

Chapter 2. Reform of Working Styles and Improvement of Working Environments

– It was decided to stipulate the upper limit of overtime work that can be ordered, basically 45 hours a month and 360 hours a year, in the NPA Rule and to enforce it from Apr. 1, 2019.

At the same time, it was decided to ramp up the measures to ensure the health of employees, for instance through making it mandatory to conduct face-to-face guidance with medical doctors and to keep a record of employees' working hours aiming at strengthening the function of healthcare practitioners in an effort to perform health management of employees more properly.

– In Jan. 2019, marriage leave for part-time employees was newly established, and the target restriction of bereavement leave was lifted so that every part-time employee can take bereavement leave.

– Since Apr. 2019, the employees who are newly appointed as designated service officials or Director-level employees at HQ have been added to the target employees to whom the heads of ministries and agencies are required to offer training concerning sexual harassment. In addition, it was decided to set up a counselling desk in the NPA for those outside the public service who are the victims of sexual harassment from public employees.

– The “Study Group on the Preventive Measures for Power Harassment at the Workplace in Public Service”, comprising intellectuals, has been held since Mar. 2019 for the purpose of discussing measures for preventing power harassment at the workplace of national public employees.

– In response to the issues, including falsification of finalized documents, the “Guideline on Disciplinary Actions” was amended in Sep. 2018 with a view to clarifying representative cases regarding improper handling of official documents and the standard amount of disposition in each case.

1. Correction of Working Long Hours

Overtime work of national public employees is ordered by the heads of ministries and agencies when there is an extraordinary or urgent need for the purpose of public service, and the framework is different from the overtime work of private workers. Nevertheless, both the public and the private sectors share the need to correct long working hours from the viewpoint of ensuring the employees' health and securing human resources, and thus, it is necessary to work on reducing overtime work.

The NPA indicated the upper limit of overtime work hours per year in the “Guidelines to Reduce Overtime Work” (Notice issued by the Director-General of the Employee Welfare Bureau in 2009) and has carried out examination on the system to reduce long working hours. The NPA stated in the report to the Diet and the Cabinet on Aug. 10, 2018 that the upper limit of overtime work hours that can be ordered would be stipulated in the NPA Rule of pursuant to the Working Hours Act taking into account the contents of the Act on the Arrangement of Related Acts to Promote Work Style Reform (Act No. 71 of 2018), which was enacted in Jun. 2018.

Later, concerning the upper limit of overtime work hours that can be ordered, the Rule 15-14 (Working

Hours, Holidays, and Leave of Absence of National Public Employees) was partially amended as a result of necessary examinations. Then, it was decided to set the upper limit to 45 hours a month and 360 hours a year in principle; and less than 100 hours a month, 720 hours or less a year and a two-to-six-month average of 80 hours or less for the employees in the departments handling a large amount of heteronomous duties. It, however, was decided that overtime work exceeding the upper limit may be ordered to the employees working on the large-scale disasters, drafting laws related to important policies, negotiating with other countries or international organizations or engaging in other important and especially urgent duties. In such cases, the heads of ministries and agencies are required to make the overtime work exceeding the ceiling to the minimum; to pay maximum attention to securing the health of the employees concerned; and to sort out, analyze and verify the reasons that caused the overtime work concerned within six months starting from the day after the last day of the year to which the day when the order of overtime work was made belongs.

In addition, the Rule 10-4 (Employees' Health and Safety Management) was partially revised in order to strengthen measures to ensure health of employees who worked overtime for long hours. It has become mandatory to provide employees, who worked overtime for 100 hours or more a month or for more than 80 hours a month on average during the period of two to six months, with face-to-face guidance by medical doctors even without a request from such employees. With regard to the face-to-face guidance to be offered in response to requests from employees working overtime for long hours, the target minimum hours of overtime work subject to the guidance have been reduced from 100 hours to 80 hours a month. Regarding the management of working hours, it was decided to make it mandatory to keep a record of employees' working hours in order to carry out face-to-face guidance; to require the Division Directors and the Heads of Office to check plans for overtime work in advance; and to ensure employees make follow-up reports to the Division Directors and the Heads of Office if the actual hours they worked overtime is different from the expected length of time. At the same time, it was decided that the Division Directors and the Heads of Office are required to confirm the hours the employees concerned worked overtime together with their coworkers; and that they are allowed to refer to the objective records if they grasp the attendance at the worksite of the employees concerned based on such records.

In addition, it was decided to strengthen the functions of healthcare practitioners aiming at managing employees' health more properly through clarifying duties of the healthcare practitioners; providing information necessary for the healthcare practitioners to properly offer health care guidance to the employees; and raising awareness of the issues related to duties of the healthcare practitioners.

The amendments of the rules that were made to take these measures were promulgated and issued on Feb. 1, 2019 and were enforced on Apr. 1, 2019.

Furthermore, the NPA issued the "Promotion of the Use of Annual Leave and Summer Leave by Utilizing a Planning Sheet" (Notice issued by the Director-General of the Employee Welfare Bureau in 2018) on Dec. 7, 2018 in an effort to drive the use of annual leave. It was also decided that from Jan. 1, 2019 the heads of ministries and agencies are required to pay attention to encouraging employees who are eligible for taking annual leave for 10 days or more a year to take the leave for five days or more per year for instance through utilizing a leave planning

sheet.

It is necessary for the entire government to work together to correct long working hours in the public since it is an important issue. The NPA will continue to play proper roles, for instance through grasping the operation status of systems as necessary and providing instructions to the Cabinet Office and each ministry.

2. Launch of Leaves for Part-time Employees

Regarding leaves for part-time employees, necessary measures have been reflecting the features of part-time employees, who are appointed with the term of office according to the needs of duties, in consideration of balance with the private sector. Among the congratulation or condolence leaves for part-time employees, marriage leave was not applicable to them, and bereavement leave was offered only to the fixed-term employees for six months or more and to the employees working for six months or more consecutively.

According to the Survey on the System for Private Enterprises' Working Conditions, etc. in 2017, more than half of the companies, which hire fixed-term employees and offer the marriage and bereavement leave systems to full-time employees, provide the fixed-term employees with the same leave systems. In addition, the "Draft for Equal Pay for Equal Work Guidelines" presented in Dec. 2016 at the "Council for the Realization of Work Style Reform" (chaired by the Prime Minister) stipulated that "congratulation/condolence leaves, which are the same with those of permanent and full-time employees, shall be granted to fixed-term and part-time employees."

Given these points, the Rule 15-15 (Working Hours, Holidays and Leave of Absence of Part-time Employees) was revised to launch marriage leave, which is the same with that of full-time employees (paid leave within a period of five calendar days in a row), and to allow every part-time employee to take bereavement leave by lifting the restriction based on the term of office. This revision of the rule was promulgated and issued on Dec. 7, 2018 and was enforced on Jan. 1, 2019.

3. Preventive Measures against Sexual Harassment

Regarding the prevention of sexual harassment, the NPA established the Rule 10-10 (Prevention of Sexual Harassment) (hereinafter referred to as "Rule 10-10") in 1998 and specified standard examples of disposition to sexual harassment in the "Guideline on Disciplinary Actions" in 2001. Furthermore, the NPA has made efforts to thoroughly eliminate sexual harassment from the public service through establishing the Sexual Harassment Prevention Week; holding symposiums and lectures to raise awareness of employees; and organizing seminars for counselors of the Cabinet Office and each ministry to sophisticate their counselling skills.

Nevertheless, the incidents leading to disciplinary actions have occurred continuously. In Apr. 2018, the incident involving an executive official at HQ occurred. In response to this, the NPA issued a notice in May 2018 requesting the Cabinet Office and each ministry to make all employees thoroughly aware of the basic matters concerning sexual harassment, and to encourage executive officials and managerial personnel to actively participate in training.

Under such circumstances, the government also carried out a study on the measures against sexual harassment. On Jun. 12, 2018, “Strengthening Measures for Sexual Harassment: Emergency Measures in Response to the Incident Occurred Between the Media and the Government” was decided at the “Headquarters for the Creation of a Society where All Women Shine” (chaired by the Prime Minister). Responding to this, the Minister of State (for Gender Equality) of the Cabinet Office made a request on Jun. 13 to the President of the NPA to consider necessary initiatives to beef up sexual harassment measures, such as improving and reinforcing of training for executive officials and the establishment of a counselling desk independent from the Cabinet Office and each ministry for people outside of the public service.

In line with this request, the NPA conducted a study in consideration of the situation of sexual harassment preventive measures taken by the Cabinet Office and each ministry. As a result, Rule 10-10 was amended to add the employees who are newly appointed as Designated Service officials or Division-Director-level personnel at HQ to the target employees to whom the heads of ministries and agencies are required to offer training concerning sexual harassment. In addition, measures were taken to enable those outside the public service, who are the victims of sexual harassment from public employees, to consult with the NPA. The amendment of this rule was promulgated and issued on Apr. 1, 2019 and was enforced on the same day.

4. Preventive Measures against Power Harassment

Regarding the prevention of power harassment (bullying by boss) of national public employees, the NPA has made efforts to raise awareness by holding symposiums and distributing the “Power Harassment Prevention Handbook.”

Despite such efforts, the result of the consciousness survey, which was conducted by the NPA in FY2017 targeting employees at HQ in their 30s subject to Admin (I), shows that a certain number of the employees still feel that they have received power harassment from their superiors. Thus, it is necessary to consider taking further preventive measures in order to enhance employees’ motivation to work and to realize a sound working environment and mental and physical health. Moreover, there is a problem that it is difficult to strictly distinguish between power harassment and work-related instructions. Unless appropriate measures are taken, superiors may be too nervous to provide necessary instructions when they should do. Furthermore, power harassment measures are being promoted also in the private sector.

Based on these circumstances, a study group composed of intellectuals and practitioners has been held since Mar. 2019 to examine measures to prevent power harassment at the workplace in public service.

5. Revision of the Guideline on Disciplinary Actions for Improper Handling of Official Documents (Revision of the “Guidelines on Disciplinary Actions”)

In order to restore the trust of the people, which has been lost because of the scandals committed by public employees, it is crucial that the Cabinet Office and each ministry ensure thorough compliance with service discipline. Moreover, in the event of a scandal, it is essential to deal with it strictly with appropriate disciplinary

actions. Based on such recognition, the NPA issued the “Guideline on Disciplinary Actions” for the purpose of providing appointees with a reference when they decide the amount of disposition. The NPA has also made necessary revisions of the guideline in accordance with the changes in social conditions.

With regard to the issues related to official documents such as falsification of finalized documents, the Prime Minister made a request to the Minister of State (for Official Document Management) of the Cabinet Office at the cabinet meeting, which was held on Jun. 5, 2018, concerning the ideal management of administrative documents, to promote effective initiatives to encourage awareness change about compliance regarding official documents. In response to this, the minister made a request to the President of the NPA on Jun. 7 to consider the revision of the “Guideline on Disciplinary Actions” in order to clarify the guideline for determining the amount of disciplinary actions for inappropriate handling of official documents.

On Sep. 7, 2018, the NPA added the representative cases regarding improper handling of official documents and the standard amount of disposition to the “Guideline on Disciplinary Actions” to enhance proper management of official documents. To do this, the NPA took into account the provisions concerning prohibition of revising documents on decisions that have been finalized after decisions were made without going through decision again, which is stipulated by the provisions for punishment related to the penal code as well as the rule for handling documents of the Cabinet Office and each ministry that was amended in accordance with the notice issued by the Cabinet Office. Additionally, the NPA considered the past examples of disciplinary actions related to inappropriate handles of official documents. Specifically, according to the revised guideline, the standard amount of disposition for forgery or destruction of official documents and falsification of finalized documents shall be dismissal or suspension from duty, and that for falsification, loss, or accidental disposal of official documents shall be suspension from duty, reduction in pay or reprimand.

Chapter 3. Securing and Development of Diverse Human Resources

- With the young population shrinking and a strong desire of private companies to recruit young employees, the number of applicants for recruit examinations of the national public employees has been on a downward trend over the medium and long term. Stably securing competent and diverse human resources is an important issue in personnel management of public employees. Given these backgrounds, the NPA carried out measures to secure human resources in partnership with the Cabinet Office and each ministry.
- Concerning the Administrative Training to develop employees of the Cabinet Office and each ministry, new subjects of case studies were incorporated into programs and improvement was made on on-site visits. Regarding the training courses per theme, programs to support career development and training for executive officials and managerial personnel were newly launched.

1. Securing of Human Resources

(1) Implementation of the Effective Measures to Secure Human Resources