

Comparative Analysis of Employment Dispute Cases Resolved by Labor Bureau Conciliation, Labor Tribunals and Court Settlement

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In Japan, there are three representative systems for resolving individual labor disputes: conciliation by labor bureaus, labor tribunals, and court settlement. When we compare these, we find a tendency for males to be more numerous, regular employees to be more numerous, years of service to be longer, the managerial position to be higher, and the monthly wage to be incrementally higher in the second and third of these than in the first. However, while the difference in monthly wage is 1.4 times and 1.6 times, respectively (i.e. in the second and third systems compared to the first), the difference in resolution amounts is 7.0 times and 14.7 times. This could be because labor bureau conciliation—a voluntary system—gives more incentive to settle on low resolution amounts, while in labor tribunals and courts, a ruling or judgment will be made if no compromise is reached, meaning that the case can be concluded without considering the “risk of the other party getting away.”

I. Background to the Research

In recent years, “the creation of a highly foreseeable system of labor dispute resolution” has been advocated as part of the government’s reform of the employment system. For example, in the “Japan Revitalization Strategy Revised in 2014—Japan’s Challenge for the Future” decided by the Cabinet on June 24, 2014, the section on “Reforming the employment system and reinforcing human resource capabilities” included the following statement:

ii) **Creating a highly foreseeable labor dispute resolution system**

The Government will attempt to create a highly foreseeable labor dispute resolution system in order to resolve the problem that Japanese employment practices are less transparent especially for foreign countries, protect workers at SMEs, and promote foreign direct investment in Japan.

① **Analysis of cases dealt with via mediation [labor bureau conciliation], labor tribunal decision, and conciliation [court settlement]**

Regarding the analysis and classification of cases of mediation [labor bureau conciliation], labor tribunal decision, and conciliation [court settlement], which are used to resolve labor disputes, the Government will clarify as far as possible the relationship between the amount of money paid to resolve disputes and various factors, such as workers’ attributes in terms of employment, their wage levels, and company size. Based on the results of this analysis, the Government will develop a usable tool within one year.

On this basis, the government's aim was taken to be one of analyzing individual cases of labor dispute resolution involving conciliation by Prefectural Labour Bureaus, labor tribunals and court settlement. In response, the Ministry of Health, Labour and Welfare, which has jurisdiction over labor and employment problems, decided to have this research carried out by the Japan Institute for Labour Policy and Training (JILPT). Of this research, JILPT has already carried out prior research on cases of labor bureau conciliation, specifically involving statistical analysis and contents analysis of full records related to conciliation cases received by four Prefectural Labour Bureaus in FY2008. The results of this research were published in the JLR 2011 Summer issue as "Analysis of the Content of Individual Labor Dispute Resolution Cases: Termination, Bullying/Harassment, Reduction in Working Conditions, and Tripartite Labor Relationships." On labor tribunals, by contrast, there has been no research of a census type, though there has been research based on questionnaire surveys of users. A characteristic of the present research is that it also involved research of a census type on labor tribunals and court settlement, with the cooperation of judicial authorities.

Bearing in mind differences in the way administrative authorities and courts organize data, cases covered by this research were as follows.

- Labor bureau conciliation: 853 cases of individual labor relations disputes accepted by four labor bureaus in FY2012.
- Labor tribunals: 452 labor tribunal cases concluded in mediation or rulings (limited to those where there is no appeal) by four district courts in 2013 (calendar year) (limited to cases classified as "Other than for monetary objectives, status confirmation [dismissal, etc.]" in judicial statistics).
- Court settlements: 193 labor relations civil litigation cases (limited to cases classified as "Litigation related to labor [other than for monetary objectives]" in judicial statistics) concluded in settlement by four district courts in 2013 (calendar year).

II. Comparative Analysis of Statistics

1. Gender

In terms of the gender of workers, 457 cases (53.6%) of labor bureau conciliation involved males and 396 (46.4%) involved females, showing a slight majority for the former, although both were at more or less the same level. In labor tribunals, 310 cases (68.6%) involved males and 142 (31.4%) involved females, showing a higher ratio of males than for labor bureau conciliation, males accounting for more than two-thirds. This trend was even stronger for court settlement, where there were 149 cases (77.2%) involving males but only 44 cases (22.8%) involving females, males accounting for three-quarters of the total but females for only just over 20%.

Thus, the ratio of males was higher in labor tribunals than in labor bureau conciliation and higher in court settlement than in labor tribunals, while the ratio for females decreased accordingly.

2. Employment Status

In terms of workers' employment status, 402 cases (47.1%) of labor bureau conciliation involved regular employees, 325 cases (38.1%) involved directly-hired non-regular employees, and 64 cases (7.5%) involved dispatched workers. In labor tribunals, the ratio of regular employees was much higher than for labor bureau conciliation, with 342 cases (75.7%) or more than three-quarters involving regular employees, while only 95 cases (21.0%) or just over one-fifth involved directly-hired non-regular employees, and a mere 13 cases (2.9%) involved dispatched workers. This trend was even stronger for court settlement, where 154 cases (79.8%) or nearly four-fifths involved regular employees, while only 37 cases (19.2%) or less than one-fifth involved directly-hired non-regular employees. Particularly noteworthy is the fact that only 1 dispatched worker filed a case (0.5%).

Thus, analysis of the employment status also reveals clear differences between regular employees, directly-hired non-regular employees and dispatched workers. Specifically, there is a general tendency for labor tribunals to be chosen over labor bureau conciliation, and litigation over labor tribunals, as employment becomes more stable and remuneration becomes higher for regular employees. Conversely, the less stable the employment and the lower the remuneration for non-regular employees, the more labor tribunals tend to be chosen over litigation, and labor bureau conciliation over labor tribunals, this being particularly conspicuous among dispatched workers compared to directly-hired non-regular employees.

Comparing these results to ratios of employment status in the Employment Status Survey by the Statistics Bureau of the Ministry of Internal Affairs and Communications (2012), in the latter "Regular staffs" accounted for 61.8%, "Part-time workers," "Arbeit (temporary workers)," "Contract employees" and "Entrusted employees" for a total of 33.7%, and "Dispatched workers from temporary labor agency" for 2.2%. As this shows, labor bureau conciliation is used more commonly by directly-hired non-regular employees (particularly dispatched workers) than the overall ratio of their employment status, while labor tribunals and court settlement are used more commonly by regular employees than the overall ratio of their employment status.

3. Length of Service

To analyze this attribute, length of service were divided into five segments (Table 1). For labor bureau conciliation, first of all, shorter-serving employees with less than one year's employment were very numerous with 41.9%. In particular, those with less than one month's service accounted for nearly 10%, illustrating a conspicuous trend for disputes to occur soon after starting employment. Given the inclusion of some long-serving employees in the total, the average length of service was rather long at 4.4, but the median value was 1.7 years, showing that workers with fewer length of service use this option more frequently.

In the case of labor tribunals, by contrast, while shorter-serving employees with less than one year in employment accounted for about one-third with 33.0%, those with 10 or more years of service were not so numerous with 16.8%. Although the average number was

Table 1. Workers' Length of Service

Length of service	Labor bureau conciliation	Labor tribunals	Court settlement
	cases (%)	cases (%)	cases (%)
Less than 1 month	73 (9.7)	17 (3.8)	2 (1.0)
1 month–less than 1 year	243 (32.1)	132 (29.2)	32 (16.7)
1 year–less than 5 years	235 (31.1)	155 (34.3)	68 (35.4)
5 years–less than 10 years	106 (14.0)	72 (15.9)	30 (15.6)
10 years or more	99 (13.1)	76 (16.8)	60 (31.3)
Total	756 (100.0)	452 (100.0)	192 (100.0)

Table 2. Workers' Managerial Position

Managerial Position	Labor bureau conciliation	Labor tribunals	Court settlement
	cases (%)	cases (%)	cases (%)
No managerial position	811 (95.1)	396 (87.6)	149 (77.2)
Chief clerk or supervisor grade	22 (2.6)	9 (2.0)	4 (2.1)
Section manager or store manager grade	16 (1.9)	18 (4.0)	13 (6.7)
Department manager or factory manager grade	3 (0.4)	20 (4.4)	19 (9.8)
Executive grade	1 (0.1)	9 (2.0)	8 (4.1)
Total	853 (100.0)	452 (100.0)	193 (100.0)

5.5 years, the median value was 2.5, showing that workers with middling length of service used this option more frequently. When we turn to court settlements, we find that while shorter-serving employees with less than one year of service accounted for a mere 17.7%, longer-serving employees with 10 years or more accounted for 31.3% or nearly one-third, revealing that this option was used more often by workers with longer length of service. The average was 9.6 years and the median value 4.3 years.

4. Managerial Position

For this analysis, workers' managerial positions were divided into five grades (no managerial position, chief clerk or supervisor grade, section manager or store manager grade, department manager or factory manager grade, and executive grade) (Table 2). Although there may be doubts as to how far managerial positions can be compared in companies with different corporate scales, these could be useful as reference for ascertaining overall trends.

In terms of labor bureau conciliation, the overwhelming majority of cases (95.1%) involved employees with no managerial position. Of the mere 4.9% involving workers in managerial positions, more than half were in the chief clerk or supervisor grade, proving that this option is used with greater frequency by lower grade workers. In cases using labor tribunals, the proportion of workers with no managerial position was slightly lower at 87.6%, while both the section manager or store manager grade and the department manager

Table 3. Distribution of Monthly Wage

Monthly Wage	Labor bureau conciliation	Labor tribunals	Court settlement
	cases (%)	cases (%)	cases (%)
1–99,999 yen	48 (9.9)	20 (4.4)	3 (1.6)
100,000–199,999 yen	196 (40.6)	76 (16.8)	17 (8.9)
200,000–499,999 yen	229 (47.4)	283 (62.6)	123 (64.4)
500,000–999,999 yen	10 (2.1)	60 (13.3)	37 (19.4)
1,000,000 yen or more	– (–)	13 (2.9)	11 (5.8)
Total	483 (100.0)	452 (100.0)	191 (100.0)

or factory manager grade accounted for around 4%. This trend was stronger still in cases of court settlement, where the section manager or store manager grade accounted for 6.7% and the department manager or factory manager grade for 9.8%, both therefore increasing. Here, the executive grade also accounted for 4.1%, while cases involving workers with no managerial position decreased to 77.2%.

5. Workers' Monthly Wage

As the monthly wage is an important piece of data that assists in analyzing resolution amounts, wages were divided into five grades for analysis (Table 3). While workers' wages are not always paid on a monthly basis but also daily or hourly in some cases, and moreover hourly wages are common among non-regular employees, these were all converted to monthly equivalents for the analysis.

The result was that, in the case of labor bureau conciliation, just over about 40% of workers received monthly wages in the 100,000 yen range, while just over one third were in the 200,000 yen range. If we include those with less than 100,000 yen (about 10%), more than 85% of the total had a monthly wage of less than 300,000 yen, thus belonging to relatively low wage bands. According to the Monthly Labour Survey (2012 Final Report) by the Ministry of Health, Labour and Welfare, aimed at establishments with 5 or more employees, the average wage (contractual cash earnings) paid to workers as a whole was 261,600 yen, showing that the majority of workers involved in conciliation belonged to a relatively low wage bracket. The average was 202,556 yen and the median value 191,000 yen.

In the case of labor tribunals and court settlement, by contrast, more than one-third of workers had a monthly wage in the 200,000 yen range. Moreover, workers with a higher monthly wage than this, i.e. those belonging to a relatively high wage band of 300,000 yen or more per month, accounted for 43.1% or just under half of labor tribunals and 52.9% or just over half of court settlements. The average for labor tribunals was 342,561 yen and the median value was 264,222 yen. For court settlement, the average was 433,363 yen and the median value 300,894 yen. Thus, when considering monthly wages, again, we see that there is a clear difference between users of labor bureau conciliation, labor tribunals and litigation.

Table 4. Time Taken to Use Each System

Months	Labor bureau conciliation	Labor tribunals	Court settlement
	cases (%)	cases (%)	cases (%)
Less than 1 month	64 (19.8)	1 (0.2)	- (-)
1.0-1.9 months	197 (60.8)	118 (26.1)	3 (1.6)
2.0-2.9 months	49 (15.1)	196 (43.4)	7 (3.6)
3.0-5.9 months	14 (4.3)	131 (29.0)	37 (19.2)
6.0-11.9 months	- (-)	6 (1.3)	67 (34.7)
1 year or more	- (-)	- (-)	79 (40.9)
Total	324 (100.0)	452 (100.0)	193 (100.0)

6. Time-Related Cost

Here, time-related cost was analyzed for two different indicators, namely the time taken by each system of dispute resolution, and the time from the start of a given dispute to its resolution. However, since there are numerous cases of labor bureau conciliation where no agreement is reached, the comparative analysis only took account of cases where agreement was reached.

(1) Time Taken for System Use

A clear difference is seen in the time taken to use the systems of labor bureau conciliation, labor tribunals and court settlement (Table 4). Namely, the time required for conciliation (i.e. the time from the date of accepting the conciliation request to the date of concluding the conciliation by reaching an agreement) was 1.0-1.9 months in an overwhelmingly large 60.8% of cases. If the 19.8% of cases resolved in less than 1 month are included, the procedure was complete within 2 months in more than 80% of cases. The average was 1.6 months and the median value 1.4 months. Meanwhile, the time needed for labor tribunals (i.e. the time from the date of a petition for a labor tribunal to the date of conclusion by mediation or ruling) was 2.0-2.9 months in nearly half (43.4%) of all cases, only slightly longer than conciliation. In most cases, the procedure was complete within 6 months, hardly any cases lasting longer than this. The average was 2.3 months and the median value 2.1 months. By contrast, when litigation is finally resolved by settlement, the procedure itself takes a long time. The most common duration was 1 year or more with 40.9%, followed by 6.0-11.9 months with 34.7%; hardly any cases were resolved in a short time. The average was 10.8 months and the median value 9.3 months. Although attempts have been made to make the court time shorter than it used to be, there is a clear tendency for the process to be protracted if litigation is raised.

Table 5. Time Needed for Resolution

Months	Labor bureau conciliation	Labor tribunals	Court settlement
	cases (%)	cases (%)	cases (%)
Less than 2 months	122 (38.5)	10 (2.2)	– (–)
2.0-2.9 months	90 (28.4)	52 (11.5)	2 (1.0)
3.0-5.9 months	82 (25.9)	202 (44.7)	13 (6.8)
6.0-11.9 months	15 (4.7)	166 (36.7)	60 (31.3)
12.0-23.9 months	7 (2.2)	19 (4.2)	82 (42.7)
24 months or more	1 (0.3)	3 (0.7)	35 (18.2)
Total	317 (100.0)	452 (100.0)	192 (100.0)

(2) Time Needed for Resolution

To measure time-related cost more accurately, we need to compare not only the time taken to use the systems of labor bureau conciliation, labor tribunals and litigation, but also the time needed from the start of the dispute case (e.g. termination of employment) to the resolution of the problem. This is determined by adding the time taken from the occurrence of the dispute until the use of the system, to the time taken to use the system itself (Table 5).

Labor bureau conciliation took 1.0–1.9 months in 35.6% of cases and 2.0–2.9 months in 28.4%, these two totaling 64.0%. Because a request for conciliation is almost always made very soon after the occurrence of the dispute in the case of conciliation, the time needed for resolution is also very short. The average was 2.9 months and the median value 2.1 months.

In comparison, a certain number (13.7%) of labor tribunal cases were resolved in less than 3 months, but 44.7% (or nearly half) took 3.0–5.9 months and 36.7% (or more than one-third) took 6.0–11.9 months, considerably longer than cases of conciliation. The average is 6.0 months and the median value 5.1 months.

However, this also turns out to be extremely short compared to the time needed to reach resolution in cases of court settlement. That is, court settlement cases lasting less than 6 months accounted for only 7.8%, while those lasting 6.0–11.9 months also only accounted for 31.3% or less than one-third, but 42.7% or nearly half of cases last between 1 and 2 years. The average is 17.8 months and the median value 14.1 months.

7. Use of Attorneys or Certified Social Insurance Labor Consultants

When considering whether specialist professionals such as attorneys or certified social insurance labor consultants were used when using these dispute resolution bodies, a significant difference is seen between labor bureau conciliation, labor tribunals and court settlements (Table 6). Because certified social insurance labor consultants cannot be used for representation in labor tribunals and litigation, only the situation pertaining to the use of attorneys will be shown for the latter.

Table 6. Use of Specialist Professionals

User	Labor bureau conciliation		Labor tribunals	Court settlement
	Certified social insurance labor consultants	Attorney	Attorney	Attorney
	cases (%)	cases (%)	cases (%)	cases (%)
Both sides	1 (0.1)	– (–)	402 (88.9)	184 (95.3)
Worker’s side	5 (0.6)	6 (0.7)	8 (1.8)	1 (0.5)
Employer’s side	45 (5.3)	37 (4.3)	39 (8.6)	8 (4.1)
Neither side	802 (94.0)	810 (95.0)	3 (0.7)	– (–)
Total	853 (100.0)	853 (100.0)	452 (100.0)	193 (100.0)

Firstly, on examining the degree to which parties engaged in conciliation used certified social insurance labor consultants and attorneys, we find that they were used by neither labor nor management in the majority of cases. If anything, they were used more frequently by the employers’ side, this being just over 5% in the case of certified social insurance labor consultants and just over 4% for attorneys. By contrast, use by the workers’ side was extremely small, being less than 1% in both cases. To put it differently, about 90% of employers and nearly 99% of workers did not rely on the assistance of certified social insurance labor consultants or attorneys. On this point, there was a clear contrast between labor tribunals and court settlement on the one side and conciliation on the other, with both labor and management using attorneys in most cases. Even then, in labor tribunals, cases in which the worker’s side applied alone without the use of an attorney accounted for just under 10%, while in the case of litigation the ratio was no more than about 4%. Attorneys were used by both labor and management in 90% of cases of labor tribunals and in more than 95% in cases of litigation, suggesting that this represents a monetary cost for users.

8. Resolution Amount

The distribution of resolution amounts in cases of labor bureau conciliation shows that nearly 30% of cases were concentrated in the 100,000–199,999 yen range. If we include the fact that cases of less than 100,000 yen accounted for just over one-quarter, this means that the majority of cases were resolved for less than 200,000 yen (Table 7). The average was 279,681 yen, but this is due to the upward pull of high-value resolutions. The median value was 156,400 yen, with the reality that nearly half of all cases were resolved for sums of 150,000 yen or less.

By contrast, the resolution amount in labor tribunals was either in the 500,000–999,999 yen range or the 1,000,000–1,999,999 yen range in more than half of all cases. Moreover, resolution amounts of 2,000,000–2,999,999 yen and 3,000,000–4,999,999 yen each accounted for around 10% of the total. The average was 2,297,119 yen and the median value 1,100,000 yen, with more than half of cases resolved for more than 1,000,000 yen. As

Table 7. Resolution Amount

Resolution amounts	Labor bureau	Labor	Court
	conciliation	tribunals	settlement
	cases (%)	cases (%)	cases (%)
1–49,999 yen	38 (12.1)	– (–)	– (–)
50,000–99,999 yen	42 (13.4)	11 (2.5)	1 (0.6)
100,000–199,999 yen	89 (28.4)	13 (3.0)	10 (5.7)
200,000–299,999 yen	47 (15.0)	22 (5.1)	1 (0.6)
300,000–399,999 yen	32 (10.2)	17 (3.9)	3 (1.7)
400,000–499,999 yen	17 (5.4)	18 (4.1)	4 (2.3)
500,000–999,999 yen	29 (9.3)	103 (23.7)	25 (14.4)
1,000,000–1,999,999 yen	17 (5.4)	117 (27.0)	36 (20.7)
2,000,000–2,999,999 yen	2 (0.6)	45 (10.4)	21 (12.1)
3,000,000–4,999,999 yen	– (–)	42 (9.7)	27 (15.5)
5,000,000–9,999,999 yen	– (–)	27 (6.2)	27 (15.5)
10,000,000–19,999,999 yen	– (–)	14 (3.2)	9 (5.2)
20,000,000 yen or more	– (–)	5 (1.2)	10 (5.7)
Total	313 (100.0)	434 (100.0)	174 (100.0)

these figures show, there is a clear difference between labor tribunals and conciliation when it comes to the resolution amount.

The difference between labor tribunals and court settlement was that, in the former, the resolution amount peaked at a mode of around 1,000,000 yen, while in the latter, the amounts were distributed in a gentle plateau fashion between 500,000 yen and 10,000,000 yen. To put it another way, resolutions for considerably high amounts were seen with some frequency. The average was 4,507,660 yen and the median value 2,301,357 yen, which was generally about twice the resolution amount reached in labor tribunals.

9. Resolution Amounts in Terms of Monthly Wage

A fairly clear proportional relationship exists between monthly wage and resolution amounts in each system of labor dispute resolution, but at the same time, it is also clear that there is a considerable scattering of resolution amounts, even among workers with the same monthly wage. That is, the resolution amount was relatively low compared to the monthly wage in some cases, but relatively high in others, with considerable variation. To clarify this situation, it might be useful to analyze figures reached by dividing the resolution amount by the monthly wage each worker, or in other words, how many months' wage the resolution amount corresponds to (Table 8).

For labor bureau conciliation, the resolution amount was less than 1 month's wage in nearly half of all cases (43.6%). Although the average was 1.6 months, the median value of 1.1 months suggests that the amounts are distributed around the 1 month-plus mark in cases of conciliation. In labor tribunals, by contrast, the amount was distributed evenly between 2.0–2.9 months and 5.0–5.9 months' wage, with many cases of 6.0–8.9 months as well. The

Table 8. Resolution Amounts in Terms of Monthly Wage

Resolution amounts in terms of monthly wage	Labor bureau conciliation	Labor tribunals	Court settlement
	cases (%)	cases (%)	cases (%)
Less than 1 month	115 (43.6)	32 (7.4)	12 (6.9)
1.0–1.9 months	71 (26.9)	40 (9.2)	18 (10.4)
2.0–2.9 months	33 (12.5)	57 (13.1)	14 (8.1)
3.0–3.9 months	23 (8.7)	63 (14.5)	12 (6.9)
4.0–4.9 months	9 (3.4)	45 (10.4)	12 (6.9)
5.0–5.9 months	5 (1.9)	46 (10.6)	7 (4.0)
6.0–8.9 months	7 (2.7)	77 (17.7)	27 (15.6)
9.0–11.9 months	1 (0.4)	20 (4.6)	26 (15.0)
12.0–23.9 months	– (–)	37 (8.5)	29 (16.8)
24 months or more	– (–)	17 (3.9)	16 (9.2)
Total	264 (100.0)	434 (100.0)	173 (100.0)

average was 6.3 months and the median value 4.4 months, showing that the amounts are broadly spread around 4–5 months in labor tribunal cases. Turning finally to court settlement, many cases (15–16%) were concentrated in each of the three groups from 6.0–8.9 months to 12.0–23.9 months, showing that the resolution amount is even higher. The average is 11.3 months and the median value 6.8 months.

III. Some Observations

As the above analysis shows, there were large differences between the three systems of labor dispute resolution in terms of their levels of monetary resolution. In cases of labor bureau conciliation, the peak amount was in the range of 100,000–199,999 yen and the majority of cases were resolved for less than 200,000 yen, while for labor tribunals, more than half were concentrated in the 500,000–999,999 yen and 1,000,000–1,999,999 yen ranges. And in court settlement, the amounts were distributed in a gentle plateau fashion between 500,000 yen and 10,000,000 yen. Median values were 156,400 yen for labor bureau conciliation, 1,100,000 yen for labor tribunal, and 2,301,357 yen for court settlement. So, what actually causes such large differences?

In workers' attributes such as gender, employment status, length of service, managerial position and monthly wage, clear differences are observed between labor bureau conciliation, labor tribunals and court settlement. These, when combined, appear to cause differences in resolution amounts. In terms of gender, specifically, cases of labor bureau conciliation were spread more or less evenly between males and females, but the ratio was about 7:3 (male:female) for labor tribunals and about 8:2 for court settlement. In other words, the latter two increasingly involved more males. In employment status, regular employees accounted for just under half of labor bureau conciliation cases but about

three-quarters of labor tribunal cases and nearly 80% of court settlement cases. In length of service, workers with less than one year of service accounted for just over 40% of labor bureau conciliation cases but about one-third of labor tribunal cases and less than 20% of court settlement cases, while conversely, long-serving employees with more than 10 years of employment accounted for just over 10% of the first two systems but almost one-third of court settlement cases. A similar situation pertained for managerial position, with the proportions of higher positions increasing in stages from the first to the third system. Reflecting these attributes of workers, the distribution of monthly wages also increased from the first to the third system, the respective median values being 191,000 yen for labor bureau conciliation, 264,222 yen for labor tribunals and 300,894 yen for court settlement.

But although the monthly wage certainly increased in this way, the difference was not so great when compared to the considerable difference in the resolution amount. For while the difference in median values of the monthly wage was 1.4 times and 1.6 times, respectively, for labor tribunals and court settlement compared to labor bureau conciliation, the difference between the respective median values of resolution amounts was as great as 7.0 times and 14.7 times. This situation is seen even more clearly when comparing resolution amounts in terms of monthly wage, as shown in Section II-9. The median values in this case were 1.1 months for labor bureau conciliation, 4.4 months for labor tribunals and 6.8 months for court settlement, revealing differences between the three systems of dispute resolution when workers' attributes are removed.

Another factor that explains the difference between the systems is the cost involved in using the respective procedures. Viewing time-related cost in terms of the median values of time taken to use the systems, it was 1.4 months for labor bureau conciliation, 2.1 months for labor tribunals and 9.3 months for court settlement, showing notable speed in both labor bureau conciliation and labor tribunals. The median values of time needed to resolve these cases were 2.1 months for labor bureau conciliation, 5.1 months for labor tribunals, and 14.1 months for court settlement, showing widening gaps between the three. One might therefore imagine that the difference in the resolution amount between the systems is caused by this difference in time-related cost. However, when this is actually cross-analyzed, no correlation between resolution time and resolution amount was observed in cases of labor bureau conciliation, labor tribunals and court settlement (details omitted from this paper). Labor bureau conciliation cases were relatively quick and relatively low in cost while court settlement cases were relatively protracted and relatively expensive, with labor tribunal cases positioned between the two in both time and cost. As such, there is no correlation between these two factors within each system. The same is true for resolution amounts in terms of monthly income.

Another cost factor is the use of professionals, i.e. attorneys and certified social insurance labor consultants. These were not used in the overwhelming majority of labor bureau conciliation cases, but were used in the overwhelming majority of labor tribunal and court settlement cases. As such, this is almost equivalent to the cost factors being embedded

in the systems themselves.

Seen in this light, factors other than the aforementioned workers' attributes or the cost required for resolution are thought to contribute to the large differences in resolution amounts between the systems. The voluntary nature of participation and agreements in labor bureau conciliation could be considered an important factor here. The non-participation rate of the other party was nearly 40%, and the possibility of a case ending without agreement despite entering conciliation was by no means small at 16.4%. In such a situation, the incentive to compromise on a relatively low resolution amount that is more likely to be accepted by the other party, rather than seeking an amount that could be rejected by the other party, must be a contributory factor. By contrast, if no mediation is established in a labor tribunal case, a ruling is made as a judgment-based resolution, and if there is an objection to this, it is regarded as the same as if a lawsuit had been filed from the beginning. Therefore, there is little likelihood of the petitioner being compelled to compromise while harboring dissatisfaction with the content of the resolution. In cases of court settlement, too, a ruling is of course made if no settlement is reached, and so the case concludes without having to consider "the risk of the other party being able to get away because the petitioner does not make an involuntary compromise," as in cases of labor bureau conciliation.

If this observation is correct, this "risk of getting away" could conceivably be discounted from the resolution amount in cases of labor bureau conciliation (excluding elements due to workers' attributes and other factors), compared to labor tribunals and court settlement.

While there are clear differences in the resolution amount between these three systems, it is also clear that user cost (in the sense of the time taken to use the system, the time needed to reach resolution, and the use of attorneys and other professionals) increases in stages from labor bureau conciliation to labor tribunals and finally court settlement. As such, a need is seen to inform users more fully about these system characteristics and to encourage them to use the resolution system that best suits their needs.

Again, while there were clear differences in the resolution amount between the three systems, some elements (for example, in resolution amounts in terms of monthly wage) showed a degree of bias in gender, employment status, length of service, monthly wage, etc. Nevertheless, a broad distribution was also seen in these, and it was confirmed that the level of resolution is not determined by meeting certain conditions. This is thought to be because matters not covered by this research are taken into account when resolving disputes—namely, what the parties to the dispute have specifically done or said, or whether more responsibility for the dispute is thought to lie on the employer's side or the worker's side (i.e. whether the case is "likely to be won" or "likely to be lost"). Therefore, we need to conduct further research from angles such as this on the specific question of how the levels of resolution amounts are decided in these systems.