

Collective Bargaining Isn't Working!!

Labor Dispute Adjustment

~ Settling disputes through talks ~

It is desirable that any labor dispute should be voluntarily settled by the parties concerned. However, voluntary settlement may be difficult or impossible in some cases. In such cases, the Labor Relations Commission, upon request by either a labor union or an employer (or both), adjusts the claims of both parties from an impartial standpoint, and helps settle the dispute through talks and by obtaining concessions from both sides.

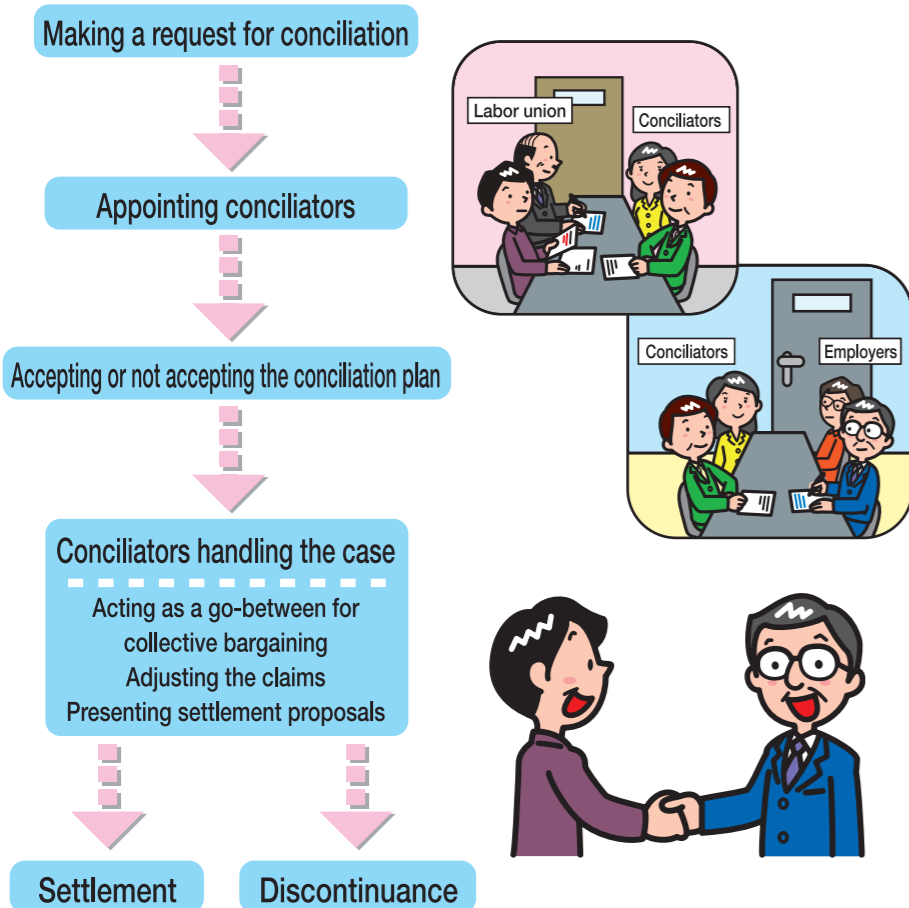
The Labor Relations Commission performs three types of adjustment proceedings: **conciliation, mediation, and arbitration.**

Most cases are resolved through conciliation. Conciliators appointed from LRC members or Secretariat staff first hear the situation from both a labor union and an employer, and then bring the dispute to settlement by acting as a go-between for collective bargaining, adjusting the claims of both parties from an impartial standpoint, and presenting settlement proposals.

“Conciliation” can be requested by either a labor union or an employer.

Adjusting by LRC settles **60%** of disputes through reconciliation per year.

• Process for Conciliation



I/We Want my Employer to Stop Unfair Labor Practices, and to Build Appropriate Labor-Management Relations!!

Examination of Unfair Labor Practices

• What are Unfair Labor Practices?

The Constitution of Japan guarantees workers' rights to organize, bargain and act collectively (the right to strike, etc.) in order that workers can be on an equal footing with their employers to negotiate and determine working conditions etc. These are known as the three rights of workers.

To guarantee the three basic workers' rights in a practical way, the Article of the Labor Union Act prohibits the following acts by employers as **unfair labor practices.**

Worker (Labor union)		Employer
<ul style="list-style-type: none"> is a member of a union tried to join or to form a union has engaged in proper union activities 	as a result	<ul style="list-style-type: none"> treated the employee unfairly (e.g. Dismissal) discriminated against the worker in terms of wages or treatment
<ul style="list-style-type: none"> shall not join a union shall withdraw from a union 		<ul style="list-style-type: none"> makes these as conditions for employment
<ul style="list-style-type: none"> requested collective bargaining 	in response	<ul style="list-style-type: none"> refused without a proper reason, or did not carry out faithful negotiation (Refusal of collective bargaining without proper reasons)
<ul style="list-style-type: none"> formed a union operates a union 	in response	<ul style="list-style-type: none"> controlled and/or interfered in the operation and other matters of a union by harassing or implying that workers should leave the union
<ul style="list-style-type: none"> filed a complaint against an unfair labor practice with the LRC 	as a result	<ul style="list-style-type: none"> treated the worker unfairly
		<ul style="list-style-type: none"> offered financial support for operating a union

If an employer is thought to have engaged in an unfair labor practice, the workers or labor union can file a complaint with the Labor Relations Commission up to one year from the date of the incident, in order to have the employer rectify those practices.

The Tokyo Metropolitan Government Labor Relations Commission has set a goal of resolving each case within 18 months in principle.

• Examination procedure of Unfair Labor Practices

When a worker or a labor union requested to file a complaint about an unfair labor practice, the Labor Relations Commission follows the following procedure and takes the necessary steps to determine whether the employer engaged in an unfair labor practice.

Appointing members to handle the case

When a complaint is filed, three members (a public member, a labor member, an employer member) are appointed.

Investigation

The public member and two other appointed members first hear the claims from both labor and management, and organize points and evidence of the dispute.

The members then prepare a plan for examination from hearing to issuing an order; the plan is issued to both parties.

Hearing

The members hear from related persons who know the details of the dispute to confirm the basic facts. The hearing is open to the public.

Reconciliation

The members help bring the dispute to settlement through reconciliation by adjusting the claims of both parties along with examination proceedings when both parties are willing to resolve the dispute by talks between labor and management. Adjusting by LRC settles 60% of disputes through reconciliation per year.

Meeting of public members

After examination of evidence by hearing, the public member will consult with the labor and management members before discussion, and will determine whether the employer engaged in an unfair labor practice.

Order

If it is determined that an employer did, in fact, engage in an unfair labor practice, an order to take necessary measures to restore a normal labor-management relationship (withdrawal from dismissal of the worker, correction of discriminating wage differential, carrying out faithful collective bargaining, etc.) will be issued to the employer. (Order-for-relief)

If it is determined that an employer did not engage in an unfair labor practice, a notification of rejection of claims by a worker/labor union will be made. (Order-for-dismissal)

If you are dissatisfied with an order, you can appeal the case with the Central Labor Relations Commission for re-examination, or bring the case to the Tokyo District Court to file a lawsuit to have the order rescinded.

