

6. Commercial Law

The 51st Congress of *the Japan Association of Private Law* was held at Kinki University on October 10 and 11, 1987. The Joint Civil-Commercial Law Division held a symposium under the title "Computer Systems and the Private Law."

Other individual reports delivered are listed below:

- (1) A Company's Repurchase of Its Own Shares as Corporate Finance, by Ryo Kobayashi (Associate Professor, Kyushu University).
- (2) Reconstructing the Legal Theory of Merger, by Kazufumi Shibata (Associate Professor, Hosei University).
- (3) Fairness of Mergers and the Protection of Shareholders, by Ken Nakamura (Professor, Ajia University).
- (4) Exclusion of a Director's Voting Right, by Masayoshi Deguchi (Associate Professor, Tsukuba University).
- (5) The Function and Liability of Accounting Auditors, by Haruhiko Katagi (Professor, Hiroshima University).
- (6) Bank Securities Activities and Conflicts of Interest, by Yasuhiro Kawaguchi (Lecturer, Ehime University).

Prof. TAKAYASU OKUSHIMA
KAZUKO YAMAGUCHI

7. Labor Law

The Japan Labor Law Association holds its general meeting twice a year. In 1987, the 73rd General Meeting was held at Hosei University on May 9 on the topic "Aging Society and Labor Law." The

74th General Meeting was held at Kansei Gakuin University on October 3 on the topic “The Legal Theory of Work Rules.” The reports and discussions at the 73rd and 74th meetings appeared in the *Journal of Labor Law*, Nos. 70 and 71 respectively.

1. The 73rd General Meeting: Aging Society and Labor Law.

(1) Employment Policy and Labor Relations in an Aging Society, by Hiroshi Seisho (Professor, Kumamoto University).

(2) Legal Problems Concerning the Employment of Older Workers, by Noboru Yanagisawa (Associate Professor, Nagasaki University).

(3) A Retirement Allowance System in an Aging Society, by Jun Fukushima (Professor, Fukuoka University of Education).

(4) Private Pensions in an Aging Society, by Naoshi Kataoka (Professor, Fukuoka University).

Employment security for older workers is one of the most important labor problems in Japan, where the population of older people has been increasing rapidly in recent years. This problem has two aspects. First, we should consider how to ensure jobs for aged persons. It is significant for aged persons to participate in society through their own work. Secondly, income protection for aged persons is necessary. Of course, the social security system plays an important role in this regard. However, from the viewpoint of labor law, it is still necessary to control private systems.

The fact that the employment of older people is different in some respects from other types of employment, might necessitate reconsidering present concepts regarding employment and wages.

2. The 74th General Meeting: The Legal Theory of Work Rules.

(1) The Legal Theory of Work Rules: Its Structure and Function, by Yasuo Suwa (Professor, Hosei University).

(2) Judicial Theory Concerning the Legal Effects of Work Rules Altered by the Employer without the Consent of the Employees, by Takayasu Yanagiya (Lecturer, Nihon Bunri University).

(3) Procedural Requirements of the Alteration of Work Rules, Hiroshi Karatsu (Lecturer, Doshisha Women’s College).

(4) Work Rules and the Collective Labor Law, by Fujio Hamada (Professor, Kobe University).

Only a small percentage of workers are organized in unions in Japan. As a consequence, in most cases it is work rules, not collective agreements, that determine working conditions. According to the Labor Standards Act, an employer may make and alter work rules if the employer asks the opinion of the trade union or person that represents a majority of the employees of the establishment. The Supreme Court ruled that the provision of the work rule altered by an employer without getting consent of the employees have binding effect on the employees if the provision is reasonable. The reporters pointed out that most of the disputes concerning work rules were disputes over interests and argued that the criteria of the reasonableness of work rules should be clearly delineated.

Prof. KAZUHISA NAKAYAMA
MADOKA SAITO

8. Legal History, Sociology of Law and Legal Philosophy

a. Legal History

The 39th General Meeting of *the Japan Legal History Association* was held at Shizuoka University on April 6 and 7, 1987. The 35th Study Meeting was held at Kumamoto University on October 17 and 18, 1987. The programs of these meetings were as follows:

[The 39th General Meeting]

The First Day:

(1) On the Sale of Land under the Kaoch'ang Kingdom, by Yasushi Kawamura (Assistant, Waseda University).