

13 Relief from Disadvantageous Actions

Equity Process to Protect Interests of Employees and Secure Fair Personnel Management

The Equity Process is conducted according to a prescribed investigation procedure, in cases where employees have an objection regarding a disciplinary action or an action to change status, hope to request appropriate administrative action on working conditions, or have an objection regarding acknowledgement of accident on duty, etc. or a remuneration decision. In accordance with the objectives of this system, the NPA strives for appropriate and quick processing of the cases.

Appeal against Disadvantageous Action

When an employee has received a reduction in pay, demotion, administrative leave, dismissal, or other extremely disadvantageous action or disciplinary action against his/her will, he/she can file an appeal to the NPA for review of the matter. The NPA hence sets up a Board of Equity in each case for a hearing; the NPA may approve, revise or rescind the original action based on the report by the Board.

Request for Administrative Action on Working Conditions

An employee can request that the NPA take appropriate administrative action on all working conditions. The NPA will conduct the necessary investigation, make a decision, or through mediation or other means, provide an adequate resolution measure.

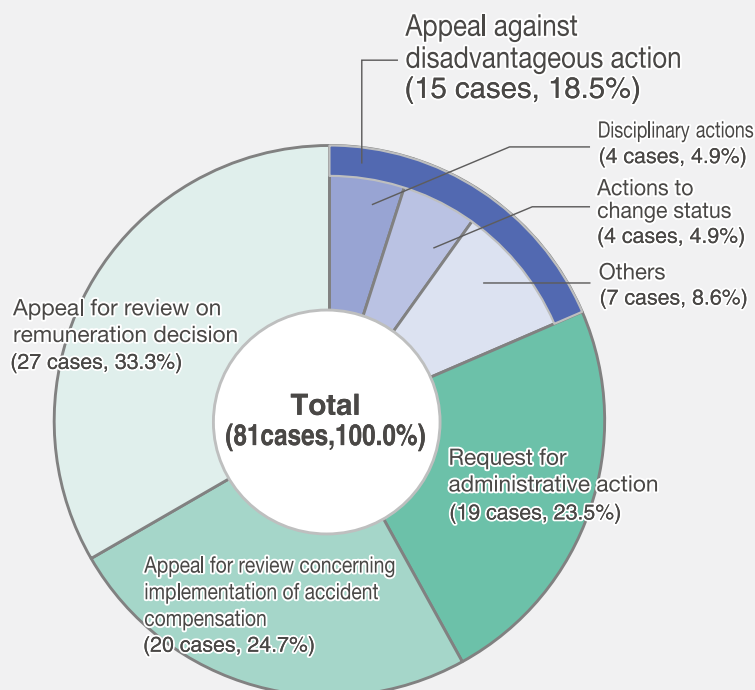
Appeal for Review concerning Implementation of Accident Compensation, etc.

When an employee has an objection regarding acknowledgement of accident on duty, etc. determined by a relevant agency, he/she can file an appeal to the NPA for investigation. The NPA will have the Accident Compensation Review Committee review the case and make a decision based on the report by the Committee.

Appeal for Review on Remuneration Decision

When an employee has a complaint regarding a remuneration decision based on the Remuneration Act, he/she can file an appeal to the NPA for investigation. The NPA will conduct the necessary investigation and make a decision either to approve or to reject the appeal.

Number of received appeals by type in FY2022



Examples of Judgements

Approved appeals

Content of appeal	Summary of judgement
Appeal for review on implementation of accident compensation (Acknowledgement of accidents on duty)	In evaluating the petitioner's work conditions prior to the onset of the illness, it can be seen that the petitioner worked long hours, engaged in work involving significant mental strain, such as negotiation with external parties for a considerable period of time, and also engaged in work involving a heavy workload such as disaster response. It can be observed that the petitioner's pre-existing health problem got worsened much significantly beyond the natural course of the symptom, and it developed the disease by his engaging in the particularly excessive workload compared to his normal work duties. Since a reasonable causal relationship between the disease and the official duties is recognized, the implementing agency should acknowledge this as a disease in line of duty.

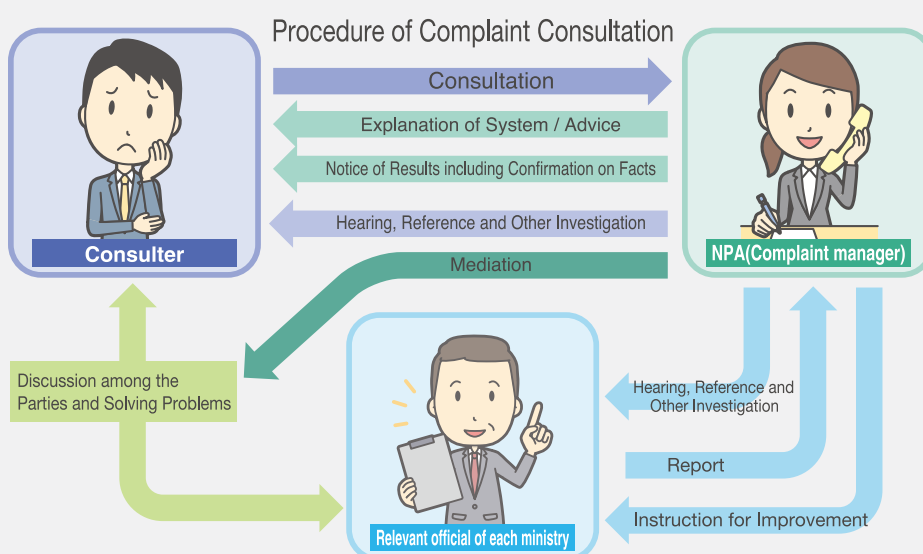
Rejected appeals

Content of appeal	Summary of judgement
Appeal against disadvantageous action (Grade decrease)	As the claimant's workload was found to be limited and involved less difficulty than those of the regular comparative staff, and the claimant failed to perform duties as directed and communicate adequately, the claimant's poor work performance was recognized. In addition, the claimant did not improve after remedial measures and written warnings. The grade decrease for the claimant is deemed appropriate because the claimant had difficulty in performing the duties of an employee whose grade is Grade 2 of Salary Schedule for Administrative Service (I).

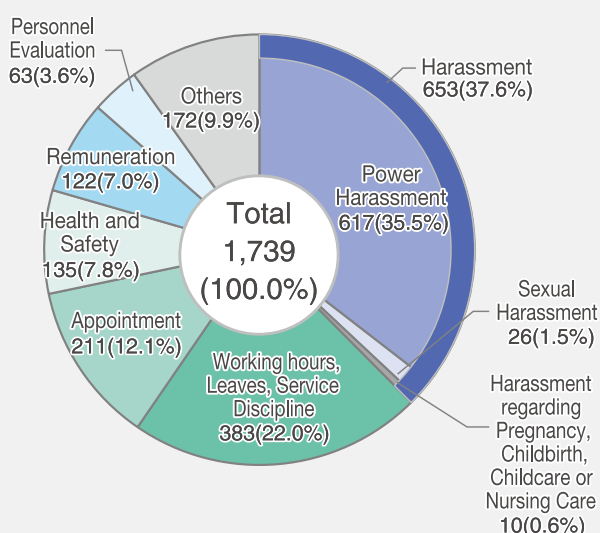
Consultation of Working Conditions and Environment, etc.

Employees can consult with the NPA by phone or e-mail on their complaints concerning working conditions and other personnel management issues, such as bullying and harassment including power harassment, and moreover, dissatisfaction concerning personnel evaluation.

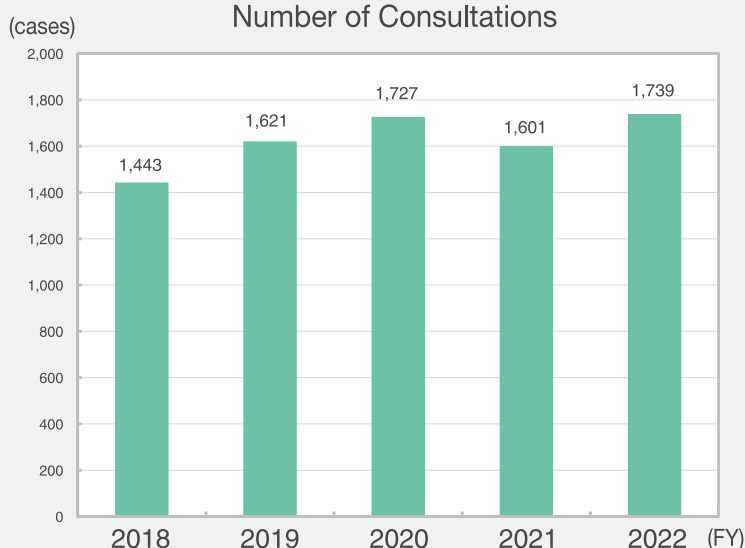
The NPA seeks a prompt and appropriate resolution by giving explanation on the relevant systems as well as advice in accordance with the content; and by requesting the Cabinet Office and each ministry to investigate the facts, etc., with the consent of those asking consultation.



Number of Consultations by Content (FY2022)



Number of Consultations



The NPA accepts consultations at the headquarters and regional bureaus (local office).

Contents of consultations were mainly about personal relationship in the workplace, such as power harassment and other forms of harassment.

Example of Consultation

Outline of Consultation

An executive official of the consuler's department was so severe that several employees could not continue their work due to mental illness. The executive official lacked self-awareness of harassment and instead blamed the employees themselves for their mental illness. There was no prospect of improving in the working environment.

Action to Consultation

The NPA shared the contents of the consultation with the consuler's ministry and asked the ministry to investigate the facts and take other necessary measures. Subsequently, the ministry reported to the NPA as follows:

- The ministry cautioned the offender that his behavior (loud reprimands while banging on the desk and verbal abuse) constitute power harassment and provided him an instruction, resulting in improvement of his attitude.
- Supervisors of the offender continued to oversee his behavior, conducted counselling with employees of the department and provided them with necessary mental care.