

### **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.

## **Section 2. Registration of Employee Organizations**

A registration system was established to allow the NPA to certify an employee organization as a democratic and voluntary organization that satisfies the requirements specified in the National Public Service Act, for the purpose of promoting better relationships between proper authorities and employee organizations in negotiations and establishing stable labor-management relationships.

A total of 8 organizations were newly registered and 32 organizations were deregistered in FY2018, based on the provisions of Article 108-3 of the said Act and Rule 17-1 (Registration of Employee Organizations). As a result, the total number of registered organizations stood at 1,344, with the total number of members amounting to 79,098 (78,696 excluding the members of 10 organizations comprised of managerial personnel, etc.) at the end of FY2018.

There were 1,137 cases of changes in registration due to changes in registered constitutions.

## **Section 3. Officials' Acts on Behalf of Employee Organization**

### **1. Exclusive Engagement**

No official may engage exclusively in any business of an employee organization, while holding a position as an official. However, it is possible for an official, with the permission of the head of a government agency, to engage exclusively in such business as an officer of a registered employee organization (so-called exclusive engagement) (Article 108-6 of the National Public Service Act). Article 18 of the Supplementary Provisions of the said Act stipulates that the longest period an employee may engage in such a role is to be within the range of not more than 7 years for the time being. This time period is stipulated as 7 years in Article 8 of Rule 17-2 (Officials' Acts on Behalf of Employee Organization). At the end of 2018, the number of employees in exclusive engagement was 97.

### **2. Short Term Engagement**

Other than exclusive engagement, officials may engage, with prior permission of the head of a government agency, in short term duties in employee organizations within the range of 30 days per year for one day or one hour as a unit, as an officer of a registered employee organization or a member of a decision-making body (Article 6 of Rule 17-2). The number of officials in short term engagement in 2018 was 249, their total engagement period was 1,927 days and 5 hours.

## **Section 4. Meeting with Employee Organizations**

When making a recommendation or establishing/revising/repealing any rule regarding employees' working conditions, the NPA holds a meeting with employee organizations for the purpose of hearing opinions or demands and allowing an opportunity for those opinions and demands to be reflected in the NPA's measures.

In 2018, the NPA held a total of 213 meetings (75 at the HQ and 138 at regional bureaus) with employee organizations. Of these meetings, 110 (51.6%) related to collective demands at the time of the annual spring labor

negotiation or requests for the NPA recommendation, 97 (45.5%) were on revisions of the fixed number of officials in each grade of salary schedules, 5 (2.3%) on gender equality, 1 (0.5%) on various allowances.

### ***Chapter 7. Equity Process***

The NPA starts an equity process, as soon and as appropriately as possible, in accordance with prescribed quasi-judicial procedures of review whenever an employee files with the NPA an appeal against disadvantageous disposition, a request for administrative action concerning working conditions, an appeal for review concerning implementation of the accident compensation, or an appeal for review on a remuneration decision. In conducting such a process, the NPA sets the target for each case's review process, grasps the situation of progress periodically, and streamlines procedures, so that early processing of each case can be achieved. In addition, the NPA widely offers complaint counseling, and takes necessary measures including necessary actions to each ministry.

The NPA, as a neutral third-party organization, is to protect the welfare of employees, ensure the fairness of the personnel administration, and contribute to efficient operation of the public service through the equity process. Along with the system of remuneration recommendations and reports, the system of the request for administrative action regarding working conditions is also positioned as one of the compensatory measures for the restriction of basic labor rights of employees. This system is significant to improve and optimize the working conditions.

#### **Section 1. Appeals against Disadvantageous Disposition**

Based on the review system associated with disadvantageous dispositions (Article 90 of the National Public Service Act), the NPA sets up a Board of Equity for each case to review the case and, based on a report prepared by the board, the NPA approves, revises or rescinds the original disposition when an employee requests a review of a disadvantageous disposition such as reduction in pay, demotion, administrative leave, or dismissal against his/her will.

The NPA itself takes measures to restore the employee's damage caused by the disposition or instructs the person who took the disposition to take necessary measures when the NPA revises or rescinds the disposition. The determination made by the NPA is the final one in the administrative organization.

The NPA reviews appeals against disadvantageous dispositions in accordance with the procedures specified in Rule 13-1 (Appeal against Disadvantageous Disposition). When reviewing cases, the NPA tries to process each case in an expeditious way by proactively using an intensive hearing method.

In FY2018, a total of 19 cases, including 11 cases carried over from FY2017, were on the table. Among them, 9 cases were determined (7 approvals, 2 rescissions), 4 cases were withdrawn or rejected, and 6 cases were carried over to FY2019.

#### **Section 2. Requests for Administrative Action on Working Conditions**

The system for requesting administrative action (Article 86 of the National Public Service Act) is designed