

DEC File

Box #

7105

DECLASSIFIED

E.O. 11652, Sec 3(E) and 5(D) or (E) NND

760050

894.5043/1-145 -- 12-3146 - 47-118 - 49

FOREIGN ECONOMIC ADMINISTRATION
~~BOARD OF ECONOMIC WARFARE~~

MEMORANDUM

DATE: 9/1/45

RECEIVED
DIVISION OF
CENTRAL RECORDS
1945 SEP 6 AM 9 16

TO: Hon. Dean Acheson
Under Secretary of State
FROM: Constance G. Gaynor
Project Control Staff
SUBJECT:

RECORDS BRANCH

Attached is a copy of FEA report No. LM-1 - Trade Unions and Collective Bargaining in Japan - for your use.

894.5043/9-145

894.5043/9-145

DCE - ITP Unit	
Anal	<i>jl</i>
Rev	<i>so</i>
Ext	
Dist	

UNDER SECRETARY
SEP 5 1945
DEPARTMENT OF STATE

SEP 12 1945

CS/D

Erin MFA

LM-1
CONFIDENTIALCopy No. 160FOREIGN ECONOMIC ADMINISTRATION
Enemy BranchTRADE UNIONS AND COLLECTIVE BARGAINING IN JAPAN

(This report is identical with the Civil Affairs
Guide of the same title, prepared for the Civil
Affairs Division, War Department.)

CONFIDENTIAL

July 1945

TABLE OF CONTENTS

I. SUMMARY AND RECOMMENDATIONS

- A. Concern of Military Government with Trade Unions and Collective Bargaining
- B. Japanese Trade Unions and Collective Bargaining to date
- C. Probable Labor Conditions under Military Government
- D. Recommended Military Government Courses of Action
 - 1. Trade Unions and the Freedom to Organize
 - 2. Collective Bargaining
 - 3. Strikes
 - 4. Adjustment of Industrial Disputes
 - 5. Administration

II. THE TRADE UNION MOVEMENT AND RELATED ORGANIZATIONS

- A. Historical Background
- B. The Trade Unions before the Labor Front
 - 1. The Left-wing Unions
 - a. National Council of Japanese Labor Unions
 - b. General Federation of Japanese Transport Workers
 - 2. The Conservative Unions
 - a. All-Japan General Federation of Labor
 - b. Japan Seamen's Union
 - c. Mercantile Marine Officers' Association
 - d. Japan Harbor Workers' Union
 - 3. Company Unions
 - 4. The Fascist Labor Unions
- C. Organizations Opposed to Trade Unions
 - 1. Patriotic Societies
 - 2. Industrial Associations
 - 3. Harmonization Societies

CONFIDENTIAL

- 11 -

D. The Labor Front

1. History
2. Structure
3. Functions

E. Militarization of Labor**F. Political Activities of Labor****III. THE PATTERN OF JAPANESE INDUSTRIAL RELATIONS****A. Paternalistic Tradition****B. Police Interference with Trade Unions**

1. The Peace Preservation Law
2. Protective Surveillance for Thought Offenses Law
3. National Mobilization Law
4. Public Peace Police Law
5. Police Crimes Punishments Ordinance
6. Repressive Police Agencies

C. Disputes and Strikes**D. Collective Bargaining, Shop Committees and Mechanisms for Settling Capital-Labor Disputes**

1. Collective Bargaining
2. Shop Committees
3. Mechanism for Settling Capital-Labor Disputes
 - a. Arbitration Boards
 - b. Department of Welfare Arbitration Officials
 - c. Police Arbitration
 - d. Joint Maritime Board
 - e. Other Mechanisms

IV. PROGRAM FOR MILITARY GOVERNMENT**A. Conditions Likely to Confront Military Government**

1. Poor Economic Position of the Japanese Worker
2. Probable Rise of Trade Unions
3. Disputes and Strikes

B. Concern of Military Government with Industrial Relations**C. Recommended General Courses of Action for Military Government**

- iii -

- D. Recommended Program for Military Government
1. Trade Unions and the Freedom to Organize
 - a. Proclamation of General Policy
 - b. Freedom of Speech
 - c. Abrogation of Repressive Legislation
 - d. Release of Labor Prisoners
 - e. Dissolution of "Sampo" and Associated Organizations
 2. Collective Bargaining
 3. Strikes
 4. Adjustment of Industrial Disputes
 - a. Direct Negotiation
 - b. Voluntary Mediation, Conciliation, and Arbitration
 - c. Compulsory Arbitration
 - d. Inadequacy of Existing Mechanisms
 - e. Suggested Methods
 5. Administration
 - a. Elimination of Undesirable Japanese Official agencies
 - b. Elimination of Undesirable Personnel
 - c. Labor Section in Military Government

APPENDICES

- A. Roster of Principal Labor Unions before the China War (1936)
- B. Statistics of Trade Union Membership
 1. Trade Union Membership, 1926-1939
 2. Trade Union Membership, by Industry, 1929, 1936, 1939
 3. Chief Areas of Trade Union and "Labor Front" Membership (June 1939)
- C. Statistics on Labor Disputes in Japan
 1. Labor Disputes in Japan, 1931-1940
 2. Number of Disputes by Causes
 3. Adjustment of Disputes
- D. Selected Laws Obstructing or Repressing Trade Union Organization and Activity Which Should be Abrogated or Amended by Military Government.

-1-

I. SUMMARY AND RECOMMENDATIONS

A. Concern of Military Government with Trade Unions and Collective Bargaining

Military Government will have two primary concerns in the field of labor and industrial relations in Japan: (1) to ensure the continued operation of industries and services essential to military operations and security and (2) to establish conditions favorable to the development of democratic organizations and ideas. To achieve these aims, Military Government will need to establish general policies and work out a consistent program with respect to Japanese trade unions and collective bargaining during the military occupation period.

B. Japanese Trade Unions and Collective Bargaining to date

Up to the beginning of the China War in 1937, the Japanese trade union movement, while never as strong as in most western countries, was an important element in Japanese economic and political life. Its high point was reached in 1931, when it included almost 8 percent of all industrial workers, with heavy concentration in the metals and machinery industries and in the merchant marine. Organizationally, the trade union movement was split along ideological lines among a handful of federations which exercised rather loose control over the individual unions. Individual unions were often organized on the basis of an industry, but most often consisted of the workers of a given locality. Partly as a result of police repression of the radicals and liberals, the conservative unions were most numerous and powerful. From 1925 until 1940 when they were dissolved, the unions engaged rather heavily in political activity, sometimes at the expense of neglecting direct economic issues of wages, hours, and working conditions. In 1937, the high point of labor political activity, the labor political parties polled one million out of some ten million votes. On the whole, the trade unions were among the most consistent of the advocates of democratic ideas and international peace in Japan.

This development of trade union organization is particularly significant in that it took place under highly unfavorable conditions. The Japanese tradition of paternalism, highly restrictive laws, and the repressive activities of the police, who constantly interfered with free labor organizations, made it difficult to recruit trade union members, bargain collectively, or strike. Partly because the government never accorded official recognition to trade unions, the western mechanisms used in orderly labor-capital relations such as collective bargaining agreements, shop committees, and arbitration boards, were all relatively unimportant in Japan.

CONFIDENTIAL

0-4300 P6 bu

-2-

With the advent of the China War, the government increased its repressive activities in a consistent attempt to remove all elements which might interfere with its totalitarian mobilization of labor for war. The trade unions were forced to dissolve and in their place was set up a monolithic organization of Industrial Patriotic Societies, or "Sampo", closely analogous to the Labor Front in Germany. The labor political parties were absorbed into the Imperial Rule Assistance Association, a large number of left-wing and liberal trade union leaders were imprisoned; and a system of military ranks were introduced into the factories and mines. Although strikes were not expressly forbidden by law, they were banned in practice by blanket administrative prohibitions. Labor reaction to these measures is difficult to gauge because of the heavy cloak of censorship in wartime Japan, but reports have seeped through which indicate that considerable underground activity on the part of some labor groups persists.

C. Probable Labor Conditions under Military Government

All present indications are that the economic position of the Japanese laborers, never too good, will have deteriorated greatly by the end of hostilities and will continue to worsen immediately thereafter, particularly if inflation occurs. In a great many cases, the Japanese laborers will be compelled to seek adjustments in their terms of employment. The pre-war history and the reported wartime activity of Japanese labor indicate that after the collapse of the Japanese government and its totalitarian controls, the workers may organize numerous trade unions for the purpose of bargaining collectively for better wages, hours and working conditions. Many disputes may arise as a consequence of labor demands for adjustments of employer attempts to cut labor costs. In some cases these disputes will develop into strikes. However, the poor bargaining position of the laborers even when members of a trade union is believed to lessen the chances of widespread strikes. It is also anticipated that some of the trade unions will engage in political education and agitation, but such political activity is considered to be beyond the scope of this Guide. (See Civil Affairs Guide on Political Parties in Japan).

D. Recommended Military Government Courses of Action

Since many of the adjustments which the trade unions will seek will be considered justified by Military Government and since trade unions have been among the most effective proponents of democratic ideas in Japan, it is recommended that Military Government should generally look with favor upon and protect the organization and growth of trade unions. It is further recommended that collective bargaining between employers, on the one hand, and democratically organized trade unions or other representatives freely chosen by the employees, on the other, be encouraged as a democratic and

-3-

stabilizing influence in labor relations. As a general rule, Military Government will find it desirable to reduce the total number of industrial disputes and resulting work stoppages, and might therefore establish mechanisms for adjusting such disputes. Strikes and lock-outs in industries whose continued operation is essential for military operations or security, however, should be prohibited.

To carry out these policies and to achieve the objectives of Military Government, it will be necessary for Military Government to effect sweeping changes in the present system of industrial relations and in the legal framework within which labor organizations may operate. The Military Government program with respect to trade unions and collective bargaining which is recommended in this Guide may be summarized as follows:

1. Trade Unions and the Freedom to Organize

a. As soon as it is practicable, Military Government should issue a proclamation recognizing the freedom of industrial and agricultural workers to join trade unions or other organizations of their own choice for purposes of improving their terms of employment and mutual protection. However, it should be made clear that labor associations of any kind which are operated for militaristic or nationalistic purposes will not be permitted.

b. The freedom to organize and bargain collectively implies the freedom of assembly and speech. Therefore, access to public channels of information and opinion, such as the radio and press, on a non-discriminatory basis, should be granted as long as the exercise of these rights is in accord with military security.

c. In order to guarantee freedom to organize, Military Government should abrogate all laws which prevent the free organization of trade unions and all legitimate trade union activity directed towards improving wages, hours, and working conditions. This includes, together with subsequent amendments (1) The Peace Preservation Law of 1941, (2) The Protective Surveillance for Thought Offenses Law of 1936, (3) Articles 4, 6, and 7 of the National Mobilization Law of 1938 as revised in 1941, (4) Articles 3 and 8 of the Public Peace Police Law of 1900 as amended in 1922, 1926 and 1941, (5) Paragraphs 3 and 4 of Article 1 and Paragraphs 5 and 31 of Article 2 of the Police Crimes Punishments Ordinance of 1908, as amended in 1919 and (b) the factory and Workshop Supervision Ordinance of March 18, 1944.

d. All persons who have been imprisoned under the foregoing laws for activity or "thought" in connection with trade unions or other labor organizations should be released as soon as possible.

e. The Industrial Patriotic Associations and associated organizations, including whatever organizations have succeeded the labor sections of the IRAA and also the Harmonization Society and the "patriotic" societies, should be dissolved.

-4-

2. Collective Bargaining

a. As soon as democratically organized and governed trade unions are formed they should be permitted to bargain collectively with employers regarding the terms of employment subject to such policies on wages, hours, and working conditions as are established by Military Government.

b. In cases of conflict as to the jurisdiction of a collective bargaining agreement, Military Government should consider invalid any collective bargaining agreement in which the workers' representative is not deemed by MG to have been freely chosen.

3. Strikes

a. Strikes or other work stoppages should not be permitted in industries whose continuous operation is essential to military security or military operations or with the objectives or needs of Military Government.

b. Military Government should permit strikes in non-essential industries, except where they interfere with the maintenance of law and order or military security. Military Government should, however, adopt or authorize appropriate procedures, such as those listed below, to adjust industrial disputes in non-essential industries in order to prevent strikes or settle them promptly.

4. Adjustment of Industrial Disputes

a. It is expected that the majority of labor disputes can be settled by direct and voluntary negotiation between the worker or his representative and the employer.

b. Arbitration in industrial disputes involving non-essential industries should take place only at the request of both parties.

c. In essential industries, labor disputes may be conciliated or mediated by Japanese acceptable to both employers and workers. Where no decision can be arrived at, arbitration by Military Government or an appointee of Military Government may be necessary.

d. Pre-war mechanisms for the adjustment of industrial disputes will usually be found to be non-existent, inadequate or biased against trade unions. All police functions with regard to arbitration of industrial disputes should be cancelled. The arbitration boards provided by the Labor Disputes Adjustment Act of 1926 and the Joint Maritime Board may possibly be of use if they are adapted to changed circumstances.

e. Several methods for relieving the load of industrial dis-

-5-

putes may be of use to Military Government. Among them are:

i. Encouragement of region-wide or industry-wide collective bargaining agreement between trade union federations or other workers' representatives and industry associations.

ii. Allowance of shop committees genuinely composed of employee and employer representatives and not dominated by the employer, until trade unions are established. However, in all matters involving governmental agencies, where a trade union has been established, it should be considered the genuine representative of the laborers in preference to a shop committee in the same establishment.

iii. Establishment of minimum standards of hours and working conditions for particular industries. (For a more extended discussion of this problem see Civil Affairs Guides on Working Conditions in Japan other than Wages and Hours and on Control of Wages and Hours in Japan.)

iv. Finally, the possible establishment by Military Government of administrative mechanisms staffed by Japanese responsible to Military Government. Within the framework of Military Government regulations, such administrative bodies would interpret and rule on collective bargaining agreement, spheres of union jurisdiction and disputes arising therefrom.

5. Administration

a. Japanese government agencies which have been set up or have functioned for the purpose of obstructing free labor organization and legitimate trade union activities should be abolished.

b. Military Government should declare ineligible for employment in its labor agencies or as conciliators, mediators, or arbitrators all those who have been directly connected in a responsible capacity with the obstruction or repression of trade union organizations and activities.

c. Within Military Government a labor section should be established to administer Military Government's policy with regard to employer-employee relations. Among its functions would be the screening of undesirable personnel, the selection of arbitrators and the review of collecting bargaining agreements, arbitration decisions and rulings by subordinate labor agencies.

-6-

II. THE TRADE UNION MOVEMENT AND RELATED ORGANIZATIONS

A. Historical Background

Trade unionism developed with the growth of modern Japanese industry during the early decades of this century. While its numerical strength relative to the industrial population was never as great as in most countries its importance was substantial. In 1931, organized workers represented 7.9 percent of all industrial workers. At the peak of their numerical strength in 1936, trade unions had more than 420,000 members, or 6.9 percent of all industrial workers. The basic industries, such as communications, transport, metal working and chemicals were, however, more highly organized than industry as a whole. Forty percent of the transport workers were in unions (including the powerful Seamen's Union), and there was almost as large a percentage of organization among the metal workers. In addition to having this important strength in basic industries, the high degree of political activity of the trade unions gave them an importance far beyond their numerical strength.

Additional significance attaches to the fact that the movement became as large as it did in spite of unusually strong opposition from employers and harsh repressive measures taken periodically by the government. Employers made every effort to carry into large industries the traditional paternalistic relationship between employer and employee. This had long existed in handicraft industries where workers lived and worked in the homes of their employers, and this strong tradition made union organization difficult. Furthermore, agricultural overpopulation provided an inexhaustible supply of labor for the factories, and fear of unemployment placed the Japanese laborer in a poor bargaining position.

While tradition and employer opposition retarded the growth of the labor movement, the chief hindrance to the free development of unions came not from employers directly but from the police, acting under the authority of a series of Public Peace Police and Peace Preservation Laws and related police regulations beginning in 1900. Under these laws, the police were empowered to suppress public meetings and demonstrations, break strikes, forbid picketing, disband unions, and arrest and execute leaders.

In spite of the impediments placed in the path of Japanese trade unions by the government and employers, Japanese labor succeeded in organizing a number of establishments and participated in many strikes, particularly just after the First World War. Of particular significance as a show of labor strength at about this time was the wave of dockyard strikes in the Kobe-Osaka district in 1921 which involved 30,000 trade unionists and lasted for a month.

-7-

The decade of the 'twenties (1921-1931), often called Japan's "liberal period", witnessed the height of the Japanese trade union movement. Over the course of that period, labor union membership grew from 100,000 (or 3 percent of the total industrial population) to 350,000 (or about 7 percent) in 1930. This decade also saw the rise of several strong unions, of which the most prominent were the moderate Nippon Rodo Sodomei (Japan General Federation of Labor), the right wing Kaiin Kumiai (Seamen's Union) and the left-wing Nippon Rodo Kumiai Hyogi-kai (Japan Council of Labor Unions) which was suppressed by the government in 1928. The 'twenties also inaugurated political activity on the part of the unions. After the passage of the Universal Manhood Suffrage Act in 1925, the unions hastened to organize political parties which in 1928 polled 489,743 out of a total of some twelve million votes and elected five representatives to the National Diet.

The period of the early and middle 'thirties was marked by a slow rise in total union membership together with a small decline in the proportion of workers organized, by a growing conservatism in labor union policies and aims, and by greatly intensified repression on the part of the government and the police. The periodic "Communist raids" which began in 1928 and which resulted in the arrest of some 24,000 individuals from 1931 to 1934 alone removed some of the ablest and most aggressive union leaders from the scene and frightened many others into compliance with government policies. The Manchuria "Incident" in 1931 stimulated a wave of nationalism and opposition to such "foreign ideas" as labor unions, and spurred the activities of "patriotic" gangs which had for some years been attacking union leaders and breaking up labor meetings. The 'thirties also saw the rise of the Fascist labor unions.

The end of the 'thirties finally saw the disappearance of the legal trade union movement. In 1936 the government disbanded the conservative and relatively inactive Federation of Workers in Government Arsenals. The advent of the China War in 1937 brought the forced dissolution of the left-wing Trade Union Council and in 1938 the passage of the National Mobilization Act undermined the legal and bargaining position of the labor unions by granting broad authority to the government to control labor, authority which was subsequently applied in a series of ministerial ordinances providing for labor conscription, suspending the Factory Acts (setting minimum working conditions), and determining other conditions of employment 1/.

By June 1939 trade union membership had fallen to 314,737 or only 3.9 percent of all industrial workers. In 1940 all labor unions

1/ See Civil Affairs Guides on Control of Wages and Hours in Japan , Working Conditions in Japan other than Wages and Hours, and Organization of the Labor Supply in Japan.

-2-

were forced to disband and all laborers were integrated into the newly formed Sangyo Hokoku-kai (Industrial Patriotic Associations) or Sampo, the Japanese equivalent of the German Labor Front.

B. The Trade Unions before the Labor Front 2/

Although trade union members never comprised more than eight percent of all industrial laborers, the trade union movement was one of the most hopeful elements in Japanese life. With the exception of some Fascist and company unions, the trade unions as a group consistently stood among the most democratic of the myriad Japanese organizations.

In their external policies they generally pressed for greater liberalism and the democratization of Japanese political, social and economic institutions, and until the latter thirties they were aligned with that minority of Japanese opinion which condemned imperialist aggression and war. Internally, individual Japanese trade unions were organized rather democratically, certainly to a degree beyond most Japanese organizations. However, in the upper levels of labor organization and particularly among the leagues, federations and congresses of unions, labor officials tended to solidify into bureaucratic cliques, and to become more responsive to the wishes of the government and the employers and less sensitive to the wishes of their members.

Except for the maritime unions where discipline was strict, union discipline was rather irregular and varied greatly. On occasion poor discipline resulted in the defeat of trade unions involved in industrial disputes. Compared to the United States, however, where union discipline is important because it is essential to the observance of collective bargaining agreements, union discipline in Japan rarely caused disturbances in peaceful labor relations because collective bargaining agreements were very few. As a rule, local union autonomy was strong, and secession of unions from federations and establishment of new affiliations were frequent. These, however, were usually made on the basis of political principles rather than immediate economic issues.

1. The Left-Wing Unions

a. National Council of Japanese Labor Unions (Nippon Rodo Kumiai Zenkoku Hyogi-kai)

The most effective left-wing union group which was permitted to exist in the 1930's was the National Council of Japanese Labor Unions, known as "Zenkyo" for short, a federation of some 40 unions organized in 1934 and dissolved in 1937. While its membership never rose above 14,000 in its short lifetime because of continuous police obstruction, its leader Kanju Kato, who had visited the United States in 1935, was elected to the National Diet as a candidate of the Proletarian Party

2/ See Appendix A for detailed roster of trade unions in 1936

(Musan-to). This union was noted for its aggressive activities in attempting to improve working conditions, for its opposition to Japanese expansion on the continent, for its observance of May Day despite a police ban, and for its advocacy of a "Popular Front", a phrase later branded as a "dangerous thought". In December 1937, after the outbreak of the China War, both the National Council of Japanese Labor Unions and the Proletarian Party were ordered disbanded, one week after some 400 of their more prominent members, including Kato, had been arrested and imprisoned.

b. General Federation of Japanese Transport Workers
(Nippon Kotsu Rodo Sodomei)

Another left-wing group was the General Federation of Japanese Transport Workers. It was composed mainly of street-car workers and bus drivers in the cities of Tokyo, Osaka and Kobe with a membership of 30,000 in 65 locals. It was affiliated to the moderate Social Masses Party and published a monthly magazine called the "Japan Transport Workers' Journal." After a Tokyo street-car strike was suppressed in 1937, however, this group abandoned its militant policy in favor of "industrial cooperation."

2. The Conservative Unions

Almost all of the conservative unions were affiliated to the Japan Trade Union Congress (Nippon Rodo Kumiai Kaigi), which thereby represented some 260,000 trade union members or about 62 percent of all trade union members in 1936. Because the Congress did not participate in day-to-day collective bargaining it was not as active as its constituent unions. It served principally as a sounding board for the broader policies of its affiliated unions. As such it supported the Social Masses Party (Shakai Taishuto) which, although its parent organizations had opposed Japanese imperialism, came to approve of Japanese expansion on the continent. In 1938, the Policy Committee of the Trade Union Congress approved the organization of "Sampo" or the "Labor Front" which was then in the planning stage. The principal unions which composed the Congress were:

a. All Japan General Federation of Labor (Zen-Nippon Rodo Sodomei)

i. History and General Character This organization, which had 85,000 members in 1936, dated back to 1912 when it was founded as a mutual-aid society, called literally the Friendly Love Society (Yuai-kai), by Bunji Suzuki, a social worker. In 1920, it was reorganized somewhat along the lines of the American Federation of Labor and called the Japan General Federation of Labor. In 1932 it was merged with the centrist National Labor Union Federation (Zenkoku Rodo Kumiai Domei) and received the name All-Japan General Federation of Labor.

-10-

From 1920 to 1923 the Federation was dominated by left-wingers and was the center of several large strikes, particularly the Kobe-Osaka dockyard strikes of 1921. After 1923, however, the Federation grew more conservative and less aggressive, possible because its membership was concentrated in the metal and machinery industries whose prosperity was tied in closely with the rise of heavy industry and the development of a war economy. In 1930-1931 it participated in a number of government-sponsored conferences on social policy. The Federation, after criticizing the Manchurian adventure for some time, came finally to support Japanese aggression in China. In 1940 repeated government warnings that it would be dissolved, it decided to disband. Its members, of course, joined the "Sampo".

ii. Structure Structurally, the General Federation in 1938 consisted principally of two regional federations (East Japan and West Japan) made up of twelve local federations (e.g., Kyushu, Tokyo, Hyogo, Aichi, etc.) which in turn were composed of about one hundred local and/or industrial unions. Since the General Federation was the result of numerous mergers and affiliations of independent unions on the different levels, however, the actual state of organization was not that simple. For example, five national unions of which only the Steel Workers Union with 25,000 members was important, were members of the General Federation but did not belong to any of the regional or local federations. In like manner some local unions belonged to the regional federations, but not to the local federations. In all, the 118 unions which were affiliated directly or indirectly with the General Federation had a total of about 700 locals or an average of about 120 members per local. In addition to the Steel Workers Union, the Kanto Iron and Steel Union (6,320 members), the Kanto Spinning Workers Union (5,158 members), and the Osaka Metal Workers Union (9,850 members) were the largest. The General Federation published two monthlies called "Labor" and "Tomorrow", of which the first dealt with union matters and the second with cultural topics.

iii. Union Discipline and Democracy As may be expected, discipline of the union members in the Federation varied considerably with the union. Discipline of the General Federation with respect to its autonomous member organization was weak. The few collective bargaining agreements in effect made union discipline somewhat less important than in some of the western countries. The history of this Federation does contain many cases of dissident groups splitting away, but these splits were largely on political grounds rather than as a matter of disaffection with industrial policies or commitments of the union leaders.

The very large number of unions and locals and relatively small membership of each unit together with their relative autonomy tended to insure a marked degree of democracy within the unions. While the top layer of officials of the General Federation appears to have assumed the character of a rather immovable and irresponsible bureaucratic clique, the officials of the unions, and particularly of the locals, appear on the whole to have been responsive to the union membership.

-11-

iv. International and political affiliations. The General Federation was affiliated throughout almost the entire span of its existence with the International Federation of Trade Unions whose headquarters were at Amsterdam. Politically, the Federation, had sponsored the old Social Democratic Party (Shakai Minshu-to) and was the prime affiliate of its successor, the Social Masses Party, which in 1937 polled 900,000 votes and elected 37 members to the National Diet. The legislative program of the Federation was generally restricted to the advocacy of social legislation and the legal recognition of trade unions.

b. Japan Seamen's Union (Nippon Kain Kumiai)

i. History and General Character While this union eventually withdrew from the Japan Trade Union Congress, it is generally grouped with the Congress Unions. It was founded in 1921 under the sponsorship of the Minister of Communications, the Seamen's Department of the General Federation of Labor and a number of small Seamen's unions. By 1938, it had attained a membership of 115,000 and had almost completely organized Japan's seamen. Even during the height of left-wing influence in 1921-1923 the Seamen's Union was markedly conservative and grew more so as time went on. In 1933, for example, union funds were used to build a Buddhist Temple and Hamada, the union president, was installed as head priest. In the same year the Seamen's Union refused to transport Ford trucks which they believed destined for Chinese troops then resisting Japanese aggression.

ii. Structure Since it was a union rather than a federation, the organizational structure of the Japan Seamen's Union was rather simple. In addition to a central headquarters in Kobe, in 1938 seventeen branches were maintained in major ports--Yokohama, Tokyo, Nagoya, Osaka, Nagasaki, Otaru, Tobata, Moji, Fushigi, Habu, Kawaguchi, Dairen, Hakodate, Muroran, Ushina, Wakamatsu and Omuta. It published a monthly journal called The Seaman.

iii. Discipline and democracy The Seaman's Union, because it held a virtual monopoly on maritime labor, because it was strongly backed by the ship owners and because it shared in the operation of the seamen's employment exchanges, was in a good position to exercise strict discipline over its men and there is little doubt that it did so. The only major rebellion occurred in 1935 when some 10,000 members split off to form a Fascist union, called the New Japan Seamen's Union (Shin Nippon Kain Kumiai), but before the end of 1937 they had rejoined the fold. Conversely, there appears considerable doubt that democracy was very strong in the Seamen's Union. While the democratic forms were observed, the immense power over hiring and the backing of the ship owners which the union officials used to enforce discipline, made it difficult in practise for dissident movements within the union aimed against union officials to succeed. The fifteen-year tenure of Hamada in the president's office bears partial witness to this.

iv. International and Political Activities Internationally, the Seamen's Union was represented at the Marine Labor Conference at Genoa in 1920, but did not participate actively in international labor union activities after that date. Politically, the Seamen's Union was affiliated with the Social Masses Party, but was never prominent in that Party's activities.

c. The Mercantile Marine Officers Association (Kain Kyokai)

This organization dominated maritime labor together with the Seamen's Union and, although not a member of the Trade Union Congress, it worked closely with the Congress. It was founded as far back as 1896 and by 1938 had attained a membership of 16,000 merchant marine officers. Its headquarters were situated in Kobe and it maintained ten branches at the larger ports. In general, it had few of the characteristics of a trade union and engaged in no strikes or aggressive activity. Like the Seamen's Union, it was affiliated with the Social Masses Party, and published a monthly first called "The Seamen's Association Magazine" and later renamed "Maritime Management" (Seikai). In 1938 it absorbed the Japan Wireless Operators Society (Nippon Musen Gishi-kai).

d. Japan Harbor Worker's Union (Nippon Kowan Jugyoin Kumiai)

Founded in 1928, by 1938 this union had a membership of 17,000 in 12 locals. It affiliated with the Social Masses Party and published a monthly called "The Harbor Worker" (Koju). Its career was rather undistinguished, and followed the line of the All Japan Federation of Labor.

3. Company Unions

Company unions in Japan often took the form of paternalistic welfare associations set up by the larger firms for their workers. Complete data on these welfare associations are lacking, but in 1936, their membership numbered 530,000 in government factories and 817,000 in private establishments or a total of 1,347,000. While it is impossible to separate those which were genuinely set up by the workers from those established by the employer, unlike the trade unions almost all the societies had the cooperation and support of the employer. Essentially, they performed the same role as most company unions in the United States, namely counteracted the influence of the trade unions. Because of the restricted role of collective bargaining in Japanese industrial relations and the absence of legal status for trade unions, the paternalistic welfare associations have seldom pretended to be trade unions or have even formally competed with trade unions.

-13-

4. The Fascist Labor Unions

The Fascist Labor Unions had a rather short existence, roughly from 1931 to 1938. They were originated by right-wing dissidents who had seceded from the General Federation and other conservative unions in 1931 and 1932. In 1936 a merger of some fifteen Fascist unions produced the National Convention of Patriotic Labor Unions (Aikoku Rodo Kumiai Zenkoku Konwa-kai). By 1938 the Convention had a membership of 80,000, including some 124 unions, mostly small, a large number of which were company unions. So far as can be discovered, the activity of these unions was quite small with regard to improving wages, hours and working conditions and was confined instead to ardent support for "Japanism", military imperialism and national socialism, in pursuance of which these Fascist labor unions were affiliated with the reactionary "Japan Reform Party", (Nippon Kakushinto), better known as the Japan Industrial Party. During their brief existence the Fascist trade unions denied the advisability of trade unionism and quickly dissolved when the "Sampo" or Labor Front was originated.

C. Organizations Opposed to Trade Unions

In addition to the pseudo-unions which have been described above, three types of unofficial organizations devoted a large part of their efforts to combatting the growth of free trade unions:

1. The Patriotic Societies

These nationalistic and aggressively imperialistic societies, in the course of their intensive propaganda and assassination campaigns against any liberal and democratic ideas, found themselves in violent conflict with trade unions from the beginning. While their members and officials were not usually businessmen, a large part of their financial resources was derived from the contributions of big industrialists. Some were little more than gangs of toughs, while others were well organized and highly respected, as for example the Ex-servicemen's League. Typical organizations, such as the League for State Construction (Kenkoku-tai) and the Great Japan League of Justice (Dai Nippon Seigi-dan), participated directly in breaking up strikes and trade union meetings with violence. In addition, during the 'thirties these patriotic societies sponsored fascist-type trade unions and succeeded in drawing many workers out of the genuine trade unions.

2. Industrial Associations

Among the most powerful of the industrial associations which were organized by employers in order to protect their interests against the activities of labor were the Japan and Osaka Industrial Clubs (Nippon Kogyo Kurabu and Osaka Kogyo Kurabu). In 1923 representatives of 42 industrial associations met and established the National Federation

of Industrial Organizations (Zenkoku Sangyo Dantai Rengokai). Its main objective was to combat the growing influence of the labor movement and to unite the large employers against the trade unions. Its program was the promotion of "class harmony", the maintenance of the family system, "protection" of small industries, development of company unionism and employer-dominated welfare associations, and the elevation of the "moral and living standards" of workers.

3. Harmonization Societies

These societies which were established to preach "class collaboration" in opposition to Marxist "class conflict" were theoretically open equally to employers and laborers, but were in fact composed almost entirely of employers. By far the most prominent of this type was the Harmonization Society (Kyocho-kai). Alarmed by the rise of labor disputes just after the First World War, a Commission for Social Services sponsored by the Department of Home Affairs recommended the setting up of a non-official organization which would help to "end the bitter antagonism between employers and employees." On 22 December, 1919, the Harmonization Society was incorporated for the purpose of studying means of bringing capital and labor together. From the beginning the governing body of the Harmonization Society was controlled by representatives of big industry. Heading it were Prince Tokugawa and Viscount Shibusawa, and among its directors were Inoue, president of the Bank of Japan, Wada of the Fuji Spinning Company, and Muto of the Kanegafuchi Spinning Company. The Harmonization Society never attracted an appreciable labor following in view of its official personnel. While it offered its services freely to arbitrate strikes, it was rarely accepted by trade unions, and finally restricted its activities to conciliating disputes involving unorganized workers, publishing journals of "information" and distributing harmonization propaganda. Perhaps its most effectual achievement was its sponsorship of the "Labor Front."

D. The Labor Front

Industrial relations at the present time are handled almost entirely by the Industrial Patriotic Associations (Sangyo Hokoku-kai) organized into a national federation and commonly known as "Sampo". In essentials, "Sampo" is analogous to the German Labor Front. "Sampo" is not a trade union and is not designed to assist the workers to improve their economic status. It is, instead, designed to regiment labor to the service of the state and the employer.

1. History

"Sampo" was originated when the Harmonization Society in February 1938 established the Industrial Patriotic League (Sangyo Hokoku Renmei), a group agitating for the organization of patriotic associations in the factories which would press for the cooperation of capital and labor to prosecute the China War. Its leaders included representatives of the Social Masses' Party (Shakai Taishu-to) and leading industrialists of the National Federation of Industrial Associations.

-15-

In 1939 the government officially sponsored the Patriotic Associations (Sangyo Hokoku-kai) in the factories and the initiating organization (the Sangyo Hokoku Renmei) became a propaganda arm of the government. By June 1939, there were 4,657 associations with 1,691,446 members in plants with 50 or more workers. In August 1940 the government officially took over direction of the associations, and placed them under the Labor Policy Division of the Labor Bureau in the Ministry of Public Welfare. All labor organizations which had not already become merged with the associations were liquidated. By March 1941, some 70,000 associations had been established with a membership of over 5,000,000. In 1942, the direction of "Sampo" was turned over to the totalitarian political party, the Imperial Rule Assistance Association, which in April 1945 was dissolved. It is not known precisely who directs "Sampo" at present, but it is believed to have been placed under the Civilian Volunteer Corps.

2. Structure

The basic unit of the "Sampo" is the association in the individual industrial establishment. Generally speaking, there is one association for each enterprise. All people connected with the enterprise, i.e., managers, engineers, clerks and workers are eligible to join, and the proprietor or factory manager is usually the president of the association. Membership is maintained by indirect compulsion, the prefectural governors being held responsible for seeing to it that every establishment with 50 workers or more has an association.

On a local level, the district police control all the associations within the district. The individual associations are combined into federations on a prefectural level with administrative responsibility placed on the prefectural governor. The prefectural associations belong to the national federation (Dai Nippon Sangyo Hokoku-kai) which was established in 1940. The Minister of Welfare was the ex-officio national president up until the time "Sampo" was placed under the IRAA; it is not known whether this has been changed. Its direction by the IRAA appears to have been exercised through one of the two departments of the IRAA which dealt with labor, the "Organization Department", which was in charge of labor supply, or the "Increased Munitions Production Department", which had charge of labor questions. The central committee of "Sampo" is composed of heads of big business concerns. No pretense of labor representation is made.

3. Functions

"Sampo" has three general functions: to convey the illusion that laborers and employers are united in service to the state and prosecution of the war, to mobilize and regiment laborers for purposes of war production, and to act as a safety valve by adjusting labor grievances.

The first function is carried out by means of voluminous propaganda asserting (a) that assistance to the Emperor is paramount and (b) that each industrial enterprise is a family. The activities carried on

-16-

along this line consist of spiritual solidarity meetings, measures to increase industrial efficiency, cooperation with special national activities (e.g., the recovery of waste materials, air raid drills, purchase of national bonds) and round table conferences to promote worker-employer understanding. The mobilization of labor by "Sampo" for war production is centered in disciplinary activities in the factories and in its Industrial Patriotic Service Corps which recruited temporarily unemployed workers for war jobs. Finally the association brings minor grievances to the attention of the employer, carries on certain welfare activities and makes unemployment relief payments for workers in factories closed down because of the war.

E. Militarization of Labor

The work of "Sampo" in supplanting and thereby preventing free trade unionism was reinforced by the Factory and Workshop Supervision Ordinance (Kojo Jigyo Kanri-rei) of March 18, 1944. In accordance with this ordinance, which was applied in September 1944, labor in "vital factories" and mines is placed under the control of a Munitions Management Office in the Munitions Ministry. All workers in selected war plants and in about 200 mines are ranked in accordance with a system of military ranks, with the lower saluting the higher. Discipline is on the military model and the shop foremen have almost unlimited disciplinary powers. The president of the company or manager of the plant is called the production leader (seisan sekininsha) and is given full control of all labor questions in the plant. (For further details see Civil Affairs Guide on Working Conditions other than Wages and Hours in Japan).

F. Political Activities of Labor

Ever since 1925, Japanese trade unions have been deeply involved in political action through formal affiliations with political parties. In 1937, the labor parties succeeded in electing 42 members to the Diet and polling a million votes or almost one-tenth of the total vote of a little more than ten million. (See Section II above and Civil Affairs Guide on Political Parties for further details). With the dissolution of the political parties and the establishment of the Imperial Rule Assistance Association, however, all legal political activity of labor ceased.

-17-

III. THE PATTERN OF JAPANESE INDUSTRIAL RELATIONS

A. Paternalistic Tradition

Paternalism in industrial relations has been particularly strong in Japan because of the special cohesiveness of the Japanese family system, the paternalistic attitude of the government in general, and the recent memory of feudal master craftsman - apprentice relationship which persisted in a large number of establishments even up to the Pacific War. This natural strength of the paternalistic tradition has been constantly fortified by propaganda on the part of the employers and the government in a consistent effort to counteract free labor organizations. This paternalism was expressed concretely in the dormitory system which among other things, prevented labor organization and contact with liberal thoughts; in welfare services which enabled the employer to pay lower wages; and in the family workshop to which much work was subcontracted and in which long hours and low wages were especially prevalent. It was particularly evident in the failure to institute a system of genuine unemployment insurance and in reliance instead on discharge allowances granted by the employer and on the willingness and ability of rural relatives to care for the unemployed worker. Less concretely the paternalistic tradition resulted in a feeling of deference towards the employer, and a stigma of ingratitude placed on anyone who dared strike or otherwise dispute the authority of the employer. Paternalism in industrial relations was finally given legal effect in the organizational structure of "Sampo" or the labor front, where the employer or plant manager was generally made the association leader.

Indications are clear, however, that paternalism was swiftly losing its force among the workers as an accepted mode of industrial relations before the China War. This was particularly evident during the depression of 1929-32 when at the cost of numerous strikes many firms shirked their paternalistic responsibilities, e.g., the practice of discharging permanent employees and rehiring them as "temporary employees to avoid giving various welfare allowances. It is quite likely that the economic changes occasioned by the war, particularly military and labor conscription, demobilization and large scale job shifting, resulting in the dissolution of individual employer-employee paternal relationship, have already weakened and will further weaken paternalism.

B. Police Interference with Trade Unions

In addition to paternalism, the government and the employers have leaned heavily on repressive laws and the use of police power as a device to obstruct the free development of trade unions. Deriving their powers from a series of sweeping laws, ordinances and regulations, between 1920 and 1938, the Japanese police arrested more than 60,000 persons suspected of "radical" activities or thoughts, dissolved numerous

-18-

trade unions and broke up hundreds of trade union meetings. With the advent of the China War in 1937 a new wave of terror was unleashed; more than 2,000 leftist labor leaders, including Kanju Kato, were arrested between November 1937 and February 1938. Since 1941 the terror has been still further intensified.

1. The Peace Preservation Law (Jian Iji-ho)

The Peace Preservation Law, the current version of which was passed in 1941, provides the overall blanket authority by means of which the police have been able to obstruct free trade union organization. This law was first passed in 1925 and succeeded the notorious Section 17 of the Public Peace Police Act of 1900. The latter had in very broad terms forbidden strikes, picketing, and the normal forms of union recruitment, and was repealed in 1926. Under the Peace Preservation Law of 1941 the death penalty is provided for officials or leaders of associations which advocate changing the "national polity" (Kokutai), or of associations which prepare for or which assist associations advocating changing the national polity. Needless to say, no precise definition of "national polity" has ever been arrived at; in general, anything opposed to the "Japanese spirit" of obedience to authority may be construed as contrary to the "national polity." In addition, penal servitude terms of varying lengths are provided for convoking meetings, discussing or instigating actions, propagandizing, creating confusion and disorderly conduct, and soliciting, contributing or receiving money all with the object of changing the "national polity". Somewhat lighter terms are provided for organizing associations or related activities for the purpose of "disavowing" the "national polity", spreading disrespect for the Shinto Shrines and the Imperial Household, and "disavowing" the private property system. Curiously enough, the Peace Preservation Law pretends to apply to all persons of whatever nationality, and to all prohibited activities no matter where in the world committed.

2. Protective Surveillance for Thought Offenses Law (Shiso-han Hogo Kansatsu-ho)

The Peace Preservation Law is carried even further by this act of 1936 and regulations pursuant thereto which impose a close two-year surveillance on anyone who receives a suspended sentence on charges of violating the Peace Preservation Law or who has completed a sentence imposed for violation of the Peace Preservation Law. By means of this law the place of residence of labor leaders may be restricted, and their friends and their correspondence closely watched or prohibited.

3. National Mobilization Law (Kokka Sodo-in-ho)

Sweeping wartime powers over the entire Japanese economy were granted the Japanese government by the National Mobilization Act of 1938, amended in 1941. Certain articles give the government special wartime powers, even beyond those utilized in the Peace Preservation Law, to

-19-

control and break up trade unions. Subject to application by Imperial Ordinance, Article 4 provides for labor conscription, Article 6 gives the government power to prescribe wage rates and working conditions, and Article 7 gives the government authority to prevent or settle, by any means, labor disputes and lockouts, and to suspend or alter any other laws in so doing.

4. Public Peace Police Law (Jian Keisatsu-ho)

The provisions of the Public Police Law with regard to public meetings have also been used repeatedly to break up trade union meetings. Up until 1941, and in accordance with the Public Peace Police Act, trade union meetings could be disbanded by the police after they had been formally opened, but on December 18, 1941 a Special Emergency Law (Horitsu No.97 of Dec. 18, 1941) requiring permits in advance was enacted. Further legislation since then prohibits unlicensed public meetings for whatever purpose, if more than 3 persons attend.

5. Police Crimes Punishments Ordinance (Keisatsu-han Shobatsu-rei)

Certain provisions of this Home Ministry Ordinance of 1900, revised in 1908 and 1919, have been consistently interpreted to hamper union recruitment, to prevent picketing and break up strikes. They include penalties for walking back and forth in places where one does not reside and has no business, for forcibly requesting an interview or following another threateningly, for obstructing a person's movements by forcibly standing in front of him or beside him, or for committing mischief with regard to another person's business.

6. Repressive Police Agencies

Police activities in Japan are so widespread that points of contact with trade unions are numerous. (See Civil Affairs Handbook, Japan, Section 14: Public Safety). Aside from the individual policeman who enforces all the laws, including those repressing trade unions and collective bargaining, there are a number of police and prosecuting agencies which have specially obstructed free labor organizations. These are:

a. The Special Higher Police (Tokubetsu Koto Keisatsu) sometimes referred to as the "ideational police." This organization has been specially charged with the enforcement of the Peace Preservation Laws, and has been responsible for arresting tens of thousands of persons, including numerous trade union and labor leaders, on the grounds that they disavowed or conspired to change the "national polity" or the private property system. Administratively the Special Higher Police are directed by the Peace Preservation Section (Hoan-ka) of the Police Bureau (Keiho-kyoku) of the Home Ministry. In actuality, the greatest share of their work is performed by the Special Higher Police Division (Tokubetsu Koto Keisatsu-bu) of the Metropolitan Police Board (Keishi-cho). In addition, each of the prefectural governments, with the exception

-22-

representatives of the trade unions found it difficult to get a hearing from the employers, while those committees which had access to the employer usually refused to recognize the existence of the trade unions. When the Japanese Government Railways and the Harmonization Society became active advocates of shop committees, it became plain that shop committees were being utilized as a device to counteract the growth of the trade unions, and labor leaders lost interest in them. By 1929, there were 112 shop committees in Japan, covering almost 320,000 workers, but they were comparatively inactive and were usually dominated by the employer. Little was heard of shop committees in the 'thirties and they are now believed to have been absorbed into "Sampo". While the organization of shop committees has been generally approved by the Japanese trade unions in theory, the existence of shop committees in fact has been regarded with deep suspicion.

3. Mechanisms for Settling Capital-Labor Disputes

In general, mechanisms for settling industrial disputes in Japan, prior to "Sampo" and the prohibition of strikes, consisted of ad hoc arrangements by certain officials and semi-official agencies concerned with keeping the public peace and maintaining production. As a rule, these agencies shared the strong bias of the government in favor of the employer and against the worker, particularly during the latter 'thirties when any stoppage of production interfered with the development of Japan's military power. The increasing trend towards the maintenance of industrial peace at labor's expense is indicated by the sharp increase in the percentage of police intervention in arbitration of labor-capital disputes from 27 percent in 1931 to 71 percent in 1938, 89 percent in 1939 and 94 percent in the first nine months of 1940 as shown by partial statistics (Appendix C). By 1939 labor disputes were almost all considered by the government to be infractions of the peace and strikes to be tantamount to treason.

a. Arbitration Boards

Arbitration Boards were the only overall instrument established by Japanese law for the specific purpose of settling labor-capital disputes by mutual adjustment, but available records show that they were utilized in only four disputes in fourteen years. According to the Labor Disputes Adjustment Act (Rodo Sogi Chotei-ho) of 1926, in the case of a dispute in public utilities or government enterprises, arbitration was to be compulsory; in all other cases, arbitration was to be invoked at the request of both parties. With certain exceptions, administration was placed in the hands of the prefectural governors, and later shifted to arbitration officials of the Bureau of Social Welfare of the Home Department, which bureau subsequently became the Department of Welfare. Each Arbitration Board was to consist of three representatives of each of the parties to the disputes who were to agree on the selection of three

-21-

only 13 percent of all strikes as compared to 71 percent in 1931.

Labor activity as revealed in strikes has not been halted by the war. On the contrary, even though a temporary decline was brought about by the opening of the China War, strikes in 1939 were more numerous than in 1938. The fragmentary evidence that has been allowed to come out of Japan since 1940 indicated that an active underground leadership of Japanese labor has continued into the years of war. On March 5, 1941, a big strike involving 100,000 workers was reported to have broken out in the Kobe war industries. According to the report, the strike covered the big war plants of the Mitsubishi and the Kawasaki dockyards and continued for five days, ending when troops suppressed the strike and shot four of the leaders. In August a strike of 20,000 workers was reported in the Mitsubishi airplane plant at Nagoya, but it was also suppressed. A smaller strike of 3,000 workers at the Kokura Arsenal occurred in September where the police apparently found it expedient not to make reprisals. In October of 1941, a big strike which involved joint action by industrial workers and salaried employees, was alleged to have taken place in the heavy industrial center of Tsurumi in Yokohama with over 20,000 workers participating. Though for later years the evidence is still more fragmentary, smaller strikes have been reported frequently. Although not strictly trade union in nature, a general feeling of labor disaffection was indicated as late as 1944 by food riots reported in Kagoshima and a mass meeting of 40,000 persons in Tokyo, which according to the Osaka Mainichi quoted in Chungking, was sponsored by a new Workers Party. The meeting was broken up by the police, and the party was disbanded.

D. Collective bargaining, shop committees and mechanisms for settling Capital-Labor disputes

1. Collective Bargaining

Partly because of the poor legal status of the unions, collective bargaining has played a relatively insignificant role in Japanese labor relations. Only in the case of the seamen's unions have collective bargaining agreements been of significance. Of the 136,000 workers covered in 122 collective bargaining agreements at the end of March 1936, seamen accounted for 117,000. Aside from the Seamen's Union agreement with the ship owners, and the collective agreement between Tokyo Steel Manufacturing Company and the All-Japan General Federation of Labor, almost all agreements were in the smaller enterprises, i.e., less than 500 workers.

2. Shop Committees

Shop committees, sometimes called "works committees" have also been comparatively unimportant in the pattern of Japanese industrial relations. During the early years immediately after the First World War, the trade unions evinced considerable interest in the establishment of employer-employee committees which would settle intra-plant grievances. However, the shop committees which included repre-

-20-

of Kyoto, has a Special Higher Police.

b. The Peace Preservation Police (Hoan Keisatsu) This organization has had as a part of its duties, the regulation of public meetings, the adjustment of labor disputes and the enforcement of the Factory and Mining Acts. In these capacities it has broken strikes and dissolved labor meetings. Up until quite recently it was one of the most important parts of the Metropolitan Police Board, and in addition had separate existence in several of the prefectures, but no separate direction in the national police bureau. An unconfirmed report of 1944 indicates that it has been abolished, and that its functions have been assigned among other police organizations.

c. The Military Police or Gengarmarie (Kempei). Prior to the Pacific War, the Military Police had no special anti-labor functions, but recently captured orders indicate that the Military Police are to keep in close touch with the authorities of military production plants and to gather accurate information concerning the organization of labor unions, thoughts of employees, labor agitation, the speech, behavior and outside contacts of dissatisfied workers, etc. In addition, the military police have been authorized to use force to suppress disputes and stop the spreading of propaganda.

d. The Thought Section (Shiso-ka) of the Criminal Affairs Bureau (Keiji-kyoku) in the Ministry of Justice has handled prosecutions under the Peace Preservation Laws.

C. Disputes and Strikes

Despite the paternalistic tradition and police repression, strikes have long been a part of the Japanese industrial scene. The earliest strike in Japan took place as far back as 1872, and as early as 1907 troops had to be called in to suppress a particularly violent strike in the Ashio and Besshi copper mines. The great dockyard strike of 1921 involved 30,000 participants for one month and was finally suppressed with the aid of saber-wielding police. Recurrent strikes which, according to official statistics (and therefore probably underestimated), involved from 30,000 to 125,000 workers per year, took place in the 'thirties.

Generally speaking, because of the poor bargaining position of workers as well as their meager resources and constant police interference on the side of the employer, Japanese strikes have been of short duration and have resulted in defeat or compromise for the workers. Because of police repression they have often taken unique forms, e.g., shrine processions and slow downs. With the growing conservatism on the part of the labor union leaders and their disinclination to embroil themselves with the police, the trade union role as a spearhead of strikes was greatly curtailed and disaffected laborers resorted to strikes without union assistance. By 1938 unions were involved in

-23-

additional members. These boards were given investigatory powers and were committed to secrecy. Decisions were not binding, but in case of failure to settle the dispute the boards' decision, together with the minority report, was to be made public. However, for diverse reasons the boards were hardly ever invoked.

b. Department of Welfare Arbitration Officials

With the establishment of the Bureau of Social Welfare in the Home Department in 1922, a number of arbitration officials (choteikan) were appointed in various localities, and their number was increased when the Labor Disputes Adjustment Act was passed in 1926. When the Department of Welfare was set up in January 1938, these officials were transferred to it. Arbitration by these officials was usually voluntary and had some measure of success, but in the course of the 'thirties they came to be supplanted by the police.

c. Police Arbitration

From the standpoint of preserving peace, the police have always been authorized to deal with labor disputes and during the 'thirties their intervention in disputes became increasingly frequent until in 1939 89 percent of all disputes settled by "arbitration" were the result of police action. The prefectural and metropolitan police headquarters have special police officers in charge of labor relations attached to the Factory Section of the Peace Preservation Police. (For organizational structure of Japanese Police System see Civil Affairs Handbook, Japan, Section 14: Public Safety). As indicated above, police actions in disputes were usually biased in favor of the employer, and police "arbitration" was almost always expected to insure the defeat of the laborers.

d. Joint Maritime Board (Kaiji Kyodo-kai)

In disputes involving seamen the Joint Maritime Board had legal authority to effect conciliation. This Board was set up at the end of 1926 with headquarters in Kobe and consisted of 3 representatives of the Seamen's Union, 3 representatives of the Mercantile Marine Officers Association and 6 representatives of the shipowners. In accordance with the Labor Disputes Adjustment Act of 1926, the Minister of Communications was empowered to set up special arbitration boards in disputes involving seamen, but in practice they were never convoked and the Joint Maritime Board has had a monopoly on conciliating labor disputes. It settled the seamen's strike of 1928 by the adoption of minimum wage rates and prevented a strike in January 1931. It was somewhat less successful in 1935 in dealing with the strike of the New Seamen's Union, which was not represented on the Board.

Special regulations regarding maritime strikes have been imposed by Article 41 of the Seamen's Act of August 13, 1937 and the ministerial ordinance pursuant thereto. The Minister of Communications

-24-

or his nominees were empowered to institute conciliation procedures without requests from either side. In addition, imprisonment up to one year or a five-hundred yen fine were imposed for work stoppages in port which incurred in the course of a collective dispute without 24 hours notice or within a week after the beginning of collective bargaining negotiations.

e. Other Mechanisms

The unofficial Harmonization Society, as indicated above, has regularly offered its services to both sides to settle industrial disputes, but has usually withdrawn from difficult cases. In general, it has been distrusted by the trade unions with the result that its efforts have been confined to cases in which unorganized labor was involved.

Local and prefectural officials, particularly prefectural governors, have occasionally offered their services or have been invited to act as impartial mediators. Their record of success has not been outstanding.

- 25 -

IV. PROGRAM FOR MILITARY GOVERNMENT

A. Conditions likely to Confront Military Government

Upon its occupation of Japan or any major part thereof, Military Government will be confronted with an industrial population which, because it will be in bad economic circumstances, will be compelled to seek adjustments in its terms of employment. It is expected that in the course of their demands for adjustments, the Japanese laborers will tend to form organizations to represent them in dealing with the employer and that numerous disputes will arise, some of which will be attended by strikes or lockouts.

1. Poor economic position of the Japanese worker

In pre-war "normal" years, partly as a result of a consistent government bias in favor of the employer, the standard of living of the Japanese worker with few exemptions was low and, even taking into account the difference in the Oriental manner of living, was not very far above the subsistence level. At the termination of hostilities, the economic position of the Japanese laborers will have deteriorated to a considerable extent because of (a) the cumulative effect of diverting an ever larger share of the national product to munitions of war, an effect which has been apparent in the lowered consumption standards of Japanese laborers in the last few years (b) the extreme strain placed on the Japanese economy by the last few months of a disastrous war and the enormous destruction inflicted by air-raids, (c) widespread unemployment and a sudden reduction in working hours accompanied by a sudden decline in earnings and (d) the probability that workers' savings will be largely frozen in unredeemable war bonds.

It may further be anticipated that the existing terms of employment had as they will be upon the termination of hostilities, will probably grow progressively worse for some time thereafter. It is probable that a number of employers will take advantage of the surplus labor market (which will undoubtedly accompany the shut-down of war production) to reduce labor costs through such devices as evading payment of dismissal allowances, cutting wages, etc. Furthermore, if inflation takes place to any degree, as may be expected, it is quite probable that continual rises in the prices of the necessities of life will far outstrip increases in wages. (See Civil Affairs Guide on the Control of Inflation in Japan).

- 26 -

2. Probable Rise of Trade Unions

Under such conditions it is clear that throughout the occupation period, Japanese laborers will in many cases be compelled to seek adjustment in their terms of employment. In view of their poor individual bargaining position, and on the basis of pre-war trade union history and the reported war-time underground labor activity, it may be anticipated that many of the Japanese laborers will organize themselves in order to present demands for such adjustments more effectively. The trade unions which will arise as a result may be expected to concern themselves primarily with collective bargaining for better wages, hours and working conditions, and secondarily with mutual economic protection.

Aside from these strictly trade union functions, some other union activities may be expected. For example, the close connections of trade unions with labor parties in the past may be expected to result in a certain amount of activity along the lines of political education and agitation. Such activities are beyond the scope of this Guide. (For political activities of labor unions, see Civil Affairs Guide on Political Parties in Japan).

3. Disputes and Strikes

The expected labor demands for adjustments in wages, hours and working conditions together with the attempts of the employers to drive down labor costs may lead to numerous labor disputes. Such disputes will also be stimulated by the general feeling of social unrest which will prevail and by the unwillingness on the part of labor to submit to employer pressure as easily as heretofore. On the other hand, the general economic situation will be unfavorable to the laborer and the mass unemployment which will undoubtedly exist will prove to be a powerful deterrent to the use of strikes to win disputes. In general, it may be expected that strikers without serious justification will be few, and that a general wave of walkouts will not take place.

B. Concern of Military Government with Industrial Relations

In the relations between capital and labor which will prevail during occupation, Military Government will have two primary concerns: (1) to establish conditions favorable to the emergence of democratic organizations and ideas and (2) to ensure the continued operation of industries and services essential to military operations and security.

C. Recommended General Courses of Action for Military Government

To obtain the objective of a democratic and orderly system of labor-capital relations within the limits imposed by military security, Military Government will find it desirable to apply the following

- 27 -

general principles with regard to trade unions and collective bargaining:

1. Military Government should permit and look with favor upon the free organization of democratically organized and managed trade unions and should remove all legal obstacles to such organization.

In addition to affording a means for the democratic expression of the laborers' opinion on matters that vitally effect them, such a policy would tend to induce that important segment of the laboring population which belonged to unions less than ten years ago to cooperate with Military Government and would strengthen the elements in Japan which were among the most consistent and effective advocates of democracy in the past.

2. Military Government should encourage collective bargaining between freely chosen representatives of the employees on the one hand and employers on the other for adjustment of wages, hours and working conditions.

Such collective bargaining can introduce an element of stability into labor-capital relations, particularly if it results in collectively bargaining agreements enforced by union discipline. Under economic conditions which will prevail the individual Japanese worker will have virtually no bargaining power by himself and will be compelled to bargain collectively to improve his terms of employment.

3. Military Government should seek to reduce the number of industrial disputes particularly strikes and lockouts.

Since disputes will not affect Military Government interests and since personnel will be limited, it will be to the interest of Military Government to ignore most individual strikes and lockouts. However, a large number of industrial disputes may provide a potential threat to the maintenance of peace and order, and it will therefore probably be to the interest of Military Government to assist in the establishment of agencies designed to settle industrial disputes.

4. Military Government should prohibit strikes and lockouts in industries considered essential to military operations or the security of Military Government.

Under no circumstances should any stoppage of this sort resulting

-28-

from a breakdown in labor relations be permitted.

D. Recommended Program for Military Government

In order to apply these principles, the following program is recommended for action:

1. Trade Unions and the Freedom to Organize

a. Proclamation of general policy towards trade unions

As soon as it is practicable, Military Government should issue a general proclamation recognizing the freedom of industrial and agricultural workers to join trade unions or other organizations of their own choice for purposes of improving their terms of employment and mutual protection.

Such a proclamation would serve the double purpose of stimulating the voluntary organization of workers along democratic lines and of laying the basis for subsequent action against those who would obstruct such organization. In view of the attractiveness which free organizations have had for an important segment of the industrial labor population, such a proclamation may very well have great value in inducing the cooperation of Japanese labor with Military Government.

It should be made clear, however, that the freedom to organize granted by this proclamation does not extend to organizations set up for purposes other than the legitimate trade union functions indicated above, and that organization for other purposes would be covered by other Military Government proclamations, orders, and regulations. Specifically, labor associations of any kind operated for militaristic or nationalistic purposes should be prohibited.

b. Freedom of Speech

The freedom to organize and bargain collectively implies the freedom of speech. Therefore, access to public channels of information and opinion such as the radio and press, should be granted on a non-discriminatory basis to trade unions as long as the exercise of such freedom is in accord with military security.

c. Abrogation of Repressive Legislation

Military Government should abrogate as soon as possible all laws which prevent or have the effect of preventing (1) the free organization of trade unions for the purposes of improving wages, hours and

working conditions and mutual assistance and (2) activities of trade unions, which are otherwise legitimate, directed to those ends.

Ordinances, regulations, announcements and orders which have been utilized to obstruct trade union organizations and activity are numerous and permeate all of Japanese life. It will be impossible to abrogate all of the detailed rules on various levels, but almost all of these regulations and the actions taken pursuant thereto derive their authorization from a relatively small number of laws which if abrogated would have the effect of nullifying all of the detailed rules and agencies set up to enforce them. On the other hand, failure to abrogate these laws would either nullify Military Government policy towards the free organization of trade unions or would create doubt in the public mind that the freedom to organize would be protected by Military Government.

The laws which are specifically recommended for immediate abrogation, together with any subsequent amendments, are: (See Appendix D for text)

i. Peace Preservation Law (Jian Iji-ho) of 1941

This is the basic law through which tens of thousands of persons have been imprisoned for "dangerous thoughts" and from which the special higher police or "ideational police" draw much of their authority. Its continued existence would make trade union organization impossible.

ii. Protective Surveillance for Thought Offenses Law (Shiso-han Hogo Kansatsu-ho) and the Regulations Relative to the Protective Surveillance for Thought Offenses Law (Shiso-han Hogo Kansatsu-ho ni kansuru kisoku), both of 1936.

iii. Articles 4, 6 and 7 of the National Mobilization Act (Kokka Sodo-in-ho) of 1938 as revised in 1941.

These articles provide blanket wartime authority for the government to take any action at all to break strikes, fix wages and disband unions. Even though the authority granted is emergency wartime power, it would be best to abrogate the articles altogether rather than declare the law inoperative.

iv. Articles 3 and 8 of the Public Peace Police Law (Jian Keisatsu-ho) of 1900 as amended in 1922, 1926, and 1941.

Many of the provisions of this law will probably be suspended if not abrogated altogether by the Military Government in connection with its general policy towards political groups. However, the above

- 30 -

mentioned articles, which give the police blanket authority to prohibit or disperse any meetings on the grounds of maintaining public order, have been used repeatedly to break up union meetings and are, therefore, recommended for abrogation in this Guide. It should be added that if the provisions regarding political meetings are not abrogated by Military Government, the term "political affairs" (seiji) as used elsewhere in this law should not be construed to include trade union activities.

v. Paragraphs 3 and 4 of Article 1 and Paragraphs 5 and 31 of Article 2 of the Police Crimes Punishments Ordinance (Keisatsu-han Shobatsu-rei) of 1908, as amended in 1919.

These provisions have been specifically applied to prevent picketing, and should be repealed. The remaining provisions of the law are entirely adequate to maintain public order.

vi. The Factory and Workshop Supervision Ordinance (Kajo Jizyo Kanri-rei) of March 18, 1944.

It is not known whether the legal authority for this ordinance is conveyed by the National Mobilization Law. If so, its repeal will automatically follow that of the National Mobilization Law. If not, it will be necessary to repeal this ordinance separately.

d. Release of labor prisoners

All persons who have been imprisoned under the foregoing laws for activity or "thought" in connection with trade unions and other labor organizations should be released at once.

The speed with which such release is effected is likely to exert considerable influence in inducing the active cooperation with Military Government of former trade union members and a large portion of the industrial labor population.

-31-

e. Dissolution of "Sampo" and associated organizations

The Industrial Patriotic Associations ("Sampo") and associated organizations should be dissolved.

"Sampo" was created primarily for the purpose of destroying the free trade union movement, and its entire organizational structure is designed to prevent democratic labor organization and collective bargaining. It has been an important cog in the Japanese totalitarian war effort and its leaders, who are neither laborers nor representatives of labor, have been among the most violent partisans of Japanese aggression and war. If not dissolved, "Sampo" would be a menace to the security of Military Government and to continued military operations.

Associated organizations which are equally detrimental to the objectives of democratic labor relations and military security and which should, therefore, also be dissolved are:

i. The successor agencies to the labor sections in the Imperial Rule Assistance Association (See also Civil Affairs Guide on Political Parties) which direct the activities of "Sampo".

ii. The Harmonization Society, which sponsored "Sampo".

iii. The "patriotic" societies which supported "Sampo" actively. While these societies will be treated more fully in other Guides, special reference is made to the "patriotic" societies in this Guide because of their record of anti-labor violence. Their continued existence would be a serious obstacle in many parts of Japan to the free organization of trade unions.

2. Collective Bargaining

a. As soon as democratically organized and governed unions are formed, they should be permitted to bargain collectively with employers regarding terms of employment, subject to such policies on wages, and hours as are established by Military Government authorities. (See Civil Affairs Guides on Control of Wages and Hours in Japan and Working Conditions in Japan other than Wages and Hours.)

b. In cases of serious conflict as to the jurisdiction of collective bargaining agreements, Military Government should consider invalid any agreement where the trade union or other organization purporting to represent the laborers is not deemed by MG to be their freely chosen representative. In particular, Military Government should watch for company unions, i.e., associations organized or dominated by the employer, and labor gangs of unskilled laborers controlled by labor bosses or oyakata.

-32-

3. Strikes

a. Strikes in industries whose continued operation is essential to military operations or military security or the objectives or needs of Military Government should be prohibited.

b. Military Government should permit strikes in non-essential industries except where they interfere with the maintenance of law and order or military security. Military Government, however, should adopt or authorize appropriate procedures, such as those listed below, to adjust industrial disputes in non-essential industries in order to prevent strikes and settle them promptly.

4. Adjustment of Industrial disputes

a. Direct Negotiation. It is expected that many labor disputes can be settled by direct and voluntary negotiations between the worker or his representative and the employer.

b. Voluntary mediation, conciliation and arbitration. In non-essential industries, the intervention of third parties as mediators, conciliators and arbitrators in the settlement of disputes should take place only at the request of both parties to the dispute. Compulsory arbitration in non-essential industries would probably involve Military Government in enforcing a great many decisions in which it will have no direct interest and for which extensive personnel would be required.

c. Compulsory Arbitration. In essential industries, labor disputes may be mediated or conciliated by Japanese acceptable to both sides. In case no settlement is arrived at, compulsory arbitration by Military Government or by appointees of Military Government will probably be necessary. All decisions in essential industries should be subject to review by Military Government.

d. Inadequacy of Existing Mechanisms. Pre-war mechanisms and laws for the adjustment of industrial disputes will usually be found to be non-existent, inadequate or biased against the trade unions.

i. The police have never been genuinely impartial, and have concentrated on breaking or prohibiting strikes rather than settling disputes to the satisfaction of all concerned. Unless a thorough turnover in police personnel is effected, Military Government should remove all arbitration functions from the police.

ii. The Joint Maritime Board, which represented the ship-owners and the seamen's unions equally, has settled maritime disputes in the past. However, it is expected that Japanese shipping will be completely under direct military control, (See Civil Affairs Guide on Japanese Merchant Marine and Coastwise Shipping) and that the functions of the Joint Maritime Board will not be applicable. Even if some shipping

-33-

is permitted under private auspices, the defects of the Joint Maritime Board will probably serve to make it useless in its pre-war form. Those defects are that it represented shipowners who might be suspect to Military Government, that its labor representation was confined to two unions -- the Seamen's Union and the Mercantile Marine Officers Association -- both of which probably will no longer be in existence, and that disproportionate representation was afforded Merchant Marine Officers compared to seamen.

iii. The arbitration boards which have been provided for by the Labor Disputes Adjustment Act of 1926 were invoked only four times from 1926 to 1940. The mechanisms provided appear to be equitable, however, and it may be useful for Military Government to permit the invocation of such boards by both parties to a dispute if they so desire. However, the compulsory provisions for public utilities and government enterprises should be cancelled.

e. Suggested methods. Several methods for relieving the load of industrial disputes may be of use to Military Government. Among them are:

i. The encouragement of regional or industry-wide collective bargaining agreements between trade union federations and industry associations. Such broad agreements can prevent numerous individual disputes and settlements, and might remove causes of friction by eliminating minor inequalities in wages, hours, or conditions of labor as between separate establishments. Such regional or industry-wide agreements will probably not be feasible in the early stages of occupation, but as individual local unions come to form federations, Military Government should encourage broad agreements.

ii. The allowance of shop or work committees genuinely composed of employee and employer representatives. Such committees, if not including trade union representatives, may tend to compete with free trade unions and may even tend to turn into company unions, but until legitimate trade unions are organized they can be of particular assistance in clearing up minor grievances within a factory. In dealing with shop committees, Military Government should be careful not to encourage employer-dominated committees which might serve as obstacles to free trade union organization. In all cases involving governmental agencies, where a trade union has been established, it shall be considered the genuine representative of the laborers in preference to a shop committee in the same establishment.

iii. The establishment by Military Government of minimum standards of hours and working conditions in selected industries. In view of the probability of some degree of inflation, it is questionable whether minimum wage standards would be of much use, but disputes over particularly poor hours and working conditions may be avoided in certain industries by setting of minimum standards. (For more extended discussion of this problem, see Civil Affairs Guides on Control of Wages and Hours in Japan and Working Conditions other Than Wages and Hours in Japan.)

iv. The possible establishment by Military Government of some administrative mechanism, staffed by Japanese responsible to Military Government. Within the framework of Military Government regulations, and subject to review by the Military Government labor section, such administrative bodies might be expected to settle disputes arising out of the interpretation of collective bargaining agreements and spheres of union jurisdiction. However, no ruling of Military Government should be subject to review by such administrative bodies.

5. Administration

a. Elimination of undesirable Japanese official agencies

Certain Japanese government agencies have been set up or have functioned for the purpose of obstructing free labor organization and repressing the expression of labor opinion. These agencies should be abolished. Among those recommended for abolition are:

i. The Special Higher Police, including the Peace Preservation Section of the Police Bureau in the Home Ministry, the Special Higher Police Division of the Metropolitan Police Board, and the Special Higher Police organizations in the prefectures. The Special Higher Police for at least two decades has consisted of police officials and plain clothes-men who have devoted their energies largely to the disruption of trade union and other labor activities and to the suppression of democratic, liberal and radical elements of all shades. While in the 'twenties and early 'thirties a few fascist extremists were arrested by them, even such activity has been entirely absent in recent years. The personnel of the Special Higher Police while highly trained in police methods, is considered to be hopelessly reactionary and tied up with the present militarist and fascist groups in control of the government of Japan. From the Military Government point of view, the Special Higher Police will be entirely untrustworthy. It is considered highly unlikely that they could be utilized to ferret out fascists under Military Government, and on the other hand the continued existence of this group with or without police authority of any sort will constitute a constant menace to the existence or growth of trade unions during the occupation period. Any non-labor functions of the Special Higher Police, if permitted to remain, should be transferred to some other police organization (For further discussion, see Civil Affairs Guide on Police and Public Safety in Japan).

ii. The Thought Section of the Criminal Affairs Bureau in the Ministry of Justice. This section has been engaged in prosecuting thought offenses. With the abrogation of the Peace Preservation Law, this section will have no legitimate function and should be abolished.

iii. The labor offices in the Munitions Ministry and such labor control offices in the Ministry of Welfare established for

-35-

wartime coercion of labor, except for employment exchanges which Military Government will want to operate on a voluntary basis (see Civil Affairs Guide on Control of Labor Supply in Japan.)

iv. All special police offices in the national police, the Metropolitan Police Board and the prefectural governments that have been primarily engaged in the adjustment of labor disputes.

b. Elimination of Undesirable Personnel

In addition to the usual military security check to weed out persons hostile to the United States and to Military Government, it will be necessary for Military Government to declare ineligible for employment in its labor agencies or as conciliators, mediators and arbitrators all those who have been directly connected in a responsible capacity with the obstruction or repression of trade union organization and activities. Among others this includes:

i. All officials and former officials of "Sampo" i.e., the Industrial Patriotic Societies and the prefectural, regional and national federations thereof, of the labor sections of the Imperial Rule Assistance Association, of the Harmonization Society, of the "patriotic" societies, of the fascist labor unions, and of the Japan and Osaka Industrial Clubs.

ii. All members and former members of the police, including the gendarmerie, except that members of the Factory Section of the Peace Preservation Police might be used solely for factory inspection.

c. Labor Section in Military Government

As a part of the civil administration, it will probably be desirable to establish within Military Government a labor section which should be trained and competent to administer Military Government's policy with regard to trade unions, collective bargaining and other matters connected with labor-capital relations. Among its functions would be:

i. The screening of Japanese personnel in all labor agencies of Military Government to eliminate undesirable personnel.

ii. The selection of arbitrators in cases where compulsory arbitration is ordered, particularly in disputes in industries where continued operation is deemed essential to military operations and security.

iii. Review of collective bargaining agreements, arbitration decisions and rulings of subordinate official agencies dealing with labor, in order to ensure that they are in conformity with Military Government policies.

APPENDIX A - ROSTER OF PRINCIPAL LABOR UNIONS BEFORE THE CHINA WAR (1936)

Labor Union	Date of Organization	Number of Organizational Units	No. of Members	Chief Officials	Political Affiliation
I. <u>Nippon Rodo Kumiai Kaigi</u> Japanese Trade Union Congress	1932	10 organizations 6 district councils	259,873	Pres. Matsuoka, Komakichi V. Pres. Yonekubo, Mitsuaki Sec. Gen. Kamijo, Aiichi	Shakai Taishuto (Social Masses Party)
A. <u>Zen Nippon Rodo Sodomei</u> <u>All-Japan General Federation of Labor</u>	1912	13 federations 106 unions	85,308	Pres. Matsuoka, Komakichi	" " "
B. <u>Nippon Kaiin Kumiai</u> Japan Seamen's Union	1921	14 branch offices	106,837	Horinouchi, Nagahisa Yonekubo, Mitsuaki	" "
C. <u>Kaiin Kyokai</u> <u>Mercantile Marine Officers Association</u>	1896	9 branch offices	13,553	Koizumi, Hidekichi	" "
D. <u>Nippon Kowan Jugyoin Kumiai</u> <u>Japan Harbor Employees' Union</u>	1928	12 locals	15,485	Okasaki, Ken	" "
E. <u>Nippon Seitetsu Jugyoin Kumiai</u> <u>Japan Steel Workers Union</u>	1933	38 locals	12,500	Hamabashi, Bunsaku	" "
F. <u>Kangyo Rodo Sodomei</u> <u>General Federation of Government employees</u>	1924	7 unions	10,590	Nishiura, Ukichi	
G. <u>Nippon Rodo Sorenmei</u> <u>Federation of Japanese Labor</u>	1930	21 unions	6,300	Yagi, Nobuichi	
H. <u>Nippon Seito Rodo Kumiai Domei</u> <u>Federation of Japanese Ceramic Labor Unions</u>	1931	15 unions	3,500	Ito, Eihiro	<u>Shakai Taishuto</u>

APPENDIX A - ROSTER OF PRINCIPAL LABOR UNIONS BEFORE THE CHINA WAR (1936)

Organization	Date of Organization	Number of Organizational Units	No. of Members	Chief Officials	Political Affiliation	Note
Kumiai Kaigi Union Congress	1932	10 organizations 6 district councils	259,673	Pres. Matsuoka, Komakichi V. Pres. Yonekubo, Mitsuaki Sec. Gen. Kamiyo, Aiichi	Shakai Taishuto (Social Masses Party)	
Rodo Sodomei General Federation of Labor	1912	13 federations 106 unions	85,308	Pres. Matsuoka, Komakichi	" " "	Amalgamation of Nippon Rodo Sodomei and Zenkoku Rodo Kumiai Domei
Shin Kumiai Men's Union	1921	14 branch offices	106,837	Horinouchi, Nagahisa Yonekubo, Mitsuaki	" "	Both unions under influence of the Ship Owners Association
Kumiai Marine Officers	1896	9 branch offices	13,553	Koizumi, Hidekichi	" "	
Shin Jugyoin Kumiai for Employees' Union	1928	12 locals	15,485	Okasaki, Ken	" "	
Shetsu Jugyoin Kumiai Workers Union	1933	38 locals	12,500	Hamabashi, Bunsaku	" "	
Rodo Sodomei Federation of Government Employees	1924	7 unions	10,590	Nishiura, Ukichi		
Shorenmei of Japanese Labor	1930	21 unions	6,300	Yagi, Nobuichi		
Rodo Kumiai Domei of Japanese Ceramic	1931	15 unions	3,500	Ito, Eijiro	<u>Shakai Taishuto</u>	

APPENDIX A - (Cont'd)

Labor Union	Date of Organization	Number of Organizational Units	No. of Members	Chief Officials	Political Affiliation
I. <u>Tokyo Gasuko Kumiai</u> Tokyo Gas Workers' Union	1936	23 locals	3,350	Hirano, Yasukura	<u>Shakai Taishuto</u>
J. <u>Toden Jugyoin Kumiai</u> Tokyo Electric Company Workers' Union	1927	18 locals	2,450	Iwanaga, Eiichi	" "
II. <u>Nippon Rodo Kumiai Zenkoku Hyogikai</u> National Council of Japanese Labor Unions	1934	5 district councils; 40 unions	12,053	Kato, Kanju	<u>Nippon Musante,</u> Japanese Prole- tarian Party
III. <u>Nippon Kotsu Rodo Sorenmei</u> General Federation of Japanese Transport Workers	1926	7 unions	21,225	Okamoto, Ushitaro	<u>Nippon Minshuto</u> (Japan Democratic Party.) and <u>Shakai Taishuto</u>
IV. <u>Tokyo-shi Jugyoin Kumiai</u> Tokyo City Employees' Union	1924	21 locals	1,470	Iwanaga, Giichi (1938)	<u>Shakai Taishuto</u>
V. <u>Aikoku Rodo Kumiai Zenkoku Konwa-kai</u> National Convention of Patriotic Labor Unions	1936	11 organizations	80,278	Takayama, Kuzo	-
A. <u>Nippon Rodo Kumiai Sorengo</u> General Federation of Japanese Labor Unions	1926	5 federations	25,102	Takayama, Kuzo	<u>Nippon Kakushinto</u> (Japan Reformation Party)

(Cont'd)

Organization	Date of Organization	Number of Organizational Units	No. of Members	Chief Officials	Political Affiliation	Note
Gasuko Kumiai Gas Workers' Union	1936	23 locals	3,350	Hirano, Yasukura	<u>Shakai Taishuto</u>	
Jugyoin Kumiai Electric Company Workers' Union	1927	18 locals	2,450	Iwanaga, Eiichi	" "	
Do Kumiai Zenkoku Hyogikai Council of Japanese Labor	1934	5 district councils; 40 unions	12,053	Kato, Kanju	<u>Nippon Musanto, Japanese Prole- tarian Party</u>	This was known as legal left union. It was dissolved in Dec. 1937.
Su Rodo Soronmei Federation of Japanese Workers	1926	7 unions	21,225	Okamoto, Ushitaro	<u>Nippon Minshuto (Japan Democratic Party.) and Shakai Taishuto</u>	
Jugyoin Kumiai Employees' Union	1924	21 locals	1,470	Iwanaga, Gichi (1938)	<u>Shakai Taishuto</u>	
Do Kumiai Zenkoku Konwa-kai Convention of Patriotic Groups	1936	11 organizations	80,278	Takayama, Kuzo	-	This organiza- tion united all fascist labor groups
Rodo Kumiai Sorengo Federation of Japanese Unions	1926	5 federations	25,102	Takayama, Kuzo	<u>Nippon Kakushinto (Japan Reformation Party)</u>	

APPENDIX A - (Cont'd)

Labor Union	Date of Organization	Number of Organizational Units	Number of Members	Chief Officials	Political Affiliation
B. <u>Dai Nippon Rodo Kumiai Kyogikai, Great Japan Labor Union</u>	1934	9 unions	2,200	Onashi, Chifusa	<u>Dai Nippon Kokka Shakai-tu (Great Japan National Socialist Party)</u>
C. <u>Nippon Sangyo Rodo Kurabu Japan Industrial Labor Club</u>	1933	23 unions	25,717	Ishii, Yoza	<u>Sanro Seiji Kenk-yu-kai, Industry and Labor Political Research Society</u>
D. <u>Aikoku Rodo Nomin Doshi-kai Patriotic Labor and Farmers Comrades Society</u>	1933	7 branches	2,600	Matsudaira, Yuhei	-
E. <u>Nippon Rodo Domei Japan Workers League</u>	1932	5 unions	3,600	Kondo, Eizo	-
F. <u>Nippon Sangyo-gun Japan Industrial Army</u>	1934	29 unions	-	Imamura, Hitoshi	-
G. <u>Aikoku Jugyoin Kumiai Renmei Federation of Patriotic Employees Unions</u>	1936	24 unions	4,048	Yamasaki, Tsunekichi	<u>Nippon Kakushinto</u>
H. <u>Shin Nippon Kaikin Kumiai New Japan Seamen's Union</u>	1935	9 branches	10,000	Moji, Sotaro	-
VI. <u>Kaigun Kangyo Rodo Kumiai Renmei Federation of Naval Workers' Unions</u>	1924	7 unions	51,900	Hayashi, Sukeichi	-

cont'd)

	Date of Organization	Number of Organizational Units	Number of Members	Chief Officials	Political Affiliation	Note
<u>Nippon Rodo Kumiai</u> <u>Kai, Great Japan</u> <u>Union</u>	1934	9 unions	2,200	Onashi, Chifusa	<u>Dai Nippon Kokka Shakai-to</u> (Great Japan National Socialist Party)	
<u>Sangyo Rodo Kurabu</u> <u>Industrial Labor Club</u>	1933	23 unions	25,717	Ishii, Yozo	<u>Sanro Seiji Kenk-yu-kai</u> , Industry and Labor Political Research Society	Many unions are company unions
<u>Rodo Nomin Doshi-kai</u> <u>Trade Labor and Farmers</u> <u>Unions Society</u>	1933	7 branches	2,600	Matsudaira, Yuhei	-	
<u>Rodo Domei</u> <u>Workers League</u>	1932	5 unions	3,600	Kondo, Eizo	-	United with <u>Aikoku Rodo Nomin Doshi-kai</u> in 1936
<u>Sangyo-gun</u> <u>Industrial Army</u>	1934	29 unions	-	Imamura, Hitoshi	-	Joined <u>Aikoku Rodo Nomin Doshi-kai</u>
<u>Jugyojin Kumiai Renmei</u> <u>Association of Patriotic Em-</u> <u>ployee Unions</u>	1936	24 unions	4,048	Yamasaki, Tsunekichi	<u>Nippon Kakushinto</u>	Company unions
<u>Nippon Kainin Kumiai</u> <u>Japanese Seamen's Union</u>	1935	9 branches	10,000	Moji, Sotaro	-	Rejoined the <u>Nippon Kainin Kumiai</u> in 1937
<u>Sangyo Rodo Kumiai Renmei</u> <u>Association of Naval Workers' Unions</u>	1924	7 unions	51,900	Hayashi, Sukeichi	-	

0-4300 P44 b1

APPENDIX A - (Cont'd)

Labor Union	Date of Organization	Number of Organizational Units	No. of Members	Chief Officials	Political Affiliation
VII. 39 Independent unions			43,969		

SOURCE: Adopted from Kodo Nenkan, 1937, pp. 251 - 275.

Cont'd)

Date of Organization	Number of Organizational Units	No. of Members	Chief Officials	Political Affiliation	Note
Independent unions		43,969			

Sourced from Hodo Nenkan, 1937, pp. 251 - 275.

APPENDIX BSTATISTICS OF TRADE UNION MEMBERSHIP

I. TRADE UNION MEMBERSHIP, 1926 - 1939

Year (December)	Number of Unions	Number of Union Members	Total Number of Workers Non- Agri- cultural	Percent of Workers Organized
1926	488	284,739	4,641,681	6.1
1927	505	309,493	4,703,757	6.5
1928	501	308,900	4,824,780	6.3
1929	630	330,985	4,873,081	6.8
1930	712	354,312	4,713,002	7.5
1931	818	368,975	4,670,275	7.9
1932	932	377,625	4,860,276	7.8
1933	942	384,613	5,126,719	7.5
1934	965	387,964	5,764,277	6.7
1935	993	408,662	5,906,589	6.9
1936	973	420,589	6,090,116	6.9
1937	837	395,290	6,422,333	6.2
1938	731	375,191	6,765,399	5.5
1939 (June)	659	314,737	8,136,370	3.9

Source: Nakagawa, Konichi, Shakai Seisaku Jiho, (Social Policy Journal)
March, 1940, pp. 262-277

0-4300 P46 bu

APPENDIX B (cont'd)

2. TRADE UNION MEMBERSHIP BY INDUSTRY
(1929, 1936, 1939)

Industry	1929 (December)			1936 (December)			1939 (June)			Percent of Total Work Organized		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	M.	F.	T.
Machine & Tools	99,757	1,719	101,476	93,991	1,948	95,939	105,222	2,581	107,803	27.95	3.59	26.5
Chemical	10,222	1,825	12,047	23,140	3,206	26,346	13,336	3,327	16,663	13.48	0.75	9.1
Textile	11,991	4,855	16,846	9,226	9,095	18,321	4,951	3,636	8,587	9.32	0.75	2.0
Food & Drink	3,003	215	3,218	4,623	639	5,262	2,989	405	3,394	24.85	0.44	2.0
Mining	6,132	2	6,134	5,920	28	5,948	4,509	7	4,516	2.46	0.3	2.0
Gas & Electricity	9,651	158	9,809	9,636	57	9,693	2,610	28	2,638	59.87	8.7	49.8
Transportation	131,723	1,178	132,901	174,976	4,268	179,244	100,347	6,890	107,237	42.0	2.4	37.1
Communication	1,968	-	1,968	7,400	86	7,486	7,896	60	7,956	-	-	1.8
Civil Engineer- ing (Building and Construction)	2,479	-	2,479	6,632	108	6,740	4,221	55	4,276	-	-	-
Miscellaneous 1/	13,345	1,342	14,687	17,019	2,231	19,250	18,371	2,774	21,145	-	-	-
Day Workers and Others	28,798	622	29,420	43,340	3,020	46,360	28,058	2,464	30,522	3.1	0.46	2.3
TOTAL	319,069	11,916	330,985	395,903	24,686	420,589	292,510	22,227	314,737	9.57	0.72	6.7

Source: Figures for 1929 from International Labor Office, Industrial and Labor Information, Vol. XXXIV, June 30, 1930, p. 491

Figures for 1936 from Japan-Manchoukuo Year Book, 1940, p. 327

Figures for 1939 from Nakagawa, Kenichi, Shakai Seisaku Jiho, (Social Policy Journal) March, 1940, pp. 262-277

Percentages for 1929 from Allen Saylor, "Trade Union Development," Labor's News, October 31, 1931

1/ Miscellaneous industries comprise: knitted goods, hats, lacquerware, leather and hides, bamboo manufactures, brushes, straw braids, electric bulbs, pyrethrums, toys, buttons, matches.

(cont'd)

2. TRADE UNION MEMBERSHIP BY INDUSTRY
(1929, 1936, 1939)

	1929 (December)			1936 (December)			1939 (June)			Percent of Total Workers Organized 1929		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	M.	F.	T.
als	99,757	1,719	101,476	93,991	1,948	95,939	105,222	2,581	107,803	27.95	3.59	26.54
	10,222	1,825	12,047	23,140	3,206	26,346	13,336	3,327	16,663	13.48	0.75	9.19
	11,991	4,855	16,846	9,226	9,095	18,321	4,951	3,636	8,587	9.32	0.75	2.01
	3,003	215	3,218	4,623	639	5,262	2,989	405	3,394	24.85	0.44	2.03
	6,132	2	6,134	5,920	28	5,948	4,509	7	4,516	2.46	0.3	2.05
city	9,651	158	9,809	9,636	57	9,693	2,610	28	2,638	59.87	8.7	49.87
on	131,723	1,178	132,901	174,976	4,268	179,244	100,347	6,890	107,237	42.0	2.4	37.19
	1,968	-	1,968	7,400	86	7,486	7,896	60	7,956	-	-	1.89
er-												
tion)	2,479	-	2,479	6,632	108	6,740	4,221	55	4,276	-	-	-
1/	13,345	1,342	14,687	17,019	2,231	19,250	18,371	2,774	21,145	-	-	-
nd	28,798	622	29,420	43,340	3,020	46,360	28,058	2,464	30,522	3.1	0.46	2.34
	319,069	11,916	330,985	395,903	24,686	420,589	292,510	22,227	314,737	9.57	0.72	6.73

Figures for 1929 from International Labor Office, Industrial and Labor Information, Vol. XXXIV, June 30, 1930, p. 491

Figures for 1936 from Japan-Manchoukuo Year Book, 1940, p. 327

Figures for 1939 from Nakagawa, Kenichi, Shakai Seisaku Jiho, (Social Policy Journal) March, 1940, pp. 262-277

Percentages for 1929 from Allen Saylor, "Trade Union Development," Labor's News, October 31, 1931

Illaneous industries comprise: knitted goods, hats, lacquerware, leather and hides, bamboo
factures, brushes, straw braids, electric bulbs, pyrethrums, toys, buttons, matches.

-42-

APPENDIX B (Cont'd)

3. CHIEF AREAS OF TRADE UNION AND "LABOR FRONT" MEMBERSHIP
(JUNE 1939)

Prefecture	Trade Union Membership	Industrial Patriotic Society ^{1/} Membership
Tokyo	67,323	536,994
Kanagawa	26,649	112,227
Kyoto	8,866	76,538
Osaka	38,627	263,576
Hyogo	61,685	158,423
Hiroshima	35,399	28,090
Nagasaki	17,240	59,990
Aichi	5,857	171,622
Fukuoka	2,573	278,475
Total of 9 Prefectures	264,219	1,685,935
Total for all Japan	314,737	2,705,203

1/ Sangyo Hokoku-KaiSource: Nakagawa, Kenichi, Shakai Seisaku Jiho, (Social Policy Journal) March, 1940, pp. 262-77

APPENDIX C

STATISTICS ON LABOR DISPUTES IN JAPAN

I. LABOR DISPUTES IN JAPAN, 1931-1940

Year	No. of Disputes	No. of Persons Involved	No. per Dispute	No. of Disputes Ending in Strikes, Sabotage and Lockouts	Union Participation in Strikes (in percent)
1931	2,456	154,528	63	998	71
1932	2,217	123,313	56	893	63
1933	1,897	116,733	62	610	50
1934	1,915	120,307	63	626	39
1935	1,872	103,962	56	590	43
1936	1,975	92,552	47	547	44
1937	2,126	213,622	100	628	38
1938	1,050	55,565	70	262	13
1939	1,120	72,835	203	-	-
1940	701	31,476	123	-	-

Sources: Figures through 1939 from *Shakai Seisaku Jiho*, (Social Policy Journal) March, 1940, pp. 206-282.

Figures for 1940 from *Shakai Seisaku Jiho*, March 1941, p. 335

Note: Figures from *Toyo Keisai Chosa Geppo* (Oriental Economist Monthly Survey) Oct. 1943 indicate 330 disputes with 14,874 participants for year ending June, 1941 and 259 disputes with 13,752 participants for year ending June, 1942. These figures, however, may not be comparable to those in the Table.

APPENDIX C (Cont'd)

2. NUMBER OF DISPUTES BY CAUSES

Year	For Wage Increases	Against Wage Decreases	Against Methods of Wage Payment	Payment of Wages Due	Protest Against Assignment	Union Recognition	Welfare Establishment	Protest Against Discharge	Payment of Discharge Allowances	Rejection of Supervisor	Other
1931	290	419	103	281	22	18	9	540	377	40	357
1932	397	289	98	286	17	7	11	488	327	26	271
1933	596	110	103	200	32	7	14	319	255	45	236
1934	622	78	113	184	34	9	15	309	288	45	118
1935	484	142	115	165	29	11	13	272	357	47	245
1936	561	131	70	162	27	15	9	309	397	44	254
1937	1,002	73	56	108	23	11	9	237	304	51	257
1938	440	31	29	97	7	-	14	82	215	25	100
1939	518	21	10	51	17	2	13	51	90	43	198
1940	-	-	-	-	-	-	-	-	-	-	-

Source: Shakai Seisaku Jiho, (Social Policy Journal) March, 1940, pp. 288-9.

ont'd)

2. NUMBER OF DISPUTES BY CAUSES

In- es	Against Wage De- creases	Against Methods of Wage Payment	Payment of Wages Due	Protest Against Assign- ment	Union Recog- nition	Welfare Estab- lishment	Protest Against Discharge	Payment of Dis- charge Allow- ances	Rejection of Super- visor	Others
	419	103	281	22	18	9	540	377	40	357
	289	98	286	17	7	11	488	327	26	271
	110	103	200	32	7	14	319	255	45	236
	78	113	184	34	9	15	309	288	45	118
	142	115	165	29	11	13	272	357	47	245
	131	70	162	27	15	9	309	397	44	254
	73	56	108	23	11	9	237	304	51	257
	31	29	97	7	-	14	82	215	25	100
	21	10	51	17	2	13	51	90	43	198
	-	-	-	-	-	-	-	-	-	-

Shakai Seisaku Jiho, (Social Policy Journal) March, 1940, pp. 288-9.

-45-

APPENDIX C (Cont'd)

3. ADJUSTMENT OF DISPUTES

First Six Mos. of Year	No. of Cases Arbitrated in % of Total	BY WHOM ADJUSTED					Total	
		Arbitration ¹ / Boards	Arbitration ² / Officials	Police	Mayors & Governors	Gov. Officials		Others
1931	32.6	1	120	96	21	2	112	352
1932	30.4	-	89	95	9	2	92	287
1933	28.2	1	63	81	14	4	75	238
1934	34.8	-	83	117	10	3	73	286
1935	38.8	-	73	175	5	5	69	327
1936	45.3	-	89	245	1	3	59	397
1937	35.1	1	95	299	30	12	75	511
1938	47.2	-	40	198	9	4	28	279
1939	52.7	-	5	275	7	2	19	308
1940 (Sept.) -	-	-	-	352	2	1	13	368

¹/ Pursuant to Labor Disputes Adjustment Act of 1926

²/ In the Social Welfare Bureau of Home Department, and in the Welfare Department.

Sources: Figures through 1939 from Shakai Seisaku Jiho, (Social Policy Journal) March, 1940, p. 304.

Figures for 1940 from ibid, March 1941, p 348.

- 46 -

APPENDIX D

Selected Laws Obstructing or Repressing Trade Union
Organization and Activity Which Should be Abrogated or Amended
by Military Government

1. Peace Preservation Law (Jian Ii-ho) Law (Horitsu) No. 54, March 10, 1941

Chapter I. Crimes

"Article 1. A person who has organized an association with the object of changing the national policy or a person who has performed the work of an officer or other leader of such an association shall be condemned to death or punished with penal servitude for life or not less than seven years; and a person who knowingly has joined such an association or a person who has committed an act contributing to the accomplishment of its object shall be punished with penal servitude for a fixed term of not less than seven years.

"Article 2. A person who has organized an association with the object of aiding an association specified in the preceding Article or a person who has performed work of an officer or other leader of such an association shall be condemned to death or punished with penal servitude for life or not less than five years, and a person who knowingly has joined such an association or a person who has committed an act contributing to the accomplishment of its object shall be punished with penal servitude for a fixed term of not less than two years.

"Article 3. A person who has organized an association with the object of preparing for the organization of an association specified in Article 1 or a person who has performed the work of an officer or other leader of such an association shall be condemned to death or punished with penal servitude for life or not less than five years, and a person who knowingly has joined such an association or who has committed an act contributing to the accomplishment of its object shall be punished with penal servitude for a fixed term of not less than two years.

"Article 4. A person who has convoked a meeting with the objects stipulated in the preceding three Articles or a person who has directed such a meeting shall be punished with penal servitude for life or not less than three years, and a person who has participated in such a meeting with the objects stipulated in the foregoing three Articles or a person who has committed an act contributing to the realization of the objects stipulated in the foregoing three Articles in connection with said meeting shall be punished with penal servitude for a fixed term of not less than one year.

"Article 5. A person who has conferred with another person or instigated others to attain the objectives mentioned in Articles 1 to 3 or

- 47 -

who has committed overt acts to attain such objectives or propagated such objectives matters or committed other acts contributing to the accomplishment of the objectives, shall be punished with penal servitude or not less than one year and not exceeding ten years.

"Article 6. A person who has created confusion, acted in a disorderly way, or incited to crime injurious to life, person and property for the objects stipulated in Articles 1 to 3, shall be punished with penal servitude for a fixed term of not less than two years.

"Article 7. A person who has organized an association with the object of circulating matters disavowing the national polity or impairing the sanctity and dignity of the shrines and the Imperial Household or a person who has performed the work of an officer or other leader of such an association shall be punished with penal servitude for a fixed term of not less than four years, and a person who has committed an act contributing to the accomplishment of its objectives shall be punished with penal servitude for a fixed term of not less than one year.

"Article 8. A person who has convoked a meeting with the objects stipulated in the foregoing Article or a person who has directed such a meeting shall be punished with penal servitude for life or not less than three, years, and a person who, with the objects stipulated in the foregoing Article, has participated in said meeting, or a person who has committed an act contributing to the accomplishment of the objectives stipulated in the foregoing Article in relation to said meeting, shall be punished with penal servitude for a fixed term of not less than one year.

"Article 9. A person who has given or offered or promised to give money or other articles or the proceeds of property to another person with the object of furthering the commission of one of the crimes stipulated in the preceding eight Articles, shall be punished with penal servitude not exceeding 10 years. This provision shall also apply to a person who knowingly has accepted or demanded or promised to accept said offering.

"Article 10. A person who has organized an association with the object of disavowing the private property system or a person who knowingly has joined such an association or a person who has committed an act contributing to the accomplishment of the objects of said association, shall be punished with penal servitude or imprisonment not exceeding 10 years.

"Article 11. A person who has conferred with other persons regarding the carrying out of actions with the objects stipulated in the preceding Articles or a person who has instigated the carrying out of such an action shall be punished with penal servitude or imprisonment not exceeding seven years.

-48-

"Article 12. A person who, with the objects stipulated in Article 10, has created confusion, acted in a disorderly way or otherwise incited to crimes injurious to life, person, or property, shall be punished with penal servitude or imprisonment not exceeding 10 years.

"Article 13. A person who has given or offered or promised to give money or other articles or the proceeds of property to another person with the object of furthering the commission of crimes stipulated in the preceding three Articles, shall be punished with penal servitude or imprisonment not exceeding five years. This provision shall apply also to a person who knowingly has accepted or demanded or promised to accept said offering.

"Article 14. Attempts to commit the crimes stipulated in Articles 1 to 4, Article 7, Article 8 and Article 10 of the present law shall be punished (in the same way as if actually committed).

"Article 15. When a person who has committed any of the crimes stipulated in this Chapter has surrendered himself his punishment shall be mitigated or remitted.

"Article 16. Provisions of this Chapter shall also be applied to any person, without exception, who has committed any of the crimes stipulated in this law outside the territories where this law is in force."

(Chapter II and III on Criminal Procedure and Preventive Detention, respectively and including Articles 17 - 65 refer to procedure applied to cases of crimes stipulated in Chapter I.)

2. Protective Surveillance for Thought Offenses Law (Shiso-han Hogo Kansatsuho), Law (Horitsu) No. 29, May 29, 1936.

"Article 1. A person may be submitted to Protective Surveillance on decision of the Protective Surveillance Commission if there is a judgment of suspended sentence against said person for violating the Peace Preservation Law or when prosecution is not lodged because suit has already been filed. The same may occur when the sentence has been completed or release on parole is granted.

"Article 2. Protective Surveillance protects the person and observes his 'thought' and 'conduct' in order to prevent repetition of the crime.

"Article 3. Protective Surveillance places the person under surveillance of a probation officer or Protective Surveillance Station, turns him over to a guardian, or entrusts him to a protective body, temple, church, hospital, or other proper person.

"Article 4. Restriction may be put on the abode, friends or communications of persons submitted to Protective Surveillance; other proper stipulations for surveillance may be issued.

- 49 -

"Article 5. Protective Surveillance period is two years; when there is special need for prolonging the period, it may be renewed on decision of Protective Surveillance Commission."

Articles 6 - 13 provide procedural details.)

3. Regulations Relative to Application of Protective Surveillance Law for Thought Offense (Shiso-han Hogo Kansuru Kisoku),

Articles 1 - 2 state general rules and purpose of Ordinance.

Articles 3 - 16 designate procedure for the investigation of person whom it is deemed necessary to submit to Protective Surveillance. Investigation is made by Protective Surveillance Station or probation officer.

Articles 17 - 26 state that the person in question is to be submitted to Protective Surveillance and probation officer or guardian to whom person is entrusted must be instructed in meaning of Law. Probation officer or guardian must be acquainted with measures to carry out Protective Surveillance. Probation officer must report to Protective Surveillance Station on certain matters concerning the progress of person under protective Surveillance.

4. National Mobilization Law (Kokka Sodojin-ho), Law (Horitsu) No. 55, April 1, 1938; Revised by Law No. 68, April 1939 and Law No. 19, March 1941.

"Article 4. In time of war the Government if necessary for national general mobilization may enlist subjects of the Empire and place them in general mobilization businesses in accordance with provisions of Imperial Ordinances. This provision does not prevent the application of the Conscription Law, however,

"Article 6. The Government if necessary for national general mobilization in time of war may issue orders which are necessary regarding the use, employment or discharge or assumption of offices or assumption of services or retirement of employess or wages, salaries and other working conditions, in accordance with provisions of Imperial Ordinances.

"Article 7. The Government if necessary for national general mobilization in time of war may issue necessary orders regarding the prevention or settlement of labor disputes or the closing of plants, suspension of operations, or restriction or prohibition of acts relating to labor disputes, according to provisions of Imperial Ordinances."

5. Public Peace Police Law (Jian Keisatsu-ho), Law (Horitsu) No. 36, March 10, 1900. Revised by Law No. 59, April 1922, and Law No. 58, April 1926.

"Article 1. The officers of associations connected with political matters (if in branches, the branch officers) shall report, within three days after the date of organization of the association, to the police station the name of the association, its by-laws, its headquarters, and the names of its officers. In case of a change in any of the above data, the same procedure (in filing a new report) shall be followed.

"Article 2. Those who open mass meetings connected with politics shall be designated sponsors.

The sponsors shall.... at least three hours before the opening of such a meeting notify the police station having jurisdiction of the place the date and time of the meeting.

If the meeting is convoked more than three hours after the stipulated time or is interrupted after more than three hours, the notification shall lose its validity.

"Article 3. In the case of associations or meetings related to public affairs, even though they are not concerned with political matters, when it is deemed necessary to maintain peace and order, the provisions of Articles 1 and 2 may be applicable by law.

"Article 8. In cases where it is deemed necessary to the maintenance of public peace, the police may restrict, prohibit or disperse outdoor meetings and processions, and may disperse indoor meetings.

In cases where conditions of the preceding provision (if necessary to maintain public peace) applies, the Minister of Home Affairs has the authority to ban associations.

Revision of the Public Peace Police Law in 1941 and after:

Law No. 97, December 21, 1941 revised certain provisions of the Public Peace Police Law. Article 1 is revised to require the sanction of the Minister of Home Affairs when organizing a political association. Article 8 is revised to give the police the power to cancel meetings and ban associations before the meetings take place or the associations are organized.

Legislation passed after 1941 requires that in the case of meetings of more than three persons concerned with political or, where the maintenance of peace and order is involved, with any public affairs, permission must be obtained in advance from the police. New associations are required to obtain permission from the Minister of Home Affairs at least thirty days prior to their establishment.

- 50 -

5. Public Peace Police Law (Jian Keisatsu-ho), Law (Horitsu) No. 36, March 10, 1900. Revised by Law No. 59, April 1922, and Law No. 58, April 1926.

"Article 1. The officers of associations connected with political matters (if in branches, the branch officers) shall report, within three days after the date of organization of the association, to the police station the name of the association, its by-laws, its headquarters, and the names of its officers. In case of a change in any of the above data, the same procedure (in filing a new report) shall be followed.

"Article 2. Those who open mass meetings connected with politics shall be designated sponsors.

The sponsors shall.... at least three hours before the opening of such a meeting notify the police station having jurisdiction of the place the date and time of the meeting.

If the meeting is convoked more than three hours after the stipulated time or is interrupted after more than three hours, the notification shall lose its validity.

"Article 3. In the case of associations or meetings related to public affairs, even though they are not concerned with political matters, when it is deemed necessary to maintain peace and order, the provisions of Articles 1 and 2 may be applicable by law.

"Article 8. In cases where it is deemed necessary to the maintenance of public peace, the police may restrict, prohibit or disperse outdoor meetings and processions, and may disperse indoor meetings.

In cases where conditions of the preceding provision (if necessary to maintain public peace) applies, the Minister of Home Affairs has the authority to ban associations.

Revision of the Public Peace Police Law in 1941 and after:

Law No. 97, December 21, 1941 revised certain provisions of the Public Peace Police Law. Article 1 is revised to require the sanction of the Minister of Home Affairs when organizing a political association. Article 8 is revised to give the police the power to cancel meetings and ban associations before the meetings take place or the associations are organized.

Legislation passed after 1941 requires that in the case of meetings of more than three persons concerned with political or, where the maintenance of peace and order is involved, with any public affairs, permission must be obtained in advance from the police. New associations are required to obtain permission from the Minister of Home Affairs at least thirty days prior to their establishment.

6. Police Crimes Punishment Law. (Keisatsu-han Shobatsu-rei), Ordinance of Home Department, No. 16, Sept. 29, 1908. Revised by Home Department Ordinance No. 17, Sept. 1919.

Article 1. Persons who fall into one of the following categories shall be imprisoned for not more than thirty days:

3. Those who walk back and forth in places where they do not reside and where they do not have business.

4. Those who, without due reason, forcibly request an interview or follow others threateningly or forcibly converse with others.

Article 2. Persons who fall into the following categories shall be imprisoned for not more than thirty days or fined not more than twenty yen:

5. Those who obstruct or commit mischief with regard to another person's business.

31. Those who forcibly stand beside and block another person and those who forcibly follow another.

FOREIGN ECONOMIC ADMINISTRATION
~~BOARD OF ECONOMIC WARFARE~~

~~REC~~
REC

MEMORANDUM

TO: F. B. Lyon, Chief,
Foreign Activity Correlation
State Department

FROM: Constance G. Gaynor
Project Control Staff

SUBJECT: LM-1: Trade Unions and Collective Bargaining in Japan.

DATE: Sept. 4, 1945

Attached is a copy of the above report for your use.

894 Trade Unions

DCR ITP Unit	
Ana	M.K.
Rev	
Cat.	as
Dist	lp



SEP 10 1945

894.5043/9-445

CS/MA

BEW:121

894.5043-445

LM-1
CONFIDENTIALCopy No. 124FOREIGN ECONOMIC ADMINISTRATION
Enemy BranchTRADE UNIONS AND COLLECTIVE BARGAINING IN JAPAN

(This report is identical with the Civil Affairs
Guide of the same title, prepared for the Civil
Affairs Division, War Department.)

CONFIDENTIAL

July 1945

TABLE OF CONTENTS

I. SUMMARY AND RECOMMENDATIONS

- A. Concern of Military Government with Trade Unions and Collective Bargaining
- B. Japanese Trade Unions and Collective Bargaining to date
- C. Probable Labor Conditions under Military Government
- D. Recommended Military Government Courses of Action
 - 1. Trade Unions and the Freedom to Organize
 - 2. Collective Bargaining
 - 3. Strikes
 - 4. Adjustment of Industrial Disputes
 - 5. Administration

II. THE TRADE UNION MOVEMENT AND RELATED ORGANIZATIONS

- A. Historical Background
- B. The Trade Unions before the Labor Front
 - 1. The Left-wing Unions
 - a. National Council of Japanese Labor Unions
 - b. General Federation of Japanese Transport Workers
 - 2. The Conservative Unions
 - a. All-Japan General Federation of Labor
 - b. Japan Seamen's Union
 - c. Mercantile Marine Officers' Association
 - d. Japan Harbor Workers' Union
 - 3. Company Unions
 - 4. The Fascist Labor Unions
- C. Organizations Opposed to Trade Unions
 - 1. Patriotic Societies
 - 2. Industrial Associations
 - 3. Harmonization Societies

CONFIDENTIAL

- 11 -

D. The Labor Front

1. History
2. Structure
3. Functions

E. Militarization of Labor**F. Political Activities of Labor****III. THE PATTERN OF JAPANESE INDUSTRIAL RELATIONS****A. Paternalistic Tradition****B. Police Interference with Trade Unions**

1. The Peace Preservation Law
2. Protective Surveillance for Thought Offenses Law
3. National Mobilization Law
4. Public Peace Police Law
5. Police Crimes Punishments Ordinance
6. Repressive Police Agencies

C. Disputes and Strikes**D. Collective Bargaining, Shop Committees and Mechanisms for Settling Capital-Labor Disputes**

1. Collective Bargaining
2. Shop Committees
3. Mechanism for Settling Capital-Labor Disputes

- a. Arbitration Boards
- b. Department of Welfare Arbitration Officials
- c. Police Arbitration
- d. Joint Maritime Board
- e. Other Mechanisms

IV. PROGRAM FOR MILITARY GOVERNMENT**A. Conditions Likely to Confront Military Government**

1. Poor Economic Position of the Japanese Worker
2. Probable Rise of Trade Unions
3. Disputes and Strikes

B. Concern of Military Government with Industrial Relations**C. Recommended General Courses of Action for Military Government**

- 111 -

- D. Recommended Program for Military Government
1. Trade Unions and the Freedom to Organize
 - a. Proclamation of General Policy
 - b. Freedom of Speech
 - c. Abrogation of Repressive Legislation
 - d. Release of Labor Prisoners
 - e. Dissolution of "Sampo" and Associated Organizations
 2. Collective Bargaining
 3. Strikes
 4. Adjustment of Industrial Disputes
 - a. Direct Negotiation
 - b. Voluntary Mediation, Conciliation, and Arbitration
 - c. Compulsory Arbitration
 - d. Inadequacy of Existing Mechanisms
 - e. Suggested Methods
 5. Administration
 - a. Elimination of Undesirable Japanese Official agencies
 - b. Elimination of Undesirable Personnel
 - c. Labor Section in Military Government

APPENDICES

- A. Roster of Principal Labor Unions before the China War (1936)
- B. Statistics of Trade Union Membership
 1. Trade Union Membership, 1926-1939
 2. Trade Union Membership, by Industry, 1929, 1936, 1939
 3. Chief Areas of Trade Union and "Labor Front" Membership (June 1939)
- C. Statistics on Labor Disputes in Japan
 1. Labor Disputes in Japan, 1931-1940
 2. Number of Disputes by Causes
 3. Adjustment of Disputes
- D. Selected Laws Obstructing or Repressing Trade Union Organization and Activity Which Should be Abrogated or Amended by Military Government.

-1-

I. SUMMARY AND RECOMMENDATIONS

A. Concern of Military Government with Trade Unions and Collective Bargaining

Military Government will have two primary concerns in the field of labor and industrial relations in Japan: (1) to ensure the continued operation of industries and services essential to military operations and security and (2) to establish conditions favorable to the development of democratic organizations and ideas. To achieve these aims, Military Government will need to establish general policies and work out a consistent program with respect to Japanese trade unions and collective bargaining during the military occupation period.

B. Japanese Trade Unions and Collective Bargaining to date

Up to the beginning of the China War in 1937, the Japanese trade union movement, while never as strong as in most western countries, was an important element in Japanese economic and political life. Its high point was reached in 1931, when it included almost 8 percent of all industrial workers, with heavy concentration in the metals and machinery industries and in the merchant marine. Organizationally, the trade union movement was split along ideological lines among a handful of federations which exercised rather loose control over the individual unions. Individual unions were often organized on the basis of an industry, but most often consisted of the workers of a given locality. Partly as a result of police repression of the radicals and liberals, the conservative unions were most numerous and powerful. From 1925 until 1940 when they were dissolved, the unions engaged rather heavily in political activity, sometimes at the expense of neglecting direct economic issues of wages, hours, and working conditions. In 1937, the high point of labor political activity, the labor political parties polled one million out of some ten million votes. On the whole, the trade unions were among the most consistent of the advocates of democratic ideas and international peace in Japan.

This development of trade union organization is particularly significant in that it took place under highly unfavorable conditions. The Japanese tradition of paternalism, highly restrictive laws, and the repressive activities of the police, who constantly interfered with free labor organizations, made it difficult to recruit trade union members, bargain collectively, or strike. Partly because the government never accorded official recognition to trade unions, the western mechanisms used in orderly labor-capital relations such as collective bargaining agreements, shop committees, and arbitration boards, were all relatively unimportant in Japan.

CONFIDENTIAL

G-4300 P6 bu

-2-

With the advent of the China War, the government increased its repressive activities in a consistent attempt to remove all elements which might interfere with its totalitarian mobilization of labor for war. The trade unions were forced to dissolve and in their place was set up a monolithic organization of Industrial Patriotic Societies, or "Sampo", closely analogous to the Labor Front in Germany. The labor political parties were absorbed into the Imperial Rule Assistance Association, a large number of left-wing and liberal trade union leaders were imprisoned; and a system of military ranks were introduced into the factories and mines. Although strikes were not expressly forbidden by law, they were banned in practise by blanket administrative prohibitions. Labor reaction to these measures is difficult to gauge because of the heavy cloak of censorship in wartime Japan, but reports have seeped through which indicate that considerable underground activity on the part of some labor groups persists.

C. Probable Labor Conditions under Military Government

All present indications are that the economic position of the Japanese laborers, never too good, will have deteriorated greatly by the end of hostilities and will continue to worsen immediately thereafter, particularly if inflation occurs. In a great many cases, the Japanese laborers will be compelled to seek adjustments in their terms of employment. The pre-war history and the reported wartime activity of Japanese labor indicate that after the collapse of the Japanese government and its totalitarian controls, the workers may organize numerous trade unions for the purpose of bargaining collectively for better wages, hours and working conditions. Many disputes may arise as a consequence of labor demands for adjustments of employer attempts to cut labor costs. In some cases these disputes will develop into strikes. However, the poor bargaining position of the laborers even when members of a trade union is believed to lessen the chances of widespread strikes. It is also anticipated that some of the trade unions will engage in political education and agitation, but such political activity is considered to be beyond the scope of this Guide. (See Civil Affairs Guide on Political Parties in Japan).

D. Recommended Military Government Courses of Action

Since many of the adjustments which the trade unions will seek will be considered justified by Military Government and since trade unions have been among the most effective proponents of democratic ideas in Japan, it is recommended that Military Government should generally look with favor upon and protect the organization and growth of trade unions. It is further recommended that collective bargaining between employers, on the one hand, and democratically organized trade unions or other representatives freely chosen by the employees, on the other, be encouraged as a democratic and

-3-

stabilizing influence in labor relations. As a general rule, Military Government will find it desirable to reduce the total number of industrial disputes and resulting work stoppages, and might therefore establish mechanisms for adjusting such disputes. Strikes and lock-outs in industries whose continued operation is essential for military operations or security, however, should be prohibited.

To carry out these policies and to achieve the objectives of Military Government, it will be necessary for Military Government to effect sweeping changes in the present system of industrial relations and in the legal framework within which labor organizations may operate. The Military Government program with respect to trade unions and collective bargaining which is recommended in this Guide may be summarized as follows:

1. Trade Unions and the Freedom to Organize

a. As soon as it is practicable, Military Government should issue a proclamation recognizing the freedom of industrial and agricultural workers to join trade unions or other organizations of their own choice for purposes of improving their terms of employment and mutual protection. However, it should be made clear that labor associations of any kind which are operated for militaristic or nationalistic purposes will not be permitted.

b. The freedom to organize and bargain collectively implies the freedom of assembly and speech. Therefore, access to public channels of information and opinion, such as the radio and press, on a non-discriminatory basis, should be granted as long as the exercise of these rights is in accord with military security.

c. In order to guarantee freedom to organize, Military Government should abrogate all laws which prevent the free organization of trade unions and all legitimate trade union activity directed towards improving wages, hours, and working conditions. This includes, together with subsequent amendments (1) The Peace Preservation Law of 1941, (2) The Protective Surveillance for Thought Offenses Law of 1936, (3) Articles 4, 6, and 7 of the National Mobilization Law of 1938 as revised in 1941, (4) Articles 3 and 8 of the Public Peace Police Law of 1900 as amended in 1922, 1926 and 1941, (5) Paragraphs 3 and 4 of Article 1 and Paragraphs 5 and 31 of Article 2 of the Police Crimes Punishments Ordinance of 1908, as amended in 1919 and (b) the factory and Workshop Supervision Ordinance of March 18, 1944.

d. All persons who have been imprisoned under the foregoing laws for activity or "thought" in connection with trade unions or other labor organizations should be released as soon as possible.

e. The Industrial Patriotic Associations and associated organizations, including whatever organizations have succeeded the labor sections of the IRAA and also the Harmonization Society and the "patriotic" societies, should be dissolved.

-4-

2. Collective Bargaining

a. As soon as democratically organized and governed trade unions are formed they should be permitted to bargain collectively with employers regarding the terms of employment subject to such policies on wages, hours, and working conditions as are established by Military Government.

b. In cases of conflict as to the jurisdiction of a collective bargaining agreement, Military Government should consider invalid any collective bargaining agreement in which the workers' representative is not deemed by MG to have been freely chosen.

3. Strikes

a. Strikes or other work stoppages should not be permitted in industries whose continuous operation is essential to military security or military operations or with the objectives or needs of Military Government.

b. Military Government should permit strikes in non-essential industries, except where they interfere with the maintenance of law and order or military security. Military Government should, however, adopt or authorize appropriate procedures, such as those listed below, to adjust industrial disputes in non-essential industries in order to prevent strikes or settle them promptly.

4. Adjustment of Industrial Disputes

a. It is expected that the majority of labor disputes can be settled by direct and voluntary negotiation between the worker or his representative and the employer.

b. Arbitration in industrial disputes involving non-essential industries should take place only at the request of both parties.

c. In essential industries, labor disputes may be conciliated or mediated by Japanese acceptable to both employers and workers. Where no decision can be arrived at, arbitration by Military Government or an appointee of Military Government may be necessary.

d. Pre-war mechanisms for the adjustment of industrial disputes will usually be found to be non-existent, inadequate or biased against trade unions. All police functions with regard to arbitration of industrial disputes should be cancelled. The arbitration boards provided by the Labor Disputes Adjustment Act of 1926 and the Joint Maritime Board may possibly be of use if they are adapted to changed circumstances.

e. Several methods for relieving the load of industrial dis-

-5-

putes may be of use to Military Government. Among them are:

i. Encouragement of region-wide or industry-wide collective bargaining agreement between trade union federations or other workers' representatives and industry associations.

ii. Allowance of shop committees genuinely composed of employee and employer representatives and not dominated by the employer, until trade unions are established. However, in all matters involving governmental agencies, where a trade union has been established, it should be considered the genuine representative of the laborers in preference to a shop committee in the same establishment.

iii. Establishment of minimum standards of hours and working conditions for particular industries. (For a more extended discussion of this problem see Civil Affairs Guides on Working Conditions in Japan other than Wages and Hours and on Control of Wages and Hours in Japan.)

iv. Finally, the possible establishment by Military Government of administrative mechanisms staffed by Japanese responsible to Military Government. Within the framework of Military Government regulations, such administrative bodies would interpret and rule on collective bargaining agreement, spheres of union jurisdiction and disputes arising therefrom.

5. Administration

a. Japanese government agencies which have been set up or have functioned for the purpose of obstructing free labor organization and legitimate trade union activities should be abolished.

b. Military Government should declare ineligible for employment in its labor agencies or as conciliators, mediators, or arbitrators all those who have been directly connected in a responsible capacity with the obstruction or repression of trade union organizations and activities.

c. Within Military Government a labor section should be established to administer Military Government's policy with regard to employer-employee relations. Among its functions would be the screening of undesirable personnel, the selection of arbitrators and the review of collective bargaining agreements, arbitration decisions and rulings by subordinate labor agencies.

II. THE TRADE UNION MOVEMENT AND RELATED ORGANIZATIONS

A. Historical Background

Trade unionism developed with the growth of modern Japanese industry during the early decades of this century. While its numerical strength relative to the industrial population was never as great as in most countries its importance was substantial. In 1931, organized workers represented 7.9 percent of all industrial workers. At the peak of their numerical strength in 1936, trade unions had more than 420,000 members, or 6.9 percent of all industrial workers. The basic industries, such as communications, transport, metal working and chemicals were, however, more highly organized than industry as a whole. Forty percent of the transport workers were in unions (including the powerful Seamen's Union), and there was almost as large a percentage of organization among the metal workers. In addition to having this important strength in basic industries, the high degree of political activity of the trade unions gave them an importance far beyond their numerical strength.

Additional significance attaches to the fact that the movement became as large as it did in spite of unusually strong opposition from employers and harsh repressive measures taken periodically by the government. Employers made every effort to carry into large industries the traditional paternalistic relationship between employer and employee. This had long existed in handicraft industries where workers lived and worked in the homes of their employers, and this strong tradition made union organization difficult. Furthermore, agricultural overpopulation provided an inexhaustible supply of labor for the factories, and fear of unemployment placed the Japanese laborer in a poor bargaining position.

While tradition and employer opposition retarded the growth of the labor movement, the chief hindrance to the free development of unions came not from employers directly but from the police, acting under the authority of a series of Public Peace Police and Peace Preservation Laws and related police regulations beginning in 1900. Under these laws, the police were empowered to suppress public meetings and demonstrations, break strikes, forbid picketing, disband unions, and arrest and execute leaders.

In spite of the impediments placed in the path of Japanese trade unions by the government and employers, Japanese labor succeeded in organizing a number of establishments and participated in many strikes, particularly just after the First World War. Of particular significance as a show of labor strength at about this time was the wave of dockyard strikes in the Kobe-Osaka district in 1921 which involved 30,000 trade unionists and lasted for a month.

-7-

The decade of the 'twenties (1921-1931), often called Japan's "liberal period", witnessed the height of the Japanese trade union movement. Over the course of that period, labor union membership grew from 100,000 (or 3 percent of the total industrial population) to 350,000 (or about 7 percent) in 1930. This decade also saw the rise of several strong unions, of which the most prominent were the moderate Nippon Rodo Sodomei (Japan General Federation of Labor), the right wing Kaiin Kumiai (Seamen's Union) and the left-wing Nippon Rodo Kumiai Hyogi-kai (Japan Council of Labor Unions) which was suppressed by the government in 1928. The 'twenties also inaugurated political activity on the part of the unions. After the passage of the Universal Manhood Suffrage Act in 1925, the unions hastened to organize political parties which in 1928 polled 489,743 out of a total of some twelve million votes and elected five representatives to the National Diet.

The period of the early and middle 'thirties was marked by a slow rise in total union membership together with a small decline in the proportion of workers organized, by a growing conservatism in labor union policies and aims, and by greatly intensified repression on the part of the government and the police. The periodic "Communist raids" which began in 1928 and which resulted in the arrest of some 24,000 individuals from 1931 to 1934 alone removed some of the ablest and most aggressive union leaders from the scene and frightened many others into compliance with government policies. The Manchuria "Incident" in 1931 stimulated a wave of nationalism and opposition to such "foreign ideas" as labor unions, and spurred the activities of "patriotic" gangs which had for some years been attacking union leaders and breaking up labor meetings. The 'thirties also saw the rise of the Fascist labor unions.

The end of the 'thirties finally saw the disappearance of the legal trade union movement. In 1936 the government disbanded the conservative and relatively inactive Federation of Workers in Government Arsenals. The advent of the China War in 1937 brought the forced dissolution of the left-wing Trade Union Council and in 1938 the passage of the National Mobilization Act undermined the legal and bargaining position of the labor unions by granting broad authority to the government to control labor, authority which was subsequently applied in a series of ministerial ordinances providing for labor conscription, suspending the Factory Acts (setting minimum working conditions), and determining other conditions of employment ^{1/}.

By June 1939 trade union membership had fallen to 314,737 or only 3.9 percent of all industrial workers. In 1940 all labor unions

^{1/} See Civil Affairs Guides on Control of Wages and Hours in Japan, Working Conditions in Japan other than Wages and Hours, and Organization of the Labor Supply in Japan.

-3-

were forced to disband and all laborers were integrated into the newly formed Sangyo Hokoku-kai (Industrial Patriotic Associations) or Sampo, the Japanese equivalent of the German Labor Front.

B. The Trade Unions before the Labor Front 2/

Although trade union members never comprised more than eight percent of all industrial laborers, the trade union movement was one of the most hopeful elements in Japanese life. With the exception of some Fascist and company unions, the trade unions as a group consistently stood among the most democratic of the myriad Japanese organizations.

In their external policies they generally pressed for greater liberalism and the democratization of Japanese political, social and economic institutions, and until the latter thirties they were aligned with that minority of Japanese opinion which condemned imperialist aggression and war. Internally, individual Japanese trade unions were organized rather democratically, certainly to a degree beyond most Japanese organizations. However, in the upper levels of labor organization and particularly among the leagues, federations and congresses of unions, labor officials tended to solidify into bureaucratic cliques, and to become more responsive to the wishes of the government and the employers and less sensitive to the wishes of their members.

Except for the maritime unions where discipline was strict, union discipline was rather irregular and varied greatly. On occasion poor discipline resulted in the defeat of trade unions involved in industrial disputes. Compared to the United States, however, where union discipline is important because it is essential to the observance of collective bargaining agreements, union discipline in Japan rarely caused disturbances in peaceful labor relations because collective bargaining agreements were very few. As a rule, local union autonomy was strong, and secession of unions from federations and establishment of new affiliations were frequent. These, however, were usually made on the basis of political principles rather than immediate economic issues.

1. The Left-Wing Unions

a. National Council of Japanese Labor Unions (Nippon Rodo Kumiai Zenkoku Hyogi-kai)

The most effective left-wing union group which was permitted to exist in the 1930's was the National Council of Japanese Labor Unions, known as "Zenkyo" for short, a federation of some 40 unions organized in 1934 and dissolved in 1937. While its membership never rose above 14,000 in its short lifetime because of continuous police obstruction, its leader Kanju Kato, who had visited the United States in 1935, was elected to the National Diet as a candidate of the Proletarian Party

2/ See Appendix A for detailed roster of trade unions in 1936

-9-

(Musan-to). This union was noted for its aggressive activities in attempting to improve working conditions, for its opposition to Japanese expansion on the continent, for its observance of May Day despite a police ban, and for its advocacy of a "Popular Front", a phrase later branded as a "dangerous thought". In December 1937, after the outbreak of the China War, both the National Council of Japanese Labor Unions and the Proletarian Party were ordered disbanded, one week after some 400 of their more prominent members, including Kato, had been arrested and imprisoned.

b. General Federation of Japanese Transport Workers
(Nippon Kotsu Rodo Sodomei)

Another left-wing group was the General Federation of Japanese Transport Workers. It was composed mainly of street-car workers and bus drivers in the cities of Tokyo, Osaka and Kobe with a membership of 30,000 in 65 locals. It was affiliated to the moderate Social Masses Party and published a monthly magazine called the "Japan Transport Workers' Journal." After a Tokyo street-car strike was suppressed in 1937, however, this group abandoned its militant policy in favor of "industrial cooperation."

2. The Conservative Unions

Almost all of the conservative unions were affiliated to the Japan Trade Union Congress (Nippon Rodo Kumiai Kaigi), which thereby represented some 260,000 trade union members or about 62 percent of all trade union members in 1936. Because the Congress did not participate in day-to-day collective bargaining it was not as active as its constituent unions. It served principally as a sounding board for the broader policies of its affiliated unions. As such it supported the Social Masses Party (Shakai Taishuto) which, although its parent organizations had opposed Japanese imperialism, came to approve of Japanese expansion on the continent. In 1938, the Policy Committee of the Trade Union Congress approved the organization of "Sampo" or the "Labor Front" which was then in the planning stage. The principal unions which composed the Congress were:

a. All Japan General Federation of Labor (Zen-Nippon Rodo Sodomei)

i. History and General Character This organization, which had 85,000 members in 1936, dated back to 1912 when it was founded as a mutual-aid society, called literally the Friendly Love Society (Yuai-kai), by Bunji Suzuki, a social worker. In 1920, it was reorganized somewhat along the lines of the American Federation of Labor and called the Japan General Federation of Labor. In 1932 it was merged with the centrist National Labor Union Federation (Zenkoku Rodo Kumiai Domei) and received the name All-Japan General Federation of Labor.

-10-

From 1920 to 1923 the Federation was dominated by left-wingers and was the center of several large strikes, particularly the Kobe-Osaka dockyard strikes of 1921. After 1923, however, the Federation grew more conservative and less aggressive, possible because its membership was concentrated in the metal and machinery industries whose prosperity was tied in closely with the rise of heavy industry and the development of a war economy. In 1930-1931 it participated in a number of government-sponsored conferences on social policy. The Federation, after criticizing the Manchurian adventure for some time, came finally to support Japanese aggression in China. In 1940 repeated government warnings that it would be dissolved, it decided to disband. Its members, of course, joined the "Sampo".

ii. Structure Structurally, the General Federation in 1938 consisted principally of two regional federations (East Japan and West Japan) made up of twelve local federations (e.g., Kyushu, Tokyo, Hyogo, Aichi, etc.) which in turn were composed of about one hundred local and/or industrial unions. Since the General Federation was the result of numerous mergers and affiliations of independent unions on the different levels, however, the actual state of organization was not that simple. For example, five national unions of which only the Steel Workers Union with 25,000 members was important, were members of the General Federation but did not belong to any of the regional or local federations. In like manner some local unions belonged to the regional federations, but not to the local federations. In all, the 118 unions which were affiliated directly or indirectly with the General Federation had a total of about 700 locals or an average of about 120 members per local. In addition to the Steel Workers Union, the Kanto Iron and Steel Union (6,320 members), the Kanto Spinning Workers Union (5,158 members), and the Osaka Metal Workers Union (9,850 members) were the largest. The General Federation published two monthlies called "Labor" and "Tomorrow", of which the first dealt with union matters and the second with cultural topics.

iii. Union Discipline and Democracy As may be expected, discipline of the union members in the Federation varied considerably with the union. Discipline of the General Federation with respect to its autonomous member organization was weak. The few collective bargaining agreements in effect made union discipline somewhat less important than in some of the western countries. The history of this Federation does contain many cases of dissident groups splitting away, but these splits were largely on political grounds rather than as a matter of disaffection with industrial policies or commitments of the union leaders.

The very large number of unions and locals and relatively small membership of each unit together with their relative autonomy tended to insure a marked degree of democracy within the unions. While the top layer of officials of the General Federation appears to have assumed the character of a rather immovable and irresponsible bureaucratic clique, the officials of the unions, and particularly of the locals, appear on the whole to have been responsive to the union membership.

-11-

iv. International and political affiliations. The General Federation was affiliated throughout almost the entire span of its existence with the International Federation of Trade Unions whose headquarters were at Amsterdam. Politically, the Federation, had sponsored the old Social Democratic Party (Shakai Minshu-to) and was the prime affiliate of its successor, the Social Masses Party, which in 1937 polled 900,000 votes and elected 37 members to the National Diet. The legislative program of the Federation was generally restricted to the advocacy of social legislation and the legal recognition of trade unions.

b. Japan Seamen's Union (Nippon Kain Kumiai)

i. History and General Character While this union eventually withdrew from the Japan Trade Union Congress, it is generally grouped with the Congress Unions. It was founded in 1921 under the sponsorship of the Minister of Communications, the Seamen's Department of the General Federation of Labor and a number of small Seamen's unions. By 1938, it had attained a membership of 115,000 and had almost completely organized Japan's seamen. Even during the height of left-wing influence in 1921-1923 the Seamen's Union was markedly conservative and grew more so as time went on. In 1933, for example, union funds were used to build a Buddhist Temple and Hamada, the union president, was installed as head priest. In the same year the Seamen's Union refused to transport Ford trucks which they believed destined for Chinese troops then resisting Japanese aggression.

ii. Structure Since it was a union rather than a federation, the organizational structure of the Japan Seamen's Union was rather simple. In addition to a central headquarters in Kobe, in 1938 seventeen branches were maintained in major ports--Yokohama, Tokyo, Nagoya, Osaka, Nagasaki, Otaru, Tobata, Moji, Fushigi, Habu, Kawaguchi, Dairen, Hakodate, Muroran, Ushina, Wakamatsu and Omuta. It published a monthly journal called The Seaman.

iii. Discipline and democracy The Seaman's Union, because it held a virtual monopoly on maritime labor, because it was strongly backed by the ship owners and because it shared in the operation of the seamen's employment exchanges, was in a good position to exercise strict discipline over its men and there is little doubt that it did so. The only major rebellion occurred in 1935 when some 10,000 members split off to form a Fascist union, called the New Japan Seamen's Union (Shin Nippon Kain Kumiai), but before the end of 1937 they had rejoined the fold. Conversely, there appears considerable doubt that democracy was very strong in the Seamen's Union. While the democratic forms were observed, the immense power over hiring and the backing of the ship owners which the union officials used to enforce discipline, made it difficult in practice for dissident movements within the union aimed against union officials to succeed. The fifteen-year tenure of Hamada in the president's office bears partial witness to this.

iv. International and Political Activities Internationally, the Seamen's Union was represented at the Marine Labor Conference at Genoa in 1920, but did not participate actively in international labor union activities after that date. Politically, the Seamen's Union was affiliated with the Social Masses Party, but was never prominent in that Party's activities.

c. The Mercantile Marine Officers Association (Kain Kyokai)

This organization dominated maritime labor together with the Seamen's Union and, although not a member of the Trade Union Congress, it worked closely with the Congress. It was founded as far back as 1896 and by 1938 had attained a membership of 16,000 merchant marine officers. Its headquarters were situated in Kobe and it maintained ten branches at the larger ports. In general, it had few of the characteristics of a trade union and engaged in no strikes or aggressive activity. Like the Seamen's Union, it was affiliated with the Social Masses Party, and published a monthly first called "The Seamen's Association Magazine" and later renamed "Maritime Management" (Seikai). In 1938 it absorbed the Japan Wireless Operators Society (Nippon Musen Gishi-kai).

d. Japan Harbor Worker's Union (Nippon Kowan Jugyoin Kumiai)

Founded in 1928, by 1938 this union had a membership of 17,000 in 12 locals. It affiliated with the Social Masses Party and published a monthly called "The Harbor Worker" (Koju). Its career was rather undistinguished, and followed the line of the All Japan Federation of Labor.

3. Company Unions

Company unions in Japan often took the form of paternalistic welfare associations set up by the larger firms for their workers. Complete data on these welfare associations are lacking, but in 1936, their membership numbered 530,000 in government factories and 817,000 in private establishments or a total of 1,347,000. While it is impossible to separate those which were genuinely set up by the workers from those established by the employer, unlike the trade unions almost all the societies had the cooperation and support of the employer. Essentially, they performed the same role as most company unions in the United States, namely counteracted the influence of the trade unions. Because of the restricted role of collective bargaining in Japanese industrial relations and the absence of legal status for trade unions, the paternalistic welfare associations have seldom pretended to be trade unions or have even formally competed with trade unions.

-13-

4. The Fascist Labor Unions

The Fascist Labor Unions had a rather short existence, roughly from 1931 to 1938. They were originated by right-wing dissidents who had seceded from the General Federation and other conservative unions in 1931 and 1932. In 1936 a merger of some fifteen Fascist unions produced the National Convention of Patriotic Labor Unions (Aikoku Rodo Kumiai Zenkoku Konwa-kai). By 1938 the Convention had a membership of 80,000, including some 124 unions, mostly small, a large number of which were company unions. So far as can be discovered, the activity of these unions was quite small with regard to improving wages, hours and working conditions and was confined instead to ardent support for "Japanism", military imperialism and national socialism, in pursuance of which these Fascist labor unions were affiliated with the reactionary "Japan Reform Party", (Nippon Kakushinto), better known as the Japan Industrial Party. During their brief existence the Fascist trade unions denied the advisability of trade unionism and quickly dissolved when the "Sampo" or Labor Front was originated.

C. Organizations Opposed to Trade Unions

In addition to the pseudo-unions which have been described above, three types of unofficial organizations devoted a large part of their efforts to combatting the growth of free trade unions:

1. The Patriotic Societies

These nationalistic and aggressively imperialistic societies, in the course of their intensive propaganda and assassination campaigns against any liberal and democratic ideas, found themselves in violent conflict with trade unions from the beginning. While their members and officials were not usually businessmen, a large part of their financial resources was derived from the contributions of big industrialists. Some were little more than gangs of toughs, while others were well organized and highly respected, as for example the Ex-servicemen's League. Typical organizations, such as the League for State Construction (Kenkoku-tai) and the Great Japan League of Justice (Dai Nippon Seigi-dan), participated directly in breaking up strikes and trade union meetings with violence. In addition, during the 'thirties these patriotic societies sponsored fascist-type trade unions and succeeded in drawing many workers out of the genuine trade unions.

2. Industrial Associations

Among the most powerful of the industrial associations which were organized by employers in order to protect their interests against the activities of labor were the Japan and Osaka Industrial Clubs (Nippon Kogyo Kurabu and Osaka Kogyo Kurabu). In 1923 representatives of 42 industrial associations met and established the National Federation

-14-

of Industrial Organizations (Zenkoku Sangyo Dantai Rengokai). Its main objective was to combat the growing influence of the labor movement and to unite the large employers against the trade unions. Its program was the promotion of "class harmony", the maintenance of the family system, "protection" of small industries, development of company unionism and employer-dominated welfare associations, and the elevation of the "moral and living standards" of workers.

3. Harmonization Societies

These societies which were established to preach "class collaboration" in opposition to Marxist "class conflict" were theoretically open equally to employers and laborers, but were in fact composed almost entirely of employers. By far the most prominent of this type was the Harmonization Society (Kyocho-kai). Alarmed by the rise of labor disputes just after the First World War, a Commission for Social Services sponsored by the Department of Home Affairs recommended the setting up of a non-official organization which would help to "end the bitter antagonism between employers and employees." On 22 December, 1919, the Harmonization Society was incorporated for the purpose of studying means of bringing capital and labor together. From the beginning the governing body of the Harmonization Society was controlled by representatives of big industry. Heading it were Prince Tokugawa and Viscount Shibusawa, and among its directors were Inoue, president of the Bank of Japan, Wada of the Fuji Spinning Company, and Muto of the Kanegafuchi Spinning Company. The Harmonization Society never attracted an appreciable labor following in view of its official personnel. While it offered its services freely to arbitrate strikes, it was rarely accepted by trade unions, and finally restricted its activities to conciliating disputes involving unorganized workers, publishing journals of "information" and distributing harmonization propaganda. Perhaps its most effectual achievement was its sponsorship of the "Labor Front."

D. The Labor Front

Industrial relations at the present time are handled almost entirely by the Industrial Patriotic Associations (Sangyo Hokoku-kai) organized into a national federation and commonly known as "Sampo". In essentials, "Sampo" is analogous to the German Labor Front. "Sampo" is not a trade union and is not designed to assist the workers to improve their economic status. It is, instead, designed to regiment labor to the service of the state and the employer.

1. History

"Sampo" was originated when the Harmonization Society in February 1938 established the Industrial Patriotic League (Sangyo Hokoku Renmei), a group agitating for the organization of patriotic associations in the factories which would press for the cooperation of capital and labor to prosecute the China War. Its leaders included representatives of the Social Masses' Party (Shakai Taishu-to) and leading industrialists of the National Federation of Industrial Associations.

-15-

In 1939 the government officially sponsored the Patriotic Associations (Sangyo Hokoku-kai) in the factories and the initiating organization (the Sangyo Hokoku Renmei) became a propaganda arm of the government. By June 1939, there were 4,657 associations with 1,691,446 members in plants with 50 or more workers. In August 1940 the government officially took over direction of the associations, and placed them under the Labor Policy Division of the Labor Bureau in the Ministry of Public Welfare. All labor organizations which had not already become merged with the associations were liquidated. By March 1941, some 70,000 associations had been established with a membership of over 5,000,000. In 1942, the direction of "Sampo" was turned over to the totalitarian political party, the Imperial Rule Assistance Association, which in April 1945 was dissolved. It is not known precisely who directs "Sampo" at present, but it is believed to have been placed under the Civilian Volunteer Corps.

2. Structure

The basic unit of the "Sampo" is the association in the individual industrial establishment. Generally speaking, there is one association for each enterprise. All people connected with the enterprise, i.e., managers, engineers, clerks and workers are eligible to join, and the proprietor or factory manager is usually the president of the association. Membership is maintained by indirect compulsion, the prefectural governors being held responsible for seeing to it that every establishment with 50 workers or more has an association.

On a local level, the district police control all the associations within the district. The individual associations are combined into federations on a prefectural level with administrative responsibility placed on the prefectural governor. The prefectural associations belong to the national federation (Dai Nippon Sangyo Hokoku-kai) which was established in 1940. The Minister of Welfare was the ex-officio national president up until the time "Sampo" was placed under the IRAA; it is not known whether this has been changed. Its direction by the IRAA appears to have been exercised through one of the two departments of the IRAA which dealt with labor, the "Organization Department", which was in charge of labor supply, or the "Increased Munitions Production Department", which had charge of labor questions. The central committee of "Sampo" is composed of heads of big business concerns. No pretense of labor representation is made.

3. Functions

"Sampo" has three general functions: to convey the illusion that laborers and employers are united in service to the state and prosecution of the war, to mobilize and regiment laborers for purposes of war production, and to act as a safety valve by adjusting labor grievances.

The first function is carried out by means of voluminous propaganda asserting (a) that assistance to the Emperor is paramount and (b) that each industrial enterprise is a family. The activities carried on

-16-

along this line consist of spiritual solidarity meetings, measures to increase industrial efficiency, cooperation with special national activities (e.g., the recovery of waste materials, air raid drills, purchase of national bonds) and round table conferences to promote worker-employer understanding. The mobilization of labor by "Sampo" for war production is centered in disciplinary activities in the factories and in its Industrial Patriotic Service Corps which recruited temporarily unemployed workers for war jobs. Finally the association brings minor grievances to the attention of the employer, carries on certain welfare activities and makes unemployment relief payments for workers in factories closed down because of the war.

E. Militarization of Labor

The work of "Sampo" in supplanting and thereby preventing free trade unionism was reinforced by the Factory and Workshop Supervision Ordinance (Kojo Jigyo Kanri-rei) of March 18, 1944. In accordance with this ordinance, which was applied in September 1944, labor in "vital factories" and mines is placed under the control of a Munitions Management Office in the Munitions Ministry. All workers in selected war plants and in about 200 mines are ranked in accordance with a system of military ranks, with the lower saluting the higher. Discipline is on the military model and the shop foreman have almost unlimited disciplinary powers. The president of the company or manager of the plant is called the production leader (seisan sekininsha) and is given full control of all labor questions in the plant. (For further details see Civil Affairs Guide on Working Conditions other than Wages and Hours in Japan).

F. Political Activities of Labor

Ever since 1925, Japanese trade unions have been deeply involved in political action through formal affiliations with political parties. In 1937, the labor parties succeeded in electing 42 members to the Diet and polling a million votes or almost one-tenth of the total vote of a little more than ten million. (See Section II above and Civil Affairs Guide on Political Parties for further details). With the dissolution of the political parties and the establishment of the Imperial Rule Assistance Association, however, all legal political activity of labor ceased.

III. THE PATTERN OF JAPANESE INDUSTRIAL RELATIONS

A. Paternalistic Tradition

Paternalism in industrial relations has been particularly strong in Japan because of the special cohesiveness of the Japanese family system, the paternalistic attitude of the government in general, and the recent memory of feudal master craftsman - apprentice relationship which persisted in a large number of establishments even up to the Pacific War. This natural strength of the paternalistic tradition has been constantly fortified by propaganda on the part of the employers and the government in a consistent effort to counteract free labor organizations. This paternalism was expressed concretely in the dormitory system which among other things, prevented labor organization and contact with liberal thoughts; in welfare services which enabled the employer to pay lower wages; and in the family workshop to which much work was subcontracted and in which long hours and low wages were especially prevalent. It was particularly evident in the failure to institute a system of genuine unemployment insurance and in reliance instead on discharge allowances granted by the employer and on the willingness and ability of rural relatives to care for the unemployed worker. Less concretely the paternalistic tradition resulted in a feeling of deference towards the employer, and a stigma of ingratitude placed on anyone who dared strike or otherwise dispute the authority of the employer. Paternalism in industrial relations was finally given legal effect in the organizational structure of "Sampo" or the labor front, where the employer or plant manager was generally made the association leader.

Indications are clear, however, that paternalism was swiftly losing its force among the workers as an accepted mode of industrial relations before the China War. This was particularly evident during the depression of 1929-32 when at the cost of numerous strikes many firms shirked their paternalistic responsibilities, e.g., the practice of discharging permanent employees and rehiring them as "temporary employees to avoid giving various welfare allowances. It is quite likely that the economic changes occasioned by the war, particularly military and labor conscription, demobilization and large scale job shifting, resulting in the dissolution of individual employer-employee paternal relationship, have already weakened and will further weaken paternalism.

B. Police Interference with Trade Unions

In addition to paternalism, the government and the employers have leaned heavily on repressive laws and the use of police power as a device to obstruct the free development of trade unions. Deriving their powers from a series of sweeping laws, ordinances and regulations, between 1920 and 1938, the Japanese police arrested more than 60,000 persons suspected of "radical" activities or thoughts, dissolved numerous

-18-

trade unions and broke up hundreds of trade union meetings. With the advent of the China War in 1937 a new wave of terror was unleashed; more than 2,000 leftist labor leaders, including Kanju Kato, were arrested between November 1937 and February 1938. Since 1941 the terror has been still further intensified.

1. The Peace Preservation Law (Jian Iji-ho)

The Peace Preservation Law, the current version of which was passed in 1941, provides the overall blanket authority by means of which the police have been able to obstruct free trade union organization. This law was first passed in 1925 and succeeded the notorious Section 17 of the Public Peace Police Act of 1900. The latter had in very broad terms forbidden strikes, picketing, and the normal forms of union recruitment, and was repealed in 1926. Under the Peace Preservation Law of 1941 the death penalty is provided for officials or leaders of associations which advocate changing the "national polity" (Kokutai), or of associations which prepare for or which assist associations advocating changing the national polity. Needless to say, no precise definition of "national polity" has ever been arrived at; in general, anything opposed to the "Japanese spirit" of obedience to authority may be construed as contrary to the "national polity." In addition, penal servitude terms of varying lengths are provided for convoking meetings, discussing or instigating actions, propagandizing, creating confusion and disorderly conduct, and soliciting, contributing or receiving money all with the object of changing the "national polity". Somewhat lighter terms are provided for organizing associations or related activities for the purpose of "disavowing" the "national polity", spreading disrespect for the Shinto Shrines and the Imperial Household, and "disavowing" the private property system. Curiously enough, the Peace Preservation Law pretends to apply to all persons of whatever nationality, and to all prohibited activities no matter where in the world committed.

2. Protective Surveillance for Thought Offenses Law (Shiso-han Hogo Kansatsu-ho)

The Peace Preservation Law is carried even further by this act of 1936 and regulations pursuant thereto which impose a close two-year surveillance on anyone who receives a suspended sentence on charges of violating the Peace Preservation Law or who has completed a sentence imposed for violation of the Peace Preservation Law. By means of this law the place of residence of labor leaders may be restricted, and their friends and their correspondence closely watched or prohibited.

3. National Mobilization Law (Kokka Sodoin-ho)

Sweeping wartime powers over the entire Japanese economy were granted the Japanese government by the National Mobilization Act of 1938, amended in 1941. Certain articles give the government special wartime powers, even beyond those utilized in the Peace Preservation Law, to

-19-

control and break up trade unions. Subject to application by Imperial Ordinance, Article 4 provides for labor conscription, Article 6 gives the government power to prescribe wage rates and working conditions, and Article 7 gives the government authority to prevent or settle, by any means, labor disputes and lockouts, and to suspend or alter any other laws in so doing.

4. Public Peace Police Law (Jian Keisatsu-ho)

The provisions of the Public Police Law with regard to public meetings have also been used repeatedly to break up trade union meetings. Up until 1941, and in accordance with the Public Peace Police Act, trade union meetings could be disbanded by the police after they had been formally opened, but on December 18, 1941 a Special Emergency Law (Horitsu No.97 of Dec. 18, 1941) requiring permits in advance was enacted. Further legislation since then prohibits unlicensed public meetings for whatever purpose, if more than 3 persons attend.

5. Police Crimes Punishments Ordinance (Keisatsu-han Shobatsu-rei)

Certain provisions of this Home Ministry Ordinance of 1900, revised in 1908 and 1919, have been consistently interpreted to hamper union recruitment, to prevent picketing and break up strikes. They include penalties for walking back and forth in places where one does not reside and has no business, for forcibly requesting an interview or following another threateningly, for obstructing a person's movements by forcibly standing in front of him or beside him, or for committing mischief with regard to another person's business.

6. Repressive Police Agencies

Police activities in Japan are so widespread that points of contact with trade unions are numerous. (See Civil Affairs Handbook, Japan, Section 14: Public Safety). Aside from the individual policeman who enforces all the laws, including those repressing trade unions and collective bargaining, there are a number of police and prosecuting agencies which have specially obstructed free labor organizations. These are:

a. The Special Higher Police (Tokubetsu Koto Keisatsu) sometimes referred to as the "ideational police." This organization has been specially charged with the enforcement of the Peace Preservation Laws, and has been responsible for arresting tens of thousands of persons, including numerous trade union and labor leaders, on the grounds that they disavowed or conspired to change the "national polity" or the private property system. Administratively the Special Higher Police are directed by the Peace Preservation Section (Hoan-ka) of the Police Bureau (Keiho-kyoku) of the Home Ministry. In actuality, the greatest share of their work is performed by the Special Higher Police Division (Tokubetsu Koto Keisatsu-bu) of the Metropolitan Police Board (Keishi-cho). In addition, each of the prefectural governments, with the exception

-22-

representatives of the trade unions found it difficult to get a hearing from the employers, while those committees which had access to the employer usually refused to recognize the existence of the trade unions. When the Japanese Government Railways and the Harmonization Society became active advocates of shop committees, it became plain that shop committees were being utilized as a device to counteract the growth of the trade unions, and labor leaders lost interest in them. By 1929, there were 112 shop committees in Japan, covering almost 320,000 workers, but they were comparatively inactive and were usually dominated by the employer. Little was heard of shop committees in the 'thirties and they are now believed to have been absorbed into "Sampo". While the organization of shop committees has been generally approved by the Japanese trade unions in theory, the existence of shop committees in fact has been regarded with deep suspicion.

3. Mechanisms for Settling Capital-Labor Disputes

In general, mechanisms for settling industrial disputes in Japan, prior to "Sampo" and the prohibition of strikes, consisted of ad hoc arrangements by certain officials and semi-official agencies concerned with keeping the public peace and maintaining production. As a rule, these agencies shared the strong bias of the government in favor of the employer and against the worker, particularly during the latter 'thirties when any stoppage of production interfered with the development of Japan's military power. The increasing trend towards the maintenance of industrial peace at labor's expense is indicated by the sharp increase in the percentage of police intervention in arbitration of labor-capital disputes from 27 percent in 1931 to 71 percent in 1938, 89 percent in 1939 and 94 percent in the first nine months of 1940 as shown by partial statistics (Appendix C). By 1939 labor disputes were almost all considered by the government to be infractions of the peace and strikes to be tantamount to treason.

a. Arbitration Boards

Arbitration Boards were the only overall instrument established by Japanese law for the specific purpose of settling labor-capital disputes by mutual adjustment, but available records show that they were utilized in only four disputes in fourteen years. According to the Labor Disputes Adjustment Act (Rodo Sogi Chotei-ho) of 1926, in the case of a dispute in public utilities or government enterprises, arbitration was to be compulsory; in all other cases, arbitration was to be invoked at the request of both parties. With certain exceptions, administration was placed in the hands of the prefectural governors, and later shifted to arbitration officials of the Bureau of Social Welfare of the Home Department, which bureau subsequently became the Department of Welfare. Each Arbitration Board was to consist of three representatives of each of the parties to the disputes who were to agree on the selection of three

-21-

only 13 percent of all strikes as compared to 71 percent in 1931.

Labor activity as revealed in strikes has not been halted by the war. On the contrary, even though a temporary decline was brought about by the opening of the China War, strikes in 1939 were more numerous than in 1938. The fragmentary evidence that has been allowed to come out of Japan since 1940 indicated that an active underground leadership of Japanese labor has continued into the years of war. On March 5, 1941, a big strike involving 100,000 workers was reported to have broken out in the Kobe war industries. According to the report, the strike covered the big war plants of the Mitsubishi and the Kawasaki dockyards and continued for five days, ending when troops suppressed the strike and shot four of the leaders. In August a strike of 20,000 workers was reported in the Mitsubishi airplane plant at Nagoya, but it was also suppressed. A smaller strike of 3,000 workers at the Kokura Arsenal occurred in September where the police apparently found it expedient not to make reprisals. In October of 1941, a big strike which involved joint action by industrial workers and salaried employees, was alleged to have taken place in the heavy industrial center of Tsurumi in Yokohama with over 20,000 workers participating. Though for later years the evidence is still more fragmentary, smaller strikes have been reported frequently. Although not strictly trade union in nature, a general feeling of labor disaffection was indicated as late as 1944 by food riots reported in Kagoshima and a mass meeting of 40,000 persons in Tokyo, which according to the Osaka Mainichi quoted in Chungking, was sponsored by a new Workers Party. The meeting was broken up by the police, and the party was disbanded.

D. Collective bargaining, shop committees and mechanisms for settling Capital-Labor disputes

1. Collective Bargaining

Partly because of the poor legal status of the unions, collective bargaining has played a relatively insignificant role in Japanese labor relations. Only in the case of the seamen's unions have collective bargaining agreements been of significance. Of the 136,000 workers covered in 122 collective bargaining agreements at the end of March 1936, seamen accounted for 117,000. Aside from the Seamen's Union agreement with the ship owners, and the collective agreement between Tokyo Steel Manufacturing Company and the All-Japan General Federation of Labor, almost all agreements were in the smaller enterprises, i.e., less than 500 workers.

2. Shop Committees

Shop committees, sometimes called "works committees" have also been comparatively unimportant in the pattern of Japanese industrial relations. During the early years immediately after the First World War, the trade unions evinced considerable interest in the establishment of employer-employee committees which would settle intra-plant grievances. However, the shop committees which included repre-

-20-

of Kyoto, has a Special Higher Police.

b. The Peace Preservation Police (Hoan Keisatsu) This organization has had as a part of its duties, the regulation of public meetings, the adjustment of labor disputes and the enforcement of the Factory and Mining Acts. In these capacities it has broken strikes and dissolved labor meetings. Up until quite recently it was one of the most important parts of the Metropolitan Police Board, and in addition had separate existence in several of the prefectures, but no separate direction in the national police bureau. An unconfirmed report of 1944 indicates that it has been abolished, and that its functions have been assigned among other police organizations.

c. The Military Police or Gengarmarie (Kempai). Prior to the Pacific War, the Military Police had no special anti-labor functions, but recently captured orders indicate that the Military Police are to keep in close touch with the authorities of military production plants and to gather accurate information concerning the organization of labor unions, thoughts of employees, labor agitation, the speech, behavior and outside contacts of dissatisfied workers, etc. In addition, the military police have been authorized to use force to suppress disputes and stop the spreading of propaganda.

d. The Thought Section (Shiso-ka) of the Criminal Affairs Bureau (Keiji-kyoku) in the Ministry of Justice has handled prosecutions under the Peace Preservation Laws.

C. Disputes and Strikes

Despite the paternalistic tradition and police repression, strikes have long been a part of the Japanese industrial scene. The earliest strike in Japan took place as far back as 1872, and as early as 1907 troops had to be called in to suppress a particularly violent strike in the Ashio and Besshi copper mines. The great dockyard strike of 1921 involved 30,000 participants for one month and was finally suppressed with the aid of saber-wielding police. Recurrent strikes which, according to official statistics (and therefore probably underestimated), involved from 30,000 to 125,000 workers per year, took place in the 'thirties.

Generally speaking, because of the poor bargaining position of workers as well as their meager resources and constant police interference on the side of the employer, Japanese strikes have been of short duration and have resulted in defeat or compromise for the workers. Because of police repression they have often taken unique forms, e.g., shrine processions and slow downs. With the growing conservatism on the part of the labor union leaders and their disinclination to embroil themselves with the police, the trade union role as a spearhead of strikes was greatly curtailed and disaffected laborers resorted to strikes without union assistance. By 1938 unions were involved in

-23-

additional members. These boards were given investigatory powers and were committed to secrecy. Decisions were not binding, but in case of failure to settle the dispute the boards' decision, together with the minority report, was to be made public. However, for diverse reasons the boards were hardly ever invoked.

b. Department of Welfare Arbitration Officials

With the establishment of the Bureau of Social Welfare in the Home Department in 1922, a number of arbitration officials (choteikan) were appointed in various localities, and their number was increased when the Labor Disputes Adjustment Act was passed in 1926. When the Department of Welfare was set up in January 1938, these officials were transferred to it. Arbitration by these officials was usually voluntary and had some measure of success, but in the course of the 'thirties they came to be supplanted by the police.

c. Police Arbitration

From the standpoint of preserving peace, the police have always been authorized to deal with labor disputes and during the 'thirties their intervention in disputes became increasingly frequent until in 1939 89 percent of all disputes settled by "arbitration" were the result of police action. The prefectural and metropolitan police headquarters have special police officers in charge of labor relations attached to the Factory Section of the Peace Preservation Police. (For organizational structure of Japanese Police System see Civil Affairs Handbook, Japan, Section 14: Public Safety). As indicated above, police actions in disputes were usually biased in favor of the employer, and police "arbitration" was almost always expected to insure the defeat of the laborers.

d. Joint Maritime Board (Kaiji Kyodo-kai)

In disputes involving seamen the Joint Maritime Board had legal authority to effect conciliation. This Board was set up at the end of 1926 with headquarters in Kobe and consisted of 3 representatives of the Seamen's Union, 3 representatives of the Mercantile Marine Officers Association and 6 representatives of the shipowners. In accordance with the Labor Disputes Adjustment Act of 1926, the Minister of Communications was empowered to set up special arbitration boards in disputes involving seamen, but in practice they were never convoked and the Joint Maritime Board has had a monopoly on conciliating labor disputes. It settled the seamen's strike of 1928 by the adoption of minimum wage rates and prevented a strike in January 1931. It was somewhat less successful in 1935 in dealing with the strike of the New Seamen's Union, which was not represented on the Board.

Special regulations regarding maritime strikes have been imposed by Article 41 of the Seamen's Act of August 13, 1937 and the ministerial ordinance pursuant thereto. The Minister of Communications

-24-

or his nominees were empowered to institute conciliation procedures without requests from either side. In addition, imprisonment up to one year or a five-hundred yen fine were imposed for work stoppages in port which incurred in the course of a collective dispute without 24 hours notice or within a week after the beginning of collective bargaining negotiations.

e. Other Mechanisms

The unofficial Harmonization Society, as indicated above, has regularly offered its services to both sides to settle industrial disputes, but has usually withdrawn from difficult cases. In general, it has been distrusted by the trade unions with the result that its efforts have been confined to cases in which unorganized labor was involved.

Local and prefectural officials, particularly prefectural governors, have occasionally offered their services or have been invited to act as impartial mediators. Their record of success has not been outstanding.

- 25 -

IV. PROGRAM FOR MILITARY GOVERNMENT

A. Conditions likely to Confront Military Government

Upon its occupation of Japan or any major part thereof, Military Government will be confronted with an industrial population which, because it will be in bad economic circumstances, will be compelled to seek adjustments in its terms of employment. It is expected that in the course of their demands for adjustments, the Japanese laborers will tend to form organizations to represent them in dealing with the employer and that numerous disputes will arise, some of which will be attended by strikes or lockouts.

1. Poor economic position of the Japanese worker

In pre-war "normal" years, partly as a result of a consistent government bias in favor of the employer, the standard of living of the Japanese worker with few exemptions was low and, even taking into account the difference in the Oriental manner of living, was not very far above the subsistence level. At the termination of hostilities, the economic position of the Japanese laborers will have deteriorated to a considerable extent because of (a) the cumulative effect of diverting an ever larger share of the national product to munitions of war, an effect which has been apparent in the lowered consumption standards of Japanese laborers in the last few years (b) the extreme strain placed on the Japanese economy by the last few months of a disastrous war and the enormous destruction inflicted by air-raids, (c) widespread unemployment and a sudden reduction in working hours accompanied by a sudden decline in earnings and (d) the probability that workers' savings will be largely frozen in unredeemable war bonds.

It may further be anticipated that the existing terms of employment had as they will be upon the termination of hostilities, will probably grow progressively worse for some time thereafter. It is probable that a number of employers will take advantage of the surplus labor market (which will undoubtedly accompany the shut-down of war production) to reduce labor costs through such devices as evading payment of dismissal allowances, cutting wages, etc. Furthermore, if inflation takes place to any degree, as may be expected, it is quite probable that continual rises in the prices of the necessities of life will far outstrip increases in wages. (See Civil Affairs Guide on the Control of Inflation in Japan).

- 26 -

2. Probable Rise of Trade Unions

Under such conditions it is clear that throughout the occupation period, Japanese laborers will in many cases be compelled to seek adjustment in their terms of employment. In view of their poor individual bargaining position, and on the basis of pre-war trade union history and the reported war-time underground labor activity, it may be anticipated that many of the Japanese laborers will organize themselves in order to present demands for such adjustments more effectively. The trade unions which will arise as a result may be expected to concern themselves primarily with collective bargaining for better wages, hours and working conditions, and secondarily with mutual economic protection.

Aside from these strictly trade union functions, some other union activities may be expected. For example, the close connections of trade unions with labor parties in the past may be expected to result in a certain amount of activity along the lines of political education and agitation. Such activities are beyond the scope of this Guide. (For political activities of labor unions, see Civil Affairs Guide on Political Parties in Japan).

3. Disputes and Strikes

The expected labor demands for adjustments in wages, hours and working conditions together with the attempts of the employers to drive down labor costs may lead to numerous labor disputes. Such disputes will also be stimulated by the general feeling of social unrest which will prevail and by the unwillingness on the part of labor to submit to employer pressure as easily as heretofore. On the other hand, the general economic situation will be unfavorable to the laborer and the mass unemployment which will undoubtedly exist will prove to be a powerful deterrent to the use of strikes to win disputes. In general, it may be expected that strikers without serious justification will be few, and that a general wave of walkouts will not take place.

B. Concern of Military Government with Industrial Relations

In the relations between capital and labor which will prevail during occupation, Military Government will have two primary concerns: (1) to establish conditions favorable to the emergence of democratic organizations and ideas and (2) to ensure the continued operation of industries and services essential to military operations and security.

C. Recommended General Courses of Action for Military Government

To obtain the objective of a democratic and orderly system of labor-capital relations within the limits imposed by military security, Military Government will find it desirable to apply the following

- 27 -

general principles with regard to trade unions and collective bargaining:

1. Military Government should permit and look with favor upon the free organization of democratically organized and managed trade unions and should remove all legal obstacles to such organization.

In addition to affording a means for the democratic expression of the laborers' opinion on matters that vitally effect them, such a policy would tend to induce that important segment of the laboring population which belonged to unions less than ten years ago to cooperate with Military Government and would strengthen the elements in Japan which were among the most consistent and effective advocates of democracy in the past.

2. Military Government should encourage collective bargaining between freely chosen representatives of the employees on the one hand and employers on the other for adjustment of wages, hours and working conditions.

Such collective bargaining can introduce an element of stability into labor-capital relations, particularly if it results in collectively bargaining agreements enforced by union discipline. Under economic conditions which will prevail the individual Japanese worker will have virtually no bargaining power by himself and will be compelled to bargain collectively to improve his terms of employment.

3. Military Government should seek to reduce the number of industrial disputes particularly strikes and lockouts.

Since disputes will not affect Military Government interests and since personnel will be limited, it will be to the interest of Military Government to ignore most individual strikes and lockouts. However, a large number of industrial disputes may provide a potential threat to the maintenance of peace and order, and it will therefore probably be to the interest of Military Government to assist in the establishment of agencies designed to settle industrial disputes.

4. Military Government should prohibit strikes and lockouts in industries considered essential to military operations or the security of Military Government.

Under no circumstances should any stoppage of this sort resulting

-28-

from a breakdown in labor relations be permitted.

D. Recommended Program for Military Government

In order to apply these principles, the following program is recommended for action:

1. Trade Unions and the Freedom to Organize

a. Proclamation of general policy towards trade unions

As soon as it is practicable, Military Government should issue a general proclamation recognizing the freedom of industrial and agricultural workers to join trade unions or other organizations of their own choice for purposes of improving their terms of employment and mutual protection.

Such a proclamation would serve the double purpose of stimulating the voluntary organization of workers along democratic lines and of laying the basis for subsequent action against those who would obstruct such organization. In view of the attractiveness which free organizations have had for an important segment of the industrial labor population, such a proclamation may very well have great value in inducing the cooperation of Japanese labor with Military Government.

It should be made clear, however, that the freedom to organize granted by this proclamation does not extend to organizations set up for purposes other than the legitimate trade union functions indicated above, and that organization for other purposes would be covered by other Military Government proclamations, orders, and regulations. Specifically, labor associations of any kind operated for militaristic or nationalistic purposes should be prohibited.

b. Freedom of Speech

The freedom to organize and bargain collectively implies the freedom of speech. Therefore, access to public channels of information and opinion such as the radio and press, should be granted on a non-discriminatory basis to trade unions as long as the exercise of such freedom is in accord with military security.

c. Abrogation of Repressive Legislation

Military Government should abrogate as soon as possible all laws which prevent or have the effect of preventing (1) the free organization of trade unions for the purposes of improving wages, hours and

- 29 -

working conditions and mutual assistance and (2) activities of trade unions, which are otherwise legitimate, directed to those ends.

Ordinances, regulations, announcements and orders which have been utilized to obstruct trade union organizations and activity are numerous and permeate all of Japanese life. It will be impossible to abrogate all of the detailed rules on various levels, but almost all of these regulations and the actions taken pursuant thereto derive their authorization from a relatively small number of laws which if abrogated would have the effect of nullifying all of the detailed rules and agencies set up to enforce them. On the other hand, failure to abrogate these laws would either nullify Military Government policy towards the free organization of trade unions or would create doubt in the public mind that the freedom to organize would be protected by Military Government.

The laws which are specifically recommended for immediate abrogation, together with any subsequent amendments, are: (See Appendix D for text)

i. Peace Preservation Law (Jian Iji-ho) of 1941

This is the basic law through which tens of thousands of persons have been imprisoned for "dangerous thoughts" and from which the special higher police or "ideational police" draw much of their authority. Its continued existence would make trade union organization impossible.

ii. Protective Surveillance for Thought Offenses Law (Shiso-han Hogo Kansatsu-ho) and the Regulations Relative to the Protective Surveillance for Thought Offenses Law (Shiso-han Hogo Kansatsu-ho ni kansuru kisoku), both of 1936.

iii. Articles 4, 6 and 7 of the National Mobilization Act (Kokka Sodo-in-ho) of 1938 as revised in 1941.

These articles provide blanket wartime authority for the government to take any action at all to break strikes, fix wages and disband unions. Even though the authority granted is emergency wartime power, it would be best to abrogate the articles altogether rather than declare the law inoperative.

iv. Articles 3 and 8 of the Public Peace Police Law (Jian Keisatsu-ho) of 1900 as amended in 1922, 1926, and 1941.

Many of the provisions of this law will probably be suspended if not abrogated altogether by the Military Government in connection with its general policy towards political groups. However, the above

- 30 -

mentioned articles, which give the police blanket authority to prohibit or disperse any meetings on the grounds of maintaining public order, have been used repeatedly to break up union meetings and are, therefore, recommended for abrogation in this Guide. It should be added that if the provisions regarding political meetings are not abrogated by Military Government, the term "political affairs" (seiji) as used elsewhere in this law should not be construed to include trade union activities.

v. Paragraphs 3 and 4 of Article 1 and Paragraphs 5 and 31 of Article 2 of the Police Crimes Punishments Ordinance (Keisatsu-han Shobatsu-rei) of 1908, as amended in 1919.

These provisions have been specifically applied to prevent picketing, and should be repealed. The remaining provisions of the law are entirely adequate to maintain public order.

vi. The Factory and Workshop Supervision Ordinance (Kajo Jigyo Kanri-rei) of March 18, 1944.

It is not known whether the legal authority for this ordinance is conveyed by the National Mobilization Law. If so, its repeal will automatically follow that of the National Mobilization Law. If not, it will be necessary to repeal this ordinance separately.

d. Release of labor prisoners

All persons who have been imprisoned under the foregoing laws for activity or "thought" in connection with trade unions and other labor organizations should be released at once.

The speed with which such release is effected is likely to exert considerable influence in inducing the active cooperation with Military Government of former trade union members and a large portion of the industrial labor population.