Ethical Behaviour and Corruption Control in Japan:

From Social and Political Perspective

Akio Kamiko
Professor, College of Asia Pacific Studies
Vice President
Ritsumeikan Asia Pacific University
Japan

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Abstract

Fraud is one of the major issues for government in many countries, especially in developing regions. Different forms and means of malfeasances and deceptive behaviours among public officials often become detrimental to the country's growth and development. However critical, unfortunately, it looks extremely difficult to identify both causes and remedies of this ill phenomenon. Taking this into account, this paper intends to have a look at the case of Japan, a country with comparatively few corruption cases. Because corruption is scarce, the study of the Japanese government allows us to analyse the issue from a different perspective. The first part will look into the current administrative environment surrounding corruption in Japan. This is followed by a section which examines possible reasons for this lack of corruption, or elements that could perhaps generate preventive effects on corruption in the country. The discussion hopefully produces some pragmatic measures which will help other corruption-prone countries to control this nagging issue. This paper highlights some of the environments factors in Japanese public management. These factors include: the 'Ringi' system of making decisions, method of monetary compensation, frequent job transfers, etc. Additionally, the paper likewise touches on several social milieus germane to the prevention of corruption in the government of Japan. The paper is summed up with several observations and concluding remarks.

Introduction

Corruption is a very big issue in many countries. In a developing country where this writer worked helping an international cooperation project to promote decentralisation, he observed that corruption is actually preventing the country's development. Police officers acquit traffic offenders in return for a small bribe. Some high ranking officials become visibly richer. Corruption spoils respect for government officials and leads to difficulty in implementation of policies. It hurts confidence in the government and leads to political instability. Possibly, it thwarts potentially appropriate human resources from entering civil service.

However, it looks to be very difficult to treat this phenomenon. Sometimes fingers are pointed toward the insufficiency of monetary rewards. Stability of the position is also mentioned as a possible element which has influence on the degree of corruption. But no one element seems to be a definite cause of corruption.

In this situation, this paper intends to have a look at the case of Japan, a country with less corruption cases, so that we can consider the cause of corruption from the other side.

In Japan, corruption among public service personnel is not a very widely dis-

cussed issue. The most significant reason for this fact looks to be the scarcity of corruption cases. He does not mean to say that corruption cases are unheard of in Japan, but at least they are not a daily occurrence. They are not considered to be one of the largest problems associated with government bureaucracy in Japan, either.

In the first part, this writer will look into the situation surrounding corruption cases in Japan at the present time. He will have a look into cases of reprimands of both national civil service servants and local civil service servants and see the situation there. Adding to that, he will have a look at the results of a survey on the causes of corruption run by the Ministry of Internal Affairs and Communications. Then he will examine possible reasons for this scarcity of corruption cases, or elements that could be working to prevent corruption. Hopefully, this will help in finding measures to prevent corruption.

I. Reprimands of Government Officials in Japan

Tables 1–1, 1–2 and 1–3 below show the total number of reprimands given to central government officials respectively in 2011, 2012 and 2013¹. Tables 2–1, 2–2 and 2–3 below show the total number of reprimands given to local government officials respectively, in FY2011, FY2012 and FY2013². The categories of the reasons are slightly different and the periods the statistics are from are not the same³. The number of central government officials⁴ at the end of FY2013 was about 275,000 and the number of local government officials⁵ on April 1st, 2014 was about 909,000. These figures correspond to the statistics presented in Tables 1–1, 1–2 and 1–3, and Tables 2–1 2–2 and 2–3, in the sense that these figures are for the groups that are the potential targets of these reprimands.

Comparing these figures, it seems that reprimands per capita are higher in the case of local government officials, but I am not going to discuss this here since it is difficult to establish whether this is due to different levels of ethics or due to a stricter attitude among personnel authorities.

In the case of central government service, the cases involving ethics issues are usually contained in the categories of "Mismanagement of Public Money," "Embezzlement," or "Offence against the National Civil Service Personnel Ethics Act."

In the case of local government service, the cases involving ethics issues are usually contained in the categories of "Mismanagement related to Recruitment and Salary" or "Embezzlement and Bribery."

The Ministry of Internal Affairs and Communications also announces the number of corruption cases involving local public personnel, including ordinary officials, the number of which I have mentioned, and also elected officials and political appointees every year. According to the statistics for FY2012, there were 103 cases involving 105 officials. Among them, 83 were embezzlement cases and 11 were bribery cases.⁶ This shows that the number of corruption cases is not very large.

Also in the majority of embezzlement cases and bribery cases, the officials involved were dismissed, which shows that they are severely treated.

There is the possibility that these figures may not reflect the real extent of

Table 1-1 Total number of reprimands given to central government officials in 2011

Kinds Reasons	Dismissal	Suspension from office	Pay cut	Warning	Total
Service Attitude	1	13	30	19	63
Service Efficiency	2	6	38	30	76
Mismanagement of Public Money			2	2	4
Embezzlement	6	1	3		10
Offence against Ethics Act	3	1	2	5	11
Traffic Offences and Accidents	7	10	23	37	77
Misconducts outside of Office	12	36	62	18	128
Supervisory Responsibility			1	13	14
Total	31	67	161	124	383

Source: National Personnel Authority (Press release dated 24 March 2012)

Table 1-2 Total number of reprimands given to central government officials in 2012

Kinds	Dismissal	Suspension from office	Pay cut	Warning	Total
Service Attitude	3	14	16	18	51
Service Efficiency	0	4	36	31	71
Mismanagement of Public Money		1		2	3
Embezzlement	2	2	6	4	14
Offence against Ethics Act	4	8	13	18	43
Traffic Offences and Accidents	3	7	27	12	49
Misconducts outside of Office	10	25	65	31	131
Supervisory Responsibility			11	10	21
Total	22	61	174	126	383

Source: National Personnel Agency (Press release dated 25 March 2013)

Table 1-3 Total number of reprimands given to central government officials in 2013

Kinds Reasons	Dismissal	Suspension from office	Pay cut	Warning	Total
Service Attitude	5	15	35	10	65
Service Efficiency	10	11	30	17	68
Mismanagement of Public Money		2	2	1	5
Embezzlement	1	2	3		6
Offence against Ethics Act	1		1	5	7
Traffic Offences and Accidents	1	6	16	22	45
Misconducts outside of Office	7	29	66	21	123
Supervisory Responsibility			3	10	13
Total	25	65	156	86	332

Source: National Personnel Agency (Press release dated 24 March 2014)

Table 2-1 Total number of reprimands given to local government officials in FY2010

Kinds Reasons	Dismissal	Suspension from office	Pay cut	Warning	Total
Mismanagement related to Recruitment and Salary	1	15	23	3	42
Service Attitude and Service Efficiency	88	298	721	761	1,868
Misconducts outside of Office	251	325	184	95	855
Embezzlement and Bribery	100	21	6	2	129
Traffic Offences and Accidents	99	214	292	697	1,302
Illegal Labour Union Activities	0	4	2	11	17
Supervisory Responsibility	0	8	314	383	705
Total	539	885	1,542	1,952	4,918

Source: Ministry of Internal Affairs and Communications (Press release dated 16 March 2012)

Table 2-2 Total number of reprimands given to local government officials in FY2011

Kinds	Dismissal	Suspension from office	Pay cut	Warning	Total
Mismanagement related to Recruitment and Salary	1	10	21	16	48
Service Attitude and Service Efficiency	92	294	599	691	1,676
Misconducts outside of Office	217	334	176	70	797
Embezzlement and Bribery	111	11	38	7	167
Traffic Offences and Accidents	126	184	255	582	1,147
Illegal Labour Union Activities					
Supervisory Responsibility		8	337	434	779
Total	547	841	1,426	1,800	4,614

Source: Ministry of Internal Affairs and Communications (Press release dated 8 February 2013)

Table 2-3 Total number of reprimands given to local government officials in FY2012

Kinds	Dismissal	Suspension from office	Pay cut	Warning	Total
Mismanagement related to Recruitment and Salary	3	15	26	16	60
Service Attitude and Service Efficiency	100	375	728	762	1,965
Misconducts outside of Office	210	360	257	82	909
Embezzlement and Bribery	74	13	6	1	94
Traffic Offences and Accidents	123	169	256	531	1,079
Illegal Labour Union Activities		10		32	42
Supervisory Responsibility		5	268	340	613
Total	510	947	1,541	1,764	4,762

Source: Ministry of Internal Affairs and Communications (Press release dated 25 March 2014)

corruption because corruption is usually overlooked. It is very difficult to prove it, but the writer, as one who worked in both central and local governments for thirty years, has a feeling that this is not the case.

II. Elements Considered as Causes of Corruption in Japan

With regard to the causes of corruption cases, the Ministry of Internal Affairs and Communications is running an interesting survey. The Ministry has been asking local governments in which corruption cases occurred as to the causes of the corruption as they understand it. The results in 2011, 2012, and 2013 are respectively shown in Table 3 below. In these surveys, corruption cases are defined as embezzlement, bribery acceptance, fraud, breach of trust, abuse of authority and forgery of public documents and public seals. In fact, most of them are embezzlement cases, followed by bribery acceptance cases, with few falling into other categories.

This survey takes the form of multiple choice and, necessarily, the result is influenced by the way the question is asked. However, a general tendency can be seen from it. According to them, most local governments which experienced corruption cases thought that these cases occurred due to unsatisfactory arrangements for the work involved. This is shown in the fact that the majority of them chose 'Insufficient Supervision' as the main problem with organisation and systems and 'Insufficient Execution Review' as the main problem in implementation. This shows that local governments think that the cases occurred because checks by supervisors and colleagues were not enough. Another issue that many local governments point-

 Table 3
 Elements perceived as causes of corruption by local governments

Year	FY2010	FY2011	FY2012
Category			
Organisational and Systematic Problems	256	246	189
 (1) Insufficient Supervision (2) Excessive Concentration of Power (3) System and System Management Problems (4) Long Tenure in One Position 	(102) (63) (48) (43)	(108) (53) (53) (32)	(79) (41) (36) (33)
Problems in the Implementation of Assignment (1) Insufficient Execution Review (2) Insufficient Account Review (3) Improper Management of Official Seal	230 (124) (71) (35)	234 (119) (83) (32)	194 (102) (68) (24)
Problems with Officials' Quality (1) Lack in Necessary Quality (2) Improper Relationship with Outsiders	230 (174) (56)	200 (173) (27)	141 (122) (19)
Others	60	51	41
Total	776	731	565

Source: Ministry of Internal Affairs and Communications (Press release dated 16 March 2012, Press release dated 8 February 2013, and Press release dated 25 March 2014.)

ed out was 'Lack in Necessary Quality' of the official in question. This shows that many local governments think that the cases occurred because the official in question was an exception in the sense that he/she did not possess the qualities required for government officials with regard to ethics.

Other factors like 'Long Tenure in One Position' or 'Excessive Concentration of Power' are not very frequently mentioned. Local governments in Japan do not think that there are problems with the system, but problems occur when the system is improperly operated. Therefore, installation of more systematic checks is the measure frequently employed when a corruption case occurs.

III. Preventive Elements against Corruption in Japan

As corruption is not a very commonly discussed topic in Japan, there are no established arguments as to the reasons for the scarcity of corruption cases, or even how this situation is to be interpreted. So here the writer will try to discuss the possible reasons for this scarcity of corruption cases in Japan.

A. Decision-making Methods in Government Offices in Japan (Ringi-sei)

One of the important deterrents to corruption in Japan's government offices is the way decisions are made in them. The prevailing system of decision-making in Japan's offices is called Ringi-sei (consultation via circulated memo). Ringi-sei is a collective decision-making process and decisions are usually made neither by a single person nor at a conference, but rather by circulating a memo and accumulating signatures expressing approval on it.

When a decision has to be made; or, more precisely, when a decision, the will or an intention of a government or an office of a government needs to be established, a paper for establishing the decision is drafted and circulated within the government among the offices concerned. The document travels around the office that started the process as well as other offices concerned whose interests may be affected by the decision. Putting a seal on the decision-making paper means that that particular individual approves it. When all the seals of those who are concerned have been placed on the paper, this signifies that all the interested parties have approved the decision. The seal of the one who has the ultimate responsibility for the decision is placed at the top after all others and thus the decision is finalised. During the process, it is also possible to modify the decision by amending the document. The most important thing here is that not only the seal of the most senior official in charge is required, but also the seals of all the officials concerned. This implies that all those who have applied their seals on the paper are involved in the decision and hold responsibility for it.

This means that most decisions are made collectively, not by any one person. Moreover, what is very important in the context of Japan is the fact that, usually, the process is initiated by a junior member of an office and it is circulated from junior to senior officials. This system functions effectively to restrict arbitrary decision making, for a decision requires the consent of all members concerned in the office

from bottom to top, which is usually many.

This collective method of decision-making involving a number of people within an office looks to function as a very effective way for preventing corruption because it requires the silence of very many people for wrongdoing to be kept under cover.

B. Methods for Paying Wages in Government Offices in Japan

The second reason is about the relatively large retirement allowance paid to government officials in Japan. Speaking more precisely, this point concerns itself with the proportionately large share retirement allowances occupy within the total for salaries paid to government officials in Japan's government offices. In other words, government officials in Japan will receive a comparatively large bonus, if he/she retires without being involved in any mishap. He/She would forfeit this allowance, if he/she is discharged dishonourably. The amount of the retirement allowance is basically calculated by multiplying the official's monthly salary at the time of retirement by a coefficient that grows progressively as one's length of service lengthens. The amount of monthly salary itself increases as one's length of service increases and, with the progressive coefficient, the outcome of the calculation becomes much larger as one serves longer. For example, at present9 the amount of retirement allowance after ten-years of service is just 5.22 times an official's monthly salary, and even after twenty-years of service, it is 20.445 times his/her monthly salary, which is not small but still significantly smaller compared with the figures for longer service. Then, if an official, who has worked for twenty-five years retires due to reaching the required retirement age or upon a recommendation of retirement from the office, this figure jumps to 34.5825 times the monthly salary. After thirty years of service this figure grows to 42.4125 times the monthly salary, and after thirty-five years of service it is 49.59 times the monthly salary at the time of retirement. However, if the official is fired in dishonour, he/she will not receive this.

This sort of long service in a government office is not uncommon in Japan, since the life-long employment system under which an official is usually appointed immediately after his/her university graduation and under which he/she continues to work until reaching retirement age, which in most cases is sixty, is still largely maintained in Japan's government offices. At one time this life-long employment system was prevalent in most job opportunities in all kinds of employment in Japan, but nowadays it can no longer be called standard practice.

So an official in Japan has a large disincentive to engage in wrongdoing, especially in the latter stages of his/her career when they usually hold higher positions.

C. The Existence of the Residents' Lawsuit System in the Case of Local Government Service

The third point is unique to local government services. The Residents' Lawsuit System allows a local resident to start a lawsuit against the chief executive officer of a local government to obligate him/her to retrieve the equivalent to the damage from an official who took an illegal action involving the mismanagement of public funds or public assets which resulted damage being inflicted on the local govern-

ment. This system was introduced in 1947, but since it was very difficult to find evidence of misconduct, this system was not very widely nor frequently used. However, with advances through the introduction of an information disclosure system by local governments under which residents were usually given the right to acquire copies of public documents, this system has come to be increasingly used these days. Even without this system, if an official is prosecuted for corruption, there is a good chance that in addition to imprisonment, he/she will be ordered by the court to pay a certain amount of restitution, which is calculated taking into account the profit he/she made from the case. But even without such prosecution, this kind of lawsuit makes it possible for residents to start a kind of reprimand process for a certain type of potential corruption case¹⁰. This system also seems to serve as an important element in preventing corruption.

D. Common Sense and Ethics among Government Officials in Japan

This fourth element is the most intangible one, but seems to be the most important one. It is believed that in government offices in Japan it is strongly held as a vice to misuse public authority and to get monetary rewards improperly. So the worst thing would be to appropriate public money and use it for one's own purposes. Equally bad would be to take a bribe. However, to appropriate public money for other public purposes, the transfer of which is not officially allowed, is one degree better in comparison.

How have these notions been nurtured?

It also seems that there are slight variations in this set of notions and that every office has its own rule book of compliance in regards to regulations. These rule books are adhered to because everyone in an office looks to be observing the rule-book.

For example, the degree of allowance permitted in the diversion of budget funds sometimes differs from one local government to another although they have similar regulations. Also, the degree to which a blind eye is cast in the use of various budget items varies. It is true that the overall trend is from loose to tight, but the writer expects local variety still exists. It is hard to discuss where this variety comes into play, but he thinks that tradition in the office, or precedents, initiative of the chief executive, degree of supervision by the local assembly, and degree of supervision by the local community are among the elements exerting a strong influence in the cases of local government offices.

Generally speaking, it seems that the degree of compliance required looks very rigid. It is truly difficult to find out from where this generally regulation obeying tradition came. Japan's government offices were greatly reformed in the period immediately following the end of WWII. Despite this reform, most personnel were retained. This led to the retention of the pre-war era office culture. Therefore, officials still succeeded to the tradition fostered in the previous years. It is also said that at the beginning of the modern government system in 1870s and 1880s, many of the newly recruited bureaucrats were former warrior class people who were the ruling class in the former feudal time, which is sometimes said to be under the influence of

Confucianism. The tradition may have come from them but this is hard to prove.

E. Proper Level of Remuneration

This also seems an important factor because, in developing countries, it is often said that insufficient salaries compel government officials to seek other sources of income. In Japan, government officials' salaries are legally required to be equal to the average of private sector employees. This guarantees that remuneration will not be spectacularly high, but decent. In recent years it is argued that the remuneration of government officials' does not satisfactorily reflect the differences between geographic locations. In other words, government officials in rural areas are said to be drawing higher salaries compared to their private sector counterparts in the same geographic area. The government started to slash salaries for officials in rural areas starting in 2006. However, so far we have not seen any effects on the ethical standards of officials.

F. Rotation of Personnel with Change of Assignment

Regular rotation of assignment inside a government also can be an element contributing to a lesser degree of corruption. The category 'Long Tenure in One Position' was not very frequently chosen as a possible cause for corruption cases by local governments that had just experienced corruption cases". However, this is not because this element is not considered as an important cause of corruption but because there are not many who occupy the same position for a long time in government offices in Japan. Except for those with special qualifications such as medical doctors' and architects', who are generally appointed to positions that require such qualifications, the majority of government officials in Japan's governments are treated as belonging to the same category. They are rotated between all government offices at fairly short intervals. It depends, but it is said that officials at the central ministries change positions on average every two years; prefectural government officials, every three years; and municipal officials, every five years. There are no statistics about this, but it is true that government officials are regularly rotated at fairly short intervals in Japan. Therefore, government officials generally do not have a long enough time to develop improper relationships with outsiders and, at the same time, wrongdoing would quite likely be exposed by an individual's successor. Therefore, having government officials rotated regularly at relatively short intervals, which is a common practice in Japan, can be one preventive measure.

G. Stability of an Official's Position

Basically, the term of employment for government officials is not fixed. This means that they are expected to continue working until they reach retirement age, which is usually 60 years of age. There are legal systems through which officials with low performance can be fired, both in central and local governments, but they are hardly functioning at the moment. Therefore, once employed as a government official, one can reasonably expect to continue in this position for a long time. Together with the fact that most new recruits are fresh graduates from high schools

and universities, this leads to a very long expected working life for government officials in Japan. Coupled with the large share of retirement allowance included in the total salary received during one's working life, it is thought by most officials that losing one's employment costs a great deal.

H. Fair Recruitment

All regular government officials¹² are recruited through objective examinations¹³. The common practice is to screen candidates using written examinations and then interview them. The result is mostly disclosed to the candidates, successful or not. In this way, it is very difficult for nepotism to play a part in recruitment. This prevents the creation of a specific group inside a bureaucracy, which may lead to a less-than-fair administration.

I. Training

Japan's bureaucracy places a great deal of emphasis on the training of its members. This is partly because of the lifelong employment system prevalent in it. Governments recruit young people as ordinary officials and they promote them to section chiefs, divisional directors and levels higher up, according to their ability and seniority. In each phase of their career, officials are thought to need different skills. To help them to acquire these skills and also to let them absorb knowledge of new situations and new requirements from their career, training programmes are offered regularly for government officials. One of the topics offered in these programmes is ethics in duty¹⁴. Thus government officials in Japan are constantly exposed to anti-corruption campaigns.

Observations and Conclusion

It is not easy to ascertain to what extent these elements I have mentioned contribute to the prevention of corruption, or even if they are really effective as preventive measures. The writer personally feels that in the government offices in Japan, where almost all decisions are made collectively, common sense in an office plays a large role.

What I have done is merely to enumerate possible elements. It is very difficult to prove these propositions. However, given the importance of clean government, I think that it is important to continue to analyse the effects of these elements.

At the moment, the writer thinks three elements are especially important.

One is transparency. Ringi-sei improves transparency inside an office. The Residents' Lawsuit system started functioning efficiently when the information disclosure system was introduced into local governments, mainly in the 1980s. Disclosing the decision-making process seems a key deterrent to corruption.

The second is the culture commonly supported by government officials. Officials' conduct is strongly influenced by what their colleagues are doing. So instilling a notion that corruption, or more specifically, certain deeds are undesirable, looks very important in keeping government officials from becoming involved in corrup-

tion, although it is not easy to nurture such a notion.

The third is the stability of the employment of government officials. More precisely, in the case of Japan the fact that government officials usually expect to keep on working as a government official until they reach retirement age, which means a very long time, and also the fact that a large sum of retirement allowance awaits them at the goal, seems to be keeping them from corruption.

Change in Japan's bureaucracy that is introducing less stability may lead to less corruption-free government offices¹⁵. But so far, fortunately, increase in corruption cases has not been observed. This may come from the fact that those with less stable status are not given much authority and thus increase in their number will not immediately lead to corruption. However, if this is the case, in the long run we may have to face deterioration in our ethics standards. Another possibility is that the cultural elements play such a dominant role in keeping the ethical standards in Japan's government offices high, that as long as that culture is in place, corruption cases will not increase. Having served as a government official for thirty years himself, the writer feels this is a plausible assumption; but then, we have to find out how a culture can be brewed.

Notes

- 1 Reprimands are given by those who appoint officials (ministers in charge in the case of central government and, mainly, chief executive officers in the case of local governments) to officials under a legal framework. Dismissal, suspension from his/her office, reduction of pay, and warnings are the kinds of punishment under this scheme. These punishments are given by the authority who appointed him/her, independent of criminal punishments.
- 2 The fiscal year in Japan starts on April 1st and ends on March 31st.
- 3 The figures for the central government officials are for the Calendar Year and the figures for the local government officials are for the Fiscal Year.
- 4 There are many definitions of the central government officials, but this figure is for those the reprimands for whom are shown in the tables.
- 5 This is also a figure for the group of local government officials reprimands for whom are shown in the tables. The biggest groups excluded are those of school teachers and police officers.
- 6 Corresponding figures for FY2010 are: 108 cases involving 131 officials, among which 74 were embezzlement cases and 20 were bribery cases. Corresponding figures for FY2011 are: 128 cases involving 130 officials, among which 98 were embezzlement cases and 20 were bribery cases.
- 7 Who can make modifications and to what extent the modifications can be made is a very intricate issue. Usually, one who is senior in the same office can make unlimited changes while other offices can make changes so long as the part being edited mainly concerns that particular office.
- 8 To what extent an official who has applied their seal on the document, but who is not the most senior official among all those who have applied their seals can be held responsible is not very clear. In some Residents' Lawsuits, which are similar to Taxpayers Suits, they are held responsible, but this seems to be based on the fact that they did not disclaim their responsibility in the court proceedings.

- 9 Japan's retirement allowance is in the process of gradual cut down. The figure for those with thirty years of service (42.4125) used to be 47.775. The figure for those with thirty-five years of service (49.59) used to be 55.86 until June, 2014.
- 10 For example, if an official leaks information about public tender and, consequently, the cost became larger, a Residents' lawsuit may be initiated to recover the difference between the actual cost and the estimated cost, which is what the actual cost would have been if there had been no offence.
- 11 cf. Table 3
- 12 What I mean by 'regular government official' here are those who are employed for non-political positions with the duration of employment being until retirement age. Other than some exceptions, these individuals are the mainstream officials in Japan.
- 13 This is a legal requirement.
- 14 Once a prefectural government made a brochure entitled 'From a cup of coffee,' which was meant for this kind of training programme and it said "if you let an outsider pay for the cup of coffee you consume, you are on the threshold of corruption.' It became very well known.
- 15 According to a report by Jichirou (All-Japan Prefectural and Municipal Workers Union), "Rinji, Hijoukin Tou Shokuin no Jittai Chousa (Survey on the Reality of Short-term and Part-time Public Workers)" published in 2009, the number of office workers without regular status is rapidly increasing and 27.6% of office workers in local government offices in Japan have an irregular, unstable status based on short-term employment or a part-time job arrangement.

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