

CASES NOS 2177 AND 2183

INTERIM REPORT

Complaints against the Government of Japan presented by

Case No. 2177

– the Japanese Trade Union Confederation (JTUC–RENGO)

Case No. 2183

– the National Confederation of Trade Unions (ZENROREN)

Allegations: At its origin, the complainants had alleged that the reform of the public service legislation was developed without proper consultation of workers' organizations, further aggravating the existing public service legislation and maintaining the restrictions on the basic trade union rights of public employees, without adequate compensation. Following extensive consultations, they now demand rapid guarantees for their basic labour rights

- 814.** The Committee has already examined the substance of this case on seven occasions, most recently at its March 2012 meeting, when it presented an interim report to the Governing Body [363rd Report, paras 816–852, approved by the Governing Body at its 313th Session (March 2012)].
- 815.** The Japanese Trade Union Confederation (JTUC–RENGO) (Case No. 2177) submitted additional information in a communication dated 31 August 2012. The National Confederation of Trade Unions (ZENROREN) (Case No. 2183) submitted additional information in a communication dated 8 January 2013.
- 816.** The Government sent its observations in a communication dated 17 January 2013.
- 817.** Japan has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

A. Previous examination of the case

- 818.** At its March 2012 meeting, the Committee made the following recommendations [see 363rd Report, para. 852].
- 819.** The Committee welcomes the continuing institutionalized tripartite discussions concerning the various issues raised in the present case. While commending the efforts of the Government to hold systematic consultations with interested parties throughout the reform process, the Committee encourages the Government to maintain full, frank and meaningful consultations with all interested parties on any remaining issues. It expresses the firm hope that the Government will vigorously pursue its efforts to complete the ongoing civil service

reform process in a spirit of social dialogue in order to find mutually acceptable solutions aimed at effectively, and without delay, addressing the measures necessary for the implementation of the freedom of association principles embodied in Conventions Nos 87 and 98, ratified by Japan, in particular as regards:

- (i) granting basic labour rights to public servants;
- (ii) fully granting the right to organize and to collective bargaining to firefighters and prison staff;
- (iii) ensuring that public employees not engaged in the administration of the State have the right to bargain collectively and to conclude collective agreements, and that those employees whose bargaining rights can be legitimately restricted enjoy adequate compensatory procedures;
- (iv) ensuring that those public employees who are not exercising authority in the name of the State can enjoy the right to strike, in conformity with freedom of association principles, and that union members and officials who exercise legitimately this right are not subject to heavy civil or criminal penalties; and
- (v) the scope of bargaining matters in the public service.

820. The Committee requests the Government to keep it informed of developments on all the above issues.

B. Additional information from the complainants

821. In its communication dated 31 August 2012, JTUC–RENGO indicates that, during the negotiations conducted on the revision of the national public service employees' wage in the context of the recovery and reconstruction efforts in the aftermath of the great East Japan earthquake, in March 2011, the Government expressed the following views: (1) it would put all its efforts behind the enactment of both the bill related to the wage cut and the bill introducing the autonomous labour–employer relations system, during the 177th session of the Diet; and (2) the system of recommendations by the National Personnel Authority (NPA) is a compensatory mechanism that is carried out to redress the restrictions on what should in principle be a settlement of wages and working conditions reached through labour–employer negotiations; the Government would be engaging in negotiations in a way that would be going a step ahead of the procedure, the wage revision being carried out this time through labour–employer negotiations.

822. JTUC–RENGO further indicates that, based on an agreement with the clerical (white-collar) employees' panel of the Alliance of Public Services Workers Unions (APU) formed in these negotiations, the Cabinet adopted a temporary special provisions bill on the national civil service employees' wage, which the Government then presented to the Diet on 3 June 2011. This bill, however, was not discussed during the 179th extraordinary Diet session (20 October to 9 December 2011) and was held over for deliberations until the 180th ordinary Diet session.

823. JTUC–RENGO adds that, on 17 February 2012, three political parties, the Democratic Party of Japan (DPJ), the Liberal Democratic Party of Japan (LDP) and the New Komeito Party, reached an agreement regarding the national public service employees' wage. This political agreement, which took account of the 2011 wage-cut recommendation of the NPA (an average of 0.23 per cent), to which it added an additional wage cut of up to 7.8 per cent, was the basis of the new “Bill concerning the National Public Service Employee Wage Revision and the Temporary Special Provisions” which was enacted by the Diet.

- 824.** JTUC–RENGO expresses its disappointment at the fact that, despite the statement of intentions by the Government, the labour–employer agreement had been ignored at the time of the adoption of the Bill by the Diet.
- 825.** Regarding the four bills related to the reform of the national public service JTUC–RENGO regrets that these remain unsettled, despite sincere and meaningful consultations between the Government, JTUC–RENGO and the APU. The four bills had been adopted by the Cabinet and submitted to the Diet on 3 June 2011. JTUC–RENGO indicates that the bills entered into deliberations in the plenary session of the Lower House which opened on 1 June 2012, after a delay of almost one year, and in the absence of the LDP, and that these deliberations have not been concluded yet. JTUC–RENGO brings into question the attitude of the Diet in this regard.
- 826.** JTUC–RENGO therefore asks the Committee to further pressure the Japanese Government to promote Diet deliberations on the four bills related to the reform of national public service.
- 827.** With regard to the establishment of an Autonomous Labour–Employer Relations System for Local Public Service Employees, JTUC–RENGO states that after the “Basic Concept of the Labour–Employer Relations System for Local Public Service Employees” was announced on 2 June 2011, the work on the formulation of the related bills made no progress for over five months. Eventually, after a series of exchanges of opinion both between the DPJ and the workers’ organizations concerned, and between the Ministry of Internal Affairs and Communications and these organizations, the Ministry presented its “Reform of the Local Public Service Employee System (preliminary draft)” on 11 May 2012, the main content of which is as follows: (1) while clarifying the granting of the right to organize of fire defence personnel for the first time in history, the Government also has made clear its intention to adopt the right to conclude collective agreements; (2) the day of enforcement of the four bills would be further delayed. JTUC–RENGO adds that on a number of subsequent occasions, the Government expressed its intention to put all its efforts in moving things forward; the Minister had even indicated that the drafting of the local public service employee system revision, including the granting of the right to organize of fire defence personnel, had been completed. JTUC–RENGO states that the above series of events confirms that sincere and meaningful consultations have taken place between the Government, DPJ, JTUC–RENGO and the APU. However, due to the opposition of mainly three local organizations (the National Governor’s Association, the Japan Association of City Mayors and the National Association of Towns and Villages), the bills for the establishment of the Autonomous Labour–Employer Relations System for Local Public Service Employees and the bills relating to the restoration of their basic labour rights, including a resolution of the issue of the right to organize of the fire defence personnel, have yet to be formulated.
- 828.** In its communication dated 8 January 2013, ZENROREN argues that, until the adoption of the reform of the national public service system that would create autonomous employer–employee relations, the NPA recommendations are the only rule for determining the wage of State employees. It therefore denounces the process which led to the adoption of the Bill concerning the National Public Service Employee Wage Revision and the Temporary Special Provisions, following a political agreement which went beyond the recommendation of the NPA (in addition to the recommended 0.23 per cent, further cuts from 4.77 per cent to 9.77 per cent would be implemented) and was reached without hearing the concerned parties including the Japan Federation of National Service Employees (KOKKOROREN). In protest against the adoption of the wage reduction law, KOKKOROREN, affiliated with ZENROREN, filed a lawsuit against the Diet in the Tokyo District Court on 25 May 2012 for violating article 28 of the Constitution of Japan guaranteeing basic labour rights, as well as the ILO Convention providing for freedom of

association, by instituting unilaterally a law for a wage cut that exceeds the NPA recommendation.

- 829.** ZENROREN further indicates that, following the adoption of the law on wage cut for national Government personnel, the Government adopted a policy to implement a comparable wage cut to the employees of “independent administrative institutes” (99 institutes) and “national university corporations” (100 corporations including inter-university research institute corporations). Based on this policy, the Government and the competent ministries put increasing pressure on these independent administrative institutes. As a result, all the institutes implemented wage cuts in different forms, and some unilaterally annulled labour agreements or reduced wages in a way that was not based on the labour agreement in force. ZENROREN states that the insistent demand by the Government accompanied with the threat of budget cuts for the institutes constitutes nothing but interference into labour management relations. It adds that, on 27 November 2012, the employees’ unions of a number of national university corporations filed lawsuits against the university management for the payment of the wage loss as a result of the wage-cut measures.
- 830.** ZENROREN further denounces that the 2012 NPA recommendation deviates from the provisions of article 28 of the National Civil Service Law, according to which its mandate is to call for correction of wage discrepancies of salaries between public and private sector paid during the same period of time. While acknowledging that the wages of public employees as of 1 April 2012 was 7.67 per cent lower than private sector wages, the NPA did not recommend an increase to fill the gap on the ground that the wage cut law had been adopted by the Diet. ZENROREN considers that this testifies to the advanced degree of degradation of the NPA recommendation system, which the Government claims to be a compensatory measure for the restriction of basic labour rights, and underscores the urgency of restoring basic labour rights for public sector employees.
- 831.** With regard to the absence of progress on the four bills related to the reform of the national public service system, ZENROREN deems it evident that, after having forced the adoption of the wage-cut bill, the Diet is extremely negative about voting this reform and that it has not made any serious efforts to improve the situation.
- 832.** With regard to the local public service employees reform, ZENROREN indicates that the Government has not replied to its written opinion and that it has not accepted to have any negotiations or consultations with the unions. ZENROREN adds that the “Reform of the Local Public Service Employee System (preliminary draft)” presented on 11 May 2012 involves serious problems such as the introduction of a union attestation system that would practically deny the right to collective bargaining of small unions having financial difficulties and the exclusion of management and administration matters from the subjects of negotiations. For this and other reasons, ZENROREN submitted to the Government another written opinion and a number of consultations were eventually held with the Government, but did not achieve satisfactory results. ZENROREN also refers to the opposition of three local employer organizations to the reform (which is raised in JTUC–RENGO’s communication); it adds that, on 15 November 2012, the Government introduced to the Diet two bills that would restore the right to conclude labour agreements for local Government employees (although not for firefighters), but that these two bills were also scrapped when the House of Representatives was dissolved.
- 833.** In concluding, ZENROREN states that most of the Diet members and heads of local governments are unfortunately still reluctant to give basic labour rights to public employees, and that the Government has not given enough consideration to its repeated demands for State and local public personnel reforms. In addition, it underlines the fact that recent negative moves have been witnessed in some municipalities in Japan, such as in

Osaka City where the City Council adopted an agreement banning political activities of city employees and putting restrictions on their union movement. ZENROREN asks the Committee to pressure the Government to implement quickly the reforms regarding public personnel with the aim of restoring their basic labour rights and to hold further negotiations with all the concerned unions to achieve progress towards this goal.

C. The Government's reply

- 834.** In its communication dated 17 January 2013, the Government indicates, in relation to the national civil service reform, that, in the process of establishing the four reform bills, it held discussions with JTUC–RENGO, the APU, ZENROREN and KOKKOROREN. After having been deliberated in the House of Representatives during the ordinary session of the Diet in 2012, the reform bills were carried over to its next (extraordinary) session and were dropped due to the dissolution of the House of Representatives on 16 November 2012.
- 835.** The Government adds that, as a result of the general election of the House of Representatives held on 16 December 2012, a new administration has just come into power on 26 December 2012. The new Administration will examine the concrete content of the national civil service reform, after reviewing the past progress of the reform.
- 836.** With regard to the basic labour rights of local public service employees, the Government indicates that the “Reform of the Local Public Service Employee System (preliminary draft)” presented on 11 May 2012, which explained the whole picture of the reform, had been discussed with both the relevant workers’ (JTUC–RENGO, the APU and ZENROREN) and employers’ (National Governors’ Association, Japan Association of City Mayors and National Association of Towns and Villages) organizations. Despite the Government’s efforts, the employer side expressed some concerns about this reform: (1) the current labour–employer relations system being stable, they could not understand the necessity of this reform; (2) they had concerns about the increase in administrative costs; (3) granting the right to organize to fire defence personnel would trigger issues in the chain of command. For these reasons, no bill was submitted to the ordinary session of the Diet. Eventually, after tremendous efforts, including the setting up of a committee on the autonomous labour–employer relations system for local public service employees, which gathered all parties and met six times in September and October 2012, the Government finally submitted the Amendment Bill for the Local Public Service Employees Law, and the Draft Act on Labour Relations of Local Public Service Employees, to the extraordinary session of the Diet on 15 November 2012.
- 837.** The Government provides in an annex detailed information on the major matters included in these bills with the aim of creating a framework in which decisions on the working conditions of local public service employees can be taken autonomously via labour–employer negotiations, in particular: (1) granting the right to conclude collective agreements to local public service employees in the non-operational sector, with the exclusion of the personnel making important administrative decisions and the personnel whose right to organize will continue to be restricted and who will benefit from appropriate compensatory measures; (2) establishing the matters to be handled by collective bargaining as well as the procedures thereof and the parties thereto (a labour union may enjoy the right to conclude collective agreements if it applies for certification with the Prefectural Labour Relations Commission; the objective requirements for this certification include that employees in one local government shall constitute the majority of all labour union members); (3) prohibition and examination of unfair labour practices; (4) procedures for conciliation, mediation and arbitration by the Central Labour Relations Commission and Prefectural Labour Relations Commission; and (5) granting the right to organize and collective bargaining to fire defence personnel (not including the right to conclude collective agreements).

- 838.** However, these bills were dropped due to the dissolution of the House of Representatives on 16 November 2012. The Government reiterates that the new administration will examine the concrete content of the local public service reform.
- 839.** Concerning the question of the remuneration of national public service employees, the Government reiterates that, after consultations with the workers' organizations, it submitted the Bill on Temporary Special Provisions on Remuneration for National Public Service to the Diet on 3 June 2011, at the same time as the four reform bills to establish the autonomous labour–employer relations system. During the examination of this bill on remuneration, the Government had negotiated sincerely with both the Liaison Conference of National Public Service Employees' Unions (Liaison Conference), affiliated with JTUC–RENGO and KOKKOROREN, affiliated with ZENROREN. While an agreement was reached with the Liaison Conference, no agreement could be reached with KOKKOROREN. Considering the fact that implementation of the measures to reduce remuneration for national public service employees was urgently needed, the Government submitted the Special Temporary Remuneration Bill to the Diet to request its decision, but the bill was not deliberated during the 2011 sessions of the Diet. The Government provides detailed information about the reason why it decided not to submit the bill to revise the Remuneration Law in accordance with the recommendation of the NPA, including the severe national fiscal situation and the urgent need for reconstruction to respond to the earthquake disaster. As a result of consultation between the governing party and the non-governing parties, some Diet members submitted the “Bill of Revision and Temporary Special Provisions on Remuneration for National Public Service” based on a three-party agreement among the Democratic Party of Japan (the governing party at that time), the Liberal Democratic Party and the New Komeito Party (non-governing parties at that time) on 22 February 2012. This bill was approved on 29 February 2012.
- 840.** The Government adds that the “Law of Revision and Temporary Special Provisions on Remuneration for National Public Service” (Act No. 2 of 2012, hereinafter the “Revision and Special Temporary Measures on Remuneration Law”) provides two measures: one is to reduce the remuneration for national public service employees by an average of 0.23 per cent, based on the NPA recommendation of 30 September 2011 and the other is to establish an exception to the remuneration (with exceptional reduction rates ranging from 4.77 per cent to 9.77 per cent as concerns salaries, and a uniform 9.77 per cent reduction applied on bonuses). The second measure, which follows the policy of the Special Temporary Remuneration Bill presented by the Cabinet, was introduced to cut personnel expenses of national public service employees since further reduction in annual expenditures was indispensable, taking into consideration the severe national fiscal situation and the necessity to respond to the great East Japan earthquake. Moreover, the special temporary measure to reduce remuneration is applicable only for two years from 1 April 2012 until 31 March 2014.
- 841.** The Government underlines that it has done its utmost to have meaningful discussions and achieve fruitful civil service reform, bearing in mind the basic idea that frank exchanges of views and coordination with relevant organizations are necessary. It will continue to take such an approach, and to provide the Committee with timely and relevant information on the situation.

D. The Committee's conclusions

- 842.** *The Committee recalls that these cases, initially filed in 2002, concern the current reform of the public service in Japan. The Committee notes that both the Government and the complainant organizations provide detailed information on the most recent steps taken in this reform process, as well as in the process of revising the remuneration of public employees.*

- 843.** *With regard to the national public service reform, the Committee understands that the four related bills, which had been submitted to the Diet on 3 June 2011, were brought under deliberation during the 2012 ordinary session of the Diet, and that these deliberations were carried over to its next (extraordinary) session. The Committee notes the Government's indication that the four reform bills were eventually dropped due to the dissolution of the House of Representatives on 16 November 2012. The Committee regrets that, despite the progress which had been achieved towards a reform of the public service in Japan (the four bills instituting a new framework would have included granting the right to conclude collective agreements to national public service employees in the non-operational sector, establishing a civil service office and suppressing the NPA and its recommendation functions, treatment of the right to strike of national public service employees), no such reform has been adopted.*
- 844.** *With regard to the local public service reform, the Committee understands that, after the "Basic Concept of the Labour–Employer Relations System for Local Public Service Employees" was announced on 2 June 2011, a series of exchanges of opinion were organized by the Ministry of Internal Affairs and Communications with all parties concerned, leading to the presentation of the "Reform of the Local Public Service Employee System (preliminary draft)" on 11 May 2012. According to the information provided by JTUC–RENGO, the main content of this preliminary draft was as follows: (1) while clarifying the granting of the right to organize of fire defence personnel for the first time in history, the Government also has made clear its intention to adopt the right to conclude collective agreements; (2) the day of enforcement of the four bills would be further delayed. According to ZENROREN, the preliminary draft involved serious problems such as the introduction of a union attestation system that would practically deny the right to collective bargaining of small unions having financial difficulties and the exclusion of management and administration matters from the subjects of negotiations. The Committee also understands from the information provided by the Government and the complainant organizations that three local employers' organizations (the National Governor's Association, the Japan Association of City Mayors and the National Association of Towns and Villages) expressed concerns about this reform: (1) the current labour–employer relations system being stable, they could not understand the necessity of this reform; (2) they had concerns about the increase in administrative costs; (3) granting the right to organize to fire defence personnel would trigger issues in the chain of command. The Committee notes the Government's indication that, following further tremendous efforts to reconcile the various positions, it finally submitted the Amendment Bill for the Local Public Service Employees Law, and the Draft Act on Labour Relations of Local Public Service Employees, to the extraordinary session of the Diet on 15 November 2012. The Government provides in an annex detailed information on the major matters included in these bills with the aim of creating a framework in which decisions on the working conditions of local public service employees can be taken autonomously via labour–employer negotiations, in particular: (1) granting the right to conclude collective agreements to local public service employees in the non-operational sector, with the exclusion of the personnel making important administrative decisions and the personnel whose right to organize will continue to be restricted and who will benefit from appropriate compensatory measures; (2) establishing the matters to be handled by collective bargaining, as well as the procedures thereof and the parties thereto (a labour union may enjoy the right to conclude collective agreements if it applies for certification with the Prefectural Labour Relations Commission; the objective requirements for this certification include that employees in one local government shall constitute the majority of all labour union members); (3) prohibition and examination of unfair labour practices; (4) procedures for conciliation, mediation and arbitration by the Central Labour Relations Commission and the Prefectural Labour Relations Commission; and (5) granting the right to organize and collective bargaining to fire defence personnel (not including the right to conclude collective agreements). The Committee notes the Government's indication that*

the two reform bills were then dropped due to the dissolution of the House of Representatives on 16 November 2012.

- 845.** *Noting the Government's indication that the new Administration which came into power on 26 December 2012, as a result of the general election of the House of Representatives held on 16 December 2012, will review the past progress of the national and local civil service reforms and examine their concrete content, the Committee urges the Government to pursue full, frank and meaningful consultations with all interested parties on these issues. The Committee expects that the Government will make every effort to complete the civil service reform without any further delay given the time that has elapsed since the complaint was filed and the long and intensive dialogue in which the Government and the social partners have been engaged in order to ensure full respect for the freedom of association principles embodied in Conventions Nos 87 and 98, ratified by Japan, in particular as regards: (i) granting basic labour rights to public servants; (ii) fully granting the right to organize and to collective bargaining to firefighters and prison staff; (iii) ensuring that public employees not engaged in the administration of the State have the right to bargain collectively and to conclude collective agreements, and that those employees whose bargaining rights can be legitimately restricted enjoy adequate compensatory procedures; (iv) ensuring that those public employees who are not exercising authority in the name of the State can enjoy the right to strike, in conformity with freedom of association principles, and that union members and officials who exercise legitimately this right are not subject to heavy civil or criminal penalties; and (v) the scope of bargaining matters in the public service. The Committee requests the Government to keep it informed of developments on all the above issues, and to indicate whether the bills on the public service reform at national and local levels that were submitted to the Parliament prior to its dissolution have been resubmitted for consideration.*
- 846.** *The Committee notes that the complainant organizations further raise concern that the unilateral revision of the national public service employees' wage in the context of the recovery and reconstruction efforts in the aftermath of the Great East Japan Earthquake took place within the ongoing absence of concrete progress on the proposals for civil service reform. Firstly, the Committee understands that despite the Government's efforts to have both the reform introducing an autonomous labour–employer relations system in the public service and the bill related to the revision of the national public service employees' wage enacted during the same session of the Diet, only the latter was eventually adopted, and the public service reform is apparently not before the Parliament at present for consideration. Moreover, the Committee notes that the complainant organizations criticize the process which led to the adoption of the wage-cut measures. JTUC–RENGO expresses its disappointment at the fact that, despite a statement of intentions by the Government, the labour–employer agreement which had been reached on this matter had been ignored at the time of the adoption of the final bill by the Diet which had based its deliberations on the results of a political agreement and not on the labour–employer agreement. For its part, ZENROREN denounces the fact that this political agreement went beyond the recommendation of the NPA (which ZENROREN argues is the only rule for determining the wage of State employees, until the adoption of the reform of the national public service system that would create autonomous employer–employee relations). ZENROREN further denounces that the 2012 NPA recommendation deviates from the provisions of article 28 of the National Civil Service Law, according to which its mandate is to call for correction of wage discrepancies of salaries between public and private sectors paid during the same period of time. ZENROREN considers that this testifies to the advanced degree of degradation of the NPA recommendation system, which the Government claims to be a compensatory measure for the restriction of basic labour rights, and underscores the urgency of restoring basic labour rights for public sector employees.*

- 847.** *The Committee notes that the Government states that it had negotiated sincerely the issue of the remuneration of public employees with both the Liaison Conference, affiliated with JTUC-RENGO and KOKKOROREN, affiliated with ZENROREN, and that, while an agreement was reached with the Liaison Conference, no agreement could be reached with KOKKOROREN. According to the Government, considering the fact that implementation of the measures to reduce remuneration for national public service employees was urgently needed, it submitted the Special Temporary Remuneration Bill to the Diet to request its decision. The Committee notes the Government's detailed information as to why it decided not to submit the bill to revise the Remuneration Law in accordance with the recommendation of the NPA. The Government confirms that eventually a three-party agreement among the Democratic Party of Japan (the governing party at that time), the Liberal Democratic Party and the New Komeito Party (non governing parties at that time) on 22 February 2012 formed the basis of the bill that was eventually approved on 29 February 2012. According to the Government, the national public service employees wage cut introduced in the law was necessary, taking into consideration the severe national fiscal situation and the necessity to respond to the Great East Japan Earthquake. The Government emphasizes that the special temporary measure to reduce remuneration is applicable only for two years from 1 April 2012 until 31 March 2014.*
- 848.** *The Committee finally notes that ZENROREN indicates that, in protest against the adoption of the wage reduction law, its affiliate, KOKKOROREN, filed a lawsuit against the Diet in the Tokyo District Court on 25 May 2012 for violating article 28 of the Constitution of Japan guaranteeing basic labour rights, as well as the ILO Convention providing for freedom of association, by instituting unilaterally a law for a wage cuts that exceeds the NPA recommendation. ZENROREN further indicates that, following the adoption of the law on wage cut for the national Government personnel, the Government adopted a policy to implement a comparable wage cut to the employees of "independent administrative institutes" (99 institutes) and "national university corporations" (100 corporations including inter-university research institute corporations), and that it put increasing pressures on these independent administrative institutes, as a result of which all the institutes implemented wage cuts in different forms, and some unilaterally annulled labour agreements or reduced wages in a way that was not based on the labour agreement in force. ZENROREN states that the insistent demand by the Government accompanied with the threat of budget cuts for the institutes constitutes nothing but interference into labour management relations, and adds that, on 27 November 2012, the employees' unions of a number of national university corporations filed lawsuits against the university management for the payment of the wage loss as a result of the wage-cut measures. The Committee requests the Government to keep it informed of the results of the abovementioned cases.*
- 849.** *Taking note of the special and urgent circumstances which have been invoked in relation to the budgetary restraint following the earthquake, and noting the Government's efforts to restrict the special measures to a two-year period, the Committee nevertheless regrets that the issue of the basic labour rights of public servants still remains unresolved. Considering that this situation is in large part the origin of the tensions and ongoing court cases, and taking into account the fact that the measures taken with respect to wages were unilateral in nature and without the consultation of the unions, the Committee urges the Government to take the necessary measures so that the reform of the public service along the lines of its recommendations may be completed without further delay.*

The Committee's recommendations

850. *In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendations:*

- (a) *Noting the Government's indication that the new Administration which came into power on 26 December 2012 will review the past progress and examine the concrete content of the national and local civil service reforms, the Committee urges the Government to pursue full, frank and meaningful consultations with all interested parties on these issues and to take the necessary measures so that the reform of the public service, along the lines of its recommendations, may be completed, without further delay, in order to ensure full respect for the freedom of association principles embodied in Conventions Nos 87 and 98, ratified by Japan, in particular as regards:*
- (i) *granting basic labour rights to public servants;*
 - (ii) *fully granting the right to organize and to collective bargaining to firefighters and prison staff;*
 - (iii) *ensuring that public employees not engaged in the administration of the State have the right to bargain collectively and to conclude collective agreements, and that those employees whose bargaining rights can be legitimately restricted enjoy adequate compensatory procedures;*
 - (iv) *ensuring that those public employees who are not exercising authority in the name of the State can enjoy the right to strike, in conformity with freedom of association principles, and that union members and officials who exercise legitimately this right are not subject to heavy civil or criminal penalties; and*
 - (v) *the scope of bargaining matters in the public service.*

The Committee requests the Government to keep it informed of developments on all the above issues, and to indicate whether the bills on the public service reform at national and local levels that were submitted to the Parliament prior to its dissolution have been resubmitted for consideration.

- (b) *The Committee requests the Government to keep it informed of the results of the lawsuit filed by KOKKOROREN against the Diet in the Tokyo District Court on 25 May 2012, as well as of the lawsuits filed by the employees' unions of a number of national university corporations against the university management for the payment of the wage loss as a result of the wage-cut measures.*