disallowed...to discharge or give discriminatory treatment to a worker... for his having performed proper acts of a trade union." It is clearly understood in Japanese law that a legal strike is contained within the category of "proper acts of a trade union."

References Article 40, Revised Labor Relations Adjustment Law: Article 7, Revised Trade Union Law.

USSR statement:

"12. Third, there had been introduced additional provisions prohibiting workers from engaging in labor conflicts during a period established for the settlement of the differences with the employer in respect to the interpretation of the agreement reached, as well as a number of other restrictive provisions."

United States reply:

"This statement apparently refers to Article 37 of the Revised Labor Relations Adjustment Law which provides that in the event that the 30 day "cooling off" period in a public welfare industry has resulted in an agreement, any conflict on interpretation or in further negotiation shall be treated as a new dispute with an additional 30 day 'cooling off' period required prior to acts of dispute. This provision is aimed at preventing continuous dispute tactics which have been utilized by minority elements in the past to keep industrial relations in a constant state of turmoil and should assist the achievement and maintenance of stable labor-management agreements. This provision may be invoked only by prior mutual agreement of both parties.

"Reference:

"Article 37. Revised Labor Relations Adjustment Law.

"USSR statement:

"13. Fourth, besides other repressions, a worker who did not abide by these provisions might be subjected to a fine of 100,000 yen, that is a sum exceeding the yearly wage of a Japanese worker."

United States reply:

"There is no provision in the Labor Relations Adjustment Law for penalizing individual workers 100,000 yen. Such penalty, which is provided in Article 39, applies only to employers, labor or employer organizations, and outsiders who violate the 30 day 'cooling off' required in public welfare industries. It cannot be contended that this fine is onerous when applicable to a labor organization as a whole.

"Reference:
"Article 39, Revised Labor Relations Adjustment Law."

USSR statement.

"15. As regards the Revised Trade Union Law, Mr. Zpanyushkin continued, the new law had introduced provisions regarding the structure of the labor relations committees as a result of which these committees had been turned into government agencies under the Labor Ministry (Chapter 4, Article 19, and other articles)."

United States reply:

"The functions of the Labor Relations Committee are twofold: Peaceful settlement of disputes and enforcement of the protective provisions of the Trade Union and Labor Relations Adjustment Laws. In the former function, the tripartite character of the committee has been fully maintained and labor's interests are completely safeguarded. In the latter function, its quasijudicial and operational nature have required a governmental rather than the tripartisan approach. In both functions, the committees are operationally independent and cannot be overruled by the Labor Ministry.

"Reference:

"Article 19, Revised Trade Union Law: Article 24, Revised Trade Union Law."

USSR statement:

"15. These government labor committees had received the right to interfere directly and control all the activities of trade unions and, besides that, to determine the question of the 'constitutionality' of trade unions."

United States Reply:

"The statement that these committees have the "Right to interfere directly and control all activities of trade unions, and, besides that, to determine the question of 'constitutionality' of trade unions" is utter misrepresentation. The committees merely have the function of inspecting the written constitution of each union to assure that the requirements of FEC-045/5 ensuring Democratic Internal Practices are contained therein, namely a provision for the election of officers and standing committee men by direct secret elections, annual general meetings, open financial reports, protection of individual members against discrimination within the union, secret ballot for strike votes, and majority vote for revision of the union constitution. In these matters the committees do not go beyond the union constitution, the enforcement of which is left to the members themselves, with court action on the members initiative only were there constitutional rights have been violated. The only other function of the committees is to investigate compliance with the requirement that the union is not dominated by the employer.

"Reference:

"Article 5, Revised Trade Union Law.

USSR statement:

"16 According to the new law, the Central Labor Relations Committee, which was directly under the Labor Ministry, had received the right to reject and modify the decisions adopted by the local Labor Relations Committees. It was absolutely clear that this new system of organization for Labor Relations Committees, in which the role of the representatives of the workers organizations had been reduced to nothing could not secure the protection of the workers' interests."

US reply:

"The Central Committee can overrule local committees only on judicial questions, a provision which is indispensable in uniform interpretation of labor law is to be fostered and legal chaos avoided.

"Re Article 25, Revised Trade Union Law."

USSR statement:

"18. Furthermore, according to Article 2 Section 1 several categories of Japanese workers were prohibited from joining trade unions. According to press reports the adoption of this amendment to the law had deprived 30,000 workers of their right to join trade unions."

US reply:

"The 'workers' prohibited from joining trade unions by the revision noted are supervisory employees. Such exclusion is necessary to prevent employer domination of the workers' organizations."

"Re Article 2, Revised Trade Union Law:"

USSR statement:

"19. Moreover, for the violation of the provisions of this law severe repression measures had been established, including imprisonment for a period up to 1 year, and a fine up to 100,000 yen."

US reply:

"The citation of the penal provisions in the trade union law is completely inaccurate. None of the penal provisions in this law, whether fine or imprisonment, apply to workers or unions, but apply to government officials who violate official seccets, persons who interfere with Labor Relations Committee proceedings and employers who violate fair practice provisions of the law. Method of enforcement for unions violating the law is through their disqualification for assistance or protection through procedures established by the law.

Re Articles 27, Revised Trade Union Law 28, 29, 30, 31, 32, 33, Revised Trade Union Law."

STATEMENT BY SOVIET REPRESENTATIVE
AT FEC MEETING (WASHINGTON DC)
21 JULY 1949
IN REPLY TO AMERICAN STATEMENT OF 13 JULY 1949
RE LABOR POLICY IN JAPAN

"As regards this US "Analysis", the Soviet delegation considers it necessary to state the following: "A revised labor relations adjustment law.

"1. The US Government does not deny the fact that the Prime Minister of Japan has received the right to include additional enterprises in the category of 'Public Utilities' enterprises in order to restrict the rights of the workers in such enterprises in regard to acts connected with labor disputes.

"The substance of the US arguments is the assertion that this right, given to the Prime Minister, is limited to those enterprises 'the stoppage of which will seriously affect the national economy or seriously endanger the daily life of the general public' and may be exercised only with approval of the Diet.

"The fact that the Prime Minister has received the right to designate any enterprise or any industry as coming under the category of 'Public Utilities' enterprises and declare labor conflicts by the workers in such enterprises as illegal has not been denied by these arguments. The US reference to the requirement of further approval of the Prime Minister's decision by the Diet or to the provision that labor conflicts are forbidden only for a 30 day period, do not change the situation.

"2. Without denying the fact that a very important provision prohibiting the employer from discharging workers or discriminating against them for taking part in labor conflicts has been deleted from the labor relations adjustment, the US Government tries to justify the deletion of this provision by referring to the assertion that this has been done in order to remove 'Special protection from illegal or violent strike actions.'

"However, experience shows that both the US occupation authorities and the Japanese Government, not to mention the employers, declare all strikes in Japan to be illegal. As a result of the revision of the National Public Service Law, the adoption of the Public Corporations Labor Relations Law and the revision of the Trade Union and the Labor Relations Adjustment Laws the Japanese Government and the employers may declare any strike to be illegal and resort to repressive measures against the workers participating in the strike.

"3. The introduction of additional provisions prohibiting workers from engaging in labor conflicts during a period established for the settlement of the differences with the employers in respect to the interpretation of the agreements reached, as well as a number of other restrictive provisions are justified by the US Government by the necessity to 'Prevent continuous dispute tactics' and to 'Assist the achievement and maintenance of stable labor-management agreements.'

"The reference to such a 'Necessity' do not deny but, on the contrary, confirm the fact that new provisions aimed at limiting the workers rights to take part in labor conflicts have been included in the revised Labor Relations Adjustment Law.

"Besides, the Soviet delegation had in mind not only Article 37 of the revised Labor Relations Adjustment Law, to which the US Government has referred, but also 3 new paragraphs added in Article 26 providing that in case disagreement arises over interpretation of the agreement reached by the workers and the employers, the workers shall be denied the right to resort to strike within a period established for the settlement of a dispute question.

"4. The US Government's assertion that there is, allegedly, no provision in the Labor Relations Adjustment Law providing for penalizing workers by a fine of up to 100,000 yen for their participation in labor disputes does not correspond to actual facts. One can be convinced of this even by those articles of the law which have been cited by the US Government in confirmation of its assertion.

"Thus, for example, Article 39 of the revised Labor Relations Adjustment Law reads:

"'In case there is a contravention as under Article 37, the employer or his organization or the laborers' organization or other persons or organizations who are responsible for such contravention shall be subject to a fine not exceeding 100,000 yen.'

"Since Article 37 deals with the prohibition of labor disputes in 'Public Utility' enterprises, it is natural that the penalty measures, provided for in Article 39, are first of all directed against labor organizations or their representatives, not excluding individual workers as well. The provisions of the second paragraph of Article 39 even more clearly define the possibility of applying this penalty measure to the individual representatives of labor organizations.

"It is also impossible to agree with the assertion of the US Government that such a fine, when applicable to a labor organization as a whole, is allegedly, not onerous. Such a fine is certainly onerous even for a labor organization as a whole not to mention individual workers or representatives of a labor organization.

"The Soviet delegation is of the opinion that irrespective of the penalty measure itself, it is wrong, as a matter of principle, to regard a labor dispute between workers and employers as a crime subject to punishment. Therefore, the penalty measures provided by this law for workers and their trade union organizations for participation in labor disputes can not be considered justified in the least respect.

"Thus, the examples adduced by the Soviet delegation in its statement of 23 June 1949 in conformation of the fact that the revised 'Labor Relations Adjustment Law' is in contradiction to the policy decision FEC-045/5, notably to Paragraph 5 of this decision, are not in the slightest degree reputed by the US Government.

"B. The Revised Trade Union Law.

"1. The Soviet delegation considers that as a result of the incorporation into this law of new provisions regarding the structure and functions of Labor Relation Committees, the subordination of the Central Labor Relations Committee directly to the Labor Minister and the granting to the former of the right to modify and reject the decisions of local Labor Relations Committees as well as the granting to Labor Relations Committees of the right to control the activities of trade unions and to determine the question of their "Constitutionality", these Labor Relations Committees have actually been transformed into agencies of government control over the activities of trade unions. The arguments of the US Government to the effect that these committees are 'Operationally independent' are absolutely unfounded.

"As is known, according to the new law a trade union organization cannot be registered and its activities cannot be considered lawful until it receives an appropriate certificate from the Labor Relations Committee regarding the verification of its 'Constitutionality'.

"Under such a new system these committees cannot be in the least degree independent and cannot 'Operate under conditions assuring the protection of the interests of the workers' as is provided far in Paragraph 4 of the policy decision FEC-045/5.

"2. The prohibition of certain categories of workers from joining trade unions is not restricted only to supervisory employees, as the US Government asserts.

It is known, that in practice the employers include into this category drivers, telephone operators, junior employees, cooks, maids, typists and workers of other professions who are prohibited from joining trade unions under the pretext that they represent the interests of employers and, allegedly, may cause 'Employer domination of the workers' organizations' or under other pretexts.

"The prohibition of these and other categories of workers from joining trade unions is in contradiction to Paragraph 2 of the policy decision of the Far Eastern Commission FEC-045/5 which states: 'The freedom of workers to join trade unions should be provided for by law.'

"3. The assertion of the US Government to the effect that none of the provisions in this law regarding penalties are applicable to workers of trade unions but, allegedly, are applicable only to government officials or employers is refuted by the US delegation itself which, for example, quotes Article 30 of the law which provides that the representatives of trade unions shall be liable to a large fine for failure to submit to the Labor Relations Committee different kinds of reports and papers belonging to the trade union.

"It can be seen from the examples which I have cited that the revised 'Trade Union Law' and the 'Labor Relations Adjustment Law' are in contradiction to the policy decision of the Far Eastern Commission FEC-045/5.

"The Soviet delegation draws the attention of the Far Eastern Commission to the fact that even the official judiciary agency of Japan Attorney General's Office has recognized that the revision of these laws constituted a violation of the Japanese constitution which provides that the right of workers to organize and to bargain with the employer and act collectively is guaranteed (Article 28 of the constitution). I have in mind the opinion of that office in respect to the proposed amendments to the labor laws mentioned above, which was reported by the Japanese agency 'Jiji Press' on 9 March 1949.

"However, the US delegation, contrary to all the facts, tries to picture the situation in such a manner as if the revision of the Trade Union Law and the Labor Relations Adjustment Law was, allegedly, made on the basis of the policy decision FEC-045/5 in order to bring the above-mentioned laws, which were adopted prior to the approval of FEC-045/5, in line with this decision. This argument is far from the truth and is clearly calculated to mislead the Far Eastern Commission and public opinion. As is known, the policy decision set forth in FEC-045/5 was adopted by the Far Eastern Commission on 6 December 1946, and General MacArthur's directive of 22 July 1948 on the revision of the National Public Service Law was the first measure taken by the US occupation authorities after the adoption of the aforesaid decision. As a result of carrying out this legislative measure the workers in government enterprises and institutions have been deprived of their right to bargain collectively and to resort to strikes which measure not only was not in conformity with the policy decision FEC-045/5, but was clearly in contradiction to this decision as well as to the Potsdam Declaration and other decisions of the Far Eastern Commission in respect to the democratization of Japan.

"Even the official representative of the US Government Assistant Secretary of Labor John W. Gibson-recognized at a press conference on 7 February 1949, that the revised National Public Service Law prohibiting the workers in government enterprises and institutions from bargaining collectively and resorting to strikes 'went too far.' (New York Herald Tribune of 8 February 1949).

"As regards the revision of the Trade Union and the Labor Relations Adjustment Laws, the Soviet delegation in its statement of 13 July 1949 pointed out that these revisions were necessitated by the implementation of the US program of 'Economic Stabilization'.

"This is confirmed even by official representatives of the Japanese Government. For instance Labor Minister Suzuki stated in the Lower House of the Japanese Diet on 30 April 1949 that the Japanese Government was revising labor laws along the lines of the 'Economic Stabilization' program. Prime Minister Yoshida in his statement of 6 January 1949 in Osaka said that 'Strikes might be allowed only in wealthy nations, but not in this impoverished nation'.

"The Soviet delegation deems it necessary to point out once again that the only reason for the so-called 'Disorders' in Japan, about which General MacArthur speaks so much and General McCoy repeats so often, is the so-called US program of 'Economic Stabilization', the implementation of which has necessitated the revision of Japanese labor legislation. In carrying out this program in Japan the US occupation authorities and the Japanese Government are closing, on a mass scale, 'Unprofitable' enterprises, are depriving them of their Democratic Rights, thus creating 'Disorders' in Japan, the responsibility for which they attempt to shift to someone else.

"The Soviet delegation has noted in its statement of 13 July 1949 that the mass school workers is openly utilized for expelling from enterprises the leaders and active members of trade unions and progressively-minded elements in general. Now we have new confirmations of this. Thus, for instance, according to the NY Times report of 19 July 1949 at least 10% of the 83,000 dismissed railway workers are leaders and active members of trade unions.

"The Soviet delegation states its criticism of such a policy of the US in Japan because this policy is in contradiction to the Potsdam Declaration, the policy decision of the Far Eastern Commission and the national interests of Japan. The Soviet delegation is of the opinion that the US delegation in its statement of 13 July 1949 has not in any way reputed the fact that the labor policy being pursued by both the US occupation authorities in Japan and the JATKFZHNVUNGLIS in contradiction to the Potsday Declaration and the policy decision of the Far Eastern Commission.

"The Soviet delegation confirsm its statements on the labor question and believes that the Far Eastern Commission should adopt a decision on this important question without any further delay."

FEC-318/20,
/22, /24, /25,
/26, /27, /28, /29

STATEMENT BY SOVIET REPRESENTATIVE
AT FEC MEETING (WASHINGTON DC)
27 OCTOBER 1949
RE LABOR POLICY IN JAPAN

"In previous statements by the Soviet delegation on this subject sufficient examples had been adduced to show that the revised labor laws were in contradiction to Commission policy decisions. These examples had proven the futility of the attempt made by the United States delegation to deny indisputable facts. The Soviet delegation believed that as a result of the lengthy discussion which had taken place on the subject all delegations had had opportunity to convince themselves that the labor policy being carried out by the United States occupation authorities and by the Japanese Government as expressed in the revision of the National Public Service Law, the adoption of the Public Corporations Labor Relations Law, and the revision of the Labor Union and Labor Relations Adjustment Laws was in contradiction with the Potsdam Declaration and with the policy decisions of the Far Eastern Commission.

"Recent reports from Japan showed that the Japanese Government had not confined itself to those anti-labor measures already adopted. It was known, for instance, that by means of mass discharges of workers the Japanese authorities were removing from enterprises and institutions first of all leaders and active members of trade unions. Under the disguise of reducing the public payroll there had been dismissed progressive leaders of the Railway Workers Union, the Communication Workers Union, the Ministry of Agriculture and Forestry Union, and other trade unions of government workers. On September 17th the Japanese Government had published a new decision according to which the workers in government and public utility enterprises and institutions were prohibited from engaging in political activities.

"By means of this new decision the Japanese Government had deprived workers in government and public utility enterprises of their elementary political rights, and had thus openly violated the Potsdam Declaration and policy decisions of the Far Eastern Commission on the democratization of Japan.

"The foregoing examples do not in any way cover all the measures directed toward the suppression of legal activities of the Japanese trade unions and the deprivation of the elementary democratic rights of Japanese workers. Unfortunately, the Far Eastern Commission had not up to the present been able to adopt a decision on the subject.

" The Soviet delegation considers that the Far Eastern Commission, being confronted with undeniable evidence that the revised labor laws were in contradiction with the Potsdam Declaration and the policy decisions of the Far Eastern Commission, could not permit the continuation of such a situation, in which its policy decisions directed toward the democratization of Japan were ignored and not fulfilled.

"It is hoped that the Far Eastern Commission would give the Soviet proposal due attention and will support it."

FEC

STATEMENT BY UNITED STATES REPRESENTATIVE AT FEC MEETING (WASHINGTON, DC) 17 NOVEMBER 1949 IN REPLY TO SOVIET STATEMENT OF 27 OCTOBER 1949 RE LABOR POLICY IN JAPAN

"At the meeting of the Commission on October 27 the Soviet member reiterated his allegations that the labor policy which is being carried out by the US Occupation Authorities and the Japanese Government is in contradiction to the Potsdam Declaration and the policy decisions of the Far Eastern Commission.

"I feel that I have already rebutted these charges of the Soviet member in my statement on July 14, 1949, which has been circulated as FEC-318/25.

"However, the Soviet member makes two further allegations in his recent statement. While it is not my intention to make a practice of answering charges of this nature, I would like to call the attention of the Commission to the following information:

"First, the Soviet member charges 'that by means of mass discharges of workers, the Japanese authorities are removing from enterprises or institutions first of all leaders and active members of trade unions.' In implementation of the Economic Stabilization Program which calls for the rationalization of government employment in the interest of efficiency and economy, the Japanese Diet passed a law which established ceilings on the total personnel strength of the Japanese Governmental Agencies. Those ceilings required a reduction of some 20% overall, resulting in the release during the summer months of about 10% of the personnel actually on the regular government payroll. In executing this program, facts such as employees seniority, work record, efficiency, attendance and attitude toward his job were considered and weighed. Some of these persons may have been active union members, but that certainly was not the criterion for discharge.

"Secondly, the Soviet member stated that 'on September 17 the Japanese Government published a new decision according to which the workers of government and public utility enterprises and institutions are prohibited from engaging in political activities.' As I understand it no 'new decision' is involved at all. I assume that the Soviet member is referring to a rule, issued by the National Personnel Authority in September, which applies only to government workers and not to workers in public utility enterprises. This rule merely implements the provision of the National Public Service Las as enacted in 1947 and amended in 1948 which states that 'personnel shall not solicit nor receive, nor be in any matter concerned in soliciting or receiving, any subscription or other benefit for any political party of political purposes or engage in any political activity as defined by the rules of the authority other than to exercise the right to vote.'"

SOVIET STATEMENT CONCERNING
PARTICIPATION OF JAPANESE TRADE UNIONS
IN INTERNATIONAL TRADE UNION CONFERENCES
(AT FEC MEETING WASHINGTON DC)
8 DECEMBER 1949

"The Far Eastern Command decisions 'basic post-surrender policy for Japan,' of June 19, 1947, provides that it is necessary 'to help the people of Japan in their own interest as well as that of the world at large to find means whereby they may develop within the framework of a democratic society and intercourse among themselves and with other countries along economic and cultural lines.'

"The same decision provides that the Japanese people shall be 'encouraged to become familiar with the history, institutions, culture and the accomplishments of the democracies.'

"In the policy decision of December 6, 1946 'principles for Japanese Trade Unions' it is also said of the necessity to 'assist trade union officials in obtaining information on trade union activities in other countries.'

"However, the facts show that the US occupation authorities in Japan are violating these decisions of the Commission. Thus, for example, the Supreme Commander did not permit the Democratic Trade Unions of Japan to send their representatives to attend the 10th Congress of Trade Unions in the USSR in April of 1949 as well as the session of the world federation of Trade Unions in Prague in 1947 and in Milan in June 1949.

"On October 20 of this year the all-Japan Liaison Council of Labor Unions (Zenroren) which unites 4,000,000 workers of Japan, applied to the Supreme Commanders Headquarters for permission to send its representatives to the Congress of Trade Unions of Asia and Oceania. In spite of the fact that this Congress is to discuss the questions of protecting the interests of workers of Asiatic countries and that, consequently, its work is directly concerned with the activities of Japan's Trade Unions, General MacArthur's Headquarters has not granted such a permission.

"At the same time the Headquarters, without any hindrance, issues permits to travel abroad for the Representatives of Trade Unions which are under the directions of the so-called 'Democratization League' known for its schismatic policy in the trade union movement of Japan and for its dependence from the Japanese Government. Thus, for instance, at the suggestion of the Labor Division Chief of the Supreme Commander's Headquarters, a delegation from these unions was sent in April of this year to Pittsburg, in July to Geneva, and quite recently permission to visit London has been granted.

"Thus, it is absolutely clear that General MacArthur's Headquarters pursues the policy of discrimination against the Japanese Trade Unions connected with the world federation of trade unions and exerts administrative pressure against trade unions in Japan, arbitrarily interfering in their activities.

"In view of the aforesaid, the Soviet Delegation considers it necessary that the Far Eastern Commission take measures to assure the discontinuance by the headquarters of the Allied Supreme Commander in Japan of the policy of discrimination against the above-mentioned Japanese Trade Unions which defend the interests of workers as well as the necessity of democratic reforms in Japan, and to assure the representatives of these trade unions the possibility to attend International Trade Union conferences and take part in their work."

M.

FEC-344/1

U. S. REPLY TO
SOVIET STATEMENT CONCERNING
PARTICIPATION OF JAPANESE TRADE UNIONS
IN INTERNATIONAL TRADE UNION CONFERENCES
(AT FEC MEETING WASHINGTON DC)
15 December 1949

In a statement read to the FEC last week the Soviet Delegation charged the Supreme Commander for the Allied Powers with violations of Commission policy decisions in the matter of not allowing Japanese trade unionists to attend certain alleged trade union meetings abroad under the auspices of the World Federation of Trade Unions. At the same time the Soviet Delegation considered it arbitrary on SCAP's part that other Japanese trade unionists have been permitted to attend ILO meetings in Pittsburgh and Geneva as well as the meeting of the International Confederation of Free Trade Unions held recently in London.

As a basis for its claim that the foregoing constituted a violation of FEC policy decisions, the Soviet Delegation cited the passage from the Basic Post-Surrender Policy which states that the FEC powers are agreed:

> "To help the people of Japan in their own interests as well as those of the world at large to find means whereby they may develop within the framework of a democratic society an intercourse among themselves and with other countries along economic and cultural lines that will enable them to satisfy their reasonable individual and national needs and bring them into permanently peaceful relationship with all nations".

The Soviet Delegation omitted the concluding phrase "and bring them into permanently peaceful relationship with all nations". Furthermore, the Soviet Delegation did not quote from the Basic Post-Surrender Policy where it states that it is to be an objective of post-surrender policy to bring about the "earliest establishment of a democratic and peaceful government which will carry out its international responsibilities, respect the rights of other nations, and support the objectives of the United Nations".

It will be recalled that the fundamental cause of the split in the WFTU was the fact that many of its affiliates believed that the WFTU had ceased to be a trade union organization and was devoting its energies to political strife activities of an inflammatory character. Thus the United States Congress of Industrial Organizations formally resolved on November 3, 1949, at Cleveland, Ohio, in disaffiliating itself from the WFTU, that "the WFTU is now no longer a trade union organization but is entirely dominated by Communists or their puppets and is little more than an instrument of the Soviet Government". The statements of the various WFTU leaders at the Peiping meeting bear out the contention that the WFTU is not a trade union organization but is an international organization dedicated to revolutionary aims and to armed struggle against duly established governments. For example, the manifesto issued at the Peiping Conference on December 1, 1949, directed its particular fire against the Governments of Burma, Indochina, India, Malaya, the Philippines, Indonesia, and Thailand. After denouncing what it claimed to be the ruthless exploitation of peoples in these Asiatic countries, it called upon these peoples to rise up in armed partisan activities against the Governments of countries, some of which are members of the Far Eastern Commission.

Under these circumstances, it seems obvious that the Supreme Commander would not be fulfilling FEC policies if he were to allow Japanese representatives to attend conferences abroad committed to inciting revolt against established governments in East Asia and elsewhere. Would attendance at such conferences by Japanese delegates be consistent with the agreed objectives of this Commission; namely, the emergence of a Japan which, respecting the rights of other nations, can be brought into peaceful relationship with those nations?

While my Delegation can only surmise the Supreme Commander's reasons for rejecting the request of a minority group of Japanese unionists, representing the rapidly disintegrating Zenroren, to attend the WFTU-sponsored meetings, my Delegation feels certain that the foregoing considerations must have weighed heavily in his decision.

On the other hand the granting of permission by the Supreme Commander for representatives of the great majority of Japanese workers to attend the ILO and ICFTU meetings is in thorough accord with the Basic Post-Surrender Policy, the Principles for Japanese Trade Unions, and other controlling policies of this Commission and is in complete harmony with the objectives of truly democratic trade union movements everywhere. The ILO is, of course, a recognized organ of the United Nations, in which labor, employer and government groups of each participating country are represented. The ICFTU is a true trade union organization among whose charter objectives are the achievement of full employment, the improvement of labor standards, the rebuilding of the economic life of war-devastated countries, and the establishment of permanent peace among the nations of the world.

The United States Delegation is accordingly of the opinion that, in refusing Japanese representation at the WFTU conferences and in supporting Japanese representation at the ILO and ICFTU meetings, the Supreme Commander acted in accordance with the basic policies of this Commission and in the highest interests of our whole occupation endeavor in Japan.

FEC

SOVIET STATEMENT CONCERNING PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES
(AT FEC MEETING WASHINGTON DC)
22 DECEMBER 1949

"At the meeting of the Far Eastern Commission on December 15, the US Representative submitted his reply to the Soviet Delegations statement of December 8 on participation of Japanese trade unions in International Trade Union conferences and state the position of the US Delegation on this question.

"In his reply the US Representative did not deny that General MacArthur was pursuing the policy of discrimination against the progressive Japanese trade unions, in particular, against the all-Japan Liaison Council of Labor Unions (Zenroren) which unites 4 million workers of Japan and is affiliated with the World Federation of Trade Unions. And it was natural that the World Federation of Trade Unions. And it was natural that the US Representative could not deny this clearly obvious fact. Therefore the US Representative resorted to the notorious fabrications of certain schismatic trade union leaders and presented these fabrications as proof of his arguments to justify General MacArthur's policy of discrimination.

"The unfoundedness and the tendentious character of these fabrications in respect to the World Federation of Trade Unions as well as the purposes pursued by the schismatic trade unions' leaders acting on the instructions of their imperialistic bosses are clearly obvious. As is known, the World Federation of Trade Union is a genuine international organization which unites within its ranks 72 million trade union members representing almost all the countries of the world. This organization practices no discrimination, either political, national, or religious, and all its activities are based on the respect of opinion of all the organizations represented in it. This organization is being guided in its activities by the most important objectives of the International Trade Union movement, such as the improvement of economic and social conditions for the working people, the assurance of their democratic rights, and the assurance of peace and friendship among nations. It is also known that the World Federation of Trade Unions for a long time has been the only national government organization which, through its centers and its propaganda disseminated the principles of the UN throughout the world.

"The Peking Congress of Trade Unions of Asia and Australia, the participation in which of the Japanese trade unions affiliated with the Zenroren was not permitted by General MacArthur, constituted the largest event in the workers movement. The schismatic trade union leaders of certain national trade unions of Europe and America, in defending the imperialistic policy of their governments, strive to obstruct the unity of trade union movement in Asiatic countries.

"However, not withstanding their efforts, the Peking Congress was of a tremendous success. It is quite natural that in their statements and resolutions the delegates to the Congress expressed ardent aspirations of the working people for the rights to self determination and complete national independence, their aspirations to do away with all kinds of discrimination, based on race, color of skin nationality or religion, in the trade unions of Asiatic countries, and their aspirations for the establishment of labor legislation to guarantee the protection of the interests of the working people in their respective countries. The work of this congress, which discussed the question of protecting the interests of workers in Asiatic countries was directly concerned with the activities of Japanese trade unions and, consequently, General MacArthur had no ground to reject the request of Japanese trade unions for the permission to their representatives to attend this congress. Likewise, General MacArthur had no grounds to deny the permission to the representatives of Japanese trade unions to attend other trade union conferences mentioned in the Soviet Delegations statement of December 8.

"In trying to justify General MacArthur's policy of discrimination, the US Representative cited certain provisions from the Far Eastern Commission Policy decision -'basic post surrender policy for Japan.' In particular, he cited the provision which states that it is to be an objective of post surrender policy to bring about the 'earliest establishment of a democratic and peaceful government which will carry out its international responsibilities, respect the rights of other nations and support the objectives of the UN.' As is clearly seen, this passage does not exclude, but on the contrary, does confirm the necessity for Japanese trade unions to participate in international trade union conferences held at the initiative of the World Federation of Trade Unions, which is consistently carrying on the struggle for peace against the preparation of a new war. In support of this, it will be sufficient to cite the following passage from the manifesto of the 2d World Trade Union Congress adopted in Milan in July of 1949;

"In the interests of peace and general security the World Federation of Trade Unions vigorously opposes the facist regimes in Spain and Greece and acts to secure the speediest and most genuine demilitarization and democratization of Germany and Japan which is an essential factor for peace and the security of the peoples.

"The World Federation of Trade Unions is active in the world wide peace movement and heads the struggle of the working class against the warmongers in behalf of stable and lasting peace."

"The US representative considers trade union statements for the defense of peace and national independence of their peoples as 'inciting revolt' etc, but he can hardly deny the fact that the workers movement for democratic rights and freedoms, for national independence and for stable and lasting peace is a legitimate and widely accepted movement in every genuine democratic country. The participation in this movement or in political activity as well as the support of political parties can not deprive the trade unions of the character of a trade union organization as the US Representative tried to assert in his statement. 'In Connection with this, it should be reminded that in the Policy Decision of the Far Eastern Commission, Principles for Japanese Trade Unions of 6 December 1946 it is specifically provided that:

Trade Unions should be allowed to take part in political activities and to support political parties."

"Thus, it is quite evident that the policy of discrimination pursued by General MacArthur cannot be justified by those arguments which were advanced by the United States Representative in his statement. Even the more such policys cannot be justified by reference to the policy decision 'Basic Post Surrender Policy for Japan' which directly states that:

'Laws decress and regulations which establish discrimination on grounds of race, nationality creed or political opinion shall be abrogated.'

"It is clear from the aforesaid that the policy of discrimination pursued by General MacArthur against Japanese progressive trade union is in direct contradiction with the policy decisions of the far Eastern Commission 'Basic Post Surrender Policys for Japan' and 'Principles for Japanese Trade Unions'.

"As regards the 'inciting' of which the United States Representative spoke, it is the very feature of the work of the International Conferences convoked by the 'True Trade Unions', as the United States Representative called them, for the participation in which General MacArthur's headquarters, without any hindrance, issues permits the representative of the so-called Volte Democratization League which depends on the Japanese Government.

"This is confirmed, for example, by the statement of Irving Brown, one of the notorious schismatic leaders of American Trade Unions at the conference held recently in London, Brown openly stated in his statement that one of the objectives of a newly created schismatic trade union center was to "help to overthrow the existing governments in eastern Europe."

"It is clearly seen from this statement, what objectives are being pursued by this organization claimed by the United States Representative to be a "True Trade Union Organization."

"In his preliminary statement at the FEC meeting on December 8 in the subject under discussion, the United States Representative spoke of the accomplishments made by General MacArthur in the field of democratization of Japan, and stressed that the allies should feel pride in these accomplishments."

"In connection with the subject under discussion, I would like to refer to the facts adduced in the statements of the Soviet Delegation on the labor question which show that as a result of the revision of labor legislation made at the demand of General MacArthur, the Japanese workers were deprived of the democratic freedoms and rights to protect their interests. From the report published in the New York Times of December 14 it is seen what rights remained in the hands of Japanese workers to defend their interests. This report says that 104 leaders of the Japanese Railway Union resorted to a lengthy hunger strike, 8 of them going foodless for 95 hours. The hunger-strikers demanded the rise in wages and payment of bonuses to the workers. Thus, Mister Chairman, you see to what methods the Japanese workers are forced to resort to defend their interests.

"Perhaps you Mister Chairman, as the United States Representative are inclined to consider this as "the accomplishments' of General MacArthur, but I do not believe that there could be found impartial persons who would share the pride of the United States Representative in these "accomplishments."

"Only this one can explain General MacArthur's efforts to isolate by the iron wall the progressive Japanese Trade Union organizations defending the interests of Japanese workers and striving for the democratic reforms in Japan from the contacts with International Worker's Organizations affiliated with the World Federation of Trade Unions."

"The Soviet Delegation expresses its hope that the Far Eastern Commission will take measures to assure the discontinuance by the Headquarters of the Allied Supreme Commander of the policy of discrimination against the aforesaid Japanese trade unions, and to assure these trade unions the possibility of sending their representatives to International Trade Union Conferences."

LABOR POLICY STATEMENT BY SOVIET REPRESENTATIVE AT FEC MEETING (WASHINGTON, DC) 5 JANUARY 1950

"At the meeting of the Commission on 17 November 1949 the US representative submitted his reply to the Soviet delegation's statement on Labor Policy of 27 October 1949. In connection with this statement of the US representative the Soviet delegation deems it necessary to draw the attention of the Commission to the Soviet statement on Labor Policy of 21 July 1949 which the US representative had passed by in silence in his reply. In that statement the Soviet delegation has already rebutted the US representatives assertions that the Labor Policy pursued by the US authorities in Japan was not allegedly in contradiction to the Potsdam Declaration and the policy decisions of the FEC.

"This morning, the Soviet delegation wishes to touch upon certain questions raised in the US representative's statement of 17 November, and in this connection to draw the attention of the Commission to the letter of 21 December 1949 sent by Lt. General Derevyanko, Soviet representative on the Allied Council for Japan, to the Supreme Commander. General Derevyanko has shown in his letter that the developments of recent months have confirmed the accuracy of the warnings made by the Soviet representatives to the effect that the policy of connivance and indulgence on the part of the occupation authorities toward the anti-Democratic actions of the Japanese Government, is contrary to the Potsdam Declaration and the policy decisions of the FEC and creates a real threat of old Fascist order reemerging in Japan.

"..........

"Besides that, as it was pointed out in the Soviet delegation's statement of 27 October 1949, and in other statements on labor questions, the Japanese authorities are openly utilizing mass discharges in government enterprises and institutions in order to expel progressive trade union leaders and persons undesirable by management as well as in order to split up and destroy the trade union. The US representative in his statement of 17 November 1949 attempted to challenge this fact, however, General Walker, CG of the Eighth Occupation Army, in his statement of 15 September 1949 actually confirmed the fact that the Japanese Government was utilizing mass discharges for political purposes.

"The US representative in his statement of 17 November 1949 also attempted to justify the issuance by the Japanese National Personnel Authority of a regulation of 17 September 1949 prohibiting the workers of government institutions from engaging in political activities. The US representative asserted that this regulation was not 'a new decision' but merely implemented the revised National Public Service Law. The unfoundness of this argumentation is quite obvious for it is known that the revision of the National Public Service Law constituted a direct violation of the Potsdam Declaration and policy decisions of the FEC on democratization of Japan.

"The deprivation of government workers of their elementary political rights constitutes an unprecedented reactionary measure which could have been carried out by the Japanese Government only with the open support on the part of the Occupation authorities. As is known, according to the above mentioned regulation of the Japanese National Personnel Authority all government workers, who are trade union members, numbering over 1,000,000, are prohibited from supporting and criticizing political parties and organizations, participating in their leadership, criticizing the existing cabinet, demanding the dissolution of any organization or the discharge of any government officer, participating in political campaigns, organizing demonstrations and meetings, publishing and distributing printed party publications, making speeches and statements of their political views, as well as from writing books and articles on political subjects etc. Persons violating this regulation are subject to imprisonment for up to 3 years and to a fine of 100,000 yen.

"This regulation is an entirely open and demonstrative violation of the Potsdam Declaration which provides that Freedom of speech, of religion and of thought, as well as respect for the fundamental human rights shall be established in Japan and of Para 6 of the FEC Policy Decision 'Principles for Japanese Trade Unions' which provides that 'Trade unions should be allowed to take part in political activities and to support political parties'.

"It has also been said in the above mentioned letter of General Derevyanko that many Japanese trade unions have approached him with petitions in which this measure of the Japanese Government is qualified as 'complete suppression of basic human rights and trade union activities' and as leading to 'the revival of military fascism'.

"General Derevyanko has pointed out that the measures of the Japanese Government and of the US Occupation authorities, without whose knowledge they could not have been carried out, are at present directed not toward the democratization of Japan in accordance with the principles of the Potsdam Declaration and the policy decisions of the FEC but pursue the aim of suppressing the elementary democratic freedom and political rights of the Japanese people, which leads directly to the reestablishment of the fascist order prevailing in Japan before the surrender.

"The Soviet delegation is of the opinion that the Far Eastern Commission cannot bypass these facts of direct violation of the decisions previously adopted by the Allied Powers.

"The Soviet delegation believes that the best solution of this problem would be the adoption of the Soviet proposals on labor questions as shown in FEC 318/22, which provides for the necessity of taking measures to abrogate the revised labor laws which are contrary to the Potsdam Declaration and the policy decisions of the FEC."

AUSTRALIAN RESOLUTION AND COMMENTS

AUSTRALIAN RESOLUTIONS AND COMMENTS

A.	Australian Resolution	16 March 1949
B.	US Reaction to Proposed Resolution on Amendments to Trade Labor Laws proposed by Australia	20 July 1949
C.	Australia's Stand on Labor Policy in Japan	28 July 1949

A.

AUSTRALIA'S STAND ON
LABOR POLICY IN JAPAN
FEC MEETING (WASHINGTON DC)
28 July 1949

Australian member stated that his delegation had introduced its proposal in the interest of affording correct approach to the problem, but added it was not his intention to press at the present for a vote of FEC-318/20. However, his delegation were not prepared to retreat from the principle that there should be no distinction regarding the right to strike between workers in government enterprises and workers in private enterprises. He added he thought it useful to clarify the difference between FEC-318/20 which attempted to deal with only one specific aspect of the labor problem and to do so in a correct and dignified manner and the Soviet proposal which had been reintroduced at each successive level of discussion and had been accompanied by numerous statements dealing with such questions as repressive measures by Japanese police. No discussion of Soviet proposal.

B.

US REACTION TO PROPOSED RESOLUTION ON AMENDMENTS TO TRADE LABOR LAWS PROPOSED BY AUSTRALIA

20 JULY 1949

"Please seek early interview with Minister for External Affairs or other high official. Inform him that US Government understands Australian Representative on FEC intends to press for early vote (probable 28 July) on Australian resolution before Commission which if passed would require SCAP and Japanese Government amend existing Labor Legislation to give all government enterprise workers (railways, telecommunications, etc) right to strike. State that US considers pressing resolution to vote detrimental to interests of occupation and of all countries interested security of Pacific; That US earnestly hopes Australian Government will see its way clear to withdraw resolution or at least to hold in abeyance any action to bring resolution to vote. Following arguments might be presented:

"1 Controlling FEC Directive (045/5), to which Australia resolution refers is broad statement of principles for Japan Trade Unions, which does not state to which specific groop it does or does not apply. SCAP acted within his proper administrative discretion in interpreting directive to meet Japan circumstances, and his interpretation has been translated by Japanese Government into series of laws. Effect of Australian resolution, if adopted, would be to require major rewriting of these laws which in turn would undermine position of present government and jeopardize Stabilization Program. Present is peculiarly inappropirate time for FEC to reformulate labor policies for Japan when Labor situation there is seriously unsettled due to mass lay offs of surplus workers-a situation increasingly exploited by Communist trouble-makers.

"2 Australian resolution would permit unrestricted use of strike weapon by government enterprise workers unless expressly forbidden by Mil FIAT. This would impose on occupying authority (and on US as principal occupying power) direct responsibility for banning of strikes.

"3 Adoption of Austraillian resolution would be FEC reversal of position publicly taken by SCAP. Loss of prestige which SCAP would suffer from such reversal would seriously weaken authority of occupation. As in case of 2 above, this would play directly into hands of Communists.

"Accordingly, if Austraillian proposal is put to vote, US will have to vote against it. Australians will not gain their objective; US will be placed in embarrassing position; Only Soviets and their Japanese Communist Party Minions will reap any advantage from vote.

"In view foregoing factors, US does not consider issue the simple technical one which Australian Government evidently does. TO US Government, issue is directly concerned with order and security in Japan. US regrets that on a question bearing so directly upon Japan's Internal Security, US and Australia have not seen eye to eye.

"US is confident that under discretion which occupation authorities now possess and consistent with existing FEC Labor Policy, occupation authorities and Japanese Government can and will advance true interests of labor in Japan society as a whole. It may be reasonably expected that Labor Legislation evolved to date will undergo further revision by normal processes in future."

FEC-318/15

FAR EASTERN COMMISSION
JOINT COMMITTEE ON LABOR POLICY IN JAPAN

LABOR POLICY IN JAPAN
Australian Proposal Submitted 16 March 1949
(Reference: 318 series)

Note by the Secretary General

The enclosure, a proposed policy decision on labor policy in Japan submitted by the Australian member at the first meeting of the Joint Committee On Labor Policy in Japan, 16 March 1949, is circulated herewith for consideration by the JOINT COMMITTEE ON LABOR POLICY IN JAPAN.

NELSON T. JOHNSON
Secretary General

ENCLOSURE

LABOR POLICY IN JAPAN
Australian Proposal Submitted 16 March 1949

The Far Eastern Commission,

Bearing in mind that it is a matter for the occupation authorities in Japan to decide when strikes and other work stoppages should be prohibited as directly prejudicing the objectives or needs of the occupation, decides as a matter of policy that the provisions of FEC-045/5 (Principles for Japanese Trade Unions) should be applied to workers in Japanese government enterprises.

A.

OFFICIAL DOCUMENTS CONCERNING EMPLOYEE-MANAGEMENT RELATIONSHIPS IN JAPAN

A.	The Potsdam Declaration	26	July	1945
B.	Instrument of Japanese Surrender	3	September	1945
C.	United Kingdom Paper on Japanese Trade Unions	9	April	1946
D.	The Constitution of Japan--Articles 11, 12, 13, 27 and 28	3	November	1946
E.	Principles for Japanese Trade Unions	6	December	1946
F.	Basic Post-Surrender Policy for Japan	19	June	1947
G.	Mr. Blaine Hoover's Statement	27	January	1948
H.	Killen's Statement	29	April	1948
I.	Mr. Blaine Hoover's Summary		June	1948
J.	SCAP Statement	24	July	1948
K.	Cabinet Order 201	31	July	1948
L.	Interpretation of Cabinet Order 201	16	March	1950
M.	Three Letters of Interpretation	12	August	1948
N.	Mr. R. T. Amis's Statement	1	August	1949
O.	NPA Policy on Labor-Management			
P.	Editorial Survey	11	March	1950

THE POTSDAM DECLARATION

26 July 1945

1. We, the President of the United States, the President of the National Government of the Republic of China, and the Prime Minister of Great Britain, representing the hundreds of millions of our countrymen, have conferred and agree that Japan shall be given an opportunity to end this war.

2. The prodigious land, sea and air forces of the United States, the British Empire and of China, many times reinforced by their armies and air fleets from the west, are poised to strike the final blows upon Japan. This military power is sustained and inspired by the determination of all the Allied Nations to prosecute the war against Japan until she ceases to resist.

3. The result of the futile and senseless German resistance to the might of the aroused free peoples of the world stands forth in awful clarity as an example to the people of Japan. The might that now converges on Japan is immeasurably greater than that which, when applied to the resisting Nazis, necessarily laid waste to the lands, the industry and the method of life of the whole German people. The full application of our military power, backed by our resolve, will mean the inevitable and complete destruction of the Japanese Armed forces and just as inevitably the utter devastation of the Japanese homeland.

4. The time has come for Japan to decide whether she will continue to be controlled by those self-willed militaristic advisers whose unintelligent calculations have brought the Empire of Japan to the threshold of annihilation, or whether she will follow the path of reason.

5. Following are our terms. We will not deviate from them. There are no alternatives. We shall brook no delay.

6. There must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest, for we insist that a new order of peace, security and justice will be impossible until irresponsible militarism is driven from the world.

7. Until such a new order is established and until there is convincing proof that Japan's war-making power is destroyed, points in Japanese territory to be designated by the Allies shall be occupied to secure the achievement of the basic objectives we are here setting forth.

8. The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.

B.

9. The Japanese military forces, after being completely disarmed, shall be permitted to return to their home with the opportunity to lead peaceful and productive lives.

10. We do not intend that the Japanese shall be enslaved as a race, or destroyed as a nation, but stern justice shall be meted out to all war criminals, including those who have visited cruelties upon our prisoners. The Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendancies among the Japanese people. Freedom of speech, of religion, and of thought, as well as respect for the fundamental human rights shall be established.

11. Japan shall be permitted to maintain such industries as will sustain her economy and permit the exaction of just reparations in kind, but not those which would enable her to re-arm for war. To this end, access to, as distinguished from control of, raw materials shall be permitted. Eventual Japanese participation in world trade relations shall be permitted.

12.. The occupying forces of the Allies shall be withdrawn from Japan as soon as these objectives have been accomplished and there has been established in accordance with the freely expressed will of the Japanese people a peacefully inclined and responsible government.

13. We call upon the government of Japan to proclaim now the unconditional surrender of all Japanese armed forces, and to provide proper and adequate assurances of their good faith in such action. The alternative for Japan is prompt and utter destruction.

INSTRUMENT OF JAPANESE SURRENDER
2 SEPTEMBER 1945

We, acting by command of and in behalf of the Emperor of Japan, the Japanese Government and the Japanese Imperial General Headquarters, hereby accept the provisions set forth in the declaration issued by the heads of the Governments of the United States, China and Great Britain on 26 July 1949, at Potsdam, and subsequently adhered to by the Union of Soviet Socialist Republics, which four powers are hereafter referred to as the Allied Powers.

We hereby proclaim the Unconditional surrender to the Allied Powers of the Japanese Imperial General Headquarters and of all Japanese armed forces and all armed forces under Japanese control wherever situated.

We hereby command all Japanese forces wherever situated and the Japanese people to cease hostilities forthwith, to preserve and save from damage all ships, aircraft, and military and civil property and to comply with all requirements which may be imposed by the Supreme Commander for the Allied Powers or by agencies of the Japanese Government at his direction.

We hereby command the Japanese Imperial General Headquarters to issue at once orders to the Commanders of all Japanese forces and all forces under Japanese control wherever situated to surrender unconditionally themselves and all forces under their control.

We hereby command all civil, military and naval officials to obey and enforce all proclamations, orders and directives deemed by the Supreme Commander for the Allied Powers to be proper to effectuate this surrender and issued by him or under his authority and we direct all such officials to remain at their posts and to continue to perform their non-combatant duties unless specifically relieved by him or under his authority.

We hereby undertake for the Emperor, the Japanese Government and their successors to carry out the provisions of the Potsdam Declaration in good faith, and to issue whatever orders and take whatever action may be required by the Supreme Commander for the Allied Powers or by any other designated representative of the Allied Powers for the purpose of giving effect to that Declaration.

We hereby command the Japanese Imperial Government and the Japanese Imperial General Headquarters at once to liberate all allied prisoners of war and civilian internees now under Japanese control and to provide for their protection, care maintenance and immediate transportation to places as directed.

The authority of the Emperor and the Japanese Government to rule the state shall be subject to the Supreme Commander for the Allied Powers who will take such steps as he deems proper to effectuate these terms of surrender.

Signed at Tokyo Bay, Japan on the second day of September, 1945.

Note.--Signatures to the above document, signed on the USS *Missouri*, are of Foreign Minister Mamoru Shigemitsu and Gen. Yoshijiro Umezu of the Imperial General Staff, and for the United Nations the signatures are of Gen. Douglas MacArthur for the Allied Powers, Admiral Chester W. Nimitz for the United States, Gen. Hsu Yung-Ch'ang for China, Admiral Sir Bruce A. Fraser for the United Kingdom, Lt. Gen. Kuzma Derevyanko for the Soviet Union, Gen. Sir Thomas Blaney for Australia, Col. L. Moore Cosgrave for Canada, Gen. Jacques Le Clerc for France, Admiral C. E. L. Helfrich for the Netherlands, and Air Vice Marshal Leonard M. Isitt for New Zealand.

C.

UNITED KINGDOM PAPER ON
JAPANESE TRADE UNIONS

9 APRIL 1946

JAPANESE TRADE UNIONS

Introduction

1. The United Nations wish to encourage the development of democratic institutions in Japan, both in the political and economic spheres. The growth of trade unions in England and other countries has contributed greatly to the transferance of power from a small ruling class to the mass of the people and has enabled the benefits of economic progress to be widely shared. If a similar development can be fostered in Japan, it will be to the advantage not only of the Japanese themselves but also of the rest of the world, since it may be expected to divert the minds of the Japanese people from concern with vain nationalist ambitions to the pursuit of more solid material benefits. A strong trade union movement cannot, of course, be created by prescription; the people themselves must will it, and must be prepared for long struggles and efforts in its achievement. But if the United Nations can assist in this process, there is every reason why in their own interest they should do so.

Past History

2. Japanese trade unions in the past have been feeble institutions with but little influence over the political and economic life of the country. There were sporadic strikes and labor disputes in Japan from the latter years of the nineteenth century, but it was not until the war of 1914-18 that a trade union movement worthy of the name could be held to exist. In spite of the industrialization of Japan in the succeeding twenty years, the movement grew slowly and membership never exceeded 420,000. This was in 1936, when the number of occupied persons was over 32 million and the number of persons employed in manufacturing industry, mining and transport was over 9 million. By far the largest of the trade unions was the Seamen's Union, founded in 1928. Ten years later this accounted for nearly two-fifths of the total number of organized workers. A large proportion of the remainder was to be found in the engineering industries, while in the textile industries, which in the United Kingdom have long been among the most powerfully organized trades, trade unions barely existed.

3. The trade union movement has so far shown little capacity for working out a common policy and has lacked any consistent aim. Many unions have been mainly concerned with political activities, and the movement as a whole has been disfigured by internal disputes. Very few unions during the past twenty years were able to secure from employers the recognition of the right of collective bargaining (although the Seamen's Union provided an important exception to this rule), and the principle of the standard rate was almost unknown in Japanese manufacturing industry. During the war the trade unions voluntarily discontinued their activities and became merged in various patriotic associations. Trade unionism thus has a slender foundation of experience on which to build.

4. The weakness of the trade unions in Japan can be attributed to two sets of causes, one political and the other economic. An oligarchic Government strongly inclined towards imperialist policies is hardly likely to look with favor on organized activity among the workers, and this was the kind of Government that existed in Japan during the greater part of the last few decades. The legal position of the Japanese trade unions is rather obscure. Some notes about it are contained in Appendix "A". It would seem that action was frequently taken by the executive to suppress any body including trade unions, which appeared to harbor "dangerous thoughts" and which might weaken the effectiveness of the nationalist propaganda of the ruling cliques. Moreover the police in Japan, in their capacity as mentor of the people, possessed extraordinarily wide powers, and they frequently intervened in trade disputes and sometimes took it upon themselves to dissolve trade unions. Although the right of citizen to form associations is permitted by the Japanese Constitution, it does not seem that there was any possibility of appealing successfully to the courts against arbitrary action of this kind by the executive.

5. On the economic side the forces antagonistic to the growth of trade unions were equally powerful. Not only was the Japanese population of working age growing rapidly throughout this period, but the industrial labor market was being flooded by a constant stream of immigrants from the depressed and overpopulated countryside. Under these conditions the possibility of establishing anything in the nature of a "closed shop" was remote even if political conditions had been favorable. Again the structure of the Japanese industries themselves was unfavorable to trade union capacity. A high proportion of the industrial production was turned out by very small workplaces, while many of the large-scale enterprises were in the hands either of the State or of a comparatively few powerful concerns. In the largest of the manufacturing industries, the textile industries, the nature of the labour supply was not such as to promote effective organization among the workers. The women and girls who staffed the great cotton mills came for the most part from rural families. They were recruited by factory agents; they were housed in dormitories provided by the employers, and they received a large part of their wages in kind. They seldom remained for more than two or three years at the mill before returning to their families. Most of the railways and the leading plants in the iron and steel industry were Government enterprises; and free trade unions could scarcely make headway in such industries when the employer was an authoritarian and "paternal" Government.

6. The social traditions of Japan hardly favor the development of trade unions. It is true that there are in that country a long tradition of group action and a marked capacity for organization. But there is also a tradition of docility before acknowledged authority which is hardly compatible with vigorous trade union capacity. Moreover, the "paternal" relationship between the employer and the employed, or between the master and his apprentices, that existed in earlier times has by no means disappeared. This relationship, in principle at any rate, reappears in the living-in system in the great mills, in the widespread custom of granting dismissal allowances, and in the practice of paying semi-annual bonuses at New Year and O-Bon (Festival of the Dead).

One does not, of course, have to go to Japan to find examples of "welfare capitalism", but in that country the social situation has provided a particularly sympathetic environment for its development.

7. Within the last twenty years several important measures which have been intended to improve the conditions of the workers have become law, and these may be briefly referred to. In 1924 a Tenancy Disputes Conciliation Act set up conciliation machinery for dealing with disputes between landlords and tenants; these disputes have long been a prominent feature of Japanese rural life. This was followed in 1926 by the Labor Disputes Conciliation Act, which made conciliation compulsory in all important public utility and State undertakings. The resort to official conciliation machinery for other industries was apparently not very frequent, except in the case of the shipping industry, which was covered by a Joint Maritime Board composed of representatives of the Shipowners and the Seamen's Union. Unofficial mediation in disputes was often resorted to in other trades, and in this connection a Harmonisation Society (a private body in receipt of a Government subsidy) was of some importance. An attempt was also made by the Government to limit hours of work in certain industries, notably in the textile industries, where in 1929 restrictions were placed on night work. No control could of course be exercised over hours of work in the numerous small workshops.

8. An imperial Ordinance issued in 1923 required public employment exchanges to be established in all towns with over 30,000 inhabitants, and in 1934 this system was extended to rural communities. Long before this, private recruiting agencies had operated, especially in connection with the recruitment of labor from rural areas for the textile mills. This system was liable to various abuses which the Government attempted to control. Partly because of changes in economic conditions and partly because of the Government's own employment exchanges, the private recruiting agencies declined in importance in the inter-war years, and in 1938 they were abolished, since their existence was incompatible with the wartime control which the Government had introduced. Various schemes of social insurance came into being during the prewar era. The most notable legislation consisted of the National Health Insurance Act of 1937, which covered the majority of industries by a compulsory health insurance scheme. Obligations were also placed on the employer for providing compensations for accidents, and for giving allowances to workers on retirement or dismissal. The law covering the latter point made compulsory what has long been a voluntary practice on the part of Japanese employers. It would seem, therefore, that social insurance had outstripped the organizations of labor in Japan; this is, indeed, what was to be expected in a society of the Japanese type.

9. Japan was one of the original members of the League of Nations and therefore of the International Labor Organization. In fact, one of her representatives took part on the Organizing Commission which arranged for the first I. L. O. Conference in Washington in 1919. Some time after ceasing to be a member of the League of Nations, Japan tendered her resignation from

th I.L.O. This became effective in November 1940. Japan had ratified a total of fourteen Conventions, a detailed list of which is given in Appendix "C". Japan also adhered to the Berne White Phosphorus Agreement.

Present Position

10. In considering what steps the United Nations can take to foster a sound and democcatic trade union movement in Japan, regard must be had not only to the past history of trade unionism in that country, but also to more recent developments and to the current position that has been reached. In particular, it is necessary to take account of the action taken by SCAP since the occupation of Japan. Full information on the latter subject is not available at the time of writing, and the conclusions reached in the following paragraphs are, therefore, necessarily of a tentative character only. In this connection the following extracts from Japanese broadcasts are of some significance:--

Conference of Japanese Trade Union Leaders

"Japanese leaders of the former National Council of Labor Unions held a conference on the 29th September, and decided on mass labor meetings in various important cities. The aim of these meetings is to form a committee to organize labor unions, which will agitate for wage increases, establishment of an unemployment system and the immediate release of political prisoners. It was also decided to discuss the formation of a single Labor Union in Japan". (Broadcast of the 3rd October, 1945)

Labor Union Bill

"The new Labor Union Bill, prepared in accordance with General MacArthur's directive, was to be submitted to the Japanese Diet at the extraordinary session opening on the 27th November. It recognizes the right to strike, collective negotiations, and the workers' participation in management". (Broadcast of the 23rd November, 1945)

Demand for New Labor Ministry

"Increasing pressure is being exerted for the establishment of a new Labor Ministry in Japan to handle the numerous new problems that are expected after the proposed Labor Union Bill becomes law. It is thought that the Welfare Ministry will not be able to tackle the special problems of labor participation in the management of industry, which the Bill takes for granted. It is pointed out that even collective bargaining and workers' welfare questions, such as unemployment insurance, labor conditions, and compensation and benefits for workers are new to Japan". (Broadcast of the 23rd November, 1945).

11. The First Weekly Report on Japan and Korea from the Civil Affairs Division of the U.S. War Department, (F.E.C. Document, MI 001/1), dated 22nd December, states that the proposed Japanese Trade Union Bill (which was submitted

at the recent session of the Diet but not passed), contains four important types of provisions:--

<u>a</u>. guarantee to workers of the right to organize and bargain collectively;

<u>b</u>. elimination of laws and regulations restricting organizational activities;

<u>c</u>. prohibitions upon discrimination because of union membership;

<u>d</u>.. provisions for registration and the voluntary incorporation of trade unions.

The bill also recommends the establishment of a separate Labor Ministry and the exclusion of militarists and militant nationalists from positions as union officials or labor relations committee members.

12. Since the policy to be adopted will, in any event, need to be the subject of agreement between the Powers represented on the Far Eastern Commission, consideration will be useful of the understanding reached between the United Kingdom, United States and the USSR, regarding the policy to be followed towards the formation and growth of trade unions in Germany. The test of the Agreement is given below:--

The Formation, Control and Functions of Trade Unions in Germany

Agreement between the United Kingdom, the United States and the U.SSR.

<u>a</u>. The formation of free trade unions shall be permitted and encouraged within the whole of Germany. With the consent of Military Government trade unions will be permitted at a local level and allowed to federate and amalgamate in larger organizations.

<u>b</u>. The formation of trade unions shall be a process of democratic self-expression and initiative, proceeding from the basic levels--that is, from the workers themselves. Trade Union organizing Committees must be elected by the workers concerned by secret ballot and democratic methods.

<u>c</u>. It shall be the responsibility of the German trade unions to ensure that all officials have been democratically elected at regular stated intervals and all their activities shall be democratically conducted.

<u>d</u>. No person who has been an official of the Deutsche Arteits Front or more than a nominal member of the Nazi Party or who is a Nazi sympathiser or militarist will be permitted to hold office.

e. Allied Authorities will take no measures that will unnecessarily hamper the growth of free trade unions. They will not interfere with trade unions so long as their activities, including the holding of meetings, are not directed against the Allied Authorities or detrimental to their control, and so long as they do not produce disorder or in any other way threaten the security of the occupying forces or the accomplishment of the objects of the occupation.

f. Trade unions may act collectively for the well-being of their members in professional, economic or social matters, provided that they do not transgress any law or order which forbids such action.

In particular, trade unions may:--

(1) Assist Military Government in de-nazification and the elimination of militarism;
(2) Promote education in democracy;
(3) Co-operate with Military Government and German Authorities in the reconstruction and development of a peaceful German economy;
(4) Co-operate in the execution of Allied policy regarding the elimination of monopolistic practice and cartels;
(5) Negotiate with employers or employers associations concerning wages, hours and labor conditions consistent with Allied policies. Any agreement reached on wages must be approved by the competent German wage control authority.

(The agreement of France was also forthcoming except on the matter of supra-regional unions and since her attitude on this question was dictated by her general policy of opposition to the unification of Germany it is not likely to prove an obstacle so far as Japan is concerned.) The principles set out in the agreement have been the basis of policy in the British zone in Germany, and this policy has been recently endorsed by the delegation from the Trade Union Council which visited the zone.

13. The application of the principles of this agreement to Japan will, however, have to take account of a fundamental difference in the methods of control in the two countries. In the case of Germany, no national governmental authority is in existence and the Occupying Powers are, therefore, in a position to exercise direct control over such matters as the formation, recognition and conduct of trade unions to any extent necessary. In the case of Japan, on the other hand, control will be exercised less directly, viz., by using a Japanese Government acting under the orders of the Occupying Powers. Consequently, in Japan it will rest more with the workers themselves to produce a movement in which they will feel a sense of individual responsibility and there will be less scope for action by those Powers in the direction of supervising the growth of that movement. The policy of the Powers should accordingly be to ensure for the trade union movement an independent legal status which will prevent the Japanese executive from interfering unduly in trade union affairs as was its practice before the war (see paragraph 4). In that connection

it will no doubt be necessary for the Occupying Powers to secure the repeal of any legislation which prevents the organization of trade unions and the exercise of trade union activities as permitted in democratic countries.

14. British policy in Germany has been to encourage the formation of a trade union movement starting with the local organization of industrial trade unions and developing gradually towards the formation of national unions and federation with other unions throughout Germany. This is because His Majesty's Government have held the view that the opposite process is likely to result in the infection of the German trade union movement with authoritarianism and in stifling the local initiative which is necessary to sound trade unionism. Following this line in regard to Japan, the reactivation of the old central organization should not occur at too early a date and without the preparatory spade work at lower levels. It is noted from the radio report of the 3rd October (paragraph 10), that the leaders of the former National Council of Labor Unions in Japan have been taking an active part in stimulating the growth of new unions. There would appear to be some danger that these former trade union leaders, if permitted to exercise their influence prematurely, may tend to bring about a trade union movement based on earlier Japanese theories and not on the principles which it is desirable to see established. The attitude of the Occupying Powers towards the reintroduction of former trade union leaders needs, therefore, to be one of caution.

15. It will be observed that, subject to the provisions of paragraph 5 of the agreement quoted in paragraph 12 that agreement would not preclude the possibility of strikes. In the early period of occupation particularly careful handling of labor disputes will be necessary. Impetuous intervention in disputes between Japanese employers and workers might have results for more embarrassing to the ultimate objectives of the Control than would be warranted by the immediate objective of bringing a particular stoppage to a quick end. It is our view, therefore, that the Occupying Powers should keep as far as possible aloof from disputes so long as they do not endanger the security of the occupying forces or the accomplishment of the objects of the Occupation. With a view to keeping stoppages of work at a minimum the Japanese Government should, however, be required to set up machinery for conciliation in order that all possible steps might be taken by the Japanese to ensure prompt consideration of their causes and to assist in their settlement.

16. Conclusions.

a. The formation of free trade unions should be permitted and encouraged throughout Japan.
b. Proper legislative safeguards should be introduced to avoid undue interference by the Japanese executive in trade union affairs.
c. So far as practicable in the circumstances prevailing in Japan, policy towards the formation and growth of trade unions should be on the lines already agreed upon for Germany and put into force in the British Zone.
d. Emphasis should be placed on the importance of a solid local basis for future trade unions activity in Japan, and on the dangers arising from the premature establishment of central unions of a central federation of trade unions.

e. The reintroduction of former trade union leaders into Japanese trade union activity should be carefully watched.

f. Subject to the security of the occupying forces and the accomplishment of the objects of the occupation, the occupying forces should keep as far as possible aloof from industrial disputes. The Japanese Government should be required to set up machinery for conciliation of such dispute.

APPENDIX "A"

JAPANESE TRADE UNIONS AND THE LAW

It is difficult to speak with assurance on the Japanese law as it affected trade unions, and this subject requires further investigation. The legal situation appears to have been as follows:--

1. There was no law in Japan which prohibited strikes or lock-outs; on the contrary, these stoppages were implicitly recognized in the Labor Disputes Conciliation Act of 1926 (see paragraph 7 of the text). But action taken by strikers in the course of a trade dispute might be (and frequently was) construed by the police as intimidation or obstruction and so liable to upset public order. The police have evidently had wide discretion in their interpretation of the law on these matters, and this seriously jeopardises the position of strikers, even if their actions are of a kind which in this country would be considered reasonable. The history of trade unionism in England shows how important it is that the law should distinguish clearly between actions that are permissible and those that are not permissible in the course of a trade dispute.

2. The laws under which the police could interfere with unions or take action in labor disputes were:--

- a. Public Peace Police Act, 1900, which gave the police power to repress agitation in connection with labor disputes.
- b. Peace Preservation Law of 1925 was to provide against the spread and diffusion of "dangerous thought". The principal item of the Regulations, Article 1, provided that those who have organized an association of fraternity with the object of altering the national constitution or of repudiating the system of private property, or those who have joined such an organization with full knowledge of its object are liable to a penalty ranging from death to five years' penal servitude.
- c. An Imperial Ordinance of 1928 made the provisions of the 1925 Act still more stringent.

These laws were not expressly aimed at trade unions, and only affected workers' organizations indirectly. The Government could decide at any moment, however, that an organization of any kind was undesirable and instruct the police to see that it was dissolved.

3. In 1936 the Minister of War prohibited workers in military arsenals from forming unions or continuing their affiliation with either the General Federation of Labor of Japan or the Japanese Congress of Trade Unions.

4. Apart from the measure mentioned under 3 above (which covers a special case), there is no legislation specifically regulating the exercise of the right of association. The Japanese Constitution guarantees the right of subjects to form associations. From time to time Bills to give legal status

to trade unions have been presented to the Diet, but none of them has been passed. The latest was a Government measure of February 1931, which passed the Lower House but failed to pass the Upper House as the discussion of the Bill was still proceeding when the Diet session closed. The principal provisions were:--

a. The objects of a trade union were set down as "the maintenance or improvement of conditions of labor, mutual aid and culture among members and other activities for the protection and promotion of common interests". Any organization of workers engaged in the same or similar trade or industry, or any federation of such organizations was to be recognized.

b. Trade unions were to be allowed to admit as members not only actual workers but anyone who had once been a worker in the same or a similar trade as well as anyone who was, or had been, an official of the union. Soldiers and sailors, as well as civilians attached to the army or navy, were excluded from membership.

c. Discharge of a worker on account of membership of a trade union was to be unlawful. A contract of service requiring a worker to withdraw from or abstain from joining a union was to be declared invalid.

d. The authorities were empowered to declare illegal any action on the part of a union which was contrary to law if committed by an individual. They were also to have power to require unions to submit reports of their transactions, property, membership, etc. Means were provided for trade unions to resort to litigation if their rights were unlawfully violated.

5. Trade unions, like all other organizations in Japan were required to register themselves with the police authorities.

APPENDIX "B"

HOURS OF WORK IN JAPANESE INDUSTRY

1. The first Factory Act was passed in 1911, but it did not come into force (and then only partially) until 1916. The Act was amended in 1923, but the amended Act was not applied until 1926. This Act covered all factories employing 10 or more workers and thus excluded a very large section of Japanese industry. The hours of work of "protected workers" (children under 16 and all women) were limited to not more than 11 hours a day with a recess of at least 1 hour if they worked over 10 hours. There was no legal restriction on the hours worked by adult males. From July 1929 the employment of women and young persons in specified factories was prohibited between the hours of 10 p.m. and 5 a.m. It appears, however, that local authorities were given power to exclude certain classes of workers from these regulations, and this power seems to have been widely exercised in the textile industry.

2. Owing to the increased industrial activity during the rearmament period, and 12-hour day for men became very frequent plus overtime in many cases. But because such long hours resulted in much absenteeism, accidents and bad health, with consequent loss of efficiency, the Government issued recommendations to employers that, in any case, 14 hours including overtime should be the limit; later, hours were restricted by orders (not legislation) to a maximum of 12. An order of 1939 limits in principle the working day of adult males to 12 in specified industries, including a break of 30 minutes when hours of work exceed 6, and a break of 1 hour if over 12.

3. In 1936 the average number of hours worked in manufacturing industry was between 9½ and 10 hours a day. This does not apply of course to workers in small factories with less than 10 workers. The main contrast between the hours worked by factory workers in Japan and inmost Western countries was to be found not so much in the great length of the working day in Japan, but in the absence of weekly rest day. This is shown by the following figures for october 1936:--

	Hours worked per day	Days worked per month
Textile and dyeing	9.5	27.6
Machinery and tools	10.8	27.3
Chemical	9.5	27.6
Food	9.37	27.8
Miscellaneous	9.47	27.3

4. In the case of miners, regulations were issued in 1928 which for the first time limited the hours of work for men. According to these regulations underground workers were limited to 10 hours a day. From September 1933, employment of women and children under 16 years of age was prohibited in mines between the hours of 10 p.m. and 5 a.m.

APPENDIX "C"

INTERNATIONAL LABOR CONVENTIONS RATIFIED BY JAPAN

Convention No. 2.	Unemployment.
Convention No. 5.	Minimum Age (Industry).
Convention No. 7.	Minimum Age (Sea).
Convention No. 9.	Placing of Seamen.
Convention No. 10.	Minimum Age (Agriculture).
Convention No. 15.	Minimum Age (Trimmers and Stokers).
Convention No. 16.	Medical examination of Young Persons (Sea).
Convention No. 18.	Workmen's Compensation (Occupational Diseases).
Convention No. 19.	Equality of Treatment (Accident Compensation).
Convention No. 21.	Inspection of Emigrants.
Convention No. 27.	Marking of Weight. (Packages transported by Vessels).
Convention No. 29.	Forced Labor.
Convention No. 42.	Workmen's Compensation (Occupational Diseases) (Revised).
Convention No. 50.	Recruiting of Indigenous Workers.

THE CONSTITUTION OF JAPAN

Article 11. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

Article 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article 13. All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

Article 27. All people shall have the right and the obligation to work. Standards for wages, hours, rest and other working conditions shall be fixed by law.

Article 28. The right of workers to organize and to bargain and act collectively is guaranteed.

FEC-045/5

PRINCIPLES FOR JAPANESE TRADE UNIONS
(Reference: FEC-045/2; FEC-045/4)
AT FEC MEETING (WASHINGTON, DC)
9 December 1948

Note by the Secretary General

1. Enclosure "A", a policy decision relating to Principles for Japanese Trade Unions, was unanimously approved by the Far Eastern Commission at its thirty-sixth meeting, 6 December 1946.

2. The letter of transmittal of the Secretary General, forwarding this policy decision on behalf of the Far Eastern Commission to the Secretary of State of the United States Government in accordance with the Terms of Reference, is circulated herewith as Enclosure "B".

NELSON T. JOHNSON
Secretary General

PRINCIPLES FOR JAPANESE TRADE UNIONS

1. Japanese workers should be encouraged to form themselves into trade unions for the purpose of preserving and improving conditions of work participating in industrial negotiations to this end, and otherwise assisting the legitimate trade union interests of workers, including organized participation in building up a peaceful and democratic Japan.

2. The right of trade unions and their members to organize for these purposes should be assured and protected by law. The freedom of workers to join trade unions should be provided for by law. All laws and regulations preventing trade unions achieving these objectives should be immediately abrogated. Employers should be forbidden to refuse employment to, or discriminate against, a worker because he is a member of a trade union.

3. Trade unions should have the right of free assembly, speech and the press, and access to broadcasting facilities on a nondiscriminatory basis, provided only that such assembly, speech, or writing does not directly interfere with the interests of the occupation.

4. Trade unions should be encouraged to negotiate with the employers on behalf of their members regarding terms and conditions of employment. The Japanese Government should establish mediation and arbitration machinery for dealing with industrial disputes that cannot be settled by direct and voluntary negotiation between the worker or his representatives and the employer. The mediation and arbitration machinery should operate under conditions assuring the protection of the interests of the workers, and if employers are represented on the machinery, trade unions should be given equal representation.

5. Strikes and other work stoppages should be prohibited only when the occupation authorities consider that such stoppages would directly prejudice the objectives or needs of the occupation.

6. Trade unions should be allowed to take part in political activities and to support political parties.

7. Encouragement should be given to organized participation by trade unions and their officials in the democratization process in Japan and in measures taken to achieve the objectives of the occupation, such as the elimination of militaristic and monopolistic practices. But such participation should not be encouraged in such a way as to hinder the achievement of the principle obligation and responsibility of the unions and their officials to organize for the protection of union members and union interests.

8. Trade unions should be encouraged to promote adult education and an understanding of democratic processes and of trade union practices and aims among their members. The Japanese Government should as far as possible assist trade union officials in obtaining information on trade union activities in other countries. These objectives should be given due weight when allocations of paper supplies and imports of foreign publications are made.

9. The Japanese should be free to choose the form of organization of their unions, whether on a craft, industry, company, factory or territorial basis. Emphasis should be placed on the importance of a solid local basis for future trade activity in Japan. However, unions should be allowed to form federations or other groupings, for example in the same area or in related industries or on a nationwide basis.

10. The formation of trade unions should be a process of democratic self-expression and initiative, proceeding from the workers themselves. Employers should not be allowed to take part in the organization or conduct of unions or to finance them.

11. Trade union officials and standing committees should be elected by the workers concerned by secret ballot and democratic methods. It should be the responsibility of the unions to ensure that all officials have been democratically elected at regular stated intervals and that all their activities are democratically conducted.

12. No person who is subject to the purge directive of 4 January 1946, or to subsequent purge directives, should be allowed to hold office in a trade union. All persons who were directly connected in the past in a responsible capacity with the obstruction or repression of trade union organization or activity should be prohibited from employment as union officials, in labor agencies or as mediators, conciliators, or arbitrators. All persons who held office in government-sponsored or controlled trade unions should be subject to screening before being allowed to take office again.

13. Japanese Government and other agencies which were set up or functions for the purpose of obstructing or in such a way as to obstruct free labor organization and legitimate trade union activities should be abolished or their powers in respect to labor revoked. No police or other government agencies should be employed in spying on workers, breaking strikes, or suppressing legitimate union activities.

14. Any undemocratic workers' organizations or their affiliates, such as the Patriotic Industrial Associations, should be dissolved and not allowed to revive. No new workers' organizations with militaristic, ultra-nationalistic, fascist, or other totaliterian aims should be permitted.

15. Persons who have been imprisoned because of activity or "dangerous thoughts" in connection with trade unions and other labor organizations should be released.

16. The balance sheet and table of income and expenditure of each trade union showing also the source of large contributions should be available for public inspection. Safeguards such as annual audit by a professionally competent auditor appointed by members should be taken to ensure the accuracy of these statements.

ENCLOSURE "B"

LETTER OF TRANSMITTAL

6 December 1946

The Honorable Dean Acheson
Acting Secretary of Sate
Washington, D.C.

My dear Mr. Secretary:

The Terms of Reference of the Far Eastern Commission provide that one of the functions of the Commission should be to "formulate the policies, principles and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished."

It is further provided that when such decisions are made by the Far Eastern Commission, "The United States Government shall prepare directives in accordance with the policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency."

At the thirty-sixth meeting of the Far Eastern Commission held at 2516 Massachusetts Avenue, Northwest, Washington, D. C., on 6 December 1946, the enclosed policy decision relative to Principles for Japanese Trade Unions was unanimously approved.

As Secretary General of the Far Eastern Commission, I have been instructed to forward this decision to you on behalf of the Commission, in order that the appropriate directives may be prepared and transmitted to the Supreme Commander in accordance with the Terms of Reference.

In adopting the enclosed policy decision, the Commission agreed that it should be released to the press. In accordance with our normal procedure I would appreciate it if you could make arrangements to notify me when the enclosed policy decision has been received in Tokyo.

Sincerely yours,

NELSON T. JOHNSON
Secretary General

FEC
19 June 1947

BASIC POST-SURRENDER POLICY FOR JAPAN

This document is a statement of general policy relating to Japan after surrender. It does not deal with all matters relating to the occupation of Japan requiring policy determinations. Such matters as are not included or are not fully covered will be dealt with separately.

PREAMBLE

WHEREAS on September 2, 1945, Japan surrendered unconditionally to the Allied Powers and is now under military occupation by forces of these Powers under the command of General of the Army Douglas MacArthur, Supreme Commander for the Allied Powers, and
WHEREAS representatives of the following nations, namely, Australia, Canada, China, France, India, the Netherlands, New Zealand, the Philippines, the U. S. S. R., the United Kingdom, and the United States of America, which were engaged in the war against Japan, have on the decision of the Moscow Conference of Foreign Ministers met together at Washington as a Far Eastern Commission, to formulate the policies, principles and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished:
THE NATIONS COMPOSING THIS COMMISSION, with the object of fulfilling the intentions of the Potsdam Declaration, of carrying out the instrument of surrender and of establishing international security and stability,
CONSCIOUS that such security and stability depend first, upon the complete destruction of the military machine which has been the chief means whereby Japan has carried out the aggressions of past decades; second, upon the establishment of such political and economic conditions as would make impossible any revival of militarism in Japan; and third, upon bringing the Japanese to a realization that their will to war, their plan of conquest, and the methods used to accomplish such plans, have brought them to the verge of ruin,
RESOLVED that Japan cannot be allowed to control her own destinies again until there is on her part a determination to abandon militarism in all its aspects and a desire to live with the rest of the world in peace, and until democratic principles are established in all spheres of the political, economic, and cultural life of Japan;
ARE THEREFORE AGREED:

To ensure the fulfillment of Japan's obligations to the Allied Powers;

To complete the task of physical and spiritual demilitarization of Japan by measures including total disarmament, economic reform designed to deprive Japan of power to make war, elimination of militaristic influences, and stern justice to war criminals, and requiring a period of strict control; and

To help the people of Japan in their own interest as well as that of the world at large to find means whereby they may develop within the framework of a democratic society an intercourse among themselves and with other countries along economic and cultural lines that will enable them to satisfy their reasonable individual and national needs and bring them into permanently peaceful relationship with all nations;

AND HAVE ADOPTED the following basic objectives and policies in dealing with Japan:

PART I - ULTIMATE OBJECTIVES

1. The ultimate objectives in relation to Japan, to which policies for the post-surrender period for Japan should conform, are:

a. To insure that Japan will not again become a menace to the peace and security of the world.

b. To bring about the earliest possible establishment of a democratic and peaceful government which will carry out its international responsibilities, respect the rights of other states, and support the objectives of the United Nations, Such government in Japan should be established in accordance with the freely expressed will of the Japanese people.

2. These objectives will be achieved by the following principal means:

a. Japan's sovereignity will be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor outlying islands as may be determined.

b. Japan will be completely disarmed and demilitarized. The authority of the militarists and the influence of militarism will be totally eliminated. All institutions expressive of the spirit of militarism and aggression will be vigorously suppressed.

c. The Japanese people shall be encouraged to develop a desire for individual liberties and respect for fundamental human rights, particularly the freedom of religion, assembly and association, speech and the press. They shall be encouraged to form democratic and representative organizations.

d. Japan shall be permitted to maintain such industries as will sustain her economy and permit the exaction of just reparations in kind, but not those which would enable her to rearm for war. To this end access to, as distinguished from control of, raw materials should be permitted. Eventual Japanese participation in world trade relations will be permitted.

PART II - ALLIED AUTHORITY

1. Military Occupation

There will be a military occupation of the Japanese home islands to carry into effect the surrender terms and further the achievement of the ultimate objectives stated above. The occupation shall have the character of an operation in behalf of the Powers that have participated in the war against Japan. The principle of participation in the occupation of Japan by forces of these nations is affirmed. The occupation forces will be under the command of a Supreme Commander designated by the United States.

2. Relationship to Japanese Government

The authority of the Emperor and the Japanese Government will be subject to the Supreme Commander, who will possess all powers necessary to effectuate the surrender terms and to carry out the policies established for the conduct of the occupation and the control of Japan.

The Supreme Commander will exercise his authority through Japanese Governmental machinery and agencies, including the Emperor but only to the extent that this satisfactorily furthers the objectives and policies stated herein. According to the judgment and discretion of the Supreme Commander, the Japanese Government may be permitted to exercise the normal powers of government in matters of domestic administration, or the Supreme Commander may in any case direct action to be taken without making use of the agencies of the Japanese Government.

After appropriate preliminary consultation with the representatives of the Allied Powers in the Allied Council for Japan, the Supreme Commander may, in cases of necessity, take decisions concerning the removal of individual ministers of the Japanese Government, or concerning the filling of vacancies created by the resignation of individual cabinet members. Changes in the governmental machinery, or a change in the Japanese Government as a whole, will be made in accordance with the principles laid down in the Terms of Reference of the Far Eastern Commission.

The Supreme Commander is not committed to support the Emperor or any other Japanese governmental authority. The policy is to use the existing form of government in Japan and not to support it. Changes in the pre-surrender form of the Emperor institution and in the form of government in the direction of modifying or removing its feudal and authoritarian character and of establishing a democratic Japan are to be encouraged.

3. Protection of United Nations Interests

It shall be the duty of the Supreme Commander to protect the interests, assets, and rights of all Members of the United Nations and their nationals. Where such protection conflicts with the fulfillment of the objectives and policies of the occupation, the government of the nation concerned shall be informed through diplomatic channels and shall be consulted on the question of proper adjustment.

4. Publicity as to Policies

The peoples of the nations which have participated in the war against Japan, the Japanese people, and the world at large shall be kept fully informed of the objectives and policies of the occupation, and of progress made in their fulfillment.

PART III - POLITICAL

1. Disarmament and Demilitarization

. . . .

2. War Criminals

. . . .

3. Encouragement of Desire for Individual Liberties and Democratic Processes

Freedom of worship and observance of all religions shall be proclaimed and guaranteed for the future. It should also be made plain to the Japanese that ultra-nationalistic, militaristic and anti-democratic organizations and movements will not be permitted to hide behind the cloak of religion.

The Japanese people shall be afforded opportunity and encouraged to become familiar with the history, institutions, culture and the accomplishments of the democracies.

Obstacles to the revival and strengthening of democratic tendencies among the Japanese people shall be removed.

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The Japanese people shall be afforded opportunity and encouraged to become familiar with the history, institutions, culture and the accomplishments of the democracies.

Obstacles to the revival and strengthening of democratic tendencies among the Japanese people shall be removed.

Democratic political parties, with rights of assembly and public discussion, and the formation of trade unions shall be encouraged, subject to the necessity for maintaining the security of the occupying forces.

Laws, decrees, and regulations which establish discrimination on grounds of race, nationality, creed or political opinion shall be abrogated; those which conflict with the objectives and policies outlined in this document shall be repealed, suspended or amended as required, and agencies charged specifically with their enforcement shall be abolished or appropriately modified. Persons unjustly confined by Japanese authority on political grounds shall be released. The judicial, legal and police systems shall be reformed as soon as practicable to conform to the policies set forth herein and it shall be the duty of all judicial, legal and police officers to protect individual liberties and civil rights.

PART IV - ECONOMIC

1. Economic Demilitarization

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2. Promotion of Democratic Forces

Organizations of labor in industry and agriculture, organized on a democratic basis, shall be encouraged. Other organizations in industry and agriculture, organized on a democratic basis, shall be encouraged if they will contribute to furthering the democratization of Japan or other objectives of the occupation.

Policies shall be laid down with the object of insuring a wide and just distribution of income and of the ownership of the means of production and trade.

Encouragement shall be given to those forms of economic activity, organization, and leadership deemed likely to strengthen the democratic forces in Japan and to prevent economic activity from being used in support of military ends.

. . . .

3. Resumption of Peaceful Economic Activity

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4. Reparations and Restitution

Reparations

. . . .

Restitution

. . . .

5. **Fiscal, Monetary, and Banking Policies**

. . . .

6. **International Trade and Financial Relations**

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7. **Japanese Property Located Abroad**

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8. **Equality of Opportunity for Foreign Enterprise Within Japan**

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9. **Imperial Household Property**

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G.

27 January 1948

MEMORANDUM TO: Brigadier General Courtney Whitney, Chief, Government Section

FROM : Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Activities of Organized Labor in the Government of Japan

This Division has been assigned the mission of constructing a democratic and efficient Civil Service in the Japanese National Government.

This assignment involves a complete reconstruction of the Japanese bureaucracy in form, and at some points changes in personnel. It is a mammoth undertaking because of the character of the upper Japanese bureaucracy. The reform in its external aspects as applied to the Japanese will tax the resources of this Division and the occupation in general. We cannot afford negative elements at any point in our dealing with the Japanese.

In this connection, I direct your attention to a situation which has developed within SCAP which I regard as damaging to that part of the SCAP program for which we carry responsibility.

During the early days of the occupation a Labor Section was constituted in SCAP. It found the Japanese Government defeated, confused, compliant, and uncertain concerning the implications of the new democracy. In this situation the Labor Section was exceedingly successful in securing cooperation on the part of the Japanese Government in the organization of its civil employees and real progress was made. According to the best figures we have been able to obtain there are today in the governments of Japan approximately 26,000 unions with a membership of over 5,000,000 persons, and in the National Government over 5000 unions with a membership of more than 1,000,000. We do not sponsor these figures, which are from the public press, but they are best obtainable and without regard to their precision they indicate that unionization of the employees of government has been substantial.

There is no objection to the unionization of government employees for certain purposes but the purposes for which employees may associate in government are not the same as the purposes for which they may associate in private employment. This is the American pattern. The Japanese unions, however, began to apply in government the pattern of conduct associated with industrial unions including strikes or their equivalent and collective bargaining.

When the United States Personnel Advisory Mission to Japan made its investigations on the Japanese Public Service, it was shocked at violations of good practice in government employment which had been brought about in this way. In its report, among other matters, it directed attention to a situation in which a single ministry there were "approximately 2000 workers who devote full time to union activities and who receive from the Government the salaries and allowances commensurate with their recorded classifications as government employees. In the law proposed by the Mission various devices, direct and indirect, were included to assist in ridding the government of these and other associated abuses. Amongst them were requirements that civil servants should only perform duties which it was the responsibility of the Government of Japan to perform; a provision removing from the service employees who did strike against the Government of Japan; and a provision for the standardization of wages and salaries on the basis of a scientific plan of classification and compensation to be approved by the Diet. This plan put such decisions in uniform pattern before the only authority that could properly make them in a democracy, viz, the Diet. These recommendations were consistent with the American civil service practice.

Labor legislation removed from certain government employees the right to strike but did not remove the right to collective bargaining nor did it cure many of the associated evils which were maximum sources of confusion and inefficiency in the performance of government workers, and in the National Public Service Law, as passed, certain provisions dealing with the problem were omitted or not dealt with conclusively.

Meanwhile, in the Japanese Government, confusion increased. I direct attention to a report addressed to Col. C. P. Marcum, Chief of the National Government Division, 16 January 1948, at the direction of Mr. Sone, Deputy Chief Secretary of the Cabinet, in which he refers to the "recent movement of government employee unions and its effect on the conduct of official business." (Copy attached.) This memorandum recites a number of instances of concerted failure on the part of government employees to perform duty, including actual refusal to enforce law because of disagreement with overall government policy.

On 30 December 1947, my attention was directed to the fact that the Labor Division of E.S.S. had instructed the Japanese Government to take necessary steps to clarify regulations for enforcement of discipline among white-collar employees of the National Government. We had no objection to the enforcement of discipline - it is critically needed. We informally communicated to the Chief, Labor Division, that problems associated with the discipline of government employees were within the jurisdiction of the Government Section. Nevertheless, without referral to us, the statement on enforcement of discipline upon Government employees approved by that Division was approved by the Cabinet.

We object to the activities of the Labor Division, E.S.S. in this area as:

1. Out of jurisdiction and designed to cause confusion in the proper development and enforcement of the National Public Service Law.

2. Un-American in pattern.

3. Establishing a jurisdiction on the part of organized labor which has already led the Japanese Government into strikes, sit-downs, no overtime, "prompt" time, improper assignment of government funds, loss of managerial confidence and authority and various other mal-practices evident in the Japanese civil service.

4. Conceivably setting up, prior to the installation of the National Personnel Commission on 1 July 1948, a pattern of conduct inconsistent with the objectives of the National Public Service Law.

The situation is confused by reason of the fact that labor has advanced so far in this field of governmental activity that it would be extremely difficult for the Government Section, prior to the effective date of the Civil Service Law, to bring order out of confusion or accept responsibility for the danger which threaten governmental functions.

In this situation it is recommended that the policy of distinguishing government employees from labor in private industry be recognized and practically implemented by removing all references to government employees from labor legislation and amending the National Public Service law in accordance with American philosophy and practice

29 January 1948

COPY

Colonel C. P. Marcum,
Chief, National Government Division,
Government Section, GHQ, SCAP

January 16, 1948

Dear Colonel Marcum,

I have been directed by Mr. Sone, Deputy Chief Secretary of the Cabinet, who is away from Tokyo at the present moment, to send to you the report on "Recent Movement of Government Employees' Unions", a copy of which is enclosed herewith. The report is made as of December 31 last year, but the collection of materials from various Ministries and the translation thereof into English took some time and made it possible to complete it in the final form only yesterday.

Hoping that the report meets with your request,

Yours sincerely,

/s/ S. SHIMA
S. SHIMA
Secretary of the Prime Minister's Office

ENclosure

Recent Movement of Government Employees' Unions and Its Effects on the Conduct of Official Business

December 31, 1947

I. Prime Minister's Office

"No overtime" movement, which began on November 24 in the Paper Allocation Board and in the Board of Commodity Prices, on December 8 in the Statistics Bureau and the Pensions Bureau, in the December 15 - 23 period in the War Damage Rehabilitation Board, and on December 16 in the Secretariat of the Statistics Committee, is still continuing. In the Statistics Bureau, some inconvenience has been caused, but with this exception, no inconvenience has been felt in the other establishments, as the personnel necessary for urgent business have been working overtime.

II. Foreign Ministry

"No overtime" was put into practice between December 1 and December 6, but the personnel necessary for urgent business worked overtime.

III. Finance Ministry

1. Union of Finance Ministry Employees. The Union began the "No overtime" on November 17, in advance of the employees of other Government offices, but the minimum personnel necessary for urgent business are working overtime. The union intended to start a "mass leave of absence" on December 20. Though negotiations came to a satisfactory conclusion, a certain proportion were absent on December 20, due to inadequate means of relaying the news. This, however, soon returned to the normal conditions.

2. "Zenzai" (National Federation of Financial Employees' Unions).

(a) Gyomu-kanri ("business control")

After the middle of October, some of the local unions adopted resolutions declaring that they would not undertake the revision of income tax assessments, or that they would not enforce the sanction against tax defaulters, or that they would resort to "lawful business control," and attempted to translate their resolutions into practice, but the said resolutions were cancelled at the warning of the Government and considering the general situation.

More recently, however, these unions began insisting that under the current schedule of pay, it was impossible to proceed to the revision of income tax assessments and the sanction against tax defaulters, as planned by the Government. While making propaganda shifting on the Government the blame for the failure to collect the expected amount of taxes, they attempted "lawful sabotage" carrying on union activities during office hours. This has affected efficiency. This state of things has been most conspicuous in the areas under Osaka and Nagoya Finance Bureaus, the Hiroshima and Tokyo areas coming next in the same regard.

According to information received, Gyomu-kanri I-inkai ("business control" committees) were organized on October 16 and after in 24 Revenue Offices, out of 25 in the Osaka-fu area. In these Revenue Offices, the same information states, Gyomu-kanri In ("business management" marks) are being stamped on documents. The revision of income tax assessments, collection, of indirect taxes, and action against tax defaulters are being suspended, while reports filed on incomes are being accepted without necessary inquiries. The normal conduct of official business is thus being interfered with.

(b) Movement against taxes on the masses. Posters for the purpose have been prepared. The movement still remains within the extent of disputes with supervising authorities over the putting up of these posters.

(c) Mass resignations.

This began with the unions in the area under the Hiroshima Bureau, and spread to other areas. In the Yamaguchi and Okayama prefectural areas, the whole local unions took part in the movement, and some local branches in other areas did the same. (The Hiroshima area is the worst, and in the Tokyo, Nagoya, and Sendai areas, this movement is only partial.) The mass resignations, however, have so far remained a gesture, the resignation notes being still kept in the hands of local union chiefs without being presented to the directors of the Revenue Offices concerned.

IV. Education Ministry.

1. The Union of Education Ministry Employees has been practising "No overtime" since November 28.

2. The Yokohama "Chiren" (local section for the Yokohama area) of the "Nikkyo" (Japan Federation of Teachers' Unions) held, according to information received, a "Job site meeting" during the morning hours of December 17, and cancelled the afternoon lessons, while the local sections for the Kyoto and Hyogo areas are said to have resorted to Gyoku-kanri ("business control").

V. Welfare Ministry.

The Union of Welfare Ministry Employees began "punctual attendance and punctual leaving" on December 6, and has since been practising the same thing, but the personnel necessary for urgent business are working overtime.

VI. Agriculture and Forestry Ministry.

The Union of Agriculture and Forestry Ministry Employees has been practising "No overtime" since November 25. The Ministry's employees took a mass leave of absence on December 11 and 12, in advance of the employees of other ministries.

VII. Commerce and Industry Ministry.

The Union of Commerce and Industry Ministry Employees has been practising "Punctual attendance and punctual leaving" since December 12, but the personnel necessary for urgent business are serving overtime. The Union decided, a report said, to enter on an "individual leave of absence" from December 15.

VIII. Ministry of Transportation

1. Government Railway Labor Union.
   (Desertion and sabotage)
   a. Sapporo Railway Bureau District.

Within the Ikeda Track Maintenance Area under the jurisdiction of the Kushiro Administration Office, about 40 track maintenance workers belonging to the Atsunai and three other teams had deserted their work since about November 28, but they all resumed their work on December 5. In the area of the Kitami Administration Office, where the labor unions are most active, the locals of the Kitami conductors group, the Kitami engineers group, the Abashiri and Engaru stations, and the Engaru engineers group, decided to go on independent strikes, which, however, were not actually carried out.

The local of the Administration Office is refusing overtime since December 9. Job site meetings were held by most locals belonging to the jurisdiction of the Bureau.

b. Sendai Railway Bureau District.

The labor unions within the District, prone to radical actions, had been conducting collective absentive since some time ago, when the cold and snowstorm still aggravated the situation, resulting in the congestion of freight cars at Aomori. The dire shortage of coal that followed dealt an additional blow, and finally caused the suspension of services.

(1) Aomori Engineering Area.
Since about November 27, about 40 of the 350 trammen had been failing to attend to their work, thereby interfering with the normal operation of trains. Situation since then is outlined below: December 11, 128 of 140 apprentice engineers (<u>Giko</u>) absented themselves; Payment of wages suspended. December 12, 138 of 141 engineers absented themselves. December 13, 70 attendants. Rate of attendance increased, but they sabotaged works. December 18. Most of the attendants resumed work.

(On December 25, Katsumi NAKAMURA, an apprentice engineer, was fired by way of disciplinary punishment, as the instigator of the sabotage.)

(2) Aomori Track Maintenance Area.
December 4, 499 absentees out of 648. At the order of the chief of the Administration Office, 128 more attendants in the afternoon.
December 5, as of the attendance hour: 39 absentees, many of the attendants retired one after another before the closing hour.
December 6, 152 absentees with leave; 23 without leave. Normal conditions were gradually restored thereafter.

(3) Ominato Automobile Area.
December 4, 58 absentees out of 114.
December 5, No attendant. Operation of services seriously affected.
December 6, 47 absentees with leave; 46 without leave.
December 8, Normal conditions restored.

(4) Hirosaki Engineering Area.
Many of the trainmen absented themselves during October, with the result that about two freight trains were cancelled for some time. While subsequently the rate of attendance was on the increase, quite recently desertion of work was resumed.

December 14.	Attendants refused to work.
December 15.	Of the 47 shed workers, 34 absented.
December 16.	No attendant.
December 17.	No attendant.
December 18.	35 absentees.
December 19.	Normal conditions restored.

On December 13, transportation of coal was rendered impossible on account of snow-storm. All freight services, with the exception of those for the Occupation Forces, were cancelled. As of December 16, coal in stock found in the jurisdiction of the Sendai Railway Bureau amounted to an equivalent of only 0.5 day's consumption. Only two freight train's continued to run and one passenger train had to be cancelled, and the operation of 27 of the 47 large type locomotives was suspended. The coal supply and the weather improved on December 17, but the labor situation became worse, permitting the operation of only seven trips to freight trains, both ways, on the main lines, with the services of passenger trains considerably reduced.

2. The members of the National Federation of Employees' Unions of Maritime Offices, the National Employees' Union of Weather Observatories and the Labor Union of Transportation and Construction Headquarters, have been observing "no overtime" since December 1.

IX Ministry of Communications

1. "Zen-tei "(National Union of Communications Employees). With the Osaka District Federation having submitted its case to the District Labor Committee on August 30 this year for the first time, many of the district federations and locals took similar steps, and, as of November 18, the cases submitted amounted to 35 throughout the country. Meanwhile, the National Union of Communications Employees also submitted its case to the Central Labor Committee on September 26. Since about the time the District Labor Committees were appealed to, there were signs of increasing desertions, which came into prominence in mid-October. The warning issued on October 22 by the Government against the practice of wildcat strikes, coupled with the notice given by the communications authorities on October 29 that while the wildcat strikes were on proportionate reduction of wages would be made, abated the

situation lessening the number of the deserters, and temporarily restoring normal conditions of work. But since about the time of national meeting of the Union, which was held from November 2 to 5, (at which the importance of regional strife was re-endorsed; employees control of communications, sabotage without absenteeism, and local strikes were recommended as means of strife.) slow-down strikes know as "safe communications" were begun in various parts of the country. Consequently, telegrams waiting transmission accumulated at the rate of several hundred per day in some post offices within the Metropolitan Prefecture of Tokyo.

Then the Union decided to accept conditionally the proposed arbitration, which had been presented by the Central Labor Committee on November 13, But, the Union, in demanding the expedited payment of the bonus equivalent to 2.8 months' wage, gave warning to the Government on December 8 that, "unless the payment is decided upon by the 9th as demanded by the Union, peaceful continuance of communications services cannot be guaranteed." As was anticipated, the desertion of work and the so called "safe communications" on a nation-wide scale were resumed since December 10, retarding smooth progress of work. For instance, it is reported, on December 10, nobody attended at the Shimoda Post Office as of 11:00 a.m.; at the Tennoji Post Office on the same day all the workers on day duty in the telegraphic department absented themselves, with the exception of the managing staff; and on the 11th nobody of the 200 workers of the Office turned up.

2. Employees Union of Communications Ministry. (Local Union of Central Ministry belonging to National Union of Communications Employees.)
"No overtime" has been observed since December 10.

X. Ministry of Labor

With the exception of the members of the executive and central committees, the employees had been forbidden from partaking in the People's Meeting for protection of the Right of Live, which was held in front of the Imperial Palace on November 18 (by the National Federation of Labor Unions). But as most of the members of the Employees Union of the Ministry took part in the demonstration parade, the business of the Ministry was interfered with.

E.

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NIPPON TIMES, April 29, 1948

KILLEN STRESSES RULES GOVERNING LABOR DISPUTES

Non-Payment of Salaries to Workers on Strike One of 4 Precepts

Four principles, including the non-payment of wages to workers during a strike, were pointed out as fundamental precepts governing labor disputes by James S. Killen, Chief of the Labor Division, ESS, at a conference with six Cabinet Ministers on Monday, it was learned.

Chief Cabinet Secretary Gizo Tomabechi said that Mr. Killen had reminded the Japanese Government of the following points in connection with the recent "piston" strikes of the Government and public workers:

(1) Wages should not be paid during a strike and the union should not entertain the idea that workers ought to be paid during a strike;
(2) Government workers who have no right to strike should submit their grievances to a committee formed for the purpose without resorting to a strike at once so as to settle the dispute peacefully;
(3) Workers who are union members should be paid by the union during a strike and they should be suspended without pay by their employers; and
(4) The time stipulations in a collective contract should be strictly observed and when they are overdue the contract should be renewed instead of prolonged just as it is.

Mr. Killen further pointed out that changes in the labor laws should be submitted to the Diet and not discussed with union members.

The Government has been endeavoring to adhere to these principles.

Meanwhile, the Government is expected shortly to urge various enterprises to establish "Dispute Settlement Committees" to prevent labor disputes as well as to bring about peaceful settlement of all labor-capital disputes.

The decision to urge the establishment of such committees to be composed voluntarily by representatives from both labor and capital in place of the present "management councils" was reached at a meeting held Tuesday evening among six Cabinet Ministers concerned with labor affairs.

It was also decided that labor representatives, who devote most of their time to labor union affairs, should take "leaves of absence" from the companies they are employed and to receive their pays from the union instead of from the company in which they are employed.

At the same time, the Cabinet Minister reaffirmed the decision that wages during strike periods shall not be paid as in the case in all other foreign countries.

It is believed that the decisions reached by the Cabinet Ministers will form the basis of a general labor policy to be formulated by the Ashida Cabinet.

In this connection, Labor Minister Kanju Kato testifying before the Lower House Budget Committee yesterday declared that the status quo may have to be maintained for the time being in connection with the question of pay for full-time union officials who are at present on management of government payrolls.

Mr. Kato said that despite the Katayama Cabinet's decision last November to have full-time union officers placed on union payrolls, most of the Japanese labor unions still remain "feudalistic" in character and their economic foundations are still insecure.

He explained that if the new policy should be applied to all labor unions at once, most of the present full-time union officers would have to work with extremely small pay.

1.

ISSUES FOR DECISION

GOVERNMENT EMPLOYMENT POLICY

ISSUES FOR DECISION - GOVERNMENT EMPLOYMENT POLICY

I. **Shall government employees be prohibited by law from bargaining collectively or engaging in strikes or other "dispute tactics" against the government?**

Government Section -- Yes. There is a fundamental difference between public employment and private employment. Collective bargaining and strikes or other "dispute tactics" in government employment are:

1. Destructive of efficiency of government operation. (Supp. A, p.5) (Supp. B), (Supp. C).
2. Inconsistent with approved American public personnel practice. (Supp. A, p.5)
3. Impracticable and unworkable. (Supp. A, p.7).
4. Subversive of the sovereignty of the people of Japan. (Supp. A, p.8).
5. Subversive of the rights of the employee. (Supp. A, p.8).
6. Playing into the hands of the old feudal bureauccacy. (Supp. A, p.9).
7. An aid to the advance of Communism. (Supp. A, p.9).
8. Destructive of a modern American type civil service system. (Supp. A, p.9).
9. Damaging to the legitimate aspirations of organized labor in Japan. (Supp. A, p.10).

Comment: Government Section proposes that this situation be corrected principally by the revision of Art. 98 of the National Public Service Law to read as follows. Revisions of law proposed are entirely constitutional. (Supp. D) and similar to American policy. (Supp. A, p.6), (Supp. A, Exhibit C).

> "Personnel of the service in the performance of their duties shall comply with laws and orders and faithfully observe the orders of their superiors on matters pertaining to the performance of their official duties. They shall be permitted to join or refrain from joining associations or other employee organizations, and through such organizations to designate representatives for purposes of consultation or cooperation with proper authorities relative to conditions of employment and for other lawful purposes

> including social and welfare activities except that police, firemen, and personnel of the Maritime Safety Board (Coast Guard) and penal institutions shall be denied the right to organize trade unions or to join trade unions. Personnel of the service shall not strike or engage in delaying or other dispute tactics against the public of Japan represented by the National Government as employer or resort to delaying tactics which reduce the efficiency of governmental operations. Any person in the service who shall resort to strike or any or all of the unlawful tactics herein prescribed shall lose all rights to employment by the National Government acquired and possessed by him under this law or otherwise at the time of such strike, dispute or delaying tactics."

Economic and Scientific Section -- No. The right of workers to organize and to bargain collectively is guaranteed by Article 28 of the Constitution of Japan, and specifically provided for by implementing legislation. (The Trade Union Act and the Labor Relations Adjustment Act). There is nothing in these provisions that distinguishes government employees from employees of private concerns. The right to engage in strikes or other dispute tactics is a recognized weapon of labor for use when other means fail. It should be curtailed by law only when its use endangers the public welfare, not by the circumstance that a given industry or enterprise is owned by the government. No question of definance of the sovereignty of the people is involved. Existing legislation already forbids strikes or dispute tactis by policemen, firemen, administrative and judicial employees of the government and imposes a maximum penalty of ¥10,000 fine against violators. In activities that are not part of the operation of government, strikes should and can be prevented by providing adequate mediation machinery for the peaceful settlement of disputes, not by prohibitory legislation vesting the power of final decision in a bureaucratic body which is also the employer and other party to the dispute.

II. Shall all government employees be subject to operation of National Public Service Law?

Government Section -- Yes, except elected officials, officials whose appointment requires Diet approval, administrative officials at the policy-making level, certain confidential secretaries, employees of the Diet, judges, and employees of Kodans.

Present distinctions between "administration" and "enterprise" are lacking in fundamental validity as applied to government and non-government, and are largely significant as a distinction (poorly defined at best) between operating and non-operating activities of government. In the main they are under direct control of government officials, are paid by the government, have interchanging personnel arrangements, exercise authority in the name of the government and their operation is essential to the national welfare. The proposal is to put only 374,000 or approximately 20% of the government employees under civil service. It eliminates from the civil service such agencies as the Ministry of Communications which has over 228,000 persons constituting the majority of its employees working in the postal "enterprises," known by us as postal services. General inclusion of government employees under civil service is necessary to:

1. Give the public the institutional protection of a democratic personnel system based on merit as applied to public services essential to the general welfare.

2. Establish the dominance of a body of sound and uniform governmental employment policy over areas of employee population subjected to a multiplicity and diversity of personnel policies and practices which tend to subvert and reduce to mediocrity the standards of the civil service at large. Government, as employer, cannot operate successfully, part on one personnel policy and part on another.

3. Give dignity and career benefits to common labor in government.

4. Assure sufficient coverage of the national government service by the National Personnel Authority to prevent the reappearance in the regular service of bureaucrats found unqualified by examination to hold a position in the regular service.

<u>Comment</u>: For proposed exemptions from application of the National Public Service Law, see Supplement E.

<u>Economic and Scientific Section (Labor Division)</u> -- No. The inclusion of all government employees in the civil service system, regardless of type of activity in which engaged, would be an unwarranted extension perverting the basis purpose of civil service reform, namely, the reform of the governmental bureaucracy in the interest of democratic government. It would result in unrealistic application to workers in such industrial activities as salt mining and cigarette manufacture administrative standards, procedures and methods designed primarily for administrative government employees. It would impose upon the mass of industrial labor, a system of governmental paternalism destructive of initiative and efficiency and sound labor relations. The objective is not necessarily to introduce American theories and practices into Japan. The labor movement in Japan has in some respects followed a British rather than an American pattern, especially as it concerns government employees. That does not make it undemocratic. On the contrary, the labor movement in England is far more

advanced and socially responsible than in the United States and has been a powerful ally of the forces of democracy. To substitute for a formalized and realistic collective bargaining relationship within the government service an omnipotent and unchecked civil service authority will perpetuate the evils of bureaucratic rule.

III. Shall existent contracts and the bargaining relationship of government employees estop implementation of decisions on (1) and (2)?

Economic and Scientific Section (Labor Division) -- Yes. Affirmative decisions on 1 and 2 above would require cessation of bargaining relationships developed over a period of two and one-half years under constitutional and statutory provisions enacted by the Japanese Diet in accord with declared SCAP policies. It is unnecessary and undesirable to require abrogation of existing contracts. Such action could not be carried out by the Japanese Government on its own responsibility but would require instructions from SCAP to impair the validity of agreements entered into by the government in good faith on which government employees have relied. Such SCAP action could not be taken without an admission, express or implied, that the SCAP policy of the past 30 months toward trade unions which has been universally lauded, has undergone reversal. It is not a question here of introducing some desirable reform in Japanese Government. It is a question of turning the clock back two and one-half years in the trade union movement under the Occupation. The probable political and economic repercussions are tremendous.

Government Section -- No. It involves a difficult readjustment but failure to effect this will delay the national recovery indefinitely, expose Japan and the Allied interest to the hazards of the present practice, (Supp. A) and make effective bureaucratic reform impossible.

Comment: Government Section proposes that the situation be corrected by revisions of laws as necessary to differentiate between government employment and private employment and in particular by the addition to the National Public Service Law of a supplementary provision as follows:

> "To protect the sovereignty and general welfare of the people of Japan in relations with personnel of the service, promote the efficiency of the service and provide uniform and equitable treatment of the entire personnel of the service consistent with the principles of personnel administration set forth in this law, it is hereby provided that: (1) Effective July 1, 1948, any contracts or agreements existing or purporting to exist between the government or its officials and personnel or organizations of

personnel of the service, relative to compensation, hours of work, leaves or other aspects of employment in the regular service referred to in this Law, are cancelled and void. (2) On and after July 1, 1948, no official or employee of the government shall in the name of the government or otherwise enter into or promote any such contract or agreement. (3) From July 1, 1948 to December 31, 1948 the provisions of such voided contracts shall continue to control as if established under procedures established in this law, except that upon installation of civil service procedures or issuance of rules and regulations by the National Personnel Authority under this Law any provisions of such voided contracts or agreements relating to the same subject matter shall, as of the date of such installation, order or regulation, be null and void."

IV. Shall Government Section continue to be the staff section exclusively responsible for "the revision and supplementation as necessary of the laws, policies, practices and procedures affecting personnel administration of the Japanese Government for the purpose of assuring conformity to democratic precepts and the making of a maximum contribution to the integrity and efficiency of administration; and the implementation of decisions made with respect to this subject matter by the Supreme Commander for the Allied Powers," as now provided in General Order No. 10, GHQ, SCAP, dated 23 June 1947?

Economic and Scientific Section (Labor Division) -- Yes. Within the framework of overall labor policy as developed by the Japanese Government under the guidance of ESS/Labor pursuant to the declared policies of SCAP, the United States Government and the FEC. If the Government Section will follow standard operating procedure of staff cooperation and coordination, no change in the general order is necessary. ESS viewpoint on the issues is more fully set forth in check-sheet dated 16 June 1948. (Supp. F).

Government Section -- Yes. Duality of control in this specialized field of personnel administration is administratively impracticable.

SUPPLEMENT A

of memorandum 2 April 1948
to
Brigadier General Courtney Whitney
Chief, Government Section
from
Mr. Blaine Hoover,
Chief, Civil Service Division
and
Mr. Carlos Marcum
Chief, Administrative Management Division

Subject
Personnel Administration in Government - Japan

SUPPLEMENT A

There exists within GHQ, SCAP, sharp issue as to what policy shall control personnel administration in government in Japan. The issue has developed as follows:

During the early days of the Occupation a Labor Division was constituted in SCAP. It found the Japanese Government defeated, confused, compliant, uncertain concerning the implications of the new democracy, and eager to comply, in degree at least, with what it believed to be SCAP policy. In this situation the Labor Division was exceedingly successful in securing cooperation on the part of the Japanese in the unionization of its civil employees and real progress was made in terms of the numbers of government employees who were unionized.

There is no objection to the unionization of government employees. However, as developed by American experience, the purposes for which employees may associate in government are not the same as the purposes for which they may associate in private enterprise. Interestingly, the Japanese unions, under Labor Division auspices, began to apply in government the pattern of policy and practice generally associated with unions in private enterprise, including collective bargaining and strikes or other form of work stoppage or work retardation.

When the United States Personnel Advisory Mission to Japan made its investigations of the Japanese public service, it was shocked at excess of union activity which had developed in government. In its report, among other matters, the Mission directed attention to a situation in which in a single ministry there were "approximately 2000 workers who devote full time to union activities and who receive from the Government the salaries and allowances commensurate with their recorded classification" as government employees. The distinctions in typical American practice between what constitutes sound practice in governmental unionization as contrasted with unionization in private enterprise were so axiomatic that the Mission did not protract discussions of this problem but devoted itself principally to the prime problem which was the elimination of the feudalistic elements in the bureaucratic setup. It directed attention to the condition and assumed that its immediate correction under American auspices would be all but automatic.

At the same time, the Mission wrote into the Law, which it described as "a concentration of recommendations", the devices, direct and indirect, necessary to rid the Government of Japan of the abuses resultant of these early distortions of union activity. Amongst them were requirements that civil servants should only perform duties which it was the responsibility of the Government of Japan to perform; a provision removing from the service employees who did strike against the Government of Japan; and a provision for the standardization of wages and salaries on the basis of a scientific plan of classification and compensation to be approved by the Diet. These recommendations were consistent with the American civil service practice and together with other provisions of the law automatically substituted a modern public personnel system for practices then existing.

Had this law, in its essential entirety, been enacted and had the Labor Division cooperated conscientiously in its implementation, much of current difficulty could have been avoided and the stage set for early restoration of order in the government service of Japan.

On the insistence of the Labor Division, however, disciplinary civil service provisions applicable to government employees who went on strike were removed, certain provisions regarded as unfavorable to the industrial concept of collective bargaining were removed or revised and Labor Division continued to support in government a collective bargaining program.

Meanwhile, in the Japanese Government, confusion increased. We direct attention to a report addressed to Col. C. P. Marcum, Chief of the National Government Division, 16 January 1948, at the direction of Mr. Sone, Deputy Chief Secretary of the Cabinet, in which he refers to the "recent movement of government employee unions and its effect on the conduct of official business." This memorandum, now in your files, recites instances of concerted failure on the part of government employees to perform duty, including actual refusal to enforce law because of disagreement with over-all government policy. We direct attention also to a more recent report prepared by this Division on recent disturbances. (Exhibit A attached) These reports reveal in part the internal disturbance which has recently characterized personnel operations in the Japanese Government.

On 30 December 1947, our attention was directed to the fact that the Labor Division of E.S.S. had instructed the Japanese Government to take necessary steps to clarify regulations for enforcement of discipline among white-collar employees of the National Government. We had no objection to the enforcement of discipline--it was critically needed. We informally communicated to the Chief, Labor Division, that problems associated with the discipline of government employees were also within the jurisdiction of the Government Section. Nevertheless, without referral to us, the statement on enforcement of discipline upon Government employees approved by that Division was approved by the Cabinet. These things were important because they tended to set the pattern of personnel administration in the Japanese Government.

On 29 January 1948 the Civil Service Division addressed you objecting to independent action by the Labor Division, E.S.S. in matters involving government personnel as: 1) Out of jurisdiction and designed to cause confusion in the proper development and enforcement of the National Public Service Law. 2) Un-American in pattern. 3) Establishing, by sheer preemption in the field of public personnel administration, Labor Division policy which had already led the Japanese Government into strikes, sit-downs, no overtime, "prompt" time, improper assignment of government funds, loss of managerial confidence and authority, and various other malpractices evident in the Japanese civil service. 4) Conceivably setting up, prior to the installation of the National Personnel Commission on 1 July 1948, a pattern of conduct inconsistent with the objectives of the National Public Service Law.

In this memorandum it was recommended that the policy of distinguishing government employees from labor in private enterprise be recognized and practically implemented by removing all references to government employees from labor legislation and amending the National Public Service Law in accordance with American philosophy and practice.

On 2 February 1948 you addressed a check sheet to General Marquat on the subject. General Marquat replied under date of 26 February 1948. This memorandum in part referred to government personnel administration. Essentially it is understood by us to insist that E.S.S. shares with Government Section jurisdiction in personnel problems of the Government of Japan and affirms the soundness of its personnel policies in government, particularly those associated with collective bargaining.

The jurisdiction of Government Section is defined in General Order No. 10 (Exhibit B attached). Waiving for the moment, however, the technicalities of jurisdiction, which can be adjusted if necessary, the Civil Service Division and the National Government Division regard the present policy and practice of Labor Division in Public employment as unsound. The issue here presented is so critical to achievement of the objectives of the Occupation in reform of government in Japan that we submit to you our analysis of the issue. An effort has been made to state the matter as objectively as possible with regard for the tremendous stakes involved and the tragic consequences to the Occupation of failure to expertly handle this important phase of its activity.

In approaching the subject, there are two points on which we desire to have our position understood.

1. We are aware of the importance of trade unionism in modern life and of the historical significance of the trade union movement in correcting many of the abuses associated with a capitalistic economy. We recognize the importance of trade unionism in the industrial and commercial establishments of Japan and in government to the extent that it has been found feasible in American practice.

2. We do not accept the trade union within the government as a substitute for the duly constituted agencies of government exercising the sovereignty of an entire people in the overall national interest through normal legislative, judicial and executive processes.

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downs, no overtime, "prompt" time, improper assignment of government funds, loss of managerial confidence and authority, and various other malpractices evident in the Japanese civil service. 4) Conceivably setting up, prior to the installation of the National Personnel Commission on 1 July 1948, a pattern of conduct inconsistent with the objectives of the National Public Service Law.

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Referring to the subject matter, our position is as follows:

I. A democratic and efficient public service is essential in the Japanese Government if the objectives of the Occupation are to be achieved.

1. There exists in the Japanese Government a feudalistic bureaucracy inconsistent in ideology and pattern with democratic institutions and in position at opportunity to sabotage many if not all reforms of the Occupation. The reform of this bureaucratic system in manner designed to assure its proper function in a democratic setting is essential to success of the Occupation.

2. There exists in Japan the need recognized by the Occupation for a national recovery to promote economic well being and underwrite the stability of the various economic, political, educational and other reforms of the Occupation. Prime instrumentalities in effecting this recovery are the governmental agencies. Directly their efficiency is reflected in minimizing the over-all cost of government, in maximizing the income of government by collection of taxes, customs and other revenues. Indirectly their efficiency is reflected in the promotion of national health, welfare, education, trade and commerce and the innumerable activities with respect to which a government leads, regulates, and advises its people. Accordingly, the national recovery will be advanced or retarded as government agencies are efficient or inefficient.

II. The Occupation has provided for the installation of a democratic and efficient public service in the Government of Japan. The approved device of the Occupation for assuring a democratic and efficient public service is an American type personnel system which recruits public employees from the entire public and promotes them in the basis of merit and provides scientific supervision for their classification, compensation, training, evaluation, health, safety, welfare, recreation and retirement. This system provides a grievance procedure for employees and assures them fair and equitable treatment in administration. This system, supplemented by an enforcing Commission and aided by certain emergency provisions aimed at quick reform of the higher bureaucracy, constitutes the constructive program for dealing with the hazard which the Japanese bureaucracy presents to the success of the Occupation. This system provides for the over-all personnel administration of government employees.

III. The policies of ESS/LD in government personnel administration are improper as applied to government employees and are inescapably destructive of the Occupation program for the reform of government in Japan.

Present labor union policy and practice in government in Japan is in error as follows:

1. It is destructive of the efficiency of governmental operation. Within the Japanese Government we have union officials, by the thousands, on government pay, devoting full time to union activities, interrupting work in government offices and shops, pleading causes, sowing contentiousness, fostering resistance to orders, usurping by leadership the administrative responsibility of responsible officials; overstaffing with union resistance to reductions in force; employment agreements by the hundreds containing destandardized provisions negotiated independently by negotiators of varying ability and motivation throughout the service; negotiations proposed, negotiations pending and negotiations unsatisfactory; strikes, sit downs, odd assignments, punctual quitting, concerted leaves of absence without permission; all these conditions and others associated therewith combining to produce excessive cost in government, destruction of employee morale, frustration of men charged with administrative responsibility and utter decimation of the efficiency of the public service.

2. It is inconsistent with approved American public personnel practice. The typical American pattern of personnel administration in government views the entire people as employer en bloc exercising sovereignty and control through the supreme legislative body which in the majority of jurisdiction functions through a civil service commission or equivalent which applies principles of scientific management and with or without formal legislative approval as the case may be, standardizes the public service, its recruitment, compensation, discipline, benefits and other employment factors, Such a system is in the process of implementation in Japan. Such a system is designed to regard the welfare of the entire nation supreme to all other considerations and the faithful administration of the law, a prime duty without regard to politics, special privilege, or pressure groups. It cannot function successfully if politics, special privilege or pressure groups are introduced to its internal operation. Strikes against the public as employer has long been recognized in America as inconsistent with the interests of democracy.

   In the United States there has been a general acceptance on the part of the labor organizations of the peculiar status of government employment as distinguished from employment in private enterprise.

   General unions of strictly governmental employees are unanimous in their renunciation of the strike. The National Federation of Federal Employees, the American Federation of Government Employees, and the State, County and Municipal Workers of America, have constitutional prohibitions of strikes. The United Federal Workers of America and the American Federation of State, County and Municipal Employees, have stated officially that they do not strike.

Government occupational unions reject the strike in principle and actual conduct. The National Federation of Post Office Clerks and the National Federation of Rural Letter Carriers have constitutional renunciations of the strike tactic. There is no doubt from the statements and records of the other postal organizations that they heartily disapprove the use of the strike. This applies to the National Association of Letter Carriers, the Railway Mail Association, the United National Association of Post Office Clerks, the National Rural Letter Carriers Association and the supervisory associations. The American Federation of Teachers has maintained and publicized its non-strike policies since 1918 and testifies that none of its locals has gone on strike.

The constitution of the National Federation of Post Office clerks "recognizes" the fact that legislation and not the strike is the last resort in the adjustment of grievances, while that of the National Federation of Federal Employees states that "under no circumstances shall this Federation engage in or support strikes against the United States Government."

The constitution of the American Federation of Government Employees declares: "We oppose and will not support strikes against the United States Government, picketing and other measures which have the effect of embarrassing it."

It is significant to note that the American Federation of Labor itself refuses to issue a charter to a union of public employees which fails to contain an anti-strike provision.

Where attempts have been made to subordinate the public interest to pressure tactics, the verdict of the public, through its legislative bodies, has tended to be decisive.

At the national level, the Hartley- Taft Act provides: "It shall be unlawful for any individual employed by the United States or any agency thereof including wholly owned Government corporations to participate in any strike. Any individual employed by the United States or by any such agency who strikes shall be discharged immediately from his employment, and shall forfeit his civil service status, if any, and shall not be eligible for reemployment for three years by the United States or any such Agency." (Sec. 305)

Recent enactments in New York, Virginia, Missouri, Michigan, Nebraska, New Jersey, Washington, Minnesota, Indiana, Texas and Pennsylvania have added to an already substantial body of law on the subject.

The overwhelming expression of opinion from public officials from President Theodore Roosevelt through Taft and Coolidge to Franklin Delano Roosevelt, has been that a strike against the government cannot be condoned.

President Franklin D. Roosevelt, strong proponent of unionism, in a letter of Mr. Luther C. Steward, President of the National Federation of Federal Employees on August 16, 1937, wrote in part:

"All government employees should realize that the process of collective bargaining, as usually understood, cannot be transplanted into the public service. It has its distinct and insurmountable limitations when applied to public personnel management. The very nature and purposes of government make it impossible for administrative officials to represent fully or to bind the employer in mutual discussions with government employee organizations. The employer is the whole people, who speak by means of laws, enacted by their representatives in Congress. Accordingly, administrative officials and employees alike are governed and guided, and in many instances restricted, by laws which establish policies, procedures, or rules in personnel matters.

Upon employees in the Federal service rests the obligation to serve the whole people, whose interests and welfare require orderliness and continuity in the conduct of Government activities. This obligation is paramount. Since their own services have to do with the functioning of the Government, a strike of public employees manifests nothing less than an intent on their part to prevent or obstruct the operations of Government until their demands are satisfied. Such action, looking toward the paralysis of Government by those who have sworn to support it, is unthinkable and intolerable."

3. It is impracticable and unworkable. The attempt to apply normal collective bargaining methods to the government service in Japan disregards the well nigh universal recognition that in government such procedure is unrealistic. The government service employing personnel in the millions, scattered over a wide area, and engaged in an infinitude of occupations, cannot on the one hand organize for collective bargaining without constituting a super bureaucracy of central committees or individuals so powerful as to be able to pit their strength against government itself and bring to stalemate across the table that sovereignty which the government represents; or on the other hand decentralize its negotiations, violate the principle that legislative powers shall not be

delegated, and produce as a result of its effort a complete de-standardization of wages and working conditions throughout the service.

It is equally unrealistic in government to advocate collective bargaining but no strikes. If the employee is to forego dispute tactics, what has he to bargain with? His bargaining strength at the negotiating table is his ability, potential or expressed, to suppress function if his demands are not met. Organized labor does not ask that it be permitted to consider the labor contract and if it disapproves, walk away and let others do the work. Its position rather is that until its demands are met it will continue to hold the job and sabotage the function. This means strikes in one form or another. This is intolerable in government. In our opinion, the present strike situation for a long time existing in government in Japan is in no sense an inevitable or healthy transitional condition; it is rather the foreseeable result of an effort to apply inexpert labor policy in the field of government employment and the results will be the same in the future as they have been in the past with cumulative deterioration of the situation until the policy is reversed. To treat threats of general strikes is not to effect a cure. General strikes are only the surface rash symptomatic of systemic infection in the Japanese civil service. Employee actions, less dramatic than general strikes, are effecting almost as much, if not as much, damage as general strikes and will continue to do so until the basic condition is corrected.

4. <u>It is subversive of the sovereignty of the people of Japan.</u> Eighty millions of persons functioning through their legislative body decide by law that certain public functions shall be performed subject to prescribed policy. A handful of government employees or perhaps all the employees of a ministry do not like their wage or some condition of employment, or, as has happened, they do not approve the law and so strike, delay, or otherwise defeat the performance of the public function. Such focus on the rights of organized labor to the exclusion of the national well-being is not only undemocratic -- it is dangerously close to anarchistic. Government employees do not own the government -- the people do.

5. <u>It is subversive of the rights of the employee.</u> It is approved civil service practice to protect the right of the employee to organize for legitimate purposes consistent with the character of governmental operation. It is equally approved civil service practice to protect the right of the employee not to join a union if such is his preference and desire. A system which, however unworkable for other reasons, rests its entire weight

on collective bargaining exercises almost compelling force to induce every government employee to "join" and introduces defacto a "closed shop" situation to the destruction of the individuality of the employee in his relations with his employer, the government, and the complete restriction of his actions and performance, not on the basis of ability, initiative or general merit, but on the basis of union regulations.

6. It plays into the hands of the old feudal bureaucracy. The people of Japan tend to be a disciplined and conservative people. They have welcomed democracy in the hope that it would relieve them of many of the ills that beset human kind and of which in many respects they have had full measure. Post war economic upsets were inevitable. In these difficult times the people turn to government for leadership in working their way out. At this point they find parading under the cloak of democracy, a public service inefficient, disorganized, and quarrelsome with public function sluggish and at points paralyzed. Whatever else may be said about the old bureaucracy, it had dignity. In emergency and with this background, that may appeal to the people. To tolerate the present condition in government service is to lay the groundwork for reaction to the reforms of this period, particularly those directed to the reform of the bureaucracy itself. Well the old guard knows this.

7. It is an aid to the advance of Communism. Although Communism, after it has obtained control of a situation, exercises inexorable discipline, its techniques for obtaining control are agitation, infiltration to government service, disruption of the public service, reduction of the confidence in government and control of strategic public posts. A public service top-heavy with union organization, loose discipline, and minded to sabotage public function at will, offers itself directly as a logical and natural focal point for Communistic activity and indirectly aids the Communistic program by subjecting respect for government to a process of erosion. There is allegation that many of the government unions in Japan are presently Communist controlled.

8. It is destructive of a modern American type civil service system. Omitting for purposes of this memorandum much detailed and technical analysis, the civil service machine when set up constitutes a coordinated entity. If its scientifically constructed examinations, its promotional processes, its scientific classification of employees, its wage and salary scales based on objective research and investigation, its recommendations directed to the elimination of overstaffing, waste and inefficiency, its development of employee morale, or its disciplinary processes, or any one of them, is removed from the area of objective management and subjected to negotiation and pressure tactics, the entire

coordinated system of personnel management is deranged and made ineffective.

9. It is damaging to the legitimate aspirations of organized labor in Japan. Focusing on the national picture and with especial regard for the conditions existent in contemporary Japan the legitimately established and managed agencies of collective bargaining have an important part to play in stabilizing democracy and defeating special privilege. However, jurisdictional excesses and malpractice, inevitable political involvements, such as are associated with their present excursions into the field of government employment, leading to continuous disruption of the public services and eventual failure, dramatize the unions in unfavorable light and may well make them offensive to the common sense of the people. When this happens, not only government unions will be frustrated and retarded, but, under skillful and vitally interested manipulation, the reaction will be swung against legitimate union activities to their serious damage.

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There exist fundamental and apparently irreconcilable differences of opinion between Civil Service Division and National Government Division of the Government Section, on one hand, the Labor Division, Economic and Scientific Section, on the other, relative to the policy which should control personnel administration in government in Japan.

The implications of these differences in terms of our program are most serious. The work of the Occupation is well advanced. Due to our comparatively late introduction to the scene of action, our program is not as far advanced as many. Given full and unqualified SCAP support, it will take every man-hour we can muster and high ingenuity to hammer our program through over the ingenious resistance of the old guard in the Japanese Government. In this effort, we cannot carry the weight of a resistant SCAP unit. Labor Division, ESS has opposed essential provisions of the National Public Servants Law and effected their removal or revision inconsistent with our program. Despite the fact that Labor Division, ESS knows of these unresolved issues, that division or its officials frequently assume to interpret SCAP to union leaders, Japanese officials and in the public press on matters pertaining to personnel administration in government in Japan. We are estopped in making reply and in initiating some actions because such activity will indicate divided counsel in GHQ. Meanwhile, we cannot ignore the fact that these tactics are tending daily to shape the Japanese thinking, to promote contracts, agreements and policy all designed to set the pattern of personnel administration in the Japanese government along the lines of Labor Division policy and to make the reform of the bureaucracy on a sound basis even more difficult than it already is. In the public interest, and with regard for the historical evaluations of SCAP, the situation should be immediately corrected.

Because of the fundamental nature of the difference of opinion, and the doubtful ability of either partyto effectively cooperate in administration of opposite policy, duality of control is not recommended.

DISPUTE TACTICS AGAINST THE JAPANESE GOVERNMENT

The chart below is a sketchy summary of dispute actions against government in Japan during the period 1 January to 30 March, 1948, based on release by Kyodo New Service and Jiji Press, Ltd., and on news articles in the Stars and Stripes and the Nippon Times newspapers. The original reporting is obviously incomplete, particularly during January, February, and the early part of March; hence no attempt has been made here to compile the number of strikes, days lost, employees involved. The nature of press reports does not always identify the agency or agencies against which the strike is directed. Each line represents a different union's activity.

Period	Ministry or Agency	Tactics
28 Jan - 7 Feb	Finance	Strike
5 Feb - 7 Feb	Finance	Sympathy Strike
5 Feb - 7 Feb	Finance	Strike
5 Feb to at least 24 March	Various	Strikes, vacation tactics, blackout strikes, clerical work strikes, 24-hr. hunger strike.
23 Feb - 19 March	Transportation	Communications control 24-hr. strikes, walkouts, mass absenteeism, suspension of loading & relaying Transportation Ministry coal.
23-24 Feb - at least 25 March	Finance	Slow down strike, vacation tactics, safe commuting tactics, 24-hour strike.
1 March - at least 29 March	Communications	24 and 48-hour strikes, work stoppage for rally.
1 March	Various	Mass absenteeism.
2 March - at least 19 March	Education	Safe commuting tactics, strict punctuality, vacation strike.
5 March - at least 30 March	Communications	25-hr strikes, walkouts.
9 March - 22 March	Agriculture & Forestry	24-hour strike, one holiday strike.
12 March - 23 March	Education	25-hr strike; during vacation: "all members will resort to refusing any order or instructions from education authorities. Slow down.
15 March	Transportation	No weather report strike, 12 hours.
15, 16 March	Finance	24-hour holiday, refusal to work overtime, "Management control" tactics.

SUPPLEMENT A

EXHIBIT A (1)

Period	Ministry or Agency	Tactics
22 March	Finance	48-hr strike.
20 March	Kobe	24-hr strike.
20 March	Kobe	24-hr strike.
22 March	Osaka Commerce & Industry Bureau	24-hr strike.
22 March	Autonomous gov'ts.	No overtime.
23 March	Municipal gov'ts.	Refuse overtime work.
24, 27 March	Finance	Vacation tactics.
24 March	Finance	24-hr strike Regional strikes, positional strikes.
24 March	Various Ministries	24-hr strike.
24 March-at least 30 March	Various Ministries	48-hr leave of absence vacation tactics.
25 March	Municipalities	24-hr holiday strike.
25 March	Various Ministries	Collective vacation tactics.
25, 27 March	Various	Vacation walkout.
25, 27 March	Tokyo	24-hr vacation strike and Traffic Workers' indefinite strike.
30 March	Autonomous gov'ts.	Holiday tactics.

(Extract of General Orders Number 10)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

GENERAL ORDERS)
:
NO . . . . 10)

APO 500
23 June 1947

	Section
Rescission of General Orders...........	I
Government Section.....................	II

* * * * * *

II. GOVERNMENT SECTION. * * *

2. * * * * *

b. Make recommendations for:

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(5) The revision and supplementation as necessary of the laws, policies, practices, and procedures affecting personnel administration of the Japanese Government for the purpose of assuring conformity to democratic precepts and the making of a maximum contribution to the integrity and efficiency of administration; and the implementation of decisions made with respect to this subject matter by the Supreme Commander for the Allied Powers.

AG 323.361 (23 June 47) SGS

BY COMMAND OF GENERAL MacARTHUR:

PAUL J. MUELLER,
Major General, General Staff Corps,
Chief of Staff

OFFICIAL:
(Signed- R. M. Levy)

R. M. LEVY,
Colonel, AGD,
Adjutant General.

SUPPLEMENT A EXHIBIT B

LAWS OF NEW YORK

Chapter 391

"Section 1. The civil service law is hereby amended by inserting therein a new section to follow section twenty-two to be section twenty-two-a, to read as follows:

"22-a. Strikes by public employees prohibited; penalties. 1. As used in this section, the word 'strike' shall mean the failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions, or compensation, or the rights, privileges or obligations of employment; provided, however, that nothing contained in this section shall be construed to limit, impair or affect the right of any public employee to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, so long as the same is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment.

"2. No person holding a position by appointment or employment in the government of the state of New York, or in the government of the several cities, counties, towns or villages thereof, or any other political or civil division of the state, or of a municipality, or in the public school service, or in any public or special district, or in the service of any authority, commission, or board, or in any other branch of the public service, hereinafter called a 'public employee,' shall strike.

"3. No person exercising any authority, supervision or direction over any public employee shall have the power to authorize, approve or consent to a strike by one or more public employees, and such person shall not authorize, approve or consent to such strike.

"4. Notwithstanding any other provision of law, any public employee who violates the provisions of this section shall thereby abandon and terminate his appointment or employment and shall no longer hold such position, or be entitled to any of the rights or emoluments thereof, except if appointed or reappointed as hereinafter provided."

SUPPLEMENT A EXHIBIT C

380,000 Government employees under this agreement.

COMMUNICATIONS COLLECTIVE LABOUR AGREEMENT

The Communications Ministry (called A) and the General Communications Workers Union (called B) conclude herewith the agreement to read as follows with a view to accelerating complete democratization of the enterprise and to promoting its sound progress and thus to securing the common welfare and to improving the living standard of the members of the Union.

Principle Items

Article 1. A shall recognize B as the sole bargaining unit in the Communications Ministry. Every worker in the Communications Ministry is as a rule to be a member of B, except those provided otherwise. (See Memorandum 1 and 2)

Article 2. A and B shall not treat any employee discriminatively because he is or he is not a member of the Union.

Wages

Article 3. A, consulting B, shall establish the minimum wage system in conformity with the living expenses.

Article 4. A, consulting B, shall establish the retiring allowance system at the full expense of A.

Working Hours and Over-time Work

Article 5. As for the working hours, maximum is set to eight hours biding a day and forty eight hours a week. However, the working hours in operating offices shall be decided otherwise within the limits above mentioned in the conference of A and B. (See Memorandum 3 and the list annexed)

Article 6. Concerning the child and woman labor, concrete provisions based on the Draft of the Labor Standard Law, shall be enacted in the conference of A and B. (See the No. 1 of annexed documents)

Article 7. The extra labor allowance not less than 25 per cent of daily wage per an hour shall be payed to the extra labor which exceeds the working hours as mentioned in Article 5. (See Memorandum 4)

Article 8. The extra labor allowance, 25 per cent of the daily wage, shall be paid in addition to normal wage for the labor on a holiday or off-duty day mentioned in Article 11 and 12.

Article 9. The extra night duty allowance shall be paid for the labor from 10 p.m. to 5 a.m. per hour by the ration of 0.3 of eights of the sum corresponding to the average daily wage of all workers. (The concrete sum shall be decided in the conference of A and B.)

Article 10. The provisions of Articles 5, 7 and 8 shall not be applied to the labor in the official duty hours.

Holidays and Off-duty

Article 11. Holiday shall be given once a week, and on national holidays and May Day, but according to circumstances, it is permitted to give substitute holidays severally to individuals. (See Memorandum 5.)

Article 12. Holidays in recognition of services shall be given according to the following proportion, and the concrete practices shall be decided in the conference of A and B.

1) Twenty days shall be given to those who are in the service on April 1.
2) For those who enter the service after the above said date, holidays shall be computed by multiplying the number of months served in that fiscal year by twenty-twelfths. The fraction shall be regarded as a day.
3) In the computation of the number of months, less than fourteen days shall be omitted and more than fifteen shall be regarded as a month.

Article 13. Hygienic holidays shall be given, as a rule, three days a month. (See Memorandum 6.)
As to holidays for confinement, fifteen weeks shall be given in all.
The time for nursing, each time less than thirty minutes, twice a day, shall be given to those female workers who have a baby under twelve months old.

Compensation for Accidents

Article 14. When a union member wounded or taken ill owing to his duty, A shall give medical treatment and pay the necessary expenses as well as insure his sustenance sufficiently.

Article 15. Even when a union member cannot take service owing to the medical treatment mentioned in the previous article, A must pay his wage.

Article 16. With respect to the bereaved family and the expense for the funeral service, A and B shall decide the concrete details in their conference, according to the provisions of the Draft of the Labor Standard Law. (See the annexed paper No. 2.)

Personnel Affairs

Article 17. The stands of dismissal, reward and punishment shall be decided in the conference of A and B.

Article 18. When A wants to dismiss someone, change his post, reward or punish him, A must inform its intention before hand to that individual and the Union.

The Union as well as the individual can make objection to A's measure in such a case.

As for the practical measures when the objection is made, they shall be decided in the conference of A and B.

Article 19. A cannot dismiss an employee except in the following cases.

1) By his own desire.
2) When he is idle in his service and the Union is convinced that he will mend his way by no means.
3) When he falls under the provisions of dismissals of the punishment Regulations. (See Memorandum 7).
4) When he is sentenced guilty of an ignoble offence.
5) When he cannot take service on account of serious illness or wound.
6) When he is expelled from the membership.

Services for the Union Movement

Article 20. A shall give sanction to the employees being engaged, commissioned by the Union, in the check-off service of union dues.

Article 21. A shall give sanction to some members taking service exclusively of the Union.

The number of such special members shall be decided in the conference of A and B.

Article 22. When a union member wants to take service for the Union during his duty hours he must tell the director of bureau or division to that effect, and the director must give sanction except when it causes great inconveniences to the business.

When a union member goes on a trip for the sake of the Union, it shall be regarded as a trip on official duty, but the expense shall not be paid by A.

Article 23. A shall give sanction to B making use of part of the Ministry building as its office.

Sanction shall be given to the use of another part of the building in so far as it does not cause great inconveniences, when it is necessary for meeting or other union purposes.

Article 24. A shall not obstruct by its business order, the legitimate disputing activities of the union members directed by B.

Article 25. In order to effect the democratization of the management of the business, A shall give sanction to B's participation in the management and establish the Management Negotiation Committee.

As for the organization and operation of the Committee, it shall be decided in the conference of A and B. (See annexed paper No. 3.)

Article 26. A shall hold consultation with B regarding to the fundamental project of the management. A shall give date on demand of B with regard to the budget, balance sheet and other managements. A and B shall keep on co-operation with regard to the investigation of the details of the business, labor conditions and the like.
The enactment, alteration and deletion of the provisions of various regulations shall be made in the conference of A and B. A shall sanction B's participation in the educational institutions and its planning for employees.

Health and Welfare

Article 27. The health and welfare facilities must be adequate enough to satisfy the demand of the union members.

Other Items

Article 28. A shall give sanction to the members the liberty of political activities of in so far as it does not cause great inconveniences to the business.

Article 29. A shall give sanction to the union members the liberty of taking up other public offices in so far as it does not contradict to their positions as public officials. A shall take measures to give conveniences to the union members to execute their above said public offices.

Article 30. The business facilities must be adequate enough to cause no inconvenience to the labor of the union members.

Article 31. The lower organizations of A and B are authorized to make up agreements, within the provisions of this agreement, concerning the further details and the circumstances peculiar to their locality and field of business.

Article 32. This Agreement shall be valid for a year from the day of its conclusion. Alterations may be made in the conference of A and B, when it is recognized inevitable by both parties on account of sudden and violent changes in the economical circumstances and other important occurrences. This Agreement shall be regarded valid for a year, if there is no expression to make alteration from either party a month before the expiration of the term. Even in case there is the expression to make alteration, this Agreement shall be valid until the new agreement is in effect.

MEMORANDUM REGARDING COMMUNICATION LABOR AGREEMENT

Memorandum 1.

Exception "separately provided for" in paragraph 2 of Article I shall be as follows:

1) Ministry (including Kyoto Branch Office and other offices of the same grade)
   - Section chiefs and superiors thereto.
   - Officials in charge of labor affairs.
   - Officials in charge of personnel affairs. (Person who hold a leadership in official post and the next equivalent)

2) Communications Bureaus and Communications Divisions.
   - Section chiefs and superiors thereto.
   - Officials in charge of labor affairs.
   - Officials in charge of personnel affairs. (Person who holds a leadership in official post and the next equivalent)

3) Operating Offices. (Excluding Special Post Offices)
   - Section chiefs and superiors thereto.
   - Officials in charge of labor and personnel affairs. (Person who holds a leadership in officials post)

4) Special Post Offices.
   - Postmaster

5) Electrotechnical Laboratory.
   - Division chiefs and Section chiefs and superiors thereto.
   - Chiefs of Branches.
   - Chiefs of Shops.
   - Officials in charge of labor and personnel affairs. (Person who holds a leadership in official post)

6) Communications schools, Radiotelegraph Schools.
   - Section chiefs and chiefs of Branches and superiors thereto.
   - Officials in charge of labor and personnel affairs. (Person who holds a leadership in official post)

7) Branches of Savings and Insurance Bureau.
   - Director.
   - Chief Secretary.
   - Officials in charge of labor and personnel affairs. (Persons who hold a leadership in official post)

8) Communications Hospital.
   - Director.
   - Chief Secretary.
   - Officials in charge of labor and personnel affairs. (Persons who hold a leadership in official post)

9) Among the second class officials not exempted in each preceding item, those whose admission is desired neither by the Union nor by themselves.

In case preceding paragraphs are impracticable just now owing to the actual state of affairs of each union branch, gradual unification is intended.

SUPPLEMENT B

Memorandum 2.

With regard to Paragraph 2, Article 1 there should be the following mutual understandings between A and B.

1) Paragraph 2 of Article 1 is not to be concluded that in case A employs an employee, he is required to obtain consent of, and confer with, B. (Arts. 17, 18)
2) Employees expelled from B shall not be necessarily dismissed by A. However, A shall not make collective negotiations with such employees. (Para. 1 of Art. 1, Art. 2, No. 6 of Art. 19)

Memorandum 3.

1) Shortening of heavy labor hours (physical and spiritual) and of labor hours at dangerous work shall be deliberated upon at Management Committee.
2) Specially leisurely labor hours can be calculated at discount and converted into normal service hours stated in Article 5, but this convertment should be minimized and shall be deliberated upon concretely at Management Committee

Memorandum 4

Actual application of Article 7 of the Agreement shall be as follows.

Extra Hourly pay

30% (per hour) of normal pay for the 1st, 2 hours

50% (per hour) of normal pay for the succeeding hours

Memorandum 5

With the exception of those coming under the Governmental Office Hour Regulation, should the holidays including national festivals and the May day aggregate more thanfive days per annum, the limit of the scope shall be generally set up about or around the said five days by consultation between A and B.

Memorandum 6

With regard to personnel other than those engaging in car, outdoor, and heavy labor, it shall be separately considered, upon conditioning of recuperative means, by consultation between A and B.

Memorandum 7

Present disciplinary system shall be promptly democratized by consultation between A and B.

Annex list Nil

Annex 1 as stated in Article 6 of the present Agreement is omitted.
Annex 2 as stated in Article 16 of the present Agreement is omitted.

SUPPLEMENT B

Annex 3

MANAGEMENT COMMITTEE AGREEMENT

Article 1. The Management Committee shall be established in compliance with Article 25, Labor Agreement concluded on March 1, 1947 between Minister of Communications (hereinafter to be called A) and the All Communications Workers' Union (hereinafter to be called B).

Article 2. The Management Committee shall handle the following items:

1) Items related with operation of the enterprise and planning thereof.
2) Items related with enforcement, revision, and abolishment of the organization and other regulations.
3) Items related with labor working condition.
4) Items related with personnel affairs (exclusive of individual affairs).
5) Items related with allowances.
6) Items related with welfare facilities and goods.
7) Items related with education.
8) Other items considered necessary for the attainment of the Committee's aim.

Article 3. As for items stipulated below A shall inquire beforehand of the Committee and shall endeavour to reflect its opinion to the full extent.

1) Items related with budget formation and items affiliated therewith.
2) Items related with enforcement, revision, and abolishment of statutes, organization, and other important regulations (excluding items related only with the Ministry).

Article 4. The Committee shall consist of each eight members representing either A or B, who shall designate one head representative respectively.

Article 5. Persons affiliated with matters to be presented for consideration to the Committee and admitted by the members after consultation may attend conferences and participate in the proceedings.

Article 6. Term of the Committee membership shall be one year and shall not obstruct reappointment. Term of Committee member elected to fill vacancy shall be the term left behind by the predecessor. Proxy member shall not, in principle, be admitted, however, the recognition by both A and B constitutes an exception.

Article 7. The Committee may not have conference unless more than side members from each side of A and B have attended thereat.

Article 8. The chairman of this Committee shall be elected mutually from among the Committee members on each occasion.
Conferences shall, in principle, be open conferences.

Article 9. Decisions of the Committee shall not be carried out unless all members of both A and B have consented thereto, however, attendants as stipulated in Article 5 may not participate in the decision.

Article 10. The committee shall present the contents of agenda at least one week before the conference which shall be held each month, provided that according to demand from either A or B the Committee shall hold conference despite this provision.

Article 12. The Committee can organize, when necessity arises, Specialist Committee according to classification of matters deliberated upon, and obtain advice from the said committee.

Article 13. Particulars and results of deliberation on matters conducted by the Committee shall be made public in the name of the Committee.

Article 14. Data and expenses required by the Committee shall be furnished by A.

Article 15. A and B shall establish respectively Organization subordinate to the Committee, taking into consideration organization and system under his or its care.

SUPPLEMENT B

GENERAL HEADQUARTERS
FAR EAST COMMAND

CHECK SHEET

(Do not remove from attached sheets)

File No: PO JWL/cro

Subject: Proposed Classification of Communications Workers

Note No.

From: CCS To: GS Date: 6 March 1948

1. It is recommended that Public Service Law No. 120, be amended and clarified to bring the approximately 400,000 employees of the Postal Bureau, Postal Savings Bureau, Post Office Life Insurance Bureau, the proposed Postal Inspection Bureau, Telecommunications Bureau (Traffic and Commercial operations), Telecommunications Engineering Bureau (Engineering Construction and Maintenance), Supply Bureau (Maintenance and Construction), and associated sections or groups necessary to support those mentioned, of the Ministry of Communications, definitely and specifically within the jurisdiction of the National Personnel Commission.

2. Reasons for action recommended:

a. The National Personnel Commission under the law is assigned duties and responsibilities that will render protection to employees of the Government and also safeguard the obligations and responsibilities of a sovereignty to its people.

b. Being under jurisdiction of the National Personnel Commission will provide the benefits of position classification for personnel involved and assure recognition of compensation rights and equal treatment in the matter of appointment, promotions, retirement, etc.

c. The government agencies involved perform services for all the people of Japan. Adverse factors, such as inefficient performance or interruption of service, breed dissatisfaction and unrest, adversely affect the economic and social welfare of the masses and encourage undemocratic influence throughout the nation.

d. Personnel involved would be in a status to present to the National Diet, as individuals or thru organizations, any grievances or plans for improvement of working conditions, hours of labor, rate of compensation, etc. They would enjoy the right, either individually or collectively to petition the National Diet, or any member thereof, for the betterment of any feature of their employment.

3. Since 14 March 1947, surveys and investigations of operations indicate that the personnel involved has practically dictated administrative as well as operating policies of the Ministry of Communications under a so-called "Communications Collective Labor Agreement" entered into by the MOC with the All Communications Workers' Organization. This, of course, has not been conducive to sound management. It appears that the agreement was conceived by an extremely radical element and executed by possibly misguided persons in the MOC and employees' organization. While the legality of the agreement under existing laws is at least questionable, it has operated to seriously hamper the MOC in efforts to rehabilitate the services.

G.I.B.

SUPPLEMENT C