



Unskilled Foreign Laborers Employed in Hokkaido Food Industries under the Pretense of Training

Yoshihisa Godo and Takashi Miyairi
Professor, Meiji Gakuin University, Japan

INTRODUCTION

Hokkaido, the northern-most island of Japan, ranks first in food production among all 47 prefectures in Japan. Hokkaido accounts for 12.5% of Japan's total agricultural production and 7.7% of its total production of processed foods (note 1). However, farms and food processing factories in Hokkaido are facing serious labor shortage. This is because Japanese laborers are so accustomed to an urban lifestyle that they tend to avoid manual labor. Consequently, food industries in Hokkaido have a strong demand for unskilled foreign laborers.

The Japanese government does not officially accept unskilled foreign laborers (note 2) because Japanese citizens often show their concerns that these laborers deprive local workers of job opportunities and disturb the social order of Japanese communities. Simultaneously, the government is aware that labor shortage is serious in the so-called 3D (dirty, dangerous, and demeaning) workplaces such as farms and food processing factories. Facing strong pressure of the necessity for unskilled laborers in 3D workplaces, the Japanese government allows unskilled foreign laborers to work in Japanese factories and farms under the pretext of training. Thus, unskilled foreign laborers are now commonly seen in 3D workplaces. In spite of its importance, however, official surveys on these laborers have been limited thus far. There may be two reasons for this. First, the legal framework of "training" is complicated. Second, discussions on these laborers are related to sensitive issues such as racism, which researchers and mass media tend to avoid.

Gaikokujin Ginojissyuseido ni Kansuru Chosa (abbreviated as *Gaikokujin Chosa* hereafter), annually published from the Hokkaido Government Office (HGO), can be seen as a rare data source on unskilled foreign laborers prepared by a local government without outside help. Based on *Gaikokujin Chosa*, this study aims to show the basic data on unskilled foreign laborers in food industries in Hokkaido.

1. Legal framework for foreign “trainees”

Before examining the *Gaikokujin Chosa* data, it is useful to have a quick review on the training system. Figure 1 shows the basic structure of the training system (note 3).

A person who wants to stay in Japan as a “trainee” needs to register as a regular member of a sending organization in his/her country. After entering, he/she at first goes to a primary accepting organization for classroom learning. Then, he/she goes to a secondary accepting organization for practical training. By registering itself as a secondary accepting organization, a Japanese company or a farm receives (an) unskilled laborer(s) under the pretense of training.

There are various types of primary accepting organizations. For farming, the most popular type is an agricultural cooperative, which was established in 1947 in every municipality and has been engaged in various types of agriculture-related activities. Member farmers tend to exert strong pressure on agricultural cooperatives to register as primary accepting organizations, particularly in areas facing serious labor shortage.

Unskilled foreign laborers are allowed to stay in the country for a maximum of three years. Previously, the Japanese government treated unskilled foreign laborers differently based on depending on their period of stay. For the first year, they were recognized as trainees in the Status of Residence list. The Japanese government did not admit a labor–management relationship between a trainee and a secondary accepting organization because the nature of a work to be performed by a trainee is supposed to be entirely different from that performed by a laborer. Accordingly, the payment for a trainee’s work is determined as “compensation” for necessary expenses for his/her stay in Japan instead of “salary.” Therefore, the Labor Standards Law was not applicable to trainees. For the second and third years, by updating their status from trainee to “technical intern trainee,” unskilled laborers are allowed to continue to work with the secondary accepting organization. Unlike in the case of a trainee, the relationship between a Japanese company or a farm and a technical intern trainee is officially recognized as a labor relationship. This is because the government assumes that a

technical intern trainee is an individual learning advanced and practical skills through labor. Thus, the payment from a Japanese company or a farm to a technical intern trainee is considered a salary. In addition, various regulations of the Labor Standards Law, such as those related to maximum hours of overtime work and minimum wage, are applicable to such trainees.

In reality, the jobs of trainees and technical intern trainees are almost identical. Thus, domestic and international human rights organizations criticized the Japanese government for not regulating the working conditions for trainees. For example, in the 94th session of the United Nations Human Rights Council at Geneva in October 2008, the Japanese government encountered severe criticisms for failure to protect human rights of trainees. In response, the Japanese government revised its treatment of unskilled foreign laborers in July 2010. Since then, an unskilled foreign laborer is considered to be working as a technical industrial trainee from his/her first year in Japan.

2. Data sources for unskilled foreign laborers

The Ministry of Justice (MOJ) is in charge of certifying unskilled foreign laborers as trainees and technical intern trainees. The MOJ provides statistics on trainees and technical intern trainees only at the national aggregate level (and not by prefecture). Thus, generally, it is not easy for a local government to collect data on these laborers in its jurisdiction. Indeed, the HGO engages in special efforts to prepare *Gaikokujin Chosa*. First, the HGO lists offices of primary accepting organizations in Hokkaido. Next, it distributes questionnaires about the situation of trainees and technical intern trainees to the primary accepting organizations. Then, it compiles answers from the primary accepting organizations for *Gaikokujin Chosa*. However, some of the primary accepting organizations do not participate in the HGO's survey, because they are not obliged to do so. In some cases, the primary accepting organizations refuse to return questionnaires to the HGO. Even if they do, the HGO cannot determine whether these organizations have provided accurate information. The authors are aware of such limitations of *Gaikokujin Chosa*. However, by conducting interviews with the HGO and some primary accepting organizations in Hokkaido, the authors decide to use *Gakujin Chosa* as a sufficiently reliable data source.

3. Unskilled foreign laborers in Hokkaido under the pretext of training

Table 1 shows the total number of trainees and technical intern trainees for 2008–2014 and its breakdown by job types. The total number declined from 2008 to 2011. There are two possible reasons for this decline. The first could be that Japan’s labor demand shrank during these four years owing to the 2008 global financial recession. The second reason could be that Japanese companies and farms were in a wait-and-see mode for they were worried that the Japanese government would become more serious about protecting workers’ rights. However, since 2012, the total number of these trainees has been increasing.

Table 1 also reveals that the food industries (i.e., food processing, farming, and fisheries) account for more than 90% of the total number of trainees and technical intern trainees. The percentage of such trainees in farming continued to increase throughout the five years and is now around 30%.

Gaikokujin Chosa also provides the total number of new technical intern trainees who entered Japan each year between 2011 and 2014 and its decomposition by nationality, as shown in Table 2. China had an overwhelming majority while its percentage declined steadily throughout these five years. In contrast, Vietnam’s share has been increasing.

For farming, *Gaikokujin Chosa* provides data on agricultural cooperatives as the primary accepting organizations. As discussed in Section 2, there are two types of accepting organizations for farming: agricultural cooperatives and others. As can be seen in Table 3, agricultural cooperatives have accepted a larger number of trainees and/or technical intern trainees every year compared to others. However, the share of agricultural cooperatives continues to decline. A reason for this percentage decline is the exposure of wrong treatment of trainees and/or technical intern trainees by secondary accepting organizations (i.e., farmers). If the government finds a case of such wrongful treatment by a secondary accepting organization, the government cancels not only that organization’s license, but also the license of the related primary accepting organization. Hence, there are cases where an agricultural cooperative is prohibited from accepting trainees and/or technical intern trainees, and its member farmers, who were using the agricultural cooperative as the primary accepting organization, were compelled to establish a new organization as a primary accepting organization.

4. Comparison with national aggregate data provided by MOJ

Our previous study with MOJ’s national aggregate data shows the following three characteristics (note 4).

- (i) The total number of trainees and technical intern trainees declined in 2008–2011 and started increasing since 2011.
- (ii) Food industries account for nearly 30% of the total number of trainees and technical intern trainees. In particular, the share of farming is nearly 15% of the total.
- (iii) China and Vietnam contribute around 50% and 30%, respectively, to the total number of trainees and technical intern trainees.

This study's findings in Section 4 are the same for (i), but different from (ii) and (iii). More precisely, food industries and China account for a larger proportion of unskilled laborers in Hokkaido than in the national aggregate. In addition, experts in this field argue that agricultural cooperatives as the primary accepting organizations share around 20% of the unskilled foreign laborers at the national aggregate level (note 5). Thus, this study's finding in Section 4 implies that agricultural cooperatives play a particularly larger role in employing such trainees in Hokkaido.

Notes

1. These percentages are quoted from the 2013 census on manufacture and estimates of the Ministry of Agriculture, Forestry and Fisheries for 2013 (available at http://www.maff.go.jp/e/tokei/kikaku/nenji_e/89nenji/index.html#nse012).
2. The Japanese government often refers to the “9th Basic Plan for Employment Measures” (a 1999 Cabinet decision) as its official view on how Japan should accept foreign laborers. This plan classifies foreign laborers into two types: skilled and unskilled. Considering that skilled foreign laborers are useful human resources for Japanese society, the government is positive about accepting them, but it has a negative view toward accepting unskilled foreign laborers.
3. This study provides an overview of the “training” system. For further details, see Godo, Y., “Unskilled Foreign Laborers in Japanese Food Processing Companies and Farms under the Pretense of Training”, *FFTC Agricultural Policy Platform* (Food & Fertilizer Technology Center for the Asian and Pacific Region) August 3, 2016 (downloadable at http://ap.fftc.agnet.org/ap_db.php?id=662).
4. See Godo (ibid.).
5. For example, see Hachiyama, M., “Gaikokujin Ginojisshu Seido no Genjo to Kadai (The Current Situation and problems of Technical Intern Trainees)”, *Toshi To Noson Wo Musubu*, Vol. 64, No. 2, 2014.