

# 13 Relief from Disadvantageous Actions

## Equity Process to Protect Interests of Employees and Secure Fair Personnel Management

The Equity Process is conducted according to a prescribed investigation procedure, in cases where employees have an objection regarding a disciplinary action or an action to change status, hope to request appropriate administrative action on working conditions, or have an objection regarding acknowledgement of accident on duty, etc. or a remuneration decision. In accordance with the objectives of this system, the NPA strives for appropriate and quick processing of the cases.

### Appeal against Disadvantageous Action

When an employee has received a reduction in pay, demotion, administrative leave, dismissal, or other extremely disadvantageous action or disciplinary action against his/her will, he/she can file an appeal to the NPA for review of the matter. The NPA hence sets up a Board of Equity in each case for a hearing; the NPA may approve, revise or rescind the original action based on the report by the Board.

### Request for Administrative Action on Working Conditions

An employee can request that the NPA take appropriate administrative action on all working conditions. The NPA will conduct the necessary investigation, make a decision, or through mediation or other means, provide an adequate resolution measure.

### Appeal for Review concerning Implementation of Accident Compensation, etc.

When an employee has an objection regarding acknowledgement of accident on duty, etc. determined by a relevant agency, he/she can file an appeal to the NPA for investigation. The NPA will have the Accident Compensation Review Committee review the case and make a decision based on the report by the Committee.

## Examples of Judgements

Approved appeals

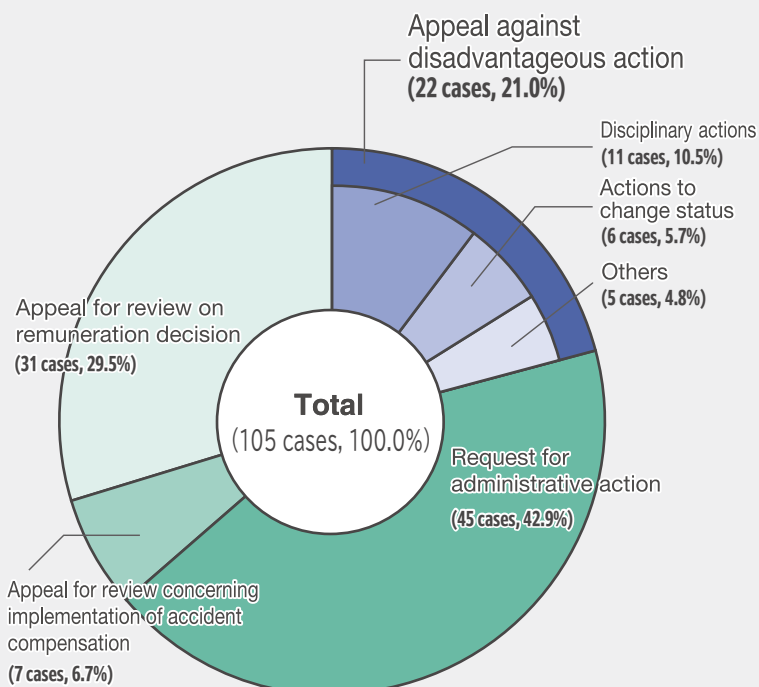
Content of appeal	Summary of judgement
<b>Case of request for administrative action</b> <b>(Use of women's restroom in the workplace)</b>	<p>With regard to the transgender applicant's request for the removal of the prohibition on the use of women's restrooms on her office floor and the floors above and below it, there have been no reports from the authorities since the Supreme Court's decision(*) that require the authorities have any specific circumstances that require the applicant to endure disadvantages referred to in the said decision, namely that the applicant has been forced to use the women's restroom on a floor distant from her office floor. Therefore, it is reasonable to assume that there are no specific circumstances that would require the applicant to suffer such disadvantages, and the authorities should take measures to allow the applicant to freely use any women's restroom in the office building where her office is located, in accordance with the Supreme Court's decision.</p> <p><small>*Supreme Court's decision on July 11, 2023, reversing a part of the NPA's 2015 decision on request for administrative action, which accepted the restriction on the use of women's restroom</small></p>

Content of appeal	Summary of judgement
<b>Case of appeal for review on remuneration decision</b> <b>(Decision on performance coefficient of diligence allowance)</b>	<p>It is unfair that the results of personnel evaluations other than the most recent performance evaluation were taken into consideration in determining the performance rank of the petitioner's diligence allowance. The performance rank and performance coefficient of the petitioner's diligence allowance should be revised so that they are determined in accordance with the results of the most recent performance evaluation prior to the base date of the diligence allowance and the petitioner's service conditions during the period within six months prior to the base date.</p>

### Appeal for Review on Remuneration Decision

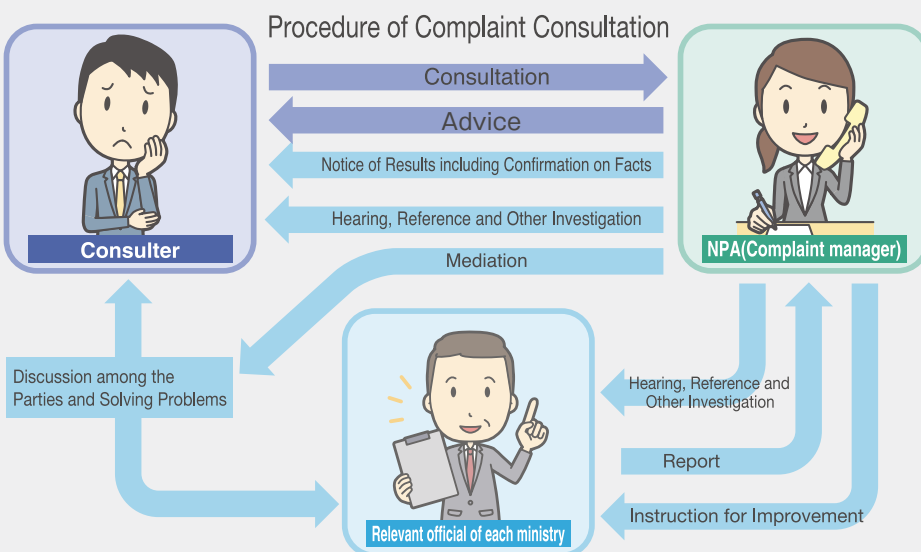
When an employee has a complaint regarding a remuneration decision based on the Remuneration Act, he/she can file an appeal to the NPA for investigation. The NPA will conduct the necessary investigation and make a decision either to approve or to reject the appeal.

Number of received appeals by type in FY2023

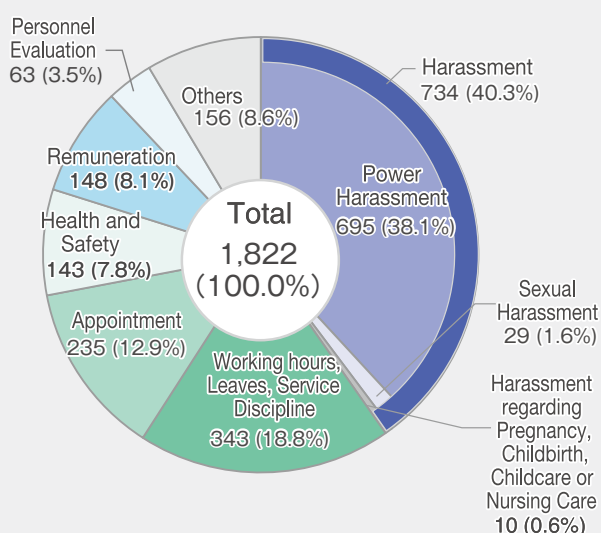


## Consultation of Working Conditions and Environment, etc.

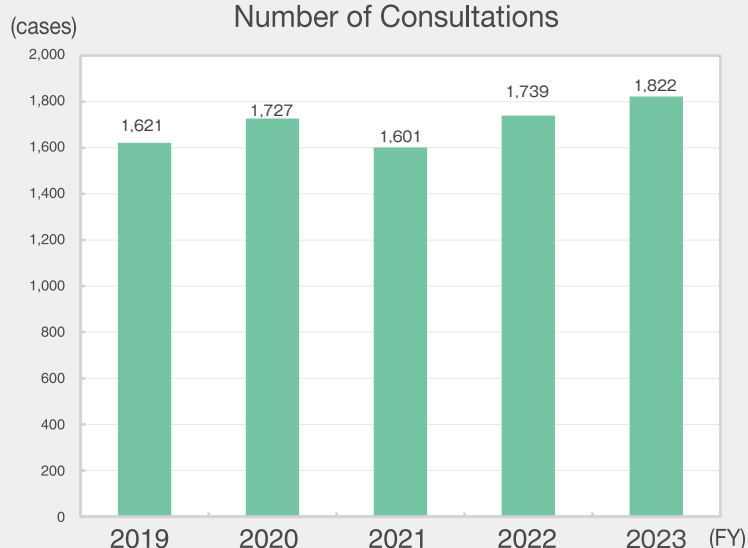
Employees can consult with the NPA, either headquarters or regional bureaus/local office, by phone or e-mail on their complaints concerning working conditions and other personnel management issues, such as bullying and harassment including power harassment, and moreover, dissatisfaction concerning personnel evaluation. The NPA seeks a prompt and appropriate resolution by giving advice and requesting ministries and agencies to investigate the facts, etc., with the consent of those asking for consultation.



Number of Consultations by Content (FY2023)



Number of Consultations



## Example of Consultation

### Outline of Consultation

An executive official of the consulter's department was so severe that several employees could not continue their work due to mental illness. The executive official lacked self-awareness of harassment and instead blamed the employees themselves for their mental illness. There was no prospect of improving in the working environment.

### Action to Consultation

The NPA shared the contents of the consultation with the consulter's ministry and asked the ministry to investigate the facts and take other necessary measures. Subsequently, the ministry reported to the NPA as follows:

- The ministry cautioned the offender that his behavior (loud reprimands while banging on the desk and verbal abuse) constitute power harassment and provided him an instruction, resulting in improvement of his attitude.
- Supervisors of the offender continued to oversee his behavior, conducted counselling with employees of the department and provided them with necessary mental care.