

Abstracts

Recent Trends (Reform) and Various Issues of Employment Policy for Persons with Disabilities

Hitomi Nagano (Sophia University)

In Japan, the employment policy for persons with disabilities has so far developed under the quota system. The revision of the Employment Promotion Act for Persons with Disabilities in 2013 caused a drastic change. It introduced the principle of anti-discrimination and the notion of reasonable accommodation. These took place as part of preparations of relevant domestic laws to ratify the Convention on the Rights of Persons with Disabilities (adopted by the UN General Assembly in 2006). In addition, this revision also made it obligatory for employers to employ persons with psychiatric disabilities, who are currently only counted in the rate of employment. It can be said that the Japanese employment policy for persons with disabilities has entered a new stage. This essay reflects on the contents of this revision, followed by discussing various issues the incoming employment policy must face: what will be categorized as discrimination based on disabilities? What must employers offer as reasonable accommodations? How will the principle of anti-discrimination and the conventional quota system coexist? What other challenges in employing persons with psychiatric disabilities will arise? These points are extremely important when we take thought for the future employment of persons with disabilities.

Reasonable Accommodation of Persons with Disabilities in Japan

Tamako Hasegawa (Fukushima University)

Japan's Act on Employment Promotion etc. of Persons with Disabilities was amended on 13th June 2013. It prohibits discrimination against people with disabilities in employment and requires employers to make reasonable accommodations. After outlining and defining the Act, I will discuss conflicts that have developed and will develop in regard to quotas and discriminatory regulations amongst the extensive range of people to whom the regulations apply. The problem of how to apply the Act to cases of indirect discrimination or discrimination amongst people with varying levels of disability, however, remains unsolved. I will therefore make reference to discussions that led to the enactment of the Americans with Disabilities Act of 1990, which first prohibited discrimination based on disabilities and required employers to make reasonable accommodations, and will outline how Japan should incorporate this notion into its own employment system and legal framework. I will then point out the necessity of constructing an original Japanese notion of reasonable accommodations, as job descriptions in Western societies tend to be clearer. Lastly, I will attempt to strike a balance between reasonable accommodations and employers' obligations on the basis of the Doctrine of Abusive Dismissal and the Obligation to Consider Safety and Health, while stressing the importance of rule flexibility in ensuring privacy and cooperation.

The Situation and Prospects of Employment for People with Mental Disabilities

Nobuaki Kurachi (Kyushu Sangyo University)

Most support for persons with mental disabilities in Japan was mainly promoted by medical care, and the aspect of social defense from crime was strong. It resulted in the longest hospital stay and the largest number of psychiatric hospital beds in the world. Human rights problems caused by medical management also occurred. Employment support and welfare measures have been promoted since the 1980s, but the traditional psychiatric care models have an impact on all measures. Employment support for persons with mental disabilities was delayed, because it was a subject for medical care. It was initiated by the enforcement of the Law for Employment Promotion of Persons with Disabilities and the Mental Health Act in 1988. Thereafter, the support was advanced rapidly, and became substantially the same as the support for persons with intellectual or physical disabilities by the ratification of Convention No. 159 of the ILO in 1992, except for the application to the disability quota system. Persons with mental

disabilities became subject to a disability quota system in 2006, and are also scheduled to have mandatory employment from 2018, similar to persons with intellectual or physical disabilities. In recent years, the image of persons with mental disabilities has diversified. In addition, severe mental disabilities also have been the target of employment support. Further employment promotion of persons with disabilities has been imposed. In the future, it is necessary that employment support specialists actively support companies. Furthermore, due to the diversification of the image of the mentally disabled, improvement of diagnostic techniques of psychiatric institutions is also required.

Disability Employment Policy, Firm Performance and Productivity

Akira Nagae (Waseda University)

The Japanese disability employment policy is a kind of quota system and aims to equalize the cost associated with disability employment for each firm. On January 20, 2014, the Japanese government ratified the Convention on the Rights of Persons with Disabilities of the United Nations. Therefore the government has strengthened disability employment policy in recent years. Using sample firms located in Tokyo and listed continuously from 2003 to 2010, we evaluate the effectiveness of the policy. In concrete terms, we verified the difference between profits and productivity of the two groups: one group, a group that does not meet the legal employment rate, and the other is a group that meets the legal employment rate. Results indicate that the profit of firms that have met the legal requirement is lower. However, in regards to productivity, there was no significant difference in the two groups. Therefore the authorities should equalize the cost for each firm.

Is the Diversity Management and Employment of Disabled Persons Consistent or Not?

Sadanori Arimura (Yamaguchi University)

Is the Diversity Management and Employment of disabled persons consistent or not? This paper seeks to find the answer by taking heed from Roosevelt Thomas (1991, 2010), who is the father of diversity management. Thomas insisted that changing organization's culture and systems is the most important factor in diversity management. However, much attention is paid to managerial perspectives like competitive advantage, company growth and organizational performances in Japan, which misleadingly engenders an inconsistent picture of diversity management and the employment of disabled persons. This paper seeks to do away with this confusion and to call on Japanese companies to promote the employment of disabled persons as diversity management.

Some Potentials and Problems of *Shakaiteki Jigyoso* wherein People with Disabilities Work with People without Disabilities as Equal Members: A Case of *Kyo-do-ren*

Akira Yonezawa (Meiji Gakuin University)

In this paper, I examine the features of the organizational form known as *shakaiteki jigyoso* (social firms), wherein people with disabilities work on an equal basis as people without disabilities. The *shakaiteki jigyoso* is expected to play a role as one of the many diversified working styles in the Japanese employment system for people with disabilities. This paper is divided into two parts. In the first part, I describe the organizational level characteristics of the *shakaiteki jigyoso* through a case study and document survey of the social movement network called "*Kyo-do-Ren*," which is responsible for creating this organizational form. In this part, I illustrate two features of this organizational form: (1) the equality between employees with disabilities and those without in terms of job position and (2) the breadth of organization's target demographic, which includes a wide variety of hard-to-employ people above and beyond people with disabilities, such as NEET (young people "not in education, employment, or training") and single parents. In the second part, I examine the work conditions that employees experience under this organizational form. Based on interview data collected from the workers at one *shakaiteki jigyoso* factory, I analyze the pros and cons of this organizational form's work conditions. In the paper's conclusion, I discuss some of the

implications of this study and consider how to clarify the mechanisms between better work conditions and some organizational traits of this form that will contribute to the discussion regarding the employment of people with disabilities.

Research on Persons with Developmental Disabilities concerning Tasks Related to the Shift from School to Work and Job Assistance

Reiko Kogo (Kinki University)

This paper discusses tasks of developmentally disabled persons related to the “shift from school to work and job assistance”. Eight tasks were examined in this paper. In specific, (1) understanding of the will to work and the meaning of work, (2) self-understanding, (3) management of the rhythm of daily life, (4) acquiring skills for daily life, (5) acquiring interpersonal skills in the workplace, (6) acquiring fundamental work habits, (7) operating speed/task accuracy/sustainability in work performed in parallel, (8) acquiring skills for the execution of work. For achievement of these eight tasks, there are three important points. First is developing self-understanding through work experience, and providing information about the standard of the work which companies expect. These activities are useful for deciding to use vocational rehabilitation services in career choices and adaptation. Next, many basic tasks that are required for employment appear similar to tasks that are required for school life. So, both tasks should be connected and examined. In the end, it is necessary to evaluate vocational aptitude with operating speed/task accuracy/sustainability in work. Also, these tasks can cause a challenge, even after they are employed.