

## **A minor progress of Japan's regulatory system for foreign workers**

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In the early 1990s, Japan was under external pressure to play a larger role in the international community. The Technical Intern Training Program (TITP) was started in 1993 as a way to meet the expectations of the international community by providing a program to transfer skills to trainees from developing countries. On the home front, the introduction of the TITP coincided with a shortage of labour, particularly at small firms. In practice, the TITP has played an important role to make up for the shortage and has become indispensable as the shortage of Japanese workers worsens. The official policy of Japan's contribution to international development was isolated from the reality that in practice these programs were filling labour shortages, a situation which has grown more pronounced while failing to protect the safety and well-being of trainees involved in the TITP.

In 2017 the Organisation for Technical Intern Training (OTIT) was established as a supervisory agent, approved by the national ministries concerned, to appropriately utilize the TITP and protect foreign trainees. In the same year, the Technical Intern Training Act came into effect, with the aim of ensuring the appropriate implementation of technical training. On April 10, 2023, Japan's Ministry of Justice released an interim report prepared by an expert panel for transitioning to a new regulatory system of foreign workers. This report recommended the "abolition" of the current TITP, which allows foreigners to work while learning skills at professional training organisations. The TITP has been criticized for various practices, including imports of cheap labour, long working hours, and illegal low wages. The focus of the existing TITP is on collective labour, rather than individual human lives. It is a one-sided mechanism of learning, which has operated through skill/technology transfer to developing countries. Such an approach is outdated and patronising. The government has been urged to take action to address these issues.

While the interim report has received positive feedback, it also notes that transitioning to a new program has been impaired by the Immigration Services Agency and conservative politicians, who have done as much as possible to prevent foreigners from permanently residing in Japan. The expert panel has proposed a new system that would allow for possible long-term stays and some degree of flexibility in changing training places (*tenseki*), which is not allowed in the current TITP. The new system aims to not only develop skills through training (*ikusei*), but also to secure adequate staffing (*jinzai kakuho*) for companies. The report proposes a new Specific Skill system that would exempt TITP trainees, who have completed more than three years of training, from taking the qualifying exam, paving the way for long-term employment. Additionally, the new system proposes stricter requirements to ensure the independence of registered supervisory organisations (*kanri dantai*) from employers of trainees. The expert panel is expected to submit a final report in the fall.

The draft proposal admits that "continuing to accept trainees while only emphasising international contributions is not desirable" and needs to recognise the contribution of trainees in filling labour shortages. The proposal suggests that the existing technical training system should be replaced with a new system that will both "train" participants and "secure" human resources for Japan. However, it still maintains the key purpose of training (*ikusei*), which is through a one-way physical transfer of skills. Although the proposal provides somewhat for the easing of restrictions allowing interns to change their training places (*tenseki*), it further states that the purpose of training, in and of itself, justifies a reason to limit the relaxation of

those restrictions. In this sense, the proposed new system may continue to take away the freedom of foreign workers.

Liberal advocates, such as the Japan Federation of Bar Associations, not only call for the abolition of the TITP but also promote the integration of people with roots in foreign countries who have various differences in language and customs into Japanese society, considering it as a challenge for society. On the other hand, conservative experts point out the problematic social costs of education, healthcare, social security, and welfare when accepting foreign workers. Accepting foreign workers leads to settlement and family reunification, and some voice concerns about the increasing social costs borne by the receiving country due to economic trends and the aging of foreign workers. In addition, the lack of language skills and understanding of the receiving country's society may lead to misunderstandings, conflicts, and other troubles that cause social anxiety.

Given lack of action at the national level, Japanese local governments are taking steps to promote the protection of foreign workers' rights. As trainees stay longer, some multi-ethnic cities, such as Kawasaki and Hamamatsu, have little option but to act on the pressing need to transition to local inclusion that fosters the rights of foreign residents. Many technical intern trainees marry Japanese people, change jobs, and become a part of society along with their children. Local communities provide the immediate environment where residents experience the greatest exposure to inflows of foreigners and thus can play a vital role in driving a transition to sharing public space with foreign residents.

By 2065, the number of registered foreign residents and workers in Japan, including naturalised citizens and the children of foreign-born parents, is estimated to be 12 per cent of the total population. It is vital for Japan to become an immigration nation, despite the central government's reluctance to move beyond recognition of foreigners as only temporary workers or trainees, but rather as citizens contributing to Japan's communities. It will be detrimental to Japan's future if the government fails to formulate its regulatory system of foreign workers with a view toward social integration that recognises them as full and legitimate members of society.

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