

## 【Grant-in-Aid for Scientific Research (S)】

### Humanities and Social Sciences (Social Sciences)



**Title of Project : Employment Sustainability and the Shifting Paradigm of Labor Law**

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Research Project Number : 15H05726 Researcher Number : 30158703

Research Area : Social science, Law, Social Law

Keyword : Sustainability, Employment System, Paradigm Shift of Labor Law, Comparative Study of Law

#### 【Purpose and Background of the Research】

The corrosion of the employment system constitutes a phenomenon common to industrialized countries, albeit manifest in various shapes and degrees. International organizations and national Governments have conducted miscellaneous experiments aimed at remedying the situation. However, in Japan there is apprehension that weakening of the system has become increasingly acute. This research views contemporary characteristics, such as the bipolarization of employment, growing stratum of working-poor, work-life imbalance, and exploitative companies as a “crisis of sustainability”. And, in order to secure and maintain a system of sustainable employment, it aims to explore the possibility of a “new paradigm of labor law”, which is aligned to the ideas incorporated in the ILO’s “decent work agenda”, “quality job creation” as set forth in the Group of Twenty (G20) Communiqué, and the “formation of a broad middle class”, as advocated for in a MHLW report.

#### 【Research Methods】

It is imperative, first of all, to accurately analyze the current state of employment. Although scholars of labor law and labor-management relations are largely in unison in perceiving the contemporary employment system to be deteriorating, differences exist in the extent to which this weakening is viewed as a serious issue. The focus of this research comprises a critical analysis the employment policy that is advancing under Abenomics.

Next, in order to prescribe a remedy, it is necessary to identify the root of the corrosion. This research group perceives the leading cause to be the employment policy effective since the 1980s, particularly, since the 1990s. During this time, a critical examination of traditional labor law theory evolved into a discourse on the formation of a new paradigm, which in the process chipped away at the traditional foundations. The essence of this research, that is the exploration of a new paradigm of labour law, has its basis in the aforementioned development.

Accordingly, this research proposes a regulatory model for a new system of employment, presented in terms of a “standard labor-management relations model”. This model, which targets not only employment, but also

encompasses workers’ livelihood security, including social security, will serve as the as the premise for a legislative proposal.

The labor law theory study group established in 2008 to conduct the Grant-in-Aid for Scientific Research (A) shall continue to co-ordinate this project. Comparative legal research shall focus on Europe (particularly Germany) and the Republic of Korea, with the addition of Taiwan. The former provides a basis from which to research the Social European Model, and the latter offers insights into the construction of an East Asian Model.

#### 【Expected Research Achievements and Scientific Significance】

This research project undertakes to propose the reconstruction of labor law in a way befitting the key concepts of “decent work agenda”, “quality job creation”, “formation of a broad middle class”, as charted by the ILO and in other international reports. Its significance lies therein. Research results will, 1) reveal the potential shape of “sustainable employment”, 2) establish models for the minimum wage system, employment diversity, new forms of social inclusion, and the social security system, 3) set forth prohibition of discrimination rules for equality in employment, 4) educe a Japan-style model for the equal pay for equal work principle, 5) offer an opinion on the relation between employment and the safety net, and 6) propose policy for legislation.

#### 【Publications Relevant to the Project】

- Wada, Hajime (2008). *The Guarantee of Human Rights and Labor Law* <in Japanese>
- Waltermann, Raimund (2010). *The Demise of Normal Labor-Management Relations?* <in German>
- Wada, Hajime, Shigeru Wakita, and Masahiro Yano (eds.) (2013). *Worker Dispatch and Law* <in Japanese>
- Nishitani, Satoshi, Hajime Wada, and Hongyu Park (2014). *Japanese and Korean Comparative Labor Law I & II* <in Japanese>

【Term of Project】 FY2015-2019

【Budget Allocation】 76,000 Thousand Yen

#### 【Homepage Address and Other Contact Information】

<http://slrp.law.nagoya-u.ac.jp/>