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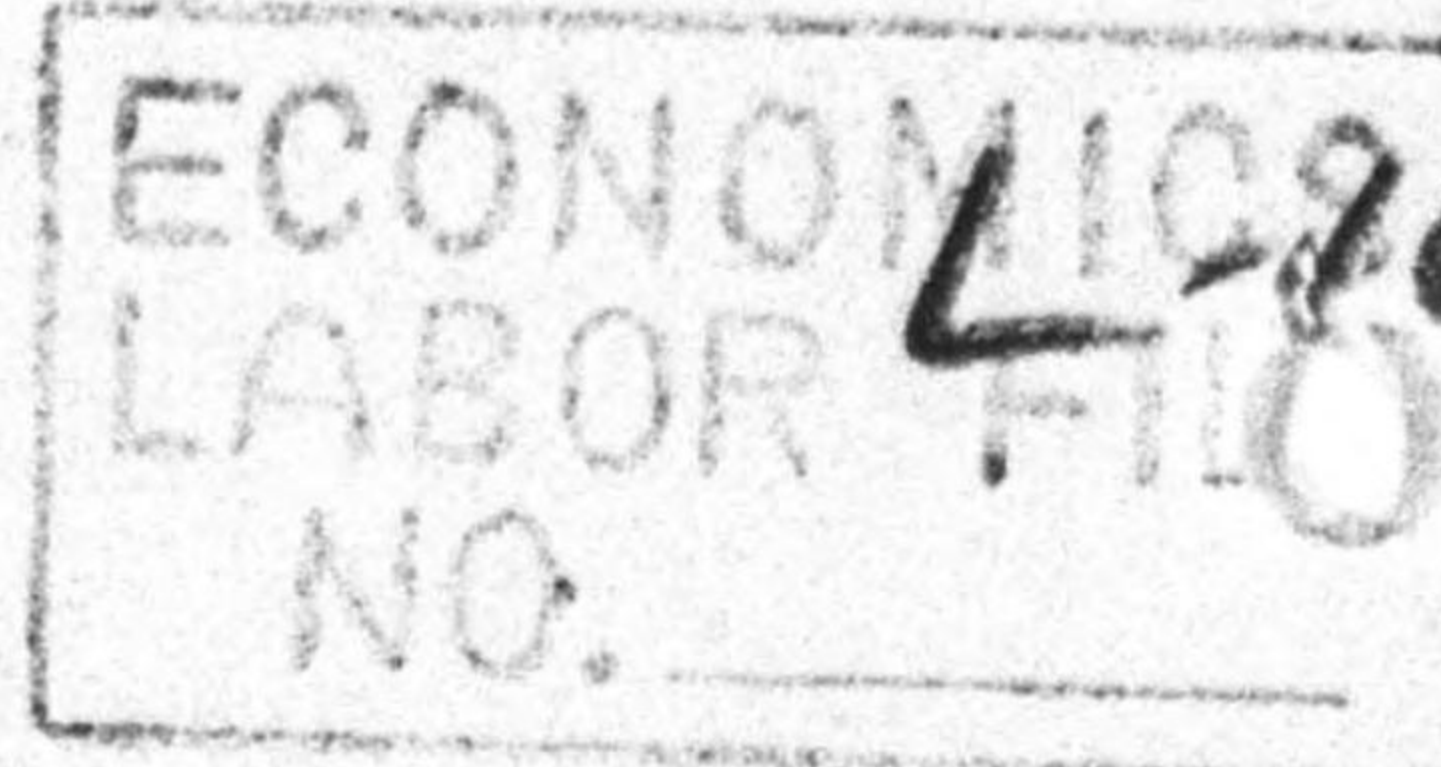
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DATE	SUBJECT	ISSUING HEADQUARTERS & INCORPORATION
	Members of Tottori Labor Relations Commission	
12 April 1950	Discharge of Mr. Uehara	Tottori Labor Relations Commission



12 April 1950

SUBJECT: Discharge of Mr. Uehara.

TO : Chugoku Civil Affairs Region

FROM : Tottori Labor Relations Commission

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The Education Board unsatisfied with the decision of the Labor Relations Commission regarding unfair labor practice, appealed this matter to the Local Court on 3 April 1950.

Therefore, the Labor Relations Commission, in order to response to this action, referred an application to the court to request for issue of urgent order on 12 April, to have the instruction of Labor Relations Commission enforced.

Application for Urgent Order

12 April 1950

Applicant: Mr. Tanaka (Hideo)
Chairman, Tottori Labor Relations Commission.

Defendant: Mr. Sasaki (Kenichi)
Chairman, Tottori Education Board.

We require that Mr. Uehara be paid for from 1 November 1949, to up to the date when the decision was made by the Labor Relations Commission, and that he gets paid on the same standards he had at the time he was discharged based on the order issued by Relations Commission on 8 March 1950, as follows:

The Education Board must recover Mr. Uehara's same position retroactive to the date he was discharged on 1 November 1949.

Reason for the Application

Mr. Uehara was the teacher of the Yonago Higashi Senior High School and also the teacher for the night class of that school. On the other hand, he was elected the vice-chairman of the Tottori Prefecture Teachers' Union and chairman of Yonago Chapter of Teachers' Union. Mr. Uehara involved in the union movement acting properly as union official, in the meanwhile, the Education Board who has the power to appoint and release advised Mr. Uehara to resign for the reason that he was incompetent, taking advantage of discharge taking place on 31 October 1949 applied to the people incompetent and for the reason of surplus due to deduction of federal subsidies.

Therefore, Mr. Uehara, considering the circumstances, though that he could not any more retain his position and wished to have himself suspended from his job, however, he gave up his wish because he consider that it was no use at this time when his family cannot even live on his when it is fully paid.

SALARY

Therefore, Mr. Uehara applied for resignation on 1 November 1949, and was accepted by the Education Board, so, he submitted an application for resignation for the reason of own request due to personal affair dated 31 October 1949.

Thereupon the Board of Education cancelled the procedure for suspension and changed it to resignation by request.

However, regarding the suspension and resignation, it would be considered that the expression of his intention was not by his free will and was due to the force of the Education Board and it seems substantially as if it was forced discharge.

The reason that Mr. Uehara was forced to resign was that he engaged in the proper union activity.

Thereupon, Mr. Uehara applied to the Labor Relations Commission for aid for the reason that this is unfair labor practice stipulated in paragraph 1 Article 7 of the Trade Union Law.

2. The Labor Relation Commission, thereupon, accepted this case and as a result of deliberation of the insistence at the hearing of both party, it was decided that the discharge is subject to the unfair labor practice stipulate in the Trade Union Law.

Thereby, the request of Mr. Uehara was accepted and the order for relief was issued to the Education Board as explained at the beginning.

Nevertheless, the Education Board unsatisfied with this order, initiated an administrative litigation according to the code of legal procedure (administrative affair) in order to cancel the order.

If Mr. Uehara is not relieved by this order until this suit is settled, Mr. Uehara will have a difficult living and also the whole of the family will have to depend on this suit, as a result. Also, there is a great difference and unbalance between the tow; when he receive the aid and when he does not receiving it, and it is considered that the whole family, as a result will suffer unnecessary hardship.

However, it is an excessive infringement of right of the Education Board to relief Mr. Uehara completely as subscribed in the order before the result of this suit reaches the settlement, so, we required for an Urgent order to have them pay for part of the relief which is payment of his salary according to paragraph 5 of Article 27 of the Trade Union Law, and the by-law of the CLRC.

**ECONOMIC
LABOR FILE
NO.**

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MEMBERS OF TOTTORI LABOR RELATIONS COMMISSION

<u>NAME</u>	<u>AGE</u>	<u>OCCUPATION</u>	<u>EDUCATION</u>
<u>Public Interest Representative</u>			
TANAKA, Hideji	52	Lawyer	Chuo University Law Dept.
YAMABE, Kentaro	44	Nippon Kai Press	Nippon University Preparatory Course
OHSHIMA, Hiromasa	52	Village Mayor	Agricultural School
AOTO, Tatsuago	53	Lawyer	Waseda University Law Dept.
ODA, Masazo	37	Nil	Yonago Middle School
<u>Labor Representative</u>			
UEDA, Shigeharu	37	Employee of House-hold Furniture Company	Agricultural School
UDA, Toshio	37	Employee of Tottori Electric Company	Worker's Training School
IKUTA, Tokocho	46	Employee of Hoki Shinko Industrial Company	Primary School
TAKAHASHI, Yoozaburo	54	Employee of Niso Steel Co.	Commercial School
FUKADA, Toyoshin	31	Employee of Yonago Densan	Agricultural School
<u>Management Representative</u>			
SHIMIZU, Rinzo	53	Hancho Ice Co., President.	Primary School
IWAGAKI, Shinichiro	56	Ichinomiya Industrial Co., Assn., Chairman	Commercial School
YAMAMASU, Giho	56	Kurayoshi Textile Co., President	Kobe Higher Commercial School
KATO, Akira	49	Yonago Auto Co., President	Tokyo Commercial University
YANAGIZAWA, Ainosuke	50	Nippon Denso Industry Co., Director	Primary School

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