
Introduction

The Outlook for Employment of Persons with Disabilities in Japan

In 2013, the number of persons with disabilities employed at enterprises with 50 or more employees, where hiring of disabled persons is mandated by law, stood at 408,947.5, setting a record high for the tenth consecutive year. While numerous challenges exist, it is clear that employment of persons with disabilities is steadily on the rise in Japan.

Amid this rise in the number of employed persons with disabilities, 2013 saw the first major amendment since 1998 of the Act on Employment Promotion etc. of Persons with Disabilities, which has thus far underpinned disabled persons' employment in Japan. The expectations are that this amendment will contribute not only to promotion of employment, in terms of a quantitative increase in the number of disabled persons hired, but also to qualitative improvements in working conditions, such as allocation of duties and adaptation of workplaces so as to enable continued employment over the long term.

What changes to employment of persons with disabilities in Japan result from the most recent amendment to the law? This special feature gives an overview of the current status of employment of persons with disabilities, and then outlines changes occasioned by the amendment and issues that these changes have brought to the forefront. The discussion herein aims to clarify matters that require consideration in order to move disabled persons' employment and labor in a positive direction, from the perspective of both the individuals and the organizations involved. The following is a description of the articles appearing in this issue, and their relation to the overall theme of this feature.

Hitomi Nagano's article "Recent Trends and Issues in Employment Policy on Persons with Disabilities" specifically outlines the content of the 2013 Amendment of the Act on Employment Promotion etc. of Persons with Disabilities and examines outstanding issues remaining after the amendment, including those inherent in the amendment itself. The amendment introduces the principle of prohibiting discrimination on grounds of disability, and makes it obligatory to employ persons with mental disabilities. The approach to disabled persons' employment taken in Japan thus far has been focused on employment rates (employment quotas), but now the discrimination prohibition approach has been added, with the goal of having the two approaches reciprocally complement one another and effectively promote employment of persons with disabilities. The hope is that the discrimination prohibition approach will contribute to qualitative improvements in disabled employment, but the article suggests that there are numerous issues employers need to examine when actually implementing discrimination prevention initiatives, including the key questions of what constitutes discrimination on the basis of disability, what constitutes unfair discriminatory treatment, and how this approach and the employment rate approach should be reconciled so as to ensure compatibility.

The two ensuing articles discuss two key aspects of the 2013 amendment, namely the obligation of employers to provide reasonable accommodation, and the newly added man-

dating of employment of persons with mental disabilities. The first of these raises the question of what exactly is meant by “reasonable accommodation.” Tamako Hasegawa’s article “Reasonable Accommodation in Japan” examines the content of reasonable accommodation, referencing discussions of the subject in the United States, and outlines issues surrounding the provision of reasonable accommodation in Japan. Reasonable accommodation, an idea that originated in the US, aims to ensure equality between persons with disabilities and those without. While this perspective differs significantly from the one that has prevailed in Japan, wherein persons with disabilities are a group to be sheltered, comparison of the actual manner in which persons with disabilities are accommodated in the US and Japan reveals commonalities. The article also notes the importance of making “reasonable accommodation” consistent with the current situation in Japan, including an employment system that does not restrict the positions or work locations of disabled persons in the manner of the American system, and growth in the number of non-regular employees. Because it remains an unfamiliar concept to many in Japan, reasonable accommodation has been responsible for some degree of anxiety and confusion. There is a need for further examination of reasonable accommodation, in light of the accommodation that Japanese enterprises have offered persons with disabilities thus far.

The other key aspect of the amendment of the Act on Employment Promotion etc. of Persons with Disabilities is the legal mandating of employment of persons with mental disabilities. Nobuaki Kurachi’s article “The Situation and Prospects of Employment for People with Mental Disabilities” begins by outlining the historical background of support systems for persons with mental disabilities in Japan, including hiring and employment support. Currently, while employed persons with mental disabilities continue to make up a low percentage of the overall number of employed persons with disabilities, the employment rate is exhibiting truly astounding growth, with further dramatic growth expected in the future. Not only is the number of employed persons with mental disabilities growing, the target demographic is diversifying, with a radical paradigm shift occurring in the area of depression and a rising number of employed persons with developmental disabilities. In this context, Kurachi’s article points out the need for human resource support from employment and occupational support institutions, not only for persons with mental disabilities but also for employers, to facilitate continued employment over the long term. It also asserts that the time has come for re-examination of programs with the aim of providing solid support for people who truly require it, in light of improvements in the precision of diagnostic technologies at medical institutions. In examining who requires support, and of what kind, it is vital to keep in mind that support for employed persons with disabilities will inevitably take on an increasingly individualized and complex character.

Now, let us turn our attention to the perspective of enterprises and the current status of organizations, on which numerous obligations are being placed. While advances have been made in terms of the legal framework for employment of persons with disabilities, the reality is that progress has not been made as envisioned. As mentioned earlier, thus far an approach based on employment rates has been applied in Japan. Akira Nagae’s article

“Disability Employment and Productivity” takes a sample of individual companies under the jurisdiction of the Tokyo Labour Bureau to conduct empirical analysis on the relationship between statutory employment rates and corporate performance, and thus evaluate the effectiveness of Japan’s policy on disabled persons’ employment. The results of this analysis reveal that companies that met the statutory employment rate performed worse (in terms of profits) than those that did not. While the current employment quota-based levy system has bolstered employment of persons with disabilities, the system does not effectively cover corporate burdens associated with employment of persons with disabilities. The article asserts that an anti-discrimination approach does not actually contribute to growth in the number of disabled persons employed, and to achieve this it is necessary to reinforce policies aimed at equalizing corporate burdens in the form of increased levies and subsidies.

Employers of persons with disabilities are not necessarily corporations. In general, disabled persons’ employment is broadly divided into two categories, general employment and social-welfare employment, but the focus of Akira Yonezawa’s article “Potential and Challenges of Mutually-Oriented Social Enterprises Where People With and Without Disabilities Work on an Equal Basis: Case Study on Kyodoren” focuses on a type of workplace that falls into a separate category, namely mutually-oriented social enterprises (MSEs) encompassing a diverse range of workers, and clarifies the organizational characteristics and features of work at these enterprises. In addition to persons with disabilities, MSEs provide employment opportunities to other employment-challenged workers such as single parents and homeless individuals, but a key characteristic is that these people work alongside non-employment-challenged workers on an equal footing. While relatively low wages are a problematic issue, feedback from workers is positive, with employment-challenged workers appreciating the flexible work conditions and low levels of on-the-job pressure, and voluntarily employed workers (i.e. those who chose to work at the enterprise of their own accord, not because of difficulties in finding employment) enjoying high levels of professional fulfillment and sense of their work’s significance, and a high degree of discretionary authority. Particularly with regard to working styles, MSEs have the potential to provide highly useful references for the broader endeavor to create workplaces that effectively accommodate persons with disabilities.

All of these articles provide perspectives of great importance in understanding the trajectory of employment of persons with disabilities in Japan, a field that is poised to change as a result of the amendment to the Act on Employment Promotion etc. of Persons with Disabilities, and in examining this field’s potential future directions. We are confident that this special feature will aid overseas readers in understanding disabled persons’ employment in Japan, and hope that it provides opportunities for consideration of the future course of this field in the readers’ own countries.

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