

## Abstracts

### Current Conditions and Policy Issues of Labor and Employment Disputes in Japan: From a Legal Perspective

**Hiroya Nakakubo** (Hitotsubashi University)

This paper aims to provide a common ground to the participants of the interdisciplinary Conference who would discuss the theme of labor and employment disputes from a variety of standpoints. After reviewing historic developments of Japanese legislation dealing with labor and employment disputes, some observations are made regarding its current situation and the issues to be addressed. Under the Japanese post-war labor legislation established in the late 1940s, attention was focused on collective disputes involving labor unions. For this, the Labor Relations Commissions have played an important role in two areas: the adjustment of strikes and other collective labor disputes, and the prevention and redress of unfair labor practices. However, especially since the 1990s, individual employment disputes increased greatly in number, overshadowing the declining collective labor disputes, and new statutes and procedural reforms were adopted to accommodate them, including the Labor Tribunal Act of 2004. This is a substantial achievement, but efforts should be made (1) to maintain the quality of such new mechanisms; (2) to strengthen the enforcement of protective labor statutes; (3) to redefine and overhaul the systems for collective labor disputes; and (4) to introduce a system of employee representation.

### "Voices" of Recent Company-based Labor Unions

**Chiaki Nagumo** (Research Institute For Advancement Of Living Standards)

This paper analyzes three cases of company-based labor unions which they raised their "voices" to the management side and negotiated effectively in 2000's, focusing on the manners in which they raised their "voices" and ability to go on strike. Although the actual way they raised their "voices" are various, company-based labor unions suggest the possibility of labor-management disputes or the confront management side to bargain for better working conditions and resist hostile management in all cases, retaining the services of industrial unions or national centers. Today, group labor-management disputes are decreasing and the possibility of destructive resistance is low; in crisis, however, company-based labor unions can raise their "voice" to the management side. But unorganized workers are increasing. Therefore, more organizing is desired.

### The Present Situation of Labor Disputes and Policy Responsibility: Focusing on the Resolution of Labor Disputes by General Unions

**Hak-Soo Oh** (The Japan Institute for Labour Policy and Training)

The dramatic decrease in the number of group-based labor disputes has been accompanied by a comparative rise in labor disputes brought on by individuals. While we have seen the legal and governmental augmentation of disputes resolutions systems in recent years, the role of labor unions cannot be ignored. Enterprise labor unions contribute to the reduction of half of all individual labor disputes. General unions, which are formed outside of companies and which anyone can join, resolve many such disputes, leading as much as 67.9% of the negotiations they are involved in related to individual labor disputes to a voluntary resolution. The high resolution capabilities of general unions stems from the professionalism of union leaders, their wide networks and information exchanges, strong faith and enthusiasm, and joint struggles. Labor disputes serve to preserve social order as their resolutions can lead to the satisfaction and reinvigoration of the employee that had the conflict as well as the prevention of similar conflicts. However, they may also harm social order by causing companies to go bankrupt and employees to subsequently lose their jobs. The causes behind disputes are such matters as the company having unilaterally lowered the working conditions of employees, deficient communications between employees and employers, or the company breaking the law. It is important that disputes be approached with a positive attitude and viewed as opportunities to recognize the infringements and ignorance of the Labor Standards Act the causes of the dispute,

to correct autocratic management and create a good working environment, to build good personal relations, and to foster good employee-employer communication. In order to prevent the reoccurrence of disputes, there is social need to strengthen the corrective measures/instructions and punishments implemented by labor administrations. At the same time, there is a need for concrete discussions on governmental support in order to enhance the functions of general unions.

#### Labor Tribunal Settlements and their Effects on the Companies

**Yoko Takahashi** (Tokyo University)

From the result of surveying users of labor tribunals, I tried to clarify the following three points: (1) dissatisfaction among employers (especially small businesses) toward the outcomes of labor tribunals is relatively greater than among workers; (2) labor tribunals have a secondary effect of fixing the flaws in personnel administration; and (3) there are a few resolutions of reinstatement and retaining jobs, which the workers who claimed for the amelioration of working conditions or recouping unpaid wages keep working at their company after labor tribunal settlements.

#### An Empirical Analysis on Precedents Related to Refusals to Renew Fixed-term Contracts

**Akihito Toda** (Recruit Works Institute)

In Japan, it is common for fixed-term contracts to be often renewed without either employers or employees having the will to refuse the renewal. In the case that employers refused the renewal, some cases are not permitted due to being considered analogous to employment dismissal regulations for permanent contract employees, as judged by courts. This study collects the precedents regarding the refusals to renew fixed-term contracts by the will of employers, making quantitative data, and then analyzing what factors would affect the judgment of whether the case should be considered analogous to employment dismissal regulations for permanent contract employees. As a conclusion, relevant procedures when initiating as well as renewing contracts, tasks that are different from permanent workers, and decreases in the expectation to make employees renew contracts significantly lowers the probability of the case being considered analogous to employment dismissal regulation. The number of renewals of contracts and the total years of employment are not statistically significant.

#### The Scale (Structure) and Subject of Services of Vocational Training (which Two or More Companies Perform) that Passed a Standard of the Human Resources Development Promotion Law; the Direction for Reorganization and Strengthening is Proposed

**Eiichi Ohki** (The University of Tokyo)

In this paper, the scale (structure) and subject of services of vocational training (which two or more companies perform) that passed a standard of the Human Resources Development Promotion Law is clarified. The direction of strengthening for the future of vocational training that passed a standard of the Human Resources Development Promotion Law is proposed based on the above-mentioned thing. The direction of strengthening is as follows. Vocational training (which two or more companies perform) that passed a standard of the Human Resources Development Promotion Law needs to attach not only a training function but another added value function. I will explain concretely. One needs to perform vocational training (which two or more companies perform) that passed a standard of the Human Resources Development Promotion Law together with the industrial development of an area. Another needs to perform vocational training together with research development. When performing course setup and the development of a curriculum, the added new function is useful. Furthermore, when advertizing the charm of an industrial training school, an additional new function is helpful.

Japan's New Development in Immigration Law: the Point-Based System and its Problems

**Chizuko Hayakawa** (Iwate University)

This article analyzes Japan's point-based system, which was recently introduced, and makes some comments on it. The point-based system took effect on May 7, 2012 by the Ministry of Justice. According to the Ministry, the system provides preferential treatments to highly skilled professionals and their relatives. The system covers foreign professionals in the fields of (i) academic research, (ii) advanced expertise and technology, and (iii) business management. To promote the acceptance of highly skilled professionals, the point-based system has certain efficiency. From such a viewpoint, this paper agrees with the new system regarding the categories of (i) academic researchers and (iii) business management. However, the category of (ii) advanced expertise and technology is not necessarily suitable for the point system without careful consideration of safeguards to avoid a negative impact on the labor market, since foreign workers who are not really highly skilled might be admitted under this category.

How Do School Principals View Career Formation for Teachers? Analysis of Interviews of 50 Principals at Private Middle and High Schools in the Greater Tokyo Area

**Yoshifumi Furuichi** (Hosei University)

This research is on career formation for teaching personnel at private schools. As part of this work, I interviewed 50 principals of middle schools and high schools in the Greater Tokyo Area. Using Kinoshita's (1999, 2003) modified grounded theory approach as my analytical method, I employed an analysis worksheet, and generated concepts and categories. This resulted in the generation of 8 categories and 32 concepts. The results of the analysis indicate that, with the scale of their organization being relatively small, these private schools face the serious challenges of recruiting students and maintaining an independent identity. The unique problems they encounter amount to negative factors. The principal functions as the key person in the school organization. He or she must find ways to link school management with teacher career formation and skillfully move ahead in both areas. In an era with less children being born and faced with intense market competition, school-wide reviews are conducted, suggestions and proposals are welcomed and often adopted, and the schools do everything they can to energize their organization and get the entire staff to participate in reform efforts. Career formation at private schools differs greatly from that at public schools.

The Influence which OJT-Off-JT and Self-Development as a Personnel Training Measure Have on Employees' Career Formation

**Yuichiro Sato** (Hosei University)

In this paper, the personnel training measures (OJT, Off-JT, self-development, etc.) in a company is considered in terms of whether it made an improvement in an employee's job performance and career formation. Career formation is realized as possession of management authority and possession of specialty. First of all, factor analysis for a total of 7,187 men and women was conducted. And based on the result, hierarchical multiple linear regression analysis was conducted for 927 persons of 1000 or more full-time employee scales in the school education system for men with a university-level education or higher. The following two points are gained as a result. First, it is required in order to play an active part as the management is building the relationship on business with a boss. Although Off-JT from a company was effective, active learned behavior (self-development etc.) did not have a positive influence. Next, self-development was effective to improving specialty. However, neither OJT nor Off-JT was effective. The following two points are gained as a subject. First, even if an employee does not perform self-development, he/she is appointed to management. Next, when specialty is acquired, that which is neither provided from company OJT nor Off-JT is fully useful.

Analysis of Effects of Human Capital Formation by Liberal Arts Universities: Based on Examples in Aomori

Nami Oya (Aomori Public College), Ryusuke Ihara (Aomori Public College), Shizu Yamamoto (Aomori Public College)

The purpose of the present research is to analyze how university education affects worker productivity. Previous studies have been constrained in that student performance representing educational results has been subjective. Also, there has been little analysis of the effect that communication competence or other abilities developed through a university education have had on the productivity or employment of new graduates. Accordingly, this study analyzed (1) the effect that educational content and performance have on employment after graduation and (2) the effect that educational content and performance have on productivity, namely income. The data used were surveys completed by students and the academic performance of graduates of liberal arts University D at which all students complete communication courses. The results of analyses using these micro-data revealed that academic performance increased the probability of employment at the time of graduation, the probability of employment as a regular employee, and the probability of continued employment. On the other hand, results were obtained showing that academic performance had absolutely no effect on income. The reason for this result is believed to be that labor productivity after graduation is more heavily influenced by experiences after employment and other such factors. However, based on tabulated results of the survey of graduates, an assessment was also obtained that what the graduates had learned in university has been helpful in their jobs, and it may be said that a university education has the effect of raising productivity in some way.

Proposal of a New Method for the Study of Individualized Modern Industrial Relations  
Tsutomu Miyoshi (Doshisha University)

This article aims to propose a new framework concerning procedures to determine rules of each employee's job. To recognize the problems correctly about communications at white-collar workplaces in modern Japanese firms, the author claims it still useful to use the methodology of industrial relations. The study of industrial relations focuses on a body of rules that determine the quantity and quality of jobs and wages. There are communications in workplaces by collective and individuals, so how individual communication is described is an important methodological problem. The author has challenged to analyze the procedure to determine quantity and quality of jobs in the two axes by introducing the notions of "formal" and "informal" in addition to "collective" and "individual." It is important to analyze the "Individual-informal" quadrant to understand individual job and working hours. For that purpose, the views of understanding procedures in "collective-formal" and "individual-formal" quadrants should be extended to those in "individual-informal" quadrants, and it is necessary to solve how substantive rules of individual job is determined. The author asserts the problems of communication can be solved in this way. While decentralization and individualization in the advanced countries' industrial relations are proceeding, especially in Japan, this framework and methodology would contribute to the study of industrial relations.

Human Resources Management and Leverage Policy of Elder Employees (Commission Contracted Employees): Compensation Management for Elder Employees from their early sixties after retirement

Miho Fujinami (Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers)

While human resource management of elder employees should be strategic and fair just as it is for active employees before retirement, companies are more satisfied when elder employees are on the same job description and the same human resource management policy of active employees. In this paper, we surveyed satisfaction level of companies about their human resource management policy for elder employees, relating to four types of elder employment practices based on their job description and working hours. We found "the same job description with different work hours" type of employment prac-

tices accounted for 45.0% of cases. A grading system for elder employees is practiced at companies where job descriptions stay the same, and compensation of elder employees is treated fairly through the practice of “the same job description with different work hours.”

Employment Support for Single Mothers: Effective Vocational Education and Training Programs

**Keiko Tanaka** (Hosei University)

Long-term advanced vocational education and training and short-term vocational education and training programs are offered to help single mothers attain financial independence. How such programs relate to single mothers' financial independence was analyzed using the data of such job trainees in N City. Trainees who completed short-term programs showed little improvement in employment after completion. The programs were too short and training content varied greatly. Long-term trainees, however, showed significant improvement in employment, including progressing from part-time to full-time employment. Long-term programs help trainees to attain financial independence. Trainee attributes, employment histories, duration and the number of consultation sessions, consultation topics, employment status after training programs and other data were compared between short- and long-term trainees. Short-term trainees tend to select programs quickly without sufficient reflection and many of them were unable to take advantage of qualifications obtained through the programs. In contrast, long-term trainees consulted more thoroughly, seeking information concerning program selection, training fees and child support, and many of them had career plans. In order to make these training programs more effective, consultations that cover trainees' entire lives are essential.