



# **Research on the Understanding of the Actual Practices associated with the Privacy Guidelines, the Guidelines Prohibit Discrimination against Persons with Disabilities, and the Guidelines for Reasonable Accommodation**

## **(Research Report No.157) Summary**

### **[Key Words]**

Guidelines for identifying and confirming persons with disabilities with due consideration for privacy, guidelines for prohibiting discrimination against persons with disabilities, guidelines for reasonable accommodation, building relationships between companies and persons with disabilities, creative communication, understanding disabilities of employees, creating a comfortable workplace

### **[Points for Practical Purpose]**

- The report summarizes the results of a survey conducted on companies and existing employees with disabilities to find out the approaches that companies are taking based on the Privacy Guidelines, the Guidelines for Prohibiting Discrimination against Persons with Disabilities, and the Guidelines for Reasonable Accommodation.
- We hope that this report will be useful to companies making efforts to employ persons with disabilities as a reference for their procedures and responses regarding prohibiting discrimination against persons with disabilities, providing reasonable accommodation, and identifying and confirming persons with disabilities.

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## **2 Research Period**

FY 2019 through FY2020

## **3 Composition of the Research Report**

Chapter 1: Purpose and Background of this Research.

Chapter 2: Company Survey

Chapter 3: Questionnaire Survey of Persons with Disabilities in Employment

Chapter 4: Summary Report

Appendix

## **4 Background and Purpose**

In July 2005, the "Act for Promotion of Employment of Persons with Disabilities" (hereinafter referred to as the "Act") was amended to include persons with mental disabilities in addition to those with physical and intellectual disabilities when calculating the actual employment rate for each company (effective April 2006). In November 2005, the "Guidelines for Identifying and Confirming Persons with Disabilities in Consideration of Privacy" (hereinafter referred to as the "Privacy Guidelines") were issued in recognition of the need to take privacy into consideration when identifying and confirming persons with mental disabilities, since it is believed that not a few persons with mental disabilities become disabled after being hired. In addition, with the revision of the Act in June 2013, new provisions were instituted for employers regarding the prohibition of discrimination against persons with disabilities and the provision of reasonable accommodation (effective April 2016), and the Guidelines for Prohibition of Discrimination against Persons with Disabilities and the Guidelines for Reasonable Accommodation were established in March 2015.

The purpose of this study was to examine what kind of efforts companies are making based on these guidelines, and to understand the actual situation and challenges by surveying companies and current employees with disabilities, in order to develop a better work environment for both sides.

## 5 Method

### (1) Corporate Questionnaire Survey

Using the corporate database of a private research company, a questionnaire survey was conducted on 5,000 companies with 40 or more employees selected through stratified sampling by size, industry and region based on the number of companies in 5 categories of company size, 17 categories of industry based on the Japan Standard Industrial Classification, and 7 categories of region. 1,442 companies responded to the survey.

### (2) Corporate Hearing Survey

Of the 685 companies that responded to the questionnaire survey with contact information, we selected 33 companies that met the following criteria ① through ③, and 5 additional companies were selected for the balance of industries.

① Employing persons with disabilities

② At least 3 out of 13 items in the "post-hire" reasonable accommodation section in the questionnaire are marked.

③ There are actual cases of providing reasonable accommodation for working hours.

Of the companies that employ persons with higher brain dysfunction or intractable diseases, for which there have been few cases of reasonable accommodation, seven companies that agreed to the hearings were selected.

### (3) Questionnaire Survey on Employees with Disabilities

#### A. Request for Cooperation from Organizations for the Disabled

While conducting the questionnaire survey on employees with disabilities, we consulted with 11 organizations for the disabled about implementation methods and procedures, and asked them to publicize the survey to the employees with disabilities, in order to obtain a wide range of responses without being biased toward specific disabilities.

#### B. Request for Cooperation from Companies that Employ Persons with Disabilities

Of the 69,147 companies that employ persons with disabilities (as reported in the Employment Status Report on June 1, 2008), we randomly selected 15,000 companies by company size, excluding companies that employ zero employee, and mailed a letter to the personnel in charge of human resource management departments, requesting that they be aware of the questionnaire survey on employees with disabilities.

#### C. Survey Method

We received responses from 1,866 persons through the following methods: ① Web survey (a homepage was created on the Web, and those employees with disabilities accessed the site to answer the questions), ② Questionnaire survey (questionnaires were mailed from four organizations that requested a questionnaire survey, and those employees with disabilities answered the questionnaires).

## 6 Survey Content

### (1) Corporate Questionnaire Survey

#### A. Identifying and Confirming Persons with Disabilities in Consideration of Their Privacy

- The percentage of respondents who were aware of the Privacy Guidelines ("well aware" and "slightly aware") was 60.7%.
- As a result of the survey of 1,170 companies that have experience in hiring people with disabilities, the most common response was, "We ask all workers to report their disabilities, but it is difficult to provide information to all workers regarding the request" (37.5%), followed by "There are some employees who obviously have difficulties in their work (due to their disability), but they do not report it to us" (36.7%).

#### B. Prohibiting Discrimination against Persons with Disabilities

- The rate of awareness of the Guidelines for the Prohibition of Discrimination against Persons with Disabilities ("well aware" and "slightly aware") was 72.8%.
- Actions taken based on the prohibition of discrimination against persons with disabilities ("already taken" and "partially taken"), in descending order of the percentage, were "retirement age," "renewal of labor contracts," "wages," "placement," and "education and training."
- The most common issue felt regarding the prohibition of discrimination against persons with disabilities was that "the departments in which the individual can be assigned are limited based on his/her aptitude and ability" (85.7%).

#### C. Obligation to Provide Reasonable Accommodation

- The rate of awareness of the Guidelines for Reasonable Accommodation ("well aware" and "slightly aware") was 58.2%.
- The most common action for reasonable accommodation "at the time of recruitment and hiring" was "scheduling the interview time in consideration of physical condition" (31.6%), followed by "allowing the presence of staff from employment support organizations, etc. at the interview" (30.7%) and "making sure that there is as little traveling as possible during the interview" (23.6%).
- Regarding the provision of reasonable accommodation "after hiring," the top five items that companies are "taking action (including partial action)" and "There is a need but no action has been taken" categories, based on a survey of 1,067 companies that employ persons with disabilities, are shown in the figure below. (Fig. 1 and Fig. 2) The most common item for "Already taking action (including partial action)" was "innovations to reduce workload" (62.6%), and the most common item for "There is a need, but we have not been able to take action" was "simplification/revision of work procedures" (4.6%).
- The results of the tabulation of the responses from 605 companies regarding the provision of

reasonable accommodation for working hours showed that the most common response was "shortening of scheduled working hours" (61.3%), followed by "exemption from overtime work, etc." (39.8%), "exemption from late-night work" (35.2%), and "moving up or down the starting/ending time" (30.4%) (Fig. 3). The most common type of disability of employees for whom reasonable accommodation regarding working hours was provided was "mental disability" (26.1%), followed by "physical disability" (22.3%).

- The most common challenge in promoting efforts to provide reasonable accommodation was "Lack of internal support system" (41.0%), followed by "Lack of internal awareness" (38.5%) and "Difficulty in reassigning or trimming work contents" (33.6%).

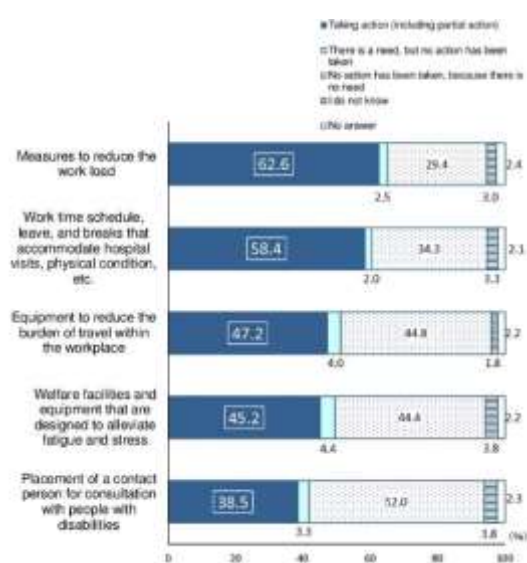


Fig.1 [Companies that employ persons with disabilities] Top 5 items which they are "already taking action" to provide reasonable accommodation after hiring (n=1,067)

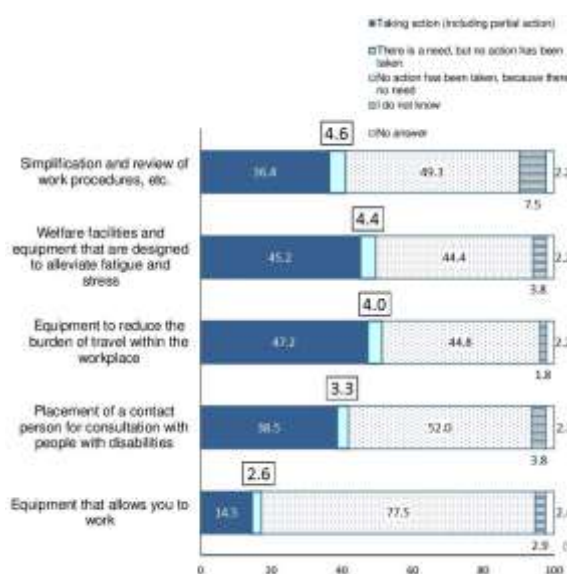


Fig.2 [Companies that employ persons with disabilities] Top 5 items which "there is a need, but no action has been taken" to provide reasonable accommodation after hiring (n=1,067)

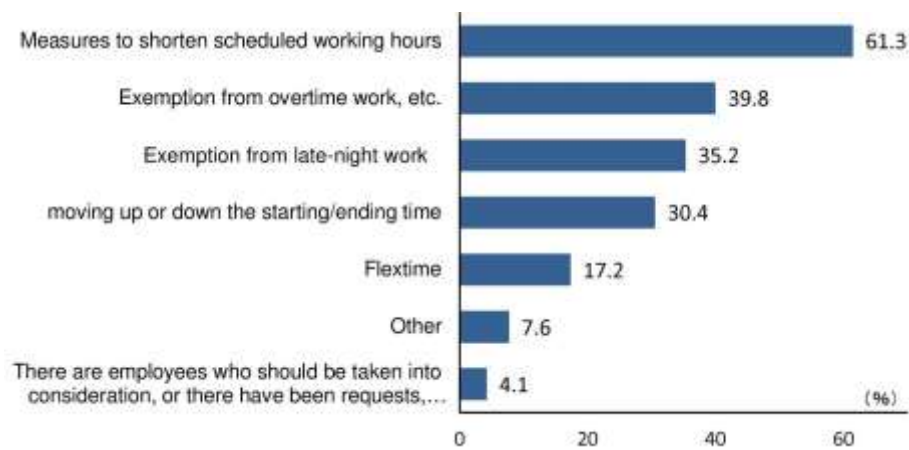


Fig. 3 Provision of reasonable accommodation regarding working hours (n=605)

## (2) Corporate Hearing Survey

The purpose of this survey was to gain a detailed understanding of the actual status of efforts for reasonable accommodation in companies. The results were summarized in the following items.

- (a) Consideration for placement
  - (b) Consideration for working hours
  - (c) Communication regarding the provision of reasonable accommodation
  - (d) Efforts to support settling in the workplace
  - (e) Reasonable accommodations for higher brain dysfunction
  - (f) Reasonable accommodations for intractable diseases
- ## (3) Questionnaire Survey on Employees with Disabilities

### A. Prohibition of Discrimination against Persons with Disabilities

- For the question of whether there is any discrimination on the basis of disability in the company they work for, the respondents who answered "I think so" were between less than 10% and less than 30% of the total, those who answered "I don't think so" were between 50% and 60%, and those who answered "I don't know" were about 20%. The item with the highest percentage of "I think so" was "the age of retirement" (28.9%), followed by "Benefits" (25.4%) and "Renewal of labor contract" (24.6%).
- As for the question of whether there are any problems with the efforts of the company they work for, 64.3% answered "No," 19.6% answered "I don't know," and 14.1% answered "Yes." The most frequently selected item for "Yes" was "The company lacks in understanding of the philosophy of employment of persons with disabilities and the general characteristics of disabilities" (68.6%).

### B. Provision of Reasonable Accommodations

- Regarding whether or not they receive the necessary considerations to continue working at

the company they work for, the top five items for "receiving considerations" and "necessary but not receiving considerations" are shown in Fig. 4 and 5, respectively. The most common item that received "consideration" was "arrival and departure times, leave, and breaks in consideration of hospital visits, physical condition, etc." (49.0%), and the most common item that received "necessary but not receiving consideration" was "welfare facilities and equipment in consideration of fatigue, stress, etc." (14.0%).

- As for whether they sometimes feel problems with the approaches taken by the company they work for, the results were "No" (61.4%), "Don't know" (21.1%), and "Yes" (15.1%) ( Fig. 6). The most frequently selected item for "Yes" was "I don't know to what extent I can ask for reasonable accommodation" (58.5%), followed by "I feel hesitant to ask for the necessary accommodations myself" (53.2%) (Fig. 7).

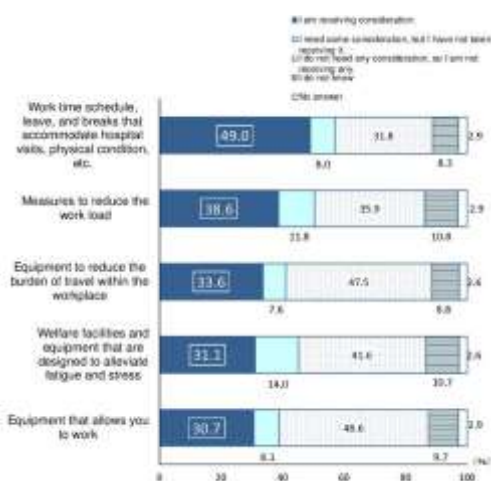


Fig.4 [Workers with disabilities] Top 5 items in which they "receive consideration" to continue working (n=1,866)

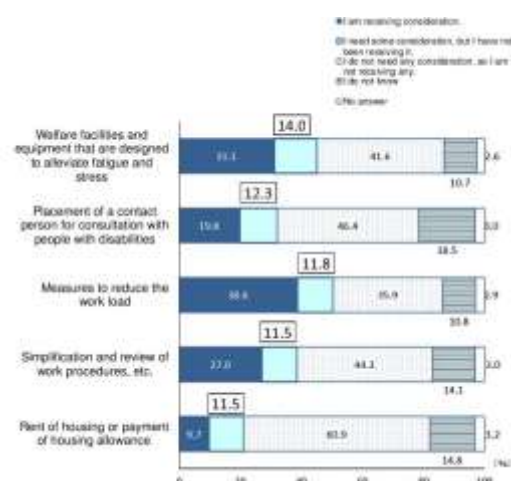


Fig.5 [Workers with disabilities] Top 5 items in which they "need but have not been receiving consideration" to continue working (n=1,866)

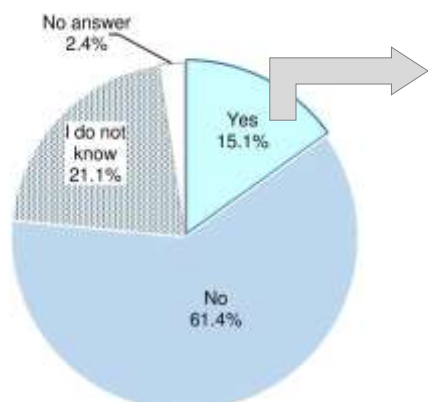


Fig.6: Challenges in "Providing Reasonable Accommodations" (n=1,866)

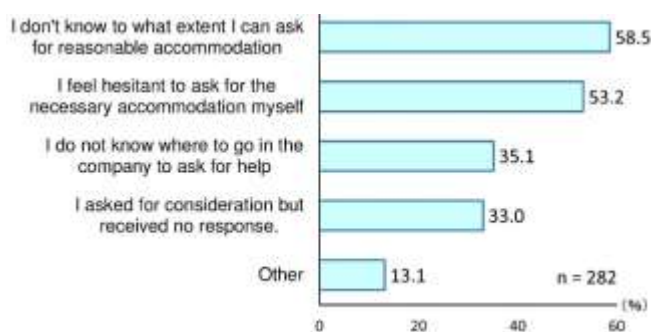


Fig.7 Contents of the challenges in "Providing Reasonable Accommodations"

### C. Identifying and Confirming Persons with Disabilities in Consideration of Privacy

- As for the question of whether there are any problems with the efforts of the company they work for, 71.9% answered "No," 17.8% answered "Don't know," and 8.9% answered "Yes. The most common answer selected for "Yes" was "Other" (41.0%), with many respondents indicating problems with understanding and consideration of disabilities.

### (4) Corporate Efforts and the Situation of Persons with Disabilities in Employment (Provision of Reasonable Accommodation, Prohibition of Discrimination)

By comparing the results of the corporate questionnaire survey and the questionnaire survey on employees with disabilities, we examined the approaches and challenges of corporations and the development of an environment necessary for employees with disabilities to settle into the workplace. The results of the corporate questionnaire survey were compiled from 1,067 companies that employ persons with disabilities.

In addition, "status of reasonable accommodation for persons with disabilities" refers to the situation in which persons with disabilities are receiving reasonable accommodation.

#### A. Status of Reasonable Accommodations for Persons with Disabilities Regarding the Top Five Items that Companies are "Engaging in".

We compared the status of reasonable accommodations at companies where persons with disabilities work against the top five items for which the percentage of companies responding that they are "taking actions" with regard to reasonable accommodations.

The top four items that companies are "taking actions" and the top four items that persons with disabilities "are receiving consideration" were the same. The four items were "measures to reduce the workload," "work time schedule, leave, and breaks that accommodate hospital visits, physical condition, etc.," "equipment to reduce the burden of travel within the workplace," and "welfare facilities and equipment that are designed to alleviate fatigue and stress. Also, among the top five items that companies were "taking actions," the top three items that disabled persons felt "necessary but have not received consideration" were also included. The items, in descending order of the percentage of responses from persons with disabilities, were "welfare facilities and equipment that are designed to alleviate fatigue and stress, "placement of a contact person for consultation with persons with disabilities," and "measures to reduce the workload".

#### B. Status of Reasonable Accommodations for Persons with Disabilities with Respect to the Top Five Items for which Companies Indicated that "There is a Need but No Action Has Been Taken"

We compared the status of reasonable accommodations at companies where persons with disabilities work with the top five items for which companies answered that regarding reasonable accommodation as "there is a need, but no action has been taken."



Among the top five items that companies indicated that "there is a need, but no action has been taken," three of the top five items that persons with disabilities stated that they "need them but are not receiving consideration" were included. The items were, in descending order of the percentage of responses from persons with disabilities, "welfare facilities and equipment that are designed to alleviate fatigue and stress," "placement of a contact person for consultation with persons with disabilities," and "simplification and review of work procedures, etc."

#### C. Status of Reasonable Accommodations for Persons with Disabilities for the Top Five Items which Companies "Are Not Taking Action Because There is No Need."

We compared the status of reasonable accommodations at the companies where persons with disabilities work with the top five items for which companies responded that "they are not taking action because there is no need."

In the top four items that companies "are not taking action because there is no need", four of the top five items that disabled persons "do not need and are not receiving consideration" were included. The items in descending order of the percentage of responses from persons with disabilities were "Arrangement of commuting assistants," "Appointment of sign language interpreters, summary writers, etc.," "Arrangement of cars or buses for commuting," and "Placement or appointment of workplace assistants."

#### D. Status of Corporate Efforts to Prohibit Discrimination and Perceptions of Discrimination at the Workplace of Persons with Disabilities

As for the top five items that companies "are working on," only "wages" coincided with the top five items that persons with disabilities "think there is no discrimination." On the other hand, four of the top five items for which persons with disabilities "think there is discrimination" were "retirement age," "renewal of labor contracts," "education and training," and "placement." The item with the highest number of responses for both "companies are working on it" and persons with disabilities "think there is discrimination" was "retirement age," indicating a gap between companies' efforts and the perceptions of persons with disabilities.

### (5) Measures and Support Needed to Build Relationships between Companies and Persons with Disabilities

#### A. Efforts to Improve Communication

As a way to promote building relationships between companies and persons with disabilities, we can consider conducting interviews with clear objectives, such as not only work-related communication but also everyday communication and checking for obstacles in the workplace. It is also effective to create a system that promotes communication among employees, led by on-site supervisors, as a way for companies to understand the circumstances of each individual

with disabilities after they are hired. In some cases, internal and external supporters (e.g., job coaches) are helping companies that find it difficult to use such internal communication methods to improve communication, indicating the need for such support for companies.

#### B. Employees' Awareness of Disabilities

In the process of promoting employment of persons with disabilities, if a person with a disability wishes for those around him/her to understand his/her disability, it is necessary to take steps to ensure that his/her supervisors and colleagues understand exactly what kind of disability situation requires what kind of consideration. In order to promote understanding of disabilities among employees, a series of processes can be considered, such as ① explanation and consent to the person with disabilities, ② explanation of disability status and considerations to supervisors and colleagues, ③ encouragement of daily communication, ④ dialogue regarding reasonable accommodation, and ⑤ understanding of supervisors and colleagues regarding reasonable accommodation. We believe that support from specialists is also necessary to support these processes.

#### C. Developing a Workplace that Is Comfortable to Work in

In the survey of employees with disabilities, what was common to the descriptions of those who felt that "they were receiving consideration" was the "attitude of trying to understand" and "actions based on understanding" of their supervisors and colleagues. A workplace where it is easy for persons with disabilities to ask for reasonable accommodation is one where there is support (follow-up) from the company for the fact that the person is working with a disability. In other words, it is necessary to check the status of the disability and whether there is any hindrance or not, and to respect the wishes of the individual regarding the frequency and method of checking. However, it is important to keep in mind that privacy issues are involved here, and if the individual does not wish to make his or her disability known, the understanding of the surrounding community regarding reasonable accommodations may be limited. Various cases can be assumed, such as an environment where it is comfortable for the person with disabilities to work even though the people around him/her do not fully understand the situation, or an environment that becomes difficult for the person with a disability to work because his/her disability is made known beyond the necessary scope.

The important key to creating a comfortable workplace is to build a relationship where companies and persons with disabilities can talk to each other. Since there are some persons with disabilities who are unable to make a direct request even if the company has established and publicized a consultation service, it is desirable that personalized options be provided, such as daily communication with supervisors and co-workers, periodical meeting by managers, and support for settling in by external support organizations. We believe that along with the method and scope of making the disability known, the method of requesting reasonable

accommodations should be discussed when the employee is identified and confirmed as a person with a disability, so that it can lead to a subsequent dialogue.

## **7 Relevant Research Outputs**

Research on Changes in Corporate Awareness and Behavior Associated with the Changes Made to the Laws for Employment of Disabled Persons, Research Report No. 143, 2019

Research on the Working Life Cycle of Persons with Disabilities (The Fifth Research Period), Research Report No. 148, 2019