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Kamiko Akio, was born on 22 November 1954 in Kyoto, Japan. He holds a Bachelor of Arts in Law from the University of Tokyo and a Master of Arts in Land Economy from the University of Cambridge. Akio began his career in public service in April 1977, joining the Ministry of Home Affairs, where he served for three decades until his retirement in December 2007. In April 2008, he transitioned to academia, becoming a Professor at Ritsumeikan University, where he continues to contribute to the field of Public Administration. During his tenure at Ritsumeikan, Akio held several leadership roles, including Dean of the College of Policy Science (August 2011–March 2013) and Vice President of Ritsumeikan Asia Pacific University (January 2014–March 2016). His expertise and research focus primarily on public administration, with a particular emphasis on policy science and governance.

The Role of the Whistle-Blowing System in Relation to Other Objection making Systems in Japan

Abstract

Whistleblowing systems in local Japanese governments represent a relatively new addition to the country's administrative framework. Originally designed as a general system applicable to both public and private sectors, these systems were later adapted for local governments with minimal adjustments. This has led to ambiguity in distinguishing whistleblowing from other established objection-making systems such as those managed by personnel commissions and equity missions. Drawing on the author's experience as the chairman of a whistleblowing committee in Fukuchiyama City, this study explores the challenges of demarcating whistleblowing from other objection channels, particularly in cases involving staff remuneration, incompetent officials, and workplace harassment. The study employs a qualitative approach, analyzing real-world cases and reviewing legal frameworks, including the Local Public Personnel Act and local bylaws. This highlights the lack of standardization of whistleblowing systems across Japanese municipalities, as each local government designs its own system within vague central guidelines. This research identifies instances where whistleblowing is used inappropriately, bypassing more specialized systems, and examines the implications of this trend. It also considers the reasons for the popularity of whistleblowing, such as the allowance for anonymous reporting and the simplicity of the process, and suggests that whistleblowing systems have expanded the scope of objection-making in Japanese local governments; they have also created confusion by overlapping with existing systems. The paper concludes with recommendations for a clearer demarcation between whistleblowing and other objection channels, emphasizing the need for better-defined roles and expertise in handling different types of complaints. This study contributes to the broader discourse on whistleblowing systems and their integration into public administration.

Keywords:

whistleblowing; local governments; Japanese municipalities

Introduction

Whistleblowing systems are new additions to Japan's local government system. However, since it was not originally

conceived as part of the local government system in Japan, it was conceived as a common system for all organizations in Japan, regardless of whether

it is public or private, and was applied to the public sector with little adjustment; demarcation between them and other systems for objection making in the public sector is not always self-evident. As the author took the role of the chairman of a body dealing with whistleblowing cases in a city in Japan, the author encountered many cases in which the author was not certain about whether to take up the case through the channel set for whistleblowing or let it go through other channels of objection making. Cases of staff remuneration often belong to this category. There are other more established and specialized ways, but since blowing a whistle is easier with simpler procedures, people often use this channel. In this paper, the author contemplates some of these cases and considers the basic principles of the demarcation of whistleblowing and other channels.

The whistle-blowing systems of local governments in Japan were established as applications of a general framework for whistleblowing systems in Japan's business world, regardless of whether the entities belong to public sector or private sector, and also detailed design of the system was left to each local government in the case the local governments (Coney, P., 2019; Martin, B. & Rifkin, W., 2004). However, these systems are not standardized. Each local government is obligated to establish a system, but they can design it as long as they design it according to the guidelines of the central government (Asaoka, 2020). This guideline of the central government is vague, and respects the initiatives of local governments. In this sense, the systems of whistleblowing are unique among various systems of local governments in Japan, in that they are not the same among the local governments, and in that they were not designed with the elaborate consideration of demarcation between them and other similar systems that can be used for the same kinds of cases (Iwasaki, M., 2023; Greenberger, D., Miceli, M., & Cohen, D., 1987).

As mentioned above, whistleblowing systems in local governments in Japan were established as an application of the general rule governing both public and private sectors in Japan. This rule was established with the main purpose of guarding the interests of the general public. In other words, members of business organizations are urged to blow a whistle when illegal or inappropriate things are being done in their organizations to protect the interests of the general public (Rothlin & McCann, 2016; Miceli & Near, 2002). As the whistleblowing system gains more recognition, a larger number of cases that could have used other channels are seen coming into this channel. In addition, there seem to be cases for which there had been no way of requesting some action from a local government, but now it seems possible to do it through the system of whistleblowing. An example of the former cases is a request about correction of salary payment systems and an example of the latter cases is a request to do something about an incompetent fellow official (Davis, A. J., & Konishi, E., 2007). In this paper, the author would like to discuss these cases and see how the demarcation between the "whistle-blowing systems" and other already existing systems incorporated in the local government system in Japan should be made.

Literature Review

Objectives of Whistle-blowing

First of all, the objectives of "Whistle-blowing" is usually very loosely defined. In Appendix 1, the author showed his translation of the bylaw governing whistle-blowing procedures in a city called Fukuchiyama, where the author takes up the role of the chairman of a committee examining 'whistle-blowing cases.' The regulation of whistleblowing varies from one local government to another because local governments make their own rules (Fukurai, 2024; Wolff, 2004). Even the ways in which they are provided differ. In some local governments, they are provided in the form

of by-laws, and in others, they are provided in the form of the chief executives' order. However, their contents are generally similar, following the guidelines of the central government.

As is shown in the Article 2 of the by-law, Whistle-blowing for public interest is defined as *“Internal tip-offs made to the Fukuchiyama City Judging Committee for Compliance to Laws and Regulations by an Official etc. to prevent improper deeds (including inactions), when he/she thinks that vi Whistleblowing and regulatinterest: Internal shall inflict grave damage to lives, bodies, assets or living environment of the people, or other improper deeds have been made or is about to be made, in relation to the City’s business. However, those with improper purposes, including making improper profits or damaging others, ,are excluded.”* This definition is very common, but at the same time, very broad, and the interesting point is that ‘implicity’s deeds’ are included in it. ‘Illegal’ is a clearer definition, meaning that the one who make a whistle-blowing must specify a legal stipulation against which something illegal is made. However, ‘improper’ can include a much wider variety of things. In short, according to the by-laws stipulation, “whistles can be blown’ about almost anything in this city.

Methods

This study employs a qualitative research approach to examine the role of whistleblowing systems in local Japanese governments, particularly focusing on their interaction with other objection-making systems. This research is based on the author’s first experience as the chairman of a committee responsible for handling whistleblowing cases in Fukuchiyama City, Japan. This position provides access to real-world cases and insights into the practical challenges of demarcating whistleblowing from other objection-making channels.

The primary data for this research were derived from case studies of whistleblowing

incidents in Fukuchiyama City. These cases included issues related to staff remuneration, incompetent officials, and workplace harassment. The author analyzed these cases to identify the patterns and challenges in distinguishing between whistleblowing and other objection-making systems. The analysis also considers the legal and procedural frameworks governing whistleblowing in Japan, particularly the Local Public Personnel Act and by-laws of Fukuchiyama City.

In addition to the case studies, this research incorporates a review of relevant literature, including academic articles, government guidelines, and legal documents. This literature review helps contextualize the findings within the broader discourse on whistleblowing systems in Japan and other countries. The review also highlights the lack of standardization in whistleblowing systems across local Japanese governments, as each municipality is allowed to design its own system within the central government’s vague guidelines.

The research method also includes a comparative analysis of whistleblowing systems with other objection-making systems such as those managed by personnel commissions and equity missions. This comparison helps to identify overlaps and potential conflicts between these systems, as well as the reasons why whistleblowing has become a preferred channel for raising objections.

Results and Discussion

Cases that could have used other channels

1. Cases about remuneration for local government officials

There are cases of whistleblowing about officials’ remuneration. These cases include ‘whistleblowing on an incorrect pay scale and unpaid work. However, an existing system exists for these cases. These are several articles related to the Local Public Personnel Act (Fukurai, H., 2024).

(Authorities of the Personnel Commissions and the Equity Commissions)

Article 8

1) A Personnel Commission shall deal with following tasks.

1 ~ 8 (Omitted)

Nine To examine, make judgments about, and take necessary measures about those requirements made by local government officials with regard to remuneration, and working conditions, including working hours.

10 To make decisions about requests for review made by local government officials about disadvantageous treatment made to them.

Eleven To deal with objections made by local government officials other than those described in these two previous items.

2) A Equity Commission shall deal with following tasks.

1 ~8 (Omitted)

9 To examine, to make judgments about, and to take necessary measures about those requirements made by local government officials with regard to remuneration, and working conditions, including working hours.

10 To make decisions about requests for review made by local government officials about disadvantageous treatment made to them.

Eleven To deal with objections made by local government officials other than those described in these two previous items.

Personnel Commissions are established in prefectural governments and larger city governments, and Equity Commissions are established in smaller city governments, town governments, village governments, and unions of local governments.

The Local Public Personnel Act also includes provisions related to these tasks.

Request concerning measures to be taken about working condition

Article 46

A local government official may request the Personnel Commission or the Equity Commission of the local government to ensure that appropriate measures about working conditions, such as remuneration and working hours, should be taken by the local government.

Article 47

When such a request is made, the Personnel Commission or the Equity Commission of the local government shall examine the case through oral examination and other measures and shall make judgements, and take appropriate measures when the measures are within its authority, or, if not, shall make necessary recommendation to the competent authority

This shows that these cases of whistleblowing about officials' remuneration and working conditions were originally supposed to be taken care of by the Personnel Commission or Equity Commission of the local government (Martin & Rifkin, 2004). However, since the whistleblowing system, which came later, does not exclude cases that can be dealt with by other systems, there is a double possibility. In practice, it is not assumed that issues concerning officials' remuneration and working conditions must be dealt with exclusively by the Personnel Commission or the Equity Commission of the local government. As long as the request is duly considered, it does not matter much about the common attitude of local governments in Japan. If legal regulations are strictly interpreted, there might be room to insist that those cases that can be dealt with by a system established by a National Act should not be diverted to a system made by a by-law. However, as the author has observed, there have been no such arguments so far.

2. Cases of a request to do something about an incompetent fellow official.

This is something completely new in that there has been no way through which such a request could

be made. However, this also poses a problem. The issue is whether such a request should be allowed to pass through official channels. In Japan, the appointment of officials is made exclusively by the appointing authorities, which are chief executive officers and independent commissions, such as Education Boards. There was no room for officials to make objections about the appointments of their fellow officials (Wolff, 2004).

However, the new whistleblowing system provides an expanded possibility in this field. As long as someone's conducts are inappropriate and may affect outsiders now officials seem to be able to make an official objection to it through the channel of 'whistle-blowing.' Then, the question of whether such whistleblowing should really be accepted. This fact erodes the territory exclusively reserved for appointing authorities. On the other hand, this makes it possible for officials to register complaints about non-performing officials and, more generally, undesirable appointments. Because the 'whistle-blowing' system was conceived as a system on a different dimension, there are no regulations which prohibits local governments from taking up this kind of 'whistle-blowing.' So, in practice these kinds of whistle-blowings are accepted without much hesitation, because, unless some hidden prohibition for accepting them due to exclusively reserved area by other authorities is admitted, they satisfy the conditions for an acceptable 'whistle-blowing.'

3. Cases about human relation inside an office

There are cases of human relations within an office. Some of them also include the issue of the appointment of officials and, in that sense, they are somewhat similar to cases belonging to the second category. Many of these can also be labelled as 'power harassment' cases. "Harassment is an issue in Japan today, and recently, many local governments laid down official systems for the prevention of 'Harassment' 'Power harassment' is included in this system as

well as 'sexual harassment' and other kinds of 'harassments. People can use this system to inform the appointing authority about the inconvenience of an appointment of their senior officials, as long as the deeds of the senior official contain some elements of harassment. Usually, consultancy services and some ways of solving the situation are offered inside offices through these systems to prevent 'harassments.' This is also the case for government offices. However, some of these cases have attempted whistleblowing systems.

Thinking of if such cases should be accepted as 'whistle-blowing cases,' there are many points to be considered about these cases.

The first reason is why these whistleblowing systems were created. Originally, they were conceived as devices to rescue the general public from the dangers generated by wrongdoings concealed inside business entities. From this perspective, these cases are not included in the group intended as the original targets of the system.

The second point is whether the services offered to 'harassment' cases inside those offices are sufficient. Insiders offer these services in many businesses. As the author writes later, many of the 'whistle-blowers' seem to seek an examination by outsiders, in local governments in which examinations are made by outsiders (Lowry, P., Moody, G., Galletta, D., & Vance, A., 2013). Probably, they trust insiders less because many 'harassers' are in positions of influence inside the organization. In this sense, it may be worthwhile taking up these complaints as 'whistle-blowing cases.'

The third point is whether organizations established to examine whistle-blowing cases can cope with these cases. These organizations are established by examining legality and legal appropriateness in mind (Pillay, Reddy, & Morgan, 2017). However, harassment cases usually contain many elements of human relationship. Different types of expertise may be required to examine these cases.

At this stage, it is difficult to say what is a good way to these cases, but making some demarcation between whistle-blowing for the public interest and ‘harassment’ or devising a route through which the investigation organization for whistle-blowing can refer these cases to organizations better suited to these cases can be a good idea.

These kinds of complaints are just examples, but new systems in the local governments of whistle-blowing in Japan opened up the possibility of registering an official complaint on many occasions where making such a complaint was not possible.

In addition, as shown in the previous cases, many complaints were made through this new system, bypassing old systems. In this way, the new system of whistle-blowing would help local governments in Japan to make new developments. However, it is also possible that this new system causes confusion among local governments in Japan by destroying the established balance between authorities.

4. The reasons why this channel is so popular

There are two easily recognizable reasons why this new channel of whistleblowing is popular. First, anonymous whistleblowing was allowed. The national Act about ‘whistle-blowing’ says nothing about anonymous ‘tip-offs’ but the Guideline made by the central government says that anonymous ‘tip-offs’ must be accepted, because anonymous ‘tip-offs’ are not excluded from the objectives of protection by the Whistle-blower Protection Act.

The Article 9 of the Rule for the Implementation of the By-law for the Promotion of Compliance to Acts and Regulations of Fukuchiyama City provides for the procedures for ‘whistle-blowing’. Article 9 provides the following. (*Methods of ‘Whistle-blowing’*)
Article 9 Officials, etc. (as defined in Article 2 of the By-law) shall try to make ‘-whistleblowing,’ based on reliable data.

2 *whistle-blowings shall be made to the ‘Whistle-blowing Receiver’ or the Judging Committee Member appointed according to the previous article by submitting the Letter of whistle-blowing Format or any other kind of document (including Email transmission).*

3 *‘Whistle-blowing can be made without disclosing the name and the organization the ‘whistle-blower’ belongs to. In this case, the ‘whistleblower’ shows the method of contact as much as possible.*

4 *The method of contact stipulated in the previous paragraph shall be used only for the business concerning the “whistle-blowing’ case and shall not be used to identify the ‘whistle-blower.’*

This article clearly shows that anonymous whistleblowing was expected and allowed from the start of the system in the city.

However, this did not seem to be the prevailing reason. This is because most whistle-blowing cases are made with the blower’s name clearly shown in the paper or the mail. The second possible reason is that less formality is called for in cases of ‘whistle-blowing.’ Just email is sufficient to trigger a case. In practice, many cases came through email. They need not and mostly do not follow the official format (Asaoka, 2020). However, as the rule for implementation suggests, these whistleblowing cases are contemplated without any conditions about their forms.

However, there may be another reason for this finding. The members of the Judging Committee of this city are all outsiders. Currently, it comprises an attorney, a social insurance consultant, and the author, a professor of public administration. These are all from the outside. They have little to do with the city office except for this business. It is not mandatory for local governments in Japan to establish an examination organization comprising outsiders. However, as the author wrote in a previous paper, this kind of system is more frequently used in cities where

cases are examined by outsiders. Probably, many of those potential 'whistle-blowers' do not trust those who belong to the organization against which they are going to make an objection.

Conclusion

Certainly, the whistleblowing systems in the local governments in Japan markedly broadened the scope and possibility of objection-making for those inside the local governments in Japan. It looks like a change for the better, but there are certain aspects that require more attention. First, Demarcation between the 'Whistle-blowing system' and other already existing objection making systems is an issue that must be carefully considered. Since the guidelines made by the central government do not pay much attention to this issue, this is not very much considered, and in practice, whistleblowing cases are accepted without much care about this issue. In addition, since whistleblowing systems are comparatively easier to use, people tend to prefer them to other established systems. However, receiving authorities of these 'whistle-blowing' cases must be aware of the fact that in some cases already existing special purpose built systems may better suits the situation.

Second, in most local governments, whistleblowing cases come to the same examining organization. However, it is not guaranteed that the organization has sufficient expertise to make a proper examination of all cases. In most cities, the examination body is supposed to refer to the matter to the mayor. However, there may be cases where other bodies of the local government better suit the judgement of the case.

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Appendix 1.

By-law for the Promotion of Compliance to Acts and Regulations of Fukuchiyama City (Author's abridged translation)

27th March, 2008

As amended in 2012, 2015 and 2022

By-law No. 20

Index

Chapter 1. General Provisions (Article 1 ~ 5)

Chapter 2. Fukuchiyama City Judging Committee for Compliance to Laws and Regulations (Article 6 and 7)

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Supplementary Provisions

Chapter 1 General Provisions
(Purpose)

Article 1. This be-law aims to secure the trust by citizens and to contribute to the protection of interests of citizens by providing for matters necessary to promote compliance to acts and regulations and to maintain ethics in relation to the City's administrative organisation and its personnel's works and by taking necessary measures to secure fair and correct implementation of the works

(Definition)

Article 2. The definitions of the words in this by-law are shown below.

(1) Officials Ordinary officials working for the City under Article 3, Paragraph 2 of the Local Government Personnel Act (Act No. 261 of 1950 (hereinafter referred to as 'the Act')) and among the special officials under Paragraph 3 of the same Article, Mayor, Vice Mayor, Chief Manager of Education Board, Water Supply Manager, Sewage Manager, Hospital Business Manager, and those whose working form is similar to ordinary officials.

(2) Officials, and so on; those who are enumerated below are included.

(a) Officials

(b) Those who were included in (a) and retired one year or less than one year ago.

(c) Officials defined by Article 1 of the Act on Sharing of Salaries for Personnel of Municipal Schools (Act No.135 of 1948) and the Fiscal Year Employment Officials (Officials defined by Article 22-2, Paragraph 1 of the Act) of Kyoto Prefecture working at municipal primary schools of Fukuchiyama City.

(d) Those who were and were included in (c) who had been working at municipal primary schools in Fukuchiyama city within one year or less.

(e) Those who are, or were within one year, executives or employees (including temporary workers) of business entities to which city businesses or programmes are outsourced or delegated.

(f) Executives, employees and former employees who have retired within one year of business entities which are appointed by the City for the management

of public facilities of the City based on Article 244-2, Paragraph 3 of the Local Autonomy Act (Act No. 67 of 1947)

- (3) Acts and Regulations Acts, Orders based on acts (including public notices), by-laws, regulations and office orders
- (4) Appointment authority Appointment authority defined in Article 6, Paragraph 1 of the Act (About (c) and (d) above, this means Fukuchiyama City Education Board which is the Work Supervisor)
- (5) Whistle-blowing for public interest Internal tip-offs made to the Fukuchiyama City Judging Committee for Compliance to Laws and Regulations by an Official etc. to prevent improper deeds (including inactions), when he/she thinks that violation of laws and regulations, deeds that shall inflict grave damage to lives, bodies, assets or living environment of the people, or other improper deeds have been made or is about to be made, in relation to the City's business. However, those with improper purposes, including making improper profits or damaging others, are excluded.
- (6) Improper demand Deeds described below
 - (a) Deeds to demand realisation of something through measures outside social tolerance like violence
 - (b) Deeds forcibly to make improper demands through overbearing attitude
 - (c) Deeds to force an interview to an official without due reason
 - (d) Deeds to demand money or some sort of right improperly through measures unlawful or outside social tolerance in a guise of rightful exercise of a right
 - (e) Course and violent attitude which let officials feel threatened o their security
 - (f) Deeds of those outside officials to make an approach to officials to ask them to treat an entity or an individual differently

(including inaction) like giving them favours in relation to their responsibility

(g) Other deeds which shall or may pose obstacles to the maintenance of public facilities like government offices, maintenance of public order or execution of public administration

(Principles of Ethics)

Article 3. Officials should be aware that they are the servants of all the citizens, not servants of only a part of it, shall not make any improper discriminatory treatment like giving favorable treatment to only a part of citizens with regard to the knowledge they acquire in the course of their work and shall always be fair at their work.

Two Officials must always distinguish their work from their private work and shall not take advantage of their work or position for the sake of their own private interests or the organization to which they belong.

3 Officials shall not make any deed which will invite suspicion and distrust in the eyes of the citizens like receiving gift from those on the receiving side of the exercise of their authorities.

Four Officials shall follow the acts and regulations at their exercise of authority and deal with improper demands in a decisive manner. Officials must make sufficient explanations about the principles in this by-law to citizens and try to extract maximum understanding and cooperation with the city administration by creating transparent public administration.

(Responsibilities of the Mayor)

Article 4. Mayor and Appointment Authorities (hereinafter called 'Mayor etc.') shall take necessary measures to respond to the trust of citizens and to promote compliance to acts and regulations and maintenance of ethics including establishment of organisations appropriate to this purpose and offer of protection to those (hereinafter called 'whistleblower') who made

whistleblowing for public interest (hereinafter called 'whistleblowing')

Two Mayor etc. shall respond to improper demands and deeds preventing appropriate exercise of the city's public administration in an organizational fashion.

(Responsibilities of Citizens)

Article 5. Citizens shall pay attention to the management of the public administration of the city as a member of the local public entity and shall endeavor to understand and cooperate with the fair and correct exercise of officials' responsibilities.

2 No one shall demand any deed that may prevent fair and correct exercise of officials' responsibilities.

Chapter 2. Fukuchiyama City Judging Committee for Compliance to Laws and Regulations

(Fukuchiyama City Judging Committee for Compliance to Laws and Regulations)

Article 6. Fukuchiyama City Judging Committee for Compliance to Laws and Regulations (hereinafter called 'Judging Committee') shall be established in order to make investigation and examination about compliance to laws and regulations and maintenance of ethics (hereinafter called 'investigation etc.').

Two The Judging Committee shall be organized by members not exceeding five.

3 The members shall be appointed by the mayor from among those who have expert knowledge about laws and regulations and those who have academic knowledge and experience.

Four The term of the office of a member shall be two years, and reappointment is allowed. However, when a member is appointed to fill the gap, the term is the remaining term of the predecessor.

Five The members shall keep the secret they came to possess in the course of their business.

This applies even after one retires from the position.

6 The mayor may dismiss a member if he/she recognizes that the member committed a untoward deed like an offence to his/her obligations.

(Duties of the Judging Committee)

Article 7. The judging committee performs the following functions:

- (1) Matters related to the receipt and investigation of whistleblowing provided for in Article 10.
- (2) Matters related to the investigation of improper demands provided in Article 14.
- (3) Matters not included in the two items above are related to the promotion of compliance to laws and regulations and the maintenance of ethics.

Two Judging committee may offer its opinion to the mayor, etc., not only matters related to investigation provided for in Paragraph 1 of the preceding Article, but also matters related to the management of the system provided for in this by-law.

3. The meetings of the judging committee shall not be open to the public. However, a meeting can be opened if the committee finds it necessary.

Chapter 3. Whistleblowing for Public Interest

(Whistleblowing for public interest)

Article 8. Officials, etc., may make a whistleblowing to the judging committee or to those the mayor provides in a regulation (hereinafter called the Whistleblowing Receiver).

Two Officials and Quasi-officials shall blow the whistle, in principle, sincerely under their name and shall not abuse the system.

(Protection of Whistle-blower)

Article 9. Mayor etc. shall not make any unfavorable treatment to a whistleblower based on the fact that he/she blew a whistle.

Two A whistleblower can, when he/she thinks that he/she is treated unfavorably based on the fact that he/she blew a whistle, request its correction to the receiver of the tip-off. In this case, the unfavorable treatment the whistleblower received after whistleblowing is presumed to be based on the fact unless there are special reasons to think otherwise.

3The mayor can, when he/she thinks that one not included in category (a) of Article 2 (2) above, received unfavorable treatment based on the fact that he/she had blown a whistle from his/her employer, request its correction.

Four The mayor, etc. shall not publicize information with which the whistleblower may be identified, in order to protect the whistleblower.

Five A whistleblower may, when he/she had made a tip-off to the receiver, the mayor determined in a regulation and the receiver had not sent the notification about all or a part of its content, provided for in Paragraph 2 of the following article, without due reasons, may request the judging committee to investigate the tip-off.

6 The provision in the preceding paragraph is applicable mutatis mutandis to the request for correction based on Paragraph 2.

(Duties of the Judging Committee with
Regard to a Tip-off)

Article 10. The judging committee can allow members of the committee to receive a tip-off.

2 The receiver of the tip-off shall notify the judging committee without delay when he/she receives a tip-off.

3, the judging committee should investigate the content of the tip-off without delay.

4 The judging committee shall, after the investigation, report to the mayor, with its opinion about the rectifying measures, when it thinks that there are facts as stated in the tip-off, or to the effect that there are no

facts as stated in the tip-off or it is not clear whether there are such facts even when all investigations are made, when this is the case.

Five Notwithstanding the provision in the preceding paragraph, when the content of the tip-off is concerned with the mayor himself/herself, the judging committee shall not make the report provided for in the preceding paragraph to the mayor but publicize the main points of the report.

Six The judging committee shall publicize the fact that the mayor does not take measures provided for in Paragraph 1 of the following article without due reasons and may require the mayor to take rectifying measures when the content of the measures is insufficient.

Seven The judging committee shall notify the whistleblower of the outcome of the investigation. This does not apply to whistleblowers who do not want notifications.

Eight The provisions from Paragraph 1 to the preceding paragraph apply mutatis mutandis to the request of correction provided in Paragraph 2 of the preceding Article.

(Measures against a Tip-off)

Article 11. Mayor et al. shall confirm the necessary facts based on the outcome of the investigation without delay, rectify illegal deeds, and take necessary measures to prevent recurrence when he/she receives a report provided for in paragraph 4 (including when the paragraph is applied mutatis mutandis by Paragraph 8).

2 Outside the cases in the preceding paragraph, Mayor et al. shall take necessary measures without delay for alleviation and prevention when he/she recognizes that the whistleblower is treated unfavorably or in danger of such treatment based on the fact that he/she had blown a whistle.

Three The mayor shall publicize the main points of the measures he/she took based on Paragraph 1 and the preceding paragraph.

Chapter 4. (6) Improper demand

(Organisational Response to Improper Demands)

Article 12. Officials reject improper demands and report them to senior officials immediately when they are made.

(Obligation of the Senior Officials etc.)

Article 13. The senior official who received the report provided for in the preceding Article shall respond organisationally to those improper demands, and the mayor, etc. shall submit the record to the judging committee. However, the mayor may skip this when he/she thinks that it is clearly not a case of improper demand, or when an urgent response is needed.

(Responsibilities of the Judging Committee with Regard to Improper Demands)

Article 14: The judging committee shall make necessary investigation without delay on the record submitted according to the main part of the preceding Article and shall examine if it is an improper demand.

Two The judging committee shall report to the mayor, etc., with its opinion about measures for correction when it recognizes it as an improper demand as a result of its investigation, and when it recognizes that it is not an improper demand, its opinion to that effect.

(Measures against Improper Demands)

Article 15. When the mayor receives the report that there is an improper demand based on Paragraph 2 of the preceding Article, he/she shall confirm the necessary facts based on the outcome of the investigation and take necessary measures, such as giving a warning to the one who had made an improper demand. In this case, the mayor can publicize the name of the one who had made an improper demand, the content of the warning, and other matters when he/she recognizes as necessary.

Chapter 5. Miscellaneous Provisions

(Cooperation by Officials and Quasi-Officials)

Article 16. Officials and Quasi-Officials shall cooperate when asked by the judging committee for the purpose of investigating a tip-off or improper demand.

(Publication of the Situation)

Article 17. The mayor shall publicize the number of tip-offs and improper demands and their main points once a year.

(Consideration in the Process of Management)

Article 18. The human rights of those concerned must be so respected that they are not unduly impaired in the process of managing this bylaw.

(Delegation)

Article 19. The matters necessary for the execution of this by-law outside of those provided for in this by-law shall be determined by the mayor.

Supplementary Provisions

(Date of Introduction)

One This bylaw shall be introduced on the day determined by a regulation within three months of the day of promulgation (hereafter called 'Introduction Day'). However, the provision in Paragraph 3 will be introduced on the day of promulgation.

(Introduced on June 26th, 2008 with Regulation No. 4 of June, 2008)

(Application)

Two The provision of this bylaw shall be applied to tip-offs and improper demands made after the date of introduction and shall not be applied to those made before the date.

(Preparation)

Three Preparation for the system for the promotion of compliance with laws and regulations and maintenance of ethics can be made even before the introduction of the introduction date.

Appendix 2. Article in the Local Autonomy Act related to internal control of local governments (author's abridged translation)

Article 150

1 Governors of Prefectures and Mayors of Designated Cities shall make a policy statement to secure proper and lawful management and execution of the following business of his/hers and establish the necessary system for its implementation.

- 1) Business enumerated in the Decree of the Minister for Internal Affairs and Communications which must include financial business, and
- 2) Other kinds of businesses whose proper and lawful management and execution by the Governor or the Mayor are deemed especially important.

Two Mayors of Cities, Towns, and Villages, except for Mayors of Designated Cities, shall endeavor to make a policy statement to secure proper and lawful management and execution of the following business of his/hers and establish the necessary system for its implementation.

- 1) Business enumerated in the Decree of the Minister for Internal Affairs and Communications which must include financial business
- 2) Other business whose proper and lawful management and execution the Mayor deems especially important

Three Governors and Mayors must make it public without delay when they make or amend the policy statement mentioned in Clauses 1 and 2.

4 Governors of Prefectures, Mayors of Designated Cities, and Mayors of Cities, Towns, and Villages who have made a policy statement according to Clause 2 above, must make a report evaluating

the policy statement and the system established according to it, following the regulations of the Minister for Internal Affairs and Communication's Decree, at least once in a fiscal year.

Five Governors of Prefectures, Mayors of Designated Cities, and Mayors of Cities, Towns, and Villages who have made a policy statement according to Clause 2 above, must have a report made based on the preceding clause examined by the auditors.

Six Governors of Prefectures, Mayors of Designated Cities, and Mayors of Cities, Towns, and Villages who have made a policy statement according to Clause 2 above, must submit the report, after it is examined by auditors, according to the preceding Clause to the Local Assembly of the local government, together with the opinion of the Auditors.

Seven The opinions of the auditors mentioned in the preceding clause must be made through consultation with all auditors.

Eight Governors of Prefectures, Mayors of Designated Cities, and Mayors of Cities, Towns, and Villages who have made a policy statement according to Clause 2 above, must publish the report submitted to the Local Assembly according to Clause 6.

9 Other necessary matters concerning the policy statement mentioned in Clauses 1 and 2 and the systems established according to the statement shall be provided for with a Minister for Internal Affairs and Communication's Decree.

(What this article means is that there are new obligations for Governors of Prefectures and Mayors of Designated Cities to make a policy statement to secure proper and lawful management and execution of part of their business, which shall include financial matters, and establish the necessary system for its implementation. The same is optional for ordinary Cities, Towns and Villages.)

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