

# **Outline of the National Public Service Ethics Law**

## **(Law No.129 of 1999)**

### **(Definition)**

- "Employee" means a national public service official who is holding a position classified as a regular service. The Prime Minister, Ministers of State, judges and other personnel of the law court, personnel of the Diet, personnel of the Defense Agency, and other officials holding a position classified as a special service are not included.
- "Senior official" means an employee whose job title is assistant director or higher.
- "Designated senior official" means a senior official whose pay scale is that for designated officials.
- "Very senior official" means an employee whose job title is Deputy Director-General or higher.
- "Appointing officer" means an official that holds appointing power vested by the provision in the National Public Service Law. It namely designates Ministers, President of the Board of Audit, Presidents of the National Personnel Authority, and the heads of each independent organization.

### **I. Objective**

The objective of this law is to ensure people's trust for public service, deterring activities that create suspect or distrust against the fairness of performance of duties by introducing necessary measures to contribute to retaining ethics related to the duties of national public service officials, acknowledging that national public service officials are servants of the whole people and their duties are to fulfill public service entrusted by the public.

### **II. Ethics Principles**

- (1) Employees shall not give unfair, discriminative treatment to the public, such as giving preferential treatment to any party of the public with respect to information gathered in the performance of their duties, and shall always engage in their duties with fairness, recognising that they are servants of the whole nation and not of any group thereof.
- (2) Employees shall always distinguish between public and private affairs and shall not use their duties or positions for private gain for themselves or the organisation they belong to.

- (3) Employees shall not take any actions that create public suspicion or distrust against the fairness of public service while performing their duties, such as receiving a gift from entities influenced by their duties.

### **III. National Public Service Officials Ethics Code**

- (1) Based on the principles listed in II, the National Public Service Officials Ethics Code (to be hereinafter referred to as "Code") shall be established as a government order. It shall contain the provisions that employees should obey for preventing the activities which create public suspect or distrust, including interaction of employees with persons or entities whose interests are affected by the performance or nonperformance of the employees\* duties. The provisions shall include prohibition of accepting a gift from such persons or entities. The Cabinet shall hear the opinion of the National Public Service Ethics Board when it establishes or revises the Code.
- (2) The heads of each ministry and agency may develop their own ethics instructions applied to the employees in the ministries or the agencies with the consent of the National Public Service Ethics Board.
- (3) When the Code or an ethics instruction of each ministry and agency described in (2) is revised, the Cabinet shall report the revision to the Diet.

### **IV. Mandatory Report on Receipt of a Gift**

- (1) Senior officials shall report to their heads of ministries or agencies when they receive:
  - (a) A gift or hospitality worth beyond 5,000 yen; and
  - (b) Compensation for their labor performed based on the relation between an organisation or an entity and their duties the amount of which is beyond 5,000 yen from an organisation or an entity.
- (2) The report described in (1) shall be open to the public upon request (applicable only to the report on the gift, hospitality or compensation worth beyond 20,000 yen. ).

A copy of the report described in (1) shall be sent to the National Public Service
- (3) Ethics Board (applicable only to the report submitted by Designated senior officials.).

### **V. Mandatory Report on Exchange of Stocks and Income**

- (1) Very senior officials shall report to their heads of ministries or agencies on:
  - (a) Annual exchange of stocks and bonds; and
  - (b) Annual income.

- (2) A copy of the reports described in (1) shall be sent to the National Public Service Ethics Board.

## **VI. National Public Service Ethics Board**

- (1) **The National Public Service Ethics Board (to be hereinafter referred to as "Board"),**

which is responsible for the affairs concerning retention of ethics among employees, shall be established in the National Personnel Authority.

- (2) **The duties and responsibilities of the Board are:**

- (a) Submitting an opinion concerning the establishment or revision of the National Public Service Officials Ethics Code to the Cabinet with a necessary bill;
- (b) Developing a standard of disciplinary actions as punishment against employees violating this law, the Code, or the other regulations based on this law;
- (c) Conducting research and studies concerning retention of ethics in national public services;
- (d) Planning and coordinating ethics training programmes conducted across ministries and agencies or those conducted within each ministry and agency; and
- (e) Giving guidance and suggestion to the heads of ministries and agencies in their effort of establishing and maintaining management systems that encourage employees to follow the Code.

- (3) The Board is also entitled to:

- (a) Review the copies of reports sent to the Board described in IV(3) and V(2);
- (b) Request the appointing officers to investigate the alleged violation of this law, the Code, or the other regulations based on this law, and to take necessary actions at the discretion of the Board;
- (c) Approve disciplinary actions imposed by the appointing officers as punishment against the employees violating this law, the Code, or the other regulations based on this law;
- (d) Conduct an independent investigation into alleged violation of this law, at the discretion of the Board;
- (e) Impose a disciplinary action as punishment against the employees violating this law, the Code, or the other regulations based on this law at the discretion of the Board.

- (4)

- (a) The Board shall be composed of a President and four Members, who, except for the Member referred to in (b) below, shall be appointed by the Cabinet with the consent of the Upper and the Lower Houses of the Diet.
  - (b) One of the Members of the Board is filled by the person who is appointed by the Cabinet among the Commissioners of the National Personnel Authority.
- (5) The Board shall have a Secretariat.
- (6)
- (a) An appointing officer shall report on suspected violation of this law, the Code or the other ethics instructions by the employee to the Board.
  - (b) An appointing officer shall inform the Board when he/she begins the investigation of suspected violation of this law, the Code or the other regulations based on this law. The Board may request the appointing officer to report about its investigation or give an opinion to the Board. The appointing officer shall report the results of the investigation to the Board when he/she finishes the investigation.
  - (c) The Board may request an appointing officer to investigate suspected violation of this law, the Code or the other regulations based on this law.
  - (d) The Board may, when the Board considers it necessary, conduct the investigation of violation of this law, the Code, or other regulations based on this law with an appointing officer.
  - (e) An appointing officer shall obtain the prior approval of the Board when he/she inflicts a disciplinary punishment due to the violation of this law, the Code, or the other regulations based on this law.
  - (f) The Board may begin the investigation of the suspected violation of this law, the Code, or the other regulations based on this law, when the Board considers it especially necessary for the retention of ethics related to the duties of national public service officials.
  - (g) Based on the investigation referred to in (f) above, the Board may give a recommendation to the appointing officer on the disciplinary punishment, or inflict a disciplinary punishment on the investigated employee.
- (7) The President, the Members, and employees of the Board who divulge the secret information acquired in the line of duty shall be punished. The punishment shall be penal servitude for up to two years or a fine of up to one million yen, which is more serious than the penal punishment against the other employees violating the duty to preserve secrecy provided in the National Public Service Law.

## **VII. Ethics Supervisory Officer**

- (1) Ethic supervisory officers shall be appointed in each ministry and agency.
- (2) Ethic supervisory officers shall:
  - Give necessary guidance and advice for employees in the ministries or agencies regarding ethics matters;
  - Establish management systems for retention of ethics in accordance with the directions by the National Public Service Ethics Board.

### **VIII. Report to the Diet**

The Cabinet shall make an annual report to the Diet regarding the affairs concerning retention of ethics among employees and the measures taken during the year.

### **IX. Measures for Retention of Ethics among Employees in the Public Corporations**

- (1) Appropriate measures shall be taken for retention of ethics among employees in the public corporations.
- (2) The heads of ministries or agencies shall supervise the public corporations under their jurisdiction with respect to measures taken for retention of ethics among employees.
- (3) The National Public Service Ethics Board (Board) is entitled to request the heads of ministries or agencies to report measures taken for retention of ethics among employees in the government funded organizations under their supervision. The Board is also entitled to request the heads of ministries and agencies to conduct necessary measures in supervision of these organizations.

### **X. Miscellaneous**

- (1) Measures shall be taken for retention of ethics among the public servants in local governments on the basis of the measures provided in this law.
- (2) Professors working for national universities and the employees in government corporations such as the postal service, national forestry service, printing and mints are exempt from some provisions of this law, such as the National Public Service Ethics Board\*s own investigation and disciplinary actions.

### **XI. Supplementary Provisions**

In this law, the provisions of VI and VII shall be enforced from the day of its promulgation (13 August 1999), the provisions of V (limited to the provisions related to the report of income) from 1 January 2000, and other provisions from

1 April 2000.

Source: <http://www.jinji.go.jp/rinri/eng/detail1/main.htm>

National Personnel Authority of Japan

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