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Disabilities in Japan - From the Viewpoint of
Disability, Gender and Work

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First Version: February 2009

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Issues regarding the Lives and Work of Women with Disabilities in Japan: From the Viewpoint of Disability, Gender and Work

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Research on Economy and Disability (READ)

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Abstract

The objective of this paper is to elucidate problems with current society by looking, from the perspectives of labor, disability, and gender, at the prospects for creating a society where people, regardless of gender or disability, can live, with some degree of stability and with a guarantee of dignity.

The current socioeconomic structure, forms of working, and labor environment, which are centered on non-disabled prime-age men, has led to an asymmetric gender structure, including economic disparities between the genders, and the isolation and exclusion of disabled persons from social relations. In response, women and disabled persons have, as an urgent task, sought alternative ways of working and systems. However, there has been a dearth of observations and research from a perspective linking the problems of women and of the disabled, and examining disabled women, who have both attributes as disabled persons and as women.

To rectify this, in Section 2 of this paper, we use available data to describe the socioeconomic position of disabled women, and find that the employment rate, salary, income, and employment status of disabled women are much lower than those of both men and women as a whole and men with disabilities. In Section 3, we look back at the history of philosophies and practices of persons with disabilities and women in regard to labor, and consider the issues that these raise.

Through this paper, we confirm the need to connect the ideas of ‘do, can’t and won’t work’ with the task of ‘living with dignity as a member of society,’ from the intersecting perspectives of women and disabled persons.

Keywords: Gender; Work; Women with Disabilities in Japan; Independent Living movement

In general, ‘to work’ is understood to mean ‘to sustain a living’. The phrase ‘Whoever doesn’t want to work shouldn’t be allowed to eat’, an expression that torments those of us who have disabilities, is thought to spring from this assumption.

Fundamentally, however, human existence should not be conditioned on whether a person is productive or not, or whether that person possesses the capacity to work or not; the individual’s right ‘to live’ should rather be maintained absolutely and without condition. The money that is necessary for someone to live should not depend on the work that they do, but rather should be guaranteed unconditionally on the basis of the fact that the person is living. If we adopt this position, then it follows that people should be afforded the possibility to make use of their skills and abilities in order to engage in labour in their own particular way. The money that sustains a person’s livelihood should not be treated as synonymous with ‘work’.

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We who have disabilities, in defiantly declaring that we cannot survive in a production-based labour environment, have created a space of social participation through doing what we really want and need to do.

The money required to sustain people's livelihoods can be provided through different sources. (There are growing issues, however, regarding whether this money should be provided as a public assistance or not, or through low pension payouts, etc.)

It is our hope that these ideas become a norm in our society.

In order to frame our 'social participation' as 'work', moreover, the sense of the value of work itself must also change.

---Tsutsumi, 1991, pp. 295-296 ²

1. Subject awareness and goal of this report

Issues surrounding 'do, can't and won't work' assume that one earns money by working, and in a society where sustaining a living implies having money, these issues link directly to the question of how a human being can live with dignity. It is disabled persons and women, groups who occupy vulnerable positions in society, who have emphasized the importance of these issues. The disability rights movement in Japan, initiated in the 1970s and headed by persons with severe physical disabilities, has from the start raised concerns regarding work and living conditions. The women's movement and women's studies have also highlighted the gender-imbalanced social structure, one that is grounded in the gender division of labour, and the gender discrimination that is the product of this structure, as well as systemic and political issues surrounding the idea of 'do, can't and won't work' from the perspective of gender.

These two areas of philosophy and practice have both raised issues of socio-economic structure centred on the adult able-bodied male, on the reality of work and on the work environment today; different working styles and types of system structure have been investigated starting from these perspectives. The disability rights movement and the women's movement (and research these fields have produced) have rarely formed connections with each other despite a shared awareness of issues and objectives. In particular, there has not been a great deal of observation and research performed on current issues faced by women with disabilities, a context within which there is a variety of overlap between the study of disabilities and women studies.

This report will thus begin by attempting to describe, from data currently available, the socio-economic reality faced by women with disabilities in today's society. We then review philosophies and practices related to disabled persons and women with respect to the theme of work, summarizing issues that have been raised.

² Tsutsumi is a peer counsellor and wheelchair user with cerebral palsy. Her involvement in issues surrounding women with disabilities and the ideology of eugenics began with her coordination of a session on women with disabilities in 1979 at the Citizen's National Convention of Wheelchair Users. In 1989, she founded the Independent Living Centre 'Machida Human Network' with friends in her community. She currently serves as a committee member on committees such as the Peer Counselling Committee of the JIL (Japan Council on Independent Living Centres). She is a co-author of *Hataraku/Hatarakanai/Feminism* (To Work, Not to Work, Feminism) (Seikyusha), *Yuseihogoho ga okashita tsumi* (Sins that Eugenic Protection Law Committed) (Gendaishokan).

The world we envision here is one in which individuals, regardless of whether they have disabilities or not and regardless of gender, are able to live with a certain level of security, participating in society under conditions in which their dignity is protected. This thesis intends to shed light on current issues in order to gain ground in creating such a society.

2. Facts regarding women with disabilities

Making sense of existing conditions faced by women with disabilities in the environment of work is, in itself, a challenge. In existing government statistics on disabled persons, demographic statistics are categorized according to various disabilities, with no counting or analysis focused specifically on gender. Given that original data is not provided, it is moreover impossible to even attempt to gather gender-specific data. Although it has been recognized with respect to disabled persons that there are 'type'-related issues, no such issues have been raised in relation to gender.³

In the following sections, based on a paper entitled *Shogaisha seikatsu jittai chosa* (Survey on living status of persons with disabilities) (National Institute of Population and Social Security Research, survey conducted in two cities, Inagi,⁴ Tokyo and Fuji,⁵ Shizuoka, in fiscal year 2005-2006, headed by Yukiko Katsumata) and a paper entitled *Nihon no shogaisha koyo no genjo* (Current status on employment of persons with disabilities in Japan) (National Institute of Vocational Center), which is a recalculation of a paper entitled *Shogaisha koyo jittai chosa* (Survey on employment conditions of persons with disabilities) (Ministry of Health, Labour, and Welfare, 2003), we attempt to paint a picture of the reality faced by women with disabilities through the use of survey statistics.

2-1 Survey on the living status of disabled persons in two cities

The aim of the paper entitled *Survey on the current status of disabled person* is stated as being 'to collect basic data in order to investigate what kind of support is needed for persons with disabilities to be able to live in their own community comfortably with dignity regardless of different types and degrees of disabilities, age and family structures, and neighborhood that they live and what kind of system is needed in order to continue that support'; it is a survey 'that analyzes focusing on three categorical fields of employment/household budget/time-budget, with comparison with general population in mind' (Katsumata, et al., 2008, pp. 3-4). This survey is unusual in that it includes gender-specific data as well as an analysis from the perspective of gender.

³ With regards to the International Convention on the Elimination of All Forms of Discrimination against Women, the Japanese government has stated year after year that 'comprehensive measures for women with disabilities as well as for men are promoted with the aim to creating a society in which every individual can actively participate'; the fact that women with disabilities constitute a group with specific needs, however, has not been recognized, nor has the government even collected any basic data on this group. In domestic planning, women with disabilities are not mentioned even in the Disabled Persons Fundamental Law; in the context of disability prevention, the Disability Persons Fundamental Plan meanwhile mentions only health insurance for pregnant women.

⁴ Located in the Tokyo Metropolitan area with a population of about 80,000 people.

⁵ Located in the Chubu Tokai region with a population of about 260,000 people.

2-1-1 Employment and income

The survey described here was conducted in Inagi-city in the 2005 fiscal year and in Fuji-city in the 2006 fiscal year. A total of 159 persons were analysed (87 with physical disabilities, 23 with intellectual disabilities, 40 with mental disabilities, nine with overlapping disabilities). Of which, 67 (42.1% of the total) are women. Ages of subjects vary between 18 and 64. Subjects are persons holding ID booklets for disabled persons and users of services provided by social welfare councils and of work centres who agreed to participate in the study. Data representing 'the general population', used for drawing comparisons, is taken from *Shugyo kozo kihon chosa 2002 jisshi ban* (2002 Employment Status Survey) (Ministry of Internal Affairs and Communications). The surveyor is Ms. Masayo Toyama, and the head researcher is Ms. Yukiko Katsumata.

Chart 1 below shows percentage of employment for different groups, excluding welfare-like employment.⁶ Percentages are as follows: Men 89.3%, Women 64.9%, Men with disabilities 42.2%, Women with disabilities 28.4%. While employment percentages for both men and women with disabilities are low, they are particularly low in the latter group. Among the 'employed' group, the percentages of people engaged in 'long-term contract employment'⁷ are

⁶ Japanese policy on labour includes only minimal provisions aimed at the disabled, with coverage limited to disabled persons seen as fit to work in a regular labour market. Disabled people excluded from this labour market are placed in the hands of the 'welfare public administration', resulting in the creation of a distinct form of 'welfare-like employment'. Such 'welfare-like employment' is a type of employment that is considered to be separate from 'regular employment', with disabled people in this line of work treated as trainees or users of services. These disabled people have no rights as workers, and although actual work takes place, labour laws do not take effect. There are various forms of welfare-like employment, including 'vocational aid centres', 'welfare factories' and 'work centres', which employ approximately 112,000 workers (3,500 centres), 3,400 workers (120 factories) and at least 130,000 workers (numbers of centres unknown) respectively. The total number of employees at these centres is approximately twice the number that are hired in the context of 'regular employment'. The average monthly 'wage' for disabled people working in welfare-like employment is 14,000 yen at 'vocational aid centres', 138,000 yen at 'welfare factories' and 5,000 yen at 'work centres'. Regarding work centres, there are national and local government-accredited and privately-run work centres.

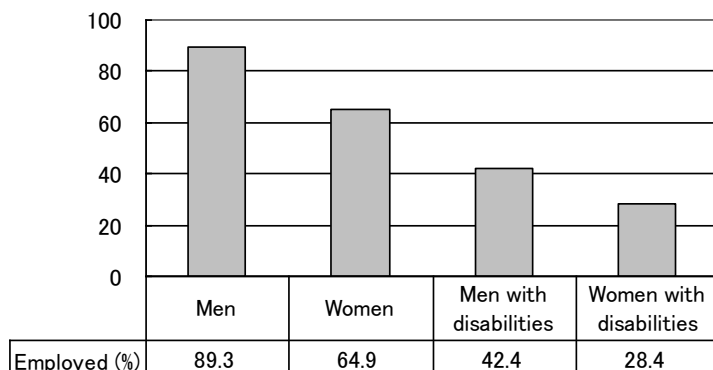
As it has been observed that only 1% of workers cross over from 'welfare-like employment' to 'regular employment', a very inflexible structure has been put into place. The above-mentioned data was collected in the year 2006.

Since 2006, with the implementation of a new law entitled Services and Supports for Persons with Disabilities Law, disabled people working in 'welfare-like employment' are, as a general rule, charged for 10% of the 'cost according to the service provided'. Users are thus placed in a situation where they must pay a fee greater than the wage they earn in order to make use of the facility, a situation which results in serious disputes. Lawsuits are currently being filed against the central government and local public authorities as the idea of 'cost according to the service provided' violates the Japanese constitution and Convention on the Rights of Persons with Disabilities. In addition, the Japanese government alternatively defines a 'welfare factory' as protective employment, as a type of 'vocational aid centre' and as an in-between form of employment, which is covered by the Labour Standard Law. However, the majority of disabled people working in such welfare factories would be able to work in the regular labour market if environmental factors such as commuting, housing, and facilities were to improve. This is completely at odds with the form of social employment (protective employment) that includes a wage compensation scheme, as developed in places such as the UK.

⁷ Note that 'long term contract employment' does not equate to 'regular employment'.

as follows: Men 77.8%, Women 66.8%, Men with disabilities 51.4%, Women with disabilities 33.3%. It is evident from these figures that there are a disproportionately high percentage of women with disabilities engaged in non-standard employment.

Chart 1 Percentage of ‘employed’ excluding welfare-like employment



Created with values extracted from Table 5, p. 37 and Table 10, p. 39 of the Survey Report.

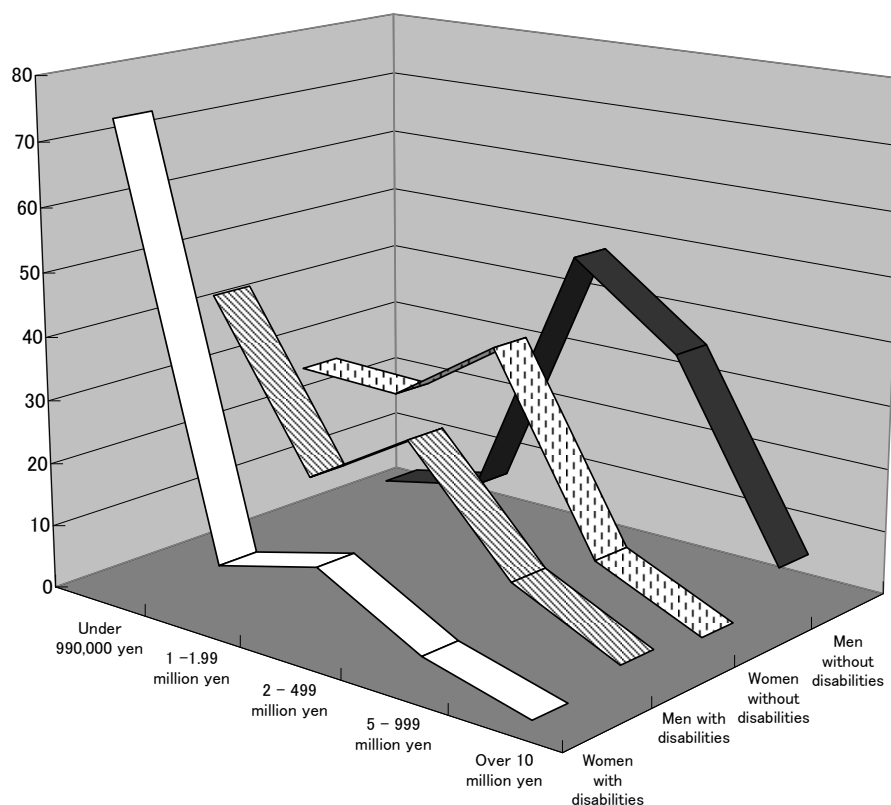
Since many disabled persons fall under the category of ‘welfare-like employment’, ‘welfare-like employment’ is excluded from the ‘employed’ category in order to draw comparisons with data on the general public, where there is no such category as ‘welfare-like employment’. The category of ‘employed’ includes sub-categories ‘long-term contract employment’, ‘business owner’ and ‘day, temporary worker’; these sub-categories are however omitted in the chart above.

Annual work income is plotted in Chart 2. Income earned through welfare-like employment is included in this income. As indicated in the chart, whereas a majority of men (89.4%) earn an annual income of two million yen or more, nearly half of all women with disabilities (52.2%) earn less than five million yen annually, and roughly 70% earn less than 990,000 yen. Among men with disabilities, 35.3%, meanwhile, earn less than 500,000 yen annually, and one quarter of women (27.1%) earn less than 990,000 yen annually.

Covering basic expenses such as rent and cost of minimum living expenses (electricity bills, meals, transportation fees, etc.) is nearly impossible with such a small income. While one can assume that disabled persons receive extra income through pension and benefits, even with these sources there are some whose income does not add up to one million yen per year; this means that such people are unable to meet their livelihood needs without a provider, such as a husband or parents, to supplement their income and provide a place to live. It should also be noted that the average annual income for welfare-like employment is very low: 119,000 yen in the case of both men and women.

Indeed, there is no strict definition of the term, and usage varies according to system and context. The term is loosely used to mean a currently-employed worker who has been employed for over a year, or one who is expected to be employed for more than a year at the time that he or she is hired, and covers not only contract and temp workers, but also some part-time workers as well.

Chart 2 Annual income by labour (including welfare-like employment for disabled persons)
Unit: %



	Under 0.5 million yen	0.5-0.99 million yen	1-1.99 million yen	2-499 million yen	5-999 million yen	Over 10 million yen
Women with disabilities	52.2	21.7	8.7	13.0	4.3	0.0
Men with disabilities	35.3	7.8	17.6	27.5	9.8	2.0
Women	5.6	21.5	26.5	37.5	7.7	0.3
Men	1.1	1.9	6.5	48.0	35.7	5.7

Created with values extracted and partly summed from Table 15, p. 41 of the Survey Report.

2-1-2 Income and family structure

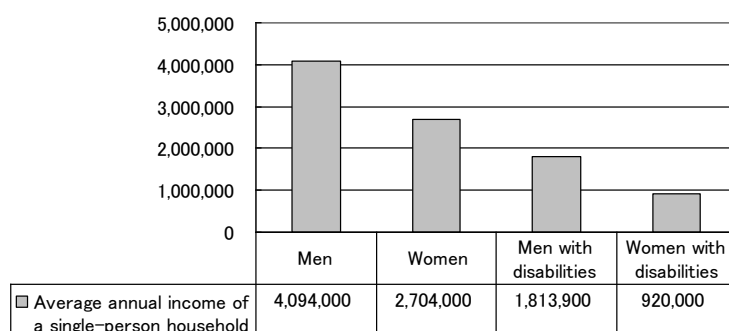
Next we consider survey results on income and family structure. Region and fiscal year of these results are the same as those described in 2-1-1. A total of 203 surveys were analysed out of the total set excluding high-income earners. Roughly 44% of subjects were women. Salary, wages, pension,⁸ benefits and so on are all included in income. In addition, half of all

⁸ In the Japanese pension system, there are two public pension plans directly connected to disabilities: the disability basic pension of the national pension plan, and disability employee basic insurance. There are two levels in the disability basic pension of the national pension plan scheme, people with 'severe' disabilities (grade 1) are paid an additional 82,000 yen per month, while those people who had a child before the age of 20 are paid an additional amount. The disability employee basic insurance is based on a wage-proportionate calculation with an additional amount paid if the recipient has a spouse. As of 2008, the average salary for a company entrance position was roughly 200,000 yen/month for a college graduate, and 160,000 yen/month for a high-school graduate. Pension payment is determined on the basis of a medical model for disability classification, and payment is coordinated through an identification booklet held by disabled persons. The

subjects receive disability basic pension. Regarding family types, about half of all subjects belong to families of procreation (families created mainly to bear and raise children), about a quarter belong to a family of orientation (family that one was born into) and 15% belong to a single-person household. Data on the general public were taken from *Zenkoku shohi jittai chosa 2004* (2004 National Survey of Family Income and Expenditure) (Ministry of Internal Affairs and Communications). The surveyor for this study was Ms. You Tsuchiya, and the head researcher was Ms. Yukiko Katsumata.

Chart 3 shows average annual incomes of single-person households. The average annual income for men is 4,094,000 yen, for women 2,704,000 yen, for men with disabilities 1,813,900 yen, and for women with disabilities 920,000 yen. Women with disabilities earn only about half as much as do men with disabilities.

Chart 3 Average annual income of a single-person household



Created with values extracted from Table 18, p. 81 of the Survey Report.

The following table shows average annual incomes of men and women with disabilities. Annual income for men with disabilities is 2,194,000 yen, whereas for women with disabilities it is 1,117,000 yen. Here too, women earn only half as much as men.

Table 1 Average annual income of men and women with disabilities

Men with disabilities	2,194,000 yen
Women with disabilities	1,117,000 yen

Created with values extracted from Table 13, p. 75 of the Survey Report.

The following is a table indicating the annual income of men and women with disabilities in a family of orientation. The annual income for men with disabilities is 1,081,200 yen, whereas for women with disabilities it is 900,000 yen. The difference in this case is small, but there is nonetheless again a gap between genders.

range of groups that are eligible for receiving pensions is thus very small, an issue that has always been a problem. There are also additional requirements, including the condition that one must have been diagnosed with a disability by the age of 20 years in order to be eligible for the disability basic pension of the national pension plan. Thus if for example a 21-year-old person became disabled and was not enrolled in the national pension scheme at that time, he or she would be left with no pension. Furthermore, non-nationals living in Japan are not eligible to enrol in the pension scheme under the nationality clause in the National Pension Law. Non-national residents with disabilities, who were over the age of 20 in 1982, when the National Pension Law was revised, are still without any pensions. Those people are fighting this absurd situation in court.

Table 2 Annual income of men and women with disabilities in a family of orientation

Men with disabilities	1,081,200 yen
Women with disabilities	900,000 yen

Created with values extracted from Table 16, p. 77 of the Survey Report.

The following is a table showing the annual income of men and women with disabilities in a family of procreation. Annual income for men with disabilities is 3,422,600 yen, whereas for women with disabilities it is 1,207,000 yen. One may thus observe that in a family of procreation, women with disabilities earn 35.3% of the amount earned by men with disabilities.

Table 3 Annual income of men and women with disabilities in a family of procreation

Men with disabilities	3,422,600 yen	
Women with disabilities	1,207,000 yen	← Income of women is 35.3% that of the income of men

Created with values extracted from Table 16, p. 77 of the Survey Report.

2-2 Employment statistics from the recalculation of the survey by the Ministry of Health, Labour and Welfare

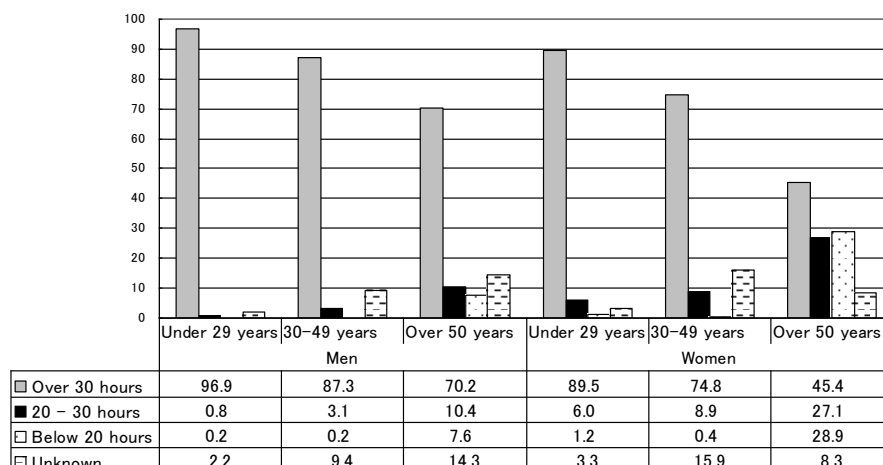
In this section, we extract data related to gender gaps from *Current status on employment of persons with disabilities in Japan* (abbreviation: NIVR38), which is a recalculation of *Survey on employment condition of persons with disabilities 2003* published by the Ministry of Health, Labour and Welfare. No collection of data by gender was performed in the latter paper; it was only in NIVR38 that gender-specific data was uncovered for the first time. Focusing in particular on classification by gender and age, we chart here averages for three classes of disabilities: physical, intellectual and mental.

In addition, in *Survey on employment condition of persons with disabilities*, 7,000 enterprises with more than 5 employees (71.5% collection rate) were surveyed, with about 15% of the enterprises that answered the survey reporting that they employ persons with disabilities on long-term contracts. Among those employed on a long-term basis, 37% were reported to be women. Of enterprises that answered the survey, 84.9% employ less than 30 workers, thus indicating that enterprises are relatively small. Given however that the survey includes only enterprises that have more than 5 employees and long-term contract employees, and that it excludes those who are not long-term contract employees, as well as small enterprises and 'welfare-like employment', results cannot be taken to reflect the overall state of affairs in employment among persons with disabilities.

The first result, shown in Chart 4, indicates overall accumulation of working hours. It is evident from this chart that for subjects under 49 years of age, there is not a great deal of difference between genders in working hours.

Chart 4 Hours of work (per week)

Unit: %

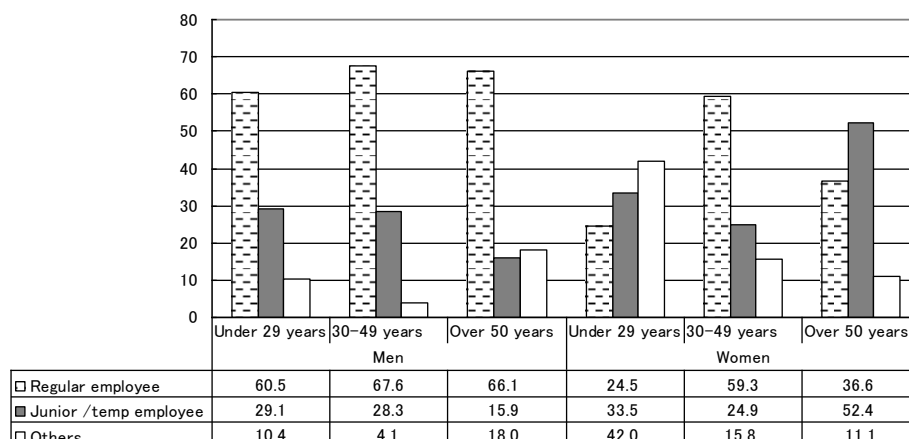


Created with values extracted and then averaged from Table 5, p. 124, Table 2, p. 186, Table 2, p. 210 of NIVR38.

Next we consider status of employment. In this case it is evident that, regardless of the age group, the rate of full-time employment for women with disabilities is lower than the rate for men with disabilities. A significant gender gap is particularly evident in the age group of subjects under 29 years of age, where the rate of full-time employment for men with disabilities is 60.5%, compared to a rate of full-time employment for women with disabilities of 24.5%.

Chart 5 Employment status

Unit: %

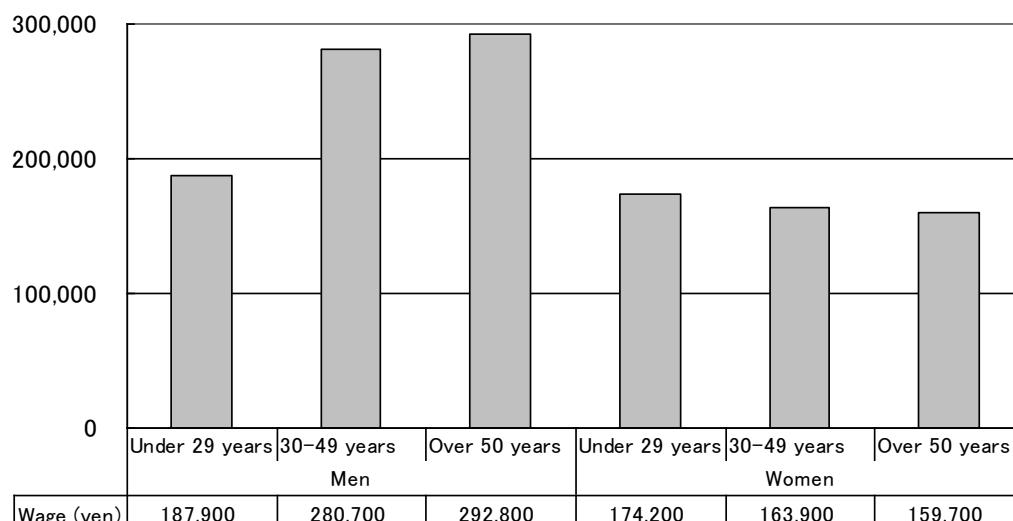


Created with values extracted and then averaged from Table 5, p. 124, Table 2, p. 186, Table 2, p. 210 of NIVR38.

Junior/temp employee is a term meaning those people employed on a fixed term, and is used in enterprises to differentiate this group from the group of regular employees.

Finally, results on average wage (for Nov. 2003) indicate that the average wage for women with disabilities is 73% of the average wage of men with disabilities, and whereas wages among the group of men increase rapidly relative to age, the opposite is true for women, where wages decrease with age.

Chart 6 Average wage (physical disabilities)



Created with values from Table 5 (physical disabilities), p. 124 of NIVR38.

From a limited set of data, these results provide an indication of the working conditions faced by women with disabilities. It can be deduced from the data collected that the gender gap plays a major role in issues concerning persons with disabilities, just as it does in society as a whole.

3. Looking at some of the cumulative knowledge on disabilities, women and work

In this section, in order to better understand the unstable and extremely limited socio-economic state of affairs faced by women with disabilities (as indicated in the data above), we review issues that have been raised in the past by persons with disabilities and by women.

Given that persons with disabilities (and their associated movement) and women (and their associated movement) occupy a vulnerable position in society today, they have taken the issue of 'do, can't and won't work' seriously and have engaged in various discussions and practical work on the topic. In the following sections, we review these discussions and practical work.

3-1 Philosophy and practice on disabilities and work

3-1-1 Policy framework

Up until 1949, when the Law for the Welfare of Physically Disabled Persons was enacted, government policies on disabled persons covered only disabled war veterans. Other groups of disabled persons were later incorporated into national policies after the Law for Employment Promotion, etc. of the Disabled was enacted, but these policies focused only on a handful of areas: 'medical treatment' in order to 'overcome' disabilities, training to enable people to lead their daily lives, institutionalization or hospitalization for the training, and expansion of institutions for conducting vocational training. As a result of this limited scope of coverage, the majority of people regarded as unfit for medical treatment or unable to carry out activities of daily life (ADL) were left at home without care or confined within institutions.

At vocational training facilities, women with physical disabilities were trained in needlework or hairdressing and men were trained in typing, woodwork, printing, and hair cutting, the goal in such training ultimately being to secure a job (vocational independence), either by running a personal business or by working for someone else. Around the same time, intellectually disabled persons, through systems such as the 'vocational guardian system',⁹ began working through live-in jobs at stores and small businesses.

Furthermore, following in the footsteps of institutional centres, many vocational aid centres were built in the 1970s in order to 'to train [people] to be employed'. However, these vocational aid centres soon exceeded their capacities as there were no jobs available once attendees left to enter the employment market; the number of privately-run work centres, designed for people with no jobs or school to attend, has for this reason increased dramatically since the 1980s.

In this situation, people labelled unfit to work were channelled onto a fixed path of 'welfare-like employment' through vocational aid centres and work centres. In such welfare-like employment, disabled persons are made to work at extremely low wages under the pretext that such work is to be considered 'training', regardless of the actual amount of effort involved.

Turning to regular employment, an employment system for disabled persons was initiated with the enactment of the Law for Employment Promotion of the Disabled in 1960. This quota scheme stipulates that 2% (as of 2008) of long-term contract worker positions are to be filled by persons with disabilities. Starting in 1976, a fixed-fee scheme¹⁰ was introduced allowing businesses to exempt themselves from hiring disabled persons through the payment of a fee; in this way, a system closer to the one we have today was created. This scheme was not established with the aim of securing labour rights for disabled persons, but rather to level an imbalance in financial burden between employers.

As a result of this system, 55.1% of private sector companies are now unable to meet this employment quota, with over half of all companies having failed to meet the quota as of 2008. The actual employment rate by private companies is about 1.5%, not reaching the legal employment rate requirement which is 1.8%. Furthermore, it is a known fact that if one calculates the number of disabled persons who have been hired by counting severely disabled persons only once, rather than double-counting them as is standard practice, then one finds that the employment rate has held steady at roughly 1.1% since 1993, which is as far back as records can be verified. Having abolished their systems of double-counting, the employment rate requirements in France and Germany were 6% and 5%, respectively; the Japanese legal employment rate requirement of 1.8% appears exceedingly low in comparison.

⁹ There existed a system referred to as the vocational guardian system (Article 16 of the law for the welfare of persons with intellectual disabilities) which promoting live-in jobs; workers at these jobs would live at a vocational guardian's house and work at a small businesses as a part of vocational training. The vocational training aspect of this system was discontinued in 2005.

¹⁰ In order to correct imbalances between employers resulting from the burden of hiring disabled persons, as well as to promote the hiring of disabled persons through various subsidies, a fixed-fee scheme starting at 30,000 yen per disabled person was initiated to meet employment quotas in 1976, later raised to 50,000 yen in 2008. While this scheme has been described as 'obligatory employment', the reality is that for many years roughly 50% of private companies have not been able to fill the employment quota, the accumulated surplus from the payment scheme having reached 46.4 billion yen as of 2005. There thus arises a fundamentally contradictory situation in which the system subsidizes the running of businesses through payments of companies that do not hire disabled persons.

Minimum Wage Law, an important marker in the context of labour rights, was enacted in 1959, one year before the Law for Employment Promotion of the Disabled was enacted. However, Minimum Wage Law has a clause¹¹ that allows for ‘those whose mental or physical disabilities have led to markedly low capabilities’ to be excluded from the minimum wage requirement¹² if an application is submitted by their employers. Disabled persons may as such be said to have had no basic labour rights to begin with.

National policies regarding persons with disabilities outlined above have as their aim to see to it that all such persons strive for ‘independence in ADL’ and ‘vocational independence’. In denying disabled persons their labour rights, however, and at times exploiting such people as cheap labour under the guise of training, the system has been structured so as to put disabled persons in a special category. Under these policies, the large number of people who cannot or who will not strive for ‘independence in ADL’ or ‘vocational independence’ are left to fend for themselves. Moreover, while on the one hand, ‘independence in ADL’ and ‘vocational independence’ have been presented as objectives that every person with disabilities should strive to attain, on the other hand, the pre-existence of the gender gap has been ignored in vocational training and in educational/employment opportunities.

In the following section we describe the Independent Living movement,¹³ a movement led by disabled persons who envision creating a social system different from the existing structure outlined above. We also explain how this movement has theorized and put into practice ideas about what it means to live and work.

3-1-2 Right to live with dignity for people who ‘cannot work’

In the 1970s, the Independent Living movement was initiated by disabled persons with the philosophy that persons with severe disabilities or illnesses, thought to lack the capacity to carry out their daily lives as well as the capacity to work, have the right to live as they are, with human dignity, while receiving necessary assistance and support.

¹¹ Article 8 of Minimum Wages Law. For ‘those whose mental or physical disabilities have led to markedly low working capabilities,’ when an employer is permitted by the head of prefectural labour bureau, article 5 does not take effect, which says an employer ‘must pay more than the minimum wage’. The reality is that the majority of applications are being granted permissions. It has been a problem that it is unjust to see one’s ‘working capability’ which depends greatly on the support system as individually fixed, and then to evaluate in connection with ‘disabilities’.

¹² Grounded in the Minimum Wages Law, the amount is decided by each industry and area. In different areas, average hourly wage is around 700 yen (as of Oct. 2008).

¹³ A movement that was founded in the late 1970s by groups run by people with cerebral palsy strived for disabled people’s right to live and to leave their home and institutions to live in their community. Since the mid 1980s, philosophies and actions of the independent living centres in the US have been introduced to Japan, which lead to the creation of independent living centres in Japan; with personal assistance referral at its core, an organization run by disabled people by themselves. Currently, there are 118 independent living centres that are official members of Japan Council on Independent Living Centers with the objectives of the following. ‘The executive director of the organization and its decision making committee is an individual with disabilities. More than half of the decision-making committee members are people with disabilities. The organization offers advocacy services and information referral as its core services, as well as more than two services among the items below for unspecified recipients: 1) Personal Assistant Referral 2) Peer Counseling 3) Independent Living Skills 4) Housing Services (provide information on housing) (as of Oct. 2008).

Yokotsuka Koichi of Aoi Shiba (the National Association of People with Cerebral Palsy), who played a central role in the Independent Living movement at the time that this movement was initiated, presented a radical critique in which he argued that there was no end to crimes in which disabled persons were killed by their family members. This happens, Koichi claimed, as a result of structural problems in our productivity first society, a society in which persons with severe disabilities who are unable to produce a profit are considered unfit to live; this structure reflects society's consensus that 'he who does not work, neither shall he live' (Yokotsuka, 1974/2007, pp. 94-100).

From this movement there emerged individuals with the desire and will to live independent lives within their own regional community rather than living at home, in hospitals or at institutions. A movement correspondingly spread to assist such individuals in leaving their homes or institutions. In the context of this movement, the recruitment of personal assistants, essential to the lives of people who need help in carrying out their daily lives, became a major challenge and its institutionalization has emerged as a key objective. At the same time, one of the urgent issues that has come up is the question of how such individuals can earn the money necessary to lead their daily lives, starting with living expenses, without any income from work. The income security system, however, was tackled at a much later date than when the assistant security system was tackled. As a result, many people who had left their homes and institutions and who were living in the community were forced to survive on public assistance¹⁴ and other benefits. This situation has remained unchanged to this day.

In 1986, the disability basic pension was established, and with it a non-contributory income security system covering a portion of disabled persons was put into place. This system, however, does not meet the standard of an income security system. In addition, there remain many disabled persons who lack any pension plan.

There remains no clear answer as of yet to the question of how those people considered to have no 'independence in ADL' or 'vocational independence' can live in alternative ways, with necessary personal and economic security, rather than living at institutions or at home, being cared for by their family members. One thing is clear, however: if it was not for those disabled persons who, since the 1970s, have set out a path for themselves living outside their home and outside of institutions, these questions would never have been recognized as relevant to today's society.

3-1-3 Disabled persons who want to work have the right to work and receive support rather than being discouraged from working

While the Independent Living movement was made up of disabled persons, considered by

¹⁴ Article 25 of the Japanese constitution expresses the 'right to live' as the ideal that '[a]ll people shall have the right to maintain the minimum standards of wholesome and cultured living'; this right, however, is implemented in only a very limited way. In terms of benefits, for example, a single person in their thirties living in one of the wards of Tokyo with housing assistance/aid receives about 140,000 yen per month. There are few housing options available for this amount of money particularly in major cities, and the housing environment in the majority of cases is moreover not very good. A minimum wage calculation would indicate that about 200 hours of work is needed to make this amount of money, demonstrating the low standard for public assistance as well as the extremely low level of the minimum wage. In December 2008, the Japan Research Institute of Labour Movement estimated that in order for a man in his twenties to earn a minimum level of living expenses calculated as 233,801 yen/month, he would have to work 173.8 hours at 1,345 yen/hour.

society not to have ‘independence in ADL’ and ‘economic independence’, who insisted on their right to live, there were also those within the movement who pursued the path of work. For this latter group, protesting social exclusion and demanding the right to participate in society was seen as necessary; this trend also overlapped with the goals, held by disabled persons who pursued independent living through the support of personal assistance, of broadening the scope of activities in their daily life. A situation moreover remains in which, given an income security system that still today is insufficient for fulfilling basic needs, people have no choice but to work in order to survive. In this context as well, work remains a critical issue.

From the above situation, a movement emerged between the 1970s and 1980s in response to direct disability-related discrimination, through for example denial of school entrance exams and denial of job opportunities. This movement demanded that major corporations and government offices take the initiative in employing disabled persons, the rate of employment of disabled persons among such institutions being particularly low. In the 1990s, with public job offices denying disabled persons the right to register as job-seekers, a campaign was launched urging potential job-seekers to register at these offices, with routine checks conducted to verify compliance.

In the 1980s, meanwhile, another movement emerged around attempts to help people get themselves out of extremely low-wage subcontract side jobs, out of work centres and vocational aid centres, and to create jobs within which people can work together building on each other's strong and weak points and their varying conditions, all the while earning an income sufficient to live. In this context, activities such as baking bread and cookies, making soap, and selling these goods became popular across Japan. In these environments, the question of how to divide revenue between workers with and without disabilities has emerged as a critical one. In one experiment, revenue from the income of all people involved was pooled together and divided evenly among participants, granting everyone adequate funds to live.

These actions based around work centres and vocational aid centres have set precedents in extending the scope of ‘working with necessary support’ into the general employment market, while also raising issues with respect to its support system. In addition, IL centres, grounded in the 1970s Independence Living movement mounted by disabled persons, have spread across Japan since the 1990s, offering personal assistance referral, peer counselling, and independent living skills, and acting as a workplace for disabled persons.

From a legal perspective, problems involving clauses that disqualify persons with disabilities from employment opportunities¹⁵ were brought to the public’s attention in 1998; an examination of aspects of the legal system that exclude disabled persons is currently under way. In accordance with these changes, various jobs previously denied to disabled persons have now been made available to them. Furthermore, triggered by the enactment of the UN Convention on the Rights of Persons with Disabilities, various issues related to the disabled have been recognized across the world. These issues revolve on ways of assisting disabled persons and arranging environmental conditions for them, including the issue of how to guarantee information accessibility and communication in the social institutions of education and labour, and how to acquire reasonable accommodation.

¹⁵ Amongst disqualifying clauses on disabilities in the national laws and regulations, and local government regulations, citing disabilities as reasons, many laws such as the Medical Practitioners’ Law had a clause until 2001 that said ‘a medical practitioners’ license cannot be issued to those who are blind, deaf, or mute (absolute disqualification). There are also cases where licenses cannot be issued to a mentally ill person (relative disqualification)’.

This trend of pursuing work, however, faces the danger that one may expect disabled persons to work in same way, and at the same rate, as an able-bodied person, as is presumed in our society today. This is the reason for which people who pursue the issue of 'work' continue to search for ways in which to make it possible for disabled persons to acquire sufficient support to join society at their own speed.

The disability rights movement is grounded in the idea that people can live with a minimum level of security, assistance and support, involved in society in their own way, without having to choose between 'do, can't and won't work'. This thinking is based on a separation between the idea of the right to live and the idea of 'do, can't and won't work'. Nonetheless, a system securing a minimum living income has yet to be established to this very day.

3-2 Women and labour: philosophy and practice

3-2-1 Problems in the structure that gives rise to financial power dynamics

The current social system makes it difficult for women to achieve financial independence through labour, and for this reason, many women are not able to secure a financial grounding, are subject to instability, and are unable to exercise freedom in their personal affairs. Various issues have been raised with regards to this situation, with people arguing that human rights have not been protected in such cases, and raising questions regarding how the system should work to overcome such conditions.

One of the issues that arises in this process is that of unpaid work. Treatment of the concept of unpaid work has focused in the past on the fact that women who are placed in a financially vulnerable position, due to the fact that they are not engaged in the paid labour market, nonetheless put in long hours of unpaid work at home, hours which are treated as being outside the scope of the market. Indeed, the term 'unpaid work' has, in this context, come to characterize a structure of the market in which male 'work' in the market is paid, whereas female 'work' outside of the market is not paid.

This situation has brought out the fact that the existing economic structure demands that the modern family be based around a gender division of labour between the male/female pair, with the husband being the main provider of the family and the wife being provided for by her husband while engaging in unpaid work such as rearing children. This situation has been systematically maintained and reinforced, the problem of the economic gap between genders having meanwhile been cast aside.

The mechanism above gives rise to a situation in which it is women who get married and are provided for by their husbands, becoming a 'homemaker' raising children and doing housework, while men work and provide for their family. This relationship has emerged in the form of a gender gap centred on the possession of money (income), a necessity to live in modern society, as well as through a form of violence grounded in an economic gap.

The modern family relationship, founded on this gender division of labour, has shaped the foundation that maintains the current social structure, while also operating as a strong norm defining how people should live. A society has consequently emerged in which it is hard for many to live, particularly those whose style of living does not fall within the scope of these types of traditional relationships; these people include for example the disabled, who have difficulty fulfilling the role of 'bread winner' or 'homemaker', as well as women who have chosen to live by themselves or who, for whatever reason, have become single mothers, or who are lesbians.

3-2-2 Issues arising in the context of working to earn an income

The period between the 1970s and 1980s was a time at which great efforts were being made to eliminate discrimination, the problems of gender discrimination and that of the low status of women in society having emerged as issues at a global scale. Japan was no exception, the Law on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment having been enacted in 1985. The main goal in enacting this law as a part of domestic legislation was to ratify the UN International Convention on the Elimination of All Forms of Discrimination against Women, and to eliminate overt gender discrimination in employment opportunities. It is with this law that women were granted the opportunity to enter the labour market.

During the same year, however, a system for exemption of medical/insurance premiums was created targeting dependent spouses (many of whom were women) earning less than 1,300,000 yen annually. In addition, the following year saw a system put into place, allowing the wives of regular employees to receive basic pension payments through her husband's insurance premiums, without having to pay premiums herself. In 1987, a special spouse tax exemption system was put into place alongside the previously-existing income tax exemption for spouses.

All of these systems have played a role in directing one's life course as well as one's relationships onto a fixed path, by favouring over other types of relationships a modern style of family relationships founded on a gender division of labour. These systems have defined the way men and women work in the market, while also limiting the way in which they live their daily lives. Thus even after the enactment of the Equal Opportunity Law in Japan, the working conditions faced by women at their places of work, including disproportionately low benefits and wages in comparison to men, have remained. At the same time, jobs commonly held by women (such as care attendants) are plagued with chronically low-level wages, and a situation remains in which the vast majority of women have no choice but to work in non-standard employment (including part-time jobs and temp jobs with only limited-term contracts).

A social structure has moreover remained in place within which the model of a standard worker in the labour market is the (able-bodied) male providing for his family, and a reality remains where the worker in the market is able to rely on someone else (wives or sometimes mothers) for domestic labour and home-care work, thus encouraging chronically long working hours. Women who work while raising children have, as a result, been doubly-burdened with both domestic labour and market labour. This situation likewise continues in the form of once fully-employed women being forced to quit their job upon marriage, pregnancy, or childbirth.

However, running contrary to this trend, the standard worker model within which men are regarded as the provider for the family, earning an income sufficient to provide for all costs of other family members, started to collapse in the context of the expanding global economy, with companies shifting their approach toward one which aims at minimizing costs. With this change, working conditions of male workers are now beginning to resemble toward working conditions of women, in other words, conditions of low-wage unstable employment.

Currently, conditions surrounding work are highly unstable. This instability has forced women to choose relationship-dependent and unstable paths in life, one of the reasons being that a social system has not been realized within which it is possible for each and every person to live their lives with a certain level of stability and dignity, benefiting from social relationships, without having to depend financially on someone else.

4. Conclusion and challenges

In this paper, we have pursued various issues regarding the ideas of ‘do, can’t and won’t work’. In this process, several points have been highlighted. In particular, we confirmed that women with disabilities are placed in a position of high instability and poverty, and that disabled persons and women likewise occupy a structurally vulnerable position in this society, a position from which they have established various ideas and practices.

Data in the second subchapter demonstrated that the income of women with disabilities is disproportionately low compared to both women and men, as well as being low compared to men with disabilities. Among regular employees, moreover, the proportion of women with disabilities engaged in full-time employment is low, and with the exception of the higher-age group, working hours are just as long as regular full-time employees. This data points to the fact that ‘women with disabilities’, being both ‘women’ and ‘disabled’, are placed in a structurally unstable position in society.

Nonetheless, issues regarding the state of poverty among women with disabilities have hardly received any recognition in the past. It has been assumed that women with disabilities are financially dependent on other family members, and these women have thus been overlooked, despite the fact that it has always been difficult for them to establish a foundation for building their own lives.

It is evident from this situation that many women, and not only those with disabilities, live lives in which they are either financially dependent on other people, or lives that are unstable as a result of low income. Women are still today considered to occupy a position in society which does not guarantee that they can live their entire life independently, even with a steady flow of income from work.

Disabled persons, on the other hand, are not even recognized as human beings, let alone as workers. This is the reason for which, since the 1970s in Japan, systems have been put into place, through the disabled persons rights movement, aiming to allow such people to free themselves of the confines of homes and institutions, and to live their lives as individual subjects in society. Even today, however, many disabled persons remain in a situation in which it is difficult to make decisions regarding where to live, as well as regarding such core elements of life such as eating or going to the bathroom. Systems governing information security that are basic to human life have not been established, and systems covering income security remain insufficient. Many of the care assistants and home helpers who support disabled persons to live their lives independently, meanwhile, are women, and as such these assistants are in a position of being forced to work in low wage, unstable employment.

Challenges surrounding the existence of women with disabilities raise issues regarding the need to connect the ideas of ‘do, can’t and won’t work’ with the idea of ‘living with dignity as a member of society’, from a position where two perspectives intersect: the perspective of efforts by women bringing gender discrimination structurally-embedded in our society out into the open, and the disabled people’s rights movement, which has prompted a shift in the definition of the right to live and to be independent.

These issues are important not only for women and women with disabilities, or for children and the elderly who are not able to work, but are also important in that they connect to a vision of society within which all people, including middle-age men whose long working hours have become a problem, are able to acquire the necessary social security to live their lives at ease.

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