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*Preventing the financial, legal, and physical abuse of
migrant workers in Japan*



**RESEARCH
REPORT**

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Forum: Economic and Social Council

Issue: Preventing the financial, legal, and physical abuse of migrant workers in Japan

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Introduction

Foreign workers have become an exploited source of cheap labor in a country with one of the world's most rapidly aging populations and lowest birthrates. Resistant to immigration, Japan faces an acute labor shortage, with job vacancies growing everyday. As more migrant workers enter the country, the more likely they are to face abuse, not only from their employers, but from locals as well. Even though it's a significant issue all across the country, the government has not worked on solving it in any way. Protecting the rights of these migrant workers is to be discussed by the delegates of the Economic and Social Council.

Definition of Key Terms

Migrant workers: A migrant worker is somebody who leaves their country to pursue work in a state which they are not a citizen of.

Trainee: Temporary migrants who have entered Japan legally under the residence status "trainee" that form a subdivision of the migrant labor force in Japan.

Low-skilled worker: Low-skilled labor is a segment of the workforce that does not require any special ability to be done. The jobs are generally repetitive in nature, requiring very little, if any, education or training to be completed successfully. These positions are often low paying and considered entry-level.

Overstay: To stay beyond the time limits of the visa given by the government. Migrant workers usually overstay tourist visas, which are easier to obtain than a work permit.

General Overview

Japan's economic strength and its rapidly aging population leaving the workforce are major pull factors for migration to Japan, especially from other Asian nations. The decline in the population has caused severe shortages in the labor force, particularly in jobs that require physical ability and are considered dangerous, which has discouraged the young Japanese from entering the industry. It is estimated that

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more than 25,000 construction workers are required nationwide, therefore labor force from outside the country has become a necessity for Japan.

Despite the evident need for migrant workers, the Japanese government has pushed through with its stance of not recruiting “low-skilled” migrant workers, and that “the acceptance of foreign workers in professional and technical fields should be more actively promoted”. This has resulted in numerous undocumented immigrants from Asian countries to enter Japan through smuggling or overstay. Even though Shinzo Abe loosened the tightly controlled visa policy, due to the easy job opportunities, the number of illegal migrants increase every year. As a result of their irregular status, undocumented workers face harsher abuse, mostly from employers who threaten to report them to authorities. Many forms of abuse take place, including but not limited to underpayment, sexual misconduct and lack of healthcare.

Furthermore, one of the most popular legal ways migrant workers could enter the country, “industrial trainee and technical intern system”, has been accused of exploiting the workers as a source of cheap labor. The lack of enforcement of labor laws, the use of brokers and limited efforts to educate and integrate these migrant workers has left many of the workers vulnerable to financial, legal, and physical exploitation.

One of the main difficulties faced by foreign employees is the pressure to assimilate into Japanese culture. This is a complex, if not impossible, task due to Japan’s monolingual and monocultural nature as well as the reluctance for Japan society to accept the diverse nature of foreigners.

Another challenge is ensuring that Japanese agencies have translators who can provide language assistance migrants. Without it, migrant workers and trainees will continue to have a difficult time accessing legal assistance. The language barrier is one of the primary reasons foreign workers are financially abused and as more workers arrive from abroad, the need for multilingual assistance will only grow.

Evidence also suggests there is a lack of trust in the foreign worker. Some general contractor companies even make it clear in their contracts that no foreign staff are allowed to be involved in specific activities at the construction site, as Japanese managers do not believe these workers can assure the same quality as the Japanese. Unfortunately, these prejudices against migrant workers negatively impact the work environment. Many Japanese employees worry that these individuals will eventually become their rivals at work. Japanese craftsmen, for example, prevent skilled migrant workers from being involved in professional assignments. This fear of job competition results in migrant workers being assigned low-level and unskilled tasks.



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It is no secret that migrant workers face abuse in Japan and the government has no clear intention to make things better. Enhancing the working conditions for migrants and loosening migrant policies would be beneficial for both parties, since Japan is in need of employees and workers will be more willing to come if they make progress in protecting migrant workers' rights.

Timeline of Events

Date of Event	<i>Description of Event</i>
1989	1. The Japanese government revised the Immigration Control and Refugee Recognition Act and implemented measures in aim to prevent the entry of unauthorized workers (e.g. the punishment of employers who hire non-Japanese nationals that do not possess residence statuses that permit work) 2. The establishment of the “industrial trainee and technical intern system” that mixes training with employment, so that trainees and interns can be utilized as labor. (It is important to note that as trainees are not workers and are therefore not protected under the Labor Standards Law)
2004	In its “Action Plan for the Realization of a Society Resistant to Crime” the government set a goal to halve the number of “illegal foreigners” in 5 years, in which they steeply increased fines for illegal entrance and strengthened deportation laws.
2010	Japan amended labour laws to give migrant workers and trainees the same rights as Japanese workers.
2016	The number of foreign workers in Japan hit 1 million.

Evaluation of Previous Attempts to Resolve the Issue

The industrial trainee and technical intern system, established in 1989 and sponsored by the government, whose aim is to train foreign workers so they can bring skills back to their home country, is often used by labour-strapped companies to secure workers. The program has been long dogged by cases of labor abuse including illegal overtime and unpaid wages, prompting criticism from Human Rights Watch and the U.S. State Department. Many cases have been reported where they have been forced into de facto slave labor. The United Nations has urged Japan to scrap it altogether.

According to this system: trainees, after one year of training during which the migrant workers receive subsistence pay below the minimum wage, are allowed to work for two more years in their area of expertise at legal wage levels. But interviews with labor experts and a dozen trainees indicate that the foreign workers rarely achieve those pay rates.

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Despite the fact that Japan improved their labor laws in 2010 to guarantee the same minimum wage to trainees and locals, low wages are once again on the increase as the number of new migrants continues to rise. Many complaints have been received of numerous cases of wage theft in the past year, including unpaid overtime.

In addition, numerous human-rights violations have been reported over the years, including cases of overwork and sexual harassment. Passport confiscations have also been reported. Overall, the trainee system has many loopholes that lead to the exploitation and abuse of migrant workers the Japanese government has not taken enough action to prevent any further misconducts.

Possible Solutions

The migrant worker issue is one of the more challenging problems facing Japan today as policymakers look to find solutions to the social problems fostered by the low birthrate and lack of laborers. Changing long established societal norms and values will not come easy, but it is time for Japanese companies and society to reconsider issues related to migrant workers and use education to integrate migrant workers into the society as well as helping the communication between employers and employees. The government should reinforce laws and regulations that could help in dealing with cultural diversity in order to enable foreign workers to make a long-term contribution to the country.

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