

Partner

## Takashi Komoguchi

Osaka Bar Association, Japan Federation of Bar Associations (2011)

New York(2019)

Management Lawyers Council, Japan Labor Law Association, The Japan Association of Occupational Health Law

Alumni Lawyers Association of Waseda University in Kinki District (2012 ~)

Location

Osaka Office

## Practice Areas

### Employment Law

Employment Consulting / Labor Disputes and Proceedings / HR, Pensions and Benefit Programs

### Dispute Resolution

Labor Disputes and Proceedings / Corporate Litigations, Disputes and D&amp;O Liabilities / International Dispute Resolution

### Competition and Antitrust

Government Investigations / Merger Control / Competition/Consumer Protection Counseling / Competition/Consumer Protection Compliance

### Corporate and M&A

General Corporate Practice / Corporate Litigations, Disputes and D&amp;O Liabilities / M&amp;A, Reorganization, and Business Alliance

### International Practice

International Dispute Resolution / North America

### Risk Management & Compliance

Corporate Investigation

### Personal Data, AI, IT and Digital

Protection of Personal Information and Privacy

### Sustainability and ESG

Diversity &amp; Inclusion

## Professional Summary

Mr. Komoguchi has rich experience in handling and advising on employment law for employers. He has also handled and advised on general corporate practice (in particular, he has represented clients in major court cases including commercial litigation and other judicial procedures) and antitrust law (the Anti-Monopoly Law).

One of his major practice areas is employment law, and his clients in that area include public and private companies in many different industries. In addition to typical legal services, including legal counseling and handling of disputes, he has provided a wide variety of services for employers, as shown in the list below. Furthermore, he has experience with a large number of collective labor disputes (disputes between a company and a labor union) in addition to individual labor disputes (disputes between a company and an individual employee).

While many disputes between employers and employees are resolved through settlements, Mr. Komoguchi has obtained court decisions that were fully in favor of employers in a variety of cases, such as dismissal of an employee (he represented the client from the appeal level

and won the case following a first-instance decision against the client), termination of employment upon expiration of a leave of absence for non-occupational illness, alleged “ deemed offer ” of employment on the grounds of false contracting (giso ukeoi) (he won the case in all instances from the first instance to the Supreme Court), and alleged “ unfair labor practice ” with respect to collective negotiation.

Mr. Komoguchi ’ s activities are not only limited to the area of employment law, and he has actively and enthusiastically engaged in complicated disputes in other practice areas, making use of his experience in resolving disputes.

- <Examples of services (in the area of employment law)>
- Advice on personnel management, design of personnel system, and office rules
  - Representing clients at the proceedings before court (in litigation, proceedings of provisional disposition and labor tribunal proceedings) or the Labor Relations Commissions
  - Response to actions made by the Labor Standards Offices or other administrative agencies
  - Advice on handling of problematic employees and adjustment of working environment
  - Advice on mental health issues at workplace
  - Advice on employment-related issues and integration of personnel systems in the process of M&A and PMI
  - Handling of and advice on collective negotiation with active labor unions
  - Leading an investigation committee, advice on legal matters relating to fraud investigation and measures for prevention of recurrence and improvement, with respect to problems relating to employees (such as whether or not the incident at issue falls under harassment or occupational accident)
  - Advice on operations of a consultation desk for compliance issues
  - Advice on the business structure that involves freelancers, contractors, or the like
  - Advice from the viewpoint of employment law in connection with examination of potential business services
  - Giving seminars on subjects relating to employment law

## Education & Professional Experience

- 2018 - 2019  
Winston & Strawn LLP, New York Office (including training at London Office in July and August 2019)
- 2018  
Duke University School of Law (LL.M.)
- 2010  
Waseda Law School (J.D.)
- 2007  
The University of Tokyo (LL.B.)

## Activities

- Management Lawyers Council
- Japan Labor Law Association
- Deputy Chairperson, Committee on Legal Issues Concerning Handling of Health Information in the Workplace, The Japan Association of Occupational Health Law
- Planning Committee Member, the Third Academic Congress, The Japan Association of Occupational Health Law
- Alumni Lawyers Association of Waseda University in Kinki District, Account Manager (2015)
- Labor & Employment Law Section, American Bar Association

## Publications

2025.02.01	Outline of the Freelance Act and Practical Points to Note
2024.11.21	Summary of Issues of Labor Law Practice Regarding Non-competition and Preventing Trade Secrets from Being Taken in or out of the Company (Business Homu, January 2025)
2024.09.18	[Court Case] A Case in which the Status as an Employee under the Labor Standards Act was Affirmed with Respect to an Idol Group Member
2024.07.19	Summary of Major Issues Concerning the Handling of Health Information at the Workplace
2024.07.19	Examination of the “ Non-statutory Medical Examination ” and the “ Employee with Suicidal Thoughts ”

2023.12.30	Failure Studies on Industrial Health across Multiple Occupations (Yokogawa Electric case)
2023.12.30	Background and Challenges to the Promotion of Cancer Screening in the Workplace – Introduction to proper handling of non-statutory health information
2023.12.20	[Court Case] A Case in which the Application of the System of Deemed Working Hours Outside the Workplace was Denied for Medical Reps
2023.11.24	[Serial Article/Legal Affairs for Companies Expanding Overseas] [No.8] Duties of Companies to their Employees in Overseas Countries During a Crisis Therein and the Response to Such Crisis – From the Perspectives of Governing Law and Duty of Care for Safety
2023.09.13	[Court Case] A Case in which the Disciplinary Dismissal of an Employee who Refused a Relocation Order because he Had to Take Care of his Child with a Chronic Illness and Elderly Mother was Found Valid
2023.07.06	Handling of Genetic Information in the Workplace and Practical Actions -- Approach Using Hypothetical Cases Concerning Hereditary Tumors Symposium - From a Lawyer ' s Perspective (essay based on the presentation at Symposium No. 3, the Second Academic Congress, The Japan Association of Occupational Health Law)
2021.03	COVID-19 and Corporate Legal Affairs – Legal Issues during/after COVID-19
2020.11.20	Corporate Compliance on Utilization of External Human Resources - Intersection of Antimonopoly Act and Employment Law
2020.04	Way of thinking on Abuse of a Superior Bargaining Position in Transactions with Consumers
2019.12.25	Vertical Restraints in Competition Law (U.S. and EU)
2019.10.21	DOJ Dawn Raid Preparation and Response Checklist (Part 2) -Contemplating Compliance Programs for Global Corporations based on Overseas Practice of Competition Laws-
2019.10.07	[Expert Analysis] Digital Platforms Must Heed Japanese Antitrust Law Updates
2019.09.27	Recent Movements for New Regulations and Enforcement in Japan: In the Context of Digital Platforms and Competition Law
2019.09.21	DOJ Dawn Raid Preparation and Response Checklist (Part 1) -Contemplating Compliance Programs for Global Corporations based on Overseas Practice of Competition Laws-
2019.02	Supreme Court ' s Decision in Amex case -Implications for market definition of various platform businesses-
2014.10	Measures for the Proper Management of Working Hours: Recent Court Decisions on "Working Hours"

## Seminars/Lectures

2025.10.04	Considered Based on Employment Law Practice: Measures to Handle Occupational Health Problems
2024.12.06	Learning the Freelance Act (Enforced on November 1, 2024) in Two Hours      Explanation of Commonalities with and Differences from Employment Law
2024.11.09	"Giving Consideration" to or "Taking Disciplinary Action" against an Employee Suspected to Have a Mental Health Problem or Other Similar Problem - From the Perspective of Employment Law and Occupational Health Law
2024.09.26	【Online Seminar】 Points to be Checked in Practice Regarding the Freelance Act Effective November 1, 2024
2024.09.22	"Issues in Supporting Treatment and Work Integration and Law" - Symposium No. 8, the Fourth Academic Congress, The Japan Association of Occupational Health Law
2024.09.21	"Commentary on the Sharp NEC Display Solutions, Ltd. Case" - Collaborative Academic Association's Symposium No. 1, the Fourth Academic Congress, The Japan Association of Occupational Health Law
2024.03.09	Responding to Employees with Mental Health Disorders and Legal Practice Concerning Leaves of Absence and Return Therefrom - Approach from the Perspective of the "Legal Obligation" of an Employer

2023.12.20	【Online Seminar】 Seminar on Legal Practices for Companies Expanding Their Business Abroad (7): Duties of Companies to their Employees in Overseas Countries During a Crisis Therein and the Response to Such Crisis
2023.11.17	Learn the Latest Trends! Duty of Care for Safety and Workplace Environments - Commentaries on Court Cases from the Perspectives of Mental Health, Harassment Investigation and LGBTQ+
2023.09.17	Handling of Health Information in the Workplace -- Bridging the Gap between Law and Occupational Health Practice Symposium No. 4, the Third Academic Congress, The Japan Association of Occupational Health Law
2023.06.27	[Video Streaming] Obligations and Responsibilities toward Employees, etc. that should be Noted at an Internal Investigation in View of Judicial Precedents Related to Labor Law
2023.03.31	【Online Seminar: Video Streaming】 FinTech Camp Points on Lifting of the Ban on Digital Salary Payment (Total of 6 Seminars)
2023.03.04	Face-to-face Seminar of The Japan Association of Occupational Health Law (Analysis of Court Precedents Relating to Occupational Health)
2022.12.08 ~ 2023.02.12	【Online Seminar: Video Streaming】 Key Points in Examination and Preparation Relating to Lifting of the Ban on "Digital Salary Payment" - From the Viewpoints of Labor Law and the Fund Settlement Law -
2022.12.07	【Online Seminar】 Key Points in Examination and Preparation Relating to Lifting of the Ban on "Digital Salary Payment" - From the Viewpoints of Labor Law and the Fund Settlement Law
2022.09.30	Examination of "Current" Issues of Personnel Relocation and Secondment -- Based on the Trends Concerning Job-based Employment, Mental Health, Harassment and Remote Work
2022.09.18	Handling of Genetic Information in the Workplace and Practical Actions -- Approach Using Hypothetical Cases Concerning Hereditary Tumors Symposium No. 3, the Second Academic Congress, The Japan Association of Occupational Health Law
2022.07.25	【Online Seminar】 Crucial Points of "Consideration for Safety" in Employee Management - Covering Various Modern Issues Including Mental Health
2021.10.08	【Online Seminar】 Series of Seminars on Latest Court Decisions (4): Latest Court Decisions on Renewal of Fixed-Term Employment Agreements
2021.08.27	Risks Relating to Use of External Human Resources -- Examination of "Employment" and "Quasi-Employment" Working Styles from the View Points of Labor Law and Anti-Monopoly Law
2021.07.19	【Online Seminar】 Update of Legal Practices of Relocation, Secondment and Transfer of Employees - Based on Latest Court Decisions and Movement to Introduce "Job-based Employment"
2021.05.27 ~ 2021.07.16	【Online Seminar: Video Streaming】 Review in 30 Minutes! Labor Law Series: Legal Risks Relating to Use of Freelancers from a Labor Law Perspective
2020.07.30	【Online Seminar】 Utilization of External Human Resources and Related Risks - Intersection of Antimonopoly Act and Employment Law
2019.11.22	Competition Law Issues over Collection and Use of Personal Data
2017.05.19	A Cross-Cutting Perspective of Business Planning, Legal Affairs and Personnel Affairs: Points to Note on Personnel and Labor Aspects for Successful M&As - In View of the Changing Trends in Laws, Court Decisions and Practices
2016.02.26	Employment Law Seminar : Coping with the Amendment of the Worker Dispatching Act

## Languages

Japanese and English