

<論 文>

“No Time To Be Sick:” Precarious Cycle of the Indonesian Technical Internship Trainee Program/TITP from Pre-Departure to Destination Country in Japan

Yusy Widarahesty*

- I. Introduction: Migrant Workers and the Right to Health Care
- II. Literature Review
- III. Indonesian Technical Intern Trainee Program in Japan
- IV. Work Protection for Japan's Technical Intern Trainee Program
- V. Methodology
- VI. The Stages of the Indonesian Technical Internship Trainee Migration Process
- VII. The Access of Indonesian Technical Internship Trainees to Their Right of Health Care From Before Departure to Destination Country in Japan
- VII. Conclusion

With a high number of productive workers, Indonesia contributes to the international flow of labor that meets available employment opportunities. Japan is one of the most popular destinations for Indonesian workers who enter Japan with various work visas, including those granted through the Technical Intern Trainee Program (TITP). The first Indonesian migrant workers came to Japan when the Japanese government accepted foreigners as trainees in 1982. The number of Indonesian migrant workers in Japan further increased following the official launch of the TITP in 1993. Therefore, this paper investigates the conditions and implementation of the Indonesian TITP, regarding rights to healthcare and work protection rights of migrant laborers in Japan. Particularly, how

* PhD Student, Graduate School of International Relations; Research Assistant, Asia Japan Institute, Ritsumeikan University.

migrant workers access their rights to healthcare and work protection before departing Indonesia and during the program in Japan is examined. Based on the ethnographical findings on the conditions from before the trainees' departure until they arrived at the destination country, it has been seen that the process that these trainees went through was exceptionally vulnerable and many trainees faced systematic violence from before departure until their arrival in Japan.

Keywords : *Labor Migration, Technical Intern Trainee Program, Right to Healthcare, Work Protection, Indonesia, Japan*

1. Introduction: Migrant Workers and the Right to Health Care

The contribution of workers to running the wheels of the world economy is ideally also commensurate with life security guarantees. The right to social security is universally recognized as a fundamental human right that guarantees a secure, healthy, and decent standard of living for every individual. The International Labor Organization (ILO)'s constitution sets forth the principle that "workers should be protected from sickness, disease, and injury arising from their employment. Nevertheless, the reality is considerably different for millions of workers. The ILO explains some two million people die every year from work-related accidents and diseases. The suffering caused by such accidents and illnesses to workers and their families is incalculable. Due to the high employment rates of foreign-born workers in high-risk sectors, particularly those of irregular status are at greater risk of occupational injuries and work-related diseases, including death at work. While a minority of migrant workers hold highly skilled jobs, many have jobs that are dirty, dangerous, and demanding (the so-called "3D jobs") and, consequently, face considerable risks of work-related accidents and disease" (Menegatti 2016, p.1).

The inequality issues on migrant workers can be seen clearly here, as expressed by Sugie and Kodama:

Immigrants are one of the most vulnerable populations, who often fall between the cracks of social networks and health care services in many settings worldwide (Nygren-Krug, 2003). The context of immigration in Japan, with no exception, has produced an increasingly vulnerable immigrant population that experiences difficulty

in accessing health care due in large part to language barriers, discrimination, and having no health insurance (Hayakawa, 2005). Immigrant health concerns are evident at individual and public health levels. In comparison with the general population, the individual health outcomes of immigrants are worse because of untimely access to health care (Sugie and Kodama, 2014, p.2).

Meanwhile, on one hand, in the discourse of economic development, it is continually emphasized that the economic contributions of low-skilled migrant workers globally, in Southeast Asia, and particularly in Indonesia, provide significant benefits, such as remittances and solving the problem of high domestic unemployment rates (BNP2TKI, 2021). On the other hand, the benefits obtained by the host countries, which are generally developed countries, have great advantages and access because, as a core or advanced country, it can easily obtain new sources of labor to address demographic and socio-economic challenges that can harm industrial exports. However, as stated by the UNDP, “in practice, it is widely agreed and recognized that migrant workers’ rights diminish once they cross international borders” (UNDP/United Nations Development Program, 2015, p.12).

Thus, this paper aims to reveal and observe how the implementation of healthcare insurance and work protection for technical intern trainee workers, chiefly Indonesian trainees in Japan, is progressing. Further, how migrant workers access their rights to healthcare and worker protection both before departing from Indonesia and during the program in Japan is considered.

2. Literature Review

In reviewing available literature, it can be concluded that, as often occurs in migration studies, the existing research has predominantly looked at health rights issues on migrant workers within their destination country. Some preliminary research has been conducted on healthcare for migrant workers in destination countries, such as a comparative qualitative study of China and Malaysia (T Rui D et al. 2020). There is also research which identifies irregular migrants and the human right to health care: a case study of healthcare provision for irregular migrants in France and the UK, this study reviews from a macro level analysis on the situation of irregular migrant workers and their rights to healthcare in their destination country (Da Lomba, 2011). As for the existing research on

Indonesian migrant workers under the TITP in Japan, it has predominantly looked at programs from human rights issues, for example, by shifting the paradigm of the Indonesia–Japan Labor Migration Cooperation that analyzed human rights violence during programs in Japan as well as the phenomenon of debt bondage before departure (HRWG, 2020). Further, there is Takahara (2020) that analyzes how to protect not only the right of migrant workers, but also their families, and Pudjiastuti that studies the dynamics of Indonesian migrant workers in Oarai for the community of Indonesian migrant workers within Oarai Town, Ibaraki (Pudjiastuti, 2005).

Meanwhile, preliminary studies on trainee program in Japan's Industrial Training and Technical Internship has been explained by Nawawi (2010) from the procedure, mechanism, and implementation standpoint, and there is an attempt to find a lesson learned from this program by seeing it through the transfer of knowledge from the alumni of the agriculture sector (Gusnelly, 2018). Rustam (2021) evaluates the condition of religious activity for the Oyster Cultivation Betting on Indonesian Workers in Hiroshima. There are also policy perspectives and comparative studies, such as "Filipino and Indonesian nurses and caregiving workers transcending national boundaries as an overview of those working in Japan and abroad" (Ohno, 2011). To look at the general typology of Indonesian part-time working students, trainees, full-time workers, and illegal workers from a policy perspective, the same vulnerable conditions remain. Romdiati (2003) and Kartikasari (2013) investigate the comparison between the labor migration policies on Indonesian migrant workers in Japan and South Korea to see what the differences are in procedure. Finally, the social movement among Indonesian migrant workers is different depending on the region of the country as in the case of Hong Kong and Japan (Isabel, 2016).

To date, research on this topic has not yet dealt with a deeper scope of analysis, particularly on how migrant workers access their rights to healthcare and work protection before departing Indonesia and during the program in Japan as well as what are hinders achieving it. Thus, it is necessary to reconsider how and what the original purpose of this training under the Technical Intern Trainee Program /TITP is to then reconcile policy discourses with practice in the field.

3. Indonesian Technical Intern Trainee Program in Japan

The Technical Intern Trainee Program started in 1993, with the original purpose of technology transfer (3-year permit and a partial extension up to 5 years). This program was

also introduced to reduce undocumented immigrants. Currently, there are 77 job categories in manufacturing, construction, food-processing, textile, agriculture, caregiving, fisheries, hospitality, etc. Home countries for this program by nationality and region are as follows: Vietnam at number one with 196,001 people or 53.5%, followed by China at 69,795 total or 19.1%, and Indonesia in the third position at 32,508 people or 8.9% (OTIT, 2020). For Indonesia, the total number of foreign workers was 1,658,804 and the total number of Indonesian workers in Japan was 51,331 with 44,197 in 2019 specifically under the TITP, so it can be said that most Indonesians in Japan are under this trainee visa (MHLW, 2019).

Based on data from the Indonesian Ministry of Manpower, the number of trainees sent to Japan continues to grow from year to year (Table 1).

Table 1. Data on Indonesian Trainees Sent to Japan in 2011-2018

No.	Year	Number of Workers
1	2011	1,929
2	2012	2,652
3	2013	2,577
4	2014	3,741
5	2015	5,452
6	2016	6,498
7	2017	5,162
8	2018	6,171
	Total	34,182

Source: Center of Employment Data and Information RI, n.d

In December 2019, the Ministry of Manpower of Indonesia in cooperation with the International Manpower Development Organization Japan (IM Japan), a Japanese public interest incorporated foundation, agreed to continue the deployment of workers under the Indonesian TITP and to even increase the number of Indonesian technical intern trainees. The ministry has already been preparing new training facilities for the prospective migrant workers under the TITP. By looking at the number of trainees sent in previous years, the Indonesian government plans to further increase the number of trainees sent to Japan. Ida Fauziyah, the Indonesian Minister of Manpower, said the two parties have agreed that, in order to increase the number from previous years, Indonesia will deploy 5,000 more technical intern trainees each year over the next two to three years. According to the Organization for Technical Intern Training, the Indonesian Ministry of Manpower has stated that there are 222 sending organizations (SOs) licensed to deploy Indonesian

migrant workers to Japan as of March 2020 (Antaranews, 2021).

Looking back in history, Indonesia has sent trainees to Japan under a cooperation agreement signed in 1993 between Indonesia's Ministry of Manpower and Transmigration and the Japan Association of International Manpower Development. The sending of trainees to Japan was originally under a Japanese aid program by the ODA (Official Development Assistance) that began in 1954 when Japan joined the "Colombo Plan" with a mission to promote social and economic development within the Asian region (Oishi, 1995). By doing so, the Japanese government allowed the entry of Indonesian workers to work in the country and receive training in the fields of industry, communication-transportation, agriculture, and health (ODA). Japan's ODA assistance not only contributed to providing assistance in the field of social and economic infrastructure development, but also in the field of human resource development, among others, through the trainee programs (JICA). Furthermore, the demand for Indonesian labor by Japan is one of the points stated in the Economic Partnership Agreement, which lists the pillars of investment interests for Indonesia and targets reducing the number of those unemployed.

The main objective of the Technical Intern Trainee Program itself is to acquire "the development of human resources from developing countries such as Indonesia". Program participants can take advantage of industrial and vocational skills obtained through technical intern training in Japan to industrially develop their home country after they return to it. Therefore, the Japanese government has provided the terms and conditions of work for this program, which include the following items: 1) Duration of work contract; 2) Place of work; 3) Type of work (selective work); 4) Hours of work; 5) Holidays and leave; 6) Wages; 7) Termination of employment; 8) Social insurance, labor insurance, and health checks (JITCO, 2010, p.12).

4. Work Protection for Japan's Technical Intern Trainee Program

Based on the Labor Standard Act, the principles of work protection are working conditions shall be those which should meet the needs of workers who live lives worthy of human beings (Japan Labor Standards Act, 1947), and the principles include equal treatment, equal wages, prohibition of forced labor, such as intimidation, violence, etc., and guarantee of the exercise of civil rights together with the right to healthcare and a safe work environment. For this reason, in this study, the term 'work protection' is used because work protection is following the elaboration of the Japan Labor Standard, which refers to

the applicable law in the ILO. What is meant by work protection is the protection of workers' human rights that include the many things as listed.

Article 1: The purpose of this Act is to ensure workers' safety and health in the workplace and to facilitate the creation of comfortable work environments, by advancing comprehensive and systematic measures related to industrial injury prevention, such as the taking of measures to establish standards for hazard prevention, clarifying accountability structures, and promoting autonomous action with a view to preventing industrial injuries, in conjunction with the Labor Standards Act (Act No. 49 of 1947).

Before going into a deeper explanation of what and how the health system for trainees is, it is necessary to first know about 'Rosai Hoken' or workers' accident compensation insurance; here is the explanation according to the MHLW (Ministry of Health Labour and Welfare):

"Rosai Hoken is: Industrial Accident Compensation Insurance Act which applies to foreigners who work as employees in Japan regardless of nationality. Not only those who have resident status which allows work but also foreign students who have part-time jobs are also covered by Industrial Accident Compensation Insurance when they get injured" (MHLW, 2021, p.1).

Based on the explanation above, it can be said that, legally, all Japanese companies are required or must subscribe to this insurance, although in practice many unscrupulous companies or employers try to circumvent the law by various means, like devising a scheme by classifying their employees as private contractors or subcontractors, or simply by claiming that the law does not apply to foreign workers. Basically, Rosai Hoken's system covers every worker employed in the company, including all part-time, dispatched, and temporary workers, regardless of their residency status or visa (Tokyo General Union, 2021).

In addition, it should be emphasized that the responsibility for registration and payment of premiums is that of the employer and the company cannot deduct the costs of the system from salaries (Tokyo General Union, 2021). However, this system is generally not understood by many Indonesian trainees in Japan (HRWG, 2020). This lack of knowledge is

because they do not get a complete explanation of their rights from before departure until they arrive.

If we consider the perspective of Japanese law through the explanation by Sugie and Kodama in 'Immigrant Health Issue in Japan—The Global Contexts and a Local Response to the Issue,' we can see that the 1961 amendments to the Health Insurance Act gave rights to all Japanese citizens and it also applies to foreign residents (including migrant workers) who are registered to receive universal healthcare. The explanation is as follows:

"...Currently, immigrants with one year or more visas are entitled to National Health Insurance while foreigners with short-term and overstay visas are not. However, many long-term immigrants in Japan who are entitled to National Health Insurance remain uninsured due to language barriers, lack of knowledge of the Japanese health care system, and the economic burden of insurance premiums" (Sugie and Kodama, 2014, p.10).

Then how is the regulation and protection of health and safety insurance as work protection for technical intern trainees?

Based on the revision of Immigration Law, which is designed to fully protect foreign trainees and technical interns, when accepting technical interns at their companies, these companies are obliged to take various actions, including ensuring that trainee participants have registered for Workers' Accident Compensation Insurance. In addition, in the requirements written in the Guidelines on the Management of Entry and Residence Permits for Technical Interns, other provisions, such as those regarding personal accident insurance and other schemes for additional general insurance, are also considered protective measures for trainees and technical interns. This is because, based on annual findings, technical intern trainees often experience accidents or illnesses. For this reason, technical interns are covered by health insurance and other general insurance schemes based on the relevant laws and regulations. Registration of technical interns in personal accident insurance and other protection plans is also part of the protection (JITCO, 2012, p.12).

Enrolling technical interns in the comprehensive insurance package for technical intern trainees aims to ensure that technical interns can easily undergo medical treatment if they are injured or sick. This type of insurance also helps ensure training activities continue to run smoothly and productively. A report by the JITCO (Japan International Training Cooperation Organization) itself found that the number of accidents experienced by

trainees has increased and fatal accidents have even occurred outside the workplace. In such cases, problems with compensation often occur. This is where insurance is useful in alleviating the suffering of the victim's family and providing for unexpected costs as part of the company's efforts to carry out and protect technical intern trainees (JITCO, 2012).

This insurance essentially provides protection for technical interns from their arrival in Japan until their return to their home country (i.e., the full period of technical intern training, including the period of technical intern training with residency permits). Thus, there is no problem regarding the absence of coverage during the change from one residence permit to another. This insurance includes the period of qualifying for National Health Insurance and provides 100% coverage of any medical expenses incurred from the date the technical intern trainee departs from the country of origin. Because JITCO coordinates policies, insurance premiums are lower than standard individual contracts (JITCO, 2012).

If we look at how it is implemented in the field, however, according to the report of labour and human rights, civil society organizations and media outlets have widely reported human rights violations experienced by TITP trainees, along the lines of passport retention, enforced savings, unpaid overtime, debt bondage, and serious abuse and harassment. The Labor Union of Migrant Workers has reported that trainees are vulnerable to abuse due to their inability to change employers and that they suffer from unsafe working conditions, retention of identity documents, and illegal overtime (Verite, 2018). This is similar to what was stated by the Business and Human Rights Center, which the report highlights a range of violations including debt bondage, illegally low wages, verbal abuse, and unsafe working and living conditions, such as TITP workers sleeping in the factories where they work (Business and Human Rights Center, 2020). In 2021, the U.S. State Department through a trafficking report has described the TITP as a "de facto guest worker program" and has noted that "many migrant workers are placed in jobs that do not teach or develop technical skills [as] the original intention of TITP," and that "some of these workers continued to experience conditions of forced labor and violation" (U.S. Department of State, 2021). Furthermore, based on The Ministry of Health, Labor, and Welfare, reported rates of death among TITP participants are high. At least 127 trainees died between 2005 and 2010, roughly one out of every 2,600 trainees. The UN Human Rights Committee and the Labor Union of Migrant Workers have expressed concern over the high rate of death in a population that is generally healthy and relatively young. The first official statistics on work-related deaths among foreign trainees in Japan showed about 22 foreign trainees

were killed by work-related incidents over a three-year period from 2014 to 2016. The ratio of work-related deaths for foreign trainees per 100,000 was twice as high as the ratio for Japanese workers (Verite, 2018).

5. Methodology

A qualitative method using ethnography and participant observation was considered suitable for analysing the implementation of the right to healthcare and work protection in the Indonesian TITP before departure and while in Japan. Narrative inquiry focuses on how people use stories to make sense of their experiences in order to understand a phenomenon from the perspective of people who experience it (Barkhuizen, Benson, and Chik, 2013). In this study, a narrative inquiry using oral and written narratives was conducted with five Indonesian trainees in Japan (two ongoing trainee males, three alumni trainee females). This research utilizes both primary and secondary data. The primary data was gathered from in-depth interviews and field observations. Ongoing and alumni trainees were the main informants. Field observations were conducted in several places in Japan for ongoing trainees and in Indonesia for the returned trainees. All names of informants mentioned in this report have been changed to protect their privacy and security. The secondary data was collected from relevant governmental and non-governmental agencies as well as civil society organizations working directly or indirectly on issues regarding migrant workers and the TITP. A literature review was conducted to identify relevant data, theories, and gaps on this subject, such as a lack of studies focusing on the experiences of ongoing trainees and alumni regarding their right to healthcare and work protection both before departure and during the program. Table 2 illustrates the following information concerning participants:

Table 2. List of Participants

NAME	SEX	YEAR COMING TO JAPAN	WORK CATEGORY	YEAR OF INTERVIEW	WORK PLACE
FZA	M	2018	Construction	2019 and 2020	Kyoto
RR	M	2018	Construction	2019 and 2020	Kyoto
SS	F	2016	Food Processing	2017 and 2020	Shiga
PA	F	2016	Food Processing	2017 and 2020	Shiga
DA	F	2017	Food Processing	2020	Osaka

Sources: Author

The oral narrative in this study employed unstructured interviews that were conducted several times over a three-year period from 2017 to 2020. The interviewer asked questions concerning the working conditions of trainees before departure from Indonesia during pre-departure training (usually 2-4 months in a dormitory) and trainees' living facilities, work protections, healthcare conditions, and satisfaction with the health insurance and work protections offered before departing Indonesia and during the trainee program in Japan. All the interviews were audio-recorded and later transcribed by the author herself, and informants were recruited by the snowball method.

6. The Stages of the Indonesian Technical Internship Trainee Migration Process

One of the unique elements of the internship program to Japan is the implementation of a pre-departure training program, where prospective participants must stay for several months in a dormitory that has been provided by the organizers, both government and private institutions. Below, Table 3 shows the migration process of technical intern trainees from Indonesia to Japan.

Table 3. The Selection and Flow Process of the Technical Intern Trainee Program

A. The selection process for the Technical Intern Trainee Participants	B. The flow of the technical intern trainee after arriving in Japan to completion and returning to Indonesia
<ol style="list-style-type: none"> 1. Administration check 2. Math test 3. Ability 4. Physical endurance 5. Interview 6. Medical check-up 7. Language test preparation 8. Japanese Language Test 9. Training 10. Departure <p>Note: Process 1-6 failed system applies</p>	<ol style="list-style-type: none"> 1. Entered Japan as a Technical Intern Trainee (level 1) 2. Two months theory lesson/orientation 3. Practical training in the company for 10 months 4. Change of residence status to Technical Intern Trainee Level 2 (only given to participants who pass the basic level theory and practice exams) 5. Update duration of stay 6. Return to Indonesia (permanently for those who complete the 3-year program and temporarily for 1 month for those who continue) 7. Change of residence status to Technical Intern Trainee (level 3), only given to participants who pass the level 3 theory and practice exams 8. Update duration of stay 9. Participants take the level 2 theory and practice exam, then return to Indonesia

Source: Agency for the Placement and Protection of Indonesian Workers Overseas/BNP2TKI 2021.

From the table above, we can see how these trainees, after filing documents and administrative tests, those who pass must take a written test on mathematics. If the written test is passed, they will continue to the next stage to illustrate Japanese language and cultural skills as well as physical endurance, interview tests, medical checkups, etc. After stage 1 to stage 8 have been passed, they will continue the training period for 2 to 3 months in a dormitory provided by the Indonesian Ministry of Manpower for the Government-to-Government Program or a dormitory provided by a private agency through the Private-to-Private Program.

During the training program at stage 9 before departure, trainees must study Japanese language, culture, and a physical endurance test, where they will be physically trained and endure a lot of physical activity to show their abilities. This test is intended to determine the extent of endurance and physical health of prospective participants, by conducting various kinds of dexterity tests with the following standards:

1. Running nonstop 3 (three) kilometers in 15 minutes in an open field;
2. Push-ups 35 times with perfect posture with both palms open;
3. Sit-ups as much as 25 times with a perfect attitude (Disnakertrans, 2021)

At this stage, if trainees cannot follow the training properly, it will be considered as a failure and they cannot proceed to the next stage. However, in practice, there were many

violations, such as verbal and physical violence, experienced by potential participants at this stage. Moreover, based on the author interviews with trainees, many revealed that training facilities are minimal and far from ideal, so trainees are vulnerable to the health of other prospective participants.

Certainly, based on the applicable rules, the safety and health of these trainee candidates must be protected. Referring to the Indonesian 'Peraturan Pemerintah' (Government Rules), number 59 of 2021, it is stated that it is mandatory to provide protection to Indonesian Migrant Worker candidates and/or Indonesian Migrant Workers from before or the pre-departure period (registration or training period in the country of origin), during the work period (in the country of destination), and after the program ends (until they return to the country of origin), and what is meant by Pre-Employment Protection is whole activities to protect the registration process until departure. This means that every prospective worker must get security guarantees on the implementation of a safe immigration process (JDIH, 2021).

As outlined above, this trainee program is a government-to-government (G to G) cooperation program; thus, sending institutions are also organized by the Indonesian government. However, the government likewise opens private institutions or agents to become channeling institutions (private-to-private). To date, there are around 222 private sending organizations distributing trainees to Japan that have been certified by the Indonesian government, whose selection process and flow follow the pattern imposed by the Indonesian government. Unfortunately in its implementation, both programs organized by Government-to-Government and Private-to-Private have experienced many human rights violations and a lack of government supervision. For this reason, language and cultural training programs as well as physical endurance tests carried out by private sending institutions are extremely vulnerable and many human rights violations are found in the field without any supervision.

Whereas, referring back to the 'Peraturan Pemerintah' of the Republic of Indonesia on the Protection of Migrant Workers Article 59 of 2021, it is stated that:

"Number 59: Pre-Departure Orientation, abbreviated as OPP, is the activity of giving pre-departure training and information to prospective workers. Indonesian migrants who will go to work abroad, so that Prospective Indonesian Migrant Workers have the mental readiness and knowledge to work abroad, understand the rights and obligations and can solve problems that arise" (JDIH, 2021, p.3).

From the rules of 'Peraturan Pemerintah' above, it is clear that the purpose of the pre-departure training or orientation is to give information and knowledge about the rights and rules that prospective workers must understand as the basis of their knowledge to live abroad, so that they can understand their rights and be able to solve problems if they occur.

However, since it was inaugurated in 1993, the influx of Indonesian trainees in Japan has continued to increase, and Japan has become a popular destination for migrant workers in search of employment and better life conditions (Kumparan, 2020). Based on the results of an interview with Mrs. Nita, the Vice Director of the Directorate General of Training & Productivity Development specifically for apprentices in Japan, the number of trainees working in Japan mostly filled the industrial, construction, and manufacturing sectors to fulfill the high demand for labor in Japan (BINALATTAS/Directorate General of Training & Productivity Development, Jakarta, 2020).

7. The Access of Indonesian Technical Internship Trainees to Their Right of Health Care From Before Departure to Destination Country in Japan

To ensure that the trainee program is in line with applicable international regulations and Japanese government regulations, the main question in this research inquires about how the participants feel and how satisfied they are regarding the implementation of their rights to healthcare and work protection during the program. In opening, the author first asked the participants about their experiences during the pre-departure training period in Indonesia. Before departure to Japan, trainees who passed the examinations undertake around three months of training organized by the sending agencies in Indonesia. During the training, they must stay in a dormitory provided by the institution to learn about Japanese culture and language as well as practice the type of work they will later perform in Japan. One of the interviewees, DA, who joined the trainee program from one of the private SOs in West Java, said that, during the training period in Indonesia, they had to live in a dormitory together with other participants, totaling about 30 female participants.

"During the training, we lived in a quite crowded dormitory. We had to do semi-military practices every day, such as running, pushups, etc. In practice, many of our friends experienced verbal and physical abuse. The reason our trainer commits violence is to train us mentally later in Japan. We also didn't know that we received

health protection during the training. The trainers did not provide any explanation or information regarding our rights during the training and also during the program in Japan. They just always reminded us that we have to take care of our health and not get sick during the training program, so if we get sick during the pre-departure training, we will be disqualified and fail to continue the program” (DA, Jakarta, 2020).

Similar to DA, FZA, who also joined the trainee program from a private sending organization, said in the interview:

“We have to do pre-departure training in a dormitory and they separate women and men. We’ve trained physically and also learned Japanese language and culture. At that time, there are many participants who get sick or tired with the training program, but our trainer keeps reminding us that we have to be strong and not get sick and give up. We have to *gambatte* (*never give up*). We don’t know that we actually have the right to have healthcare during the pre-departure program. We just have to focus on how to survive, otherwise we will fail the program.” (FZA, Kyoto, 2019)

Thus, during the pre-departure period, these trainees have received inappropriate treatment and several violations of health protection in the name of training that violate the rules set by international laws. It is the right of migrant workers to be able to go through a safe migration process that has guaranteed protection from before departure in their country of origin. Also, there are rights to get related health information, however, an omission pattern has become a habit that is normalized by the organizers or sending trainee agency under the excuse of physically and mentally training for the prospective participants in their destination country later. For instance, in the interview, many participants described that they were hit and kicked until they bled, but all of them were forced to accept and normalize these conditions just to be able to pass the program. Meanwhile, organizers and committees normalized this as a culture to gain endurance and physical strength.

This shows that the pre-departure process that has been set by the government has made space for fraudulent practices and systematic exploitation where trainees experience mental, physical, and material problems during the pre-departure training period. With the ‘failed system applied’ in the selection process for this trainee program, trainee candidates who fail due to physical exhaustion are forced to pay again if they want to re-enter the program and undergo a series of physical training from the start. A question

remains, however, regarding how the participants feel in Japan after undergoing this program. SS, an alumna of this program, reported that, during the program, she experienced illness due to her job. The palms of her hands experienced thinning skin and were sore from touching ice cubes due to packing food. SS once complained about the matter to her supervisor in the company, but unfortunately, the company did not recommend that SS visit a hospital for further examination because, according to her superior, her condition was considered normal (SS, Shiga, 2017).

As with SS, PA also experienced illness during the program. PA experienced leg pain from a motorcycle accident while in Indonesia before coming to Japan. The pain recurred in Japan because she had to walk a considerable distance from her apartment to the factory and, in the factory itself, had to work standing for long enough to feel pain in her legs. When complaining about this to the company, the company said that it could not be the company's responsibility because it was a preexisting condition before coming to Japan. This situation is one of the proofs where most migrants experience delays, complications, or denial of necessary medical care when accessing the healthcare system, which makes them the most vulnerable group.

SS and PA have never received a detailed explanation from the sending agency in Indonesia of what rights they are entitled to while working in Japan. Moreover, in Japan, they never received an explanation for a monthly deduction that the company took from their salary. In contrast to SS and PA, FZA, a trainee participant in the field of construction, said that he had experienced work accidents twice in 3 years while undergoing this program. In the interview, he stated:

"I have had work accidents twice during the program. In the first one, my hand was torn because of the machine and in the second one, the machine injured my feet. My supervisor immediately helped me and took me to the hospital. And what makes me relieved is my medication is 100 percent free" (FZA, Kyoto, 2019).

As with FZA, RR also experienced illness during the program, which required him to attend a clinic. RR similarly felt the benefits of Japan's health insurance that allowed him to not have to pay for expensive medication. This situation also shows that, technically, they do not understand the flow and system of health insurance in Japan, which eventually leads to misinformation as to what is actually their right as workers per se.

The author then asked all of the participants about their level of satisfaction with health insurance along with the security they felt and received during the training program in

Indonesia before departing to Japan. The five participants felt dissatisfied with their treatment and the services of the sending agencies during the training period before departure due to receiving minimal information about their rights, inadequate treatment, and training facilities.

The same question was asked regarding how the participants felt and their satisfaction with health insurance and work protection when undergoing the program in Japan. Three participants answered that they were very satisfied with the benefits of Japanese health insurance. This insurance was helpful both financially and in terms of effective hospital services. The other two participants never felt the benefits of this insurance because they never used it. For trainees who are satisfied with the insurance system in Japan, this is because, in fact, they do not know anything about their right to healthcare, which they should receive as their right. Further, they often avoid and try not to get sick because they are worried that it will affect their work performance assessment later. Moreover, what they are most worried about is having to be sent home because of illness, so when they have an accident at work, they try to hide it or if they get free treatment, they feel relieved and lucky because of lack of information to their right as workers.

In addition, even though technically these participants are satisfied with the Japanese government's health insurance, however, in practice, the company ignores the protection of their safety and security at work in the field, which threatens the safety of the trainee workers themselves as exemplified in the case of the respondents within the construction company that ignored safety and security at work. As examples, many of them have to work in violation of safety procedures, including not having permission to control certain machines or vehicles in the field, but they still do so. They have to work without being accompanied by professional supervisors from the first time, even though their status is as trainee workers who work under supervision in order to obtain technology transfer and knowledge. Furthermore, there are still many companies (Mainichi, 2016) that employ trainees with unnecessary working hours, which of course violates the law of Japan's own labor regulations as stated in the Act of Japan Labor Standard Law:

Article 69: "An employer shall not exploit an apprentice, student, trainee, or other worker, by whatever name such person may be called, by reason of the fact that such person is seeking to acquire a skill."

Article 69-2: "An employer shall not employ a worker who is seeking to acquire a skill in domestic work or other work having no relation to acquisition of a skill" (Ministry of Labour Japan, 1995).

Overall, Table 4 summarizes the results of the interviews.

Table 4. Satisfaction Level of Health Insurance and Work Protection Before and During the Program

NAME	PERIOD OF PROGRAM	PROTECTION DURING TRAINING IN INDONESIA	HEALTH INSURANCE IN JAPAN	WORK PROTECTION DURING THE PROGRAM
FZA	3 Years	Unsatisfied	Satisfied	Unsatisfied
RR	3 Years	Unsatisfied	Satisfied	Unsatisfied
SS	1 Year	Unsatisfied	Never Used	Unsatisfied
PA	1 Year	Unsatisfied	Never Used	Unsatisfied
DA	3 Years	Unsatisfied	Satisfied	Unsatisfied

Source: Author

The results of the interview reveal that health insurance in Japan has provided many beneficial health protections for participant trainees. However, this depends on how the company applies the existing regulations. Moreover, work protection is still a problem that is often found in implementations of the program in which the number of work accidents is high, and inhumane companies and supervisors do not implement the rules according to the applicable regulations. This can be seen through reports from the Japanese Ministry of Labor, which stated that a total of 174 foreigners working as part of Japan's technical intern program died over the eight years until 2017 due to accidents, illnesses, and other reasons (Kyodo News, 2018). In addition, the Ministry of Health, Labor, and Wealth (MHLW) of Japan has reported that rates of death among TITP participants are high and following table illustrates the percentages of violations from 2012 to 2016 by the inspections of the Ministry of Health, Labor, and Wealth of Japan for the Technical Intern Trainee Program.

Table 5. MHLW Inspection Data by Category of Violation From 2012-2016

Category of Violations	Percentages from 2012-2016	
Workplace Safety and Health Violations	9,155	37%
Wage Violations	6,435	26%
Working Hour Violations	5,113	21%
Labor Contract Violations	2,269	9%
Company Policies Violations	870	4%
Dormitory Safety and Health Violations	748	3%

Source: <https://www.verite.org/wp-content/uploads/2018/09/Forced-Labor-Risk-in-Japans-TITP.pdf>

Meanwhile, many private sending institutions in Indonesia commit systematic violations by not providing information on rights and health to participants, and even justifying acts of violence in the name of mental strengthening. This is in line with a report by Human Rights Watch Group Indonesia, which stated that many prospective trainees experienced fraud in a structured manner before departure (A Aziz et al. 2020).

8. Conclusion

By investigating and examining the experiences of Indonesian trainees, it was found that the pre-departure process that has been set by the government and followed by the private agency has created space for fraudulent practices and systematic exploitation where trainees experience mental, physical, and material problems during the pre-departure training period.

Further, the conditions from before the trainees' departure until they arrived at the destination country has shown that the process that these trainees underwent was exceptionally vulnerable. It became clear that the normalization of violence and intimidation that occurred during the pre-departure training period played a direct role in shaping the structural chain pattern of violence in which these trainee workers were prevented from having access to their rights and information regarding health and protection in the workplace.

Apart from being hindered in obtaining information regarding access to healthcare, safe working places, and safe migration processes, eventually, these trainees are also afraid of disclosing their health conditions or workplace conditions because of what was emphasized during the training period before departure where they were forbidden to become weak and sick. They are trained to have only two choices, namely trying to be strong and

choosing to endure pain in all conditions or fail. As a result, many of them do not understand their rights related to health and/or self-medicate their illness for fear of being deemed to have failed to complete their duties. Moreover, when they arrive in Japan, many of them get placed within exploitative working conditions, but in their understanding, this is the "hard work" culture that they often heard about during their training period that requires them to be able to survive. So, this is how the precariat vicious circle begins.

References:

Books and Articles

- Avyanthii Aziz, Ridwan Wahyudi, PrasetyaYoga, and Awigra Daniel (2020) *Shifting the Paradigm of Indonesia-Japan Labor Migration Cooperation*, Human Right Watch Group.
- Barkhuizen, Gary, Phil Benson, and Alice Chik (2013) *Narrative Inquiry in Language Teaching and Learning Research. Narrative Inquiry in Language Teaching and Learning Research*. <https://doi.org/10.4324/9780203124994>.
- Buccholz, Katharina (2020) "Number of Foreign Workers in Japan at Record High", <https://www.statista.com/chart/16838/number-of-foreign-workers-in-japan/> Retrieved September 2020.
- Da Lomba, S. (2011) Irregular migrants and the human right to health care: A case-study of health-care provision for irregular migrants in France and the UK. *International Journal of Law in Context*, 7(3), 357-374. doi:10.1017/S1744552311000188.
- Fanani, K Aubrey (2019) "Indonesia-IM Japan Sepakat Perbanyak Peserta Magang ke Jepang," <https://www.antaranews.com/berita/1190223/indonesia-im-japan-sepakat-perbanyak-peserta-magang-ke-jepang> retrieved September 2020.
- Ganelli, G., & Miake, N. (2015) Foreign help wanted: Easing Japan's labor shortages. IMF Working Papers. <https://doi.org/10.5089/9781513530642.001>.
- Gusnelly, and Riskianingrum, Devi (2018) Belajar dari Jepang: Transformasi Pengetahuan Alumni Kenschusei Pertanian Indonesia <http://u.lipi.go.id/1540949306>.
- Hanley, Jill, Sylvie Gravel, Katherine Lippel, and Jah-Hon Koo (2014) "Pathways to Healthcare for Migrant Workers: How Can Health Entitlement Influence Occupational Health Trajectories?" *Perspectives Interdisciplinaires Sur Le Travail et La Santé*. <https://doi.org/10.4000/pistes.3980>.
- Hayakawa, H. (2005) Shifts in the Social Context of Immigrant Health in Japan. In SHARE, International Cooperation at the Local Level within Japan: 10 Years in Partnership with Immigrants in Japan (pp. 8-11). Tokyo: SHARE.
- Isabella, Brigitta (2016) The Production of Shared Space: Notes on Indonesian Migrant Workers in Hong Kong and Japan, <https://kyotoreview.org/yav/indonesian-migrant-workers-hong-kong-japan/> Retrieved December 2021.
- Loganathan T, Rui D, Pocock NS. (2020) Healthcare for migrant workers in destination countries: a comparative qualitative study of China and Malaysia *BMJ Open* 2020;10:e039800. doi: 10.1136/bmjopen-2020-039800.
- Mackie, Vera (2010) "Managing borders and managing bodies in contemporary Japan", *Journal of the Asia Pacific Economy*. 15 (1): 71–85. doi:10.1080/13547860903488245.
- McNicoll, Geoffrey (2016) Stephen Robert Nagy (Ed.), *Japan's Demographic Revival: Rethinking Migration, Identity and Sociocultural Norms* Singapore: World Scientific Publishing, 2016." *Population and Development Review*. <https://doi.org/10.1111/j.1728-4457.2016.00118.x>.
- Moyce, Sally C., and Marc Schenker (2018) "Migrant Workers and Their Occupational Health and Safety." *Annual Review of Public Health*. <https://doi.org/10.1146/annurev-publhealth-040617-013714>.

- Menegatti, Elisa (2016) "Migrant Domestic Workers: Promoting Occupational Safety and Health." ILO. Org. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/briefingnote/wcms_467720.pdf Retrieved June 2020.
- Mufidayati, Kurniasih (2020) "Hari Migran Internasional: Menuntaskan PR Lama Perlindungan Pekerja Migran", <https://kumparan.com/media-mufida/hari-migran-internasional-menuntaskan-pr-lama-perlindungan-pekerja-migran-lunyE9Gp7sZ> Retrieved August 2021.
- Nygren-Krug, H. (2003) International Migration, Health and Human Rights. Health and Human Rights Publication Series, Issue No.4. Geneva: World Health Organization.
- Oishi, Nana (1995) "Training or Employment? Japanese Immigration Policy in Dilemma." *Asian and Pacific Migration Journal*. <https://doi.org/10.1177/011719689500400210>.
- Ohno, Shun (2011) 'Filipino and Indonesian nurses and care-giving workers transcending national boundaries: an overview of those working in Japan and abroad'. *Southeast Asian Studies*. 49 (4) pp. 541-569.
- Onuki, Hironori (2015) A Dilemma in Modern Japan? Migrant Workers and the (Self) illusion of homogeneity, *ProtoSociology An International Journal of Interdisciplinary Research*. Vol. 32.
- Pudjiatuti, TN. (2005) The Dynamics of Indonesian Migrant Workers under National and Local Policies: The Oarai Case Special Issue The Community of Indonesian Migrant Workers in Oarai Town, Ibaraki, <https://kuis.repo.nii.ac.jp> Retrieved June 2020.
- Romdiati, Haning (2017) "Indonesian Migrant Workers in Japan: Typology and Human Rights," http://kyotoreview.cseas.kyoto-u.ac.jp/issue/issue3/article_293.html . 2017 Retrieved June 2020.
- Rustam, M Reza (2021) Oyster Cultivation Betting on Foreign Workers: A Study of Indonesian Workers in Hiroshima, <https://ejournal.undip.ac.id/index.php/izumi/article/view/37057> Retrieved December 2021.
- Sugie, Yoshie and Kodama, Toshie (2014) "Immigrant Health Issue in Japan The Global Contexts and a Local Response to the Issue", <https://www.jiu.ac.jp/files/user/education/books/pdf/836-54.pdf> Retrieved September 2020.
- Takahara, Satoko (2020) Protecting the rights of migrant workers and their families - examining the situations in sending countries in Southeast Asia and the reception in Japan, <https://www.spf.org/en/spfnews/information/20201225.html> Retrieved December 2021.

Websites

- BNP2TKI (2019) <http://bnp2tki.go.id/hasil-penelitian-mainmenu-276/226-permasalahan-pelayanan-dan-perlindungan-tenaga-kerja-indonesia-di-luar-negeri.html> Retrieved June 2020.
- BNP2TKI (2020) <https://bantuan.kemnaker.go.id/support/solutions/articles/43000592233-bagaimana-alur-detail-proses-pemangangan-luar-negeri-dari-pendaftaran-sampai-pemagangan-selesai-dilak> Retrieved August 2021.
- Business Human Rights Org (2020) "Japan: Migrant workers face human rights violations under Technical Intern Training Program, report reveal", <https://www.business-humanrights.org/en/latest-news/japan-migrant-workers-face-human-rights-violations-under-technical-intern-training-programme-report-reveals/> Retrieved August 2021.
- Japan International Cooperation Agency, JICA Profile, <https://www.jica.go.jp/english/index.html> Retrieved June 2020.
- ILO (2013) The Prevention of Occupational Diseases, https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/publication/wcms_208226.pdf.
- ILO (1981) Convention 155 and World Day for Safety and Health at Work, https://www.ilo.org/century/history/iloandyou/WCMS_211520/lang--en/index.htm Retrieved December 2021.
- <http://www.jica.go.jp/indonesia/office/others/pdf/brochure01.pdf>.
- Japan Labor Standards Act (1947) Principle of Working Condition, http://www.japaneselawtranslation.go.jp/law/detail_main?id=5&vm=2&re Retrieved December 2021.

- JITCO (2010) "Technical Intern Training Guidebook for Technical Intern Trainees", https://www.jitco.or.jp/download/data/guidebook_english.pdf Retrieved June 2020.
- JITCO (2012) "Pedoman Asuransi Lengkap untuk Trainee Praktek Kerja," http://www.k-kenshu.co.jp/pdf/jitco_indonesia.pdf Retrieved June 2020.
- JDIH (2021) https://jdih.setkab.go.id/PUUdoc/176418/PP_Nomor_59_Tahun_2021.pdf.
- Kyodo News (2018) "174 foreign technical trainees die in Japan in 8 years", <https://english.kyodonews.net/news/2018/12/5bed061ccb5c-174-foreign-technical-interns-die-in-japan-in-2010-2017-sources.html> Retrieved December 2021.
- Ministry of Health and Labour and Welfare, https://www.mhlw.go.jp/stf/newpage_03337.html, <https://www.mhlw.go.jp/content/11655000/000472893.pdf> Retrieved September 2020.
- Mainichi (2016) 71% of firms accepting foreign trainees violated labor law in 2015. <https://mainichi.jp/english/articles/20160818/p2a/00m/0na/008000c>, <https://www.mhlw.go.jp/english/org/policy/p34-35.html>, <https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/0000180648.html>.
- ODA, http://www.id.emb-japan.go.jp/oda/id/whatisoda_02.htm.
- OTIT (2022) "Technical Intern Trainee Program", http://www.otit.go.jp/files/user/210801_101.pdf Retrieved January 2022.
- Tokyo General Union (2021) Rosai Hoken, <https://tokyogeneralunion.org/issues/rosai-hoken/>.
- UNDP (2015) "The Right to Health RIGHT TO HEALTH FOR LOW-SKILLED LABOUR MIGRANTS IN ASEAN COUNTRIES," United Nations Development Programme Bangkok Regional Hub, 2015, file:///Users/testuser/Downloads/rbap-hhd-2015-the-right-to-health%20(1).pdf, Retrieved September 2020.
- US Department of State, "2021 Trafficking in Persons Report", <https://www.state.gov/reports/2021-trafficking-in-persons-report/> Retrieved August 2021.
- Verite Org (2018) "Forced Labor Risk in Japan's Technical Intern Training Program Exploration of Indicator among Chinese Trainees Seeking Remedy", <https://www.verite.org/wp-content/uploads/2018/09/Forced-Labor-Risk-in-Japans-TITP.pdf> Retrieved August 2021.

Interview:

- FZA, Kyoto, August, 2019 – December, 2020
- RR, Kyoto, August, 2019 – December, 2020
- SS, Shiga, September, 2017
Jakarta, January, 2020
- PA, Shiga, September, 2017
Jakarta, January, 2020
- DA, Jakarta, January, 2020
- Nita BINALATTAS/Directorate General of Training & Productivity Development, Jakarta, 2020.