

## Abstracts

### The Labor Policy Council: Functions of the Council in the Process of Forming Labor Policy **Yasuo Suwa** (Professor Emeritus, Hosei University)

The Labor Policy Council is a collaborative body in which the public, labor, and management share roles while investigating and deliberating labor laws and regulations and various labor policies. These investigations and deliberations consider not only existing problems, but also issues that may arise in the near future, and the contents of the Council's proposals and reports are reflected in actual policies that affect future labor relations and industrial relations. Undoubtedly it exists to contribute to establishing the very basis of worker protection. However, although the framework that constitutes the basic premise of the Council is the market economy system, under this framework it responds to issues from macro to micro dimensions of labor, such as the improvement of market institutions and functions, and deals with various issues that by their nature cannot be adequately addressed by the market alone. Furthermore, the government has the authority and responsibility to make final decisions on policy issues, and the Diet is responsible for investigations, deliberations, and decision-making on bills submitted by the Cabinet, so even agreements reached as a result of painstaking adjustments in the Council may not become the substance of laws and policies as a matter of course without alteration. Recently, there has been a conspicuous trend of both labor and management trying to amend through the Diet claims that could not be incorporated in the Council. Due to the hierarchical nature of administrative organizations, if the government (Prime Minister's Office) tries to deal with labor policy issues on its own, the political framework and policies will be set in advance at higher levels, and lower-level councils will conduct specialized and technical investigations and deliberations on that basis. Also, even after the fact, the government can make selections from and amendments to the results of the Council's investigations and deliberations, the Diet can make further amendments to the Cabinet's bills, and Diet members can also introduce legislation of their own initiative. These are trends that have been seen in recent years. However, if the tripartite Council is neglected, the burden on the government and legislature in the political process will increase accordingly, and if they have not prepared appropriate arrangements, there is a risk that the planning of laws and labor policies will not proceed properly and smoothly, that consent from stakeholders and experts may not be obtained, and that enforcement will be delayed and inadequate.

### Challenges and Prospects for Modern Minimum Wage Council Reform **Yasukazu Fujita** (Professor Emeritus, Tottori University)

The task of this paper is to examine problems based on the current situation of minimum wage councils in Japan and clarify the direction of minimum wage council reform. With regard to the reform of the council that I made when I was the chairman of the Tottori regional minimum wage council, the current closed council was fully opened to the public, and I emphasized that operations should be democratic at the local minimum wage councils and the central minimum wage council. At the same time, I clarify the need to abolish the current regional minimum wage and introduce a national uniform minimum wage.

### Examining the Current Status and Challenges of the Labor Standards Inspection Office **Kiyoko Ikeyama** (Kobe University)

The Labor Standards Inspection Office is the organization at the forefront of labor standards and administration in Japan. This paper will clarify the present state of affairs of the organization and the challenges it faces, then examine potential changes that can be implemented to create more ideal labor standards and administration. Currently, proactive and systematic supervision is conducted to secure working conditions in line with the laws. However, there has been a shortage of labor standards inspectors in Japan, and so the inspectors are unable to devote themselves to their primary duties of conducting inspections. This problem has been amplified in recent years by the general

reduction of public servants and the diversification of work. Because of the shortage of labor standards inspectors, the government has started outsourcing inspection work to private companies, but important issues such as the status and authority of the supervisory staff and the nature of the entrusted work have remained unresolved. In addition, the government decided to ask small and medium-sized enterprises (SMEs) to voluntarily improve their working conditions, and the labor standards inspection administration is expected to balance the protection of SMEs with that of workers.

#### The Roles Played by Public Employment Security Offices and Future Challenges

**Mari Okutsu** (Former Research Director, The Japan Institute for Labour Policy and Training)

Public Employment Security Offices (PESOs) are not only government employment placement agencies, but also employment security bodies that provide guidance and advice to users to comply with various labor-related laws and regulations, and adjust supply and demand in the labor force in accordance with nationwide industrial and economic trends. When industrial and occupational structures changed drastically, PESOs prevented unemployment by promoting labor mobility from depressed sectors to other sectors. In the future, when various ways of working become widespread, PESOs will need to provide effective information to users in order to function as a safety net for employment. Therefore, it is important for them to be familiar with the status of employment and non-employment labor utilization in firms in the area under their jurisdiction. In particular, it will be desirable for PESOs to demonstrate job counseling characteristics.

#### The Paradigm Shift and Future Issues in Labor Dispute Resolution through Labor Tribunal Proceedings

**Takahiro Asano** (Hokkai-Gakuen University)

The labor tribunal proceedings system was established under the Labor Tribunal Act (Act No. 45 of May 12, 2004), and started operation in April 2006. These proceedings cover individual labor-related disputes. In principle, one judge (labor tribunal judge) and two persons with specialized knowledge and experience in labor-related matters (labor tribunal members) constitute a panel, and a case is concluded within three sessions. It is a procedure for non-contentious cases, in which a proposed solution in line with the content of the case is presented by consensus based on the relationship of rights and obligations, while attempting to achieve a resolution through mediation if possible. Labor tribunal proceedings were conceived in the course of judicial system reform with a strong awareness of the necessity to respond to the needs of society and the needs of the people as a dispute resolution procedure, and to have the features of being speedy, specialized, and suitable. Labor tribunal proceedings are regarded as a successful system, and this success is supported by the pride, perspiration, and passion of those involved in the proceedings as professionals. The existence of labor tribunal members is particularly important, and sharing and passing on the valuable experience and knowledge cultivated by labor tribunal members through labor tribunal proceedings is becoming an issue. Ideally, labor-management disputes should be resolved through discussions between labor and management. However, in a situation where the organization rate of labor unions is less than 20% and it is difficult to say that compliance with labor law has fully penetrated the social structure of employment in Japan, labor tribunal proceedings are becoming more and more important as a means of implementing labor laws for workers, and there are high expectations for their use in the future.

#### The Current State and Problems of Mediation by Dispute Coordinating Committees in Japan

**Takayuki Murata** (Matsuyama University)

Mediation by Dispute Coordinating Committees under the Act on Promoting the Resolution of Individual Labor-Related Disputes functions as a part of the overall individual labor dispute resolution system of the national government (the Ministry of Health, Labour and Welfare), which has a nationwide network. It is a free, simple, very fast

procedure, and brings a relatively high percentage of resolutions to parties involved in individual labor disputes, and it is assumed that it enables individual workers to assert their own rights and negotiate equally with their employers for reconciliation. Staff who are government officers engaged in services specializing in labor relations play a central role, and this centralization is said to enable staff to offer uniform services throughout the country, and makes it possible to quickly respond to problems that arise. In almost 20 years from the start of its operations, there has been no change in the basic part of the system, and it has continued to the present while making necessary improvements in practical use. As a result, it maintains the highest number of case applications in the double-track individual labor dispute resolution system, and has become steadily established as an administrative ADR agency in Japan. It is anticipated that the Dispute Coordinating Committees will handle a larger number of individual labor disputes, because of the practical implementation of new labor management systems accompanying the enforcement of work-style reform laws and the sudden deterioration and disorder of the employment situation due to the COVID-19 pandemic.

The Labor Relations Commission as an Organization to Resolve Collective Labor Disputes  
**Tetsunari Doko** (Professor Emeritus, Hokkaido University)

The aim of this article is to explore the distinctive features of the Labor Relations Commission (LRC) system. The Labor Union Act of Japan provides for a LRC system for prohibiting and redressing unfair labor practices as independent administrative agencies. These agencies have the role of adjusting the relationship between labor unions and employers under the Labor Relations Adjustment Act. The three measures for adjusting collective labor disputes are conciliation, mediation, and arbitration. LRCs did not originally have jurisdiction over individual labor disputes, but most prefectural LRCs are now engaged in conciliating individual disputes under the Act on Promoting the Resolution of Individual Labor-Related Disputes. The issues faced by the remedial system for unfair labor practice can be discussed in terms of the following three levels: the legal principles that support the system, the level of structure and authority of the current system, and the operational level.

Determinants of Working from Home and Its Impacts on Income and Anxiety during the Early Phase of the COVID-19 Pandemic in Japan

**Kayoko Ishii** (Keio University)

**Mao Nakayama** (Keio University)

**Isamu Yamamoto** (Keio University)

This study clarifies the determinants of smoothly shifting from office work to working from home under the early COVID-19 pandemic, and investigates its impact on income, working hours, and anxiety, using longitudinal data on employees in Japan. The results of regression analyses show that those who are university graduates, regular employees, high earners, working in large companies, and working in companies that have good human resource management have a high probability of switching to working from home under the pandemic, even after controlling for each job's potential for working from home. This indicates not only that these workers tend to occupy jobs that can be done from home, but also that even if their jobs have the same potential for working from home, there is inequality of choices between workers with regard to working from home. This study also investigates the impact of working from home on income, working hours, and anxiety. To control for inverse causal effects, we used instrumental variable methods. The analyses show that working from home has significant effects of preventing earning loss and a decrease of working hours, but there is no significant effect on anxiety. This reveals that the pandemic also produces inequality of income and working hours between workers.