

Globalization of Disability Policy/Politics with reference to Japanese Employment Policy for PWDs

AKIHIRO SUGINO

TOKYO METROPOLITAN UNIVERSITY



the globalization of disability policy/politics

any government must introduce similar policy options for persons with disabilities after the CRPD

Any government which signed the CRPD must introduce “reasonable accommodations”

any government cannot escape being evaluated internationally by the UN monitoring committee:
COMMITTEE ON THE RIGHTS OF PERSONS WITH
DISABILITIES.

CRPD and Japan

Japan signed the CRPD in 2007

amended in 2011 the Basic Act for Persons with Disabilities in accordance with the CRPD

the Persons with Disabilities Discrimination Elimination Act, that is, a Japanese anti-discrimination measure, was established in 2013

ratified the CRPD in 2014

submitted its initial State party's report in 2016

The unique aspect of Japanese disability policy and politics

no division between military welfare and civilian welfare for PWDs

The indigenous disability rights movement led by a group of people with cerebral palsy in the 1970's

Sit-in by the inmates of a residential institution

Appeal for access to public transportation services

The globalization of disability policy and politics

Independent Living movement in the US in the late 1960's and the 1970's

The UN IYDP of 1981 and the World Program of Action

American disability rights movement in the 1980's led to the Americans with Disabilities Act of 1990

the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities of 1994

American idea of IL and the article 19 of the CRPD

Idea of reasonable accommodation derives from the ADA

The global aspect of Japanese disability policy and politics in the 1980's and the early 1990's

Learn about the Independent Living from the US in the 1980's

Policy shift in the 1980's in accordance with the UN World Program of Action

Community care services for persons with severe physical disabilities, and the development of Japanese CILs (centers for independent living) in the 1990's

National policy context between 1995 and 2005: the national care insurance system

Care Insurance Act for the elderly was enacted in 1998 and implemented in 2000.

MHW introduced in 2005 a new law for PWDs, named as “Support for the Independence of Persons with Disabilities Act”, aiming at integrating disability care services into the national care insurance system for the elderly

PWDs opposed to this law because it charged them payments depending on the amount of services used

“the more severe their disabilities are, the more they are charged” and the law discriminates PWDs based on the degree of their disabilities

After 2005: Influence of the CRPD

Japanese PWDs encountered with the global idea of disability rights and came across the CRPD through their rally against the new law in 2005

DPJ came to power in 2009 and established in 2010 the "Committee for Disability Policy Reform"

more than half of the committee members were themselves persons with disabilities

CRPD demanded participation by PWDs on the policy process

"Policy Commission on measures for Persons with Disabilities" (2012) monitors the implementation of the CRPD

Japanese employment policy for PWDs, and the implications of the CRPD.

Japanese employment policy for PWDs has been effective in securing employment opportunities

Number of those in employment has steadily increased

After the introduction of levies in 1977 the number of those in employment quota continued to rise during the 1980's

Figure 1. Number of persons with disabilities employed by private firms: 1977–2017

thousand

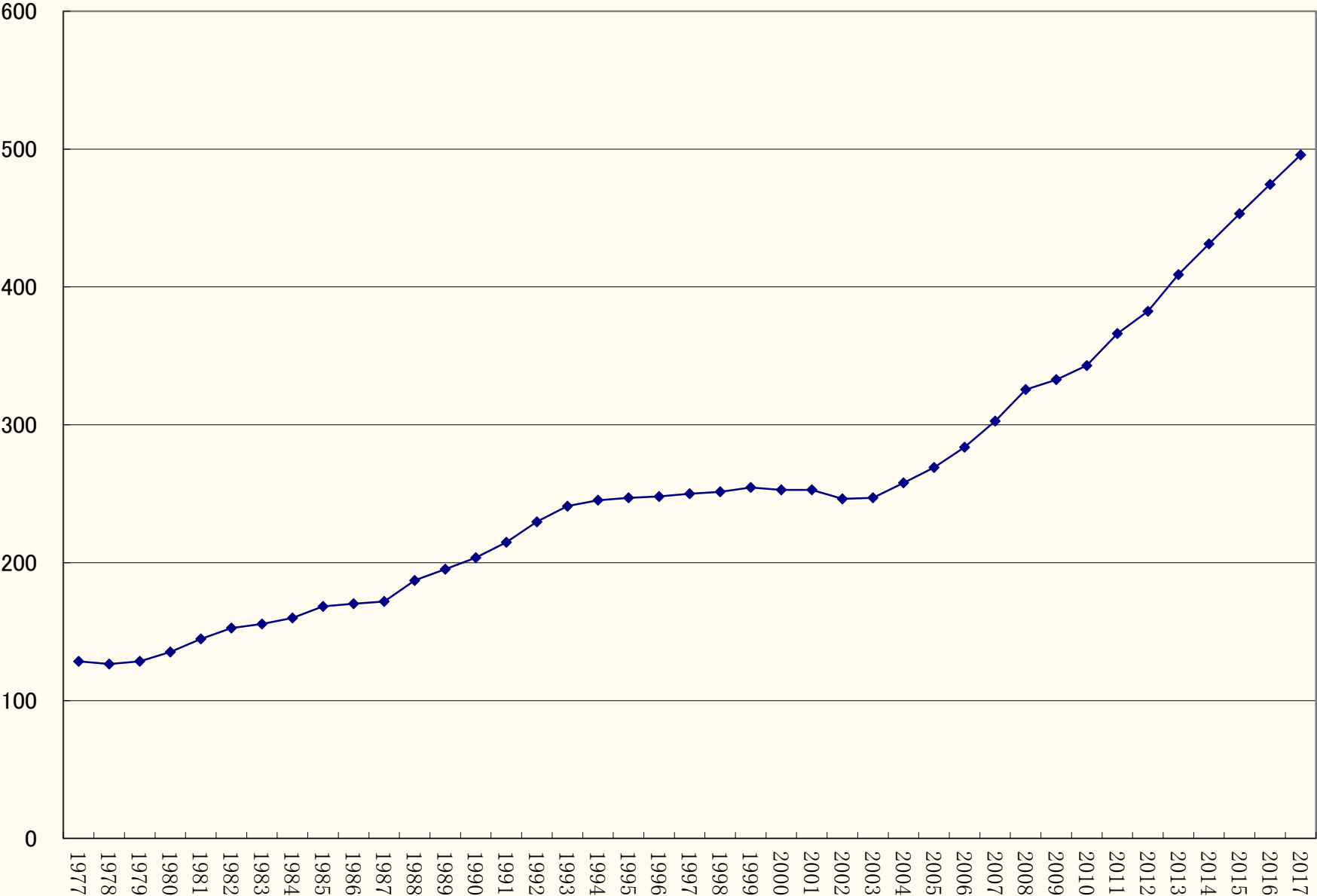
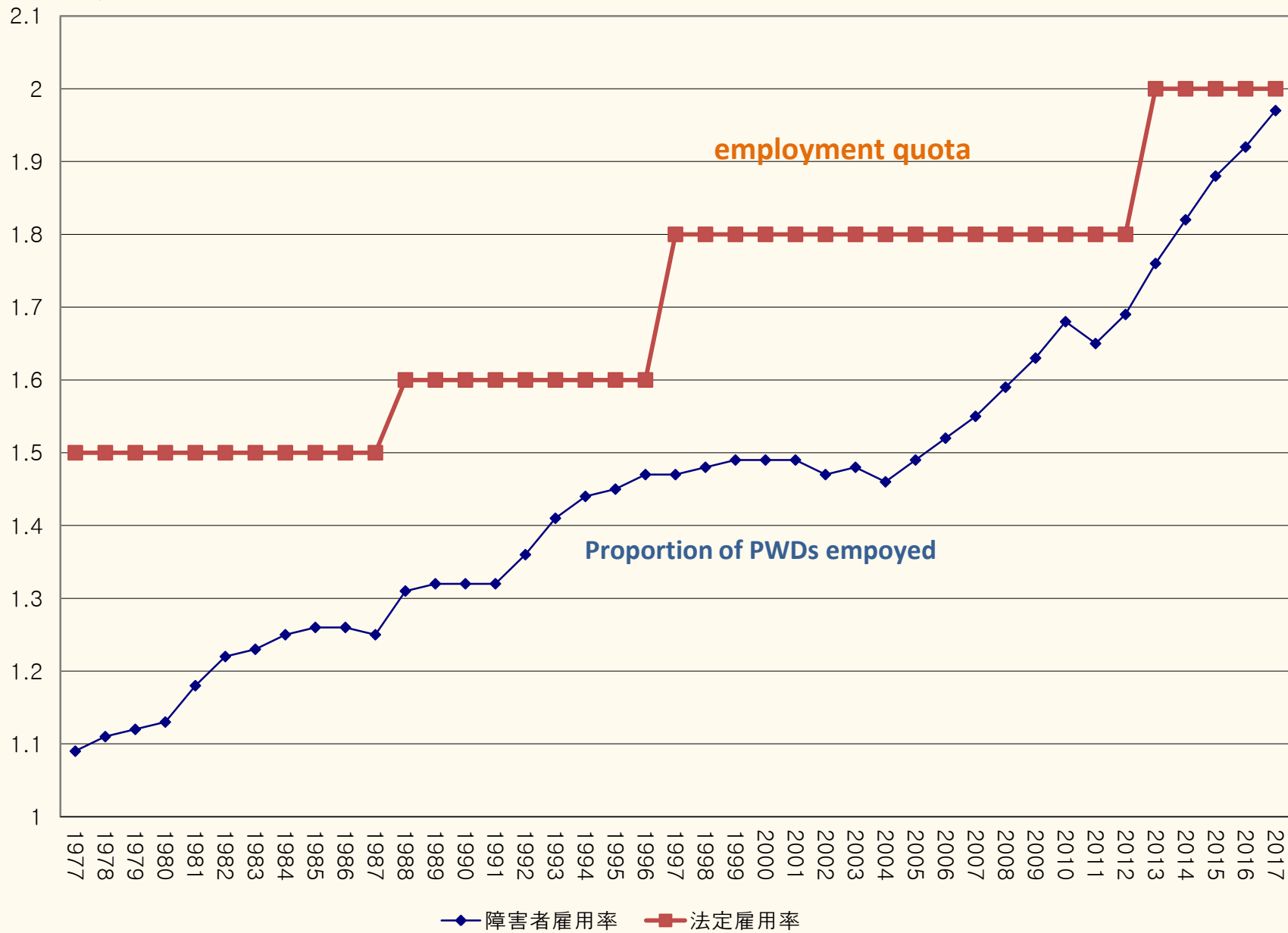


Figure 2. The proportion of persons with disabilities employed by private firms and the employment quota



Effect of disability rights advocacy

Ministry of Labor had the power to instruct employers to hire persons with disabilities since 1977

The Ministry had the power to disclose the names of the employers who did not follow the instruction

Before 2003 the names of 'bad employers' were disclosed only once in 1992

Advocacy of DPI Japan in 2001-2003

2001: DPI Japan requested Tokyo Labor Bureau to disclose the names of 'bad employers'

Tokyo Labor Bureau refused his request

DPI made an appeal to the Information Disclosure Review Board

2002-3: the Review Board accepted the appeal and disclosed the names of 9,040 'bad employers' in Tokyo

Effect of the disclosure

In 2003, the Ministry of Labor began to disclose the 'worst' employers every year

Huge firms became eager to fill their quota

Only 25% of the huge firms filled their quota in 2002

More than a half of the huge firms met their quota in 2010

Employment quota can be strengthened by disability rights advocacy

Problems of the employment quota

Employers prefer OLDER persons with PHYSICAL disabilities who were approaching to their retirement age

Employers prefer YOUNGER persons with INTELLECTUAL disabilities

persons with INTELLECTUAL disabilities work very hard with very LOW WAGES

Employment quota DOES NOT guarantee the QUALITY of the job opportunities

Abuse Cases in Employment

An employer of 20 persons of intellectual disabilities was arrested in 1996

Daily violence against workers

No wages

Sexual abuses against female workers

Disability Rights Approach as a Solution

Japanese Abuse Prevention Act for PWDs (2011)

Local Labor Bureau has a duty to prevent abuses against PWDs in workplaces

The drawbacks of the employment quota with levies scheme must be tackled by an anti-discrimination approach, or a disability rights approach