Association of Japanese Judges

Reply to Questionnaire for Annual Meeting of the International Association of Judges
<u>Justifications and characteristics of entities</u>
<u>competent to resolve labor and social security disputes</u>

1. Reply to Question 1

    As the judiciary, the courts of general jurisdiction handle labor and social security disputes.

2. Reply to Question 2

    a. Japan has no labor and social security courts.

    b. The ordinary courts handle labor and social security disputes as a part of the general judicial system in Japan

3. Reply to Question 3

    Japan has no labor and social security courts.

4. Reply to Question 4 a-c

    (1) While the current courts in Japan have litigation and conciliation as the system for resolving labor disputes, under the recent judicial reform, there is a movement to establish labor judgment system as the new non-litigious procedure to handle individual labor-related disputes. The labor judgment case is considered to be heard by a panel consisting of one judge, one so-called labor lay judge and one lay judge with specialized knowledge and experience as an employer, and be determined after hearings not more than three times. Since judgment loses its binding effect by objection from either party and the case goes to litigation, this system is positioned as preceding procedure before litigation.

    (2) Although administrative litigation is the system that resolves social security disputes in the courts in Japan, the parties in most cases must file complaints against administrative organizations before commencement of litigation proceedings.

    As part of the recent judicial reform, there is a movement to reform the administrative case litigation system. The main points of this reform are easing restriction on plaintiffs' standing to sue in actions demanding revocation, enacting statutory laws on actions seeking injunctions both prohibitory and mandatory, the latter of which is similar to mandamus, improving the system of provisional remedy before judgment on the merits of a case, and so on.