

What is adjustment of labour disturbance

In adjustment of labour disturbance handled by the Labour Relations Commission, there are mediation, conciliation and arbitration. Among of them, "mediation" is the adjustment measure used most. These adjustments shall be begun by applications of parties in principle.

The basis of adjustment conducted by the Labour Relations Commission shall plan to resolve it by giving advice as a fair third party and voluntary promoting compromise between labour and management.

Although there might be cases that solutions are presented to parties of labour and management while the Labour Relations Commission is advancing its adjustment, they shall not compel to accept it.

However, for intercession, once rulings have been fixed, the parties are regarded to conclude labour contract including the intercession's content. Therefore, they shall be bound by the intercession.

Feature list of mediation, conciliation and arbitration

	Mediation	Conciliation	Arbitration
Grounds for beginning	<ul style="list-style-type: none"> One-way application Mutual application Authority 	<ul style="list-style-type: none"> Mutual application One-way application in accordance with labour contract All of following items relate to public utilities <ul style="list-style-type: none"> One-way application Authority Request from ministers and governors, 	<ul style="list-style-type: none"> Mutual application One-way application in accordance with labour contract <p>*1</p>
Adjustment subjects of the Labour Relations Commission	Mediation members	Conciliation Commission (Composed of three commissions from public, labour and management)	Arbitration committee (Composed of three public members)
Presentation of solution	There are cases presenting them.	Presentation in principle	Presentation in principle
Acceptance of solution	Voluntary	Voluntary	To bind parties by the same effect with labour contract

* 1 As to industrial disputes in the specified incorporated agencies, national forestry businesses and local public enterprises, there are provisions of the unilateral application 2 months after intercession or mediation started, industrial cases (cases which are being interceded or mediated), start of arbitration ordered by the competent minister.

* 2 For the specific independent administrative agency etc, total (5 people) or 3 people.

Detailed Information 2 Effort to labour problems attendant on reorganization of cooperate organization

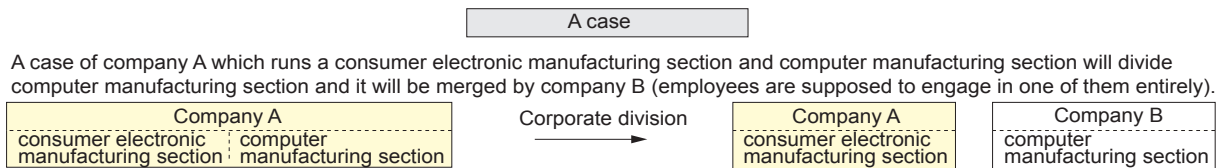
Overview

Under the social affairs where international competition of companies has been getting harder, review of related law has been conducted on purpose to maintain the legal system for reorganization of cooperate organization, so that organizations can reorganize flexible. Specifically, opening of pure holding companies by the revision of Antimonopoly Law in 1997, the measure of stock transaction, and that of introduction of share transfer system by revision of Commercial Code was planned in 1999. Besides, corporate division system was formulated in 2000 by the revision of Commercial Code.

For the corporate division system among of above, since it was different from business transfer which needed each agreement of individual labour, from the perspective of the labour protection, "the law on succession of labour contract attendant on division of corporations" (the 103rd item of the law in 2000) was promulgated on the basis of the fact that new companies succeeded rights and obligations of the companies, which would be divided in, by corporate divisions of them, and to assumption of labour's birth who would not be able to hold their work in which they had engaged because of companies' will.

Besides, the related ministerial ordinance and the guidance was formulated to enforce the same law (with establishment of the Corporate Law in 2005, the law name was revised to "the law on succession of labour contract attendant on corporate division" and a part of term was also revised).

Labour protection at concrete procedure for corporate division (in case of sink decomposition)



As the company A conducts corporate division, it concludes a split agreement with the company B. The split agreement is provided so as to specify names of all labour, who are succeeded to the company B from the company A, and the labour contract which provides wage and working hours are succeeded to the company B in the same condition when they worked at the company A by that the split agreement has been approved by a general meeting of stockholders.

The labour who engaged in the computer manufacturing section before the corporate division is informed within definite period from the company A about which company they will belong to and rules of the split agreement after the company has been divided.

The labour who were informed to stay in the company A and to be cut off from the work in the computer manufacturing section which they had engaged in can be succeeded to the company B by expressing dissent against the company A within definite period, and can work in the computer manufacturing section on and on (referring to the gray-shaded part on the below chart)

