, the number of cases not yet disposed of reached a record high of 3,250.

The most recent statistical figure is for the number of new ordinary civil litigation cases concerning labor relations received by district courts in 2011, which was 3,170 (see Table IV-25).

Of these, there were 3,028 cases of “Plaintiff: Employee, Defendant: Employer”. In descending order of frequency, these break down into claims in connection with “wage, etc.” with a record high of 1,718 cases, followed by claims for “confirmation of existence of employment contract, etc.” in connection with retirement and dismissal, with 893 cases, and “Other” including claims for compensation, with 417 cases.

On the other hand, the total number of cases handled at district courts that were disposed of in 2011 was 2,959 (see Table IV-26). Of these, whereas the number dealt with by means of a “judicial decision” was 933, the number dealt with by means of a “settlement” was 1,599, so we can see that the

number of settlements was greater than the number of judicial decisions. This trend remains unchanged even when we look at the figures for at least the last seven years.

In terms of the deliberation period for cases disposed of in 2011, the “average deliberation period” was 11.9 months. This is longer than in 2009, when the period was 10.8 months, the shortest in the last five years (see Table IV-27). The breakdown for 2011, in ascending order of ratio, was “within 6 months” with 831 cases (28.1%), “within 1 year” with 875 cases (29.6%), and “within 2 years” with 1,016 cases (34.3%). Thus, 92% of all cases were processed within two years. Moreover, this trend has remained more or less unchanged for the last nine years.

(3) Operational status of the labor tribunal system and trends relating to cases

With regard to labor tribunals, the number of new cases filed at district courts in 2011 was 3,586, a figure that has increased considerably since the system began operating (see Table IV-28).

The breakdown of applications in 2011 can be broadly classified into “cases with non-pecuniary objectives,” at 1,814 cases, and “cases with pecuniary objectives,” at 1,772 cases, so there were over 100 cases more of the former type than of the latter. If we look at a more detailed breakdown, the most common of the former were “confirmation of status” (under employment contracts relating to retirements/dismissals and personnel transfer cases) at 1,747 cases, followed by “wages and benefits,” which fall into the latter category, at 1,179 cases. In addition, the wages and benefits category would seem to include cases involving petitions for payment for overtime hours worked and pay in lieu of notice of dismissal. Moreover, 431 of the pecuniary cases were classified as “others,” which in many instances are likely to be claims for compensation for various reasons.

The number of “cases disposed of” in 2011 was 3,513, approximately over 70% (2,502 cases, or

71.2%) of which were concluded by means of “successful mediation” (see IV-29). In addition, including mediation, the trends in the reasons for conclusion have remained the same since the system began operating. The next most common reason for conclusion after “successful mediation” was “labor tribunal judgment,” at 641 cases (18.2%). However, of the cases in which a labor tribunal judgment was made, what catches the eye is the fact that objections were filed in 391 cases, or more than 60% (61.0% of 18.2%). (In addition, the “Article 24 conclusion” referred to in Table IV-29 is a situation in which the members of the labor tribunal conclude procedures on the basis of their own authority in light of the nature of the case, based on Article 24 of the Labor Tribunal Act.)

If we look at 3,513 cases of the “average deliberation period” in regard to the cases that were disposed of in 2011, a little less than 80% of all cases were concluded in three months or less; with regard to the detailed breakdown, 3.4% (120 cases) were dealt within a month or less, 37.3% (1,325 cases) were dealt within two months or less, 36.2% (1,270 cases) were dealt within three months or less, and 22.0% (772 cases) were dealt within six months or less (see Table IV-30). Moreover, the average deliberation period in 2011 was 2.4 months; there has been no change in this trend since the system first began operating and, compared with the situation concerning ordinary civil litigation, which we looked at previously, we can say that cases are resolved fairly swiftly under the labor tribunal system.

Looking at the situation by the number of tribunal sessions held in 2011, approximately 97% of 3,513 cases of “cases disposed of” were concluded within three sessions; with regard to the breakdown, 4.6% (161 cases) involved “no sessions,” 26.1% (917 cases) involved “one session,” 39.9% (1,400 cases) involved “two sessions,” and 26.6% (933 cases) involved “three sessions,” so we can say that the system is being operated in line with the principles of the Labor Tribunal Act (see Table IV-31).

Table IV-7 Number of Unfair Labor Practice Cases (First Examinations)

| Year | Cases pending | | | Cases concluded | | |
|------|---------------------------------|-----------|---------------|--------------------------|-------------------|-----------------|
| | Carried over from previous year | New cases | Total pending | Withdrawals/ settlements | Orders/ decisions | Total concluded |
| 2003 | 856 (1) | 363 | 1,219 (1) | 280 | 116 | 396 |
| 2004 | 823 (1) | 311 | 1,134 (1) | 240 | 135 | 375 |
| 2005 | 759 (1) | 294 | 1,053 (1) | 273 | 135 (1) | 408 (1) |
| 2006 | 645 | 331 (2) | 976 (2) | 247 | 108 | 357 (2) |
| 2007 | 619 | 330 (1) | 949 (1) | 314 (1) | 147 | 461 (1) |
| 2008 | 488 | 355 | 843 | 210 | 98 | 308 |
| 2009 | 535 | 395 (1) | 930 (1) | 273 | 103 | 377 (1) |
| 2010 | 553 | 381 | 934 | 240 | 111 | 351 |
| 2011 | 583 | 376 | 959 | 258 | 134 | 392 |
| 2012 | 567 | 354 | 921 | 236 | 117 | 353 |

Sources: Central Labour Relations Commission website (compiled by the author from statistical tables published for multiple years) and Secretariat of the Central Labour Relations Commission, eds. *66th Annual Report on Labour Relations Commissions 2011* (2012) p.3, Table 1

Note: Figures in parentheses denote the number of first examinations conducted by the CLRC included in the main figure. The total number of cases concluded in 2006 includes two cases that were transferred. The total number of cases concluded in 2009 includes one case that was transferred.

Table IV-8 Number of Unfair Labor Practice Cases (Reexaminations)

| Year | Cases pending | | | Cases concluded | | |
|------|---------------------------------|-----------|---------------|--------------------------|-------------------|-----------------|
| | Carried over from previous year | New cases | Total pending | Withdrawals/ settlements | Orders/ decisions | Total concluded |
| 2004 | 270 | 83 | 353 | 47 | 25 | 72 |
| 2005 | 281 | 90 | 371 | 57 | 65 | 122 |
| 2006 | 249 | 77 | 326 | 79 | 69 | 148 |
| 2007 | 178 | 76 | 254 | 37 | 59 | 96 |
| 2008 | 158 | 51 | 209 | 38 | 57 | 95 |
| 2009 | 114 | 54 | 168 | 19 | 34 | 53 |
| 2010 | 115 | 68 | 183 | 26 | 48 | 74 |
| 2011 | 109 | 89 | 198 | 35 | 36 | 71 |
| 2012 | 127 | 75 | 202 | 56 | 46 | 102 |

Sources: Central Labour Relations Commission website (compiled by the author from statistical tables published for multiple years) and Secretariat of the Central Labour Relations Commission, eds. *66th Annual Report on Labour Relations Commissions 2011* (2012) p.13, Table 10-1

Table IV-9 Number of Pending and Concluded Adjustment Cases

| Year | Cases pending | | | | | | Cases concluded | | | | Carrying over to next year |
|------|---------------------------------|-------------------|------------|--------------|---------|----------|-----------------|------------|-----------|----------|----------------------------|
| | Carried over from previous year | New cases pending | | | | Total | Withdrawal | Settlement | Abandoned | Total | |
| | | Conciliations | Mediations | Arbitrations | Total | | | | | | |
| 2004 | 130 (10) | 526 (8) | 4 | 1 | 531 (8) | 661 (18) | 147 | 279 (4) | 133 (2) | 559 (6) | 102 (12) |
| 2005 | 102 (12) | 560 (5) | 4 | 0 | 564 (5) | 666 (17) | 139 | 270 (4) | 130 (1) | 539 (5) | 127 (12) |
| 2006 | 127 (12) | 515 (2) | 5 (1) | 1 | 521 (3) | 648 (15) | 108 | 289 (3) | 173 (2) | 570 (5) | 78 (10) |
| 2007 | 78 (10) | 467 (3) | 5 (1) | 0 | 472 (4) | 550 (14) | 103 (12) | 219 (2) | 149 | 471 (14) | 79 |
| 2008 | 79 | 546 (4) | 6 (2) | 0 | 552 (6) | 631 (6) | 85 | 264 (4) | 181 (2) | 530 (6) | 101 |
| 2009 | 101 | 707 (1) | 26 (2) | 0 | 733 (3) | 834 (3) | 121 | 343 (3) | 237 | 701 (3) | 133 |
| 2010 | 133 | 556 (1) | 10 (2) | 0 | 566 (3) | 699 (3) | 110 | 293 (2) | 204 (1) | 608 (3) | 91 |
| 2011 | 91 | 535 | 8 | 0 | 543 | 634 | 80 | 240 | 200 | 520 | 114 |
| 2012 | 114 | 459 | 4 | 0 | 463 | 577 | 73 | 254 | 176 | 503 | 74 |

Source: Central Labour Relations Commission website

Notes: 1) Figures in parentheses denote the number of cases relating to specified independent administrative institutions included in the main figure.

2) Figures for withdrawals include cases that did not get underway.

Table IV-10 Adjustment Case Resolution Rate

| Year | Number of cases concluded (a) | Number of cases withdrawn (b) | Number of cases resolved (c) | Resolution rate |
|------|-------------------------------|-------------------------------|------------------------------|-----------------|
| 2004 | 559 (6) | 147 | 279 (4) | 67.7% |
| 2005 | 539 (5) | 139 | 270 (4) | 67.5% |
| 2006 | 570 (5) | 108 | 289 (3) | 62.6% |
| 2007 | 471 (14) | 103 (12) | 219 (2) | 59.5% |
| 2008 | 530 (6) | 85 | 264 | 59.3% |
| 2009 | 701 (3) | 121 | 343 (3) | 59.1% |
| 2010 | 607 (3) | 110 | 293 (2) | 58.8% |
| 2011 | 520 | 80 | 240 | 54.5% |
| 2012 | 503 | 73 | 254 | 59.1% |

Source: Central Labour Relations Commission website

$$\text{Resolution rate} = \frac{\text{Resolution (c)}}{\text{Number of cases concluded (a) - Number of cases withdrawn (b)}} \times 100$$

Notes: 1) Figures in parentheses denote the number of cases relating to specified independent administrative institutions included in the main figure.

2) Figures for withdrawals include cases that did not get underway.

Table IV-11 Grievances Giving Rise to New Pending Labor Dispute Adjustment Cases (All Labour Relations Commission)

(Number of cases and percentage of total)

| | 2007 | | 2008 | | 2009 | | 2010 | | 2011 | |
|--|--------|-------|-----------|-------|----------|-------|-----------|-------|--------|-------|
| Total | 851(6) | 100.0 | 1,014(13) | 100.0 | 1,324(8) | 100.0 | 1,007(13) | 100.0 | 973(9) | 100.0 |
| Financial | 306 | 36.0 | 332(4) | 32.7 | 451(7) | 34.1 | 390(1) | 38.7 | 347(5) | 35.7 |
| Wage increases | 27 | 3.2 | 34(2) | 3.4 | 41(7) | 3.1 | 21(2) | 2.1 | 20 | 2.1 |
| Lump-sum payments | 54 | 6.3 | 49 | 4.8 | 76 | 5.7 | 56(4) | 5.6 | 47(5) | 4.8 |
| Working hours and holiday leave | 35 | 4.1 | 31 | 3.1 | 44 | 3.3 | 36 | 3.6 | 31 | 3.2 |
| Other | 190 | 22.3 | 218(2) | 21.5 | 290 | 21.9 | 277(5) | 27.5 | 249 | 25.6 |
| Non-financial | 531(6) | 62.4 | 667(9) | 65.8 | 855 | 64.6 | 607(2) | 60.3 | 610(4) | 62.7 |
| Management/personnel | 191 | 22.4 | 222(1) | 21.9 | 313 | 23.6 | 225 | 22.3 | 189(2) | 19.4 |
| Pursuit of collective bargaining | 246(4) | 28.9 | 294(3) | 29.0 | 380(4) | 28.7 | 276(2) | 27.4 | 290(2) | 29.8 |
| Union approval/activities | 21(1) | 2.5 | 42(5) | 4.1 | 68 | 5.1 | 33 | 3.3 | 31 | 3.2 |
| Other | 73(1) | 8.6 | 109 | 10.7 | 94 | 7.1 | 73 | 7.2 | 100 | 10.3 |
| Conclusion or complete revision of agreement | 15 | 1.8 | 15 | 1.5 | 18 | 1.4 | 10 | 1.0 | 16 | 1.6 |
| Total number of cases | 472 | | 522 | | 733 | | 566 | | 543 | |
| Average number of grievances (per case) | 1.80 | | 1.84 | | 1.81 | | 1.78 | | 1.79 | |

Source: Secretariat of the Central Labour Relations Commission, eds. *66th Annual Report on Labour Relations Commissions 2011* (2012) p.153, Table 29-2
 Note: Totals do not match the total number of cases due to the inclusion of multiple grievances per case. Figures in parentheses indicate the number of cases handled by the CLRC, and are included in the totals to their left.

Table IV-12 Labor Dispute Adjustment Cases Resolution Rate (excluding Specified Independent Administrative Institutions) (All Labour Relations Commission)

(Number of cases and percentage of total)

| Labour Relations Commission | Case | Year | | | | | | | |
|---|--|------|------|-------|-------|------|------|-------|--|
| | | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | |
| Prefectural Labour Relations Commission | No. of cases concluded excluding withdrawals and transfers | 350 | 368 | 316 | 377 | 571 | 388 | 363 | |
| | No. of resolutions | 237 | 226 | 187 | 222 | 335 | 212 | 191 | |
| | Resolution rate | 67.7 | 61.4 | 59.2 | 58.9 | 58.7 | 54.6 | 52.6 | |
| Central Labour Relations Commission | No. of cases concluded excluding withdrawals and transfers | 3 | 2 | 2 | 6 | 6 | 6 | 6 | |
| | No. of resolutions | 2 | 0 | 2 | 6 | 5 | 5 | 6 | |
| | Resolution rate | 66.7 | 0.0 | 100.0 | 100.0 | 83.3 | 83.3 | 100.0 | |
| All Labour Relations Commission | No. of cases concluded excluding withdrawals and transfers | 353 | 370 | 318 | 383 | 577 | 394 | 369 | |
| | No. of resolutions | 239 | 226 | 189 | 228 | 341 | 217 | 197 | |
| | Resolution rate | 67.7 | 61.1 | 59.4 | 59.5 | 59.1 | 55.1 | 53.4 | |

Sources: Secretariat of the Central Labour Relations Commission, *64th Annual Report on Labour Relations Commissions 2009*, (2010) p.146, and the same institution's *66th Annual Report on Labour Relations Commissions 2011*, (2012) p.161 Table 34-2
 Note: Resolution rate = number of resolutions / number of cases concluded excluding withdrawals and transfers

**Table IV-13 Average Length of Labor Dispute Adjustment Cases
(All Labour Relations Commission)**

(Number of cases and days)

| Year | Conciliations | | | | Mediations | | | | Total | | | |
|------|---|----------------|---------------------------------------|-----------------|---------------------------------------|----------------|---------------------------------------|----------------|---|----------------|---|----------------|
| | All Labour Relations Commission | | Central Labour Relations Commission | | All Labour Relations Commission | | Central Labour Relations Commission | | All Labour Relations Commission | | Central Labour Relations Commission | |
| | Cases concluded excluding withdrawals and transfers | | Cases concluded excluding withdrawals | | Cases concluded excluding withdrawals | | Cases concluded excluding withdrawals | | Cases concluded excluding withdrawals and transfers | | Cases concluded excluding withdrawals and transfers | |
| 2005 | 393 | 47.9 (34.3) | 8 | 39.8 (32.5) | 3 | 48.0 (30.7) | — | — (—) | 396 | 47.9 (34.3) | 8 | 39.8 (32.5) |
| 2006 | 452 | 47.1 (34.2) | 7 | 34.4 (28.0) | 4 | 27.5 (27.5) | 1 | 8.0 (8.0) | 456 | 47.0 (34.2) | 8 | 31.1 (25.5) |
| 2007 | 361 | 42.8 (36.6) | 4 | 56.3 (43.5) | 4 | 52.8 (32.5) | — | — (—) | 365 | 42.9 (36.6) | 4 | 56.3 (43.5) |
| 2008 | 442 | 43.7 (33.6) | 10 | 28.1 (20.1) | 3 | 19.3 (19.3) | 2 | 9.5 (9.5) | 445 | 43.6 (33.5) | 12 | 25.0 (18.3) |
| 2009 | 560 | 51.5 (36.8) | 2 | 117.5 (61.0) | 24 | 12.2 (12.2) | 7 | 33.4 (33.4) | 584 | 49.9 (40.2) | 9 | 52.4 (39.6) |
| 2010 | 488 | 55.3 (37.5) | 7 | 13.1 (13.1) | 10 | 34.7 (34.7) | 2 | 9.5 (9.5) | 498 | 54.9 (37.4) | 9 | 12.0 (12.0) |
| 2011 | 431 | 50.7 (35.1) | 1 | 19.0 (19.0) | 9 | 46.0 (39.1) | 5 | 28.0 (28.0) | 440 | 50.6 (35.2) | 6 | 26.5 (26.5) |

Sources: Secretariat of the Central Labour Relations Commission, *64th Annual Report on Labour Relations Commissions 2009*, (2010) p.147, and the same institution's *66th Annual Report on Labour Relations Commissions 2011*, (2012) p.162 Table 36-2

Note: Number of cases concluded, excluding withdrawals and transfers, pending for less than one year. Figures in parentheses indicate the number of days treating periods in excess of two months as 61 days.

Author's note: There are no statistical data for arbitration, so this has been omitted.

Table IV-14 Trends relating to Joint Labor Union Cases and Last-minute Cases among Adjustment Cases (Collective Labor Disputes) (excluding Specified Independent Administrative Institutions)

| Year | cases | All cases | Joint labor union cases | Last-minute cases | |
|------|-------|-----------|-------------------------|-------------------|-----------------|
| | | | | | |
| 2004 | | 523 | 300 (57.4%) | 134 | <44.7%> (25.6%) |
| 2005 | | 559 | 333 (59.6%) | 165 | <49.5%> (29.5%) |
| 2006 | | 518 | 305 (58.9%) | 131 | <43.0%> (25.3%) |
| 2007 | | 468 | 305 (65.2%) | 143 | <46.9%> (30.6%) |
| 2008 | | 546 | 375 (68.7%) | 181 | <48.3%> (33.2%) |
| 2009 | | 730 | 487 (66.7%) | 269 | <55.2%> (36.8%) |
| 2010 | | 563 | 393 (69.8%) | 207 | <52.7%> (36.8%) |
| 2011 | | 543 | 380 (70.0%) | 184 | <48.4%> (33.9%) |

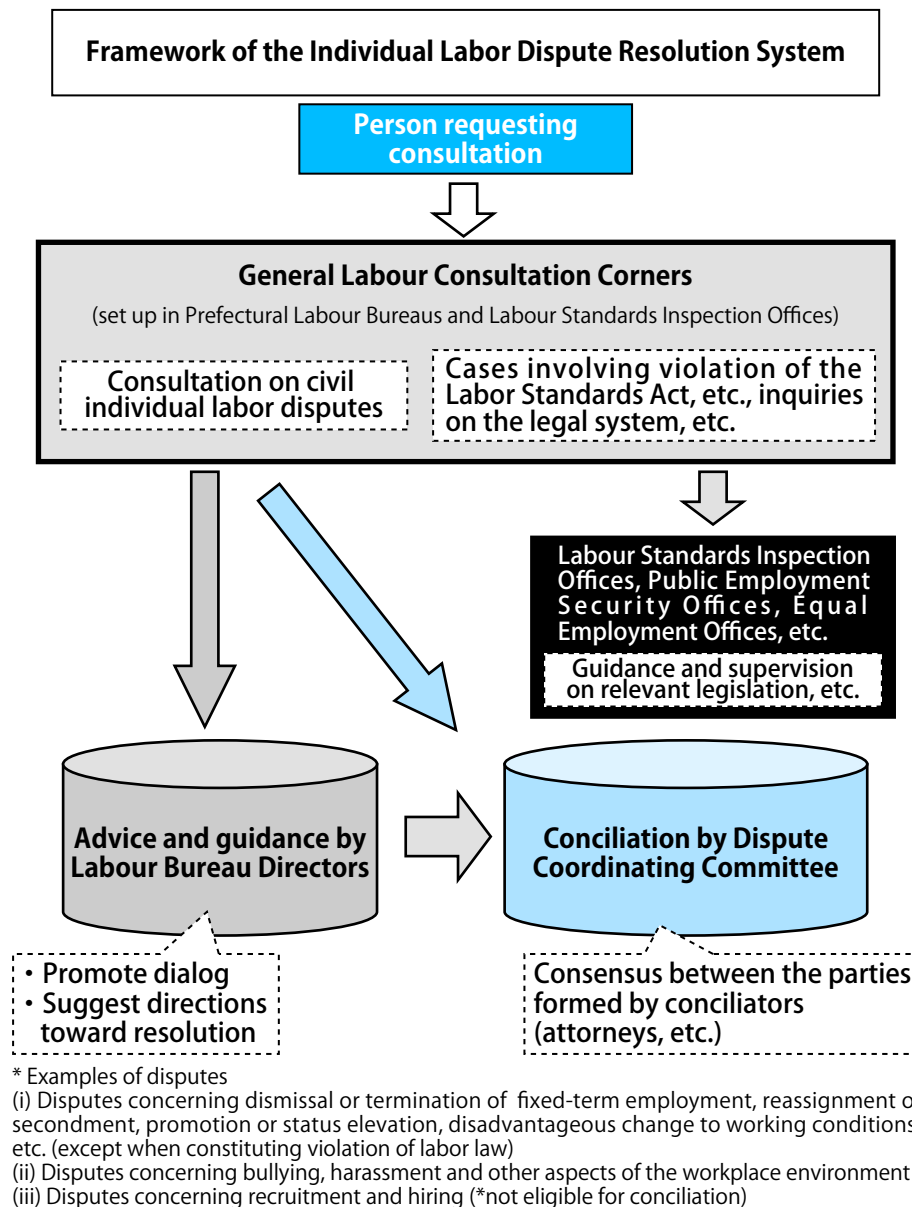
Sources: Central Labour Relations Commission, *2010 Summary of the Total Number of Labor Disputes Handled Nationwide* (released on May 20, 2011), Table 3, and Secretariat of the Central Labour Relations Commission, *66th Annual Report on Labour Relations Commissions 2011*, (2012) p.150 Table 26

Notes: Figures in round brackets denote the share of all cases. Figures in angle brackets denote the share of joint labor union cases.

"Joint labor union" refers to labor unions organized by workers as a regional unit that transcend the boundaries of a single company; these are characterized by the fact that their members are mainly individuals who work at small or medium-sized enterprises. More specifically, they are called "joint labor unions," "general unions," or "regional unions".

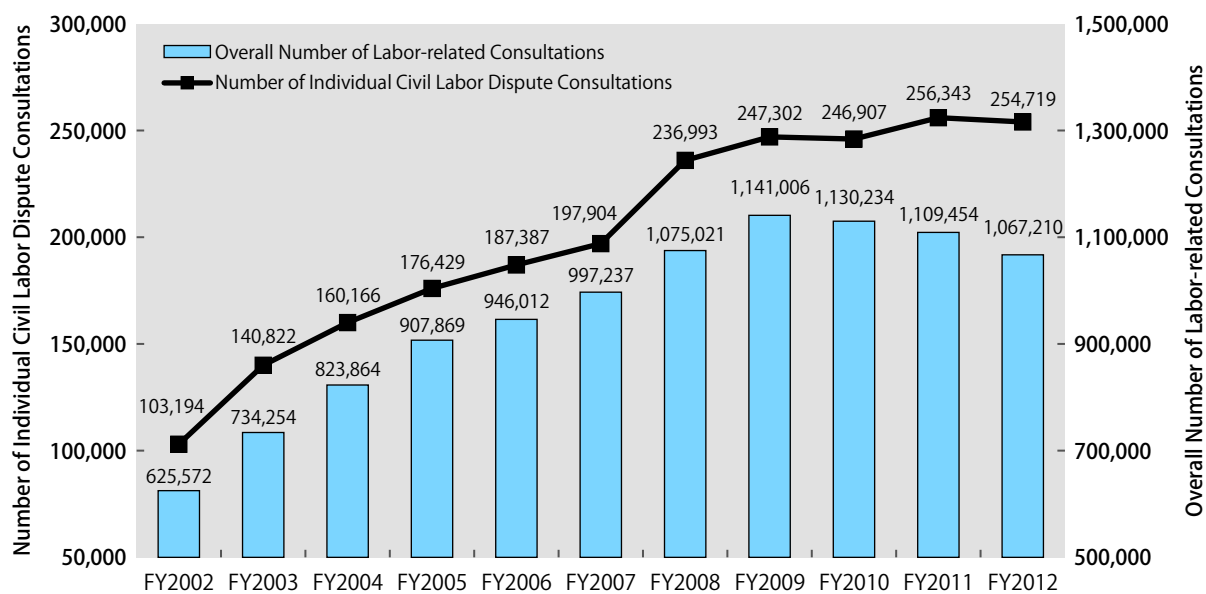
"Last-minute cases" refers to cases where the worker joins the joint labor union after being dismissed and the union in question applies for conciliation in regard to the dismissal.

Figure IV-15 Framework of the Individual Labor Dispute Resolution System



Source: Ministry of Health, Labour and Welfare, *Status on the Implementation of Individual Labour Dispute Resolution in FY2012* (released on May 31, 2013)

Figure IV-16 Trends in the Number of Cases of General Labor Consultations (FY 2002-2012)



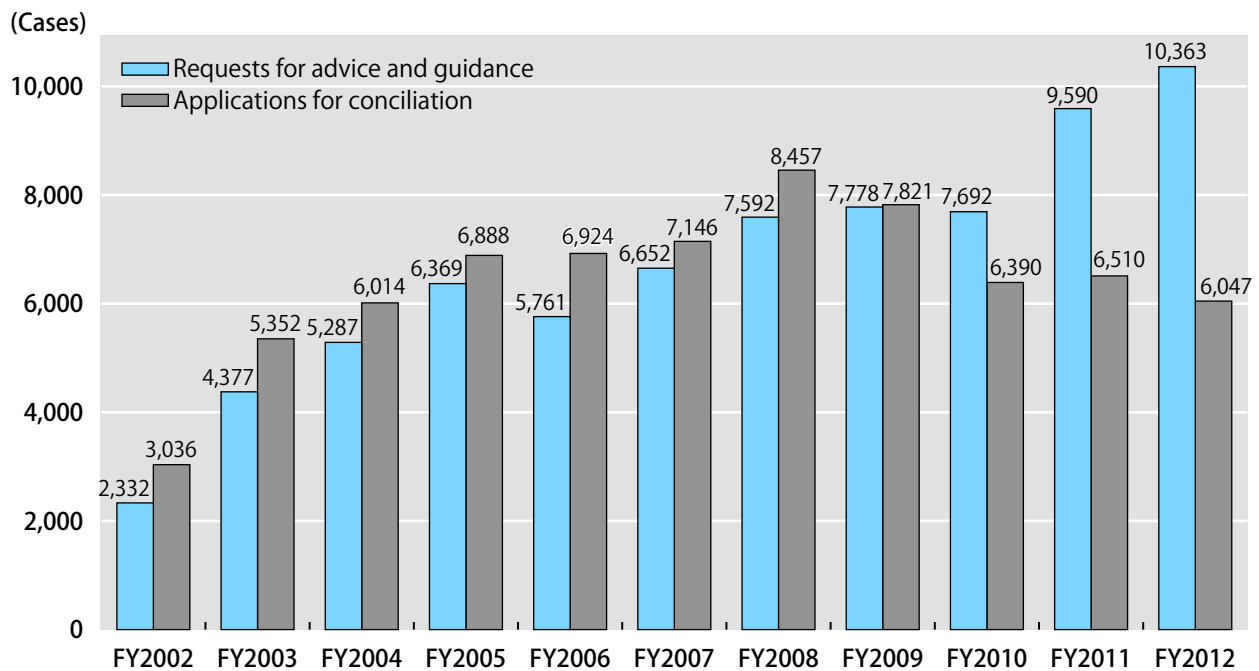
Source: Ministry of Health, Labour and Welfare *Status on the Implementation of Individual Labour Dispute Resolution in FY2012* (released on May 31, 2013), Figure 1

Table IV-17 Trends in Main Disputes over the Last Three Fiscal Years (Cases of Consultation concerning Civil Individual Labor Disputes)

| | 2010 | 2011 | 2012 |
|-----------------------------|--------------------|--------------------|--------------------|
| Bullying / harassment | 39,405 (+10.2%) | 45,939 (+16.6%) | 51,670 (+12.5%) |
| Dismissal | 60,118 (-13.0%) | 57,785 (-3.9%) | 51,515 (-10.9%) |
| Worsened working conditions | 37,210 (-2.4%) | 36,849 (-1.0%) | 33,955 (-7.9%) |
| Encouragement to retire | 25,902 (-2.3%) | 26,828 (+3.6%) | 25,838 (-3.7%) |

Source: Ministry of Health, Labour and Welfare, *Status on the Implementation of Individual Labour Dispute Resolution in FY2012* (released on May 31, 2013), Table 1

Note: Figures in parentheses denote the year-on-year change.

Figure IV-18 Trends in Requests for Advice & Guidance and Applications for Conciliation (FY2002-2012)

Source: Ministry of Health, Labour and Welfare, *Status on the Implementation of Individual Labour Dispute Resolution in FY2012* (released on May 31, 2013) Fig. 2

Table IV-19 Trends in Main Disputes over the Last Three Fiscal Years (Applications for Advice and Guidance)

| | 2010 | 2011 | 2012 |
|-----------------------------|-------------------|-------------------|-------------------|
| Bullying / harassment | 1,072 (+7.2%) | 1,466 (+36.8%) | 1,735 (+18.3%) |
| Dismissal | 1,710 (-13.9%) | 2,006 (+17.3%) | 1,811 (-9.7%) |
| Worsened working conditions | 840 (-8.5%) | 988 (+17.6%) | 1,084 (+9.7%) |
| Encouragement to retire | 696 (-3.2%) | 890 (+27.9%) | 900 (+1.1%) |

Source: Ministry of Health, Labour and Welfare *Status on the Implementation of Individual Labour Dispute Resolution in FY2012* (released on May 31, 2013) Table 4

Note: Figures in parentheses denote the year-on-year change.

Table IV-20 Trends in Applications for Advice and Guidance Processed within 1 Month

| | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|----------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| Cases | 3,909 | 4,957 | 6,063 | 5,372 | 6,295 | 7,250 | 7,405 | 7,490 | 9,270 | 10,019 |
| Ratio to total | 90.1% | 93.9% | 95.6% | 93.4% | 95.5% | 96.1% | 95.6% | 97.6% | 96.8% | 97.4% |

Source: Ministry of Health, Labour and Welfare, *Status on the Implementation of Individual Labour Dispute Resolution in FY2012* (released on May 31, 2013)

Table IV-21 Trends in Main Disputes over the Last Three Fiscal Years (Requests for Conciliation)

| | 2010 | 2011 | 2012 |
|-----------------------------|-------------------|-------------------|-------------------|
| Bullying / harassment | 965 (-7.7%) | 1,121 (+16.2%) | 1,297 (+15.7%) |
| Dismissal | 2,510 (-26.3%) | 2,415 (-3.8%) | 1,904 (-21.2%) |
| Worsened working conditions | 554 (-21.9%) | 597 (+7.8%) | 515 (-13.7%) |
| Encouragement to retire | 507 (-16.5%) | 523 (+3.2%) | 574 (+9.8%) |

Source: Ministry of Health, Labour and Welfare, *Status on the Implementation of Individual Labour Dispute Resolution in FY2012* (released on May 31, 2013) Table 7

Note: Figures in parentheses denote the year-on-year change.

Table IV-22 Trends in Requests for Conciliation Processed within 2 Months

| | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|----------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Cases | 4,706 | 5,462 | 6,270 | 6,396 | 6,484 | 7,299 | 7,325 | 6,005 | 6,014 | 5,683 |
| Ratio to total | 92.3% | 92.9% | 91.4% | 94.2% | 92.2% | 92.2% | 90.5% | 93.6% | 94.5% | 93.8% |

Source: Ministry of Health, Labour and Welfare, *Status on the Implementation of Individual Labour Dispute Resolution in FY2012* (released on May 31, 2013)

Figure IV-23 Overview of the Labor Tribunal System

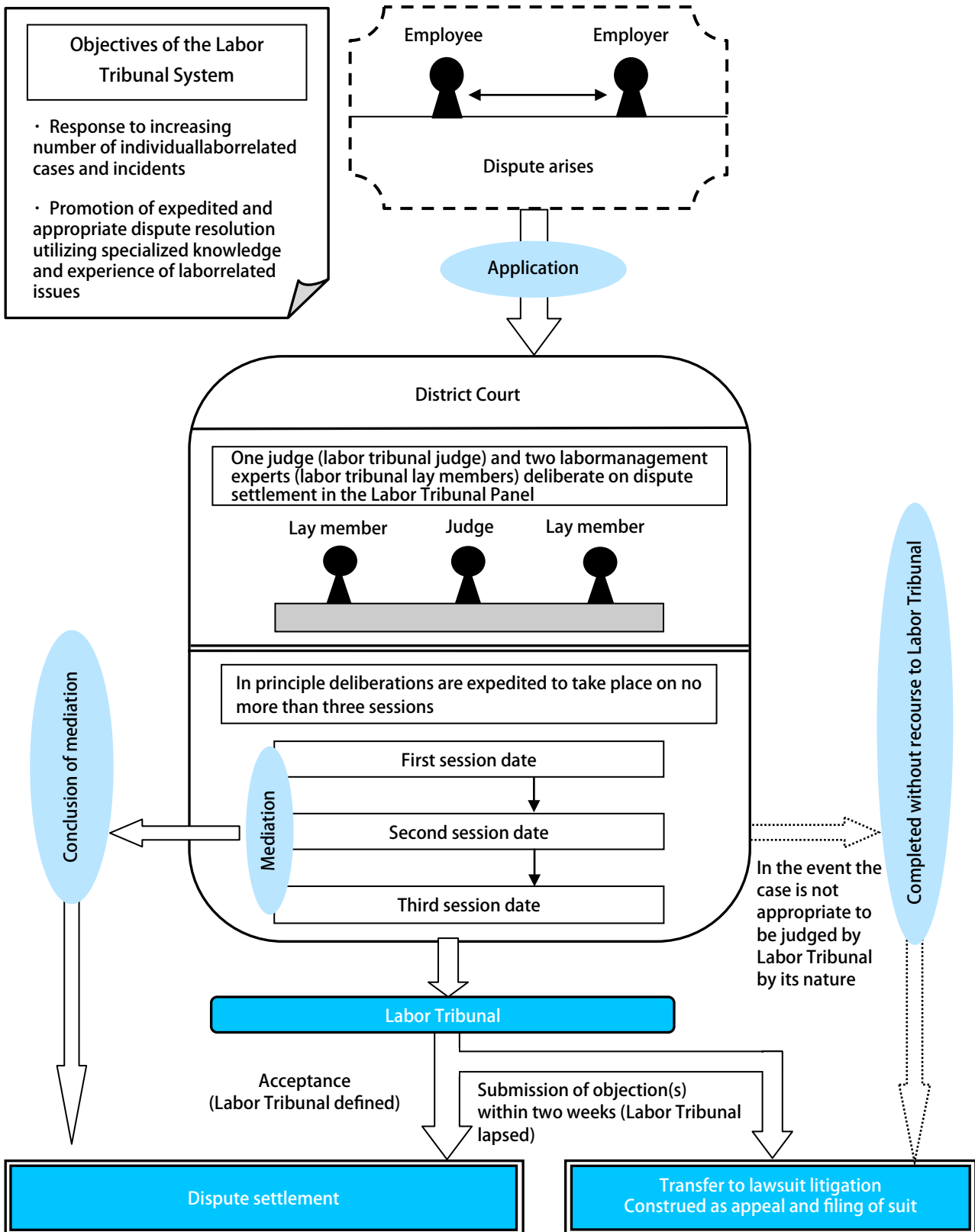
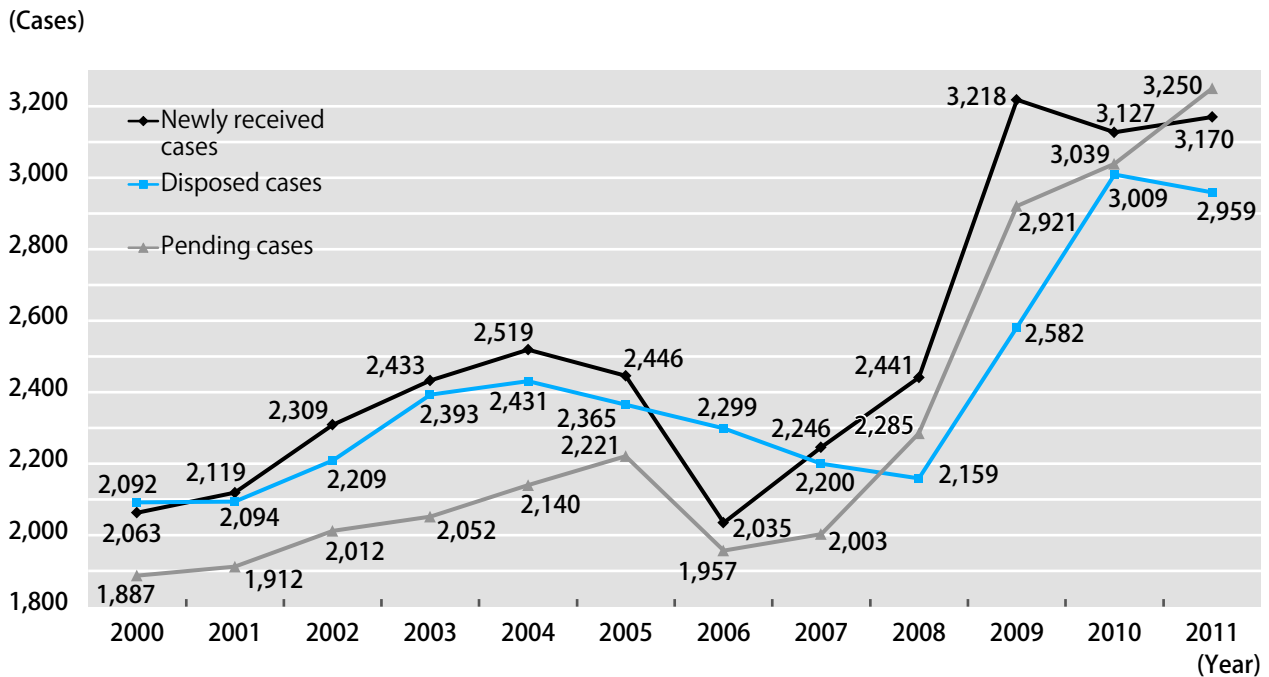


Figure IV-24 Number of Newly Received, Disposed, and Pending Ordinary Civil Litigation Cases concerning Labor Relations (District Courts, 2000-2011)



Source: Compiled by the author from General Secretariat of the Supreme Court, *2011 Overview of Civil and Administrative Labor Relations Cases*, Hosono Jiho (Lawyers Association Journal), Vol.64, No.8, p.47 (2012)

Table IV-25 Number of Newly Received Ordinary Civil Litigation Cases concerning Labor Relations by Party and Type of Claim (District Courts, 2003-2011)

| Year | Newly received | Total | Plaintiff: Employee Defendant: Employer | | | Plaintiff: Employee Defendant: Employer | Other |
|------|----------------|-------|--|------------|-------|--|--|
| | | | Confirmation of existence of employment contract, etc. | Wage, etc. | Other | Confirmation of absence of employment contract, compensation, etc. | Confirmation of invalidation of resolution of exclusion etc. |
| 2003 | 2,433 | 2,319 | 530 | 1,473 | 316 | 103 | 11 |
| 2004 | 2,519 | 2,309 | 573 | 1,427 | 309 | 186 | 24 |
| 2005 | 2,446 | 2,303 | 507 | 1,437 | 359 | 135 | 8 |
| 2006 | 2,035 | 1,900 | 456 | 1,130 | 314 | 124 | 11 |
| 2007 | 2,246 | 2,105 | 537 | 1,246 | 322 | 121 | 20 |
| 2008 | 2,441 | 2,300 | 638 | 1,249 | 413 | 126 | 15 |
| 2009 | 3,218 | 3,068 | 956 | 1,633 | 479 | 138 | 12 |
| 2010 | 3,127 | 2,951 | 951 | 1,650 | 350 | 145 | 31 |
| 2011 | 3,170 | 3,028 | 893 | 1,718 | 417 | 133 | 9 |

Source: Compiled by the author from General Secretariat of the Supreme Court, *2007 Overview of Civil and Administrative Labor Relations Cases*, Hosono Jiho (Lawyers Association Journal) Vol.60 No.8 p.50 (2008), id. *2009 Overview of Civil and Administrative Labor Relations Cases*, Hosono Jiho (Lawyers Association Journal) Vol.62 No.8 p.49 (2010) and id. *2011 Overview of Civil and Administrative Labor Relations Cases*, Hosono Jiho (Lawyers Association Journal) Vol.64 No.8 p.54 (2012)

Table IV-26 Ordinary Civil Litigation Cases concerning Labor Relations by Party – Number of Cases Disposed of and Outstanding (District Courts, 2005-2011)

| Year | Plaintiff | Total | Disposed Cases | | | | | | Outstanding |
|------|-----------|-------|----------------|--|--|--------------------|------------|----------------------|-------------|
| | | | Total | Judicial decision | | Decision/ order | Settlement | Withdrawal/ other | |
| | | | | Petition accepted (including partial acceptance) | Petition dismissed with prejudice, petition dismissed without prejudice | | | | |
| 2005 | Total | 2,365 | 884 | 539 | 345 | 26 | 1,185 | 270 | 2,221 |
| | Employee | 2,170 | 819 | 498 | 321 | 22 | 1,090 | 239 | 2,104 |
| | Employer | 186 | 59 | 38 | 21 | 4 | 94 | 29 | 96 |
| | Other | 9 | 6 | 3 | 3 | 0 | 1 | 2 | 21 |
| 2006 | Total | 2,299 | 844 | 518 | 326 | 28 | 1,139 | 288 | 1,957 |
| | Employee | 2,168 | 792 | 487 | 305 | 26 | 1,089 | 261 | 1,836 |
| | Employer | 117 | 44 | 27 | 17 | 2 | 44 | 27 | 103 |
| | Other | 14 | 8 | 4 | 4 | 0 | 6 | 0 | 18 |
| 2007 | Total | 2,200 | 767 | 475 | 292 | 24 | 1,092 | 317 | 2,003 |
| | Employee | 2,044 | 698 | 437 | 261 | 19 | 1,043 | 284 | 1,897 |
| | Employer | 135 | 57 | 31 | 26 | 5 | 47 | 26 | 89 |
| | Other | 21 | 12 | 7 | 5 | 0 | 2 | 7 | 17 |
| 2008 | Total | 2,159 | 750 | 443 | 307 | 26 | 1,115 | 268 | 2,285 |
| | Employee | 2,025 | 710 | 420 | 290 | 24 | 1,061 | 230 | 2,172 |
| | Employer | 116 | 32 | 19 | 13 | 2 | 47 | 35 | 99 |
| | Other | 18 | 8 | 4 | 4 | 0 | 7 | 3 | 14 |
| 2009 | Total | 2,582 | 914 | 554 | 360 | 23 | 1,314 | 331 | 2,921 |
| | Employee | 2,430 | 856 | 522 | 334 | 22 | 1,248 | 304 | 2,810 |
| | Employer | 136 | 46 | 24 | 22 | 1 | 63 | 26 | 101 |
| | Other | 16 | 12 | 8 | 4 | 0 | 3 | 1 | 10 |
| 2010 | Total | 3,009 | 916 | 580 | 336 | 33 | 1,668 | 392 | 3,039 |
| | Employee | 2,856 | 865 | 545 | 320 | 32 | 1,602 | 357 | 2,905 |
| | Employer | 137 | 45 | 31 | 14 | 1 | 60 | 31 | 109 |
| | Other | 16 | 6 | 4 | 2 | 0 | 6 | 4 | 25 |
| 2011 | Total | 2,959 | 933 | 594 | 339 | 24 | 1,599 | 403 | 3,250 |
| | Employee | 2,823 | 887 | 565 | 322 | 22 | 1,542 | 372 | 3,110 |
| | Employer | 119 | 37 | 23 | 14 | 2 | 52 | 28 | 123 |
| | Other | 17 | 9 | 6 | 3 | 0 | 5 | 3 | 17 |

Source: General Secretariat of the Supreme Court, *2009 Overview of Civil and Administrative Labor Relations Cases*, Hosoi Jiho (Lawyers Association Journal) Vol.62 No.8 p.50 (2010), and the same institute's *2011 Overview of Civil and Administrative Labor Relations Cases*, Hosoi Jiho (Lawyers Association Journal) Vol.64 No.8 p.55 (2012)

Notes: 1) Cases in which the plaintiff is the employee refer only to cases where the defendant in the case is the employer; cases in which both the plaintiff and the defendant are employees are included in "Other".

2) In this table, cases where the petition was dismissed with or without prejudice also include the number of cases of judgments for other reasons.

Table IV-27 Ordinary Civil Litigation Cases concerning Labor Relations: Number of Cases Disposed of by Deliberation Period – Average Deliberation Period (District Courts, 2005-2011)

| Year | Number of cases disposed of | Within 6 months | Within a year | Within 2 years | Within 3 years | Within 5 years | More than 5 years | Average deliberation period (months) |
|------|-----------------------------|-----------------|---------------|----------------|----------------|----------------|-------------------|--------------------------------------|
| 2005 | 2,365 | 786 (33.2) | 699 (29.6) | 708 (29.9) | 113 (4.8) | 52 (2.2) | 7 (0.3) | 11.2 |
| 2006 | 2,299 | 709 (30.8) | 685 (29.8) | 680 (29.6) | 157 (6.8) | 55 (2.4) | 13 (0.6) | 12.0 |
| 2007 | 2,200 | 701 (31.9) | 639 (29.0) | 649 (29.5) | 156 (7.1) | 52 (2.4) | 3 (0.1) | 11.7 |
| 2008 | 2,159 | 671 (31.1) | 633 (29.3) | 673 (31.2) | 135 (6.3) | 41 (1.9) | 6 (0.3) | 11.6 |
| 2009 | 2,582 | 886 (34.3) | 763 (29.6) | 754 (29.2) | 144 (5.6) | 33 (1.3) | 2 (0.1) | 10.8 |
| 2010 | 3,009 | 908 (30.2) | 918 (30.5) | 944 (31.4) | 189 (6.3) | 46 (1.5) | 4 (0.1) | 11.5 |
| 2011 | 2,959 | 831 (28.1) | 875 (29.6) | 1,016 (34.3) | 195 (6.6) | 37 (1.3) | 5 (0.2) | 11.9 |

Source: General Secretariat of the Supreme Court, *2009 Overview of Civil and Administrative Labor Relations Cases*, Hosoi Jiho (Lawyers Association Journal) Vol.62 No.8 p.51 (2010), and the same institution's *2011 Overview of Civil and Administrative Labor Relations Cases*, Hosoi Jiho (Lawyers Association Journal) Vol.64 No.8 p.56 (2012)

Note: Figures in brackets denote percentages of the total, with figures rounded to one decimal place. Consequently, the totals may not necessarily add up to 100.

Table IV-28 Number of Newly Received Labor Tribunal Cases by Type of Case (District Courts, 2006-2011)

| Year | Newly received | Non-pecuniary | | | Pecuniary | | | |
|------|----------------|---------------|------------------------|-------|-----------|--------------------|-----------------------|-------|
| | | | Confirmation of status | Other | | Wages and benefits | Retirement allowances | Other |
| 2006 | 877 | 463 | 418 | 45 | 414 | 266 | 66 | 82 |
| 2007 | 1,494 | 780 | 719 | 61 | 714 | 441 | 126 | 147 |
| 2008 | 2,052 | 1,078 | 1,022 | 56 | 974 | 620 | 114 | 240 |
| 2009 | 3,468 | 1,793 | 1,701 | 92 | 1,675 | 1,059 | 205 | 411 |
| 2010 | 3,375 | 1,693 | 1,633 | 60 | 1,682 | 1,100 | 161 | 421 |
| 2011 | 3,586 | 1,814 | 1,747 | 67 | 1,772 | 1,179 | 162 | 431 |

Source: Compiled by the author from General Secretariat of the Supreme Court, *2007 Overview of Civil and Administrative Labor Relations Cases*, Hosoi Jiho (Lawyers Association Journal) Vol.60 No.8 p.56 (2008), and the same institution's *2009 Overview of Civil and Administrative Labor Relations Cases*, Hosoi Jiho (Lawyers Association Journal) Vol.62 No.8 p.55 (2010), and the same institution's *2011 Overview of Civil and Administrative Labor Relations Cases*, Hosoi Jiho (Lawyers Association Journal) Vol.64 No.8 p.60 (2012)

Note: The figures for 2006 indicate the number of disposed cases from April to December of that year.

Table IV-29 Number of Disposed Labor Tribunal Cases by Reason for Conclusion (District Courts, 2006-2011)

(Cases, figures in brackets are percentages)

| Year | Number of cases disposed of | Labor tribunal judgment | | Successful mediation | Article 24 conclusion | Withdrawn | Rejected or transferred, etc. |
|------|-----------------------------|-------------------------|-----------------|----------------------|-----------------------|-----------|-------------------------------|
| | | | Objection filed | | | | |
| 2006 | 606 | 107 (17.7) | 74 [69.2] | 427 (70.5) | 19 (3.1) | 50 (8.3) | 3 (0.5) |
| 2007 | 1,450 | 306 (21.1) | 178 [58.2] | 997 (68.8) | 47 (3.2) | 93 (6.4) | 7 (0.5) |
| 2008 | 1,911 | 347 (18.2) | 228 [65.7] | 1,327 (69.4) | 59 (3.1) | 169 (8.8) | 9 (0.5) |
| 2009 | 3,226 | 600 (18.6) | 388 [64.7] | 2,200 (68.2) | 107 (3.3) | 294 (9.1) | 25 (0.8) |
| 2010 | 3,436 | 612 (17.8) | 364 [59.5] | 2,433 (70.8) | 121 (3.5) | 240 (7.0) | 30 (0.9) |
| 2011 | 3,513 | 641 (18.2) | 391 [61.0] | 2,502 (71.2) | 119 (3.4) | 227 (6.5) | 24 (0.7) |

Source: Compiled by the author from General Secretariat of the Supreme Court, *2007 Overview of Civil and Administrative Labor Relations Cases*, Hosojihō (Lawyers Association Journal) Vol.60 No.8 p.56 (2008), and the same institution's *2009 Overview of Civil and Administrative Labor Relations Cases*, Hosojihō (Lawyers Association Journal) Vol.62 No.8 p.55 (2010), and the same institution's *2011 Overview of Civil and Administrative Labor Relations Cases*, Hosojihō (Lawyers Association Journal) Vol.64 No.8 p.60 (2012)

Note: The figures for 2006 indicate the number of disposed cases from April to December of that year. Proportions given in the "objection filed" column indicate the proportion of cases for which objections were filed to the number of cases concluded by labor tribunal.

Table IV-30 Labor Tribunal Cases: Number of Cases Disposed of by Deliberation Period – Average Deliberation Period (District Courts, 2006-2011)

(Cases, figures in brackets are percentages)

| Year | Number of cases disposed of | Within a month | Within 2 months | Within 3 months | Within 6 months | Within 1 year | Average deliberation period (months) |
|------|-----------------------------|----------------|-----------------|-----------------|-----------------|---------------|--------------------------------------|
| 2006 | 606 | 36 (5.9) | 192 (31.7) | 207 (34.2) | 171 (28.2) | 0 | 2.4 |
| 2007 | 1,450 | 59 (4.1) | 428 (29.5) | 545 (37.6) | 408 (28.1) | 10 (0.7) | 2.5 |
| 2008 | 1,911 | 64 (3.3) | 598 (31.3) | 718 (37.6) | 517 (27.1) | 14 (0.7) | 2.5 |
| 2009 | 3,226 | 119 (3.7) | 1,096 (34.0) | 1,170 (36.3) | 827 (25.6) | 14 (0.4) | 2.5 |
| 2010 | 3,436 | 141 (4.1) | 1,240 (36.1) | 1,237 (36.0) | 799 (23.3) | 19 (0.6) | 2.4 |
| 2011 | 3,513 | 120 (3.4) | 1,325 (37.3) | 1,270 (36.2) | 772 (22.0) | 26 (0.7) | 2.4 |

Source: General Secretariat of the Supreme Court, *2009 Overview of Civil and Administrative Labor Relations Cases*, Hosojihō (Lawyers Association Journal) Vol.62 No.8 p.56 (2010), and the same institution's *2011 Overview of Civil and Administrative Labor Relations Cases*, Hosojihō (Lawyers Association Journal) Vol.64 No.8 p.61 (2012)

Table IV-31 Labor Tribunal Cases: by Number of Tribunal Sessions – Number of Cases Disposed of (District Courts, 2006-2011)

(Cases, figures in brackets are percentages)

| Year | Number of cases disposed of | No session | 1 session | 2 sessions | 3 sessions | 4 sessions | More than 5 sessions |
|------|-----------------------------|------------|------------|--------------|--------------|------------|----------------------|
| 2006 | 606 | 32 (5.3) | 101 (16.7) | 215 (35.5) | 245 (40.4) | 13 (2.1) | 0 |
| 2007 | 1,450 | 67 (4.6) | 235 (16.2) | 542 (37.4) | 563 (38.8) | 42 (2.9) | 1 (0.1) |
| 2008 | 1,911 | 101 (5.3) | 370 (19.4) | 717 (37.5) | 671 (35.1) | 49 (2.6) | 3 (0.2) |
| 2009 | 3,226 | 199 (6.2) | 687 (21.3) | 1,168 (36.2) | 1,079 (33.4) | 87 (2.7) | 6 (0.2) |
| 2010 | 3,436 | 171 (5.0) | 910 (26.5) | 1,289 (37.5) | 996 (29.0) | 67 (1.9) | 3 (0.1) |
| 2011 | 3,513 | 161 (4.6) | 917 (26.1) | 1,400 (39.9) | 933 (26.6) | 94 (2.7) | 8 (0.2) |

Source: General Secretariat of the Supreme Court, *2009 Overview of Civil and Administrative Labor Relations Cases*, Hosono Jiho (Lawyers Association Journal) Vol.62 No.8 p.56 (2010), and the same institution's *2011 Overview of Civil and Administrative Labor Relations Cases*, Hosono Jiho (Lawyers Association Journal) Vol.64 No.8 p.61 (2012)