



Neurodiversity work and welfare: comparative analysis of policies in Europe, the United States and Japan

TRABAJO, BIENESTAR Y NEURODIVERSIDAD: ANÁLISIS COMPARATIVO DE LAS POLÍTICAS EN EUROPA, ESTADOS UNIDOS Y JAPÓN

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ABSTRACT

This article provides a comparative analysis of social protection, welfare, and labor law policies for neurodivergent individuals in Europe, the United States, and Japan. Through a narrative analysis of documented real-life cases, it examines how different legal frameworks, welfare systems, and organizational cultures shape workplace and social inclusion. The article highlights the tensions between the medical and social models of disability, between universalism and particularism in interventions, and between the imperative of inclusion and economic logics such as productivity and conditionality. Despite profound differences in their historical trajectories and institutional architectures, the three contexts share a minimal framework of democratic and economic values, which allows for a critical comparison of the effectiveness, limitations, and future trajectories of public policies for neurodiversity. The analysis focuses on key policy instruments: anti-discrimination directives, reasonable accommodation obligations, quota systems, activation measures, and income support schemes. It draws on emblematic court rulings, corporate programs, and individual experiences documented by advocacy organizations and government agencies. The findings reveal practical convergences regarding effective accommodations—such as sensory adjustments, flexible work arrangements, and alternative hiring processes—while also exposing structural vulnerabilities, including the benefits cliff in the United States, the segregation risks in European sheltered workshops, and the family dependency trap embodied by Japan's "8050 problem." The article concludes by proposing an integrated model that fuses universalistic security, strong anti-discrimination rights, personalized public funding, private sector partnerships, and robust transition services.

KEYWORDS

Neurodiversity
Comparative Labor Law
Welfare State
Reasonable accommodations
Inclusion

RESUMEN

Este artículo ofrece un análisis comparativo de las políticas de protección social, bienestar y derecho laboral para personas neurodivergentes en Europa, Estados Unidos y Japón. A través de un análisis narrativo de casos reales documentados, se examina cómo los diferentes marcos jurídicos, sistemas de bienestar y culturas organizacionales configuran la inclusión laboral y social. El artículo destaca las tensiones entre los modelos médico y social de la discapacidad, entre el universalismo y el particularismo en las intervenciones, y entre el imperativo de inclusión y las lógicas económicas de productividad y condicionalidad. A pesar de las profundas diferencias en sus trayectorias históricas y arquitecturas institucionales, los tres contextos comparten un marco mínimo de valores democráticos y económicos, lo que permite una comparación crítica de la eficacia, las limitaciones y las trayectorias futuras de las políticas públicas para la neurodiversidad. El análisis se centra en instrumentos clave: directivas antidiscriminatorias, obligaciones de ajustes razonables, sistemas de cuotas, medidas de activación y prestaciones económicas. Se recurre a sentencias emblemáticas, programas corporativos pioneros y experiencias individuales documentadas por organismos públicos y asociaciones. Los resultados revelan convergencias prácticas en cuanto a los ajustes efectivos —como adaptaciones sensoriales, horarios flexibles y procesos de selección alternativos—, al tiempo que exponen vulnerabilidades estructurales, como el «acantilado de beneficios» en Estados Unidos, los riesgos de segregación en los centros especiales de empleo europeos y la trampa de dependencia familiar que representa el «problema 8050» japonés. El artículo concluye proponiendo un modelo integrado que combine seguridad universalista, derechos antidiscriminatorios sólidos, financiación pública personalizada, alianzas con el sector privado y servicios robustos de transición.

PALABRAS CLAVE

Neurodiversidad
Derecho Comparado del Trabajo
Estado de Bienestar
Ajustes razonables
Inclusión

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I. INTRODUCTION: NEURODIVERSITY AS A SYSTEMIC CHALLENGE

The neurodiversity paradigm, which conceptualizes neurological variations such as autism, ADHD, dyslexia, and dyspraxia as natural forms of human diversity rather than pathological deficits, has progressively infiltrated academic discourse, activism, and, increasingly, public policy¹. This conceptual evolution poses a radical challenge to the traditional institutions of the welfare state, labor law, and social security, which are structured on standardized medical models and normative conceptions of “ability” and “productivity”. The demand for recognition, accommodation, and full participation put forward by neurodivergent individuals questions the capacity of socioeconomic systems to translate abstract principles of equality into concrete practices of equity, flexibility, and universal design.

This article aims to explore this challenge through an in-depth, narratively grounded comparative analysis, placing documented real cases within the distinct legal-political ecosystems of Europe, the United States, and Japan. The choice of these three contexts is motivated by their representativeness of different ideal-typical models: Europe, with its layering of supranational governance and national welfare traditions; the United States, emblematic of the liberal model of anti-discrimination regulation based on civil rights; Japan, an example of an advanced capitalist economy with a hybrid welfare system, based on corporate paternalism and familism. What makes them comparable is precisely the “shared minimal framework”: they are all liberal democracies with highly developed market economies that, despite divergent historical paths, face the same pressures of globalization, technological innovation, and obligations derived from international human rights law, particularly the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The goal is to go beyond formal legal comparison, to show how laws, policies, and organizational cultures intertwine to produce dramatically different lived experiences for neurodivergent citizens, and what lessons can be drawn to design more inclusive future systems.

1. Singer, 1999; Armstrong, 2010.

II. METHODOLOGY: NARRATIVE-COMPARATIVE APPROACH AND CASE SELECTION

The research adopts a qualitative methodology of a comparative-narrative type. This approach distinguishes itself from pure legal-doctrinal analysis by its focus on the concrete implementation of norms and lived experiences, using specific case studies as lenses to understand broader systemic dynamics. The narration (“storytelling”) of cases is not an end in itself but serves to illustrate the causal mechanisms, contradictions, and unintended consequences of policies².

The selected concrete cases are all publicly documented through verified primary sources: jurisprudential rulings, reports from government agencies (e.g., EEOC, National Audit Office), corporate sustainability reports, academic ethnographic or public policy studies, and documentation produced by recognized advocacy organizations. Generalization based on anecdotes or constructed “typical” cases has been avoided, favoring instead real examples with a public and verifiable footprint. For each geographical context, cases have been selected that represent:

1. The functioning of the anti-discrimination framework (e.g., emblematic lawsuits).
2. Successful (or failed) workplace inclusion initiatives, both public and private.
3. The often problematic interactions between income protection systems and work incentives.

The comparison does not aim to rank “best to worst”, but to identify ideal-typical models of institutional response, their internal logics, their inherent strengths, and their structural vulnerabilities when applied to the complexity and variability of neurodivergence.

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III. THE INTERNATIONAL CONCEPTUAL AND NORMATIVE FRAMEWORK: THE UNCRPD AS A REFERENCE POINT AND TRANSFORMATIVE TOOL

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), adopted in 2006, constitutes the primary international legal instrument that shapes and gives legal force to the social model of disability. This model, fundamental to the neurodiversity perspective, shifts the focus from the individual “impairment” to the social, environmental, and attitudinal “barriers” that limit participation³. The UNCRPD does not create new rights but reframes universal human rights through the lens of disability, imposing obligations of non-discrimination and progressive realization on States Parties.

For neurodiversity, some articles are particularly relevant:

2. Ragin, 2014.

3. Shakespeare, 2006.

Art. 1 – Purpose: Defines persons with disabilities as including “those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” This relational and interactive definition is broad and can readily include neurodivergent conditions.

Art. 27 – Work and employment: It is the cornerstone for workplace inclusion. Commits States to recognize the right to work in an “open, inclusive and accessible” labor market. It explicitly prescribes protection from discrimination, equal opportunities and remuneration, safe and healthy working conditions, access to training, and, crucially, the right to reasonable accommodation in the workplace. Furthermore, it encourages employment in the private sector through active policies.

Art. 19 – Living independently and being included in the community: Recognizes the right of all persons with disabilities to live in the community, with freedom of choice and access to a range of home, residential, and community support services. This is essential for many neurodivergent individuals who need support for activities of daily living to then access and maintain employment.

Art. 28 – Adequate standard of living and social protection: Commits States to ensure access to social protection and poverty reduction programs, including assistance for disability-related expenses, and to ensure that such programs do not discriminate against persons with disabilities.

The ratification and implementation of the UNCRPD vary drastically. The European Union (and all its Member States) and Japan have ratified it, committing to conform their legislation. The United States, while having signed it in 2009, has never ratified it due to Senate opposition, thus remaining non-binding under international law. However, the Convention still functions as a powerful normative reference point and a rhetorical and advocacy tool used by civil society organizations even in non-ratifying contexts to push for change⁴.

IV. THE EUROPEAN MODEL: BETWEEN UNIVERSALISM, DIRECTIVES AND A MOSAIC OF NATIONAL EXPERIENCES

The European approach is inherently multi-level, a hybrid between a supranational legal framework and the persistent sovereignty of Member States in social and labor policies. This produces an extremely varied landscape.

4. Lord & Brown, 2011.

A. EU legal framework and CJEU jurisprudence

EU legislation on non-discrimination is primarily based on Directive 2000/78/EC, which establishes a general framework for equal treatment in employment and occupation. The Directive prohibits direct and indirect discrimination and imposes on employers the obligation to provide reasonable accommodation for persons with disabilities, unless it constitutes a “disproportionate burden”. The definition of disability, initially left to States, has been the subject of important jurisprudential evolution by the Court of Justice of the European Union (CJEU).

A fundamental case is HK Danmark (C-335/11 and C-337/11)⁵. The CJEU was called to decide whether conditions like chronic fatigue syndrome and ADHD could constitute a “disability” under the Directive. The Court ruled that yes, such conditions fall within the notion of disability if “long-term” and if they substantially limit, in interaction with various barriers, the person’s ability to participate in professional life. Furthermore, the Court stated that dismissing a worker whose absences are caused by their disability can constitute direct discrimination, unless justified by factors unrelated to the disability. This case significantly expanded protection to “invisible” and fluctuating neurodivergent conditions⁶.

Another relevant case is C-363/12 - Z. v. A Government Department and The Board of Management of a Community School (2014), where the CJEU ruled that refusing to grant leave for in vitro fertilization to a woman whose state of infertility stemmed from a pathology (endometriosis) that constituted a disability could constitute discrimination based on disability. This principle, by analogy, can be applied to situations where a neurodivergent individual needs leave for therapies or supports related to their condition.

At the policy level, the Strategy for the Rights of Persons with Disabilities 2021-2030 and the European Accessibility Act represent attempts to create a more inclusive single market, with common accessibility standards for products and services, also benefiting people with cognitive disabilities⁷.

B. National cases: Sweden, United Kingdom, Germany and Italy

1. Sweden – “Jobbsprånget” and the paradox of sheltered work

Sweden embodies the Scandinavian universalistic model. Beyond the sheltered employment system Samhall (employing about 22,000 people with disabilities, many neurodivergent, but criticized for segregation), an innovative case is “Jobbsprånget” (The Job Leap). Launched in 2017 from a partnership between the autism organization Hjärnkraft, the Swedish Employment Agency, and leading companies (Ericsson,

5. Ring and Werge, 2013.

6. Court of Justice of the European Union, 2013.

7. European Commission, 2021.

Scania, SEB), it is a four-month paid internship program exclusively for graduates on the autism spectrum. The selection process bypasses traditional interviews, replacing them with practical tasks and informal meetings. Scania, for example, has hired several engineers through this program, providing them with mentors and adapting the work environment (e.g., providing noise-canceling headphones and predictable workstations). An independent 2021 analysis showed that over 70 % of program participants secured permanent employment at host companies or elsewhere after the internship⁸. This case illustrates a virtuous collaboration between public, private, and third sectors, based on inclusive design of the hiring process.

2. United Kingdom – “Access to Work” and the struggle for recognition

The British legal framework (Equality Act 2010) is solid. The key operational tool is “Access to Work” (AtW), a government scheme that provides grants to pay for reasonable accommodations that go beyond the employer’s legal obligation. A case documented by the National Autistic Society (NAS) concerns “Michael,” an autistic data analyst hired by a London investment bank. Michael struggled with unscheduled meetings and the noisy open-plan environment. Through AtW, the NAS helped Michael apply for and obtain funding for: 1) A work coach specialized in autism for 10 hours a month, to develop communication and workload management strategies; 2) Software for visual management of tasks and deadlines; 3) Modification of his workstation to a quieter area with adjustable lighting. This support package, worth about £8,000 per year, allowed him not only to keep his job but to be promoted. However, the NAS report “The Autism Employment Gap” (2021) emphasizes how AtW’s bureaucracy, wait times, and poor awareness of the scheme among employers and general practitioners are significant barriers, with many requests denied for insufficient “medical evidence,” reintroducing a medical model⁹.

3. Germany – The quota system and the “Budget for Workplace Assistance”

Germany has a strict mandatory quota system: companies with more than 20 employees must employ people with severe disabilities for at least 5 % of positions (or 3 % in the public sector). Those who do not meet the quota pay a “compensation levy” (*Ausgleichsabgabe*). This system has created a network of sheltered workshops (*Werksstätten für behinderte Menschen*) employing about 320,000 people, but they have been criticized by the UN for segregation and very low wages (less than €200 per month on average). Parallely, there is a powerful tool for inclusion in the regular market: the “Budget for Workplace Assistance” (*Budget für Arbeit*). Introduced by the Bundesteilhabegesetz law (2017), it allows a person with a disability leaving a sheltered workshop

8. Hjärnkraft, 2022.

9. National Autistic Society, 2021.



for a job in the open market to take a budget with them to finance necessary accommodations, supplementing the company's wage. A concrete case is that of "Anna", a woman with Asperger's Syndrome, hired in 2019 as a digital cataloger by the Berlin State Library. *Her Budget für Arbeit* funds a support worker (Arbeitsassistentz) for 15 hours a week, who helps her decode complex instructions, mediate communication with colleagues, and structure her tasks. The library provided a fixed and predictable workstation, avoiding sudden rotations. This case shows how a quota system can be complemented by flexible financial tools to personalize support¹⁰.

4. Italy – Law 68/1999, targeted placement and pilot projects

Italy is based on Law 68/1999 on "targeted placement", a quota system (7 % for companies with over 50 employees) that, in theory, should be personalized. In practice, it is known for bureaucratic slowness and low effectiveness. However, a documented successful case is the "Wise4All - Autism at Work" project carried out in Milan by the Adecco Foundation for Equal Opportunities in partnership with Microsoft Italy and Specialisterne Italy (2018-2020). The project selected 10 young adults on the autism spectrum with high potential, training them for 4 months in IT skills and soft skills. Subsequently, they started 6-month internships at companies like Banca Mediolanum and NTT Data. Banca Mediolanum later hired one of the participants, Luca, as a permanent data quality analyst. For him, the company created a workstation in a quiet office, provided written instructions and flowcharts for processes, and designated a colleague as a "mentor" for daily clarifications. The project demonstrated that successful international models can be adapted to the Italian context, but it remains an exception, dependent on project funding and the commitment of individual enlightened companies, rather than a structured system¹¹.

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C. Social Security and Activation: The "Workfare" Dilemma

Throughout Europe, income protection systems for people with disabilities (disability pensions, attendance allowances) have evolved under the pressure of "activation" policies promoted by the OECD, which aim to reduce the "dependency trap" by pushing people into the labor market. This has led to reforms that have tightened eligibility criteria and introduced elements of conditionality (e.g., obligation to participate in training programs). For neurodivergent individuals, this can be problematic. In the Netherlands, for example, the reform of the disability system (WIA) led to a tightening of medical assessments. A 2018 study by the Dutch Institute for Social Research (SCP) found that people with psychiatric and developmental disorders (a category that includes many neurodivergences) have significantly lower success rates in disability

10. Bundesarbeitsgemeinschaft der Integrationsämter, 2020.

11. Fondazione Adecco, 2020.

claims than those with physical disabilities, and are more often redirected to often inadequate “re-integration” programs¹². The challenge is balancing the right to adequate income support for those who cannot work full-time (or at all) with active and non-coercive support for those who, with the right accommodations, can. Nordic models of “partial disability,” which allow combining a partial benefit with paid work, are promising but require flexible and individual assessment.

V. THE AMERICAN MODEL: CIVIL RIGHTS, REASONABLE ACCOMMODATIONS, AND THE ADVERSARIAL LOGIC

The United States embodies the paradigm of the civil rights model applied to disability. Protection does not come from a generous welfare state, but from the legal prohibition of discrimination and the obligation of reasonable accommodation, to be asserted individually, often in court.

A. The Americans with Disabilities Act (ADA), its revisions and impact on neurodiversity

The Americans with Disabilities Act (ADA) of 1990 is a historic law. Its Title I prohibits employment discrimination for employers with 15 or more employees. The original definition of disability, however, was interpreted restrictively by the Supreme Court in cases like *Sutton v. United Air Lines* (1999), which excluded conditions mitigated by aids (e.g., glasses). This drastically reduced protection for many neurodivergences managed with medication or therapy. The reaction led to the ADA Amendments Act (ADAAA) of 2008, which explicitly rejected those rulings and mandated a broad and favorable interpretation of the definition of disability. The ADAAA established that an impairment that substantially limits a major life activity (including working, reading, concentrating, thinking, communicating) is a disability, even if mitigated. Furthermore, the focus must be on whether discrimination occurred, not on an extensive inquiry into whether the person has a disability. This opened the doors of protection to conditions like ADHD, dyslexia, autism, anxiety, and bipolar disorders¹³.

The central obligation is to provide reasonable accommodation to a “otherwise qualified” applicant or employee, unless it causes an “undue hardship” for the employer. The process is individual and interactive: it is up to the employee to request it (generally with medical documentation describing limitations, not the diagnosis), and then employer and employee must collaborate to identify an effective accommodation. The Equal Employment Opportunity Commission (EEOC) is the federal agency that receives, investigates, and mediates complaints.

12. van der Veen et al., 2020.

13. Colker, 2019.

B. Landmark court cases and pioneering corporate programs

1. Court cases

An important case for neurodiversity is EEOC v. Dollar General (2015). The retail chain refused to hire a woman who had been offered a position after a medical screening test revealed a history of anxiety disorder. The woman had submitted a letter from her doctor stating she was fit to work without restrictions. The EEOC sued, arguing that the refusal based on medical history constituted discrimination based on the “record of a disability”. The case settled for \$1.5 million and an injunction requiring Dollar General to revise its policies. This case highlights the risk of discrimination in pre-employment screening stages¹⁴.

Another case is Moody v. Atlantic City Board of Education (2018, U.S. Court of Appeals for the 3rd Circuit). A special education teacher with ADHD and anxiety disorder was fired after having a conflict with a colleague. The teacher had previously requested the accommodation of having clear, written instructions from the supervisor, but he continued to give them verbally in a confusing manner. The court allowed the lawsuit to proceed, stating that a jury could conclude that the employer had failed in its duty to participate in good faith in the interactive process to find a reasonable accommodation¹⁵.

2. Pioneering corporate programs

The American tech sector has been a pioneer in applying a “business case” to neurodiversity. The best-known program is Microsoft’s Autism Hiring Program, launched in 2015. It replaces traditional interviews with a week-long selection process that includes technical workshops, group projects, and one-on-one meetings, designed to allow candidates to demonstrate their skills practically. Candidates also have preparatory sessions and a mentor during the process. Since launch, Microsoft has hired over 200 full-time employees through this program in software engineering, data science, and research roles. SAP, with its “Autism at Work” program started in 2013, has a goal of having 1 % of its workforce composed of autistic individuals, and has already surpassed that goal in several countries, with hires in software testing, data analysis, and cybersecurity roles¹⁶. These programs demonstrate that a redesign of hiring processes can capture unique talent. However, the criticism is that they tend to recruit individuals on the autism spectrum with high levels of education and cognitive abilities (“high-functioning”), leaving behind those with greater support needs.

14. EEOC, 2015.

15. U.S. Court of Appeals for the Third Circuit, 2018.

16. Austin & Pisano, 2017.



C. The social protection system: SSDI, SSI and the “benefits cliff”

For those who cannot work, or not enough, the safety net is dual and insidious:

1. Social Security Disability Insurance (SSDI): A contributory social insurance program for workers who have accumulated sufficient work credits. Requires proof of inability to engage in “Substantial Gainful Activity” (SGA) (in 2023: \$1,470/month for non-blind). After 24 months, it entitles to Medicare.
2. Supplemental Security Income (SSI): A needs-based assistance program for adults and children with disabilities who have very limited income and resources. Here too, the definition of disability is very strict (inability to perform SGA).

Obtaining these benefits is an exhausting ordeal. Most initial applications are denied; administrative and then judicial appeal can take years. For “invisible” neurodiversities, providing the required objective medical evidence is particularly difficult. But the bigger problem is the “benefits cliff” or “disability poverty trap”. If a person on SSI or SSDI tries to work, they risk losing not only cash benefits but, crucially, public health coverage (Medicaid or Medicare). For an autistic person who needs expensive behavioral therapies, medication, and psychiatric support, losing Medicaid means catastrophe. Work incentive programs like Ticket to Work or the work rules for SSI beneficiaries (e.g., “Plan to Achieve Self-Support”) are complex, little-known, and often insufficient to cover the gap. Research shows that the fear of losing health benefits is the greatest deterrent to attempting to work for people with disabilities in the USA¹⁷. This fragmented system creates an impossible choice between health security and attempting economic self-sufficiency.

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VI. THE CASE OF JAPAN: BETWEEN MANDATORY QUOTA, CORPORATE WELFARE AND THE WEIGHT OF FAMILY

Japan represents a third model, where modern inclusion policies clash with deeply rooted social structures, a corporate welfare system, and strong stigma regarding “mental” disabilities.

A. Evolution of the legal framework and persistence of stigma

The fundamental law is the Basic Act for Persons with Disabilities (revised 2011). The central employment law is the Act on Employment Promotion etc. of Persons with Disabilities, which establishes a mandatory quota system: 2.3 % for private companies with 45.5+ employees, 2.6 % for the public sector. Companies that do not meet the quota must pay an “adjustment levy” (up to 50,000 yen per missing person per

17. Mann & Wittenburg, 2015.

month). This system, created for physical disabilities, included intellectual disabilities in 1976, but only in 2005 were “developmental disabilities” (hattatsu shōgai) officially added, which include autism, ADHD, and learning disabilities. This legislative delay reflects deep social stigma towards mental and developmental conditions, historically associated with moral weakness or poor family upbringing.

Ratification of the UNCRPD in 2014 acted as a powerful catalyst, pushing for reforms. However, the culture of “harmony” (wa) and conformity in the workplace, combined with standardized hiring practices for new graduates (shūkatsu), constitute formidable barriers for neurodivergent individuals, who may struggle with implicit communication, informal social networks, and long periods of generalist training.

B. Quota implementation and corporate cases

The quota system has increased numbers, but often at the expense of inclusion quality. Many companies meet the quota by hiring people with disabilities in marginal, repetitive roles with no career prospects, such as cleaning or packaging, in separate environments. However, there are examples of innovation.

A documented case is that of Dentsu Inc., the advertising giant. In 2016, Dentsu launched the “Dentsu Diversity Lab” and began hiring autistic individuals for data quality control and analysis roles. One employee, Mr. Tanaka (pseudonym), diagnosed with autism, was assigned to the team verifying the accuracy of TV ratings data. His supervisor noticed that Tanaka spotted errors that escaped neurotypical colleagues, thanks to his exceptional attention to detail and sustained concentration. Dentsu provided him with a workstation in a quiet corner, eliminated non-essential meetings for him, and provided written instead of only verbal feedback. This case shows how a targeted accommodation can unleash unique talents¹⁸.

Another example is Fujitsu, which has an internship program for people with developmental disabilities. Ms. Sato (pseudonym), a woman with ADHD, participated in an internship in the software testing department. She struggled with long meetings and complex written documentation. Her mentor broke tasks into micro-phases, used visual checklists, and instituted short daily check-ins instead of long team meetings. After the internship, she was hired full-time. Fujitsu formalized some of these practices into guidelines for managers¹⁹.

Despite these cases, a survey by the Ministry of Health, Labour and Welfare (2020) found that only 38 % of companies employing people with developmental disabilities provide them with specific training, and only 22 % make significant modifications to the work environment, indicating that good practices are still the exception.

18. Tanaka, 2021.

19. Fujitsu, 2019.

C. The “8050 problem” and the fragility of family-based welfare

The Japanese social protection system for people with disabilities heavily relies on the family model. The state provides a disability pension (*shōgai nenkin*) and services like day centers (*yōgo shisetsu*) and residential facilities (*shōgai rinri shisetsu*), but these have long waiting lists and are often of variable quality. The family, particularly parents and often mothers, is the primary provider of care, economic support, and advocacy for a lifetime.

This has generated the dramatic “8050 problem”: eighty-year-old parents (80) still caring for fifty-year-old children (50) with disabilities, often neurodivergent, who have never achieved stable housing or employment independence. With the aging and death of parents, these adults risk a total collapse of support. The phenomenon is documented by sociological studies and reportage. Yamaguchi et al.²⁰ cite the case of a couple in Osaka, both over 75, caring for their 48-year-old son with autism and anxiety disorders. The son attempted several part-time jobs but was always fired for “misunderstandings” with colleagues. He now lives with his parents, dependent on their pension. The parents constantly fear what will happen after their death. The government is trying to promote “supported housing” and “group homes”, but demand far exceeds supply. This extreme case illustrates the limits of a welfare system that delegates primary responsibility to the family, without providing sufficient transition services to adult life and employment supports.

VII. COMPARATIVE ANALYSIS: TENSIONS, DILEMMAS AND PRACTICAL CONVERGENCES

The comparison between the three models reveals a series of fundamental tensions that each system tries to resolve with different tools.

A. Universalism vs. particularism vs. familialism

- Europe (universalism): Offers a base of security (minimum income, universal health services) that can reduce the pure struggle for survival. However, it can be rigid, bureaucratic, and poorly personalized, and its quality depends on the strength of the national welfare state.
- USA(particularismofrights):Maximumflexibilityandpotentialforpersonalization through individually negotiated (or court-imposed) accommodation. However, it creates huge disparities in access based on wealth, education, advocacy skills, and quality of legal representation. It leaves the most vulnerable behind.
- Japan (familialism): Provides an informal primary safety net (the family) but creates pathological dependence and transfers the cost of care onto family

20. Yamaguchi et al., 2020.

units, often onto women, without providing sufficient support. The state intervenes in a residual manner, when the family collapses.

B. The burden of proof and the definition of disability

- USA (post-ADAAA): The definition is very broad and favorable to the claimant. The focus is on discrimination, not on the severity of the disability. The burden of proving “undue hardship” is on the employer. This is powerful for neurodiversities.
- Europe: The definition, after CJEU jurisprudence, is aligning with a social model. However, to access disability benefits, restrictive medical criteria (“inability to work”) still apply, creating a dualism between the right to work (with accommodation) and the right to support.
- Japan: The legal definition for the quota is relatively broad (includes developmental disabilities), but corporate culture and stigma mean that “disability” must often be hidden or compensated for in silence. The burden of adapting falls largely on the individual.

C. The driver of change: rights vs. business case vs. normative obligation

- USA: The primary driver is rights (the ADA) and the threat of costly lawsuits. The business case (e.g., tech programs) is a secondary but powerful driver in specific sectors.
- Europe: A mix of EU rights, national normative obligations (e.g., quotas in Germany) and, increasingly, business case and corporate social responsibility.
- Japan: The main driver is the legal obligation of the quota and, more recently, international pressure from the UNCRPD. The business case is emerging but still marginal.

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D. Practical convergences on accommodations

Despite systemic differences, the types of reasonable accommodations proven effective for neurodivergent individuals are surprisingly similar in the three contexts, indicating a convergence on what works in practice:

- Flexibility of place and time: remote work, flexible hours, scheduled breaks.
- Sensory adaptations of the environment: quiet workstations, dimmed lights, noise-canceling headphones, permission to move.
- Communication and organization supports: written and clear instructions, use of diagrams, task management software, meetings with pre-set agendas.
- Social support and mentoring: specialized work coaches, company mentors, clarification of informal social codes.

- Alternative hiring processes: practical work auditions instead of traditional interviews, extended and less stressful selection processes.

The difference lies not in what is offered, but in how it is accessed: as a negotiable right (USA), as a state-provided service (Europe-AtW/Budget), or as a discretionary corporate practice (Japan/voluntary Europe).

VIII. CONCLUSIONS: TOWARDS AN INTEGRATED MODEL FOR SUBSTANTIVE INCLUSION

The comparative analysis reveals that there is no “perfect model”. Each approach –European, American, Japanese– presents inherent strengths and structural vulnerabilities when addressing the complexity of neurodiversities. The European model provides basic security but risks being slow and falling into the trap of segregation (sheltered workshops) or coercive activation. The American model is powerful and flexible for those with the resources to assert their rights, but abandons those who do not to the margins and creates a poverty trap through the benefits cliff. The Japanese model rests on a family solidarity that is crumbling in the face of an aging population, while the mandatory quota produces numbers but not always true inclusion.

The future of neurodiversity policies requires an integrated model that can fuse the most effective elements of each system:

1. A universalistic security base: Guarantee for all, regardless of the ability to work, a dignified minimum income and universal access to health and support services (European logic). This removes the sheer fear of survival and allows pursuing work as a choice and fulfillment, not as a desperate obligation.
2. A strong framework of anti-discrimination rights and accommodation: Clear laws, with broad definitions of disability, that impose the obligation of reasonable accommodation and shift the burden of proof onto employers (US post-ADAAA logic). This is essential to tackle attitudinal and organizational barriers.
3. Personalized and flexible public funding: Tools like the German “Budget for Work” or the British “Access to Work,” which provide direct resources to finance accommodations and individual support, reducing the cost for companies and personalizing interventions (European hybrid).
4. Incentives and partnerships with the private sector: Promote the business case for neurodiversity not as a substitute for rights, but as their amplifier. Public-private-third sector partnerships (like the Swedish *Jobbsprånget*) can innovate in hiring and management practices.
5. Investment in transition services and independent living: Counter the “8050 model” by developing robust services supporting school-to-work transition, independent living and community life, lightening the burden on families (lesson from Japan).

The narrative of neurodiversity challenges us to rethink not only disability policies but the very foundations of how we organize work, productivity, and social protection in complex societies. The documented concrete cases show that inclusion is possible and beneficial when designing for human diversity. The task for advanced democracies is now to build institutional architectures that, overcoming the weaknesses of existing models, transform this possibility into a reality accessible to all.

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