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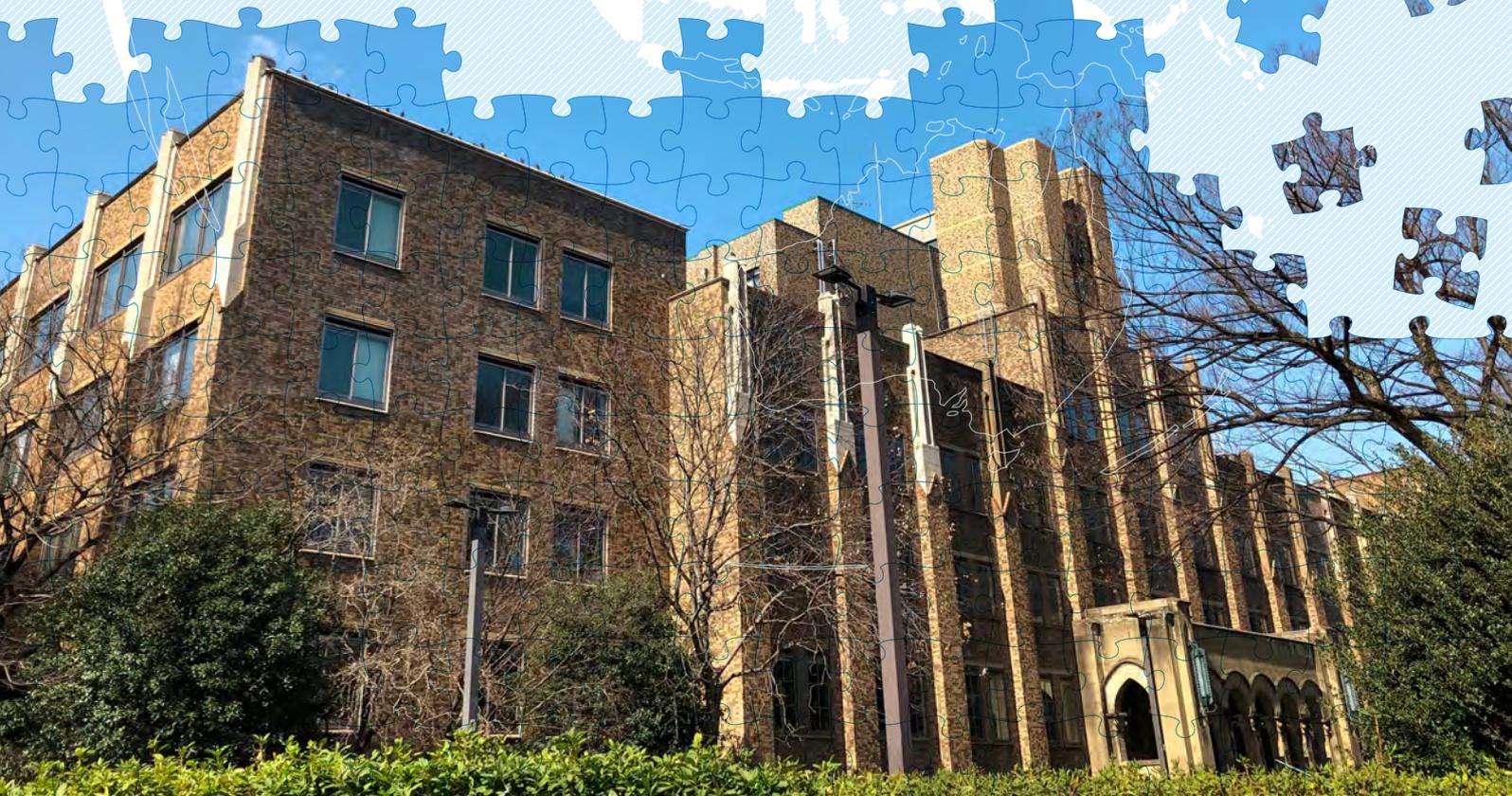
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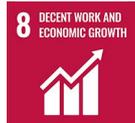
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CSRDA Discussion Paper

International Comparison of the Systems and Realities of Employment of People with Disabilities in Seven Countries:

Effects and relations of quota employment system and anti-discrimination system



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Abstract

There are two typical international methods of employment policies for people with disabilities : the Quota System and the Anti-Discrimination System. The international trend of employing disabled people has shifted toward anti-discrimination, since the adoption of the Convention on the Rights of Persons with Disabilities at the United Nations in December 2016. However, many reports have spoken of the ineffectiveness of the anti-discrimination systems (Acemoglu et al, 2001, Melanie, 2008, etc.). Therefore, it is necessary to re-examine the effectiveness and relationship between the quota employment system and anti-discrimination system of employment policies for disabled people, in light of recent international trends and realities. Against the above background, with the aim of examining effective employment policies for individuals with disabilities, this study made an international comparison of the systems and employment realities for disabled people, in Japan and other countries, through theoretical discussion and literature based examinations. The seven target countries were Japan, the United States, the United Kingdom, Germany, France, Italy, and Sweden.

First, comparison was conducted between the quota and anti-discrimination employment systems of the seven countries, along with the historical policy background, the systems' realities, and employment in those countries. As a result, the countries that were characterized from a historical perspective were the United Kingdom and the United States. The United Kingdom shifted completely from a quota employment system to an anti-discrimination system. The United States, due to the limitations of its anti-discrimination system, introduced a substantial quota employment system. Japan, Germany, and France, with their main policy as the quota employment system, positioned this system as affirmative action. Therefore, based on the current situation, the two systems can be claimed as complementary to each other. Regarding the effects of both systems, the results suggest of a certain effect of the quota employment system on Japan and Germany, while the anti-discrimination system is remains ineffective.

Next, we evaluated Japan's employment policies for disabled individuals, from the perspective of the principles of the Convention on the Rights of Persons with Disabilities, and focused on three issues. First, indirect anti-discrimination is not explicitly prohibited. Second, Japan's unique special-purpose subsidiary system risks excluding people with disabilities from the general workplace. Third, there is a risk that certain disabled

individuals will be excluded from the quota employment system, because the definition of disability differs among the systems.

On the other hand, when evaluated for effectiveness, the actual employment rate and employment rate of disabled individuals in Japan are likely to be higher than those in developed countries, suggesting the effectivity of the systems. Finally, as a new and effective relationship between the quota employment system and the anti-discrimination system, this study proposes a complementary relationship that focuses on the effects of the two systems. It also proposes an inclusive, philosophy-driven relationship that places the anti-discrimination system, based on the principles of equality and equal opportunity, as the foundation and superior policy concept.

Keywords: Employment for persons with disabilities; Vocational rehabilitation, Quota system; Anti-discrimination; Reasonable accommodation; Japan, International comparison

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1. Introduction

In order to promote the social participation and independence of people with disabilities, it is important that decent work (work that is worthwhile and humanistic) is guaranteed. The Convention on the Rights of Persons with Disabilities (hereinafter referred to as the Convention on the Rights of Persons with Disabilities), an international agreement adopted by the United Nations in December 2016, stipulates in Article 27 of the Convention measures to ensure the rights of persons with disabilities in the fields of labor and employment. These include recognizing that persons with disabilities have the right to work on the basis of equality with other persons, prohibiting discrimination on the basis of disability in all forms of employment, providing reasonable accommodation in the workplace, and increasing employment opportunities in the labor market. There are two typical methods of employment policies for people with disabilities to increase employment opportunities. One is the Quota System, which requires employers to hire a certain number of people with disabilities, and the other is the Anti-Discrimination System, which prohibits discrimination in employment on the basis of disability (Thornton et al, 1993, 1997, Thornton, 1998, Hasegawa 2007, Fuchs, 2014, etc.). In recent years, with the growing awareness of the human rights of people with disabilities and the guarantee of their rights against the backdrop of the Convention on the Rights of Persons with Disabilities, the trend in international employment policies for people with disabilities has shifted to policies that use anti-discrimination systems (Fuchs, 2014).

However, there are many reports that this anti-discrimination system is not effective (Acemoglu et al, 2001; Melanie, 2008; Asao, 1998; Sekikawa, 2000; Kudo, 2008; Hasegawa, 2008). In fact, the U.S. has used an anti-discrimination system for many years, but in recent years, employment of people with disabilities has stagnated and a substantial quota employment system has been introduced. Japan, on the other hand, has used a strong quota employment system, and the number of people with disabilities employed has continuously increased, including a record high for 16 consecutive years (Ministry of Health, Labor and Welfare, 2019). Therefore, in order to expand employment opportunities for people with disabilities and thereby increase the number of people with disabilities working, it is important to intervene in the labor market through quota employment systems, not only through ideological anti-discrimination systems. In light of the changes in the legal system and the environment surrounding people with disabilities since the Convention on the Rights of Persons with Disabilities, it is necessary to reexamine the effects and relationship between quota employment systems and anti-discrimination systems as employment policies for people with disabilities. In addition, prior research on international comparisons of employment policies for people with disabilities includes Thornton et al (1993, 1997), Thornton (1998), Fuchs (2014), National Institute of Vocational Rehabilitation (1991, 2007, 2008, 2011), Toyama (2001), etc. However, some of these studies are limited to examining systems and theories. However, many of them are limited to examining systems and theories. In order to clarify how to implement effective measures, it is important to examine data based on the actual employment rate and employment rate of people with disabilities.

Against this background, this paper will make an international comparison of the systems and realities of employment of persons with disabilities in Japan and other countries, with the aim of examining the effective nature of employment policies for persons with disabilities in order to promote their employment.

2. Object and Method

2.1. Theoretical discussion

In order to compare various measures and realities, the object of analysis is selected to cover all three types of welfare states according to Esping-Andersen (1990). This typology is determined by differences in "the overall way in which welfare is produced and distributed among the state, the market, and the family" (Esping-Andersen, 1990). In addition, considering the availability of information, we will focus on Japan and the developed countries of Europe, the United States, and Scandinavia, which are considered to be actively engaged in policies for people with disabilities. Specifically, we will focus on seven countries: Japan, the United States, the United Kingdom, Germany, France, Italy, and Sweden. The type of welfare state in the target countries will be a combination of liberalism and conservatism or a unique type in Japan, liberalism in the United States and the United Kingdom, conservatism in Germany, France, and Italy, and social democracy in Sweden. In addition, in order to make international comparisons of policies, it is important to define the target disabled people. Although the definition of persons with disabilities in each country dealt with in this paper differs, by organizing the definitions, the study shall include the definition and certification of persons with disabilities. With regard to the degree of disability, the term "severely disabled" in the context of employment policies for the disabled mainly refers to people with disabilities who have severe difficulties in employment. The method will be a theoretical discussion and examination based on literature.

2.2. Explanation of the data

In order to clarify the "actual situation of employment of people with disabilities," this paper quotes the actual employment rate/employment rate of each country from the latest published official statistics.

2.3. Data analysis method

Theoretical discussion will be conducted by comparing and relating the legal employment rate and the actual employment rate/employment rate of each country, and by comparing the figures in each country.

3. Types of employment policies for people with disabilities

3.1. Contents of employment policies for persons with disabilities

As a prerequisite for this study, the meaning of the concepts and terms used in employment policies for persons with disabilities will be summarized.

(1) Quota employment system

Also called employment rate system. It is a policy system that originated in Europe and is based on the practice that it is the duty of society to employ people with disabilities (Thornton et al, 1997 and Thornton, 1998). The format obliges employers to hire a certain percentage (employment rate) of people with disabilities. Quota employment systems can be divided into two categories: those with sanctions and those without (Waddington, 1996). In some cases, the sanctions require a substantial financial burden (called a payment or adjustment fee, etc.). Japan, Germany, France, and Italy are among the countries that have implemented this system.

(2) Anti-discrimination system

The concept of anti-discrimination was first applied to people with disabilities in the United States. The Americans

with Disabilities Act (ADA), a representative anti-discrimination law, prohibits discrimination on the basis of disability for those who are "qualified" for the job concerned. Typical countries with anti-discrimination laws are the United States and the United Kingdom. In addition, under the Convention on the Rights of Persons with Disabilities, failure to provide reasonable accommodation constitutes discrimination.

Reasonable accommodation means "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms" (Article 2 of the Convention on the Rights of Persons with Disabilities).

(3) Affirmative action (positive corrective action against discrimination)

Also called positive action. In general, it is defined as "a term that broadly implies all measures applied to correct past discrimination or prevent the recurrence of discrimination in the future that go beyond the mere abolition of discriminatory practices (U.S. Commission on Civil Rights, 1977). In the European Union (EU), affirmative action is clearly separated from reasonable accommodation and is mainly implemented through the government (National Institute of Vocational Rehabilitation, 2008). Currently, the "quota employment system" in countries with anti-discrimination laws is positioned as this affirmative action (National Institute of Vocational Rehabilitation, 2007). This was initially a characteristic of the U.S. policy.

(4) General employment

This is a form of employment based on an employment contract similar to that of persons with no physical or mental disability in private companies, national agencies, and local government agencies in accordance with labor laws (Kim, 2016).

(5) Sheltered employment

Sheltered employment is a system of alternative employment that has been developed mainly in Europe for people with severe occupational disabilities that are difficult to cope with through general employment policies, but its contents and actual conditions are wide-ranging (National Institute of Vocational Rehabilitation, 2007). According to the International Labour Organization (hereinafter referred to as ILO) Recommendation No. 99 of 1995, it is defined as "training and employment under sheltered conditions for those disabled persons who cannot be made fit for ordinary competitive employment". From the perspective of normalization, there is a criticism that sheltered employment is a measure to segregate people with disabilities into a certain sheltered environment as opposed to equalizing and opening up employment opportunities (National Institute of Vocational Rehabilitation, 2007).

(6) Special subsidiary company

If an employer establishes a subsidiary company that gives special consideration to the employment of people with disabilities and certain requirements are met, the actual employment rate can be calculated by deeming workers employed by the subsidiary company to be employed by the parent company as a special exception (Ministry of Health, Labor and Welfare: Outline of the Special Subsidiary System, etc.). This is a unique policy in Japan. There are views that evaluate the role of special subsidiary company, but there are also criticisms from the perspective of inclusion of people with disabilities (Report of the Study Group on How to Respond to the Convention on the Rights of Persons with Disabilities in the Fields of Labor and Employment; Ito, 2012).

3.2. Comparison of quota employment systems and anti-discrimination laws in previous studies

In previous studies of international comparisons of policies for people with disabilities, quota employment systems and anti-discrimination systems are considered to be representative methods for expanding employment opportunities (Thornton et al, 1993, 1997 and Thornton, 1998, Hasegawa, 2007, Fuchs, 2014, etc.). In particular, Japanese studies often compare and discuss these two methods (e.g., National Institute of Vocational Rehabilitation, 2002; Kudo, 2008; Hasegawa, 2008; Kawamura et al, 2012; Kobayashi, 2012, etc.). In addition to these two methods, Nordic countries such as Sweden and Denmark are sometimes categorized as countries that adopt their own methods (Tono, 2001; OECD, 2004).

Based on previous studies, the quota employment system and the anti-discrimination system are summarized below (Table 1). In light of the comparison of the new and old paradigms of the International Classification of Functioning in Life (ICF) of the World Health Organization (WHO) (2002) and the National Institute on Disability and Rehabilitation Research (NIDRR) of the U.S. Department of Education (2003), the definition of disability as it relates to the target population of these systems can be considered to be based on the medical model for the quota employment system and the social model for the anti-discrimination system. The medical model here refers to the old way of thinking about disability in terms of biological characteristics such as impaired or limited function, while the social model, a more recent approach, tries to understand disability in terms of the interaction of personal, social, and physical environments.

Regarding the concept of equality, the quota employment system is considered to be unfamiliar with anti-discrimination and equality because it assumes special protection for people with disabilities (Hasegawa, 2008). There is also criticism that the quota employment system does not focus on the quality of employment, and that it is not a support to enhance the right to employment, (National Institute of Vocational Rehabilitation, 2002). On the other hand, anti-discrimination systems are said to be able to ensure the quality of employment for people with disabilities (Jones, 2006 and Nagae, 2014). Furthermore, there is a perspective that organizes the quota employment system as a quantity system and the anti-discrimination system as a quality system as employment policies for people with disabilities (Komamura et al., 2018). It has also been pointed out that the quota employment system can ensure a certain level of effectiveness, but the anti-discrimination perspective is insufficient (Hasegawa, 2008). On the other hand, the ADA guarantees remedies against discrimination, but it is pointed out that there is little predictability in what constitutes discrimination and reasonable accommodation (Hasegawa, 2008).

For more information on the effects of the two systems, see Nagae (2014). There are multiple reports on Japan's quota employment system that it increases the number of disabled people employed (Kudo, 2008; Hasegawa, 2008; Nagae, 2014). Furthermore, based on an empirical analysis of the employment of people with disabilities and the productivity of companies, Nagae (2014) pointed out that strengthening the system for companies to bear the burden could be effective, since whether or not the legal employment rate is achieved does not affect the productivity of companies. On the other hand, it has been pointed out that anti-discrimination systems either have a negative impact such as a decrease in the employment rate due to the cost of reasonable accommodation, etc., or are ineffective (DeLeire, 2000, Acemoglu et al, 2001, Jones 2008, Burkhauser007, Melanie, 2008).

There is a perspective on the relationship between the two systems, whether it is exclusive or complementary (Konishi, 2017). Currently, the relationship between the two systems is a quantity and quality approach, which can

be said to be complementary (Kudo, 2008; Hasegawa, 2014; Komamura et al., 2018). Furthermore, Hasegawa (2008) proposed a more specific form of complementary relationship. That is, the two can be merged by considering the quota system as affirmative action, and in order to coexist the two, the improvement of the problem through the concept of equality should be utilized from the anti-discrimination system, and the improvement of the effectiveness of employment promotion should be utilized from the quota employment system.

Based on the above, this paper will re-organize the two systems in light of the developments since the adoption of the Convention on the Rights of Persons with Disabilities, and examine their effects and the effective relationship between them.

Table 1: Comparison of quota employment system and anti-discrimination system

	Quota employment system	Anti-discrimination system
Means	Employment rate/ payment	Prohibition of discrimination/ reasonable accommodation
Definition of disability	Medical model	Social model
Equality concept	No	Yes
Remedies against discrimination	No	Yes
Equality	Equality of outcome	Equality of opportunity (equal opportunity)
Relationship with labor market	Direct intervention	Indirect intervention
Effect on employment	Quantitative expansion	Quality enhancement
Effectiveness	Certain effectiveness	Less predictability
Flexibility	Rigid	Flexible
Effectiveness	Yes (Japan)	No/Negative

4. History of Employment Policies for Persons with Disabilities

In order to understand the historical background of employment policies for persons with disabilities in each country, I have organized the international trends and trends in each country into quota employment systems and anti-discrimination systems. For more information on international trends, see Thornton et al (1993, 1997), the International Labour Organization (ILO) report (Thornton, 1998), and National Institute of Vocational Rehabilitation (1991, 2007, 2008, 2011) etc. are detailed.

4.1. History of quota employment system

The following table shows the trends in the "quota employment system" among employment policies for persons with disabilities in various countries (Table 2).

Table 2 Quota employment system in target countries

Year	Quota employment system
1918	End of World War I

1919	Germany (Weimar Republic): Reich Regulations on the Welfare of War Victims enacted, obliging employers to hire war and accident victims → subsequent expansion of coverage (Thornton et al, 1997)
1920	December, Allied Council: Recommendations on a quota employment system for disabled veterans (ILO, 1998).
1923	January France: Enactment of law requiring employment of disabled veterans in government offices, → subsequent expansion of coverage (Thornton et al, 1997; Ohsone, 1988) July: ILO Committee of Experts: Recommendation on a quota employment system for persons with disabilities (ILO, 1998)
1944	ILO: Recommendation on the organization of employment during the transition from wartime to peacetime (No. 71) United Kingdom: Enactment of the Disabled Persons (Employment) Act; effort obligation → Abolished with the enactment of the Disability Discrimination Act in 1995 (Hasegawa, 2011)
1945	End of World War II
1947	Italy: Enactment of Decree No. 1222, making employment of persons with disabilities due to industrial accidents or occupational diseases compulsory → subsequent expansion of coverage (Thornton et al, 1997)
1955	ILO: Recommendation on vocational rehabilitation of persons with disabilities (Recommendation No. 99)
1960	Japan: Enacted Law for Employment Promotion of the persons with physical disabilities; effort obligation → subsequent expansion of coverage (Ono, 1990)
2013	U.S.: Changed the interpretation rules of the Rehabilitation Act; covers private employers who have a contract with the federal government above a certain amount; effort obligation (Hasegawa, 2018)

[1] International trends

The system of quota employment for the disabled originated in Europe against the background of the increase in the number of people with disabilities due to war injuries in World War I and the need to secure jobs for these people. Because of the war injuries, the main targets of the program at first were mainly veterans and the physically disabled, but later on, the targets were gradually expanded throughout the history. Specifically, after the end of World War I in 1918, the reservation of jobs for disabled servicemen was discussed internationally at the Allied Conference in 1920. Subsequently, an ILO-sponsored committee of experts held in 1923 recommended that countries adopt a legal obligation to promote the employment of disabled veterans, and that employers be exempted from the requirement, and that payments be made to employers who did not achieve the employment rate. Later, in 1944, before the end of World War II, the ILO Conference made a recommendation to make employment of the disabled mandatory by the end of World War II. In addition, in 1955, the ILO issued “Vocational Rehabilitation (Disabled) Recommendation (No. 99)”. This recommendation has become one of the international guidelines for vocational rehabilitation for persons with disabilities that continues to this day.

[2] Trends in each country

(1) Germany

After the end of World War I, Germany became the first country in the world to enact a law for a quota employment system for the disabled. Germany (Weimar Republic) enacted the "Reich Uniform Regulations on the Welfare of War Victims" in 1919. This regulation made it mandatory for employers to hire war and accident victims in order to secure jobs for them. In Germany, the "Employment, Placement, and Unemployment Insurance Act" of 1927, the "Severely Injured Persons Act" of 1953, and the Severely Disabled Persons Act" of 1974 were enacted to strengthen the obligation to hire and expand the number of people covered by these laws.

(2) France

Next, France enacted a similar law with reference to the German legal system. France enacted a law on the obligation to employ disabled veterans and others in public offices in 1923 (Thornton et al, 1997 and Ohson, 1988). France later expanded the number of businesses to the private sector and the number of people eligible for employment with the enactment of the "Law on the Compulsory Employment of Wounded Warriors" in 1924 and the "Law on the Reallocation of Disabled Workers" in 1957.

(3) The United Kingdom

In 1944, the ILO issued "Employment (Transition from War to Peace) Recommendation, (No. 71)". In the same year, the United Kingdom enacted "Disabled Persons (Employment) Act", which stipulates employment obligations (effort obligations) and a system for designating jobs exclusively for the disabled. This system was abolished with the enactment of "Disability Discrimination Act" in 1995.

(4) Italy

Italy enacted "Decree No. 1222" in 1947, making it mandatory to employ people with disabilities due to industrial accidents or occupational diseases. Later, in 1950, the scope was expanded to include persons with disabilities caused by war, and in 1968, with the enactment of "Law No. 482," the provisions regarding employment obligations were consolidated and standardized.

(5) Japan

Japan enacted the Act on Employment Promotion of Persons with physical Disabilities in 1960 against the backdrop of the 1955 ILO recommendations, etc., and employment of the persons with physical disabilities became mandatory (effort obligation). Japan subsequently changed the name of the law to the "Act on Employment Promotion, etc. of Persons with Disabilities " through amendments in 1970 and 1987, as well as subsequent amendments. As a result, Japan strengthened the obligation to employ people with disabilities through a payment system, raised the employment rate of people with disabilities, and expanded the number of people with disabilities covered by the system.

(6) The United States

Finally, as a recent trend, the U.S. changed the interpretation rules of the Rehabilitation Act in 2013, making it mandatory (effort obligation) to hire people with disabilities for private employers who have contracts with the federal government above a certain amount.

4.2. History of anti-discrimination system

The following table shows the history of the "anti-discrimination system" among the employment policies for persons with disabilities in the target countries (Table 3).

Table 3: Trends of anti-discrimination systems in the target countries

Year	Anti-discrimination systems
1973	U.S.: Enforcement of Section 504 of the Rehabilitation Act, prohibition of discrimination in government agencies and federal contractors → 1990, enactment of the Americans with Disabilities Act (ADA), comprehensive civil rights law, prohibition of discrimination, full participation in society
1991	Sweden: Enactment of the Equality Act (Equal Opportunity Act), prohibition of discrimination from the viewpoint of equal opportunity → 1999, Enforcement of the Act against Discrimination in Employment on the Basis of Disability, prohibition of discrimination in the labor market → 2003, Enactment of the Law against Discrimination; prohibition of discrimination outside the labor market → 2008, Enactment of the New Discrimination Act; consolidation of laws on discrimination (Asahi, 2009, Fukushima, 2019)
1995	United Kingdom: Enactment of the Disability Discrimination Act; simultaneous abolition of the quota employment system, prohibition of discrimination, obligation to provide reasonable adjustment → 2010; enactment of the Equality Act, integration of anti-discrimination laws (National Institute of Vocational Rehabilitation, 2008, Hasegawa, 2011)
2000	EU Directive: Adoption of a Directive on the establishment of a general framework for equal treatment in employment and occupation, establishing a general framework for eliminating discrimination in employment and work, and the obligation to provide reasonable accommodation (National Institute of Vocational Rehabilitation, 2008)
2001	Germany: Enforcement of Part 9 of the Social Code, prohibition of disadvantageous treatment in employment, etc. → 2002, Enforcement of the Law for the Equal Treatment of Persons with Disabilities → 2006, Enforcement of the General Equal Treatment Law concerning the prohibition of discrimination in employment, occupation, and some transactions under the Civil Code (National Institute of Vocational Rehabilitation, 2008)
2005	France: Enactment of Law No. 102 on Equal Rights and Opportunities, Participation and Citizenship for People with Disabilities; Prohibition of Discriminatory Treatment; Obligation to Provide Reasonable Accommodation (National Institute of Vocational Rehabilitation, 2008)
2004	Japan: Amendment of the Basic Act for Persons with Disabilities, clearly state prohibiting discrimination → 2011, Amendment of the Basic Act for Persons with Disabilities, stipulating reasonable accommodation → 2013, Enactment of the Act for Eliminating Discrimination against Persons with Disabilities, obligating the provision of anti-discrimination systems → 2013, Amendment of the Law for Employment Promotion of Persons with Disabilities, prohibiting discrimination in the employment field (Asahi et al., 2017)
2006	United Nations: Convention on the Rights of Persons with Disabilities adopted → Entered into force in May 2008

[1] International Trends

As an international trend in anti-discrimination systems, the EU adopted the Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation (hereinafter referred to as the EU Directive) in 2000. This established a general framework for eliminating discrimination in employment and labor in the EU member states, and made reasonable accommodation mandatory. Subsequently, the UN adopted the Convention on the Rights of Persons with Disabilities in 2006. This established an international agreement to guarantee the rights of people with disabilities in general, including in employment and labor, and to prohibit discrimination.

[2] Trends in each country

(1) The United States

The U.S. has been a leader in anti-discrimination systems in the world by institutionalizing anti-discrimination legislation from early on. The anti-discrimination philosophy and framework developed in the US also influenced the Convention on the Rights of Persons with Disabilities (Cabinet Office, 2013). Specifically, in 1973, the U.S. enacted the Rehabilitation Act, which stipulated the prohibition of discrimination for government agencies and those who contract with the federal government. Later, the Americans with Disabilities Act (ADA) was enacted in 1990 against the backdrop of the challenges of the Rehabilitation Act and the disability movement over it (Cabinet Office, 2013). The ADA is one of the most comprehensive civil rights laws in the U.S. and is one of the leading anti-discrimination laws in the political arena, providing for the rights of people with disabilities and prohibiting discrimination.

(2) Sweden

Sweden enacted the Equality Act (Equal Opportunity Act) in 1991, prohibiting discrimination from the perspective of equal opportunity. Subsequently, in 1999, it enacted the "Law Prohibiting Discrimination in Employment on the Basis of Disability", which stipulates the prohibition of discrimination in the labor market. Furthermore, in 2003, the "Law on the Prohibition of Discrimination" was enacted, providing for the prohibition of discrimination outside the labor market. Later, in 2008, a new "Discrimination Law" was enacted, consolidating seven previous laws on discrimination (Asahi, 2009; Fukushima, 2019).

(3) The United Kingdom

The United Kingdom enacted the Disability Discrimination Act in 1995. This law is a comprehensive disability anti-discrimination law, which made it mandatory to prohibit discrimination and provide reasonable accommodation. At the same time, it abolished the quota employment system that had been in place until then, and this shifted the UK's policy from a quota employment system to employment security through an anti-discrimination system (Hasegawa, 2011). Subsequently, the U.K. enacted the Equality Act in 2010, integrating the anti-discrimination laws that had existed for each reason of discrimination.

(4) Germany

Against the background of the EU Directive of 2000, Germany enacted Article 81(2) of Part 9 of the "Social Code" in 2001. This law provides for the prohibition of disadvantageous treatment in employment. Then, in 2002, the "Law for the Equalization of Persons with Disabilities" was enacted, making it mandatory to prohibit the

disadvantageous treatment of persons with disabilities in all aspects of social life and to realize equal participation and barrier-free access for this purpose. Then, in 2006, the "General Equal Treatment Law Concerning Prohibition of Discrimination in Employment, Occupation and Part of Transactions under the Civil Code" came into effect, comprehensively defining the definition of disadvantageous treatment, applicable areas, and workers' rights against disadvantageous treatment.

(5) France

Against the backdrop of the EU Directive of 2000, France enacted "Law No. 102 on Equal Rights and Opportunities, Participation and Citizenship of People with Disabilities" in 2005. This law included provisions on social, occupational, and educational issues related to disability. The law prohibits discriminatory treatment, expands the quota employment system, and makes reasonable accommodation (appropriate measures) mandatory for people with disabilities (National Institute of Vocational Rehabilitation, 2008).

(6) Japan

Against the background of international trends since the 1990s, such as the ADA in the U.S., "Disability Discrimination Act" in the U.K., and EU directives, Japan was also forced to respond to the prohibition of discrimination against people with disabilities (Asahi et al., 2017). In 2004, "Basic Acts for Persons with Disabilities" was amended, and for the first time in Japan, the prohibition of discrimination against persons with disabilities was clearly stipulated. However, it has been pointed out that this provision only defines the basic principles and is not effective (Asahi et al., 2017). Later, against the background of the adoption of the UN "Convention on the Rights of Persons with Disabilities" in 2006, "Basic Law for Persons with Disabilities" was amended again in 2011. This amendment made the provision of reasonable accommodation mandatory. This was followed by the enactment of the Law for "Eliminating Discrimination Against People with Disabilities" in 2013. This law made it mandatory to prohibit discrimination and provide reasonable accommodation in all situations other than the employment field. In the same year, the Law for Employment Promotion of Persons with Disabilities was amended to make it mandatory to prohibit discrimination and provide reasonable accommodation in the employment field.

(7) Italy

Finally, the laws regarding the anti-discrimination system in Italy, which are not included in the table because it is unclear whether they were enacted or enforced in the year indicated, are summarized below. The main Italian laws on equal treatment on the basis of disability are "Legislative Decree No. 216/2003" (amendment of Law Nr. 256/2004), which replaced the EU Directive, "Law Nr. 68/1999" on the labor rights of persons with disabilities, "Law Nr. 104/1992" on support, social integration and rights of persons with disabilities, and "Law 4/2004", which supports access to information technology for people with disabilities, have been reported (Hikima, 2011). In addition, Italy enacted a law against discrimination against persons with disabilities in 2006. However, a parallel report to the Convention on the Rights of Persons with Disabilities by disability organizations as of 2016 pointed out issues with the law, including the lack of a uniform definition or reference to disability and the fact that denial of reasonable accommodation is not recognized as discrimination (Forum Italiano sulla Disabilita, 2016).

4.3. Distinctive countries in terms of the historical background of employment systems for people with

disabilities

[1] The United Kingdom, which abolished the quota employment system

With the enactment of the Disability Discrimination Act in 1995, the United Kingdom abolished its previous quota employment system and shifted to an anti-discrimination system. In the background, it can be pointed out that the quota employment system did not have the expected effect. The failure of such a system in the U.K. is discussed in detail by Weddington (1995), Thornton et al (1997), and Nomura (2002). This failure was specifically determined by the gradual decline in the percentage of employers meeting quotas for people with disabilities (Cooper et al, 1996), the fact that several studies since the 1970s have shown that the quota system has not been effective (Weddington, 1995), and the fact that a public evaluation committee concluded in 1994 that the quota system was not effective (Cooper et al, 1996). And the reasons for this failure, according to Weddington (1995), were (1) the government's reluctance to prosecute employers who violated the employment rate system, (2) the failure of the disability registration system to certify eligibility for protection, (3) the self-contradiction of the administrators of the employment rate system to provide job placement services for the disabled, and (4) in some cases, the purpose of the employment rate system did not match the goals. Of these, with regard to (4), Bolderson (1980) points out that the employment rate system in the U.K. was set at the behest of labor unions and employers, and that its main purpose was not to guarantee employment for the disabled, but to exclude the less productive disabled from the general labor market.

[2] The U.S. has introduced a substantial quota employment system

The U.S. is a country that has led the way in prohibiting discrimination and has not introduced a quota employment system because of criticism that a quota employment system would lead to reverse discrimination. However, in 2013, a new rule was introduced in Section 503 of the Rehabilitation Act, which went into effect in 2014 (U.S. Department of Labor). The rule, enforced by the Office of Federal Contract Performance Programs, requires employers with federal contracts of \$10,000 or more to achieve or show progress toward achieving 7 percent of employees in each job category, or 7 percent of all employees if they have fewer than 100 employees (U.S. Department of Labor and ADA National Network, 2017). This 7% requirement, referred to as a utilization goal, is not a quota, but is described as a way to ensure that employers include disabilities in their strategies for recruitment and hiring (ADA National Network, 2017). However, the author believes that this employment rate value can in effect be viewed as a type of quota employment system, as it is an effort target without penalties, but it provides a numerical value and encourages employers to increase the number of people with disabilities they hire. Therefore, this chapter adopts the interpretation that the U.S. has a substantial, albeit limited, quota employment system. The reason for the introduction of this rule has been pointed out to be that people with disabilities face barriers to equal opportunity in employment, although the ADA has been in place for many years (ADA National Network, 2017).

Specifically, the report points out that in 2012, the employment rate of adults with disabilities was 33.5%, lower than the employment rate of people without disabilities, which was 76.3%, and that the full-time, year-round employment rate of people with disabilities was 20.9%, lower than the employment rate of people without disabilities, which was 56.4%. (ADA National Network, 2017).

[3] Sweden implements its own measures

Sweden has consistently implemented its own measures without adopting a quota employment system; in 2017, the employment rate of people with disabilities in Sweden was 52.0%, which is higher than the EU average of 48.1% (Gustafsson, 2018). Furthermore, when looking at the employment rate of people with judo disabilities among people with disabilities, Sweden has an employment rate of 42.3%, which is much higher than the EU average of 28.6% (Gustafsson, 2018). The overall philosophy of Sweden's disability policy is that "like other people, people with disabilities have the opportunity to exercise their rights as citizens and at the same time fulfill their obligations. In addition, the goal of employment policy is "work for all," and employment policies for people with disabilities are implemented as part of general labor market policies (National Institute of Vocational Rehabilitation, 2008). It can be seen that behind this philosophy is the concept of normalization that developed from Northern Europe. And as employment measures for people with disabilities who have difficulty working in the general labor market, three main programs are offered: (1) wage subsidies, (2) protected employment in the public sector, and (3) employment at Samhall (Fukushima, 2019). This Samhall company is a joint stock company (state-owned company) owned by the Swedish government. Employment at Samhall is a program that aims to increase the productivity of people with disabilities as workers through employment and to enable them to find employment outside of Samhall (Fukushima, 2019). Such efforts may be viewed as a training facility for protective employment and transition to work as a system. The fact that the facility is state-run and run as a joint stock company makes it unique in the world.

5. Contents of Employment Policies for Persons with Disabilities

In order to examine the specific content of measures to employ people with disabilities, the content of each country's measures was organized in terms of the framework of quota employment systems and anti-discrimination systems (Tables 4-6).

Table 3 summarizes the existence of quota employment systems and anti-discrimination systems in each country. From the actual situation, it was confirmed that the U.S. and the U.K., where there has been a shift in policy as well as historical background, and Sweden, where there is no quota employment system, are distinctive. As for Italy, we could not obtain sufficient confirmation of its anti-discrimination system, and therefore, it was assumed to be unknown.

Table 5 summarizes the quota employment system in each country. As a result, it was confirmed that the definition of people with disabilities covered by the system differs from country to country, and that only the system in the U.S. does not have a payment or fine when the employment rate is not achieved. The reason for this is that the U.S. system is only an effort target.

Table 6 summarizes the anti-discrimination systems in the field of employment in each country. As a result, it was confirmed that the definition of persons with disabilities covered by the systems differs in each country as well as the quota employment system. It was also confirmed that Japan is the only country that does not prohibit indirect discrimination, and that the treatment of cases in which reasonable accommodation is not provided differs among countries. Therefore, in order to examine Japan's measures, how to handle indirect discrimination in the future is an

issue to be considered. In addition, for Japan's future efforts, it will be necessary to understand the future trends in the treatment of cases where reasonable accommodation is not provided in each country, as well as the actual situation in the field, and take necessary measures.

From the comparison of Table 5 and Table 6, it was confirmed that, with the exception of the United States and France, the target disabled persons differ between the quota employment system and the anti-discrimination system within the same country. In order to ensure that each policy is effectively provided to those with disabilities who need it, it will be necessary to examine the meaning and treatment of these differences in the future.

Table 4 Existence of quota employment system and anti-discrimination system

	Japan	USA	France	Germany	UK	Italy	Sweden
Quota employment system	Yes	Yes (2014 ~)	Yes	Yes	No (1995 ~)	Yes	No
Anti-discrimination system	Yes	Yes	Yes	Yes	Yes (1995 ~)	Unknown	Yes

Table 5: Quota employment system

	Japan	USA	France	Germany	Italy
Law	• Law for Employment Promotion of Persons with Disabilities (amended in 2019,)	• Rehabilitation Act (amended in 2013, effective in 2014)	• Labor Code (amended in 2005))	• Social Code, Part 9 (enacted in 2001)	• Act No. 92 of 2012
Target persons with disabilities	In principle, holders of the Disability Certificate (1) Holders of Physical Disability Certificate (2) Holders of Special Education Certificate (Ryoiku Techo), or those who have been determined to be mentally disabled. (3) Holders of Health Benefits Certificate for the Mentally Ill	Any of the following (1) Physical or mental impairment that substantially limits the person's major life activities (2) A record of such impairment. (3) The person is regarded as having such an impairment.	All persons whose possibility of obtaining and maintaining employment is practically diminished due to deterioration of physical, intellectual, or mental functioning or of the sensory organs.	(1) Persons with severe disabilities (Disability level 50 and above) (2) Those deemed to be severely disabled (Degree of disability: 30 and over, but less than 50, in case the disability affects the occupation), etc.	Workers of working age with physical, mental, or sensory disabilities and persons with intellectual handicaps whose working capacity has been reduced by 45% or more.
Target employers	All employers (However, employers with 45.5 or more employees are required to report the	Employers with federal government contracts of \$10,000 or more per year	Establishments with 20 or more employees	Companies with 20 or more employees	Companies with 15 or more employees

	employment status of persons with disabilities, and employers with 100 or more employees are subject to the payment system.				
Employment rate	Currently 2.2% (2.3% by April 2021)	7%	6%	5%	15 to 35 employees: 1 person 36 to 50 employees: 2 persons 51 or more employees: 7%
(Private companies)	Yes	No	Yes	Yes	Yes

(: The Japan Institute for Labour Policy and Training, 1999 • National Institute of Vocational Rehabilitation, 2011 • 2012 • 2013, Ministry of Health, Labour and Welfare)

Table 6 Anti-discrimination system in the employment sector

	Japan	USA	France	Germany	UK	Italy	Sweden
Law	• Law for Employment Promotion of Persons with Disabilities (amended in 2019))	• Rehabilitation Act (enacted in 1973) • ADA (amended in 2008)	• Penal Code (Amended in 1990) Labor Code (amended in 2005)	• Social Code, Part 9 (enacted in 2001) • General Equal Treatment Act (enacted in 2006)	• Equality Act (enacted in 2010)	• Italian Disability Discrimination Act (enacted in 2006)	• Discrimination Act (enacted in 2008)
Target persons with disabilities	Persons with physical disabilities, intellectual disabilities, mental disabilities (including developmental disabilities), or other mental or physical disabilities	※Same as the quota employment system Any of the following (1) Physical or mental impairment that substantially limits the person's major life activities (2) A record of such impairment.	※Same as the quota employment system All persons whose possibility of obtaining and maintaining employment is practically diminished due to deterioration of physical, intellectual, or mental functioning or of the sensory	A person's physical functions, intellectual abilities, or mental health are different from those typical for his or her age with a substantial probability of lasting longer	Persons with physical or mental impairment that has a substantial and long-term adverse effect on their ability to perform normal daily activities. (including those who have had such disabilities in the past)	No definition	Permanent physical, mental, or intellectual impairment that was present at birth or that has occurred or is expected to occur since then as a result of injury or illness.

	that significantly limit their vocational life or make it difficult for them to lead a vocational life for a long period of time.	(3) The person is regarded as having such an impairment.	organs.ent system	than six months, and his or her participation in social life is therefore impaired.			
Subjects for regulation (1)Civil sector (2)Public sector	(1) All employers (2) Partial application for local government employees	(1) Employers 15 or more employees who worked at least 20 weeks in the current or previous year and is engaged in an industry that affects interstate commerce. (2) The federal government and corporations wholly owned by the federal government are subject to the Rehabilitation Act. • State and local governments adapt the ADA	(1)Employers (2) Employers in the public service sector shall comply with the prohibition of discrimination in accordance with the Law on the Rights and Duties of Public Officials and the respective laws of public officials.	(1)Employers, temporary staffing agency, etc. (2)Civil servants, etc. (General Equal Treatment Act)	(1) Employed, contract workers/partners, lawyers, executives/leaders (2) Police officers, local government officials	Unknown	(1) All employers (2) A part of the subjects of public employment
direct discrimination	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Indirect discrimination	Not prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Failure to provide reasonable accommodation	Obligation to provide	Prohibited as discrimination	Prohibited as discrimination	—	Prohibited as discrimination	not recognize as discrimination.	Unknown

(Tamamura, 2007 • National Institute of Vocational Rehabilitation, 2011 • 2013 • Forum Italiano sulla

6. Analysis results: Actual situation of employment of people with disabilities

In order to examine the effects of each system of measures, the actual employment rate and employment rate of persons with disabilities in each country are shown below (Table 7, Figures 1 and 2).

Although it is difficult to compare the actual employment rate of people with disabilities (Table 7, Figure 1), I will attempt to examine it regardless of the definition or year of implementation in order to understand the trends. The difference between the legal employment rate and the actual employment rate was the smallest in Japan, with a difference of less than 0.1%. This was followed by Germany, where the difference was less than 1%. This suggests that the quota employment systems in Japan and Germany may be functioning more effectively than in other countries.

In addition, although the legal employment rate of 5% in Germany was less than the rates of 7% in Italy and 6% in France, the actual employment rate was higher than in Italy and France. This suggests that it cannot be said that if the legal employment rate is increased, the actual employment rate will increase in proportion to it.

Table 7 Legal employment rate and Actual employment rate/Employment rate

employment duty system	Country	Legal employment rate	Actual employment rate/Employment rate
Yes	Japan	2.2%	Actual employment rate 2.11% (Ministry of Health, Labour and Welfare, 2019) Employment rate : disabled person 40.3% (2006) (Kudo, 2008)
Yes	Germany	5%	Actual employment rate 4.1%(2014) (Ministry of Health, Labour and Welfare) Employment rate : severely disabled person 48%, disabled person 55%, Non-disabled person 82% (2017) (Federal Government)
Yes	France	6%	Actual employment rate 3.1% (2013) (Summer Autumn, 2017) Employment rate : disabled person 56.2%, Non-disabled person 66.1% (2011) (Eurostat, 2014)
Yes	Italy	7%	Actual employment rate 3.5% (2010) (SuperAbile, 2010) Employment rate : disabled person 45.6%, Non-disabled person 58.9% (2011) (Eurostat, 2014)
Yes	USA	7%	Employment rate : disabled person 19.3%, Non-disabled person 66.3% (2019) (U.S. Department of Labor, 2020)
No	UK	—	Employment rate : disabled person 53.2%, Non-disabled person 81.8% (2019 年) (Office for National Statistics, 2019)
No	Sweden	—	Employment rate : severely disabled person 42.3%, disabled person 52.0% (2017) (Gustafasson, 2018)

※ The statutory employment rate, the actual employment rate, and the employment rate are only for private companies.

※ The actual employment rate: the ratio of workers with disabilities to the total number of workers.

※Employment rate of persons with disabilities: Ratio of employed persons with disabilities to the population of persons with disabilities of working age.

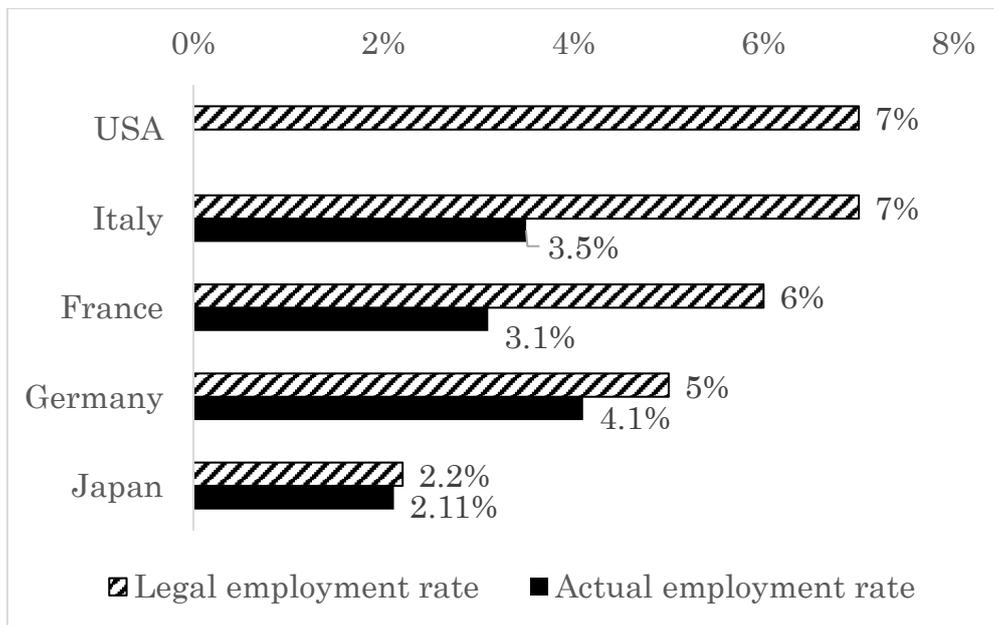


Figure 1: Legal employment rate and Actual employment rate

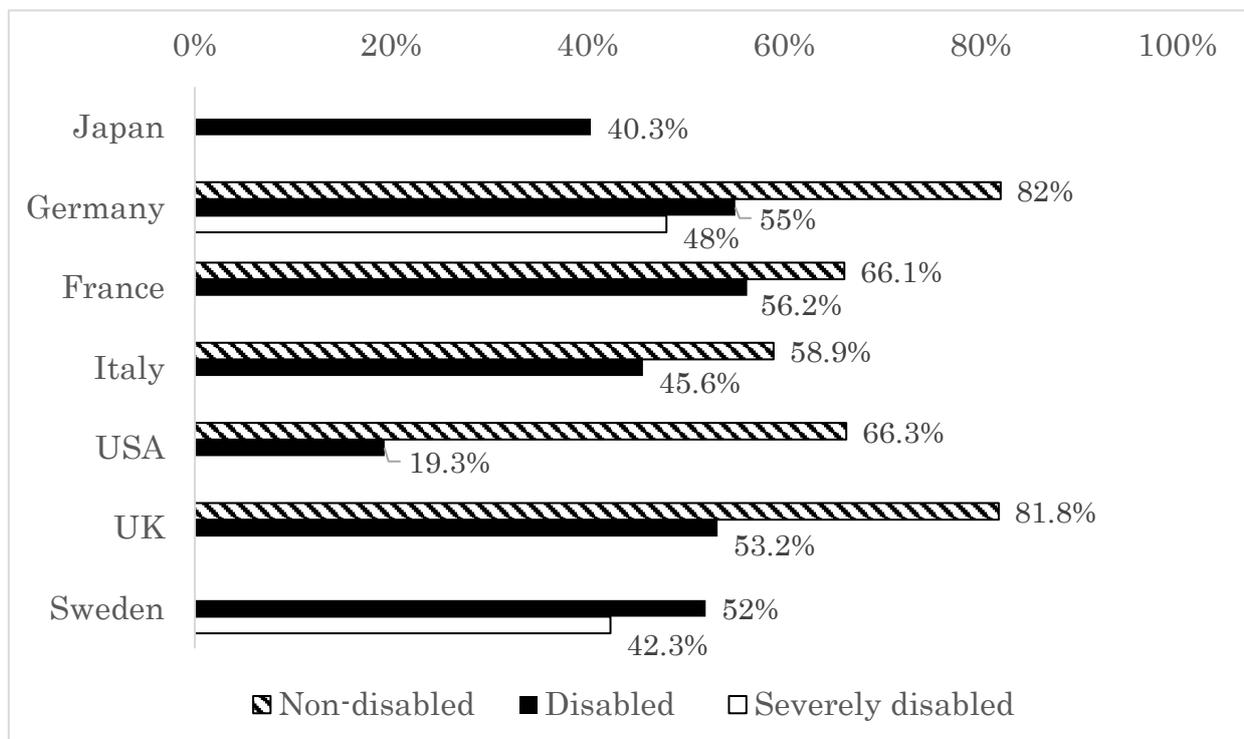


Figure 2 Employment rate

As with the actual employment rate, we will attempt to examine the employment rate of people with disabilities without regard to definition or year of implementation. The U.S. had the lowest employment rate for people with disabilities, and also the largest difference from non-disabled people. Since the data for the U.S. is the most recent available (2019), it is likely that this low employment rate for people with disabilities was a factor in the shift in U.S. employment policies for people with disabilities, introducing a substantial quota employment system. The next country with the largest difference in employment rates between people with disabilities and non-disabled people was Germany and, although by a small margin, the United Kingdom. It is characteristic that the top two countries in terms of difference are the U.S. and the U.K., both of which have a mainstream anti-discrimination system. This may suggest that anti-discrimination systems may not be contributing to the expansion of employment opportunities for people with disabilities. This is consistent with previous studies (DeLeire, 2000, Acemoglu et al, 2001, Jones 2008, Burkhauser007, Melanie, 2008, Asao, 1998, Sekikawa, 2000, Kudo, 2008, Hasegawa, 2008, etc.)

7. Summary

7.1. International Trends

Through the discussion so far, we have been able to confirm the realities of the international trend in employment policies for people with disabilities, which is the shift to the anti-discrimination system. This paper compares the historical background of the measures and the actual situation of the systems and employment based on a comparison of the quota employment system and the anti-discrimination system, the latest legal trends, and survey data on employment. As a result, the characteristic countries in terms of the history of quota employment systems and anti-discrimination systems were the United Kingdom and the United States. The United Kingdom has completely shifted from a quota employment system to an anti-discrimination system. On the other hand, the U.S., a typical example of an anti-discrimination system, introduced a substantial quota employment system due to the limitations of the anti-discrimination system. Sweden is unique in that it has not consistently used a quota employment system, but from the perspective of comparing the two major systems, it will not be discussed in this paper. With regard to these two countries, it is important to keep a close watch on future trends after the shift in policies and the resulting changes in the actual status of employment. With the exception of the United Kingdom, Japan, Germany, and France, which have mainly used quota employment systems, have also made progress in introducing anti-discrimination systems in a form that coexists with quota employment systems. This can be interpreted as the quota employment system being positioned as an affirmative action to expand employment opportunities for people with disabilities based on the principle of the anti-discrimination system, which is consistent with the interpretation of previous studies (National Institute of Vocational Rehabilitation, 2007; Hasegawa, 2008). Therefore, in light of the current situation, it can be said that the two systems are mainly coexistent and mutually related at present.

7.2 Effects of the Quota Employment System and the Anti-Discrimination System

This section discusses the effects of the quota employment system and the anti-discrimination system, which are representative methods of the disability policy system. In the United Kingdom, the quota employment system was

not effective. It has been pointed out that the reason for this is that the system in the UK was not properly designed (Weddington, 1995 and Bolderson, 1980). However, in countries other than the U.K. that have used quota employment systems, the actual employment rate has approached the legal employment rate, as in Japan and Germany, and we believe that a certain effect can be expected from quota employment systems. This is in line with the reports of previous studies on the Japanese system (Kudo, 2008; Hasegawa, 2008; Nagae, 2014). On the other hand, although the U.S. has been implementing an anti-discrimination system for many years, the employment rate of people with disabilities was significantly lower than that of non-disabled people, and the difference was also larger than in other countries. This suggests that measures based solely on anti-discrimination systems are currently ineffective. This is consistent with the reports of previous studies (Acemoglu et al, 2001, Melanie, 2008, Asao, 1998, Sekikawa, 2000, Kudo, 2008, Hasegawa, 2008). In Sweden, a country that does not use a quota employment system, the employment rate of people with disabilities is comparable to that of other countries and remains high within the EU, so there is a possibility that we can expect the same or better effects of a quota employment system. In addition, Sweden has not created a law or system for people with disabilities, but has implemented measures for them within the same policy. This can be said to embody the equality with others referred to in the Convention on the Rights of Persons with Disabilities, and is excellent in terms of philosophy. However, it is assumed that the actual situation of employment in Sweden is supported by various other social security systems, and it cannot be said that public security systems are generally effective in other countries. Therefore, in the future, if we can organize the characteristics of Sweden's measures and identify effective and universal requirements that can be introduced in other countries, it may be useful for increasing employment of people with disabilities internationally.

7.3. Evaluation of Japan's Employment Policies for Persons with Disabilities

For many years, Japan has had a strong quota employment system based on the statutory employment rate and payment of fees. In recent years, in response to the agreement of the Convention on the Rights of Persons with Disabilities, Japan has introduced a system that prohibits discrimination, and both systems coexist.

When evaluating Japan's policies from the perspective of the principles of the Convention on the Rights of Persons with Disabilities, the following three issues can be pointed out: First, among the prohibitions on discrimination in other countries, indirect discrimination on the basis of matters linked to disability is not explicitly prohibited (see Table 6) (Tominaga, 2014). However, it has been pointed out that in Japan, the concept of direct discrimination is extended to effectively prohibit indirect discrimination (Iwamura et al., 2014).

The second is the possibility that Japan's unique system of special subsidiaries may exclude people with disabilities from the general workplace. If it falls under the category of exclusion, it would violate the philosophy of inclusive labor markets and workplaces guaranteed by the Convention on the Rights of Persons with Disabilities. In order to avoid this, it is necessary to meet the conditions for protected employment set forth in the ILO recommendations (No. 99 and No. 168) in order to be recognized as "any form of employment" as defined in the Convention on the Rights of Persons with Disabilities (Ito, 2012). These conditions are: (1) the employment must be for persons with disabilities who cannot withstand normal competition, (2) general labor laws and regulations must apply, (3) the transition to a more open labor market must be facilitated, and (4) appropriate government assistance must be available (ILO, 1955, 1983).

Third, even under the same Law for Employment Promotion of Persons with Disabilities, the quota employment system and the anti-discrimination system have different targets for persons with disabilities, so if a person has a disability but does not have a certificate, there is a risk that he or she will be excluded from the quota employment system (see Tables 5 and 6). This may be due to the fact that the concept of disability in the two systems is different, being the medical model and the social model. In addition to that, there is also a risk that some people will not be able to receive protection under the law, which suggests the need for the law's own certification of disability, rather than certification by a certificate (Takizawa, 2014 and Nagano, 2014).

Next, if we evaluate Japan's measures from the practical aspect of expanding employment opportunities, the following outcomes can be pointed out. That is, the actual employment rate of people with disabilities in Japan is among the highest in the world, and the measures are effective. Japan's actual employment rate is 2.2%, which at first glance seems low compared to other countries. However, Japan's employment policies for people with disabilities mainly target the holders of the disability certificate, and it has been pointed out that the definition and scope of people with disabilities in Japan based on this certificate is narrow, and the rate of occurrence of people with disabilities is low (Katsumata, 2008 and Kudo, 2008). Therefore, when making international comparisons, it is appropriate to compare Japanese disabled people with severely disabled people in other countries (Kudo, 2008). Based on this comparison, the employment rate of people with disabilities in Japan is 40.3%, which is about the same as the employment rate of people with severe disabilities in Switzerland (42.3%) and much higher than the employment rate of people with disabilities in the United States (19.3%), although they are not people with severe disabilities (see Table 7 and Figure 2). Therefore, it is highly likely that the employment rate in Japan is at a high level compared to other developed countries.

8. Re-examination of the relationship between quota employment systems and anti-discrimination systems

In previous institutional studies, the relationship between the two major systems of employment policies for people with disabilities was organized as a complementary relationship (Hasegawa, 2008; Kudo, 2008; Nagae, 2014; Komamura et al. However, since the Convention on the Rights of Persons with Disabilities, several countries, including Japan, have introduced principled anti-discrimination systems while focusing on quota employment systems at the same time, and we believe that it has become necessary to re-examine the relationship between quota employment systems and anti-discrimination systems. In this paper, we propose the following two ways in which the relationship between the two systems can be made more effective in promoting employment of people with disabilities in the future.

The first is an approach based on a complementary relationship that focuses on the effects of the two systems. This is consistent with previous studies (Hasegawa, 2008; Kudo, 2008; Nagae, 2014; Komamura et al. The advantage of this relationship is that it allows for quantitative expansion, such as the expansion of employment opportunities and the increase in the number of people with disabilities through the quota system, and qualitative enhancement, such as the resolution of problems through reasonable consideration and remedies by introducing the concept of equality through the anti-discrimination system. The two complementary approaches to the labor market, employers and workplaces are expected to promote decent work for people with disabilities.

The second is a principle-driven, inclusive relationship in which the anti-discrimination system, which is based on the principles of equality and equal opportunity, is the foundation and top-level concept of the policy. Specifically, under the anti-discrimination law, various systems are included and positioned to realize the principle. One of the strongest and most effective of these systems is the quota employment system. According to this relationship, it can be understood that the introduction of a quota system is not an exclusive relationship with anti-discrimination systems or other systems, but can be chosen based on the actual situation of employment of people with disabilities in each country and comparative study with other systems.

As for the two ways of thinking proposed, the complementary relationship is one that prioritizes effectiveness in light of the current situation, while the inclusive relationship is one that is ideological, assuming that affirmative action such as quota employment systems will eventually disappear. In the future, as the employment of people with disabilities expands both qualitatively and quantitatively, and as the concept of equality in the labor market becomes more widespread, it can be assumed that the relationship will gradually change from complementary to inclusive.

9. Future Issues

Based on the previous studies and the discussion in this paper, the policy issues and research topics are as follows. The following are three policy issues for Japan in the future. The first is to improve the existing legal system in order to realize the principle of guaranteeing the rights of people with disabilities and prohibiting discrimination. Japan's anti-discrimination legislation has some issues, such as not explicitly prohibiting indirect discrimination. Therefore, it is desirable to make improvements in order to implement more effective measures. The second is to review the definition of persons with disabilities covered by the Law for Employment Promotion of Persons with Disabilities. Currently, the definition of persons with disabilities subject to the quota employment system and the anti-discrimination system are different in the Law. It is necessary not only to unify the definitions but also to improve the system so that people with disabilities who have occupational difficulties can receive necessary support without being excluded from the system. The third is to monitor and verify the effectiveness of measures by maintaining appropriate statistical data. In order to create and implement evidence-based plans, it is necessary to have appropriate statistical data to monitor the progress of the plans and verify the effectiveness of the measures. This is expected to promote the implementation of more effective measures.

The following are three future research topics. The first is to examine the relationship between the welfare state theory and other welfare concepts. This paper uses Esping-Andersen's (1990) three types of welfare states to select target countries for examining various measures, but does not examine the relationship between the types and the contents and effects of the measures. In particular, research on the Nordic countries, which have their own initiatives, may provide a new perspective. Secondly, there is a need for international joint research and interdisciplinary research. Although international comparisons of employment policies for people with disabilities are important, there are limits to research conducted only in Japan due to the lack of statistical data and the complexity of actual employment support services. In addition, employment of people with disabilities involves a wide variety of factors, including legal systems, economic effects, business management, welfare concepts, and rehabilitation techniques. Therefore, international joint research and interdisciplinary research by researchers from

other fields may enable us to propose more effective measures. Third, there is a need for practical research on vocational rehabilitation services and employment support. This paper examined the issue from the perspective of the legal system. However, the actual content of employment services based on the legal system and the employment rate as a result of these services are greatly affected by the way support is actually provided in the field. Therefore, it is important for the promotion of employment of people with disabilities to promote research on support and to provide services and support with evidence based on research.

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