Disability, Employment and Equality: Japanese Case

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The general situation of people with disabilities

- People with disability: 6% of the population

- The employment rate of people with disabilities: 40.3% (2008 Survey)

- People working in the welfare setting: 20.8%
Japanese approaches

(1) Employment policy approach

Employment quota

(2) Labor contract doctrines

(3) Anti-discrimination law (not yet)
(1) **Employment Quota**

Private companies: 1.8%  Public bodies: 2.1%

Enforced by administrative guidance

Levy: 50,000 yen (=624 USD)

Grants: 27,000 yen (=337 USD)
Employment Policy (2)

(2) Grants

(3) Job placement, vocational training

(4) Job Coaches
Labor contract doctrines

• The doctrine of abuse of rights of dismissals

• The scheme of suspension of employment

• employers’ execution of management prerogatives
Impacts

Actual employment rate of disabled people: 1.65% (2011)
Advantages

(1) Incentives given to employers

Special subsidiaries

(2) No need to resort to lawsuits

(3) Sharing costs

(4) Labor contract doctrines: without establishing that they fall into the category of disabled workers.
Limitations (1)

(1) Not unlawful for companies to fail to hire, or give promotion to, people on the grounds of their disability

(2) Segregation
Limitations (2)

• The average monthly wage for regular workers: 270,000 yen (3371 USD)

• that for people with physical disabilities: 254,000 yen (3171 USD); for those with mental disabilities: 129,000 yen (1610 USD); for those with intellectual: 118,000 yen (1473 USD)
Limitation (3)

- one third of the physically-disabled employees felt some improvements were needed (2008 survey)

- the percentage of regular workers among people with intellectual and mental disabilities: 18.8 percent and 32.5 percent.
Conclusion

• strengthened and integrated education for people with disabilities

• typical employment practices in Japan, including overtime work and transfer of workers, are modified in certain ways