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LABOR RELATIONS POLICY -- SCAP

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23. SCAPIN 1872/5	23 Nov 48	Disbursement of Transportation Expenses of Laborers Directly Employed for the Occupation Forces
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KANTO M.G. HQ. IN TOKYO

Economic and Scientific Section
Labor Division

SUMMARY OF: CURRENT LABOR SITUATION - LABOR DIVISION - 15 August 1949

Labor Relations

The struggle between the pro-Communist and anti-Communist groups for control of the labor movement has resulted since mid-June in a loss of strength by the Communists and has caused a definite cleavage within the labor movement. The intent and tactics of the Communists have fallen into disfavor with the union leaders and rank and file members alike.

The unions have registered opposition in various forms to the rationalization of governmental and private industry but have become reconciled to the reductions in personnel. Within recent months unions have even been reluctant to use their limited strike weapons. The use of violence tactics advocated by the Communists has fallen into disrepute and the unions are turning to the use of recognized trade union practices.

To aid in the development of a trade union movement to counteract undesirable trends, new legislation was promulgated to insure rank and file authority within the unions. Initial opposition was encountered in the unions since the application of the laws. Through promulgation of enforcement ordinance, combined with an educational program, opposition to the laws has lessened and more major unions are complying.

Emphasis is being placed on negotiations of complete collective bargaining agreements with education being directed at rank and file union leaders and management representatives.

Employment and Unemployment Situation

At present there is no evidence of large scale unemployment in Japan. The monthly labor force survey for May showed 440,000 unemployed of a total work force of 36,300,000. Unless private industry expands, particularly the export industry, an increase in unemployment may assume more serious proportions within the next few months.

The average weekly number of persons receiving unemployment benefits rose from 28,700 in January to 92,100 in June.

The Japanese Government has planned a program to provide temporary relief for unemployed workers during the period of transfer from unessential to essential industries. This program includes the use of emergency work relief projects, the unemployment insurance fund and the use of the public employment security offices. If the unemployment problem becomes serious, additional measures would be necessary. The present program will only temporarily relieve unemployment problems. The only adequate answer is a healthy economy of increasing rates of production and greatly expanding export trade.

Labor Standards Law

The Labor Standards Bureau is faced with an 18% decrease in the number of inspectors and a 30% decrease of all other personnel which may affect the inspection program. During the first six months of this year, the average number of inspections per month has increased markedly. This number of inspections may not be continued when the reduction in force takes place in August. Pressure for revision of the Labor Standards Law has lessened considerably within the last few months. This may be attributable to the fact that the Japanese Government has been completely

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absorbed in the more pressing problem of unemployment and the dismissal of Government employees.

Wages

Observation of wage movements for the first six months of 1949 indicates that the indrect controls stated in the "3 principles" have succeeded in decelerating the upward movement of wages. This has been characterized by irregular rises and drops in average wages with a net increase of 4.3% between January and June. This increase is in startling contrast to the increases of 51%, 76% and 140% during the same periods, January to June, respectively 1948, 1947 and 1946. However, whereas cost of living increased less than half as rapidly (20% as wages (51%) during the comparable period of 1948, living cost rose almost twice as fast (7.6%) as wages (4.3%) during the first half of 1949.

The tightening of financial credits and the curtailment of subsidies have created a situation where employers are failing to pay wages in full. As of June 30 1949, approximately ¥745,000,000 was still owing to workers for back wages.

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Economic and Scientific Section
Labor Division

REPORT OF LABOR DIVISION, ECONOMIC & SCIENTIFIC SECTION, GHQ, SCAP
CURRENT SITUATION IN THE FIELD OF LABOR
15 August 1949

OBJECTIVES

In the field of labor the Occupation was primarily concerned with four major objectives: the creation of conditions under which a free and democratic labor movement could develop, the encouragement and development of sound collective bargaining and labor relations, the creation or extension of democratic labor legislation and administrative agencies, and the effective use of Japan's manpower resources.

The first of these aims was fully accomplished during the first year and substantial progress was made in achieving the other objectives during the second year. By the end of the third year of the Occupation, Japan had ten basic labor laws, comprising a system meeting international standards of labor legislation, and its first Ministry of Labor, providing integrated machinery for the administration of labor affairs.

The rapid growth of Japanese labor unions and the introduction of collective bargaining in a nation where it had been virtually nonexistant, created an acute need for worker and employer education. Primary objectives of SCAP and the Japanese Government programs have been:

1. To provide union officials and rank and file members with an understanding of trade union aims and practices in democratic countries;

2. To encourage the adoption of democratic features in union constitutions and other guarantees of internal democracy in unions;

3. To encourage bonafide bargaining and the adoption of written contracts which promote peaceful settlement of disputes; and

4. To discourage undemocratic tendencies or control of unions by outside groups.

POLITICAL INFLUENCES IN LABOR UNIONS

The most significant aspect of the present day labor movement in Japan is a definite re-alignment between the anti-Communist and the pro-Communist forces and a loss of strength by the Communists in the labor movement. The intent of the Communists, despite their seemingly plausible arguments, to use the labor movement as a step toward political power, is now generally recognized by union leaders and rank and file members alike. This clarification of Communist methods is resulting in a widening cleavage between the two sides, a shifting of union forces, and a definite loss of support by the Communists.

There is much evidence of this loss dating from mid-June when the cancellation by ESS/LAB of the Communist-inspired railway strike in the Tokyo-Yokohama area crystalized Communist policies, aims and methods in the minds of the workers and general public. Since that time, the anti-Communist elements in the Government Railway Workers Union, known as the Democratization League (Mindo) have defeated the Communists and are well on their way toward undisputed control of the union. Anti-Communist forces in the electrical equipment, metal, steel and shipbuilding unions, are openly contesting the Communists for control of existing unions or are organizing opposition unions.

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The most significant development is still in the formative stage. Under the leadership of Takeo Muto, President of the Coal Miners Union; Etsuo Kato, President of the Railway Workers Union; Totaro Fujita, President of the Private Railway Workers Union; Yukitaka Haraguchi, President of the Metal Miners Union; Shohzaburo Araki, President of the Teachers' Union; Susumu Fujita, President of All-Japan Electrical Workers Union; those progressive, anti-Communist elements represented in National Congress of Industrial Unions, Japan Federation of Trade Unions, and the large independent group of national unions are now in the process of organizing a committee which will guide the formation of a new federation of industrial organizations. Only unions that are committed to democratic principles and which declare themselves specifically in opposition to the World Federation of Trade Unions will be admitted. The political complexion of this group will probably be similar to the labor party of Great Britain.

1. Sanbetsu (National Congress of Industrial Unions). . 1,150,000

   This includes the organizations which have recently undertaken to form a new Sanbetsu (Shin-Sanbetsu) whose membership is estimated at about 300,000. It is not clear at present whether this group will remain within Sanbetsu or separate from it.

2. Sodomei (Japan Federation of Trade Unions) 900,000

3. Independents 2,435,000

   This group includes many of the most important labor organizations in Japan, such as Tanro (Coal Miners Union) 432,000; Kokotetsu (National Railway Workers Union) 500,000; Shitetsu SoRengo (Private Railway Workers Union) 120,000; Kinsoku Kozan (Metal Miners Union) 80,000; and Kaiin Kumiai (All-Japan Seamen's Union) 120,000. It will be noted that some of these large independent unions are supplying the leadership in forming the new labor group previously mentioned.

4. Government Workers (Zen-Kan) 2,115,000

   This group includes the Teachers' Federation of 500,000 and national and prefectural government employees.

UNION POLICIES AND OPERATIONS

The development of undesirable trends had been noted in the labor movement, particularly among some of the large national unions. Many officers of local unions, national unions and federations, were being paid by management. Also the unions often included high ranking management personnel within their membership as top union officials. Decisions were made by governing bodies of the unions and not by the rank and file membership. These trends endangered the development of a free trade union movement and tended to establish a hierarchy within the movement with management and political elements at the top. They threatened to restrain or prevent the free interplay of economic forces. The educational program of ESS/LAB and the new legislation were designed to counteract these dangerous trends. The revised laws, effective from 10 June 1949, though not compelling, influence labor unions to pay their own operational expenses; to exclude managerial personnel as members; to adopt constitutions granting to the rank and file full democratic powers to elect officers, to sanction and ratify collective bargaining, authorize strike action and to make other important decisions. Since the application of the laws and the promulgation of an enforcement and educational program, these new concepts have come to be generally accepted and most major unions have undertaken to comply with the provisions of the new laws.

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Japanese unions generally have been sparing in their use of strikes. Their strikes have been usually of short duration and often, as in the coal fields, the unions have authorized work on holidays, or days off, to compensate for production lost during strikes or members have worked harder during regular hours to meet quotas. Their strike tactics have been extremely varied. Dispute tactics which have been called strikes have often been only partial strikes. A case in point is the recent dispute within the pyrite mines. The transportation workers in these mines either stopped work or took other jobs in the mine, but all other workers, including the diggers, continued to produce. Wherever any dispute tactics actually threatened to stop the operation of vital industries, the unions have almost without exception willingly supplied materials necessary to prevent a shutdown. This has been true even of unions presumed to be Communist-controlled or strongly influenced.

A tactic called "production control," which had been generally accepted as a proper dispute tactic, especially by the extreme leftists, has now fallen largely into disuse and disrepute. By this tactic the union took over management and operation of the plant. The fact that all personnel except a few of the top management, and in some cases only the plant manager himself, were members of the union facilitated this procedure. Production control had even been legalized in some labor agreements, and its legality had been substantiated by certain court decisions. Within the past six months, however, the trend has been in the opposite direction. Courts have ruled against production control in several important decisions and in the case of the Kamo Plant of the Tokyo Shibaura Company, authorized the use of police power to enforce court orders against production control.

Within recent months the unions have even been reluctant to use their limited strike weapons. Though Japanese labor in general has been opposed to the stringent measures inherent in the application of the Economic Stabilization Program and the 1949 Budget, it has in general adapted itself to the new policies and the new conditions. The coal miners in effect have accepted a 20% wage reduction except in a few of the more prosperous companies, without strike, and have acquiesced to a system of arbitration -- the first major labor union to adopt it in Japan. Other unions such as the metal miners have reconciled themselves to even greater reductions in their standards of living.

Labor has also generally reconciled itself to the "rationalization" of both governmental and private industry. Rationalization has entailed considerable reduction in personnel in such industries as government railways, communications, steel, and electrical equipment manufacturing which suffered losses in production as a result of curtailment in the railroad and communications budgets. The unions have, of course, protested against dismissals and in the case of the government railways and the Hiroshima Plant of the Nippon Steel, under Communist leadership resorted to strikes accompanied by acts of violence. The strike of the government railway workers on several lines in the Tokyo-Yokohama District was given impetus by the Law for the Fixed Number of Personnel in the Administrative Organizations, which was passed in the closing hours of the recent Diet session, denying to the Railway Workers Union the right to collective bargaining which had been specifically guaranteed in Article 8 of the Public Corporation Labor Relations Law. The Public Corporation Labor Relations Law had been passed earlier, had been concurred in by ESS/LAB and resulted in the violent strikes which followed, temporarily increasing the influence of the Communists and eliciting much popular support for their cause. This increased prestige and power of the Communists in the labor movement began to wane, however, on 19 June when the Acting Chief of the Labor Division ordered the strike called off. Since that time the a attempts of the Communists to revive strikes in the railways, steel and the communication fields, except for minor incidents, have met with failure and the dismissal of surplus workers, both in government and private industry, is proceeding with a minimum of disturbance.

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PROGRAM DEVELOPMENTS

Much remains to be done in the fields of collective bargaining and union organization. Many basic industries do not have collective bargaining agreements that completely cover all points on wages, hours and working conditions and ESS/LAB is now working to install complete contracts regulating all phases of labor relations in such basic industries as mining, maritime, steel, metal manufacturing, electrical power and manufacturing, textiles, barbor, publishing and printing, chemicals, construction, transportation and in such professions as teaching, press and radio, and motion pictures. Both Japanese labor and management, undoubtedly because of their feudalistic background, at the present time are prone to intermingle the management of the business with the operation of union and vice versa. There is still misunderstanding of the proper functions of negotiation committees, grievance committees, and labor-management councils. There is also a reluctance to accept the principle of arbitration or contractual guarantees against strikes or lockouts. The necessity of industry to rationalize has resulted in a management trend to insist upon so-called management prerogatives.

The danger that the Government will dominate the labor movement is ever present in Japan. An indication of this is the recent action of the Cabinet and the National Personnel Authority in declaring that only employees-on-the-job could be members or officers of the Communications Workers Unions or other unions in the Government service. This restriction on union membership and office-holding is written into the Public Corporation Labor Relations Law in regard to the unions in the national railways and the Government monopolies. It was recently applied in the dismissals of surplus personnel in the railways. This provided a convenient expedient for eliminating the Communists from positions of union leadership, and as the anti-Communist factions of the Government Railway Workers Union have adopted a policy of compliance with regularly enacted laws, these moderate elements have not taken an aggressive stand in opposition to the provision order of the Cabinet and National Personnel Authority. They announce, however, that the new organization now being formed, representing the largest and most important labor unions in Japan, will make this one of its focal points of attack and will insist that the determination of qualifications for union membership and officers be a right of the union, as it is in the Western democracies.

It is the opinion of the Labor Division that the free trade union movement in Japan is at this moment in equal danger from both the extreme right and the extreme left. It is the aim and purpose of the Labor Division to guide the movement away from both extremes and down a middle path through encouragement of more active rank and file participation in union affairs. If this objective is accomplished, the Japanese trade union movement may in the future constitute the principal bulwark against the exploitation of workers, the oppression of the masses and the revival of militaristic forces in Japan.

EMPLOYMENT AND UNEMPLOYMENT SITUATION

There is as yet no evidence of large scale unemployment in Japan resulting from implementation of the Economic Stabilization Program in the period ending June 1949. The Monthly Labor Force Survey prepared by the Cabinet Bureau of Statistics for May shows only 440,000 unemployed of a total work force of 36,300,000. In addition, it should be noted that small proprietors and family workers make up two-thirds of the employed population in Japan and numbered 23.9 million in May out of a total employment of 36.3 million; whereas paid employees, i.e., wage and salary workers, numbered only 12.4 million in the same month. Whereas, in the United States a low figure for total unemployed persons is a reliable indicator of prosperity, in Japan there is a strong tendency to spread available work among the total labor force. Thus the employment situation in time of economic stress is more apt to result in unmet economic need in terms of family income and the "dilution" of employment, rather than in unemployment.

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In spite of this general tendency, unless private enterprises, particularly the export industries, develop an expanding labor demand to provide an absorptive cushion, an increase in unemployment among the paid employee group of the work force which may assume serious proportions in the next few months, is indicated by the following labor market factors:

1. A small but steady rise in the excess of employment separations over accessions, exclusive of the temporary impact of April school graduates on the labor force, contributal to non-replacement attritions. These excesses of separations totaled 9,300 in February, 20,000 in March and 27,000 in May in industrial establishments employing over 3½ million workers.

2. A rise in layoffs due to employers' inability to operate economically, as reported to employment exchanges, was from 218 plants laying off 7,500 workers in February to 680 plants laying off 32,000 in June. This does not reflect current personnel reductions in Government enterprises and administrative agencies of 95,000 railway workers plus approximately 100,000 others.

3. An increase in the average weekly number of persons receiving unemployment insurance benefits rose from 28,700 in January 1949 to 92,100 in June.

UNEMPLOYMENT COUNTER-MEASURES

The Japanese Government, within the framework of the present budget, has a program to provide temporary relief to a minimum number of unemployed workers based upon the assumption of the transfer of most of these workers from non-essential to essential industries. This is dependent upon a continued rise in production, particularly industries for export, in accordance with original target goals established in the Economic Stabilization Program. It is also dependent upon the expenditure of Counterpart Funds for public and private capital investment which will assist in the maintenance of present levels of employment for some basic industries and, to some extent, will create an additional demand for approximately 100,000 workers.

In the event Japanese economy enters a serious deflationary period, unlikely unless exports remain at a low level, the government unemployment relief program can be expanded considerably to prevent idleness of unemployed workers for long periods of time still within the framework of the present budget if additional funds are found for the Emergency Work Relief Programs, a program somewhat comparable to WPA in the United States. If unemployment of large numbers continues for over 12 months, substantial additional measures would be necessary. A brief outline of this Government program is as follows:

1. On 20 May 1949, the Diet passed an Emergency Work Relief Law providing for the establishment of economically useful projects for the purpose of absorbing unemployed, such projects to be placed in operation only after appreciable unemployment develops in specific local areas. These projects would be discontinued as soon as workers could be transferred to regular employment, and as an inducement for transferring, the law provides for lower wages than for comparable work. The small sum of ¥808,000,000 provided in the budget has been sufficient for this program to date. Any substantial increase in the number of unemployed in the coming months would require additional funds.

2. Approximately 6,000,000 workers are presently covered by unemployment insurance. By an amendment to the Unemployment Insurance Law on 20 May 1949, an additional 1,000,000 day workers will be covered after 1 November 1949. The unemployment insurance fund now has a reserve of approximately ¥6,000,000,000, sufficient to provide payments for the full six months of benefits authorized for some 250,000 to 300,000 individuals, or an average of three months of benefits for twice that number.

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3. The efficiency of the Japanese Public Employment Security Offices (employment exchanges) has increased to such an extent in the past two years that they are in a good position to administer the unemployment counter-measures program effectively. There are 415 exchanges in Japan which adjust labor supply and demand by soliciting job openings and placing workers to available jobs, are responsible for implementation of the work relief program, pay unemployment insurance to covered workers, provide payment of traveling expenses to employees who change residence in obtaining new employment, and report information on unemployment.

It should be noted that present long-range public works or short-term work relief projects in Japan will only partially or temporarily relieve the problems occasioned by unemployment or under-utilization of labor force skills. The only adequate answer is a healthy economy with increasing rates of production and greatly expanded export trade.

LABOR STANDARDS LAW

Recently the major development in the Labor Standards Bureau has been in connection with personnel. The 1949-50 budget for the Labor Standards Bureau (exclusive of its Workmen's Compensation Insurance Section) authorized an 18% decrease in the number of inspectors and a 30% decrease in all other Bureau personnel as compared with the 1948-49 budget allocation. This means a loss of 2,236 positions (301 inspectors and 1,935 other positions). However, since there were about 1,000 vacancies, the actual number of persons to be dismissed is around 1,200. When the reduction in force is completed, the staff will consist of 6,237 persons of whom 1,818 will be inspectors.

The impact of loss of personnel has not as yet been felt since dismissals will not be effectuated until the end of August. Reductions so far as possible will be largely in the Central Bureau and in the prefectural offices with the least possible reductions to be made in the local inspection offices. It is clear that the reduction in staff will necessitate more delegation of responsibility to local inspection offices and a review of office procedures, employer reporting, etc., with a view to reducing the amount of paper work in order that the inspection program will not suffer too drastically.

From February 1948 through May 1949, 370,000 inspections were made in establishments employing approximately 14,000,000 workers. These figures include reinspections. The average number of inspections per month has increased markedly since January of this year, due primarily to the emphasis on inspections in small and medium sized establishments, the average being more than 35,000 per month. As already indicated, this number of inspections may not be continued after the reduction in force takes place in August.

As a result of the transfer of mine safety to the Ministry of International Trade and Industry, the Mining Section of the Central Labor Standards Bureau and the Mining Sections in the 7 prefectural Labor Standards offices in which they were established have been eliminated and their remaining functions transferred to other sections of the Labor Standards Organization.

An Apprenticeship Section has been established in the Central Labor Standards Bureau with a small staff of approximately 20 persons. It is hoped that with the establishment of this Section there may be a new impetus to the development of the apprenticeship program.

In the past few months, there have been no further pressures for revision of the Labor Standards Law. This may be attributable to the fact that the Japanese Government has been completely absorbed in the more pressing problems of unemployment and dismissal of Government employees. What the Cabinet will propose when it reconvenes is an unknown quality.

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WAGE STABILIZATION

One of the "9-points" in the United States Interim Directive for Economic Stabilization was the adoption by the Japanese Government of effective measures to achieve wage stabilization. Deciding that direct wage control was both impracticable and unnecessary, the Japanese Government adopted, toward the end of 1948, a program for indirect control of wage movements. This program, known as the "three principles," stated that the government would not grant price increases, deficit loans or subsidies (except from available revenue) to any enterprise or industry for the purpose of increasing wages.

Observation of wage movement for the first six months of 1949 indicates that these indirect controls have in fact succeeded in decelerating the upward movement of wages. This period has been characterized by relatively small monthly rises and drops in average wages, with a net increase of 4.3% between January and June. This small increase is in startling contrast to the increases of 51%, 76% and 140% during the same periods (January to June) respectively in 1948, 1947 and 1946. A fact which will bear watching, however, is that whereas cost of living increased less than half as rapidly (20%) as wages (51%) during the comparable period in 1948, living cost rose almost twice as fast (7.6%) as wages (4.3%) during the first half of 1949. This decline in real wages is particularly significant since real wages (May 1949) were only 69% of pre-war (1937) levels.

NON-PAYMENT OF WAGES

The tightening of financial credits and the curtailment of subsidies have created a situation where employers are failing to pay wages in full. According to incomplete reports of the Labor Standards Bureau, 3,236 cases involving firms who had failed to pay 1.72 billion yen in wages were handled by the Bureau during the first half of 1949. As of 30 June 1949, approximately ¥745,000,000 was still owing to workers for back wages.

WORKMEN'S ACCIDENT COMPENSATION INSURANCE

A modern Workmen's Compensation system was established for the first time in Japan in September 1947 with the passage of the Workers' Accident Compensation Insurance Law and the Labor Standards Law. The system is basically similar to that in the United States. Legal obligation is put on all employers to compensate workers for industrial accidents with provisions that this liability can be avoided by taking out insurance. Insurance is compulsory for employers in manufacturing, mining, construction and other hazardous industries, and is voluntary for employers in commerce and other nonhazardous activities. The premium is paid entirely by the employer and is variable in accordance with the number of accidents in each industry. There are 22 different premium rates, from 4.4%, applicable to subway construction and other extra-hazardous activities, to 0.15% for banks and nonhazardous activities. The Japanese system differs from that prevailing in many states in that employers in the compulsory category must take out the insurance offered by the government. In the voluntary category, employers may choose between government operated insurance or insurance offered by private carriers.

Workers are entitled to the full cost of medical care plus 60% of wages during disability. A sum amounting to approximately three years' wages is paid in death cases and smaller amounts for permanent disability. Administration of the program is in the hands of the Labor Standards Bureau of the Labor Ministry, which agency is also responsible for safety and sanitation provisions. The administrative efficiency has improved steadily since the inception of the program and is now relatively very high. There are 235,000 employers covered and 6,500,000 workers. As an index of the extent of benefits paid to covered workers, the figures for the month of June 1949 show benefits amounting to 250,000,000 yen were paid to 50,000 workers and to the surviving families of workers killed in industrial accidents.

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The 1949-50 budget provides for a total of 2,356 persons to administer the program representing an increase of 206 persons over the previous year.

At the present time a Bill is in preparation to transfer responsibility of administration of Workmen's Accident Insurance for government workers to the Labor Ministry to be coordinated with the program for private industry.

WOMEN'S AND MINOR'S BUREAU

The Women's and Minor's Bureau's work will be seriously handicapped during the 1949-50 fiscal year by a 30% reduction in personnel, representing a loss of 74 positions. The present budget provides for a total of 174 positions, of which 70 are in the central office and 140 are in the field, which includes a local office in each of the 46 prefectures. (The 1948-49 budget provided for a total of 248 positions.) This means that from 2 to 3 persons will be assigned to each of the prefectures. The difficulties of carrying on a major program in the field of women and children with such a small staff are obvious.

One of the gratifying developments in the field of improving the economic and social status of working women was the enthusiasm with which women of all walks of life participated in the "Promotion of the Welfare of Women Workers' Week" held between 1 August and 7 August of this year. This enthusiasm was not confined to the women only but was evidenced in newspaper editorials, radio commentaries and other sources.

GENERAL CONCLUSIONS

With the completion of four years of Occupation and the emancipation of the labor movement, it is fair to say that the objectives originally set forth in regard to the development of a sound and democratic labor movement have achieved a large measure of success. Union structure and organization have developed to a point where national industrial unions and national federations speak for the thousands of locals and their members on national economic and social policy matters. Internal struggles for union control between the extremist and moderate factions are in part a consequence of factors outside the Japanese political and economic structure. Vigorous education programs and the obviously unrepresentative character of extremist leadership and programs in regard to the native labor movement have tended to minimize the influence of this leadership. The issues involved and the conduct of labor disputes are gradually moving toward conformity with the established concepts and practices which have been associated with Western labor movements. Political issues as a factor in labor disputes have to some extent given way to the fundamental economic relationships between management and labor.

Modified labor relations legislation reflecting the experience of the post-war years plus the increased effectiveness of the administrative and judicial organs established to carry them out are becoming increasingly important factors in labor relations. Labor Relations Committees continue to be an increasingly constructive force in the melioration of labor disputes. The courts are establishing precedents in regard to the interpretation of these laws in such a manner as to define the legal responsibilities of both labor and management in hitherto unchartered areas of labor relations thereby setting the boundaries within which legitimate economic issues can be negotiated.

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Cabinet Ordinance No. 384 — 28 Dec 48

1. Article 37 shall be revoked and the following shall be substituted, and the following three articles shall be added after next to Article 37.

The number of members of the central labor relations committee shall be 21 or less, and they shall be appointed by the Labor Minister.

In case the Labor Minister wants to appoint the members who represent the workers or the employers provided in the preceding paragraph, he shall request the employers' organizations or labor unions whose organization covers two or more prefectures to recommend the candidates, and shall appoint the members from among the candidate recommended.

In case the Labor Minister wants to appoint the neutral members of the members provided in the first paragraph, the Labor Minister shall submit the list of candidates to the employer and labor representatives and shall appoint the neutral members from among those who are approved by both representatives.

Article 37-2

The number of the members of the prefectural Labor Relations Committee shall be 15 or less, and they shall be appointed by the Prefectural Governor.

In case the prefectural Governor wants to appoint the members who represent the workers or the employers provided in the preceding paragraph, he shall request the employers' organizations or labor unions in the prefecture to recommend the candidates, and shall appoint the members from among the candidates recommended.

In case the prefectural Governor wants to appoint the neutral members of the members provided in the first paragraph, the prefectural Governor shall submit the list of candidates to the employer and labor representatives and shall appoint the neutral members from among those who are approved by both representatives.

Article 37-3.

Besides the members provided in the preceding two paragraphs, the Labor Minister or the prefectural Governor may appoint temporary members in case of necessity.

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Article 37-4.

In case the employers' organizations or labor unions are unable to recommend candidates or in case labor and employer candidates are unable to agree concerning the appointment of the members of the labor relations committees, the Labor Minister or the prefectural Governor can appoint the members in spite of the provisions of Article 37 and Article 37-2.

II. The following proviso shall be added to paragraph 1 of Article 39.

Provided that the members may conduct his duties by the time when the successor shall be appointed, even after his term of office.

III. The following clause shall be added to paragraph 3 of Article 48.

Next to "Labor Ministry shall mean the Transportation Ministry" shall be added "Labor Ministry Ordinance shall mean Transportation Ministry Ordinance."

Supplementary provision.

The present Ordinance shall be enforced from the day of promulgation.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 75013

May 23, 1949

SUBJECT: Policy Concerning Treatment of Cases when the National Public Servants serve as a Member of the Prefectural Labor Relations Committee.

FROM: Labor Vice-Minister.

TO: Each Prefectural Governor.

The interpretation of the laws and ordinances which form the basis of the above subject has been already notified to you by the Labor Ministry notice No. 15 dated April 21, 1949. This is the additional instruction to that, for the purpose of making some points clear. You are requested to follow the following policy hereafter.

(1) The Prefectural Governor has the right to appoint the members of the Prefectural Labor Relations Committee at his own discretion selecting anybody whom he thinks most appropriate from among the persons recommended by labor unions and employers associations according to the provision of Article 37 of the Enforcement Ordinance of the Trade Union Law.

(2) Neither the National Public Service Law nor the Cabinet Ordinance No. 201 prohibits completely the employees of the local public organization who are covered by the National Public Service Law and the Cabinet Ordinance No. 201 to become the members of the Prefectural Labor Relations Committees.

(3) However, it is unappropriate that the national public servants, who do not have the benefits of conciliation, mediation or arbitration of the Labor Relations Committee under the Law, and the employees of the local public organizations who are covered by the Cabinet Ordinance No. 201 will become the members of the Labor Relations Committee. The Governor should be careful at making his discretion at performing his authority under paragraph (1)

(4) However, it is not always unappropriate to appoint the teachers of national schools as a neutral member, as it is already mentioned in Labor Ministry Note No. 15, dated April 21, 1949.

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Please file

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific Section
APO 500

000.8(1 July 49)ESS/LAB 1 July 1949

SUBJECT: Educational Program on Trade Union Organization and Structure.

TO: Civil Affairs Labor Officers

1. PROGRAM FOR JULY - DECEMBER, 1949

a. One of the major projects of Labor Division, Economic and Scientific Section, GHQ, SCAP, during the remainder of 1949 will be the improvement of organizational structure and operations of some of the more important Japanese unions. During the first six months of this year, emphasis was placed upon the elimination of two common abuses:

(1) The payment of union officials by employers, and

(2) The inclusion of management officials in union membership.

b. Those two objectives, already well advanced, will be incorporated and carried forward in the new and broader program (see paragraph 3 for details) herein activated which is designed in general to encourage union members themselves to adopt measures to:

(1) Develop and protect individual democratic rights and participation in union affairs with emphasis at the local level;

(2) Insure compliance with the Trade Union Law, Labor Relations Adjustment Law and Public Corporation Labor Relations Law;

(3) Establish orderly financing throughout all levels of the union movement and efficient administration within the unions;

(4) Eliminate superfluous super-structure between the local union and the national body;

(5) Develop democratic leadership in the locals and national unions;

(6) Establish separate bargaining, grievance and production committees and thorough education in their functions.

c. The execution of this program is the responsibility of the Japanese Government at both the national and prefectural levels, with the advice and assistance of ESS and Eighth Army Civil Affairs labor officers at their various levels. On occasion ESS will consult with unions at the national level and will make field trips to advise and review. Civil Affairs labor officers are urged to stimulate the Japanese agencies and unions to take vigorous action, to work with and to supervise them. The execution

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of this program requires a combination of organizational work, union education and law enforcement. Within the Japanese Government, this program falls chiefly within the jurisdiction of the Labor Policy Bureau of the Labor Ministry and the Prefectural Labor Policy Sections.

d. In some unions the national or regional officials will not be in sympathy with this program. In such cases, it will be necessary to establish contact with local union leaders or with the rank and file. The locals should be urged to:

(1) Democratize their own affairs and amend their constitutions, and

(2) Demand that special national conventions be called and elect delegates to these conventions who are instructed to vote for new officers and to support policies, actions and constitutional amendments in accordance with the program outlined in paragraph 3.

2. REFERENCE MATERIAL

a. ESS has indicated on many occasions its views as to the proper management and operation of trade unions. Reference is made to the following pamphlets which have been previously distributed to the field:

(1) Democratic Trade Unionism

(2) The Struggle for Trade Union Democracy

(3) Organization and Structure of Trade Union Movements

(4) Top Union Organization and Structure

(5) Trade Union Conventions: The Voice of the Rank and File

(6) The Conduct of Union Meetings

(7) The Trade Union Movement is Built Step-by-Step

b. The various points included in these pamphlets have been repeated in a series of press conferences and in lectures given by ESS personnel in each prefecture.

3. MAIN POINTS OF PROGRAM

Attention should be concentrated on the following points:

a. Authority in Rank and File

All authority to make union policy is vested basically in the rank and file membership of local unions. National officials, committees, boards, conferences and conventions may exercise only those powers which have been delegated to them by local union members by specific vote or by the union constitution, duly ratified by local unions. For example, the local members may give their national officials the power to negotiate a national labor agreement, to call a strike or to discipline local unions engaging in "wildcat" strikes, but such powers must have been delegated by the local unions by voting specifically on those issues, or by ratification of the union constitution specifically delegating those powers to the national union.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

There is at present insufficient awareness among local union members that they are vested with the fundamental authority for all union policies and activities. The intent of this program, however, is not to weaken or decentralize the national body of any union, but to enlarge and strengthen the base of the union movement so that whatever policy or action is decided upon by strong central committees will be derived from, and responsive to, the true will of the members.

b. Simplified Structure and Operation

The structure of unions should be simplified, placing primary emphasis on local and national unions. Unions should be advised to abolish prefectural, district, or regional federations where they are found to be truly superfluous. Great care should be taken in making recommendations in this respect. Certain federations act as parent organizations for small, unattached unions and may serve a useful purpose. Where continued, these intermediary bodies as a rule should not be empowered to make policy or to prevent or hinder direct contact between local and national unions. Local unions should elect delegates to, and introduce resolutions in, national conventions without clearance from the intermediate bodies.

c. Responsibilities Clarified

The respective responsibilities of local, national, and other levels for making policy and deciding action should be clarified -- which body, for example, has the right to authorize a strike. Local union constitutions should be consistent with and based upon national union constitutions, and both should be in compliance with Article 5 of the Trade Union Law.

d. Division of Dues

The local unions should, as a rule, retain a larger percentage of dues collected and transmit a smaller percentage to higher bodies with which they are affiliated except that care should be taken not to weaken the national union.

e. Expenditure of Funds

A larger percentage of union funds should be used for paying the salaries of union officials, building up strike and welfare funds, education, and other essential activities, and a smaller percentage for campaigns, special causes, and demonstrations not directly connected with the economic interests of the membership. Many unions in Japan carry an unusually large number of full-time officials, far more than necessary to perform the usual trade union functions. In many places this becomes a burden on the workers. Often the large number derived from the fact that the union has organized its staff along lines parallel with management, appointing production chiefs and other similar functionaries who may interfere with the operations of management or for the most part, may be and often are idle and parasitical.

The union, of course, is within its rights to determine for itself how many full-time officers it shall have, provided it pays their salaries and expenses. It may also set their duties, except that wherever those duties have anything to do with the operation of the business of the company, they can be established only with the agreement of the management. For example, the union can set the number of its full-time officials, but management need not agree that all of them be permitted in the plant at any one time.

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Unions should be urged to limit the number of their full-time officials to those necessary for efficient operation of the union, and the rank and file membership should know of those recommendations.

f. Women's Sections

It is the policy of ESS to encourage Women's Sections in unions, where they exist, to train and educate women workers to take their rightful place as equal members with men in the trade union itself. The Women's Section should not be considered as a substitute for, or as a rival to, the trade union of which it is a part, but as an agency to give special assistance to a group which by custom and tradition has been made subservient and unable or fearful to demand equal rights. It is to be hoped that eventually when women union members are able to exercise full union rights freely, they will no longer consider Women's Sections necessary and will abolish them. As to stage of development, Women's Sections are classified as follows:

(1) Those whose members think of themselves as women only and stress sewing, cooking or other domestic and cultural pursuits. In these, the danger is great that the women will separate themselves and substitute the section for the union.

(2) Those which seek to improve their conditions as working women. The majority of sections fall in this class.

(3) Those which direct their efforts to assisting women as workers and as union members. In addition, to stress the improvement of wages and working conditions, the sections at this level encourage and educate their members to participate fully in union affairs.

The objective of the program is to raise all Women's Sections to the third level of activity. They should not have the power to make policy for the union as a whole, should not have separate representation on executive committees, collect special dues, have double voting rights, or carry on separate collective bargaining.

g. Youth Sections

After thorough study of the Youth Sections in unions, ESS believes that unions including such sections should be urged to abolish them. Where outright abolition is not possible or feasible, the Youth Sections should be reorganized as committees with purely educational and recreational functions. They also should not have the power to make policy, separate representation on executive committees, collect special dues, double voting rights, or be able to carry on separate collective bargaining.

h. Differentiation of Union Committees

Spearate Bargaining, Grievance, and Production Committees should be set up in place of the present Management Councils in order to avoid confusion of functions. The production committees should be advisory only. Union officers and members should clearly understand, and the constitution and by-laws should clearly indicate, the difference between policy-making agencies and executive bodies within the union. Policy-making agencies include local union meetings, central committees acting under the authority delegated them by the constitution or by the union membership and national conventions. Executive bodies include union officers, executive committees, bargaining, grievance and production committees.

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i. Political Action

Unions should be encouraged to have a political action program but control of or undue influence over union policy by a political party should be discouraged. Union members should be taught to distinguish between economic and political action. They should be discouraged from engaging as trade unions in such political activities as the recent strikes against revisions of the labor laws. They should be taught to recognize political motives even in those strikes which may have a sound economic basis but may be fomented by Communists for purely political ends. The Tokyo railroad and tram-car strikes, Hiroshima steel strike and Toshiba strikes are cases in point. The experience of American unions should be explained as a guide, though not necessarily as conclusive for Japanese unions. In order to preserve unity within the union, American labor has found it advisable to adopt a separate political arm. This does not mean, however, that American labor unions take no direct political action whatever. They do on vital issues, but as a rule they do not use the strike as a political tactic, nor do they intermingle political and economic issues in the same action. As a policy, political strikes should be characterized as intolerable at the present time in Japan.

j. Election of Union Officials

The officials of a local union should be elected by secret ballot directly by the members, and the officials of a federation or national union should be elected either by secret ballot directly by the members of the local unions, or by delegates elected directly by secret ballot of the members of the local union, in accordance with the Trade Union Law.

k. Regular Meetings

The entire membership of local unions should have an opportunity to attend frequent and regular meetings in order to decide policy. The Trade Union Law requires meetings at least once every year but membership meetings once every month should be advocated.

l. Financial Reports

Regular financial reports should be issued by all unions.

m. Revise Constitutions

Local and national unions should amend their constitutions in order to embody the above points and to comply with the other items listed in Article 2 and Article 5 of the Revised Trade Union Law. They should be urged to register as juridical persons in order to take full advantage of tax laws and to insure speedy hearing before Labor Relations Committees, should such action become necessary.

n. Outside Unions

Much has been heard lately of "outside unions." This terminology springs from the fact that certain extreme-leftist unions have threatened that they will choose to remain "outside" the Trade Union Law and continue to accept financial aid from the employer or to accept supervisory personnel as members of the workers' union. Both of these widespread malpractices are now prohibited by Article 2 of the Trade Union Law. It should be pointed out emphatically that no organization of workers which functions as a Trade Union may elect to remain "outside" of Article 2. They may choose not to comply with Article 5 and thereby to forfeit all rights to the formal procedures of the law, including the right to appeal to Labor Relations Committees for action, but all organizations of workers

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operating as trade unions must comply with Article 2. The present revision of the Trade Union Law does not provide fines or imprisonment as punishment for the union violating Article 2. However, the payment of union officials is included among unfair labor practices. The employer who contributes financial support to the union may be found guilty of an unfair labor practice and fined or imprisoned. Any interested party -- a member of the union, of a rival union, or a Government agency -- may file the charge with the Labor Relations Committee. Probably the most practical way to enforce this provision is for the Labor Policy Bureau and Sections, in carrying out this program and in enforcing the law, to file charges against any employer who fails to comply.

o. Educational Programs

Local and national unions should carry on educational programs designed to arouse the rank and file to activity and inform them of their rights and duties. Participation of rank and file members in union activities through education, organizing, political, safety, and other special committees should be encouraged. Many workers do not know whether or not they are members of unions, what dues they pay, what their rights are. Many have no certificate of union membership. Unions should be urged to issue membership cards, and the individual member should be required to affix his signature. Unions should be urged to issue receipts for dues collected or deducted. These methods will help awaken a consciousness in the individual worker that he is a member of a union. In many places, the most vocal persons in union affairs are those who have not paid dues. Those not paying should be denied a voice or a vote in the union and should not be considered as members.

4. KEY UNIONS

a. Although this program will be directed to the union movement in general, it is considered wise to concentrate for the time being on unions in certain key industries. The Labor Ministry and ESS have made the following selection of unions as the first objectives:

Coal Mining	Harbor Workers
Electric Power	Construction
Electric Equipment	Government Railway
Metal Manufacturing	Communications
Chemicals	Press, Printing and Radio
Textiles	Motion Picture Industry

b. The following unions should be included as soon as possible:

Metal Mining
Japan Express Company
Private Railways
Teachers
Local Government Workers

c. Democratic elements within the unions should be encouraged to seek the leadership. The establishment of rival or "second" unions should not be encouraged, except where it is obvious that because of special circumstances the democratic elements within a union are denied their rights of expression and action, or are being forced to follow policies contrary to the law or purely in support of political motives reprehensible to democratic ideals.

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5. FURTHER INFORMATION

Further informational letters to Eighth Army Civil Affairs Sections and Teams may be issued as the program develops.

FOR THE CHIEF, ECONOMIC AND SCIENTIFIC SECTION:

Robert T. Amis

ROBERT T. AMIS
Acting Chief, Labor Division

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

file 004 (C)

2 FABOR Rel SECTION
(Your Copy)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 121(30 Apr 49)ESS/FIN
SCAPIN 2003

11 May 1949

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Separation Allowances for Government Employees

1. The Japanese Government is directed to take the necessary measures to establish standard allowances to be paid to Government employees separated from Government service consistent with the amount of funds provided for such allowances in the consolidated balanced budget adopted for the fiscal year 1949-50 in accordance with the United States Government Interim Directive on economic stabilization.

2. Pending establishment of standard allowances in conformity with the requirements of paragraph 1 above:

a. No payments of allowances to separated government employees of any class will be made upon the authority of the Law Concerning Appointment, Removal, etc. of Government Officials Before Application of the Provisions of National Public Service Law Shall Be Made, Law No. 121 of 1947, or the authority of any other statutory ratification of the standards for such allowances set by the Cabinet decision of 29 March 1947; and

b. No payments of allowances to separated employees of any class will be made under Law No. 167 of 1947 to employees who are eligible for allowances under the Pension Law, Law No. 48 of 1923, as amended, the National Public Service Mutual Aid Association Law, Law No. 69 of 1948, or the Unemployment Insurance Law, Law No. 146 of 1947.

FOR THE SUPREME COMMANDER:

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

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Labor

17 Feb 49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific Section
APO 500

004.06(9 Feb 49)ESS 9 February 1949

SUBJECT: Nomination and Appointment of Labor Relations Committee Members.

TO: Military Government Team Labor Officers

1. Technical Letter 004.06(5 Feb 48)ESS, Subject, Election Procedures for members of prefectural Labor Relations Committees is herewith recinded.

2. The Japanese Government has revised Art. 37 of the Cabinet Enforcement Ordinance of the Trade Union Law governing the nomination and appointment of members of Prefectural and Central Labor Relations Committees. In addition to changes in the ordinance, the Labor Ministry has advised prefectural governors and local officials concerned to submit to it for examination the names and qualifications of all prospective candidates.

3. It is the intention of ESS to supplement present surveillance exercised by MG teams over the appointment of labor relations committee members, by means of liaison with the Labor Ministry in order that prefectural and national authorities may be persuaded to appoint those persons having the highest qualifications and so that domination of committees by members known to advocate opposition to or subversion of occupation objectives and the economic recovery of Japan will be avoided.

4. It should be noted, however, that under present law the Labor Ministry has no legal authority to compel prefectural cooperation with the Ministry in the accomplishment of this program and it is therefore possible for various groups to influence prefectural appointing authorities into overlooking the desired procedures and objectives. In addition, prefectural governors may continue past practices of making appointments as a result of political deals without regard to the over-all purpose of establishing labor relations committees capable of rendering the community beneficial service. These factors are of especial interest to MG teams in the carrying out of their surveillance of procedures leading to appointments to the labor relations committees.

5. It is the purpose of the new Art. 37 and policies above mentioned governing nominations and appointments to allow the governors of the prefectures the widest latitude of authority in requesting nominations of candidates from labor and management groups and to make final appointments, subject, of course, to the basic objectives inherent in the idea of a tripartite committee empowered to make decisions affecting the interests not only of labor and management but also the general public.

6. Previous methods of obtaining nominations which have become formalized and frozen as the result of custom and acquiescence by government officials, are not binding in any way upon the appointing authority. Therefore, it should be clearly understood that governors are under no obligation to follow past practices, such as; (a) considering themselves bound by the results of intra-union elections of nominees; (b) appointing from any particular list submitted by any union or group of unions or employer organizations; (c) appointing in accordance with the number of votes received; or (d) appointing in any specified order in accordance with a particular listing of candidates.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Letter, GHQ,SCAP-ESS, 004.06(9 Feb 49)ESS, 9 February 1949,
Subj: Nomination and Appointment of Labor Relations Committee Members

7. In a recent directive of the Central Committee of the Japan Communist Party, dated Dec. 30, 1948, and sent to prefectural and regional and national committees concerning the Labor Minister's appointment of members of the Central Labor Relations Committee under the new policy, it was stated "what attracts our keenest attention is the fact that even if each union recommended candidates and elected them, the Labor Minister, according to the present revision, could appoint labor members, whoever they may be, upon his own responsibility . . . . . We must lead every conference of workers toward such decision (to oppose) for if the Labor Minister enforced his authoritative appointment of Central Labor Relations Committee members, we would absolutely not admit and would oppose that appointment resorting to our actual force and would disclose this decision in the face of each governor and Labor Minister."

8. The foregoing is an indication of the attitude certain elements in the community may take toward the new procedure which, it should be noted, is in strict conformance with Art. 26 of the Trade Union Law in spite of what may have been the interpretation of the article and the procedures required thereunder heretofore.

9. The only obligation imposed on the governors is to request local labor and management organizations in general, within the community, to submit nominations of possible candidates for membership on local Labor Relations Committees and to submit to the representatives of such organizations their own list of possible candidates for neutral membership on the committees. It is of course definitely desirable to obtain, as far as possible, recommendation and approval of candidates who are able and willing to attend all the meetings of the committees, from the largest number of organizations having the greatest membership. But the governor is under no obligation to accede to the demands of any organization, regardless of its size or number of members, to make appointments of particular persons.

10. It is not the purpose of the new ordinance and implementing procedure to exclude any group from obtaining appointment of its own candidate. The specific purpose is to obtain well-constituted, equitably apportioned committees which actually represent the opinions, economic, social, political and otherwise, of the largest number of persons within the community. It is intended to avoid the domination and control of a committee by any particular person, group or organization representing only a minority viewpoint within the community.

W. F. MARQUAT
Major General, U. S. Army
Chief, Economic and Scientific Section

/s/ W. J. De Santo
for

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

File 008(B)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 560(28 Sep 45)ESS/IND
SCAPIN 1967

26 January 1949

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Working Hours in Shipyards

1. References are:

a. Memorandum for Japanese Government from General Headquarters, Supreme Commander for the Allied Powers, AG 560(31 Dec 45)ESS/IN, SCAPIN 530, subject: Working Hours in Shipyards, 31 December 1945.

b. Memorandum for Japanese Government from Office of the Supreme Commander for the Allied Powers, AG 560(28 Sep 45)ESS, subject: Availability and Utilization of Non-Combatant Japanese Shipping, 28 September 1945.

2. Memorandum reference 1a is hereby rescinded.

3. Paragraph 1a of memorandum reference 1b is rescinded and the following substituted therefor:

a. All shipyards engaged on Occupation Forces requirements shall operate on a twenty-four (24) hour day, seven (7) day week basis, when so directed by General Headquarters, Supreme Commander for the Allied Powers. Insofar as requirements are concerned, the following shall be defined as Occupation necessities:

(1) Occupation Force vessels

(2) American owned, Japanese manned vessels

(3) Vessels handling Occupation Forces cargoes

(4) Repatriation vessels

(5) Vessels engaged in support of foreign trade programs sponsored by General Headquarters, Supreme Commander for the Allied Powers, such as the Persian Gulf shuttle

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

(6) As necessity arises, other vessels and types of work which may be directed.

FOR THE SUPREME COMMANDER:

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

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

File 00f (B)

AG 121.6 (31 Mar 48) GD
SCAPIN 1872/5

23 November 1948

MEMORANDUM FOR: Japanese Government

SUBJECT : Disbursement of Transportation Expenses of Laborers Directly Employed for the Occupation Forces

1. Reference is made to the following:

a. Central Liaison and Coordination Office Letter No.3766 (LO 4114 AD/IF), 5 November 1948.

b. Supreme Commander for the Allied Powers Memorandum for Japanese Government, file AG 400.12 (31 Mar 48) CE-GD, SCAPIN 1872.

2. It is the responsibility of the Japanese Government to deliver procured labor to the site of employment, or to an assembly point if designated by the procurement demand. This responsibility is identical to the responsibility of the Japanese Government for the delivery to the designated point of use or storage of other procured requirements of the Occupation Forces; consequently Procurement Demands covering the transport of Japanese workers to and from work locations, or assembly points if designated, will not be issued.

FOR THE SUPREME COMMANDER:

for /s/ A. J. Rehe
/t/ R. M. LEVY
Colonel, AGD
Adjutant General

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific Section
APO 500

Our File

008 (B)

~~312.1(5 Oct 48)ESS~~

5 October 1948

SUBJECT: Regrading of Confidential Documents

TO: Military Government Team Labor Officers

1. References:

a. Labor Division Monthly Summary Number 1, September - October 1945, classified "CONFIDENTIAL".

2. Pursuant to General Headquarters, Supreme Commander for the Allied Powers, Document Downgrading Board, List of Regraded Documents Number 17, document listed in paragraph 1 a, above, has been regraded from "CONFIDENTIAL" to "UNCLASSIFIED".

W. F. MARQUAT
Major General, U. S. Army
Chief, Economic and Scientific Section

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

File Copy

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Ecomonic and Scientific Section
APO 500

312.1 (1 Sep 48) ESS

1 September 1948

SUBJECT: Regrading of Restricted Documents

TO: Military Government Team Labor Officer

1. References:

a. Labor Division Monthly Reports for Months June 1946 thought March 1948. classified "RESTRICTED."

b. Final Report of the Advisory Committee on Labor, GHQ, SCAP, dated 29 June 1946, title: Labor Policies and Programs in Japan, classified "RESTRICTED, " except for Chapter 1, which was released separately to the press as an "UNCLASSIFIED " report.

2. Pursuant to General Headquarters, Supreme Commander for the Allied Powers, Documonts Downgrading Board, list of Regraded Documents No. 17, documents in paragraphs 1a and b. above, have been regaraded from "RESTRICTED" to "UNCLASSIFIED".

W.F. MARQUAT
Major General, U. S. Army
Chief, Economic and Scientific Section

C O P Y

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

INSTRUMENT OF SURRENDER

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 1945 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 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 interners 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

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proper to effectuate these terms of surrender.

Signed at Tokyo Bay, Japan at 0904

on the Second day of September, 1945.

Mamoru Shigemitsu
By Command and in behalf of the
Emperor of Japan and the Japanese
Government.

Yoshijiro Umezu
By Command and in behalf of the
Japanese Imperial General Headquarters.

Accepted at Tokyo Bay, Japan at 0908

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

On the Second day of September, 1945, for the United States, Republic of China, United Kingdom and the Union of Soviet Socialist Republics, and in the interests of the other United Nations at war with Japan.

Douglas MacArthur
Supreme Commander for the Allied Powers

C.W. Nimitz
United States Representative

Hsu Yung - Chang
Republic of China Representative

Bruce Fraser
United Kingdom Representative

Lieutenant General K. Derevyanko
Union of Soviet Socialist Republics Representative

T.A.Blamey
Commonwealth of Australia Representative

L. Moore Cosgrane
Dominion of Canada Representative

LeClerc
Provisional Government of the French Republic Representative

C.E.L. Helfrich
Kingdom of the Netherlands Representative

Leonard M. Isitt
Dominion of New Zealand Representative

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

PROCLAMATION BY THE EMPEROR OF JAPAN

Accepting the terms set forth in the Declaration issued by the heads of the Governments of the United States, Great Britain and China on July 26, 1945 at Potsdam and subsequently adhered to by the Union of Soviet Socialist Republics, I have commandec the Japanese Imperial Government and the Japanese Imperial General Headquarters to sign on my behalf the instrument of surrender presented by the Supreme Commander for the Allied Powers and to issue General Orders to the Military and Naval forces in accordance with the direction of theSupreme Commander for the Allied Powers. I command all my people forthwith to cease hostilities; to lay down their arms and faithfully to carry out all the provisions of the instrument of surrender and the General Orders issued by the Japanese Imperial General Headquarters there under.

HIROHITO (SEAL)
Emperor

Incl 2 to Annex 8 Adm O S. HQ IX Corps, 5 Jan 46
Reproduced Hq IX Corps

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

THE CAIRO CONFERENCE

UNITED STATES OF AMERICAL: PRESIDENT ROOSEVELT
CHINA: GENERALISSIMO CHIANG KAI SHEK
UNITED KINGDOM: PRIME MINISTER CHURCHILL

Statement Released December 1, 1943

The several military missions have agreed upon future military operat ons against Japan. The Three Great Allied expressed their resolve to bring unrelenting pressure againsttheir brutal enemies by sea, land, and air. This pressure is already rising.

The Three Great Allies are fighting this was to restrain and punish the aggression of Japan. They covet no gain for themselves and have not thought of territorial expansion. It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed. The aforesaid three great powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.

With these objects in view the three Allies, in harmony with those of the United Nations at war with Japan, will continue to persevere in the serious and prolonged operations necessary to procure the unconditional surrender of Japan.

Incl 3 to Annex [illegible] Adm O. Hq IX Corps, 5 Jan [illegible]6
Reproduced Hq IX Corps.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

POTSDAM DECLARATION 26 July 45

PROCLAMATION BY HEADS OF GOVERNMENTS, UNITED STATES, UNITED KINGDOM, AND CHINA

(1) We the President of the Unisted 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 cease to resist.

(3) The result of the futile and senseless German resistance to the might of the arroused free peoples of the world stands forth inawful 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 invitable and complete destruction of the Japanese armed forces and just as inevitably the utter devastation of the Japanese homeland.

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(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.

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

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(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 tendencies 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.

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

JAPANESE QUALIFIED ACCEPTANCE

LEGATION DE SUISSE

Washington, D.C.

Sir: August 10, 1945

I have the honor to inform you that the Japanese Minister to Switzerland, upon instructions received from his Government, has requested the Swiss Political Department to advise the Government of the United States of America of the following:

"In obedience to the gracious co-mand of his Majestry the Emperor who, ever anxious to enhance the cause of world peace, desires earnestly to bring about a speedy termination of hostilities with a view to saving mankind from the calamities to be imposed upon them by further continuation of the war, the Japanese Government several weeks ago asked the Soviet Government, with which neutral relations then prevailed, to render good offices in restoring peace vis a vis the enemy powers. Unfortunately, these efforts in the interest of peace having failed, the Japanese Government in conformity with the august wish of His Majestry to resotre the general peace and desiring to put an end to the untold sufferings entailed by war as quickly as possible, have decided upon the following:

"The Japanese Government are ready to accept the terms enumerated in the joint declaration which was issued at Potsdam on July 26th, 1945, by the heads of the Government of the United States, Great Britain, and China, and later subscribed by the

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Soviet Government with the understanding that the said declaration does not comprise any demand which prejudices the prerogatives of His Majestry as a Sovereign Ruller

"The Japanese Government sincerely hope that this understanding is warranted and desire keenly that an explicit indication to that effect will be sppdily forthcoming ".

In transmitting the above message the Japanese Minister added that his Government begs the Government of the United States to forward its answer through the intermediary of Switzerland. Similar requests are being transmitted to the Governments of Great Britain and the Union of Soviet Socialist Republics through the intermediary of Sweden, as well as to the Government of China through the intermediary of Switzerland. The Chinese Minister at Berne has already been informed of the foregoing through the channel of the Swiss Political Department.

Please be assured that I am at your disposal at any time to accept for and forward to my Government the reply of the Government of the United States.

Accept, Sir, the renewed assurances of my highest consideration.

The Honorable

James F. Byrnes

/s/ Grassli

Secretary of State

Charged d'Affaires and Interim
of Switzerland

Incl 5 to Annex 8 Adm 03
Hq IX Corps, 5 Jan 46

Reproduced Hq Ix Corps

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

REPLY BY SECRETARY OF STATE TO
JAPANESE QUALIFIED ACCEPTANCE

August 11, 1945

Sir:

I have the honor to acknowledge receipt of your note of August 10, and in reply to inform you that the President of the United States has directed me to send to you for transmission by your Government to the Japanese Government the following message on behalf of the Governments of the United States, the United Kingdom, the Union of Soviet Socialist Republics, and China:

"With regard to the Japanese Government's message accepting the terms of the Potsdam proclamation but containing the statement, with the understanding that the said declaration does not comprise any demand which prejudices the prerogatives of His Majestry a s a sovereign ruler," out position is as follows:

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

"The Emperor will be required to authorize and ensure the signature by the Government of Japan and the Japanese Imperial General Headquarters of the surrender terms necessary to carry out the provisions of the Potsdam Declaration, and shall issue his commands to all Japanese military.

Mr. Max Grassli, Charge d'Affaires and Interim of Switzerland.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

FINAL JAPANESE ACCEPTANCE

LEGATION DE SUISSE
WASHINGTON D.C.

August 14, 1945

Sir:

I have the honor to refer to your note of August 11, in which you requested me to transmit to my Government the reply of the Governments of the United States, the United Kingdom, the Union of Soviet Socialist Republics and China to the message from the Japanese Goverrment which was communicated in my note of August 10.

At 20.10 to day(Swiss Time) the Japanese Minister to Switzerland conveyed the following written statement to the Swiss Government for transmission to the four Allied Governments:

"Communication of the Japanese Government of August 14, 1945, addressed to the Governments of the United States, Great Britain, the Soviet Union, and China:

"With reference to the Japanese Government's note of August 10 regarding their acceptance of the provisions of the Potsdam declaration and the reply of the Governments of the United States, Great Britain, the Soviet Union, and China sent by American Secretary of State Byrnes under the date of August 11, the Japanese Government have the honor to communicate to the Governments of the four powers as follows:

The Honorable
James F. Byrnes
Secretary of State

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

"1. His Majestry the Emperor has issued an Imperial reseript regarding Japan's acceptance of the provisions of the Potsdam declaration.

"2. His Majesty the Emperor is prepared to authorize and ensure the signature by his Government and the Imperial General Headquarters of the necessary terms for carrying out the provisions of the Potsdam Declaration. His Majesty is also prepared to issue his commands to all the military, naval and air authorities of Japan and all the forces under their control wherever located to cease active operations, to surrender arms and to issue such other orders as may be required by the Supreme Commander of the Allied Forces for the execution of the above mentioned terms." Accept, Sir, the renewed assurances of my highest consideration.

Grassli
Charge d'Affairs and interim
of Switzerland

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific Section
APO 500

22 July 1948

230.033 (22 Jul 48) ESS

SUBJECT: Prefectural Employment Security Advisory Committees

TO: Military Government Town Labor Officers

1. Reference is Article 12, Employment Security Law, and Article 8, Labor Ministerial Ordinance No. 12, subj: "Regulations Pursuant to the Employment Security Law," copies attached.

2. It is stated in the Employment Security Law that every prefecture shall have an Employment Security Advisory Committee. In February 1948, the Employment Security Bureau sent an instruction to all prefectures to delay the appointment of these Committees pending further instructions from the Bureau. This instruction was sent because some prefectures and local offices were setting up Committees contrary to policies of the national office. In June 1948 an instruction was issued for the appointment of these Committees. Suggestions were made as to how to get proper representation of labor and management members and instructions covering the appointment of these members. The important labor unions organized on a prefectural basis are to be requested to submit a panel of candidates twice the number of Committee members. This would mean that there would be ten candidates submitted by these unions from which the prefectural governor would choose five. The same procedure would be followed with the employer organizations in the prefecture. Final appointment is made by the Labor Minister.

3. These Committees are considered to be very important to the Employment Security System for two reasons: first, they provide a means of getting the opinions and advice of important groups of the community in regard to programs of the Employment Security Offices; second, they provide a channel of information to employer, labor and other public organizations as to the services and programs of the Employment Security Offices. It is essential that these Committees be appointed and operate according to the law and regulations and that they be more than window-dressing in the Employment Security Program. Such Committees are an important element in the workings of a democratic government.

W. F. MARQUAT
Major General, U. S. Army
Chief, Economic and Scientific Section

2 Incls
1. Copy of Article 12, Employment Security Law
2. Copy of Article 8, Labor Ministerial Ordinance No. 12

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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EXTRACT FROM EMPLOYMENT SECURITY LAW

(Public Employment Security Advisory Committees)
Article 12: For the purpose of advising the important matters concerning the execution of this Law as well as the programs and activities of the Public Employment Security Offices, the Labor Minister shall appoint the national, prefectural, and labor market area Employment Security Advisory Committee.

When it is deemed necessary, basing upon the application of the prefectural governor, the Labor Minister may appoint additional advisory committee which have as their jurisdictional area a part of prefectural jurisdiction, in addition to the Employment Security Advisory Committee stipulated in the preceding paragraph.

The national Employment Security Advisory Committee shall consult with the Labor Minister, the labor market area Employment Security Advisory Committee shall consult with the Labor Minister or the competent prefectural governor, and the prefectural and additional Employment Security Advisory Committee shall consult with the competent prefectural governor, as to the matter stipulated in the paragraph 1, and may make a proposal to the appropriate administrative offices when it deems necessary to make a proposal.

The labor market area Employment Security Advisory Committee and additional Employment Security Advisory Committee shall consult with the chief of competent Public Employment Security Office.

The Employment Security Advisory Committee shall consist of the same number of representatives for workers, employers and public interest.

One or more members of the Employment Security Advisory Committee shall be women.

The member of national committee shall be appointed by the Labor Minister and the member of prefectural, labor market area, and additional committee shall be appointed by the Labor Minister upon recommendation of the appropriate prefectural governor.

The prefectural, labor market area and additional committee shall meet, at least, monthly; the national committee, at least once every three months and additionally as it determines.

Members of the Employment Security Advisory Committee shall be provided with travelling expenses, daily allowances and hotel expenses.

The amounts of the travelling expenses, daily allowances and hotel expenses of the preceding paragraph shall be put to the vote of the National Diet, after deliberation at the joint Examination Meeting of the Labor Committees of both Houses. The same shall apply to the change of the amounts.

Each committee in its advisory capacity may request reports of employment security programs and activities from national, prefectural government, and the Public Employment Security Office within the committee's jurisdiction.

Other matters concerning the functions and activities of the Employment Security Advisory Committees shall be provided for by ordinance.

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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The prefectural, labor market area and additional committee shall meet, at least, monthly; the national committee, at least once every three months and additionally as it determines.

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When it is deemed necessary, basing upon the application of the prefectural governor, the Labor Minister may appoint additional advisory committee which have as their jurisdictional area a part of prefectural jurisdiction, in addition to the Employment Security Advisory Committee stipulated in the preceding paragraph.

The national Employment Security Advisory Committee shall consult with the Labor Minister, the labor market area Employment Security Advisory Committee shall consult with the Labor Minister or the competent prefectural governor, and the prefectural and additional Employment Security Advisory Committee shall consult with the competent prefectural governor, as to the matter stipulated in the paragraph 1, and may make a proposal to the appropriate administrative offices when it deems necessary to make a proposal.

The labor market area Employment Security Advisory Committee and additional Employment Security Advisory Committee shall consult with the chief of competent Public Employment Security Office.

The Employment Security Advisory Committee shall consist of the same number of representatives for workers, employers and public interest.

One or more members of the Employment Security Advisory Committee shall be women.

The member of national committee shall be appointed by the Labor Minister and the member of prefectural, labor market area, and additional committee shall be appointed by the Labor Minister upon recommendation of the appropriate prefectural governor.

The prefectural, labor market area and additional committee shall meet, at least, monthly; the national committee, at least once every three months and additionally as it determines.

Members of the Employment Security Advisory Committee shall be provided with travelling expenses, daily allowances and hotel expenses.

The amounts of the travelling expenses, daily allowances and hotel expenses of the preceding paragraph shall be put to the vote of the National Diet, after deliberation at the joint Examination Meeting of the Labor Committees of both Houses. The same shall apply to the change of the amounts.

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EXTRACT FROM LABOR MINISTERIAL ORDINANCE NO. 12

Matters pertaining to the provisions of Article 12 of the Law.

Article 8: 1. Employment Security Advisory Committees shall be under the jurisdiction of Minister of Labor for advisory purposes only.

2. The National Employment Security Advisory Committees shall be attached to the Ministry of Labor, and Prefectural Employment Security Advisory Committee to each local Prefecture. The Prefectural Employment Security Advisory Committee shall take the appellation of corresponding Prefecture as its prefix.

3. The location, appellation and jurisdiction of Labor Market Area Employment Security Advisory Committee and of Additional Employment Security Advisory Committee shall be defined by the Minister of Labor.

4. The National Employment Security Advisory Committee shall be composed of not more than seven members from each group representing labor, management and the public. Prefectural Employment Security Advisory Committee, Labor Market Area Employment security Advisory Committee and Additional Employment Security Advisory Committee shall each be composed of not more than five members from each group representing labor, management and the public.

5. The Minister of Labor or Prefectural Governors, having fixed a period of not shorter than one month, shall request labor unions and employer's associations to recommend the members to represent the laborers and the employers respectively during the fixed period. Notwithstanding if and when there exists no appropriate labor union nor employer's association, nor any recommendation was made during the period fixed by the Minister of Labor or Prefectural Governors, the Minister of Labor or Prefectural Governors may appoint or recommend the members by his authority.

6. Public members shall be chosen from among persons well qualified in Employment Security matters who shall not be closely identified with the interests of either employers or organized labor.

7. The term of office of the members of Committee shall be one year. Members may be reappointed.

8. When a member has lost the right of eligibility for election by the regulation of Article 6 of Election Law for House of Representatives, or when a member has become unable to attend Employment Security Committee meetings, or when a member has violated proceedings or regulations passed by Employment Security Committee, the member shall be dismissed from the membership regardless of the above mentioned regulation, However, to dismiss a member for violating proceedings or regulation passed by the Committee, endorsement of all members except the member concerned is necessary.

9. The term of office of the member who has filled the vacancy, shall be the remainder of the term of office of his predecessor.

10. The Employment Security Advisory Committee shall have a Chairman.

11. The Chairman shall be elected from among the members representing the general public interests by majority vote of the Committee members.

12. The Chairman shall be in charge of the affairs of the Committee.

13. In case the Chairman has some trouble that keeps him from performing his duties, another member elected according to the provision of paragraph 11 above shall perform the duties in the place of the Chairman for the time being.

14. The Employment Security Advisory Committee shall be called by notification of the Chairman one week in advance. The decision of the Committee shall be made by majority of the members present. In case votes are equally divided, the decision shall be made by the Chairman of the Committee.

15. The Employment Security Advisory Committee shall not open a sitting nor put anything to the vote, except when more than half of the members be present and with attendance of one-third each of the members representing the laborers, employers and the public respectively.

16. The Minister of Labor or Prefectural Governors is authorized to request special meetings, and shall give the Chairman one week's notice of the dates of such meetings.

Incl 2

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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EXTRACT FROM LABOR MINISTERIAL ORDINANCE NO. 12

Matters pertaining to the provisions of Article 12 of the Law.
Article 8: 1. Employment Security Advisory Committees shall be under the jurisdiction of Minister of Labor for advisory purposes only.
2. The National Employment Security Advisory Committees shall be attached to the Ministry of Labor, and Prefectural Employment Security Advisory Committee to each local Prefecture. The Prefectural Employment Security Advisory Committee shall take the appellation of corresponding Prefecture as its prefix.
3. The location, appellation and jurisdiction of Labor Market Area Employment Security Advisory Committee and of Additional Employment Security Advisory Committee shall be defined by the Minister of Labor.
4. The National Employment Security Advisory Committee shall be composed of not more than seven members from each group representing labor, management and the public. Prefectural Employment Security Advisory Committee, Labor Market Area Employment security Advisory Committee and Additional Employment Security Advisory Committee shall each be composed of not more than five members from each group representing labor, management and the public.
5. The Minister of Labor or Prefectural Governors, having fixed a period of not shorter than one month, shall request labor unions and employer's associations to recommend the members to represent the laborers and the employers respectively during the fixed period. Notwithstanding if and when there exists no appropriate labor union nor employer's association, nor any recommendation was made during the period fixed by the Minister of Labor or Prefectural Governors, the Minister of Labor or Prefectural Governors may appoint or recommend the members by his authority.
6. Public members shall be chosen from among persons well qualified in Employment Security matters who shall not be closely identified with the interests of either employers or organized labor.
7. The term of office of the members of Committee shall be one year. Members may be reappointed.
8. When a member has lost the right of eligibility for election by the regulation of Article 6 of Election Law for House of Representatives, or when a member has become unable to attend Employment Security Committee meetings, or when a member has violated proceedings or regulations passed by Employment Security Committee, the member shall be dismissed from the membership regardless of the above mentioned regulation, However, to dismiss a member for violating proceedings or regulation passed by the Committee, endorsement of all members except the member concerned is necessary.
9. The term of office of the member who has filled the vacancy, shall be the remainder of the term of office of his predecessor.
10. The Employment Security Advisory Committee shall have a Chairman.
11. The Chairman shall be elected from among the members representing the general public interests by majority vote of the Committee members.
12. The Chairman shall be in charge of the affairs of the Committee.
13. In case the Chairman has some trouble that keeps him from performing his duties, another member elected according to the provision of paragraph 11 above shall perform the duties in the place of the Chairman for the time being.
14. The Employment Security Advisory Committee shall be called by notification of the Chairman one week in advance. The decision of the Committee shall be made by majority of the members present. In case votes are equally divided, the decision shall be made by the Chairman of the Committee.
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Incl 2

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Article 6 (Cont.)

17. The Employment Security Advisory Committee may have investigation members to investigate certain special affairs.
18. Investigation members shall be commissioned and discommissioned by the Minister of Labor with the consent of the Employment Security Advisory Committee.
19. The Employment Security Advisory Committee shall have managers and clerks.
20. Managers and clerks shall be appointed from among government or public officials in the administrative offices concerned with the consent of each Chairman by the Minister of Labor in case of the National Employment Security Advisory Committee or Labor Market Area Employment Security Advisory Committee whose jurisdiction covers more than two prefectures, by the competent Prefectural Governors in case of Prefectural Employment Security Advisory Committee or Labor Market Area Employment Security Advisory Committee whose jurisdiction covers one part of a Prefecture or Additional Employment Security Advisory Committee.
21. The managers shall take charge of general affairs under the direction of the Chairman.
22. The clerks shall be engaged in the general affairs, under the direction of the Chairman and managers.
23. The competent officials may, with the consent of the Chairman, be present and state the opinions in the meeting of the Employment Security Advisory Committee.
24. The major functions of Employment Security Advisory Committees shall be as follows:
(1) To consider the following information and problems submitted by the Minister of Labor, the competent Prefectural Governors, chiefs of Public Employment Security Offices or other officials designated by the Minister of Labor and to advise them as to appropriate actions to take in view of special knowledge in reference to such information or problems.
(a) Matters concerning adequacy of policies and programs of the Employment Security System.
(b) Matters concerning conditions of supply and demand of workers in the area of competence of the Committee.
(c) Matters concerning industries and occupations for which qualified personnel are not available.
(d) Matters concerning vocational guidance and training.
(e) Other matters stipulated in the Law and in this regulations.
(2) To serve as a medium of acquainting the public with the services and programs of the Employment Security System and to obtain cooperation and to ensure proper education of all groups of the public in carrying out such services and programs.
25. The members of the Committee shall have no administrative or executive responsibilities.
26. Recommendations and proposals shall be made by vote according to the provision of paragraph 14 above and be submitted by the National Employment Security Advisory Committee to the Minister of Labor, by Labor Market Area Employment Security Advisory Committees whose jurisdiction covers more than two Prefectures to the Minister of Labor, the competent Prefectural Governors or such officials as the Minister of Labor designate, by Prefectural Employment Security Advisory Committees or Labor Market Area Employment Security Advisory Committees whose jurisdiction covers one part of a Prefecture or Additional Employment Security Advisory Committee to the competent Governors or the Directors of the Public Employment Security Offices.
27. Minority recommendations of Employment Security Advisory Committees may be filed with the appropriate Competent Official.

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific Section

HQ KMGR REGION
DATE: 20 May

TO:	INIT:	DATE
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000.8 (12 May 48) ESS

SUBJECT: Labor Ministry Summer Schools

TO: Military Government Team Labor Officers

1. Forwarded for information and surveillance is Labor Note Number 174 issued by the Labor Ministry as of 17 April 1948 for distribution to each prefectural governor in Japan (inclosure 1). The local labor administration section in the following Ken are directly responsible for holding labor summer schools as indicated.

a. Tokyo To 5 through 10 July 1948

b. Nagano Ken 12 through 17 July 1948

c. Miyagi Ken 19 through 24 July 1948

d. Iwate Ken 26 through 31 July 1948

e. Hokkaido 2 through 7 August 1948

f. Aichi Ken 9 through 14 August 1948

g. Wakayama Ken 16 through 21 August 1948

h. Okayama Ken 23 through 28 August 1948

i. Kagawa Ken 30 August through 4 September 1948

j. Fukuoka Ken 6 through 11 September 1948

2. Each prefecture responsible for holding a summer school is in turn responsible for the various prefectures included in the program, as noted on page 1 of "Outline for Holding Labor Summer Schools", submitted by the Labor Ministry (inclosure 2).

3. Proper preparation by each responsible prefecture is absolutely essential. Local Military Government Labor Officers may be of great assistance in:

a. Stressing importance of the school to the prefectural authorities.

b. Field survey of school location selected to assure ease of transportation and facilities such as eating, sleeping and class-rooms.

c. Conclusion of definite plans for lecturers (inclosure 3).

d. Stocking local schools with necessary pamphlets, leaflets, posters, film strips and other visual aids (inclosures 4, 5, and 6).

e. Proper publicity on the local level insuring the attendance of union representatives who represent every segment of the union movement (i. e., Sanbetsu, Sodomei, Railroad, Teachers, Government Workers and independent unions).

Return to Labor Section for File
Just 21 May

W. F. Marquat 21 May

W. F. MARQUAT
Major General, U. S. Army
Chief, Economic and Scientific Section

6 Incls
1. Labor Ministry "Labor Note No. 174," dtd 17 Apr 48.
2. Outline for Holding Labor Summer Schools.
3. Suggested Plan of Lectures.
4. Materials for Lectures.
5. Items to be supplied for lectures on Research Studies.
6. Training Aids for Summer Schools.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Labor Note No. 174

17 April 1948

Director of the Labor Administration
Bureau, Labor Ministry.

To Each Prefectural Governor:

On the Holding of Labor Summer Schools.

It is the most important policy for the reconstruction of Japanese economy to promote the sound labor movement.

As one of the means of promoting it, Labor Summer School shall be held in _____ Prefecture according to the principles and measures stated in the inclosures. Your positive cooperation is requested to the enforcement of it.

Note

1. This labor summer school shall be sponsored by the Labor Ministry and each prefectural government. At operating it, the prefectural government where the summer school is held shall take initiative in planning after consulting other prefectures concerned. You are requested to help the prefecture where the school is to be held after asking the opinion of the Labor Education Advisory Committee.

2. The Labor Ministry distributed 35,000 yen to each prefecture where the school is held. You should see to carry it out smoothly by filling up the deficit by some appropriate means consulting other prefectures concerned.

3. You are requested to submit through the prefectural government where the school is held the lists of pamphlets and other publications of your Kencho, labor unions, employer's organizations, universities and other organizations in your prefecture, the lists of kami shibai and the list of Ganto films by the end of May.

Inclosure 1

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Outline of Holding Labor Summer Schools

1. Principle: As one means of promoting sound labor movement, labor summer schools are to be held.

2. Methods: They shall be sponsored by the Labor Ministry and each prefectural government. At operating it, the prefectural government where the summer school is held shall take initiative in planning, after asking opinions of other prefectures concerned and labor education advisory committees, according to this outline. It is requested that detailed plans shall be submitted to the Labor Ministry by 10 June.

3. Place, time, term number of attendants.

District	Prefectures	School at	No.	Term
Hokkaido	Hokkaido	Hokkaido	100	2-7 Aug
Northern Chu District	Aomori, Akita, Iwate	Iwate	100	26-31 Aug
Southern Chu District	Miyagi, Yamagata, Fukushima	Miyagi	100	19-24 Jul
Shinetsu	Niigata, Nagano, Gumma, Yamanashi	Nagano	100	12-17 Jul
Kanto	Tochigi, Ibaragi, Chiba, Saitama Tokyo, Kanagawa	Tokyo	100	5-10 Jul
Chubu	Shizuoka, Aichi, Toyama, Gifu, Ishikawa, Miye, Fukui	Aichi	100	9-14 Aug
Kinki	Shiba, Kyoto, Nara, Osaka, Hyogo, Wakayama	Wakayama	100	16-21 Aug
Chugoku	Shimane, Tottori, Okayama, Hiroshima, Yamaguchi	Okayama	100	23-28 Aug
Shikoku	Kagawa, Ehime, Tokushima, Kochi	Kagawa	100	30 Aug 4 Sept
Kyushu	Fukuoka, Oita, Miyazaki, Saga, Nagashaki, Kumamoto, Kogoshima	Fukuoka	100	6-11 Sept

Remarks:

1. Term of 6 days should not be changed.

2. Time also should not be changed unless there is some very important reason. If there is unavoidable reason. You shall exchange the time with other prefecture on agreement.

3. You can change the place or the number of attendants upon deliberation with other prefectures in the same district, but the number of attendants shall be kept within 100 as much as possible because of funds.

4. Attendants: Rank-and-file members. You should see that not only union officials but rank-and-file members including girls can attend the school; for that you should inform all the unions in your district of the plan on the school.

5. Contents of lectures: For reference see inclosure 1. The contents of the lectures must be submitted to the GHQ, when the teachers have them ready, and send them to the Labor Education Section of the Labor Administration Bureau in a same way.

6. Teachers: GHQ Labor Officials, Government officials, professors, prefectural government labor officials, members of the labor relations committees and other authorities who have experience in real labor movement.

Those experts who have much experience in labor movement are preferable to those abstract theories of the professors.

Inclosure 2

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

7. Expenditure: 35,000 yen shall be distributed from the Labor Ministry to each prefectural government where the school is held. You will fill up the deficit by some appropriate means. You shall decide whether to make it free or to charge fee upon deliberation; but it is desirable that about 30 yen shall be charged as pay. You will instruct the unions to pay the fee instead of the member who attends the school.

8. Publicity: The Labor Ministry and prefectural government should see to give the chance of attending the school to every rank-and-file member by publicity through radio, newspapers and other methods.

9. Others:

a. The attendents can either attend the school daily from home or stay at lodging institutions. You will decide it according to the situation.

b. Each prefectural government should carry it out smoothly and in good order. For that allotment of work among prefectural labor section staffs has to be made previously.

c. Books and pamphlets (see inclosure 2 and 3) shall be used as text-books.

d. It is desirable to establish a book-stall in the summer school so that the attendents can buy the books easily.

e. The prefectural government shall arrange datos or materials for study (see inclosure 3. 100 copies for each) and distribute them to the attendents.

f. Preparations besides lecture must be also made concerning the following matters.

(1) During the school term Ganto showing and kami shibai shall be shown at least once.

(2) At least ten kinds of posters or charts shall be prepared and put up in the class-room (inclosure 4).

(3) Discussion meeting will be held as many times as possible.

(4) Party, sport and hiking will be planned not to make the attendants tired.

g. Certificate shall be given to the attendents at graduation. (They will be prepared by the Labor Ministry).

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Suggested Plan of Lectures for the Labor Summer School

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
0800 0915	Contemp Lbr Mvmnt	USA Lbr Hist. (1)	British USA Lbr Hist (1)	Lbr Plcy & Govt	Grv Mach. & Mngmt Conf.	Lbr Plcy & Govt Agencies Lbr.
0930 1045	T. U. Act (3)	Contemp Lbr Mvmnt	Lbr Rel Adj Act (3)	Prin. of Col. Bar (3)	Lbr Rel Adj Act (3)	Lbr & New Constitution (5)
1050 1200	Feds & Nat. Un. Struct.	Local Un. St & Mgt (1)	T.U. Edu Pro (1)	L.U. Act (3)	Eco Rehab Mvmnt	T.U. Eco Action B.M., Rat. Co-ops
1200 1300	"L U N C H E O N I S S E R V E D"					
1300 1415	Wge Sys. Wge Prob.	Lbr Contract (1)	Sports meet & Picnic	Lbr Stds Act (4)	Wage Prob.	Vaction prepare
1430 1515	T. U. Structure Constitutions & Conventions	Parliamentry procedure (1)		Pol. Act. T. U. & Govt	Research Studies & Sources	to leave
1520 1600	Discussion (2)	Discussion (2)		Discussion (2)	Discussion (2)	
1600 1730	Sports	Sports		Sports	Sports	
1900 2100					Dinner Party & Labor Play produced by students	

Note:

1. GHQ or local Military Government speakers and lecturers.

2. Group to be broken down into maximum groups of 25 under separate discussion leaders.

3. By various members of the Men Labor Relations Committee.

4. Chief or Assistant Chief of Local Labor Standard Bureau.

5. Preferably either a liberal lawyer or a labor leader who has studied the new Constitution.

Inclosure 3

12

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Materials for Lectures (Books concerned labor and others)

1. Constitution of the New Japan.
2. Trade Union Act with Ordinances.
3. Labor Relations Act with Ordinances.
4. Labor Standards and Ordinances.
5. Parliamentary Procedure, A B C of (Central Labor College).
6. History of the American Labor Movement and British Labor Movement (Labor Ministry).
7. Trade Union Educational Activities - Deverall (Labor Ministry)
8. Collective Bargaining Principles - Deverall (Labor Ministry)
9. Living Co-operative (Co-op League, Tokyo).
10. Consumers Co-ops in America-Schmiedler (Don Bosco Press, Tokyo).
11. Trade Union Political Action in America - Deverall (Labor Ministry).
12. Arbitration of Grievances U. S. Dept of Labor (Central Labor College).
13. Trade Union Primer - S. Matsui (Labor Ministry).
14. Union Agreement Provisions in America (Labor Ministry).
15. Constitutions of NCIU and JFL.
16. Constitution of Kokutetsu, Japan Teachers' Union, Machine Workers Union (CIU) and the Textile Workers Union (Sodomei).
17. Job Discription System and Wages - U. S. Dept. of Labor (Labor Ministry).
18. Democratic Trade Unionism, and Labor Schools. (Social Education Federation, Education Bldg. Tokyo).
19. Explanation of Labor Relations Adjustment Law - Suehiro.
20. Short History of American AFL and CIO (Central Labor College)
21. Democratic Trade Unionism, the constitution of the American AFL and CIO (Labor Ministry).
22. Constitution of the ILGWU, UAW-CIO, and west side Local No. 174 (Labor Ministry).
23. Collective Bargaining and Labor Agreement (Labor Ministry).

Inclosure 4

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Items to be supplied for the lectures
on Research Studies and Sources.

1. Bibliography of all books and pamphlets dealing with trade union subjects, including author, publisher, address of publisher, address of publisher, number of pages, date published, and price.

2. Bibliography of all trade union periodical, newspaper, and magazine publications, giving title, publisher, address of publisher, frequency of issue, and price per issue, price per year.

3. Bibliography of all film strips published which may of interest to trade unions, listing name of film, short description of contents, name of publisher, date of the film strip publication, and price per strip and script.

4. Ditto on Kami Shibai.

5. "Trade Union Research Activities" a monograph by Doverall to be republished by the Labor Ministry.

6. List of all national libraries which stock labor sections. List of name of library, location, and any special features, such as fees, when open, and so forth.

If possible, include listing of all American operated CI&E libraries which serve Japanese, giving location, hours, and mention if they specifically stock labor materials.

7. Develop lists of the name, address, description of activities, and publications (if any) of the following sources of labor information:

a. Universities.

b. Government agencies on the national level.

c. Government agencies on the local level.

d. Private agencies.

e. Employer association.

Remarks:

1. These materials are prepared by the Labor Ministry except No. 5. and each one copy is sent to each prefecture where the school is held.

2. Each prefecture shall send materials dealing with No. 1, 2, 4, 6 and 7 (related to its own prefecture only) to the Labor Ministry through the prefecture where the school is held by the end of May.

Inclosure 5

12

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 795013

Training Aids

1. Each prefecture where the school is held shall make the following charts concerned with labor education in cooperation with the prefectures in its area.

Prefectures	Contents of Charts	Materials
Hokkaido	Charts showing the growth of the trade Union.	
Iwate	Transition of Labor Disputes	
Miyagi	Chart of organization of NCIU	
Tokyo	Chart showing procedures of grievance settlement	Refer to pamphlet sent by the Ministry
Nagano	Form of trade union organization	
Wakayama	Ascending graph of prices and wages.	
Okayama	Machinery of the Economic Rehabilitation Conference.	
Aichi	Chart of organization of JFTU	
Kagawa	Survey table of labor power	Refer to Labor Power Survey Bulletin No. 1 published by the Prime Ministers Statistic Board Bureau.
Fukuoka	Example of Wage System.	

1. Making above-mentioned materials, the recent publication by the Statistics Bureau of the Prime Ministers Board and the Labor Minister shall be made use of as much as possible.

2. Each prefecture where the school is held shall make at least more than ten copies of the above-mentioned copies for each. Among ten copies, one is used for its own meeting place, and 9 copies are sent for other prefectures where the schools are held and exchange it with others.

3. Adding its own one chart 9 copies get by the above-mentioned exchanges, at least 10 charts shall be put on the proper place in the meeting place for reference of the attendents.

4. It is desirable to put on posters as much as possible, for instance, posters made by the prefecture where the school is held and posters of the Second anniversary of the Labor Relations Committee, March 1948, made by the Business Bureau of the Central Labor Relations, adding to the above-mentioned posters.

Inclosure 6

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

375/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific Section

HQ Allied [illegible]	DATE: 10 May
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004.06 (7 May 48) ESS

APO 500
7 May 1948

SUBJECT: Police Powers of Labor Standards Bureau Inspectors

TO: Military Government Team Labor Officers

Attached for information is a copy of procedures to be followed by Labor Standards Bureau inspectors in the exercise of police powers vested in them by virtue of Article 102 of the Labor Standards Law. These procedures have been approved by the Attorney General's Office of the Japanese Government.

1 Incl
"The Judicial Police Office
of Labor Standard Inspection"

W. F. MARQUAT
Major General, U. S. Army
Chief, Economic and Scientific Section

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

COPY

THE JUDICIAL POLICE OFFICE OF LABOR STANDARD INSPECTION

The Labor Standard Inspector is authorized, by Article 102 of the Labor Standard Law, to exercise the powers of the judicial police officer with regard to violation of this law by reason that the content of labor standard administration is exceedingly complex, the scope of its coverage is broad and thereby special knowledge and experience are needed to investigate the violation of this law. But there is inseparable delicate relation between the administration of the Labor Standard Inspection aiming at the executive relief of the laborers' rights authorized by this law and that of judicial police office regarding to punishment of the employer who violated the stipulation of this law. Therefore, when Labor Standard Inspector exercises the judicial police office, he should manage it correctly complying with the following instructions.

By the way, those officials who were engaged in judicial police had frequently abused their power in the old days. To prevent these evils, when Labor Standard Inspector exercises the judicial police office, he must always abide with the principle of new Constitution which lays stress on the protection of personal rights of the citizen, and comply with the competent Public Procurator's direction, lest he should take illegal steps.

This instruction is issued under complete understanding of the Procurator's Bureau of the Ministry of Chancellor. And item 5 and item 6 of the instruction of January 19th, 1948, titled as "Regarding to the Start of Inspection" are abolished by this instruction.

1. With regard to the Labor Standard Inspectors within the jurisdiction, the Chief of Prefectural Labor Standard Office should report their names, titles, and the names of the offices, to which they were attached, to the Chief of Public Procurators' Office at the time of appointment or removal without delay.

2. When the Labor Standard Inspector exercises the judicial police office, he must comply with Law and ordinances, judicial police office manual, the Special Procedure thereof and this notice.

3. With regard to the case of violation of the Labor Standard Law, the Labor Standard Inspector has the primary duty to transact it, but, if necessary, he can ask the assistance of general judicial policemen.

4. As the Inspector's rights stipulated in Article 101 of the Labor Standard Law are given only for the enforcement of the Law, he must not use them for prosecution procedure.

However, as the written promise to correct the violation or written explanation by employer and other documents written for the enforcement of the Law can be utilized as evidences in order to take judicial procedure, the Inspector should deal accurately with business in the course of executing the inspection administration, paying attention to that effect.

5. Even if the violation of the Labor Standard Law is flagrant offense, in most case, the name and address of the violators are clear and it is a rare case that the violator tries to escape. So, in principle, the inspector should not arrest the violator nor should put direct restraints on suspect's body.

6. When laborer, who is authorized to report by Article 104 of the Labor Standard Law, wants solely to obtain relief of his own rights, and his employer not to be punished, Labor Standard Inspector should take step to correct the violation by administrative method.

7. When laborer, who reports, obviously wishes his employer to be punished, his report is to be treated as complaint in the Criminal Procedure Law and then Labor Standard Inspector should deal with it as a judicial case.

COPY

17 Encl 1

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

C O P Y

THE JUDICIAL POLICE OFFICE OF LABOR STANDARD INSPECTOR (Cont'd)

8. All such cases which come under the general Criminal Law as well as under the Labor Standard Law, such as Forced Labor or Intermediate Exploitation, should generally be dealt with as judicial case.

9. The violations of those stipulations which are related to safeguard the human rights, and which are enacted from humanitarian point of view as Minimum Age, Ban on Underground Labor and other important items to protect women and minors, should be dealt with as the judicial case, except in case they are first offenses and criminal intentions are slight, only the caution should be given.

10. Such cases which are difficult to be corrected substantially with regard to the laborer's rights by the administrative procedure after violation as Working Hours, Recess, Holidays, Annual Vacation with Pay and so on, should be dealt with as the judicial to a considerable degree.

11. Such cases which may be corrected substantially with regard to the laborer's rights by administrative procedure after violation, as Wages, Accident Compensation and so on, should be transacted as judicial case only in case it seems to be habitual or vicious.

12. Such violation which is related to the technical problem of Safety and Sanitation and which is caused by the deficit of material should be corrected by reprimand mainly, except in case an accident or disease on duty is caused by the violation.

Attention must be paid that in case an accident or disease on duty is caused by the violation, it corresponds in some case to the crime of injury by fault on duty under criminal code.

13. The case of violation, except those which should be dealt with as the judicial case according to the above-mentioned items of this instruction, should be dealt with in accordance with the foregoing principles.

14. When the employer refused, impeded, or evaded the inspection, medical examination or collection of sample by the Labor Standard Inspector, or refused to reply or did not offer records and documents, it should be dealt with as judicial case under the direction of Procurator because in such cases there is sufficient reason to doubt the existence of willful violation.

15. With regard to the violation which is related to more than two Prefectural Labor Standard Offices, it must be reported beforehand to the Chief of Labor Standard Bureau of Labor Ministry, as there is necessity for the adjustment of inspection standards.

16. Except those cases which were ordered by the procurator or those which are to be transacted as judicial cases under the foregoing items, other cases should be transacted as administrative cases, and with regard to the administrative cases, judicial procedure as petty crime is not required.

With regard to administrative cases, item 3 to item 5, inclusive, of the attached paper of the instruction of January 19, 1948, titled as "Regarding to the Start of Inspection" should be submitted every month to the Chief of Competent District Procurator's Office.

C O P Y

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

HQ KMGR REGION
DATE: 1 May

TO:	INIT:	DATE
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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific Section

APO 500
30 April 1948

010 (30 Apr 48) ESS

SUBJECT: Interpretation of Article 36 of Enforcement Ordinance of the Japanese Trade Union Law

TO: Military Government Team Labor Officers

1. The question of appropriate jurisdiction in labor disputes as between Prefectural Labor Relations Committees and the Central Labor Relations Committee has arisen in a number of instances. Article 36 of the Enforcement Ordinance of the Japanese Trade Union Law deals briefly with this matter.

2. The general intent of Article 36 was that problems of a local nature should be handled on a local level by persons more immediately familiar with the factors involved, whereas problems of broader or nation-wide implication should be handled on a higher level of coordinating authority. Actual phrasing of Article 36, however, tends to emphasize geographical location of a dispute, rather than its practical implications.

3. The general pattern of labor dispute activity, as well as several specific disputes, during recent months has indicated a need for clarification of the policy intent of Article 36. At the request of the Economic and Scientific Section, the Japanese Labor Ministry issued several weeks ago a memorandum to all Prefectural Governors for their guidance in instructing the Prefectural Labor Relations Committees.

4. The most important aspect of these instructions is the prohibition placed upon Prefectural Labor Relations Committees in taking jurisdiction in any cases whose settlement will involve action or approval on a national or ministerial level. This is intended to cover cases which affect the national government budget, or which would require action by the Diet or other national agencies and government ministries such as changes in operating procedure, distribution of budgeted funds and personnel, etc. Primarily affected by this policy are government employees.

5. A second important aspect is the restraint on Prefectural Labor Relations Committees in taking jurisdiction in cases whose settlement may have an important or controlling nation-wide effect upon the wage patterns or employment practices in the same type of industry or occupation. This might apply to any industry of nation-wide scope and importance if the issues in any given case were equally important to others in the industry even though no other disputes or negotiations were being carried on elsewhere in the industry at that time. The general purpose of these instructions is to promote some degree of stabilization industry-wide or nation-wide.

6. Conversely, it is intended that the Central Labor Relations Committee will be responsible for handling cases which have nation-wide implications. This policy rests on the belief that careful coordination of economic factors is necessary in the light of the present economic difficulties in Japan. Exceptions to this policy will be made only on determination by the Labor Ministry.

7. Responsible officials of the operating ministries, i.e., Transportation, Communications and Finance, have been requested to instruct their prefectural offices to refrain from participating in proceedings before the Prefectural Labor Relations Committees in the event the issues in a dispute are of national importance. Such cases, and/or cases in which there is uncertainty or disagreement as to jurisdiction, are to be promptly referred to the Labor Ministry.

16

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

BASIC: Ltr, GHQ, SCAP, ESS, to MC Labor Officers, 010 (30 Apr 48) ESS, dtd 30 April 1948, subj: Interpretation of Article 36 of Enforcement Ordinance of the Japanese Trade Union Law

8. The text of the Labor Ministry instructions, and of Article 36, is attached hereto as Inclosure 1 for information and guidance. Should any occasion arise in which further clarification is desired concerning the application of these policy instructions, the Economic and Scientific Section will expedite a determination by the Labor Ministry.

1 Incl
Copy of Article 36 of the Enforcement Ordinance of the Japanese Trade Union Law and Memorandum Concerning Interpretation of Article 36 of the Enforcement Ordinance to the Trade Union Law issued by the Labor Ministry

FOR THE COMMANDER:
W. F. MARQUAT
Major General, U. S. Army
Chief, Economic and Scientific Section

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

ARTICLE 36 OF THE ENFORCEMENT ORDINANCE OF THE TRADE UNION LAW

"Article 36. With the exception of the matters fixed elsewhere, the Central Labor Relations Committee shall deal with the matters which extend over two or more prefectures and the local labor Committees those which lie within the prefectures concerned. Notwithstanding the provisions of the preceding paragraph, in case the Labor Minister deems it necessary, he may let either the Central Labor Relations Committee or the local Labor Relations Committee designated by him deal with the matters under Article 27, item 1, 2 or 3 of the Law." (mediation and arbitration.)

MEMORANDUM CONCERNING INTERPRETATION OF ARTICLE 36 of the ENFORCEMENT ORDINANCE TO THE TRADE UNION LAW (Liberally translated) (Issued by the Labor Ministry)

I. "Matters which extend over two or more prefectures" referred to in Article 36 of the Enforcement Ordinance to the Trade Union Law of 27 February 1946 pertains to labor disputes involving workers employed in factories or establishments located in two or more prefectures, owned or operated by a single employer.

(a) Where only the office of the employer or the union or the place of residence of employer or workers are located in another prefecture, paragraph I shall not apply.

(b) Where the union involved in the dispute is affiliated to a national federation, but the dispute concerns workers employed only in one prefecture, paragraph I shall ordinarily not apply.

II. The following situations shall be considered to come within the jurisdiction of the Central Labor Relations Committee even though the dispute appears only to involve workers employed in one prefecture:

(a) Where the dispute concerns wages and settlement thereof will affect or probably have a bearing upon the wages of workers engaged in the same type of employment in another prefecture who are employed by the same employer, even though there is no existing labor dispute between the workers and the employer in the latter prefecture.

(b) Where the dispute involves government workers and the settlement of the dispute will require action on a national or ministerial level, such as budgetary measures, etc.

III. Where a dispute is located in one prefecture and at the same time there is a similar dispute involving workers engaged in the same type of employment within the same industry in another prefecture, and the resolution of one dispute will probably have an effect on the resolution of the other, the disputes may be referred for settlement to the Central Labor Relations Committee.

IV. In the interest of the expeditious and peaceable settlement of labor disputes, it shall be the policy to interpret Article 36 liberally where the need arises.

V. Except in such case where there can be no reasonable doubt as to the jurisdiction of either the Central Labor Relations Committee or the Local Labor Relations Committee, and there is a conflict of opinion as to the proper jurisdiction, particularly as a result of the application of the policy expressed in paragraph IV above, the matter will be referred through proper government channels to the Labor Ministry, together with a report on all the circumstances involved, and the Ministry after examination of the matter shall decide which committee shall have jurisdiction over the dispute.

Enclosure 1

16

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

HQ KMGR REGION
DATE: 27 apr
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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific Section

AG 004.06 (26 April 1948) ESS/L

SUBJECT: Labor Education Activities of Japanese Government on Prefectural Level.

TO: Military Government Team Labor Officers

1. The Labor Ministry sent detailed instructions concerning the Prefectural Labor Education Advisory Committee to every Governor in Japan, with copies to Chief, Labor Administration Section 20 April 1948 (inclosure 1). It should be noted that this communication deals with the strictly advisory nature of the Committee. In a few reported instances, the Kencho has permitted left wingers to dominate the work of the Labor Administration Section. Inclosure 2 is the original letter of the Labor Ministry on the same subject.

2. Inclosure 3 outlines activities of the Labor Administration Section in every Ken for coming months of May, June, and July. Instructions are concerned with local use of film strips, local labor summer schools sponsored by the Kencho, new pamphlet material, posters, and a drive to introduce current labor literature into local labor unions. Education for employers is encouraged. As nearly all of pamphlets mentioned in par. c inclosure 3, have been sent to Military Government, reproduction of this material should be encouraged as soon as possible. Program on local level can be expedited if local Military Government will interview Chief, Labor Administration Section, and encourage concrete planning and intensified activities during coming months.

3. The Labor Ministry is holding a Labor Education Training School in Tokyo 24 to 29 May 1948, inclusive. The Ministry advises that it will invite 2 or 3 persons from local Labor Administration Section, and one representative from local Labor Relations Committee staff. It is important that persons selected be men or women primarily engaged in labor education work.

W. F. MARQUAT
Major General, U. S. Army
Chief, Economic and Scientific Section

3 Incls
1. Ltr, Labor Ministry To Each Pref. Gov. dtd 20 Apr 48.
2. Ltr, Labor Ministry To Each Gov. dtd 18 Aug 47.
3. Ltr, Labor Ministry To Each Director of Pref. Gov. Labor Section, dtd 20 Apr 48.

13

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

20 April 1948

To each Prefectural Governor:

Director of the Labor Administration
Bureau, Labor Ministry

Subject: The function and Management of the Labor Education Advisory Committee for the Workers.

We have already received reports from 33 prefectures concerning the establishment of the Labor Education Advisory Committee for the Workers. But there still some prefectures which have not yet established the Labor Education Advisory Committee, and in some prefectures there are some committees whose function and management are doing differently from the fundamental principles instructed by the Labor Ministry. It should be pointed out that the Labor Education Advisory Committee are advisory in nature. They are to meet from time to time in order to make suggestions and criticism, but the responsibility for worker's education supported by Government funds will remain with the Governor and under him with the local labor administration section chief. If there are any Labor Education Advisory Committees, which are doing other than the above principles, they should be amended. You should take some appropriate measures. The prefectures which have no Labor Education Advisory Committee shall establish it as soon as possible according to these principles.

13

Inclosure 1

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Labor Instruction No. 412

18 August 1947

Director of the Labor Administration
Bureau, Labor Ministry.

To: Each Governor

Subject: The Establishment of the Labor Education Advisory Committee for the Workers.

Considering the importance of labor education at present, the Labor Education Advisory Committee shall be established according to the principles stated in the attached sheet.

You should establish in your prefecture the Prefectural Labor Education Advisory Committee for the workers and should see to the smooth and effective administration of labor education, respecting democratically the opinions of all concerned.

The members of the committee, who should be the learned and expects, shall be selected respecting the opinions of the workers, and one or two employer representatives shall be also added so that the employers' opinion be considered.

Principles of the Establishment of Labor Education Advisory Committee for the Workers.

It is most necessary to execute labor education widely and thoroughly to all the workers, for the sound development of labor movement. The Labor Education Advisory Committee for the workers shall be established according to the following principles.

1. Structure:

a. Members: There will be 14 members, 7 of whom shall be recommended by the labor unions concerned, 7 of whom shall be appointed by the Welfare Minister from among the learned and experts.

b. Chairman: There will be a chairman. The Welfare Minister shall be the chairman. The chairman shall control the business.

c. Standing committeemen: The Committee shall have several standing committeemen. They shall be elected from among the members. The standing committeemen shall always help the chairman and take charge of the business.

2. Matters to be discussed: The committee shall discuss the matters asked by the Welfare Minister concerning the policy of labor education, and shall answer them.

Besides, the committee shall make representation to the Welfare Minister concerning education for the workers.

3. Management:

a. Calling: The committee shall be called by the chairman.

b. Decision: Decision shall be made by the majority. The opinions of the minority can be added if the members request it or in case the chairman deems it necessary.

c. Statement of opinions: Government officials concerned can attend the meeting and state their opinion. Other details necessary for the management of the committee shall be decided by the Welfare Minister after consulting the committee.

Inclosure 2

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

20 April 1948

Director of Labor Administration
Bureau, Labor Ministry.

SUBJECT: Strong Enforcement of Labor Education.

TO: Each Director of Prefectural Government Labor Section.

For the sound development of labor union movement, many activities have already been taken by competent authorities to encourage the sound and voluntary educational activities of labor unions and other organizations; and many good results and effects have been gained.

To gain more results and effects, you should see to the strong enforcement of labor education according to each of your real circumstances and taking your budgets and personnels into consideration.

At the operation of educational activities, you should ask the opinion of the Labor Education Advisory Committee and respect the independence of labor unions and other organizations. The following is a series of suggestions of activities to be carried on in each prefecture by the labor administration section.

1. Expansion of film strip and other visual aid programs.

You have already undertaken the showing of film strips and kamishibai, and made use of several film strips sent by the Labor Ministry. You should see to make a program for May, June and July that contemplates the showing of film strips in public places, schools, factories etc. of at least one showing a day. Emphasis should be placed in the showing of "Proper Union movement", "Our Democratic Labor Union" and "Take of Trade Union Law".

If possible, get the cooperation of local theatre operators in showing such film-strips before or after movie shows. For the education of small unions, Kamishibai is very effective, and the Labor Ministry is going to distribute some kamishibais to participated in by rank-and-file members with a special prize to be given to the best kamishibai prepared and fabricated by a trade unionist. Kamishibai subjects may be picked from among the pamphlets published by ESS, GHQ, SCAP.

2. Lecture Meetings and Labor Summer Schools.

a. Lecture Meetings: Make use of public places such as primary schools for off-time hours. Lecture meetings will deal with (1) collective bargaining, (2) democratic trade unionism, (3) mediation, conciliation and arbitration, (4) labor relations committees and labor disputes; and (5) labor agreement. Each meeting should schedule a brief but simple speech followed by questions and answers. You may invite M . . speakers to open the meetings.

b. Labor Summer Schools: The labor summer schools are to be held in 10 blocs from July to September, sponsored by the Labor Ministry and the Prefectural Governments. If no Labor Ministry Summer School is to be held in the Prefecture, the Prefectural Government should plan for a few week-end summer schools for rank-and-file members based on the materials as shown in sports and other recreation should be combined not to make the public tired.

3. Distribution and recommendation of materials for labor education.

a. You will be provided in a few weeks with the following labor education pamphlets published by ESS, SCAP. Each prefectural government may reproduce these pamphlets in sufficient quantity for distribution of al least one copy to every local union. Expenditure for printing can be recovered by printing sufficient to permit sale at actual expense. (5), (6), and (7) can be printed as a unit.

(1) Democratic Trade Unionism (2nd edition).

(2) The Struggle for Democratic Unionisms.

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Inclosure 3

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

(3) Organization and structure of Trade Union Movements.

(4) Top Union Organization and Structure.

(5) Principles of Collective Bargaining.

(6) Grievance Machinery and the Shop Steward System.

(7) Building Industrial Democracy through Sound Labor Contracts.

(8) The purpose and Means of Workers' Education.

(9) The Management and Structure of Your Local Union.

(10) The Conduct of Union Meetings.

b. Posters:

(1) The series of 9 posters recently issued by the Central Relations Committee have been already sent to each local relations committee. You should make liaison with the local labor relations committee and should see to put those posters in every major railroad station in the prefecture over a period of weeks during May and June.

(2) Make use of labor day for a poster which emphasizes the importance of labor education.

(3) Make sure that a poster is put in every important railroad station in the prefecture inviting workers and the general public to listen to the labor hour, Tuesday 2000 to 2030.

c. Each lecture meeting a summer school should be adorned with appropriate charts and other educational materials such as books and pamphlets for sale.

d. Each local union should be provided with a list of film strips, kamishibais and labor books recently issued.

e. Each prefecture should assemble a minimum of 20 or 30 labor books and pamphlets and have a worker's education staff visit every local union in the prefecture with this set and try to encourage each local union to purchase on entire set. The cooperation of Military Government can be sought.

4. Education of the employers.

Much emphasis should be also put for the education of the employers. Each prefectural government should encourage an employer labor education school to be held by employers' association.

ESS pamphlets noted above, (5), (6) and (7) with recent Labor Ministry publications. Especially the provisions of American union contracts, with emphasis on grievance machinery should be discussed.

5. Others:

Prefectural Government should encourage positively each local union in the prefecture to establish an education committee with the purpose of promoting the workers' education.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific Section

004.06 (3 Mar 48) ESS/L

APO 500
3 March 1948

SUBJECT: All Japan Electric Workers Union; Union Elections

TO: Military Government Team Labor Officers

1. Reference is made to memorandum to Military Government Team Labor Officers, dated 6 November 1947, subject: Democratic Union Elections.

2. The All Japan Electric Workers' Union- Densan- is scheduled to hold its annual elections of officials in the near future. On 20 March, convention delegates and executive committee members are to be elected for the three lower levels of the union, i.e., for the local unions, prefectural unions, and regional or district unions. On 10 April, convention delegates and central executive committee members for the national headquarters will be elected.

3. Attached for reference as Inclosure 1 are the election rules of the union, indicating the procedures established by the national headquarters for the election of national officials. It is presumed that the procedures to be followed at the lower levels are similar in principle to those for the national level.

4. Attached as Inclosure 2 are charts of the structure and function of the various union organs at the national level.

5. Examination of these inclosures will reveal several important respects in which the procedure adopted by this union differs from that most often followed by Japanese unions in the election of union officials. The existence of written rules concerning elections is in itself an important difference. Among other differences is the direct voting by rank-and-file members or some of their delegates to the convention and the Central Executive Committee. The more usual practice is for a small group of officials to appoint delegates to the convention, who in turn elect a large central committee from which body comes a smaller central executive committee which, in turn, designates the officers.

6. The procedure of A.J.E.W.U. includes several provisions which should operate to institute and safeguard democratic practices:

a. Use of written secret ballots by the rank and file.

b. Provision for absentee voting.

c. Specific procedures for nomination and declaration of candidacy.

d. Advance notification of the date of election and of the names and qualifications of candidates.

7. Less desirable features of this procedure include:

a. Formation of the Election Board by the union officials rather than by rank-and-file members elected for that purpose.

b. The relatively small number of votes required for a valid election.

c. Vote by each voter for only a fraction of the total number to be elected.

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

BASIC: Ltr GHQ, SCAP, ESS, to CG Town Labor Officers, 004.06 (3 Mar 48) ESS/LR, subj: All Japan Electric Workers' Union; Union Elections.

d. Arbitrary provision that the younger of two candidates shall win a tie vote.

8. The forthcoming elections in this union will afford Military Government Town Labor Officers a further opportunity to observe the operation of these specific election procedures, and to explore possibilities of introducing more democratic practices through use of the techniques outlined in the earlier memorandum on this subject referenced above.

2 Incls
1. Election rules of All Japan Electric Workers' Union.
2. Charts of All Japan Electric Workers' Union.

FOR THE CHIEF OF STAFF:

W. F. MARQUAT
Major General, U. S. Army
Chief, Economic and Scientific Section

KANTO M G REGTOME
IN MAR 11 1948
OUT
NO. D-13

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

ELECTION RULES OF ALL JAPAN ELECTRIC WORKERS' UNION

1. Election of Central Delegates and Central Executive Committee is done in April annually.

Election Board

2. Election Board of the Central Delegates if organized by Executive Committee of Prefectural union. Election Board for the election of the Central Executive Committee is organized by the Executive Committee of District Headquarters.

3. Election Board must notify rank and file about the election at least fifty days before the date of election.

4. Election Board can divide electorate into as many numbers of voting districts as it wishes and can appoint tellers at its own initiative.

5. Election Board screens the qualification of candidates and informs the rank and file, names and other necessary matters about candidates at least twenty days before the election date.

6. Election Board investigates the possible violation of election rule and makes disposition of the case, asking for the approval of the Executive Committee of above organ.

7. Election Board reports the result of voting at once to the Central Executive Committee of National Headquarters and the rank and file of its electorate.

Candidacy

8. The union members who wish to run as candidate fill in the candidacy form and submit it to the Election Board at least thirty days before the election day.

Nomination

9. In case of nominating candidates for the Central Delegate with the consent of the person to be nominated and approved of more than ten union members, candidate nomination form must be filled in and submitted to the Election Board at least thirty days before the election.

10. To nominate candidates for the Central Executive Committee, with the consent of the person to be nominated and approval of more than twenty union members, candidate nomination form must be filled in and submitted to the Election Board at least thirty days before the election.

Eligibility to Elect and to be Elected

11. Union members whose names are enlisted ten days before the election and whose rights of voting are not suspended as punishment are entitled to vote.

12. Eligibility to be elected lies with any union member whose name is enlisted thirty days before the election and whose eligibility is not suspended as punishment.

Method of Voting

13. Election is carried on by secret, written ballot. For the first five posts to be filled, two names will be written onto the ballot by the voter; for each additional five posts or fraction thereof, one additional name shall be written in. If only two posts are to be

Next 1/

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filled, only one name shall be entered on the ballot.

14. Union members who will be away on the election day can vote beforehand.

15. Candidates who get the highest number of valid votes shall be the first to be elected and followed by candidates who became second, third, fourth, etc., in the returns. In case the returns are the same, younger candidates shall be elected.

16. If no candidate receives a number of votes greater than a number which is one-tenth (1/10) of the valid votes divided by the number of posts to be filled, another election must be held.

17. If disqualification or vacancy arises in newly elected posts within thirty days after the election, the candidate who came next to the newly elected fills the vacancy. If such a situation occurs exceeding thirty days after the election, supplementary election must take place.

18. If the Central Delegates and Central Executive Committee m ve ut of their electorate from which they ran, they are disqualified and lose their posts.

NOTE: Items 11 & 12: Suspension of rights is decided by the Central Executive Committee and confirmed by the Central Representatives meeting. Appeal is provided to the individual whose rights have been suspended to the Central Executive Committee and Convention.

Encl. 1/2

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

TABLE I

Structural Chart of National Headquarters

Name of Group	Source of Candidate	Number of Members	Elected by	Confirmed by
Central Meeting (Convention)	Rank & file	1 per 200, 1 more for the fraction over 100	By secret ballot at prefectural union	Central Meeting
Central Representative Delegate Meeting	Central Delegates to Central Meeting	1 per 5 Central Delegates at each district	Mutually elected by Central Delegates at district headquarters	Central Representative Delegate Meeting
Central Executive Committee	Rank & file	1 per 1000 or for the fraction over 500	By secret ballot at district headquarters	Central Meeting
Central Executive Standing Committee	Central Executive Committee	Approximately 34. Number is decided by Central Executive Committee	Mutually elected by Central Executive Committee	Central Meeting
Officials	Central Executive Committee	President - 1 V.-Pres. -3	Mutually elected by Central Executive Committee	Central Meeting
Central Auditors	Central Delegates	9	Elected at each district headquarters	Central Meeting
Secretary - General	Rank & file	1	Appointed by Central Executive Committee	Central Executive Committee Board

Encl 21

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

TABLE 11

Functional Chart

Name of Organ	Regular Meeting	Special Meeting	Duties and Responsibilities	Responsible to
Central Meeting (Convention)	May Annually	1. When Central Executive Committee requires it. 2. When more than 2/3 of District Exec. Comm. Bd demand it. 3. When 1/3 of Con. Delegates require it.	Highest authority. Policy resolution & formulation	Rank and file
Central Representative Delegate Meeting.		On the above mentioned Occations	Second authority. Interim policy resolution & formulation	Central Meeting
Central Executive Committee	Every other month	Called by chairman in cases 1. Con. Standing Exec. Comm. requires it. 2. Over 1/3 of Con. exec. Comm. demands it.	Routine business. Execution of policy decided by Con. Meeting & Con. Rep. Del. Meeting.	Central Meeting & Central Representative Delegate Meeting
Central executive Standing Committee	Standing	Standing	Routine Business. Execution of policy decided by Con. Meeting & Con. Rep. Del. Meeting.	Con. Executive Comm. Central Representative Delegate Meeting Central Meeting
Officials	Standing	Standing	Routine business. Execution of policy, supervision of Con. Exec. Standing Com.	Central Meeting & Central Representative Delegate Meeting
Central Auditors			Audit finance at least twice a year & make report to Con. Meeting.	Central Meeting
Secretary General	Standing	Standing	Routine Business, especially clerical work.	Central Executive Committee

Encl 2

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

COPY

AG 230.145 (MG-ELO 3rd Ind.

Headquarters Eighth Army, APO 343, 9 February 1948

TO: Commanding General, IX Corps, ApO 309.

1. Forwar ded for your information and guidance.

2. It is desired that all Military Government units under your command be advised of the concept of "Autonomy in Local Unions", as outlined in the preceding indorsement, and every effort be taken to stimulate local unions in accordance with this concept.

BY COMMAND OF LIEUTENANT GENERAL EICHELBERGER:

s/ R. Schafer
t/ R. SCHAFER
Lt Col, AGD
Asst Adj Gen

AG 230.145 (D) 4th Ind.

HEADQUARTERS IX CORPS, APO 309, 13 February 1948

TO: See Distribution

Forwarded for your information and compliance with preceding third indorsement.

BY COMMAND OF MAJOR GENERAL RYDER:

W. H. SHEARD
Lt Col, AGD
Asst Adjutant General

DISTRIBUTION:
"F"

11

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

COPY

HEADQUARTERS IX CORPS
Office of the Commanding General

D -091.4 4 December 1947

SUBJECT: Autonomy in Local Unions

TO: Commanding General, Eighth Army, APO 343,

1. From observations made in the IX Corps area, it is apparent that many of the problems now confronting labor and management are the result of a complete lack of autonomy in the local labor unions. By the true practice of autonomy, and this practice only, can the rank and file of a local labor union express its opinion as voiced by the majority of the members. There are many instances today where the local labor unions have surrendered autonomy to their national union headquarters. This has caused a situation in which many local labor unions are now unions in name only.

2. Generally speaking, it appears that the national union headquarters are maneuvering, by devious means, the entire labor movement in such a manner as will benefit their own selfish interests. This is all accomplished with absolute disregard for the basic principles of true democratic trade unionism, but to which principles they will invariably claim adherence.

3. Many local labor unions are; or have been recently, engaged in some form of work stoppage solely because they were so ordered by their national union headquarters. Good examples of this are the local unions affiliated with the following:

a. All Japan Electric Industry Workers' Union.

b. Ferderation of the Hitachi Company's Labor Union

c. All Japan Communication Workers' Union

d. Federation of Japanese Government Railway Workers Union.

All the above national labor organizations, except the Railway Workers' Union, are further affiliated with the National Congress of Industrial Unions. In certain cases, the local union officials personally feel that there is insufficient justification to strike. In addition, the officials are unable to explain, to management's satisfaction, the meaning of many of the erratic demands submitted by the local unions on orders from their national union headquarters.

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Ltr. Hqs, IX Corps, subject: Autonomy in Labor Unions, dated 4 Dec 47
(cont'd)

4. Disputes which appear on the surface to be of a local nature are, in numerous cases, actually being directed by the national union headquarters. For this reason the local unions are under the impression that they are obligated to their national union headquarters and, therefore, that the local labor relations committees do not have proper jurisdiction to take an active part in negotiating a speedy settlement.

5. To insure that the desires of local unions are reflected in the actions of natinnal unions, it is recommended that:

a. National unions be required to establish a democratic procedure whereby only strikes, which are the will of the majority of the union members, be sanctioned.

b. The above procedure be broadly publicized so that the rank and file may understand that national unions do not have the authority to direct local unions to strike against their will.

FOR THE COMMANDING GENERAL:

s/ R. E. Hoyne
t/ R. E. HOYNE
Colonel, AGD
Adjutant General

AG 230.145 (MG-E1) 1st Ind.

Headquarters Eighth Army, APO 343, 27 December 1947

TO: Supreme Commander for the Allied Powers, APO 500
(Attention: ESS/ Labor Division)

1. For your information and consideration.

2. The recommedations contained in Paragraph 5 of the basic communication are approved.

FOR THE COMMANDING GENERAL

s/ R. Schafer
t/ R. SCHAFER
Lt. Col. AGD
Asst Adj Gen.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

COPY

BASIC: Ltr, Hq IX Corps, D-091.4 (4 Dec 47) subj: Autonomy in Local Unions

AG 080 (4 Dec 47) ESS / LA 2nd Ind

GENERAL HEADQUARTERS, SUPREME COMMANDER FOR THE ALLIED POWERS, APO 500.
3 February 1948

THRU: Commanding General, Eighth Army, APO 343

TO: Commanding General, IX Corps, APO 309

1. The autonomy of local unions is of paramount importance and all efforts are being made to educate the rank- and -file Japanese trade unionist toward this end. A democratic trade union movement should include many local unions, each of which exercise its own determinations in matters of union policy, including acts of dispute and strikes. Monthly membership meetings, local union constitutions, grouping of workers in numbers of approximately a thousand in a given locality tend to create a vehicle through which local union democracy may find expression. The local units in Japan are often functionally too small so that there are not enough members interested in common problem of local origin. At the same time this division into small units, rather then large units, tends to diminish the effectiveness of the local unit in its relations with the national union. All educational efforts to make the Japanese Trade unionistaware of the desirability of local union autonomy are being undertaken at General Headquarters level and it is recommended that similar efforts be made on all other levels.

2. While local autonomy is of importance, staility and sound labor relations are best served by national negotiations in national industries. This would envision therefore local unions electing delegates to national negotiating or disputes committees, which committees would negotiate with the parallel employer or govennment committee to arrive at a national labor contract. In the communications industry and in the railroads, a greater percentage of the labor relations problems are applicable to all of the workers in the industry, no matter where employed and national budgeting cannot be adequately anticipated if local areas have the ability to determine local wage patterns. The same concept would apply to private industry of national scope. It would appeer desirable therefore that a national labor agreement exist wherever possible rather than a series of local labor agreements. The Supreme Commander has continually made efforts to keep negotiations and threatendd dispute tactics at a national level with authority and responsibility resting in the national union.

3. A concept of local autonomy, however, is not contradistinction to the coneept of a national contract agreement. The local unions should send their representatives to participate in the negotiations of the national agreement and whan terms staisfactory to the employers and the union dispute committee have been agreed upon, then the local unions making up the national union should vote autonomously to determine whether to accept or reject the proposed national agreement. Ideally, the constitution of these national unions should require at least a majority of the membership of the national union, expressing their opinion through their local unions, to be in favor of a strike before such strike could occur. It is not desirable that local unions should exercise dispute tactics independently of the

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

BASIC: Ltr, Hq IX Corps, D-091.4 (4 Dec 47) subje: Autonomy in Local Unions

national union which a certain concept of local autonomy would envision. Local dispute tactics in railroads, although only authorized by a local union at a local area, might well have the effect of paralyzing the national railroads. This concept of local union autonomy is to be avoided.

4. Stimulation of local unions in accordance with the concepts expressed here is recommeded.

BY COMMAND OF GENERAL MacARTHUR:

s/ J. F. Bradshaw
t/ J. F. BRADSHAW
Major, AGD
Asst Adj Gen

COPY

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific Section

APO 500
5 February 1948

004.06(5 Feb 48) ESS

SUBJECT: Election Procedures for Members of Prefectural Labor Relations Committees.

TO: Military Government Team Labor Officers

1. Members of Prefectural Labor Relations Committees are elected once every year, in accordance with Article 39 of the Ordinances of the Trade Union Law which specifies a one-year term of office. The dates of the next forthcoming elections for each of the various prefectures are shown in Inclosure 1.

2. The Law. The pertinent articles of the Trade Union Law and Ordinance to the Trade Union Law are as follows:

a. Article 26 of the Trade Union Law.

Paragraph 1. "Labor relations committees shall be set up consisting of equal numbers of representatives of employers and workers and of central (neutral) members."

Paragraph 2. "The administrative authorities shall appoint the representatives of the employers in accordance with the recommendations of the employers organizations, those workers with the recommendation of the workers trade unions and the central members with the agreement of the representatives of employers and of workers."

Paragraph 5. "Matters relating to Labor Relations Committees other than these laid down in the present Act shall be fixed by Imperial Ordinance."

b. Ordinance of the Trade Union Law.

"Article 37. The number of members of the Central Labor Relations Committee shall be 21 or less and appointed by the Welfare Minister. The number of members of the local Labor Relations Committee shall be 15 or less and appointed by the local governor

"In addition to the committee members of the two preceding paragraphs, in case of need, the Welfare Minister or the prefectural governor may appoint temporary committee members.

"Six weeks prior to their date of appointment, the Welfare Minister or the prefectural governor shall invite recommendations for the labor members of the Labor Relations Committee from all registered labor unions concerned registered in accordance with Article 5, paragraph 1 of the Law and recommendations for the employer members of the Labor Relations Committee from the employer organizations concerned. Three weeks thereafter the Administrative Authority shall make public the recommendations received. Provided however, that in the selection of the Labor Relations Committee for the first time, in case where labor organizations and employer organizations are considered by the Administrative Authority inadequate to represent labor and employer opinion, and in the selection of temporary Labor Relations Committee, this procedure need not be followed.

"For appointing the members of Labor Relations Committees, in case the recommendation of either the employer's organization or

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RECEIVED W.D. DIRECTION IN FEB 12 1948 OUT IND. B4168

trade union, or the agreement of the representatives of the employers and workers cannot be obtained, in case the persons recommended in accordance with the preceding paragraph are not suitable, the Welfare Minister or the prefectural governor may appoint the members using his official powers."

3. Procedures.

a. The Central Labor Relations Committee drew up and adopted for its own use a detailed plan of election procedure embodying the above-described legal requirements. This plan was then recommended for the use and guidance of the prefectural authorities, the majority of whom have adopted it in full or with minor modifications. Full text of the plan is attached hereto as Inclosure 2. (See paragraphs 12-26 inclusive of inclosure 2.) Briefly, it provides the following with regard to labor members:

(1) Each union federation in the prefecture or such groupings of independent unions of a size to be determined by the governor shall each constitute a "recommending body."

(2) Each recommending body shall elect representatives to a recommending committee, the proportion to be fixed by the governor.

(3) This recommending committee shall confirm the qualifications and size of each recommending body and shall divide among the recommending bodies the 5 labor candidate positions and 5 labor alternate candidate positions and report its proposed procedures to the governor.

(4) The governor shall review the work of the recommending committee to determine if it is fair and, if so, then request the recommending bodies to submit their proposed candidates.

(5) The power of ultimate discretionary appointment rests with the governor.

With regard to employer and neutral members, the plan simply repeats the general requirements embodied in the law.

b. In December 1947 the Labor Minister issued further instructions for the method of electing members of the labor relations committees (Inclosure 3). In general, the governor is instructed therein to affirmatively assist the independent unions in grouping themselves so that they will have adequate representation since only approximately 3 million of the 6 million organized workers are affiliated with the two major federations. The governor is reminded that it is his responsibility to see that the proposed machinery provides an honest and fair method of selecting candidates and that he should exercise the full authority granted to him under the law if the proposed machinery is unsuccessful or unreasonably delayed. He is specifically charged with the surveillance of the nomination and election of candidates from the mother bodies to see that the procedures are democratic. Absentee or proxy voting is condemned.

5. In Principle. The scope and nature of the duties imposed by law upon the Labor Relations Committees makes it essential that:

a. Labor members truly represent all the rank-and-file union membership, and be equitably apportioned among all the various unions and federations in the area concerned.

b. Employer members be as representative as possible of the industry in the area, and able to devote time to the Committee.

c. Central or neutral members be truly neutral.

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6. Discussion.

a. Labor Members. It is desirable that all labor unions and federations be represented on these committees. A plan of voting which would permit all of the workers in a prefecture to collectively vote for one slate of candidates would probably result in the largest federation winning all five positions on the committee. This would be undesirable since the smaller unions or federations would have no representation at all. The plan proposed - dividing the five labor positions equitably among the unions in the area - provides for fair representation from these bodies and ultimate participation in the work of the committees by all these bodies. It would appear proper for the governor to see to it that first of all the five labor candidates and their five alternate members are fairly distributed among all unions in the area making specific provision to see that the unaffiliated unions have fair representation. It is his responsibility to then see that their selection is democratically achieved. Many plans may meet this requirement. One way would be to see that open nominations are permitted in each of the recommending bodies a reasonable interval before the election of the candidates from each recommending body. Present practices indicate, however, that the executive committee of the federations concerned appoint their labor representatives, or in the instances where elections are held only one name is placed in nomination for each of the recommending bodies concerned. The Governor could see to it that there is more than one candidate nominated for each available vacancy assigned to the recommending body and that the elections are by a direct written, secret ballot by all the union members. If any union or group of unions should resist his authority in seeing that the elections are democratic, the governor could threaten to exercise his arbitrary power of appointment as an inducement to compel the recalcitrant unions to participate in fair procedures. The governor should see to it that considerable attendant publicity is given to the fact of the nominations and elections of candidates to the labor relations committees and the histories and backgrounds of all those candidates.

b. Employer Members. The governor should see to it that the employer associations in his prefecture nominate and elect men of high caliber who are able and willing to attend all of the meetings of the committees.

c. Neutral Members. In some prefectures in the past, labor and management have agreed that each will select two of the neutral members; thus the only truly neutral member is the Chairman. In other instances the Governor has permitted prominent members of the Communist Party or employer representatives to be appointed as neutral representatives. This practice is wrong. It would appear desirable that the governor propose a list of approximately ten names of his own selection as neutral members. These men should be of unquestionably independent status. The governor should allow a reasonable time for the employer and union members to choose five from among the ten candidates proposed. If the parties act in good faith and are only able to agree on say three of the required five neutral members, it would appear proper for the governor to submit a new panel of five men from whom the management and labor representatives should select the remaining two. Although the Law requires the Governor to seek joint agreement by labor and management on the appointment of neutral members, it also, in Article 37 of the Ordinances, gives him adequate power to appoint neutral members despite the unwillingness or inability of the labor or employer members to agree on these appointments, "or in case the persons recommended in accordance with the preceding paragraph are not suitable." The above-quoted language of the Law clearly gives the Governor unlimited discretionary power in accepting or rejecting the candidates proposed or agreed upon. In the event of evidence of bad faith, purposeful delay, or sabotage of an effort to select neutral candidates on either labor's or management's part, the governor should exercise his own prerogatives and in his own discretion appoint the neutral members himself, giving wide publicity to the reason for his actions therein. He should see to it that only truly neutral members are chosen as neutral members of the labor relations committees; unless he does so, he is not meeting the responsibilities charged to him under the Trade Union Law.

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7. Temporary Members. Article 37 of the Enforcement Ordinance of the Trade Union Law permits the Governor, in case of need, to appoint temporary members to the Labor Relations Committee.

8. Removal or Recall. Article 39 of the Enforcement Ordinance of the Trade Union Law in respect to the removal of a member of a labor relations committee states in pertinent part as follows: "....in case the member has become incapacitated from attending the meetings of the Labor Relations Committees or in case the member has frequently violated the rules concerning the procedure and other matters decided by Labor Relations Committee his appointment may be revoked during the term of office with Labor Relations Committees agreement, notwithstanding the provisions of the preceding paragraph....."

A majority vote of the membership of the committee should be considered as the "agreement" of the committee. It is to be assumed that adequate cause for removal should be brought to the attention of the committee, by the Prefectural Labor Administrative Authorities, by the Executive Secretary of the Committee, or by committee members themselves.

9. It is believed that the information herein contained is of value to the Military Government Labor Offices, the prefecture Governor, prefecture labor officers, the labor relations committee and labor and management as an aid to honest and energetic participation in the fair and expeditious establishment of competent labor relations committees.

W. F. MARQUAT
Major General, U. S. Army
Chief, Economic and Scientific Section

3 Incls
1. Dates of Forthcoming Elections in Various Prefectures
2. Method of Electing Members of Labor Relations Committees
3. Instructions Concerning Application of Method of Electing Members of LRC

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DATES OF FORTHCOMING ELECTIONS IN VARIOUS PREFECTURES

	Hokkaido	April 10, 1948
	Aomori	April 8, 1948
	Iwate	30 May, 1948
	Miyagi	March 1, 1948
	Akita	June 12, 1948
	Yamagata	March 28, 1948
	Fukushima	May 31, 1948
—	Ibaraki - - - - - -	August 19, 1948 — OK 22 Sept 48
—	Tochigi - - - - - -	March 1, 1948 — 1 CP - 12 Apr 48
—	Gumma - - - - - -	January 10, 1948 — 3 CP's - 15 Jan 48
—	Saitama - - - - - -	March 1, 1948 — 1 CP - 1 Mar 48
—	Chiba - - - - - -	March 1, 1948 — OK - 3 May 48
	Tokyo	March 1, 1948
	Kanagawa	March 1, 1948
	Niigata	December 15, 1947
	Toyama	March 25, 1948
	Ishikawa	February 6, 1948
	Fukui	January 27, 1948
—	Yamanashi - - - - - -	February 12, 1948 — OK 15 Feb 48
—	Nagano - - - - - -	February 1, 1948 — OK 9 Aug 48
	Gifu	July 4, 1948
	Shizuoka	April 25, 1948
	Aichi	March 25, 1948
	Mie	November 1, 1947
	Shiga	February 28, 1948
	Kyoto	December 26, 1947
	Osaka	September 15, 1948
	Hyogo	November 26, 1948
	Nara	March 1, 1948
	Wakayama	March 25, 1948
	Tottori	March 1, 1948
	Shimane	February 25, 1948
	Okayama	March 15, 1948
	Hiroshima	December 26, 1947
	Yamaguchi	December 1, 1947
	Tokushima	July 1, 1948
	Kagawa	April 10, 1948
	Ehime	March 1, 1948
	Kochi	April 1, 1948
	Fukuoka	August 19, 1948
	Saga	April 1, 1948
	Nagasaki	June 4, 1948
	Kumamoto	January 1, 1948
	Oita	May 20, 1948
	Miyazaki	August 9, 1948
	Kagoshima	February 15, 1948

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LABOR MINISTRY
IMPERIAL JAPANESE GOVERNMENT

METHOD OF ELECTING MEMBERS OF LABOR RELATION COMMITTEE

Chapter I.

Members of the Committee representing Laborers, Central Labor Relation Committee.

1. Election of members of Central Labor Relation Committee representing laborers shall be made in accordance with the procedure given below:

2. A recommendable mother-body which is qualified to recommend the candidates for the members of the Central Labor Committee representing laborers shall be the highest federation of unions which has the nation-wide organization, and which is consisted of over one hundred thousand membership.

Two or more highest federation of unions which have the nation-wide organization may constitute a recommendable mother-body by mutual conference. However, the total number of the members of them shall be a hundred thousand or more.

The term "federation of unions which has the nationwide organization" mentioned in the preceding two paragraphs shall denote the one which has the nation-wide organization in accordance with the Regulations, and which has the members of the federation residing at least one-half of all prefectures. With regard to the federation of unions of the industrial organization, however, the federation shall be consisted of its members residing at least in one-half of the prefectures in which there are the industries concerned.

3. The recommendable mother-body stated in the foregoing paragraph shall, not later than the date designated by the Minister of Welfare (approximately a month previous to the date on which the Minister of Welfare demands the recommendation of candidates for the member of Central Labor Relation Committee representing laborers, in accordance with paragraph 4 of Article 37 of the Enforcement Act of the Labor Union Act) shall report to the Minister of Welfare in regard to:

(1) Name of a recommendable mother-body.
(2) Regulations of it. (In respect of the recommendable mother-body mentioned in paragraph 2 of the preceding article, the Regulation of each of the federations which constitute the recommendable body.)
(3) Name of the representative of it.
(4) Names of member organizations which constitute the recommendable mother-body. (In respect of a recommendable mother-body which has federations of unions as its members, names of unit-unions which constitute each federation shall be written.
(5) Number of members belonging to each of organizations which constitute a recommendable mother-body. (In respect of a recommendable mother-body which has federations of unions as its members, number of members belonging to each of unit unions which constitute each federation shall be written.)

4. The recommendable mother-body as stated in the preceding Article shall elect the member of the Recommendation Committee at the ratio of one against fifty thousand.

Elected members as mentioned in the preceding paragraph shall establish the Recommendation Committee, decide upon the representing persons of the Committee, and set up the Office of the Committee; and shall immediately report to the Minister of Welfare with regard to the said matters.

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5. The Recommendation Committee shall confirm the qualifications of the Recommendable mother-bodies and correctness of the total number of members belonging to each recommendable mother-body, and also shall make the allotment of fourteen candidates to each recommendable mother-body in proportion to the total number of members belonging to each recommendable mother-body. All this shall be reported to the Minister of Welfare.

The presentation of the report shall be made within the period of four weeks following the date designated by the Minister of Welfare in accordance with the provisions of Article 3.

6. Upon receipt of the reports mentioned in Paragraph 1 of the foregoing Article, the Minister of Welfare shall check up all the reports. When he has recognized the reports fair, he shall demand the recommendation of the allotted number of candidates for the members of the Central Labor Committee representing laborers' from the recommendable mother-bodies, in accordance with Paragraph 4 of Article 37 of the Enforcement Act of the Labor Union Act.

7. Upon receipt of the demand stated in the preceding Article, the recommendable mother-body concerned shall elect the candidates allotted, and shall submit the Minister of Welfare the letter of recommendation within two weeks following the day on which the recommendable mother-body concerned received a demand from the Minister of Welfare.

8. The name of a recommendable mother-body, and the name of the representative thereof as well as the name, the occupation, the age, the address and the personal history of a candidate shall be entered in the letter of recommendation. Number showing order shall be put to candidates.

9. The Minister of Welfare shall announce the occupation, the name, the age, the address and the personal history of the candidates recommended on the date following the passage of three weeks from the day on which the Minister of Welfare demanded the recommendation of candidates from the recommendable mother-body as mentioned in Article 6.

Simultaneous with the official announcement, the letter of recommendation provided for by Article 8 shall be sent to the Recommendation Committee immediately.

10. Based on the said letter of recommendation, the Recommendation Committee shall decide upon seven full candidates and seven next candidates in proportion to the number of candidates allotted to each recommendable mother-body, and shall report the matter to the Minister of Welfare within two weeks after the Recommendation Committee has received the letter of recommendation from the Minister of Welfare. However, the balance among branches of industries shall take into consideration with regard to the decision on the said candidates. Those candidates who represent the unions of public servants, school teachers and workers engaged in government and public projects shall not exceed two throughout.

11. On the day after the elapse of three weeks from the date of official announcement mentioned in Article 9, the Minister of Welfare shall appoint the said full candidates to the members of the Central Labor Committee based on the reports stated in Article 10.

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Local Labor Relations Committee.

12. The election of the members of the Local Labor Relation Committee representing laborers shall be made in accordance with the procedures given below.

13. A recommendable mother-body which is qualified to recommend the candidates shall be the highest federations of unions being organized in the prefecture concerned. In this case, the total number of members belonging to the federations shall be more than that fixed by the Local Governor. (As a principle, the total number shall be more than one tenth of the total number of the members of all unions in the prefecture concerned.) Federations of unions or unit-unions which exist in the prefecture concerned and which are not the members of the highest federation mentioned in the preceding paragraph may constitute a recommendable mother-body with the total number of the members amounting to more than that mentioned in the preceding paragraph, by mutual conference.

In the case of the preceding two paragraphs the number of the members of the federation of unions shall be the total of members registered in the list of the members of each of unit-unions belonging to the federation.

14. The recommendable mother-body stipulated in the preceding paragraph shall report to the Local Governor with regard to the following matters not later than the date fixed by the Local Governor (approximately a month preceding to the day on which the Local Governor demands the recommendation of candidates for the members of Local Labor Relation Committee representing laborers from the recommendable mother-body in accordance with paragraph 4 of Article 37 of the Enforcement Act of the Labor Union Act).

(1) Name of a recommendable mother-body.

(2) Name of the representative of it.

(3) Names of member organizations which constitute the recommendable mother-body. (In respect of a recommendable mother-body which has federations of unions as its members, the names of the unit-unions which constitute each federation shall be written.)

(4) Number of members belonging to each organization which constitute the recommendable mother-body. (In respect of a recommendable mother-body which has federations of unions as its member, the number of the members belonging to each of unit-unions which constitute each federation shall be written.)

15. The recommendable mother-body stated in the foregoing paragraph shall elect the members of the Recommendation Committee at the ratio of one against the number fixed by the Local Governor in accordance with Paragraph 1 of Article 13.

Elected members as mentioned in the preceding paragraph shall organize the Recommendation Committee decided upon the representing person of the committee, and set up the Office of the Committee. The said matters shall be reported to the Local Governor without delay.

16. The Recommendation Committee shall confirm the qualifications of each recommendable mother-body and the correctness of the total number of the members of belonging to each recommendable mother-body, and shall make the allotment of ten to twenty candidates to each recommendable mother-body in proportion to the number of the members belonging to each recommendable mother-body. All this shall be reported to the Local Governor.

The presentation of the reports mentioned in the foregoing paragraph shall be made within four weeks from the date which the Local Governor desig-

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nates in accordance with Paragraph 14.

17. The Local Governor shall, when received the report stated in Paragraph 1 of the preceding Article, check up it, and shall, when has recognized the report fair, demand the recommendation of candidates from each recommendable mother-body in proportion to the allotted number to it, in accordance with Paragraph 4 of Article 37 of the Enforcement Act of the Labor Union Act.

18. The recommendable mother-body which has received the demand stated in the preceding article, shall elect the candidates allotted to it, and shall submit to the Local Governor the letter of recommendation within two weeks following the date on which the recommendable mother-body received the demand.

19. In the letter of recommendation shall be entered the name of the recommendable mother-body, and the name of the representing person of it as well as the occupation of a candidate, his age, his address and his personal history.

20. The Local Governor shall officially announce the occupations, the names, the ages, the addresses and the personal histories of the candidates recommended, on the date following the elapse of three weeks from the date on which the Local Governor demanded the recommendation of candidates in accordance with article 17. At the same time, the Local Governor shall demand the voting for the recommendation of candidates from unit-unions in the prefecture concerned. The said demand shall be carried, in the official gazette or the newspapers.

21. The unit-unions which have the right to vote shall be those whose establishment has been reported to the Local Governor by the date on which the said unit-unions received the demand mentioned in the preceding Article.

The unit-unions mentioned in the preceding paragraph shall elect one from among candidates who have been officially announced, and shall submit to the Local Governor the voting-book in which the name of the candidate elected is entered, within the period of two weeks from the date on which the demand for voting was received.

Such unit-union shall, with all responsibility, conduct the choice of candidate to be voted in a democratic way.

In the voting-book mentioned in paragraph 2 shall be entered, without fail, the name of the unit-union, the representing person of the union, and the total number of the members belonging to the unit.

The number of the members mentioned in the preceding paragraph shall be the number registered in the list of the members of the union concerned.

22. The Local Governor shall immediately send to the Recommendation Committee the voting-book mentioned in the preceding Article.

Upon receipt of the voting-book mentioned in the foregoing paragraph, the Recommendation Committee shall decide upon five full-candidates and five next-candidates on the basis of the said voting-book in the order of the total vote casts polled. The name of the said candidates and the total vote cast polled for each of them shall be reported to the Local Governor.

23. The total vote casts polled mentioned in the foregoing Article shall be counted as one vote in the case the total number of the members of unions does not reach one hundred persons, while in the case of more than one hundred persons, shall be counted at the ratio of one vote against one hundred persons. The odds shall be cut off.

24. In such a case as the purposely dishonest registration has been found on the list of the members of a union, the vote of the union shall become void.

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25. On decision of candidates, the Recommendation Committee shall take the balance among branches of industries into consideration, and also shall endeavor lest the candidate who represents the unions of public servants, school-teachers, and workers engaged in government and public projects should exceed one person.

26. On the day after the elapse of three weeks from the date of announcement mentioned in Paragraph 20, the Local Governor shall entrust the said full candidates with the membership of the Local Relation Labor Committee, based on the reports stated in Article 22.

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LABOR ADMINISTRATION BUREAU
LABOR MINISTRY

I N S T R U C T I O N
(Sent to Prefectural Governors)

December, 1947

Concerning the Application of the "Method of Electing Members of Labor Relations Committee."

I. Neutral Members.

As we have stated in the Government answer to the All Japan Labor Relations Committees' Liaison conference, the Governor has the right to appoint the neutral members. It is desirable that at selecting he should take the opinions of labor and management into consideration. It is, however, absolutely necessary that the neutrality of the neutral members should be secured. The Governor shall select them with firm determination as not to appoint the members easily from among the people recommended either by labor or management, without any condition.

II. Members Representing Management.

As to the members representing management, they have not been all those who have shown much interest in labor problems. You will try every available means to appoint those who can display much activity as the members of the Labor Relations Committee. As the management organizations have been changed much since the "Method of Electing Members" was settled, recommending bodies shall be decided as the actual circumstances need.

In this case, Federation of the Management Organizations may be used.

III. Members Representing Labor.

1. Concerning the recommendation of the candidates.

(a) In forming recommending body, the so-called neutral labor unions (those which are not affiliated to San-Betsu, So-Domei or any other big federations) have not been able to form a recommending body by themselves, even though their membership is considerably large. Taking the above fact into consideration, you will take measure to admit positively those neutral unions to form recommending bodies according to the spirit of Paragraph 2, Article 13 of the Method of Electing Members ofLabor Relations Committee. You shall decide the number of membership necessary for forming a recommending body as to be convenient for performing the above measure.

In this case, if the coordination cannot be easily made among those neutral unions, the recommending body shall be made in each district under the jurisdiction of labor offices, and furthermore, the Recommending Committee shall make those neutral recommending bodies have connection together, and take measure to designate a suitable number of candidates.

(b) The distribution of candidates shall be made from among ten persons proportionally to the membership and for each candidate a substitute candidate shall be recommended from the same recommending body.

(c) The Governor shall especially be responsible for taking measure to make each recommending body select their candidates democratically and impartially.

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(d) In announcing in public the names of the candidates (substitute-candidate included), not only their personal histories but their views as members of the Labor Relations Committee shall be publicly made known to every voter.

(e) As to the recommendation of candidates, every effort shall be made to avoid to leave it wholly to recommendation by the prefectural labor unions' conference or such kind; but in unavoidable cases, strict and definite conditions shall be attached so that the recommendation shall be done democratically, for instance by way of secret ballot or not leaving recommendation only for some special leaders.

2. Concerning Method of Voting

(a) Special measures shall be taken to avoid abstention from voting, especially to those belonging to the small unions.

(b) Votes for the regular candidates shall be considered at the same time as votes for the substitute-candidates.

3. Concerning the Appointment of the Members.

In case some accident happens to those chosen as the members representing labor, or during the term of office, substitute-candidates shall be appointed; and still more, if some accident happens to the substitute candidates, the members shall be appointed from among the persons recommended from the same recommending body.

4. The determination of the period provided in the Enforcement Ordinance of the Trade Union Law and provided in the election system is designed to show the pattern to be followed in ordinary cases. Therefore, when occasion calls it may not always be followed and due attention should be paid so that the measures in election might not be made slow and resultant evils might not be brought forth.

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CO

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific Section

APO 500
26 January 1948

319.1(26 Jan 48)ESS/LA

SUBJECT: Report on Field Trip with Hokkaido Coal Team

TO: Military Government Team Labor Officer

1. Attached is a copy of a report on above subject prepared by Labor Division. It is felt that the report gives an objective and comprehensive presentation of problems affecting coal production, including both labor and other factors. It is also considered an excellent example of a detailed study of the manpower and production problems in a specific industry.

2. Information contained in the report calls attention to a number of important reasons, some of which have not previously received sufficient emphasis, which help to explain the lag in increased coal production.

3. A few of the highlights, more fully covered in the report, are:

a. In many instances, where low production was initially explained in terms of labor's "failure to produce," further inquiry usually showed that there were other and more significant deterrents which resulted from poor management or were outside the control of either management or labor. (See Part I--C).

b. Labor relations were generally good. Where strained relationships were found, they usually resulted from weak, vacillating or poorly informed management.

c. While there are some Communists in Hokkaido mines, no evidence was found that they had more than a negligible effect on the morale of other workers or that they contribute to lower production. (See Part II--B).

d. Extremely serious problems, connected with the use of contract labor under extremely sub-standard conditions, were found in nearly all of the mines.

e. Low production quotas have been a serious factor preventing full production. Progress is being made in improving this situation.

f. While there has been some improvement in food supply and housing, the situation is spotty with serious shortages at individual mines. Hospital and safety provisions were deplorable.

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KANTO MP SECTION
IN FEB 2 1948
OUT
NO. A641

Basic: Ltr, GHQ, SCAP, ESS, to Mil Govt Team Labor Officer, 319.1 (26 Jan 48)ESS/LA, subj: Report on Field Trip with Hokkaido Coal Team.

g. An excess number of surface workers, as compared to underground workers, was found almost everywhere. In general, this problem does not involve a shortage of underground workers, but does involve a wasteful and costly surplus at the surface of many mines. (See Part III --F).

h. Ample evidence was found that a major portion of the blame for low production rests solely on management. (See Part III--K).

i. It is essential that the Japanese Government and mine management be made to recognize that alibis will not be accepted and that they will be held responsible for production results in each succeeding month.

4. This is for information only.

1 Incl
Report, GHQ, SCAP - ESS/LA, title: Report on Field Trip with Hokkaido Coal Team (26 Nov - 18 Dec 47 inclusive), dtd 5 Jan 48.

W. F. MARQUAT
Brigadier General, U. S. Army
Chief, Economic and Scientific Section

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REPORT ON FIELD TRIP

WITH

HOKKAIDO COAL TEAM

(26 November - 18 December 1947 inclusive)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
ECONOMIC AND SCIENTIFIC SECTION
LABOR DIVISION

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

I N D E X

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5 January 1948

REPORT ON FIELD TRIP WITH HOKKAIDO COAL TEAM

I. General

A. Trip Details

1. This report and the conclusions herein are based on visits with other members of the Hokkaido coal team to the following mining operations during the period 26 November to 18 December inclusive:

Mitsui Bibai; Taiheyo-Narutori; Shakabetsu; Shoro; Yubetsu; Sunagawa; Sorachi; Utashinia; Naie; Yubari; Heiwa; Oyubari; Horonai; Pombetsu; Mitsubishi-Bibai.

2. During these visits, problems affecting coal production were discussed with mine officials. These were followed by conference with labor union officials in separate meetings and in addition there were numerous private discussions held with individual labor representatives. An estimated total of 20,000 workers were addressed by Labor Division representatives in labor rallies held at pit mouths or in assembly halls, at a majority of the mines visited.

B. Difficulties in Obtaining Information

1. It is difficult to reach firm conclusions regarding the various matters discussed in this report due to: (a) inability of team members to obtain direct answers to many important questions, management being evasive and inclined to misunderstand when the inquiry became embarrassing; and (b) the suspicion, confirmed in many instances, that data furnished was completely unreliable.

2. In this connection, it is interesting to note that there is obviously a "grape-vine" operating between the management representatives of the various mines in Hokkaido. If we pursued a line of inquiry at one mine and evidenced dissatisfaction with the findings, the data on this subject was prepared and furnished on our arrival at the next mine, and we invariably received the answers they felt would please the team members.

C. Production Problem Oversimplified

1. It is believed that there has been a tendency on the part of certain SCAP officials to oversimplify the coal production problem in Hokkaido and lay the blame for failure to produce a sufficient quantity of coal, solely to an unwilling labor force. It is our opinion, concurred in by all other members of the Hokkaido team, that there is no single factor responsible for low production. The factors vary from mine to mine. Many of the reasons advanced as cause for the present situation are those over which labor has no control. The management representatives, in no instance, explained the low production solely in terms of the failure of labor to produce. When labor's attitude was advanced as one of the causes, it was usually shown before the inquiry ended that there were other and more significant deterrents which resulted from poor management or were outside the control of either management or labor.

2. The results of our inquiry at Yubari mine furnishes a good case in point. This mine had formerly lagged in production but had a good record subsequent to 21 November. We developed the fact that a large percentage of the miners had been leaving the mine after 5 to 7 hours portal to portal time rather than working the full 8-hour portal to portal work day. It was further shown that the production quotas set by a management-labor council were responsible for this situation since a majority of the workers leaving the mine in less than 8 hours had accomplished their quota.

3. We requested a separate explanation of the low quotas and consequent poor production from management and labor. Management stated:

(a) There was a shortage of pit props of the proper length and transportation is so bad that they may have to curtail operations at any moment.

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(b) They fear that forced mining will ruin the faces.

(c) They have stockpile capacity of 10,000 tons of coal and there are, at present, 9,000 tons of coal stockpiled. It is difficult to obtain railroad cars to transport the coal if it is mined too rapidly.

(d) The company is in dire financial straits.

4. The labor representatives' explanation of their position was as follows:

(a) The morale of underground workers has been extremely low due to several factors, namely:

(1) The shortage of mine timber had, within the past few weeks, resulted in 3 accidents. A slate fall had killed 2 miners and more had been injured in 2 serious rock falls in 2 separate pits.

(2) Unpaid wages for work performed now amount to ¥46,000,000 due to employees of the Hokkaido Steamship and Colliery Company.

(3) Workers are not receiving their allotment of fish and cooking oil, except as they purchase it on the black market.

(4) There is an extreme housing shortage and workers are living under crowded conditions. (An individual miner interviewed at the pit mouth stated that he and his family were crowded with other families into one small room in a bachelor dormitory. He said that he could continue to produce coal at the present rate if his mind were relieved by having a decent house for his family.)

D. Accomplishments of Trip

1. It is believed that the coal team has accomplished two objectives: (1) gathered a large amount of data which can be used as a basis for long-term planning for a continuing high rate of production; (2) stimulated both management and labor at the mines visited to an extent that will be reflected in record production during the month of December.

2. The mines visited are representative of the entire Hokkaido field and these mines account for the major proportion of coal produced in Hokkaido. It is felt, therefore, that sufficient information has been obtained for long-term planning purposes. It is doubtful whether a second visit to these mines in January by SCAP representatives would result in any additional increase in production.

3. Visits in January to mines not included on the December itinerary would stimulate management and labor but since these would be smaller operations, it is doubtful whether the results in terms of additional coal produced would justify the time and expense involved.

II. Labor Relations

A. General

Labor relations are generally good. However, wherever management was weak, vacillating, poorly informed, relationships between labor and management were invariably strained. It was in these instances that management blamed a portion of their troubles on labor and labor, in turn, was critical of management. Two examples were the Neia and the Sorachi mines. In both cases, there is considerable doubt as to whether these mines will reach their December quotas.

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B. Communist Influence

1. Management in several instances, blamed low production on the influence of Communists over the workers. Our inquiries on this subject revealed in each case that Communists, according to managements' statements constituted an infinitesimal percentage of the entire work force.

2. The largest number of Communists claimed to be working at any one mine was at Heiwa where there was said to be a total of 65 party members, 13 of whom, were included among 46 members of the union executive committee. The total work force at this mine as of 30 November was 1363 employees. At this mine, the Superintendent stated, "labor is stronger than management." A separate conference with labor representatives at this mine did not reveal any serious breach between management and labor. The union has pledged their support to a program for increased production. They are conducting a campaign to induce surface workers to transfer underground. They are now receiving a bonus for over-quota production and are negotiating for a new wage scale which would bring their basic wages to approximately the same level as they now receive from basic wage plus bonus.

3. At other mines where the Communist issue was raised we learned that the proportion of party members was 5 to 10 out of total labor forces of from 1500 to 3000 workers. Miners interviewed on the job scoffed at the idea that Communists were greatly influencing the rank and file. At no mine other than Heiwa did management claim that there were more than one or two Communists serving in an official capacity with the union. When it was learned that the team was not sympathetic to the idea that a handful of Communists were responsible for low production, the "grape-vine" went into action and the issue was not raised at other mines.

4. There are Communists in Hokkaido but it is our firm conviction that their activities have a negligible effect on the morale of the other workers and do not contribute to lowered production, at any of the mines we visited.

C. Contract Labor

1. It was found that in addition to the regular work force, each mine has contracts with gumi who perform various operations both underground and on the surface. At Yubari mine, the company reported 1,983 contract workers employed on the surface but maintained there were none underground. Collett and Wilson went underground and established that there were contract workers on headings and it is believed they will total approximately 600 men under the control of various labor "bosses." These, with those reported on the surface, comprise 17.7% of the total work force at this mine. At Heiwa mine 104 underground and 137 surface contract workers represent 17.6% of the total work force. There are 1576 contract workers in Oyubari mine, 1102 on the surface and 474 underground. This is 23.7% of the total of 6645 workers at the mine. These figures are representative of all mines visited, the number of contract to total workers averaging from 14% to 25%.

2. The workers employed by contractors do not belong to the unions, are in most instances denied special rations and other incentives and receive lower wages. They are housed in special dormitories. Labor Division representatives visited several of these dormitories and will report seperately on the unbelievable conditions existing in these places. Suffice to say here, that they were so filthy and the stench so horrible that the Japanese guides who accompanied the representatives wore gauze masks during the time they were inside the dwellings.

3. The work performed by these contract workers include housing construction, maintenance work, work on rock headings and on coal headings, loading and unloading timbers, laying pipe line, etc. A few of the gumi may be identified as legitimate contractors who are performing a temporary job such as housing construction and who will move on to handle another contract when the present work is completed. The majority, however, have been working at the same mine from 5 to 20 years and although the work in which they are now engaged may be temporary in nature, they expect to continue and to perform other operations as they have in the past.