International Labour Organization

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Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)

Report of the Fact-finding mission to examine allegations of non-application of the Recommendation concerning the Status of Teachers in Japan

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Introduction – CEART, its mandate and procedures

1. The Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) was established by parallel decisions of the ILO Governing Body and the UNESCO Executive Board in 1967. It is mandated by the ILO and UNESCO executive bodies to monitor and promote application of the international Recommendations on teachers – the ILO/UNESCO Recommendation concerning the Status of Teachers, 1966 (hereafter the 1966 Recommendation), and the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel, 1997.

2. The CEART's work is based on a variety of information sources, among which communications from national and international teachers' organizations on the state of application of one or both Recommendations. Where such information addresses conditions in a particular country the information may be treated as an allegation that one or more provisions of the Recommendation in question are not being applied. In such cases if the CEART considers that the criteria for receivability of the information in accordance with procedures approved by the ILO and UNESCO executive bodies have been met, it requests the observations of the Government from the country in question as well as those of the relevant teachers' organization(s). Based on the information received and other relevant sources of information on the allegations, the CEART reports to the ILO and UNESCO executive bodies with its findings and recommendations on how the problems raised might be resolved so as to fully apply the Recommendation(s).

3. At its Eighth Session in 2000, the CEART introduced a measure to enhance its methodology for dealing with allegations by appointing a member in a fact-finding or "direct contacts" capacity to investigate the circumstances of an allegation under certain conditions. Such a procedure depends on acceptance by both a Government and relevant teachers' organization(s) in the country, which is the object of an allegation.

Background to the Mission

4. The first occasion for such a mission has arisen in the examination of allegations first presented in 2002 by the All Japan Teachers and Staff Union (ZENKYO) concerning application of various provisions of the 1966 Recommendation in Japan, already the subject of reports by the CEART in 2003[1] and 2005[2]. Since in the opinion of the CEART the issues raised in these reports had not been satisfactorily resolved in relation to the 1966 Recommendation's provisions (see CEART/INT/2005/1, paragraphs 17-19), the CEART took the matter up again at its Ninth Session held in Geneva in October-November 2006. Separately in submissions prior to the Session, both ZENKYO and the Government of Japan through the Ministry of Education, Sports, Culture, Science and Technology (MEXT) invited the CEART to consider a mission to Japan to examine the existing situation around the allegations presented by ZENKYO. In the

[1] CEART/8/2003/11
[2] CEART/INT/2005/1

Report of its Ninth Session,[3] reviewed and approved for distribution by the ILO and UNESCO executive bodies in 2007, the CEART noted its intention to undertake such a mission, supported by its secretariat, and to make proposals for resolution of the identified problems to all concerned parties.

5. Following consultations with the Government of Japan in the course of 2007 and the first quarter of 2008, terms of reference (Annex 1) as the basis for the mission were agreed and distributed to interested parties. The Mission took place from 20 to 28 April 2008. Its composition was gender balanced, including two CEART Experts, both experienced members of the CEART's standing Working Party on Allegations, supported by senior officials of the ILO and UNESCO from the organizations' headquarters and ILO officials in Japan (Annex 2). Meetings were organized in Tokyo, Osaka and Takamatsu with relevant Government ministries, prefecture Boards of Education, teachers' organizations, national employers' and workers' organizations, representatives of parents' and teachers' associations and independent experts that the mission requested to meet (Annex 3). As set out in the terms of reference, the Mission exercised its discretion in the choice of employers' and workers' organizations and independent experts that it met, special attention being paid to the need to receive information from all relevant teachers' organizations relating to the matters at issue.

6. Within the framework of the Mission terms of reference, organizations and national experts provided written and oral contributions to the Mission, in Japanese, English or both. The meetings were organized around a framework of issues (Annex 4), drawn up at the request of the Government so as to facilitate information sessions, which dealt with the principal questions at the core of the allegations as examined in the previous CEART Reports. In general, meetings consisted of initial presentations by organizations or individuals, in some cases summaries of written submissions, followed by a dialogue (questions and answers) between the Mission members and those invited to the meetings. All meetings were closed to the public and their proceedings confidential.

Key issues and developments in the case

7. In the course of its examination of this case since the initial communication from ZENKO in 2002, the CEART has dealt with three main areas touching upon provisions of the 1966 Recommendation:

- Teacher competence and assessment, including professional development measures, rewards and disciplinary measures;
- Merit assessment in relation to teacher salaries;
- Social dialogue, consultation and negotiations, on these policies and practices.

8. The core of the allegations is that, against a background of a teacher evaluation and professional development system, which included elements of a merit assessment system in the form of special promotions and direct financial benefits, some prefecture Boards of Education began to experiment in the period 2000-2002 with a special evaluation system designed to appraise, improve or professionally discipline what have been termed "incompetent teachers", or those

[3] CEART/9/2006/10

judged to be insufficient in their teaching practice (more recently referred to as "teachers providing inadequate instruction"). Since then, use of such evaluation systems has spread to almost all prefectures in Japan, and received support and guidance from the national government (MEXT) in the form of national guidelines issued in April 2008. The system of appraising "incompetent teachers" has been criticized by teachers' organizations and some education sector stakeholders for its lack of objectivity, transparency and procedural guarantees to protect teachers' rights, as well as for its undermining of collective teacher morale and professional autonomy.

9. Moreover, it is alleged that teacher evaluation systems with their resulting rewards or disciplinary actions have largely taken place without the appropriate consultation or negotiation between the relevant employing authority and teachers' organizations acting on behalf of teachers. The Government (MEXT, on behalf of national and local prefecture authorities) has essentially contended that the evaluation systems fall into a category of management and operational matters, which are excluded from negotiation and/or consultation in terms of Japanese law (Local Public Service Law), even if such consultations do occur in practice when new measures are being introduced.

10. Taking account largely of written information from ZENKYO and MEXT in relation to these issues between 2002-2006, the CEART consistently found in three Reports (2003, 2005 and 2006) that the evaluation system for those labelled "incompetent teachers", the merit assessment aspects of the overall teacher evaluation system and the processes by which teacher evaluations are decided are in important respects inconsistent with certain provisions of the 1966 Recommendation, notably those dealing with employment and career, responsibilities and rights, teacher salaries and consultation and negotiation related to these matters. Specifically, the aspects in question are:

- The making of significant subjective evaluations in teacher assessment;
- Lack of transparency in access to assessment outcomes coupled with inadequate processes of appeal and review;
- Despite some progress at prefecture level, and in 2006 at national level, the continued inadequacy of processes of consultation and negotiation with teachers' organizations on appropriate matters.

11. In its 2003 and 2005 Reports the CEART recommended that these practices be addressed based on good faith social dialogue between the educational authorities and teachers' organizations at national and prefecture level so as to resolve the issues in line with the provisions of the 1966 Recommendation. CEART considered arguments that such matters are the exclusive domain of management and thus not subject to negotiation to be unfounded. Following further information submitted by ZENKYO and the Government in 2006 that continued to take opposite views of progress on the main issues, along with a supporting communication from the Nakama Union based in Osaka prefecture, which dealt with many of the same issues, the 2006 Report noted the CEART's intention to accept the parallel invitations to send a mission to Japan so as to investigate the situation more thoroughly.

12. This Report will summarize the most important information and views supplied by relevant government authorities, both national level and selected prefectures, employers' and workers'

organizations, and especially teachers' organizations (unions) at national and prefecture level, representatives of parents and labour and education experts in Japan. With a first-hand view of the context, nuances and actual functioning of the teacher evaluation systems and related social dialogue processes in Japan's educational system, the CEART fact-finding Mission is able to base its findings and conclusions on a much deeper understanding of the circumstances surrounding the allegations.

Findings of the mission

General observations: Ministry of Labour, national employers' and workers' organizations

13. The Ministry of Labour, Health and Welfare (MLHW) advised the Mission that the development and use of teacher evaluation systems should be regarded within the framework of perceived concerns within Japan over a decline in the standards of the public service and education. Nevertheless, labour/management relations were improving. Teachers' organizations now participate in the national educational council, and since both MEXT and teachers' organizations welcomed the Mission as a means of gaining better understanding of the issues at hand this development constituted a further sign of enhanced social dialogue.

14. The Japan Business Federation (JBF) representing many Japanese employers, including some with direct participation in universities or schools, expressed views that education reform to meet new needs of Japan's society and economy should emphasize greater school choice, listing of schools based on results of school and teacher evaluations, and school financing priorities that reflected evaluation results. The JBF noted that the system of designating some teachers as those "without sufficient ability" did not mean that such teachers must lose their jobs or salaries.

15. National organizations of workers, the Japanese Trade Union Confederation (JTUC - RENGO) and the National Confederation of Trade Unions (ZENROREN), variously stressed the lack of effective consultation and negotiations and the influence of the socio-economic context on issues central to the Mission. In their view Japan's civil and public service laws, which also affected teachers (for instance the Local Public Service Law and the Law for the Special Regulations Concerning Educational Public Service), were not in conformity with international labour standards and the standards of the 1966 Recommendation, and therefore were at the root of the problems raised by the teachers' organizations. Examples were cited of reforms affecting education institutions at various levels that became independent corporations, and at the same time obtained more rights under non-public sector labour law. These showed that there was no inherent risk of greater labour conflict created by extending legal guarantees for such provisions to teachers. The teachers' evaluation system should also be seen in the larger context of increasing job insecurity, low salaries and difficult working conditions (death from overwork for example) resulting from decreased public sector investment in education.

Teacher competence, assessment, professional development

16. The Mission's objective was to seek a greater understanding of the criteria and procedures applied in the teacher evaluation system by prefecture Boards of Education (hereafter Boards) in relation especially to the system applied to those considered as "incompetent teachers" or those with "insufficient ability". As part of its examination, the Mission sought to clarify various procedural guarantees advocated in the provisions of the 1966 Recommendation, notably the manner by which teachers' representation, disclosure of appraisal results and appeals of appraisals operate in practice among prefecture Boards, as well as the professional development, support or retraining for teachers evaluated as "insufficient" or "incompetent". The subjects of investigation are set out in Annex 4 of this Report. They apply to various provisions of the 1966 Recommendation, notably Paragraphs 45-46 (stability of employment and tenure in the teaching profession, protection against arbitrary actions), 50 (due process guarantees in disciplinary matters) and 64 (objective assessment of teachers' work, disclosure of results to teachers and the right to appeal). Issues related to merit or performance assessment linked to teacher salaries will be dealt with below in the relevant section of the Mission Report.

National government

17. The Mission was informed by MEXT that the teacher evaluation system is the responsibility of the Boards of each prefecture, which are also responsible for establishing schools as well as supervising teachers and other staff of schools. Teacher salaries are paid by the national government. In 1968 a system was in place, which involved the assessment of all teachers and principals, but this system was very uniform and many were of the view that it did not invigorate schools. As the importance of higher quality education and teacher standards has grown, a 2000 National Commission on Education Reform recommended that teacher evaluation should be modified and a committee of experts was set up to propose a new system. The Mission was informed that teachers' organizations were invited to submit opinions in writing to the Ministry of Education.

18. The new framework for teacher evaluation is based on teachers' assessment by school principals, and was introduced for the first time in selected prefectures in 2002. The systems at prefecture level were seen as development oriented, aimed at developing human resources as well as providing guidance and advice to teachers. Each Board set out the criteria and the processes for the assessment of teachers by their principals or in the case of large schools, deputy principals, who are expected to follow the indicated criteria, thereby avoiding as far as possible arbitrary judgments. Their judgments are based on various factors including teacher motivation, ability, and performance. The teacher evaluation system is supposed to identify a teacher's strengths and weaknesses and those teachers who fall short are supposed to be assisted to improve. At the beginning of each academic year, teachers set out their objectives in writing, based on the schools' objectives. They later meet with their principals to discuss the objectives. The Mission was told that school principals had received training in evaluation when the system was introduced, and this process was supposed to continue every three years. Further changes were introduced in 2006.

19. The system for evaluating 'incompetent' teachers was enacted by a Law in 2007, which stated that Boards should be responsible for training to improve teachers identified as 'providing inadequate instructions'. Guarantees existed that protected civil servants to ensure that the ultimate sanction of dismissal of teachers was minimized and that teachers who were considered to be teaching inappropriately were transferred to other assignments if retraining did not succeed. Still, in the opinion of MEXT such procedures impacted negatively on the overall education system, a view shared by the representative of the parents-teachers association, who insisted that parents were keen to have a rigorous system in place in order to ensure that their children do not 'fall victim' to such teachers. It was suggested that even the current approach was not rigorous enough with undue consideration being given to teachers who may not be performing appropriately.

20. MEXT stated that they found the process applied by the prefecture Boards to be fair and transparent, with design inputs provided by experts and many capable people, including former teachers, sitting in the Board panels reviewing school director recommendations; therefore valid judgments could be made. However, subsequent to observations and comments made by the teachers' organizations, clarification on various aspects had been made in the recently issued 'Guidelines on the Personnel Management System for Teachers Providing Inadequate Instruction' of February 2008 (hereafter the Guidelines). The Guidelines should provide greater support to Boards towards enhanced objectivity and consistency of standards as well as the necessary procedures. The Guidelines defined teachers providing inadequate instruction as those unable to teach children on a daily basis due to insufficient knowledge, skills, methods of instruction or other qualities or abilities required of a teacher, but for whom the ability to provide instruction could be improved through training. In accordance with the notification issued by MEXT in relation to the 2007 laws, the Guidelines repeated concrete examples or cases corresponding to "inadequate instruction" that Boards could have reference to in making decisions in individual cases based on their own rules and procedures:

- Teachers have insufficient knowledge or skills related to subject matter, leading to teaching errors or inability to answer pupils' questions;
- Instructional methods are inadequate, for example recourse only to writing on the blackboard and not answering pupils' questions;
- Teachers lack ability or willingness to understand children's' minds so that they were unable to manage classes and provide instruction, for example making no attempt to listen to children's' opinions, engaging them in dialogue or otherwise communicating with pupils.

21. MEXT recognized the importance of developing retraining programs that enabled 'incompetent teachers' to return to their workplace and informed the Mission on aspects of the evaluation systems designed to improve retraining and guidance. In most prefectures individuals must undergo training within a year of being designated as having insufficient ability. The training is designed to help the teachers to return to the classroom, and it takes place either in recognized training institutions or in-schools with competent trainers. MEXT contended that as there was no adverse treatment for "incompetent teachers", even if they undertook training, there was no need for requirements to undergo training to be subject to appeal by teachers.

22. According to MEXT the teacher evaluation system in general was ‘a work in progress’, an on-going process since laws had been changed to reinforce teacher evaluation. The prefecture Boards were continuing to review the system in the context of various challenges, including the recognition that teachers are a diverse group and the system of evaluation is a uniform one. The new law was seen as important for evaluating teachers’ ability and performance although implementation of the teacher evaluation system continued to show disparities among the different prefectures. Moreover, since teachers were public servants, their evaluation was part of an ongoing review and improvement of the public service systems.

Prefecture Boards of Education (Boards)

23. Prefecture Boards in Tokyo, Osaka and Kagawa maintained that teacher evaluation systems were an integral part of educational reforms brought about to address educational challenges in their jurisdictions, including respect for the rights of the child and the role of parents and the community. Teacher evaluation systems were an integral part of human resource (HRD) support systems. Details of how the systems operated in each of these prefectures indicated close similarities among them. Appraisal consisted of teachers’ self-assessment and performance assessment. After reviewing teacher’s personal objectives school directors made an assessment of each teacher based on the degree of achievement of teacher objectives in relation to those of the school. The evaluation was based on the teacher’s self-assessment, the principal’s (or deputy’s) own observations and an interview between the relevant school manager and the teacher. In general, the evaluation items and criteria together with points to be noted are made known to the teacher and the evaluation results are accessible to all who wish to see them. Moreover, professional development of teachers in the various municipalities was an ongoing process that for example in Tokyo included a teacher’s induction scheme, as well as year round education & training, comprising short courses of up to 10 days duration.

24. The aim of the component to deal with ‘incompetent teachers’ was to identify and rectify weak teaching practices through a teacher re-education program designed to ‘recover teachers abilities’. Although the majority of teachers in prefectures were judged to be good and competent, there were a few who were judged to have insufficient teaching, pupil guidance or other skills and needed assistance. In the view of prefecture Boards the systems were fair and appropriate in view of the prevailing legislation, including procedures for appeals implemented by the relevant employing authority concerning unfavourable assessments that led to the need for retraining and, as appropriate, reassignments of teachers. All Boards recognized the importance of training for principals and deputies engaged in appraising teachers to ensure the objectivity and impartiality of the processes. As the Osaka Board noted, there had been complaints from teachers especially in large schools about principal bias and discrimination. The Kagawa Board argued however, that principals could not easily make arbitrary decisions anyway as they too were evaluated on their management and development ability by teachers based on a five-point scale. The results of the special measures to assist teachers with insufficient abilities were on the whole positive. The Kagawa Board claimed that since the guidelines for “incompetent teachers” came out in 2002, nearly 60% of teachers thus evaluated had returned to schools after a period of remedial training.

25. Boards as in Tokyo and Kagawa contended that the guidance given to 'incompetent teachers' by the teacher trainers and interaction with them throughout the training was sufficient. They suggested that some teachers would voluntarily choose to leave the profession at this stage anyway. The quality of the training provided by teacher consultants - advisory teachers selected within prefectures, ex teachers, and principals - was appropriate. An individual plan was drawn up for each teacher and the training was well resourced.

26. Though the process varied to some extent among the prefectures, Boards informed the Mission that they had explained the system to teachers' organizations and listened to their views and requests concerning design and implementation prior to introduction. In Tokyo for example, between 2005 and 2007 numerous meetings were held between the Board and representatives of teachers' organizations where opinions were exchanged. The Osaka Board met formally with teachers' organizations twice a year but already in the first four months of 2008 there had been four meetings on various subjects. The Kagawa Board met with teachers' organizations four times a year. Nevertheless, all prefecture Boards stated that the evaluation of teachers and the processes for dealing with 'incompetent teachers' were put in place as a management and administration matter requiring no negotiation with teachers' organizations. The Mission noted at the same time an expressed desire on the part of Boards to see improvements in teacher evaluation systems based on dialogue with teachers within the legal framework and constraints noted above.

National teachers' organizations

27. There were major differences between the views of MEXT and the Boards of Education and those of national teachers' organizations – NIKKYOSO and ZENKYO. These organizations were less than happy with the teacher evaluation systems as they found them not only subjective but also unfair in that there are no provisions in the evaluation procedures for teacher organization representation, especially in grievance situations. They asserted that the system was too subjective as it involved an absolute assessment of teachers by the principals on one hand and a relative or norm-referenced assessment by a superintendent or Board official on the other. This was particularly so in areas where there were large schools with many teachers, such as in Tokyo and Osaka. Furthermore many teachers saw the competitive nature of the assessment system as the antithesis to the collaborative collegiality among them and this negatively affected their professionalism. The evaluation process as well as the outcomes were regarded by all teacher representative as lacking 'transparency' because the disclosure of the assessment results were discretionary and there was no mechanism for appeals against negative assessments. Many felt that teacher evaluation systems had a negative impact on the general morale and motivation of teachers. Teacher organizations generally complained that the recent teacher evaluation systems had basically been 'imposed' on teachers without proper consultation and agreement.

28. The teachers' organizations were particularly opposed to the processes by which some teachers were judged as 'incompetent' and thus needed re-training. The national teachers' organizations noted that it was often difficult for principals and deputy principals of large schools to maintain objectivity especially in relation to those teachers judged 'incompetent'. The feedback given by the principal to the teacher tended to differ from school to school and sometimes teachers were

asked to re-write their objectives, something that many of them considered 'de-motivating'. In some cases the 'interview' between the principal and the teacher was simply for the former to communicate the ranking given to the teacher. As NIKKYOSO pointed out, teacher representation in prefecture and municipal commissions and councils relating to these issues, specifically the Board Judgement Committees. needed to be institutionalized to enhance teacher participation and acceptance of the evaluation systems. The organizations confirmed the provisions outlined by the Boards that professional training (including teacher induction) was normally carried out at the prefecture level under each Board and involved both in school as well as out of school training. At the same time, for example ZENKYO representatives informed the Mission that the feedback they received indicated that much of the training for teachers judged to be insufficient was 'irrelevant', often leading to many of these teachers leaving the profession altogether. However, one national teachers' organization, ZENNIKKYOREN, believed that principals would get better with time as they gained experience in assessing their teachers. They agreed with the need to improve teacher evaluation systems but added that many teachers who received unfavourable assessments had been teaching for more than ten years and it was possible that they were unable to adapt to educational changes. Training for such teachers should be geared to assisting their return to the classroom and this required time.

29. There was general consensus amongst the organizations that the introduction of the Guidelines by MEXT was a positive step towards a fairer system and a more collaborative process, with particular appreciation of the change with regard to the exclusion of 'mental disorder' from the designation criteria. The organizations expressed the feeling that many, though certainly not all of their comments with regards to the Guidelines had been taken into account by MEXT, and highlighted the need for ongoing review and dialogue over further improvements. There remained concerns that some Boards still included items with regard to regulations and the private lives of teachers, which induced irrelevant and subjective assessment for example. In contrast, ZENNIKKYOREN expressed general satisfaction with the overall system for evaluating "incompetent teachers", considering it to be fair. In the opinion of this organization, when a teacher was designated "incompetent", most colleagues would agree.

30. Teachers' organizations at national level agreed with many of the professional development aspects of the evaluation system that applied to those judged as being 'insufficient" but pointed to certain weaknesses they perceived in the application of these provisions, for instance:

- Incompetent teachers needed to be made aware of their weaknesses at an early stage, so this should be carried out in a school interview;
- The drafting of the plans with regard to training they should receive should reflect their own specific needs;
- Many so-called 'incompetent teachers' lacked interpersonal skills so were likely to need training especially in this area.

31. In light of these considerations, teachers' organizations were preoccupied with two main outcomes of the training of 'incompetent teachers', namely, the often irrelevant content of the re-training exercise and the very low number of those designated as "incompetent" teachers who returned to teaching posts after training. The training to be provided in such situations was

necessarily different from normal teacher training, yet many teachers complained that it was perceived as a 'warning' to them. Comments made by teachers on the "negative" style of the training, whereby trainees are encouraged to criticize each other, abusive language and harassment from the trainers were cited.

32. Many teachers belonging to the affiliates of the national teachers' organizations believed that the teacher evaluation system should be re-examined in light of the current realities of Japanese education, including long hours worked by teachers and increasing cases of physical and mental illness, a situation that organizations such as ZENKYO believed had been exacerbated with the introduction of the teacher evaluation systems. Teacher representatives believed that alternative forms of teacher assessment should be considered including peer evaluation, as well as evaluation by parents and students. They emphasized the importance of equal relationships between the evaluator and the evaluated with different perspectives being factored in. Consultation and consensus were important as was more transparency in relation to the purpose of the evaluation. They were adamant that the teacher evaluation systems were restricting teachers' creativity and professional autonomy.

Prefecture-based teachers' organizations

33. Prefecture organizations of teachers in Tokyo, Osaka and Kagawa confirmed the information provided at the national level, but also provided detailed information on how teacher evaluation, including for those judged to have "insufficient ability", played out in practice in prefecture schools. Concerns were expressed about the criteria for determining "incompetent" teachers, the roles and responsibilities of the parties involved, the right of the teachers to hearings and appeals, and the engagement and support of the teacher organizations throughout. Organizations in Kagawa contended that up to the present different criteria were being used to determine "incompetent" teachers, including mental illness, and the criteria were too vague. Similarly in Osaka explanations were given about how four categories of criteria for incompetence had been applied at the onset, and the fourth criteria, relating to the issue of mental disorder, had been a particular area of concern. More broadly, some indicators used in assessment within the broad criteria applied in Osaka, such as 'is/he she broad minded', or 'does he/she teach the pupils with affection', did not facilitate objective and fair evaluation in the view of the teachers' organizations.

34. Of major concern was the lack of objectivity in the evaluation process with NIKKYOSO's affiliate in Osaka arguing that the new Guidelines still leave the issues of objectivity and transparency unresolved. The organizations pointed to situations in Tokyo and Osaka schools where principals and deputy principals faced difficulties to interview and observe all teachers, especially in special education schools. In an average elementary school there would be between 20 -30 teachers but in Tokyo many schools had more. Furthermore since teacher ranking was normative and not absolute, ranking outcomes sometimes reflected principals' lack of understanding of classroom study and/or disagreement with how a subject should be taught. An example was cited of a music teacher who was a leader in advancing music education but managed only a C grade from his principal. And in the case of special education schools, some principals had failed to include non-classroom based activities such as hospital visits, in teacher assessment. Furthermore, teachers in these schools tended to work more collaboratively and

they felt that they could not be appropriately assessed individually. The Nakama Union in Osaka prefecture argued that the collaborative way of teaching in Japan had been 'disrupted' by the new teacher evaluation system since the objectives as well as the results of the individual evaluations were not shared, leading to tensions among teachers who could not disagree with principals' objectives. The issue of gender was raised since some organizations felt that women with family responsibilities were less likely to be involved in out of school activities and this could impact negatively on their evaluation.

35. The information provided to the Mission on the operation of teacher evaluation varied by prefecture, but two generalized viewpoints emerged: many teachers did not view the systems that had been set up as an improvement for teaching and learning; or else identified procedural weaknesses in their functioning. One survey of teachers in Osaka was cited which showed that more than 75% of teachers felt that the teacher evaluation system did not help them professionally, whereas another survey cited in Osaka suggested that one out of three teachers felt that teacher evaluation could contribute to school quality but found the appeal system unfavourable. Between 2004 and 2006 more than 100 teachers had filed complaints but no decision had ever been overturned. Confusion reigned among teachers over changes in the ranking system in Tokyo, where in addition, evaluation results at school level that were sent to municipal Boards reportedly were not disclosed to teachers, a problem raised also in Osaka prefecture. In Kagawa even principals were said to have difficulties in applying a fair system. Among the deficiencies raised in the various prefectures, teachers organizations cited restrictions on teachers' ability to make written representations until the case reached the Judgment Committee of the Board, lack of access to the principals' statements about teachers, the absence of practicing teachers as members of the Judgment Committees and the inadequacy of appeals processes as evidenced by the failure of any appeals to overturn decisions designating teachers as "incompetent".

36. Representatives of ZENNIKYOREN in Kagawa also insisted on the need for clarifications in the definition of 'incompetent' teachers, fair and impartial evaluations with outcomes disclosed to the teacher, and better and more relevant training for both principals and teachers designated as needing retraining. At the same time they considered the teacher evaluation system applied in Kagawa to be necessary, thought that principals possessed the skills and ability to conduct the evaluations and felt that those teachers with low grades did get a satisfactory explanation.

37. Prefecture-based teachers' organizations reiterated the need for consultation with their organizations but also with parents and students in devising improvements and implementing teacher evaluation systems. The teachers' organizations maintained that the underlying problem of the teacher appraisal systems and their application to those designated as "incompetent" or with "insufficient ability" was the designation by employing authorities of such systems within the scope of "managerial and operational" matters which were excluded from negotiation with the organizations. For example dissatisfaction was expressed by ZENKYO affiliates in Kagawa as to the way in which new procedures had been implemented by the prefecture Board from the beginning in September 2002 without due agreement with teachers' organizations. The Mission was also informed that having reviewed the MEXT Guidelines the organizations had requested MEXT to remove improper examples relating to teachers' private lives for example, but this had been refused on grounds that decisions on criteria should rest with the Boards at prefecture

level. In the opinion of most prefecture teachers' organizations, a clearer determination and clarification of matters which fall under 'managerial and operational' considerations and more willingness to take on board proposals for improvements put forward by teachers' organizations would help to avoid such difficulties in the future.

38. The teachers' organizations also noted the perceived weaknesses of retraining programmes for those designated as 'insufficient". Typical of these views was that cited in Kagawa, where teachers' organizations described the training as not being linked to teachers' needs, with trainees feeling that the trainers looked upon them with 'disdain'. As a result, although the organizations admitted to declining numbers of teachers being designated as "incompetent" in prefectures such as Osaka, 30% of such teachers did not return to their former position, and they suggested that some teachers were compelled to retire unwillingly.

National experts

39. Japanese specialists informed the Mission on teacher evaluation systems in place or envisaged at prefecture level as they had emerged in recent years. One expert indicated that such systems had antecedents in earlier policy recommendations such as the Ad hoc Council of Education convened in April 1986, the report of the Central Council of Education in 1998, and further considerations by the Japanese Parliament - the Diet - in 2001, all of which were concerned with the question of teachers judged to be underperforming and requiring training to meet national standards. The experts suggested that teacher evaluation systems should move towards a more development-oriented evaluation model that involved more stakeholders such as parents and students. The MEXT Guidelines could help to shift system orientation along these lines. Some of the continuing weaknesses of the teacher evaluation system included the vagueness of definitions and criteria for 'incompetent' teachers, procedural questions, especially appeal of unfavourable evaluations, training standards for those designated to need it, and over-reliance on national testing of students' academic achievement as a criteria for teacher evaluation. One of the experts pointed out that initial training of principals to carry out evaluations had reached up to one-third of the 40,000 plus principals concerned, a better rate than in private enterprise, and adjustments were being made at prefectural level to accommodate principals' needs. Larger schools posed greater problems for objective evaluations because of the time constraints, but adaptations such as group interviews of teachers and a careful distribution of responsibilities between evaluators – principals, deputies, superintendents – could overcome these obstacles.

40. The Mission also took note of an unsolicited written brief submitted to it by the Japan Federation of Bar Associations regarding issues of teacher competence and teacher evaluation. The information brief raised similar concerns regarding criteria and procedures applicable to teachers considered to be "incompetent" in some prefectures, and the revised laws of 2007 applicable to teacher certification. In view of its Terms of Reference, the Mission has considered this information as part of the contextual information on the issues before it that has been made available from a number of sources, without entering into details of the information in the brief.

Merit assessment and incentives

41. The Mission sought clarification on issues raised in the allegations and previous information supplied to the CEART in relation to procedures and practice concerning Paragraphs 64 (objective assessment of teachers' work, disclosure of results to teachers and the right to appeal) and 124 (consultation with and acceptance by teachers' organizations of any merit rating system for purposes of salary determination) of the 1966 Recommendation. Key questions are set out in the Framework of Issues provided to those who met with the Mission and attached as Annex 4. These issues also relate to professional responsibilities and freedom of teachers as set out in Paragraph 63 of the 1966 Recommendation (see above on teacher competence and assessment).

National government

42. In its submission to the Mission on merit assessment MEXT insisted that the new system of teacher evaluation was part of a larger issue of public service performance. As initially noted above concerning teacher competence, assessment and professional development, in education, the National Council on Educational Reform report in 2000 had called for teacher evaluation to be included in national educational reform. In recent years MEXT had initiated studies of the issue, which led all prefecture Boards to adopt some form of performance evaluation as of April 2008. Boards have the authority to decide on use of evaluation results in relation to salaries, though few have used such systems in salary determination. Where this is done, teachers may receive adjustments in the form of extra grades (steps) or bonuses. The system is not linked to promotional decisions; a favourable review in a separate process for principals and deputy principals helps determine their promotions. MEXT contends that there have been "discussions" with teachers' organizations in developing the performance evaluation system, but not in its implementation, which is a management and operational matter.

Prefecture Boards of Education (Boards)

43. Prefecture Boards in Tokyo, Osaka and Kagawa informed the Mission in more detail on how performance evaluation worked. The systems, with some variation by prefecture, are based on teachers' self-assessments and a performance management assessment during a school year, including classroom observations by managers. The stated objective is to assist teachers to understand their abilities and weaknesses in order to improve teaching quality through an interactive assessment process between teachers and managers. The self-assessment component comprised a definition of objectives at the beginning of a school year, evaluation of progress and changes during the middle of the year and an assessment of the degree of achievement at the end. It included an interview with a manager, principal or deputy principal. The final interview with the principal led to future plans for the next school year. Nearly 100% of teachers completed self-assessments satisfactorily. Generally speaking, criteria for evaluation – teaching knowledge and practice, pupil guidance, classroom management and extra-curricula work – were graded by ability, motivation and performance. The grades included excellent, good, satisfactory or unsatisfactory (needs more effort). A five or four point (in the case of Tokyo) rating scale was applied: S (outstanding), A, B, C (satisfactory) and D (unsatisfactory). An evaluation note of B was considered "standard", whereas an A rating merited a higher salary grade.

44. School managers were expected to evaluate teachers in their schools. They received training for this task by the prefecture and municipal Boards, including school practicums using classroom observation and other training opportunities, and in some prefectures (for example Kagawa) assessment criteria had been developed for principals to reduce arbitrary assessments. The systems were generally transparent with disclosure and explanation of assessment results provided to teachers, who could appeal results to a grievance council (composed of senior Board officials and in many cases former teachers who were fully conversant with the school system, but not the manager making the assessment) that in turn would hear the views of the teachers and managers at several possible steps. At the stage of a hearing in some prefectures a teacher could be accompanied by a teacher union or other prefecture-based representative and could submit written observations. There was no provision for union representation on such committees, nor did they include many women members (though one Board indicated that women made up 70% of all teachers in primary schools, 40% in junior high and 30% in senior high school). Final decisions in such cases were communicated to teachers with reasons for the decision. As part of efforts to ensure transparency and objectivity in the application of the evaluation system manuals had been distributed to all teaching personnel in at least one prefecture (Osaka).

45. Performance results did influence salary grade increases, with the average overall assessment equalling satisfactory, equivalent to grade 4. Those with better assessments received a grade of 5 or 6 while those considered unsatisfactory received a grade 3. The personnel evaluation system was considered to be a management and operational issue, therefore outside the scope of labour/management relations, but Boards variously consulted with teachers and other staff representatives in established committees at prefecture level, including on the initial development of evaluation systems in some prefectures.

National teachers' organizations

46. In written and oral submissions on teacher evaluation and links to salaries or promotions, the two major national teachers' organizations that met with Mission (ZENKYO and NIKKYOSO) opposed such policies. A third teachers' organization (ZENNIKKYOREN) gave qualified endorsement, as recognition of individual teachers' responsibilities and workload differences. The arguments against such linkages were: the linkage of performance and pay inhibits frank assessments based on the needs of pupils; the system discourages teamwork among teachers, including support that experienced teachers provide to younger colleagues; collaboration between teachers and school management and teachers' professional autonomy are reduced; teachers become reluctant to challenge principals' views when such action might affect their ratings; and the system obliged teachers to spend more time on clerical tasks to the detriment of educational activities with children, inhibiting their creativity. The appraisal systems did not account fully for less visible aspects of teachers' work.

47. The principles of impartiality, fairness, objectivity, transparency and appropriateness of such systems could not be ensured without the establishment of a grievance system involving teachers' organizations. Teachers' organizations should be consulted on the establishment and functioning of assessment schemes. Linking assessments to pay systems should be avoided. On

the criteria of objectivity and fairness, examples were cited of Boards encouraging or obliging principals to rank a certain percentage of teachers in grades C and D respectively for budgetary and promotional reasons, thereby preventing objective and fair assessment. Evidence was advanced that some school principals felt the system to be non-objective.

48. The net effect of such practices negatively affected teacher morale and daily activities. On the basis of teacher organizations' interventions and faced with complaints from teachers, revisions in criteria and procedures had been made in some prefectures in line with the 1966 Recommendation and recommendations of the CEART. For instance disclosure of assessment results to concerned teachers was improved, as well as establishment of grievance systems for appeals, including hearings of individuals concerned and complaints counselling. But teachers' organizations considered that the improvements still fell short of the 1966 Recommendation's standards.

49. On the key question of consultation and acceptance of merit assessment systems, the teachers' organizations contended that the Japanese public service legislation does not admit labour/management negotiations leading to the conclusion of such agreements. Teachers' organizations are only permitted to have consultations with the authorities on these kinds of issues. In this context, teacher evaluation systems were considered to be "administrative and operational matters" as defined in the Local Public Service Law; therefore not subject to formal consultation with unions. Where they existed, such consultations essentially consisted of management listening to organizations' viewpoints at either national or prefecture level without reaching any agreements on linkages between assessment results and salaries or working conditions. The teachers' organizations generally considered the present nature of such consultations to be unsatisfactory. Consultative arrangements needed to be strengthened at a minimum, and the largest organizations at national level urged reform of existing laws to admit effective negotiations and agreements on performance-related assessments and teacher compensation. Information was also presented on working conditions, health, stress and suicides that was considered to be related to the issues before the Mission.

Prefecture-based teachers' organizations

50. Teachers' organizations in the three prefectures the Mission visited provided additional information on the practical operation of merit assessment systems (including in some cases extracts of Board regulations and procedural guidelines plus recent court cases). The submissions tended to support the views of the national organizations either in support of merit-based pay decisions (one organization) or in opposition to linkages (most organizations) between assessment and teacher compensation (pay increments and bonuses or "diligence allowances" in at least one prefecture) as opposed to enhancing teacher skills and more dynamic schools. Linkages to compensation (labelled as the "Raise through Appraisal system" in Tokyo) resulted in teachers with the "highest" performance rating receiving a grade 6 raise (estimated at 5 % of the best-ranked teachers), those with a "high" rating receiving a grade 5 raise (an estimated 25% of the next highest ranked teachers), while teachers with an "average" rating received a grade 4 raise and salary raises for teachers with a "D" (lowest) rating from their principal were limited to the grade 3 raise, as were teachers who did not submit self-assessments in at least one prefecture. Teachers' organizations contend that school managers

apply fixed distribution ratios of rankings already at the first assessment stage, making the process relative from the start and not objective or fair to individual teachers. According to the teachers' organizations, neither the distribution ratios nor the final results are publicly disclosed. Information was repeated about principals' complaints concerning partiality in these evaluation ratings, with some organizations contending that a majority of teachers, principals and even a prefecture management association (Osaka Council of Managers at Prefecture Schools) opposed the system as it was applied. Some teachers' organizations provided statistics alleging that the number of complaints about the system rose four fold in the period 2004-2006 (though the numbers are still small), and at least one unpublished survey of principals had revealed reduced teacher motivation and a deteriorating working environment in schools. In the absence of investigations by prefecture Boards, some teachers' organizations provided statistics and views of individual teachers to show a deteriorating teaching and learning environment in recent years, though the Mission is unable to determine with certainty that this has been provoked by merit assessment schemes.

51. Teachers' organizations pointed to the difficulties in applying such systems to probationary and women teachers in particular. Application to newly hired probationary teachers (labelled the "special evaluation" by one organization) has reportedly led to increasing cases of dismissals, resignations and even two suicides linked to negative evaluations (organization compiled statistics were provided for the period 2001-2007). One prefecture-based organization supported use of probationary teacher evaluations for professional development reasons but not for salary decisions until a probationary period was completed. Some organizations pointed out that performance rating negatively affected women teachers, who tended to receive low rankings and therefore lower salary increases because they took time off for maternity leave, care for young children and ageing parents, especially given that no effective system for substitute teachers exists in Japan. Systems that assessed extra-curricular activities as part of normal working hours in school were unfair to the many women teachers who were working mothers or single parents. There was some feeling that such systems allowed discrimination or even harassment, especially as between male supervisors and female teaching personnel.

52. On an operational level, the organizations pointed to the difficulties derived from the large numbers of teachers requiring evaluation at the primary and secondary stages, in Tokyo for example up to 200 in one large special education school and 2,500 in one ward, encompassing all schools in that administrative area. According to the organizations this made it impossible for a principal at the first stage or the head of the Board as the final evaluator to adequately assess all teachers. Special education teachers reported that no distinction was made in terms of their responsibilities and workload. Special education school managers also rotate frequently, making assessments of such teachers more problematic given that longer periods are required for team building and evaluation of progress in the case of teaching children with special needs. Arguing that the appeals process is not objective and transparent, teacher organizations noted the virtual absence of reassessments on appeal (declining to 0 in 2006 in Osaka prefecture for example). The prefecture-based organizations confirmed that some improvements have been made in procedures over time (for instance disclosure of results to individual teachers) but these were not universal; in some prefectures little or no disclosure took place and no appeals or grievance procedure existed. Improvements in any case were not sufficient and special

problems persist, for instance the lack of procedural guarantees for probationary teachers thus assessed (no disclosure of results or rights to appeal).

53. Prefecture Boards or other bodies responsible for labour/management relations at prefecture level agreed to discuss, hear viewpoints, receive inquiries or demands from teachers' organizations on merit systems. However, teacher organizations asserted that the Board's refused good faith consultations or negotiation on personnel evaluation and achievement rating systems on grounds that they were an administrative and operational matter. Accordingly, merit assessments linked to teacher compensation decisions had been unilaterally introduced in most if not all prefectures. Modifications made as a result of consultations were qualified as "clarifications" of provisions by some educational authorities, whether oral or written. Despite the widespread opposition of teachers to use of performance evaluation systems as indicated in teacher organization surveys, authorities persist in their implementation.

National experts

54. Japanese specialists informed the Mission on merit assessment from the perspective of human resource management, educational administration, organization management, and teacher and school evaluation. Personnel evaluation systems increasingly applied in Japanese education resulted from educational authorities' desire to shift the emphasis from seniority-based criteria to ability and merit based on "human ability development" concepts derived from private businesses, also in a context of "managerialism" (stronger authority for school management) and market orientated educational concepts. The central government wanted to decentralize financial responsibility to local administration while maintaining national standards, including school, teacher and student assessment systems. To date, almost all of the 47 prefectures in Japan had introduced a teacher evaluation system, but only a few had linked such a system to remuneration – salary increments and bonuses. The impact on teacher compensation should be put into context: the annual difference between the highest (S) and lowest (D) ranking for allocating bonuses in Osaka for example was approximately ¥140,000 (about US$1,400 at current exchange rates), a relatively small amount compared to a teachers' average annual salary which might range between ¥6-8 million, and also in relation to private sector salaries. The national experts could find no examples in the academic literature of a system such as that implemented in Japan improving teacher or pupil performance.

55. The specialists informed the Mission that improvements had been made in procedures (required disclosure to teachers, establishment of appeals mechanisms). One expert felt that in comparison to those operating in private industry, the systems were more development oriented and quite suitable to public school teachers. Another expert noted the possibilities of incompatibility between two kinds of teacher evaluation – performance related and professional development oriented – and the increasing risks that pressure by parents for teachers to deliver immediate results based on performance ranking systems would widen divisions within teacher ranks, lessening collaborative learning approaches. Based on one survey in Tokyo, outright rejection of performance-related pay decisions seemed to have declined since their initial introduction, partly due to improvements in procedures, but teachers still tended more towards formal than real acceptance that performance evaluation systems were useful. The scant evidence available could reflect in part differences between younger teachers more used to new

forms of assessment and benefiting from greater interaction with principals compared with older teachers who valued more peer exchanges to assess teaching practice.

56. The specialists provided somewhat different perspectives on issues of consultation and negotiation. One contended that even though personnel evaluation systems came under the definition of operational matters excluded from formal negotiations, many Boards permitted union representation on personnel commissions involved in the design of such systems (for example in Nigata City), with many of these having more a decision-making than purely advisory role. Some form of consultation with teachers' organizations on personnel evaluation systems had been conducted in most prefectures, but the definition of "consultation" varied from just listening to teacher union views to their more active participation in decisions. Another specialist considered that market-oriented reforms which seemed to be influencing performance related pay trends posed greater difficulties to real dialogue on evaluation systems that would lessen opposition from teachers, not only at national and local (prefecture) levels, but also at school and classroom levels.

Social dialogue on relevant policies

57. The Terms of Reference of the Mission included a mandate to examine "the details of the social dialogue exchanges between the authorities and the teachers' organizations for determination of the relevant policies." Thus, the Mission particularly sought information concerning the framework for social dialogue in which the system of teacher evaluation, incentives and disciplinary measures has been established and operates. The Framework of Issues referred to above (see Annex 4) focused on means and practical application of consultation between educational authorities and teachers' organizations on relevant policies, disciplinary matters, professional criteria for assessing teacher competence, merit rating and means for dispute settlement. The definition of "social dialogue," based on the 2003 CEART Report, was quite general, i.e. "all forms of information sharing, consultation and negotiation between educational authorities . . . and teachers and their . . . representatives in teachers' organization."

58. The Mission noted that education in Japan is relatively decentralized. Each prefecture is responsible for the management and operation of its public school system. The national government supports the school system financially, with different formulae for types and levels of schools. Prefecture governments employ teachers. MEXT influences, but does not control, the actions of prefecture education authorities.

59. Without exception, MEXT and the representatives of prefecture Boards stated that the Public Sector Law established the scope of negotiation between government and teachers' organizations (unions) representing its employees. The Law, which covers teachers, states that "matters of operation and administration" of a ministry are not subject to negotiation. The spokesperson for MEXT stated clearly that his ministry believed that the matters to be reviewed by the Mission are "operation and management" under the law. Every other employing authority representative repeated that position, although relations with teacher organizations differed.

60. Because it lacks operational authority over education matters, MEXT stated that it had no management-management relationship with teacher organizations. None the less, MEXT has met to explain its opinions to the organizations. In April 2008, shortly before the Mission arrived, MEXT published "Guidelines on Personnel Management for Teachers Providing Inadequate Instruction" before the implementation of new policies. A "Central Education Council" composed of experts prepared the guidelines. The Council did not include any representative of a teacher organization, although MEXT received comments from NIKKYOSO and ZENKYO. MEXT explained that a general public consultation on the Guidelines had occurred prior to their publication. Teachers' organizations were involved in that process. No negotiation on the Guidelines with teachers' organizations had occurred, on the grounds that the policies are the exercise of management prerogatives outside the scope of negotiation.

61. The views on the status of consultation expressed by education authorities and teacher organizations differed sharply. National organizations stated that they do not consult with MEXT. Occasional discussions do occur. The organizations made submissions to MEXT regarding the Guidelines and they participated in open hearings on the same basis as any other member of the public. Overall, ZENKYO submits written opinions or questions to MEXT and receives oral answers, which the organization believed did not constitute consultation or negotiation. NIKKYOSO representatives reported that the MEXT working staff meets with them, although only to receive their views, not for consultation or negotiation.

62. At the prefecture level, the teacher organizations reported the same to the Mission. For example, TOKYOSO, the ZENKYO affiliate representing Tokyo teachers and staff, stated that it had no consultation with the Tokyo Metropolitan Education Board. TOKYOSO presented its concerns about the teacher evaluation system to the Metropolitan government through the federation of unions representing employees of the Tokyo metropolitan government. It has not received any comments from the Metropolitan Education Board. According to TOKYOSO, the Board of Education "refuses to conduct consultations." The Tokyo Board of Education stated that it had negotiated with teacher organizations and reached agreement. Prior to the introduction of the new personnel evaluation system, it met numerous times with organizations at their request and believed that good faith discussions had occurred. The Tokyo Senior High School Teacbers' Union (TOKOKYO), affiliated to NIKKYOSO, insisted that it conducts exchanges of opinions on the personnel evaluation system and merit assessment system with the metropolitan authorities. Although the Authority accepts requests for what is termed "discussion" and "demands", it refuses to conduct "consultations".

63. The Osaka Board of Education reported that it had a dialogue with all unions two times per year on a variety of subjects. Prior to drafting the guideline for evaluating teachers, the unions were concerned that the early draft did not grant it the right to represent their members. The Board believed that the final version reflected union concerns.

64. The two Osaka teachers' organizations that the Mission met had mixed views of social dialogue in their Prefecture. The Osaka Prefectural Teachers Union (OPTU), affiliated to NIKKYOSO, opposed linking salaries to assessments, to no avail. Relations with the prefecture authorities were good, but when it concluded that the new system was going to be implemented, it expressed its concerns about the operation of the system to the Board of Education. The Osaka

Teachers and Staff Union (DAIKYOSO), affiliated to ZENKYO, also opposed the merit-rating system and the policy on incompetent teachers. The time allotted for discussions was too short, and the Board of Education adopted the policies unilaterally.

65. The pattern was similar in Kagawa Prefecture, a non-metropolitan area. The Board of Education reported that it had listened to four teachers' organizations about the new guideline for teachers performing inadequately and incorporated their views in the new policy. The teachers/ organizations stated that the Board had implemented the new evaluation procedure without their agreement. An expert panel that prepared the procedure did not include any teacher representatives, and the organizations were not allowed to make recommendations to the panel. The high school teachers' organization meets with the Prefecture Board of Education about three times per year and asked for other meetings when necessary. Yet it did not believe that Board decisions reflected its views.

66. When individual employment issues arise discipline may be imposed or steps taken to prevent disputes, but the Mission did not find provisions for the involvement of teachers' representative organizations in this process in the areas it visited.

67. Several of the teachers' organizations that the Mission met pointed to ways in which the present evaluation system, which they believe has not been the subject of consultation with teachers' organizations, effects education negatively. Lack of a sense of involvement on the part of teachers when they are not consulted and their expertise is not sought through their representative organizations is de-motivating and undermines their professional effectiveness. Teachers in schools for children with disabilities in particular hold the view that the conditions under which they work - such as the need for collective teaching by a team with a longer perspective - are not always understood by those carrying out teacher evaluations. They believed this problem could be addressed if more substantial consultation and dialogue were to take place. In another instance, a teachers' organization considered that greater willingness on the part of the prefecture authority to exchange views and advice on education policies and use of the budget, as well as on working conditions, would lead to greater financial efficiency and transparency and better allocation of available resources.

68. One aspect of the social dialogue and consultation processes and of the Mission's various meetings that deserves particular mention is the gender dimension. Whereas in one prefecture, for instance, the Mission was told that some 70% of teachers in primary schools, 40% in middle schools, and 30% in high schools are women, the Mission's interlocutors throughout, both on the side of the public authorities and on the side of the teachers' organizations, were overwhelmingly - sometimes entirely - composed of men. The single exception was a meeting with a delegation from one of the smaller teachers' organizations. The effect of such bias was illustrated when the Mission was informed of cases where incidents of apparent discrimination or even harassment against women teachers by principals and other officials remained unremarked and un-remedied. The Mission notes that the absence or under-representation of women in the existing processes of consultation or exchange and the bodies involved in social dialogue on conditions in the teaching profession is anomalous in comparison with the high proportion of female teachers.

Concluding remarks

Teacher competence, assessment, professional development

69. The Mission concludes that there was a general consensus amongst all stakeholders on the need for effective teacher evaluation, and to identify and support 'inadequate' teachers for the good of the profession and the standard of education as a whole. The Mission felt that there was also widespread agreement that the objectives of evaluation should be geared towards enhancing teachers' work, including classroom management and teaching skills. The vast majority of teachers showed full commitment to their work and ability to carry it out to the required professional standards. Views and evidence diverged, however, on issues such as greater involvement of parents, peers and students in such evaluations, and particularly on the means to address cases of inappropriate teaching, including teachers who showed no enthusiasm and were not able to communicate effectively with students, and the impact of such evaluation on teaching and learning. The Mission understood that for the sake of students, the Government through MEXT and the prefecture Boards felt that such teachers should not be allowed to continue teaching if retraining was not successful, all the more that in the past the Government had been criticized for not responding sufficiently to inappropriate teaching. The Mission was also conscious of a different perspective from teachers' organisations, who cited the need to ensure that parents' expectations and complaints are not unreasonable and that teachers had the opportunity to respond to them early on in line with their professional responsibilities.

70. In this context, the Mission recalls that the CEART has in the past reiterated the importance for all stakeholders to bear in mind the underlying principles of the 1966 Recommendation that systems of teacher appraisal should be formative, contain the necessary procedural guarantees to avoid abuse and should be based on consultations with teachers and their organizations. The Recommendation's paragraph 67 specifically underscores the important relationship in fostering pupils' learning at the same time that it reiterates a critical principle that teachers should be protected against unfair or unwarranted interference by "matters which are essentially the teachers' professional responsibility".

71. These are in fact the key questions that emerged from the evidence presented to the Mission, namely how evaluation should be used, how it should it be conducted and how it should be designed and implemented. Based on the information presented to it, the Mission concludes on these points that:

- though they contain strong and positive elements of objective setting and remedial professional development, the evaluation systems are more normative (based on prescribed standards that must be met) than formative (oriented towards professional development of teachers, especially the weaker ones), and do not necessarily reflect pupil needs and basic educational principles that underpin quality considerations for which they have been adopted as set out in the statements of the Government and employing authorities;
- procedural guarantees have been improved but concerns remain about the transparency and objectivity of the procedures in all of the prefectures visited by the Mission;
- there has not been sufficient consultation and agreement with teachers' organizations in the design and application of the teacher evaluation systems; rather the criteria and procedures

put into place thus far are more unilaterally imposed than the product of effective consultations that would benefit from teachers' own professional views as to what works well and what does not in an advanced education system such as that of Japan.

72. The Mission notes that the numbers of teachers designated as "incompetent" or providing "inadequate instruction" are relatively small, well under 1% of full- and part-time Japanese teachers in schools up to and including upper secondary level. Information provided to the Mission also indicates that the numbers of teachers reassigned to other tasks or dismissed when remedial training is not judged satisfactory is even smaller, and that guarantees in relation to dismissal exist in the local Public Service Law. Although the number of sanctions imposed is small, the Mission considers nevertheless that the rights of each teacher count in a system that depends so heavily on the qualities of every individual in line with its high standards and quality objectives. Due process procedures in line with the standards of the 1966 Recommendation therefore become an important guarantor for the individual rights of individual teachers and for the integrity of the system as a whole.

73. Equally important, an evaluation system that increasingly relies on normative (standards that must be met) or summative (oriented towards final judgements and possible sanctions) means to ensure quality rather than a formative and development oriented approach does not necessarily guarantee quality improvements taking account of all the tangible and intangible expectations of the teacher/learner process. Rather, by calling into question the autonomy and sense of individual responsibility of teachers which are at the core of professionalism advocated by the 1966 Recommendation, such an approach may work against the ultimate objectives. The Mission concludes that a more careful assessment of the necessary balance between accountability and professional autonomy in the criteria, procedures and professional development aspects of the recent teacher competence and evaluation systems is warranted by employing authorities. Such an assessment, and adjustments to better accord with the underlying principles of the 1966 Recommendation would likely yield greater benefits if it were done in a climate of effective consultation with teachers' organizations as the collective voice of classroom teachers, especially if such consultations lead to mutually agreed improvements that are more widely embraced by all Japanese teachers than appears to be the case at present. The Mission's more specific conclusions on these points are contained in the social dialogue section of this Report.

Merit Assessment and Incentives

74. The evidence presented to the Mission is mixed on the functioning of teacher assessment systems in Japan in relation to teachers' responsibilities and rights and merit pay. The goals of education authorities were clear—they seek to make Japanese education more responsive to the interests and especially performance of learners, influenced by views of parents and other stakeholders. To meet these objectives, the merit or performance assessment of teachers is designed to better quantify the criteria and expected outcomes for measuring teacher performance and competencies and to enhance material rewards for superior results. The authorities feel that the monetary rewards of the merit assessment plan should be tied to superior results. Self-established objectives are supposed to develop teachers' awareness of their development needs as guides for personal improvement. However, the information

presented to the Mission suggests that school managers largely base assessment outcomes on judgments of teacher performance that adhere to criteria established by Boards. The Mission was advised that assessments are time consuming and increase school managers' already heavy workload. The evaluation systems are based on concepts of management by objectives and results that have become more prominent in both private and public management in recent decades, but which do not necessarily reflect the specific needs and constraints of education.

75. Some evidence presented to the Mission points to what may be termed qualified acceptance within the profession of an assessment system tied to greater material awards for teachers judged to be superior in competencies and performance. Through such personnel evaluation systems, which require more communication than in the past between teachers and school leaders, younger, newly qualified teachers in particular may obtain as much if not more professional benefit according to the indicated information. This point needs more substantive research to confirm.

76. Nevertheless, a large plurality of teachers and two of three national teachers' organizations and their prefecture affiliates in Japan oppose such linkages. They presented evidence to show that connecting pay and assessment is detrimental to critical aspects of individual motivation and to more modern forms of teaching and learning, including collaborative exchanges of effective practices among peers and team teaching. The Mission notes that many teachers simply see little benefit and much to criticize in linking teacher evaluation to merit-based awards. The Mission concludes that as merit-rating systems become more generalized in Japan, signals are increasingly sent to teachers that remuneration is the main form of reward for good teaching, therefore teachers' professional success or failure. Such rewards and sanctions however give little or no consideration to other individual and school-based sources of motivation, not to mention external factors (home and social environments which exert well-known influences on learning outcomes). The message emerging is that meeting quantifiable objectives and criteria will yield quantifiable rewards, and ultimately this is more important to learning success than professional freedom, initiative and individual responsibility of well-trained and self-motivated teachers, principles advocated by the 1966 Recommendation.

77. The Mission heard quite different perspectives from government and teachers' organizations on the quality of the assessment process. The former insisted that the personnel evaluation systems in place were objective, since based on written criteria generally known to all teachers, and applied by managers (principals and deputies doing the initial performance assessments) who had been trained to understand and use the criteria. Moreover, teachers were informed of their results on an individual basis and appeals procedures were now in place and working satisfactorily in all prefectures. Only one small national teachers' organization supported linking remuneration to work and responsibilities, but most teachers' organizations on the other hand contested the volume of work (numbers of teachers) involved for most principals and Board superintendents in relation to available time, as well as in some cases, the adequacy of training for these tasks. Though performance evaluations were supposed to be absolute, in fact because of budgetary limitations and management quotas limiting the numbers of teachers who could be rated at the top of the scale, the assessments were very much relative and not objective. The results of the appeals processes showed that these were a mere formality and did not offset the lack of objectivity at earlier stages.

78. Based on the information available to it, the Mission considers that despite improvements since 2006 especially, doubts remain about the objectivity of the assessments in relation to remuneration. Some evidence presented to the Mission suggests that even principals charged with undertaking performance assessments have questioned their objectivity. Based on the information provided there are reasons to believe that school management in some prefectures may be overzealous, even highly subjective with regard to assessments where they feel that their authority and judgments are called into question. In such cases, one of the key determinants of compensation for teachers' work is undermined and may have a chilling effect on other factors of motivation central to good teaching and learning.

79. The Mission found that most teachers and teachers' organizations lack confidence in procedural guarantees for appeal. Members of appeals bodies are seen as tied to authorities making the assessment, rather than individuals who are truly neutral and perceived as such. While teachers are allowed to be heard, it is not clear that they have the right to be represented by their peers or union representatives. Minimum procedural guarantees appear to be met in the prefectures examined by the Mission. However, the few statistics provided to the Mission suggest that the appeals procedures are not an effective check against subjective assessments. It is difficult to believe, for example, that a zero success rate for the appellants as stated in one submission indicates either a fair procedure or a flawless assessment system. Appeals bodies appear to be composed entirely of Board representatives (who may be former teachers) with few if any women members and no teacher organization participation. Given in particular the gender bias and the lack of focus on due process, the appeal process does little to instil confidence in teachers seeking redress from what they consider to be subjective and unfair assessments. Improvements in the grievance procedure are a basic requirement to establish greater acceptance of the appraisal system.

80. On the key question of consultation and agreement with the merit-rating system as it has evolved, the Mission was unable to find much evidence that the standards of the 1966 Recommendation are being met. With the possible exception of one national teachers' organization representing the smallest number of teachers overall in Japan, the organizations representing teachers do not feel that they have been properly consulted nor do they agree with the application of performance rating to remuneration decisions.

81. Regardless of the competing visions of what constitutes proper consultation between authorities and teachers' organizations, there can be no doubt that the merit-rating systems are not "accepted" as understood in the terms of the 1966 Recommendation.[4] It is the understanding of the Mission that acceptance implies an understanding, agreement or consensus, oral or written, and the central and prefecture authorities universally consider that the performance-rating evaluation systems are "management and operational" matters not subject to negotiation

[4] See also *The Status of Teachers: An instrument for its improvement: the international Recommendation of 1966: Joint Commentaries by the ILO and UNESCO, 1984*, which reiterates that such systems are subject to acceptance by the teachers' organisations concerned, and consideration by the CEART underlying the importance of consultation on and acceptance of merit rating systems by teachers' organizations in its 1988 and 2006 Reports (CEART/V/1988/5 and CEART/9/2006/10).

according to Japanese local public service law. In these circumstances, the Mission finds that the decision-making process for such systems is not consistent with the 1966 Recommendation's provisions. These questions will be dealt with in more detail in the next section of the Mission report.

Social dialogue: consultation and negotiation

Provisions of the 1966 Recommendation

82. Guided by the 1966 Recommendation, the Mission first considered the extent to which teachers' organizations are associated in the determination of education policy. The overarching philosophy of the 1966 Recommendation is that teachers' organizations have legitimate roles in educational policies decision-making (although not necessarily the same role for all policies) and their participation should contribute positively to the function of the system as a whole. Thus, paragraphs 9 and 10(k) of the 1966 Recommendation respectively refer to the desirability of associating teachers' organizations with the determination of educational policy, and the importance of close co-operation between competent authorities, organizations of teachers, employers' and workers' organizations, parents and other institutions in order to define educational policy. Similarly Paragraph 75 urges authorities to establish and regularly use recognized means of consultation with teachers' organizations on such matters as educational policy, school organization, and new developments in the education service.

83. With regard to the subjects of the Mission, it notes that paragraph 49 concerns consultations with teachers' organizations on machinery to deal with disciplinary matters, paragraphs 82-84 cover the negotiation and dispute resolution mechanisms for the determination of teachers' salaries and working conditions, while paragraph 124 establishes principles of prior consultation with and acceptance by the teachers' organizations concerned.

84. The 1966 Recommendation distinguishes between "negotiation" and "consultation." Perhaps due to difficulties in translating these concepts into Japanese, parties that addressed the Mission seldom, if ever, distinguished between the two concepts.

85. The Mission also sought to understand the existence of social dialogue environment at the level of individual cases arising under the personnel management system in line with paragraph 50 of the 1966 Recommendation, which concern the safeguards for teachers at various stages of any disciplinary procedure, and the corollary for collective disputes in paragraph 84. Social dialogue might also appear in the work of panels at the level of the school (paragraph 77), or in measures taken by administrative and other staff to establish good relations with teachers (paragraph 78).

Social dialogue in practice

86. The Mission did not find evidence of "established mechanisms for consultation with and exchange among education authorities and teacher organizations." Consultations do occur, but seldom in an institutionalised form. The general lack of established mechanisms for consultation led to considerable misunderstandings among the parties. They did not have

mutual expectations of the process for social dialogue, so it was not surprising that their views of the outcomes of discussions that did occur differed. The Mission understood that educational authorities, national and prefecture, consider that hearings with teachers' organizations are sufficient, whether or not proposed policies or decisions already taken are altered as a result. The organizations themselves almost universally consider that the "consultations" referred to are merely pro forma hearings of their viewpoints with no intention to alter policies or decisions, rather than good faith exchanges designed to build a consensus. The Mission considers that the authorities' more limited interpretation is not in line with effective consultations as understood by the 1966 Recommendation.

87. The Mission was not able to determine with clarity how the parties distinguished between matters regarded as management issues outside the scope of consultation with teachers' unions on the one hand, and questions of conditions of employment that might be the subject of negotiation under the 1966 Recommendation. The employing authorities cited the Public Sector Law without any supporting citations or evidence of the application of this provision elsewhere in the public service. Teachers' organizations did not appear to accept this limitation, although they acknowledged that their employers did not have the right to negotiate written collective agreements. Provisions in the 1966 Recommendation cited above establish a framework for social dialogue between public authorities and teachers' organizations, either consultation or negotiation. These principles are unevenly applied in Japan. As the mission was informed, there are several instances of good practices in this respect at different levels, however, which could be analysed more specifically.

88. The Mission noted a common understanding among many of those whom it met, that the notions of negotiation and consultation (with "negotiation" leading to a bargained agreement and "consultation" being a more fluid and less conclusive process) are not necessarily qualitatively different. This meant that the parties in Japan may tend to interact at several points on a spectrum ranging from simple discussion through to more concrete consensus building or even agreement, without making any categorical distinction as to the nature of the interaction. The 1966 Recommendation itself, however, does make a distinction as outlined above.

89. It is clear that consultative process in turn should, as foreseen by the 1966 Recommendation, involve more than the mere holding of public hearings, and the mission learned that experience and practice differ in different prefectures on this point: one teachers' organization told the Mission, for example, that prefecture authorities engaged in something akin to a consultation; whilst at another meeting, the Mission was told that the relationship appeared to be unstable, since it has relied more on personal than institutional links. In a different prefecture and from another teachers' organization, the Mission learned that the organization had been involved in talks which had led to a freer flow of information in the organization's newsletter to teacher members, had thus reduced their feeling of intimidation, and had prepared the ground for a culture of prevention in which teachers could give mutual support. In yet another prefecture, the authority regarded its role as limited to responding to opinions and questions when possible, and not extending to exploring whether closer relations with teachers' organizations might lead to improved outcomes.

90. The Guidelines prepared by MEXT mark a significant advance in relation to the teacher evaluation system, in the sense that they make for greater uniformity across the 47 prefectures. At the same time, there is little evidence of the provisions of the 1966 Recommendation concerning social dialogue (consultation and negotiation) having been taken into account in the Guidelines.

91. The Mission noted a widespread feeling of frustration and marginalization on the part of teachers' organizations, attributed to lack of information-sharing concerning the teacher evaluation system specifically and education policy and other aspects of the profession referred to in the 1966 Recommendation more generally, as well as lack of dialogue of various kinds: discussion, consultation, negotiation. This is the case at the national level and the prefecture level.

92. Teachers' organizations or their representatives do not have a role in the teacher evaluation process. This has a negative effect on the transparency and legitimacy of those processes, particularly in the eyes of the teachers themselves.

93. The Mission found that women are seriously under-represented at all levels and on all sides in social dialogue exchanges and thus in the determination of policies and guidance concerning the teacher evaluation system in particular. The Mission apprehends that this evidences as yet unappreciated forms of discrimination, as well as the simple absence of women teachers in the discussions and dialogue that do take place concerning their work and profession.

Annex 1

Terms of reference for the fact-finding mission of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning the Status of Teachers (CEART) to examine allegations of non-application of the Recommendation concerning the Status of Teachers in Japan

Background and composition

1. These terms of reference are in accordance with the findings and recommendations (attached) of the relevant parts of the Report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)[5] adopted at its Ninth Session, Geneva, 30 October-3 November 2006. The Governing Body of the International Labour Office approved the Report for distribution at its 298th Session (March 2007) and by the Executive Board of UNESCO at its 176th Session (April 2007). These terms have been adopted in agreement with the concerned Expert members of CEART.

2. The CEART Fact-Finding Mission, composed of members of the CEART Working Party on Allegations or independent experts that it designates, accompanied by senior officials of the ILO and UNESCO designated by the respective Director-Generals of the two organizations, will take place in Japan within the period to be determined in consultation with the relevant parties.

Purpose of the mission

3. The mission will undertake the following tasks:

a. Undertake a fact-finding mission to Japan during the agreed period. The mission will examine the situation and gain a fuller understanding of the teacher evaluation system, incentives and disciplinary measures applicable to teachers in the course of their work, and the details of the social dialogue exchanges between the authorities and the teachers' organizations for the determination of the relevant policies. In its investigation, the mission will take into account the framework of the national education system based on national legislation and practice, including recent developments, international standards applicable to teachers in accordance with the mandate of the CEART, [6] previous submissions of the concerned parties as well as findings and recommendations of the CEART in its Reports of 2003[7] and 2005;[8]

b. On the basis of the information received and any solutions that could be envisaged, prepare and submit a report containing recommendations to the CEART at the earliest opportunity.

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[5] CEART/9/2006/10

[6] In the first place: the Recommendation concerning the Status of Teachers, 1966; as it applies to the issues at hand, and the Recommendation concerning the Status of Higher Education Teaching Personnel, 1997; as well as core international labour standards adopted by the ILO and international education standards of UNESCO which are referred to in the 1966 and 1997 Recommendations.

[7] CEART/8/2003/11

[8] CEART/INT/2005/1

4. In accordance with existing procedures concerning submission and examination of allegations, the CEART will submit its findings and recommendations as an Interim Report on outstanding allegations before it for examination by the Governing Body of the ILO and by the Executive Board of UNESCO at the first available opportunity of both organizations.

Working methods

5. In discharging its tasks, the mission will hold consultations with, hear the oral presentations and examine written submissions as appropriate from the Government, and selected prefecture Boards of Education to be agreed with the Government, and with the relevant social partners and independent experts. It is the discretion of the CEART mission to determine which workers' (including teachers') and employers' organizations, as well as independent experts, it deems essential to consult, special attention being paid to the need to receive information from all relevant teachers' organizations relating to the matters at issue.

6. The CEART mission expects to enjoy all the facilities necessary to carry out fully and effectively its terms of reference in accordance with its mandate as decided by the Governing Body of the International Labour Office and the Executive Board of UNESCO. The costs of the CEART mission (travel to, within and from Japan, daily subsistence during the mission, interpretation, and as appropriate participation in hearings of independent experts from Japan invited by the CEART for that purpose), shall be borne on an equal basis by the ILO and UNESCO. Costs associated with participation of members of the Government (national and prefecture level), and workers' and employers' organizations in interviews with the CEART mission shall be borne by the respective parties.

7. The mission will consult with the Government and other parties on any issues not mentioned in these terms of reference that may arise.

Annex 2

Members of the Fact-finding mission

CEART Experts

Prof. (Ms.) Konai Helu-Thaman, Professor of Pacific Education and Culture and UNESCO Chair in Teacher Education, University of the South Pacific, Fiji

Dr. Mark Thompson, Professor Emeritus of Industrial Relations, Sauder School of Business, University of British Colombia, Canada

Secretariat

Mr. Steven Oates, Coordinator, Standards and Rights Sector, ILO, Geneva

Dr. Caroline Pontefract, Chief of Section, Section for Teacher Education, Division for Higher Education, UNESCO, Paris

Mr. Bill Ratteree, Education Sector Specialist, ILO, Geneva

Supported by:

Mr. Shinichi Hasegawa, Director, ILO Office in Japan

Ms. Erika Umeki, Public Information Assistant, ILO Office in Japan

Annex 3

Organizations and individuals met during by the CEART Fact-finding mission to Japan, 20-28 April 2008

Government

Ministry of Education, Culture, Sports, Science and Technology (MEXT)
Ministry of Health, Labour and Welfare (MHLW)

Tokyo Metropolitan Board of Education
Osaka Prefecture Board of Education
Kagawa Prefecture Board of Education

National Employers' and Workers' Organizations

Japan Business Federation (JBF)
Japanese Trade Union Confederation (JTUC - RENGO)
National Confederation of Trade Unions (ZENROREN)

Teachers' Organizations

All Japan Teachers and Staff Union (ZENKYO)
Japan Teachers' Union (JTU - NIKKYOSO)
National Teachers Federation of Japan (ZENNIKKYOREN)

Tokyo Senior High School Teachers Union (TOKOKYO)
Tokyo Teachers and Staff Union (TOKYOSO)
Union of Teachers and Staff Working at Tokyo Metropolitan Special Schools for the Handicapped (TOSHOKYOSO)

Osaka Teachers and Staff Union (DAIKYOSO)
Osaka Prefectural High School Teachers and Staff Union (FUKOKYO)
Osaka Prefectural Teachers Union (OPTU)
Teachers and Staff Union of Osaka Prefectural School for Disabled Children (FUSHOKYO)

Nakama Union – Osaka Prefecture and Municipal Teaching Personnel Chapter
Osaka Shin Kimpyo Hantai Soshodan (Osaka SKHS)

Kagawa Teachers and Staff Union – National Teachers Federation of Japan (KAKYOREN)
Kagawa Teachers and Staff Union (KAKYOSO)
Kagawa High School Teachers and Staff Union (KOKYOSO)

Parents' and Teachers' Organizations

National Congress of Parents' and Teachers' Associations of Japan

Education and Labour Affairs Experts

Prof. Ryoichi Asano, Hyogo University of Teacher Education
Prof. Masaaki Katsuno, Graduate School of Education, University of Tokyo
Prof. Kazuo Sugeno, Law School, Meiji University

Annex 4

Fact-finding mission of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) to examine allegations of non-application of the Recommendation concerning the Status of Teachers in Japan

Framework of issues for discussion

The mission seeks information on national legislation and practice, and the regulations and practice of prefecture Boards of Education, including recent developments, concerning the issues set out below. These issues are framed in relation to the previous Reports of the CEART on this case and to the relevant clauses of the 1966 Recommendation.

Teacher Competence and Assessment[9]

1. Procedures and criteria applied in the appraisal of teachers by prefecture Boards of Education

2. Definition, criteria and procedures for evaluating "incompetent teachers" or those with "insufficient ability"

3. Teachers' representation, disclosure and appeals in appraisals (if different from point 2)

4. Professional development, support or retraining for teachers evaluated as incompetent

Merit assessment[10]

5. Relationship between the teacher evaluation system and promotions, salaries and other material benefits of teachers

6. Policies and practices applying to teachers evaluated positively in relation to promotions, salaries and other material benefits

Social Dialogue[11] **on the relevant policies**[12]

7. Consultation with and exchange among education authorities and teachers' organizations on relevant policies and their application

8. Consultation with teachers' organizations on disciplinary matters

[9] 1966 Recommendation, Clauses 44, 45, 46, 50, 63, 64
[10] 1966 Recommendation, Clauses 64, 124
[11] Social dialogue is understood to mean all forms of information sharing, consultation and negotiation between educational authorities, public and private, and teachers and their democratically elected representatives in teachers' organizations, CEART Report, 2003
[12] 1966 Recommendation, Clauses 9, 10(k), 44, 49, 75, 84, 124

9. Consultation with teachers' organizations on professional criteria for promotion in the teacher competence and assessment system

10. Consultation with the teachers' organizations concerning aspects of merit rating in the teacher competence and assessment system

11. Means to deal with the settlement of disputes