

Employment and Reasonable Accommodation: The American Approach (雇用と合理的調整：米国の取り組み)

A. The Basics (基本)

1. Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions
2. Examples of reasonable accommodation include making existing facilities used by employees readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters; or appropriately modifying examinations, training, or other programs.
3. Reasonable accommodation also may include reassigning a current employee to a vacant position for which the individual is qualified, if the person is unable to do the original job because of a disability even with an accommodation. However, there is no obligation to find a position for an applicant who is not qualified for the position sought.
4. Employers are not required to lower quality or quantity standards as an accommodation; nor are they obligated to provide personal use items such as glasses or hearing aids.
5. The decision as to the appropriate accommodation must be based on the particular facts of each case. In selecting the particular type of reasonable accommodation to provide, the principal test is that of effectiveness, i.e., whether the accommodation will provide an opportunity for a person with a disability to achieve the same level of performance and to enjoy benefits equal to those of an average, similarly situated person without a disability. However, the accommodation does not have to ensure equal results or provide exactly the same benefits.
6. Limitations on Reasonable Accommodation.

The individual with a disability requiring the accommodation must be otherwise qualified, and the disability must be known to the employer. In addition, an employer is not required to make an accommodation if it would impose an "undue hardship" on the operation of the employer's business. "Undue hardship" is defined as an "action requiring significant difficulty or expense" when considered in light of a number of factors.

These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation. Undue hardship is determined on a case-by-case basis. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization.

In general, a larger employer with greater resources would be expected to make accommodations requiring greater effort or expense than would be required of a smaller employer with fewer resources. If a particular accommodation would be an undue hardship, the employer must try to identify another accommodation that will not pose such a hardship. Also, if the cost of an accommodation would impose an undue hardship on the employer, the individual with a disability should be given the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation.

B. Further examples of reasonable accommodation. (合理的調整の例)

1. For persons with psychiatric conditions (精神障害者)

Allow flexible work environment:

- Flexible scheduling
- Modified break schedule
- Leave for counseling
- Work from home/Flexi-place

Reduce distractions in the work area:

- Provide space enclosures, sound absorption panels, or a private office
- Allow for use of white noise or environmental sound machines
- Allow the employee to play soothing music using an earbud and computer or music player
- Plan for uninterrupted work time
- Purchase organizers to reduce clutter
- Increase natural lighting or provide full spectrum lighting
- Divide large assignments into smaller tasks and goals

2. For persons who use wheelchairs (車椅子ユーザー)

Allow the person to have a personal attendant at work to assist with toileting, grooming, and eating (not at employer's expense)

Allow the person to take periodic rest breaks for repositioning, toileting, or grooming needs

- Provide flexible scheduling and allow use of sick leave for medical care
- Allow the person to bring a service animal into the workplace

Make physical changes to the workplace

- Height adjustable desk or table for a person who cannot work comfortably at an existing desk
- Arrange office supplies and frequently used materials on most accessible shelves or drawers for a person who cannot reach upper and lower shelves and drawer
- Accessible parking
- Accessible route of travel from the parking lot into the building
- Accessible restrooms, lunchroom, break room, etc.
- Accessible route of travel to the person's workstation
- Work from home if the person cannot get to the work-site

Provide equipment

- Accessible filing system for a person who cannot reach upper and lower file drawers in a vertical file cabinets
- Page turners and book holders for a person who cannot manipulate paper
- Voice activated speaker phone, large button phone, automatic dialing system, voice mail system, and/or headset
- Alternative access for computers such as speech recognition, alternative keyboards, and/or mouth sticks
- Writing aids for a person who cannot grip a writing tool
- Accessible office machines, such as copiers and faxes, so a person using a wheelchair can access them from a seated position
- Flexible scheduling so a person who cannot drive can access public transportation

3. For Persons who are blind or have low vision: (全盲・弱視)

For Reading Printed Materials:

- Hand, stand, or portable magnifier
- Information in large print
- Photo copier enlarged paper material
- Optical devices such as monocular or binocular systems, loupes, or prism spectacles
- Auditory versions of printed document
- Braille formatted document
- The Kurzweil reader, which takes a picture of a text document and reads the contents of the printed document in clear synthetic speech
- Optical character recognition (OCR), which scans printed text and provides a synthetic speech output or text-based computer file
- Qualified reader, which may be used to "be the eyes" for a person with a vision impairment

For Accessing Computer Information:

Increased operating system font size with large-size computer monitors
Screen magnification software
Anti-glare guard and computer glasses to reduce glare
Screen reading software
Computer Braille display
Qualified reader

4. For Persons who are deaf: (ろう者)

Write notes with pen and paper, tablet PC, dry erase or chalk board
Use a computer and keyboard to type messages back and forth
Use a computer and speech-recognition software to communicate one-on-one
Hire a qualified sign language or oral *interpreter, or *video remote interpreter (VRI) on an as-needed basis (e.g., during a job interview, orientation, benefits seminar, training, or disciplinary meeting)
Use a personal *assistive listening device (ALD) or portable assistive listening system (ALS) if the individual can benefit from amplification
Install mirrors to communicate the presence of other workers or customers
Use telephone amplification/clarity technology
Use a *captioned telephone, TTY, or video relay service (VRS)
Use e-mail or instant messaging (IM) instead of voice phone
Use mobile two-way text messaging instead of voice phone
Use relay conference captioning (RCC) during group conference calls
Use a cellular phone with text messaging, a two-way mobile device, or a cellular phone that has both text messaging and two-way radio capability
Use a visual or vibrating *alerting device (Note: Alerting devices are used to alert people to a broad range of sounds, including (but not limited to) abnormal machine sounds, timers, a telephone ringing, doorbell, baby crying, and emergency signals.)
Modify equipment by adding a light to the sound source
Install lighted fire strobes and other visual or vibrating alerting devices to supplement audible alarms
Provide a vibrating text pager that may be triggered by the emergency alerting system or establish a web-based text alert system
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For Safely Operating or Working Around Vehicles

Establish set paths of travel for industrial vehicles and pedestrians using industrial tape, paint, or ropes

Establish and enforce rules requiring all moving equipment, forklifts, and vehicles to stop and flash lights/beep horn at intersections

Install flashing strobe lights on moving vehicles

Install a *directional worker alert system that provides a visual warning of oncoming vehicles

Install industrial mirrors in strategic locations (e.g., blind corners) at the work environment

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