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Attention: Mr. Amis  
L-501

ECONOMICS
CHIEF 1 H&K
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LABOR 2 Ref
FILE

CLRC MEMO TO SCAP LABOR DIVISION

CUL-12  
Subject: UNFAIR LABOR PRACTICE GOT RULING  
Date: February 20, 1951

Case: Hitachi, Kasado Plant, case (R-64,'50), (see-CUL-6),  
filed Dec. 12, 1950.

Ruling: The order of the first instance revoked, February  
9, 1951.

Reason The company announced 853 workers' discharge of  
Kasado plant by financial reasons on May 5, 1950. The  
union continued to struggle for wage hike and revocation  
of discharge going on strike two times, but about July  
20 the dispute came to be quiet. After collective bar-  
gainings were conducted, management and union established  
a subcommittee to draw up an agreement on July 18.  
The agreement was signed by both parties on July 21.  
However, on the previous day, July 20, 38 workers revolted  
from union to form a new union and declared they would  
continue struggle. This new union is the party charged  
of this review case. The new union demanded collective  
bargaining and wage hike of management, but got rejected.

The problem of wage hike and discharge on which  
the new union (the party charged) demanded collective  
bargaining, was the problem for which all the workers  
of the Kasado plant and management conducted collective  
bargainings many times and struggled for a long time.  
Therefore the demand of the party charged was only a  
part of the problem of all workers. However, this  
problem had already been settled with an agreement  
concluded between management and union. So there is  
no reason why management should bargain collectively  
with the party charged. The management's rejection  
of collective bargaining is proper.

Noted  
H&K  
↓

*Green*  
*Robert*

TK/NM

4-507  
Civil Affairs Sec  
Mr. Doherty  
COPY  
Domanowski

CLRC MEMO TO SCAP LABOR DIVISION

CUL-6  
Subject: HITACHI, KASADO PLANT, UNFAIR LABOR PRACTICE CASE  
Date: January 24, 1951.

Features Hitachi Engineering Works, Kasado Plant, Case; originally filed by workers on charges of refusal to collective bargaining with Yamaguchi LLRC August 2, 1950 (See CLRC Memo, LUL-35, 13); ruling in workers' favor November 28; CLRC review applied for by the management December 12 (R-64) (See CLRC Memo, CUL-81, New Cases); the first hearing scheduled for tomorrow, January 25, 1951 with Member Hosokawa in charge.

Facts and Allegations

(1) The Union and Management had been in dispute over wage raise and personnel cut since April 1950, until in July the Union influenced by the compromising elements bolted from the Federation under Sambetsu and under a new name and a more moderate slogan decided to end dispute by accepting the Company's program in majority secret votes at an all-member meeting July 20 and 21. While the meeting was in session some 50 workers including and siding with those who were officially fired the following day came off from the meeting and established their own union again in affiliation with the Sanbetsu Federation, of which they notified the Company the same day. Next day the bigger union signed acceptance to the Company's discharge plan which involved members of the other union.

(2) The new union, who meant the issues under dispute were not dropped so far as they were concerned, demanded the reopening of collective bargaining and after a number of attempts was definitely refused finally July 31. These facts under (1) and (2) were acknowledged by the both parties and finalized.

(3) Company's reason: (a) They all were not on the payroll because of the discharge already notified May 27 and the Company was not legally bound to bargain with them. (b) The Company was not obligated to bargain with a mere group of workers whose legal status is not clear. (c) The workers forcibly entered the compounds against rules almost suggesting violence. (d) The matter had been completely talked down to settlement needing no further bargaining.

Legal Grounds for Yamaguchi Ruling (a) The matter remained pending since when they were told to go and they formed the union in protest to the discharge plan before the larger union formally accepted it. Over bargaining on problems during employment, they should be regarded as "the workers employed by the employer" in Article 7 of TUL. (b) The Company should be supposed to have known the fact about the new union as the later notified the Company in writing the same day. (c) The workers was to blame for such an act but the fact remains unchallenged that the Company virtually refused the workers' repeated offer and in a way instigated such an action. (d) The matter was talked over satisfactorily with the new union who demanded collective bargaining. An agreement entered into with the one union shall not be taken to bind the other one.

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