

The Outline of the Guideline for the Hotelier based on the Amended Hotel Business Act

<Overview>

- As Article 4-2 (Request to provide necessary cooperation) and Article 5 (Restriction of denying lodging) is related to human rights, the hotelier shall respect the fundamental human rights such as self-determine right, privacy, liberty of lodging, principle of equality and shall apply such provisions to the minimum extent necessary and shall not extend the interpretation of such provisions.
- Under the premise that there must not be any unfair discriminatory treatment, the Guideline is to be established for appropriate operation by the hoteliers from the perspective of safety of lodgers and hotel staffs and appropriate operation of facilities.
- The details will be informed promptly at the period in which a domestic outbreak of a specified infectious disease is occurring, and at the current moment, the Guideline stipulates the matters common to the specified infectious disease.
* Specified Infectious Disease: Class I Infectious Disease, Class II Infectious Disease, Novel Influenza Infection, etc., New Infectious Disease and Designated Infectious Disease for which provisions regarding hospitalization, etc. are applicable, under the Act on the Prevention of Infectious Diseases.

<Matters on request lodgers to provide necessary cooperation to prevent the spread of infection>

- The hotelier shall consider the necessity and contents of request to provide the necessary cooperation on the basis of the situation of lodgers and shall request them to provide the necessary cooperation.
- The “reasonable ground” means the situation that a lodger cannot provide necessary cooperation to prevent the spread of infection for the reasons which cannot be changed by the lodger and its examples are below:
 - the case where a lodger cannot visit a doctor due to outside office hours of hospitals; and
 - the case where a lodger have difficulties in wearing a face mask due to the lodger’s disabilities.

The “reasonable ground” should be interpreted and applied flexibly and widely.

<Matters on denying lodging>

- Even though a lodger is a specified infectious disease patient, in the exceptional cases where the patient cannot be hospitalized or recuperate at an accommodation facilities around the hotel or at home due to full occupancy of hospital, etc., it is important and desirable that the hotelier requests the patient to stay a room in the hotel as a necessary cooperation at the basis of request by Prefectures, etc. and Article 5, paragraph 2 of the Act in order that the lodger avoids camping in the field.

- The requests below which have the risks to interfere extremely provisions of accommodation services to other lodgers falls under Article 5, paragraph 1, item 3 of the Act.
 - Request which cannot be realized easily such as unfair discount of accommodation fees (excluding request to eliminate the social barrier under the Act for Eliminating Discrimination against Persons with Disabilities in lodging)
 - acts which impose a burden on staffs mentally and physically such as an extremely rude or violent manner (excluding acts with a reasonable ground) and which require more cost and expense to attend the person than usual. (e.g. complaining an unfair request for a long time)
- For example, the cases below does not fall under Article 5, paragraph 1, item 3 of the Act.
 - Request to eliminate the social barrier under the Act for Eliminating Discrimination against Persons with Disabilities in lodging.
 - ※ "social barrier" means items, institutions, practices, ideas, and other things in society that stand as obstacles against persons with disabilities engaging in daily or social life.
 - Request a staff to apologize when the staff treat a lodger discriminately.
 - Case where a reasonable person would conclude that such acts were caused due to the disability of the lodger, for example, through explanation from the lodger or the lodger’s accompanier.
 - Request for damage of a lodgers or its accompaniers caused intentionally or negligently by a staff (provided, however, that if the means and manner of achieving the request are inappropriate in terms of socially accepted standards based on the validity of the content of the request, the act lacks a reasonable reason and such request falls under Article 5, paragraph 1, item 3 of the Act.)
- Article 5, paragraph 1, item 2 and 4 are not changed even after amendment of the Hotel Business Act.
- The hotelier shall comply with under the Act for Eliminating Discrimination against Persons with Disabilities which stipulates unfair discriminatory treatment and reasonable accommodation and shall not deny a lodger’s stay only for the disabilities of the lodger.

<Matters on Renewed Efforts to Prevent Discrimination>

- The hotelier is to conduct periodic seminars with utilization of the Guideline for business operators of environmental health based on the Act for Eliminating Discrimination against Persons with Disabilities.
- Although the hotelier is required to accommodate the disabilities of the lodger, the obligation of prior notice of disabilities to the hotelier at the time of booking will be unfair discriminatory treatment.
 - On the other hand, the hotelier shall pay attention to the provisions “it is not unfair discriminatory treatment that the Company confirm the situations of disabilities to the extent necessary for provisions of reasonable accommodation with consideration for privacy” in the Basic Policy on Elimination of Discrimination on the Basis of Disability.