

Chapter 3. Strict and Prompt Response to Violation of the Ethics Act

1. Outline of Investigation and Disciplinary Procedure

As for investigations and disciplinary actions for violations of the Ethics Act, as in the case of violations of service discipline regulations in the National Public Service Act, relevant actions should be primarily taken by appointers. In taking such actions, the Ethics Act stipulates that the procedure is to be implemented with a certain amount of involvement on the part of the Ethics Board, so that confirmation on facts and measures in strict and fair manner are to be taken and there is to be no remarkable imbalance among actions in the Cabinet Office and each ministry.

Based on rules, when an appointer suspects there has been a violation of the Ethics Act, a preliminary report on the case will be submitted to the Ethics Board and the appointer is to investigate the case. When necessary, the appointer and the Ethics Board will jointly investigate the case. When a special need is recognized, the Ethics Board may independently investigate the case.

When, as a result of an investigation, the appointer decides to take disciplinary action against an employee who has been charged in relation to any conduct in violation of the Ethics Act, the appointer must obtain approval from the Ethics Board in advance. The Ethics Board strictly reviews the details of the violation and determines the appropriateness of the disciplinary action proposed by the appointer.

2. Status of Investigations and Disciplinary Actions for Suspected Violations of the Ethics Act

During FY2018, 18 cases involving alleged violations of the Ethics Act were newly investigated, while no ongoing investigations were carried over from FY2017. Of these cases, disciplinary actions were taken for 8 cases involving 12 employees (1 dismissal, 5 suspensions, 5 reductions in pay, and 1 reprimand) due to violations of the Ethics Act while admonishments or serious warnings (hereinafter referred to as “corrective measures”) were issued for 10 cases involving 28 employees under the internal rules of each ministry (2 cases in which more than 1 employee was involved and for which both disciplinary actions and corrective measures were taken are counted in both categories). Investigation into 1 case was carried over to FY2019.

Compared to FY2017, the number of cases of new investigations decreased by 1, and the number of cases of disciplinary actions decreased by 2.

3. Measures in Response to Violation of the Ethics Act by Executive Officials

In FY2018, the executive officials, who were in a position to supervise employees to maintain ethics pertaining to their duties, were given a disposition for violating the Ethics Act. In response to this case, the President of the Ethics Board issued a notice “Maintenance of Ethics Pertaining to the Duties of Executive Officials” (on Sep. 21, 2018) requesting the ethics supervisory officers of the Cabinet Office and each ministry to see if there are any cases of having received expensive entertainment or treatment from business operators as in the case concerned; and to confirm if ethics awareness is cultivated among employees through training and if an ethical organizational climate is created.