

TECHNICAL INTERN TRAINING PROGRAM

Recommendations of the Third Cycle and the evaluation by the CSO <Solidarity Network with Migrants Japan>:

161.141 Adopt specific measures to rectify labour standards violations as a follow-up to inspections conducted on the Technical Intern Training Programme.

<While the government replied, “Accept to follow up”, the recommendation has not been implemented.>

161.208 Continue to strengthen oversight of its Technical Intern Training Programme to ensure migrant workers participating in the programme receive full protection and support commensurate with the Government of Japan’s international obligations.

<While the government replied, “Accept to follow up”, the recommendation has been partially implemented with no measurable improvements>

Suggested Recommendations:

1) The technical intern training program should be abolished, and an alternative program should be put in place with all labor rights including freedom to job transfer fully guaranteed, and allowing foreign workers to be a permanent resident or a settler if they so wish.

2) Under the current technical intern training program, the following measures should be taken:

- Expand and improve the OTIT in order to make regulatory measures in-place effective.
- Make a bilateral agreement with a sending country binding and include a provision to ban on collection of commissions from trainees in such an agreement, as specified by the ILO Convention 181 (Private Employment Agencies Convention) that Japan has ratified.
- For the prevention of a forcible sending of trainees back to their home country before the termination of contract, make it illegal with punishment under the Act.
- Loosen the restriction on job transfer as it makes trainees more vulnerable.

Backgrounds:

1. Current State of Foreign Technical Intern Training Program

Purpose of the foreign technical intern training program is "to promote international cooperation through the transfer of skills, technology or knowledge to developing regions through the development of human resources. " The program started in 1993 as the "training and technical intern system," and later the training was separated from the training program in 2010. In 2016, the Technical Intern Training Act was enacted to ensure proper implementation of technical intern training and protection of technical intern trainees, and it was enforced in 2017.

Under the act, the Organization for Technical Intern Training (OTIT) was established to manage the program, and penalties were also formulated for certain misconducts. Nevertheless, various human rights abuses have taken place one after another. In 2022 as the fifth year since the enactment of the act, it is scheduled to be reviewed.

Meanwhile, statistics show that as of October 2021 the technical intern trainee was the largest group in number among foreign workers. It was followed by permanent residents and those with the status of technical, humanities, and international services. While dependence on technical intern trainees is getting heavier in the industrial sectors which have faced serious labor shortage, no effective measures have been devised to stop human rights abuses.

2. Problems with the Technical Intern Training Program

While the technical intern training program is designed for the purpose of “international contribution” through the technical transfer, the reality is not the same. It functions as a stable supply port of “very cheap labor” to small businesses colonic short of labor. The gap between the

name and the reality constitutes a structural factor for human rights abuses.

Among others, a large amount of debt that trainees bear in preparation for coming to Japan making them vulnerable to abuses, no permission of "job transfer" under the program, and the fear of forced return to their home country when asserting their rights are typical abuses.

Trainees from Vietnam are the largest group accounting for nearly 60% of all trainees. The average debt they bear is one million yen, with some exception of 1.5 to 2 million yen. If they are sent back to the country before the program terminates, they may face a risk of a large amount unpaid debt left. Thus, they are obliged to refrain themselves from claiming their rights.

With the no "freedom to job transfer," they tend to subjugate themselves to employers, and it makes difficult for them to ask for compensations for due overtime pay or unpaid wages. If trainees complain about work conditions or dormitories, they may face a possible forcible return to their country. Some employers use it to shut their mouth up. The act does not stipulate that a forcible return is not permitted.

Trainees are paid less, often at the level of the minimum wage. From a small amount of wages, they pay tax, social insurance, dormitory charge, utilities as well as debt pay. They have to cut down on their spendings. In a jampacked dormitory room with their colleagues, their living conditions are very uncomfortable, occasionally causing trouble among them.

Many trainees are made to believe by their sending agencies or recipient agencies that they cannot continue their programs and return home once they become pregnant. Because of this, some woman trainees conceal the fact of their pregnancy, and end up with miscarriage or dead birth. Finally, the government started to remind employers and related agencies about pregnancy and child-birth of trainees. Yet, we still see some trainees being prosecuted for criminal charges involving dead-birth.

To address these problems, the OTIT provides trainees with consultation in their native languages or inspection into work sites. Nevertheless, it is not an effective solution. There has been no satisfactory improvement achieved as expected through the enactment of the Act.

The technical intern training program has reached a limit. It intends to use labor only for a certain period of time (currently 3 to 5 years), without considering them as human being. It should be abolished and replaced with a new program that accepts laborers as human being.