

Abstracts

Actual Conditions and Perspectives of Individual Outside Contractors in Japan: Focusing on Independent Contractors in Comparison with the U. S. Situation

Hisashi Yamada (The Japan Research Institute, Limited)

This paper examines actual conditions and perspectives of Individual Outside Contractors in Japan, based on an original survey of one type of them (Independent contractors: ICs), with consideration towards prior investigations and U. S. situations. The main findings are as follows: Individual Outside Contractors in Japan are much less developed in both quantity and quality than in the U. S. This is due to the structure of the organization, which does not strictly define 'jobs' and also a unique way of thinking in HRM. ICs have various possibilities for new ways of working, but more understandings of companies for ICs as well as building appropriate safety-nets are needed to realize the possibilities.

Influence of Temporary Worker Human Resource Management on Work Motivation

Tomoyuki Shimanuki (Yamanashi Gakuin University)

This paper discusses the influence of temporary worker human resource management (HRM) on temporary worker motivation. The author focuses on the structural feature of temporary worker HRM functions (staffing, training, evaluation and remuneration) that is divided between two parties - client firms and staffing agencies, and examines the effect of each party's HRM on temporary worker motivation. Both have positive effects on work motivation; however, these effects are contingent on the type of motivation or HRM functions. Results suggest that client firms and staffing agencies need to create temporary-worker HRM systems based on the inter-organizational relationships of corporations, and that it is important to consider not only the HRM function content we design but also which party we allocate HRM functions to in order to motivate temporary workers.

Legal Concept of Workers and Incomplete Contract Theory: Why should Workers be Protected?

Kyota Eguchi (Tsukuba University)

I consider the legal concept of 'workers' from the viewpoint of incomplete contract theory. When an employer has a task to assign to other persons, the employer has two options: one way is to hire a worker, and the other is to outsource the task to an outside firm (worker). The former is the transaction in the firm organization, and the latter the transaction through the market. The transaction in the organization is likely chosen when the incompleteness of contracts is significantly serious. This is the problem of firm boundary. In this paper, I would show that the problem of firm boundary is relevant to the legal concept of workers.

Interpretation and Legislative Policy on the Concept of 'Employee' in Labour Protection Laws

Hirokuni Ikezoe (The Japan Institute for Labour Policy and Training)

The legal concept of 'Employee' in Labor Protection Laws is defined strictly and objectively with a focus on 'direction and supervision' in the performance of work by an employer. Therefore, individuals such as the self-employed or contract workers cannot be defined as 'Employees,' and they have no legal protection because such workers lack 'direction and supervision' in performance of work by an employer. However, there are cases in which such workers should be given certain legal

protections, and many scholars on Labour and Employment Law have been discussing the Legal concept of 'Employee' in Labor Protection Laws from the point of view of the interpretation of the definition of 'Employee' and legislative policy. These discussions, however, are beyond the appropriate interpretation of Law. In addition, they have both merits and demerits with many problems that need to be addressed.

The Concept of 'Worker', Diversification, and Labour Policy

Yutaka Asao (The Japan Institute for Labour Policy and Training)

The concept of 'worker' has been discussed mainly in the field of labour law studies, where the criteria determining whether or not an individual is a worker covered under the labour law are stipulated. This relates to the fundamental reasons why an 'employed worker' is treated differently from other types of working individuals. In this paper the author considers the reasons for viewpoints differing from those of labour law studies, and shows a trial proposal for a new direction of labour policies under the present situation of diversification in the working world.