05 「Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities」 and Related Systems

■ The Act was established in 1990 to ensure that persons with disabilities live with human dignity through work most suitable to their abilities.

System of mandatory employment of persons with disabilities

Policy for mandatory employment of persons with disabilities based on a fixed percentage of workers (mandatory employment rate, as of 2020: 3.4% for national, local governmental, and public enterprises; 3.1% for private enterprises)

▸ Disability employment levy for businesses that regularly hire more than 100 people but fail to comply with the mandatory employment rate

Business owner support system

Benefits for business owners that hire disabled persons such as employment incentives

Support for employment incentives Payment of employment incentives for business owners who exceed the mandatory employment rate for persons with disabilities and hire disabled persons

Loan for employment facilities Loan for purchase, repair, and installment costs for work facilities, additional facilities, and convenience facilities necessary for hiring disabled persons

Support for employment facilities and equipment Support for purchasing minivans for commuting for employment of persons with disabilities, costs for designing, installing, purchasing, and repairing convenience facilities, and costs for installing, purchasing, and repairing work equipment necessary for working at home

Support for employment management costs Support of costs associated with choosing and assigning work coaches for employment management

Support of assistive technology devices Support of assistive technology devices necessary for work life

Certification and support of standard workplace for persons with disabilities Certification of businesses with the standard pertaining to Article 3 of the 「the Employment Act for Persons with Disabilities」 (application of purchasing system prioritizing products, tax reduction benefit), and support of facility installment, purchase, repair, and improvement costs

System for support of persons with disabilities

Support of various types of work for disabled persons wanting to work such as a successful employment package and customized training

Job placement support Job hunting advice, on-site visits, guidance on adapting after gaining employment

Support and hiring of persons with severe disabilities A program that connects these people to employment after 3 to 7 weeks of on-site training. During training, subsidies are provided and job advisors are assigned to teach people how to work and help them adjust at work.

Successful employment package for persons with disabilities An integrated employment support program that offers professional step-by-step services

Internship program for the persons with severe disabilities Provision of internship opportunities for persons with severe disabilities, promotion of improved working abilities

Support through work assistants Work assistants that aid with subsidiary duties from the work duties of persons with severe disabilities

Work ability development training and customized training support Work training service through a training institution and support for practical, on-site work training through agreements with businesses

※ Details on the provided support may change over time. More information can be found on the agency's website(www.kead.or.kr).

06 Cases of Occupational Field Development and Employment for Persons with Disabilities

■ Cases of occupational field development

'Special dust-free garment washer'	Job of removing, washing, drying, inspecting the quality, packing, and delivering dust-free garments used in semiconductor clean rooms
'Online product information agent'	Job of comparing products with rival companies in real time and recommending top products to customers; comparing and examining product images and prices to draft basic data.
'Table manager'	Job of preparing various fine utensils at dining locations in hotels, restaurants, and Korean restaurants, setting tables according to standard, and raising the satisfaction levels of customers.

※ To learn more about cases of occupational field development for people with disabilities, visit the Employment Development Institute of the Korea Employment Agency for Persons with Disabilities website ((http://edi.kead.or.kr) > EDI Report > R&D Reports.

■ Cases of employment

Disabled persons are active in various fields as hoteliers with developmental disabilities, staff of convenience stores, manicurists with hearing disabilities, and viral marketers with serious illnesses

※ To learn more about cases of employment of disabled persons, check out the agency's publication on the portal for Education for Disability Awareness in the Workplace (http://edu.kead.or.kr) > References > Excellent Employment Cases.

07 Mandatory Education for Disability Awareness in the Workplace

All business owners must implement a minimum of one hour education once a year. Business owners must implement education for disability awareness in the workplace. (Enforced as of May 29, 2018)

Business owners who fail to implement education for disability awareness in the workplace or do not retain the conducted education materials for three years will be fined with a penalty of up to KRW 3 million.

However, businesses with less than fifty full-time workers may implement education through a simple training method such as distributing or posting educational materials provided by the Minister of the Ministry of Employment and Labor or by sending emails to workers.

※ Relevant law: 「Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities」 Article 5-2 (Workplace Education for Improving Awareness of Persons with Disabilities), Article 86 (Administrative Fines)

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Education for Disability Awareness in the Workplace

Ministry of Employment and Labor

Korea Employment Agency for Persons with Disabilities

Tel : 1588-1519 edu.kead.or.kr

01 What is a disability?

- A 'disability' is a concept in progress and it is derived from the interaction between a person with an injury and an attitudinal, environmental wall. (It reflects perspectives of the social model of disability)
- The concept of disability may be interpreted differently according to the times, and the range of disability differs by country.

02 We live together.

- The population of people with disabilities in South Korea stands at 2,580,000, which accounts for 5% of the entire population.
  ※ As of December 2018, according to the current state of registered persons with disabilities by the Ministry of Health and Welfare
- 73.5% of disabilities are caused by postnatal factors, meaning no individual is completely shielded from the possibility of becoming disabled.
  ※ 2018 Panel Survey of Employment for people with disabilities, Korea Employment Agency for Persons with Disabilities
- There is a need for a psychosocial response (disability sensitivity) to recognize and analyze various experiences of everyday happenings from the point of view of persons with disabilities, predict the influence the happening will have on the individual, and take part in solving the problematic situation together.

03 Types of disabilities in Korea

- Disabilities in Korea are currently classified into 15 types.

Ⅰ. Physical Disability

Physical disability
Disability of experiencing discomfort in the body, arms, and legs such as limb disability, articular disability, physical functional disability, and deformity
▸ This requires consideration of accessibility for interviews or conferences.

Brain disorder
Complex disability with dysbasia or limitations of everyday movement resulting from cerebral palsy, stroke, or brain injury
▸ When you find what they say difficult to understand, politely ask them to repeat themselves. When walking together, walk at the same pace as them.

Vision disability
Visual disability and visual impairment resulting from damage of a part of the cornea during the process of light passing through the eye and transferring to the brain
▸ When guiding individuals into a new place or unfamiliar environment, explain the surroundings and related conditions.

Hearing disability
Hearing impairment or equilibrium disorder resulting from damage of the channel that transfers the recognition of sound to the brain
▸ Not all individuals with a hearing disability use sign language. Check for the best method of communication. (Oral, writing, etc.)

Speech disability
Speech disorder, voice disorder, and spoken language disorder resulting from an abnormality in the communicative process of hearing others speak and expressing one's thoughts with his/her voice
▸ Many times, the conversational speed of individuals with speech disorders is not as fast as that of the non-disabled. When conversing, pay close attention to the conversation by looking at the person's face and eyes.

Facial disability
Disability resulting from deformations such as the abstraction, sinking, and hypertrophy of the face
▸ There are many individuals who wear long sleeves, hats, and gloves even during the summertime due to the discomforting glances of others. Do not force individuals to remove their hats or gloves.

Kidney failure disability
Problem with kidney function (includes individuals undergoing dialysis or have received a kidney transplant)
▸ This requires consideration of time and location for dialysis for individuals with kidney failure disabilities requiring dialysis treatment.

Heart disability
Problem with heart function that noticeably limits daily and social life
▸ Do not force individuals to perform extreme exercise or activities that can place strain on the heart.

Liver disability
Chronic or serious problem with liver function that noticeably limits daily and social life
▸ Be considerate as to keep individuals from overworking or experiencing lack of sleep due to work duties.

Respiratory disability
Chronic or serious problem with respiratory function that noticeably limits daily and social life
▸ Have individuals avoid dry environments or work environments with irritating gas and drastic temperature changes.

Intestinal fistula and urinary fistula disability
Noticeable limitations to daily and social life due to gastrointestinal disorder and/or urinary disorder or after intestinal fistula or urinary fistula treatment
▸ This requires consultation for working environments with frequent or public changing of clothes.

Epilepsy disability
Continuous and chronic show of symptoms such as loss of consciousness and seizure due to temporary dysfunction of brain cells
▸ Show consideration so that individuals eat regularly and take medicine.

Ⅱ. Psychological Disability

Intellectual disability
Insufficient and incomplete development of intellectual ability, and limitations in individual function and adaptation to social life (IQ and social maturity scale less than 70)
▸ Although individuals may have lower cognitive functions, the opinions of the intellectually disabled must be respected as they can express their needs. Use a title appropriate to their age, and do not speak informally.

Autistic disability
A disorder in functions of speech, physical expression, self-control, and social adaptation that noticeably limits daily and social life
▸ Individuals may feel anxious in unfamiliar environments, with unfamiliar people, and unforeseen situations. Such circumstances require sufficient explanation and practice.

Psychological disability
Limitations in emotional control, behavioral function, and ability to reason due to lasting schizophrenia, schizoaffective disorder, bipolar disorder, and recurrent depressive disorder
▸ Create an atmosphere for individuals to naturally take medicine during work. Short breaks during work will be helpful to these individuals.

- A disability is one of many features that an individual has. The same disability type can differ by person.
- When offering help, first check with the individual. If the disabled individual needs help, they will explain how they can be helped.

04 Human rights of persons with disabilities in the workplace, prohibited discrimination of persons with disabilities, and fair provision of conveniences

- To guarantee the dignity and rights of individuals with disabilities, including physical and psychological disabilities, the 'UN Convention on the Rights of Persons with Disabilities' was adopted at the 61st Session of the United Nations General Assembly (December 13, 2006).
  - Provisions pertaining to the guaranteed interests of persons with disabilities in all fields of life including the protection of rights of disabled females and children, rights of movement of persons with disabilities and guarantee of rights to approach culture, rights to education, rights to health, and rights to work
- In 2007, Korea established the 「Act on the Prohibition of Discrimination Against Persons with Disabilities, Remedy Against Infringement of Their Rights, Etc.」.
  - The Act prohibits discrimination in all fields of life for reason of being disabled and guarantees participation and equal rights of persons with disabilities
  - Employers are given the duty to give fair convenience and provisions to persons with disabilities in order to create fair working conditions as the non-disabled

*** What is fair convenience?** This refers to people, machines, equipment, and facilities that assist persons with disabilities in comfortably being active with the non-disabled.

- Participation in social activities and promotion of welfare was planned by allowing easy access of information as well as safe, convenient use of facilities and equipment in their lives through the 「Act on the Guarantee of Convenience Promotion of Persons with Disabilities, Senior Citizens, Pregnant Women and Nursing Mothers」 (1998).
- What if the 'rights' and 'basic freedom' of persons with disabilities are violated?

Applying for remedy Upon occurrence of damage, file a lawsuit to the National Human Rights Commission of Korea ⇨ recommendation of correction and report to the Minister of Justice (by National Human Rights Commission of Korea) ⇨ for nonfulfillment of recommendation of correction ⇨ imposition of correction order (by Minister of Justice) ⇨ penalty of up to KRW 30 million

Reporting to the Grievance Settlement Committee Upon occurrence of damage, make a verbal or written report ⇨ notification of measures and results will be given within ten days (by the Grievance Settlement Committee)

※ 'Grievance Settlement Committee' is mandatory for businesses with more than 30 employees (「Act on the Promotion of Employees' Participation and Cooperation」 Article 26)