

Sophia University UN Weeks June 2019
ILO Centenary seminar on Labour Dimension of CSR
Efforts of Government, Employers and Workers towards Decent Work
of Migrant Workers

Introduction

The ILO Centenary Seminar on the Efforts of Government, Employers and Workers towards Decent Work of Migrant Workers was held at Sophia University, Tokyo on the 31st of May 2019 and was co-organised by the International Labour Organization (ILO) for Japan, the Japan Association for Advancement of ILO Activities (ILOA) and Sophia University and supported by the Global Compact Network Japan (GCNJ) and Japan Productivity Centre. The conference was attended by 231 persons and included representatives from private enterprises (57 participants), trade unions (14 participants), general public and NGOs (95 participants), government (11 participants), academics (9 participants) and students (45 participants).

This year ILO celebrates its 100th anniversary and the Centenary Seminar focuses on migrant workers which has a core topics in line with the adoption of the Global Compact for Safe, Orderly and Regular Migration by the UN General Assembly in December 2018. Japan currently has over 2,8 million foreign nationals in the country, a number which is expected to rise after the entry into force of the new visa scheme for “specified skilled workers” later this year.

The ILO Centenary Seminar discussed challenges for decent work for migrant workers from a wide range of perspectives, each highlighting the importance of the topic. The keynote speaker gave an overview of data on migrant workers in both sending and host countries in Asia and outlined main challenges to achieve decent work for foreign workers. The government report from the Japanese Ministry of Health Labour and Welfare outlined efforts undertaken by the government and presented the new visa scheme and data on migrant workers in Japan. The representative of ASICS described how a Japanese corporation with suppliers from many ASEAN countries implements a rigorous CSR strategy aiming at safeguarding the rights of all workers with special regard to migrant workers. The JAM trade union representative gave a description of the efforts to unionize the increasing numbers of foreign workers through a variety of outreach activities. The representative of the NGO SHARE, described the health care support provided to migrants in Japan and perceived health related challenges faced by migrants. During the panel discussion, experiences from the activities of the Human Rights Education Group of the Global Compact Network Japan were shared. Moreover, insightful comments on the issue of migration to Japan were provided by Professor Uramoto of Sophia University.

Conference proceedings

The MC, Shin-Ichi Hasegawa, Managing Director of ILOA, opened the conference.

1. Opening remarks

Ms. Akiko Taguchi, Director, ILO Office for Japan

Ms. Taguchi stated that the founding objectives of the ILO in 1919 was to avoid further wars and revolutions by creating decent working conditions for workers around the world. She mentioned that its vision for the future can be found in the newly adopted report *Work for a brighter future* (2019) as developed by the Global Commission on the Future of Work. The report proposes a human centred agenda for the future of work harnessing technological advances and reinvigorating the social contract. Decent working conditions for migrants are integral to this agenda and of particular importance to Japan as it is in the process of accepting larger numbers of migrant workers to the country.

Prof. John Joseph Puthenkalam S.J. Trustee for Global Academic Affairs and Professor of the Faculty of Economics, Sophia University

Prof. John Joseph Puthenkalam commented that the topic of the conference was very timely and appreciated the collaboration and support from the GCNJ, ILOA and ILO respectively. He underlined that Japan also has to prepare for a society of coexistence paying special attention to migrant workers as anchored in goal 10.7 of the Sustainable Development Agenda 2030.

2. Key note remarks “Labour migration in Asia and related challenges”

Key Note Speaker: Mr. Nilim Baruah, Senior Migration Specialist, ILO Regional Office for Asia and the Pacific

Mr. Baruah noted that ILO has had the mandate of protecting migrant workers’ rights since its inception in 1919 and as far back as 1922 has urged its members to collect disaggregated data on immigrants and emigrants.

Part 1 of Mr. Baruah’s presentation covered key figures on labour migration in Asia. Some salient points were that although the outflow of migrants from Asian countries had been in a steady rise over the last 20 year period, their numbers have decreased by 6% from 2015 -2017. Mr. Baruah explained that this was mainly due to the decreased demand for workers from the Gulf States. In particular, the fall in oil prices has led to a lower demand for labour in infrastructure projects. In some countries such as Saudi Arabia and the United Arab Emirates the decrease in demand was compounded by greater moves to nationalize jobs and hire less migrant workers.

Another point made by Mr. Baruah was that the male / female ratio differed considerably between countries of origin. For example, the number of female migrant workers from Indonesia in 2017 was 58.7%, whereas only 19% of Thai migrant workers were female.

Mr. Baruah further underlined that regular and irregular migration could occur side by side in instances where the informal system was perceived as less cumbersome and less costly than formal regular migration. In countries such as Thailand irregular migration was facilitated by a long green border that made illegal border crossings more difficult to control.

Mr. Baruah also pointed out that it is important to remember that in addition to labour for elementary occupations and middle skilled jobs, Asia is also a source region for skilled workers, in particular India, China and the Philippines: 1/3 of new immigrants to the OECD in 2015 came from Asia. Nonetheless, the largest number of migrant workers still are to be found in the less skilled categories. According to statistics provided by host countries it is clear that there is an income gap between migrant workers' wages and national workers' wages. This does not necessarily mean that the migrants receive lower wages for the same jobs rather that they are concentrated in low wage jobs that nationals prefer not to fill. Mr. Baruah mentioned in this respect that special attention needs to be paid to migrant female workers who often work in the care sector or as domestic workers. In a number of Asian countries domestic work is not covered by labour law and as a result they are not covered by minimum wages provisions.

Labour migration to East Asia is mainly directed to Hong Kong (China), Taiwan (China), South Korea and Japan. In the case of South Korea there are MoUs with 15 Asian countries and South Korea is an example of a country where a technical trainee program for migrants has developed into a more comprehensive labour migration program.

In Japan, the total number of foreign nationals in 2017 has risen to 2.8 million persons and given the Japanese demographic trends with a projected contraction of the population from 127 million in 2015 to 88 million in 2065 it is likely that labour shortage will continue to be a main driver for hiring of migrant workers in the future.

In the second part of his presentation, Mr. Baruah especially underlined some crucial challenges to achieving decent working conditions for migrant workers.

An important challenge in this respect is fair recruitment and fair wages. The World Bank and ILO conducted a series of migration cost surveys based on standard questionnaire and common methodology and it is noteworthy that migration and recruitment costs can vary considerably between countries and sectors. For workers going from Pakistan to Saudi Arabia migration costs equaled to over 9 months average wage earned in destination. By comparison, in the case of workers from Bulgaria going to Spain migration costs equaled 0.2 of a monthly wage. Monitoring of recruitment costs is an indicator for SDG 10.7 of the 2030 Agenda. Fair wages are equally important. The most common complaint of migrant workers is related to wages such as delayed or unpaid wages. Making it obligatory to pay by bank transfer would be a way to address these concerns.

Women often have less opportunities for regular migration and in a number of destination countries there are no provisions for maternity leave and pregnant women in elementary occupations including in the field of domestic work, may see their contracts terminated.

There are also issues regarding recognitions of qualifications and skills development that need to be addressed across the Asia and Pacific region that would facilitate the reinsertion of a migrant worker upon returning to their home country. Mutual recognition agreements such as the ones in ASEAN may provide a mechanism for equivalence of certification procedures although their scope would need to be extended.

In Japan, with the new visa regime in place, one can argue that the admission policy is functioning as categories of workers are based on demands in sectors in which there are labour and skill shortages. Admission of migrant workers (numbers and sectors) is generally in the area of State rights and each country develops its policies based on its national and economic interests. The government has to make an assessment and judgement, responding to employer requests. Flexible mechanisms for identifying and meeting labour demand, that are close to economic realities and that involve social partners in decision-making on migration planning, are often the most effective. In terms of post-admission policy or rights of workers, there are international standards to provide guidance. A key principle is that equal treatment be granted to migrant workers. This is in the interest of national workers as well as they wouldn't benefit from the undercutting of wages by migrant workers. Some issues regarding technical trainees as regards the possibility to change employer and maternity benefits need to be addressed. Currently there are restrictions on job changes under the technical trainee program which make the migrant workers very dependent on their employers. Provided that periods of notice are respected it should be possible to change between jobs in the same category.

Another important challenge is the attitude to migrants among the host population. Here, Mr. Baruah highlighted that in Japan a majority, or 52% of respondents to a public attitudes survey by ILO considered that migrant workers should receive same salary and benefits as national workers, compared to 43% of respondents from Thailand, 38% of respondents from Malaysia and 35% of respondents from Singapore. In the case of irregular workers 56%, of Japanese respondents did not think that these workers should be granted equal labour rights, which as Mr. Baruah pointed out would be contrary to ILO labour standards in Convention 143 that protect labour rights arising from past employment with respect to wages and benefits for all workers irrespective of status (however the State has the right to remove undocumented workers following due process for each individual as under immigration laws). Regarding the impact of foreign workers on the economy, 51% of the Japanese respondents thought that there was a need for low skilled foreign workers. However, only 34% thought that migrants have a positive net effect on the economy and only 9% had spoken about the positive contribution of migrant workers. This would suggest that there is scope for public information campaigns on the topic.

In the third part of his presentation, Mr. Baruah presented the main global migration governance frameworks. In principle, international labour standards cover all workers regardless of their

nationality or immigration status. However, it is the individual state's prerogative to regulate who gains access to the labour market as the state controls who enters into its territory.

According to the *ILO General Principles and Operational Guidelines for Fair Recruitment* (2016), fair recruitment should be based on existing human rights and labour standards; recruitment should respond to labour market needs and no fees or related costs should be paid by workers. It should further devote particular attention to role of transparent employment contracts and labour inspection, and use of standardized registration, licensing and certification systems. Workers should not require employer's permission to change employers and there should be access to free or affordable dispute resolution mechanisms.

It is to be lauded that Japan is one of three countries in Asia and the Pacific that has ratified ILO Convention 181 on private employment agencies. This convention stipulates that private employment agencies shall not charge directly or indirectly any fees or costs to workers. There may be exceptions granted by the competent authority after consulting the most representative organizations of employers and workers. In November 2018 the ILO Governing Body approved for publication and dissemination the Definition of Recruitment Fees and Related Costs, developed and attached to the Fair Recruitment General Principles and Operational Guidelines.

The Sustainable Development Goals 2030, in particular Targets 8.8, 10.7 and 10.c are at the core of the global migration governance framework. Target 8.8 aims to: "Protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment". Target 10.7 has as its goal to: "Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies". Target 10.c aims to "by 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent.

The Global Compact for Safe, Orderly and Regular Migration, adopted in December 2018, has strong links to the SDGs. Decent work and labour migration, is in turn, a pivotal pillar of the GCM. The GCM is a non-binding instrument adopted by 152 countries, including Japan. It has 23 objectives and covers the entire spectrum of migration issues. The following objectives are particularly related to labour mobility and the fair treatment of migrant workers:

Objective 5: Enhance availability and flexibility of pathways for regular migration.

Objective 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work.

Objective 18: Invest in skills development and facilitate mutual recognition of skills, qualifications and competencies

Objective 22: Establish mechanisms for the portability of social security entitlements and earned benefits.

The GCM is a State led process. To support its implementation, a UN Network has been established. The International Organization for Migration will serve as the coordinator and secretariat of

the UN Network. The ILO is a member of the executive committee along with six other UN entities. The UN Network will draw on technical expertise of a variety of UN entities. The GCM implementation will be reviewed by States every four years starting 2022.

3. Report from the Government. “Foreign Workers in Japan - challenges and opportunities”
Mr. Akiro Yoshida, Director, Foreign Workers’ Employment Management Office,
Employment Security Bureau, Ministry of Health Labour and Welfare

Mr. Yoshida presented on behalf of Mr. Tetsuo Furutachi, Director of the Foreign Workers Affair’s Division. Mr. Yoshida pointed out that there are currently 1.46 million foreign workers in the country and stated that this number is likely to increase due to the recent entry into force of the new visa status scheme for Specified skilled workers I and Specified skilled workers II aimed at addressing labour shortages in particular fields. Mr. Yoshida further mentioned that it is foreseen that by 2065 the Japanese population will decline to 88 million and working age population to total population ratio will decline to 51%.

The unemployment rate is going down after the global economic slump in 2008. In 2009 the unemployment rate was 5.5% and according to latest figures for February 2019 it has come down to 2.3%. There are currently 1.62 jobs available per every job seeker. In certain service sectors such as hotels, restaurants and nursing care the labour shortage is particularly acute.

In 2017 there were 2.56 million foreigners registered in Japan and foreigners made up 2.02% of the total population, comparable to 2.3 % of foreigners in South Korea. In certain municipalities in prefectures such as in Gunma and Aichi ethnically Japanese Brazilians made up 5% to 18% of the population.

Mr. Yoshida went on to mention different categories of foreign residents. There are those with permanent residence who have obtained visas for family reasons and are married to Japanese or children of such couples. There are several types of time limited visas for highly skilled professionals and there are students and other groups who have temporary stay visas who are allowed to work up to 28 hours a week. There are also technical trainee visas. Looking at total figures for October 2018, the largest numbers of foreign workers are from China, (389, 117) followed by Vietnam (316,840), Philippines (164,006) and Brazil (127,392) out of a total of some 1,46 million foreign workers.

The new visa scheme, as already mentioned, is foreseen to address labour shortages in 14 areas such as, caregiving, the hotel industry, as well as in certain areas of the manufacturing, construction and agricultural sectors. The 14 areas have slightly differing regulations, for instance, in the field of caregiving and construction there are additional requirements on certifications.

The criteria for accepting specified skilled workers are that the accepting organizations, employer of foreign workers have no noted violations of labour rights and are able to support the specified skilled workers with learning Japanese, housing and day to day guidance and orientation on administrative procedures, medical care etc. The accepting organizations can commission outside

support from registered support organizations who can provide these services. The accepting organizations are required to submit documentation to the Agency for Immigration and Residency as well as the Ministry of Health Labour and Welfare. If it is found that the support plan is not adequately implemented, or the accepting agency fails to meet criteria, new hiring under the visa scheme may be suspended for a certain period until adequate measures have been taken.

Mr. Yoshida further mentioned that the Ministry of Health Labour and Welfare have developed guidelines for employers for the non-discrimination of foreign workers that establish appropriate procedures for personnel management. For instance, it outlines that all contract information regarding employment contract and remuneration procedures must be presented by documents in the mother tongue or other language that the migrant worker understands.

Mr. Yoshida concluded by stating the aim of the Ministry of Health Labour and Welfare is to achieve equal treatment between foreign and national workers as this is in the best interest for all workers.

4. Case report 1 “Global company’s hiring practices of migrant workers and related challenges”

Mr. George Yoshimoto, General manager of the CSR and Sustainability Department, CSR Division, ASICS Corporation.

ASICS began its operations in postwar Japan and has grown to become a global corporation with 70% of its revenues coming from overseas. Since 2004 it has made considerable advances in its corporate social responsibility (CSR) when it started working with NPOs for instance on factory audits of its subcontractors. Today it carries out both internal and external working environment audits and collaborates with the American Apparel and Footwear Association in this regard.

Mr. Yoshimoto mentioned key issues for monitoring including health and safety aspects on the workplace as well as specific issues concerning migrant workers such as the withholding of travel documents, recruitment fees and awareness of contract rights. CSR efforts also include training to improve health and safety skills among workers.

When setting up cooperation with a new supplier, initial inspections are made by the business teams who use a score card to analyse and report back to the CSR unit in headquarters. 17 items are checked out of which five are safety related. Some issues of the score card are weighted as they are more serious such as forced labour or child labour.

If the subcontractor doesn’t meet ASICS standards, generally no contract will be signed. However, in some exceptional cases with very specialised subcontractors, top management decides to go ahead under the agreement that remedial measures will be taken by the supplier to address the identified problem areas. ASICS’ goal is that by 2020, 100% of ASICS suppliers will meet the highest ASICS standards. In February 2019, 91% of ASIS suppliers met those standards.

5. Case report 2 “Unionization of migrant workers and related challenges of the trade union”

Mr. Shu Furuyama, Director for Organising, Japanese Association of Metal, Machinery and Manufacturing (JAM)

Mr. Furuyama considers it important to unionize foreign workers as they are stakeholders who should be valued. JAM has a long term strategy in this regard and wishes to reach also the employees of SMEs who make up a sizeable part of the work force.

Mr. Furuyama mentioned that any such strategy needs to be human centred and that face to face meetings building trust are essential to the process of unionizing migrant workers. JAM has conducted many outreach activities as well as information campaigns informing migrant workers of their right to unionize. As a highly experienced labour union organizer in Japan, Mr. Furuyama underlined the importance of using common denominators such as films and literature as an ice breaker in establishing trust with migrant workers from a range of diverse countries. Mr. Furuyama further mentioned that he has worked with for instance the workers of Brazilian embassy and consulates in Japan and has promoted their unionization.

Mr. Furuyama underlines that migrant workers' human rights and ISO standard 26000 on social responsibility need to be respected and he himself will dedicate himself to the unionization of future migrant workers.

6. Case report 3 “Health Issues of migrant workers and NGO’s challenges”

Mr. Takashi Sawada, Vice Chairman, Services for Health in Asian and African Regions (SHARE); Medical Doctor

SHARE has been offering services to migrant workers in Japan since the 1990s when the organization established contact with foreign workers and offered consultation on how to access the Japanese health care system. They also established cooperation with local governments and migrant organizations to provide medical interpreters for migrant with TB, HIV/AIDS.

According to Dr. Sawada, Japan has reached a transitional point where the number of foreign workers who has unstable visa status are increasing, since 2012. During 1990s, 40% of actual migrant workers were undocumented migrant, who didn't have proper access to health care. In 2000s, majority of foreign workers had rather stable visa status, when the number of Japanese descendant increased. Since 2012, there are increased number of technical trainees and part time working students in Japan. Dr. Sawada pointed out that these groups are not always aware of the services they have access to. Sometimes, in case of illness they are being badly advised to return home when they could be entitled to access health services in Japan. For instance, TB treatment is subsidized by the government. Also if technical trainees think they will be sent home when they have contracted TB they might try to hide it instead of seeking timely treatment.

Furthermore, Dr. Sawada was concerned with the emotional and physical welfare of part-time students and technical trainees. He mentioned that it is not unusual to find part time students who are very busy in study and work, without having enough time to sleep, in order to pay back loans they have taken to be able to come to Japan. For the technical trainees, the prevention of work related injuries was also important.

Dr. Sawada further mentioned his concern that recent labor policy, which invite temporary work force without accompanying family, such as technical trainee and working student, may helped to increase health problems, including the rapid growth of TB cases. We can expect a certain improvement under the new visa scheme. But it won't be reached, without having effective intervention to stop the violation of labour law among the employer of technical trainees. Dr. Sawada further recommended to have policy to provide more stable visa which allow workers to accompany their family and provide multi-language assistance to settle up their life.

Dr. Sawada called for a human-centred multicultural co-existence policy that encompasses the wider integration of migrant workers into society.

7. Panel discussion “Efforts of government, employers and workers towards decent work of migrant workers.”

Panelists:

- **Mr. Nilim Baruah**
- **Mr. George Yoshimoto**
- **Mr. Osamu Furuyama**
- **Dr. Takashi Sawada**

Commentators:

- **Professor Yoshiteru Uramoto, Sophia Centre for Global Education and Discovery**
- **Ms. Kumi Tatsuta, Leader, Human Rights Education Group of Global Compact Network Japan, Human Resources Strategy Planning and Diversity, OLYMPUS corporation**

Moderator:

Mr. Ken-ichi Kumagai, Planning Committee ILOA

Ms. Tatsuta, informed about the activities of the Human Rights Group of the GCNJ which brings together representatives from 30 companies to discuss how to put human rights at the centre of their strategy to achieve decent work. Issues such as the 2030 SDGs, LGBTQ rights, disabilities and racial harassment have been topics for seminars. Concerning migrant workers, best practices and cultural understanding is being shared. For instance Ms. Tatsuta mentioned to the technical interns coming from Asia the importance for companies to be flexible and grant migrant workers leave in connection with their major national holidays such as Chinese New Year.

Professor Uramoto pointed to the fact that in Japanese the term foreign worker and not migrant is used and as such it narrows down the vision of foreigners only to their function as foreign workers which conceptually limits the scope of their integration. Professor Uramoto further pointed out that in the last 20 years the numbers of foreign workers had tripled and mentioned that there has been a negative media reporting on foreign migrants. However, Professor Uramoto suggested to take a completely different view point and wondered how Japan compares to other East Asian migrant work destinations such as South Korea in the mind of the migrant workers. According to the MIPLEX survey carried out by Barcelona Centre for International Affairs and Migration Policy Group in 2015, Japan ranked 27 out of 38 participating countries. Problematic fields mentioned

were access to education and discrimination where the lack of hate speech legislation put Japan in 37th place out of the 38 countries for this particular indicator.

Professor Uramoto further mentioned a survey carried out by Nikkei which had asked Japanese if they would be willing to accept more foreigners into the country, 47% said no and 41 % said yes. However, Professor Uramoto noted that 70% responded positively if they had the prior experience of working with foreign nationals themselves which means that there is scope for advocacy and awareness raising campaigns in the country. This point was also echoed by other panelists. For instance, Mr. Baruah made reference to specific projects such as an information campaign in Malaysia called “Malaysia works” and a youth campaign in Thailand both aimed at raising awareness about the situation of migrant workers. Also in relation to awareness raising, Dr. Sawada called for more acceptance of diversity which should also cover sexual minority issues, a point also touched upon by Ms. Tatsuta.

Mr. Kumagai, as the panel moderator, invited comments and questions from the floor. The panelists responded to those opinions from the businesses, labour unions, central and local governments, NGOs, scholars, students, etc. Also, migrant workers in Japan suggested what’s really going on with their working life.

To conclude, Mr. Baruah reiterated the two main policy areas for a country of destination in labour migration governance – admission and post admission. He commented that Japan appeared to be on the right track with respect to admission policy with the recently announced new visa regime identifying specific shortage occupations where employers need not undertake individual labour market tests to employ a migrant worker. In terms of its post admission policy, Mr. Baruah stated that given Japan’s resources (as a high income country), ratification of ILO standards such as C 181, and rule based approach, there is all reason to believe that Japan should be able to achieve decent work for migrant workers. He pointed out that certain anomalies in the technical trainee program would need to be addressed such as the possibility to change employer and maternity leave. Also, he stressed that it would be important for Japan to frame its policies in such a way as to attract and retain highly skilled migrant workers who could choose other destinations. He also underlined that in the future the issue of overstay of visas could arise as a problem, and that adequate support services are needed to be established as part of solutions to workers complaints and integration. Further active participation of trade unions in engaging migrant workers would also be an important mechanism to ensure decent work for migrants in Japan.

The MC, Shin-Ichi Hasegawa, Managing Director of ILOA, closed the conference thanking all participants for their valuable contributions.

Written by Linn Harkess