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### CURRENT TRENDS IN THE EMPLOYMENT OF PERSONS WITH DISABILITIES IN JAPAN

**Abstract.** The article analyzes the main trends in the sphere of employment of persons with disabilities in Japan after ratification of the UN Convention on the Rights of Persons with Disabilities by the Diet and adoption of the 2013 amendment to the Act on Employment Promotion of Persons with Disabilities. The legislation amendment has led to four important changes in the system of employment of persons with disabilities in Japan. First, it clarifies the scope of persons with disabilities; second, it prohibits discrimination against persons with disabilities; the employers are obliged to provide them with specially equipped workplaces; third, it presupposes employment of persons with mental disorders (the basis for calculating employment standards was revised); fourth, it provides legal support for settling complaints and resolving disputes between employees with disabilities and employers.

The urgency of the chosen topic is determined by the fact that the Russian scientific literature has practically no works analyzing new trends in the employment of persons with disabilities in Japan, especially of persons with mental disorders. In addition, the given experience may be useful for domestic specialists working in the field of socialization and labor rehabilitation of persons with disabilities.

The authors of the article make an attempt to analyze the problems of employment of persons with mental disorders. The article analyzes the historical development of the employment support for persons with mental disorders in Japan and the trends in employment of persons with mental disorders after the adoption of the amendment to the Act on Employment Promotion of Persons with Disabilities.

**Keywords:** persons with disabilities; rights of persons with disabilities; labor rehabilitation of persons with disabilities; disabled persons; labor market; employment of persons with disabilities; employment.

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## Introduction

On December 13, 2006, the UN General Assembly adopted *the UN Convention on the Rights of Persons with Disabilities* (hereinafter: *the Convention*) which entered into force on May 3, 2008. The Convention establishes the main rights and freedoms of individuals with disabilities and is the first comprehensive agreement in the sphere of human rights in the 21<sup>st</sup> century. The Convention marks the “change of paradigm” of social attitude and social approaches to persons with disabilities.

Japan signed the given Convention in September 2007 but it took almost seven years more to alter the internal legislation necessary for the implementation of the Convention requirements: in January 2014 Japan became the 140th country to ratify the UN Convention on the Rights of Persons with Disabilities [1].

The Convention requirements on alteration of the policy of employment of persons with disabilities aroused active discussion in the Japanese society and led to the adoption of the 2013 amendment to the Act on Employment Promotion of Persons with Disabilities. It was an important step towards protection of the rights of persons with disabilities in Japan, says Sh. Ma-yumi, Associate Professor of the Center of Support for persons with

hearing and visual impairments of the University of Tsukuba [2].

Analyzing legislative initiatives in the field of employment of persons with disabilities in Japan and scientific publications dealing with the amendment to the Act on Employment Promotion of the said category of persons, H. Nagano comes to the conclusion that the amendment has brought about four major changes [4, p. 5]:

- first, it expands and clarifies the scope of persons with disabilities;

- second, labor discrimination against these persons has been legislatively prohibited; the amendment reaffirms the employers’ obligation to provide persons with disabilities with specially equipped workplaces;

- third, the basis for calculating employment standards has been revised for one category of persons with disabilities – for those with mental disorders; their right to employment has been reaffirmed;

- fourth, it provides legal support for settling complaints and resolving disputes between employees with disabilities and employers.

### **Analysis of employment of persons with mental disabilities**

The amendment introduces *for the first time in history* a provision about obligatory employment of persons with mental disabilities in

accordance with which employers are to observe employment quotas for such persons. The companies employing workforce are prohibited to discriminate persons on the grounds of disability and are obliged to provide persons with disabilities with specially equipped workplaces.

### **Genesis of the problem of employment of persons with mental disabilities in Japan**

In 1955, the International Labor Organization (ILO) adopted the Vocational Rehabilitation (Disabled) Recommendation which defined people in need of professional rehabilitation as persons whose chances of getting and keeping a suitable job were rather reduced as a result of physical or mental disability, and stressed their right to labor rehabilitation. This initiative facilitated emergence and development of the system of support for such persons in the sphere of employment.

N. Kurachi notes that the problems of labor rehabilitation and employment of persons with disabilities began to be solved actively in Japan in the 1980s. This was connected with the UN proclaiming the International Year of Disabled Persons (1981), finalization of elaboration of the “Long-term Program for Government Measures for Persons with Disabilities” (1982), the adoption of the Act on Employment Promotion of Persons with Disabili-

ties (1988), and other documents [10, p. 43].

In 1986, the former Japanese Ministry of Labour worked out a system of measures for employment of persons with disabilities known as the “Workplace Adjustment Training System”. In the framework of this system the companies were supposed to provide persons with disabilities with an opportunity of professional training lasting six months with further employment. In addition to other categories of persons with disabilities the system was adapted to the needs of the people with mental disabilities. Employment centers offering jobs and consultations on the questions of employment were organized for persons with disabilities; these centers were called “Hello work”.

The Act on Employment Promotion of Persons with Disabilities was adopted in 1988. For the first time in history, it provided legal foundations of employment of persons with mental disabilities; persons with mental disabilities were officially recognized as persons with disabilities. They received the right to be registered in the state employment service as persons with disabilities and were granted assistance and counseling on the issues of employment.

In 1992, Japan ratified the Convention which led to significant development of the national system of employment of persons with dis-

abilities. The Act on Employment Promotion of Persons with Disabilities was amended with the purpose of inclusion of persons with mental disabilities into the system of state-paid subsidies.

In accordance with the adopted system of subsidies, the companies which fail to achieve the legally-prescribed minimum employment rate for persons with disabilities are obligated to pay special tax for each job below the quota. The funds obtained in this way are reapportioned between the companies which exceed the prescribed quota for persons with disabilities. Persons with disabilities were included in the "Subsidy for Employment Development of Designated Job Seekers". But at the same time, these people were not included in the employment quota system for persons with disabilities.

Beginning with 1993, the system of employment support for persons with mental disabilities developed by way of appointing counselors on employment. The latter were later granted the status of specialist advisors who provide consultations for people with mental disabilities and help them after meticulous study of their mental health. Specialist advisors also carry out measures aimed at improvement of the level of information of employers on questions of specificity of persons with mental disabilities.

In April 1998 the scope of the

content "persons with mental disabilities" was expanded by inclusion of persons who were issued a certificate of mental health disorder called "Mental Disability Passbook". Earlier, only persons with schizophrenia, affective disorders and epilepsy had been referred to this category.

In 1999, the former Ministry of Labour created a committee for studying possibilities of inclusion of persons with mental disabilities in the employment quotas system. Its activity led to the inclusion of persons with mental disabilities in the employment quotas system, which is reflected in the amendments to the Act on Employment Promotion of Persons with Disabilities adopted in 2006.

At the time when the legislative and regulatory basis of social and labor support for persons with disabilities including persons with mental disabilities was being worked out, the real situation did not comply with the legislature. Social support for persons with mental disabilities continued to be traditionally provided in the form of medical aid and was targeted mainly at protecting the society from criminal deeds performed by these persons. As a result, there formed in the country a negative experience of social aid provision to people with mental disabilities consisting in allocation of beds in psychiatric clinics and a longer term of hospital treatment. The issue of employment of these persons was not practically addressed.

For example, in 1966, as many as 200,000 beds were allocated for patients with mental disabilities in Japan, in 1975 – 280,000 beds, and in 1985 – 340,000 beds. In 2005 a patient of psychiatric clinic of Japan spent in hospital 327 days on average. For the sake of comparison, let us look at the following data: the average term of in-patient treatment for persons with mental disabilities at that time in the USA was 6-9 days; in the UK – 57.9 days, in Germany – 22 days, in Italy – 13.3 days, and in France – 6.5 days.

Thus, Japan ranked first in the world in duration of in-patient term of treatment for persons with mental disabilities.

According to 2012 data, the average duration of in-patient term of treatment for persons with mental disabilities in Japan slightly decreased and constituted 292 days. At present, there are on average 28 beds in psychiatric clinics of Japan for every 10,000 people, which is more than in any other country: there are 3 beds in the USA and Canada for every 10,000 people, 1 bed in Italy, 7 beds in the UK and 10 beds in France [10, p. 40].

Analysis of the terminology used for solution of problems of labor rehabilitation and employment of persons with disabilities in Japan shows that the given terms were interpreted for a long time in Japan as referring only to persons with physical disabilities.

This was an important factor which

put back practical implementation of the measures aimed at solution of issues of labor rehabilitation and employment of persons with disorders of psychological development.

### **Analysis of the current situation in the sphere of employment of persons with mental disabilities in Japan**

In April 2013, the government-prescribed quota for employment of persons with disabilities was designated at 2.0%. An amendment to the Act on Employment Promotion of Persons with Disabilities followed in June 2013 which incorporated persons with mental disabilities into the employment quotas for persons with disabilities. The adoption of the amendment corroborated the fact that the employment quota for persons with disabilities should be increased. Up to 2018, the quota for persons with disabilities is to stay at the level of 2.0%, after that, during the next five years (up to 2023) government decisions will be taken on calculation of quotas taking into account persons with mental disabilities. Officially, the quota for mentally disabled persons will be introduced beginning with 2023.

Under the amendment to the Act on Employment Promotion of Persons with Disabilities, leadership of state-maintained employment services submits to companies not only recommendations for persons with physical disabilities but also for

persons with mental disabilities. All these measures should facilitate improvement of the level of employment of persons with mental disabilities. Four decades after the quotas for persons with physical disabilities were first adopted in 1976, all categories of persons with disabilities have equal starting opportunities in the solution of employment problems.

During the period of 6 years (2010 – 2015) a stunningly high number of persons with disabilities found jobs by way of employment centers. Over the period from April 2014 to March 2015, 84,602 persons with disabilities were employed. The number of the people employed included 34,538 persons with mental disabilities. This number increased by 17.5% in comparison with previous years. The number of employed persons with physical disabilities decreased by 0.5%. At the same time, the number of employed persons with intellectual disabilities grew by 6.1% [11]. The number of persons with disabilities who found jobs from April 2015 to March 2016 constituted 90,191 persons, which was 6.6% more than during the previous fiscal year [12].

The real level of employment of persons with disabilities in private-sector business sets a record for the 11<sup>th</sup> year running and reaches 1.82% in 2014 (in 2013 it was 1.76%). The progress of employment of the persons of this category

is evident at big enterprises (corporations with more than 1,000 employees). The real level of employment of persons with disabilities at such enterprises is 2.05%, which is higher than the normative employment quota (2.0%). Employment of persons with disabilities via the system “Hello work” grew significantly: from 77,883 persons in 2013 to 84,602 persons in 2014 [13, p. 153].

A number of Japanese researchers [4, p. 19; 14, pp. 35-36] single out problems connected with obligatory employment of persons with mental disabilities after the adoption of the amendment to the Act.

First, only persons with mental disabilities holding corresponding certificates are granted the right to employment. But the number of people with mental disabilities holding corresponding certificates is not very large. As a result, the rights of persons without certificates and not included in the employment quotas system are restricted.

Another problem consists in the legislative requirement towards employers to guarantee employment to persons with mental disabilities. Companies may start “hunting” such people (there are real examples of forceful withdrawal of Mental Disability Passbooks of persons with mental disabilities by employers). In order to prevent such incidents, the Ministry of Health, Labour, and Welfare of Japan issued the “Guidelines on Ascertaining and Confirming Persons

with Disabilities with Consideration for Privacy”.

Yet another problem stems from the fact that information about disability is closely connected with private life protection and is vitally important for persons with mental disabilities. The surrounding people do not always see the internal problems of a worker with a mental disorder as they are not evident. It is difficult for a Japanese manager to explain to a worker why his fellow-worker is provided more beneficial labor conditions without exposing the fact of the latter’s mental disorder. In accordance with the Western culture traditions, the employer is not obliged to disclose the fact of the worker’s disability or provide information about his special conditions of work excluding managers and leaders.

Since the time when Japan had received the opportunity to include persons with mental disabilities into employment quotas, they published “Guidelines on Ascertaining and Confirming Persons with Disabilities with Consideration for Privacy” which raised the requirements to observation of privacy. The style of regulating privacy protection of Japan is incompatible to that of the USA due to a number of reasons.

First, when they employ persons with disabilities, many Japanese employers consider it their duty to explain to other employees the nature of such disability (physical, intellec-

tual or mental).

Second, specific policy has formed itself in Japan in the sphere of employment of persons with disabilities which includes measures aimed at explaining why a certain worker is a person with disability. Nevertheless, when persons with disabilities wish to avoid publicity, protection of privacy is observed and the disability is not made public [14, p. 36].

Analysis of Japanese sources shows that a new problem and tendency of the present time consists in expanding the scope of persons with disabilities which includes new categories in addition to disabilities of physical and mental health. To a large degree, this tendency is associated with the growing cases of depression.

Depression among young people up to the age of 30 radically differs from the traditionally studied depression and is described as “new-type depression” or “immature-type depression”. The given types of depression are characterized by propensity towards narcissism. The patients tend to blame other people and their environment for their failures, demonstrate problems of interpersonal interaction, inability to adapt to the environment including workplace.

People suffering from such kinds of depression, as a rule, do not have serious psychological symptoms, and their psychological state can be improved by way of changing the envi-

ronment. N. Kurachi states that “even among specialists it is suggested that in such cases it is difficult to distinguish between “depression” and “laziness.” [10, p. 49]. Such people get out-patient treatment at psychiatric clinics, and their cases are diagnosed as developmental disabilities or mental disabilities. The given category of persons also use assistance of employment support organizations.

Thus, the current situation in the sphere of employment of persons with mental disabilities after the adoption of the amendment to the Act on Employment Promotion of Persons with Disabilities is characterized by significant positive achievements and emergence of some new problems.

### **Conclusions**

Improvement of competitiveness of Japanese enterprises in the situation of economic globalization, ageing of society and decrease of the proportion of children in the population demand mobilization of more diversified human resources including women, elderly people and persons with disabilities capable of realizing their potential to the full in the sphere of employment.

Under the amendment to the Act on Employment Promotion of Persons with Disabilities (2013) the Japanese government determines a number of obligations for the companies employing the given category of workers. These measures in-

clude: 1) compliance with laws and regulations by the companies; 2) reduction of financial burden of the companies which employ persons with disabilities; 3) support for organizations which work towards solution of problems of employment of persons with disabilities.

Government support for enterprises ensuring regular employment of persons with disabilities is especially urgent for employment of such persons. Corporations play an important role in providing disabled persons with counseling, training and adaptation to the workplace and further support at the initial stage of their occupational activity. At present, the company representatives should have a clear vision of the specificity of persons with disabilities, identify problems and retrain them for another kind of work, and to be able to communicate with disabled persons. These issues are rather important for creation of a stable foundation of labor rehabilitation of persons with disabilities. It is necessary to look for the means and methods of motivation and support for the companies employing persons with disabilities. The requirements to psychiatric care facilities in terms of improving diagnostics and inclusion of medical and social aspects in labor rehabilitation also grow high.

In the future, the accent will be laid on small and medium enterprises for their stimulation on issues of employment of persons with disa-



bilities. Transition from the policy of laying emphasis on social assistance for persons with disabilities to the policy of their employment, from the policy of “curing” to the policy of “training” is especially urgent. The companies employing persons with disabilities should be provided high quality support in questions of rendering assistance to persons with disabilities.

### References

1. Kabakovich, G. A. Monograficheskiy analiz polozheniya lyudey s ogranichennymi vozmozhnostyami v aziatskikh stranakh [Elektronnyy resurs] / G. A. Kabakovich, K. V. Polezhaeva. — Rezhim dostupa: <http://www.scienceforum.ru/2014/524/6426>.
2. Konventsiya o pravakh invalidov [Elektronnyy resurs] : prinyata rezolyutsiei General'noy Assamblei OON ot 13 dek. 2006 g. — Rezhim dostupa: [http://www.un.org/ru/documents/decl\\_conv/conventions/disability.shtml](http://www.un.org/ru/documents/decl_conv/conventions/disability.shtml).
3. Melkonyan, I. G. Trudoustroystvo lyudey s ogranichennymi vozmozhnostyami: opyt Yaponii i Rossii [Elektronnyy resurs] / I. G. Melkonyan, A. E. Mizinova. — Rezhim dostupa: [http://japanstudies.ru/index.php?option=com\\_content&task=view&id=707&Itemid=6](http://japanstudies.ru/index.php?option=com_content&task=view&id=707&Itemid=6).
4. Ne zhaleyte nas! [Elektronnyy resurs] — Rezhim dostupa: <http://dislife.ru/articles/view/34621>.
5. Ochiai, T. Sovremennye tendentsii razvitiya obrazovaniya lits s osobymi potrebnyami v Yaponii / T. Ochiai // Obrazovanie lyudey s ogranichennymi vozmozhnostyami zdorov'ya v sovremennom mire : materialy Mezhdunar. nauch.-prakt. konf., posvyashch. 50-letiyu Instituta spetsial'nogo obrazovaniya / Ural. gos. ped. un-t. — Ekaterinburg, 2015. — Ch. 1.
6. Rekordno bol'shoe kolichestvo lyudey s ogranichennymi vozmozhnostyami zdorov'ya v Yaponii nakhodyat rabotu [Elektronnyy resurs]. — Rezhim dostupa: <http://edo-tokyo.livejournal.com/3745433.html>.
7. Sotsializatsiya, sozdanie bezbar'ernoy sredy, pomoshch' v trudoustroystve i realizatsii biznes-proektov invalidov — zalog samorealizatsii lyudey s ogranichennymi vozmozhnostyami [Elektronnyy resurs]. — Rezhim dostupa: <http://instituta.net/news/14-mgtu/4754-zasedanie-rabochej-gruppy-povoprosu-rasshireniya-proizvodstva-produktov-sii-dlya-invalidov-i-pozhilykh>.
8. Chaldaeua, D. A. Zarubezhnyy opyt sotsial'noy reabilitatsii invalidov [Elektronnyy resurs] / D. A. Chaldaeua, I. G. Nigmat'yanova // Vestn. Kazan. tekhnol. un-ta. — 2010. — № 3. — Rezhim dostupa: <http://cyberleninka.ru/article/n/zarubezhnyy-opyt-sotsialnoy-reabilitatsii-invalidov>.
9. Mayumi, Sh. The Long Road to Disability Rights in Japan [Electronic resource] / Sh. Mayumi. — Mode of access: <http://www.nippon.com/en/currents/d00133/>.
10. Nagano, H. Recent Trends and Issues in Employment Policy on Persons with Disabilities / H. Nagano // Japan Labor Review. — 2015. — Vol. 12, N 1.
11. Kurachi, N. The Employment of People with Mental Disabilities in Japan: The Current Situation and Future Prospects / N. Kurachi // Japan Labor Review. — 2015. — Vol. 12, N 1.
12. Recent Statistical Survey Reports. May 2016 [Electronic resource]. — Mode of access: <http://www.jil.go.jp/english/estatis/esaikin/2016/e201605.html>.
13. Labor Situation in Japan and Its Analysis: General Overview 2015/2016, p. 153 [Electronic resource]. — Mode of access: <http://www.jil.go.jp/english/ljsj/general/2015-2016/5-3.pdf>.
14. Hasegawa, T. Reasonable Accommodation for Persons with Disabilities in Japan / T. Hasegawa // Japan Labor Review. — 2015. — Vol. 12, N 1.
15. Yonezawa, A. Potential and Challenges of Mutually-Oriented Social Enterprises Where People with and without Disabilities Work on an Equal Basis: Case Study on Kyodoren / A. Yonezawa // Japan Labor Review. — 2015. — Vol. 12, N 1.