

**Master's Thesis**

**The Effects of Japan's Immigration Policy on Japanese Employers and  
Vietnamese Migrant Workers in Japan**

by

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## **CERTIFICATION PAGE**

I, DUONG Bao Thi Anh, (Student ID 51217616) hereby declare that the contents of this Master's Thesis are original and true, and have not been submitted at any other university or educational institution for the award of degree or diploma. All the information derived from other published or unpublished sources has been cited and acknowledged appropriately.

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## ABSTRACT

Although Japan persists in its closed-door immigration policy towards low-skilled foreign workers, the Technical Intern Training Program (TITP) has arguably served as a de-facto guest worker program through which Japanese companies recruit low-skilled foreign workers as “trainees” during the era of labour shortages in Japan. Since Vietnam became Japan’s leading supplier for the TITP in 2017, the purpose of this study is to evaluate the effects of Japan’s immigration policy on Japanese employers and Vietnamese migrant workers who came to Japan under the TITP. Based on data collected from primary and secondary research, this study presents the perspective of Vietnamese migrant workers on various aspects of the TITP. Along with several merits, this study also found that there remain some critical issues in the TITP which results in negative effects on Vietnamese migrant workers and Japanese employers. Therefore, this study suggests long-term and short-term policy recommendations to Japanese government to remedy the existing flaws of the TITP in order to solve labour shortages in Japan as well as to enhance the cooperation in human resource development between Japan and Vietnam.

*Keywords:* Japan’s immigration policy, temporary labour migration, Vietnamese migrant workers, labour shortages in Japan

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## TABLE OF CONTENTS

ABBREVIATIONS .....	vi
LIST OF TABLES .....	vii
LIST OF FIGURES .....	i
CHAPTER 1: INTRODUCTION .....	1
1.1 Research background .....	1
1.2 Outline of the research .....	2
1.3 Definitions .....	2
1.4 Research questions .....	4
1.5 Research objectives and aims .....	4
1.6 Significance of the research .....	5
CHAPTER 2: LITERTURE REVIEW .....	1
2.1 Factors that caused Japan become a labour-receiving country .....	1
2.2 Labour immigration policy of Japan .....	3
2.3 Theoretical framework .....	5
CHAPTER 3: OVERVIEW OF THE TECHNICAL INTERN TRAINING PROGRAM.....	9
3.1 Criticisms of The Technical Intern Training Program .....	9
3.2 Stakeholders involved in the Technical Intern Training Program .....	9
3.3 Revision of Technical Intern Training Program .....	15
CHAPTER 4: METHODOLOGY .....	18

4.1 Research methods.....	18
4.2 Sampling technique.....	21
4.3 Research ethics.....	25
4.4 Data analysis.....	26
4.5 Limitations.....	27
CHAPTER 5: THE PERSPECTIVE OF VIETNAMESE MIGRANT WORKERS WITH REGARD TO THE TECHNICAL INTERN TRAINING PROGRAM.....	28
5.1 Purposes of joining the TITP.....	28
5.2 Awareness of the program’s objectives.....	30
5.3 Fees for joining the TITP.....	33
5.4 Most popular industries for technical trainees.....	37
5.5 Salary.....	39
5.6 Overtime hours.....	42
5.7 Accommodation arranged by host companies.....	44
5.8 Difficulties facing Vietnamese trainees during the TITP.....	47
5.9 Benefits of the TITP.....	48
5.10 Social life.....	51
5.11 Awareness of labour laws and right protection.....	54
5.12 Desire to come back Japan after the TITP.....	57

CHAPTER 6: THE EFFECTS OF JAPAN’S IMMIGRATION POLICY ON VIETNAMESE MIGRANT WORKERS AND JAPANESE EMPLOYERS .....	59
6.1 Consequences of the disparity in the objectives of the TITP and the reality .....	59
6.2 The lack of a support system for trainees and Japanese employers .....	63
6.3 No-return policy and impractical test-based evaluation method.....	66
6.4 Non-transparent pre-departure fees and illegal deposit money system.....	67
CHAPTER 7: CONCLUSION .....	71
7.1 Summary of key findings .....	71
7.2 Policy recommendations .....	76
7.3 Contributions of the study .....	81
7.4 Implications for further research .....	83
REFERENCES .....	84
APPENDIX.....	94

**ABBREVIATIONS**

EPS	Employment Permit Program
JITCO	Japan International Training Cooperation Organization
MOC	Memorandum of Cooperation
OTIT	Organization for Technical Intern Training
SMEs	Small and Medium-sized Enterprises
TITP	Technical Intern Training Program

**LIST OF TABLES**

Table 1. Details of the in-depth interview research .....	18
Table 2. Characteristics of focus group interview participants.....	22
Table 3. Characteristics of online questionnaire participants .....	23
Table 4. Calculations of extra wages for overtime work, statutory holiday work and late night work (OTIT, 2017).....	41
Table 5. Median minimum hourly wage paid to technical intern trainees (JITCO, 2017) .....	42

## LIST OF FIGURES

Figure 1. Roles of each stakeholder in the TITP and the relationships between them. ....	10
Figure 2. The flow of the Technical Intern Training Program. ....	12
Figure 3. Purposes of joining the TITP reported by Vietnamese trainees in this study .....	29
Figure 4. Purposes of joining the TITP (JITCO, 2013). ....	30
Figure 5. The objectives of the TITP from Vietnamese migrant workers' perspective. ....	32
Figure 6. How Vietnamese sending organizations explained the TITP's objectives. ....	33
Figure 7. The amount of pre-departure fees Vietnamese migrant workers paid to sending organizations.....	34
Figure 8. The percentage of trainees paid deposit money after 2010.. ....	35
Figure 9. The amount of deposit money Vietnamese trainees paid to sending organizations.....	36
Figure 10. Change in percentage of Vietnamese trainees paid deposit money in 2013 - 2017 ....	37
Figure 11. The number of trainees (all nationalities) moved to Technical Intern Training (ii) by industries (Japan's Ministry of Justice, 2018). ....	38
Figure 12. Most popular industries for 20 Vietnamese trainees participated in this study.....	39
Figure 13. After-tax monthly salary of 20 Vietnamese trainees participated in this study. ....	40
Figure 14. Average monthly overtime hours reported by Vietnamese trainees. ....	43
Figure 15. The maximum overtime hours Vietnamese trainees have ever had during the TITP. ....	44
Figure 16. Bedroom of the shared apartment where Vietnamese trainees live. ....	45
Figure 17. Kitchen and bathroom of the shared apartment where Vietnamese trainees live.....	46
Figure 18. Evaluation of Vietnamese trainees with regard to the arranged lodging in the TITP. ....	46
Figure 19. The difficulties facing Vietnamese trainees when working in Japan. ....	47
Figure 20. Benefits of the TITP from Vietnamese trainees' perspective. ....	49

Figure 21. Evaluation of Vietnamese trainees with regard to the TITP. ....	50
Figure 22. Useful aspects of the TITP from Vietnamese trainees' perspective (JITCO, 2013). ..	51
Figure 23. Relationship between Vietnamese trainees and Japanese colleagues and neighbours.	52
Figure 24. Leisure activities Vietnamese trainees usually do.....	53
Figure 25. Points of contact when facing mistreatment during the TITP.....	55
Figure 26. Desire to come back to Japan after the TITP. ....	58
Figure 27. Evaluation of Vietnamese trainees regarding their experience of living in Japan .....	58

## CHAPTER 1

### INTRODUCTION

#### 1.1 Research background

Among developed countries, Japan takes a strict stance over accepting unskilled foreign labour, therefore it does not have an official immigration scheme for low-skilled foreign workers. However, the Technical Intern Training Program (TITP), despite its purpose for technological transfer to overseas and international cooperation, has been a legal route for Japanese companies to use foreign trainees as low-skilled temporary workers who help solve the problem of labour shortage. According to Japan's Immigration Bureau (Ministry of Justice) and Human Resources Development Bureau (Ministry of Health, Labour and Welfare), approximately 230,000 technical intern trainees (as of the end of 2016) reside all over Japan. As one of Japan's strategic partner in South East Asia region, Vietnam has been sending thousands of low-skilled trainees and semi-professional workers to Japan under the Technical Intern Training Program (TITP) since 1992. In Japan, Vietnamese trainees are mainly employed in the labour-intensive industries such as manufacturing (machinery/metals, textiles/garments, food, etc.), construction, agriculture, and fishery sectors. The total number of Vietnamese workers sent to Japan between 1992 and 2010 was relatively small (less than 35,000 people), but the annual intake has increased to about 20,000 or more in the last 4 years according to statistics from Japan's Immigration Bureau. As of mid-2017, the number of Vietnamese technical intern trainees working in Japan is more than 110,000 people (accounted for more than 40% the total number of technical intern trainees) according to Japan's Immigration Bureau statistics. The influx of Vietnamese migrant workers as "trainees" to Japan has made Vietnam become the largest leading source of low-skilled foreign workers for Japan in recent years (Immigration Bureau, 2017).

## **1.2 Outline of the research**

Although the number of Vietnamese migrant workers in Japan is increasing rapidly, there are still limited studies about the effects of Japan's immigration policy, namely the Technical Intern Training Program on Japanese employers and Vietnamese migrant workers in Japan. Since Japan has revised the program several times (most recently in Sep 2017), the purpose of this study is to evaluate the effects of the revised Technical Intern Training Program on Japanese employers and Vietnamese migrant workers, including those who are currently working in Japan and those who were former participants of the program. To understand what kinds of effects the Japan's labour immigration policy might have on Japanese employers and Vietnamese migrant workers, insights gained from in-depth interviews and questionnaires with different stakeholders involved in the Technical Intern Training Program will be summarized and analyzed. Governmental official statistics and relevant literature will also be carefully reviewed to further explain the situation. Based on the findings of this research, policy recommendations will be suggested to Japanese and Vietnamese government in order to improve the quality of the Technical Intern Training Program so that both Japanese employers and Vietnamese migrant workers can reap the benefits of the program.

## **1.3 Definitions**

Several terms used in this study shall be defined in the following way.

### *Labour Immigration Policy*

The concept of immigration policy used in this study is referred to two main aspects of immigration stated by Hammar (1985):

- i) Immigration control policy with regard to admission schemes that regulate and control the inflows and outflows of migrant workers;

- ii) Immigration policy with regard to the conditions provided to immigrants, including the treatment and rights of migrant workers in host countries and the integration measures.

(Hammar, 1985, p. 7-9)

In this study, the researcher specifically examines i) the Japanese government's Technical Intern Training Program (TITP) that admits low-skilled Vietnamese workers to work legally in Japan and ii) the immigration policy adopted by Japanese government regarding to the labour rights and integration of Vietnamese migrant workers in Japan.

### *Migrant Workers*

In this study, the term “migrant worker” shall be defined as “a person who is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national” (as stated by the United Nations International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families). It is important to note that these migrant workers are commonly referred as “foreign workers” in Japan's government documents. In the context of this study, Vietnamese migrant workers are referred to the Vietnamese low-skilled workers who migrated to Japan for a limited period of time in order to take up employment under Technical Intern Training Program.

### *Trainees*

The term “trainees” or “technical intern trainees” used in this study indicates the former and current participants of the Technical Intern Training Program in Japan.

## **1.4 Research questions**

### **Main questions**

1. What are the effects of the Technical Intern Training Program on Japanese employers and Vietnamese migrant workers in Japan?
2. How can the quality of Technical Intern Training Program be improved for Japanese employers and Vietnamese migrant workers?

### **Sub-questions**

1. What are the difficulties facing Vietnamese trainees when working in Japan?
2. What are the challenges facing Japanese companies when hiring Vietnamese trainees?
3. What do Vietnamese trainees learn during the Technical Intern Training Program?
4. To what extent are interns and trainees aware of their labour rights and law protection?
5. Could Vietnamese trainees who have returned to Vietnam after the TITP apply the skills they acquired in Japan?
6. Do former participants of the program want to come back to Japan?

## **1.5 Research objectives and aims**

1. To assess the effects of the Technical Intern Training Program on Vietnamese migrant workers who are currently in Japan and who were the former participants of the program.
2. To understand the extent of abusive labour practices in hiring companies from perception of Vietnamese trainees.
3. To assess the effects of the Technical Intern Training Program on Japanese companies hiring Vietnamese trainees.
4. To propose changes in the policy of the program and recruitment process to prevent trainee' rights violation and mitigate the number of "runway" trainees.

5. To promote the partnership between Japan and Vietnam in terms of technology transfer and human resources development.

### **1.6 Significance of the research**

This study is essential in evaluating the effects of Japanese immigration policy on Vietnamese migrant workers and Japanese employers. Through data collected in the interviews with Vietnamese trainees and receiving companies, this study helps the Japanese and Vietnamese government verify the effects of Japan's immigration policy on Vietnamese migrant workers and Japanese employers and understand difficulties facing both sides. From the findings of this study, recommendations will be suggested to enhance the effectiveness of human resource development between Japan and Vietnam.

## CHAPTER 2

### LITERATURE REVIEW

#### **2.1 Factors that caused Japan become a labour-receiving country**

##### **2.1.1 Demographic changes**

Japan has been famous for its post-war economic miracle from 1952 to 1973, which placed Japan one of the top economies in the world. The rapid expansion of Japanese economy has been requiring a steady increase in the labour force ever since. However, with more than 1 million working age population disappearing every year, the aging population and low fertility rate in Japan has caused serious labour shortage problem (Okubo, 2014). Based on statistics from Japan's Ministry of Health, Labour and Welfare and Ministry of Internal Affairs and Communication, the labour force is expected to decline from 66.3 million in 2010 to 56.8 million in 2030 under a "negative" scenario and even in a "positive" scenario, the labour force would still decrease to 62.9 million (Giovanni G. and Naoko M., 2015).

##### **2.1.2 Dual labour market in Japanese economy**

The dual labour market theory (Priore, 1979) explains migration as the result of a temporary pull factor, namely strong structural labour demand in developed countries. According to this theory, the significant structural difference between large and small companies in Japan is also one of the driving forces of labour migration to Japan. Due to structural inflation, the lower wage makes the secondary sector where most small-and medium-sized enterprises belong unattractive to native workers. Furthermore, employment in the secondary sector usually fluctuates according to the economic cycle, making it unstable and uncertain, therefore unpopular to domestic workers.

Traditional sources of labour in the secondary sector in Japan are also not as abundant as before due to social advancement. The expanding economy and the advancing quality of school leavers provided rich working opportunities for well-educated young Japanese. Along with a Japanese society that was becoming more prosperous and was gradually developing post-industrial characteristics, the new graduates moved away from manual and blue-collar work in the manufacturing industries to more “professional” occupations (Sellek, 2001). As a result, labour-intensive industries such as manufacturing, agriculture and fishery and service sectors are not likely to be able to fill dramatically increasing vacancies anymore. According to the Ministry of Health, Labour, and Welfare, there were 116,000 unfilled jobs as restaurant waiters nationwide in April 2014, while 45,000 applicants were looking for such jobs (Okubo, 2014).

According to Sellek (2001) and Ducanes, G., et al (2008), in response to labour shortage crisis, Japanese companies decided:

1. To relocate production to other countries within the region
2. To introduce automation and more capital-intensive production processes
3. To import labour from other countries

While large-sized corporations could afford option 1) and 2), medium and small-sized companies are more likely to implement option 3) due to insufficient financial resources, lack of information and experience on foreign markets and non-relocatable characteristic of the sectors (eg. construction and the retail-service industry) (Mori, 1995).

### **2.1.3 Globalization and the Perpetuation of Migration Flows in Japan**

It is also necessary to take globalization into consideration when analyzing the increase in migrant workers in Japan. According to Castles and Miler (1993), globalization process taken place in a country could lead to increasing migration flow into that country since migrations are

sub-systems of an increasingly globalized economic and political system. World systems theory highlights migration as a natural consequence of economic globalization and market penetration on supra-national level (Wallerstein, 1974). Transnational migration theory (Portes, 2001; Faist, 2000) further explains the perpetuation of labour migration in Japan due to the expanding networks created by migrants who came to Japan in search of economic and social advancement. Sellek (2001) also pointed out there was a “migration system” (Mabogunje, 1970) exist in Japan during globalization era that resulted in the influx of a large number of foreign workers into Japan since the mid-1980s.

## **2.2 Labour immigration policy of Japan**

### **2.2.1 Debate over labour immigration policy in Japan**

There are two opposing views over the issue of whether Japan should be “open” or “closed” to foreign workers in Japanese society.

Arguments of *close-door policy*'s advocators are summarized as following:

- Foreign workers would be incorporated into the bottom level of society and bring with them problems such as unemployment, school truancy, juvenile delinquency and the formation of ghettos in cities where that sector of society concentrated.
- The labour shortage problem should be overcome by using labour-saving technologies, inducing more small and medium-sized companies to move their production sites offshore and making greater use of women and elderly people.
- Dependence on foreign workers in the domestic labour market would intensify the segmentation of the labour market. Besides, it might also result in increasing unemployment among Japanese workers, worsening employment conditions and

creating discriminatory feelings among Japanese labour against foreign workers and certain types of job.

- Foreign workers would threaten the well-organized Japanese educational system and might destroy social cohesion and homogeneity in society.

(Koike, 1988, Kuwahara, 1988, Shimada, 1994)

Arguments of *open-door policy*'s proponents are summarized as following:

- In certain types of occupation where severe shortages of labour have been worsening in spite of efforts to rationalize labour and where society itself is ageing rapidly, it is necessary to obtain a better quality labour force through the utilization of foreigners.
- Labour flow from poor countries to rich countries is a natural feature of the capitalist world and foreign workers will not stop coming to Japan even if their employment remains illegal. Therefore, the employment of foreigners in the unskilled job sectors would provide practical economic benefit for both the sending and receiving countries.
- From a human-rights perspective, the legalization of illegal foreign workers in Japan would provide some protection for those who are currently the subject of exploitation. Moreover, the acceptance of foreign workers would help to eliminate the xenophobia of the Japanese race and the myth of a homogeneous society.

(Onuma, 1998, Sellek, 2001)

### **2.2.2 The fundamental orientation of Japanese immigration policy**

The fundamental orientation of Japanese immigration policy was stated clearly in its Basic Policy on Employment established in 2008, as that “the acceptance of foreign workers in

professional and technical fields should be more actively promoted” (Hosoki 2010, p.4) and that openly accepting unskilled labour still needs consideration.

## **2.3 Theoretical framework**

### **2.3.1. Theoretical perspectives of Japan’s immigration policy**

#### *The economic and political economic approach*

Marxist economists argue that economic and political factors shape immigration policy (Meyers, 2000). Marxism sees labour migration as a sub-system in connection with government-supported capitalism that creates an “industrial reserve army of labour” necessary throughout the capitalist development. Cheap, exploitable and highly flexible foreign migrant workers and illegal immigrants are ultimately discriminated towards first-class native workers, linking up to Piore’s dual labour market theory. Furthermore, according to the economic approach, immigration policy is influenced by the fluctuation of economic cycle and unemployment rates in the short term. Governments are likely to restrict immigration in times of recession as a means to prevent crisis of capitalism. In addition, economists argue that different segments of the capitalist class hold different interests with regard to immigration, yet share the view that importing migrant workers is a mean to maintain low wages in the labour market thereby increase their profits.

Although implications of economic development theories are observable in the case of Japan’s immigration policy, this approach does not explain how the interests of different parties (eg. SMEs, labour unions, national and local governments) have influenced immigration policy in Japan. In Japan, corporations and unions hold opposing opinions with regard to labour migration policies, with the former in favour of importing migrant workers and the latter against the use of cheap foreign labour. The divided advocacy roles between major interest groups in Japan have led to the unchanged strict stance of Japan over accepting low-skilled foreign workers even in times

of economic growth and labour shortages. Marxism approach also falls short in explaining the preference of ethnic Japanese as immigrants in Japan.

#### *The historical and socio-cultural approach*

The historical or socio-cultural theories with regard to immigration policy argue that the unique history of a country, its notion of citizenship and nationality, as well as national identity and social conflicts perceived by its people determine its immigration policy (Meyers, 2000). In fact, Japan has a long history of nationalism reflected in its right-of-blood citizenship policies and its refusal to accept unskilled foreign labour from developing countries. Japanese government also arguably adopted an open-door policy regarding accepting overseas Japanese descendants as immigrants over other nationalities because it was believed that their “Japanese blood” would allow them to adapt to Japanese customs easily (Yamanaka, 1993). Although the historical and socio-cultural approach could answer to some extents the question why Japan remained a homogenous society with anti-immigration policy, this approach does not take into account the on-going debate over admitting unskilled foreign workers (Burgess, 2014) and making Japan a “nation of immigrants” as proposed by Sakanaka (2009).

#### *The institutional and bureaucratic approach*

The institutional and bureaucratic approach argues that political institutions (governments) play critical roles in shaping national and local immigration policy and integration programs according to its own interests. The level of the political institutions’ influence on immigration policy depends on various factors, such as the autonomy of the state (Douglas, 1999), the structure of welfare state (Bommes and Geddes, 2002) and the state’s perception of national security (Weiner, 1993). In the case of Japan, national government and local governments do not necessarily share the same view over integrating foreigners into Japanese society. Therefore, there

is a “bureaucratic model” (Allison, 1969) according to which local governments pursue their own agendas with regard to integration measures. While Japan’s national government is reluctant in developing integration programs targeting foreigners living in Japan, local governments directly face the pressure of dealing with their non-Japanese residents, thus it is critical for them to carry out various integration measures to prevent conflicts between Japanese residents and foreigners, provide non-Japanese residents access to education, social welfare and other services available for local residence status (Pak, 2001).

### **2.3.2 Social exclusion and Integration**

#### *Social exclusion*

Social exclusion is a concept used by Pierre Lenoir during the 1970s to refer to ‘the children with mental/physical disability, single parent households, drug addicts, and other “social misfits” who were not under the protection of social insurance principles (Silver, 1995). Rodgers (1995) further explained the core issues of exclusion as ‘exclusions from the market, from productive assets, from the capacity to work productively and gain an adequate income are the issues around which other exclusions are structured’. Beall and Piron (2005) also described social exclusion as ‘a process and a state that prevents individuals or groups from full participation in social economic and political life and from asserting their rights’.

The contemporary concept of social exclusion can be applied to the situation of Vietnamese trainees in Japan. Trainees are legally tied to their first employer, and it is not uncommon for employers to threaten workers with dismissal or to send them back if they complain or contact the recruiting agency to request a transfer to a different company. As a consequence, many researchers argue that trainees who face unfair treatment at work but do not have any access to labour union tend to risk running away and becoming undocumented workers (Khuat et al, 2011).

The trainees are also highly isolated from the general public in Japan. They are often not allowed sufficient freedom of movement or communication with local communities. Their ‘social economic and political life’ is mainly limited to the factory where they work and the dormitory where they usually live with fellow country people. In other words, due to lack of disclosed information about the program and lives of trainees, it is difficult to understand various problems faced not only by intern trainees but also by sending and accepting organizations (Ratnayake et al, 2016).

### *Integration*

Integration is another concept relevant to this study. The notion of integration was seen as the appropriate response to social exclusion. (Silver 1995: 64). Since social exclusion is linked with violation of human rights, Ferguson C. (2008) emphasized that ‘integration’ is defined as the process of ‘promoting the values, relations and institutions that enable all people to participate in social, economic and political life on the basis of equality of rights, equity and dignity’. This process can prevent marginalization and exclusion of the minorities, thereby protecting rights of every human being in the society. Ager and Strang (2008) presented core domains of integration into four categories:

- Markers and Means (employment, Housing, Education, and Health)
- Social Connection (Social Bridges, Social Bonds, and Social links)
- Facilitators (Language and Cultural Knowledge, Safety and Stability)
- Foundation (Rights and Citizenship)

This approach could be used to analyze the extent of integration archived by Vietnamese trainees during the program and how integration measures affected their experience throughout the program.

## CHAPTER 3

### OVERVIEW OF THE TECHNICAL INTERN TRAINING PROGRAM

#### 3.1 Criticisms of The Technical Intern Training Program

Although the Japanese government maintained its viewpoint of not accepting unskilled labour, in recent years the number of foreigners coming to Japan and working as low-skilled workers still outnumbered that of highly-skilled personnel (Kodama 2015). Many critics believe that Japanese government, despite its “façade” strict policy, has made way for a low-cost labour force from developing countries coming to Japan as tourists, students, refugees and technical trainees.

In line with the above intentions, the Technical Intern Training Program (TITP) was launched in 1993 with the original objectives to transfer technologies, skills, and expertise from Japan to developing countries and to contribute to the development of human resources who will take charge of economic growth in developing countries and regions. Technical intern trainees may apply to renew the duration of the Status of Residence for a maximum period of five years after passing the National Trade Skills Test and meeting the requirements of Regional Immigration Bureau. Despite the objectives of the program, “there is broad consensus among observers that this program is a guest worker program in disguise” (Khuat et al, 2011) and through the system, companies are able to secure a “calculable workforce” that will be firmly established for a total of three years (Sun, 2003).

#### 3.2 Stakeholders involved in the Technical Intern Training Program

There are various stakeholders involved in the Technical Intern Training Program. Figure 1 summarizes the fundamental roles of each stakeholder and the relationships between different stakeholders involved in the Technical Intern Training Program.

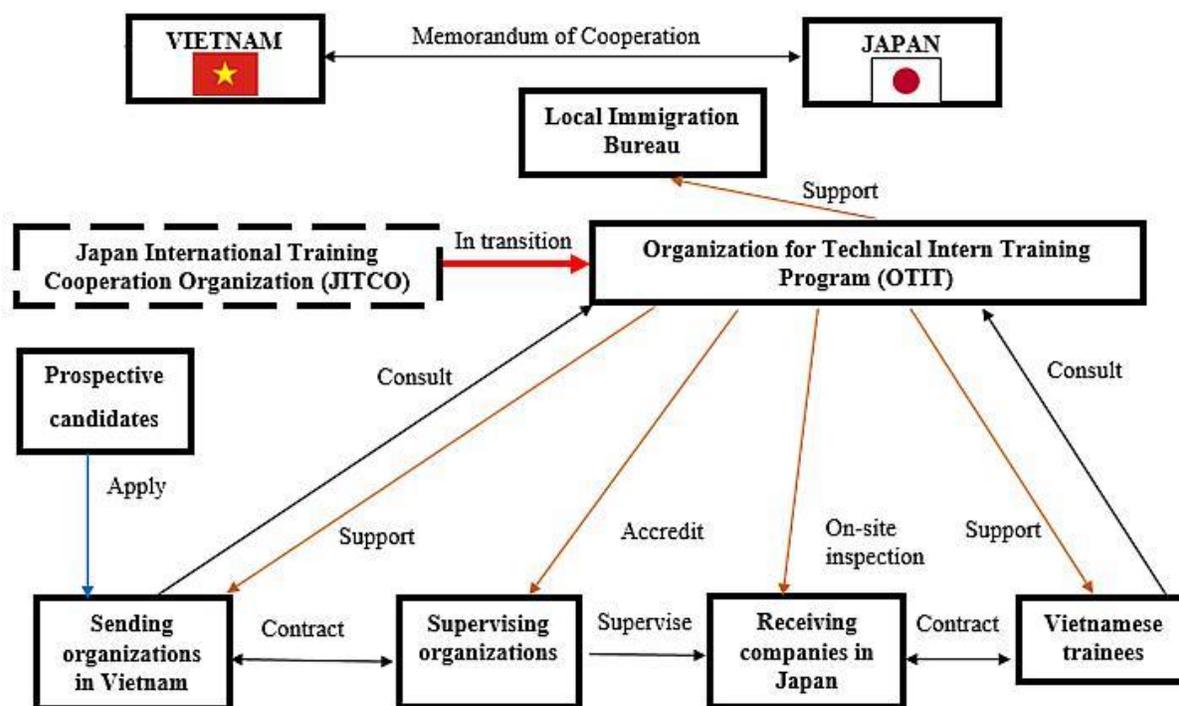


Figure 1. Roles of each stakeholder in the TITP and the relationships between them. Data from JITCO and OITIT (2017). Note: the roles of JITCO were replaced by OTIT since 2017.

#### *Vietnam's government and Japan's government*

Since the number of Vietnamese migrant workers under the TITP in Japan has increased significantly in recent years, it was necessary for governments of Vietnam and Japan to collaborate on monitoring the program. In 2017, Japanese and Vietnamese Governments signed a Memorandum of Cooperation (MOC) on the Technical Intern Training Program (TITP). The purpose of this Memorandum of Cooperation is to transfer technical skills from Japan to Viet Nam appropriately and smoothly through the Technical Intern Training Program by setting out the responsibilities of relevant Ministries of Japan and the Ministry of Labour, Invalids and Social Affairs of Viet Nam (hereinafter referred to as “the Ministry of Viet Nam”) to send and accept technical intern trainees and thus to promote international cooperation. In appropriate cases

(including emergencies, crisis or disasters, etc.), the Ministries of both countries, through the diplomatic mission, will exchange information, solve arising problems and supervise the implementation of activities relating to the Technical Intern Training Program (MOC, 2017). By April 2018, the Ministry of Viet Nam will provide a full list of Vietnamese sending organizations it approved with relevant Ministries of Japan. From Sep 2018, the Ministries of Japan will accept only those trainees who are sent by sending organizations on the list (MOC, 2017).

#### *Vietnamese trainees*

Prospective candidates of the TITP will apply to job postings announced by Vietnamese sending organizations on behalf of Japanese companies. Several rounds of preliminary skills tests will be conducted by sending organizations to filter the most appropriate candidates for final interviews with Japanese companies.

After trainees receive job offers from receiving companies, they will sign employment contract with Japanese companies and proceed visa application process. While waiting for their visa results, prospective trainees will stay at the facilities arranged by sending organizations to learn Japanese intensively for several months. Some large sending organizations also provide preparatory training for specific skills in certain industries.

Figure 2 presents the flow of the TITP published by Japan's government. Once trainees arrive in Japan, they will spend one to two months at the facilities arranged by supervising organizations or receiving companies (if trainees are recruited directly by individual enterprises) in Japan to practice Japanese and prepare for their new life in Japan. After this "lecture training" period, trainees will acquire practical training at their respective host companies. After the first year, trainees must pass theory & practical exam of evaluation exam (equivalent to National trade skill testing basic 2nd level) to extend their period of stay for another 2 years. After the 3-year

period, all trainees must take the practical exam of evaluation exam (equivalent to National trade skill testing 3rd level) and return to Vietnam for at least one month. Those people who passed the evaluation exam and are sponsored to return to Japan by their host companies can re-enter Japan as trainees after one month and stay in Japan up to another 2 years.

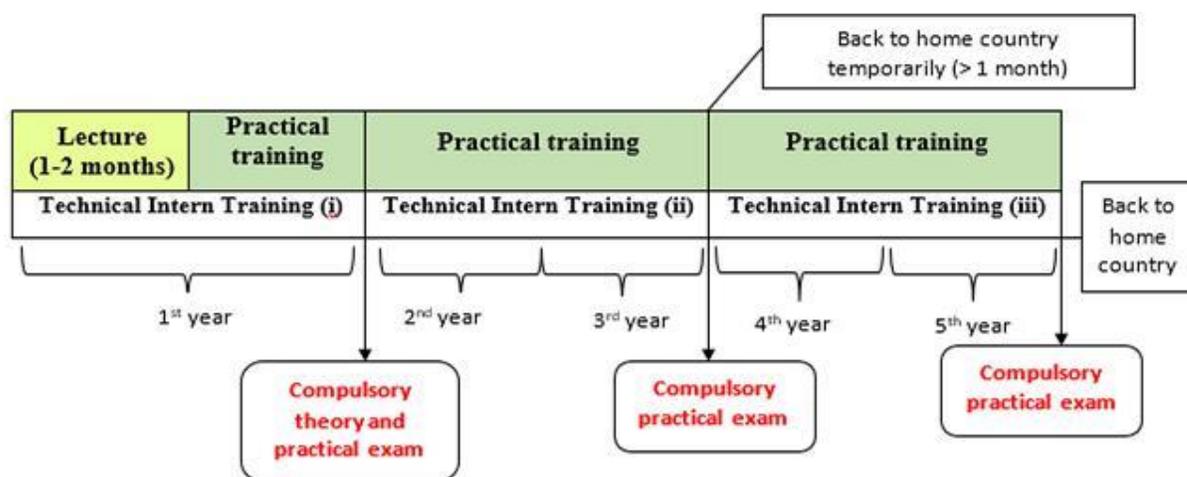


Figure 2. The flow of the Technical Intern Training Program. Data from Japan's Ministry of Justice and Ministry of Health, Labour and Welfare (2017).

### *Japanese receiving companies*

According to Japan's Immigration Bureau statistics (2017), 96.4% of Japanese companies receiving trainees utilized supervising organizations as intermediary channel to recruit trainees. Majority of Japanese companies accepting trainees are small-and-medium enterprises in rural areas that cannot afford delocalizing their business overseas while suffering severely from labour shortage. Japanese companies that hire trainees through intermediary channel have to pay not only recruitment fees but also monthly expenses related to management of trainees to supervising organizations. This amount of money varies among supervising organizations. Japanese supervising organizations shall collect the management expenses monthly from Japanese companies and share this amount of money with sending organizations based on terms written on

their contracts.

#### *Japanese supervising organizations*

Supervising organizations in Japan play the role of intermediary agents who i) liaise Vietnamese sending organizations with Japanese companies wanting to hire trainees; ii) support Japanese companies during the recruitment process and management of trainees; iii) supervise the proper implementation of the training program by visits and site inspection and iv) response to various consultations from trainees (including securing new companies for trainees in necessary cases). An organization must meet all of the standards determined by Japanese laws in order to obtain the license of supervising organization.

In some cases, Japanese firms who conduct business in the same industry establish a non-profit cooperative (in Japanese language “kumiai”) and then this cooperative applies to become a licensed supervising organization through which its company members recruit trainees.

#### *Vietnamese sending organizations*

According to the MOC between Vietnam and Japan, sending organization that intends to send technical intern trainees to Japan must meet Sending Organization’s Approving Standards determined by Japan and Vietnam’s governments and must have its license approved by the Ministry of Vietnam. Vietnamese sending organizations work closely with Japanese supervising organizations during the recruitment process. The roles and duties of sending organizations can be summarized as follows:

- 1) To recruit and match trainee candidates with Japanese companies by the methods agreed after negotiation and consultation with Japanese supervising organizations
- 2) Prepare documents to apply for visa to enter and stay in Japan on behalf of Vietnamese trainees who got selected by Japanese companies

- 3) Implement medical examination (including dental examination) and notification of the result of examination to the supervising organizations
- 4) Implement orientation and Japanese language lectures before dispatch
- 5) Coordinate with supervising organizations to handle issues emerged in the TITP

According to Japanese laws and sending organization's approving standards determined by Japan and Vietnam's governments in the MOC, Vietnamese sending organization are forbidden to impose any monetary penalties on trainees and they have to clearly specify the calculating criteria of commissions and any other fees to be collected from trainees and make the criteria publicly available. They also have to explain the details of such commissions and other fees to prospective candidates and admitted trainees.

*Japan International Training Cooperation Organization (JITCO) and Organization for Technical Intern Training Program (OTIT)*

According to its official website (as of 2018), The Japan International Training Cooperation Organization (JITCO) is a public interest incorporated foundation that was jointly established in 1991 by relevant Ministries in Japan for the purpose of contributing to the smooth implementation and appropriate expansion of the Technical Intern Training and training Program. Since its establishment until the Technical Intern Training Act was enforced in 2017, JITCO was the sole governmental organization in charge of the TITP.

Since the TITP was revised in 2017, Organization for Technical Intern Training (OTIT) was founded by competent ministers (the Minister of Justice and the Minister of Health, Labour and Welfare) on 25th January 2017 and replaced the roles of JITCO.

According to OTIT's official website (as of 2018), main functions of OTIT are as follows:

- Accreditation of technical training plan

- Preliminary screening of the application for license
- Receipt of notification of implementing organization
- Request of report from supervising organizations and implementing organizations and onsite inspection to them
- Receipt of various kinds of reports from supervising organizations and implementing organizations
- Support and protection for technical intern trainees
- Research on technical intern training

During the transition of authority, JITCO currently became a general support organization for the Technical Intern Training Program. JITCO supports all stakeholders involved with the program by holding seminars and training session, conducting individual consultations, and developing and providing educational materials based upon the five support areas of “intake,” “procedures,” “sending,” “staff development,” and “protection of trainees” (JITCO, 2017).

### **3.3 Revision of Technical Intern Training Program**

In 2009, Immigration Control and Refugee Recognition Act was revised and enforced from July 2010. The changes are summarized by Watanabe (2010) as following points:

- Establish a “technical intern training” residence status and the application of labour laws to trainees.
- Prohibit unreasonable levying of money or goods through security deposits or penalties.
- Strengthen the system of guidance, supervision and support by supervisory bodies, and increase transparency in its operation.

- In the event of misconduct on the part of the supervisory body, that body will be suspended from accepting trainees and interns for a period of one, three or five years, depending on the level of seriousness of the offense.

In 2015, the Health, Labor and Welfare Ministry oversaw 5,173 firms that use the training program, and according to its study, a record 3,695 violated the Labour Standard Act such as not paying proper wages and forcing long working hours on the trainees (Mainichi Japan, 2016). In November 2016, responding to a high number of companies that violated the Labour Standard Act in 2015, Japan's Diet enacted a new law enforced from April 2017 to improve the Technical Intern Training Program (TITP) by eliminating practices that violate the rights of trainees. New measures include:

- The introduction of management agencies that have a hotline to the government of the home country of the intern.
- A supervisory organization overseeing the entire program will also be established. Companies wanting to accept foreign trainees will now have to first submit to this organization an outline of their training program. The organization will assess the plan and decide whether to give the company permission to take an intern.
- Companies that violate the human and labour rights of interns will be penalized.
- Companies with excellent past records will be allowed to accept trainees up to five years as compared with three years under the previous system.
- The new law will also allow foreign interns to receive training in nursing care under the TITP

In September 2017, Japan's Immigration Bureau (Ministry of Justice) and Human Resources Development Bureau (Ministry of Health, Labour and Welfare) continued to revise the

Program. Under new Technical Intern Training Act (enacted in November 2017), the following points have been made to strengthen the management and supervisory system:

- Apply a license system to supervising organizations, a notification system to implementing organizations, and an accreditation system to every technical intern training plan.
- Establish “Organization for Technical Intern Training (OTIT)” (authorized legal entity), which will perform duties such as requesting supervising organizations for reports and conducting on-site inspections.
- Establish a mechanism for reporting and penalties against violations of human rights and similar acts, and provide more effective support to technical intern trainees in transferring to other implementing organizations.
- Request the competent government agencies and prefectural governments for cooperation based on industrial laws and establish a regional council consisting of these government agencies for cooperation.
- In order to select appropriate sending organizations, Japanese government tries to make MOC (Memorandum of Cooperation) with sending countries.

Along with stricter rules and regulations, the system is also expanded in the service of those companies that were rated as “excellent supervising organizations”. In particular, if a company has good records of treating trainees in the past, the training and re-training period can be extended up to five years (practical training up to two years after trainees return home). The upper limit of the number of trainees who can be recruited in accordance with the number of full-time employees also can be doubled to 10%. In this study, I would like to evaluate the effects of recent revisions of the Program on the Vietnamese trainees and the Japanese companies that are hiring them.

## CHAPTER 4

### METHODOLOGY

#### 4.1 Research methods

##### *Primary research*

A qualitative and descriptive approach was applied in this study because qualitative methods allowed the researcher to not only focus on basic research questions but also study deeply different aspects of the research issues. The flexible nature of qualitative study also let the researcher change questions at any time during the field research in order to gain a better understanding of the subject. In-depth interviews with different stakeholders involved in the Technical Intern Training Program were conducted during late March and early May 2018. Except for 6 current Vietnamese trainees, all the interviews were carried out on individual basis and lasted approximately 1 hour and 30 min per each interview. Focus group interview method was chosen as the main method to elicit opinions from Vietnamese trainees on the TITP because this method allowed the researcher to obtain multiple perspectives and insights on given issues in a short amount of time. Table 1 presents the details of the in-depth interview conducted in this study.

Table 1

##### *Details of the in-depth interview research*

Interviewees	Date	Duration of the interview	Location
6 current Vietnamese trainees	Mar 4 <sup>th</sup> 2018	1 hour and 30 min	Trainees' home
1 former participant of the program	Mar 28 <sup>th</sup> 2018	45 min	Online communication (messaging application)

1 Japanese employer hiring Vietnamese trainees	Apr 09 <sup>th</sup> 2018	1 hour and 30 min	The company
2 Japanese officer from 2 different supervising organization in Japan	Apr 10 <sup>th</sup> 2018 and May 10 <sup>th</sup> 2018	1 hour and 30 min each interview	The office
1 Japanese officer working for local government in Japan (city hall)	Feb 16 <sup>th</sup> 2018	1 hour and 30 min	A café shop

As shown in Table 1, the data for this study is primarily based on:

- Answers from 6 Vietnamese trainees who are currently working in Japan and former participants of the Technical Intern Training Program
- Opinions shared by a Japanese employer who is hiring Vietnamese technical trainees
- Perspective of 2 officers working in Japanese supervising organizations and 1 officer working in local Japanese government on the Technical Intern Training Program

All interviews were tape-recorded and held in an informal and conversational style. After gaining an overall picture of the experiences the interviewees have shared, the researcher occasionally asked clarifying questions to delve deeply into a wide variety of issues raised throughout the interviews. Moreover, the data collected in this qualitative study include more than words; attitudes, feelings, vocal and facial expressions, and other behaviors were also recorded. During the interviews, questions that were not effective at eliciting the necessary information have been eliminated and new ones were added in accordance with the interviewees' interest and knowledge. Moreover, interview questions were also structured in a way that allowed the

researcher to ask multiple participants the same questions so that data saturation can be reached and credible conclusions can be drawn from the data collected.

The interviews with Vietnamese trainees were conducted in Vietnamese language while the interviews with Japanese employers and supervising bodies in Japan were carried out in Japanese language. The researcher was the only interviewer in each interview. All the interview questions were tested by Vietnamese fellow students and Japanese professors in advance of the interviews. All the answers were translated into English by the researcher. The translations were proofread and checked for accuracy by Vietnamese-English and Japanese-English speaking professionals.

In addition to the in-depth interviews, an online questionnaire was designed in Vietnamese language based on the outputs from the group interview with 6 current Vietnamese trainees. Different types of questions such as closed-ended, multiple choice, rating scale and open-ended questions were included in this questionnaire (see Appendix A: Questionnaire Design). The questionnaire was distributed to other Vietnamese technical trainees via social media websites during April 2018 in order to examine if data saturation has been achieved. There were 14 respondents in this online questionnaire as of May 30<sup>th</sup> 2018, all of them were former participants of the Technical Intern Training Program and have successfully completed the 3-year period of the program. All the data extracted from this questionnaire was translated into English by the researcher. The translations were proofread and checked for accuracy by Vietnamese-English speaking professionals.

### *Secondary research*

In addition to primary data, the researcher also gathered secondary data from ongoing literature review regarding Japan's labour migration policy and relevant official reports from governmental and international institutions to analyze the situation.

## **4.2 Sampling technique**

### *Purposive sampling*

Purposive sampling technique was applied in this study because this technique allowed the researcher to deliberately choose research participants who can and are willing to provide insightful information related to the research subject from their own knowledge or experience. In particular, a "stakeholder sampling" strategy (Palys, 2008) was utilized in this research since it was particularly useful in the evaluation and analysis of the Japan's labour immigration policy, in particular the Technical Intern Training Program. In order to gain a deep understanding about the effects of the TITP on different stakeholders, the major stakeholders involved in the TITP were identified and interviewed either individually or as a group. The identification and selection process of appropriate interviewees who are judged to have profound knowledge and experience related to the TITP was carefully conducted by the researcher. In addition to knowledge and experience, the researcher also took in account the "availability and willingness to participate, and the ability to communicate experiences and opinions in an articulate, expressive and reflective manner" of interview candidates (Bernard, 2002 and Spradley, 1979).

There were 6 participants involved in the focus group interview with current Vietnamese trainees, 2 males and 4 females of different age groups and educational backgrounds. The size of the group was small enough for all members to talk and share their thoughts openly and equally,

and yet large enough to create a diverse and information-rich group. Table 2 presents the basic information of the focus group interview participants.

Table 2

*Characteristics of focus group interview participants*

<b>No.</b>	<b>Educational Background</b>	<b>Current age</b>	<b>Age when joining the TITP</b>	<b>Year when joining the TITP</b>	<b>Industry</b>	<b>Location</b>	<b>Number of years participated in the TITP</b>
1	High School Graduate	22	21	2017	Manufacturing	Oita	1
2	High School Graduate	19	18	2017	Manufacturing	Oita	1
3	High School Graduate	19	18	2017	Manufacturing	Oita	1
4	High School Graduate	24	23	2017	Manufacturing	Oita	1
5	High School Graduate	19	18	2017	Manufacturing	Oita	1
6	College Graduate	24	23	2017	Manufacturing	Oita	1

As for the selection of questionnaire respondents, the researcher selectively sent out the questionnaire to a group of former participants of the program introduced by a friend. According to the introducer, this group of former trainees used to work in Tochigi prefecture. As a result, among 14 questionnaire respondents, there were 13 people of different age groups and educational backgrounds who claimed that their host companies were located in Tochigi prefecture. The remaining one respondent was chosen based on his experience as a former participant of the program and his willingness to answer the online questionnaire. Table 3 shows basic information of 14 former participants of the program participated in the online questionnaire.

Table 3

*Characteristics of online questionnaire participants*

<b>No.</b>	<b>Educational Background</b>	<b>Current age</b>	<b>Age when joining the TITP</b>	<b>Year when joining the TITP</b>	<b>Industry</b>	<b>Location</b>	<b>Number of years in the TITP</b>
1	High School Graduate	28	24	2014	Manufacturing	Saitama	3 (completed)
2	High School Graduate	32	28	2014	Manufacturing	Tochigi	3 (completed)
3	High School Graduate	25	22	2015	Manufacturing	Tochigi	3 (completed)
4	College Graduate	26	23	2015	Manufacturing	Tochigi	4-5 (extended)

5	High School Graduate	21	18	2014	Manufacturing	Tochigi	3 (completed)
6	High School Graduate	28	23	2013	Manufacturing	Tochigi	3 (completed)
7	College Graduate	24	22	2015	Manufacturing	Tochigi	3 (completed)
8	University Graduate	27	24	2015	Other	Tochigi	3 (completed)
9	High School Graduate	28	24	2014	Manufacturing	Tochigi	3 (completed)
10	College Graduate	24	20	2014	Transportation	Tochigi	3 (completed)
11	High School Graduate	21	18	2014	Other	Tochigi	3 (completed)
12	College Graduate	28	25	2015	Manufacturing	Tochigi	3 (completed)
13	High School Graduate	21	18	2014	Manufacturing	Tochigi	3 (completed)
14	High School Graduate	29	26	2015	Manufacturing	Tochigi	3 (completed)

Although the sample size of each stakeholder group in this study is relatively small, the researcher believes data structuration was reached since the interviewees and questionnaire

respondents have provided critical information. The insights gained from research participants combined with secondary statistics allowed the researcher to acquire a deep understanding about the TITP, and thus be able to make generalizations of the difficulties facing different stakeholders involved in the TITP and what should be changed to improve the quality of the program.

### **4.3 Research ethics**

This research was conducted with full compliance of research ethics norms. Regarding primary research, the aims and objectives of the research were clearly explained to all the research participants. Each person who agreed to participate in this study was asked to read and sign an informed consent form prior to participating and was promised their complete anonymity. Moreover, pseudonyms will be used throughout the paper to protect study participants' anonymity. All of the interview questions and questionnaire design were strictly proofread and reviewed by the researcher's Japanese supervisor prior to the interviews and questionnaire distribution, in order to avoid any sensitive issues or cultural conflicts. During the interviews, research participants were treated respectfully and the researcher did not force the interviewees to answer any questions that made them feel uneasy. The researcher also received approval from the Japanese company and the Japanese supervising organizations to conduct the interviews at their offices. The research data is maintained confidentially and the primary data findings in this study will be presented honestly and objectively. The research participants were also informed about their rights to see any information related to them held by the researcher, including that any references to them shall be removed on request. With regard to secondary data, works of other authors and organizations used in any part of this paper are properly cited and acknowledged in accordance with the American Psychological Association (APA) referencing system.

#### **4.4 Data analysis**

Three data analysis processes were carried out throughout the study: collection, coding, and analysis of data. The collected primary data consisted of interview transcripts, field notes from observations, and a wide variety of taped records and photos were treated thoroughly during ongoing analysis. The collected secondary data consisted of relevant literature, official reports and statistics publicized by the institutions authorized by the government of Japan and Vietnam.

All of the taped interviews, memoranda, field notes and questionnaire results were entered into computer files and manually coded by the researcher since i) the sample size is relatively small and ii) the interviews were conducted in Vietnamese and Japanese language while available qualitative data-coding software programs only facilitate data in English language. Before beginning the data collection and coding process, a list of pre-set codes was created and recorded in a digital code book which is a compilation of the codes, their content descriptions, and a brief data example for reference. Ideas, concepts, actions, relationships and meanings different from the pre-set codes which came up during the coding process were labelled as emergent codes and added to the digital code book as well.

During data analysis process, the researcher organized and grouped similarly coded data into categories based on their shared characteristics. Connections between these categories were used to a) draw generalizations about the effects of the Technical Intern Training Program on Japanese employers and Vietnamese migrant workers and b) make suggestions for future policy implications with reference to opinions of different stakeholders involved in the TITP. In addition to text format, figures, tables, charts and photos were also used to effectively present research data results.

#### **4.5 Limitations**

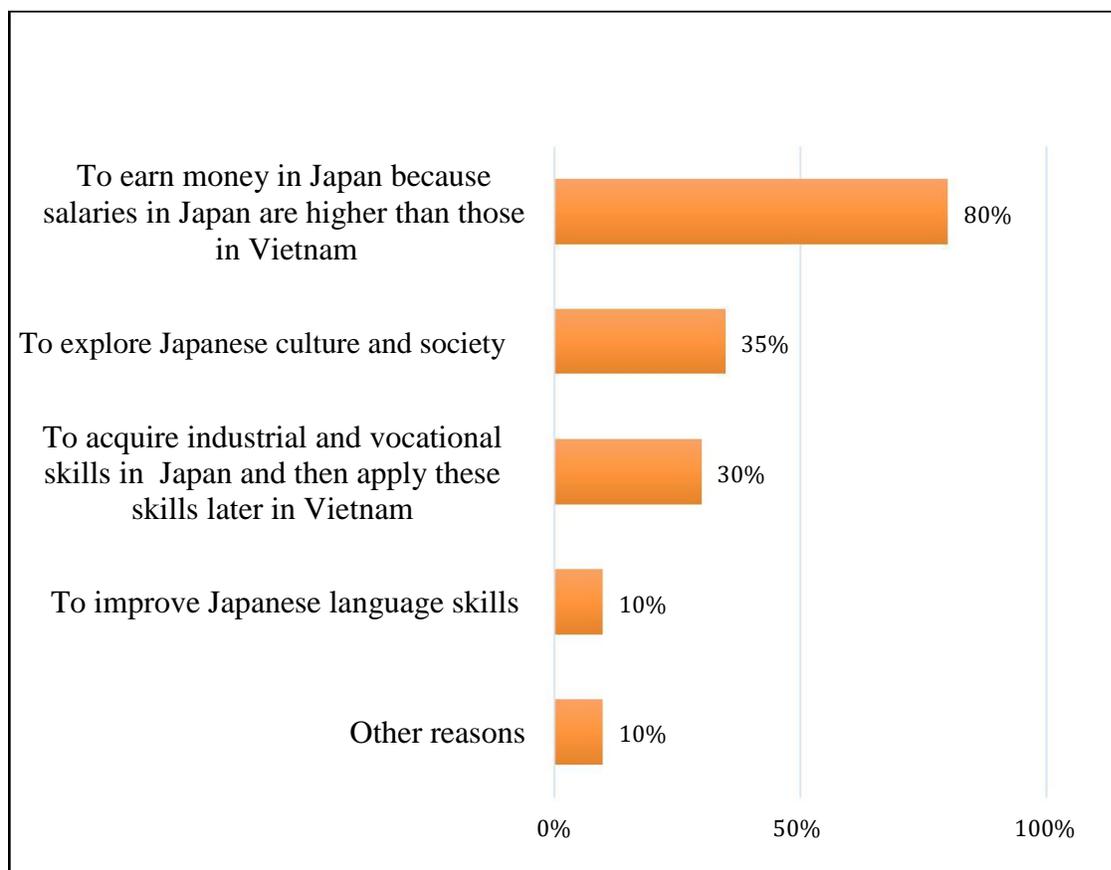
Because of time and budget constraints, the researcher could not conduct a comprehensive survey in all prefectures encompassing a large sample of Vietnamese migrant workers and Japanese employers in various fields. Therefore, this study was still dependent on secondary statistics to make up for the comparatively small sample size of primary data. Furthermore, questionnaire respondents who were introduced to take part in the study might be self-selected by the introducer. Besides, current Vietnamese trainees might have given biased opinions because they fear the retribution from their employers. On the other hand, the Japanese employer and Japanese supervising organizations' staff might also have given inaccurate information to avoid any infringements being discovered.

While providing insightful information, the use of focus group interview method also has limitations such as dominant members convince others to conform to group consensus or members feel obliged to agree with the group due to peer pressure. Moreover, during the interview sessions, the researcher as relatively inexperienced facilitator might have expressed subjective opinions and influenced the discussion in certain ways, leading to biased answers from interviewees. On the other hand, although the questionnaire design allowed the researcher to reach to a group of target participants in a short amount of time, information extracted from the questionnaire results is limited in explaining the reasoning behind the respondents' answers.

**CHAPTER 5**  
**THE PERSPECTIVE OF VIETNAMESE MIGRANT WORKERS**  
**WITH REGARD TO THE TITP**

**5.1 Purposes of joining the TITP**

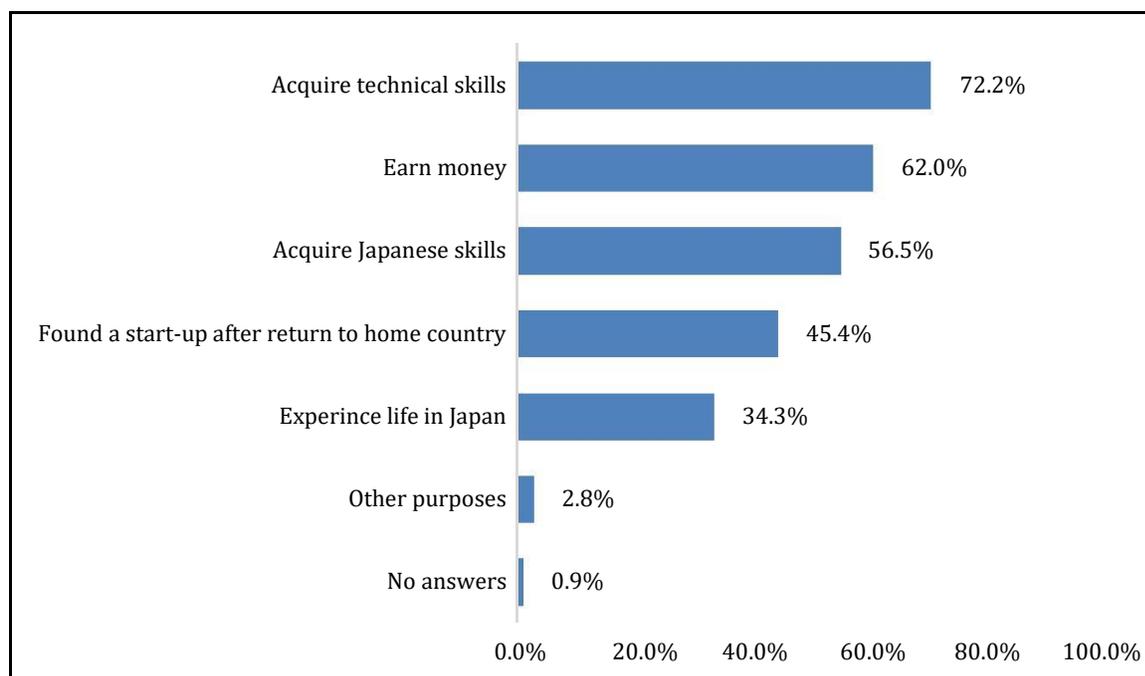
According to the outputs of the focus group interview and online questionnaire, financial incentives played a major role in Vietnamese trainees' decisions to join the TITP (see Figure 3). 80% of the trainees participated in this research revealed that they joined the TITP "to earn money in Japan because salaries in Japan are higher than those in Vietnam". The second and third popular reasons for joining the TITP are "to explore Japanese culture and society" (chosen by 35% of the respondents) and "to acquire industrial and vocational skills in Japan and then apply these skills later in Vietnam" (answered by 30% of the respondents). Other reasons such as "to improve Japanese language skills" and "to challenge oneself in a different living environment" were also reported. Figure 3 presented that the income differences between Japan and Vietnam are undoubtedly one of most influential pull factors for most Vietnamese low-skilled workers participated in this study to migrate to Japan as technical trainees. Apart from the financial opportunities, however, Vietnamese migrant workers also made the decision to join the TITP based on other non-economic factors.



*Figure 3.* Purposes of joining the TITP reported by Vietnamese trainees participated in this study.  $n = 20$ .

In addition to primary data, secondary statistics also indicate that a lot of Vietnamese workers joined the TITP to earn money and acquire technical and Japanese skills although the priority might be different from person to person (see Figure 4). According to the follow-up questionnaire distributed to 108 former Vietnamese trainees by JITCO in 2013, 72.2% of the respondents answered that they joined the TITP to “acquire technical skills” while 62% said they wanted to “earn money”. Other reasons were also stated, such as to “acquire Japanese skills”, “to found a start-up after return to Vietnam” and “to experience life in Japan”. However, it must be noted that JITCO’s questionnaire results could be biased due to the conflict of interests between JITCO and former technical intern trainees. Until 2017, JITCO used to be the supervising body of

the TITP, and therefore, former technical intern trainees might feel pressured to answer what they think JITCO would expect in order to avoid future consequences.



*Figure 4.* Purposes of joining the TITP. Data from JITCO’s questionnaire (2013).

$n = 108$ .

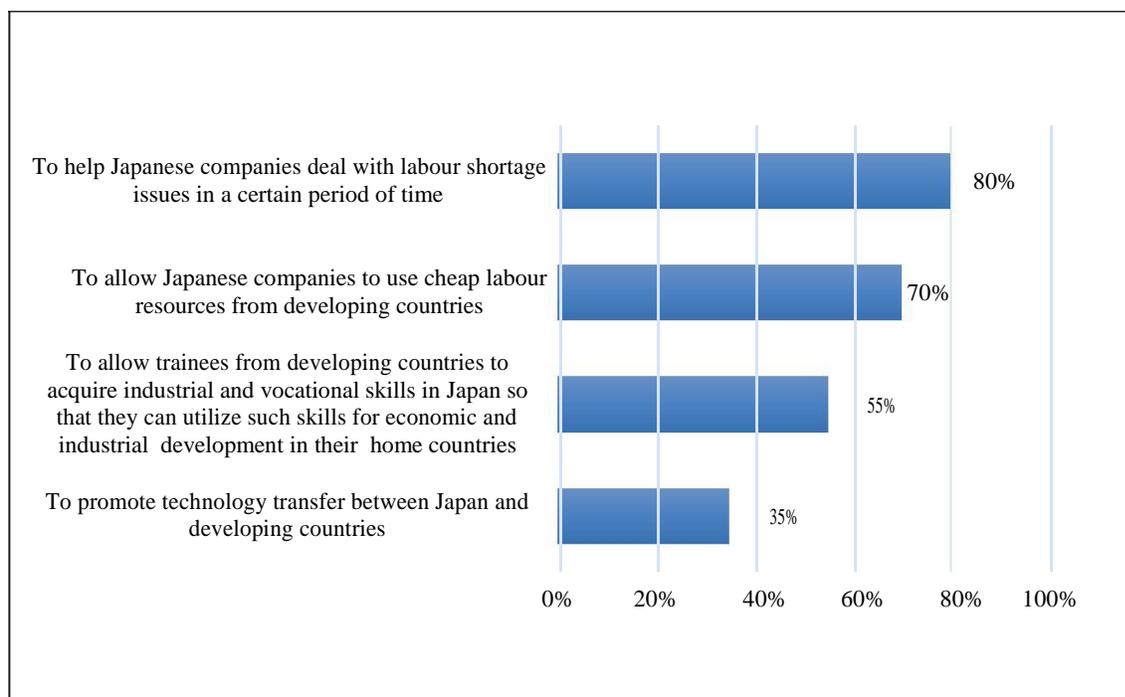
## 5.2 Awareness of the program’s objectives

There is a gap between the stated objectives of the TITP and the reality of how the objectives of the program are perceived by Vietnamese migrant workers. In the Technical Intern Trainee Handbook – English version (2017) published by the Organization for Technical Intern Training (OITI), the objectives of the TITP are stated as follows:

The objective of the “Program of Technical Intern Training for Foreign Nationals” is to have workers from other countries acquire the skills, etc., relating to Japanese industry, and for them to take advantage of the skills, etc. that they have acquired after their return to their home country, and to play an active role in the development of the industries of their home countries (p.4)

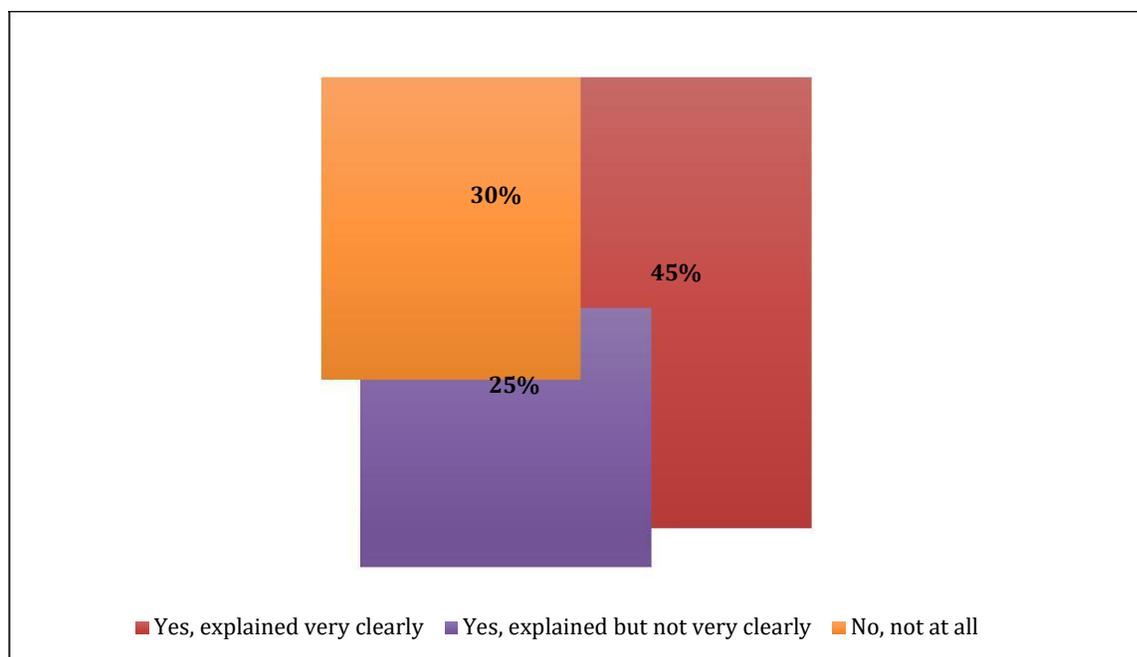
In other words, the TITP aims to contribute to international community by developing human resources who can contribute to the industrial development of foreign countries through transfer of Japanese technology.

However, data from Figure 5 allowed the researcher to understand to what extent the Vietnamese trainees were aware of the theoretical objectives of the program and how different they perceived the objectives of the program based on what they experienced in reality. In response to the question “In your opinion, what are the objectives of the Technical Intern Training Program?”, most of the Vietnamese trainees agreed that the TITP aims to “help Japanese companies deal with labour shortage issues in a certain period of time” and to “allow Japanese companies to use cheap labour resources from developing countries”. Meanwhile, only half of the research participants were aware of the objectives stated by Japanese government, which is to “allow trainees from developing countries to acquire industrial and vocational skills in Japan so that they can utilize such skills for economic and industrial development of their home countries”.



*Figure 5.* The objectives of the TITP from Vietnamese migrant workers' perspective.

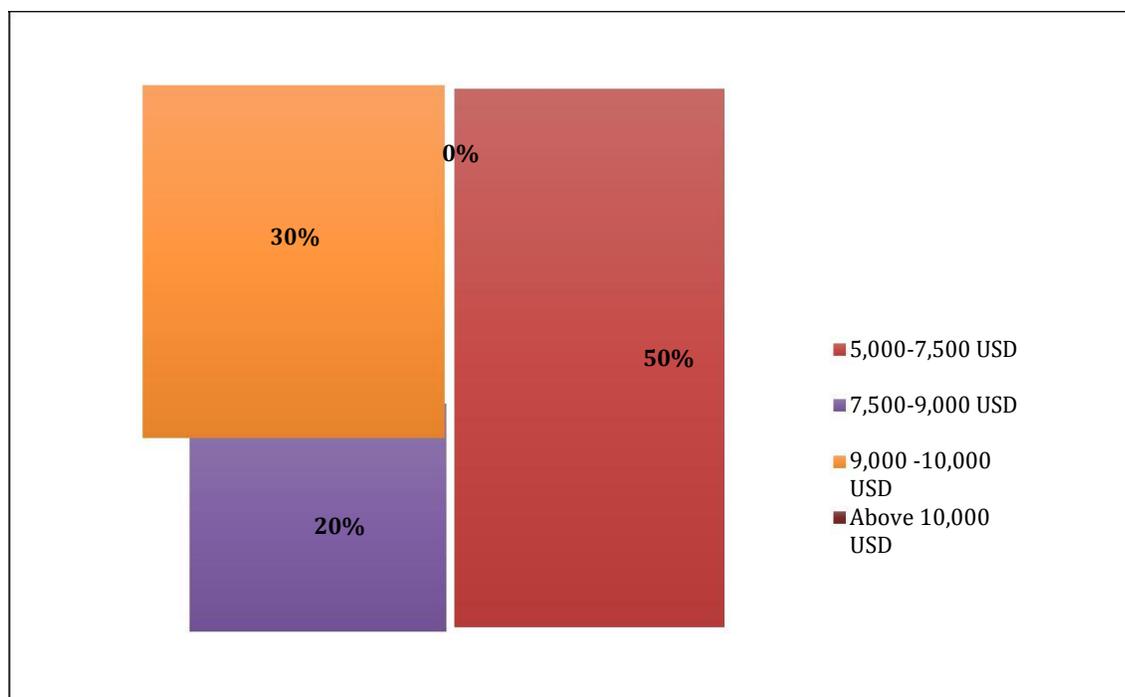
In addition, the researcher was also keen to know to what extent the official objectives of the TITP were explained to Vietnamese trainees by their sending organizations (see Figure 6). In response to the question “Did the Vietnamese sending organization explain to you the objectives of the TITP when you applied to join the program?”, 70% of the respondents said that their sending organizations did explain the official objectives of program, even though in some cases the explanation was just briefly and not very clearly. Meanwhile, 30% of the research participants reported that their sending organizations did not mention about the official objectives of the program at all. Instead, all the trainees participated in the focus group interview were asked to state “their objectives of joining the program” to their sending organizations when they applied to join the program.



*Figure 6.* How Vietnamese sending organizations explained the TITP's objectives.

### **5.3 Fees for joining the TITP**

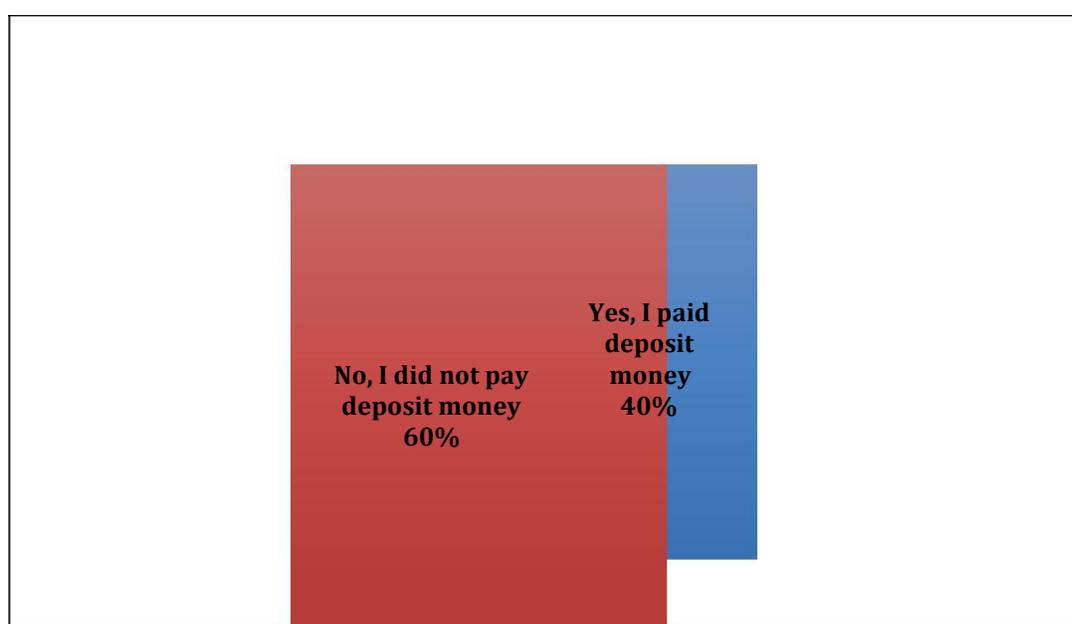
According to the answers collected from 20 Vietnamese trainees, the amount of money they paid to Vietnamese sending organizations varied significantly (see Figure 7). 50% of the research participants had to pay from 5,000 to 7,500 USD to their sending organizations, while 30% of the respondents had to pay twice as much as that amount to join the program. 25% of the trainees paid the amount of 7,500 to 9,000 USD which is considered to be “not cheap nor too expensive”.



*Figure 7.* The amount of pre-departure fees Vietnamese migrant workers paid to sending organizations.

Apart from the non-refundable registration fees, some Vietnamese trainees participated in this research also had to pay a refundable ‘security deposit’. The deposit money was kept by sending organizations throughout the contract period and would be returned to the trainees who successfully completed their contracts. This deposit money system was a measure initiated by sending organizations to prevent the trainees from committing illegal practices in Japan such as running away from their host companies to work in irregular work sector or overstaying after their visas expired. If a trainee breaks the contract by returning home early or “running away” from the host company to work at other places illegally, he or she will forfeit the safety deposit. However, according to the Japan International Training Cooperation Organization (JITCO), it has been reported that this deposit money system imposes financial burdens on technical intern trainees and could force them to perform overtime and/or illegal work. Therefore, Immigration Control Act,

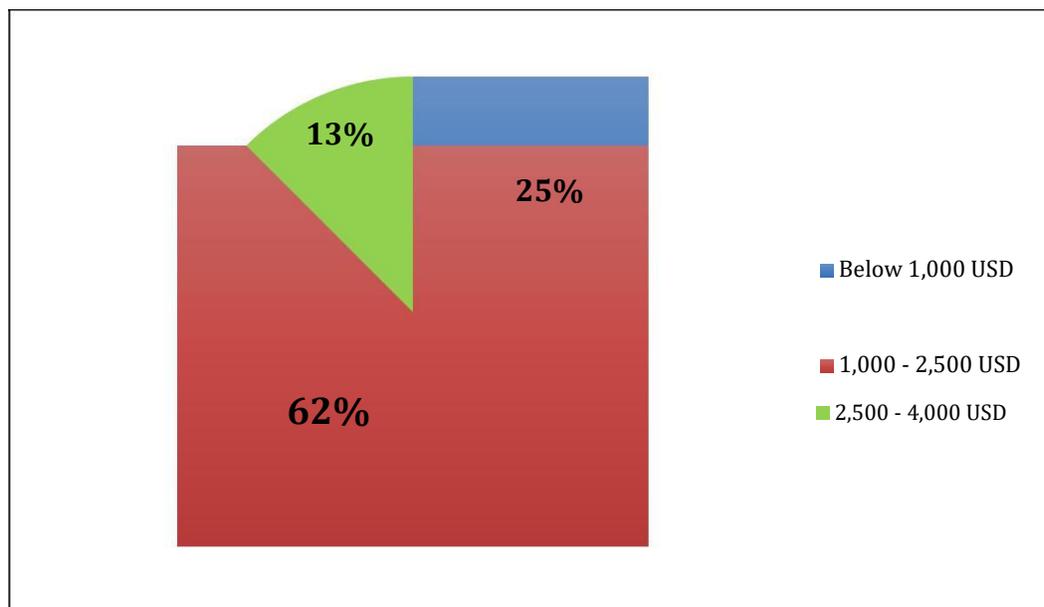
which was enforced in July 2010, prohibits sending organizations to collect security deposits or “running-away” penalties from trainees. Although the deposit money system has been banned since 2010 by Japanese government, records from the Vietnamese trainees participated in this study revealed that 40% of them who joined the program after the year 2010 still had to pay deposit money to their sending organizations in Vietnam (see Figure 8). Statistics from JITCO’s questionnaire (2013) also show that 24 former Vietnamese trainees out of 108 questionnaire respondents had to pay deposit money to their sending organizations.



*Figure 8.* The percentage of trainees paid deposit money after 2010.

Data collected from research participants indicates that the amount of deposit money is also set by each sending organization and varies from below 1,000 USD to 5,000 USD (see Figure 9). According to the data collected, the most popular range for deposit money collected by sending organizations is from 1,000 USD to 2,500 USD. Furthermore, whether this deposit money will be returned in full amount to trainees who successfully completed the training program is still questionable. All of the respondents to the question “Did you receive the deposit money back after

successfully completing the contract?” also reported that they received 100% deposit money back from their sending organizations. In contrast, according to the statistics from JITCO’s questionnaire (2013), only 66.7% (16 out of 24) trainees who paid deposit money received 100% deposit money back from their sending organizations.



*Figure 9.* The amount of deposit money Vietnamese trainees paid to sending organizations.

On the other hand, according to the statistics collected in this study, the number of trainees who paid the deposit money has reduced from 2013 to 2017 although the sample size is relatively small to draw a concrete conclusion (see Figure 10).

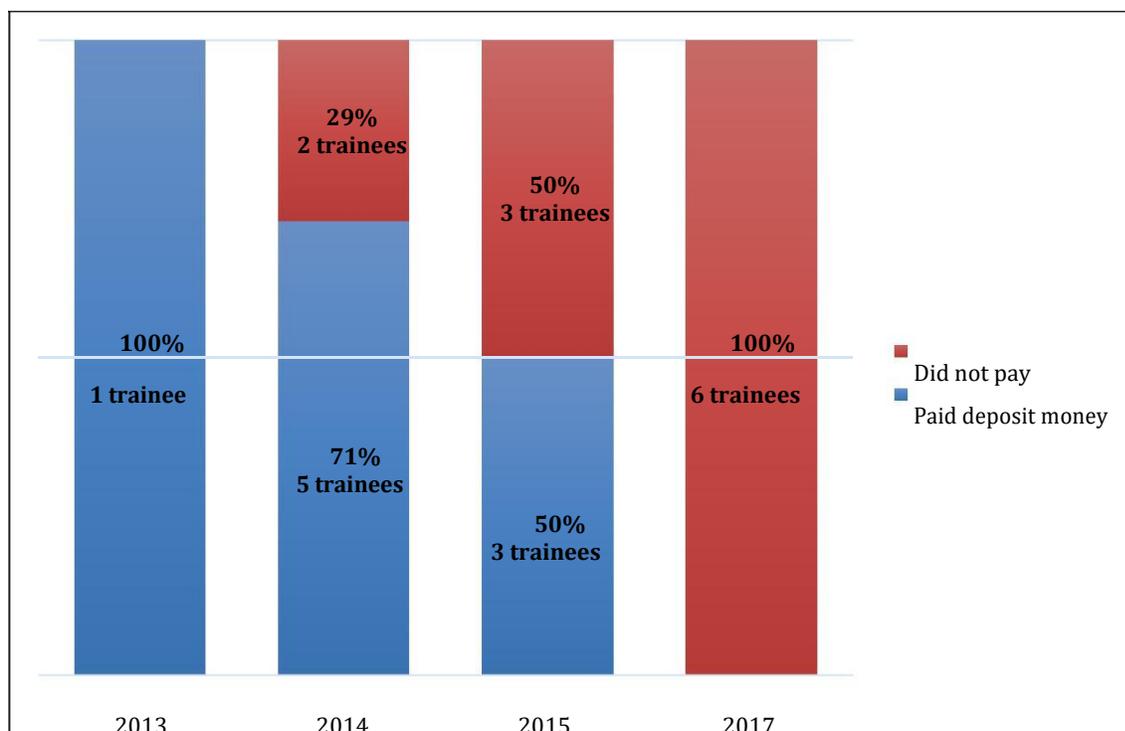


Figure 10. Change in percentage of Vietnamese trainees had to pay deposit money from 2013 to 2017.  $n = 20$ .

#### 5.4 Most popular industries for technical trainees

According to the statistics summarized and publicized by Japan's Ministry of Health, Labour and Welfare and Ministry of Justice (2018), among 77 categories of industries eligible for the Technical Intern Training Program, the top 3 industries having the most technical intern trainees who passed the basic level evaluation exam and moved to Technical Intern Training (ii)<sup>1</sup> are labour-intensive industries. In particular, the top 3 are:

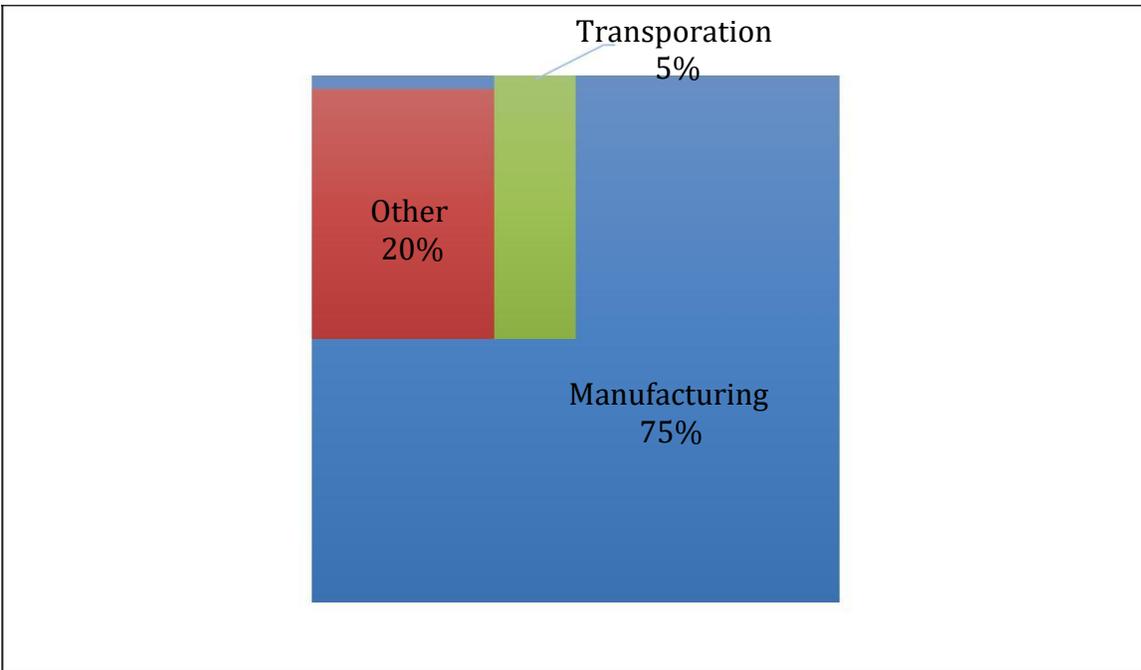
1. Machinery – Metal manufacturing-related industries
2. Construction-related industries
3. Food processing industries

<sup>1</sup> Technical Intern Training (ii) refers to 2<sup>nd</sup> and 3<sup>rd</sup> of the TITP. After the 1<sup>st</sup> year of the TITP, technical intern trainees must take and pass evaluation exam in order to move to the Technical Intern Training (ii)



*Figure 11.* The number of trainees (all nationalities) moved to Technical Intern Training (ii) by industries. Data from Japan’s Ministry of Justice (2018).

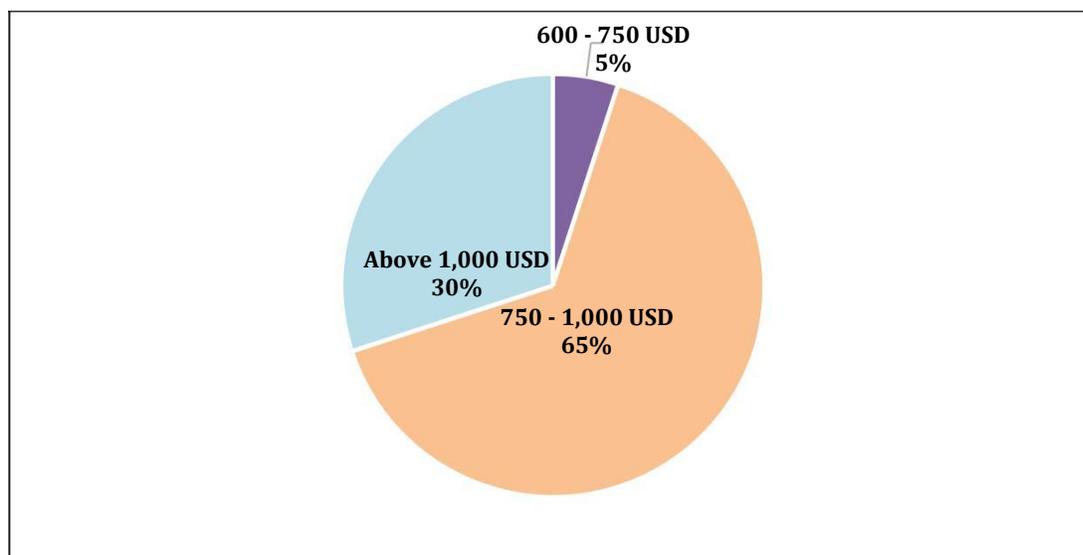
It was also reported by most Vietnamese trainees participated in this study that majority of them were recruited in labour-intensive industries. In particular, 75% of the Vietnamese trainees participated in this research worked or have worked in the manufacturing sector during their training program (see Figure 12).



*Figure 12.* Most popular industries for 20 Vietnamese trainees participated in this study.

### **5.5 Salary**

Net monthly salary received varies among research participants (see Figure 13). Majority of the respondents reported that their after-tax monthly salary ranged from 750 to 1,000 USD, while 30% said they received more than 1,000 USD monthly. Only one respondent revealed that his or her after-tax monthly salary was between 600 to 750 USD.



*Figure 13.* After-tax monthly salary of 20 Vietnamese trainees participated in this study.

The differences in the net monthly salary of trainees could be explained by the minimum hourly wage rate varying among different areas and industries and the payment of extra wages for overtime and holiday work. In the Technical Intern Training Handbook published by OITI (2017), it was clearly stated that “the employer must pay not less than the minimum wage amount prescribed by the prefecture in accordance with the Minimum Wage Act”. There are two types of minimum wages in Japan: the regional minimum wages and the industrial specified minimum wages. The former refers the minimum wage applicable to all workers and their employers in each prefecture regardless of the industry or occupation. The latter refers to the minimum wage applicable to workers and their employers of a particular industry within a specified area. The minimum hourly wage rate applied to trainees will be determined by either of the above thresholds, depending on which one is higher.

Furthermore, in cases of overtime work, statutory holiday work or late night work, the extra wages mentioned in Table 4 will be paid to trainees. Because of the extra wages, technical intern trainees are arguably willing to work overtime, on holidays and late-night shifts.

Table 4

*Calculations of extra wages for overtime work, statutory holiday work and late night work*

(1)	Hours worked beyond the statutory working hours (overtime work)	an increase by 25% or more of the normal wages
(2)	Hours worked on a statutory holiday (holiday work)	an increase by 35% or more of the normal wages
(3)	Hours worked late at night between 10 pm to 5 am (late-night work)	an increase by 25% or more of the normal wages

*Note.* For example, if a trainee works outside of the statutory working hours and does late night work, then the extra wages will be calculated as (1) + (3) = be an increase by 50% or more.

Source: Technical Intern Training Handbook (2017)

In the focus group interview with 6 Vietnamese trainees, the interviewees were aware of the Minimum Wage Act and confirmed that they were paid the industrial specified minimum hourly wage, which is 784 yen/hour for machinery manufacturing industries in Oita prefecture. However, when being asked “In your opinion, your net monthly salary from 750 to 1,000 USD is low or high?”, Nh. and D. immediately responded: “Low”. Nh. continued,

The expensive participation fees charged by our sending organization caused us to borrow a big sum amount of money. It (net monthly salary) has to be more than 1,000 USD for us to pay off our pre-departure debts.

For the above reason, all the interviewees agreed that it would help them a lot if the company gives them salary promotion, or alternatively, “If in this area the minimum hourly wage is only that (784 yen/hour)...I hope the company assigns more overtime work” – said C.

In addition to data collected in primary research, the researcher also found secondary data with regard to the median minimum hourly wage of technical intern trainees. According to results from a questionnaire distributed to more than 25,000 Japanese companies that are hiring foreign technical trainees by JITCO (2017), 99% of the companies participated in this questionnaire said that they confirmed the minimum wage rate applied to technical trainees every year. The median minimum hourly wage paid to technical intern trainees was also reported (see Table 5). Data in the Table 5 indicates that the minimum hourly wage paid to trainees increases in accordance with their seniority in the program.

Table 5

*Median minimum hourly wage paid to technical intern trainees*

(a) 1 <sup>st</sup> -year technical intern trainees	808.0 Japanese yen
(b) 2 <sup>nd</sup> -year technical intern trainees	815.9 Japanese yen
(c) 3 <sup>rd</sup> -year technical intern trainees	821.3 Japanese yen

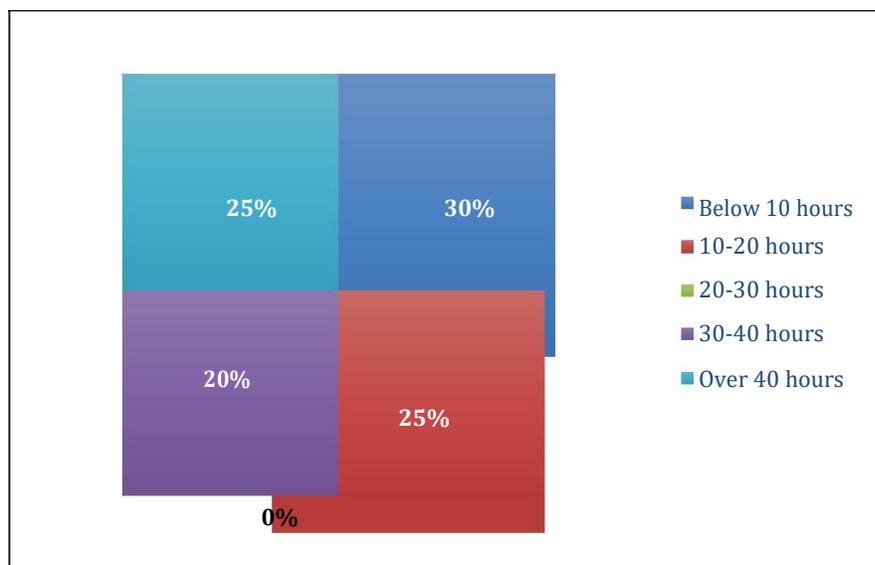
*Note.* n of (a) = 25526. n of (b) = 25115. n of (c) = 24626

Source: JITCO's questionnaires (2017)

## 5.6 Overtime hours

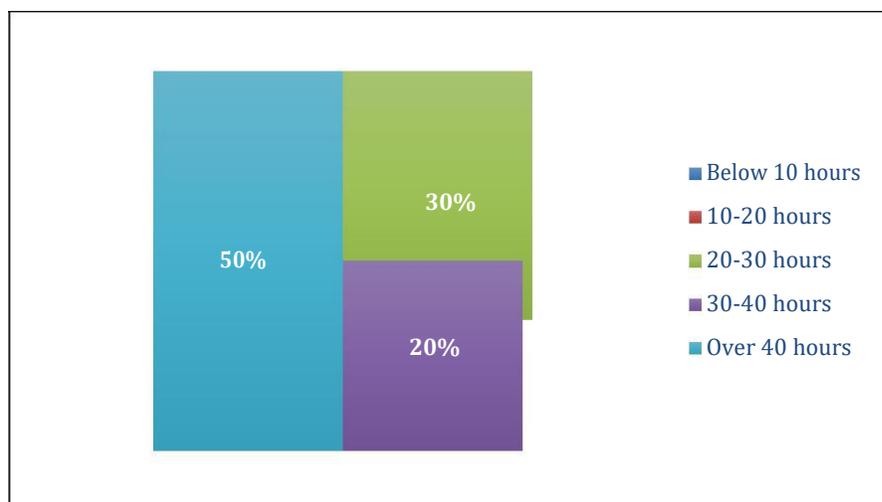
Primary data shows that all Vietnamese trainees participated in this study did overtime work. The average monthly overtime hours vary among the research participants (see Figure 14). The monthly overtime hours were also reported as “unfixed” and “unpredicted”, for example in busy months trainees were asked to work 20-25 hours overtime while in other months they hardly had any overtime opportunities (focus group interview, March 4 2018). V. (former trainee, online communication, May 2018) also shared similar experience: “There were months when my

overtime hours including statutory holiday work reached 99 hours, but there were also months in which I only worked 12 hours overtime”.



*Figure 14.* Average monthly overtime hours reported by Vietnamese trainees.

Furthermore, the maximum number of overtime hours a trainee could have and the amount of extra wages for overtime work a trainee could earn remain grey areas. As determined in Japanese labour laws, the number of overtime hours must not exceed 15 hours a week and 45 hours monthly. In this study, 50% of the research respondents reported that their longest overtime hours exceeded 40 hours although it is unsure if the exact number exceeded the standards set by laws (see Figure 15). Meanwhile, according to JITCO’s questionnaire results (2017), the median longest overtime hours assigned to technical intern trainees in the month of May 2017 is 31.3 hours.



*Figure 15.* The maximum overtime hours Vietnamese trainees have ever had during the TITP.

In contrast to the above data, in reality, according to T. – a former participant of the TITP, he usually worked 4-5 overtime hours for 6 days a week, but seemingly did not receive any extra wages. Despite the outrageous overtime working hours, his net salary was only 500 – 600 USD a month (online communication, March 28 2018). On the other hand, V. - another former participant of the program, shared that the maximum overtime hours he has ever had reached 99 hours a month. He could earn up to 1,000 USD monthly due to the extra wages he got from overtime work (online communication, May 24 2018).

### **5.7 Accommodation arranged by host companies**

According to primary data collected from 20 Vietnamese trainees, 85% of trainees were arranged to live in a shared apartment with other trainees, while only 15% said they lived in a dormitory provided by the host companies. The shared apartment (2-3 people share one bedroom, shared kitchen and bathroom) seems to be a welcome option for Vietnamese trainees (see Figure 16 & 17). Based on data collected, majority of the respondents rated more than 3 out of 5 when being asked to evaluate their satisfaction level in terms of arranged accommodation (see Figure 18). In response to the question “In your opinion, what kinds of accommodation do you prefer to

live in during the training program?”, the focus group interview participants also agreed that they would prefer shared lodging with other people because “it is more fun and less lonely”, besides, “we probably can also save money on rent and utilities” (L., focus group participant, March 4 2018).

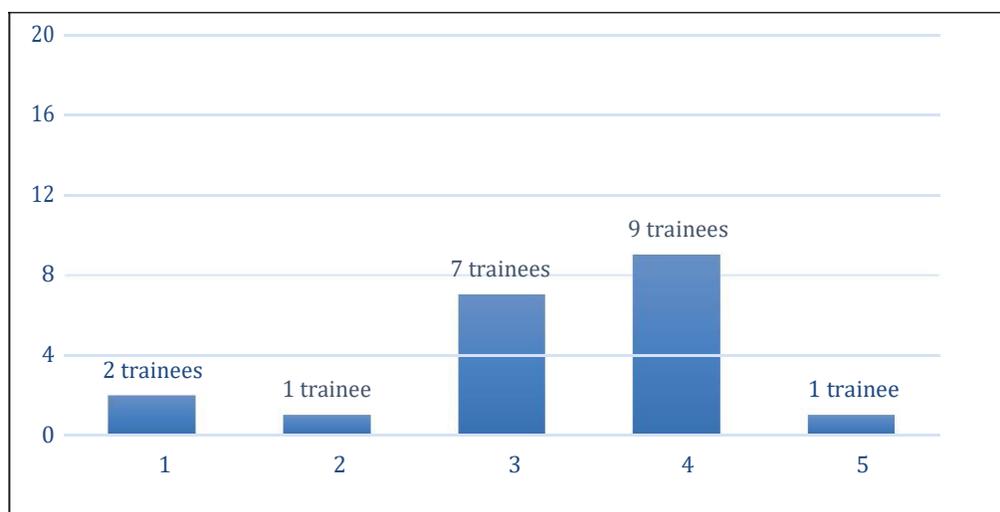


*Figure 16.* Bedroom of the shared apartment where Vietnamese trainees live. The bedroom is shared by 2 people. Photo taken by the researcher. Permission granted.



*Figure 17.* Kitchen and bathroom of the shared apartment where Vietnamese trainees live.

The kitchen and bathroom are shared by 4 people. Photo taken by the researcher. Permission granted.



*Figure 18.* Evaluation of Vietnamese trainees with regard to the arranged lodging in the TITP. This figure presents the satisfaction rates of Vietnamese trainees with regard to accommodation. 5 is “very satisfied” and 1 is “totally dissatisfied”.  $n = 20$ .

It is also a common practice for the host company to collect a certain amount of money labelled as “rent” from trainees’ monthly pay check. The amount of rent money deducted varies on a case-by-case basis. For instance, 6 Vietnamese trainees in the focus group interview revealed

that they paid individually 5,000 Japanese yen each month for rent to their host company. Meanwhile, T. said he paid 10,500 Japanese yen monthly (former participant of the TITP, online communication, March 28 2018) and V. (former participant of the TITP, online communication, May 24 2018) said he paid 12,500 Japanese yen monthly for rent.

### 5.8 Difficulties facing Vietnamese trainees during the TITP

There are many difficulties Vietnamese trainees encountered during the training program (see Figure 19). The most typical and challenging hindrance reported by 90% of Vietnamese trainees participated in this study is the “language barriers”. “Harsh weather conditions” and “loneliness and homesickness” are also among the major difficulties facing Vietnamese trainees. Other challenges include “expensive living costs”, “unexpected sickness”, “arduous/hazardous tasks”, “not accustomed to Japanese food” and “cultural differences”.

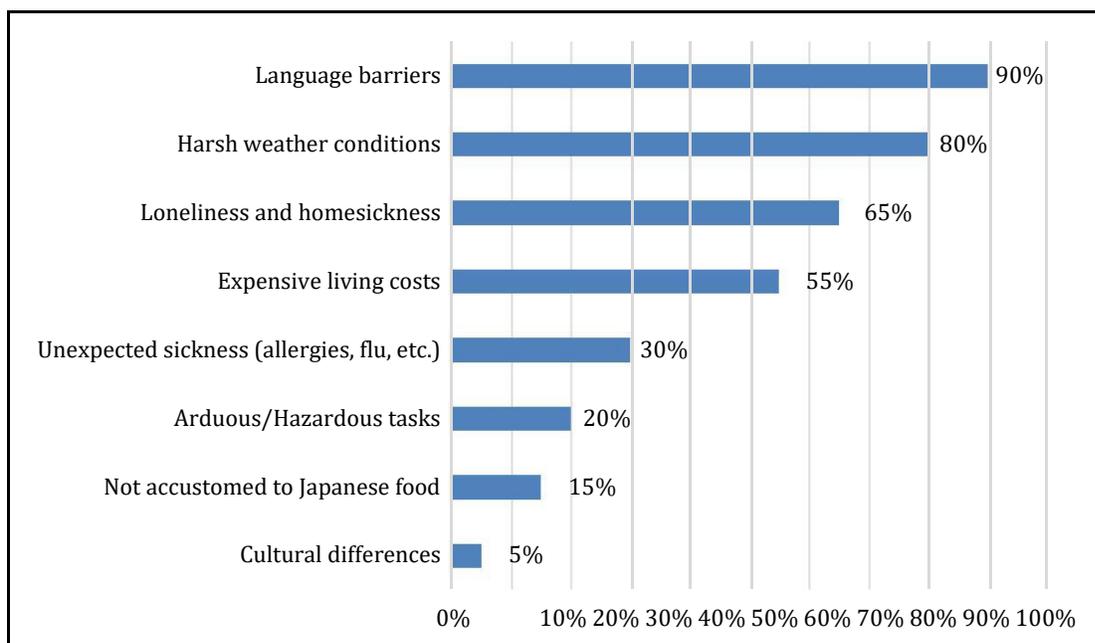


Figure 19. The difficulties facing Vietnamese trainees when working in Japan.

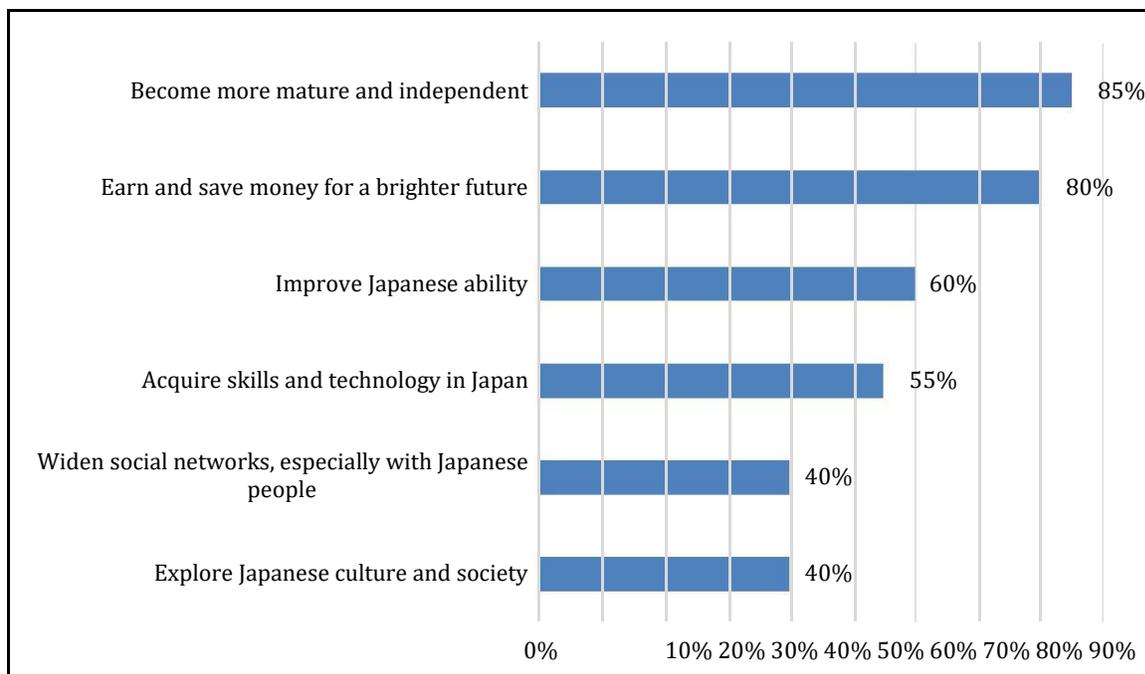
Because of the language barriers, Vietnamese trainees could not clearly understand instructions from supervisors at work but did not have enough vocabulary to ask questions and

explain their ideas to Japanese employers. The misunderstanding and miscommunication, combined with their lack of experience led to many errors and mistakes. Furthermore, partly because of the limitations in their Japanese ability, it was relatively hard for majority of them to build close relationships with Japanese colleagues and neighbours.

In addition to primary data, secondary statistics also indicate that there are many other challenges facing Vietnamese trainees besides communication-related barriers. According to the follow-up questionnaire distributed to 108 Vietnamese former participants of the TITP by JITCO in 2013, 37% of the respondents said they “felt lonely since having to separate from family”, 28.7% said that “the living costs were expensive”, while 27.8% reported that “taxes and social insurance were high”.

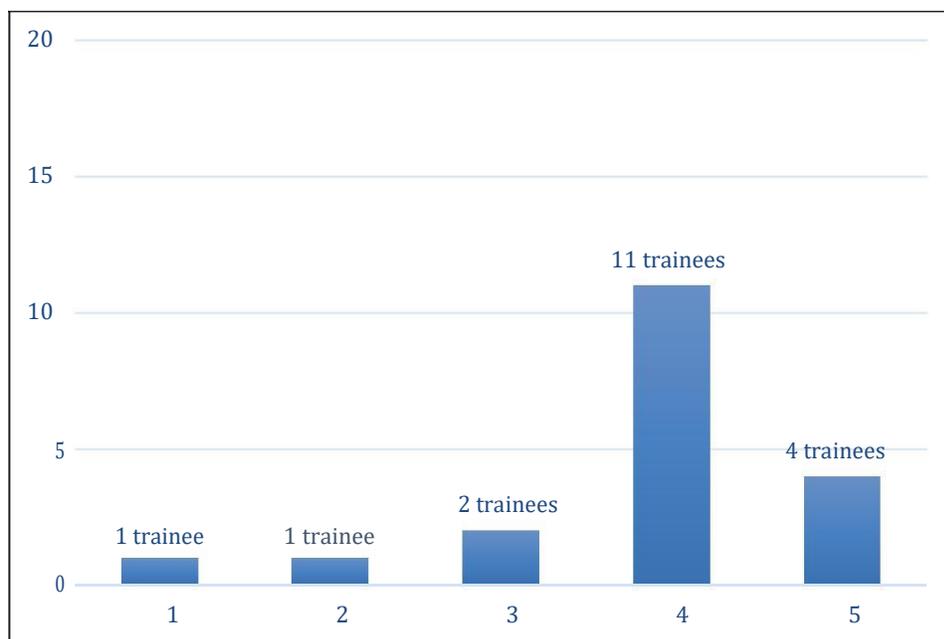
### **5.9 Benefits of the TITP**

There are several economic and non-economic benefits of the TITP listed by Vietnamese trainees participated in this study (see Figure 20). The two biggest merits of the TITP agreed by most trainees are that through the TITP they can “become more mature and independent” and “earn and save money for a brighter future”. Other popular benefits of the TITP include “improve Japanese ability” and “acquire skills and technology in Japan”. Some trainees also appreciate the opportunities to “widen social networks, especially with Japanese people” and to “explore Japanese culture and society”.



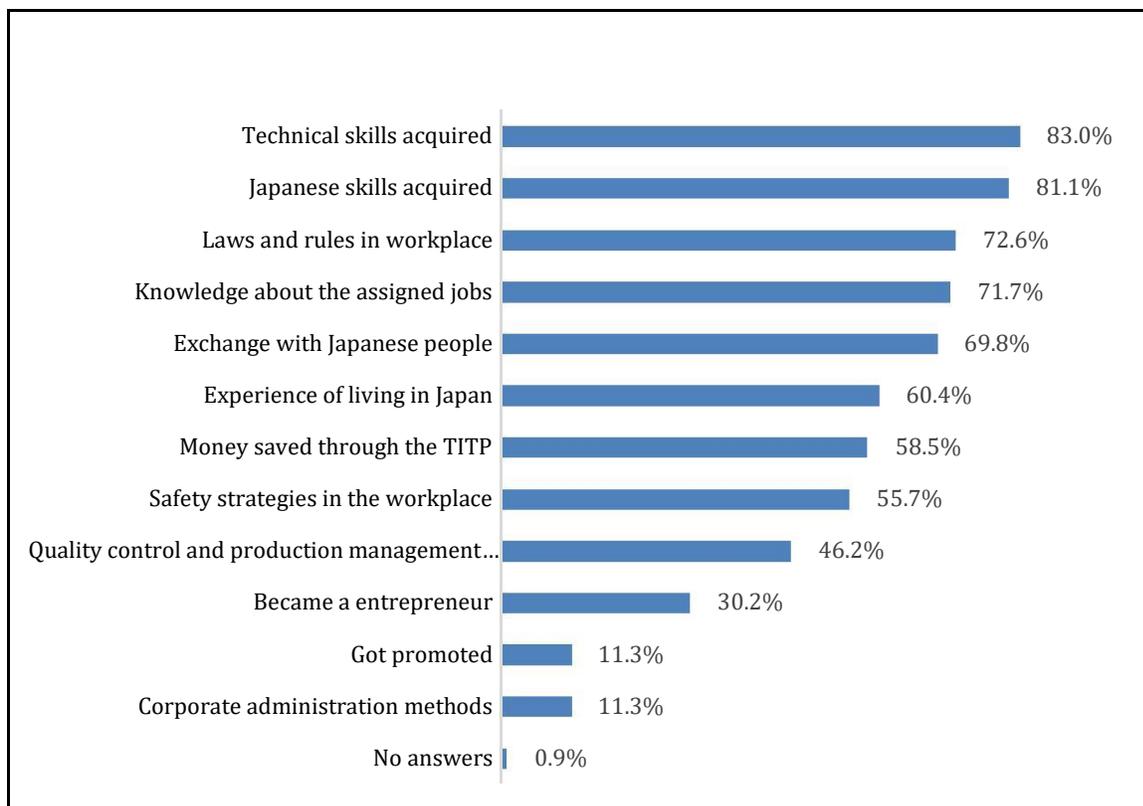
*Figure 20. Benefits of the TITP from Vietnamese trainees' perspective.*

Overall, the training program seemed to be a relatively positive and satisfactory experience for Vietnamese trainees. Despite having many difficulties during the program, a majority of the research participants rated more than 3 out of 5 when being asked to evaluate their satisfaction level in terms of the training program (see Figure 21). Some trainees commented that their assigned tasks were “just right, not difficult” and “not so busy or hard”. Several reasons for poor evaluation of the TITP were also stated as companies still have “strong bias towards foreign workers”, the work is “arduous and hazardous” and trainees constantly bear “long overtime working hours but no extra wages”.



*Figure 21.* Evaluation of Vietnamese trainees with regard to the TITP. This figure presents the satisfaction rates with regard to the training program. 5 is “very satisfied” and 1 is “totally dissatisfied”.  $n = 20$ .

In addition to primary data, secondary statistics also indicate that a lot of Vietnamese trainees see the TITP as a worthwhile experience. According to the follow-up questionnaire distributed to former participants of the TITP by JITCO in 2013, 98.1% of 108 Vietnamese respondents answered that what they gained in the TITP was useful to them after they returned to Vietnam. In particular, in this questionnaire, the respondents highlighted the technical and Japanese skills acquired during the program are the most two useful aspects the TITP provided (see Figure 22). Although, it must be noted that JITCO’s questionnaire results could be biased due to the conflict of interests between JITCO and former technical intern trainees.



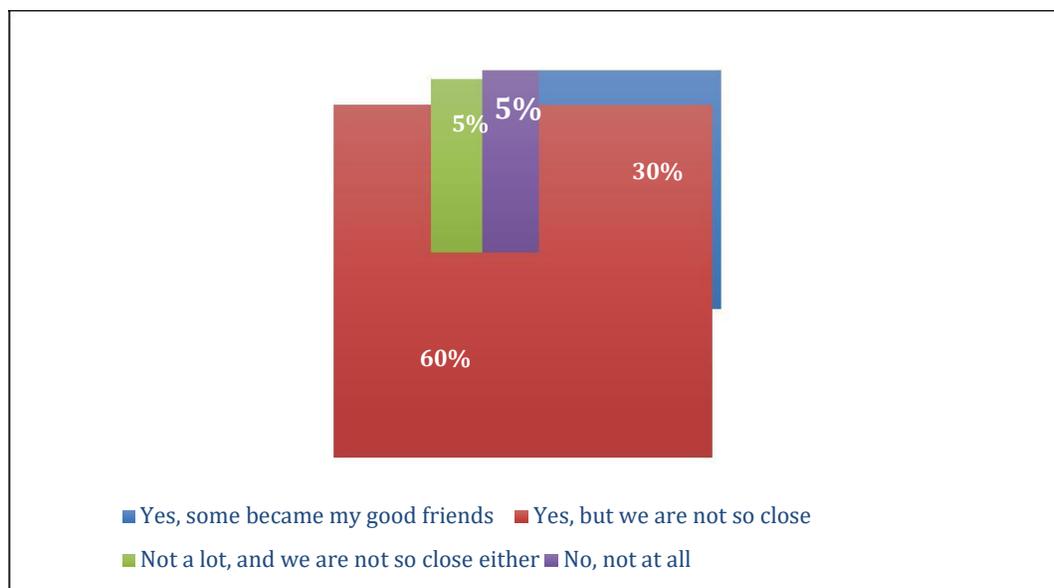
*Figure 22.* Details about useful aspects of the TITP from Vietnamese trainees’

perspective. Data from JITCO’s questionnaire (2013).  $n = 106$ .

### 5.10 Social life

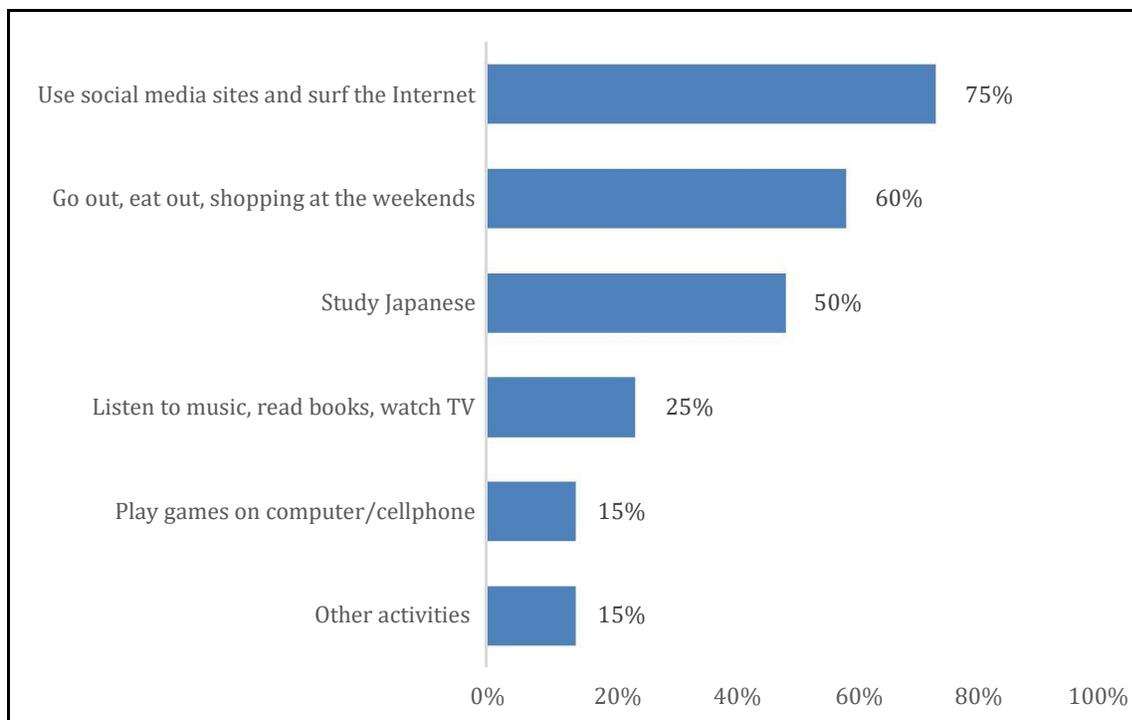
Regarding the relationship between Vietnamese trainees and their Japanese colleagues and neighbours, based on primary data collected in this study, majority of the research participants reported that they could make friends with their Japanese colleagues and neighbours, although the levels of friendship with Japanese people vary from trainee to trainee (Figure 23). 60% of the research respondents said they could become friends with Japanese colleagues and neighbours but “we are not close” while 30% said some of their good friends during the TITP are Japanese. T. (former participant, online communication, March 28 2018) explained why he did not make friends with a lot of Japanese people: “I was busy working all day, from 5 am until almost 8 pm, so I could

not meet anyone after I got home. At work, there were only 2 Japanese people, the manager and his brother so I could hardly communicate with anyone else but them”.



*Figure 23.* Relationship between Vietnamese trainees and Japanese colleagues and neighbours.

In terms of leisure activities, there is a relatively wide range of activities Vietnamese trainees do in their free time (Figure 24). The most popular options Vietnamese trainees chose to do for relaxation are “use social media sites and surf the Internet” and “eat out, go out and shopping at the weekends”. A lot of Vietnamese trainees also used their free time to study Japanese. Some trainees do other leisure activities such as “listen to music, read books and watch TV” and “play games on computer or cellphone”. In the focus group interview, the interviewees said that they usually hung out with fellow Vietnamese trainees rather than with Japanese friends. They also often contacted family and friends back home via online communication applications in their free time.



*Figure 24.* Leisure activities Vietnamese trainees usually do.

With regard to restrictions imposed by Japanese companies, the fact that whether the usage of home-based Internet and personal cellphones is restricted by the host company varies on a case-by-case basis. The focus group interviewees said their employer purposefully did not help them make internet and personal cellphone contract although the manager promised that he would “think about it” after their 1<sup>st</sup> year. His explanation was that he wanted the Vietnamese trainees to focus on learning Japanese in their 1<sup>st</sup> year, and therefore having Internet at home would distract them from this goal. However, in reality, Vietnamese trainees still found ways to rent a mobile Wi-Fi router through online retailers and use it at home without reporting this act to their company.

The manager did not know about this (the mobile Wi-Fi router Vietnamese rented by themselves), but even if he knew what could he do? He did not want to buy (the Internet router) for us so we had to take care of it by ourselves!”- said Nh. (focus group interview, March 4 2018).

As for cellphones, Vietnamese trainees in the focus group interview said that they were not forbidden to use their personal cellphones brought from Vietnam. However, they did not have Japanese sim cards. Instead, they were given the company's cellphones through which they can use to contact the company and vice versa in necessary situations. The manager will check monthly phone bills and ask them to pay for any charges that he considers "personal usages". In this way, the manager also can know where and who the trainees contacted with using the company's cellphones.

In addition to primary data, according to JITCO's questionnaire (2013), a majority of the former Vietnamese trainees (90 out of 108 people) answered that their companies did not adopt any regulations related to their social life. However, several restrictive policies were reported by some trainees, such as "the use of personal cellphones was forbidden", "communication with other trainees (in other companies) was forbidden" and "bank passbook was taken and kept by the company".

### **5.11 Awareness of labour laws and right protection**

The focus group interviewees were fully aware that the employer must pay them not less than the minimum hourly wage accordance to Japan's Minimum Wage Act. They also knew that escaping from the host company when there are labour disputes with Japanese employers should never be an option. This is because they were informed by Vietnamese sending organizations and Japanese supervising organizations that if they one-sidedly broke the contract and ran away from their host company to illegally stay in Japan and work somewhere else, they would face serious consequences. First, they would be expelled immediately from Japan and forbidden to return to if they got caught. Furthermore, run-away trainees would lose all the deposit money to their sending

organizations (if they paid this money) and also could not receive back the amount of money they contributed to Japan’s National Pension System during the TITP.

In response to the question “When facing mistreatment (such as sexual harassment, exploitation, unpaid wages and discrimination) during the TITP, who would you contact?”, 95% of research respondents said they would contact supervising organizations in Japan first (see Figure 25). A lot of Vietnamese trainees would also either try to discuss with their supervisors or the HR Department at the host company or get it touch with JITCO to report the issues. JITCO’s statistics (2013) also indicate similar responses from Vietnamese trainees. According to JITCO’s questionnaire results (2013), the percentage of Vietnamese former trainees who said they would contact supervising organizations and Japanese employers when they got troubles is equal, 34.3% and 34.3% respectively.



*Figure 25.* Points of contact when facing mistreatment during the TITP.

On the other hand, it is observed that there are differences in the level of information regarding laws and right protection available to trainees. T., former participant of the program, disappointedly said when he found out that the company did not pay extra wages for his long overtime hours, he tried to contact the supervising organization, but “it is normal” and “if you can’t stand this, you can choose to return to Vietnam early” were the only answers he got back from them. Since the supervising organization in Japan was not willing to support him, he contacted the sending organization in Vietnam, yet the result was even worse. T. said:

The sending organization in Vietnam threatened that I would lose the deposit money if I quit working and return to Vietnam. They also threatened my family back home that if I ran away, I would turn into a thief or got kidnapped and have organs taken for sale. My family did not know my situation in Japan, so they called me and convinced me to let it go and continue working. Even when I told my family what I was facing, they did not totally understand. I felt very sad and depressed.

Frustrated with the situation at work yet could not afford losing the big amount of deposit money paid to the sending organization, T. had no choice but letting the company exploit him and bear the mistreatments until the end of the program. “There was not enough information regarding laws and right protection available. Sending organizations and supervising organizations collaborate to hide information from trainees. I only found out how to contact JITCO after I got back” – said T. angrily.

In contrast, H. (focus group interviewee, March 4 2018) said firmly: “I would rather “rock the boat” (make their voices be heard) than say nothing. Even if we are threatened to be fired by the host company, we won’t let it go. If the company breaks contract terms and wants to fire us, the company will have to pay compensation to us”. A. agreed and confidently added: “We all read

the contract very carefully before signing, so (if the company breaches the contract terms) we are not afraid of their threats to fire us”. The focus group interviewees were also aware of the roles of JITCO and said they would contact JITCO if their supervising organization and host company are not cooperative in solving the issues.

### **5.12 Desire to come back Japan after the TITP**

Despite the mixed opinions of Vietnamese trainees over their experiences in the TITP, a majority of the research participants claimed that they want to come back to Japan after the completion of the program (see Figure 26). In response to the question “Why do you want to come back to Japan after the TITP?”, there were several reasons commonly raised by the research participants such as “salaries and benefits in Japanese companies are better than those in Vietnam”, “the high living standard and advanced technology in Japan” and “opportunities to utilize Japanese skills”. In general, the majority of Vietnamese trainees participated in this study evaluated their experience of living in Japan relatively positive. 19 out of 20 respondents rated 3 out of 5 for their satisfaction level with regard to their life in Japan (see Figure 27). In spite of being mistreated at work during the TITP, T. still decided to come back to Japan under a different scheme and he is confident that “things will be different from the first time (when he was a trainee in the TITP)”. Although it was not easy, “life in Japan taught me to think more practically and plan for the future. I also learned several skills that I could not have learned in Vietnam” – T. said. He is motivated to return to Japan in order to improve his Japanese skills up to advanced level (online communication, March 27 2018).

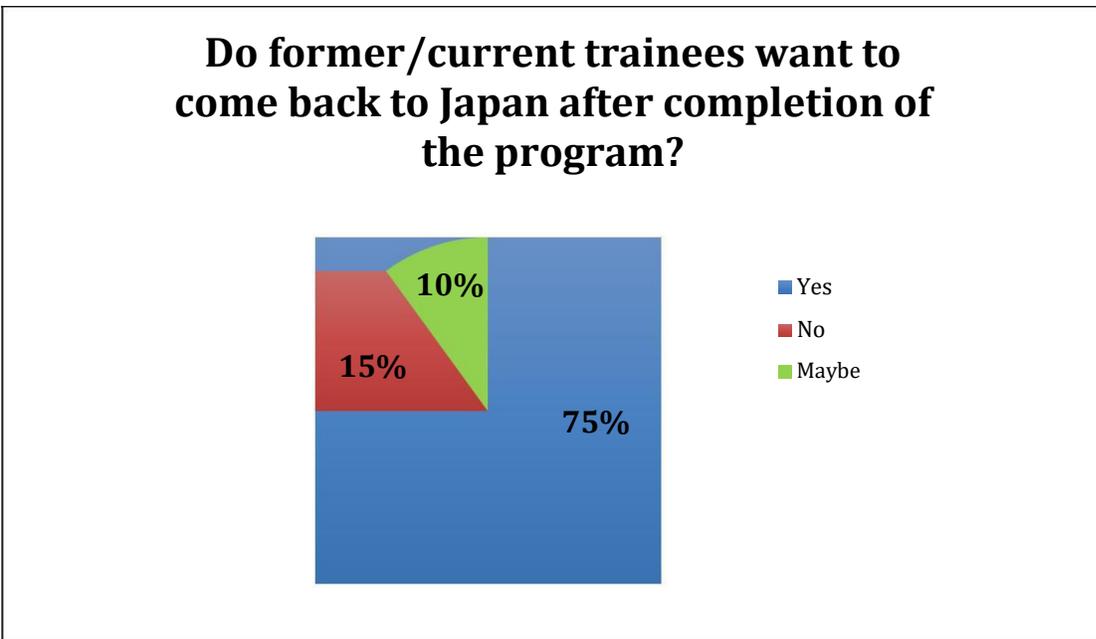


Figure 26. Desire to come back to Japan after the TITP.

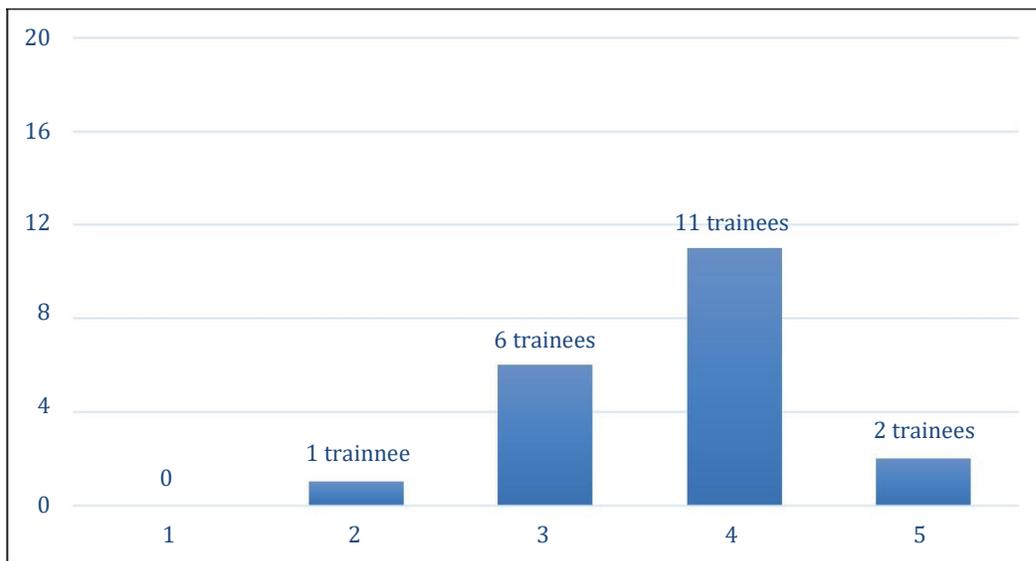


Figure 27. Evaluation of Vietnamese trainees regarding their experience of living in Japan. This figure presents the satisfaction rates with regard to their life in Japan. 5 is “very satisfied” and 1 is “totally dissatisfied”.  $n = 20$ .

## CHAPTER 6

### THE EFFECTS OF JAPAN'S IMMIGRATION POLICY ON

#### VIETNAMESE MIGRANT WORKERS AND JAPANESE EMPLOYERS

##### 6.1 Consequences of the disparity in the objectives of the TITP and the reality

There is an incongruity between the stated objectives of the TITP and the reality of how these objectives are perceived by Vietnamese migrant workers and Japanese employers. Although the TITP aims to develop human resources who can contribute to the development of foreign countries through transfer of Japanese technology, in reality, the program is perceived as the only labour immigration policy available in Japan that allows i) Vietnamese low-skilled workers to migrate and earn money in Japan in the short term and ii) Japanese companies to hire temporary foreign workers who can help resolve labour shortage issues. Because Vietnamese migrant workers' motive of earning money abroad and Japanese employers' motive of hiring low-cost young foreign labourers to handle shortage issues are matching, the TITP creates a win-win situation for both sides. This is why the theoretical objectives of the program do not matter much in their decisions to join the TITP, as long as they both benefit from joining the program.

According to Vietnamese trainees participated in this study, their most important pull factor for joining the TITP is the wage differentials between Vietnam and Japan. According to the official website of Vietnam's Government Office, as of 2018, the minimum wage in the most developed region in Vietnam is still only 3,980,000 Vietnamese Dong a month, equivalent to approximately 174 US Dollars<sup>2</sup>. Meanwhile, the median monthly income of technical intern trainees in Japan<sup>3</sup> published by Japan's Ministry of Health, Labour and Welfare in 2011 was 125,000 Japanese Yen,

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<sup>2</sup> US/VND = 22,761

<sup>3</sup> Included basic salary and other subsidies, excluded extra wages from overtime work

equivalent to approximately 1,139 US Dollars<sup>4</sup>. In other words, even when Vietnamese migrant workers only get paid minimum hourly wage prescribed by Japanese laws and earn much less than their Japanese counterparts, their salaries in Japan are still 5-6 times higher than those in Vietnam. “Making money is my first and foremost objective of joining the TITP” is a statement that was widely agreed by the focus group interviewees. Moreover, it should be noted that there are also non-economic factors leading to Vietnamese migrant workers’ decision to choose Japan as the destination country. Japan is not only perceived as a “high income and advanced” country, the idea of going to Japan as a “trainee” also seems to be quite appealing to many potential Vietnamese migrants living in rural areas since they can kill many birds with one stone: earn high salary in Japan; acquire valuable skills and experience Japanese culture and society firsthand (Khuat et al, 2011).

On the other hand, the most important factors pushing Japanese companies to recruit low-skilled foreign workers come from labour shortage issues. Due to the dual-labour market effects and demographic changes taken place in Japan, a majority of small and medium-sized enterprises, especially those in labour-intensive industries in Japan are suffering from serious labour shortage. According to a research conducted by the Japan Institute for Labour Policy and Training (2016) among 9774 Japanese companies, the most popular reasons for Japanese companies to hire foreign technical trainees through the TITP are because:

1. They can utilize a certain number of labourers in a temporary period of time - 22.2%
2. They could not recruit Japanese workers for the same positions - 19.2%
3. Even if they could recruit Japanese workers for the same jobs, turnover rate is high - 10.6%

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<sup>4</sup> US/JYP = 109.6

As of 2018, despite the aging population and low fertility birth rates have caused severe labour shortage issues in Japan, Japanese government still takes a strict stance with regard to openly accepting foreign low-skilled workers. As a result, there are no official labour immigration schemes targeting unskilled foreign workers adopted by Japan's government. However, the TITP, despite its totally different objectives, has been arguably perceived as a de facto temporary worker program by Japanese companies. The TITP allows Japanese companies to recruit foreign workers for a certain period of time under the name of "technical intern trainees". Trainees not only help to fill in vacancies left by domestic workers, they are also a stable workforce since trainees basically have to stay with their contracted employer throughout the training program. In terms of labour costs, trainees also cost relatively less than their Japanese counterparts since they get paid minimum hourly wage. Furthermore, "the recruitment of young foreign workers also transforms the company's aging environment. The atmosphere becomes more lively and balanced thanks to them" – N., a Japanese manager of a company hiring Vietnamese trainees said in the personal interview conducted in April 9, 2018.

Although both Vietnamese migrant workers and Japanese employers found a lot of merits in the current TITP, the gap between objectives of the TITP and the real purposes of Vietnamese migrant workers and Japanese employers in joining the program has led to several negative consequences. From Vietnamese migrant workers' perspective, most of the Vietnamese trainees participated in this research agreed that the TITP aims to "help Japanese companies deal with labour shortage issues in a certain period of time" and to "allow Japanese companies to use cheap labour resources from developing countries". Meanwhile, only half of the research participants were aware of the objectives of the TITP stated by Japanese government. In other words, Vietnamese trainees were not fully and correctly aware of the stated objectives of the TITP,

therefore it can be predicted that they are less likely to fulfil the expectations of the program. According Japan International Cooperation Agency (JICA)'s questionnaire distributed 112 former Vietnamese trainees (December 2016 to June 2017, reported by Vietnamtimes, 2017), after they returned to Vietnam, a majority of them selected a job not relating to their job in the TITP. The situation is said to be “a regrettable waste of labour resources and valuable skills obtained from Japan”. Furthermore, there is a growing number of Vietnamese trainees who chose to break the contract terms with Japanese companies and illegally stay in Japan to work in informal sectors in which they can earn more money. The majority of Vietnamese migrant workers risk borrowing a lot of money to pay for pre-departure costs, and therefore they expect to make “big money” in Japan to pay off their debts and gain some capitals. Many Vietnamese trainees feel disappointed when realizing that their minimum-wage net salary is not high enough to achieve these goals. Their income from overtime work is also unstable. Captured on trainees’ fears of facing a huge financial burden and social stigma as a loser when returning home, the irregular work sector attracts a significant number of Vietnamese trainees who decided to run away from their host companies in the TITP (Khuat et al, 2011).

From Japanese companies’ perspective, the TITP seems to be a perfect scheme for Japanese companies to tackle issues related to labour shortage and aging population, except that the purposes of Japanese companies in hiring foreign trainees are incompatible with the current objectives of the program, which are to ‘transfer skills and technology’ and ‘train human resources for developing countries’. In fact, the tasks assigned to trainees are usually low-skilled, low-tech and repetitive jobs because those are the jobs Japanese companies have difficulties in recruiting domestic workers and the turnover rate is high. Moreover, the levels of technology development between Japan and trainees’ home country are different, it might be impractical for trainees to

apply technical skills acquired during the TITP due to the lack of suitable facilities and equipment in their home countries. Therefore, the fact that whether the training in Japanese companies could help create effective human resources who can contribute to the growth of developing countries after the TITP remains a grey area. Furthermore, the popular perception of using trainees as “cheap labour resources” to deal with labour shortage issues among Japanese companies led to mistreatment of foreign trainees. According to a report published by Japan’s Ministry of Health, Labour and Welfare (2018), among 5,672 Japanese companies hiring foreign trainees in 2016, 70.6% of them were reported to have violated Japanese labour laws by the Labour standards inspection organizations national-wide. The most common violations were working hours-related issues (23.8%), lack of training over safety standards (19.3%) and extra wages payments (13.6%).

## **6.2 The lack of a support system for trainees and Japanese employers**

In the current structure of the TITP, Japanese supervising organizations play a very important role in liaising between foreign technical intern trainees and Japanese companies. Along with growing demand for technical intern trainees from Japanese companies (particularly small and medium-sized enterprises who often choose to recruit trainees through supervising organizations), the number of supervising organizations also has increased rapidly in Japan. Local supervising organizations function as the first point of contact to which Vietnamese trainees and Japanese employers report any troubles or issues they face during the TITP. Local supervising organizations also have the responsibilities of on-site visiting and checking whether the training program is taken place properly and whether there is any infringement committed by Japanese host companies. Although supervising organizations are entrusted critical roles in the TITP, it is observed by the researcher that the current support system for Vietnamese trainees and Japanese employers is not adequate.

There is a shortage of assistance in terms of communication between Japanese employers and Vietnamese trainees. Both Vietnamese trainees and Japanese employers expressed that the language barriers have caused them a lot of difficulties during the training program. As for Vietnamese trainees, most Vietnamese trainees participated in this research reported that they did not receive a lot of support from their host companies or local government in learning Japanese. Prior to the start of the training program they attended intensive Japanese classes arranged by sending organizations for several months and also learned Japanese at supervising organizations for one – two months. Since they joined the company, they were expected to study Japanese on their own. Japanese companies rarely provide any support in Japanese learning, except for daily conversations between the manager and trainees. Being novices to the jobs but they could not ask questions properly when they were uncertain about the instructions given by Japanese supervisors or communicate clearly their opinions due to poor Japanese ability. As a consequence, when facing difficulties at work, most trainees will first contact supervising organizations for help since there are usually Vietnamese-speaking staff working at the supervising organizations. However, these supervising organizations usually manage a lot of trainees at the same time with limited staff capacity, therefore their assistance is perceived as either “not adequate” or “not always available” to Vietnamese trainees.

On the other hand, Japanese employers also find it challenging to instruct and explain to trainees in a way trainees can properly understand. Not only job-related issues, Japanese employers have to instruct trainees about general rules that trainees have to obey when living in Japan such as traffic rules, how to separate garbage properly and what to do in the case of emergency (for instance, when natural disasters occur). As a result of miscommunication and misunderstanding due to the language barriers between Japanese employers and Vietnamese trainees, “from time to

time, I (Japanese manager) received complaints from the landlord and neighbours of the apartment where Vietnamese trainees are staying. Usually about improper garbage disposal or noises” – said N. (Japanese manager, personal interview, April 09 2018). Japanese companies also rely on the supervising organizations to communicate with trainees when any troubles occur. However, apart from the occasional assistance in times of need, Japanese companies expect to receive more support from supervising organizations (Japan Institute for Labour Policy and Training, 2016). “I wish the supervising organization could care for us (the company) a little bit more. Like provide more Japanese training to trainees, not only prior but also during the training program. Or send interpreters during the first 3 months of the program” – stated by N. (Japanese manager, 2018). According to the Technical Intern Training Act enforced in 2017, “the supervising organization may not be a for-profit organization”, for instance, a chamber/society of commerce and industry, small business association, vocational training corporation and agricultural cooperative. However, in reality, supervising organizations collect from Japanese companies a certain amount of money claimed as “supervision fees” or “(trainees) management fees”<sup>5,6</sup> every month. Having to pay supervision fees without receiving thorough practical support from supervising organizations, a lot of Japanese companies perceive supervising organizations not different than “for-profit organizations” and “temporary-employment agencies” (Japan Institute for Labour Policy and Training, 2016).

Furthermore, there is also a lack of an impartial agency who can help trainees solve labour disputes between Japanese employers and trainees, leading to unresolved issues related to the

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<sup>5</sup> Supervision fees or trainee management fees are usually calculated for each trainee. For instance, supervision fees are set at 30,000 Japanese yen per trainee per month. If the company has 5 trainees, then the company pays  $30,000 \times 5 = 600,000$  Japanese yen monthly to supervising organization.

<sup>6</sup> Supervision fees can be collected after clearly indicating the uses and amounts of supervision fees of appropriate types and amounts (Technical Intern Training Act Article 28)

abuse of trainees' rights. Most Vietnamese trainees chose to contact supervising organizations and JITCO to report abusive practices of Japanese employers (data from this research and JITCO, 2013). In the focus group interview, none of the interviewees thought that they could potentially consult with the local government about legal problems they have in the TITP. They were not even aware of the location of their local city hall. In general, the lack of Japanese language proficiency in trainees and the gap between their working schedules and public service working hours discourage trainees from reporting their issues to the local government (Kartikasari, 2013). The sole reliance on supervising organizations who are financed by Japanese companies sometimes put trainees into an unfair situation. Some Vietnamese trainees in this study reported that supervising organizations treated their consultation regarding unethical and illegal employment practices lightly and did not stand up for them. T., a former participant of the TITP, stated:

We did not know anyone else but our supervising organization as the point of contact when in need of help, but the supervising organization collaborated with the sending organization to hide information (related to laws and rights of trainees) from us. I only knew JITCO exist after returning to Vietnam” (online communication, 2018).

X., another former participant of the TITP share similar experience: “The supervising organization defended the company against our allegations. Therefore, we tried to contact JITCO but they could not provide practical help us either. We ended up contacting the Local Immigration Bureau” (online communication, May 25 2018).

### **6.3 No-return policy and impractical test-based evaluation method**

According to data collected in this study, the majority of the research participants would like to come back and work in Japan after 3 years in the TITP because they believe life in Japan in general is better than in Vietnam. In addition to this reason, some trainees also want to continue

advancing the skills they acquired during 3 years in the TITP in Japan. However, current Japan's labour immigration policy does not allow people who once entered Japan as 'technical intern trainees' to re-enter Japan under the same scheme. From Japanese employers' perspective, the no-return policy does not bring corporations any merits either. The 3-year period is considered to be not adequate time for an effective training program. A lot of Japanese companies feel that when trainees begin to be familiar with the assigned tasks, it's already the end of their 3-year period in the TITP and the senior trainees have to return to their home countries. Companies need to re-train a new batch of trainees from zero again, causing a big burden on the production site (Japan Institute for Labour Policy and Training (2016)).

Although thanks to the revision of the TITP taken place in 2017, Japanese companies that have positive records are allowed to extend the period of training program up to 5 years, it remains not easy for trainees to stay for 4<sup>th</sup> and 5<sup>th</sup> year. Under the current system, 3<sup>rd</sup>-year trainees cannot re-enter Japan for another 2 years without satisfying at least two basic conditions: 1) their company got approved to sponsor them for another two years and 2) they passed the Level 3 of the Trade Skills Test (practical test). Because the tests are fully written in Japanese and trainees are required to write their answers in Japanese, passing evaluation exams can become a challenge to people who are not good at reading and writing Japanese. If trainees fail the evaluation exams and must return to their home countries, it becomes a regrettable waste of the company's time and money in training (interview, 2018). If trainees cannot apply the skills they acquired during the TITP in their home countries, it is also an unproductive usage of trained human resources in their home countries.

#### **6.4 Non-transparent pre-departure fees and illegal deposit money system**

Currently, there is no official criteria announced by Vietnamese government with regard to the amount of fees and commissions a sending organization shall charge against prospective

trainees during the TITP's pre-departure procedures. Sending organizations in Vietnam are therefore not restricted to set their own registration fees in the labour-sending market. Every sending organization seems to have different calculation methods for their fees and commissions since the amount of Vietnamese trainees paid to their sending organizations varied significantly from 5000 USD to 10,000 USD (see Chapter 5, Figure 7). Although the calculation of fees and commissions charged by sending organizations is non-transparent, the trainees had little bargaining power in the market. "We were asked to pay this X amount of money to join the program if we pass the elimination tests. That was the deal - take it or leave it" (focus group interview, 2018). The pre-departure fees are non-refundable and are spent on various purposes by the sending organization. However, Vietnamese trainees participated in this research claimed that it was unclear to them how much money the sending organization used for each purpose.

We were informed that most of the registration fees were used for medical check-ups, Japanese lessons, examination costs, translation costs, visa application fees, pre-departure accommodation costs, brokers fees and miscellaneous fees. However, we don't know how much money exactly the sending organization spent for each of the above purposes.

Sometimes they gave us receipts, sometimes they did not. (focus group interview, 2018)

Despite expensive but non-transparent pre-departure fees, Vietnamese trainees were motivated to join the program at any cost, and thus they borrowed money from various sources (eg. banks, family, relatives, friends) to pay to sending organizations. The pre-departure debts led to a huge financial burden on trainees' shoulders during the TITP. This financial burden is one of the major reasons for some trainees to remain silent in the case of abuse and mistreatment because they fear that they would not afford paying the debts if they are forced to return home by Japanese

companies or sending organizations. For similar reason, other trainees decided to “run away” from their low-paid companies and illegally work in informal sectors for higher income.

Apart from the non-refundable registration fees, some Vietnamese trainees participated in this research also had to pay a refundable ‘security deposit’ illegally imposed by sending organizations (see more in Chapter 5, section 3). Japanese laws have prohibited the sending organizations to collect security deposits or “running-away” penalties from 2010 but the research data has showed that several Vietnamese trainees who joined the program after 2010 still had to pay the deposit money. The amount of deposit money is set by each sending organization and varies from below 1000 USD to 5000 USD according to data collected in this study. This deposit money system is greatly opposed by Japan’s government and non-governmental organizations because it imposes financial burdens on technical intern trainees and could force them to perform overtime and/or illegal work.

Although the expensive pre-departure fees and deposit money system have caused a lot of issues in the TITP, the current situation of pre-departure fees and deposit money is expected to be improved after the Memorandum of Cooperation (MOC) on the Technical Intern Training Program between Japan and Viet Nam in 2017. According the MOC, Vietnamese sending organizations must meet all of the following standards to be approved to send technical intern trainees to Japan. One of the listed requirements in the Approving Standards for Vietnamese Sending Organization (MOC, 2017) is:

To clearly specify the calculating criteria of commissions and any other fees to be collected from ‘technical intern trainees and/or technical intern trainee candidates’ (hereinafter referred to as “trainees and candidates”) and make the criteria publicly available, and to

explain the detail of such commissions and other fees to trainees and candidates in order to obtain their understanding sufficiently;

The Vietnamese sending organization and its board members also must never have “administered money or other properties of trainees and candidates, their relatives or other persons concerned, regardless of any reasons such as collecting deposits or any other purposes against laws and regulations of both countries” in the previous 5 years to be approved by the standards in the MOC.

## CHAPTER 7

### CONCLUSIONS & RECOMMENDATIONS

#### 7.1 Summary of key findings

In Chapter 2, relevant literature was gathered and reviewed in order to provide the background on Japan's labour immigration policy. Several internal and external factors causing Japan become a labour-receiving country were pointed out, such as serious labour shortage due to the aging population and low fertility rate in Japan, the structural difference between large and small companies in Japan as a result of capitalist economic development, and the impact of globalization on migration flows to Japan. While the debate over the issue of whether Japan should be "open" or "closed" to foreign workers in Japanese society is still ongoing, Japanese immigration policy remained unchanged for the last 40 years with the fundamental orientation as follows: warmly welcoming highly-skilled foreign professionals but not yet openly accepting unskilled labour. The researcher attempted to explain the orientation of current Japanese immigration policy by looking at different theoretical perspectives on immigration policy. The economic and political economic approach can justify Japan's pull factors as a result of the segmented labour market exist in Japanese economy, while historical and socio-cultural approach explain to a certain degree how strong nationalism in Japan shaped its anti-immigration policy and its preference of accepting overseas Japanese descendants as immigrants over other nationalities. In addition, the institutional and bureaucratic approach illustrate the differences in national government and local governments in terms of their advocacy for integration policy. While Japan's national government is reluctant in developing integration programs targeting foreigners living in Japan, local governments directly face the pressure of dealing with their non-Japanese residents therefore it is critical for them to carry out various integration measures. The concept of social exclusion and integration was also

examined in order to understand the situation of Vietnamese trainees in Japan from anthropological aspects.

Chapter 3 presents the overview of the Technical Intern Training Program – the labour immigration scheme which admits low-skilled Vietnamese workers into Japan and work legally in Japan for a short period of time. The Technical Intern Training Program (TITP) was launched in 1993 with the original objectives as to contribute to developing countries by accepting people from these countries for a certain period of time (maximum 5 years) and transferring skills through on-the-job training. Despite the stated objectives of the program, the TITP received many criticisms over that foreign trainees are in fact used as de facto cheap and low-skill labour force by Japanese companies, resulting in the abuse of trainees' human and legal rights emerged in the TITP. To clearly understand the origin of these problems, fundamental roles of each stakeholder and the relationships between different stakeholders involved in the TITP was summarized. Past and recent revisions of the TITP were also outlined so that the researcher could evaluate the effects of these policy changes on the Vietnamese migrant workers and the Japanese companies that are hiring them.

Chapter 5 introduces the perspective of Vietnamese migrant workers with regard to the TITP. According to research data, the wage differentials between Japan and Vietnam are undeniably one of most influential pull factors for most Vietnamese low-skilled workers participated in this study to migrate to Japan as technical trainees. Apart from the financial incentives, however, Vietnamese migrant workers also made the decision to join the TITP based on other non-economic factors such as the opportunities to acquire technical and Japanese language skills and experience life in Japan. There were not a lot of research participants were aware of the theoretical objectives of the TITP, in contrast, a majority of them perceived that this

program aims to help Japanese companies deal with labour shortage issues in a certain period of time by utilizing cheap labour resources from developing countries. Vietnamese migrant workers had to pay expensive pre-departure fees ranging from 5,000 to 10,000 USD depending on which sending organization they chose to go with. Apart from the non-refundable expenses, some Vietnamese trainees, who joined the TITP after Japanese laws have already prohibited sending organizations to collect “running away” penalties from trainees, still had to pay a refundable security deposit to their sending organizations. Most Vietnamese trainees participated in this study were recruited in labour-intensive industries, particularly in the manufacturing sector. Net monthly salary Vietnamese trainees received varies among research participants, yet the most popular net salary range was from 750 to 1,000 USD a month, which was considered not enough to cover the pre-departure debts. In addition to the basic salary, Vietnamese migrant workers also received extra wages from overtime work. However, the maximum number of overtime hours a trainee could have and the amount of extra wages for overtime work a trainee could earn remain grey areas. Regarding arranged accommodation, most of Vietnamese migrant workers participated in this study were arranged to live in a shared apartment with other trainees. The shared apartment (2-3 people share one bedroom, shared kitchen and bathroom) seems to be a welcome option by Vietnamese trainees due to its cost saving and socialization aspects. In terms of difficulties facing Vietnamese migrant workers in Japan, the most typical and challenging hindrance reported by 90% of the research participants is the language barriers. Harsh weather conditions, loneliness and homesickness are also among the major challenges Vietnamese trainees encountered in Japan. Other issues related to Vietnamese migrant workers’ social life and law protection were also raised in this study. Despite the difficulties they faced in the TITP, a lot of Vietnamese trainees see the TITP as a relatively positive and worthwhile experience. There are several economic and non-

economic benefits of the TITP listed by the research participants, with the two biggest merits are that through the TITP, they became more mature and independent, and also could earn and save money for a brighter future. A majority of the research participants also claimed that if possible they want to work and live in Japan again after the completion of the program because they believe life and work in Japan is generally better than that in Vietnam.

Chapter 6 analyzes the effects of Japan's labour immigration policy (in this study, the main focus is the TITP) on Vietnamese migrant workers and Japanese employers. First of all, the gap between objectives of the TITP and the real purposes of Vietnamese migrant workers and Japanese employers in joining the program has led to several negative consequences. From Vietnamese migrant workers' perspective, the majority Vietnamese migrant workers risk borrowing a lot of money to pay for pre-departure costs, therefore they expect to make "big money" in Japan to pay off their debts and gain some capitals at the end of the TITP. Many Vietnamese trainees feel disappointed when realizing that their minimum-wage net salary is not high enough to achieve these goals. Their income from overtime work is also unstable. Fear of facing a huge financial burden and social stigma as a loser when returning home, there is a growing number of Vietnamese trainees chose to break the contract terms with Japanese companies and illegally stay in Japan to work in informal sectors in which they can earn more money. Furthermore, because many Vietnamese trainees were given low-skilled and low-tech tasks during the TITP and the lack of suitable facilities and equipment for further skills development in Vietnam, a lot of Vietnamese trainees were left no choices but work in a profession not suited to the skills they have acquired in Japan. This situation is a regrettable waste of trained human resources and valuable skills obtained from Japan. From Japanese companies' perspective, the popular perception of using trainees as "cheap labour resources" to deal with labour shortage issues among Japanese companies led to

mistreatment of foreign trainees. Second, although supervising organizations are entrusted critical roles in the TITP, the current support system for Vietnamese trainees and Japanese employers is evaluated to be not adequate. When facing difficulties in communication, most Vietnamese trainees and Japanese employers will first contact supervising organizations for help since there are usually Vietnamese-speaking staff working at the supervising organizations. However, these supervising organizations usually manage a lot of trainees at the same time with limited staff capacity, therefore their assistance is perceived as either “not adequate” or “not always available”. Furthermore, there is also a lack of an impartial agency who can help trainees solve labour disputes between Japanese employers and trainees, leading to unresolved issues related to the abuse of trainees' rights. Third, although thanks to the revision of the TITP taken place in 2017, Japanese companies that have positive records are allowed to extend the period of training program up to 5 years, it remains not easy for trainees to stay for 4<sup>th</sup> and 5<sup>th</sup> year due to the impractical test-based evaluation method. Because the tests are the only available assessment criteria in the TITP, if trainees fail the evaluation exams and must return to Vietnam with no chance to come back to Japan as “trainees” again, it is a loss to both the companies in terms of time and money in training and to the trainees in the case they cannot apply the skills acquired from the TITP in Vietnam. Fourth, the lack of transparency in the recruitment process and the lack of information available to Vietnamese trainees leads to high pre-departure expenses Vietnamese migrant workers had to pay to sending organizations. The financial burdens from these huge pre-departure debts could indirectly press trainees to stay silent in the case of abuse because they fear that they would not afford paying the debts if they are forced to return home by Japanese companies or sending organizations. For similar reason but other trainees decided to “run away” from their low-paid companies and illegally work in informal sectors with the hope of earning higher income.

## **7.2 Policy recommendations**

### **7.2.1 Long term measures**

The fundamental issue of Japan's labour immigration policy is the inconsistency in the strict position of Japanese government with regard to low-skilled migrant workers versus the chronic shortages of labour Japan is facing. Despite its façade closed-door policy for foreign unskilled labour, in order to ease the increasing pressure of labour shortages on the economy, Japanese government has let SMEs use foreign trainees who entered Japan under the TITP as temporary low-skilled workers. While the stated objectives of the TITP is to “develop human resources” and to “transfer skills, knowledge and technology”, the misuse of the TITP as a de-facto guest worker program has resulted in negative consequences such as the mismatch between the program's expected results and contradictory empirical records, violations of labour laws and human rights by Japanese companies, and the growing number unauthorized migrant workers in Japan. Although the TITP has been revised many times to mitigate these issues, the root cause remains in the lack of a clear long-term labour immigration policy towards low and semi-skilled foreign labour during the era of serious labour shortages in Japan. Therefore, instead of using the TITP as a provisional solution to Japan's labour shortage issues, it is critical for Japan to reach an unequivocal national consensus on whether low and semi-skilled foreign workers should be openly accepted in certain industries which are suffering from severe labour shortages. An official immigration policy targeting at low and semi-skilled migrant workers shall be implemented accordingly. If Japan persists in its closed-door stance toward admitting foreign low-skilled workers, Japanese government must actively carry out effective reform programs to address the labour scarcity problems of Japanese SMEs, such as subsidizing technological innovation to supplement human labour in labour-intensive industries, maximizing domestic labour force by

encouraging participation of women and the elderly, and down-sizing or even eliminating certain types of industry that could not survive without long-term supply of foreign workers.

In the case Japanese government eventually determines to establish an official admission scheme for low and semi-skilled foreign workers to enter Japan, the following strategies are highly recommended to create a successful guest worker program. First of all, Japanese government must identify critical sectors that should be given permissions to employ low-skilled foreign workers under the new scheme. To avoid dependency on foreign labour force, quotas on recruitment of foreign workers should also be determined annually for each sector based on both micro and macro approaches such as surveys of Japanese employers, statistics regarding the number of idle domestic workers, and the medium-to long-term predictions on workforce supply and demand in the labour market. On the other hand, employers who wish to employ low-skilled foreign labour must first demonstrate that they have difficulties in recruiting domestic workers and they satisfy other requirements of the program. A system to evaluate and give credits to employers who have good records shall be established so that employers with the highest scores will be given priority in foreign workforce allocation.

Second, in order to recruit an effective foreign labour force in a transparent manner, the employment of foreign workers should be based government-to-government agreements and the roles of intermediary brokers should be minimalized. It is strongly advised that state-owned training centres officially be established in sending countries to provide basic to advanced courses on the Japanese language and culture. Meanwhile, Japan's government should introduce a selection system based on points and making Japanese language skills tests mandatory for prospective candidates. The points system should combine a number of criteria beyond Japanese language ability, such as health conditions, skill level, work experience, training, and other

qualifications. Candidates for the new scheme are listed in order of their priority for placement, by their scores and other criteria. To accommodate employers and foreign workers' interests, foreign workers shall be approved to change employers due to unavoidable circumstances such as violations of employment contracts and/or labour laws by employers, temporary business closures or bankruptcy. Furthermore, foreign workers must be protected under Japanese laws and given access to social welfare insurances equally as native workers.

Third, depending on labour demands in Japan and orientation of Japan's immigration policy, length of the visa permit shall be determined. An initial three-year period, followed by a potential extension of X years upon employer request is recommended. Holders of the new visa should be allowed to change their residency status to match a corresponding change in professional qualifications. People who are upgraded to highly-skilled professionals class shall be permitted to invite family members to Japan and extend their period of stay.

Fourth, a variety of evaluation methods should be applied when considering the eligibility of foreign workers to extend the period of visa permit under the new scheme. Foreign workers shall be allowed to take a personal interview instead of a written exam if he or she prefers. Other records of foreign workers' performance during the employment contract should also be taken into account to determine if he or she is well-trained and capable to be re-employed for an extended period of time.

Some of the above recommendations have been already implemented in the Employment Permit System (EPS) – a temporary labour immigration policy launched in 2004 in South Korea. Twelve years after its launch, the EPS has brought meaningful remedies to labour shortage issues in South Korea. The system is also considered to bring transparency and legality to the employment process and correcting shortcomings of the former industrial trainee system. In 2011, the EPS was

awarded the first place prize of UN Public Service Awards in the category of ‘Preventing and Combating Corruption in the Public Service’. Inflows of low-skilled workers reached the quota of 72,000 in 2008, thanks to renewals of existing migrant workers, supplying labor to 77,000 SMEs. According to Korea’s Ministry of Employment and Labor, the recruitment cost declined from \$3,509/worker in 2001 to \$950/worker in 2012 (Soon, 2013). As a relatively successful model of temporary labour immigration policy, Japan could learn from many positive aspects of the EPS when drafting its own guest worker program in the future.

### **7.2.2 Short-term measures**

As mentioned above, the TITP should not be used as a strategy to solve labour shortages in Japan. Japanese government must carry out long-term and stable plans to remedy the effects of labour shortages, including consideration of an official temporary labour immigration policy. As for the future of the TITP, since the TITP is conducted under the framework of international cooperation, the researcher suggests that it might be maintained in the long run. In order to achieve the stated objectives and to improve the quality of the TITP for the sake of Japanese employers and Vietnamese migrant workers, the researcher proposes the following revisions to the program:

- It must be enforced by laws that sending organizations and supervising organizations must provide clear explanation about the objectives of the program to Japanese employers and Vietnamese workers. Information regarding Japanese labour laws and point of contact when trainees are in need of help must be provided to Vietnamese trainees by sending organizations and supervising organizations.

- Lists of licensed Vietnamese sending organizations and Japanese supervising organizations approved by government of Japan and Vietnam must be published and made easy for the public to access.
- Vietnamese sending organizations must clearly specify the calculating criteria of commissions and any other fees to be collected from trainees and make the criteria publicly available in order to be issued license by Vietnamese government. They must show their approved license to Japanese immigration authority in order to prepare for visa applications on behalf of trainees. Vietnamese government should also publish a sample breakdown of pre-departure costs a sending organization shall charge its prospective candidates.
- Japanese supervising organizations should carry out ongoing measures to ease the language barriers between Japanese employers and Vietnamese trainees. Free Japanese language classes during the first year of the program shall be provided and frequent visit of Vietnamese-Japanese interpreters to support on-site training during the first 3 months shall also be considered.
- Alternatives to the sole test-based evaluation method should be introduced, for instance, trainees can choose to take personal interview instead of written exams. Trainees who pass Japanese Language Proficiency Test Level 1 and 2, as well as positive performance records from employers and supervising organizations shall be exempted from taking the standardized skills tests.
- Employers who can demonstrate plans to open a branch in Vietnam shall be given permission to sponsor capable and qualified Vietnamese trainees to stay up to (x) years in Japan in order to acquire skills in management levels. These trainees later

will be sent to the company's branch in Vietnam to help the company run the offshore site.

- Local government, supervising organizations and companies should consider to work in a consortium to ensure trainees have a safe and worry-free environment where they can complete their technical training successfully. This joint cooperation model was already launched in Bungotakada city (Oita prefecture) in 2018. An exclusive cooperation agreement has been signed between Bungotakada's City Hall, Bungotakada's Chamber of Commerce, Oita prefecture's Labour Bureau and supervising organizations to strictly regulate and monitor Japanese companies that are hiring foreign trainees. Companies are required to submit reports about the training progress and living situation of trainees to each of the consortium members. Local government and supervising organizations will take turn to conduct on-site visits and talk to trainees personally to confirm the information in the report is correct.
- Local governments should invite Vietnamese migrant workers to join cultural exchange events with local people as well as to participate in local festivals where Vietnamese migrant workers can make friend with local people and enhance mutual understanding.

### **7.3 Contributions of the study**

While Japanese government attempts to maintain its closed-door policy towards unskilled labour, in reality the Technical Intern Training Program has arguably served as a de facto guest worker program that helps Japanese SMEs deal with labour shortages in labour-intensive industries. Sending thousands of low-skilled workers to Japan under the Technical Intern Training

Program scheme annually, Vietnam surpassed China and became Japan's number one low-skilled labour supplier since 2017. Although the number of Vietnamese migrant workers in Japan is increasing rapidly, there are still limited studies about the effects of Japan's immigration policy, namely the Technical Intern Training Program on Japanese employers and Vietnamese migrant workers in Japan. The originality of this study lies in the following points:

- It presents the perspective of Vietnamese migrant workers with regard to various aspects of the Technical Intern Training Program.
- It discusses the merits and shortcomings in the current structure of the Technical Intern Training Program from both Vietnamese migrant workers and Japanese employers' perspective.
- It verifies the extent to which Vietnamese migrant workers were aware of their rights and law protection in the Technical Intern Training Program.
- It specifies the difficulties facing both Vietnamese migrant workers and Japanese employers during the Technical Intern Training Program.

This study has contributed to the existing literature in the field of labour immigration policy by presenting the effects of Japanese immigration policy (with the focus on the Technical Intern Training Program) on Vietnamese migrant workers and Japanese employers. It also offers long-term and short-term policy recommendations to Japanese government to remedy the gap between the objectives of the TITP and the reality in order to solve labour shortage issues in Japan as well as enhance the effectiveness of human resource development between Japan and Vietnam.

#### **7.4 Implications for further research**

Future research should try to evaluate how the Memorandum of Cooperation (Bilateral Agreement) on the Technical Intern Training Program between Vietnam and Japan in 2017 impacts the unresolved issues in the program. The policy makers in Japan shall also be invited to participate in future research to clarify their perspectives with regard to current Japanese labour immigration policy.

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## APPENDIX A

### QUESTIONNAIRE DESIGN

Dear Technical Intern Training Program participant,

My name is DUONG Bao Thi Anh and I am a Master student at Ritsumeikan Asia Pacific University (Oita, Japan). By answering this questionnaire, you will help me realizing my final thesis on the impact of Japanese immigration policy on Vietnamese migrant workers in Japan. This survey aims at evaluating the current Technical Intern Training Program from the perspective of Vietnamese migrant workers, including those who are currently working in Japan and those who were former participants of the program.

Please read each question carefully and try to answer all questions honestly and to the best of your knowledge. It takes on average 20 -30 minutes of your time. Your answers will be treated confidentially and only for this research. Your help to me - your Vietnamese fellow is greatly appreciated!

1. Name: \_\_\_\_\_
2. Age: \_\_\_\_\_
3. Age when participated in the TITP: \_\_\_\_\_
4. Education background:
  - High school    College (2 years)    University (3-4 years)    Postgraduate
5. How many years did you participate in the Technical Intern Training Program?
  - Below 1 year    1 year    2 years    3 years (completed)    4-5 years (extended)
6. Why did you participate in the Technical Intern Training Program? \*Multiple answers allowed
  - To gain technical skills and apply them in Vietnam later
  - To improve Japanese language skills
  - To earn money in Japan
  - To know more about Japanese culture and society
 Other reasons (please specify) \_\_\_\_\_
7. In your opinion, what are the objectives of the TITP? \*Multiple answers allowed
  - To allow trainees from developing countries to acquire industrial and vocational skills in Japan so that they can utilize such skills for economic and industrial development of their home countries.
  - To promote technology transfer between Japan and developing countries.
  - To help Japanese companies deal with labour shortage issues in a certain period of time.
  - To allow Japanese companies to use cheap labour resources from developing countries.
8. Did the sending organization(s) explain to you the objectives of the TITP?
  - Yes, explained very clearly.
  - Yes, but explained not very clearly.

No, not at all.

9. How much did you have to pay to the sending organization(s)?

5,000 – 7,500 USD  7,500 – 9,000 USD  9,000 – 10,000 USD  above 10,000 USD

10. Did you have to pay deposit money?

Yes  No

10. a) If Yes, how much deposit money did you have to pay to the sending organization(s)?

Below 1000 USD  1000 – 2,500 USD  2,500 – 4,000 USD  4,000 – 5,000 USD  
 above 5,000 USD

10. b) (For people who have returned to Vietnam after the TITP) Did you receive deposit money back?

Yes, received 100% back.

Yes, received 80-90% back.

Yes, received 60-70% back.

Yes, received 50% back.

Yes, received below 50% back.

No, did not receive back at all.

11. Location of your company: \_\_\_\_\_ city \_\_\_\_\_ prefecture

12. Which sector does your company belong?

- Agriculture, forestry and fishing
- Mining and quarrying
- Manufacturing
- Electricity, gas, water supply
- Construction
- Wholesale and retail trade
- Accommodation and food service activities
- Transportation and storage
- Information and communication
- Financial and insurance activities
- Real estate activities, renting and business activities
- Others (please specify): \_\_\_\_\_

13. Monthly income (after taxes) when participating/ participated in the TITP:

Below 500 USD  500 – 600 USD  600 – 800 USD  800 – 1,000 USD  
 above 1,000 USD

14. Average monthly overtime hours

Below 10 hours  10 – 20 hours  20 – 30 hours  30 – 40 hours  Above 40 hours

15. The maximum overtime hours you have ever had in the TITP

Below 10 hours  10 – 20 hours  20 – 30 hours  30 – 40 hours  Above 40 hours

16. Please specify your satisfaction rate with regard to the training program provided by Japanese host company.

5 Very satisfied	4	3	2	1 Totally dissatisfied
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16.a) If you choose 1,2 or 3, please justify your reasons:

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17. How did your host company support in your Japanese learning? \*Multiple answers allowed

- Open free Japanese classes
- Provide Japanese-learning textbooks/materials
- Invite to local festivals and events
- Invite to company's parties (welcome party, end-year party, new year party, etc.)
- Hire Japanese-Vietnamese interpreters to help Vietnamese trainees during the training program

Others (please specify): \_\_\_\_\_

18. When facing mistreatment (such as sexual harassment, exploitation, unpaid wages and discrimination) during the TITP, who would you contact? \*Multiple answers

- allowed  Supervising organizations in Japan
- HR Department/ Direct supervisors in the company
- JITCO
- Local government
- Keep silent
- Others (please specify): \_\_\_\_\_ 19.

What kind of accommodation did you have during the program?

- Dormitory (single room with shared kitchen and bathroom)
- Shared apartment with 3-4 people or more
- Single unit apartment
- Hotel
- Others (please specify): \_\_\_\_\_

20. Please specify your satisfaction rate with regard to the accommodation arranged by Japanese host company.

5 Very satisfied	4	3	2	1 Totally dissatisfied
---------------------	---	---	---	------------------------------

21. Could you make friends with Japanese colleagues or neighbours?

- Yes, some became my good friends.
- Yes, but we are not so close.

Not a lot, and we are not so close either.

No, not at all.

22. What do you usually do in your free time? \*Multiple answers allowed

Listen to music, read books and watch TV.

Use social media sites and surf the Internet.

Play games on computer or cellphone.

Study Japanese.

Eat out, go out and shopping at the weekends.

Others (please specify): \_\_\_\_\_

23. Please specify your satisfaction rate with regard to your experience of living in Japan.

5	4	3	2	1
Very satisfied				Totally dissatisfied

24. What did you gain from the TITP program? \*Multiple answers allowed

Explore Japanese culture and society

Widen social networks, especially with Japanese people

Acquire skills and technology in Japan

Improve Japanese ability

Earn and save money for a brighter future

Become more mature and independent

Others (please specify): \_\_\_\_\_

25. In your opinion, what are the difficulties facing interns and trainees when working in Japan?

\*Multiple answers allowed

Language barriers

Loneliness and homesickness

Arduous/Hazardous tasks

Harsh weather conditions

Expensive living costs

Unexpected sickness (allergies, flu, etc.)

Not accustomed to Japanese food

Others (please specify): \_\_\_\_\_

26. What do you think should be changed/could be improved in the TITP?

27. Should Japan adopt an official temporary worker program and migrant workers should be paid and treated the same as Japanese workers?

- Yes, so foreign workers could receive salary and benefits as equal as domestic workers.
- No, because if so the requirements will be higher (eg. Japanese and technical skills have to be equal to Japanese workers). The TITP should remain the same because it's suitable for people who are not yet good at Japanese and inexperienced.
- Should have both the temporary worker program as suggested and the TITP.

28. Do you want to come back to Japan after the program?  Yes  No   
 Maybe 28.a) If yes, why do you want to come back to Japan after the TITP?

- Salaries and benefits in Japanese companies are better than those in Vietnam.
- Japan has higher living standard than Vietnam.
- Able to apply Japanese language skills.
- Technology in Japan is well-developed.
- Have a girlfriend/boyfriend/spouse living in Japan.

If you agree to have a personal interview with me, please kindly provide your contact information here:

---

Thank you very much for your time and efforts! Your input will be a great contribution to the improvement of the  
 Technical Intern Training Program.

## APPENDIX B

## SAMPLE INTERVIEW QUESTIONS WITH JAPANESE EMPLOYERS

日本企業の経営者様、

私は立命館アジア太平洋大学院の1年生の DUONG Bao Thi Anh と申します。現在、技能実習生制度を調べ、ベトナムからの技能実習生の現状と今後の展望などについて修士論文をまとめようとしております。その中には第一次資料として、ベトナム人の技能実習生を受け入れる企業の経営者の所見もいただきたいと思っております。

このインタビューは日本企業の経営者の視点から技能実習生制度を評価することを目的としています。いただいた回答は上記の目的以外には一切使用いたしませんので、率直なご感想をお聞かせください。あなた様のご意見は技能実習生制度の改善に大きく貢献します。よろしくお願いいたします。

1. 場所： \_\_\_\_\_ 市 \_\_\_\_\_ 県にある企業

2. どの産業の企業ですか？ Which sector does your company belong?

- 農業・林業及び漁業
- 鉱業及び採石業
- 製造業
- 電気, ガス, 水供給業
- 建設業
- 卸売・小売業
- 飲食店, 宿泊業
- 運輸・通信業
- 金融・保険業
- 不動産業並びに事業サービス業
- 地域社会及び個人サービス業
- その他 \_\_\_\_\_

3. 外国人技能実習制度をどう思うか？ How do you see and evaluate the TITP?

## 4. ベトナムからの技術実習生を受け入れた理由【多答可能】

Why did you choose technical interns from Vietnam?

- 親日感情が高く真面目で勤勉な気質があるから
- 向上心旺盛な若者の受け入れによる企業内活性化したいから
- ベトナム人の実習生に掛かる費用は日本人を雇用するのより安いから
- ベトナムに戻ってからまた自社の工場でもらえるから
- 国際貢献と国際交流を実現したいから
- その他： \_\_\_\_\_

5. 技術実習生に残業（時間外労働）させていますか？  はい  いいえ

## 5.1 技能実習生の月の平均残業（時間外労働）時間はどれぐらいですか？

- 10 時間以下
- 10 - 20 時間
- 20 - 30 時間
- 30 - 40 時間
- 40 時間以上

## 5.2 これまで技能実習生の最長残業（時間外労働）時間はどれぐらいですか？

- 10 時間以下
- 10 - 20 時間
- 20 - 30 時間
- 30 - 40 時間
- 40 時間以上

## 6. 技術実習生どのような宿泊施設を提供していますか？

What kind of accommodation did you provide technical interns during the program?

- 社員寮（シングルルーム 共用バスルームや台所）
- 2DK アパーで 3 - 4 人住む
- 1K/1DK アパートで 1 人住む
- ホテル/ゲストハウス/旅館

## 7. 技術実習生どのような日本語のサポートを提供していますか？

What kind of Japanese language support did you provide for technical interns?

- 日本語クラス

- 日本語教科書
- 地域における祭り、イベントなどに招待する
- 会社の歓迎会、忘年会、新年会、パーティーなどに招待する
- 研修現場で日本語通訳者がいる

8. 技能実習生を受け入れてマネージする際はどのような困難がありましたか？

**In your opinions, what are the difficulties facing Japanese managers when hiring technical interns?**

9. 上記の問題を乗り越えた方法を教えてください。

10. 外国人技能実習生制度をどの点で改善したほうが良いと思いますか？ **What do you think should be changed/could be improved in the TITP?**

11. 公式の短期労働プログラムを採用する方が良いと思いますか？ どうして？ **Do you think Japan should adopt a temporary worker program and migrant workers should be paid and treated the same as Japanese workers? Why?**

12. 仲介機関の役割についてどう思いますか？ 彼らが良い仕事をしていると思いますか？ **What do you think about the roles of intermediary organizations? Do you think they are doing a good job?**

13. 日本全国と地方における労働力不足問題についてどう考えますか？ **What do think about the labour shortage issue in Japan and in your city?**

このインタビューに回答することで、日本とベトナムの人材育成協力に貢献しています。インタビューにご協力いただき、誠にありがとうございました。