

Chapter 9. Employee Discipline and Disciplinary Action

Article 96, Paragraph 1 of the National Public Service Act stipulates that every public employee, as a servant of all citizens, shall serve the public interest, and exert his/her utmost efforts in the performance of his/her duties. To concretely realize the purpose of this basic standard, the Act requires public employees to abide with laws, regulations and

the orders of their superiors, and to maintain the confidentiality of information obtained on duty For the same purpose. The law also prohibits employees from involvement in labor disputes and any acts causing discredit, and restricts their political activities and employment in profit-making enterprises. The law in this manner imposes strong restrictions on public employees in contrast to discipline in private companies. The Disciplinary Action system is provided to maintain service discipline in government organizations.

The NPA has been providing appointing authorities on various occasions with guidance to review facts sufficiently, take appropriate and strict disciplinary actions, and take thorough measures to prevent recurrence and maintain service discipline in response to violation of the discipline.

Section 1. Service Discipline

In FY 2006, as every year, the NPA conducted research and study on service discipline and a field survey on the Cabinet Office and each Ministry regarding causes of employees' misconduct and corrective measures, etc., taken with the aim to promote understanding of the discipline system and improving administration. It also provided guidance on appropriate measures for disciplinary cases through responses to inquiries on specific daily cases, etc.

In addition, the NPA annually conducts seminars on the discipline system for officials in charge of personnel management in the regional bureaus, etc., of the Cabinet Office and each Ministry, etc., in order to enhance their understanding of the system. In FY 2006, seminars were held at nine locations throughout Japan with 701 participants attending.

Section 2. Disciplinary Action

1. Outline of the Disciplinary Action System and Giving Instruction on Disciplinary Actions

As stipulated in Article 82, Paragraph 1 of the National Public Service Act, the appointing authorities of the Cabinet Office, Ministries, etc., can take a disciplinary action against an employee, either of dismissal, suspension from duty, reduction in remuneration or reprimand if (1) the employee has violated the National Public Service Act, the Ethics Law or ordinances based on either; (2) the employee has violated an obligation in the course of his/her duties responsibilities or neglected his/her responsibilities; or (3) the employee has engaged in misconduct that is inappropriate as a servant of the all citizens. Concrete procedures are specified in the National Public

Servise Act and NPA Rule 12-0 (Disciplinary Action).

When an appointing authority takes a disciplinary action against an employee, the authority files with the NPA a copy of the written explanatory statement issued to the employee so that the NPA will be able to grasp and analyze the situation. The NPA also provides relevant information and necessary instruction to the Cabinet Office and Ministries. In FY 2006, in response to growing social momentum toward eradication of drunk driving, the NPA issued the notice of “Strict Action against Drunk Driving by Public Employees” to the Cabinet Office, Ministries, etc., to prevent drunk driving by public employees.

Strict Action against Drunk Driving by Public Employees (Notice)

In order to ensure trust of people in public administrations and promote smooth administrative operations, it is the most important for public employees to perform their duties, maintaining high ethics.

Recently, the number of fatal or serious accidents due to drunk driving is increasing and drunk driving by public employees is also standing out.

In addition to promoting understanding to prevent drunk driving by public employees, managerial personnel at the Cabinet Office and each Ministry are requested to strengthen their guidance to subordinates and take strict measures based on the “Guideline on Disciplinary Actions” (a notice issued by the NPA Secretary-General on March 31, 2000) if employees drive while being drunk.

Public employees who are aware of drunk driving and ride with a drunk driver and employees who encourage drinking and do not stop drunk driving are also subject to disciplinary actions. The Cabinet Office and each Ministry are requested to take strict measures in consideration of the degree of involvement in drunk driving and relationship with the drunk driver.

2. Situation of Disciplinary Actions

The total number of employees on whom a disciplinary action was imposed in 2006 was 3,690 (181 dismissals, 152 suspensions from duty, 1,725 reductions in remuneration, and 1,632 reprimands). This was a decrease of 257 employees from the previous year.

The Japan Post accounted for the largest portion (77.5%) of all disciplinary actions, followed by the Ministry of Justice and the Social Insurance Agency. The most frequently reported disciplinary actions were those related to routine work processing,

followed by disciplinary actions related to government funds and property handling and disciplinary actions related to regular discipline. The number of disciplinary actions related to supervisory responsibility and embezzlement increased from the previous year, while the number of disciplinary actions related to routine work processing and acceptance of bribes or wining and dining decreased. (Table 9)

[Table 9] Number of Disciplinary Actions (2006)

(unit: person)

Type of Disciplinary Action Cause	Dismissal	Suspension from Duty	Reduction in Remuneration	Reprimand	Total
Irregularity related to General Service Discipline (Absence, Inappropriate Working Attitude, etc.)	7	33	260	196	496
Irregularity related to the Transaction of Daily Work	2	18	801	632	1,453
Irregularity related to the Handling of Public Money or Property (Loss, Illegal Handling, etc.)	13	8	199	339	559
Unlawful Acquisition of Public Money or Property (Embezzlement, etc.)	114	2	59	82	257
Illegal Acceptance of Benefits in connection with Official Duties (Bribe-taking, etc.)	6	0	3	11	20
Traffic Offense	2	13	163	103	281
Misconduct outside the Public Service (Theft, Injury, etc.)	37	76	105	49	267
Illegal Activity related to Employee Organizations	0	0	0	0	0
Lack of Supervisory Responsibility	0	2	135	220	357
Total	181	152	1,725	1,632	3,690