

## Where and for What Purpose Will the Dismissed Employee be Reinstated: The Dismissed Employee after a Ruling Declaring the Dismissal Invalid

**Junko Hirasawa**

Department of Business Administration, Kawaguchi Junior College, Saitama, Japan

### **Abstract**

Internationally, legal remedies for unfair dismissal can be broadly categorized into reinstatement-centered approaches and compensation-centered approaches. Japan is classified as reinstatement-centered. However, reinstatement is often difficult in practice. Consequently, discussions have long been held in Japan about establishing a system called *monetary settlement for dismissal*, where companies terminate employment contracts by paying monetary compensation. Over 20 years have passed since this debate began, yet conclusions have been repeatedly postponed. It is scheduled for discussion again in 2026. When the debate started, I conducted a survey at the government's request on the actual state of reinstatement following invalid dismissal rulings. While this survey yielded both quantitative and qualitative data, only quantitative data like reinstatement rates and settlement amounts are typically referenced. It is true that many dismissed workers do not return to work. However, case studies also reveal the existence of dismissed workers who fight tough court battles, risking their own lives and those of their families, in order to return to work. The fundamental human right of dignity serves as the driving force behind their actions and decision-making. A deep discussion is needed on the significance of dignity in determining how disputes should be resolved.

### **Index Terms**

Dismissal, Conflict, Reinstatement, Damage, Human Right, Dignity