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Policy Tasks to Achieve Sustainable Labor for Disabled People

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This study focuses on people with disabilities, a major disadvantaged class in our society in terms of employment, and with the goal of creating “a society in which people with disabilities work to the best of their abilities,” and “in which they can make a minimum living that is compatible with human dignity through work,” it seeks ways to improve the current system and explores policy alternatives to achieve sustainable labor for disabled people.

First of all, given the reality where disability acts as a “barrier” to entry into the labor market, this study attempts to explore ways to lower the “barrier” and ultimately eliminate the “barrier.” Such exploration begins by looking into the “discourse” surrounding the labor of disabled people, the “experience” of disabled workers, the “system” designed for sustainable labor for disabled people, and the “workplace” where disabled workers are employed.

We first analyze the overall current status of employment and labor policies for disabled people and the actual employment conditions of disabled people. Next, we examine the “discourse” and the “system” surrounding the labor of disabled people, especially focusing on the difficulty of finding jobs. In addition, based on in-depth interviews with disabled workers on the job search and labor “experience”, we take a look at how disabled workers find jobs and work. Next, the personal assistance services system, which is a representative “system” provided for sustainable labor for disabled people, is analyzed in depth. Moreover, through in-depth research on vocational rehabilitation facilities for the disabled, we discuss operational issues and explore future directions for improvement of vocational rehabilitation facilities for the disabled, which are “workplaces” designed for the purpose of helping disabled people take their first steps into the

world of work.

Also, while analyzing the new attempts for employment of disabled people, this study examines the case of the rights-oriented public sector jobs, representing a shift from the paradigm of employment and labor policies for disabled people centered on “economic value generation” to “social value generation.” Lastly, this study presents future directions for employment and labor policies for disabled people in order to achieve sustainable labor for disabled people and pursue social integration through it.

In response to the question “Why are disabled people excluded from the labor market?”, this study examines the discourse, awareness, and system surrounding the labor of disabled people, and explores the new possibilities of labor for the disabled beyond exclusion. Disabled people are regarded as “unproductive beings” or “those with remarkably low ability to work” in the capitalist productivity discourse, and as “people without the ability to work” in the meritocracy discourse. Such negative discourse and perceptions toward the labor of disabled people are embodied in specific systems, preventing disabled people from experiencing labor or lowering their wage level. Regional gaps in policies for deinstitutionalization and independent living for the disabled and in job creation projects for the disabled, limitations in physical and psychological accessibility of support policies, and provisions of exclusion from applying minimum wage in the Minimum Wage Act for the disabled workers shows the inconsistency with the actual experience of the systems for disabled workers. The various systems experienced by disabled workers suggest that the disabled are regarded as “unable to work and having difficulty working” within the social security system, regardless of “individuals’ will or desire to work.” Despite such inconsistency among the

discourse, awareness, and systems, however, this study takes a look at how disabled workers are pursuing a change in the value of various labors, which had been erased in non-disabled people-centered labor, into a discourse of “labor that creates changes in a connected society beyond individuals with disabilities”.

It also discusses the question “How do people with disabilities find jobs and how do they work?” Given the general reality that it is difficult for people with disabilities to find a job, and even if they find a job, it is difficult to continue working, this paper first explores the job search process and labor process by type of workplace for the disabled, such as the public sector jobs for the disabled, protective workplaces for the disabled, and general workplaces, and suggest improvement measures for employment and labor policies for disabled people by each type of workplace. It was observed disabled people in the public sector jobs funded by the government and local government were subject to the minimum wage, and their jobs were short-term contract jobs, resulting in unstable employment. However, it was also observed that some disabled workers experienced positive changes in their lives through work. A large number of disabled workers in the public sector jobs showed a desire to increase their income, but there was great concern about being disqualified for the basic livelihood security benefit system. In the case of protective workplaces for the disabled, workers generally viewed them satisfactory due to the fact that they were able to accept disabilities and that it was possible to form social relationships with others, although the objective labor conditions were poor, such as frequent exclusions from the application of the minimum wage and prevalent low wages. As for the disabled workers who work in general workplaces, they have mainly worked in part-time contract jobs

which were created to comply with the obligation to employ persons with disabilities; and have not been able to obtain equal opportunities for participation in the labor process while working with non-disabled persons; have experienced belittling and reprimanding for the speed of work, discriminatory gazes, and belittling and insulting; and have found that there was little effort by non-disabled colleagues to communicate with disabled workers. Such peer relationships were hindering the sustainability of labor for disabled workers at general workplaces.

Based on the analysis of the job search and labor process experienced by disabled workers, this study presents the improvement measures for employment and labor policies for disabled people as follows. First, as for the public sector jobs for the disabled, it is necessary to improve the current policy so that the generation of labor income does not lead to the disqualification for the basic livelihood security benefit system. Second, in the case of protective employment, poor working conditions evidenced by objective indicators should be improved; accessibility to the provided programs and services should be increased; and effective assistance and peer support for persons with developmental disabilities, who account for the majority of the disabled in protective employment, should be considered. Third, in the case of general employment, it is necessary to promote education that enables disabled people to learn skills and utilize them in the workplace for a stable occupational life; and to create a workplace culture that considers the needs of disabled workers in the integrated labor market; and to check the reality of the work of disabled people, which is not revealed in numbers.

This paper also deals with the question “How can people with severe disabilities work in a stable way?”, examining the current status and issues of the

personal assistance services provided to maintain the stable and continuous occupational life of workers with severe disabilities, and suggests directions for policy improvement. The issues related to the personal assistance services are as follows. First, while the budget is continuously increasing, it is not sufficiently secured so demand exceeds supply every year. Second, in a situation where the personal assistance services are limited to workers under the Labor Standards Act and workers belonging to the payer of the Employment Promotion and Vocational Rehabilitation Fund for Persons with Disabilities, disabled persons who are not considered workers—employers or freelancers—are placed outside the system. Third, because the scope of the personal assistance services is not clearly defined, there exists confusion for each type of workplace and job among disabled workers. Fourth, the labor conditions for personal assistance service workers are very poor. Against such backdrop, this study argues that there is a need to secure a sufficient budget for the personal assistance services; and to reform the personal assistance services system in a way that expands the scope of service provision to “all employed persons with disabilities who need work support,” that “reflects the reality that various types of disabled workers are working in various jobs,” and that is based on the “recognition that being a personal assistance service worker should be regarded as a decent job”.

It examines the current status and operational issues of vocational rehabilitation facilities for the disabled among the “workplaces” where disabled people work, and explores improvement plans for effective operation of vocational rehabilitation for the disabled. As of the end of 2021, a total of 773 vocational rehabilitation facilities nationwide, hiring about 20,000 disabled people, were mostly being operated by or entrusted

to the private sector. These facilities have a dual character as a “welfare facility” that provides vocational rehabilitation services to the disabled, and a “business” that must make a profit at the same time, so there are problems with low wages, such as exclusions from the application of the minimum wage for disabled workers. Also, while they are established with the goal of helping disabled workers transition to general employment through vocational rehabilitation training, the reality is that general employment is not easy. Since vocational rehabilitation facilities are designed for the purpose of enabling people with disabilities to take the first steps in their careers, it is important to make sure they help people with disabilities learn social skills necessary for vocational life as “workers.” To this end, the following directions for policy improvement are proposed. First, it is necessary to address the structural limitations of vocational rehabilitation facilities, which require them to be operated with productive activities of disabled workers who are considered to have low labor capacity, by having them operated by the public sector. Second, it would be desirable to select production items suitable for the characteristics of the disabled and to operate in a direction in which the job assignment of the disabled is considered important. Third, designing a structure that can secure stable profits through designation and protection of production items of vocational rehabilitation facilities would be helpful. Fourth, it is necessary to prepare a foundation to pursue coexistence with the local community through industry-university cooperation, and technological partnership.

It also examines the meaning, current status, and future direction of the “rights-oriented public sector jobs”, which pursue a paradigm shift of employment and labor policies for disabled people. The rights-oriented public sector jobs, originating from the concept

of basic rights that people with severe disabilities also have the right to work, limit the target of participation to people with severe disabilities, and the participants mainly engage in 1) rights advocacy activities, 2) cultural and artistic activities, and 3) awareness raising activities. The significance and effectiveness of the rights-oriented public sector jobs lie in the fact that they have brought about cracks in the productivity-centric culture; they pursue customized job development without discrimination against the disabled; they accompany a variety of support systems; they shift the existing labor paradigm; they become a foundation for deinstitutionalized persons with disabilities to settle in the community; and they have combined the fragmented labor of disabled and non-disabled persons. For the universal implementation of the rights-oriented public sector jobs, it is suggested that dedicated personnel be expanded, manuals for the rights-oriented public sector jobs be created and distributed, evaluation indicators be developed, and ultimately laws related to jobs for people with severe disabilities be enacted.

Lastly, this paper presents three policy suggestions for sustainable labor for disabled people. The first is to establish governance for discussing employment and labor issues surrounding disabled people. This study proposes to establish the Special Committee for Employment and Labor of Disabled People based on the ‘Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities’ as such governance. The Special Committee for Employment and Labor of Disabled People would serve as a kind of social dialogue mechanism among stakeholders surrounding employment and labor issues of disabled people, and an organization where parties involved in employment and labor of disabled people participate to discuss and deliberate on employment

and labor policies for disabled people. Through this organization, it is expected that disabled people can participate in the process of discussing and deciding their employment and labor issues, which can contribute to the development of democracy in the sense that they “participate in resolving their own problems”. The second is the direction of reforming the mandatory employment system aimed at expanding the employment of disabled people. This study proposes a plan to redesign the standards for imposing charges for employing persons with disabilities in the mandatory employment system for the disabled in a way that reflects the size and situation of the company and the

type of employment of disabled workers. In particular, the base amount of contributory charges for employing persons with disabilities, which is currently based on the minimum wage each year, should be redesigned to be based on the average wage of regular workers in each company, and the employment type of disabled workers should be reflected in the determination of the charges. Third, this study suggests that the current delivery system of employment and labor related services for the disabled, implemented by or entrusted to the private sector at present, be reformed into a system operated by the public sector.