

V 昭和20年および24年労働組合法の翻訳

1. TRADE UNION BILL (Draft Adopted by the Labor Legislation Commission of the Welfare Department)

- ・昭和20年労働組合法案の翻訳（成立、未施行との英語メモあり）。タイプ書きで全9頁。
- ・一部判読不能な箇所については、前掲Ⅲ－1およびⅢ－3の下地のテキスト（以下、「別史料」という）から推測した。

史料出所：国立公文書館返赤 41004000

TRADE UNION BILL

Draft Adopted by the Labor Legislation Commission of the Welfare Department

21 November 1945

(注・手書きのメモ、"Bill has been approved but not enforced as yet")

CHAPTER I. GENERAL PRINCIPLES.

Article 1. The aim of the present Act shall be to raise the status of workers and thereby contribute to economic development through the guarantee of the right of organization and the encouragement of collective bargaining.

The provisions of Article 35 of the Criminal Code shall apply to collective bargaining and other acts of the trade unions which are appropriate, being performed for the attainment of the objects of the preceding paragraph.

Article 2. Trade unions under the present Act shall be those organizations, or federations thereof formed autonomously by the workers, with the workers as the main constituents for the main purpose of maintaining or improving the conditions of work and for raising the economic status of the workers, provided that this rule shall not apply to those:

1. Which admit to membership the employer or persons who may be

considered (注・"to"が入るべきところ) represent the interest of the employer.

2. Which depend on the employer's aid for the major expenses of the organization.
3. Whose objects are confined to mutual aid work or other welfare work among the members.
4. Which principally aim at carrying on political or social movements.

Article 3. Workers under the present Act shall include those who live by wages, salaries or other remuneration assimilable thereto regardless of the kind of occupation.

Article 4. Police, fireman and employees of penal institutions shall be denied the right to organize or to join trade unions.

As regards other government officials, subordinate officials assimilated to government officials and municipal officials, and those employed by the state or public bodies, separate regulations may be made by ordinance for the application of the present Act, provided that this rule shall not apply to the prohibition of their organizing a trade union or of their joining such as members.

CHAPTER II. TRADE UNIONS.

Article 5. Representatives of trade unions shall submit to the administrative authorities with the week after formation of the trade union, its statute and the list of names and addresses of its officers.

(注・別史料では "within"となっており、そちらが正しいと思われる)

When changes occurred in the particulars as laid down in the preceding paragraph, a report thereon shall be submitted to the administrative authorities within a week thereafter.

(注・判読困難であるが、別史料から推測)

Article 6. When a report has been submitted in accordance with paragraph one of the preceding article and the union concerned is not in conformity with Article 2, the administrative authorities shall take action in accordance with the stipulations of ordinance following the resolution of the Labor Relations Committee.

The provisions of the preceding paragraph shall apply mutatis mutandis

to the case of an organization set up as a trade union which has ceased to conform to Article 2.

Article 7. The statute of the trade union shall contain at least the following particulars:

1. Name of the union.
2. Address of the main office.
3. If the union is a legal person, statement to that effect.
4. Objects and business of the union.
5. Rules relating to membership or to affiliated unions.
6. Rules relating to meetings.
7. Rules relating to the representatives of the union and other officers.
8. Rules relating to expenditure and accounts of the union.
9. Rules relating to revision of the statute of the union.

Article 8. When the stature of a union contravenes laws or regulations, the administrative authorities may order its alteration following the resolution of the Labor Relations Committee.

Article 9. The trade union shall keep a membership list or a list of affiliated union.

Article 10. Representatives of a trade union or those to whom the powers therefor are delegated by the union shall have the power to negotiate with the employer on behalf of the members of the union for conclusion of a trade agreement or on other matters.

Article 11. No employer shall discharge a worker or inflict disadvantages on him on account of his membership in a trade union.

No employer shall make it a condition of employment that the worker must not join or must withdraw from a trade union.

Article 12. No employer shall claim indemnity from a trade union or members or officers of the same for damages received through a strike or other acts of dispute which are proper acts.

Article 13. When a trade union intends to use for other purposes the funds specially set up for mutual aid and other welfare work, it shall obtain the resolution of the General Meeting of the union.

Article 14. The trade union shall be dissolved in the following cases:

1. Occurrence of the circumstances requiring the dissolution as provided in the statute of the union.
2. Bankruptcy of the union.
3. Resolution for the dissolution adopted by the General Meeting of the union with at least three-fourths majority of the total membership or of the affiliated unions.
4. The decision taken under the provisions of Article 6.
5. Court action of dissolution order issued in accordance with the provisions of Article 15.

Article 15. When a trade union frequently violates laws and ordinances and disturbs peace and order, the Court may order dissolution of the union at the request of the Labor Relations Committee.

(注・原文はそれぞれ"of of hte"、"committee"となっている)

The matters necessary to relating to procedure under the preceding paragraph shall be fixed by ordinance.

Article 16. A trade union shall acquire the status of legal person by registering at the place where its main office is located.

The matters necessary for registration other than were provided in this Act shall be fixed by ordinance.

As regards the matters which require registration for a trade union, they shall have no effect against any other person unless a registration has been effected.

Article 17. The provisions of Article 43, 44, 50, 52-55, 57 and 72-83 of the Civil Code and of Article 35, 36, 37 clause 2, 126 paragraph 1, 137 and 138 of the Law on Procedure of Non-contentions Cases shall apply mutatis mutandis to trade unions which are legal persons.

(注・"52-55, 57"の箇所は、日本語の正文では「第 52 条乃至第 59 条」であり、齟齬がある)

Article 18. Trade unions which are legal persons shall be exempted from income tax and taxes charged on legal persons in accordance with the provisions of an Ordinance.

CHAPTER III. TRADE AGREEMENTS.

Article 19. The agreement between a trade union and the employer or organization of the latter concerning conditions of work shall take effect when the agreement is signed by the parties concerned.

Parties concerned the trade agreement shall submit to the administrative authorities within the week after signing of the trade agreement.

Article 20. No trade agreement shall fix a term exceeding three years.

Article 21. When a trade agreement is signed, the parties concerned shall mutually assume the obligation to cooperate in all sincerity for giving effect to the agreement for the enhancement of efficiency and maintenance of industrial peace.

Article 22. When a standard is fixed by a trade agreement concerning conditions of labor and treatment of workers (when a special organ exists for fixing such standards in accordance with a trade agreement, the standards fixed by that organ shall come under this provision and this rule shall apply to all the cases where the same terms occur hereafter) any provision of a labor contract contravening the standard mentioned shall be void and the invalidated part of the labor contract shall be replaced by the provisions of the above mentioned standard. The same rule shall apply to the part which is not laid down in the labor contract. (注・原文は "standar"となっている)

Article 23. When three-fourths or more of the workers normally employed in factory, mine or other places of employment come under application of a trade agreement, the remaining workers shall ipso facto be bound by the same agreement.

Article 24. When a major part of the workers of similar kind in a given locality come under application of a certain trade agreement, the administrative authority may at the request of either one or two of the contracting parties take the decision to extend the compulsory application of the contract (including the part revised under provisions of the second paragraph) to all the remaining workers of the same kind in the same locality and to the employer.

In case the Labor Relations Committee deems, in making the resolution of the preceding paragraph that the trade agreement in question contains

inappropriate provisions, the Committee may amend those provisions.

(注・判読不能であるが、別史料から推測)

The decision shall become effective by public notification.

Article 25. When there is a provision in the trade agreement to the effect that disputes concerning matters in the same agreement be put to conciliation or arbitration, it shall be disallowed to engage in strike, lookout or perform acts of dispute except in case of failure of either conciliation or arbitration.

CHAPTER IV. LABOR RELATIONS COMMITTEES.

Article 26. Labor Relations Committees shall be set up consisting of equal numbers of representatives of employers and workers and of neutral members.

The administrative authorities shall appoint the representatives of the employers in accordance with the recommendations of the employers organizations, those of workers with the recommendation of the workers trade unions and the neutral members with the agreement of the representatives of employers and of workers.

The Labor Relations Committee shall consist of National Labor Relations Committee and Prefectural Labor Relations Committees and in case of a special need, special Labor Relations Committees may be set up for a given locality or to deal with special matters.

The members of a Labor Relations Committee and the staff attached thereto as provided by ordinance shall be regarded as staff members engaged in official business under laws and ordinances.

(注・原文は "there to" となっている)

Matters relating to Labor Relations Committees other than those laid down in the present Act shall be fixed by Imperial Ordinance.

Article 27. In addition to the provisions under Articles 6, 8, 15, 24 and 33, the Labor Relations Committees shall have authority to perform the following functions.

1. Compilation of statistics on labor disputes and investigation of conditions of labor.
2. Mediation in collective bargaining and prevention of labor disputes.
3. Arbitration and conciliation in disputes.

(注・判読困難であるが、別史料から推測)

The Labor Relations Committee may submit to the competent

administrative authorities for improving conditions of labor.

Article 28. When the Labor Relations Committee deems it necessary for public welfare or when the parties concerned request it, the proceedings of a Labor Relations Committee may be made public.

Article 29. When it is necessary for carrying out its work the Labor Relations Committee may require the attendance or presentation of reports of the employer or of his organization and the worker of others concerned or it may require the presentation of books and documents necessary for investigating conditions of labor or it may also have its members or staff of the committee (hereafter called simply staff) as provided by order under Article 26 clause 4 inspect factories, mines and other places of employment involved or inspect the conditions of business, books and papers and other objects.

(注・判読不能であるが、別史料から推測)

Article 30. The members and those who were members as well as the staff or those who were on the staff of a Labor Relations Committee shall be disallowed to disclose any secret information obtained in performing their functions.

Article 31. The provisions of Chapter III shall apply mutatis mutandis to the agreements handled by the Labor Relations Committee but to which a trade union is not a party concerning the standard of conditions of work and other terms relating to the treatment of workers.

Article 32. When the conditions of labor or of treatment of workers are especially inappropriate, the Labor Relations Committee may, after investigation of actual conditions, formulate concrete proposals and submit a representation to the administrative authorities.

When the representation of the foregoing paragraph is received and the administrative authorities deem it necessary, they may issue the direction for a fixed standard or working conditions or of treatment of workers to the employer.

(注・判読不能であるが、別史料から推測)

When the employer receives the direction of the foregoing paragraph, he must take necessary measures to let all the workers know of the direction without delay.

The standard as directed in accordance with the provisions of paragraph

two above shall have the same effect as the trade agreement on the employer and workers concerned.

CHAPTER V. PENALTIES.

Article 33. In case of violation of the provisions of Article 11, the person who committed the act shall be liable to imprisonment not exceeding six (6) months or fine not exceeding Five Hundred Yen (500.00 Yen).

(注・原文はそれぞれ"Article II"、"500,00"となっている)

The Offense of the foregoing paragraph shall be acted upon at the request of the Labor Relations Committee.

Article 34. Those who contravene the provisions of Article 30 shall be liable to fine not exceeding one Thousand Yen (1,000.00 Yen).

Article 35. Those who contravene the provisions of Article 29 and fail to present reports or make false reports or fail to submit the books and papers or contravene the provisions of the same Article and fail to present themselves or refuse, obstruct or evade the inspection under the provisions of the same Article shall be liable to a fine not exceeding Five Hundred Yen (500.00 Yen).

Article 36. When a legal person or the deputy of a person, the head of a family, members of a family, a co-habitant of a family, employees of others engaged for work contravened the provisions of the first portion of the preceding Article, in connection with the business of a legal person or of a person, the said legal person or person shall not be immune from penalty on the ground of not having given order for such contravention.

The provisions of the first portion of the preceding Article shall apply to the directors, managers or other officers who execute the business of the legal person in case the employer is a legal person and to the legally fixed deputy in case the employee is a minor or person adjudged incompetent, provided that this rule shall not apply to a minor who has the same capacity as an adult in the performance of business.

(注・判読困難であるが、別史料から推測)

Article 37. The representative or liquidator shall be liable to fine not exceeding Five Hundred Yen (500.00 Yen) in any of the following cases:

1. When he failed to submit the report prescribed in Article 5,

- paragraph 2 (inclusive of the case where it applies mutatis mutandis under provisions of Article 31) or make a false report.
2. When he failed to keep the list as prescribed in Article 9.
 3. When he failed to register under this Act or under the Ordinance issued under this Act.
 4. When he contravened Article 79 or Article 81 of the Civil Code which are applied mutatis mutandis pursuant to Article 17 and failed to make public notification or when he made a false notification.

In case of contravention of the provisions of Article 19 paragraph 2 (including the case where the provisions are applied mutatis mutandis under Article 31), failing to make the report or making a false report, the party to the trade agreement other than the trade union (representative in case the party concerned is an organization).

When the employer contravened the provisions of Article 32, paragraph 3, he shall be liable to a fine not exceeding Fifty yen (50.00 Yen).

SUPPLEMENTARY REGULATIONS

The date of enforcement of this Act shall be fixed by Imperial Ordinance.

Trade unions existing actually at the date of enforcement of this Act shall submit reports applying mutatis mutandis the provisions of Article 5 within a week after the date of enforcement of this Act. (注・判読困難であるが、別史料から推測)

The following amendment shall be made in the Act in Registration Tax:

In Article 19 clause 7, “Federation of Cooperative Societies” shall be amended to read “Federation of Cooperative Societies, Trade Unions” and “Cooperative Societies Act” to read “Cooperative Societies Act, Trade Union Act.”

2. THE TRADE UNION LAW

- ・昭和 24 年労働組合法の翻訳。
- ・労働省労政局の名前による印刷物 (Trade Union Law and Labor Relations Adjustment Law (1949), Labor Policy Bureau, Labor Ministry) の最初の部分 (1～14 頁)。最初に手書きで "Not to be removed from file", "Enforcement Date 10 June 1949", "Passed Diet 29 May 1949" という書き込みあり。
- ・史料の目次前に正誤表あり。以下はそれを織り込んでいる。

史料出所：国立国会図書館 TUL file

THE TRADE UNION LAW

The Trade Union Law (Law No.51, of 1945) shall be amended in toto.

Chapter 1. General Provisions

(purpose)

Article 1. The purposes of the present Law are to elevate the status of workers by promoting that they shall be on equal standing with their employer in their bargaining with the employer; to protect the exercise by workers of autonomous self-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 the terms and conditions of works; and to encourage the practice and procedures of collective bargaining resulting in trade agreements governing relations between employers and workers.

2. The provisions of Article 35 of the Criminal Code (Law No.45 of 1907) shall apply to collective bargaining and other acts of a trade union which are appropriate, being performed for the attainment of the purposes of the preceding paragraph, provided, however, that in no event shall acts of violence be construed as appropriate acts of trade unions.

(Trade Unions)

Article 2. Trade unions under the present Law shall be those organizations, or federations thereof, formed autonomously and substantially by the workers for the main purpose of maintaining and improving the conditions of work and for raising the economic status of the workers, provided that this rule shall not apply to those:

- (1) Which admit to membership officers, workers at the supervisory post having direct authority to hire, fire, promote or transfer, workers at the supervisory post having access to confidential information relating to the employer`s labor relations plans and policies so that their official duties and obligations directly conflict with their loyalties and obligations as members of the trade union concerned and other persons who represent the interest of the employer.
- (2) Which receive the employer`s financial support in defraying the organizations operational expenditures. Provided that this shall not prevent the employer from permitting workers to confer or negotiate with him during working hours without loss of time or pay or to the employer`s contribution for welfare funds; or benefit and similar funds which are actually used for payments to prevent or relieve economic misfortune or accident; or to the furnishing of minimum office space.
- (3) Whose objects are confined to mutual aid work or other welfare work.
- (4) Which principally aim at carrying on political or social movement.

(Workers)

Article 3. “Workers” under the present Law shall be those who live by wages, salaries or other remuneration assimilable (注・assimilable の誤りと思われる) thereto regardless of the kind of occupation.

(Police and firemen)

Article 4. Police and firemen employed in local public organizations shall not be able to organize or to join a trade union.

Chapter 2. Trade Unions

(Treatment of an organization which has been formed as a trade union)

Article 5. Unless the trade union has submitted evidence to the Labor Relations Committee and proved that it is in compliance with the provisions of Article 2 and Paragraph 2 of this Article, the trade union shall not be eligible to participate in the formal procedures provided in this Law and the Labor Relations Adjustment Law (Law No.25, 1948) and to avail itself of the remedies provided therein. Provided that nothing herein shall be construed so as to deny individual worker the protection accorded by Clause 1 of Article 7.

2. The constitution of the trade union shall include provisions provided for in

each of the following clauses:

- (1) Name.
- (2) Address of the main office.
- (3) Members of a trade union besides a federated trade union (hereinafter referred to as “local union”) shall have the right to participate in all affairs of the trade union and the right to be rendered equal treatment.
- (4) In no event shall any one be disqualified for union membership because of race, religion, sex, social status or family origin.
- (5) The officials of a local union shall be elected by secret ballot directly by the members, and the officials of a federation or a national union may be elected by secret ballot directly by the members of the local union or by delegates elected directly by secret ballot of the members of the local union.
- (6) General meeting shall be held at least once every year.
- (7) Financial report showing all sources of revenues and expenses, names of main contributors and present financial status shall be made public to the members at least once every year, together with certification of its accuracy by a professionally competent auditor appointed by the members.
- (8) No strike action shall be started without the decision made by secret ballot either directly by a majority of members voting or directly by a majority of delegates voting directly elected by secret ballot by all members.
- (9) No constitution of a local union shall be revised except by a majority vote by direct secret ballot of the members. No constitution of a national union or a federation shall be revised except by a majority vote by direct secret ballot of the members of the local union or of the delegates directly elected by secret ballot by all members.

(Power to negotiate)

Article 6. Representatives of a trade union or those to whom the powers thereto are delegated by the trade union shall have the power to negotiate with the employer or the employer’s organization on behalf of the members of the trade union for conclusion of a trade agreement or on other matters.

(Unfair labor practices)

Article 7. The employer shall be disallowed to do the following practices:

- (1) To discharge or give discriminatory treatment to a worker by reason of his being a member of a trade union, for his having tried to join or organize a trade union or for his having performed proper acts of a trade union; or to make it a condition of employment that the worker must not join or must

withdraw from a trade union. Provided, however, that this shall not prevent an employer from concluding a trade agreement with a trade union to require, as a condition of employment, that the workers must be members of the trade union if such trade union represents a majority of the workers in the particular plant or working place in which such workers are employed.

- (2) To refuse to bargain collectively with the representative of the workers employed by the employer without fair and appropriate reasons.
- (3) To control or interfere with the formation or management of a trade union by workers or to give financial support to it in defraying the trade union's operational expenditure. Provided, however, that this shall not apply to prevent the employer from permitting the workers to confer or negotiate with him during working hours without loss of time or pay or to the employer's contributions for welfare funds; or benefit or similar funds which are actually used for payments to prevent or relieve economic misfortune or accident or to the furnishing of minimum office space.

(Indemnity)

Article 8. No employer shall claim indemnity from a trade union or members of the same for damages received through a strike or other acts of dispute which are proper acts.

(Use of funds for other purposes)

Article 9. When a trade union intends to use for other purposes the funds specially set up for mutual aid and other welfare work, it shall obtain the resolution of the general meeting of the union.

(Dissolution)

Article 10. The trade union shall be dissolved in the following cases:

- (1) Occurrence of the circumstance requiring the dissolution as provided in the constitution of the trade union.
- (2) Resolution for the dissolution adopted by the general meeting of the trade union with majority of three-fourths or more of the total membership or of the affiliated unions.

(Trade union which is a juridical person)

Article 11. A trade union which has received certification of a Labor Relations Committee that it is in compliance with the provisions of this Law shall acquire the

status of a juridical person by registering at the place where its main office is located.

2. The matters necessary for registration other than are provided in this Law shall be fixed by a cabinet ordinance.

3. As regards the matters which require registration for a trade union, they shall have no effect against any third person unless a registration has been effected.

(Mutatis mutandis application)

Article 12. The provisions of Articles 43, 44 (except the cases provided for in Article 8 of this Law), 50, 52-55 and 57 of the Civil Code (Law No. 89, 1896) and of Articles 35, 36 and 37-2 of the Law on Procedure of Non-Contentious Cases (Law No.14, 1898) shall be applied mutatis mutandis to a trade union which is a juridical person.

2. The provisions of Articles 72-83 of the Civil Code and of Articles 136, 137 and 138 of the Law on procedures of Non-Contentious Cases shall be applied mutatis mutandis to a trade union which is a juridical person and which has dissolved according to the provision of Article 10 of this Law.

(Exemption from taxes charged on the juridical persons)

Article 13. Trade unions which are juridical persons shall be exempted from income tax and taxes charged on juridical persons in accordance with the provisions of a cabinet ordinance.

Chapter 3. Trade Agreements

(Taking effect of trade agreement)

Article 14. The trade agreement between a trade union and the employer or the employer's organization concerning conditions of work and other matters shall take effect when the agreement is put in writing and signed by both of the parties concerned.

(Term of trade agreement)

Article 15. Trade agreements shall include a provision fixing a definite termination date and shall in no event continue in effect for a period exceeding three years.

2. Upon the expiration of the termination date provided in it, no trade agreement shall continue in effect against the wish expressed by either one of the parties concerned; provided, however, that this provision shall not be construed to preclude provisions in a trade agreement which provides that the effect of the trade agreement is renewed unless either one of the parties concerned expresses opposition in advance.

(Validity of the Standards)

Article 16. Any provision of an individual labor contract contravening the standards concerning conditions of work and other treatment of workers provided in a trade agreement shall be void. In this case, the invalidated part of the individual contract shall be replaced by the provisions of the standards. The same rule shall apply to the part which is not laid down in the individual labor contract.

(General binding power)

Article 17. When three-fourths or more of the workers of similar kind normally employed in a factory or other working place come under application of one trade agreement, the remaining workers of similar kind employed in the same factory or other working place shall ipso facto be bound by the same agreement.

(General binding power in the locality)

Article 18. When a majority part of the workers of similar kind in a certain locality come under application of one trade agreement, the Labor Minister or the Prefectural Governor may at the request of either one or both of the parties concerned with the said trade agreement and according to the resolution of the Labor Relations Committee take the decision to extend the compulsory application of the trade agreement (including the part revised under provisions of Paragraph 2) to all the remaining workers of the same kind employed in the same locality and their employers.

2. In case the Labor Relations Committee deems, in making the resolution of the preceding paragraph, that the trade agreement in question contains inappropriate provisions, the committee may amend those provisions.

3. The resolution under Paragraph 1 shall become effective by public notification.

Chapter 4. Labor Relations Committees

(Labor Relations Committees)

Article 19. Labor Relations Committees shall be set up consisting of equal number of persons representing employers, workers and public interest.

2. The Labor Relations Committee shall consist of the Central Labor Relations Committee, the Maritime Central Labor Relations Committee, Prefectural Labor Relations Committees and Local Maritime Labor Relations Committees.

3. The members and the staffs of a Labor Relations Committee as provided in this Law shall be regarded as staffs engaged in official business under laws and ordinances.

4. Matters relating to Labor Relations Committees other than those laid down in this Law shall be fixed by a Cabinet Ordinance.

5. The Central Labor Relations Committee shall be under the jurisdiction of the Labor Minister.

6. The Central Labor Relations Committee shall be composed of seven members representing employer (hereinafter referred to as “employer members”), seven members representing labor (hereinafter referred to as “labor members”) and seven members representing the public interest (hereinafter referred to as “public members”).

7. The Labor Minister shall appoint the employer members in accordance with the recommendations of the employers' organizations, the labor members with the recommendations of trade unions and the public members with the agreement of the employer members and the labor members.

8. Incompetent and quasi-incompetent persons and one who has been sentenced to penal servitude or imprisonment and still under the execution of the sentence cannot be a member. When a member shall become disqualified as a result of this provision, he shall automatically be retired.

9. As to appointment of the public members, three or more of them shall not belong to the same political party. When a public member shall have by his own actions disqualified himself as a result of this provision, he shall automatically be retired.

10. In case the Labor Minister recognizes that a member of the Central Labor Relations Committee cannot perform his duties by reason of mental and physical defects or that a member has violated his duties in performing his functions or is guilty of misconduct as a member, the Labor Minister may discharge the said member with the approval of the Central Labor Relations Committee.

11. The term of office of the members shall be one year, provided that substitute members filling a vacancy shall remain in office during the remaining term of the predecessor.

12. The members may be re-appointed.

13. The members shall continue to perform their duties until their successor has been appointed.

14. Members shall receive such salaries, allowances and other pays as are fixed separately by laws and compensation for expenses necessary to perform their duties as fixed by a Cabinet Ordinance.

15. There shall be chairman in the Central Labor Relations Committee.

16. The chairman shall be elected by all members from among the public members.

17. The chairman shall preside over the businesses of the Central Labor Relations Committee.

18. When the chairman has been prevented from performing his duties, one who has been elected according to the provision of paragraph 16 shall perform the businesses of the chairman in lieu of the chairman, and when the chair has become vacant, a new chairman shall be elected in accordance with the provision of the same paragraph.

19. A Business Bureau shall be established in the Central Labor Relations Committee to handle the administrative affairs of the Committee, and the Business Bureau shall have a Director and necessary staffs appointed by the Labor Minister with approval of the chairman.

20. The provisions of this Article shall be applied mutatis mutandis to the Prefectural Labor Relations Committees; provided that the functions of the Labor minister therein provided shall be performed by the Governor and the Committee shall be composed of five employer members, five labor members and five public members (in Tokyo Prefectural Labor Relations Committee, seven); and two or more of the public members shall not belong to the same political party (in Tokyo Prefectural Labor Relations Committee, three or more)

21. As regards the seamen covered by the Seamen's Law (Law No.100, 1947), the functions of the Central Labor Relations Committee, the Prefectural Labor Relations Committee, and the Labor Minister or the Prefectural Governor as provided for in this Law shall be performed respectively by the Maritime Central Labor Relations Committee, the Maritime Local Labor Relations Committee and the Transportation Minister; and the provisions concerning the Central Labor Relations Committee and the Prefectural Labor Relations Committee shall be applied mutatis mutandis to the Maritime Central Labor Relations Committee and the Maritime Local Labor Relations Committee; provided, however, that "Prefectures" shall read "Areas under the jurisdiction of the Maritime Transportation Bureau".

(Function of the Labor Relations Committee)

Article 20. In addition to provisions under Articles 5, 11, 18 and 27, the Labor Relations Committee shall have authority to perform conciliation, mediation and arbitration of labor disputes.

(proceedings)

Article 21. When the Labor Relations Committee deems it necessary for the public-welfare, the proceedings of a Labor Relations Committee may be made public.

2. The meetings of the Labor Relations Committee shall be called by the Chairman.

3. The Labor Relation Committee shall be disallowed to open a meeting and to

make a decision unless at least one employer member, one labor member and one public member be present.

4. Decisions shall be made by a majority of the members present, and in case of a tie the decision shall be made by the chairman.

(Authority of compulsion)

Article 22. When the Labor Relations Committee deems it necessary for carrying out its work, the Labor Relations Committee may require the attendance or presentation of reports of the employer or the employers' organization or the trade union or others concerned or it may require the presentation of necessary books and documents or it may also have its members or staffs of the Labor Relations Committee (hereinafter simply called "staff") inspect factories and other working places concerned or inspect the conditions of business, books and papers and other objects.

2. In case the Labor Relations Committee shall have the members or staffs inspect or investigate under the preceding paragraph, the Labor Relations Committee shall make them carry a certificate certifying their position and show it to a person concerned.

(Duty to keep secret)

Article 23. The members and those who were members as well as the staffs or those who were on the staff of a Labor Relations Committee shall be disallowed to disclose any secret information obtained in performing their functions.

(Functions which are carried out only by the public members)

Article 24. Only the public members of the Labor Relations Committee shall participate in the adjudication of cases arising under Articles 5, 7, 11 and 27 and Article 42 of the Labor Relations Adjustment Law; provided, however, that this shall not preclude labor members and employer members from participating in hearings held prior to a decision.

(Functions of the Central Labor Relations Committee)

Article 25. The Central Labor Relations Committee shall have authority to perform the functions prescribed under the provisions of Articles 18, 20, 26, and 27. The Central Labor Relations Committee may assume initial jurisdiction in all cases of conciliation, mediation, arbitration and adjudication of cases which cover two or more prefectures or which present issues of national import.

2. The Central Labor Relations Committee may review the adjudications of the Prefectural Labor Relations Committee pursuant to the provisions of Articles 5, 7, and

27 with full authority to reverse, accept, or modify such adjudications, or it may reject appeal for review. Such review shall be initiated by the Central Labor Relations Committee or by appeal of either party from the adjudication of the Prefectural Labor Relations Committee.

(Authority of establishing rules)

Article 26. The Central Labor Relations Committee shall have authority to formulate and promulgate rules of procedures for the Prefectural Labor Relations Committee, as well as rules of procedures for its own proceedings.

(Orders etc. of the Labor Relations Committee)

Article 27. Whenever a complaint is filed that an employer has violated the provision of Article 7 with a Labor Relations Committee, the Labor Relations Committee shall make an immediate investigation and if it is deemed necessary shall have a hearing of the issues on the merits of the complaint. Such investigation and hearing shall follow the Rules of Procedures prescribed by the Central Labor Relations Committee in accordance with the provision of the preceding Article, and at such hearing, sufficient opportunity to present evidence and cross-examine the witnesses shall be given to the employer concerned as well as the complainants.

2. At the conclusion of the hearing provided for in the preceding paragraph, the Labor Relations Committee shall make a finding of fact and issue its order in accordance therewith either granting in full or in part the relief sought by the complainants or dismissing the complaint. Such findings of facts and such order shall be in writing, and a copy thereof shall be served on the employer concerned and the complainants. Such order shall be in full force and effect from the date of service. Proceeding under the provisions of this paragraph shall be in accordance with the Rules of Procedures prescribed by the Central Labor Relations Committee as provided for in the preceding Article.

3. In case the employer received the order of the Prefectural Labor Relations Committee according to the provision of the preceding paragraph, he may within a period of 15 days file a request for review by the Central Labor Relations Committee. However, such request shall not have the effect of staying the order and it shall lose its force and effect only when the Central Labor Relations Committee reverses or modifies it as a result of review in accordance with the provision of Article 25.

4. In case the employer elects not to request a review by the Central Labor Relations Committee or in case the Central Labor Relations Committee issues the order, he may within a period of 30 days from the date of service of the order file his petition according to the provision of the Exceptional Law for Administrative Suit Cases (Law

No. 91 of 1948).

5. In the event the employer files his petition with the court according to the provision of the preceding paragraph, the court with which the petition is filed may, on appeal from the Labor Relations Committee concerned, issue order by its decision requiring the employer concerned to comply in full or in a part with the order of the said Labor Relations Committee pending final judgement by the Court, or it may reverse or modify the decision on application from the parties concerned or by its own initiative.

6. In the event the employer requests a review by the Central Labor Relations Committee according to the provisions of Paragraph 3, the period granted for recourse to the court under the provision of Paragraph 4 shall commence to run from the day on which the Central Labor Relations Committee either refused to accept the appeal concerned or otherwise made final action. (注・他の史料では、"in accordance with the provisions of Article 25."と続いており、原文に照らして、それが正しいと思われる)

7. In the event employer does not file his petition within the period under Paragraph 4, the order of the Labor Relations Committee concerned shall be fixed. In this case, if the employer does not comply with the order of the Labor Relations Committee, the Labor Relations Committee shall inform of it to the District Court in the place where his domicile is located. The worker may also inform of it.

8. In case all or a part of the order of the Labor Relations Committee is sustained by the fixed judgement of the Court based on the petition under Par. 4, the Central Labor Relations Committee cannot review the order of the Prefectural Labor Relations Committee.

9. The provisions of this Article shall not preclude a trade union or a worker from requesting a review by the Central Labor Relations Committee according to the provision of Article 25 or from filing petition with the Court.

10. The provisions of Paragraphs 1 and 2 shall be applied mutatis mutandis to the procedures of review by the Central Labor Relations Committee.

Chapter 5. Penalties

Article 28. In case of violation of the order of the Labor Relations Committee when all or a part of the said order has been sustained by the fixed judgement of the court in accordance with the provisions of the preceding Article, those who commit such violation shall be liable to imprisonment not exceeding one year or to a fine not exceeding one hundred thousand yen, or to both.

Article 29. Those who contravene the provision of Article 23 shall be liable to imprisonment not exceeding one year or to a fine not exceeding thirty thousand yen.

Article 30. Those who contravene the provisions of Article 22 and fail to present reports or make false reports or fail to submit the books or papers or contravene the provisions of the same Article and fail to present themselves or refuse, obstruct or evade the inspection under the provision of the same Article shall be liable to a fine not exceeding thirty thousand yen.

Article 31. When the deputy, co-habitant, employees, or others engaged for work of a juridical person or a person contravene the provisions of the first portion of the preceding Article, in connection with the business of a juridical person or of a person, the said juridical person or person shall not be immune from penalty on the ground of not having given order for such contravention.

2. The provisions of the first portion of the preceding Article shall apply to the directors, managers or other officers who execute the business of the juridical person in case the employer is a juridical person and to the legally fixed deputy in case the employer is a minor or a person adjudged incompetent; provided that this rule shall not apply to a minor that has the same capacity as an adult in the performance of business.

Article 32. In case an employer has violated the order of the Court under the provision of Paragraph 5 of Article 27, he shall be liable to a fine not exceeding one hundred thousand yen (if the order concerned requires for positive action, the total amount of money made by multiplying one hundred thousand yen by the number of days of noncompliance, may be assessed as a fine). The same rule shall apply to the case when an employer has violated the order of the Labor Relations Committee which has become fixed according to the provision of Paragraph 7 of Article 27.

Article 33. The liquidator of a trade union which is a juridical person who has violated any of the provisions of the Civil Code which set out in Article 12 of this Law and violation of which are made punishable by Article 84 of the Civil Code shall be subject to the same fine of the same extent of amount as provided for in the said Article of the Civil Code.

2. The provisions of the preceding paragraph shall be applied *mutatis mutandis* to the representative of a trade union which is a juridical person when such representative failed to register changes in the matters registered concerning the said juridical person as provided in ordinance as set out in Paragraph 2 of Article 11 of this Law.

Supplementary Provisions

1. The date of enforcement of this Law shall be within thirty days from the day of promulgation and shall be fixed by a Cabinet Ordinance.

2. Any trade union which is at the time of the enforcement of this Law a juridical person shall be regarded as trade union which is a juridical person in accordance with the provisions of this Law. However, it shall get within a period of sixty days from the date of enforcement of this Law the certification of the Labor Relations Committee that it is in compliance with the provision of this Law.

3. Any persons who are the members of the Labor Relations Committee at the time of the enforcement of this Law shall remain at their post except in case they are discharged according to the provision of this Law; and the Director and other staffs of the Business Bureau of the Labor Relations Committee shall be regarded as to have been appointed according to the provision of this Law and remain at the same grade and get the same salary, except when any official announcement otherwise is issued in accordance with laws and ordinances.

4. As regards the dealing of the issues pending at the Labor Relations Committee at the time of the enforcement of this Law, the provisions of the former Trade Union Law (Law No. 51, 1945) before amendment shall be applied.

5. As for the application of penalties for acts committed before the enforcement of this Law, the former rule shall apply.

6. A part of the Public Corporation Labor Relations Law (Law No. 257, 1948) shall be amended as follows:

In Article 3, "Trade Union Law (Law No 51, 1945) (the provisions of Articles 11, 12, and 24-37 are excepted)" shall be substituted by "Trade Union Law (Law No. -----, 1949) (Provisions of Articles 7, 8 and 18-33 are excepted)".

In Article 37 "Articles 28-31 and 34-37 of the Trade Union Law" shall be substituted by "Paragraph 1 of Article 21, Articles 22, 30 and 31".

Paragraph 3 of Supplementary Provisions shall be amended as follows:

"The functions of the Labor Relations Committee provided for in Articles 5, 11 and Paragraph 2 of Supplementary Provisions of the Trade Union Law shall be performed by the Labor Minister."

7. A part of the Labor Ministry Establishment Law (Law No. ----, 1949) shall be amended as follows:

In Article 4, Clause 14 and the Clauses from Clause 16 to Clause 18 shall be deleted; Clause 15 shall become Clause 14; Clause 19 shall become Clause 15, and each Clause hereafter shall be advanced by four in order; Clause 15 and Clause 16 shall be deleted and substituted by the following; and in Clause 37 the words “(Law No. ----, 1949)” shall be added next to the words “the Trade Union Law” :

(15) To request, for mediation of labor disputes involving a public welfare work to the Labor Relations Committee.”

(16) To accept the proof and give certification from and to labor unions of the Supplementary Provisions of the Trade Unions Law and the businesses under the employees of the public corporations.”

Clause 1 of Article 7 shall be deleted and substituted by the following:

“(1) Businesses concerning enforcement of the Trade Union Law and the Labor Relations Adjustment Law (Law No. 25, 1946). Provided that the businesses under the provisions of Articles 5, 11, 18, 20-22 and 24-27 and of the proviso of Paragraph 2 of the Supplementary Provisions of the Trade Unions Law and the businesses under the provisions of the Article 42 of the Labor Relations Adjustment Law which are performed by the Labor Relations Committee are excepted.”

8. A part of the Transportation Ministry Establishment Law (Law No. ----, 1949) shall be amended as follows:

In Article 4, Paragraph 1, Clause 18 shall be deleted; Clause 19 shall become Clause 18 and each Clause thereafter shall be advanced by one in order; in Clause 25 the words “Clause 50” shall be deleted and substituted by the words “Clause 49”; and Clause 19 shall be deleted and amended as follows:

(19) To request for mediation of labor disputes involving seamen to the Maritime Central Labor Relations Committee and the Maritime Local Labor Relations Committee. (hereinafter referred to as “Maritime Labor Relations Committee”).” In Article 57, the words “(Law No. 25, 1946)” shall be added next to the words “the Labor Relations Adjustment Law.”

9. In other laws, “Trade Union Law (Law No.51, 1945)” shall be substituted by “Trade Union Law (Law No. ----, 1949).”