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This English translation of the Act on Promoting the Resolution of Individual Labor-Related Disputes has been prepared (up to the revisions of Act No. 140 of 2004 (Effective January 1, 2005)) in compliance with the Standard Bilingual Dictionary (March 2006 edition).

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個別労働関係紛争の解決の促進に関する法律（平成十三年法律第一百十二号）

Act on Promoting the Resolution of Individual Labor-Related Disputes (Act No. 112 of 2001)

Article 1 (Purpose)

The purpose of this Act is to promote the prompt and appropriate resolution, adapted to their actual circumstances, of individual disputes between individual workers and business operators with respect to working conditions and other matters concerning labor relationships (including disputes between individual job applicants and business operators with respect to matters concerning the recruitment and employment of workers; hereinafter referred to as "individual labor-related disputes") through the establishment of a system of mediation and so forth.

Article 2 (Voluntary Resolution of Disputes)

If an individual labor-related dispute arises, the parties to said individual labor-related dispute shall endeavor promptly and in good faith to achieve a voluntary resolution.

Article 3 (Such as Provision of Information to Workers and Business Operators, etc.)

The Director of the Prefectural Labor Bureau, in order to prevent the occurrence of individual labor-related disputes, and to promote the voluntary resolution of individual labor-related disputes, shall provide workers, job applicants and business

operators with information on matters concerning labor relationships and matters concerning the recruitment and employment of workers and give consultations and other assistance.

Article 4 (Advice and Guidance to Parties)

- (1) In a case where the Director of the Prefectural Labor Bureau is requested by one or both parties to an individual labor-related dispute (except disputes which are labor disputes prescribed in Article 6 of the Labor Relationships Adjustment Act (Act No. 25 of 1946) and disputes prescribed in Article 26, paragraph 1 of the Act on the Labor Relationships of Specified Incorporated Administrative Agencies, etc. (Act No. 257 of 1948)) for assistance in the resolution thereof, the Director may give necessary advice or guidance to the parties to said individual labor-related dispute.
- (2) If the Director of the Prefectural Labor Bureau finds it necessary in order to provide the advice or guidance set forth in the preceding paragraph, the Director shall solicit the opinions of persons who have broad knowledge of industrial society and have expert knowledge of labor issues.
- (3) A business operator shall not dismiss or otherwise treat a worker disadvantageously by reason of said worker having requested the assistance set forth in paragraph 1.

Article 5 (Delegation of Mediation)

- (1) In a case where one or both parties (hereinafter referred to as "disputing parties") to an individual labor-related dispute set forth in paragraph 1 of the preceding article (except disputes with respect to a matters concerning the recruitment and employment of workers) files an application for mediation with respect to said individual labor-related dispute, if the Director of the Prefectural Labor Bureau finds it necessary for the resolution of said individual labor-related dispute, the Director shall have the Dispute Coordinating Committee conduct mediation.
- (2) The provision of paragraph 3 of the preceding article shall apply *mutatis mutandis* to a case where a worker files the application set forth in the preceding paragraph.

Article 6 (Establishment of Committee)

- (1) Dispute Coordinating Committees (hereinafter referred to as "Committee") shall be established in Prefectural Labor Bureaus.
- (2) The Committee shall be the organ that conducts the mediation set forth in paragraph 1 of the preceding article.

Article 7 (Structure of Committee)

- (1) The Committee shall be composed of no fewer than three persons within the number of persons fixed by Cabinet Order.
- (2) Committee members shall be appointed by the Minister of Health, Labor and Welfare from among persons with relevant knowledge and experience.
- (3) The Committee shall have a Chairperson, who shall be elected from among the Committee members.
- (4) The Chairperson shall preside over the work of the Committee.
- (5) If the Chairperson is incapacitated, another Committee member elected from among the Committee members in advance shall represent the Chairperson in performing such duty.

Article 8 (Term of Office of Committee Member)

- (1) The term of office of a Committee member shall be two years; provided, however, that the term of office of a member who fills a vacancy shall be the remaining term of such predecessor.
- (2) A Committee member may be reappointed to office.
- (3) A Committee member shall carry out his duties until his successor is appointed.
- (4) A Committee member shall serve part-time.

Article 9 (Disqualification of Committee Member)

- (1) A person to whom any of the following items applies may not become a Committee member:
 - (i) a person who has been bankrupt and has not had restoration of rights; or
 - (ii) a person who has been sentenced to imprisonment or severer punishment and for whom five years has not passed since either execution of the sentence was completed or conclusion of being subject to the execution of the sentence.
- (2) If a Committee member comes under the application of any of the items of the preceding paragraph, the member shall lose his position as a matter of course.

Article 10 (Dismissal of Committee Member)

If a Committee member comes under the application of any of the following items, the Minister of Health, Labor and Welfare may dismiss him:

- (i) the Committee member is found unable to perform his duties due to a mental or physical disorder; or
- (ii) the Committee member is found to have committed a violation of obligation in the course of duties or other misconduct unbecoming to the member.

Article 11 (Meetings and Resolutions)

- (1) The Chairperson shall convene meetings of the Committee.
- (2) The Committee may not hold a meeting and adopt a resolution unless the

Chairperson or the person who substitutes for the Chairperson pursuant to the provisions of Article 7, paragraph 5 and a majority of Committee members attend.

(3) The agenda items of meetings of the Committee shall be decided by a majority of Committee members present; however, in the event of a tie, the Chairperson shall decide.

Article 12 (Mediation)

- (1) Mediation by the Committee shall be conducted by three mediation members whom the Chairperson designates for each case from among the Committee members.
- (2) Mediation members shall conduct mediation between the disputing parties, confirm the main points of the claims of both parties and endeavor so that the case is resolved in accordance with the actual circumstances thereof.

Article 13

- (1) In addition to hearing the opinions of the disputing parties, the mediation members may, as necessary, hear the opinions of witnesses, or request that these persons submit written opinions, prepare a mediation plan necessary for the resolution of the case, and present it to the disputing parties.
- (2) The mediation plan set forth in the preceding paragraph shall be prepared with the unanimous approval of all mediation members.

Article 14

If it is found necessary based on the application of a disputing party, the mediation members shall hear opinions with respect to said case from representatives of relevant workers or representatives of relevant business operators who are designated by major labor organizations or business operator organizations within the area of jurisdiction of the Prefectural Labor Bureau where said Committee is established.

Article 15

If the mediation members find that there is no prospect of resolving the dispute by mediation, they may discontinue mediation.

Article 16 (Interruption of Prescription)

In a case where mediation is discontinued pursuant to the provision of the preceding article, if the person who applied for said mediation files a lawsuit with respect to the claim that was the subject of the mediation within 30 days from receiving notice of such discontinuation, then for the purposes of interruption of prescription, the lawsuit shall be deemed to be filed at the time of the application for

mediation.

Article 17 (Requests for the Offering of Material, Etc.)

If the Committee finds it necessary for the resolution of the case pending in said committee, it may request the offering of material and other necessary cooperation from relevant administrative agencies.

Article 18 (Reports on the Status of Mediation)

The Committee shall, pursuant to the provision of Ordinance of the Ministry of Health, Labor and Welfare, report to the Director of the Prefectural Labor Bureau with respect to the status of mediation.

Article 19 (Delegation to Ordinance of Ministry of Health, Labor and Welfare)

In addition to what is provided for in this Act, necessary matters concerning the Committee and the procedures of mediation shall be prescribed by Ordinance of the Ministry of Health, Labor and Welfare.

Article 20 (Measures by Local Government)

- (1) In cooperation with the measures of the National government, local governments, in accordance with the actual circumstances of said relevant area, in order to prevent the occurrence of individual labor-related disputes, and to promote the voluntary resolution of individual labor-related disputes, shall endeavor to promote the provision of information, consultations, mediation and other necessary measures to workers, job applicants and business operators.
- (2) In order to support the measures taken by local governments set forth in the preceding paragraph, the National government shall provide information and take other necessary measures.
- (3) In the case where a Prefectural Labor Relations Commission receives the delegation of the governor based on the provisions of Article 180-2 of the Local Autonomy Act (Act No. 67 of 1947) and takes the measures prescribed in paragraph 1, the Central Labor Relations Commission may give said Prefectural Labor Relations Commission necessary advice and guidance.

Article 21 (Special Provisions Concerning Mariners)

- (1) Concerning mariners prescribed in Article 6, paragraph 1 of the Mariners Employment Security Act (Act No. 130 of 1948) and persons seeking to become mariners as prescribed in the same paragraph, the term "the Director of the Prefectural Labor Bureau" in Article 3, Article 4, paragraphs 1 and 2 and Article 5, paragraph 1 shall be deemed to be replaced with "the Director of the Local Transport Bureau (including the Director of Transport Administration)," and the

term "shall have the Dispute Coordinating Committee conduct mediation" in the same paragraph shall be deemed to be replaced with "shall delegate mediation to the Local Labor Relations Commission for Mariners".

- (2) The provisions Article 6 to Article 19 inclusive shall not apply with respect to mediation that the Local Labor Relations Commission for Mariners conducts pursuant to the delegation pursuant to the provision of Article 5, paragraph 1 as replaced pursuant to the provisions of the preceding paragraph.
- (3) The work of the mediation set forth in the preceding paragraph shall be conducted by three mediation members whom the chairperson of said Local Labor Relations Commission for Mariners designates for each case from among members of the public. In this case, if it is found necessary based on the application of a disputing party, the said mediation members shall hear the opinions with respect to said case from members that the chairperson of said Local Labor Relations Commission for Mariners designates from among the employer members and labor members.
- (4) The provisions of Article 12, paragraph 2, Article 13 and Articles 15 to 19 inclusive shall apply mutatis mutandis with respect to the mediation set forth in paragraph 2. In this case, the term "committee" in Articles 17 and 18 shall be deemed to be replaced with "Local Labor Relations Commission for Mariners"; the term "the Director of the Prefectural Labor Bureau" in the same article shall be deemed to be replaced with "the Director of the District Transport Bureau (including the Director of Transport Administration)"; the term "Ordinance of Ministry of Health, Labor and Welfare" in the same article and Article 19 shall be deemed to be replaced with "Ordinance of the Central Labor Relations Commission for Mariners"; and the term "the Committee and mediation" in the same article shall be deemed to be replaced with "mediation".
- (5) The authority of the Director of the District Transport Bureau (including the Director of Transport Administration) prescribed in Article 3, Article 4, paragraphs 1 and 2, and Article 5, paragraph 1 as replaced pursuant to the provisions of paragraph 1, and Article 18 as replaced and applied mutatis mutandis pursuant to the provisions of the preceding paragraph may, pursuant to the provision of the Ordinance of Ministry of Land, Infrastructure, Transport and Tourism, be delegated to the Transport Bureau Chief or the head of office of District Transport Bureau, Transport Administration, or the Transport Bureau.

Article 22 (Exclusions from Application)

This Act shall not apply with respect to national public officers or local public officers; provided, however, that this shall apply with respect to disputes concerning the working conditions of employees prescribed in Article 2, item 4 of the Act on the Labor Relationships of Specified Incorporated Administrative Agencies, etc.;

enterprise employees prescribed in Article 15, paragraph 1 of the Local Public Enterprise Act (Act No. 292 of 1952); employees prescribed in Article 47 of Local Incorporated Administrative Agency Act (Act No. 118 of 2003) and local public officers who belong to the regular service hired to perform simple tasks as prescribed in Article 57 of the Local Public Officers Act (Act No. 261 of 1950) and who are not employees prescribed in Article 3, paragraph 2 of the Local Public Enterprise Labor Relationships Act (Act No. 289 of 1952).