

Chapter 12. Equity Process

The Equity Process is conducted according to prescribed review procedures when an employee files an objection against an adverse action, a request for administrative action regarding working conditions, a request for review related to implementation of accident compensation, a request related to a decision of remuneration, etc. In addition, the NPA offers complaint counseling in cases which do not meet the conditions of the above-mentioned system and takes necessary measures.

The Equity Process is aimed at ensuring appropriate personnel administration and fair and efficient operation of the public services, as well as safeguarding the status and interests of individual employees.



Scene of a mock hearing

Section 1. Objections Related to Adverse Action

Based on the review system associated with adverse actions (Article 90 of the National Public Service Act), the NPA sets up a Board of Equity for each case in question to reexamine the case and, based on the report prepared by the board, the NPA approves, revises or annuls the original action when an employee files a request for review on an adverse or disciplinary action such as reduction in pay, demotion, temporary retirement, and dismissal against his/her will.

The NPA itself takes measures to restore the damage of the employee caused by the original action or instructs the personnel who made the action to take necessary measures when it revises or annuls the original action. The judgment made by the NPA is the final determination as the administrative organization and reviewed exclusively by the NPA itself.

Objections against an adverse action are reviewed in accordance with the procedures specified in Rule 13-1 (Objections Related to Adverse Action). The NPA is making efforts to process cases promptly, within the goal of one year from reception of the objection. The by reviewing within six months from reception of the objection and making final judgment is made within six months from conclusion of the review.

In FY 2006, a total of 176 cases (106 new cases and 70 cases pending from FY 2005) were reviewed. Of these, 39 cases were adjudicated (35 approvals, 1 revision, and 3 annulling) and 40 cases were withdrawn or rejected. and 97 cases were carried over to FY 2007.

Section 2. Requests for Administrative Action Regarding Working Conditions

The system to request an administrative action (Article 86 of the National Public Service Act) is designed for the NPA to give a decision after conducting a necessary review or resolve the case by mediating or using an equivalent measure when an employee submits a request for an administrative action related to working conditions. This system is aimed not only to resolve complaints and dissatisfaction of employees regarding working conditions but also to guarantee proactive pursuit of improvement and appropriateness of working conditions by public employees, whose basic labor rights are restricted, and to serve as compensatory measures for the restriction. The NPA basically handles cases by adjudicating but, in some cases, promotes resolution by mediating depending on details of the request and nature of the case.

Requests for administrative action are reviewed in accordance with the procedure specified in Rule 13-2 (Request for Administrative Action Regarding Working Conditions). The NPA is thus making efforts to process cases promptly, within the goal of one year from reception of the request. The NPA conducts a fact-finding survey within six months from reception of the request and gives a decision within six months from completion of the survey.

In FY 2006, a total of 11 requests (6 new requests and 5 requests pending from FY 2005) were reviewed. Of these requests, 3 were adjudicated, 1 was withdrawn, 3 were rejected due to the disappearance of the reason for the request, being out of the scope of review, etc., and 4 were carried over to FY 2007.

Section 3. Objections Related to Accident Compensation and Welfare Provision

Under the accident compensation review system (Article 24 of the National Public Employees' Accident Compensation Law), the NPA submits to the Accident Compensation Review Committee for deliberation and adjudicates the case when an employee files an objection to a decision on an accident incurred in the line of duty or an accident in the course of commuting, recognition of a cure, decision on grade of disability, and other implementations of compensation made by an implementing organization. The NPA takes the same procedures under the Welfare Review System (Article 25 of the National Public Employees' Accident Compensation Law) when an employee files an objection related to welfare provision.

Reviews of accident compensations, etc., are conducted in accordance with the procedure specified in Rule 13-3 (Requests for Review Related to Accident Compensation). The NPA is thus making efforts to process requests promptly, within the

goal of one year from reception of the request. The NPA conducts a fact-finding survey within six months from reception of the request and gives a decision within six months from completion of the survey.

In FY 2006, a total of 95 cases (60 new cases and 35 cases pending from FY 2005) were reviewed. Of these requests, 33 were adjudicated, 7 were withdrawn or rejected, and 55 were carried over to FY 2007.

Section 4. Objections Related to Remuneration Decisions

The review system on a decision of remuneration (Article 21 of the Remuneration Law) is designed for the NPA to give a decision after reviewing the case when an employee who has an objection against a decision on his/her remuneration (including decisions on correcting salary) files a request for review. The NPA reviews such cases in accordance with the procedure specified in Rule 13-4 (Requests for Review Related to Remuneration Decisions).

In FY 2006, a total of seven requests (five new requests and two requests pending from FY 2005) were reviewed. Of these requests, one was adjudicated, one was withdrawn, one was rejected due to being out of the scope of review, and four were carried over to FY 2007.

Section 5. Complaint Counseling

When the NPA receives complaints or requests of consultation from public employees regarding working conditions or other matters related to personnel management, it appoints a counselor to provide the employee with advice and to take necessary measures such as giving guidance and mediating under the direction/supervision of the NPA for concerned employees. This system is implemented in accordance with the procedure specified in Rule 13-5 (Complaint Counseling).

Under such circumstances, where personnel management emphasizing ability and performance is sought, complaint counseling to promptly resolve complaints from employees is becoming increasingly important from the viewpoint of maintaining and improving the efficiency of public services.

In FY 2006, the NPA received 1,227 complaints.