

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

G.G. Stander 57-8894

(Do not remove from attached sheets)

WFM/CWH/GS/brh

File No.: OLO(26 Mar 49)ESS/LAE

Subject: The Mine Safety Bill

Note No.:

From: ESS

To: GS

Date: 26 Mar 49

1. 1. ESS objects to paragraphs 3 and 5 of Article 2 of the proposed Mine Safety Bill.

a. Paragraphs 3 and 5 of Article 2 authorize the Commerce and Industry Ministry to decide what types of attached facilities are related to the digging and prospecting of minerals. Under this authority, the Commerce and Industry Ministry is planning to assume jurisdiction over certain refineries, processing plants, repair shops and other facilities which are now properly covered under the Labor Standards Law as manufacturing establishments.

b. SCAPIN 1928, dated 24 August 1948, was issued in order to settle the jurisdictional dispute between the Commerce and Industry Ministry and the Labor Ministry on mine safety. It directed the Japanese Government to "prepare immediately and place in force adequate mine safety codes for the preservation of safety in mines", and "concurrently assigned responsibility for the enforcement of mine safety codes and the necessary surveillance thereof to a suitable government agency". By a cabinet decision dated 21 December 1948, this jurisdiction was assigned to the Commerce and Industry Ministry. The Commerce and Industry Ministry is now attempting to seize jurisdiction over other types of industrial establishments which cannot properly be considered as "mines".

c. There are approximately 45 copper refineries in Japan. The Commerce and Industry Ministry admits that 16 of these, located many miles away from the mines, are factories and should be covered by the Labor Standards Law. On the other hand, because the remaining 29 are located on or near the mining site, the Ministry plans to consider them as part of the "mine". As to repair shops, the Commerce and Industry Ministry is willing to concede that where the repair shop is doing work not only for the mine but also for outside establishments, it should be considered covered by the Labor Standards Law regardless of location. However, it contends that repair shops performing work only for the mine itself, or small repair shops doing some outside work, should be included under "mines".

d. The obvious reason for the Commerce and Industry Ministry's proposals is the pressure by mining management to remove factories from under the jurisdiction of the Labor Ministry which has developed adequate safety standards for factories and is enforcing them. ESS firmly believes that the mere incidences of location and size of establishment are invalid criteria for including factories in the definition of "mine". Such inclusion would result in the following adverse effects:

- (1) It would open the way for continuing jurisdictional disputes between the Labor Ministry and the Commerce and Industry Ministry.
- (2) It would undermine the intent of the Labor Standards Law

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Subject: The Mine Safety Bill

Note No.:

From: ESS

To: GS

Date: 26 Mar 49

1.  
cont'd.

which was designed to afford the same protection to workers and employers, regardless of the place of employment.

- (3) It would permit different safety standards for plants in the same industry, thereby providing an unfair competitive advantage to employers covered by lower standards or standards which are leniently enforced.
- (4) It would nullify the Labor Ministry Program for industry-wide safety drives.
- (5) Premium rates for Workmen's Accident Compensation Insurance are established on an industry-wide basis. Employers whose accident rates are low, as a result of good safety standards, would have to bear unfairly the cost of the higher accident rates of factories operating under lower safety standards.

e. In view of the above, ESS recommends that paragraph 5 of Article 2 be eliminated, and that paragraph 3 of Article 2 be revised as follows: "In this Law, a 'mine' shall mean the working place where the mining operations are performed. However, attached facilities such as refineries, repair shops, processing or manufacturing plants, and other attached facilities designated by ordinance, are excluded from the definition of 'mine'."

2. ESS recommends revision of the following Articles:

a. Article 20: The maximum number of members on the Safety Commission should be designated in the Law. Most committees in Japan tend to be so large as to be unwieldy.

b. Article 21: The Article should require that the Committee be convened at certain specified intervals and that meetings may be convened at the request of a majority of the Committee. As presently written, the Chairman of the Committee, who is a management appointee, may seldom if ever convene the Committee.

c. Article 47: The maximum number of members for the Central Committee and the Local Committees respectively should be reduced. A maximum of 30 members is too large for a working committee, as well as costly.

d. Article 48: It is undesirable that the President of an Advisory Committee, composed of employer, worker and public members be a government representative. Such an appointment would tend to restrict the Committee, since in Japan the President is an extremely powerful member. It is recommended that the President be elected by the Committee from among the public members.

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1. e. Article 50: If the President is one of the neutral members, as  
cont'd. recommended above, there is no objection to this Article as presently written.  
However, if the President is a government representative, he may pack the meet-  
ings with government officials which is highly undesirable.

*[Signature]*  
W.F.M.

*Rec'd GS 4/12/49*  
*[Signature]*

C O P Y

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
APO 500

AG 729.3 ( 22 Jul 48 )NR/MG  
SCAFIN 1928

24 August 1948

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Preparation and Implementation of Mine Safety Codes  
and Administration of Mine Safety Program

1. The Japanese Government is directed to prepare immediately and place in force adequate mine safety codes for the preservation of safety in mines. Inclosures 1 and 2 (Proposed Mine Safety Codes) are forwarded for use as guides by the Japanese Government in the preparation of Mine Safety Codes.

2. The Japanese Government will concurrently assign responsibility for the enforcement of the mine safety codes and the necessary surveillance thereof to a suitable government agency.

FOR THE SUPREME COMMANDER:

2 Incls  
as indic in par 1  
(for addressee only)

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

C O P Y

*Ref "B"*

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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~~CE/JFE/JA/CFO/MS~~

Subject: Draft Legislation

Capt Guido

Note No.:

From: Govt Sec

To: ~~MS~~

Date:

26-6076  
17 Mar 49

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by ~~Commerce & Industry Ministry~~.
2. Your prompt comment is requested.

1 Incl:  
**The Mine Safety Bill**

C. W.

P & PD

From: MR

To: GS

Maj Herrick 26-8752  
HGS/RYG/CSM/rv  
Date: *23*

23 MAR 1949

2

MR has reviewed the Mine Safety Bill proposed by the Ministry of Commerce and Industry and has no objections to the draft bill in its present form.

1 Incl  
w/d

-----H.G.S.-----

DRAFT OF LAW

to be submitted for GS' approval  
Coordination Section, CLCO (TEL. 57-6010)  
7845)

Mar. 16, 1949

1. CLCO Number: 6
2. Name of Law: Mine Safety Bill.
3. Competent Ministry: Ministry of Commerce and Industry
4. Date of Cabinet Approval: Mar. 15
5. SCAP Section concerned: Major Merriam;  
Solid Fuel Branch, Mining &  
Geology Division, N.R.S.
6. Remarks: (Reference:) None.  
*Reference tests attached*  
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7. G.S. Reviewers: *Recd GS 3/17/49*  
*CS 6: NRS.*  
*ESS*  
*PHW*  
*LS/L+J*  
*GS/CS*
8. Date of G.S. Approval:
9. G.S. Member Responsible: H. Kobayashi