

submitted by the ITUC, in a communication received on 1 September 2014, which mainly refers to matters already raised by the Committee.

The Committee notes that the Government's report has not been received. It must therefore repeat its previous comments.

*Article 4 of the Convention. Right to collective bargaining.* The Committee recalls that several of its previous comments referred to the following matters:

- the denial of the right to negotiate collectively in the case of workers in a bargaining unit when these workers do not amount to more than 40 per cent of the workers in the unit or when, if the former condition is satisfied, a single union that is engaged in the procedure of obtaining recognition does not obtain 50 per cent of the votes of the workers in a ballot that the minister has caused to be taken (section 5(5) of Act No. 14 of 1975 and section 3(1)(d) of its regulations); and
- the need to take measures to amend the legislation so that a ballot is made possible when one or more trade unions are already established as bargaining agents and another trade union claims that it has more affiliated members in the bargaining unit than the other trade unions, and therefore invokes its most representative status in the unit in order to be considered as a bargaining agent.

The Committee notes that the Government indicates that, while it has not yet taken steps to amend its legislation regarding these two matters, it will endeavour to pursue the early amendment of the legislation. ***The Committee reiterates its hope that the Government will take the necessary measures in the very near future to amend its legislation, lowering the percentage mentioned and allowing a ballot in cases of disputes concerning representativeness, so as to bring it into full conformity with the Convention. The Committee requests the Government to indicate in its next report any developments in this regard.***

***The Committee hopes that the Government will make every effort to take the necessary action in the near future.***

## Japan

### ***Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1965)***

The Committee notes the observations made by the Japanese Trade Union Confederation (JTUC–RENGO) dated 7 August 2014 and communicated with the Government's report, as well as the Government's reply thereto, and the observations by Japan Business Federation (NIPPON KEIDANREN) which were also forwarded with the Government's report. The Committee takes note of the observations provided by the International Organisation of Employers (IOE) in a communication received on 1 September 2014. ***It further notes the observations submitted by the National Confederation of Trade Unions (ZENROREN) dated 25 September 2014 and by the Japan Federation of Prefectural and Municipal Workers' Unions (JICHIROREN) dated 16 October 2014 and requests the Government to provide its comments thereon with its next report.***

*Article 2 of the Convention. The right to organize of firefighting personnel and prison officers.* The Committee recalls its previous comments concerning the need to recognize the right to organize for firefighting personnel and prison officers. It had further noted the Government's indication that a committee on the right to organize of fire defence personnel had been established within the Ministry of Internal Affairs and Communications in January 2010 to study the right to organize of firefighting personnel in view of both respect for basic labour rights and assurance of reliability and safety for the people and that the December 2010 report found no practical obstacles to granting the right to organize to firefighters. At that time, no final decision had been taken on this issue.

The Committee notes that the Government recalls in its latest report the historical understanding of the scope of the Convention, supported also by NIPPON KEIDANREN, and the efforts made over the last decade and a half to introduce the Fire Defence Personnel Committee System to guarantee fire-defence personnel participation in determining working conditions. The Committee further notes the information provided that the Fire Defence Personnel Committee held meetings in 99.5 per cent of the fire defence headquarters across the country as of 31 March 2013. The Government makes efforts every year to promote the operation of Fire Defence Personnel Committees by announcing operational conditions and distributing brochures. The Government indicates that the Bill on Labour Relations of Local Public Service Employees which had granted the right to organize for fire-defence personnel was dropped by the Parliament and further opinion exchange meetings were conducted by the Minister in charge of civil service reform.

The Committee notes the concerns raised by JTUC–RENGO in relation to the ongoing denial of the right to organize to fire fighters and its apprehensions that the denial of this fundamental right will become permanently enshrined. JTUC–RENGO further considers that an ongoing denial of this right would ignore the theoretical investigations contained in the December 2010 Report of the Panel considering the Nature of the Right to Organize of Firefighters.

In respect of prison officers, the Committee notes the Government's reiteration, supported by NIPPON KEIDANREN, that it considers prison officers by the nature of their duties to be included in the category of police and are therefore denied the right to organize in accordance with *Article 9* of the Convention. The Committee further notes the observations by JTUC–RENGO that a reassignment to prisons has resulted in a situation where staff who previously had the right to organize and were trade union members have been forced to resign and have been deprived of this fundamental right. JTUC–RENGO adds that the Government has not carried out any concrete deliberations on the right of prison staff to organize. The Committee recalls once again that the functions exercised by prison officers should not

justify their exclusion from the right to organize, while the manner in which they exercise their rights can be subject to specific regulation.

***The Committee requests the Government to indicate the measures taken or contemplated with a view to ensuring the right to organize to firefighting personnel and prison officers.***

*Article 3.* The Committee recalls that in its previous observation, noting the conclusions and recommendations reached by the Committee on Freedom of Association in Cases Nos 2177 and 2183 (357th Report, paragraph 730) and the Government's indication about the proposed new labour relations system, requested the Government to indicate the progress made to ensure that public sector employees, like their private sector counterparts, could enjoy the right to strike, with the possible exceptions of public servants exercising authority in the name of the State and workers employed in essential services in the strict sense of the term. The Committee observes that the bills establishing the new labour relations system were not approved by the Diet. The Government adds that, under section 12 of the Civil Service Reform Law, exchanges and consultations on measures for the autonomous labour-employer relations system were held and subsequently a new Bill was approved which provided that the Cabinet Bureau of Personnel Affairs would "make efforts to reach agreements on measures for the autonomous labour-employer relations system, based on section 12 of the Civil Service Reform Law, gaining the understanding of the people, hearing from employees' organizations".

The Committee notes JTUC-RENGO's observations that the National Public Service Act and the Local Public Service Act presented to the Diet in 2014 do not contain any provisions on the legal system regarding the points that have been raised under Conventions Nos 87 and 98. JTUC-RENGO expresses its deep concern that there will be no change to this situation in the foreseeable future. The Committee further observes the statement by NIPPON KEIDANREN strongly supporting the supplementary resolution in the Cabinet Committee of the House of Councillors on 10 April 2014, which is to make efforts to reach agreements on measures for an autonomous labour relations system with gaining the understanding of the people. NIPPON KEIDANREN further supports the idea that the Government would continue to carefully review and consider measures for an autonomous labour relations system for local public service employees, taking into account views from employees' organizations and considering the changes of measures for national public service employees. While observing that the National Public Service Act does not include measures for the autonomous labour-employer relations system, the Committee notes that the Cabinet Bureau of Personnel Affairs is charged with examining measures for the autonomous labour-employer relations system through continuous hearing of those concerned. The Committee further notes, however, JTUC-RENGO's comments that the Cabinet Bureau of Personnel Affairs which was established on 30 May 2014 has not held any exchanges or consultations with staff organizations on the establishment of an autonomous industrial relations system.

As regards compensatory guarantees for workers who are deprived of the right to carry out industrial action, the Committee notes that the Government refers to the National Personnel Authority (NPA) which continues to have authority over affairs regarding ensuring fairness in appointment of national public service employees. On the other hand, the Committee notes the observations made by JTUC-RENGO that the NPA recommendation system is defective as a compensatory measure.

***The Committee requests the Government to continue to provide information on the progress made in reviewing this matter, including the efforts made by the Cabinet Bureau of Personnel Affairs, and to indicate in its next report the measures taken or envisaged to ensure that public servants who are not exercising authority in the name of the State and workers who are not working in essential services in the strict sense of the term may exercise industrial action without risk of sanction. It further requests the Government to reply to JTUC-RENGO's observations that the NPA is defective as a compensatory measure for those who may be restricted in their right to strike and to indicate any steps taken to bolster current mechanisms through adequate, impartial and speedy conciliation and arbitration procedures, in which the parties have confidence and can participate at all stages, and in which the awards, once made, are binding and fully and promptly implemented.***

Finally, the Committee notes the information provided by the Government that there are no more state enterprises in Japan and that freedom of association and the right to organize and to bargain and act collectively protected by the Constitution of Japan also guarantees these rights for workers of private enterprises of high public interest. As regards public welfare businesses, the Government indicates that a system for providing notification about the actions relevant to employment related disputes has been established so that the Minister of Health, Labour and Welfare can publicly announce the commencement of such actions to minimize obstruction and damage in citizens' daily lives due to unexpected actions.

### ***Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1953)***

The Committee notes the observations made by the Japanese Trade Union Confederation (JTUC-RENGO) communicated with the Government's report, as well as the Government's reply thereto, and the observations of the Japan Business Federation (NIPPON KEIDANREN) which were also forwarded with the Government's report. ***It further notes the observations submitted by the National Confederation of Trade Unions (ZENROREN) received on 25 September 2014 and requests the Government to provide its comments thereon with its next report.***

*Articles 4 and 6 of the Convention. Collective bargaining rights of public service employees not engaged in the administration of the State in the context of the civil service reform.* The Committee recalls that its previous comments concerned the need for measures to ensure the promotion of collective bargaining for public employees who are not engaged in the administration of the State in the framework of ongoing consultations on the reform of the civil service.

The Committee notes the Government's indication that the civil service reform related bills, which had set out a new framework in the national public service where both parties to labour–employer relations negotiate and determine autonomously the issue of working conditions and promote reform of the personnel management and remuneration system, were not approved by the Diet. The Government adds that, under section 12 of the Reform Act, exchanges and consultations on measures for the autonomous labour–employer relations system were held and subsequently a new bill was approved which provided that the Cabinet Bureau of Personnel Affairs would “make efforts to reach agreements on measures for the autonomous labour-employer relations system, based on section 12 of the Civil Service Reform Law, gaining the understanding of the people, hearing from employees’ organizations”.

The Committee notes JTUC–RENGO's observations that the National Public Service Act and the Local Public Service Act presented to the Diet in 2014 do not contain any provisions on the legal system regarding the points that have been raised under Conventions Nos 87 and 98. JTUC–RENGO expresses its deep concern that there will be no change to this situation in the foreseeable future. The Committee further observes the statement by NIPPON KEIDANREN strongly supporting the supplementary resolution in the Cabinet Committee of the House of Councillors on 10 April 2014, which is to make efforts to reach agreements on measures for autonomous labour-relations system with gaining the understanding of the people. NIPPON KEIDANREN further supports the idea that the Government would continue to carefully review and consider measures for autonomous labour-relations system for local public service employees based on voices from employees’ organizations and considering the changes of measures for national public service employees. While observing that the National Public Service Act does not include measures for the autonomous labour–employer relations system, the Committee notes that the Cabinet Bureau of Personnel Affairs is charged with examining measures for the autonomous labour–employer relations system through continuous hearing of those concerned. The Committee further notes, however, JTUC–RENGO's observations that the Cabinet Bureau of Personnel Affairs which was established on 30 May 2014 has not held any exchanges or consultations with staff organizations on the establishment of an autonomous industrial relations system.

The Committee notes with *regret* that the package of reform bills, which was the fruit of long and detailed consultations with the social partners and civil society in Japan over many years, was ultimately not adopted and as a result, a number of public servants not engaged in the administration of the State remain deprived of their collective bargaining rights. ***The Committee requests the Government to bolster its efforts in dialogue with the social partners to review the current system so as to ensure in the very near future collective bargaining rights for all public servants not engaged in the administration of the State. It further requests the Government to provide detailed information on the steps taken by the Cabinet Bureau of Personnel Affairs to engage in consultation with the social partners on these matters as required by the Act.***

The Committee notes that the observations of JTUC–RENGO and ZENROREN further raise a number of subsidiary points relating to unilateral wage cuts in 2013, which are being examined by the Committee on Freedom of Association in Cases Nos 2177 and 2183. The Committee takes note of the Government's reply that this special temporary measure to respond to the need to revitalize the regional economies after the Great East Japan Earthquake came to an end on 31 March 2014.

Finally, the Committee notes the JTUC–RENGO observations that a recent change in applicable law has resulted in the removal of collective bargaining rights for the national forestry project staff. The Committee notes with *regret* the information provided by the Government concerning a legislative enactment which brings these project staff under the purview of the National Public Service Act. ***The Committee recalls its previous observation in which it sets out the restricted interpretation that should be given to the term “public servants engaged in the administration of the State” and requests the Government to indicate the steps taken to ensure that national forestry project staff is afforded the full guarantees of the Convention, including the right to bargain collectively.***

## Jordan

### ***Right to Organise and Collective Bargaining Convention, 1949 (No. 98)*** ***(ratification: 1968)***

The Committee notes the observations made by the International Trade Union Confederation (ITUC) in a communication received on 31 August 2014, which refer in particular to the trade union rights of public employees, domestic workers and agricultural workers.

*Articles 1–6 of the Convention. Scope of the Convention. Foreign workers.* In its previous comments, the Committee had noted that Law No. 26 of 2010 no longer required Jordanian nationality for membership in trade unions and employers' associations, but that founding members, and maybe even union leaders, should be Jordanian nationals. The Committee notes the Government's indication that foreign workers are not prohibited from becoming union leaders,