

## Abstracts

### The Legal Issues of Workers' Privacy in the Workplace

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In today's highly information-oriented society, various violations of privacy are increasingly seen as a problem, and in labour relations there has been growing recognition about the importance of protecting privacy. The concept of the right to privacy should include not only "the right to be left alone" but also "the right to control the circulation of information relating to oneself". While employees have an obligation to disclose information about their private lives when signing a labour contract, employers have various labour contractual obligations toward their employees, and are obligated to protect their employees' privacy. An important issue to be resolved is striking a balance between employers' needs justified by labour contracts and the newly emerging need to protect employees' personal data. Since health-related information is highly private and sensitive, collecting information about an employee's health without his or her knowledge should constitute a violation of the person's privacy in principle. The problem of e-mail monitoring in the workplace is also being discussed, and there have been court rulings that have recognized elements of privacy in employees' personal e-mails in the workplace.

### Personal Data Protection Law and Labour Relations: A Practical Perspective

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The Personal Data Protection Law was enforced on April 1, 2005. However, before it took effect, the protection of privacy and employees' personal data had received scant attention in the workplace in Japan. For instance, regarding personnel management, various personal data about individual employees are necessary in order to effectively arrange temporary transfers and personnel training. There are many issues to be examined: the level of legal protection to provide; the scope of data that a company can use without reaching an agreement with the person; and how personal data should be managed and used for the management of human resources. This article examines such practical labour relations problems related to the purpose, outline and enforcement of the law. This is done with reference to personnel management in practice, based on the situation since the law was enforced, through surveys and guidelines introduced by the Ministry of Health, Labour and Welfare and the Ministry of Economy, Trade and Industry. Unresolved issues are also examined. Through these examinations, this article clarifies the need to set rules on the protection and management of personal data of employees from the viewpoint of corporate personnel management. The rules would cover the following aspects: purpose of use of personal data and scope of information that can be made available to third parties; appointment of staff in charge of personal data management; requirement for those involved in personal data protection to submit a written oath of compliance; standards restricting the disclosure of information; disciplinary measures for violations; and clarification on indemnities and disclosure procedures. This article also attempts to provide answers to practical issues involving the use and management of personal data.

Change in Workers' Behavior Caused by Implementation of the Performance Based System and Their Feelings of Fairness about the System

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The economic slowdown in Japan and changes in work attitudes and ethics among young Japanese workers are making it increasingly difficult for Japanese companies to maintain seniority based HRM systems. As a result, many Japanese companies are trying to change their HRM systems toward performance based ones. This study quantitatively analyzes the relationship between introduction of performance based HRM systems and the feelings of fairness among Japanese workers. The findings are as follows: 1) an employee's feeling of fairness depends on factors such as respect for the evaluator, openness of the evaluation process, feedback on the evaluation, and a review of the evaluation system, and 2) an employee's feeling of fairness leads to desirable behavior and better performance.