

## Labour Relations Commissions and Japan Labour Law Association

Congratulations on the 60th anniversary of the labour relations commission scheme.

The Japan Labour Law Association (JLLA) was established in Osaka with 130 members in 1950, four years after the labour relations commissions (LRC) system started in Japan. JLLA has almost the same history as the LRC system. Currently, JLLA has approximately 700 members, including university professors, lawyers and graduate students. We take pride in our contributions to moving ahead with labour law studies.

Since their inception, LRCs have significantly contributed to guaranteeing the right of association and stabilizing labour-management relations in Japan by correcting unfair labour practices and adjusting collective labour disputes. I strongly believe that JLLA members have also made significant contributions because we participate in the establishment and operation of the LRC system by serving commission members representing public interests, studying LRC orders and related court decisions as well as conducting comparative law or historical research. In particular, we engage in lively discussions on the LRC framework and unfair labour practice-related legal theories as our assembly themes of the time. JLLA Journals have featured articles, such as "Legal Theories on the Organization and Operation of Trade Unions" (Vol. 23 in 1964); "Labour Disputes and Labour Relations Commissions" (Vol. 28 in 1966); "Present Status and Future Outlook of Labour Relations Commission System" (Vol. 49 in 1977); "Legal Problems under Plural Unionism" (Vol. 54 in 1979); "Enterprise-based Unions and Right of Association" (Vol. 57 in 1981); "LRC Orders and Limitations on Judicial Reviews" (Vol. 58 in 1981); "Administrative Remedies and Judicial Remedies" (Vol. 72 in 1988); "Managers Unions" (Vol. 88 in 1996); and "Judicial Review of Relief Orders" (Vol. 94 in 1999). These JLLA efforts exert a strong influence on the forming practices of LRCs and judicial decisions in terms of expanding the "employer" concept in the collective bargaining process, interpreting employer's neutrality obligations in dealing with plural trade unions, and setting up a mass observational (collective comparison) method on discriminative personnel evaluation.

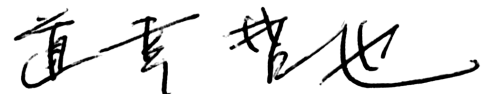
On the other hand, in recent years, a smaller number of workers have filed complaints against unfair labour practices or started lawsuits on Trade Union Law because trade unions are getting less influential. In addition, the courts have revoked many LRC decisions in cases involving employer's intention of unfair labour practices or diversified discriminative personnel evaluation against the members of minority unions, while JLLA less frequently picks up Trade Union Law matters as its assembly theme and fewer researchers are conducting research on Trade Union Law.

Nonetheless, I think that LRCs will keep playing important roles in solving labour disputes from collective viewpoints. As for dispute adjustment, we now have dispute conciliation commissions and employment tribunals for individual labour disputes. Many labour disputes (e.g. modifying working conditions in a disadvantageous manner through the amendment of work rules) are individual disputes in formality, but in reality have some similar aspects to collective labour disputes. To solve these disputes, the dispute resolution know-how of tripartite LRCs is absolutely necessary. As for unfair labour practices, LRCs now cover a larger number of workers, due to the privatization of public enterprises. In this context, some workers are filing complaints, arguing that their employers have imposed disadvantageous working conditions.

I have been conducting research on the LRC system and unfair labour practices for more than 35 years. I have also served for the Hokkaido Labour Relations Commission, as a member representing public interests, for almost 25 years. However, I am sometimes discouraged because I have only been able to successfully and theoretically clarify these labour disputes to a limited extent. It is a profound research field and I strongly feel that JLLA needs to conduct full-fledged research activities.

JLLA would like to keep contributing to LRC operations in various manners.

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