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専門分野・キーワード

- ●個別的労使関係
- ●ADR(代替的紛争処理)
- ●経営社会学 ●人事労務管理

/ 教育·研究内容

私の研究は、「個人と組織等との関係」がテーマで、特に、「個別的労使関係・雇用関係」の研究がテーマです。一般的に工業化社会においては、労働組合と組織(会社)との関係(集団的労使関係)が中心でしたが、昨今、労働争議件数の激減にも見られるように、また、ハラスメント(個人への嫌がらせ)の増加や働き方改革の個人の尊重などにもみられるよう、関係主体が大きく変化しています。この変化は、日本だけでなく先進国にも共通にみられる変化(労使関係・雇用関係の変化)で、現代社会での様々な経営現象、労働現象として把握することができます。これら経営・労働現象に対する分析には、多様なアプローチが有りますが、私のアプローチは、社会学、法学、経営学および経済学からアプローチして分析を行います。この種のテーマの昨今の特徴は、複数領域の専門性を持った研究者による分析が重要になっていることがあります。労働法学者が社会学者のような指摘もするし、経済学者が労働法を学んだ上で社会学的な指摘をしたり、あるいは経営学者が法学的素養をもって社会学的指摘をすることも多くなっています。例えば、昨今、社会的課題となっている「働き方改革」の3本柱のひとつ、長時間労働是正の問題で言えば、法的視点だけで考えるのであれば、規制(36 協定の厳格化等)で一見事足りるのですが、社会学的視点(例えば、職場の社会関係)から言えば、それではまったく問題は解決しないので、いずれかの領域のみの分析でなく、この2つの現実を理解した所から長時間労働是正の本当の研究が始まることになります。それは、法学的視点においても、社会学的視点から職場の社会関係の研究が求められることになります。電通事件は、業界の模範的労働組合があったにも拘らず、その労働組合は全く機能することはなく、刑事事件にまで発展しました。基礎的問題の一つとして、職場の社会関係などが大きく関わっているのです。

同じ様な構造は経営現象でもみることができます。同じ様な構造とは、社会関係が大きく影響しているという構造で、ここでは一例として、品質データ改ざん問題、を挙げたいと思います。例えば、三菱電機(2021)や三菱マテリアル(2018)の不正が改めて報道されましたが、それに限らず神戸製鋼の問題など、この種の不正は後を絶たないのですが、理由の一つは、たとえ文書で社内ルールが存在し個人が不正であることを認識できても、職場集団では不正と認識しないでよいとする暗黙的規範があるからです。なぜ、そうした集団特性が発生するのかの研究はとても興味が湧くテーマですし、私なりの考えはもちろんあるわけです。しかし、私の考えがすべての解答ではない訳で、そこに新たな研究シーズもあると思います。

「個人と組織との関係」の研究について一例を挙げましが、関係性は形を変えて多種多様であるため、それに応じて研究テーマも多種多様です。そして、これからの社会を考えると、「個人と組織との関係」の研究は不可欠で、他の例を挙げれば、冒頭に述べた働き方改革の別の柱の1つである 2019 年4 月施行の「高プロ制度」について議論するためには、アメリカの FLSA(公正労働基準法)の適用除外制度、すなわち「ホワイトカラー・エグゼンプション」が日本の職場でどのように機能するかの研究がまずもって必要であり、現在、取り組んでいます。

加えて、外国人労働者の新たな受け入れ制度、「特定技能」が創設され、外国人労働者の受け入れ拡大が実施されて社会の重要なテーマとなっており、取りかかっています。

なお、ADR については、社会で職場の個別労働紛争解決(例えば、パワハラ、セクハラ等のあっ旋)を実践し研究に取り組んでいます。 大学院に来られる方は、学部教育でいずれか一分野の知識はあるかと思います。 私のゼミでは、本人の希望(取り組みたいテーマなど)や進路を踏まえたうえで、現在の社会でウエイトが高まっている「個人と組織との関係」の視点から分析研究できるようにしています。 なお、関連専門分野は必要に応じて、その関連専門領域が効率良く勉強できるようにします。

/ 代表的な著書・論文等

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Professor Masaharu Nose

Areas of Expertise / Keywords

Individual labor relations
Betriebssoziologie
ADR (alternative dispute resolution)
Human resource management

The theme of my research is "relations between an individual and an organization, etc.," particularly "individual labor relations and employment relations." In general, in industrialized societies, the relationship between labor unions and organizations or companies, that is, collective industrial relations, has been the main focus. Recently, however, as seen in the sharp decrease in the number of labor disputes and increase in harassment at the workplace and respect for individuals in the reform of work styles, the subject of relations has been changing dramatically. These changes (in labor relations and employment relations) are common not only in Japan but also in developed countries and can be understood as various management and labor phenomena in modern society. There are various approaches to the analysis of these relations, management, and labor phenomena, but my approach is to analyze them from the perspectives of sociology, law, business administration, and economics. One of the characteristics of these types of research is that the analyses by researchers with expertise in multiple fields is becoming increasingly important.

A number of cases are increasing where labor law scholars comment from the perspectives of sociology, and economists make a sociological comment after studying labor law, or management scholars make a sociological comment with a background in law. For example, on the issue of correcting long working hours, which is one of the three pillars of the "work style reform" that has recently become a social issue, if we consider it only from a legal perspective, making the 36 articles of the Labor Standard Act stricter will seemingly suffice. However, from a sociological perspective (i.e., social relations in the workplace), such regulations cannot solve the problem at all. Thus, real research on correcting long working hours begins when we understand these realities, rather than analyzing only those areas, such as law and economy. This means that in order to research long working hours, the study of legal and economic perspectives and social relations in the workplace from a sociological perspective are required.

In the Dentsu case, even though there was an exemplary labor union in the industry, it did not function at all, and the case developed into a criminal one. One fundamental issue is social relations in the workplace.

A similar structure can be seen in the management phenomena. Here, I would like to cite the issue of falsification of high-quality data as an example. Mitsubishi Electric (2021), and Mitsubishi Materials (2018) have also been reported. In addition, there is no end to this kind of problem, such as the Kobe Steel problem. One of the reasons for this is that there is an implicit norm that even if there is a documented internal rule and an individual can recognize that something is fraudulent, the workgroup is allowed not to recognize it as fraud. The study of why such group characteristics occur is interesting, and I have my own ideas about it. However, my ideas are not all answers, and I think there are new research seeds to be found there.

I have provided an example of research the "relationship between individuals and organizations." As these relationships are diverse, so are the research themes. As relationships take many different forms, research topics vary accordingly.

To cite another example, in order to discuss the "High professional system in the Labor Standards Act of Japan" enforced in April 2019, which is one of the other pillars of the work style reform mentioned at the beginning, it is necessary to consider the exemption system of the United States' Fair Labor Standards Act (FLSA), or "White Collar Exemption" and know how the "High professional system" such as the latter will work in the Japanese workplace. I am currently working on this.

In addition, with the establishment of a new system for accepting foreign workers, called "Specified Skills," the expansion of the acceptance of foreign workers has become an important theme in society, which is part of my research.

As for alternative dispute resolution, we have been practicing and researching individual labor dispute resolution in the workplace (e.g., mediation for harassment, including sex-based harassment).

I believe that those who come to graduate school have knowledge of one of the fields of their undergraduate education. In my seminar, I will enable students to conduct analytical research from the perspective of "the relationship between individuals and organizations," which is becoming increasingly important in today's society, based on their wishes (i.e., the theme they want to work on) and career path. In addition, related fields of specialization will be studied as necessary to enable students to study them efficiently.

Main Publications

Nose, Masaharu 2011 "The Issue of Individual Labour Dispute Resolution Systems in Japan: Comparisons with the UK". *Japanese Journal of Labor Studies: Special Issue: Background and Resolution System of Individual Labor*, 613

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