

20th IFTTA Conference ,
Beijing
12-14 September, 2008

Condition of Tour Guides and Resort Activity Instructors in Japan

Discussion Paper

prepared by

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Prologue

The Japanese government has developed a campaign, “Visit Japan” to increase foreign tourists to 10 million by 2010. “Visit Japan” has been successful as shown in the increase of tourists from the initial 5,210,000 in 2003 to 8,340,000 in 2007.

Accompanying this rapid success there have been service related problems, therefore increasing the need for a tour guide guideline.

1 The Role of Tour Guides in Japan

1) Paid interpreters accompanying foreign tourists as a tour guide must be licensed. The license is known as “Interpreting Tour Guide” which is a state examination started in 1949. The interpreting tour guide system includes 10 languages English, German, French, Spanish, Italian, Portuguese, Russian, Chinese, Korean, and Thai.

Volunteer guides do not need to be licensed whether Japanese or foreign language speaking.

2) In order to promote tourism in prefectural areas in 2007 the local government developed an “Area Limited Interpreting Tour Guide” test, allowing the interpreting tour guide to work within a designated prefecture. These area limited tour guides can offer more specific cultural and historical information about their prefecture.

3) In order to maintain quality the Tour Guide Law states the tour guide must not receive any commission from retailers in any business transaction between the retailer and tourist. If the tour guide breaches this law there is a fine of no more than 300,000 yen

4) As foreign tourists prefer to be guided by guides of their same nationality who speak their same language unlicensed foreign tour guides have increased. These illegal foreign guides will be fined no more than 500,000 yen, to maintain precise geographical, historical and cultural information.

In my opinion, there should be two classes of tour guides, licensed and unlicensed depending on the purpose of touring Japan.

2. Sport guides (Resort Activity Instructors)

1) Currently, Japan has become a popular ski area for many Australians as Japan has hosted two Winter Olympic Games, Sapporo in 1972 and Nagano in 1998. The quality of snow is excellent in these areas for not only skiing, but also climbing and other outdoor sports. Such popularity increases the demand for skilled and experienced sports guides/ instructors.

2) Japan's most southern island Okinawa, which offers ideal beaches for scuba diving and kite-surfing has become popular among foreigners, especially tourists from nearby Asian countries. As marine sports are dangerous, skilled instructors are needed.

3) Currently, the law does not require a state license for a sport guide/instructor. Private institutions provide licenses, but it is not mandatory to obtain a license. However, state-licenses are needed for guides when speaking a foreign language and these guides do not necessarily have the marine or mountain sports skills, therefore cannot guide in marine or mountain sports.

4) Sapporo District Court Decision, March 17, 2006

Two travelers froze to death during a mountain climbing tour organized by a travel agent. The mountain guide was convicted and sentenced with a two-year suspended sentence. This was the first case in which a tour guide was criminally convicted. The judge decided that the mountain guide had a heavier responsibility for the safety of the travelers.

In late September, just before the snow season a guide leading 16 travelers had left two travelers behind at a fork in the trail. The two travelers made a mistake at the fork were reported missing and found dead the next morning.

This incident occurred on Mount Yotei in Niseko, a popular ski resort for Australians where as

many as 50,000 Australian ski each year. This tragedy involved Japanese victims, but could easily happen to foreigners.

3 The Responsibility of the Tour Agent

At a diving school in Okinawa, a woman who could not dive in the diving pool nevertheless, was taken on an ocean dive, which at that time she could not use the diving mask properly thus lead to a critical result.

The Osaka District Court on June 8, 2005 ordered both the instructor and the school to pay damages. However, the travel agent was not ordered to compensate for damages.

This travel agent had a strict criterion of selecting the diving school:

- 1 The school should have one instructor or more who have more than 5 year teaching experience.
- 2 It should have more than 2 instructors on duty at the same time.
- 3 It should be insured by no less than one billion yen.
- 4 No incident was caused by the fault of the school.

The diving school had met all of these requirements.

The Osaka District Court ruled that the travel agent had selected a school which met its strict criteria and the travel agent is not responsible to investigate in detail the level of neither experience nor the ability to respond in an emergency. Doubtless, The Osaka District Court found the travel agent's criteria legally sufficient.

According to the EC Directive 90/314/EEC, the travel should be ordered to pay compensation in this case. I believe the EC Directive is too strict regarding this incident, but some governmental licensing regulation should be introduced for both the school and the instructor.

Epilogue

Improvements can be made for the general "Interpreting Tour Guide" by ranking the location depending on history, culture, or geography and assigning licensed guides to the more important locations.

Mountain climbing, skiing, and scuba diving tours should be led by state licensed or prefectural area limited licensed guides. Moreover, these guides involving resort activity instruction should have not only, a basic sports guide license but also, an interpreting resort activity guide license, due to the danger of language misunderstandings.

In order for the travel industry to flourish, skilled experienced guides or instructors are needed to provide better hospitality in Japan.