

Chapter 5. Public Employees' Working Environment

Section 1. Working Hours and Leave

Working hours and leave are basic working conditions. Details of these working conditions are stipulated in the Working Hours Act based on the principle of meeting changing conditions in Article 28 of the National Public Service Act. The NPA, which is responsible for implementing the Working Hours Act, established Rule 15-14 (Working Hours, Holidays, and Leave of Absence of National Public Employees) and has made efforts to ensure appropriate working conditions for public employees in cooperation with each ministry that actually puts the system into operation.

According to the Working Hours Act, when it comes to changing the system of working hours and leave, the NPA is to carry out researches on the system, report the results to the Diet and the Cabinet, and if necessary, recommend appropriate revisions of the said Act.

1. Situation of Overtime Work and Annual Leave Taken

In principle, the employees' regular working hours are 7 hours and 45 minutes per day and 38 hours and 45 minutes per week. Overtime work can be ordered when there is a temporary or urgent need. According to the 2018 Survey of National Public Employees, the average number of overtime hours worked across all the ministries in 2017 was 228 hours. By organization, the average number of overtime hours in 2017 worked at the HQ was 350 hours, and the average at offices other than the HQ was 201 hours. Regarding the "Guidelines to Reduce Overtime Work" (notice by Director-General of Employee Welfare Bureau of the NPA in 2009), which stipulates the overtime work ceiling of 360 hours per year, the average rate of employees who exceeded the ceiling was 21.9% across all the ministries. In particular, at the HQ, where a large amount of heteronomous duties are handled, 43.8% of employees exceeded 360 hours and 7.0% of employees exceeded 720 hours.

In principle, employees' annual leave is 20 days a year. According to the above survey, the average number of days of annual leave taken was 14.4 days in 2017 with 13.1 days at the HQ and 14.6 days at offices other than the HQ.

2. Research and Study Regarding the System of Working Hours and Leave

(1) Survey on the Actual Application of the System of Working Hours and Leave in the Public Service

The NPA conducts surveys on the actual application of working hours and leave among national government offices, to promote the appropriate use of the working hours and leave system in the public service, and to contribute to reviews of the system.

In FY2018, the NPA conducted a field survey of 49 offices in 16 ministries (including 10 agencies as external organs attached to ministries), with a focus on government offices with a department that has adopted the shift work system, and ascertained the actual status of the application of the working hour and leave system. In addition, when the NPA found inappropriate cases, it gave them instructions and advice to improve such cases.

(2) Survey on the system of Private Enterprises' Working Conditions

The NPA conducts the "Survey on the system of Private Enterprises' Working Conditions" every year to obtain basic data for deliberating systems of working hours, leave, etc. of national public employees.

In 2017, the NPA surveyed systems of working hours, leave, etc. as of Oct. 1 at 7,399 enterprises randomly selected from enterprises with 50 or more employees on an enterprise basis located throughout Japan.

Section 2. Health and Safety Measures

1. Promotion of Health Management

(1) Mental Health Measures

Recently, the number of employees who take long-term sick leave due to mental illness has been over 60% of all the employees who take long-term sick leave. It has been becoming the important issue to ensure health of employees such as prevention of "Karoshi (death from overwork)."

In response to this situation, the NPA has been taking measures as below focusing on employees' mental health, in accordance with "Guidelines for the Mental Health Care of Employees" (notice issued by Director-General of Working Conditions Bureau of the NPA [issued in 2004, revised in Aug, 2017]).

- Conducting mental health training courses.
- Establishing "Counseling Offices for Mental Health Care." (10 places in Japan) In FY2018, 183 requests for consultation were received.
- Establishing "Counseling Offices for Returning to Work concerning Mental Health Care" (10 places in Japan). In FY2018, 206 requests for consultation were received.

(2) Survey on the Number of Employees Who Take Long-term Sick Leave due to Mental and Behavioral Disorders

In order to contribute to considering measures regarding employee's health management, the NPA conducted the "Survey on the Number of Employees Who Take Long-term Sick Leave due to Mental and Behavioral Disorders" for national public employees in regular service who had not worked for more than one month continuously in FY2017.

In FY2017, the number of employees who took long-term sick leave for mental and behavioral disorders was 3,841 (1.39% of all the employees), an increase of 354 (its rate against the total increased 0.12 points) compared with FY2016.

(3) Survey on the Number of Deaths among National Public Employees

In order to contribute to improving employee's health and safety management, the NPA conducted the "Survey on the Number of Deaths among National Public Employees" for national public employees in regular service who died in FY2017.

In FY2017, the number of deaths of employees while incumbent was 243 (the death rate, the number of

deaths per 100,000 people, was 88.3), a decrease of 15 compared with FY2016 (a decrease of 5.8 points in the death rate).

2. Ensuring Safety

Prevention of Accidents in the Workplace

In FY2017, 205 employees took leave for at least one day due to an accident in the workplace, a decrease of 29 people compared with FY2016. Among them, three persons died.

3. Instructions and Enlightenment on Health and Safety Management

The NPA conducts training seminars for personnel in charge of health and safety management at each ministry, in order to raise the awareness and to deepen the understanding of practices related to health and safety management. In FY2018, the NPA held seminars at HQ and all regional bureaus and local office.

Section 3. Measures to Prevent Harassment

1. Holding of the Meeting for personnel in Charge of Preventive Measures against Harassment

The NPA held meetings for personnel in charge of preventive measures against harassment twice at the HQ of the NPA along with the regional bureaus and local office in order to deepen awareness of personnel in charge and to improve the measures taken in the Cabinet Office and each ministry.

In addition, the NPA held seminars for the counselors, who receive harassment-related complaints, at the NPA's HQ as well as the regional bureaus and local office in an effort to improve the knowledge and skills of counselors and to create a system to facilitate consultation.

Furthermore, the NPA carried out courses to train instructors for the "Training for the Prevention of Harassment" targeting employees in charge of personnel management in the Cabinet Office and each ministry for the purpose of raising the awareness of employees regarding harassment prevention and of ensuring understanding of the duties and roles that should be fulfilled by managerial personnel and supervisors.

2. Harassment Prevention Week for National Public Employees

The NPA designated a period from Dec. 4 to Dec. 10 every year as the "Harassment Prevention Week for National Public Employees" with the aim of enabling the Cabinet Office and each ministry to systematically and effectively work on the harassment preventive measures. The NPA calls on the Cabinet Office and each ministry to make further efforts such as awareness raising and enlightenment during the prevention week. As part of the initiatives during the prevention week, the NPA has held lecture meetings to contribute to awareness raising, advice and information provision concerning the prevention of harassment. In FY2018, lecture meetings took place in Saitama City, Hiroshima City and Fukuoka City.

3. Situation of the Training for the Prevention of Sexual Harassment in the Cabinet Office and Each Ministry

With regard to sexual harassment, efforts have been made to prevent the harassment through stipulating the responsibilities of the heads of ministries and agencies in Rule 10-10.

Article 7 of Rule 10-10 requires the heads of ministries and agencies to conduct training for employees in order to prevent sexual harassment. In FY2017, a total of 1,077 courses were held by the Cabinet Office and each ministry attracting 139,971 participants in total.

Moreover, Article 8 of Rule 10-10 requires the heads of ministries and agencies to establish a system to handle complaint consultation, for instance by assigning counselors to receive complaints from employees regarding sexual harassment. As of Jun. 1, 2018, a total of 11,867 counselors were assigned across the ministries.

Section 4. Childcare Leave System

1. Promotion of Proper Utilization of the Childcare Leave System

From the perspective of balancing work and childcare, the childcare leave system for public employees was established to support employees who are raising children as they continue their jobs, thereby enhancing their welfare, and contributing to smooth operation of the public service, pursuant to the Childcare Leave Act.

Against the backdrop of the aging population combined with the diminishing number of children, several measures have been taken since the system was established in 1992, such as providing economic assistance for employees who are on childcare leave, and raising the maximum age of employees' children for which employees can request childcare leave or part-time childcare leave (currently "childcare hours") from below one year of age to below age three.

In Aug. 2007, the short-time working system for those with childcare responsibilities was introduced under which working hours could be shorter than the normal working hours to enable them to care for their children until they reach the age when they begin attending elementary school. In addition, the maximum age of targeted children for the childcare hours system was raised from younger than age three to the age when they begin attending elementary school.

In Apr. 2011, the system was revised to enable part time employees to take childcare leave if they meet certain conditions.

Moreover, the NPA launched the "Guidelines for Utilization of the Support System for Balancing Work with Childcare / Nursing Care" (Notice issued by the Director-General of the Employee Welfare Bureau in 2018) in Mar. 2018 and issued a notice to the Cabinet Office and each ministry. The guidelines stipulated a comprehensive review of the other guidelines regarding the use of the work-life balance support systems already presented to the Cabinet Office and each ministry; and clarification of the basic concept common to the work-life balance support systems as well as the roles of personnel departments and managerial personnel.

2. Childcare Leave Actually Taken

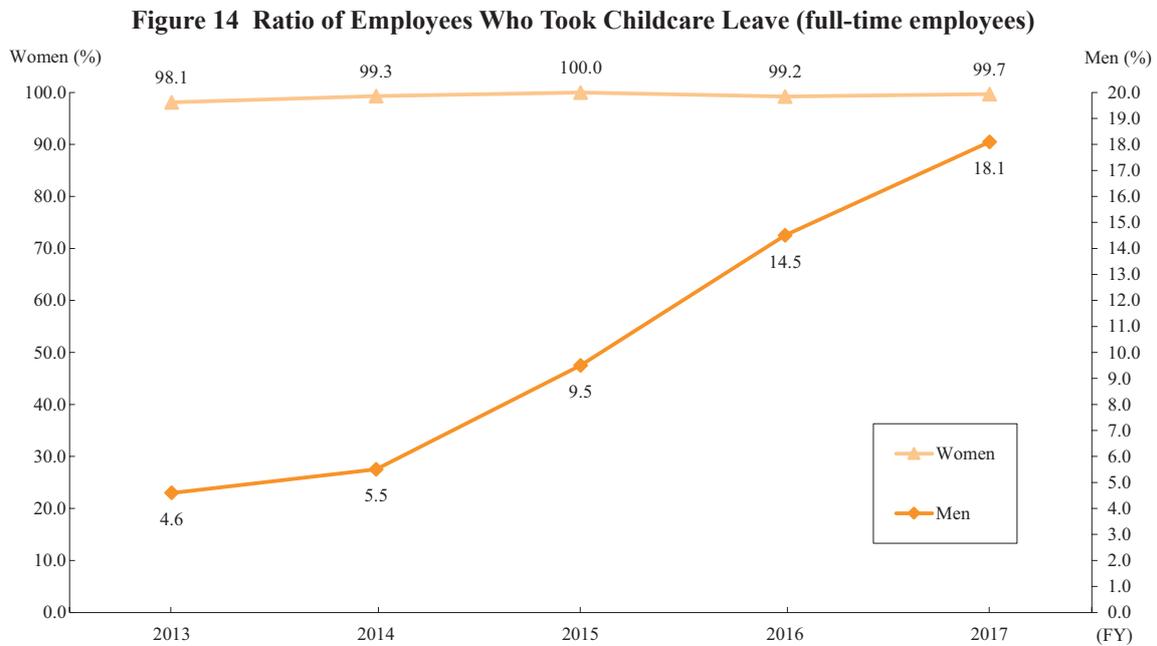
(1) Childcare Leave

A. Number and Ratio of Employees Who Newly Started Childcare Leave

The number of full-time employees who newly started childcare leave in FY2017 was 3,277 (1,182 men and 2,095 women), an increase of 340 (an increase of 207 men and an increase of 133 women) from that in FY2016.

The ratio of employees who took childcare leave in FY2017 is shown in Figure 14. The ratio of male employees was 18.1% (14.5% in FY2016) and the ratio of female employees was 99.7% (99.2% in FY2016). The ratio of male employees was the highest compared to the past.

In addition, the number of part-time employees who started childcare leave in FY2017 was 242 (7 men and 235 women), an increase of 10 (an increase of 7 men and an increase of 3 women) from that in FY2016. The ratio of part-time employees who took childcare leave was 43.8% for men and 100% for women.



B. Period of Childcare Leave of Those Who Newly Started Childcare Leave

The average period of childcare leave was 10.7 months (men: 1.8 months, women: 15.8 months) in FY2017 (11.7 months in FY2016).

C. Substitute Measures for Employees Taking Childcare Leave

Regarding substitute measures for employees taking childcare leave, 'changing duty allocation' accounted for the largest ratio (60.4%), followed by 'appointing fixed-term employees' (20.2%) in FY2017.

D. Return to Work

Among the full-time employees whose childcare leave expired in FY2017, 1.2% of them retired in the middle of their childcare leave or on the date when they were originally supposed to return to work. In total, 98.8% of employees whose childcare leave expired in FY2017 returned to work (FY2016 was 98.9%).

(2) Paternity Leave for Childbirth and Leave for Participating in Childcare

A. Paternity Leave for Childbirth

Among full-time male employees whose child was born in FY2017 (6,530 employees), 5,630 employees (86.2%) used the paternity leave for childbirth (5,508 employees [82.2%] in FY2016) for 1.8 days on average (1.8 days in FY2016).

B. Leave for Participating in Childcare

Among full-time male employees whose child was born in FY2017 (6,530 employees), 5,065 employees (77.6%) used the leave for participating in childcare (4,423 employees [66.0%] in FY2016) for 4.0 days on average (3.8 days in FY2016).

C. Combined Use of Paternity Leave for Childbirth and Leave for Participating in Childcare

Among full-time male employees whose child was born in FY2017 (6,530 employees), 5,861 employees (89.8%) used paternity leave for childbirth or the leave for participating in childcare (5,718 employees [85.3%] in FY2016). In addition, 4,247 employees (65.0%) took both types of leave for a total of more than 5 days (3,513 employees [52.4%] in FY2016).

(3) Childcare Short-Time Work

The number of full-time employees who began childcare short-time work in FY2017 was 157 (21 men, 136 women), an increase of 12 (5 men increased, 7 women increased) from that in FY2016.

(4) Childcare Hours

The number of full-time employees who newly attained approval for childcare hours in FY2017 was 1,408 (145 men, 1,263 women), an increase of 30 (27 men increased, 3 women increased) compared with FY2016.

The number of part-time employees who newly started childcare hours in FY2017 was 31 (all women), a decrease of 1 (1 woman decreased) from that in FY2016.

Section 5. Self-Development Leave System and Leave System to Accompany a Spouse

The self-development leave system is an unpaid leave system under the Act on National Public Employees' Leave for Self-Development, etc. to allow highly-motivated employees who hope to study in universities or participate in international cooperation projects to maintain their status as national public employees without

engaging in their duties, in view of the necessity of promoting capacity development among national public employees in order to enable them to cope with increasingly complicated and sophisticated administrative tasks.

In FY2017, 27 employees (14 men, 13 women) newly started to take self-development leave, it is an increase of 17 (an increase of 10 men, an increase of 7 women) from FY2015. The reasons for the leave are studying at an university, etc. (23 employees) and participating in activities for international cooperation (4 employees). The average duration is one year and nine months (one year and eight months in FY2015).

The leave system to accompany a spouse is an unpaid leave system to exempt an employee, who hopes to live in a foreign country together with his / her spouse who is working abroad, from attending to his / her duty while still retaining his / her status as a national public employee pursuant to the Act on the Leave System to Accompany a Spouse. The objective of this system is to promote continued employment of competent employees who are expected to play an important role in the public service, and contribute to smooth administration of the public service.

In FY2017, 67 employees (7 men, 60 women) newly started to take the leave to accompany a spouse, it is an increase of 4 (an increase of 3 men, an increase of 1 woman) from FY2016. The reasons for their spouses' staying abroad are overseas assignment (53 employees) and studying abroad (14 employees). The average duration is two years (one year and eleven months in FY2016).

Section 6. Accident Compensation

The accident compensation system aims to provide compensation and welfare services when public employees are involved in accidents on duty or accidents while commuting. Compensation is meant to compensate losses suffered by accidents, and welfare services is aimed at promoting rehabilitation of afflicted employees and to provide support for the employees or the bereaved. The National Public Service Accident Compensation Act and other regulations stipulate 12 types of compensation and 18 types of welfare services. Compensation and welfare services are provided directly by Implementing Organizations (ministries/agencies). The NPA carries out overall coordination for compensation and welfare services by Implementing Organizations and establishment of standards related to implementation in order to ensure that compensation and welfare services are completely implemented pursuant to the said Act.

1. Revision of the Accident Compensation System

The items described below were amended and came into effect as of Apr. 1, 2018.

© Nursing Care Compensation

2. Status of the Implementation of Accident Compensation System

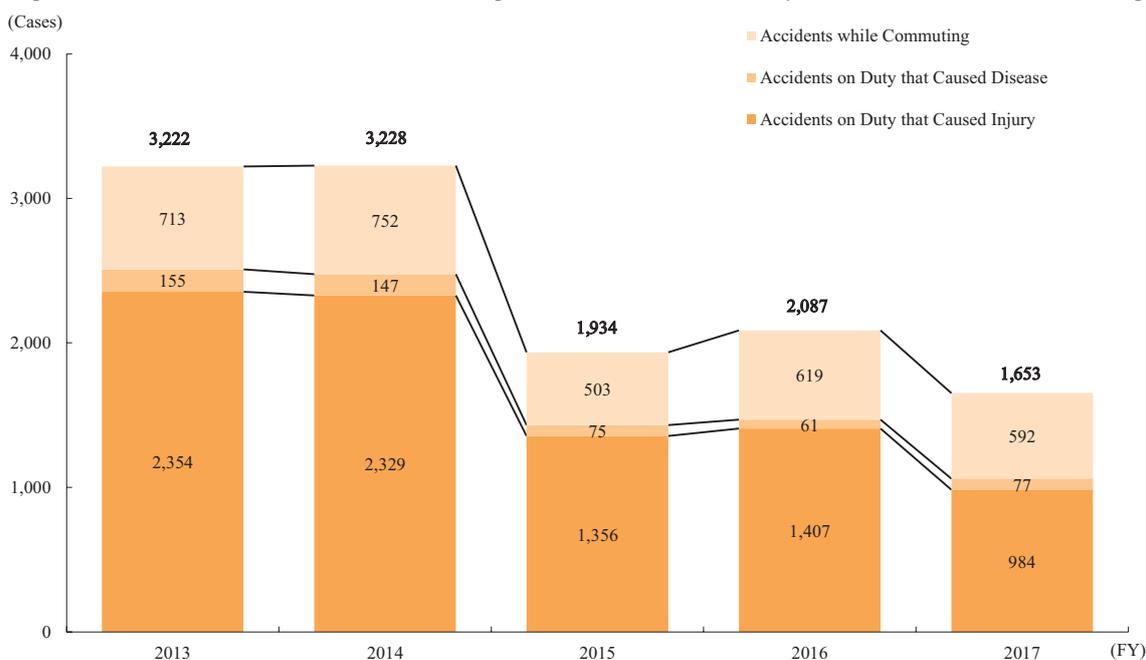
The NPA receives reports about the implementation of compensation and welfare service in the previous FY from each Implementing Organization.

The National Public Service Accident Compensation Act applies to national public employees in regular

service, regardless if full-time or part-time, and the number of employees subject to the Act is currently approx. 440,000 (as of Jul. 2017).

In FY2017, a total of 1,653 cases were recognized by the Implementing Organizations as accidents on duty or accidents while commuting (1,061 accidents on duty and 592 accidents while commuting) (Figure 15).

Figure 15 Trends in the Number of Acknowledgements of Accidents on Duty and Accidents While Commuting



Section 7. Audits

1. Payrolls Audits

The NPA conducts payroll audits every year, aiming to ensure that payments and records of remuneration to employees are carried out in accordance with laws and regulations. When the NPA finds inappropriate actions, it provides necessary guidance in order to ensure rectifying them.

In FY2018, payrolls audits were carried out at 519 organizations focusing on the application status of the new salary system based on the Revised Remuneration Act of 2005, certification of various allowances and revised points due to comprehensive revision of the remuneration system based on the Revised Remuneration Act of 2014.

2. Audit of Health and Safety Management

Audits of health and safety management are conducted by the NPA every year with the aim of ascertaining the situation with respect to compliance of laws and regulations concerning health and safety at each ministry. When the NPA finds inappropriate actions, it provides necessary guidance in order to ensure rectifying them.

In FY2018, the NPA audited 56 organizations with a focus on organizations which handle a large number of hazardous materials and equipment.

3. Audit of Implementation of Accident Compensation

The NPA conducts an audit of implementation of accident compensation every year with the aim of ensuring appropriate implementation of compensation and welfare services for accidents on duty or accidents while commuting in compliance with laws and regulations. When the NPA finds unjust matters, it provides necessary instructions in order to ensure rectifying them.

In FY2018, the NPA audited 17 organizations to confirm recognition of accidents on duty or while commuting and the implementation of compensation and welfare services associated with such accidents dated on and after Apr. 1, 2016.

Section 8. Service Discipline and Disciplinary Action

Article 96, Paragraph (1) of the National Public Service Act stipulates, as the basic standard of service discipline, that “Every official, as a servant of all citizens, must serve the public interest, and devote the utmost effort in the performance of duties.” To concretely realize the purpose of this basic standard, the act requires public employees to obey laws, regulations and orders of their superiors in the course of their duties, and to preserve secrets obtained in the course of duties. The act also prohibits employees from involvement in acts of dispute such as strikes, and any acts causing discredit, restricts their political activities, and excludes them from private enterprises. The disciplinary action system has been established to maintain service discipline in government organizations.

1. Service Discipline

Among the issues relating to the employees’ service discipline, the restriction on political activities and exclusion from private enterprises are directly under the jurisdiction of the NPA.

In addition, the NPA conducted seminars on the service discipline / disciplinary action system for personnel in charge of personnel management at the HQ and regional bureaus of each ministry in order to enhance their understanding of the objectives of the service discipline / disciplinary action system. In FY2018, seminars were held at the HQ of the NPA (111 participants) and 9 locations throughout Japan (512 participants).

2. Disciplinary Action

(1) Outline of the Disciplinary Action System and Giving Instructions on Disciplinary Actions

As stipulated in Article 82, Paragraph (1) of the National Public Service Act, appointers of the Cabinet Office and each ministry can take disciplinary action against an employee, either through dismissal, suspension from duty, reduction in pay or reprimand if (i) the employee has violated the said Act, the National Public Service Ethics Act or orders issued pursuant to these acts, (ii) the employee has breached his/her obligations in the course of his/her duties or has neglected his/her duties, or (iii) the employee is guilty of such malfeasance rendering himself/herself unfit to fulfill his/her role as a servant of all citizens. Concrete procedures are specified in the National Public Service Act and Rule 12-0 (Disciplinary Action).

The NPA discloses the situation of disciplinary actions each year and enforces strict operation of the disciplinary action system by the Cabinet Office and each ministry taking the opportunity of the meeting of responsible personnel.

(2) The Situation Relating to Disciplinary Action

The total number of employees against whom disciplinary action was taken in 2018 was 300 (18 dismissals, 71 suspensions from duty, 149 reductions in pay, and 62 reprimands), a decrease of 28 compared with 2017.

The Ministry of Justice accounted for the largest ratio of all disciplinary actions, followed by the Ministry of Land, Infrastructure, Transport and Tourism and the National Tax Agency. The major reason for disciplinary actions was misconduct outside the public service (e.g. theft, assault) followed by general disciplinary matters (e.g. absence, inappropriate working attitude), and traffic offence and contravening traffic regulations (Reference 3).

Reference 3 Status of Disciplinary Actions by Type and Cause (2018)

(Unit: persons)

Type of disciplinary actions Cause	Dismissal	Suspension from duty	Reduction in pay	Reprimand	Total
Irregularity related to general service discipline (absence, inappropriate working attitude)	1	12 (22)	37 (53)	17 (22)	67 (97)
Irregularity related to transactions in daily work (improper business processing, failure to report)	1 (1)	11 (3)	12 (12)	8 (3)	32 (19)
Irregularity related to handling of public money or property (loss, wrongful handling)		(3)	(20)	1 (18)	1 (41)
Embezzlement	4 (3)	5 (1)	4 (5)	1	14 (9)
Acceptance of bribes, entertainment or being treated to food / drink (violations of the Ethics Act)	(4)	1 (2)	6 (1)	5 (1)	12 (8)
Traffic offence and contravening traffic regulations	1 (1)	19 (10)	27 (25)	11 (13)	58 (49)
Misconduct outside the public service (theft, assault)	11 (3)	23 (17)	61 (70)	9 (12)	104 (102)
Lack of supervisory responsibility			2 (1)	10 (2)	12 (3)
Total	18 (12)	71 (58)	149 (187)	62 (71)	300 (328)

(Notes) 1. A case which has several causes is categorized by the main cause.

2. The figures in parentheses are for 2017.

3. The Concurrent Holding of Positions

(1) Concurrent Engagement in the Operation of Business on an Employee's Own Account

According to Article 103 of the National Public Service Act and Rule 14-8 (Concurrent Positions as Executives, etc. in Profit-making Enterprises), employees may operate a profit-making enterprise on their own account with the approval of the head of a government agency.

The total number of approvals reported to the NPA by each ministry was 262 in 2018. Major contents pertaining to that include the leasing of condominiums / apartments, parking lots / land, and the sale of solar electricity.

(2) Reports on Participating in the Management of Profit-making Enterprises through the Holding of Stocks

According to Article 103 of the National Public Service Act and Rule 14-21 (Reports, etc. by Employees in a Position to be able to Participate in the Management of Profit-making Enterprises through the Holding of Stocks), employees are to report to the NPA through the head of a government agency if they are able to manage profitmaking enterprises through the holding of stocks. If the NPA considers that this is not appropriate in light of performing public duties, it is to notify the employees to that effect. In 2018, no employee made such a report.

Chapter 6. Employee Organization

Article 108-2 of the National Public Service Act allows national public employees in regular service (excluding employees of agencies engaged in administrative execution), other than employees working in police departments, the Japan Coast Guard and penal facilities (referred to as “police officials, etc.” in Section 1 of Chapter 6), to form an employee organization for the purpose of maintaining and improving their working conditions.

Section 1. Range of Managerial Personnel

Article 108-2 of the National Public Service Act defines officials making important administrative decisions, holding managerial or supervisory positions and officials whose duty should be performed from the standpoint of proper authorities in their relationship with employee organizations as “managerial personnel, etc.”

This article prohibits “managerial personnel, etc.” from forming an employee organization with other employees.

The range of managerial personnel, etc. is specifically defined in the appendix of Rule 17-0 (Range of Managerial Personnel, etc.) according to the classification of organizations. When there is any revision or abolition of administrative organizations or positions, the NPA revises the appendix to this rule accordingly. The NPA made four amendments in FY2018.

The total number of managerial personnel, etc. stood at 38,086, or 16.2% of all 234,702 personnel (the ceiling of the number of officials (excluding police officials, etc.)) at the end of FY2018.