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**LABOR AND EMPLOYMENT LAW BULLETIN (NO. 14)**

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**Independent Labor Unions** (July 16, 2004, Copyright reserved by Anderson Mori)

There are no labor unions in most non-Japanese companies in Japan. As such, their management staff may not expect to see any situation where they will have to face strong demands from an employee or be involved in any hostile relationship between the company and its employees.

There are, however, many labor unions that operate independently throughout Japan, and any employee could become a member of one of them at any time. These labor unions usually utilize the Internet in order to enroll more employees as union members.

If an employee from your company becomes a member of an independent labor union, that labor union usually notifies your company of the membership of the employee and will request that your company should begin collective bargaining sessions.

Your company is under a statutory obligation to accept such a request and to discuss the matter concerned in good faith by holding collective bargaining sessions with the labor union. (Sometimes company representatives get shouted at by labor union members at collective bargaining sessions, but this is unavoidable.) If your company refuses to do so, the refusal will be deemed to be illegal (as an Unfair Labor Practice). The labor union could file a motion with the Prefectural Labor Relations Committee, and your company would be involved in time-consuming hearing sessions.

日本の中小企業の多く、あるいは外資系の企業の少なからぬ数において、社内に先鋭的な労働組合は有りません。このため、労働組合との真剣な交渉/戦いは経営陣にとって無縁だと考えている企業も少なくありません。

しかしながら、日本では、会社の外に、誰でもいつでも加入できる労働組合が数多く存在しています。これらは、労働者のアクセスの便宜を図り、電話相談をおこなったり、インターネット上で組合員を事実上募集していたりすることが普通です。

みずからの会社に不満を持っている従業員が、このような外部の労働組合に入ることは、実に簡単にできます。加入しますと、多くの場合、かかる労働組合から、組合加入通知書(当該従業員が当該労働組合に加入したことを示すもの)と団体交渉申入書が手渡され/送られてきます。

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Should you wish to receive further information as to the above-mentioned, and/or wish to consult as to whether your company is in compliance with labor/employment law, please contact **Hideki Thurgood Kano** (e-mail: [hidekithurgood.kano@andersonmori.com](mailto:hidekithurgood.kano@andersonmori.com), tel: 81-3-6888-1061).