

**A STUDY ON THE
FOREIGN WORKERS IN JAPAN**

By

YOO, Hyeseung

THESIS

Submitted to
School of Public Policy and Management, KDI
In partial fulfillment of the requirements
For the degree of

MASTER OF PUBLIC POLICY

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ABSTRACT

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Temporary labor employment means to work with the purpose of using the opportunity of overseas employment only for a certain period without considering settling down in the importing country. It constitutes the main stream of labor shift of today. One of the features of temporary employment in Asia is that there is hardly any relation of export and import under the agreement between two countries¹, which cannot be found in other areas.

Entering the 1980s, the economy of oil producing countries in the Middle East gradually became stagnant and the demand of labor reached its peak. In the early 1980s, increasing number of workers returned home forced by dismissal or wage cut. In the meantime, industrial nations of East Asia such as Japan, Taiwan and Korea were confronted by the period of labor shortage. At the same time, a labor flow from the countries with a surplus of manpower in Southeast Asia to the East was prominent. In Japan, the issue of foreign workers has been brought into focus since around 1985, although the influx and increase of foreign workers become conspicuous in the 1980s.

Discussions on the countermeasure for foreign workers has been going on in earnest in Japan since the late 1980s, and there were many pros and cons presented concerning the policy of importing foreign workers, which might be considered the argument between open-door and closed-door policy of the second kind, without reaching a conclusion yet. Japan began to show serious interest because of the increasing number of illegal foreign workers and the fear of Japanese people against them.²

¹ Germany might be a typical example.

² I used the expression 'fear' because I thought there existed a tendency of avoiding foreigners originated

Illegal foreign workers are those who choose a country as a place of labor to stay and work there without taking any lawful procedures. Nearly all of the illegal workers are from the 3rd World. There is a great disparity in the attitude of Japanese toward the people from the 3rd World³ and toward those from the West. For example, Japan is positive in importing skilled workers, but sticks fast to a prohibitive policy for unskilled worker.

Illegal foreign workers in Japan have contributed to the remedy of labor shortage in 3D⁴ jobs. Utilizing the foreign workers as solution to the problem of high wages and labor shortage rendered much benefit for the Japanese economy. However, although it is by no means true that the illegal foreign workers cause direct political or economical problems, the Japanese often admits the fixed idea of foreign worker problem⁵. Why do they maintain such a prejudiced view in spite of the benefits of plentiful labor with low wages? Needless to say, legalizing them will charge social costs including cultural clash and political pressure.

The Japanese, who entertain a strong idea of single nation despite the existence of Korean and Chinese residents in Japan and the *Ainus*⁶, seem to have a fear of becoming like other multiracial countries. For instance, there are people who assert that Japan will be able to prevent the influx of illegal foreign workers by increasing the ODA fund and FDI so as to expand the local employment, judging that the illegal temporary employment is caused by poverty, low wages and lack of job opportunity. But, the shift of labor does not necessarily originate from the outside. The international shift of labor is closely related to the fact that the capital and activity of capitalist countries have created a supranational distribution structure for capital, merchandise and information.

The partial amendment to the Immigration Control Act⁷ put into force in 1990 can be mentioned as another instance. Since the amendment, job offers have been

from the idea of single nation based on the deep-rooted nationalism in Japan. Throughout the prewar history of Japan, including the Meiji Restoration brought about in the cause of overtaking Western countries, disregard and contempt of the Japanese for other Asian people had been a well-known fact.

³ Especially Asians.

⁴ Dirty (*Kitanai*), Dangerous (*Kiken*), and Difficult (*Kitsui*), so-called "3K" in Japan.

⁵ The phenomenon is that Japanese think about the 'problem' of foreign workers is bothering Japan. In many cases, the reaction of 'problem' is that how to block foreign labor of migration.

⁶ Indigenous people of Japan

⁷ The amendment to the Immigration Control Act was promulgated on 15 Dec. 1989 and enforced on 1 Jun. 1990. It is said that the law was amended to cope with foreigners' diversified aims for landing and residence in recent years and the rapid increase of illegal foreign workers. According to the explanatory statements submitted by the Ministry of Justice in proposing the Bill to the Diet, the amendment had three major objectives; (1) rearrangement of resident statuses for foreign nationals, (2) clarification of landing examination standards and simplification of landing procedures, and (3) coping with the problem of illegal foreign workers.

concentrated on the *Nikkei*⁸ in Latin America including Brazil and Peru. Employing *Nikkei* workers was an expedient to escape punishment for illegal employment, for the Japanese descendents, even with foreign nationality, could legitimately engage in labor in Japan. Why the legal immigration and employment are permitted only for the *Nikkei*?

To view in detail the background of the influx of illegal foreign workers into Japan, most of the manpower available within the country had been absorbed into the industrial sector from the early stage of industrialization. With the progress of industrialization, a growing tendency to pursue higher wage employment resulted in the shortage of cheap labor in the low-class fields which has been evaded by domestic workers. Consequently, it was inevitable to depend on the import of labor from foreign countries. To prevent inflation in the labor market due to increasing labor costs in the low-class fields, the management expanded the investment in the technological development, while depending upon the cheap labor from abroad. As the relatively cheap labor was imported from abroad and domestic workers moved upward to the fields with better conditions, the wage level was tied up or lowered and the capital accumulation was promoted.

Nevertheless, Japan doesn't want to legalize the employment of unskilled foreign workers, who have to endure unfair treatment and discrimination. For they can earn more than in their home, although they are situated in a legally weak position. I believe Japan has been taking advantage of it.

Notwithstanding the rapid economical development after the Second World War, the manpower for the manufacturing industry required for the industrialization could be provided in the Japanese labor market because the agricultural population moved into the cities. The number of persons who are employed in primary industries decreased by 8,540,000 during 1950-1972, but they were absorbed into the secondary and tertiary industries and Japan, unlike Germany, could be relieved of manpower problems due to economic growth. They suffered serious manpower problems in the first oil crisis in 1973, but as the crisis caused stagnancy of business activities, the problems raveled out naturally. Japan, however, experienced another manpower problems along with the high growth of economy after the mid-1980s.

Japanese policy for foreign workers is focused on legally prohibiting the import of unskilled workers except the manpower supply indispensable to the Japanese society, and partially filling up the shortage of manpower using the expedient means of technical training system. The number of illegal foreign workers, who entered Japan with short-

⁸ People of Japanese extraction

term tourist visa or as student and were engaged in work, rapidly increased every year to reach about 50,000 in late 1987, 70,000 in late June of 1988, 100,000 in late 1988, and 280,000-300,000 in late 1992. The illegally employed were mainly composed of female workers until the mid-1980s, but the number of male workers, most of whom are working in the construction or manufacturing industry, has gradually been increasing in recent years.

Organizations of employers in Japan are requesting their government to import foreign workers officially, but the government adheres to the view that positively utilizing the internal labor market and the female, middle-aged, and aged workers and introducing new technology can solve the problem of manpower shortage. The Japanese Government, however, officially prohibits the import of unskilled foreign workers to avoid the problems of foreign workers, which had afflicted West Germany. But, at the same time they permit them tacitly in good times and control and deport them while partially supplying necessary manpower using the technical training system in times of recession. Consequently, the foreign workers illegally employed in Japan are differentiated from the Japanese workers⁹, suffer disadvantage in working conditions being exposed to industrial accidents, and are situated in poor residential surroundings.

It is unjustifiable, however, to unconditionally control the utilization of foreign labor power in the age of accelerated globalization. Continuing the discussion on the principles without considering the background of the influx of foreign labor will not change the situation. What is required now to move forward to the solution of the problem is to take a measure to legalize the utilization of foreign labor? For if the period of influx of foreign labor is set and subjected to restriction by the legalization, it would be possible to secure their legal and social position and, moreover, it will serve as an exemplar for the countries producing such workers to handle the problem. As a member of the international community, Japan should give up temporary policies evading responsibility. Indeed, this is just the moment the idea of globalization, which has been used under a variety of interpretations, should be reconsidered.

⁹ Differential wages, delayed payment, etc.

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INTRODUCTION

In the second half of the 20th century, destination of labor migration changed. In the 1960s, the major flow of emigrants was from the Mediterranean region to European countries. In the 1970s, the oil-rich countries in the Middle East provided abundant jobs to workers from neighboring states and Asia. The destination of migration shifted in the 1980s and 1990s to countries of the Pacific Rim.

In the late 1980s, Asian migrants chose Japan as one of the major target countries. The number of migrants had increased dramatically. Most were “illegal workers” who found jobs in construction, manufacturing and various service industries, many of which are avoided by national workers due to the 3D nature of jobs.¹ They were mainly employed in small firms where working conditions tended to be less attractive than elsewhere even they were facing dangerous situations.

Due to the absence of a national consensus, the Japanese government has maintained its traditional policy, namely not to open the labor market to foreign unskilled workers, despite their rapid accumulation. I believe, it is deep routine of Japanese xenophobia against foreigners, especially Asians.

However, the issue of irregular² migration gained public attention, then various policy reforms were introduced in response to the development of migrant problems in Japan. Various policy reforms introduced in response to the development of the migrant problems in Japan were based on this principle so as not to be in contradiction with it. The 1990 Immigration Policy Reform was of remarkable importance when one assesses the migration movement to Japan.³ Despite drastic changes, the policy of prohibiting the employment of unskilled foreigners was maintained. The growing needs for unskilled labor signaled by business circles were met, not by opening the ‘front door’ to unskilled workers but by introducing them through intentionally provided ‘side doors’.⁴

¹ Dirty (*Kitanai*), Dangerous (*Kiken*), and Difficult (*Kitsui*), so-called “3K” in Japan.

² The term irregular indicates that ‘no official recruiting or dispatching of workers was involved, and points to the circumvention of administrative rulings concerning stay and labor.’

³ The amendment to the Immigration Control Act was promulgated on 15 Dec. 1989 and enforced on 1 Jun. 1990. It is said that the law was amended to cope with foreigners’ diversified aims for landing and residence in recent years and the rapid increase of illegal foreign workers. According to the explanatory statements submitted by the Ministry of Justice in proposing the Bill to the Diet, the amendment had three major objectives; (1) rearrangement of resident statuses for foreign nationals, (2) clarification of landing examination standards and simplification of landing procedures, and (3) coping with the problem of illegal foreign workers.

⁴ Kajita Takamichi. ‘*Gaikokujin rodosha to Nippon*’ 1994, pp.51-53. He uses sociology expressions of

Japan made lessons drawn from the European experience quite limited. In spite of abundant affirmations to the contrary, migrant employment in Japan is no longer either temporary or conjuncture. It has become a structural feature of Japan's labor market.

Still, Japan wants to exploit economic benefits of having foreign workers while evading their responsibility or due cost.⁵ Despite the fact that foreign workers do not cause political or economic problems, Japan has always taken the stance of associating, or even identifying, the issue of "foreign workers" with "problems". In other words, they claim that foreign workers are the problems. How should we to interpret Japan's such standpoint then? In fact, foreign workers with their cheap labor bring much benefit to the Japanese economy, which are suffering from labor shortage and high labor costs.

I would like to explore Japan's inconsistent policy or behavior toward foreign workers. And, I want to study various aspects of migration flows to Japan and the present status of migrant workers as conditioned by Japan's immigration control system. The objectives of my study are to explore how policy reactions influenced migration flows to Japan. To provide a background for the Japanese regarding the 'problem' of foreign workers, I will present the models discussed in Japan.

CHAPTER 1

JAPANESE SOCIETY AND FOREIGN WORKERS

1. The Issue of Foreign Workers as a Social Problem

The issues of foreign workers occurred in Japan may be summarized as follows:

The 1st period⁶: Immigration of female workers including *Japayuki-sans*⁷ into Japan.

The 2nd period⁸: Rapid increase of male workers. Dispute on the importation.

The 3rd period⁹: Rapid increase of Islamic foreigners and *Nikkei*¹⁰ workers.

'front door', 'side door' and 'back door' policies. He argues that Japan imported foreign workers from the 'back door'.

⁵ For instance, suppress possible political pressure, or giving them political right.

⁶ The early 1980s-1985

⁷ Since 1970s, there has been a migration of South East Asian women who are illegally employed in the 'services' so-called '*Japayuki*'.

⁸ 1986-June 1990

The 4th period¹¹: Problem of unemployment due to the breakdown of bubble economy accompanied with depression.

It is said that the influx of foreign workers has been accelerated by the High Yen since the G5 Plaza Agreement¹² in September 1985. Therefore, the period from the early 1980s to 1985, when a lot of females called *Japayuki-san* entered Japan, may be considered as the initial stage. Most of them came from Asian and Southeastern countries including the Philippines, Thailand, Taiwan, and Korea.

The period when male workers increased rapidly due to the *Yengo* (High Yen) after the Plaza Agreement and their nationalities were diversified to include South Asian countries such as Pakistan and Bangladesh may be called the 2nd period. The incoming of those with Islamic cultural background was a phenomenon that couldn't be seen before. In 1988, the number of male foreign workers disclosed for their illegal employment outnumbered that of female workers for the first time. Besides, it was in this period that the boat people disguised as refugees, who could be treated as permanent residents in the residential qualification, came from China. A lot of problems resulted from the poor immigration system, such as the actual conditions of inhuman employment violating the Labor Standard Law, jumbling up of Japanese language schools seeking easy money, and the emergence of vicious brokers and employers, were pointed out in this period. It was also a period when the job sites of rapidly increasing foreign workers were in utter confusion, while the mass media and journalism went into an ideological dispute on whether to open the country or not.

Based on this situation, the Japanese Government, the Ministry of Justice and the Immigration Bureau adopted administrative measures by amending the Immigration Control Act in June 1990 to prescribe the status of *Nikkei* as permanent residents, granting the qualifications for residence and employment only to them, and furthermore, to set the qualifications for training so that foreigners can commence work on the pretext of training in practical business, which would contribute to the industries of their home counties. Penal provisions against vicious brokers and employers were also included in the amendment.

Afterwards, rapidly increasing number of *Nikkei* workers were systematically

⁹ June 1990-1991

¹⁰ *Nikkei* is 'return migration'.

¹¹ Since 1992

¹² In 1985, Japan's Finance Minister, at a meeting in New York with his colleagues from Britain, France, Germany, and the United States, agreed to let the U.S. dollar float lower against the yen was worth twice what it had been in dollar terms, which meant Japanese salaries were also worth twice as much. As a result, the influx of foreign workers rose.

imported, causing poor labor environments,¹³ cultural discords, and educational problems.

Moreover, the system of issuing training visas brought on much criticism as cases occurred in which the training in practical business led to cheap labor in reality and whether their skills would be properly utilized back home remained uncertain. After the Gulf War, Iranian workers who had lost their job in the Middle East area entered Japan prepared for illegal employment.

In 1992, after almost ten years history of immigration, whether legal or illegal, of foreign workers into Japan, the issues on medical and health care, education, child-care, and housing in connection with the settlement of the foreign workers including the *Nikkei* and stateless children born between the couples of illegally employed foreigners were brought to public notice. Problems of foreign workers in a depression such as the unemployment of *Nikkei* workers due to the breakdown of bubble economy created a new situation Japan had hardly experienced before.

The flow of workers from almost all areas of Asia to Japan, together with the flow from Africa and the Middle and Near East to Europe and from Latin America to the United States, completed a global flow of people in the reverse direction of the flow of capital and merchandise from the advanced countries to the developing ones.

Although the population rate of foreign workers in Japan falls short of 7-15% of Europe including Britain, Germany and France, the population of these new comers combined with the old comers from Korea, China and other places is already rising above 1%¹⁴ of the total population. Considering the shortage of labor in Japan, it is expected that the rate will come up to 2-3%¹⁵ by the beginning of the 21st century, and Japan will unavoidably become a multiracial, multi-cultural and multinational society.

2. The Issue of Foreign Workers Appeared in the Headlines of Newspaper Articles

A lot of goods had been imported to Japan from the rest of Asia, and then a time has come when people are imported like goods. The word import was used only for goods and foreigner only for the whites. Now, the Asian foreigners are imported.

¹³ Most of them were recruited by business contractors and forced into unstable labor under in years contract for the subcontractors of big enterprises.

¹⁴ About 1,200,000

The liberalization of imports has been the policy of Japan so far. But, the doors were closed for people in the Japanese society glutted with foreign articles.

Women moved into Japan from Southeast Asia were dubbed “*Japayuki-san*”. The word originated from “*Karayuki-san*”, meaning the Japanese women who went to China and South Asia to earn money during the Meiji and Taisho period. The original *Karayuki-sans* were very poor and in distressed circumstances. A similar way of looking is applied to the present state in the consciousness of Japanese people.

The opening: Imported people following imported goods are shaking the closed-door policy for people.

- Southeast Asians are seen among the passengers getting off the Thai Airline 620, famous as *Japayuki-airline*.¹⁶
- A Filipino worker illegally employed in an ironworks in Tokyo was exposed. "Male *Japayuki-san*" came to the surface of the Japanese society for the first time.¹⁷
- Tearless Sri Lankan brides? 10 couples out of 70 divorced in three years.¹⁸

Various problems occur in connection with foreign labor, including labor shortage in the industries importing foreign workers, economic refugees from China, violation of human rights under hard working conditions, lawbreaking dealers sponging on illegal employees, and residential discrimination concerning their settlement.

In September 1989, opinions were offered to accept foreign workers to Japanese enterprises, in which they were exploited for the reason that they were foreigners and their labor was not legally approved. In fact, 'illegality' is closely related to 'human rights'. The more a country is closed, the more illegal employment prevails. The existence of brokers involved in it suggests that there are illegal dealers who take advantage of their weakness. Unlawful acts infringing on human rights on the part of Japan are problematic, too. Foreign workers come to Japan to live in there. Problems of settlement are occurring around Tokyo regarding where they live and how they live. A street of foreigners is formed in the downtown of Tokyo. However, they cannot move into the apartment house. In Shinjuku, they have to try ten houses to find one. Foreigners who are subject to residential discrimination will end up living together with their fellow countrymen.

¹⁵ 2-3 million newcomers and 600,000 old-comers.

¹⁶ Asahi Newspaper, 1987. 2. 13.

¹⁷ Asahi Newspaper, 1987. 3. 17.

¹⁸ Asahi Newspaper, 1989. 5. 25.

Problems brought to the surface: Various problems occur in connection with the labor environment of foreign workers, including shortage of labor, violation of human rights, illegal employment, settlement, and residential discrimination.

- Industries in urgent need of working force. Import, a new rescue is wanted. Surging refugees affect economic circles.¹⁹
- Falling without safety belts. Illegally employed foreigners surrounded by dangerous working conditions. In case of a male from Korea, the employer disappeared.²⁰
- Japan, a seclusionist in labor. Rapidly increasing "illegal" employment, backward policies.²¹
- Notices of house agents written Foreigners Street, Foreigner not permitted, or Foreigner Consultation in Okubo Street, Shinjuku, Tokyo²².
- Being rejected, tried more than ten houses.²³

As the Immigration Control Act was amended in June 1990, the employment of the *Nikkei* and the practical training of the trainees were approved. The *Nikkei* having difficulty in adapting themselves to the Japanese society and the actual state of the trainees as cheap labor. Japanese people have a tradition of demanding homogeneity. *Nikkei* is foreigner: but they are considered identical to the Japanese in policy, at the same time being treated as foreigners in actual life. They buy a birth certificate to obtain an identity card. Vicious brokers are involved here, too.

A new development of the circumstances: As the employment of the *Nikkei* is permitted under the changed situation after the amendment of the Immigration Control Act, *Nikkei* workers are rapidly increasing but are having difficulty in adapting themselves to the life in Japan. The traineeship for practical business resulted in cheap labor.

- Brazilian *Nikkeis* in Japan seek peace of mind with masses.²⁴
- An insular country difficult to adapt to even for the *Nikkei*.²⁵
- Forgery for money, disguised marriage with the *Nikkei*.²⁶

¹⁹ Asahi Newspaper, 1989. 9. 8.

²⁰ Asahi Newspaper, 1989. 9. 18.

²¹ Asahi Newspaper, 1989. 10. 8.

²² Asahi Newspaper, 1990. 1. 22.

²³ Asahi Newspaper, 1989. 1. 22.

²⁴ Asahi Newspaper, 1992. 1. 6.

²⁵ Asahi Newspaper, 1992. 1. 6.

²⁶ Asahi Newspaper, 1991. 12. 26.

- People are rushing to the offices for checking visa applications and translating them into Japanese. In the city of Lima.²⁷
- Nine Philippine female trainees in a data processing company acquired their rights by organizing a labor union. Working 12 hour without a break, no more than overtime pay.²⁸
- Two Philippine trainees appealed for the rights of foreigners before returning home.²⁹

Problems remain unimproved: A multi-cultural society is being formed in Tokyo. The problem of violating human rights developed to an international issue. Developing countries depending on overseas moneymaking show irritation and resentment. Cases appeared in which the situation is improved by the support for the human rights.

- Arabs taking root in Tokyo.³⁰
- Ethnic town in Gabuki-cho, Shinjuku, Tokyo. It may appear in Osaka when Kansai New Airport is completed.³¹
- Tokyo, rebelling against betrayal; Irritation in the economy of overseas moneymaking; justice for Mari Chris; Demanded a reinvestigation into the cause of death in October; the members of the organizations for the protection of human rights gathered at the Japanese Embassy in Manila.³²
- Stayed in Japan for nine years; Deportation is a cruel punishment.³³
- Can't go back to the Philippines now; An earnest appeal of Mr. Yoranda and Mari-chan.³⁴
- A Philippine woman brings a lawsuit, demanding withdrawal.³⁵
- Life in Japan with daughter; Violation of the right of education, also violating the international rules on human rights.³⁶
- Childbirth, tomorrow; Philippine mother and daughter with a visa expired 8 years ago are permitted for residence; The Ministry of Justice reconciled in Osaka trial, saying "living is settling".³⁷

²⁷ Asahi Newspaper, 1991. 12. 26.

²⁸ Mainich Newspaper, 1991. 2. 22.

²⁹ Mainich Newspaper, 1991. 2. 22.

³⁰ Weekly Post, 1991. 8.

³¹ President, 1991. 8.

³² Asahi Newspaper, 1991. 12. 26.

³³ Sankei Newspaper, 1990. 11. 21.

³⁴ Sankei Newspaper, 1990. 11. 21.

³⁵ Sankei Newspaper, 1990. 11. 21.

³⁶ Sankei Newspaper, 1990. 11. 21.

³⁷ Asahi Newspaper, 1992. 3. 18.

3. The Interest of Japanese People shown in the Public-opinion Poll

The biggest problem about importing of foreign workers is that among the foreigners working in Japan, legal workers are rather less, and most of them are illegal workers. The number of foreigners entering into Japan for the purpose of obtaining a job is annually about 110,000 and foreigners residing for acquiring a job are about 85,000. On the contrary to this, the number of illegal foreign workers prosecuted by the Immigration Office amounts to about 30,000 annually and according to the authority, illegally remaining foreigners are about 290,000.

Japanese government has executed a survey of public opinion about foreign workers three times until now; a survey of public opinion about foreigner entrance and residence in 1980 and in 1988 and about the problem of foreign workers in 1990. These surveys suggest Japanese people's awareness and its change about the problem of foreign workers.

To begin with, let us see the result of interest about the problem of foreign workers indicated in a survey of public opinion in 1990. Recently, there have been many discussions about the problem of foreign workers. The following table shows the answers of a question; Are you interested about that?

Table 1. The interest about the problem of foreign workers

Classification	Number	Yes	No	Others	Have no idea
Total number	3,681	48.6	49.9	-	1.4
<City Scale>					
Tokyo	200	57.0	42.0	-	1.0
Government-designated city	449	55.2	43.7	-	1.1
Medium city	1,344	52.3	47.2	-	0.5
Small city	754	46.7	50.5	-	2.8
Rural area	934	39.9	58.1	-	1.9
<Job>					
Independent Business					
Agriculture, Forestry & fishery	150	47.3	51.3	-	1.3
Commerce & Industry Services	394	58.1	41.1	-	0.8
Familial Job					
Agriculture, Forestry & Fishery	83	19.3	79.5	-	1.2
Commerce & Industry Services	167	52.1	46.7	-	1.2

Management & Technician	103	78.6	20.4	-	1.0
Office Work	683	62.6	37.3	-	0.2
Labor	781	44.7	54.3	-	1.0
No Job	1,370	40.9	56.5	-	2.6

Monthly Public Survey, June 1991, p.4

The number of persons answering that they are concerned about the problem of foreign worker covers 48.6% of total persons, and 49.6% persons answered that they have no concern about it. In other words, Japanese people's concern about the problem of foreign workers can be seen as half and half in a result. Besides, people who are directly or indirectly involved in hiring foreign workers, or people who have relatively many occasions to see foreign workers are much interested in it.

As to what they think about that foreigners work in Japan, the following question is given in 1988 and in 1990; generally, what do you think about that foreigners get a job in Japan?"

	1988	1990
1) To get a job is not admitted, for if foreigners get a job, it influences on Japan people's job opportunity as such.	8.1%	7.5%
2) If a person has knowledge and ability of more than certain level, he may be admitted to get a job.	26.1%	34.0%
3) Getting a job may be admitted, but limited to a job which only foreigners can do.	19.7%	10.9%
4) If necessary, it may be admitted without regards to a kind of a job.	35.1%	38.0%
5) I have no idea.	11.0%	8.6%

What deserve to be regarded is that the ratio of people who think that getting a job may be admitted without regards to a kind of a job is highest and that its ratio became higher in 1990, comparing with in 1988.

The next thing is about people's evaluation about the government policy which does not admit unskilled workers to enter into a country. The question in 1988 survey is as follows; Japanese government does not permit entrance into a country for simply unskilled workers wishing to acquire a job, although it permits entrance for a person who has excellent ability and technique. What do you think about such policy?

- 1) The current policy that unskilled workers are not permitted to get a job should be continued. (24.2%)
- 2) Even if unskilled workers, getting a job should be permitted, but with certain condition and

limits. (51.9%)

3) I have no idea. (23.8%)

In a survey of 1990, the question is almost the same as one in 1988, but it has a little different answer; Japanese government does not permit entrance into a country for unskilled workers wishing to acquire a job, although it permits entrance for a person who has excellent ability and technique. What do you think about such policy?

1) The current policy that unskilled workers are not permitted to get a job should be continued. (14.1%)

2) Even if unskilled workers, getting a job should be permitted, but with certain condition and limits. (56.5%)

3) Without special conditions, to get a job is permitted equally to Japanese. (14.9%)

4) I have no idea (14.3%)

In the ratio of persons who support the current policy in which getting a job is not permitted for unskilled workers, the result of 1990 is lower than the one of 1988. Supporting rate about open treatment with unskilled workers only with certain conditions increased.

About the conditions for a unskilled workers entrance or getting a job, answers are as follows;

	1988	1990
1) Residence period is limited, and if exceeds its limit, one should be not permitted.	43.0%	48.2%
2) Only a nation or a local autonomous government hires them.	34.8%	23.4%
3) The number of persons getting a job should be limited according to each job, but instead a shift to other fields should not permitted.	17.8%	17.9%
4) Staying in Japan may be admitted to a person, but inviting his family should not be permitted.	14.7%	20.1%
5) The number of import should be limited, classified by nationality.	10.3%	7.7%

This survey presumes that foreign workers, after entering into a country, would be back to their native country someday. And after that, the limit about import of foreign workers or staying period is considered. Another change is that supporting rate about opening labor market becomes increased generally, answers are inclined to suggest making strict the conditions about admission of entering into a country or getting a job.

In a survey of 1990, the following question is given; If foreign unskilled

workers are admitted, they might hope that their family are invited and reside permanently in Japan. What do you think about that?

- 1) It is admitted to invite family and reside permanently in Japan. (18.6%)
- 2) Although permanently residing in Japan is not permitted, it is allowed for them to stay for certain period, living together with their families. (32.6%)
- 3) Necessarily, only the person himself should be permitted to stay for certain period. (36.5%)
- 4) I have no idea. (11.5%)

This answer distribution suggests that majority of Japanese are not welcome with the supposition of foreign workers' permanent residence and they hope that foreign workers necessarily return back to their native country after staying for certain period. Although it does not seem that foreign workers return to their native country according to Japanese's wish, it ought to be considered that if opening a market to them, they would be likely to settle in Japan.

In surveys of 1988 and 1990, surveys are conducted minutely, concerning illegal employment. About illegal employment, the question is as follows; *Japayuki-san* and *Japayuki-kun*, persons who enter into a country as a tourist, but work and gain income as a waitress, workers and so on, are gradually increasing. What do you think about it?

	1988	1990
1) Not desirable	39.4%	32.1%
2) Although it is not desirable, it is unavoidable.	45.5%	55.0%
3) I have no idea.	15.2%	11.6%

The ratio of thinking that although illegal employment is not desirable, it is unavoidable, is higher than the ratio of thinking that it is not desirable, and the former is increasing. About the reasons for the former;

	1988	1990
1) Their family lives by their income.	62.7%	50.8%
2) They work, understanding it.	40.1%	29.5%
3) It is natural that they come to Japan for a high income.	35.7%	28.8%
4) Because their employment solves the labor deficiency of Japanese companies.	14.1%	47.9%
5) Because their native countries earn foreign money.	7.1%	4.1%

In spite of illegal employment, they evaluate the monetary income that foreign

workers gain by it. Additionally, one remarkable change between in 1988 and in 1990 is that the ratio of evaluation gets higher in the aspect that foreign workers solve the labor deficiency of Japanese companies. This change in evaluation suggests that the problem of foreign workers have close connection with economic change.

About the reason why illegal employment is not desirable, answer distribution between two surveys does not show any noticeable change, pointing out bad influences on Japan and Japanese and infringement of a worker's human rights as one individual.

	1988	1990
1) Because their human rights are infringed by prostitution, and so on, and they may become a hotbed of crimes.	48.0%	43.0%
2) Because public security or public morals become worse.	47.5%	43.3%
3) Because it violates Japanese law.	36.1%	48.7%
4) Because it causes the increase of unemployed Japanese.	23.2%	15.0%
5) Because they are hired for low wage.	20.8%	20.9%

As for treating with illegal employees;

	1988	1990
1) Superintends only gangsters, prostitutes, and other bad crimes.	40.7%	40.6%
2) Sends back all of them by force, following the procedures regulated by law.	37.0%	33.6%
3) In the fields of labor deficiency, not superintend.	7.3%	11.4%
4) I have no idea.	15.0%	13.2%

Persons who think only criminals with bad quality are superintended and persons who think all the illegal employees are sent back by force are distributed as half-and-half. Minor change is that the ratio of persons who insist illegal employees should be sent back by force, is diminishing. The significant point is that in the insistence that only criminal with bad quality be superintended, the definition of bad quality is not definite and it implies admitting the unskilled workers' income, superintending the persons who badly violated Japanese domestic law. Accordingly, it can be inferred that this kind of thinking way is, actually, the same as the insistence of entire liberalization about foreign unskilled workers.

One that must be thought of is the fact that illegal employment suggests there are employers hiring illegal employees and even if illegal employees are accused, the problem will not be solved. Concerning the punishment for an employer hiring illegal employees, Revised Immigration Law adds itself to a new regulation; An Offence:

Promotion of Illegal Employment. The number of the accused by an offence; promotion of illegal employment is 41 persons in 1990, and 242 persons in 1991. In a survey of 1988, the answer covers 43.4% that punishment should be enforced about employers hiring illegal employees by making new regulation, which shows that Japanese people highly request the enforcement of punishment for employers. However, interviewees are not very strict or consistent when they evaluate illegal employment itself or treatment about illegal employees.

Although one of the important reasons why illegal employment is rising attributes to wage and employment difference between Japan and other Asian countries, it is because the problem of labor deficiency appear, for which it makes it difficult to acquire Japanese employees in certain industry of Japan. This implies that foreigners work for the jobs that Japanese people do not like to do and if this problem continues, several domestic and international problems occur. In this survey, the question is; what do you think about the fact that foreigners work for the jobs that Japanese people do not like to do.

	1988	1990
1) It is not desirable to commit to foreigners.	27.6%	22.8%
2) Although it is not desirable, it is unavoidable.	25.2%	31.8%
3) If the person himself wants, it is all right.	34.7%	38.1%
4) I have no idea	12.6%	7.1%

The change of answer distribution in a survey of 1988 and 1990 suggests that Japan people have less resistance than before, if the jobs they do not like to do are divided to foreigners.

In short, from the past surveys of public opinion, Japanese people think; although illegal employment occurs under the current law, it is unavoidable. In other words, it is unavoidable that dirty works are assigned to foreign workers. Accordingly, it is prevalent that unskilled workers are admitted to enter into a country, but residing during only certain period. Then the matter is that if such opinion gets embodied into a policy, what is the prospect of Japanese economic and social structure. In a survey of 1990, concerning the import of foreign unskilled workers, the question is given whether they approve or disapprove.

As for its result, concerning that it is the responsibility of Japan to approve workers from developing countries, the ratio of persons cover 26.5% who answered yes and 41.0% who answered no. And then, about the opinion that the economic status of developing countries should be rather improved by economic cooperation, 52.9% persons answer yes, while 18.4% persons answer no. Regarding the opinion that import

of unskilled workers may bring about the vast cost for education, social security, housing construction and so on, the ratio of approving persons is 56.8% and the ratio of disapproving persons is 19.5%.

The obvious thing in such a result is that more than half of people think that not importing of unskilled workers, but economic cooperation should be the subject for improving the economic status of developing countries, and they are aware that importing of unskilled workers requires much cost such as education, social security, housing construction and so on.

Overall reputation

From above mentioned surveys, how Japanese people think about foreign workers figured out as follows;

- 1) Under the current law, illegal work is come true.
- 2) However, that is inevitable phenomenon, which means that foreign workers may work at dirty work sector.
- 3) So, if attached a fixed condition, foreign workers can be allowed.

CHAPTER 2

DIVERSITY OF THE ISSUE OF FOREIGN WORKERS

Japan's position about import of unskilled foreign workers

Reviewing the document about foreigner employment or hiring made by Immigrant Control Office in the Justice Department of Japan, concerning the question about unskilled foreign workers entrance into a country and residence, its position is as follows;

- Q. The Japanese Immigration Authorities has been permitting the entry and stay of the foreigners seeking employment with professional skills and/or knowledge. However, why aren't other unskilled workers (such as construction workers, hostesses and so on) allowed entry and stay?
- A. The Immigration Bureau has been following the Government policy not to allow in principle the entry of unskilled workers. Therefore, the foreigners who may engage in unskilled work in Japan are at present confined to permanent residents, spouses and children of

Japanese nationals or permanent residents, Indo-Chinese refugees settled in Japan, Japanese descendant given the status of Long Term Resident, students doing part-time job with the permission to do so, and the entrants under the working holiday scheme as long as the nature of job is considered appropriate from the purposes and spirit of the scheme.

The reasons why Japan has not allowed the unskilled workers may be summarized as follows.

- (1) Possible adverse effect upon labor market and labor conditions.
- (2) Social problems could arise from differences in language, culture, wages and standard of living.
- (3) The policy not to rely on cheap labor had such effects as to raise the average wage considerably and to speed up modernization and automation of industries.
- (4) West Germany, France and other European countries which accepted massive foreign workers from overseas during the high economic growth period have now been faced with difficult social and cultural problems arising from lay-off and unemployment, refusal to return to the countries of origin when unemployed, formation of the slums, etc. during the low economic growth period of 1980s.

Q. It is frequently argued that in the era of international exchanges the movement of people should be liberalized like that of goods and money. Considering the economy of Japan, isn't it appropriate now to admit temporary workers from the developing countries in Asia so that the economic prosperity might be shared with these countries?

A. As mentioned in the Answer to above question, we have seen the experience of introduction of foreign labor in Western European countries.

It may be said that not to have relied on foreign unskilled labor was not wrong.

Liberalization of goods and money has had a long history of multilateral international arrangements and negotiations. On the other hand, the immigration policy has been traditionally considered as a matter to be decided by sovereign prerogative of each country and therefore there has been no general rule agreed among the nation states.

The movement of worker involves the movement of his or her life to a country which has accepted him or her with a different economic, social and cultural environment. It is inevitable that such workers will find it difficult to leave the country even after they have lost the job due to the changes of economic conditions.

It is obvious that Japan should share its economic prosperity with developing countries in Asia. However, the introduction of unskilled workers would not be an only way, but, as has been often pointed out, such sharing may be well achieved in many ways, i.e. by

contributing to the economic development of those countries through the promotion of investment, transfer of technology, and economic assistance programs.

Even if in the future the question of foreign unskilled labor should be considered in a new light, it would be necessary that a consensus for that be reached in a Japanese society and a most careful consideration would be needed, taking into consideration the past experiences of Western European countries, to work out the measures to avoid the problems that the West European countries have been experiencing from the introduction of foreign labor.

This fact correctly displays Japan's position about unskilled foreign workers. Although the illegal employment of unskilled foreign workers emerges as a problem, Japanese people's consensus about it is not easily formed. The problem of foreign workers can be divided into two points. One is an international problem concerning the direction of international relationship between Japan as an importing country of foreign workers and exporting countries, and this includes the discussions about regulation for the imported foreigners into Japan and support for developing countries. It can be interpreted as opposition of North and South made manifest in developed countries. Another is a domestic problem of Japan, which includes the problems of hiring foreigners, their human rights as an individual and symbiosis system of foreigners and Japan people.

1. Japan in Asia

Japan should consider two important aspects about importing of blue-collar workers. The first one is that Japan is near most densely populated countries of Asia including China. Of course, the spatial distance is not the problem in moving persons. Nevertheless, it is not neglected that Japan is near most densely populated countries and furthermore, there exists difference in an employment opportunity and wage between Japan and other Asian countries.

The second one is that Japan has liability for assisting in elevating the economic level of other Asian countries. It is impossible to reduce the gap between North and South within a day, since it is deeply rooted. At present, it is said that Japan has full set typed industrial structure, which means that it has all industries within the country. However, the industrialization of each Asian country is rapidly moving, and against this movement, Japan is requested to be committed to the subject of reorganization

of international industrial structure. In other words, it is required to construct division of work with multi-layered relation between Japan and other Asian countries. This reorganization implies that the center of industrial structure of Japan is transferred to high technology and research and development, and the completely grown fields are transferred overseas. It is uncertain that how Japan's approval of the labor export from other Asian countries contributes to improvement of economic level in other Asian countries.

These two are the most important aspects in the consideration of problems about foreign workers. Since Japan will confront the age of labor deficiency with full scale in the future, if it is to keep the full set typed industrial structure, it would be necessarily dependent on foreign workers for required labors in keeping industry. But such choice will be internationally unpardonable due to the matter of rearrangement of industrial structure with developing countries.

Meanwhile, in Japan the disliking for the manufacturing industry arises as a serious problem. The basic fields supporting Japanese manufacturing industry begin to show failure in succession of production techniques or skills. Although it is not easy to plan industrial advancement under that circumstance, Japan should make a plan for transferring a production part in completely grown industry overseas and specializing in high products and special products, by enforcing the function of prototype creation.

Concerning the problem of foreign workers in Japan, do not Gulf war and collapse of Soviet Union have an influence? This implies that the collapse of socialism economy brings about the globalization of market economy³⁸, closing cold war between U.S.A. and Soviet Union up and breaking down the balance of power in international politics, which causes the transformation of peace-keeping faculty of International Security Council into advanced countries³⁹. And accordingly makes clear the previous problem of the opposition of North and South. Gulf war shows the use of arms regardless the advanced country, as the first hot war provoked by a developing country under the 3rd new structure.

This indicates that International Security Council will resolve economic or military activity, peace-keeping policy connecting South under the governance of advanced big countries, and more enforce the economic connection centering IMF, GATT and IBRD.

As it were, it comes to a head that UN is likely to lose its justification. In case

³⁸ Capitalist economy

³⁹ The 2nd world disappears, and the 1st and 3rd world remain

that in 3rd world, certain movement threatening to World economy appears, U.S.A. (Japan, Europe) has enacted armed threats to it, or military intervention since Gulf War, under the name of New World Order. This action is likely to stick to cold war between North and South by taking over or expanding the problem, rather than solve its disputes in the region of developing countries.

This suggests that the problem of foreign workers possibly becomes one of cold war between North and South shown in the advanced countries. The fact that Japan confronts with a problem of foreign workers⁴⁰ shows not only the difficulty of understanding about multi-nation and multi-culture⁴¹ in a country, but also confrontation with global problems about reformation of economic gaps and difficulty of making a peaceful society. It is not only a problem of minority in one country, but also one of International Security Council⁴² including assistance, the accumulated liability of developing country and development.

Under such international current, in 1990, UN chooses a new agreement and succeeds in elevating an international idea into the level of an international law guaranteeing foreign workers human rights including persons who do not have any residence or labor admission. Since this agreement is accomplished despite the objection of U.S.A., Europe and Japan, major advanced countries, as well as worker importing countries, it is difficult to expect them to ratify that agreement. Besides, since this agreement guarantees basic human rights to non-regular immigrant workers, or, extra-law foreign workers and requires humanitarian treatment in ratified countries, as a result, importing countries rather get to strictly regulate these workers entrance into a country more than now.

Especially, owing to collapse of East Europe and Soviet Union, the technologies and capital of advanced countries are invested into the region of Soviet Union and East Europe, which reduces assistance toward developing countries and more deepens a gap between North and South, and as its result, the structural factor in foreign workers movement is more enlarged. Accordingly, if to solve this problem by putting first advanced countries, it leads to the reduction of world through population explosion, economic gap, and the development of transportation and telecommunication, in which labor movement⁴³ from a developing country to an advanced country is represented as a symbolic figure of cold war between North and South.

In Europe, exclusion of foreign workers is already liberalized in some groups

⁴⁰ Economic refugees

⁴¹ Other nation and other culture

⁴² Peace-keeping

and it can not be neglected. In Japan, such movement is likely to be continued. According to Tezuka, he expresses an anxiety about that some Japanese young people start to think that foreign workers who have no jobs back in their native countries work for 3D companies with low payment and long labor and they think that foreigners exist as props supporting young peoples affluent lives⁴⁴.

2. Problems within Japan

The reason why the problem of foreign workers directly leads to the discussions about the problem of a company and community may be as follows;

First, as for the problem of residence qualification and residence period, the problem about admission range of foreign employment appears. Specifically, there have debates about whether unskilled foreign workers should be hired as labor power in Japanese industry or not, concerning the policy of Japanese government requiring discreet treatment about importing of unskilled workers.

Government policy is consistent, which has no change. In the 7th Basic Plan of Employment Policy in 1992, the previous policy is maintained that in a phase of treating with our own labor deficiency, it is not proper to consider importing foreign workers, and about labor deficiency, it is important to make industrial and employment structure to overcome the limitation of labor supply by encouraging automation and efficiency. Additionally, in the Economic Plan for the Structural Reform and the 8th Basic Employment Measures Plan in 1995, it adheres to the previous policy.

Meanwhile, it has some change in the aspect that it intends to hire unskilled foreign workers. What is indicate as a tendency of change is that first, many groups submitted suggestion that unskilled foreign workers should be admitted, since labor deficiency is serious in booming period for a long time.

Second, altogether with the enactment of Revised immigration law in 1990, different opinions are shown in employers capable of hiring *Nikkei* workers and employer incapable of it.

Furthermore, when Japanese economy enters on depression stage, directly influenced by the collapse of bubble economy, the insistence, strongly made by industry during booming stage, upon unskilled foreign workers import to Japanese labor market, has fallen. Of course, the insistence of opening market to foreign workers without

⁴³ Foreign workers, Economic refugees

⁴⁴ A kind of class discrimination, or domestic expression about opposition between North and South.

regards to economic change is weakened together with economic depression, which shows strong connection of insistence of opening market to foreign workers with economic change.

The insistence of objection against import of unskilled foreign workers is as follows; the contribution that Japan can make in international society is to convert the industrial structure of Japan and to cooperate with the development plan made by each LDC country through persons, money, and products, not to approve unskilled foreign workers. Additionally import of unskilled foreign workers brings about discrimination to foreign workers in the aspect of labor condition including wage, which rather increases prejudice about foreign workers and undermines the aim of admission of heterogeneity.

Second, it is about treatment with illegal foreign employees who work and live in Japan. In 1990, revised immigration law founded the offence about promotion of illegal employment. The offence about promotion of illegal employment makes a provision that a person who hires foreign workers violating immigration law or has illegal employees, should perform panel servitude for less than 3 years and pay 2 million yens as a fine, for a punishment. Despite such punishment, the number of illegal employees is increasing.

Third, it is about employing management of foreign workers. Although it is different due to the features of a large company and a small and medium company and also different according to a kind of a job that foreigners obtain, employment management system including Japanese people is designed. And one of the important aspects in management is how well the company uses foreign workers concerning its performance of international business.

Fourth, it is about the attitude of receiving foreigners in a community as a living person. Kajita Takamichi specifically points out the problem of foreign workers in Japan as follows; the existence of foreign workers provides Japan for help as both a strategy for prosperity and a treatment with decline in any aspects.

Table 2. Two kinds of foreign workers

A strategy for prosperity

Company: Corporation

Purpose: the enforcement of management nucleus function, support for international activities.

Imported object: technician, professional

Motive of foreigners: formation of career

Entertainment, moral industry (female labor): metropolis

Frontier of new market by exorcism, acquirement of labor force with low payment

Local autonomous government: metropolitan area, metropolis
The employment of foreigners residing in Japan's awareness,
concentration of information and knowledge and its dispatch.
Education: employment of a foreign teacher, a foreign language teacher for
internationalization.

Treatment with decline

Company: small company, subcontract company
Purpose: acquirement of labor force with low payment, treatment
of aging society.
Imported object: unskilled workers
Motive of foreigners: enlargement of income employing wage
difference.
Agriculture: acquirement of labor force with low payment.
Fishery, marine transportation business: acquirement of labor force
with low payment, overseas work.
Domestic labor, nursing, and welfare labor: women's job opportunity,
treatment of aging society.
Entertainment, moral industry (female labor): local small-medium city
Treatment of aging society, acquirement of labor forces with low
payment.
Local autonomous government: rural community,
Treatment of depopulation and bride deficiency.

Kajita Takamichi makes a table, adding to some items, after referring to Ito Ruris polarization of
the problem of foreign workers.

3. Background of the Increase of Illegally Employed Foreigners

Japanese government sticks to a policy until now that it shall not accept unskilled foreign workers, since 1967 when it suffered labor deficiency as a period of high growth. Before in 1970s, the economic gap representing a wage difference between Japan and other Asian countries was quite great, but it was in 1980s that labor movement from Asian other countries toward Japan has started to appear. Then, why such movement has not appeared before? This attributes to the fact that Asian people has begun to feel familiar with the existence of Japan in many respects since Japan's capital was invested as a way of direct investment, trade and assistance to other Asian countries. Accordingly, not simply wage difference, but the background about international labor movement toward Japan ought to be thought of.

The most significant factor in Japan, an importing country of foreign workers, is labor deficiency. While increasing Japanese people with high educational background have difficulty in finding out a job that they want, a job involved with production such as manufacture, construction and several labor-concentrated industries, shows labor deficiency. This kind of labor deficiency has been remarkable since mid-1980s. The reason for it is not only Japanese people's disliking for manufacture works,

but also a structure shift of labor supply.

First, considered to the aspect of population constitution, the growth speed of labor population has been noticeably decreasing, for the participation in labor market taken by baby boom generation born in 1950-60, has ended in early 1980s. This causes deficiency of youth labor and it became more accelerated, since young people increasingly entered the university. Therefore, in a job that young people of teenagers and twenties had been mainly engaged in, a serious labor deficiency has appeared.

Second, although rural people who have given up farming previously acted as a supplier of simple and unskilled labor, their number got more decreasing rather than the past. Such slowdown in rural exodus necessarily increased the reproduction of urban labors. Recently a second generation born in a city covers urban labors rather than a first generation born in rural area. This second generation has a tendency to have less experience than the first one, and to dislike physical labors.

Third, since people with high education prefer office and service works, supplying source of blue-collar works is more deficient. Accordingly, it is natural that industry suffers labor deficiency in a fieldwork where people with relatively low education below high school are engaged.

Fourth, workers become gradually aged and women workers more appeared. The industrial structure has shifted to a soft industry, which requires more women labors.

Fifth, workers showed a different thinking way in a job and they disliked 3D jobs, in a result of which, labor power has surged in non-production works. Reduction in production workers results in increase of people who wish to work in office, and get a job related to management and technology.

One more thing is the raise of wage level. Several industries and works which had been depending on low salary, suffer management strain and increasing cost. Four importing channels of illegally employed foreigners are as follows from the aspect of exporting country.

First, one is an income gap between importing Japan and other Asian countries. A wage difference between Japan and other Asian countries is 5 times to 200 times, even if one country is different from another in it. Accordingly, they want to work in Japan, taking risk of being persecuted.

Table 3. Migration and economic development in Asia, 1993

	GNP per capita (US\$)	
Labor receiving countries	Japan	31,490
	Singapore	19,850
	Hong Kong	18,060
	Chinese Taipei	10,560

Countries in transition	South Korea	7,660
	Malaysia	3,140
	Thailand	2,110
Labor sending countries	Philippines	850
	Indonesia	740
	Sri Lanka	600
	China	490
	Pakistan	430
	India	300
	Bangladesh	220
	Vietnam	170

Source: *World Development Report 1995*, World Bank.

Second, one is increase of population and unemployment in other Asian countries. Developing countries have a difficulty in preparing as many employment opportunities as increasing population needs. Naturally, government encourages employment abroad because of overpopulation. Several countries including Philippines, Taipei, Pakistan and Bangladesh adopt overseas employment as a government policy, establish an office for international employment, and earn foreign currency that exported workers remit back.

Third, one is the fact that Asian workers had lost opportunities for overseas job due to the economic policy of Middle East oil countries. In Middle East countries, which were main supplying sources of international employment, construction boom has ended up due to the fall of oil price, which reduced job opportunities.

Other reasons for increasing illegal employment include the formation of quite arranged broker organizations, easy procedure in entering into Japan, inexpensive purchase of airplane tickets.

CHAPTER 3

ILLEGALLY EMPLOYED FOREIGN WORKERS AND JAPAN

1. Defects of the Import System of Japan Symbolized by the Illegal Employment

In case that foreigners enter into Japan and reside there, Foreigners Registration Law and immigration control and Refugee Admission Law are applied to them. In the latter, it selects a rule of residence qualification as a basic system about foreigners' immigration and residence. According to this system, foreigners are

generally entitled to reside during certain period, on entering into Japan. Foreigners are permitted to act within some scope of given residence qualification while residing.

Foreigners who have residence qualification are divided as follows from the viewpoint that to what extent they are permitted to do business or get reward.

Table 4. Status of Residence

Diplomat
Official
Professor
Artist
Religious Activities
Journalist
Investor / Business Manager
Legal / Accounting Services
Medical Services
Researcher
Instructor
Engineer
Specialist in Humanities / International Services
Intra-company Transferee
Entertainer
Skilled Labor
Cultural Activities
Temporary Visitor
College Student
Pre-college Student
Trainee
Dependent
Designated Activities
Permanent Resident
Spouse or Child of Japanese National
Spouse or Child of Permanent Resident
Child of Resident under Law no. 126 of 1952
Long Term Resident

(notes)

1. Mark indicates the statuses of residence which were newly established by the Amendment of the Immigration-Control and Refugee-Recognition Act enforced from June 1, 1990.
2. Mark indicates the statuses of residence which were partially modified by the above-mentioned amendment.
3. No mark shows that the almost identical status of residence has existed since before the above-mentioned amendment.

(1) The Alien Registration Law

Statistics about foreigners residing in Japan is divided into two. One is about the current number of alien registration. The other is about immigration number of immigration control. A foreigner residing in Japan is assigned registration

responsibility according to the Aliens Registration Law⁴⁵. However, it has several exceptions. To begin with, a foreign tourist who will reside for less than 90 days after entering into a country does not have to do that. Additionally, diplomatic officials and staffs including embassy and consul and a person who enters into a country for the purpose of performing official tasks of international institution or foreign intelligence, is exempt from being registered. Furthermore, according to the 9th clause of an Agreement about the Position of U.S.A. Army, accorded by the 6th clause of Japan and U.S.A. Security Agreement, U.S.A. soldier residing in Japan is exempt from the application of Japanese Law about immigration and aliens registration.

To all the foreigners except above, the registration is compulsory by the Aliens Registration Law. Foreigners above 16 years old has a duty of carrying a foreign registration certificate all the time and should submit it on the request of a policeman. On the offence of it, one is prescribed to pay the fine of below 200,000 yen against not carrying a aliens registration certificate and to serve in prison for less than 1 year or to pay the fine of below 200,000 yen against not submitting it. Additionally, a person above 16 years old and residing over 1 year is compelled to submit a photography on registration as well as to provide fingerprint. Against not fingerprinting, one is prescribed to serve in prison for less than 1 year or to pay the fine of below 200,000 yen. That is quite different from the records of Japanese citizenship.

(2) Amendment of the Immigration Law

Another basic law for the control of foreigners is Immigration Control and Refugee Admission Law⁴⁶ which has been revised 4 times. While the aim of the Aliens Registration Law is to grasp foreigners' residence or statistics, one of Immigration Law is to grasp foreigners' movement such as immigration, residence control and so on. Literally, it is concentrated on the foreigners' control and has no prescriptions about foreigners with fixed residence.

The main constitution of Immigration Law is to divide all the foreigners into each residence qualification and to confer proper residence period to them and manage it. The authority for it is Immigration Control Bureau in the Ministry of Justice and each Local Immigration Bureau⁴⁷ is engaged in concrete affairs about it. They include an affair about expulsion order as well as immigration and residence control.

⁴⁵ Established in 1952

⁴⁶ Established in 1951, Immigration Law

⁴⁷ Each agent except 8 offices, 4 branches

Japanese policy about import of foreigners is shown in the 6th Employment Measure Basic Plan⁴⁸ which treats foreigners who have professional and technical capabilities positively and unskilled workers called simple workers with discretion. Although a simple labor does not have definite meaning, it is regarded as labor which does not require special skills or capabilities or knowledge.

On Dec. 1989, the Immigration Law was revised for the purpose of dealing with the problem of foreign workers and executed on June 1, 1989. Although main revisions include the expansion of arrangement and scope for residence qualification, simplification of immigration inspection procedure and fast treatment, the most concerned thing is about illegal foreigners such as the system of employment qualification certificate, the provision of punishment for their employer. The residence qualification is expanded into 28 kinds, but to the unskilled workers, it is the same as the previous.

What the Immigration Law means is that residence qualification is enlarged into the professional jobs and general office works including law, account, human knowledge, international affairs and so on, while it does not include blue collar and service labors without special skills or capabilities, within its revision. Although jobs such as construction or civil works are included by adding themselves to residence qualification, that requires certificate of experience more than 10 years. Besides, even if a foreign student applies a change of qualification residence in a wish to get employed in Japan, he is not permitted to work in a company with the capital of below 5 million yen and sales records of 100 million yen by the Ministry of Justice.

In the discussions about the problem of foreign workers in Japan, the concern was concentrated in foreigners' employment and treatment, but other concerns lacked about who and why and how employs them. Employment is not made by only foreigner, but is also made by employment from Japan side. Besides, it is involved with the progress toward aged society, the decrease of young people, the change in view about labor and the enlargement of income gap between Japan and other Asian countries.

The problem of foreign workers has two sides like employing and being employed. And employing is concerned with whether laws pertaining to labor⁴⁹ are observed and who hires foreigners and how many foreigners are hired. However, the revised Immigration Law in 1990 focuses on the illegal employment belonging to the

⁴⁸ Decided on June 17, 1988

⁴⁹ Labor Standard Law, Job Security Law, Worker Dispatch Law, Labor Safety Law, Labor Accident Insurance Law and so on.

latter and dismisses the protection of foreigners belonging to the former.

Does not labor administration official have to secure labor standards for foreign workers by thinking much of protection responsibility rather than others to preserve workers rights. In Japan, only labor related laws⁵⁰ definitely prohibit the discrimination by nationality. Besides, according to agreements in the Ministry of Foreign Affairs, in the legal status of foreigners residing in Japan, it is needless to say that employment or equal treatment of foreigners is confined to only foreigners who are given proper residence qualification. That is contradictory to the announcement of the Ministry of Labor.

(3) The Effect of the Amendment of the Immigration Control Act: Legalization of *Nikkei*/Trainee

The 1990 Immigration Policy Reform includes that Japan permits ethnic Japanese can work and stay in Japan legally, even they do not have Japanese nationality. It was made Japanese employers concentrate on recruitment of *Nikkei* from Latin America as Brazil, Peru and so on. *Nikkei* means that who is the second or third generation of ethnic Japanese. Because of above mentioned the system of owners penalty establishment newly, in order to escape from the punishment or penalty about using illegal employee, many Japanese employers started to consider *Nikkei*. Why only *Nikkei* were permitted working and staying legally? *Nikkei* is also foreigner although they are ethnic Japanese. How should interpret Japans this inconsistency?

Furthermore, Japan introduced that the Trainee system. On September 1990, according to the Cabinet Meeting for Foreign Workers, they announced that attempt to Trainee system in order to import foreign workers systematically. The Trainee system is fit on the residence status of train. However, it is not differentiated from permitting unskilled foreign workers informally, just differs from justification of workers. In fact, the trainers are working. This means that they are fit in category of illegal foreign workers. According to the Japanese policy, they are not workers, so they do not fit in the Labor Standard Law. The inconsistency comes from this fact. In fact, Japan is taking advantage trainers on labor shortage industry sector skillfully. Due to the official purpose of Trainee system is learning of skill or technology, so even if trainers worked they can not receive salary or less. Many Japanese small and medium companies are abusing this point because they are suffering the labor shortage.

Japan has a double standard for immigration policy ambiguously. It can be

explain that Japan is importing unskilled foreign workers unofficially. The Japanese want to exploit the economic benefits of having foreign workers while evading their responsibility and avoiding the costs that legal exploit of foreigners would be bring.

Table 5. Overview about capability performance system

Purpose: Effective performance of capability transfer in terms of international contribution, international cooperation.

Period: the longest 24 months, extension is not permitted.

Number: decided according to the employment position of a job.

Objective: jobs related to a capability certificate (at present 133 jobs), jobs related to a permission examination.

Training method, capability certificate:

Training: study for three months, actual affair research for six months (both capable of being reduced)

Capability performance: after training, import only persons who pass the certain capability examination. Executed by a company.

Capability certificate: after completion of above, two times, capability evaluation is executed again, and certificate is issued.

Allowance: training allowance is paid.

Conditions in capability performance: salary is paid under the employment contract.

Labor related laws and social security are applied.
Confined to job transfer and familial invitation.

Agency: JITCO

Welfare: return cost by return fund and welfare and employment preparation cost is paid.

2. The Facts of Illegally Employed Foreigners

(1) Definition of Illegally Employed Foreigners

According to the Immigration Law, illegally employed foreigners include two meanings. First, it comes under the illegal employment when a simple visitor with residence qualification of a tourist gets a job, or a foreign student gets a job exceeding the permitted scope. Second, among illegal residents, a person who does additional business other than a reward comes under the illegal employment, like when a simple visitor with residence qualification of a tourist remains in Japan and gets a job, not returning back to his native country.

Illegal employment refers to that foreigners get a job, offending laws about either or both residence and employment. The basic policy of Japanese government until now was that while it permits foreigners to get a job or reside, confined to the professionals or special occupations in which labors are not expected to be supplied, it dose not permit simple unskilled workers to reside or get a job.

⁵⁰ Labor Standard Law, Job Security Law, respectively the 3rd clause

Within residence qualification, it includes studying abroad, attending a school, and doing research study, which do not originally assume employment. Among these, employment is permitted within certain scope, regarding studying abroad, attending a school. Studying abroad means educational activities in a university, or the institutions in proportion to the former⁵¹. Additionally, attending a school means educational activities in higher courses or general courses of a high school, a training school or several schools and includes entering into Japanese language school where many foreign students go to. Although foreign students cannot originally get a job, regular students are capable of doing a part time job to the extent that it does not bother studying, within four hours a day, if they are permitted to perform extra-qualification activities from the ministers of the Ministry of Justice. Additionally, if they want part time jobs exceeding this scope, they are capable of being permitted by applying to Local Immigration Bureau.

Seen from the relation between Immigration Law and the actual occasions of illegal employment, there is one type in foreigners residing and being employed without residence qualification. For example, although a foreigner legally enters into a country, he gets a job, not returning back to his native country exceeding the residence period. This is called overstay, which in any case is illegal. The most frequent occasions are persons who enter into a country with visiting visa for the purpose of tourism and remain and get a job, exceeding the residence period prescribed by visa.

Besides, there are not less another persons who enter into a country with regular, for example, entertainment visa and legally get a job but remain and continue to get a job exceeding visa period. In addition to, there is a type called extra-qualification activities which come under the persons who get a job exceeding the permitted scope of residence qualification. For example, it includes persons who get a job after entering into a country with tourist visa or foreign students who get a job without certain procedures or work exceeding the permitted hours or training students who get a job as a worker.

(2) The Number of Foreign Workers and the Trend

Until in 1988 before revising the Immigration Control and Refugee Admission Law, 150,000 foreign workers including overstaying persons get a job in Japan, but afterward, owing to revised law and economy expansion, it shows continual increase and in 1992 it amounts to 300,000 persons when revised law is executed in June. In

⁵¹ Including higher professional school, special course of train school

1993, it amounts to 600,000 persons and it is assumed that the number is not greatly changed.

Reviewing the content, professionals and technician for the purpose of being employed have been increased two times for five years. Additionally, the number of nikkei workers did not come up to 10,000 before, but in a result of annual increase two times, it exceeds 150,000 persons. Foreign students have been steadily increasing, and considering labor force in 1990, it exceeded 60,000 persons.

Table 6. The trend of labor force & foreign worker in Japan

	(unit: ten thousand)							
	88	89	90	91	92	93	94	95
labor force (A)	6166	6270	6384	6505	6578	6615	6645	6666
employer (B)	4583	4679	4835	5002	5119	5202	5236	5263
foreign worker	15	20	30	50	59	61	62	61
foreigner for getting a job	4.1	4.9	6.8	7.7	8.6	9.5	10.6	8.8
foreign students	4.6	4.8	5.1	5.6	6.2	6.3	6.0	5.7
nikkei worker	0.8	2.9	7.6	14.9	15.2	15.8	16.2	17.7
trainee	-	-	-	-	-	0.1	0.2	0.2
overstaying persons	5.9	9.2	10.6	21.6	29.2	29.7	28.8	28.4
/ (A)	0.2	0.3	0.5	0.8	0.9	0.9	0.9	0.9
/ (B)	0.2	0.4	0.6	1.0	1.2	1.2	1.1	1.1

notes :

1. As to foreign students, labor force rate from the survey of Employment Development Center, is estimated from yearly registration number of foreign students.
2. As to nikkei workers, since the survey of the Ministry of Foreign Affairs was not announced, the past labor force rate is based on the assumed foreign registrations as nikkei workers and is estimated to yearly number of foreign registration.
3. As to overstaying persons, most of them seem to be illegal employees and among the figures announced by Immigration Bureau of the Ministry of Justice, the figure of November in each year, is used.

Iguchi Yasushi estimates based on labor force survey of the General Affairs Department, a survey of residence about foreigners of the Ministry of Justice, and the documents of the Ministry of Labor.

Table 7. Industrial distribution of foreign employment

(based on legal foreign workers 300,000)

Agriculture and fishery	-
Energy and water supply	1.6
Chemical product manufacture and related industry	2.5
Metal product manufacture	36.2
Other manufactures	19.1
Construction and civil works	10.9
Retailing, hotel food service	14.2
Transportation, telecommunication	1.1
Financing, Insurance	3.5

(3) The Nature and Employment Facts of Illegally Employed

A role as an industrial labor power

Regarding illegally employed foreigners in Japan, where do they come from, what are they and what kinds of works they do? Let us examine the survey of until 1992 when illegal employees were increased. These surveys show the number of illegal employees, nationality, sex and so on. It is necessary to be careful about the fact that this data is confined to accused persons among illegal employees. In other words, although these surveys are samples of illegal employees, they are not exact. However, in the current situation in which the exact survey cannot be obtained, these surveys will become a good reference.

Table 8. The facts about foreign workers employment

Employment number: Companies more than 5% hire foreigners.

Kinds of work: overwhelmingly most of them do fieldworks such as manufacture labors, civil constructions.

Nationality: in Kwandong, and a metropolitan area, people come from all over the world. Especially, Bangladesh, Pakistan, India and Sri Lanka. In Osaka, there are many China, Taiwan, Korean workers.

Education, age: Asian person who is young and has high education.
45.6% persons engaged in manufacture works have a university degree, and 18.8% persons have a M.A.

Employing channel: while East Asians are mainly employed through advertisement, Southeast Asians are mainly employed through agents, brokers or friends.

Employment type, contract period: Professionals are employed as contract, trustee or Regular employees, while most of field workers are part timers, or dispatched employees.

Salary type, promotion: A foreigner who is an illegal employee or does not have employment qualification is cheaply employed as a temporary employee or a part timer.

Housing: In spite of an employers consideration, the content (quality, size) has many problems.

Social Security: In Labor Accident Insurance and Health Insurance, there is quite big difference in regions. Welfare annuity employment insurance has many negative registrations.

Evaluation about foreigners: such factors as health, labor level, attitude, efficiency, achievement, going to work, function and skill are good or average.

Tezuka. "Foreign Workers"

Table 9. Nationality of Persecuted Illegal Employees

nationality	82	86	87	88	89	90	91	92
total number	1,889	8,131	11,307	14,314	16,608	29,884	32,908	62,161
	184	2,186	4,289	8,929	11,791	24,176	25,350	47,521
Malaysia	-	-	18	279	1,865	4,465	4,855	14,303
	-	-	15	265	1,691	3,856	3,892	11,301
Iran	-	-	-	-	15	652	7,700	13,982
	-	-	-	-	13	648	7,611	13,781
Korea	132	119	208	1,033	3,129	5,534	9,782	13,890
	35	69	109	769	2,209	4,417	8,283	11,204
Taipei	412	990	1,067	1,388	1,144	1,450	3,249	7,519
	25	164	290	369	369	661	926	2,408
China (Taiwan, Hongkong)		775	356	494	492	531	639	460
	656							
Philippines	84	161	210	223	275	351	225	374
	4096	297	8,027	5,386	3,740	4,042	2,983	3,532
	131,500	2,253	1,688	1,289	1,593	1,079	1,466	
Pakistan	7	196	905	2,497	3,170	3,886	793	1,072
	7	196	905	2,495	3,168	3,880	793	1,068
Indonesia	-	-	-	-	-	-	180	625
	-	-	-	-	-	-	156	571
Peru	-	-	-	-	-	-	172	580
	-	-	-	-	-	-	133	424
Sri Lanka	-	-	-	20	90	831	307	451
	-	-	-	20	87	821	295	415
Bangladesh	-	58	438	2,942	2,277	5,925	293	390
	-	58	437	2,939	2,275	5,915	292	387
Others	154	115	150	267	590	1,957	929	1,850
	20	38	70	154	374	1,586	648	1,398

Statistics of immigration control office of the Ministry of Justice

Note:

1. The figure of 1982 and 1988 to 1990 is the sum of overstaying persons considered as extra-qualification acts.
2. The blank() means the number of male
3. The dash(-) means others in nationality.

According to above survey, it can be known that there are many foreign workers from Korea, Iran, Malaysia, Taipei, Philippines and China. While Illegal foreigners from Korea, Iran and Malaysia are rapidly increasing, those from Philippines are decreasing. Besides, in sex, while women's illegal employment was more dominant, the number of men's persecutions are rapidly increasing.

Table 10. Jobs of persecuted illegal employees

Male		
Construction work	24,208	50.9%
Public services	13,264	27.9%
Other labors	2,820	5.9%
Dish washing	1,054	2.2%

Cook	1,031	2.2%
Bar tender	893	1.9%
Services etc.	765	1.6%
Delivery labors	668	1.4%
Others	2,818	5.9%
Total	47,521	

Female

Hostess	5,030	34.4%
Public services	2,549	17.4%
Prostitutes	1,606	11.0%
Dish washing	1,333	9.1%
Waitress	1,062	7.3%
Cook	567	3.9%
Other labors	502	3.4%
Services etc.	486	3.3%
Others	1,505	10.3%
Total	14,640	

Concerning the offence of Immigration Law in 1989, the Ministry of Justice, May, 1993
note:

1. Job distribution of illegal employees persecuted from January 1992 to December 1992.
2. Other workers mean a person doing other labors except construction works, electricity works, delivery works and mainly refer to dustmen.

Above table shows the job distribution of illegal employees persecuted during 1991. Almost half of men are engaged in construction works and a third of men are production workers, or, factory workers which are important labor sources of industry. On the contrary, in women, 14% of them are production workers, half of them are hostesses and 8% of them are prostitutes. The fact that men workers are increasing shows that demand of illegal employment is moving from previously entertainment industry to basic industry such as construction. This suggests that unskilled workers who are illegally employed and working in Japan are gradually getting an inevitable production element.

Table 11. Estimated number of overstaying person: nationality, sex

Nationality	1990	1991	1992
Total	106,497	216,399	292,791
male	66,851	145,700	193,059
female	39,646	70,699	99,732
Taipei	11,523	32,751	53,219
male	4,062	13,780	24,463
female	7,461	18,791	28,756
Korea	13,876	30,976	37,491
male	8,793	20,469	21,406
female	5,083	10,507	16,085
Malaysia	7,550	25,379	34,529
male	5,023	18,466	24,150

female	2,527	6,913	10,379
Philippines	23,805	29,620	34,296
male	10,761	13,850	15,778
female	13,044	15,770	18,518
Iran	764	21,719	32,994
male	643	21,114	32,086
female	119	605	908
China	10,039	21,649	29,091
male	7,655	16,624	21,198
female	2,384	5,025	7,893
Bangladesh	7,195	7,807	8,161
male	7,130	7,725	8,047
female	65	82	114
Pakistan	7,989	7,923	8,056
male	7,867	7,786	7,896
female	122	137	160
Taiwan	4,775	5,897	7,283
male	2,080	2,790	3,757
female	2,895	3,107	3,526
Peru	242	1,017	6,241
male	172	646	4,441
female	70	371	1,800
Others	18,739	31,661	41,430
male	12,663	22,450	29,837
female	6,076	9,211	11,593

Document of Immigration Bureau in the Ministry of Justice, Feb., 1993

note: The number of overstaying persons in above table is the estimated one from entry records and departure records that foreigners submit. It is difficult to say that is the correct estimate of illegal employees due to an error element like entry records are not consistent with departure records.

In nationality of overstaying persons, there are many persons from Taipei, Korea, Malaysia, Philippines and China. Overstaying persons from Iran have been rapidly increasing until May 1992 but they are decreasing since then, which lessens total number of overstaying persons.

This estimated number of overstaying persons is an important clue for considering the size of illegal employed foreign workers and it goes without saying that this is a tip of iceberg. More than 3 million foreigners enter into Japan in a year and most of them are visitors for the purpose of tourism, business and visiting relatives. However, among visitors, in fact it is not considered about persons who are illegally employed exceeding given qualification. Additionally, illegal employment of foreign students who are working exceeding permitted time is not considered enough. Accordingly, the actual facts about present illegal employment are predicted as more than the estimated one.

(4) The Issue of Human Rights

Considering the problem of illegally employed foreigners, understanding about their situation should be done since they are forced to live below the condition of basic human rights owing to their legal status. To begin with, in Labor Law and Social Security Law, the following laws should be applied to foreigners equally to Japanese people. Labor Union Law, Labor Standard Law, Minimum Wage Law, Law Concerning Securing Unpaid Wage, Worker Accident Insurance Security Law, Labor Safety Hygiene Law, Health Insurance Law and Welfare Annuity Insurance Law and so on. Laws related to labor standard such as Labor Standard Law in Japan do not admit the discrimination of nationality in the rights of workers. This fact suggests that although one is an illegal worker offending Immigration Law, he gets salary and other protections as well as the rights as a worker, if he is actually employed and provides labor and service.

Meanwhile, Employment Insurance Law, Job Security Law and Health Insurance Law are not applied to illegal employees. If in Job Security Law the content of seeking employment offends the law, its application is not accepted. Accordingly seeking employment which may be illegal employment is not executed.

Concerning a tax, illegal employees should pay a tax. In non-residents⁵², 20% of income is collected as a tax and in residents owning employment contract(more than 1 year in residence period), a tax is collected as form of with-holding tax. Additionally, illegal employees should pay a consumption tax.(3%) Criminal Law and Civil Law are applied equally to Japanese people.

As above mentioned, illegal employees can preserve their interests through a lot of laws. However, in fact, to use these laws positively is very difficult. For example, if one person wants Health Insurance Law or Welfare Annuity Law to be applied, he should register as a foreigner. Even if he wants to be redeemed by informing the unpayment or offence of Labor Standard Law to labor standard investigation bureau, he hesitates to do so since he is fearful of being exposed as an illegal employee and sending back to his country by force. The Ministry of Justice pronounced that for solving the increasing problems of human rights in foreign workers, it established a human right consulting office for them in 1988 so that foreign workers may consult their problems about human rights, not notifying them to Immigration Bureau without their consent. However, illegal employees themselves take the risk of being accused when he goes to consulting office or seeks redemption through law. That is because government or local government officials should inform illegal

employees when he knows them⁵³.

3. Shortage of Labor and the Illegally Employed Foreign Workers

As look into the background of receiving illegal foreign workers, almost all the available domestic workers were used on industry sectors during the early industrialization period. However, according to development of industrialization steps, many workers have pursued high wages, then they became avoid the low wage and the lower sector. This led to serious labor shortages, so Japan had to depend on importing foreign workers. In order to reduce the inflation due to rising labor costs in 3D industries, many Japanese employers wanted lower labor costs. This fit with foreign workers desire to earn more money by working abroad. Japan used to cheap workers from foreign countries, and at the same time, domestic workers went up to better sectors. Eventually, capital accumulation could proceed and Japans wage level stabilized.

The discussions about foreign workers started since foreign workers appeared in certain industry showing labor deficiency. The most important concern in foreign workers is to secure employment, to get a job with better conditions and to achieve their aims with rapidity. In other words, their main concern is concentrated on the matter of employment. On the contrary, to employers, the main concern is how much foreign workers contribute to their own company as labor power.

Accordingly, the core problem of foreign workers is about employment. In employment, if focused on one foreign labor as an individual, it includes a lot of matters such as employment course, labor time, labor condition like wage and furthermore, how they are treated within a company, the control of retirement and so on.

In terms of wider national economy, it includes whether foreigners are engaged in the same works as Japanese, what relationship there is between labor deficiency and foreign workers, whether if foreign workers introduced, company's will to reform the labor environment will be reduced and whether industrialization and mechanization can remove physical labors.

(1) Foreign Workers in the Labor Market of Japan

What does the fact that foreign workers are rapidly increasing mean from the

⁵² Persons with residing period less than 1 year

⁵³ Overstaying persons or persons exceeding given qualification

aspect of Japan's labor market? While foreign workers are increasing, it is not easy for women and middle-aged people to get a job, in the period when labor deficiency is serious. How can such unbalance be explained? Additionally, what influences do increase of foreign workers have on Japan's labor market?

Hypothesis 1:

Foreign workers' real salary is considerably lower than one of Japanese workers working in the same job.

If then, whatever situation is in demand and supply of labor, foreign workers will be increasing and including women and middle aged people, persons with high salary will be rejected in labor market. In other words, if foreign workers get used to living in Japan and learn Japanese language to some degree, employers will select them since they are alternative workers of Japanese workers and that with low salary.

Hypothesis 2:

Unskilled foreign workers do not work in a job which they should compete with Japanese people.

In conclusion, in 3D works, there are few Japanese workers, while foreign workers get a job there. As shown in ex-West Germany or France, the labor market in 3D works exhibit labor deficiency all the time and the workers do not intend to be employed in 3D works, even if they lose a job. That means 3D works are jobs only for foreign workers. This is when foreign labors play a complementary role for Japanese labors with higher level and salary.

In several surveys concerning foreign workers, majority of Japanese employers hire unskilled foreign workers because they cannot hire Japanese workers. Meanwhile, only below 10% of them answered that they hire foreign workers due to low salary. In these surveys, sample is focused on a small business and manufacture, construction, retails, service works.⁵⁴

Then, results of survey are examined about the comparison of wage level between foreign labores and Japanese workers working in the same job. According to a survey conducted by labor standard bureau in the Ministry of Labor in 1990, among 435 workers paid by the hour, 78% of them are paid more than 1,000 yen by the hour and among 56 companies, 43% of them answered that there is no difference between foreigners and Japanese and 29% of them answered that wage of foreign workers is

⁵⁴ National Financing Research Complex, movement in flexible employment of foreign workers, Medium and Small-sized Enterprises Research Center, p.15

lower or higher than one of Japanese workers.⁵⁵ The companies interviewed in that survey are mostly small companies which have below 30 employees and interviewed foreign workers mostly work for assembly, press processing, odd jobs, welding, molding and so on. Furthermore, also in a survey of 1990 by Disaster Indemnity Foundation by Medium and Small Company Manager, among 3,088 foreign workers interviewed, 79% of them get the same salary as Japanese people, 12% of them get as 2/3 as Japanese people's wage and 2% of them get as 1/2 as Japanese people's wage.⁵⁶ Additionally, in a Tokyo survey of 1989, in a job where foreign workers compete with Japanese workers, the salary level of foreign labors is almost same with Japanese workers' salary, although foreign workers receive 100,000 - 200,000 yen of annual bonus that is equal to fourth months in Japanese people. Additionally, in a job where foreign workers play a complementary role of Japanese workers, foreign workers' salary is as much as Japanese people's part time payment. Besides about half of companies pay bonus, its amount is reported to be about 100,000 yen.⁵⁷

It is very difficult to compare real salary between foreign workers, especially illegal foreign workers and Japanese workers working in the same job. Other than salary, housing and health insurance requires additional cost.⁵⁸ Meanwhile, illegal employees can apply for welfare annuity insurance and labor accident redemption insurance but few of them do not so because they are not interested in it or too concerned about its cost. From the point of an employer, salary is reduced as much.

Moreover, to make its comparison more difficult is that foreign workers' productivity is influenced by their language capability or technique level, although the previous surveys have not been able to control that element. Especially, language capability is different from individuals and in the aspect of an employer, a foreign person with poor language capability has less value as a labor power.⁵⁹ Meanwhile, their working attitude is evaluated to be good, seen from an employer.⁶⁰ Especially, in complementary jobs, foreign workers have an advantage to be relied on as a full time worker compared with Japanese part time workers. Concerning foreign workers' salary, data has been shown in several surveys, but its correct estimate of how much difference in real salary between Japanese and foreign workers there is cannot be known.

⁵⁵ A survey of position about foreign workers, labor standard bureau, 1991

⁵⁶ Executives' awareness and actual facts in medium and small companies, 1990

⁵⁷ Tokyo Provincial Labor Institute, p.68-71

⁵⁸ Illegal employees cannot apply for health insurance but can apply for overseas trip damage insurance.

⁵⁹ Tokyo Provincial Labor Institute, p. 30-31

⁶⁰ Tokyo Provincial labor institute, p. 28-30

(2) Shortage of Labor and the Foreign Workers

Table 12. Characteristics of the labor force in Japan, 1986-1996

	1986	1987	1988	1989	1990	1991	1992	1993
Labor Force	60,200	60,840	61,600	62,700	63,840	65,050	65,780	66,150
Growth of l.f.	1.1	1.3	1.7	1.8	1.9	1.1	0.6	
Rate of u.e.	2.82.8	2.5	2.3	2.1	2.1	2.2	2.5	
Growth of r.e.								
Total	0.8	0.5	1.7	2.6	3.1	3.2	2.2	1.1
Construction	-1.9	1.3	1.1	1.2	1.4	3.1	3.2	3.1
Manufacturing	0.5	-1.2	1.0	2.3	2.6	2.5	0.7	-0.8
Energy & water	0.5	0.8	-0.1	-0.5	0.4	1.4	0.1	3.2
Transport	-1.8	-2.6	0.1	1.7	1.7	2.7	3.0	2.6
Sale & retail	1.1	2.4	1.5	2.2	3.5	2.9	3.4	1.3
Bank & insurance	0.8	3.6	1.4	2.4	2.5	1.6	-0.2	-0.7
Services	2.8	3.2	3.4	4.5	4.9	4.8	3.62.9	
	1994	1995	1996					
Labor Force	66,450	66,660	66,870					
Growth of l.f.	0.5	0.3	0.3					
Rate of u.e.	2.9	3.0	3.3					
Growth of r.e.								
Total	0.0	-0.6	-0.4					
Construction	3.1	0.3	0.2					
Manufacturing	-2.1	-1.9	-2.2					
Energy & water	2.2	-0.1	-3.2					
Transport	1.6	-0.2	1.0					
Sales & retail	-0.4	-1.0	-0.7					
Bank & insurance	0.0	-1.2	-1.8					
Services	2.0	1.1	1.5					

Source : The Ministry of Labor and General Coordination Agency.

In the period when Japan economy escaped from the depression with high yen in 1985 and faced long economic expansion, labor deficiency was common recognition nationwide, which attracted the introduction of foreign workers for solving it.

However, does not this recognition about labor deficiency result from the mismatch of labor demand and its supply from the macro level? Does Japan really lack in labor power? It is necessary to examine the content itself of labor deficiency. It is natural that when all the companies try to seize young persons who are limited in supply potentials, there exist companies which cannot full its demand for young workers. Additionally, if seeking workers does not satisfy the requests of persons seeking employment, there occurs mismatch between supply and demand. Moreover, labor deficiency that has remarkably been shown since 1987 and 1988 has a background of mismatch between labor demand and its supply. Certainly labor deficiency in medium and small-sized enterprises is different from that of large enterprises. However, it is assertive that the labor deficiency in medium and small-sized enterprises

is resolved only by introduction of foreign workers.

There are a lot of things to be reformed for securing labor force in medium and small-sized enterprises. It is necessary that medium and small-sized enterprises should seek workers more positively as different from large enterprises, and it is important to arrange a strategy to attract persons in that company. More specifically, they should reform the employing conditions for elevating their corporate image and frontier works that employees take pride in and make a clear vision about their future. Furthermore, they require basic reflection whether they respect employees working in a field.

However, what has remarkably appeared in especially manufacture for the past 10 years suggests the settled structure of high labor and low salary. Although a company is in a difficult condition, it cannot but reform itself. If it intends to be dependent on foreign workers, it is a relatively easy way. It is an important factor for deciding the position of foreign workers.

(3) Improvement of Labor Environment and the Employment of Foreign Workers

It has been frequently pointed out that if to employ foreign workers engaged in unskilled workers, a company neglects the reformation of labor condition and puts off the investment for modernization, in a result of which, retards the development of technology. And it has been generally considered that since a company employing foreign workers has mainly dirty, hard and dangerous jobs and poor working conditions, they are not able to seek Japanese workers, in a result of which, hires foreign workers.

What do executives in medium and small companies think about reforming working environment and performing modernization? In a company with poor working environment and low technical level, they actually hire foreign workers. However, in a company with relatively good working condition and high technical level, foreign workers are also employed.

For example, there is a company where it proclaims itself as being engaged in typical 3D works and actually hires foreign workers. Besides, although certain company has relatively clean appearance in its factory and machine with high price and it does not have physical labors, it hires foreign workers. This means that the reformation of working environments is not directly involved with solving labor deficiency. It is apparent that in a company with clean environment it is easier to seek a worker. However, more basically, it should be regarded that Japanese begin to

dislike the simple and repetitive works.

Concerning the relationship between investment for modernization and foreign workers, it has been pointed out that introducing cheap foreign workers retards investment for modernization, in which sense, it is not desirable to introduce foreign workers. However, in a medium and small company, automation which reduces labor hours and efforts through mechanization and investment for modernization is strongly acknowledged to be a lifeline in a company and when to invest installments is being considered. A lot of executives in a medium and small company think that although, in a short term, a company with cheap labors has some merits, it will decline, if to neglect investment for modernization.

However in the investment for automation in a medium and small company, it is not simple like it invests only subcontract companies of a large company. Even if a medium and small company invest for automation and be successful, it frequently does not acquire orders from a large company, since another company has new installments for automation. Making decision about investing for automation and modernization is difficult, but in a medium and small company, such decision should consider whether investment is connected with future, which is not different from a large company. In such a sense, even executives hiring foreign workers cannot but consider the investment for modernization.

However, if to improve technical level by modernization and mechanization, does it remove physical labors and make it unnecessary to consider employing foreign workers. First, the technical level means a level in production processing, and although modernization and mechanization is pursued, there remains a job requiring labors. Second, even if modernization and mechanization is pursued, there remain parts which mechanization cannot be executed in the entrance and exit of production processing. Third, in a company engaging mass production, it requires much labor.

In conclusion, although mechanization and modernization is conducted, there remain parts requiring labor force, which is a reason why a company depending on foreign workers appears. Hiring foreign workers does not retard investment for modernization, and even investment for modernization cannot completely remove labors, which causes employment of foreign workers.

(4) Business Cycle and the Foreign Workers

According to research by Yorimitzu Masatoshi⁶¹, in the economically booming period in 1989, there were many companies requiring even illegal employees, which shows that employment of foreign workers was prevalent.

However, in spring of 1990 expecting to execute the Revised Immigration Law on June of 1990, both employers and employees were confused. Foreign workers themselves returned back to their native country or move to another job, and employers rapidly fired illegal employees to evade punishment for them or hired the fired employees and there appeared a company in which foreign workers were changed to *Nikkei* workers.

Although the Revised Immigration Law is executed, it continues to be not different from the previous situation in persecution and offense. One of the biggest changes until fall, in 1990, is that introduction of *Nikkei* workers is progressing. There appeared a company which has both *Nikkei* and illegal employees, a company completely changed into *Nikkei*, and a company intending to hire *Nikkei* workers. The wage of *Nikkei* workers rose and their movement got frequent. Additionally, an employer hiring illegal employees should have hidden such facts.

Entering summer in 1991, the growth of economy begun to be lessening, although it is different from kinds of works, and the salary level of foreign workers became stable or lowered, which alleviated foreign workers' movement. Simultaneously, it cannot be overlooked that an employer started to be aware of the fact that he should dismiss the employment contract with foreign workers according to the economic position.

In the specific changes above mentioned, the following can be pointed out.

First, an employer has anxiety about the instability of foreign workers' movement. Foreign workers' sudden movement and being persecuted confuses a manufacture field, which makes it inevitable to make change in production plan. This causes the request of opening a market for employing foreign workers all the time.

Second, although an employers anxiety or request has contradiction, both an employer and a foreign worker do not presume long term employment. Majority of employers think that foreign workers are shock absorbers of economic change and foreign workers try to move to a company with better condition.

Third, although it is known that foreign workers are employed for low salary, which may lower Japanese people's salary, there is no relationship between foreign workers salary and Japanese peoples. But, whether Japans economy falls into serious

⁶¹ A research about the employment of foreign workers in a manufacture or in a industry concentrated region which has many foreign workers and efficiently seeks jobs

depression is unknown.

Above mentioned, the actual facts about foreign workers employment is closely connected to economic change. Concerning the employment insurance for foreigners, it should be examined from various aspects.

CHAPTER 4

Direction of Problem Solving

As to an international labor movement, most of importing countries have a limit about importing foreign workers. Why does a country introduce confined measure if the national boundary is inserted? That's because the national boundary is not a simple line or barrier on a map, but a border which divides nation state as a political territory. Then what is nation state? It is defined as sovereign state which is based on certain nation and shall not forgive the invasion of other powers within its territory. Applied to the problem of foreign workers, the judgment is followed whether to approve foreign workers will be profitable or not with its own people as a constituent of nation. Free labor movement crossing the national boundary is approved only when interest in element distribution exceeds welfare loss in distribution.

The reason why a country like Japan uses a import policy open to professional technician and scientist with high skills is that it capacitates the introduction of skillful workers necessary to the country with relatively low cost and has less anxiety for alternation. This is a quite effective strategy with an importing country, because high manpower, if to cultivate them in a country, it needs much cost, can be introduced with relatively cheap cost. As represented for 3D labors in Japan, although foreign workers mostly get a job which people in their country do not want to do and they do not compete with Japanese people, this is changeable according to the status of labor market, which makes judgement difficult. Accordingly, Japan sticks to confined and expediential policy according to the necessity about importing unskilled foreign workers. Until when does Japan continue to examine with discretion? What policy will Japan choose within discreet policy? Prior to that, review about policy about immigration in advancing countries should be made.

1. Examples of immigration policy

As to approving foreigners, there are two ways; one is fixed residence which approves foreigners as a permanent citizen, and the other is temporary employment for purpose of hiring foreigners with limitation. The former is typically shown in U.S.A., Canada and Australia whose predecessor is to establish a country through colonization. The latter is shown in nation state that is careful about receiving foreigners as fixed residence immigration and approves foreign workers for temporary employment with limitation. It includes Germany, France, Italy and Swiss. This is summarized as follows.

- 1) Forms a country by positive imports of fixed residence immigration: U.S.A.
- 2) Imports quite many fixed residents in relationship with ex-colonized country during certain period: United Kingdom
- 3) Imports temporary labor force to full labor deficiency arisen during high growth period: Germany, France

On the contrary to this, Japan selects a very confined policy in the immigration of foreigners for employment.

Immigration policy in the United Kingdom continues to be a discrimination policy against Jewish during World War I, non-white in ex-colonized country since then to current Immigration Law. Under the current system by Immigration Law in 1971 and nationality law in 1981, the traditional discrimination against non-white in ex-colonized country is permitted and U.K. is a country rejecting the entry of non-white in ex-colonized country which was her own nation.

Therefore, the principle of the Nationality law in 1981 divides commonwealth citizen into British citizen and four categories other than that.⁶² British citizen is exempted from immigration control and other citizens are objects of immigration control like foreign persons. As its result, among people of four categories to whom, although they are British people, the right of entry is not admitted, 95% of them come from non-Europe.

Immigration policy in Canada, America and Australia is too discriminating, and among them, Australia at earliest introduced a discriminating immigration policy preferring to white people in 1901 and abolished it in 1973. America and Canada introduced exclusion policy against non-white, especially non-Europeans after World War . Among three countries, Canada abolished it at first in 1962, and America abolished it by Kennedy Immigration Law Revision which was established in 1965 and executed in 1968. A shift in policy of these three countries attributes partly to

consideration about population policy, and partly to diplomatic consideration. In other words, basically it was a response arisen from the social request in a sense of population policy including labor policy, and was a correction by international consideration including the matter of human rights.

Meanwhile, in traditional non-immigration countries such as West Germany or North Europe, the matter of immigration appeared as a matter of foreign workers resulting from labor deficiency after World War . Together with depression of economic growth, policy was decided in terms of labor market by increasing unemployment. The problem of foreign workers except immigration was not a serious problem till the period of high growth after World War. Until then, foreign workers are totally those who earn overseas and it is common for them to return to their native country unlike immigration workers.

However, as soon as high economic growth stopped in these countries and great unemployment arisen from especially oil shock occurred, treating settled foreign workers became a problem. United Kingdom is like that in such point. In these countries, in the viewpoint of securing own peoples job opportunities and treating foreign workers, prohibition of importing foreign workers and sending back to their native countries is selected as a policy.

As above mentioned, immigration policy in each country is based on population policy, diplomatic policy and labor policy, but more basically it has been decided according to national interest arisen from the consideration of public peace, health, hygiene and education resulting from racial discrimination.

The legal foundation in policy-making with national interest is involved in a national sovereign in a sense that in what condition and scope foreign persons have permitted rights and responsibilities which each nation freely decides, based on its sovereign. Naturally, each country makes basic policy taking consideration for its national interest. And all industrial countries executed racial discrimination policy excluding foreign persons.

However, the traditional policies like this require correction in the necessity of population policy in immigration country and generally labor policy. After World War , traditional discriminating immigration policy was blamed severely in terms of humanitarianism and it required correction according to international consensus ratified in an international agreement. Diplomatic consideration including international ideology is becoming the policy-making element of immigration policy these days.

⁶² British Dependent Territories Citizen, British overseas citizen, British subjects and so on.

2. Basic Problem in Policy Concrete

Policies are reviewed about countries suffering import of foreign workers. Importing countries decide immigration system according to its own situation, which considers the following elements.

First, as an importing country, it is a necessary condition not to threat employment opportunities, as long as it maintains nation state. For that, only confined approval of foreign workers is selected and after certain period, it is compulsory to return back to their native country to minimize the unemployment rate in a country. Second, to minimize the social cost arisen from the existence of majority of foreigners in an importing country, consideration is required. Third, basically excessive dependence on foreigners should be lessened and efforts should be made to reduce social cost.

This suggests that general agreement or international agreement about international labor movement be required. What is considered in that is to establish positive cooperation system in developing countries as well as advanced countries for accelerating economic growth in a country with potentials of labor immigration and creating new employment opportunities there. Additionally, considering the basic problems in a sending country of immigrants and refugees with much political instability, efforts should be enforced to stabilize its political status.

CONCLUSION

Plan on a New Immigrant Control Policy

The biggest factor to make the problem of foreign workers in Japan complicated is that Japan lacks in definite rules about importing of foreign workers. Although participation and penetration of foreign workers in Japan market are conducted in various forms, the legal system concerning this problem is not arranged sufficiently. Not only control rules about foreign workers, but also their operation is not transparent.

In Japan, a problem surrounding foreign workers is not simply confined to the phase of immigration control or the problem in a company and it includes all the properties and social dimensions of foreign workers as an individual such as human right, housing, education and crimes. Since these problems are various and

complicated, Japan does not respond to it sufficiently. Since central government does not respond effectively and properly, companies, citizens and administration directly contacting foreigners have too much burden. It is necessary to establish authority capable of generally making policy and responding to various accidents correctly about foreign workers. Currently, although a plan to establish chief authority for foreign persons in a political situation of Japan is almost impossible, it is meaningless to discuss the problem of foreign workers without reforming such problems.

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