

Abstracts

The Legal Justification for Strengthening the Institutional Foundations of the Majority Representation System: The Legitimacy of Majority Representatives and the Justification of Derogation

Yoichi Motohisa (Kokugakuin University)

The 2025 Report of the Study Group on Labour Standards Related Legislation proposes a fundamental strengthening of Japan's majority representation system, focusing on proper election procedures and institutional support. This article examines whether such reforms can supply the justification required for derogation from statutory labour standards through labour-management agreements. The system originated in the early post-war period as transitional legislation pending the general establishment of collective determination by trade unions. Since then, its scope has expanded enormously, while regulation of election procedures has remained minimal. Case law and empirical surveys reveal that representatives are frequently such in name only. The Hitachi Musashi, Nissan, and Mitsubishi Heavy Industries cases expose structural conflicts between majority and minority, and between the collective and the individual. More fundamentally, Article 27, paragraph (2) of the Constitution reserves labour standards to statute. The majority representation system delegates to private parties the power to disapply what the Constitution has reserved to the legislature. Yet the legitimacy invoked to justify this delegation derives solely from the Labour Standards Act itself, in a circular self-supply of justification by the legislature. However far institutional strengthening enhances legitimacy, this circularity remains unbroken. What is required is the delimitation of protected domains, the securing of protective standards, and substantive bargaining power.

The Roles of Majority Employee Representatives in Non-Union Firms: Their Relationship with Labor-Management Communication on Working Conditions

Shinya Iwatsuki (The Japan Institute for Labour Policy and Training)

This study examines labor-management communication concerning working conditions and the roles of majority employee representatives in non-union firms, as well as the relationship between the two and the mechanisms supporting representatives' activities. Four findings emerge. First, three forms of communication were identified: committees and meetings, consultation meetings, and day-to-day informal exchanges. Topics included compensation, working hours, leave, Article 36 agreements governing overtime and holiday work, and work rules. Second, majority employee representatives performed either a limited role, confined to reviewing and signing or affixing their seals to Article 36 agreements, or a broader role involving the aggregation of employee views and participation in consultations. The limited role may be associated with low overtime and the existence of other committees or meetings, whereas the broader role may be associated with higher overtime, company policies on labor-management communication, and representatives' direct participation in forums for discussion. Third, one case showed that representatives aggregated employee views through a consultation meeting and, with an understanding of its outcomes, participated in concluding an Article 36 agreement and revising work rules, which suggests a relationship between consultation meetings and their broader role. Fourth, limits on the timing and duration of representatives' activities and assistance provided by safety and general affairs staff were identified as mechanisms that may reduce their burden. These findings highlight the importance of understanding representatives' roles in relation to labor-management communication and considering support mechanisms and disclosure of information on working conditions.

Industrial Relations at Ports in Japan: Port Democratization, Employment Stabilization, and Improvement of Working Conditions Advanced beyond Individual Firms

Kohei Honda (Rikkyo University)

This paper examines why Japanese dockworkers pursued industrial (sector-wide) unionism from the very outset and have determined working conditions through frameworks that transcend individual firms. Port cargo handling rests on two structural features: the

volatility of labor demand, and an asymmetry between the mobility of cargo and the fixity of labor. Because improvements won at a single port or firm collapse once shippers and carriers divert cargo to cheaper ports, bargaining had to be organized at the national-industry level. As an organizational response to this market structure and to the multilayered subcontracting system, the All Japan Dockworker's Union (Zenkowan) achieved industrial unification in 1949 and later consolidated into the National Federation of Dockworkers Unions of Japan (Zenkoku Kowan). Confronting industry-wide upheavals, such as postwar democratization, containerization, and deregulation, the movement built up the Port Labor Act (modeled on dock labor legislation in the United Kingdom), industry-wide collective agreements (de facto extended application through collective-bargaining autonomy, a two-tier wage structure, and a prior-consultation system), and union-run labor supply. Together these detached working conditions and social security from individual firms. The port case shows that collective determination of working conditions is possible even in "non-union" workplaces, by relocating labor-management communication to the industry level, although its efficacy depends on the organizational penetration of members on the ground.