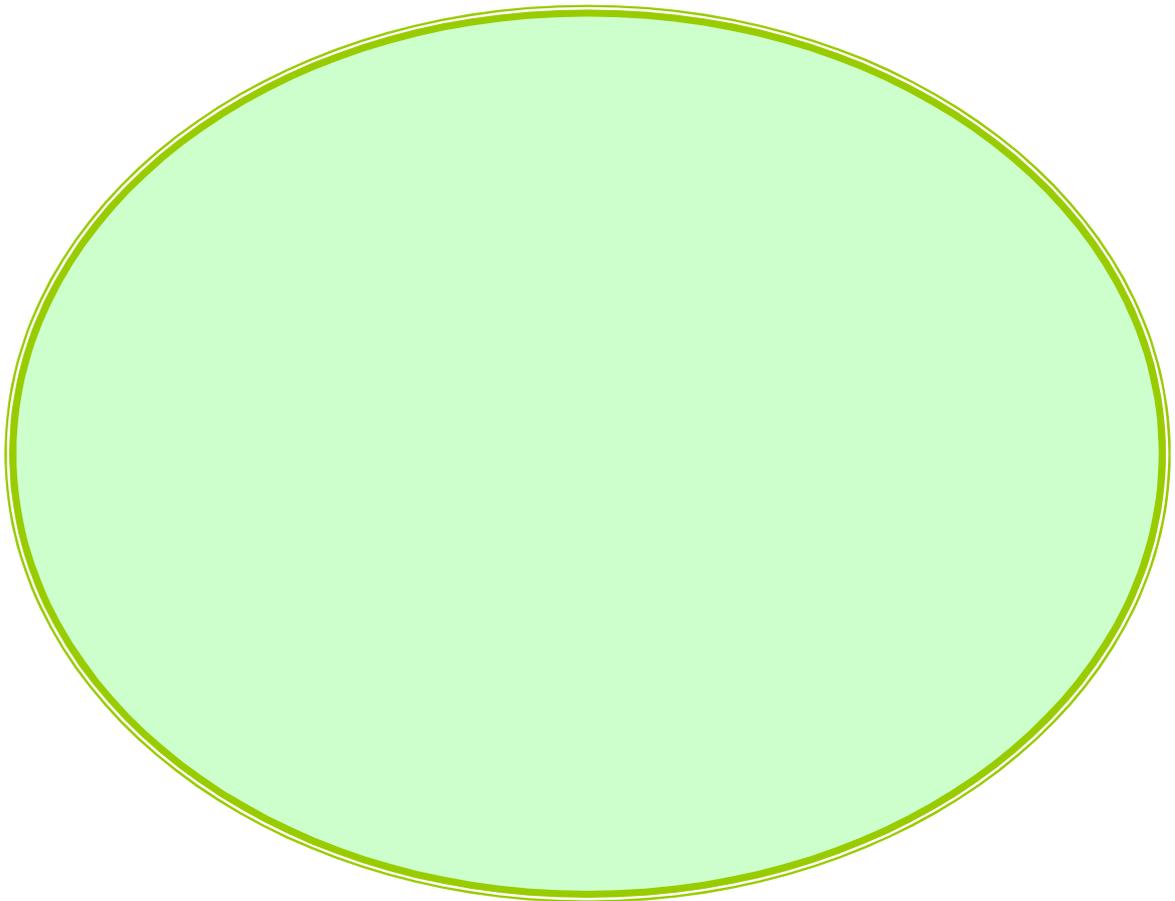


**Guide to Labor Relations  
Commissions  
For Sound Labor Management  
Relations**



**Gunma Prefecture  
Labor Relations Commission**

## Mechanism of the Labor Relations Commission system

In principle, labor issues should be discussed freely between employers and employees on an equal footing and resolved voluntarily, but there are in fact times when such discussions do not fare successfully or indeed aggravate problems, making voluntary resolution difficult.

The Labor Relations Commission is an administrative agency specializing in the resolution of problems between employers and employees which aims to resolve employer-employee disputes in a fair manner and endeavors to secure stable labor-management relations without sources of future trouble.

## Members of the Labor Relations Commission

### Public Members

Persons such as lawyers from among academic experts who are designated by the Governor by the labor-management committee's consent.

### Labor Members

Persons such as trade union executives who are designated by the Governor by recommendation of trade union.

### Employer Members

Persons such as corporate managers who are designated by the Governor by recommendation of employers.

The labor Relations Commission consists of 15 persons (5 persons from each member group). The Labor Relations Commission has its Secretariat to have its members supported.

# ◇ Adjustment of Labor Disputes ◇

## Adjustment

Disputes between employers and employees should, in principle, be settled voluntarily by the parties concerned. When disputes cannot be resolved voluntarily, the Labor Relations Commission will arrange collective bargaining in response to requests from the parties concerned, adjusting the claims of both sides and assisting in resolution of the dispute.

Adjustment by the Labor Relations Commission may come in one of three forms --- conciliation, mediation, or arbitration --- with the simplest and most common of these being conciliation.

※The LRC deals with disputes between employers and labor unions, etc.

Form	Commenced by	Person in Charge	Activities and Details
Conciliation	<ul style="list-style-type: none"> <li>① Request by both employer and employees</li> <li>② Request by either employer or employees</li> <li>③ By virtue of the authority of the chairperson of the LRC</li> </ul>	Conciliators: normally one public member, one labor member, and one employer member	<ul style="list-style-type: none"> <li>① Finding points of compromise between the two parties and working to resolve the dispute.</li> <li>② If necessary, a proposal can be offered.</li> </ul>
Mediation	<ul style="list-style-type: none"> <li>① Request by both employer and employees</li> <li>② Request by either employer or employees In cases where the Collective Labor Agreement prescribes so, or for public service enterprises.</li> <li>③ By virtue of the authority of the LRC</li> <li>④ Request by the Prefectural Governor</li> </ul>	Mediation Committee: public members and an equal number of labor and employer members	<ul style="list-style-type: none"> <li>① Offering a mediation plan and recommending the parties to accept the plan.</li> <li>② Neither party is under legal obligation to accept the mediation plan.</li> </ul>
Arbitration	<ul style="list-style-type: none"> <li>① Request by both employer and employees</li> <li>② Request by either employer or employees ( In cases where the Collective Labor Agreement prescribes so. )</li> </ul>	Arbitration Committee: three public members Labor and employer member can express opinions.	<ul style="list-style-type: none"> <li>① Arbitrative ruling is given.</li> <li>② The parties concerned are bound to observe the terms of the rulings and the ruling has the full force of the Collective Labor Agreement.</li> </ul>

# Conciliation Procedure

Conciliation is the most commonly used form of adjustment as the simplest way, and proceeds along the following lines:

## Request

The conciliation process is initiated with a request for conciliation submitted to Secretariat of the Labor Relations Commission by either a trade union or an employer, or both.

※Please refer to page six in case you are an individual worker and want to request.

## Preliminary Study

The secretariat staff question both the employees and the employer about the cause, point and history of the dispute.

In cases where only one of the parties has made a request for conciliation, the secretariat staff will ascertain the intention of the other party to follow the conciliation process.

## Appointment of Conciliators

( by the Labor Relations Commission Chairperson )

## Conciliation Activities

Hearing : The conciliators hear from both parties and ascertain the points of dispute.

Adjustment of claims : Based on the hearing, the conciliators adjust the claims of the employer and employees, and aim at compromise by offering proposals, etc.

### Settlement

Acceptance of the proposals

### Withdrawal

Withdrawal by applicants

### Close

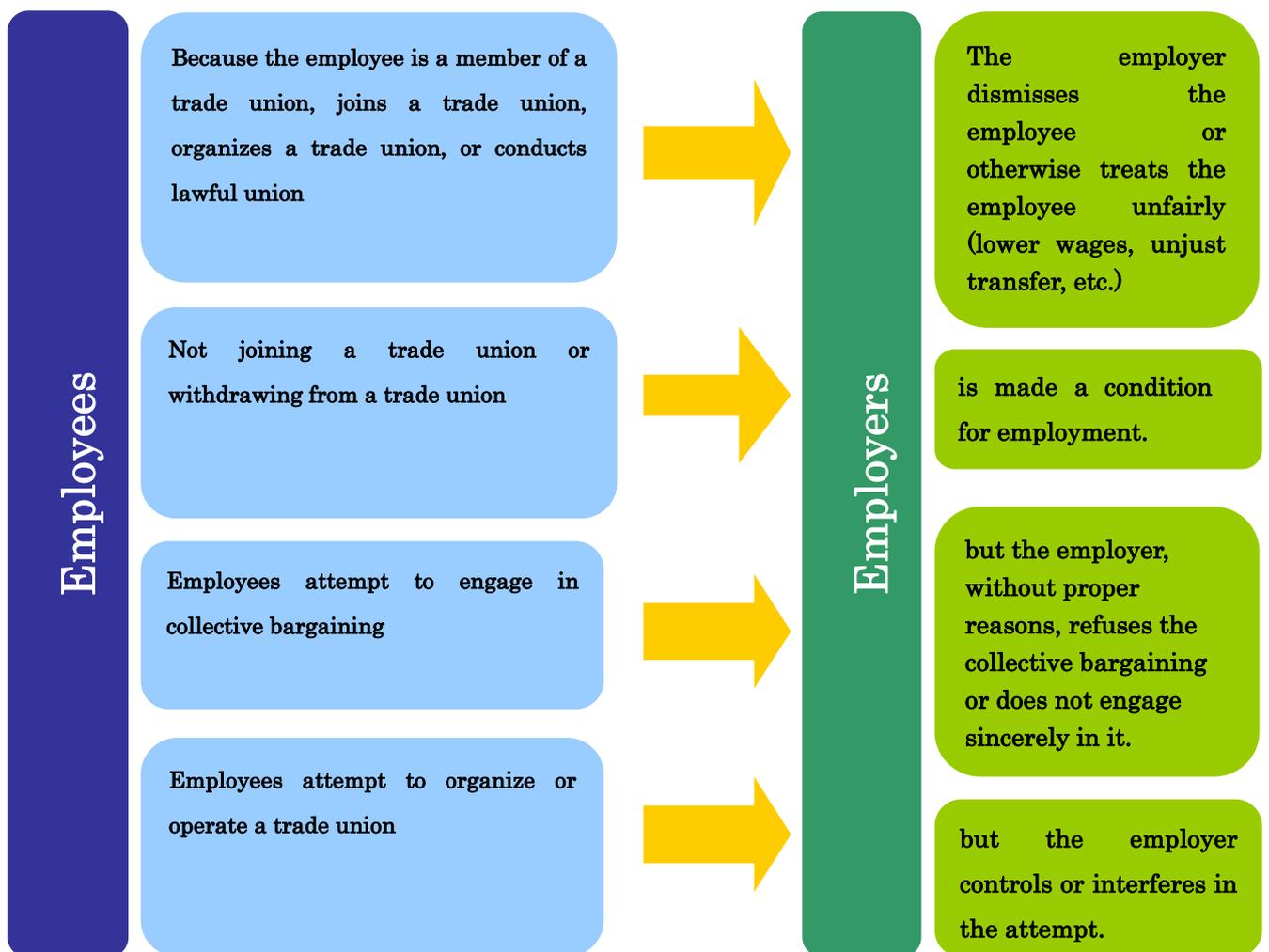
No prospect of resolution since no compromise has been made.

# ◇ Examination of Unfair Labor Practice ◇

## Unfair Labor practices

The Constitution of Japan guarantees the rights of workers to organize and to bargain and act (strike, etc.) collectively.

To guarantee workers' rights in a practical way, the Trade Union Law prohibits the following unfair labor practices by employers:



● The employer provides financial assistance to the trade union to pay for the expenses, etc. incurred in the course of operating the trade union.

● An employee files a complaint of unfair practices or testifies/provides evidence to the Labor Relations Commission, and the employer dismisses the employee or otherwise treats the employee unfairly for that reason.

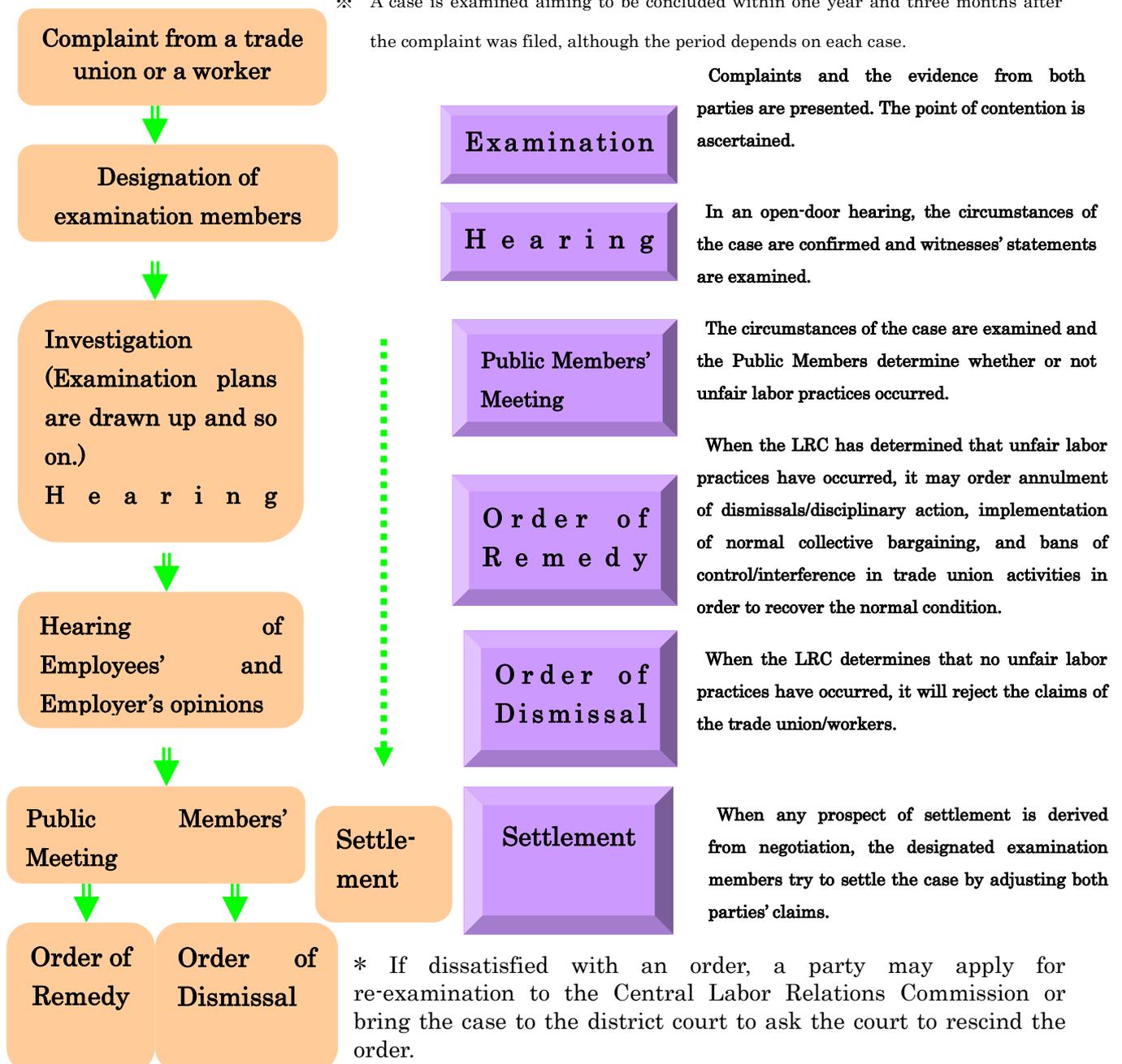
# Action Against Unfair Labor Practice

A trade union or an individual worker may file a complaint with the Labor Relations Commission when it/he/she believes the employer is engaged or has engaged in an unfair labor practice (this complaint must be filed within one year from the date this unfair labor practice occurred).

Upon receiving a complaint, the Labor Relations Commission examines to determine whether the employer is indeed engaged in an unfair labor practice.

## ◎Unfair Labor Practice Examination Procedure

※ A case is examined aiming to be concluded within one year and three months after the complaint was filed, although the period depends on each case.



## ◇ Conciliation of Dispute Between Individual Employees and Employers ◇

The Labor Relations Commission deals with various disputes between an individual employee and an employer regarding labor condition such as dismissal or personnel relocation (Individual Employer-Employee Dispute) as well as collective labor/management disputes such as labor disputes and/or unfair labor practices.

The Labor Relations Commission provides a negotiation opportunity for both parties, and assists them to negotiate seeking for resolution.

※No one is supposed to criticize or press the other party hard.

### Person who can request the conciliation

Conciliation can be requested by both an individual employee and an employer who work in a business place in Gunma.

### Cases to be conciliated

Any dispute between an individual employee and an employer regarding dismissal, wage, personnel relocation, etc. can be conciliated, except for the cases which is currently under legal proceedings or the cases currently being dealt with at another administrative organization and so on.

### Conciliation

Experienced conciliators try to settle the case amicably seeking for a compromise of both parties considering their claims.

(Conciliation is carried out in the same manner as written on page 3.)

### Conciliators

Conciliators consist of a public member (a lawyer, etc.), a labor member (a trade union executive, etc.) and an employer member (a corporate manager, etc.), and effect conciliation fairly and neutrally.

## ◇ How to Make Use of the Labor Relations Commission ◇

Please contact the Secretariat written below for application for adjustment of labor disputes, a request of remedy order for unfair labor practice and/or a conciliation request for an individual labor dispute. If necessary, we can inform you beforehand of the procedure and so on on your request.

Use of the Labor Relations Commission and consultation with related institutions on labor issues is free of charge. Confidentiality shall be strictly maintained.

### Gunma Prefectural Government Secretariat to Labor Relations Commission

〒371-8570 1-1-1 Ote-machi, Maebashi

(Gunma Prefectural Office Blg 26F)

General Affairs Adjustment Division Tel. 027-226-2783

(Adjustment of labor disputes, Conciliation on individual labor disputes)

Examination Division Tel. 027-226-2785

(Examination of unfair labor practices)

### Related Organizations

In addition to the Labor Relations Commission, you may also consult one of the following Labor Consultation Centers for Citizens (Kenmin Rodo Sodan Senta) in regard to employer-employee problems.

Name	Address	Telephone
Gunma Kenmin Rodo Sodan Senta (Labor Policy Division, Prefectural Department of Commerce, Industry and Labor)	〒371-8570 1-1-1 Ote-machi, Maebashi	0120-54-6010

One-Stop Consultation Center for Foreign Residents posts information for daily life in English to prefectural residents.

【Phone number:027-289-8275】