**A written submissions for the public General Discussion (on 22 and 24 March 2021) of drafting a General Comment on CRPD Art. 27 (the right to work and employment)**

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**Chairperson,**

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**1. [On Article 27, paragraphs 1 and j] Denial of rights and inclusion and exclusion of persons with disabilities in occupations**

It should be specified to abolish immediately an exclusion rate system, if it exists in a State Party. It excludes persons with disabilities from employment in a particular occupation, because it is difficult for them to work in that industry, or for any other reason.

**(Situation in Japan)**

The Japanese exclusion rate system was abolished in April 2004 as a result of the 2002 amendment to the Law on Employment Promotion of Persons with Disabilities, and for the time being, as a transitional measure, the exclusion rate is to be set for each industry, and the exclusion rate is to be gradually reduced in the direction of abolition (Supplementary Provisions of the Law). However, not only were the exclusion rates lowered by 10 percentage points in 2004 and 2010, but in 2019 the Ministry of Foreign Affairs added foreign service officers working in diplomatic missions abroad as newly excluded employees, which is a retrograde step towards the policy and a violation of the Convention on the Rights of Persons with Disabilities.

**2. [On Article 27 a and i] Prohibition of discrimination in all forms of employment (recruitment and hiring, conditions of employment, continued employment, healthy working conditions, etc.)**

2. [Article 27 a and i] Prohibition of discrimination in all forms of employment (recruitment and hiring, conditions of employment, continued employment, healthy working conditions, etc.)

(1) If a quotas system for employment of persons with disabilities exists, make sure that it is discriminatory to exclude some people, such as by stating in its application requirements "able to cope with printed document", "able to cope with oral interviews", "able to perform duties without a personal assistant ", "able to commute on his/her own" or "only available for candidates with physical disabilities”.

(2) Share some good examples during the recruitment process. For instance, within the recruitment guideline for the employment examination, stating "sign language/text interpretation will be provided upon request" and/or "the examination site will be changed to barrier-free upon request"; and also, making special adjustment upon the request of the candidate such as exempting candidate with hearing difficulties from participating in group discussions (in cases where reasonable accommodation such as the provision of a sign language interpreter is not possible) and candidate with physical disability from physical fitness tests.

**3. [On Article 27 c] Protection of rights regarding labor and labor unions**

With regard to labor unions, please recommend any good practices, such as, encouraging companies and organizations where people with disabilities work to take initiatives to improve the working environment (including ensuring reasonable accommodation) for union members with disabilities. Please recommend any good examples.

**(Situation in Japan)**

In the labor unions of public sector, committees of members with disabilities have been established within the unions, and they are working to promote the employment of people with disabilities and to encourage workplaces to make the working environment better for workers with disabilities.

**4. [On Article 1]: Introduction of a quota system for people with disabilities as a positive corrective measure against discrimination**

1. With regard to the quota system for employment of persons with disabilities, which is considered to be a positive corrective measure for employing persons with disabilities, make sure the following points that:
2. The calculation of the quota rate for employment of persons with disabilities should not be limited to only those who have a disability certificate; from the perspective of the social model of disability rather than the individual model, people with disabilities who have limitations and restrictions to work based on their disability as well as needing reasonable accommodation should be covered by the employment quota system.
3. When setting the quota employment rate for persons with disabilities; it should be calculated based on the ratio of the population of persons with disabilities.

**5. [On Article 4 (General Obligations), paragraph 1 and a] Ensuring reasonable accommodation for persons with disabilities in order to work (Improvement of support systems for persons with disabilities in order to work)**

1. Ensure that States parties take all appropriate legislative, administrative and other measures in respect of the need for persons with disabilities to work as follows:
2. Ensure human support systems such as information support and assistance
3. Do not place restrictions on the use of employer-provided benefits such as limiting the number of years of use or putting some requirement for renting accessible housing or parking spaces.

c) Establish workplaces and working environments necessary for people with disabilities to work, e.g., accessible toilets, securing means of commuting (allowing private cars, etc., providing commuting allowances and securing parking spaces, etc.), eliminating steps, etc.

d) Develop laws and systems and secure necessary budgets to ensure that employers are able to provide reasonable accommodation to workers with disabilities. This includes ensuring smooth coordination between employment and labor policies and disability service policies.

e) Ensure systems to promote employment of persons with disabilities, such as ensuring reasonable accommodation, not to be limited (e.g., only through　referrals by public employment agencies), but to be flexible and widely available from the perspective of promoting employment of persons with disabilities.

f) Ensure the government of the State parties should be responsible for developing the legal system and securing the budget. Regarding the implementation of the system, make the local government to decide whether or not to implement it based on the needs of the disabled people, supporters' groups, and disabled people in the local government.

**6. [On Article 4, Paragraph 1 and a] Securing financial resources to realize reasonable accommodation (support system)**

 (1) Specify the necessity of securing sustainable financial resources to promote employment of persons with disabilities.

**(Situation in Japan)**

The financial resources to ensure reasonable accommodation for workers with disabilities are secured through payments by companies that have not achieved the quota employment rate on persons with disabilities.

However, since this system is based on the premise that the existence of companies that have not achieved the quota employment rate, it is necessary to secure a sustainable financial source that does not depend on this particular payment.

In addition, the payment by companies that have not achieved the quota employment rate should be positioned as a fine, as it is a violation of their obligation to employ people with disabilities, and additional measures should be taken in accordance with a certain amount of burden and the period of time that the quota rate has not been achieved.

**7. [Problems from Japan's current situation that are not mentioned in the article].**

（1）There are two types of vocational training schemes to support persons with disabilities toward the labor market. However, treatment of persons with disabilities who use these services differs between the employment-labor policies and the disability policies. The employment - labor policies provide benefits for trainees with disabilities, while the disability services impose a cost burden on users of employment support services for persons with disabilities. This contradiction in the system needs to be corrected.

 (2) If a worker with a disability has difficulty earning the minimum wage though work due to the degree of disability or other factors, wage subsidy should be implemented as a positive corrective measure.