

Abstracts

Health Information and Reasonable Accommodation

Tamako Hasegawa (Okayama University)

The Act to Facilitate the Employment of Persons with Disabilities (AFEPD) established new obligations to prohibit discrimination against and provide reasonable accommodations for persons with disabilities in 2016. To provide reasonable accommodations, employers cannot avoid obtaining information about employees' disabilities, and it is often beneficial for relevant parties to share information about the disability and accommodations. On the other hand, from the perspectives of prohibiting discrimination and protecting privacy, the acquisition and use of such information must be restricted. Thus, even within the AFEPD, inconsistencies exist regarding information handling. Furthermore, Japan has various rules concerning health information such as sensitive personal information under the Act on the Protection of Personal Information, information on workers' physical and mental conditions under the Industrial Safety and Health Act, the duty of consideration to the safety of workers, and privacy protection. These rules can be categorized into two types: those that oblige or encourage employers to obtain information and those that restrict employers' acquisition or use of information. While it is certainly important to prevent discrimination, enable effective performance through reasonable accommodations, and ensure that employees can work without harming their health, the lack of consistency in rules governing health information handling also causes confusion. In Japan, where an employment quota system exists for persons with disabilities and cases of death or suicide due to overwork are prevalent, it is desirable to prioritize policies that focus on creating an environment conducive to obtaining and utilizing health information, and that emphasize the obligations to provide reasonable accommodations and ensure safety rather than restricting the acquisition and use of such information.

Verification of Sexual Criminal Records under the Act on the Prevention of Sexual Violence against Children and Personnel Management Measures

Natsuki Kono (Kansai University)

The Act on the Prevention of Sexual Violence against Children, enacted in 2024, imposes an obligation on certain business entities that provide educational or childcare services to children to verify whether employees currently engaged in, or expected to be engaged in specified duties involving contact with children have any prior convictions for certain sex crimes. In addition, the Act obligates such entities to implement measures to prevent sexual violence against children under certain situations. It should be construed to mean that if a current employee is found to have a specified sexual criminal record, the business entity is generally required to remove that employee from the designated duties. Aside from issues on what measures are mandated as preventive measures under the Act, there are issues concerning what measures may be taken as an exercise of personnel authority of an employer under the labor contract. In light of the regulations governing the acquisition of sensitive personal information under the Act on the Protection of Personal Information, it is understood that, under current law, falsification of one's criminal history does not constitute grounds for disciplinary action or dismissal. On the other hand, committing a sex crime in an employee's private life may constitute grounds for disciplinary action or dismissal, either because it damages the company's reputation, or because it demonstrates a lack of suitability.

Labor-Management Communication and Consideration for Information: Differences by Employee Organization Types

Norio Hisamoto (Kyoto Tachibana University)

How do companies and labor unions respond to workplace grievances raised by employees, particularly those concerning work practices? What expectations, anxieties, and distrust do employees or union members harbor? And how do these differ based on the type of employee organization? This paper first links individual records from the JILPT company survey to individual records from the employee survey. It then categorizes these into four

patterns based on the form of employee organization: company-based labor unions, employee organizations involved in labor conditions (participatory-type) and those not involved (non-participatory-type), and no employee organization. It analyzes the differences in perceptions between the company and its employees for each type. Next, it examines the JILPT survey on labor unions. Finally, based on these findings, it discusses what is necessary for vibrant labor-management relations. The main findings of this paper are as follows: (1) While nearly 40% of union members, especially those at the section chief/supervisor level, cited “their company’s labor union or employee representatives” for the appropriate reporting mechanism or point of contact when dissatisfied, only slightly over 10% of employees at companies with participatory-type organizations did so, showing little difference compared to employees at non-participatory-type organizations or companies without such organizations. (2) Union members in workplaces with dedicated union grievance consultation services express significantly higher expectations for their union, yet unions themselves do not fully recognize the effectiveness of these services. (3) Union members who believe voicing workplace grievances to the union could disadvantage them personally also harbor strong distrust toward the company.

Collaborative Career Development between Companies and Employees through People Analytics: Algorithmic Management Integrating Individual Autonomy and Organizational Learning

Yusuke Sato (Keio University)

Takuya Hanyu (Keio University)

The core of human capital management is leveraging individual career autonomy as the driving force for evolving organizations into organizations that learn. This paper proposes a Collaborative Career Development Ecosystem that creates a virtuous cycle between personal growth and organizational learning. Powered by the integration of People Analytics and algorithmic management, the system visualizes and integrates future talent needs with employee career aspirations and learning demands, dynamically matching optimal opportunities and roles. It goes beyond efficient allocation to empower individual career choices while transforming diverse insights into strategic organizational learning, encouraging reform of rigid HR practices. Based on strict data governance, the framework treats data use as a means of support instead of control, providing a method for aligning individual careers with organizational growth in the context of AI.

Workplace Information Disclosure in Mid-Career Recruitment Markets: Evidence from Five Case Studies

Osamu Umezaki (Hosei University)

This study examines workplace information disclosure in labor markets, drawing on interview-based investigations of mid-career recruitment activities in five firms. Unlike the formalization of workplace information observed in capital markets, the workplace information exchanged in labor markets contained a substantial amount of information that was difficult to formalize as numbers or text. To transmit information that is difficult to formalize, firms combined diverse communication practices, including the simultaneous use of multiple channels, leveraging human networks involving agents, employees, and former employees, dialogic communication, and on-site workplace visits. The deployment of these practices was adjusted according to the characteristics of the information being disclosed and the timing within the recruitment process. Overall, the results showed that workplace information disclosure in labor markets—characterized by information that cannot be formalized—is supplemented by information that can be formalized and diverse forms of practical ingenuity to achieve disclosure. The findings indicate that both efforts to formalize information and efforts to convey information that cannot be formalized are indispensable and should not be conflated in human resource (HR) practices.

Corporate Information and Workers’ Obligations from a Competition Law Perspective

Takahiro Saito (Nanzan University)

This paper examines legal insights from judicial rulings on the U.S. Federal Trade Commission’s Non-Compete Clause Rule and the subsequent debate leading to its withdrawal.

From a competition law perspective, it comprehensively reviews Japan's legal framework for corporate information protection, pointing out challenges such as overly restrictive worker constraints and inadequate management systems. Currently, cases of former employees leaking know-how and customer data are increasing, making strengthened preventive measures and legal remedies urgent. Beyond traditional non-disclosure agreements and non-compete obligations, expanding legal protections, such as amending the Unfair Competition Prevention Act, is under consideration. However, it warns that imposing overly broad obligations or severe sanctions on workers risks infringing on their freedom to change jobs. Such restrictions could hinder market competition and innovation. Furthermore, expanding information management into areas of significant public interest could hinder the use of Leniency Program under the Antimonopoly Act and Whistleblower Systems under the Whistleblower Protection Act, potentially obstructing public interest measures such as civil remedies and maintaining market competition. This analysis emphasizes the need to balance corporate information protection with maintaining worker mobility and public interest considerations.