

## 2. Functions of LRCs

Roughly speaking, LRCs have the following two major functions:

- i) Taking administrative actions, such as deciding unfair labour practices in accordance with Trade Union Law or other legislations; and
- ii) Adjusting labour relations for the purpose of the Labour Relations Adjustment Law or some other legislation.

When LRCs take administrative actions, such as issuing an order regarding unfair labour practices against workers or trade unions, only LRC members who are neutral and represent public interests may participate in deciding and issuing an order, in almost the same manner as judicial procedures. However, LRC members representing employers or employees also strive to settle the cases in a proper manner by expressing their opinions as labour affairs experts, persuading contesting parties, or delivering their remarks before a group deliberation meeting (i.e. a meeting held before public interests members to determine facts and law). In fact, contesting parties arrive at settlements in more than 70% of cases.

When adjusting labour disputes, LRCs may settle the case flexibly by taking the following actions: Conciliation, which encourages spontaneous settlement as much as possible in a swift and simple manner; mediation, in which LRC members representing public interests, employers and employees makes mediation proposals and recommend parties to accept them; and arbitration, which allows only public interests members to examine the case and deliver legally binding rulings.

## II Administrative Procedures in Unfair Labour Practice (ULP) Cases

### 1. Unfair labour practice system

The Trade Union Law stipulates administrative remedies for unfair labour practices in order to maintain the effectiveness of the right to organize, as set forth in the constitution. Article 7 of the Trade Union Law specifies "unfair labour practices" and prohibits employers from subjecting trade unions or employees to any of the following types of conduct:

[Conduct prohibited as "unfair labour practices"]

- (1) Discharging or otherwise treating a worker in a disadvantageous manner due to his/her trade union membership (Item 1)
  - 1) Discharging or otherwise treating a worker in a disadvantageous manner because such worker:
    - is a member of a trade union;
    - has tried to join a trade union;
    - has tried to organize a trade union: or
    - has performed proper acts of a trade union.
  - 2) Making it a condition of employment that the worker must not join or must withdraw from a trade union (so-called "yellow-dog contract").