

Trade Union Law  
(Law No. 174 of June 1, 1949)

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## CHAPTER .

### GENERAL PROVISIONS

(Purpose)

**Article 1.** The purposes of this Law are to elevate the status of workers by promoting their being on equal standing with their employer in their bargaining with the employer; to protect the exercise by workers of autonomous self-organization and association in trade unions so that they may carry out collective action including the designation of representatives of their own choosing to negotiate working conditions; and to encourage the practice of collective bargaining, and procedures therefore, for the purpose of concluding collective agreements governing relations between employers and workers.

2. The provisions of Article 35 of the Criminal Code (Law No. 45 of 1907) shall apply to collective bargaining and other acts of a trade union which are proper and have been performed for the attainment of the purposes of the preceding paragraph, provided, however, that in no event shall acts of violence be construed as proper acts of trade unions.

(Trade Unions)

**Article 2.** "Trade unions" under this Law shall be those organizations, or federations thereof, formed autonomously and composed mainly of the workers for the main purposes of maintaining and improving working conditions and raising the economic status of the workers, provided, however, that this shall not apply to those:

- (1) which admit to membership officers; workers in supervisory positions having direct authority with respect to hiring, firing, promotions or transfers; workers in supervisory positions having access to confidential information relating to the employer's labour relations plans and policies so that their official duties and responsibilities directly conflict with their loyalty and responsibilities as members of the trade union concerned; and other persons who represent the interests of the employer;
- (2) which receive the employer's financial support in defraying the organizations' operational expenditures, provided, however, that this shall not prevent the employer from permitting workers to confer or negotiate with the employer during working hours without loss of time or pay and this shall not apply to the employer's contributions for public welfare funds or welfare and other funds which are actually used for payments to prevent or relieve economic misfortunes or accidents, nor to the furnishing of minimum office space;
- (3) whose objects are confined to mutual aid work or other welfare work;
- (4) whose objects are principally political or social movements.

(Workers)

**Article 3.** "Workers" under this Law shall be those persons who live on their wages, salaries or other remuneration assailable thereto, regardless of the kind of occupation.

**Article 4.** Deleted.

CHAPTER II  
TRADE UNIONS

(Treatment of an Organization Which Has Been Formed as a Trade Union)

**Article 5.** Unless the trade union has submitted evidence to the Labour Relations Commission and proved that it is in compliance with the provisions of Article 2 and paragraph 2 of this Article, the trade union shall not be eligible to participate in the procedures provided in this Law and shall not be granted the remedies provided in this Law, provided, however, that nothing herein shall be construed so as to deny any individual worker the protections accorded by Article 7, item 1.

2. The constitution of a trade union shall include the provisions set forth in each of the following items:

- (1) name;
- (2) address of the main office;
- (3) that members of a trade union other than a trade union that is a federation (such other trade union hereinafter referred to as a "local union") shall have the right to participate in all affairs of such trade union and shall have the right to receive equal treatment;
- (4) that in no event shall anyone be disqualified for union membership on the basis of race, religion, sex, social status or family origin;
- (5) in the case of a local union, that the officers shall be elected by direct secret ballot of the members, and, in the case of a federation or a trade union having national scope, that the officers shall be elected by direct secret ballot either of the members of the local unions or of delegates elected by direct secret ballot of the members of the local unions;
- (6) that a general meeting shall be held at least once every year;
- (7) that a financial report showing all sources of revenues and expenses, the names of main contributors and the current financial status, together with certification of its accuracy by a professionally competent auditor appointed by the members; shall be released to the members at least once every year,
- (8) that no strike action shall be started without a majority decision made by direct secret ballot either of the members or of delegates elected by direct secret ballot of the members;
- (9) in the case of local union, that the constitution shall not be revised unless such revision has received majority support by direct secret ballot of the members, and, in the case of a trade union which is a federation or a trade union which has national scope, the constitution shall not be revised unless such revision has received majority support by direct secret ballot either of the members of the local unions or of the delegates elected by direct secret ballot of the members of the local unions.

(Authority to Negotiate)

**Article 6.** Representatives of a trade union or those to whom the authority has been delegated by the trade union shall have authority to negotiate with the employer or the employers' organization on behalf of the trade union or the members of the trade union with respect to conclusion of a collective agreement and other matters.

(Unfair Labour Practices)

**Article 7.** The employer shall not commit the acts set forth in the following items:

- (1) to discharge or otherwise treat in a disadvantageous manner a worker by reason of such worker's being a member of a trade union, having tried to join or organize a trade union, or having performed proper acts of a trade union; or to make it a condition of employment that the worker must not join or must withdraw from a trade union. However, where a trade union represents a majority of workers employed at a particular plant or workplace, this

shall not prevent an employer from concluding a collective agreement which requires, as a condition of employment, that the workers must be members of such trade union;

- (2) to refuse to bargain collectively with the representative of the workers employed by the employer without proper reasons;
- (3) to control or interfere with the formation or management of a trade union by workers or to give financial support in defraying the trade union's operational expenditures, provided, however, that this shall not prevent the employer from permitting workers to confer or negotiate with the employer during working hours without loss of time or pay and this shall not apply to the employer's contributions for public welfare funds or welfare and other funds which are actually used for payments to prevent or relieve economic misfortunes or accidents, nor to the furnishing of minimum office space;
- (4) to discharge or otherwise treat in a disadvantageous manner a worker for such worker's having filed a complaint with the Labour Relations Commission that the employer has violated the provisions of this Article; for such worker's having requested the Central Labour Relations Commission to review an order issued under the provisions of Article 27, paragraph 4; or for such worker's having presented evidence or having spoken at an investigation or hearing conducted by the Labour Relations Commission in regard to such a complaint or request or at an adjustment of labour disputes as provided for under the Labour Relations Adjustment Law (Law No. 25 of 1946).

(Indemnity)

**Article 8.** An employer shall not be permitted to claim indemnity from a trade union or a member of the same for damages received through a strike or other acts of dispute which are proper acts.

(Diversion of Funds)

**Article 9.** When a trade union intends to divert for other purposes funds specially set up for mutual aid and other welfare activities, it shall obtain a resolution of the general meeting of the union.

(Dissolution)

**Article 10.** A trade union shall be dissolved in the following cases:

- (1) occurrence of circumstances requiring dissolution as provided in the constitution of the trade union;
- (2) adoption of resolution for dissolution at the general meeting of the trade union by a majority of three-fourths or more of the members or the affiliated organizations.

(Trade Union which is a Juridical Person)

**Article 11.** A trade union which has received certification by the Labour Relations Commission that it is in compliance with the provisions of this Law shall acquire the status of a juridical person by registering itself at the place where its main office is located.

2. The matters necessary for registration other than those provided in this Law shall be fixed by cabinet order.

3. The matters necessary for registration for a trade union may not be raised against any third person until after registration has been effected.

(Mutatis Mutandis Application)

**Article 12.** The provisions of Articles 43.44 (except with respect to the cases provided for in Article 8 of this Law), 50, 52 to 55, and 57 of the Civil Code (Law No. 89 of 1896) and the provisions of Articles 35.36 and 37-2 of the Law on Procedures in Non-Contentious Cases (Law No. 14 of 1898) shall apply mutatis mutandis to a trade union which is a juridical person.

2. The provisions of Articles 72 to 83 of the Civil Code and the provisions of Articles 136, 137 and 138 of the Law on Procedures in Non-Contentious Cases shall apply mutatis mutandis to a trade union which is a juridical person and which has dissolved according to the provisions of Article 10 of this Law.

**Article 13.** Deleted.

## CHAPTER III

### COLLECTIVE AGREEMENTS

(Taking Effect of a Collective Agreement)

**Article 14.** A collective agreement between a trade union and an employer or an employers' organization concerning conditions of work and other matters shall take effect when the agreement is put in writing and is either signed by or with names affixed with seals by both of the parties concerned.

(Term of a Collective Agreement)

**Article 15.** A term of validity exceeding three years shall not be provided for in a collective agreement.

2. A collective agreement providing for a term of validity exceeding three years shall be regarded as a collective agreement providing for a term of validity of three years.

3. A collective agreement which does not provide for a term of validity may be terminated by either party by giving notice to the other party in writing either signed by or with name affixed with seal by the party giving notice. A collective agreement which provides for a definite term and which includes a provision to the effect that the agreement shall continue in effect after expiration of said term without specifying any time limit for such continuation shall be treated in the same way after the expiration of said term.

4. The notice provided for in the preceding paragraph shall be given at least ninety days prior to the date on which termination is to be made.

(Effectiveness of the Standards)

**Article 16.** Any portion of an individual labour contract contravening the standards concerning conditions of work and other matters relating to the treatment of workers provided in the collective agreement shall be void. In such a case, the invalidated part of the individual labour contract shall be governed by the provisions of the standards. With respect to matters as to which the individual labour contract contains no provisions, the same rule shall apply.

(General Binding Power)

**Article 17.** When three-fourths or more of the workers of the same kind regularly employed in a particular factory or other workplace come under application of a particular collective agreement, the agreement concerned shall be regarded as also applying to the remaining workers of the same kind employed in the factory concerned or workplace.

(General Binding Power in a Locality)

**Article 18.** When a majority of the workers of the same kind in a particular locality come under application of a particular collective agreement, the Minister of Health, Labour and Welfare or the prefectural governor may, at the request of either one or both of the parties to the collective agreement concerned and pursuant to a resolution of the Labour Relations Commission, decide that the collective agreement concerned (including an agreement revised pursuant to the provisions of paragraph 2) should apply to the remaining workers of the same kind employed in the same locality and to their employers.

2. In the event the Labour Relations Commission determines, in making the resolution referred to in the preceding paragraph, that the collective agreement concerned contains inappropriate portions, the Commission may amend those portions.

3. A decision under paragraph 1 shall be effectuated by public notification.

4. In the event the Minister of Health, Labour and Welfare or the prefectural labour director determines that the collective agreement referred to in a request under paragraph 1 constitutes a collective agreement as provided for in Article 11 of the Minimum Wages Law (Law No. 137 of 1959), the Minister of Health, Labour and Welfare or the prefectural labour director, in

making the decision referred to in that paragraph; shall, prior thereto obtain the opinion of the Central Minimum Wages Council or the Chief of the Prefectural Labour Standards Office concerning the portion of the collective Agreement relating to wages. In such a case, the Chief of the Prefectural Labour Standards Office, prior to presenting his or her opinion, shall obtain the opinion of the Local Minimum Wages Council.

## CHAPTER IV

### LABOUR RELATIONS COMMISSIONS

(Labour Relations Commissions)

**Article 19.** Labor Relations Commissions shall be composed of equal numbers of persons representing employers (hereinafter referred to as "employer members"), persons representing workers (hereinafter referred to as "labor members") and persons representing the public interest (hereinafter referred to as "public members").

2. The Labour Relations Commissions shall consist of the Central Labour Relations Commission, the Central Labour Relations Commission for Seafarers, Prefectural Labour Relations Commissions and Local Labour Relations Commissions for Seafarers.

3. Matters concerning the Labour Relations Commissions other than those laid down in this Law shall be fixed by cabinet order.

(Central Labour Relations Commission)

**Article 19-2.** The Central Labour Relations Commission shall be established under the jurisdiction of the Minister of Health, Labor and Welfare based on the provisions of Article 3, paragraph 2 of the National Government Organization Law (Law No. 120 of 1948).

2. The Central Labour Relations Commission shall have the duty to protect the workers' exercise of association and promote the fair adjustment of labour relations.

3. In order to fulfill the duties provided for in the preceding paragraph, the Central Labour Relations Commission shall take charge of matters based on the provisions of Article 5, Article 11, Article 18, Article 26 and Article 27 of this Law; matters concerning the conciliation, mediation and arbitration of labor disputes; matters pursuant to the provisions of Article 35-2 and Article 35-3 of the Labor Relations Adjustment Law; and other matters entrusted to the Central Labour Relations Commission based on laws (including orders based on laws).

(Appointment of the Members of the Central Labour Relations Commission, etc.)

**Article 19-3.** The Central Labour Relations Commission shall be composed of fifteen each of employer members, labour members and public members.

2. The Prime Minister shall appoint the employer members based upon the recommendations of employers' organizations (and as to six of the employer members, based upon the recommendations of the national enterprises (this shall mean the national enterprises as provided for in Article 2, item 1 of the Law Concerning the Labor Relations of National Enterprises and Specified Independent Administrative Institution (Law No. 257 of 1948); hereinafter in this paragraph and in Article 19-10, paragraph 1, the same shall apply.) or specified independent administrative Institution (this shall mean the specified independent administrative institution provided for in Article 2, paragraph 2 of the Specified Independent Administrative Institution Law (Law No. 103 of 1999) hereinafter in this paragraph and in Article 19-4, paragraph 2, item 3 and Article 19-10, paragraph 1, the same shall apply.)), the labour members based upon the recommendations of the labor unions (and as to four of the labour members, based upon the recommendations of the labor unions organized or joined by employees of national enterprises provided for in Article 2, item 4 of the Law Concerning the Labour Relations of National Enterprises and Specified Independent Administrative Institution (hereinafter in this chapter such employees are referred to as "employees of the national enterprises") or employees of special independent government corporations provided for in the same item (hereinafter in this chapter such employees are referred to as "employees of special independent government corporations")), and the public members with the consent of both Houses from among the persons entered in a list of candidates prepared by the Minister of Health, Labour and Welfare after obtaining the consent of

the employer members and the labour members.

3. In case the term of office of a public member has expired or a vacancy of a public member has occurred and the consent of both Houses cannot be obtained because the Diet is not in session or the House of Representatives has been dissolved, the Prime Minister may, notwithstanding the provisions of the preceding paragraph, appoint a public member from among the persons entered in a list of candidates prepared by the Minister of Health, Labour and Welfare after obtaining the consent of the employer members and the labour members.

4. In a case under the preceding paragraph, the Prime Minister shall ask for subsequent approval by both Houses at the first session after said appointment. In this case, if subsequent approval of both Houses cannot be obtained, the Prime Minister shall immediately dismiss the public member or members concerned.

5. As to appointment of the public members, seven or more of such members shall not belong to one and the same political party.

6. The members of the Central Labour Relations Commission (referred to simply as "members" in the next Article through Article 19-9 inclusive) shall be in part-time positions; provided however, that two or fewer of the public members may be in full-time positions.

(In-eligibility of Members)

**Article 19-4.** A person who has been sentenced to punishment of or greater than imprisonment and who is still under the execution of the sentence or who has not ceased to be subject to the execution of the sentence may not become a member.

2. No person falling under any one of the following items may become a public member

- (1) a member of the Diet or a member of the assembly of a local public body;
- (2) an employee of a national enterprise, or a member or officer of a trade union which is organized or joined by employees of the national enterprises.
- (3) a member or officer of a trade union organized or joined by officers of national enterprises, employees of the national enterprises or employees of specified independent administrative institution.

(Term of Office of Members, etc.)

**Article 19-5.** The term of office of members shall be two years; provided that a member who is appointed to fill a vacancy shall hold office during the remaining term of such predecessor.

2. Members may be re-appointed.

3. When the term of office of a member has expired, such member shall remain as a member until a successor has been appointed.

(Obligations of Public Members)

**Article 19-6.** No public member in full-time positions shall, during the term of office, perform any act falling under any one of the following items:

- (1) become an officer of a political party or other political organization, or actively engage in political activities;
- (2) except in cases where there has been permission from the Prime Minister, receive remuneration and engage in any other job for reward, or undertake a profit-making enterprise or otherwise engage in any business aiming at pecuniary gain.

2. No public member in a part-time position shall, during the term of office, perform any act falling under item 1 of the preceding paragraph.

(Loss of Position and Dismissal of a Member)

**Article 19-7.** A member shall lose his position in the event that such member has fallen under any one of the items of Article 19-4, paragraph 1. The same shall apply in the event that a public member has fallen under any one of the items of paragraph 2 of the same Article.

2. The Prime Minister may, when the Prime Minister determines that a member cannot perform his or her duties by reason of mental or physical defects or that a member has acted contrary to the duties of his or her position or is otherwise guilty of such misconduct as to render

such member unfit to be a member, dismiss such member with the consent of the Central Labour Relations Commission in the case of an employer member or a labour member, or with the consent of both Houses in the case of a public member.

3. In case the Prime Minister has, in accordance with the provisions of the preceding paragraph, requested the Central Labour Relations Commission to give its consent to the dismissal of an employer member or a labour member, the member concerned may not take part in the proceedings.

4. The Prime Minister shall immediately dismiss a public member who has newly come to belong to a political party to which six of the public members already belong.

5. In the event seven or more of the public members have come to belong to the same political party (excluding a case which falls under the provisions of the preceding paragraph), the Prime Minister, with the consent of both Houses, shall dismiss public members so that the number of public members belonging to the same party is reduced to six, provided, however, that the Prime Minister may not dismiss members who have not changed the political party to which they belong.

(Pay of the Members, etc.)

**Article 19-8.** Members shall receive such salaries, allowances and other pay as are fixed separately by laws, and shall also receive compensation for expenses necessary for the performance of their duties as fixed by cabinet order.

(Chairman of the Central Labour Relations Commission)

**Article 19-9.** The Central Labour Relations Commission shall have a chairman.

2. The chairman shall be elected by the members from among the public members.

3. The chairman shall preside over the business of the Central Labour Relations Commission and shall represent the Central Labour Relations Commission.

4. The Central Labour Relations Commission shall designate in advance a member, by election by the members from among the public members, who shall act for the chairman in the event the chairman is impeded from performing duties.

(Local Members for Adjustment)

**Article 19-10.** The Central Labour Relations Commission shall establish Local Members for Adjustment representing, respectively, the employers, the workers and the public interest to participate in conciliation or mediation in disputes arising between national enterprises and the employees of the national enterprises thereof and disputes arising between specified independent administrative institution and the employees of special independent administrative institution thereof and other disputes fixed by cabinet order as those in local areas to be dealt with by the Central Labour Relations Commission, and to participate in investigations or hearings as provided for in Article 27, paragraph 13.

2. For each area fixed by cabinet order, the Minister of Health, Labour and Welfare shall appoint Local Members for Adjustment with the consent of the Central Labour Relations Commission.

3. The provisions of Article 19-5, the main clause of paragraph 1 and paragraph 2; Article 19-7, paragraph 2; and Article 19-8 shall apply mutatis mutandis to the Local Members for Adjustment. In this case, "the Prime Minister" in Article 19-7, paragraph 2, shall be read as "the Minister of Health, Labour and Welfare", and "with the consent of the Central Labour Relations Commission in the case of an employer member or a labour member, or with the consent of both Houses in the case of a public member" in the same paragraph shall be read as "with the consent of the Central Labour Relations Commission".

(Executive Office of the Central Labour Relations Commission)

**Article 19-11.** An Executive Office shall be established in the Central Labour Relations Commission to handle the administrative affairs of the Commission, and the Executive Office shall have an office director-general and other necessary staff appointed by the Minister of Health, Labour and Welfare with the consent of the chairman.

2. The Executive Office shall establish local offices, which shall take charge of affairs in local areas.

3. The locations, names and jurisdictional areas of the local offices shall be fixed by cabinet order.

(Local Labour Relations Commissions)

**Article 19-12.** The Local Labour Relations Commissions shall be established under the jurisdiction of the prefectural governors.

2. The Prefectural Labour Relations Commissions shall be composed of either thirteen members each (restricted to the commission established by the Tokyo Metropolitan Government), eleven members each (restricted to the commission established by the Osaka Prefectural Government), nine members each, seven members each, or five members each for employer members, labour members, and public members respectively, with the number as fixed by cabinet order.

3. The prefectural governor shall appoint the employer members based upon the recommendations of the employers' organizations, the labour members based upon the recommendations of the trade unions, and the public members with the consent of the employer members and the labour members.

4. The provisions of Article 19-3, paragraph 5 and the main clause of paragraph 6; Article 19-4, paragraph 1; Article 19-5; Article 19-7, the first clause of paragraph 1, paragraph 2 and paragraph 3; Article 19-8; Article 19-9; and the first paragraph of the preceding Article shall apply mutatis mutandis to the Local Labour Relations Commissions. In this case, "seven or more of such members" in Article 19-3, paragraph 5 shall be read as "six or more of such members in a Local Labour Relations Commission containing 13 public members, five or more of such members in a Local Labour Relations Commission containing 11 public members, four or more of such members in a Local Labour Relations Commission containing nine public members, three or more of such members in a Local Labour Relations Commission containing seven public members, two or more of such members in a Local Labour Relations Commission containing five public members"; "the Prime Minister" in Article 19-7, paragraph 2 shall be read as "the prefectural governor"; "with the consent of the Central Labour Relations Commission in the case of an employer member or a labour member, or with the consent of both Houses in the case of a public member" in the same paragraph shall be read as "the Local Labour Relations Commission"; "the Prime Minister" in paragraph 3 of the same Article shall be read as "the prefectural governor"; "an employer member or a labour member" in the same paragraph shall be read as "a member of the Local Labour Relations Commission"; "the Minister of Health, Labor and Welfare" in paragraph 1 of the preceding Article shall be read as "the prefectural governor"; and "an office director-general and other necessary staff" shall be read as "an office director-general, two or fewer vice-directors-general and other necessary staff."

5. When a public member has by his or her own actions come into conflict with the provisions of Article 19-3, paragraph 5, as incorporated under the provisions of the preceding paragraph, such member shall automatically be retired.

(Labour Relations Commission for Seafarers)

**Article 19-13.** With regard to mariners (excluding employees of the national enterprises and specified independent administrative institution; hereinafter in this paragraph the same qualification applies) covered by the Mariners Law (Law No. 100 of 1947), the functions of the Central Labour Relations Commission, the Prefectural Labour Relations Commission, the Minister of Health, Labour and Welfare and the prefectural governors as provided for in this Law shall be performed, respectively, by the Central Labour Relations Commission for Seafarers, the Local Labour Relations Commission for Seafarers and the Minister of Land, Infrastructure and Transport. In this case, the provisions of Article 18, paragraph 4, shall not apply to mariners.

2. The Central Labour Relations Commission for Seafarers shall be composed of seven

employer members, seven labour members and seven Trade Union Law public members, and the Local Labour Relations Commissions for Seafarers shall be composed of five employer members, five labour members and five public members.

3. The Minister of Land, Infrastructure and Transport shall appoint the employer members based upon the recommendations of the employers' organizations, the labour members based upon the recommendations of the trade unions and the public members based upon the consent of the employer members and the labour members.

4. The provisions concerning the Central Labour Relations Commission and the Local Labour Relations Commissions ((excluding the provisions of Article 19-2; Article 19-3, paragraphs 1 to 4 inclusive and the proviso to paragraph 6; Article 19-4, paragraph 2; Article 19-6; Article 19-7, the latter clause of paragraph 1, paragraph 4 and paragraph 5; Article 19-10; Article 19-11, paragraph 2 and paragraph 3; paragraph 2, paragraph 3 and the latter clause of paragraph 4 (restricted to the part specifying that "an office director-general and other necessary staff" in Article 19-11, paragraph 1 shall be read as "an office director-general, two or fewer vice-directors-general and other necessary staff") of the preceding Article; Article 24, paragraph 2; and Article 27, paragraph 13) shall apply mutatis mutandis to the Central Labour Relations Commission for Seafarers and the Local Labour Relations Commissions for Seafarers. In this case, "seven or more" in Article 19-3, paragraph 5 shall be read as "three or more"; "the Prime Minister" in Article 19-7, paragraph 2 shall be read as "the Minister of Land, Infrastructure and Transport"; "with the consent of the Central Labour Relations Commission in the case of an employer member or a labour member, or with the consent of both Houses in the case of a public member" in the same paragraph shall be read as "the Central Labour Relations Commission for Seafarers"; "the Prime Minister" in paragraph 3 of the same Article shall be read as "Minister of Land, Infrastructure and Transport"; "an employer member or a labour member" in the same paragraph shall be read as "a member of the Central Labour Relations Commission for Seafarers"; "Minister of Health, Labor and Welfare" in Article 19-11, paragraph 1 shall be read as "Minister of Land, Infrastructure and Transport"; "under the jurisdiction of the prefectural governors" in paragraph 1 of the preceding Article shall be read as "whose jurisdictional area shall be that of each Local Transport Bureau (excluding areas fixed by cabinet order for Local Transport Bureaus fixed by cabinet order) and the area fixed by the cabinet order concerned, and, for the time being, the area of Okinawa prefecture"; "the prefectural governor" in paragraph 4 of the same Article shall be read as "Minister of Land, Infrastructure and Transport"; "In cases concerning the labour relations of employees of the national enterprises and specified independent administrative institution, the Central Labour Relations Commission shall assume exclusive jurisdiction over conciliation, mediation, arbitration, and disposition (with respect to disposition under the provisions of Article 5, paragraph 1, and Article 11, paragraph 1 concerning a trade union which is organized or joined by employees of the national enterprises or employees of specified independent administrative institution, such disposition shall be restricted to that fixed by cabinet order); and the Central Labour Relations Commission shall assume initial jurisdiction over conciliation, mediation, arbitration, and disposition, in cases which span two or more prefectures" in Article 25, paragraph 1 shall be read as "shall assume initial jurisdiction over conciliation, mediation, arbitration, and disposition, in cases which span two or more jurisdictional areas of the Local Labour Relations Commissions for Seafarers."

5. The provisions of paragraph 5 of the preceding Article shall apply mutatis mutandis to a public member of the Central Labour Relations Commission for Seafarers.

(Authority of the Labour Relations Commissions)

**Article 20.** In addition to those matters pursuant to the provisions of Articles 5, 11, 18 and 27, the Labour Relations Commissions shall have authority to perform conciliation, mediation and arbitration of Labour disputes.

(Meetings)

**Article 21.** When a Labour Relations Commission deems it necessary for the public

welfare, its meetings may be made public.

2. The meetings of a Labour Relations Commission shall be called by the chairman.

3. The Labour Relations Commission shall not open a meeting nor make any decision unless at least one employer member, one labour member and one public member is present.

4. Matters shall be decided by a majority of the members present, and in case of a tie matters shall be decided by the chairman.

(Authority for Compulsion)

**Article 22.** When a Labour Relations Commission deems it necessary for carrying out its work, the Labour Relations Commission may demand the attendance of or the presentation of reports or the presentation of necessary books and documents by the employer or the employers' organization or by the trade union or others concerned, and the Labour Relations Commission may also have its members or staff (hereinafter referred to simply as "staff") inspect factories and other workplaces concerned and inspect the conditions of business, books and papers and other objects.

2. In the event the Labour Relations Commission has its members or staff inspect or investigate pursuant to the preceding paragraph, the Labour Relations Commission shall require them to carry a certificate certifying their positions and to show such certificate to persons concerned.

(Duty to Keep Secrets)

**Article 23.** Members and those who have been members as well as the staff or those who have been on the staff of a Labour Relations Commission shall not disclose any secret information obtained in performing their functions. The same shall apply to Local Members for Adjustment and those who have been Local Members for Adjustment of the Central Labour Relations Commission.

(Authorities Which Is Carried Out Only by Public Members)

**Article 24.** Only the public members of a Labour Relations Commission shall participate in the disposition of cases arising under Articles 5, 7, 11 and 27 hereof and under Article 42 of the Labour Relations Adjustment Law; provided, however, that this shall not preclude employer members and labour members from participating in hearings held prior to a decision.

2. The Central Labour Relations Commission may have public members in full-time positions investigate conditions of labour relations of employees of the national enterprises and employees of specified independent administrative institution deemed necessary for dealing with the business of the Central Labour Relations Commission, in addition to matters relating to cases pending before the Central Labour Relations Commission.

(Authority of the Central Labour Relations Commission)

**Article 25.** In cases concerning the labor relations of employees of the national enterprises and employees of specified independent administrative institution, the Central Labour Relations Commission shall assume exclusive jurisdiction over conciliation, mediation, arbitration, and disposition (with respect to disposition under the provisions of Article 5, paragraph 1 and Article 11, paragraph 1 concerning a trade union which is organized or joined by employees of the national enterprises or employees of specified independent administrative institution, such disposition shall be restricted to that fixed by cabinet order); and the Central Labour Relations Commission shall assume initial jurisdiction over conciliation, mediation, arbitration, and disposition, in cases which span two or more prefectures or which present issues of national importance.

2. The Central Labour Relations Commission may review the dispositions of the Local Labour Relations Commission pursuant to the provisions of Articles 5, 7 and 27 with full authority to reverse, accept, or modify such dispositions, or it may reject an appeal for review of such dispositions. Such review shall be initiated by appeal of either party from the disposition of the Local Labour Relations Commission, or ex officio.

(Authority to Establish Rules)

**Article 26.** The Central Labour Relations Commission shall have authority to formulate and promulgate rules of procedure for the Local Labour Relations Commission, as well as rules of

procedure for its own proceedings.

(Orders, etc., of the Labour Relations Commission)

**Article 27.** When a complaint that an employer has violated the provisions of Article 7 is received, the Labour Relations Commission shall make an investigation without delay and, if it is deemed necessary, shall hold a hearing on the merits of the complaint. Such investigation and hearing shall follow the rules of procedures prescribed by the Central Labour Relations Commission, as provided for in the preceding Article, and, in the procedures for such hearing, sufficient opportunity to present evidence and cross-examine the witnesses shall be given to the employer concerned and to the complainant

2. The Labour Relations Commission shall not accept a complaint under the preceding paragraph when more than one year has elapsed since the day on which the act in question was committed (and, in the case of a continuing act, from the date on which such act ended).

3. The Labour Relations Commission, in conducting the hearing under paragraph 1, may demand the attendance of witnesses and put questions to them, at the request of the parties concerned or ex officio.

4. At the conclusion of the-hearing procedures under paragraph 1, the Labour Relations Commission shall make findings of fact and issue its order in accordance therewith, either granting in full or in part the remedies sought by the complaint or dismissing the complaint. Such findings of fact and such order shall be in writing, and a copy thereof shall be served on the employer concerned and to the complainant. Such order shall take effect from the date of service. Proceedings under the provisions of this paragraph shall be in accordance with the rules of procedure prescribed by the Central Labour Relations Commissions, as provided for in the preceding Article.

5. The employer may, within a period of 15 days from receipt of the order from the Local Labour Relations Commission (or, where there has been on unavoidable reason such as a natural disaster, or other reason why the request for review was not filed within this period, within a week from the day after the termination of that reason), file a request for review by the Central Labour Relations Commission, provided, however, that such a request shall not have the effect of staying the order concerned and such order shall lose its force and effect only when the Central Labour Relations Commission reverses or modifies it as a result of review in accordance with the provisions of Article 25.

6. In the event the employer elects not to request review by the Central Labour Relations Commission of the order of the Local Labour Relations Commission, or in the event the Central Labour Relations Commission has issued an order, the employer may, within 30 days from the date of service of the order concerned, file an appeal to cancel the order concerned. This period shall be an unchangeable period.

7. In the event the employer files a request for review by the Central Labour Relations Commission in accordance with the provisions of paragraph 5, the employer may file an appeal for cancellation only with respect to an order issued by the Central Labour Relations Commission on the request for review. The provisions of paragraph 3 of Article 12 of the Administrative Case Litigation Law (Law No. 139 of 1962) shall not be applicable to such appeal.

8. In the event the employer files an appeal with a court in accordance with the provisions of paragraph 6, the court with which the appeal is filed may, at the request of the Labour Relations Commission concerned, issue an order in the form of a decision to require the employer concerned to comply in full or in part with the order of said Labour Relations Commission pending final judgment by the courts, or it may cancel or modify the decision on application by the parties concerned or ex officio.

9. In the event the employer does not file an appeal with respect to an order of the Labour Relations Commission within the period under paragraph 6, such order of the Labour Relations Commission concerned shall be come fixed. In this case, if the employer does not comply with the order of the Labour Relations Commission, the Labour Relations Commission shall so notify the

District Court in the place where the employer's domicile is located. The worker may also make such notifications.

10. In the event the whole or a part of the order of a Local Labour Relations Commission is upheld in a final judgment on an appeal under paragraph 6, the Central Labour Relations Commission cannot review such order of the Local Labour Relations Commission.

11. The provisions of paragraph 5 shall apply mutatis mutandis to a request for review to the Central Labour Relations Commission by the trade union or the worker, and the provisions of paragraph 7 shall apply mutatis mutandis to an appeal for cancellation filed by the trade union or the worker in accordance with the provisions of the Administrative Case Litigation Law.

12. The provisions of paragraphs 1, 3 and 4 shall apply mutatis mutandis to the procedures for review by the Central Labour Relations Commission.

13. Notwithstanding the provisions of Article 24, paragraph 1, the Central Labour Relations Commission may have the Local Members for Adjustment representing the public interest carry out an investigation or conduct a hearing in regard to a complaint as provided for in paragraph 1 or a request for review as provided for in paragraph 5 or paragraph 11, with respect to cases pending before the Central Labour Relations Commission, and in accordance with the provisions of the rules of procedures prescribed by the Central Labour Relations Commission as provided for in the preceding Article. In this case, the Local Members for Adjustment representing the employers and the Local Members for Adjustment representing workers may participate, in the hearing concerned.

(Compensation for Expenses)

**Article 27-2.** Those who have been required to attend pursuant to the provisions of Article 22, paragraph 1, or Article 27, paragraph 3, may be compensated for their expenses as fixed by cabinet order.

(Exception from Application of Administrative Procedural Law)

**Article 27-3.** The provisions of Chapter 2 and Chapter 3 of the Administrative Procedural Law (Law No. 88 of 1993) shall not apply to dispositions which the Labour Relations Commission conducts.

(Restriction on Filing of Objections)

**Article 27-4.** No objection may be filed under the Administrative Complaint Investigation Law (Law No. 160 of 1962) with respect to dispositions made by a Labour Relations Commission.

## CHAPTER V

### PENALTIES

**Article 28.** In the event of a violation of an order of the Labour Relations Commission pursuant to the provisions of Article 27, when the whole or a part of said order has been sustained by the final judgment of the courts, those who have committed such a violation shall be liable to imprisonment not exceeding one year or to a fine not exceeding one hundred thousand yen, or to both.

**Article 29.** Those who have contravened the provisions of Article 23 shall be liable to imprisonment at hard labour not exceeding one year or to a fine not exceeding thirty thousand yen.

**Article 30.** Those who have failed to present reports or made false reports or failed to submit books or papers in violation of the provisions of Article 22; and those who have failed to present themselves in violation of the provisions of the same Article; and those who have refused, obstructed, or evaded inspection under the provisions of the same Article shall be liable to a fine not exceeding thirty thousand yen.

**Article 31.** When an agent, co-habitant, employee, or other worker of a juridical person or a person has violated the provisions of the first clause of the preceding Article, in connection with the business of said juridical person or of the person, said juridical person or person shall not be immune from penalty by reason of not having given an instruction for such a violation.

2. The provisions of the first clause of the preceding Article shall apply, in the case of a juridical person, to the directors, managers or other officers who execute the business of such juridical person and, in the case of a minor or an adult ward, to the legal representative of such minor or adult ward (if the statutory agent is a corporation, the representative thereof); provided, however, that this rule shall not apply to a minor having the same capacity as an adult in the performance of business.

**Article 32.** In the event an employer has violated an order of a court under the provisions of Article 27, paragraph 8, such employer shall be liable to a non-penal fine not exceeding one hundred thousand yen (and if the order concerned requires affirmative action, to a fine not exceeding the total amount of money obtained by multiplying one hundred thousand yen by the number of days of non-compliance). The same shall apply in the event an employer has violated an order of the Labour Relations Commission which has become final pursuant to the provisions of Article 27, paragraph 9.

**Article 33.** In the event that the liquidator of a trade union which is a juridical person has violated the provisions of the Civil Code which are applied mutatis mutandis under Article 12 of this Law and has committed an act which is made punishable under the provisions of Article 84 of the Civil Code, such liquidator shall be subject to a fine of the same amount as provided for in said Article of the Civil Code.

2. The provisions of the preceding paragraph shall apply mutates mutandis to the representative of a trade union which is a juridical person when such representative has failed to register changes in the matters registered concerning said juridical person, as provided in a cabinet order issued under the provisions of Article 11, paragraph 2 of this Law.

#### **Supplementary Provisions**

1. The date of enforcement of this Law shall be within thirty days from the day of promulgation and shall be fixed by cabinet order.

(The rest is omitted.)