

### Ⅲ 法案転換をめぐる史料

#### 1. TRADE UNION LAW（第8次案の原文）

- ・第8次案の原文たる英文。タイプ書きで全12頁（TUL file 上は、原史料の1頁が2つのコマに分割収録されている）。
- ・本史料は、後掲（Ⅲ－3）と同様、昭和20年法の英語訳のタイプ印刷を基本に、その抹消と新たなタイプ文字による追加が行われている。抹消線は抹消部分、下線は追加部分を示しており、これらは原本のものである。ただし、下線は原本では単語部分にのみ付されているが、作業上の便宜から、以下ではスペースも含めて下線を引いた（抹消線も下線もない部分は、昭和20年法の文章がそのまま残ったことを意味する）。
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- ・本史料の特に最初の部分は印字の状態が悪く、後掲3の史料から類推して判読した部分が少なくない。
- ・原文は行間を空けずに書かれているが、読みやすさを考えて、1条ごとに行間スペースを入れた。

史料出所：国立国会図書館 TUL file

Revision – 28 Mar 49

#### TRADE UNION LAW

##### CHAPTER I. GENERAL PRINCIPLES.

Article 1. ~~The aim of the present Act shall be to raise the status of workers and thereby contribute to economic development through the guarantee of the right of organization and the encouragement of collective bargaining.~~ The policies and purposes of the present Law are to elevate the status of workers by promoting an equality of bargaining power as between employers and their employees; to protect the exercise by workers of autonomous self-organization and association in labor unions so

that they may carry out collective action including the designation of representatives of their own choosing to negotiate the terms and conditions of their employment; and to encourage the practice and procedure of collective bargaining resulting in comprehensive trade agreements governing employer-employee relationships.

The provisions of Article 35 of the Criminal Code shall apply to collective bargaining and other acts of the trade unions which are appropriate, being performed for the attainment of the objects of the preceding paragraph. The provisions of this paragraph shall be defined by ordinance.

Article 2. Trade unions under the present Act shall be those organizations, or federations thereof, formed autonomously by the workers, with the workers as the main constituents, for the main purpose of maintaining or **【and】** improving the conditions of work and for raising the economic status of the workers, provided that this rule shall not apply to those:

1. ~~Which admit to membership the employer or persons who may be considered to represent the interest of the employer.~~ Which admit to membership persons representing the interests of the employer, including officers and ranking company officials; supervisory employees having direct authority to hire, fire, promote or transfer; supervisory employees having access to confidential information relating to the companies' labor relations plans and policies so that their official duties and obligations directly conflict with their loyalties and obligations as members of a trade union composed of rank and file employees of a company.

2. ~~Which depend on the employer's aid for the major expenses of the organization.~~ Which receive the employers' financial support in defraying the organizations' **【operational】** expenditures. Provided that this shall not apply to prevent an employer from permitting employees to confer or negotiate with him during working hours without loss of time or pay; or to the employer's contribution for welfare and similar funds which are in fact used for benefit payments to prevent or relieve economic misfortune or distress; or to the furnishing or minimum office space or **supplies.**

3. Whose objects are confined to mutual aid work or other welfare work ~~among the members.~~

4. Which principally aim at carrying on political or social movements.

Article 3. Workers under the present Act shall include those who live by wages,

salaries or other remuneration assimilable thereto regardless of the kind of occupation.

Article 4. Police, fireman and employers of penal institutions shall be denied the right to organize or to join trade unions.

~~As regards other government officials, subordinate officials and municipal officials, and those employed by the state or public bodies, separate regulations may be made by ordinance for the application of the present Act, provided that this rule shall not apply to the prohibition of their organizing a trade union or of their joining such as members.~~

## CHAPTER II. TRADE UNIONS

~~Article 5. Representatives of trade unions shall submit to the administrative authorities within the week after formation of the trade union, its statute and the list of names and addresses of its officers.~~

~~When changes occur in the particulars as laid down in preceding paragraph, a report thereon shall be submitted to the administrative authorities within a week thereafter.~~

Unless the labor union has submitted acceptable proof [to the LRC concerned] of compliance with the provisions of Article 2 and paragraph 2 of this Article, the union shall not be eligible to participate in the formal procedures provided in this Law and in the Labor Relations Adjustment Law (Law No.25. 1946), nor may the labor union be accorded the remedies provided therein nor the exemptions provided in Article 13 of this Act. 【Provided that that nothing herein shall be construed as invalidating the provisions of the Employment Security Law.】（注・"that"の重なりは原文ママ）

The constitution of the trade union shall include provisions establishing the following:

1. Name of union.
2. Address of the main office.
3. Members of the local trade union shall have the right to participate in all affairs of the union and the right <?> <?> <?> <?> <?> <?> to be rendered equal treatment.
4. In no event shall anyone be discriminated against after passing qualifications as a member of the local [disqualified for the union ship] because of race, religion social status or family origin.（注・"ship" は "membership"の誤記か）
5. Local officials or union officials of a local union shall be elected by secret ballot directly by the members. National union officials may be elected by

delegates selected by secret ballot of the members of the local union.

6. General meeting of the membership shall be held at least once every year.

7. Financial report showing all sources of revenue and expenses, name of main contributors and present financial status, shall be made public to the members at least annually by the union, together with certification of its accuracy by a professionally competent auditor appointed by the members.

8. No strike action shall be started without the decision made by secret ballot either directly by all members or directly by all representatives directly elected by all members of the union.

【9】 No union constitution shall be revised except by a majority vote of the membership.

~~Article 6. When a report has been submitted in accordance with paragraph one of the preceding Article and the union concerned is not in conformity with Article 2, the administrative authorities shall take action in accordance with the stipulations of ordinance following the resolution of the Labor Relations Committee.~~

~~The provisions of the preceding paragraph shall apply mutatis mutandis to the case of an organization set up as a trade union which has ceased to conform to Article 2.~~

~~Article 7. The statute of the trade union shall contain at least the following particulars:~~

- ~~1. Name of the union.~~
- ~~2. Address of the main office.~~
- ~~3. If the union is a legal person, statement to that effect.~~
- ~~4. Objects and business of the union.~~
- ~~5. Rules relating to membership or to affiliated unions.~~
- ~~6. Rules relating to meetings.~~
- ~~7. Rules relating to the representatives of the union and other officers.~~
- ~~8. Rules relating to expenditure and accounts of the union.~~
- ~~9. Rules relating to revision of the statute of the union.~~

~~Article 8. When the statute of a union contravenes law or regulations, the administrative authorities may order its alteration following the resolution of the Labor Relations Committee.~~

~~Article 9. The trade union shall keep a membership list or a list of affiliated unions.~~

Article ~~10~~. 6. Representatives of a trade union or those to whom the powers therefore are delegated by the union shall have the power to negotiate with the employer on behalf of the members of the union for conclusion of a trade agreement or on other matters.

Article ~~11~~. 7. ~~The employer shall be disallowed to discharge or give a discriminatory treatment to a worker for his being a member of a trade union, for having tried to form or join a trade union, or for having performed proper acts of a trade union.~~

~~No employer shall make it a condition of employment that the worker must not join or must withdraw from a trade union.~~

~~(As amended by the Labor Relations Adjustment Law, 13 Oct 1946)~~

It shall be illegal for an employer:

1. To discharge an employee or discriminate against him in regard to hire or tenure of employment or any term or condition of employment for the purpose of encouraging or discharging【couraging】 membership in any labor organization. Further, no employer shall, as a condition of employment, require that a worker refrain or withdraw from membership in a trade union; provide, however, that nothing in this law preclude an employer from making an agreement with a labor organization to require, as a condition of employment, membership therein if such labor organization is the majority representative of the employees.

2. To refuse to bargain collectively in good faith with the representatives of his employees. (注・手書きで追加のような文言があるが、判読不能)

3. To dominate or interfere with the formation or administration of any labor union by workers or contribute financial support in defraying the organization's expenditures, provided that this shall not apply to prevent an employer from permitting employees to confer or negotiate with him during working hours without loss of time or pay or to the employer's contributions for welfare or similar funds, which are in fact used for benefit payments to prevent or relieve economic misfortune or distress or to the furnishing of minimum office space and supplies.

Article ~~12~~. 8. No employer shall claim indemnity from a trade union or members or officers of the same for damages received through a strike or other acts of dispute which are proper acts.

(注・文末に手書きで、"nor shall he be permitted to discriminate against an employee for such acts"と追加した後、抹消している)

Article ~~13~~. 9. When a trade union intends to use for other purposes the funds specially set up for mutual aid and other welfare work, it shall obtain the resolution of the General Meeting of the union.

Article ~~14~~. 10. The trade union shall be dissolved in the following cases:

1. Occurrence of the circumstances requiring the dissolution as provided in the statute of the union.

~~2. Bankruptcy of the union.~~

~~3.~~ 2. Resolution for the dissolution adopted by the General Meeting of the union with at least three-fourths majority of the total membership or of the affiliated unions.

~~4. The decision taken under the provisions of Article 6.~~

~~5. Court action of dissolution order issued in accordance with the provisions of Article 15.~~

~~Article 15. When a trade union frequently violates laws and ordinances and disturbs peace and order, the Court may order dissolution of the union at the request of the Labor Relations Committee.~~

~~Necessary matters relating to procedure under the preceding paragraph shall be fixed by ordinance.~~

Article ~~16~~. 11. A trade union shall acquire the status of legal person by registering at the place where its main office is located.

The matters necessary for registration other than were provided in this Act shall be fixed by ordinance.

As regards the matters which require registration for a trade union, they shall have no effect against any third person unless a registration has been effected.

Article ~~17~~. 12. The provisions of Article 43, 44, 50, 52-55, 57 and 72-83 of the Civil Code and of Articles 35, 36, 37 clause 2, 126 paragraph 1, 137 and 138 of the Law on Procedure of Non-Contentious cases shall apply mutatis mutandis to trade unions which are legal persons.

Article ~~18~~. 13. Trade unions which are legal persons shall be exempted from income tax and taxes charged on legal persons in accordance with the provisions of an Ordinance.

### CHAPTER III. TRADE AGREEMENTS

Article ~~19~~. 14. The agreement between a trade union and the employer or organization of the latter concerning conditions of work will take effect when the agreement is signed by the parties concerned.

~~Parties concerned shall submit the trade agreement to the administrative authorities within the week after signing of the trade agreement.~~

~~Article 20. 15. No trade agreement shall fix a term exceeding three years. Trade agreements shall include a provision fixing a definite termination date and shall in no event run for a period exceeding three years.~~

~~Upon the expiration of the aforesaid termination date, no trade agreement shall continue in effect unless without the consent of authorized representatives of the employer and the labor union; provided, however, that nothing in this law shall be construed to preclude provisions in a trade agreement concerning advance notice expressed by the [both] parties of a desire to effect a removal [renewal] thereof.~~

~~Article 21. When a trade agreement is signed, the parties concerned shall mutually assume the obligation to cooperate in all sincerity for giving effects to the agreement for the enhancement of efficiency and maintenance of industrial peace.~~

~~Article 22. When a standard is fixed by a trade agreement concerning conditions of labor and treatment of workers (when a special organ exists for fixing such standards in accordance with a trade agreement, the standards fixed by that organ shall come under this provision and this rule shall apply to all the cases where the same terms occur hereafter) any provision of a labor contract contravening the standard mentioned shall be void and the invalidated part of the labor contract shall be replaced by the provisions of the above-mentioned standard. The same rule shall apply to the part which is not laid down in the labor contract. (注・欄外に手書きで、"Want to strike part in parentheses"と書いているように読める。)~~

~~Article 23. 16. When three-fourths or more of the workers normally employed in a factory, mine or other places of employment come under application of a trade agreement, the remaining workers shall ipso facto be bound by the same agreement.~~

~~Article 24. 17. When a major part of the workers of similar kind in a given locality come under application of a certain trade agreement, the administrative authority may at the request of either one or two of the contracting parties [and according to the decision of the L. R. C.] take the decision to extend the compulsory application of the contract (including the part revised under provisions of the second paragraph) to all the remaining workers of the same kind in the same locality and to the employer.~~

~~In case the Labor Relations Committee deems, in making the resolution of the resolution of the preceding paragraph, that the trade agreement in question contains inappropriate provisions, the Committee may amend those provisions.~~

~~The decision shall become effective by public notification.~~

~~Article 25. When there is a provision in the trade agreement to the effect that~~

~~disputes concerning matters in the same agreement be put to conciliation or arbitration, it shall be disallowed to engage in strike, lookout or perform acts of dispute except in case of failure of either conciliation or arbitration.~~

#### CHAPTER IV. LABOR RELATIONS COMMITTEE.

Article ~~26.~~ 18. Labor Relations Committees shall be set up consisting of equal numbers of representatives of employers and workers and of ~~neutral~~ public members.

The administrative authorities shall appoint the representatives of the employers in accordance with the recommendations of the employers' organizations, those of workers with the recommendation of the workers' trade unions and the ~~neutral~~ public members with the agreement of the representatives of employers and of workers.

The Labor Relations Committee **【s】** shall consist of ~~National~~ Central Labor Relations Committee and Prefectural Labor Relations Committee ~~and in case of a special need, special Labor Relations Committees may be set up for a given locality or to deal with special matters.~~ (注・手書きで行間に、"the C. L. R. C."、"maritime central & local committees"と書き込んでいるように読める)

The members of a Labor Relations Committee and the staff attached thereto as provided by ordinance shall be regarded as staff members engaged in official business under laws and ordinances.

Matters relating to Labor Relations Committees other than those laid down in the present Act shall be fixed by ~~Imperial~~ Ordinance.

Article ~~27.~~ 19. In addition to the provisions under Article ~~6, 8, 15,~~ **【5】** 17, 24, 25, 26, 27, and ~~35~~ 28, the Labor Relations Committees shall have authority to perform the following functions:

1. Compilation of statistics on labor disputes and investigation of conditions of labor.
2. Mediation in collective bargaining and prevention of labor disputes.
3. Arbitration and conciliation **【& mediation】** in disputes.

The Labor Relations Committee may submit to the competent administrative authorities **【<?>】** for improving conditions of labor.

(注・1項柱書きの24、25、26、27には、手書きで括弧が付いている。また、1項1号・2号と2項の横には、手書きで"cut"と書かれている。なお、3号の"in"は、"of"に修正したように見えなくもない)

Article ~~28.~~ 20. When the Labor Relations Committee deems it necessary for **【the】** public welfare or when the **【both】** parties concerned request it, the proceedings of a Labor Relations Committee may be made public.



Article ~~29~~, 21. When it is necessary for carrying out its work, the Labor Relations Committee may require the attendance or presentation of reports of the employer or of his organization and the worker or others concerned or it may require the presentation of books and documents necessary for investigating conditions of labor or it may also have its members or staff of the committee (hereafter called simply staff) as provided by order under Article 26 clause 4 inspect factories, mines and other places of employment involved or inspect the conditions of business books and papers and other objects.

Article ~~30~~, 22. The members and those who were members as well as the staff or those who were on the staff of a Labor Relations Committee shall be disallowed to disclose any secret information obtained in performing their functions.

Article ~~31~~, 23. The provisions of Chapter III shall apply mutatis mutandis to the agreements handled by the Labor Relations Committee but to which a trade union is not a party concerning the standard of work and other terms relating to the treatment of workers. (注・本条は欄外には手書きで"cut"と書かれている)

Article ~~32~~, 24. When the conditions of labor or of treatment of workers are especially inappropriate, the Labor Relations Committee may, after investigation of actual conditions, formulate concrete proposals and submit a representation to the administrative authorities.

When the representation of the foregoing paragraph is received and the administrative authorities deem it necessary, they may issue the direction for a fixed standard or working conditions or of treatment of workers to the employer.

When the employer receives the direction of the foregoing paragraph, he must take necessary measures to let all the workers know of the direction without delay.

The standard as directed in accordance with the provisions of paragraph two above shall have the same effects as the trade agreement on the employer and workers concerned.

Article 25. Only the public members of the Central Labor Relations Committee shall participate in the adjudication of cases arising under Articles 5 and 7, provided, however, that nothing shall preclude the public members from conferring with the representatives of labor and employer groups before reaching a decision.

Article 26. The Central Labor Relations Committee shall have authority to perform the functions described under the provisions of Articles 17, 19, 25, 26, 27, and 28. The Central Labor Relations Committee may assume initial jurisdiction in all cases involving conciliation, mediation, arbitration, and adjudication of cases or other adjustment of labor disputes which cover two or more prefectures or which present

issues of national import. Decisions of the prefectural labor relations committees shall be subject to the review of the Central Labor Relations Committee with full authority to reverse, accept, reject, or modify such decisions.

Article 27. The Central Labor Relations Committee shall have authority to formulate and promulgate rules of procedures for the prefectural labor relations committees.

Article 28. If the Labor Relations Committee has determined that an employer has violated Articles 7 and 24 of this Law, the Committee shall state its findings and shall cause to be served upon the employer an order requiring him to cease and desist from such violations and to take such affirmative action, including reinstatement of discharged employees with or without back pay as will effectuate the policies of this Law. The employer shall comply with the order within ~~15~~ 【30】 days or file a petition in the district court challenging the legality of the order. The district court shall give presumptive weight to the fact findings of the Labor Relations Committee and shall otherwise determine, according to applicable legal standards, whether the order is in conformity with the law and ordinances. Matters referred to the district court by the Labor Relations Committee shall be given the greatest possible expedition, and the orders of the labor relations board shall be affirmed, modified or set aside, giving the proceedings precedence over all other matters except older matters of the same character.

## CHAPTER V. PENALTIES

~~Article 33. 29. In case of violation of the provisions of Article 11 (eleven), the person who committed the act shall be liable to imprisonment not exceeding six (6) months or to a fine not exceeding Five Hundred Yen (¥500.00).~~

~~The offense of the foregoing paragraph shall be acted up on at the request of the Labor Relations Committee.~~

If an order of a Labor Relations Committee is sustained by the court in accordance with the provisions of the preceding Article, further non-compliance by the employer shall subject him to 【not more –】 one year of penal servitude or a fine of One Hundred Thousand Yen (¥100,000) or both.

~~Article 34. 30. Those who contravene the provisions of Article 30 22 shall be liable to fine not exceeding One Thousand Yen (1,000 Yen) One Hundred Thousand Yen (¥100,000).~~

~~Article 35. 31. Those who contravene the provisions of Article 29 21 and fail to~~

present reports or make false reports or fail to submit the books and papers or contravene the provisions of the same Article and fail to present themselves or refuse, obstruct or evade the inspection under the provisions of the same Article shall be liable to a fine not exceeding ~~Five Hundred Yen (500.00 Yen)~~ One Hundred Thousand Yen (¥100,000).

Article ~~36.~~ 32. When a legal person or the deputy of a person, the head of a family, members of a family, a co-habitant of a family, employees of others engaged for work contravened the provisions of the first portion of the preceding Article, in connection with the business of a legal person or of a person, the said legal person or person shall not be immune from penalty on the ground of not having given order for such contravention.

The provisions of the first portion of the preceding Article shall apply to the directors, managers or other officers who execute the business of the legal person in case the employer is a legal person and to the legally fixed deputy in case the employee is a minor or a person adjudged incompetent provided that this rule shall not apply to a minor who has the same capacity as an adult in the performance of business.

Article ~~37.~~ 33. The representative or liquidator shall be liable to fine not exceeding ~~Five Hundred Yen (500.00 Yen)~~ One Hundred Thousand Yen (¥100,000) in any of the following cases:

~~1. When he failed to submit the report prescribed in Article 5, paragraph 2 (inclusive of the case where it applies mutatis mutandis under provisions of Article 31) or make a false report.~~

~~2. When he failed to keep the list as prescribed in Article 9.~~

~~3. When he failed to register under this Act or under the Ordinance issued under this Act.~~

~~4. 1. When he contravened Article 79 or Article 81 of the Civil Code which are applied mutatis mutandis pursuant to Article 17 12 and failed to make public notification or when he made a false notification.~~

~~In case of contravention of the provisions of Article 19, paragraph 2 (including the case where the provisions are applied mutatis mutandis under Article 31), failing to make the report or making a false report, the party to the trade agreement other than the trade union (representative in case the party concerned is an organization) shall be liable to a fine not exceeding Fifty Yen (50.00 Yen).~~

~~2. When the employer contravened the provisions of Article ~~32~~ 24, paragraph 3, he shall be liable to a fine not exceeding Fifty yen (50.00 Yen).~~

## -- SUPPLEMENTARY REGULATIONS --

The date of enforcement of this Act shall be fixed **【within 30 days of the enactment】** by ~~Imperial~~ Ordinance.

~~Trade unions existing actually at the date of enforcement of this Act shall submit reports applying mutatis mutandis the provisions of Article 5 within a week after the date of enforcement of this Act.~~

The following amendment shall be made in the Act in Registration Tax:

In Article 19 clause 7, “Federation of Cooperative Societies” shall be amended to read “Federation of Cooperative Societies, Trade Unions” and “Cooperative Societies Act” to read “Cooperative Societies Act, Trade Union Act.”

## 2. Opinions and Questions of the Labor Ministry Concerning Your Recommendation given on March 26, 1949 for the Draft for Revising the Trade Union Law

- ・第8次案に対する日本の労働省の意見と質問。タイプ書きで全9頁。
- ・下線や抹消線は原文のもの。点線による下線は、注記のために編者が追加した。2つの単語がつながってしまったのを訂正するために手書きでスラッシュを入れたと思われる箇所についても、2つに分けて記した上で、点線による下線を付した。
- ・手書きの書き込みのうち、タイプ印字の修正に関わるものは注記しているが、それ以外のは判読困難なものが多いため、注記を見送った。
- ・行頭のインデントの不揃いは、原文のまま。

史料出所：国立国会図書館 TUL File

Opinions and Questions of the Labor Ministry Concerning  
Your Recommendation given on March 26, 1949 for the Draft  
for Revising the Trade Union Law.

March 31, 1949

Labor Policy Bureau,  
Labor Ministry.

### Article 1, Paragraph 1.

- (1) From the view point that it does not change the principles of the existing Law, it is appropriate to provide that the final purpose of this Law is “to elevate the status of workers” by means of “promoting”, “protecting ....” and

“encouraging ...” and not to provide the purposes as “to elevate the status ...” “to protect ...” and “to encourage ...”, all of them as equally important purposes.

- (2) To state the final purpose as “to contribute to economic development” is necessary to keep balance with the Labor Ministry Establishment Law, Labor Relations Adjustment Law and Employment Security Law which have also such provision; and necessary from economic nature of labor unions and in relation to Economic Nine Principles.
- (3) Since the provision concerning the bargaining unit is stricken out, it seems rather meaningless to state “to encourage the practice and procedures of collective bargaining ...” as one of the purposes of this Law under Article 1.
- (4) It is desirable to change “the policies and purposes of the present Law” to only “the purpose”, because there has been no such example in other Japanese Laws.

#### Article 1, Paragraph 2.

- (1) If the provisions of this Paragraph shall be defined by ordinance, some will suspect that the cabinet can decide by itself, as it likes, which act of a labor union is proper and which is improper, and it might be abused so actually.
- (2) The definition of “proper” is to be the interpretation as to which acts of a labor union can be included in “proper business” under Article 35 of the Criminal Code, and thus fundamentally it is the interpretation of Articles 35 of the Criminal Code; and in consideration of the history and character of the same Article, no clear interpretation of only one special part can be made by ordinance.
- (3) The Liberal Party and the employer representatives expressed their strong wish to make clarify the scope of “proper act” in this Law.

#### Article 2.

##### Clause 1.

- (1) “Which admits to membership the employer” should be added.
- (2) The meaning of “ranking company officials” is not clear. (As to this point, labor, management and neutral representatives criticized it ) on the public hearing.)

- (3) “Loyalties and obligations as members of a trade union composed of rank and file employees of a company” might lead to an interpretation that every supervisory employee of a company who is at such post in relation to rank and file employee cannot join any labor union and so no ranking officials union can be recognized at interpreting of the provision. Shouldn’t it be “... loyalties and obligations as members of the labor union concerned.”?
- (4) There is a probability of provision of this clause being misinterpreted as that “such persons having access to confidential information “relating to other matters than labor relations plans are not included in the persons who represent the employers’ interest.
- (5) As there is a probability of plant protection guards being not included, isn’t it more appropriate to change “persons representing the interest of employer... to (注・ employer to”となっていたのを手書きで修正) persons who are at the post which makes them carry out their functions representing the interest of the employer. By stating like this, the formation of “a ranking officials’ union” can be more clearly admitted at interpreting.

## Clause 2.

- (1) Do the modifying clauses to “employer’s contribution for welfare and similar funds” aim to restrict the kinds of welfare funds? Your recommendation (注・ ation は手書きによる追加) might be interpreted as not to include any such welfare institution as recreational institution.
- (2) It is too severe for a labor union that it shall loose its qualification as a labor union if it receives only one yen from the employer other than those provided in the proviso. (注・ loose は lose の誤りか)  
It seems more appropriate to set forth only as “substantial expense.”
- (3) As for the payment to the full-time union officials, it will be advisable to write it down clearly as an example of financial support, considering what has taken place concerning this question.
- (4) As for “furnishing of minimum office space or supplies”, it is very difficult to decide objectively what is minimum, and thus the union could demand unlimitedly or the employer can give financial support under the pretention of such furnishing. Furthermore, since the Labor Vice-Minister’s Instruction and the guidance which have been made to the unions prohibited such, it seems

improper.

- (5) Is it not necessary to provide for wage compensation for the time lost to attend reasonable number of general meetings?

Article 4, Paragraph 1.

- (1) As same kind of provision is provided for in Article 98, Paragraph 4 of the Revised National Public Service Law (Nov., 1948), this provision is not necessary. According to Article 16 of supplementary provisions of the same Law, the Trade Union Law and the Labor Relations Adjustment Law are not applied to policemen or other government (注・手書きによる追加) officials. Accordingly this provision is meaningless. This is to be revoked.

Article 5, Paragraph 1.

- (1) What is meant by “acceptable proof”?
- (2) Who gives the proof? To whom is the proof submitted?
- (3) Is it enough to submit the proof once to such person as Governor? Or is it necessary to submit it at each time?
- (4) Unless the Governor or the Labor Relations Committee gives certification with authorized power, what happens if the other party denies the proof whenever the case occurs?
- (5) What is meant by “formal procedures”?
- (6) What is the scope of “remedies”?
- (7) Though the unions may not be accorded to the remedies, provided in this Law, can they be accorded to remedies under the Civil Suit as for unfair labor practice? - i.e. does unfair labor practice exist for unqualified unions? (under Article 7, is the employer prohibited to discharge any (注・原文はミスタイプによりつながっている) worker by reason of his being a member of an unqualified union, which, in this case, cannot file such act of the employer in violation with the Labor Relations Committee?).
- Your recommendation could be explained so, and if it is so, it seems to be improper.

- (8) Can an unqualified union not participate in mediation? Or can it participate in it with the same qualification as a mere strike group of workers?
- (9) Any unqualified union cannot be exempted from tax, but can such a union be registered as a juridical person? From your comment, it could be so understood. But then all claimed labor union can be a juridical person, and it is very improper.
- (10) For the purpose of acquainting with the real condition and status of the unions and performing labor administration, it is absolutely necessary that any union at its formation should submit its information. Submittance of information is also necessary for the purpose of knowing whether the Constitution submitted as a proof is true or not.

(注・(2)、(5)、(6)の文末の疑問符は、手書きの追加)

Paragraph 2.

Clause 4.

- (1) What is the reason of your changing creed to religion?  
Does it mean that such act of a union which denies membership to any one by reason of his being, for instance, a Communist, can be permitted? Isn't any trouble anticipated in relation to Article 14 of the Constitution?

Clause 5.

- (1) What is the accurate meaning of "local", and what is the difference between "local officials" and "officials of local union"?
- (2) What do you think of saying "labor union which is a federation instead of "national union"? Because, it seems that election by delegates should be permitted not only for a national union but for such a federation which cover several prefectures.

Clause 8.

It seems that not only strike act but all other acts of dispute shall be started with the decision made by secret direct ballot.



Others.

- (1) It seems necessary to require the union constitution to provide for such particulars besides those mentioned as that it is a juridical person if it is so, purpose and business, qualification, rights and duties of a member or a local, matters concerning union meeting and officials and matters concerning accounts etc. Such kind of things are fundamental things for the existence of a union without these provisions, it cannot be said a union constitution.

Article 7.

- (1) “Discouraging membership” in the first part of clause 1 and the stipulation in the second part of the same clause seem to be a duplication. Is it not so?
- (2) Provision in the proviso in the second part of clause 1 should be put to the first part of the same clause as a proviso, because it is an example of “encouraging membership”.
- (3) “Those to whom the powers therefore are delegated by the union” in Article 6 is the same meaning as “those who are commissioned by the union”. So it seems unappropriate to omit “those who are commissioned by the union” in clause 2, since the “power to bargain collectively” is recognized to such people.
- (4) “In good faith” in clause 2 should be defined more definitely with examples. Shouldn’t it?
- (5) As for “contribution which are in fact used for benefit payments ...” in clause 3 is the employer responsible if the union uses such contribution by the employer for other purposes by itself?
- (6) As for clause (注・cclause となっていたのを手書きで補正) 3, same questions as stated concerning Article 2 clause 2 in (1), (3), (4) and (5) besides the aforesaid question exist.
- (7) It is necessary to (注・手書きによる追加) provide for protection provisions for doing proper acts of dispute and other proper acts of a labor union (Par. 1, Art. 11 of the existing Law) and concerning the filing of unfair labor practice case with the Labor Relations Committee.
- (8) Not only “the employer” but the “employers’ organizations should be

prohibited to do such acts provided for in each of the clauses of Article 7.

(注・organization の後ろに必要と思われる引用符は欠落)

#### Article 11.

- (1) According (注・原文は Accor.ding とミスタイプされている) to the principle of the existing Bankruptcy Law, it must be stated as that any juridical person is naturally dissolved when it is bankrupt.
- (2) It is necessary to provide clearly that no unqualified union can be a juridical person. If an unqualified union could be a juridical person, much trouble and confusion will occur in existing laws system. Because, while other juridical persons are permitted only when they satisfy very strict requirements, any organization with the name of a labor union can be a juridical person if it is only registered as such. Furthermore, if only a qualified union can be a juridical person by registration, then the registry office has to investigate the qualification at each time if the provisions are only as such, it will cause much trouble. Some necessary provision should be provided for either in Article 5 or in this Article.

#### Article 14.

- (1) The submittance of labor agreement is absolutely necessary for knowing the real status, for educating the union and for applying the provision of Article 17.

#### Article 15.

- (1) What is meant by the proviso?
- (2) The former portion of Article 21 and Article 22 of the existing Law are absolutely necessary provisions from the present Japanese legal system. Without them, the effect of labor agreement is half lost. However, provision in the blanket is not necessary.

#### Article 17.

- (1) The translation of the existing Law which the Labor Division has drops a phrase in Article 17 (Article 24 of the existing Law) In Japanese it is “at request of either one or two of the contracting parties and according to the decision of the Labor Relations Committee ...”

- (2) As for Article 25 of the existing Law, the Liberal Party and the management representatives expressed their strong wishes that the establishment of a grievance machinery should be provided for. Is not it necessary to provide for about bargaining unit?

(注・(2)の最後の1文の冒頭には#がタイプされている)

#### Article 18.

- (1) As for the provision of Par. 4, if no change is made to the provision of the existing Law, the members of the Central Labor Relations Committee are covered by the National Public Service Law. Some special exemption rule of the National Public Service Law should be provided for in the Law.
- (2) Such provisions concerning the establishment of the Labor Relations Committee, jurisdiction of the Central and Prefectural Labor Relations Committee, number of the members, term of office, appointment and discharge, chairman, calling of meetings, method of making decision, Business Bureau, Maritime Labor Relations Committee etc., which are provided for in the existing Enforcement Ordinance of the existing Law and compensation should be provided for in the Law itself as a legislation under the new Constitution.

Also the compensation of the expenses and rewards for the members of the committee should be provided for in this Law.

#### Article 19.

- (1) It is a duplication to provide separately the functions of the Central Labor Relations Committee in Article 26.
- (2) Clause 1 and Clause 2 should be stricken out, because such functions are under the Labor Policy Bureau.
- (3) The provision of Par. 2 which enables the Labor Relations Committee to submit the competent (注・compentent となっていたのを手書きで修正) administrative authorities for improving conditions of labor is not necessary, because such recommendation is now not to be made by the Labor Relations Committee since the Labor Standards Law is enacted, and it is not proper to put such function under the administrative agencies.

## Article 23.

- (1) Since only qualified unions can participate in the procedures (Art. 5), is it not a contradiction to make Art. 31 of the existing Law which expects the Labor Relations Committee to participate in the agreements of un-organized workers to remain?

## Article 24.

- (1) Article 32 of the existing Law was already revoked when the Labor Standards Law was enforced. It is improper to revive it once more.

## Article 25.

- (1) What is the relation of Article 5 to the Labor Relations Committee?

## Article 26.

- (1) Article 25 is only concerned with the functions of the members and not of the committee.
- (2) Article 27 and Article 28 are duplicated with Article 19.
- (3) “Other adjustment of Labor disputes” seems to be unnecessary because there is nothing else than conciliation, mediation and arbitration as for adjustment of labor disputes.
- (4) Which word does the clause after “which cover two or more prefectures and .....” modify?
- (5) “The Central Labor Relations Committee may have initial jurisdiction ...” is not sufficiently clear as for how such jurisdiction is decided concerning each case. Does Labor Minister decide it or the Central Labor Relations Committee decide it by itself?
- (6) Even as for those matters which cover two or more prefectures, it seems to be necessary to make special Prefectural Labor Relations Committee handle such case if it is concerned with some special matters of the prefecture.
- (7) Procedures for review of the decision of Prefectural Labor Relations Committee

by the Central Labor Relations Committee are not clear.

- (8) Can review be made also as for conciliation, mediation and arbitration?

Article 27.

- (1) Is the rule of procedures to bind only the Prefectural Labor Relations Committee? It seems necessary to apply the rule to both labor and management who participate in the procedures. For that the sentence seems to be sufficient.

(注・最後の sufficient は insufficient の誤りか)

- (2) Is formulation (注・formulature を手書きで訂正) of the rule of procedures done by tri-partite members or by neutral members only?

Article 28.

- (1) Considering the existing relation between judicial authorities and administrative authorities, it is insufficient in procedures.

- (2) In what way shall the committee cause to be served upon the employer an order?

- (3) In case the employer does neither comply with the order nor file a petition in the district court, there seems no way for the order of the Labor Relations Committee to be confirmed by the court. If there is no way of getting confirmation of the court, no penalties can be imposed.

- (4) What will be the relation between suit under the Exceptional Law of Administrative Case Suit Procedure and under Civil Suit Law and the Procedures of this determination of the Court.

- (5) Shall the procedures of the determination of the court be done according to the provision of the Non-Contentions Procedure Act or Civil Suit Law or by any other means?

- (6) Can the provisional dealing be permitted?  
What will be the relation with provisional dealings under other suit cases?

- (7) Can compulsory execution be effected?

- (8) By only giving precedence, still too many days will be spent under the

existing court procedures.

- (9) Is the court completely bound by the facts finding of the Labor Relations Committee?
- (10) Can not the court judge whether the order of the court is reasonable or unreasonable, besides the illegality of the order? Besides those, there are various questions concerning the suit Laws. They have to be clarified in the Law.  
(注・第1文の2つ目の court は、Labor Relations Committee の誤りと思われる)
- (11) Such provision is required that before the Labor Relations Committee issues a formal order, it may request the court to issue urgent relief order in case of urgent necessity.

#### Article 29.

- (1) It is desirable not to make the amount of penalties a definite number, but to make it “not exceeding ...”
- (2) Besides the order under Article 28, the Authority of issuing urgent order should be given to the Labor Relations Committee, and penalties should be provided for the violation of the urgent order.
- (3) Isn't it proper that not only the employer but also the persons who have actually committed unfair labor practice should be subjected to punishment as in the existing Law?

#### Article 30.

For the purpose of maintaining balance with the National Public Service Law and other Laws, it is desirable to change “fine not exceeding 100,000 yen” (注・yen は手書きによる追加) to “penal servitude not exceeding one year or a fine not exceeding 30,000 yen”.

#### Article 31.

The amount of fine of “100,000 yen” is not appropriate. It should be as those of other laws or ordinances.

## Article 33.

- (1) Fine of 100,000 yen seems to be too high.
- (2) If the submittance of information is obligated, clause 1 and 2 of existing Law should be restored.
- (3) It is desirable not to abolish clause 3 of existing Law.
- (4) Clause 2 seems to be unnecessary since Article 32 of the old law is abolished.
- (5) Clause 5 and Clause 6 of existing Law should not be abolished.
- (6) If the submittance of information concerning labor agreement is to be revised in this Law, Par. 2 of the existing Law should be remained.

## Supplementary Provisions.

- (1) It is desired that necessary transitory provisions should be provided for.
- (2) Since the necessary amendments have been already effectuated in the Act of Registration Tax, it is unnecessary from the Japanese legal technique.
- (3) It is desired to state the definite date as the date of enforcement.

Provisions concerning compensation of the expenses for those who are required to attend to Committee under the provision of Article 21 should be stated by Law from the principle of the New Constitution.

## 3. TRADE UNION LAW With Proposed Amendments (第9次案の原文)

- ・第9次案の原文たる英文。タイプ書きで全10頁（TUL file 上は、原史料の1頁が2つのコマに分割収録されている）。
- ・本史料は、前掲（Ⅲ-1）と同様、昭和20年法の英語訳のタイプ印刷を基本に、その抹消と新たなタイプ文字による追加が行われている。抹消線は抹消部分、下線は追加部分を示しており、これらは原本のものである。ただし、下線は原本では単語部分にのみ付されているが、作業上の便宜から、以下ではスペースも含めて下線を引いている（なお、冒頭の3行の下線は、スペースも含めて、原本にあるとおりである）。
- ・抹消線も下線もない部分は、昭和20年法の文章がそのまま残ったことを意味する。

史料出所：国立国会図書館 TUL file

TRADE UNION LAW  
With Proposed Amendments  
5 April 1949

CHAPTER I. GENERAL PRINCIPLES

Article 1. ~~The aim of the present Act shall be to raise the status of workers and thereby contribute to economic development through the guarantee of the right of organization and the encouragement of collective bargaining.~~ The purposes of the present law are to elevate the status of workers by promoting an equality of bargaining power as between employers and their employees; to protect the exercise by workers of autonomous self-organization and association in labor unions so that they may carry out collective action including the designation of representatives of their own choosing to negotiate the terms and conditions of their employment; and to encourage the practice and procedure of collective bargaining resulting in comprehensive trade agreements governing employer-employee relationships.

The provisions of Article 35 of the Criminal code shall apply to collective bargaining and other acts of the trade unions which are appropriate, being performed for the attainment of the objects of the preceding paragraph. However, in no event shall acts of trade unions be deemed appropriate when they are in violation of those provisions of the Criminal Code which outlaw bodily injury, homicide or destruction of property.

Article 2. Trade unions under the present Act shall be those organizations, or federations thereof, formed autonomously by the workers, with the workers as the main constituents, for the main purpose of maintaining ~~or~~ and improving the conditions of work and for raising the economic status of the workers, provided that this rule shall not apply to those:

1. ~~Which admit to membership the employer or persons who may be considered to represent the interest of the employer.~~ Which admit to membership persons representing the interests of the employer, including officers; supervisory employees having direct authority to hire, fire, promote or transfer; supervisory employees having access to confidential information relating to the companies' labor relations plans and policies so that their official duties and obligations directly conflict with their loyalties and obligations as members of the trade union concerned.



~~2. Which depend on the employer's aid for the major expenses of the organization.~~ Which receive the employers' financial support in defraying the organizations' operational expenditures. Provided that this shall not apply to prevent an employer from permitting employees to confer or negotiate with him during working hours without loss of time or pay; or to the employer's contribution for recreational funds; or welfare and similar funds which are in fact used for payments to prevent or relieve economic misfortune or distress; or to the furnishing of minimum office space.

3. Whose objects are confined to mutual aid work or other welfare work among the members.

4. Which principally aim at carrying on political or social movements.

Article 3. Workers under the present Act shall include those who live by wages, salaries or other remuneration assailable thereto regardless of the kind of occupation.

Article 4. Police, firemen and employees of penal institutions shall be denied the right to organize or to join trade unions.

~~As regards other government officials, subordinate officials and municipal officials, and those employed by the state or public bodies, separate regulations may be made by ordinance for the application of the present Act, provided that this rule shall not apply to the prohibition of their organizing a trade union or of their joining such as members.~~

## CHAPTER II. TRADE UNIONS

~~Article 5. Representatives of trade unions shall submit to the administrative authorities within the week after formation of the trade union, its statute and the list of names and address of its officers.~~

~~When changes occur in the particulars as laid down in preceding paragraph, a report thereon shall be submitted to the administrative authorities within a week thereafter.~~

Unless the labor union has submitted acceptable proof to the Labor Relations Committee concerned of compliance with the provisions of Article 2 and paragraph 2 of this Article, the union shall not be eligible to participate in the formal procedures provided in this Law and in the Labor Relations Adjustment Law (Law No. 25, 1946).

nor may the labor union be accorded the remedies provided therein. Provided, however, that nothing herein shall be construed so as to deny any individual worker the full protection accorded by paragraph 1 of Article 7 of this Law.

The constitution of the trade union shall include provisions establishing the following:

1. Name of union.
2. Address of the main office.
3. Members of the local trade union shall have the right to participate in all affairs of the union and the right to be rendered equal treatment.
4. In no event shall anyone be disqualified for union membership because of race, religion, sex, social status or family origin.
5. Union officials of a local union shall be elected by secret ballot directly by the members. Federation or national union officials may be elected by delegates selected by secret ballot of the members of the local union.
6. General meeting of the membership shall be held at least once every year.
7. Financial report showing all sources of revenue and expenses, names of main contributors and present financial status, shall be made public to the members at least annually by the union, together with certification of its accuracy by a professionally competent auditor appointed by the members.
8. No strike action shall be started without the decision made by secret ballot either directly by a majority of members voting or directly by a majority of representatives directly elected by all members voting.
9. No union constitution shall be revised except by a majority vote of the membership.

~~Article 6. When a report has been submitted in accordance with paragraph one of the preceding Article and the union concerned is not in conformity with Article 2, the administrative authorities shall take action in accordance with the stipulations of ordinance following the resolution of the Labor Relations Committee.~~

~~The provisions of the preceding paragraph shall apply mutatis mutandis to the case of an organization set up as a trade union which has ceased to conform to Article 2.~~

~~Article 7. The statute of the trade union shall contain at least the following particulars:~~

- ~~1. Name of the union.~~
- ~~2. Address of the main office.~~
- ~~3. If the union is a legal person, statement to that effect.~~

- ~~4. Objects and business of the union.~~
- ~~5. Rules relating to membership or to affiliated unions.~~
- ~~6. Rules relating to meetings.~~
- ~~7. Rules relating to the representatives of the union and other officers.~~
- ~~8. Rules relating to expenditure and accounts of the union.~~
- ~~9. Rules relating to revision of the statute of the union.~~

~~Article 8. When the statute of a union contravenes laws or regulations, the administrative authorities may order its alteration following the resolution of the Labor Relations Committee.~~

~~Article 9. The trade union shall keep a membership list or a list of affiliated unions.~~

Article ~~10.~~ 6. Representatives of a trade union or those to whom the powers therefore are delegated by the union shall have the power to negotiate with the employer on behalf of the members of the union for conclusion of a trade agreement or on other matters.

~~Article 11. 7. The employer shall be disallowed to discharge or give a discriminatory treatment to a worker for his being a member of a trade union, for having tried to form or join a trade union, or for having performed proper acts of a trade union.~~

~~No employer shall make it a condition of employment that the worker must not join or must withdraw from a trade union.~~

~~(As amended by the Labor Relations Adjustment Law, 13 Oct 1946)~~

It shall be illegal for an employer:

1. To discharge or give discriminatory treatment to a worker for his being a member of a trade union; for having tried to join or form a trade union; for having performed proper acts of a trade union; or to make it a condition of employment that the worker must not join or must withdraw from a trade union. Provided, however, that nothing in this law preclude an employer from making an agreement with a labor organization to require, as a condition of employment, membership therein if such labor organization represents a majority of the employees.

2. To refuse to bargain collectively with the representatives of his employees.

3. To dominate or interfere with the formation or administration of any labor union by workers or contribute financial support in defraying the organization's operational expenditures, provided that this shall not apply to prevent an employer from permitting employees to confer or negotiate with him during working hours without loss of time or pay or to the employer's contributions for recreational funds; or welfare or similar funds, which are in fact used for benefit payments to prevent or relieve economic misfortune or distress or to the furnishing of minimum office space.

Article ~~12~~. 8. No employer shall claim indemnity from a trade union or members or officers of the same for damages received through a strike or other acts of dispute which are proper acts.

Article ~~13~~. 9. When a trade union intends to use for other purposes the funds specially setup for mutual aid and other welfare work, it shall obtain the resolution of the General Meeting of the union.

Article ~~14~~. 10. The trade union shall be dissolved in the following cases:

1. Occurrence of the circumstances requiring the dissolution as provided in the statute of the union.

~~2. Bankruptcy of the union.~~

~~3.~~ 2. Resolution for the dissolution adopted by the General Meeting of the union with at least three-fourths majority of the total membership or of the affiliated unions.

~~4. The decision taken under the provisions of Article 6.~~

~~5. Court action of dissolution order issued in accordance with the provisions of Article 15.~~

~~Article 15. When a trade union frequently violates laws and ordinances and disturbs peace and order, the Court may order dissolution of the union at the request of the Labor Relations committee.~~

~~Necessary matters relating to procedure under the preceding paragraph shall be fixed by ordinance.~~

Article ~~16~~. 11. A trade union shall acquire the status of legal parson by registering at the place where its main office is located.

The matters necessary for registration other than were provided in this Act shall be fixed by ordinance.

As regards the matters which require registration for a trade union, they shall have no effect against any third person unless a registration has been effected.

Article ~~17.~~ 12. The provisions of Articles 43, 44, 50, 52-55, 57 and 72-83 of the Civil Code and of Articles 35, 36, 37 clause 2, 126 paragraph 1, 137 and 138 of the Law on Procedure of Non-Contentious cases shall apply mutatis mutandis to trade unions which are legal persons.

Article ~~18.~~ 13. Trade unions which are legal persons shall be exempted from income tax and taxes charged on legal persons in accordance with the provisions of an Ordinance.

### CHAPTER III. TRADE AGREEMENTS

Article ~~19.~~ 14. The agreement between a trade union and the employer or organization of the latter concerning conditions of work will take effect when the agreement is signed by the parties concerned.

~~Parties concerned shall submit the trade agreement to the administrative authorities within the week after signing of the trade agreement.~~

Article ~~20.~~ 15. No trade agreement shall fix a term exceeding three years. Trade agreements shall include a provision fixing a definite termination date and shall in no event run for a period exceeding three years.

Upon the expiration of the aforesaid termination date, no trade agreement shall continue in effect without the consent of authorized representatives of the employer and the labor union; provided, however, that nothing in this law shall be construed to preclude provisions in a trade agreement concerning advance notice expressed by both parties of a desire to effect a renewal thereof.

~~Article 21. When a trade agreement is signed, the parties concerned shall mutually assume the obligation to cooperate in all sincerity for giving effects to the agreement for the enhancement of efficiency and maintenance of industrial peace.~~

Article ~~22.~~ 16. When a standard is fixed by a trade agreement concerning conditions of labor and treatment of workers ~~(when a special organ exists for fixing such standards in accordance with a trade agreement, the standards fixed by that organ shall come under this provision and this rule shall apply to all the cases where the same terms occur hereafter)~~ any provision of a labor contract contravening the standard

mentioned shall be void and the invalidated part of the labor contract shall be replaced by the provisions of the above-mentioned standard. The same rule shall apply to the part which is not laid down in the labor contract.

Article ~~23.~~ 17. When three-fourths or more of the workers normally employed in a factory, mine or other places of employment come under application of a trade agreement, the remaining workers shall ipso facto be bound by the same agreement.

Article ~~24.~~ 18. When a major part of the workers of similar kind in a given locality come under application of a certain trade agreement, the administrative authority may at the request of either one or two of the contracting parties and according to the decision of the Labor Relations Committee take the decision to extend the compulsory application of the contract (including the part revised under provisions of the second paragraph) to all the remaining workers of the same kind in the same locality and to the employer.

In case the Labor Relations Committee deems, in making the resolution of the preceding paragraph, that the trade agreement in question contains inappropriate provisions, the Committee may amend those provisions.

The decision shall become effective by public notification.

~~Article 25.—When there is a provision in the trade agreement to the effect that disputes concerning matters in the same agreement be put to conciliation or arbitration, it shall be disallowed to engage in strike, lookout or perform acts of dispute except in case of failure of either conciliation or arbitration.~~

#### CHAPTER IV. LABOR RELATIONS COMMITTEE

Article ~~26.~~ 19. Labor Relations Committees shall be set up consisting of equal numbers or representatives of employers and workers and of ~~central~~ public members.

The administrative authorities shall appoint the representatives of the employers in accordance with the recommendations of the employers' organizations, those of workers with the recommendation of the workers' trade unions and the ~~central~~ public members with the agreement of the representatives of employers and of workers.

The Labor Relations Committee shall consist of ~~National~~ Central Labor Relations Committee, The Maritime Labor Relations Committee, Prefectural Labor Relations Committee and local Maritime Labor Relations Committees ~~and in case of a~~

~~special need, special Labor Relations Committees may be set up for a given locality or to deal with special matters.~~

~~The members of a Labor Relations Committee and~~ The staff of a Labor Relations Committee attached thereto as provided by ordinance shall be regarded as staff members engaged in official business under laws and ordinances.

Matters relating to Labor Relations Committees other than those laid down in the present Act shall be fixed by ~~Imperial~~ Ordinance.

The Central Labor Relations Committee shall be under the jurisdiction of Labor Minister.

The Central Labor Relations Committee shall be composed of seven members representing employer (hereinafter referred to as “employer members”), seven members representing labor (hereinafter referred to as “Labor members”) and seven members representing the public interest (hereinafter referred to as “public members”).

The Labor Minister shall appoint the employer members in accordance with the recommendations of the employers’ organizations, the labor members with the recommendations of trade unions and the public members with the agreement of the employer members and the labor members.

Incompetent and quasi-incompetent persons and one who has been sentenced to penal servitude or imprisonment and still under the execution of the sentence cannot be a member. When a member shall become disqualified as a result of this provision, he shall automatically be retired.

As to appointment of the public members, three or more of them shall not belong to the same political party. When a member shall have by his own actions disqualified himself as a result of this provision, he shall automatically be retired.

In case the Labor Minister recognizes that a member of the Central Labor Relations Committee cannot perform his duties by reason of mental and physical defects or that a member has violated his duties in performing his functions or is guilty of misconduct, the Labor Minister may discharge the said member with the approval of the Central Labor Relations Committee.

The term of office of the members shall be one year, provided that substitute members filling a vacancy shall remain in office during the remaining term of the

predecessor.

The members may be reappointed.

The members shall continue to perform their duties until their successor has been appointed and qualified.

Members who are exclusively engaged in Committee activities shall receive such salaries and allowances as are fixed by other Law and compensation for expenses necessary to perform their duties as fixed by Cabinet ordinance.

There shall be a chairman of the Central Labor Relations Committee.

The chairman shall be elected by all members from among the public members.

The chairman shall preside over the Central Labor Relations Committee.

When the chairman has been prevented from performing his duties or the chair has become vacant, a new chairman will be elected in accordance with the provisions herein.

A Business Bureau with a Director and necessary staff appointed by the Labor Minister with approval of the chairman of the Committee shall be established in the Central Labor Relations Committee to handle the administrative affairs of the Committee.

The provisions of this Article shall apply shall apply mutatis mutandis to the prefectural Labor Relations Committee except that appointments shall be made by the governor and the Committee shall be composed of five members representing labor, five members representing employer, and five members representing the public interest.

Article ~~27, 20~~. In addition to the provisions under Articles ~~6, 8, 15, 5, 18, 24,~~ and ~~35~~ 27, the Labor Relations Committees shall have authority to perform ~~the following functions:~~ arbitration, mediation and conciliation of disputes.

~~1. — Compilation of statistics on labor disputes and investigation of conditions of labor.~~

~~2. — Mediation in collective bargaining and prevention of labor disputes.~~

~~3. — Arbitration and conciliation in disputes.~~



~~The Labor Relations Committee may submit to the competent administrative authorities for improving conditions of labor.~~

Article ~~28.~~ 21. When the Labor Relations Committee deems it necessary for the public welfare or when the parties concerned request it, the proceedings of a Labor Relations Committee may be made public.

The meetings of the Central Labor Relations Committee shall be called by the chairman.

The Central Labor Relations Committee shall be disallowed to open a meeting and to make a decision unless at least one member each representing employer, labor and the public interest be present.

Decisions shall be made by a majority of the members present, and in case of a tie the decision shall be made by the chairman.

Article ~~29.~~ 22. When it is necessary for carrying out its work, the Labor Relations Committee may require the attendance or presentation of reports of the employer or of his organization and the worker of others concerned or it may require the presentation of books and documents necessary for investigating conditions of labor or it may also have its members or staff of the Committee (hereafter called simply staff) as provided by order under Article ~~26~~ 19 clause 4 inspect factories, mines and other places of employment involved or inspect the conditions of business, books and papers and other objects.

Article ~~30.~~ 23. The members and those who were members as well as the staff or those who were on the staff of a Labor Relations Committee shall be disallowed to disclose any secret information obtained in performing their functions.

~~Article 31. The provisions of Chapter III shall apply mutatis mutandis to the agreements handled by the Labor Relations Committee but to which a trade union is not a party concerning the standard of work and other terms relating to the treatment of workers.~~

~~Article 32. When the conditions of labor or of treatment of workers are especially inappropriate, the Labor Relations Committee may, after investigation of actual conditions, formulate concrete proposals and submit a representation to the administrative authorities.~~

~~When the representation of the foregoing paragraph is received and the administrative authorities deem it necessary, they may issue the direction for a fixed standard or working conditions or of treatment of workers to the employer.~~

~~When the employer receives the direction of the foregoing paragraph, he must take necessary measures to let all the workers know of the direction without delay.~~

~~The standard as directed in accordance with the provisions of paragraph two above shall have the same effects as the trade agreement on the employer and workers concerned.~~

Article 24. Only the public members of the Central Labor Relations Committee shall participate in the adjudication of cases arising under Articles 5 and 7 of this Law and Articles 39, 40, 41, and 42 of the Labor Relations Adjustment Law; provided, however, that nothing shall preclude labor and employer members from participating in hearings held prior to a decision.

Article 25. The Central Labor Relations Committee shall have authority to perform the functions described under the provisions of Articles 18, 20, 26, and 27. The Central Labor Relations Committee may assume initial jurisdiction in all cases involving conciliation, mediation, arbitration, and adjudication of cases which cover two or more prefectures or which present issues of national import. Adjudications of the prefectural Labor Relations Committees made pursuant to Articles 5 and 7 of this Law shall be subject to the review of the Central Labor Relations Committee with full authority to reverse, accept, reject, or modify such decisions. Such review may be initiated by the Central Labor Relations Committee or by appeal of either party from the decision of the prefectural Labor Relations Committees.

Article 26. The Central Labor Relations Committee shall have authority to formulate and promulgate rules of procedures for the prefectural Labor Relations Committees, as well as rules of procedures for its own proceedings.

Article 27. If the Labor Relations Committee has determined that an employer has violated Article 7 of this Law, the Committee shall state its findings and shall cause to be served upon the employer an order requiring him to cease and desist from such violations and to take such affirmative action, including reinstatement of discharged employees with or without back pay as will effectuate the policies of this Law. The employer shall comply with the order within 30 (thirty) days. Otherwise the Labor Relations Committee or the employer may file a petition in the district court to establish the finality of the order. The district court shall give due weight to the fact findings of

the Labor Relations Committee and shall otherwise determine, according to applicable legal standards, whether the order is in conformity with the law and ordinances. Matters referred to the district court by the Labor Relations Committee shall be given the greatest possible expedition, and the orders of the Labor Relations Board shall be affirmed, modified or set aside, giving the proceedings precedence over all other matters except older matters of the same character.

#### CHAPTER V. PENALTIES

~~Article 33. 28. In case of violation of the provisions of Article 11 (eleven), the person who committed the act shall be liable to imprisonment not exceeding six (6) months or to a fine not exceeding Five Hundred Yen (¥500.00).~~

~~The offense of the foregoing paragraph shall be acted on at the request of the Labor Relations Committee.~~

If an order of a Labor Relations Committee is sustained by the court in accordance with the provisions of the preceding Article, further noncompliance by the employer shall subject him to not exceeding one year of penal servitude or a fine not exceeding One Hundred Thousand Yen (¥100,000) or both.

~~Article 34. 29. Those who contravene the provisions of Article 30 23 shall be liable to fine not exceeding One Thousand Yen (1,000 Yen) One Hundred Thousand Yen (¥100,000). (注・contravene は contravene のスペルミスと思われる)~~

~~Article 35. 30. Those who contravene the provisions of Article 29 22 and fail to present reports or make false reports or fail to submit the books and papers or contravene the provisions of the same Article and fail to present themselves or refuse, obstruct or evade the inspection under the provisions of the same Article shall be liable to a fine not exceeding Five Hundred Yen (500.00 Yen). One Hundred Thousand Yen (¥100,000).~~

~~Article 36. 31. (注・36 に抹消線を引くべきところ、間違えて下線にしたものと思われる) When a legal person or the deputy of a person, the head of a family, members of a family, a co-habitant of a family, employees of others engaged for work contravened the provisions of the first portion of the preceding Article, in connection with the business of a legal person or of a person, the said legal person or person shall not be immune from penalty on the ground of not having given order for such contravention.~~

The provisions of the first portion of the preceding Article shall apply to the

directors, managers or other officers who execute the business of the legal person in case the employer is a legal person and to the legally fixed deputy in case the employee is a minor or a person adjudged incompetent, provided that this rule shall not apply to a minor who has same capacity as an adult in the performance of business. (注・employer および employee は原文ママである)

~~Article 37. 32.~~ The representative or liquidator shall be liable to fine not exceeding ~~Five Hundred Yen (500.00 Yen)~~ One Hundred Thousand Yen (¥100,000) ~~in any of the following cases: when he contravened Article 79 or Article 81 of the Civil Code which are applied mutatis mutandis pursuant to Article 17 12 and failed to make public notification or when he made a false notification.~~

~~1. When he failed to submit the report prescribed in Article 5, paragraph 2 (inclusive of the case where it applies mutatis mutandis under provisions of Article 31) or make a false report.~~

~~2. When he failed to keep the list as prescribed in Article 9.~~

~~3. When he failed to register under this Act or under the Ordinance issued under this Act.~~

~~4. When he contravened Article 79 or Article 81 of the Civil Code which are applied mutatis mutandis pursuant to Article 17 and failed to make public notification or when he made a false notification.~~

~~In case of contravention of the provisions of Article 19, paragraph 2 (including the case where the provisions are applied mutatis mutandis under Article 31), failing to make the report or making a false report, the party to the trade agreement other than the trade union (representative in case the party concerned is an organization) shall be liable to a fine not exceeding Fifty Yen (50.00 Yen).~~

~~When the employer contravened the provisions of Article 32, paragraph 3, he shall be liable to a fine not exceeding Fifty yen (50.00 Yen).~~ (注・文中の下線付きピリオドは原文ママである)

## SUPPLEMENTARY REGULATIONS

The date of enforcement of this Act shall be fixed by ~~Imperial~~ Ordinance.

~~Trade unions existing actually at the date of enforcement of this Act shall~~

~~submit reports applying mutatis mutandis the provisions of Article 5 within a week after the date of enforcement of this Act.~~

~~The following amendment shall be made in the Act in Registration Tax:~~

~~In Article 19 clause 7, “Federation of Cooperative Societies” shall be amended to read “Federation of Cooperative Societies, Trade Unions” and “Cooperative Societies Act” to read “Cooperative Societies Act, Trade Union Act.”~~

~~The date of enforcement of this Act shall be the \_\_\_\_\_ day of \_\_\_\_\_ (not more than 30 (thirty) days following enactment).~~

~~Present members of Labor Relations Committees shall remain in office for the full term of their appointment.~~

~~Insofar as this provision does not contravene the provisions of existing Laws, the present staff members of Labor Relations Committees shall be considered as having been appointed in accordance with the provisions of this Law.~~