

The Comments on the Regulations of Standard Terms in the revised Civil Code in Japan: Also on the Relationship with Work Rules

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Abstract

The reform of the law of obligations is the first large-scale revision of the Japanese Civil Code. In particular, the regulations of standard terms are set in the Civil Code for the first time. It is necessary to discuss the related contents and their impacts on labor relations and work rules.

Though there are only 3 articles concerning standard terms, they nevertheless stirred up many discussions because they are in great difference from the traditional regulations in the Japanese legal norm. This paper first introduces the traditional regulations of standard form in the Japanese law, then goes on to analyze the contents of the regulations of standard terms in the revised Civil Code. After that, it further discusses the related issues, and then examines the regulations of standard terms' relationship with labor contracts and with work rules.

Despite the common understanding that labor contracts would not be the subject of the regulations of standard terms and condition was reached during the process of the reform, whether work rules could be the subject of that regulation calls for further discussion.

§247-1 was amended into the Taiwanese Civil Code in 1999 to regulate standard form contract, however, whether the regulation applies to labor contracts and work rules requires further deliberation. Therefore, the relevant discussions in the Japanese legal norm are worthy of reference.

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