

## Section 2 About Basic Policy

### 1 Background

The promotion of the elimination of discrimination against persons with disabilities shall concern all fields relevant to the independence and social participation of persons with disabilities including employment, education, medical services, and public transportation and affect policies across different offices and ministries. The national government shall establish the “Basic Policy for Eliminating Discrimination against Persons with Disabilities” (hereinafter referred to as “Basic Policy”) in order to implement measures for promoting elimination of discrimination through comprehensive and integrated efforts pursuant to the provisions of Article 6, Paragraph 1 of the Act for Eliminating Discrimination. (See Figure 2 for the outline of the Basic Policy.)

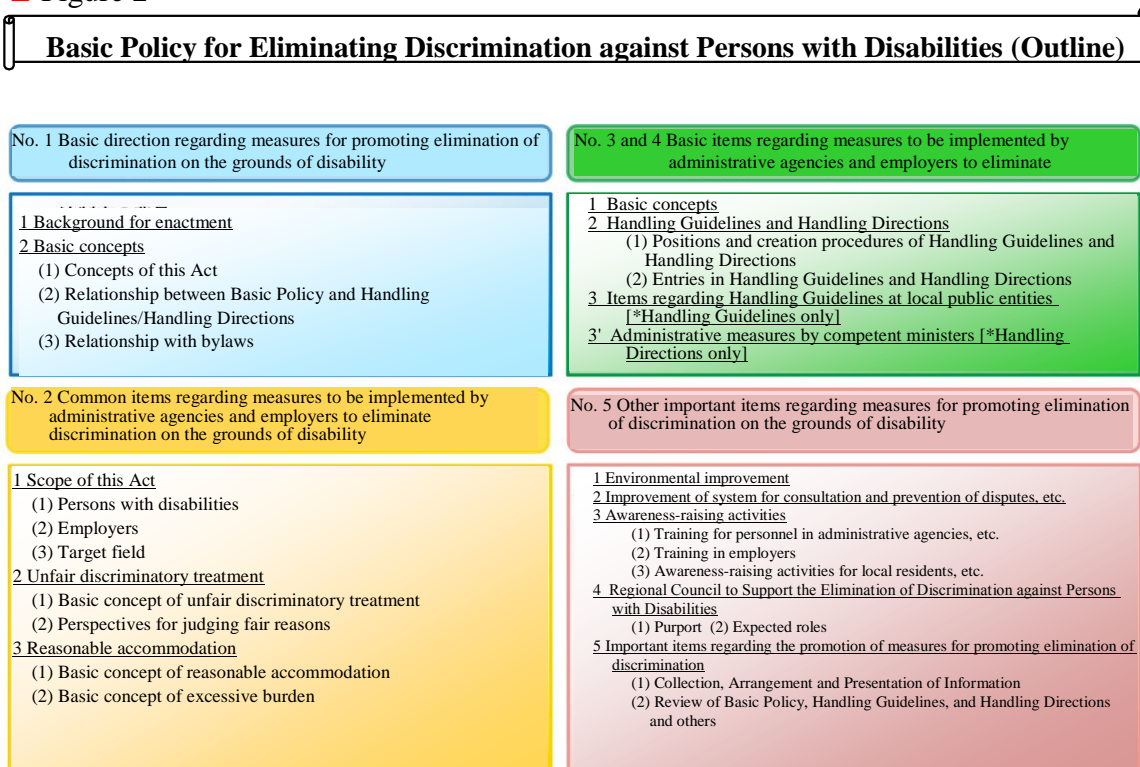
As for the examination of the draft of the Basic Policy, the Commission on Policy for Persons with Disabilities conducted a hearing of parties concerned such as the organizations of persons with disabilities and employers and examined the draft through discussion based on opinions from 30 organizations of disabled persons themselves and 25 organizations of employers, etc. Then, after public comments were accepted for 30 days, the Basic Policy was endorsed by the Cabinet on February 24, 2015.

### 2 Outline

#### (1) Scope of Act

The Act for Eliminating Discrimination defines “persons with disabilities” in the same way as the Basic Act for Persons with Disabilities: “Persons with physical, intellectual, and mental disabilities (including developmental disabilities) and other disabilities (hereinafter simply referred to as “disabilities”) who are in a state of continuously facing substantial limitations in their daily or social life owing to their disabilities or social barriers”. The Basic Policy also provides this definition and clearly states that “persons with disabilities” shall not be limited to holders of disability certificates.

■ Figure 2



The Basic Policy also clearly states that women with disabilities may face even more difficult situations due to multiple causes resulting from gender in addition to disabilities and that attention must be paid to the necessity of different support for children than adults with disabilities.

## **(2) Reasonable Accommodation**

### **a. Basic Concept of Reasonable Accommodation**

Reasonable accommodation is diverse and highly individual, varying depending on the nature of disabilities and the specific circumstances or conditions under which social barriers must be eliminated. Reflecting the actual conditions faced by an individual with disabilities, a necessary and reasonable range of accommodation including selection of alternative measures should be provided flexibly in consideration of the elements listed in section B below, “Basic Concept of Excessive Burden” and through mutual understanding based on reciprocal constructive dialogs. Furthermore, the content of reasonable accommodation may change according to the progress of technology, changes in social conditions, etc.

The Basic Policy lists the following items as examples of reasonable accommodation conceivable at present.

- Accommodation for physical environments such as placing a portable slope over a step for wheelchair users and handing them products that are displayed on high shelves
- Accommodation for communications such as writing, reading aloud, and using sign language as well as giving explanation using simple expressions
- Flexible change of rules and practices according to the nature of disabilities such as adjustment of rest breaks

Intentions may be communicated using necessary means (including interpreters) such as language (including sign language), braille, enlarged text, written messages, showing of real objects, signs including gestures, and communication by means of touch.

If there are expected to be many persons with disabilities who need reasonable accommodation or if the relationship with persons with disabilities extends over a long period of time, it is important to achieve middle- or long-term cost reduction or efficiency improvement by taking the environmental improvement into consideration as described below, instead of supplying reasonable accommodation each time.

### **b. Basic Concept of Excessive Burden**

An excessive burden is to be judged comprehensively and objectively according to specific circumstances or conditions of each case. The Basic Policy lists the elements to be considered in judging an excessive burden as follows: Degree of influence on administrative and business affairs (whether it impairs the purpose, content, or function of administrative and business affairs), degree of feasibility (physical or technical constraints or personnel or organizational constraints), degree of cost and burden, scale of administrative and business affairs, and fiscal and financial conditions.

## **(3) Entries in Handling Guidelines and Handling Directions**

The Basic Policy lists the entries in the Handling Guidelines and Handling Directions as follows:

- Purport

- Basic concepts of unfair discriminatory treatment and reasonable accommodation
- Specific examples of unfair discriminatory treatment and reasonable accommodation
- Improvement of consultation support
- Training and awareness raising in administrative agencies, etc. [\*Handling Guidelines only], Training and awareness raising in employers [\*Handling Directions only]
- Consultation service of national administrative agencies (competent ministers) [\*Handling Directions only]

#### **(4) Other Important Matters**

##### **a. Environmental Improvement**

To ensure that reasonable accommodation shall be provided to individual persons with disabilities in individual circumstances, it is important to pursue making the following environmental improvements: Promoting barrier-free designs mainly for an indefinite number of persons with disabilities, providing physical support for expressing their intent or having communications, and improving the accessibility to information. The environmental improvements include not only these tangible aspects but also intangible aspects such as training.

##### **b. Important Matters Regarding Promotion of Measures to Eliminate Discrimination**

- Collecting, Arranging and Presenting Information  
Efforts shall be made to collect and arrange specific examples, court precedents, etc. in Japan and gather international trends and information in order to provide them to the public in general through the White Paper on Persons with Disabilities, the website of the Cabinet Office, etc.
- Reviewing the Basic Policy, Handling Guidelines, and Handling Directions  
The Basic Policy, Handling Guidelines, and Handling Directions shall be reviewed as required and expanded on a timely basis based on the accumulated specific examples of unfair discriminatory treatment and reasonable accommodation.

When the situation of implementation is reviewed in three years after enforcement of the Act for Eliminating Discrimination, the Basic Policy shall also be reviewed as specified.