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This English translation of the Labor Union Act has been prepared (up to the revisions of Act No. 87 of 2005 (Effective May 1, 2006)) in compliance with the Standard Bilingual Dictionary (March 2006 edition).

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Labor Union Act (Act No. 174 of 1949)

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

- (1) The purposes of this Act are to elevate the status of workers by promoting their being on equal standing with their employer in their bargaining with the employer; to defend the exercise by workers of voluntary organization and association in labor unions so that they may carry out collective action, including the designation of representatives of their own choosing to negotiate working conditions; and to promote the practice of collective bargaining, and procedures therefore, for the purpose of concluding collective agreements regulating relations between employers and workers.
- (2) Article 35 of the Penal Code (Act No. 45 of 1907) shall apply to collective bargaining and other acts of labor unions which are justifiable and have been performed for the attainment of the purposes of the preceding paragraph, provided, however, that in no case shall exercises of violence be construed as justifiable acts of labor unions.

Article 2 (Labor Unions)

- (1) The term "Labor unions" as used in this Act shall mean those organizations, or federations thereof, formed voluntarily and composed mainly of workers for the main purposes of maintaining and improving working conditions and raising the economic status of the workers, however, this shall not apply to any of the following items:
 - (i) which admits to membership of officers; workers in supervisory positions

having direct authority with respect to hiring, firing, promotions, or transfers; workers in supervisory positions having access to confidential information relating to the employer's labor relations plans and policies so that their official duties and responsibilities directly conflict with their sincerity and responsibilities as members of the labor union said; and other persons who represent the interests of the employer;

- (ii) which receives the employer's financial assistance in paying the organizations' operational expenditures, however, that this shall not prevent the employer from permitting workers to confer or negotiate with the employer during working hours without loss of time or wage and shall not apply to the employer's contributions for public welfare funds or welfare and other funds which are actually used for payments to prevent or relieve economic adversity or misfortunes, nor to the giving of office of minimum space
- (iii) whose purposes are confined to mutual aid service or other welfare service;
- (iv) whose purposes are principally political or social movements.

Article 3 (Workers)

The term "Workers" as used in this Act shall mean those persons who live on their wages, salaries, or other equivalent income, regardless of the kind of occupation.

Article 4

Deleted.

CHAPTER II LABOR UNIONS

Article 5 (Treatment of an Organization That Has Been Formed as a Labor Union)

- (1) Unless the labor union has submitted evidence to the Labor Relations Commission and proved that it is in compliance with Article 2 and paragraph 2 of this Article, the labor union shall not be qualified to participate in the procedures provided in this Act and shall not be granted the remedies provided in this Act, provided, however, that nothing herein shall be construed so as to deny protections for any individual worker pursuant to Article 7, item 1.
- (2) The constitution of a labor union shall include the provisions listed in any of the following items:
 - (i) name;
 - (ii) the location of its principal office;
 - (iii) that members of a labor union other than a labor union that is a federation (such other labor union hereinafter referred to as a "local union") shall have the right to participate in all issues or disputes of such labor union and shall have

the right to receive equal treatment:

- (iv) no one shall be disqualified from union membership in any case on the basis of race, religion, gender, family origin or status;
- (v) in the case of a local union, that the officers shall be elected by direct secret vote of the union members, and, in the case of a federation or a labor union having national scope, that the officers shall be elected by direct secret vote either of the members of the local unions or of delegates elected by direct secret vote of the members of the local unions;
- (vi) that a general meeting shall be held at least once every year;
- (vii) that a financial report showing all sources of revenues and expenditures, the names of main contributors and the current financial status, together with certificate of accuracy by a professionally qualified accounting auditor commissioned by the union members, shall be released to the union members at least once every year,
- (viii) that no strike shall be started without a majority decision made by direct secret vote either of the union members or of delegates elected by direct secret vote of the union members;
- (ix) in the case of local union, that the constitution shall not be revised unless such revision has received majority support by direct secret vote of the union members, and, in the case of a labor union which is a federation or a labor union which has national scope, the constitution shall not be revised unless such revision has received majority support by direct secret vote either of the members of the local unions or of the delegates elected by direct secret vote of the members of the local unions.

Article 6 (Authority to Negotiate)

Representatives of a labor union or those to whom the authority has been delegated by the labor union shall have authority to negotiate with the employer or the employers' organization on behalf of the labor union or the members of the labor union with respect to conclusion of collective agreements and other matters.

Article 7 (Unfair Labor Practices)

The employer shall not commit the acts listed in any of the following items:

- (i) to discharge or otherwise treat in a disadvantageous manner a worker by reason of such worker's being a member of a labor union, having tried to join or organize a labor union, or having performed justifiable acts of a labor union; or to make it a condition of employment that the worker shall not join or shall withdraw from a labor union. However, where a labor union represents a majority of workers employed at a particular factory or workplace, this shall not preclude an employer from concluding a collective agreement which requires, as

a condition of employment, that the workers shall be members of such labor union;

- (ii) to refuse to bargain collectively with the representatives of the workers employed by the employer without justifiable reasons;
- (iii) to control or interfere with the formation or management of a labor union by workers or to give financial assistance in paying the labor union's operational expenditures, provided, however, that this shall not preclude the employer from permitting workers to confer or negotiate with the employer during working hours without loss of time or wage, and this shall not apply to the employer's contributions for public welfare funds or welfare and other funds which are actually used for payments to prevent or relieve economic adversity or misfortunes, nor to the giving of minimum space;
- (iv) to discharge or otherwise treat in a disadvantageous manner a worker for such worker's having filed a motion with the Labor Relations Commission that the employer has violated the provisions of this Article; for such worker's having requested the Central Labor Relations Commission to review an order issued under the provisions of Article 27-12, paragraph 1; or for such worker's having presented evidence or having spoken at an investigation or hearing conducted by the Labor Relations Commission in regard to such a motion, or in connection with a recommendation of a settlement to those concerned, or at an adjustment of labor disputes as provided for under the Labor Relations Adjustment Act (Act No. 25 of 1946).

Article 8 (Damages)

An employer may not make a claim for damages against a labor union or a union member for damages received through a strike or other acts of dispute which are justifiable acts.

Article 9 (Diversion of Funds)

When a labor union intends to divert for other purposes funds specially set up for mutual aid and other welfare services, it shall obtain a resolution of the general meeting of the union.

Article 10 (Dissolution)

A labor union shall be dissolved due to the following causes:

- (i) emergence of causes of dissolution as provided in the constitution of the labor union;
- (ii) resolution for dissolution at the general meeting of the labor union by a majority of three-fourths or more of the union members or the affiliated organizations.

Article 11 (Labor Union That is a Juridical Person)

- (1) A labor union which has received certification by the Labor Relations Commission that it is in compliance with the provisions of this Act shall be incorporated by registering itself at the location of its principal office.
- (2) The matters necessary for registration in addition to what is provided for in this Act shall be prescribed by a Cabinet Order.
- (3) The matters necessary for registration with regard to a labor union may not be asserted against any third party until registration has been effected.

Article 12 (Application Mutatis Mutandis)

The provisions of Articles 43,44 (except with respect to the cases provided for in Article 8 of this Act); 50, 52 to 55 inclusive, 57, and 72 to 83 inclusive of the Civil Code (Act No. 89 of 1896); and the provisions of Articles 35 to 40 inclusive of the Act on Procedures in Non-Contentious Cases (Act No. 14 of 1898) shall apply mutatis mutandis to a labor union which is a juridical person.

Article 13. Deleted.

CHAPTER III COLLECTIVE AGREEMENTS

Article 14 (Taking Effect of Collective Agreements)

A collective agreement between a labor union and an employer or an employers' organization concerning working conditions and other matters shall take effect when the agreement is put in writing and is either signed by or affixed the names and seals by both of the parties concerned.

Article 15 (Term of Collective Agreements)

- (1) A valid term exceeding three years shall not be provided for in a collective agreement.
- (2) A collective agreement providing for a valid term exceeding three years shall be deemed as a collective agreement providing for a valid term of three years.
- (3) A collective agreement which does not provide for a valid term may be terminated by either party by giving advance notice to the other party in writing either signed by or affixed the name and seal by the party giving notice of termination. A collective agreement which provides for a definite term and which includes a provision to the effect that the agreement shall continue in effect after expiration of said term without specifying any time limit for such continuation shall be dealt with in the same way after the expiration of said term.
- (4) The advance notice set forth in the preceding paragraph shall be given at least

ninety days prior to the date on which termination is to be made.

Article 16 (Effectiveness of the Standards)

Any part of an individual labor contract contravening the standards concerning working conditions and other matters relating to the treatment of workers provided in the collective agreement shall be void. In such a case, the invalidated part of the individual labor contract shall be governed by those standards. With respect to matters as to which the individual labor contract does not provide, the same shall apply.

Article 17 (General Binding Effect)

When three-fourths or more of the workers of the same kind regularly employed in a particular factory or workplace come under application of a particular collective agreement, the agreement concerned shall also apply to the remaining workers of the same kind employed in the factory concerned or workplace.

Article 18 (General Binding Effect in a Locality)

- (1) When a majority of the workers of the same kind in a particular locality come under application of a particular collective agreement, the Minister of Health, Labor and Welfare or the prefectural governor may, at the request of either one or both of the parties to the collective agreement concerned and, pursuant to a resolution of the Labor Relations Commission, decide that the collective agreement concerned (including an agreement revised pursuant to the provisions of paragraph 2) should apply to the remaining workers of the same kind employed in the same locality and to their employers.
- (2) In the case the Labor Relations Commission finds, in adopting the resolution set forth in the preceding paragraph, that the collective agreement said contains inappropriate parts, the Commission may amend those parts.
- (3) A decision as prescribed in paragraph 1 shall be effectuated by public notice.
- (4) When a collective agreement pertaining to a request set forth in paragraph 1 is found to fall under a collective agreement as provided for in Article 11 of the Minimum Wages Act (Act No. 137 of 1959), the Minister of Health, Labor and Welfare or the prefectural governor in making the decision referred to that paragraph shall, prior thereto, obtain the opinion of the Central Minimum Wages Council or the Chief of the Prefectural Labor Standards Office concerning the part of the collective agreement relating to wages. In such a case, the Chief of the Prefectural Labor Standards Office, prior to presenting his or her opinion, shall obtain the opinion of the Local Minimum Wages Council.

CHAPTER IV LABOR RELATIONS COMMISSION

Section 1 Establishment, Duties, and Affairs under the Jurisdiction, Organizations, etc.

Article 19 (Labor Relations Commission)

- (1) Labor Relations Commission shall be composed of equal numbers of persons representing employers (hereinafter referred to as "employer members"), persons representing workers (hereinafter referred to as "labor members"), and persons representing the public interest (hereinafter referred to as "public members").
- (2) The Labor Relations Commissions shall consist of the Central Labor Relations Commission, the Central Labor Relations Commission for Mariners, Prefectural Labor Relations Commissions, and District Labor Relations Commissions for Mariners.
- (3) Matters concerning the Labor Relations Commission in addition to what is provided for in this Act shall be prescribed by Cabinet Order.

Article 19-2 (Central Labor Relations Commissions)

- (1) The Central Labor Relations Commission shall be established under the jurisdiction of the Minister of Health, Labor and Welfare based on the provisions of Article 3, paragraph 2 of the National Government Organization Act (Act No. 120 of 1948).
- (2) The Central Labor Relations Commission shall have the duty to defend the workers' exercise of association and promote the fair adjustment of labor relations.
- (3) In order to fulfill the duties set forth in the preceding paragraph, the Central Labor Relations Commission shall take charge of affairs set forth in the provisions of Article 5, Article 11, Article 18, and Article 26 of this Chapter: affairs concerning examination, etc., of cases of unfair labor practice, (that is, the disposition of cases pursuant to the provisions of Article 7, the following section, and Section 3 of this Act; the same shall apply hereinafter); affairs concerning the conciliation, mediation, and arbitration of labor disputes; affairs pursuant to the provisions of Article 35-2 and Article 35-3 of the Labor Relations Adjustment Act; and other affairs belonging to the Central Labor Relations Commission based on acts (including orders based on acts).

Article 19-3 (Appointment, etc., of the Members of the Central Labor Relations Commission)

- (1) The Central Labor Relations Commission shall be composed of fifteen each of employer members, labor members, and public members.
- (2) The Prime Minister shall appoint the employer members based upon the

recommendations of employers' organizations (and as to six of the employer members, based upon the recommendations of specified Incorporated Administrative Agency (this shall mean the Specified Incorporated Administrative Agency provided for in Article 2, paragraph 2 of the Act on General Rules for Incorporated Administrative Agency (Act No. 103 of 1999) hereinafter in this paragraph and in Article 19-4, paragraph 2, item 2 and Article 19-10, paragraph 1, the same shall apply.)), national enterprises engaged in National Forestry Businesses (this shall mean National Forestry Business as provided for in Article 2, item 2 of the Act Concerning the Labor Relations of National Enterprises and Specified Incorporated Administrative Agency (Act No. 257 of 1948); hereinafter in this paragraph and in Article 19-10, paragraph 1, the same shall apply), or Japan Post. The Prime Minister shall appoint the labor members based upon the recommendations of the labor unions (and as to six of the labor members, based upon the recommendations of the labor unions formed or joined by employees of Specified Incorporated Administrative Agencies provided for in Article 2, item 4 of the Act Concerning the Labor Relations of Specified Incorporated Administrative Agency (hereinafter in this chapter such employees are referred to as "employees of the Specified Incorporated Administrative Agencies")); employees of national enterprises engaged in National Forestry Businesses provided for in the same item (hereinafter in this chapter such employees are referred to as "employees of the National Forestry Businesses); or employees of Japan Post provided for in the same item (hereinafter in this chapter such employees are referred to as "employees of the Japan Post). The Prime Minister, after obtaining the consent of both Houses, shall appoint the public members from among the persons entered in a list of candidates prepared by the Minister of Health, Labor and Welfare with the consent of the employer members and the labor members.

- (3) In the case where the term of office of a public member has expired or a vacancy of a public member has occurred and the consent of both Houses cannot be obtained because the Diet is not in session or the House of Representatives has been dissolved, the Prime Minister may, notwithstanding the provisions of the preceding paragraph, appoint a public member from among the persons entered in a list of candidates prepared by the Minister of Health, Labor and Welfare after obtaining the consent of the employer members and the labor members.
- (4) In the case referred to in the preceding paragraph, subsequent approval by both Houses at the first session after said appointment shall be sought. In this case, if subsequent approval of both Houses cannot be obtained, the Prime Minister shall immediately dismiss the public member.
- (5) As to appointment of the public members, seven or more such members shall not belong to the same political party.
- (6) The members of the Central Labor Relations Commission (referred to simply as

"members" in the next Article through Article 19-9, inclusive) shall be in part-time positions; provided, however, that two or fewer of the public members may be in full-time positions.

Article 19-4 (Disqualification of Members)

- (1) A person who has been sentenced to punishment of or greater than imprisonment, and who is still under the execution of the sentence or who has not ceased to be subject to the execution of the sentence, may not become a member.
- (2) No person who falls under any of the following items may become a public member:
 - (i) a member of the Diet or a member of the assembly of a local government;
 - (ii) an employee or officer of a Specified Incorporated Administrative Agencies, or a member or officer of a labor union formed or joined by employees of Specified Incorporated Administrative Agencies.
 - (iii) an employee of National Forestry Business, or a member or officer of a labor union formed or joined by employees of the National Forestry Businesses.
 - (iv) an employee or officer of Japan Post, or a member or officer of a labor union formed or joined by employees of Japan Post.

Article 19-5 (Term of Office, etc., of Members)

- (1) The term of office of members shall be two years; provided that a member who is appointed to fill a vacancy shall hold office during the remaining term of such predecessor.
- (2) Members may be re-appointed.
- (3) When the term of office of a member has expired, such member shall remain in office until a successor is appointed.

Article 19-6 (Services of Public Members)

- (1) No public member in a full-time position shall, during the term of office, perform any act falling under any of the following items:
 - (i) become an officer of a political party or other political organization, or actively engage in political activities;
 - (ii) except in the case that there has been permission from the Prime Minister, receive remuneration and engage in any other duty, undertake a profit-making enterprise, or otherwise engage in any business aiming at pecuniary interest.
- (2) No public member in a part-time position shall, during the term of office, perform any act falling under item 1 of the preceding paragraph.

Article 19-7 (Loss of Position and Dismissal of a Member)

- (1) A member shall lose his position in the case that such member has fallen under

any of the items of Article 19-4, paragraph 1. The same shall apply in the case that a public member has fallen under any of the items of paragraph 2 of the same Article.

- (2) The Prime Minister may, when he or she finds that a member cannot execute his or her duties by reason of mental or physical disorder or that a member has contravened the duties of his or her position or that a member has committed such misconduct as to render such member unfit to be a member, dismiss said member with the consent of the Central Labor Relations Commission in the case of an employer member or a labor member; or with the consent of both Houses in the case of a public member.
- (3) In the case that the Prime Minister has, pursuant to the provisions of the preceding paragraph, requested the Central Labor Relations Commission to give its consent to the dismissal of an employer member or a labor member, the member concerned may not participate in the proceedings.
- (4) The Prime Minister shall immediately dismiss a public member who has newly come to belong to a political party to which six of the other public members already belong.
- (5) In the case that seven or more of the public members have come to belong to the same political party (excluding cases which fall under the provisions of the preceding paragraph), the Prime Minister shall, with the consent of both Houses, dismiss public members so that the number of public members belonging to the same party is reduced to six, provided, however, that members who have not changed the political party to which they belong may not be dismissed.

Article 19-8 (Remuneration of the Members, etc.)

Members shall receive such salaries, allowances, and other remuneration as prescribed separately by legislative acts, and shall also be reimbursed for necessary expenses incurred in performing their duties as specified by Cabinet Order.

Article 19-9 (Chairperson of the Central Labor Relations Commission)

- (1) The Central Labor Relations Commission shall have a chairperson.
- (2) The chairperson shall be elected by the members from among the public members.
- (3) The chairperson shall preside over the business of the Central Labor Relations Commission and shall represent the Central Labor Relations Commission.
- (4) The Central Labor Relations Commission shall designate in advance a member, by election by the members from among the public members, who shall act for the chairperson in the case the chairperson is impeded from performing his or her duties.

Article 19-10 (Local Members for Adjustment)

- (1) Local Members for Adjustment shall be established within the Central Labor Relations Commission (representing, respectively, the employers, the workers, and the public interest) to participate in conciliation or mediation in disputes and other cases arising between Specified Incorporated Administrative Agencies and the employees thereof; between national enterprises engaged in National Forestry Businesses and the employees thereof; and between Japan Post and the employees thereof; as well as other disputes or other cases as provided for by Cabinet Order as those to be dealt with locally by the Central Labor Relations Commission; and to participate in procedures as provided for in Article 24-2, paragraph 6.
- (2) For each district specified by Cabinet Order, the Minister of Health, Labor and Welfare shall appoint Local Members for Adjustment with the consent of the Central Labor Relations Commission.
- (3) The provisions of Article 19-5, main clause of paragraph 1 and paragraph 2; Article 19-7, paragraph 2; and Article 19-8 shall apply mutatis mutandis to the Local Members for Adjustment. In this case, the term "the Prime Minister" in Article 19-7, paragraph 2, shall be deemed to be replaced with "the Minister of Health, Labor and Welfare"; and "with the consent of the Central Labor Relations Commission in the case of an employer member or a labor member, or with the consent of both Houses in the case of a public member" in the same paragraph shall be deemed to be replaced with "with the consent of the Central Labor Relations Commission."

Article 19-11 (Secretariat of the Central Labor Relations Commission)

- (1) A secretariat shall be established within the Central Labor Relations Commission to organize the administrative affairs of the Commission, and the secretariat shall have a director-general and other necessary staff appointed by the Minister of Health, Labor and Welfare with the consent of the chairperson.
- (2) The secretariat shall establish local offices, which shall take charge of affairs in local areas.
- (3) The locations, names and jurisdictional districts of the local offices shall be prescribed by Cabinet Order.

Article 19-12 (Prefectural Labor Relations Commission)

- (1) Prefectural Labor Relations Commissions shall be established under the jurisdiction of the prefectural governors.
- (2) The Prefectural Labor Relations Commission shall be composed of either thirteen members each, eleven members each, nine members each, seven members each, or five members each for employer members, labor members, and public members, respectively, with the number as specified by Cabinet Order. However, pursuant to

the provisions of Prefectural Ordinance, they may be composed of members to the number specified by the said Cabinet Order together with two members each of employer members, labor members, and public members, respectively.

- (3) The prefectural governor shall appoint the employer members based upon the recommendations of the employers' organizations, the labor members based upon the recommendations of the labor unions, and the public members with the consent of the employer members and the labor members.
- (4) The appointment of public members shall be made in accordance with the number of public members listed for the Prefectural Labor Relations Commission in the first column of the appended table (for Prefectural Labor Relations Commissions composed of members to the number specified by the Cabinet Order plus an additional two members specified in the proviso to paragraph 2 of this Article, the number of public members shall be the number produced by the addition of two), and the number of public members exceeding the number specified in the second column of the table shall not belong to one and the same political party in each Prefectural Labor Relations Commission.
- (5) When a public member has by his or her own actions come into conflict with the provision of the preceding paragraph, such member shall, as a matter of course, be retired.
- (6) The provisions of Article 19-3, paragraph 6; Article 19-4, paragraph 1; Article 19-5; Article 19-7, the first sentence of paragraph 1, paragraph 2 and paragraph 3; Article 19-8; Article 19-9; and the first paragraph of the preceding Article shall apply mutatis mutandis to Prefectural Labor Relations Commissions. In this case, the term "in full-time positions" in the proviso to Article 19-3, paragraph 6 shall be deemed to be replaced with "in full-time positions pursuant to the provisions of the Prefectural Ordinance"; "the Prime Minister" in Article 19-7, paragraph 2 shall be deemed to be replaced with "the prefectural governor"; "with the consent of the Central Labor Relations Commission in the case of an employer member or a labor member, or with the consent of both Houses in the case of a public member" in the same paragraph shall be deemed to be replaced with "the Prefectural Labor Relations Commission"; "the Prime Minister" in paragraph 3 of the same Article shall be deemed to be replaced with "the prefectural governor"; "an employer member or a labor member" in the same paragraph shall be deemed to be replaced with "a member of the Prefectural Labor Relations Commission"; and "the Minister of Health, Labor and Welfare" in paragraph 1 of the preceding Article shall be deemed to be replaced with "the prefectural governor."

Article 19-13 (Labor Relations Commission for Mariners)

- (1) With regard to mariners (excluding employees of the Specified Incorporated Administrative Agency, National Forestry Business and Japan Post; hereinafter

the same shall apply in this paragraph) covered by the Mariners Act (Act No. 100 of 1947), the authority of the Central Labor Relations Commission, the Prefectural Labor Relations Commission, the Minister of Health, Labor and Welfare and the prefectural governors as provided for in this Act shall be exercised, respectively, by the Central Labor Relations Commission for Mariners, the Prefectural Labor Relations Commission for Mariners and the Minister of Land, Infrastructure, Transport and Tourism. In this case, the provisions of Article 18, paragraph 4, shall not apply to mariners.

- (2) The Central Labor Relations Commission for Mariners shall be composed of seven each of employer members, labor members, and public members, and Prefectural Labor Relations Commissions for Mariners shall be composed of five each of employer members, labor members and public members.
- (3) The Minister of Land, Infrastructure, Transport and Tourism shall appoint the employer members based upon the recommendations of the employers' organizations, the labor members based upon the recommendations of the labor unions and the public members based upon the consent of the employer members and the labor members.
- (4) The provisions concerning the Central Labor Relations Commission and the Prefectural Labor Relations Commission (excluding the provisions of Article 19-2; Article 19-3, paragraphs 1 to 4, inclusive, and the proviso to paragraph 6; Article 19-4, paragraph 2; Article 19-6; Article 19-7, second sentence of paragraph 1, paragraph 4 and paragraph 5; Article 19-10; Article 19-11, paragraph 2 and paragraph 3; paragraph 2, paragraph 3 and paragraph 6 of the preceding article (limited to the part to which the proviso to Article 19-3, paragraph 6 shall apply mutatis mutandis); Article 24, paragraph 2; Article 24-2, paragraph 1, paragraph 2, proviso to paragraph 4 and paragraph 6; Article 26, paragraph 2; and Article 27-23) shall apply mutatis mutandis to the Central Labor Relations Commission for Mariners and the Local Labor Relations Commission for Mariners. In this case, the term "seven or more" in Article 19-3, paragraph 5 shall be deemed to be replaced with "three or more"; "the Prime Minister" in Article 19-7, paragraph 2 shall be deemed to be replaced with "the Minister of Land, Infrastructure, Transport and Tourism"; "with the consent of the Central Labor Relations Commission in the case of an employer member or a labor member, or with the consent of both Houses in the case of a public member" in the same paragraph shall be deemed to be replaced with "the Central Labor Relations Commission for Mariners"; "the Prime Minister" in paragraph 3 of the same Article shall be deemed to be replaced with "Minister of Land, Infrastructure, Transport and Tourism"; "an employer member or a labor member" in the same paragraph shall be deemed to be replaced with "a member of the Central Labor Relations Commission for Mariners"; "Minister of Health, Labor and Welfare" in Article

19-11, paragraph 1 shall be deemed to be replaced with "Minister of Land, Infrastructure, Transport and Tourism"; "under the jurisdiction of the prefectural governors" in paragraph 1 of the preceding Article shall be deemed to be replaced with "whose jurisdictional district shall be that of each District Transport Bureau (excluding districts specified by Cabinet Order for District Transport Bureaus specified by Cabinet Order) and the district specified by the Cabinet Order concerned, and, for the time being, the district of Okinawa prefecture"; "the prefectural governor" in paragraph 6 of the same Article shall be deemed to be replaced with "Minister of Land, Infrastructure, Transport and Tourism"; "In cases concerning the labor relations of employees of specified Incorporated Administrative Agency, National Forestry Businesses, or Japan Post, the Central Labor Relations Commission shall assume exclusive jurisdiction over conciliation, mediation, arbitration, and disposition (with respect to disposition under the provisions of Article 5, paragraph 1, and Article 11, paragraph 1 concerning a labor union which is formed or joined by employees of specified Incorporated Administrative Agency, National Forestry Businesses, and Japan Post, such disposition shall be limited to that specified by Cabinet Order); and the Central Labor Relations Commission shall assume initial jurisdiction over conciliation, mediation, arbitration, and disposition; and "two or more prefectures" in Article 25, paragraph 1 shall be deemed to be replaced with "two or more jurisdictional districts of the Local Labor Relations Commission for Mariners."

- (5) The provisions of paragraph 5 of the preceding Article shall apply mutatis mutandis to a public member of the Central Labor Relations Commission for Mariners.

Article 20 (Authority of the Labor Relations Commission)

In addition to those matters pursuant to the provisions of Articles 5, Article 11, and Article 18, the Labor Relations Commission shall have authority to make examinations, etc., of cases of unfair labor practice and perform conciliation, mediation and arbitration of labor disputes.

Article 21 (Meetings)

- (1) When a Labor Relations Commission finds it necessary for the public interest, its meetings may be open to the public.
- (2) The meetings of a Labor Relations Commission shall be called by the chairperson.
- (3) The Labor Relations Commission shall not hold a meeting nor make any decision unless one or more employer members, one or more labor members, and one or more public members are present.
- (4) Decisions shall be effected by a majority of the members present, and in the case

of tie in votes, the chairperson shall effect decisions.

Article 22 (Authority for Compulsion)

- (1) When a Labor Relations Commission finds it necessary for executing its affairs, it may request the attendance of or the presentation of reports or the presentation of necessary books and documents by the employer or the employers' organization or by the labor union or others concerned. The Labor Relations Commission may also have its members or staff (hereinafter simply referred to as "staff") inspect factories and other workplaces concerned and inspect the conditions of business, books and documents and other objects.
- (2) In cases in which a Labor Relations Commission has its members or staff inspect or investigate pursuant to the preceding paragraph, the Labor Relations Commission shall require them to carry an identification card and to produce it for the people concerned.

Article 23 (Duty to Keep Secrets)

Members and those who have been members, as well as staff and those who have been the staff of a Labor Relations Commission, shall not disclose any secrets obtained in relation to their business. The same shall apply to Local Members for Adjustment and those who have been Local Members for Adjustment of the Central Labor Relations Commission.

Article 24 (Authority Executed Only by Public Members)

- (1) Only the public members of a Labor Relations Commission shall participate in the disposition of cases as prescribed in Articles 5 and 11 hereof; examinations, etc., (in the following article referred to as "examinations, etc.") of cases of unfair labor practice; and dispositions of cases as prescribed in Article 42 of the Labor Relations Adjustment Act; provided, employer members and labor members may participate in the procedures for conducting an investigation (limited to cases in which the public members so request) and holding a hearing pursuant to the provisions of Article 27, paragraph 1 (including cases to which the provisions of Article 27-17 shall apply mutatis mutandis) and in the procedures for recommending a settlement pursuant to the provision of Article 27-14, paragraph 1 (including cases to which the provisions of Article 27-17 shall apply mutatis mutandis), or may act pursuant to the provision of Article 27-7, paragraph 4 and Article 27-12, paragraph 2 (including cases to which the provisions of Article 27-17 shall apply mutatis mutandis).
- (2) The Central Labor Relations Commission may have public members in full-time positions investigate, in addition to the cases pending before the Central Labor Relations Commission, conditions of labor relations of employees of Specified

Incorporated Administrative Agencies, employees of National Forestry Businesses, and employees of Japan Post, and matters as deemed necessary for administration of affairs of the Central Labor Relations Commission.

Article 24-2 (Panel, etc.)

- (1) The Central Labor Relations Commission shall conduct its examinations, etc., through its panel, consisting of five public members designated by the Chairperson.
- (2) In any of the following cases, notwithstanding the provisions of the preceding paragraph, a panel consisting of the entire public membership shall make the examinations, etc.:
 - (i) Cases in which the panel set forth in the preceding paragraph finds that its opinion concerning the interpretation and application of law and regulations is opposed to dispositions imposed by the Central Labor Relations Commission pursuant to Article 5, paragraph 1 or Article 11, paragraph 1, or Article 27-12, paragraph 1 (including cases to which the provisions of Article 27-17 shall apply *mutatis mutandis*);
 - (ii) Cases in which the panel set forth in the preceding paragraph cannot make its coordinated opinion because opinions of its members are divided;
 - (iii) Cases in which the panel set forth in the preceding paragraph finds it reasonable for a panel consisting of the entire public membership to make examinations, etc.;
 - (iv) Cases in which objections pursuant to the provision of Article 27-10, paragraph 3 (including cases to which the regulations under Article 27-17 shall apply *mutatis mutandis*) are under proceeding.
- (3) The Central Labor Relations Commission for Mariners shall conduct its examinations, etc., through its panel consisting of the entire public members; provided, however, that a panel consisting of five public members designated by the Chairperson may make examinations, etc. In this case, the provisions of the preceding paragraph shall apply *mutatis mutandis* to the Central Labor Relations Commission for Mariners.
- (4) Prefectural Labor Relations Commissions shall conduct its examinations, etc., through its panel, consisting of the entire public members, provided, however, that a panel consisting of five or seven public members designated by the Chairperson may make examinations, etc. In this case, the provisions of paragraph 2 (except items 1 and 4) shall apply *mutatis mutandis* to Prefectural Labor Relations Commissions.
- (5) A Labor Relations Commission may, in making examinations, etc., in accordance with the provisions of the preceding paragraphs (including cases to which the provisions of Article 19-13, paragraph 4 shall apply *mutatis mutandis*), have one or more than one public members carry out the procedures for examinations etc., in

whole or in part (other than disposition under the provisions of Article 5, paragraph 1, Article 11, paragraph 1, Article 27-4, paragraph 1 (including cases to which the provisions of Article 27-17 shall apply mutatis mutandis); Article 27-7, paragraph 1 (including cases to which the provisions of Article 27-17 shall apply mutatis mutandis, other than parts where the parties concerned or witnesses give a statement or where the articles submitted are impounded); Article 27-10, paragraphs 2 and 4, and Article 27-12, paragraph 1 (including cases to which the provisions of Article 27-17 shall apply mutatis mutandis); and a motion under Article 27-20; the same shall apply to the following paragraph).

- (6) Among the procedures for examination, etc., carried out by the Central Labor Relations Commission, the Central Labor Relations Commission may have the Local Members for Adjustment representing the public interest undertake the procedures in whole or in part in making an investigation and holding a hearing pursuant to the provisions of Article 27, paragraph 1 (including cases to which the provisions of Article 27-17 shall apply mutatis mutandis), and the procedures in whole or in part in recommending a settlement pursuant to the provisions of Article 27-14, paragraph 1 (including cases to which the provisions of Article 27-17 shall apply mutatis mutandis). In this case, the Local Members for Adjustment representing the employers and the Local Members for Adjustment representing the workers may participate in such procedures (with regard to the procedures in conducting an investigation, limited to the case where the Local Members for Adjustment representing the public interest so request).

Article 25 (Jurisdiction, etc., of the Central Labor Relations Commission)

- (1) In cases concerning the labor relations of employees of Specified Incorporated Administrative Agencies, employees of National Forestry Businesses, or employees of Japan Post, the Central Labor Relations Commission shall assume exclusive jurisdiction over conciliation, mediation, arbitration, and disposition (with respect to disposition under the provisions of Article 5, paragraph 1 and Article 11, paragraph 1 concerning a labor union that is formed or joined by employees of Specified Incorporated Administrative Agencies, employees of National Forestry Businesses, or employees of Japan Post, such disposition shall be limited to those specified by Cabinet Order); and the Central Labor Relations Commission shall assume priority jurisdiction over conciliation, mediation, arbitration, and disposition of cases which span two or more prefectures or which present issues of national importance.
- (2) The Central Labor Relations Commission may review the dispositions of the Prefectural Labor Relations Commission (pursuant to the provisions of Articles 5, paragraph 1; Article 11, paragraph 1; and Article 27-12, paragraph 1), with full authority to rescind, approve, or modify such dispositions, or it may dismiss an

appeal for review of such dispositions. Such review shall be initiated by appeal of either party, from the disposition of the Prefectural Labor Relations Commission, or on the Central Labor Commission's own authority.

Article 26 (Authority to Establish Rules)

- (1) The Central Labor Relations Commission may establish rules of procedure for the Prefectural Labor Relations Commission, as well as rules of procedure for its own.
- (2) The Prefectural Labor Relations Commission may establish rules on matters concerning the convocation of such meetings and other matters specified by Cabinet Order insofar as they do not violate the regulation set forth in the preceding paragraph.

Section 2. Procedures for Examination of Cases of Unfair Labor Practices

Article 27 (Commencement of Examinations of Cases of Unfair Labor Practices)

- (1) When a motion that an employer has violated the provisions of Article 7 is received, the Labor Relations Commission shall conduct an investigation without delay and, if it is deemed necessary, shall hold a hearing on the reasons for the motion. In this case, with regard to the procedures for such a hearing, sufficient opportunity to present evidence and to cross-examine the witnesses shall be given to the employer concerned and to the movant
- (2) The Labor Relations Commission shall not accept a motion set forth in the preceding paragraph when more than one year has elapsed since the day on which the act in question was committed (and, in the case of a continuing act, from the date on which said act ended).

Article 27-2 (Disqualification of Public Members)

- (1) A public member shall be disqualified from execution of duty concerning examination in the case that said member falls into any of the following items:
 - (i) The public member or his or her spouse, or any person who was formerly his or her spouse, is or was formerly a party involved in the case or the representative of a party which is a juridical person.
 - (ii) The public member is or was formerly a blood relative of the party within the fourth degree of kinship, or a relative by affinity of the party within the third degree, or a blood relative living together with the party.
 - (iii) The public member is a guardian, supervisor of a guardian, a curator, supervisor of a curator, an assistant, or supervisor of an assistant to a party involved in the case.
 - (iv) The public member bears witness to the case.

- (v) The public member is or was formerly the party's agent, with regard to the pending proceeding.
- (2) Where any of the causes for disqualification set forth in the preceding paragraph apply, the party involved in the case may move for the disqualification of the public member in question.

Article 27-3 (Challenge of Public Members)

- (1) Where a public member is in any circumstances which could preclude fair examination, the party may challenge the said public member.
- (2) The party may not challenge a public member after the party has made a statement in writing or orally on the case; provided, however, that this shall not apply to a party who did not know that there was reason to challenge, or when reason to challenge arises after the statement is made.

Article 27-4 (Decisions concerning Motions for Disqualification or Challenge)

- (1) The Labor Relations Commission shall make decisions concerning motions for disqualification or challenge.
- (2) Public members who are involved in the motion for disqualification or challenge may not participate in the decisions set forth in the preceding paragraph. However, such members may state opinions.
- (3) Decisions made pursuant to the provision of paragraph 1 shall be made in writing, and the reasons for such decisions shall be attached.

Article 27-5 (Suspension of the Examination Procedure)

If disqualification or challenge has been moved, the Labor Relations Commission shall suspend the examination procedure until a decision is made concerning the motion, provided, however, that this shall not apply to urgent actions.

Article 27-6 (Plan of Examinations)

- (1) Prior to commencement of a hearing, the Labor Relations Commission shall hear the opinions of both parties and establish a plan of examination.
- (2) The plan of examination set forth in the preceding paragraph shall include the following matters:
 - (i) issues and evidence as organized in the investigation procedure (including those organized as evidence requiring examination during the course of the subsequent examination procedure);
 - (ii) the duration and number of hearings, and the number of witnesses to be examined;
 - (iii) scheduled timing for delivery of orders provided for in Article 27-12, paragraph 1.

- (3) The Labor Relations Commission may change the plan of an examination upon hearing the opinions of both parties concerned if they find the necessity of such a change in consideration of the present state of examination and other circumstances.
- (4) The Labor Relations Commission and the parties concerned shall endeavor to ensure that examinations are made in accordance with the plan of examination, so as to realize a proper and swift examination.

Article 27-7 (Examination of Evidence)

- (1) The Labor Relations Commission may, upon motion by either party or on the Labor Commission's own authority, examine evidence in the case of the procedure for investigation by the methods listed in item 2, and in the case of the procedure for hearings, by the methods listed in the following items:
 - (i) to order the parties concerned, or witnesses, to appear and have them make statements to the extent necessary to find these facts.
 - (ii) to order the holders of those books, documents, or other articles related to the case (hereinafter referred to as the "articles") to submit the said articles, without which it is considered likely to be difficult to find the facts; or to impound articles already submitted.
- (2) The Labor Relations Commission shall, when deciding whether or not to issue an order to submit articles pursuant to the provision of the preceding paragraph, item 2 (hereinafter referred to as the "order to submit articles"), take into consideration the protection of personal secrets and business secrets of business operators.
- (3) The Labor Relations Commission may, in issuing an order to submit articles, order the submission of the articles, with the exception of those parts the submission of which is considered unnecessary or are found, as a result of consideration taken pursuant to the provision of the preceding paragraph, to be inappropriate.
- (4) Employer members and labor members who participate in the procedure for investigations or hearings may state opinions when the Labor Relations Commission intends to issue an order to the parties or witnesses concerned to appear (hereinafter referred to as the "order to appear as witnesses, etc.") pursuant to the provisions of paragraph 1, item 1, or intends to order the submission of the articles.
- (5) The Labor Relations Commission, when it has examined evidence on its own authority, shall hear the opinions of the parties concerned about the results of the examination.
- (6) The motion for an order to submit articles shall be filed with clarification of the following matters:
 - (i) Indication of the articles

- (ii) Purport of the articles
 - (iii) Holder of the articles
 - (iv) Facts to be proved
- (7) The Labor Relations Commission shall, before issuing an order to submit articles, hear the holders of the articles.
- (8) The Labor Relations Commission shall, when issuing an order to submit articles, clarify the matters listed in each item (except for item 3) of paragraph 6.

Article 27-8

- (1) The Labor Relations Commission shall, when having witnesses give a statement, have them take an oath.
- (2) The Labor Relations Commission may, when having the parties concerned give a statement, have them take an oath.

Article 27-9

The provisions of Article 196, Article 197, and Article 201 paragraphs 2 to 4 of the Code of Civil Procedure (Act No. 109 of 1996) shall apply mutatis mutandis to the procedures whereby a Labor Relations Commission has witnesses give a statement. The provisions of Article 201, paragraph 2, as applied mutatis mutandis pursuant to the provisions of Article 210 of the same Act shall apply mutatis mutandis to the procedure in which a Labor Relations Commission has the parties concerned give a statement.

Article 27-10 (Appeal or Filing of an Objection)

- (1) When persons have received an order to appear as witnesses, etc., or an order to submit articles (hereinafter referred to as an "order, etc., to appear as witnesses, etc." in this article) from a Prefectural Labor Relations Commission and are dissatisfied with the order, etc., to appear as witnesses, etc., such persons may appeal to the Central Labor Relations Commission for examination stating the reasons within one week from the day when they received the order, etc., to appear as witnesses, etc., (when there are unavoidable causes such as natural disaster for not appealing within the said period; within one week from the day following the date of surcease of the said causes) to the Central Labor Relations Commission.
- (2) In the case that the Central Labor Relations Commission finds that there is a reason for the appeal pursuant to the provisions of the preceding paragraph, it shall rescind the whole or part of the order, etc., to appear as witnesses, etc.
- (3) When persons have received an order, etc., to appear as witnesses, etc., from the Central Labor Relations Commission and are dissatisfied with the order, such persons may file a written objection to the Central Labor Relations Commission, stating the reasons within one week from the day when they received the order,

etc., to appear as witnesses, etc. (when there are unavoidable causes such as natural disaster for not appealing within the said period; within one week from the day following the date of surcease of the said causes) .

- (4) In the case that the Central Labor Relations Commission finds that there is a reason for filing of an objection pursuant to the provisions of the preceding paragraph, it shall rescind the whole or part of the order, etc., to appear as witnesses, etc., or modify said order.
- (5) The proceedings of appeal for examination or filing of an objection shall be executed in writing.
- (6) The Central Labor Relations Commission, on its own authority, may hear persons who appeal for examination or file an objection.

Article 27-11 (Maintenance of Order at Hearing Tribunal)

The Labor Relations Commission may order persons interfering hearings to leave the courtroom, and take other measures necessary to maintain order at hearing tribunal.

Article 27-12 (Order-for-relief, etc.)

- (1) The Labor Relations Commission shall, when the case is ripe for the issue of an order, find the facts and, on the basis of the findings, admit the whole or part of the relief related to the request of the movant, or issue an order to dismiss the motion (hereinafter referred to as the "order-for-relief, etc.") .
- (2) Employer members and labor members who participate in the procedure for an investigation or hearing may state opinions in the case that the Labor Relations Commission intends to issue an order-for-relief, etc.
- (3) The fact findings and the order-for-relief, etc. set forth in paragraph 1 shall be executed in writing, and copies shall be delivered to the employers and the movant.
- (4) An order, etc., for relief shall enter into force on the day of delivery.

Articles 27-13 (Finalizing an Order-for-relief, etc.)

- (1) An order-for-relief, etc. shall become final and binding when the employers have not filed an action for rescission provided by Article 27-19, paragraph 1 within the period set forth in the same paragraph.
- (2) If the employers do not accede to the final and binding order-for-relief, etc., the Labor Relations Commission shall notify the district court with jurisdiction over the address of the employers to that effect. Labor unions and workers may also make this notification.

Article 27-14 (Settlement)

- (1) The Labor Relations Commission (1) may recommend settlement to the parties at

any time in the course of the examination.

- (2) When a settlement has been established between the parties and both parties make motions before the order-for-relief, etc. becomes final and binding, and when the Labor Relations Commission finds that the content of the settlement is appropriate to maintain or establish normal order of labor relations between the parties, the examination procedure shall terminate.
- (3) In cases as prescribed in the preceding paragraph, the order-for-relief, etc. already issued for the case related to the settlement shall (limited to the settlement that the Labor Relations Commission finds appropriate pursuant to the provisions of the preceding paragraph; the same shall apply in the following paragraph) cease to be effective.
- (4) The Labor Relations Commission may, in the case that a settlement includes agreement on payments of a certain amount of money or delivery of a certain quantity of fungible things or securities, draw up record of settlement concerning the said agreement upon request from the both parties concerned.
- (5) The written statement for settlement prescribed in the preceding paragraph shall be, where execution is concerned, deemed as a title of obligation listed in Article 22, item 5 of the Civil Execution Act (Act No. 4 of 1979).
- (6) Granting of performative sentence concerning the title of obligation set forth in the preceding paragraph shall be performed by the Chairperson of the Labor Relations Commission. Services of the execution clause and a transcript of the documents pursuant to the second sentence of Article 29 of the Civil Execution Act shall be made in the same way.
- (7) Decision on objections concerning the granting of the execution clause, pursuant to the provisions of the preceding paragraph, shall be rendered at the district court having jurisdiction over the location of the Labor Relations Commission.
- (8) Matters necessary for the services of the written statement for settlement set forth in paragraph 4, and the performative sentence and transcript of documents pursuant to the second sentence of paragraph 6 shall be specified by Cabinet Order.

Article 27-15 (Appeal for Review)

- (1) Employers may, when receiving order-for-relief, etc. from a Prefectural Labor Relations Commission, appeal for review to the Central Labor Relations Commission within fifteen days (provided, however, that when there are unavoidable causes, such as natural disaster, for not appealing within the said period, it shall be within one week from the day following the date of surcease of the said causes). However, such an appeal shall not suspend the order-for-relief, etc.; the order-for-relief, etc. shall cease to be effective when the Central Labor Relations Commission rescinds or modifies the order as a result of a review

pursuant to the provisions of Article 25, paragraph 2.

- (2) The provisions of the preceding paragraph shall apply mutatis mutandis to appeals for review by labor unions or workers to the Central Labor Relations Commission.

Article 27-16 (Relations between Review and Action)

The Central Labor Relations Commission may not review an order-for-relief, etc. when the whole or part of the order-for-relief, etc. by a Prefectural Labor Relations Commission is supported by final and binding judgment, based on action pursuant to Article 27-19, paragraph 1.

Article 27-17 (Application Mutatis Mutandis to the Procedure for Review)

The provisions of Article 27, paragraph 1; Articles 27-2 to 27-9; Article 27-10, paragraphs 3 to 6; and Articles 27-11 to 27-14 shall apply mutatis mutandis to the procedure for review by the Central Labor Relations Commission. In this case, the term "when the public member bears witness to the case" in Article 27-2, paragraph 1, item 4, shall be deemed to be replaced with "when the public member bears witness to the case, or when the public member is involved in the order-for-relief, etc. of a Prefectural Labor Relations Commission which has already been issued for the case."

Article 27-18 (Period of Examination)

The Labor Relations Commission shall, for the purpose of conducting swift examinations, set a target for the period of an examination, and publish the degree of achievement of the target and any other states of performance in the examination.

Section 3 Lawsuits

Article 27-19 (Action for Rescission)

- (1) When an employer has not appealed to the Central Labor Relations Commission to review an order-for-relief, etc. by the Prefectural Labor Relations Commission, or when the Central Labor Relations Commission has issued an order-for-relief, etc., the employer may file an action for rescission of the order-for-relief, etc. within thirty days from the day on which the order-for-relief, etc. was issued. This period shall be unextendable.
- (2) When an employer has appealed to the Central Labor Relations Commission to review an order pursuant to the provisions of Article 27-15, paragraph 1, the employer may file an action for rescission only against the order-for-relief, etc. by the Central Labor Relations Commission for that appeal. The provisions of Article 12, paragraphs 3 to 5 of the Act on Suits against the Administrative Organ (Act

No. 139 of 1962) shall not apply to this action.

- (3) The provisions of the preceding paragraph shall apply mutatis mutandis to actions for rescission filed by labor unions or workers, pursuant to the Act on Suits against the Administrative Organ.

Article 27-20 (Emergency Order)

In the case where an employer has filed an action to a court pursuant to the provisions of the preceding Article, paragraph 1, the court in charge of the action may, at the request of the Labor Relations Commission which has issued the order-for-relief, etc., order the employer to accede to the whole or part of the order-for-relief, etc. until the judgment becomes final, or upon appeal from the parties concerned, or on its own authority rescind or modify this ruling.

Article 27-21 (Restrictions on Offer of Evidences)

A person who has not submitted an article notwithstanding the Labor Relations Commission's order to submit articles (excluding persons who are not the party concerned in the procedure for examination) may not offer evidence for the said article to the court to prove facts which could be found by the article specified in the said order to submit articles; provided, however, when a justifiable reason for not submitting the article is found.

Section 4 Miscellaneous Provisions

Article 27-22 (Recommendations, etc., of the Central Labor Relations Commission)

The Central Labor Relations Commission may request a Prefectural Labor Relations Commission to report on affairs administrated by the Prefectural Labor Relations Commission pursuant to the provisions of this Act. When the Central Labor Relations Commission finds necessary for application of laws and regulations and other administration of the said affairs by the Prefectural Labor Relations Commission, the Central Labor Relations Commission may also make recommendations, to give advice, provide training of members and staff of the Prefectural Labor Relations Commission, or provide any other assistance.

Article 27-23 (Handling of Lawsuit against Ruling, etc.)

- (1) In a lawsuit against a prefecture pursuant to the provisions of Article 11, paragraph of the Act on Suits against the Government (including cases which shall apply mutatis mutandis to Article 38, paragraph 1 of the same Act; the same shall apply to the following paragraph) related to the disposition (referring to dispositions pursuant to the provisions of Article 3, paragraph 2, of the Act on Suits against the Government, and including dispositions imposed by public

members pursuant to the provisions of Article 24-2, paragraph 5 of this Act and dispositions imposed by Local Members for Adjustment representing public interests pursuant to the provisions of the same article, paragraph 6; the same shall apply to the following paragraph), the Prefectural Labor Central Commission shall represent said prefecture.

(2) The Prefectural Labor Relations Commission may designate persons from among its public members, its secretariat directors-generals or other staff members, and have them take procedural act on behalf of the prefecture as a defendant at an action regarding the disposition of Prefectural Labor Relations Commission pursuant to the provisions of Article 11, paragraph 1, of the Act on Suits against the Government, or on behalf of the Prefectural Labor Relations Commission as a party at an action.

Article 27-24 (Reimbursement)

A person who has been required to appear pursuant to the provisions of Article 22, paragraph 1 or witness pursuant to Article 27-7, paragraph 1, item 1 (including cases in which is the provisions of Article 27-17 apply mutatis mutandis), he or she may be compensated for the expenses as specified by Cabinet Order.

Article 27-25 (Exclusion from Application of Administrative Procedure Act)

The provisions of Chapter 2 and Chapter 3 of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply to dispositions imposed by a Labor Relations Commission (including dispositions imposed by public members pursuant to the provisions of Article 24-2, paragraph 5 of this Act and dispositions imposed by Local Members for Adjustment representing public interests pursuant to the provisions of the same article, paragraph 6).

Article 27-26 (Restriction on Appeal)

No appeal may be entered pursuant to the Administrative Appeal Act (Act No. 160 of 1962) against the dispositions imposed by a Labor Relations Commission (including dispositions imposed by public members pursuant to the provisions of Article 24-2, paragraph 5 of this Act and dispositions imposed by Local Members for Adjustment representing public interests pursuant to the provisions of the same article, paragraph 6).

CHAPTER V PENAL PROVISIONS

Article 28

In the case that the whole or a part of order-for-relief, etc. has been supported by unappealable judgment, when it is violated, the offender shall be punished by a term

of imprisonment not exceeding one year; by a fine not exceeding one million yen; or cumulative imposition of both.

Article 28-2

In the case that a witness who has sworn pursuant to the provisions of Article 27-8, paragraph 1 (including cases where the provisions of Article 27-17 apply *mutatis mutandis*) has made a false statement, the witness shall be punished by a term of imprisonment with work of not less than three months and not exceeding ten years.

Article 29

Any person who is found to be in violation of the provisions of Article 23 shall be punished by a term of imprisonment with work not exceeding one year or by a fine not exceeding three hundred thousand yen.

Article 30

Any person who, in violation of the provisions of Article 22, has failed to report, made false reports, or failed to submit books and documents; and any person who, in violation of the same Article, has failed to appear or has escaped, obstructed, or recused inspection pursuant to the provisions of the same Article shall be punished by a fine not exceeding three hundred thousand yen.

Article 31

When a representative of a juridical person, or an agent or employee of a natural or juridical person has committed violations set forth in the provisions of the preceding article with regard to the business of the said person, not only the offender, but also the said person shall be punished, as prescribed in the same article.

Article 32

When an employer has violated an order of the court pursuant to the provisions of Article 27-20, the said employer shall be punished by a civil fine not exceeding five hundred thousand yen (in cases where the said order demands physical action, and where the number of the nonperformance days from the day following the date of order exceeds five days, the amount obtained by multiplying one hundred thousand yen by the number of days exceeding five shall be added). The same shall apply to cases in which an employer has violated an order, etc., for relief which has become final pursuant to the provisions of Article 27-13, paragraph 1 (including cases where the provisions of Article 27-17 apply *mutatis mutandis*).

Article 32-2.

A person falling under any of the following items shall be punished by a civil fine not exceeding three hundred thousand yen:

- (i) a person who, in violation of the disposition pursuant to provisions of Article 27-7, paragraph 1, item 1 (including cases where the provisions of Article 27-17 apply mutatis mutandis), has failed to appear or give a statement without justifiable reason.
- (ii) a person who, in violation of dispositions pursuant to the provisions of Article 27-7, paragraph 1, item 2 (including cases where the provisions of Article 27-17 apply mutatis mutandis), has failed to submit an article without justifiable reason.
- (iii) A person who, in violation of dispositions pursuant to the provisions of Article 27-8 (including cases where the provisions of Article 27-17 apply mutatis mutandis), has failed to take an oath without justifiable reason.

Article 32-3

When a party concerned who has sworn an oath pursuant to the provisions of Article 27-8, paragraph 2 (including the cases where the provisions of Article 27-17 apply mutatis mutandis) has made a false statement, the party concerned shall be punished by a civil fine not exceeding three hundred thousand yen.

Article 32-4

Any person who, in violation of the disposition pursuant to the provisions of Article 27-11 (including the cases where the provisions of Article 27-17 apply mutatis mutandis), has interfered in the hearing shall be punished by a civil fine not exceeding one hundred thousand yen.

Article 33

- (1) When the liquidator of a labor union which is a juridical person has violated the provisions of the Civil Code, which shall apply mutatis mutandis to Article 12 of this Act, and has committed an act which is punishable pursuant to the provisions of Article 84-3, paragraph 1 of the Civil Code, said liquidator shall be punished by a civil fine within the same amount provided for in said Article of the Civil Code.
- (2) The provisions of the preceding paragraph shall apply mutatis mutandis to the representative of a labor union which is a juridical person when said representative has failed to register changes in the matters registered, as provided for in a Cabinet Order issued pursuant to the provisions of Article 11, paragraph 2 of this Act.