



MEKONG MIGRATION NETWORK PROCEEDINGS OF THE CONSULTATION ON LABOUR MIGRATION FROM CAMBODIA TO JAPAN



18 February 2019
Phnom Penh, Cambodia

Acknowledgements

Many individuals and organisations contributed to the Consultation on Labour Migration from Cambodia to Japan and ensured its success. We wish to acknowledge their efforts with special thanks.

Panellists

Plenary I: Mr Paul Sothearak, Representative of the Ministry of Labour and Vocational Training (MOLVT), Royal Government of Cambodia, Mr Pin Vireak, Executive Director, Association of Cambodian Recruitment Agencies (ACRA), Ms Trang Hoang, Mekong Migration Network (MMN) and Mr Asato Wako, Associate Professor, Kyoto University.

Plenary II: Ms Rebecca Napier-Moore, Programme Technical Officer, the International Labour Organisation (ILO), Ms Nara Monilak, Representative of the Ministry of Labour and Vocational Training (MOLVT), Royal Government of Cambodia, and Mr Bunhak An, Chairperson, Manpower Association of Cambodia (MAC).

Keynote Speech: Her Excellency, Ms Chou Bun Eng, Secretary of State, Permanent Vice President of the National Committee for Counter-Trafficking, Royal Government of Cambodia

Facilitators

Mr Sokchar Mom, Legal Support for Children and Women (LSCW), Ms Reiko Harima, Regional Coordinator, Mekong Migration Network (MMN), Ms Trang Hoang, MMN, Ms Carli Melo, MMN, Mr Soveasna Suon, Cambodian Women Crisis Centre (CWCC), Ms Rebecca Napier-Moore, ILO.

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Acronyms

ACRA	Association of Cambodian Recruitment Agencies, Cambodia
CWCC	Cambodian Women Crisis Centre, Cambodia
CSO	Civil Society Organisation
ILO	International Labour Organization
LSCW	Legal Support for Children and Women, Cambodia
MAC	Manpower Association of Cambodia, Cambodia
MOC	Memorandum of Cooperation
MMN	Mekong Migration Network
MOLVT	Ministry of Labour and Vocational Training, Cambodia
NEA	National Employment Agency, Cambodia
PDT	Pre-Departure Training
PRA	Private Recruitment Agency
SME	Small and Medium-sized Enterprise
TITP	Technical Internship Training Programme, Japan

Introduction

On 18 February 2019, Mekong Migration Network (MMN), Cambodian Women Crisis Centre (CWCC) and Legal Support for Children and Women (LSCW) jointly organised the Consultation on Labour Migration from Cambodia to Japan at the Sunway Hotel in Phnom Penh, Cambodia. The meeting was convened in anticipation of changes in Japanese immigration law, which will enter into force in April 2019. The new law will create a new migration pathway for Cambodians who are considered “Specified Skilled Workers.” Along with the Technical Internship Training Programme (TITP), the new immigration law is intended to attract migrant workers to fill gaps in Japan’s labour market created by its rapidly ageing population. Under the new migration scheme, employers can directly hire migrant workers and migrant workers will be allowed to change employers within the same sector. Japan considers Cambodia a key source of migrant workers and Cambodia is reported to be one of eight Asian countries that Japan will negotiate a new bilateral agreement on managing labour migration with.

Given this background, MMN, CWCC and LSCW held the consultation with the aim to better understand the challenges and opportunities in the migration process from Cambodia to Japan and to jointly explore interventions and strategies to improve the efficacy of migration procedures and safety of migrants. Over 50 participants exchanged their views at the event, including representatives of the Cambodian government, Civil Society Organisations (CSOs), the International Labour Organisation (ILO), Association of Cambodian Recruitment Agencies (ACRA), Manpower Association of Cambodia (MAC), Private Recruitment Agencies (PRAs), and academic experts on Japanese migration.



▲ *Participants at the consultation meeting*

The two plenaries of the consultation addressed a number of topics such as trends, policies and recruitment practices of workers migrating from Cambodia to Japan, issues relating to migrants who leave their jobs without properly terminating their contracts, mechanisms for skills transfer between the two countries, available support and assistance for migrants, and actual labour conditions at work sites in Japan. These sessions were followed by a keynote speech by Her Excellency, Ms Chou Bun Eng, Secretary of State, Permanent Vice President of the National Committee for Counter-Trafficking, Royal Government of Cambodia, who discussed existing concerns and possible challenges arising from the migration of Cambodian workers to Japan under the current TITP and the future migration pathway. Participants then collectively looked at opportunities and challenges involved in migration from Cambodia to Japan from the perspectives of migrant workers, CSOs, the Cambodian and Japanese governments and private recruitment agencies (PRAs). Based on the results of the discussion, they collectively formulated recommendations to improve the protection of migrant workers.

Agenda

- 9:00- 9:20** **Welcome and introduction**
Facilitated by: Ms Reiko Harima, Regional Coordinator, Mekong Migration Network
- 9:20- 10:45** **Plenary One: The Recruitment and Deployment of Cambodian Workers to Japan: Policies and Trends**
Facilitated by: Mr Sokchar Mom, Legal Support for Children and Women (LSCW)
Panellists: Mr Paul Sothearak, Representative of the Ministry of Labour and Vocational Training (MOLVT), Royal Government of Cambodia, Mr Pin Vireak, Executive Director, Association of Cambodian Recruitment Agencies (ACRA), Ms Trang Hoang, Mekong Migration Network (MMN) and Mr Asato Wako, Associate Professor, Kyoto University.
- 10:45- 11:15** **Group Photo and Tea Break**
- 11:15- 12:00** **Open Forum following Plenary One**
Facilitated by: Mr Sokchar Mom, LSCW
- 12:00- 13:00** **Lunch**
- 13:00- 14:40** **Plenary Two: Migration for Human Resource Development: Accrediting and using the skills obtained by migrants during migration to Japan**
Facilitated by: Ms Reiko Harima, MMN
Panellists: Ms Rebecca Napier-Moore, Programme Technical Officer, the International Labour Organisation (ILO), Ms Nara Monilak, Representative of the Ministry of Labour and Vocational Training (MOLVT), Royal Government of Cambodia, and Mr Bunhak An, Chairperson, Manpower Association of Cambodia (MAC)
- 14:50- 15:00** **Break**
- 15:00- 15:30** **Keynote Speech: Cambodian Government Policies and Strategies in Safeguarding Cambodian Migrants' Rights**
Delivered by: Her Excellency, Ms Chou Bun Eng, Secretary of State, Permanent Vice President of the National Committee for Counter-Trafficking, Royal Government of Cambodia

15:30- 16:50 **Activity: Identifying Opportunities and Challenges from Different Perspectives and Developing Recommendations**

Facilitated by: Ms Reiko Harima, MMN, Ms Carli Melo, MMN, Mr Soveasna Suon, CWCC, Ms Rebecca Napier-Moore, ILO.

16:50- 17:00 **Closing Remark**

Delivered by: Ms Pok Panhavichetr, Executive Director, CWCC

Plenary One

The Recruitment and Deployment of Cambodian Workers to Japan: Policies and Trends

Discussant Mr Paul Sothearak, Representative of the Ministry of Labour and Vocational Training (MOLVT), Royal Government of Cambodia



▼ Mr Paul Sothearak

In his presentation, Mr Paul Sothearak explained the MOLVT's interventions to improve the protection of Cambodian migrant workers. In 2011, the Cambodian government issued Sub-Decree 190 on the Management of Sending Cambodian Workers

Abroad Through Private Recruitment Agencies. This law stipulated the roles and responsibilities of PRAs in sending workers overseas. Since that time, the Cambodian government promulgated eight further Prakas (regulations) to complement the sub-decree. Aside from establishing the legal framework, the MOLVT has been seeking new labour export markets for Cambodian workers. In 2017, Cambodia and Japan signed the Memorandum of Cooperation (MOC) on the TITP, which set out the commitments of both governments in the migration of workers from Cambodia to Japan. The stated objective of the TITP is to transfer skills through the training of Cambodian migrant workers.¹

To send workers to Japan under the TITP, PRAs in Cambodia must obtain a licence from the MOLVT and partner with supervising organisations² in Japan. After that, PRAs can be-

¹ Although governments, recruitment agencies and employers often refer to workers under the TITP as "interns" or "trainees", the degree of skills transfer that actually takes place under the TITP is a subject of controversy. This proceeding uses the term "migrant workers," which more accurately captures their status/role.

² Under the TITP, "implementing organisations" conducts the technical intern training. "Supervising organisations" are non-profit organizations such as business cooperatives and societies of commerce and industry, which monitor their affiliated "implementing organisations" to ensure that migrant workers receive sufficient protection at their work sites. For the remainder of this report, "supervising organisations" and "implementing organisations" will be referred collectively to as "accepting organisations". For more information on the structure of the TITP, please visit <https://www.iitco.or.jp/en/regulation/index.html>.

-gin interviewing and accepting prospective migrants, provide pre-departure training (PDT) and arrange travel documents, such as passports. Upon request by PRAs, the MOLVT can provide additional training to workers to further prepare them for the life in Japan. Migrant workers can currently seek work in eight occupational sectors, including agriculture, fishery, construction, food manufacturing, textile, machinery and metal, care work³, and others. The workers have to return to Cambodia after spending one to three years in Japan, but may be able to extend their stay if they perform well at their jobs.

If Cambodian workers encounter any problems or require additional information while in Japan, they can reach the Cambodian Embassy in-person or by phone. The Cambodian Labour Counsellor in Japan also hosts a Facebook page and responds to concerns and questions through online messages. The MOLVT hosts a separate Facebook page that can also respond to workers' needs online.

Discussant Mr Pin Vireak, Executive Director, Association of Cambodian Recruitment Agencies (ACRA)



Mr Pin Vireak shared that the ACRA currently has 54 active PRA members sending Cambodian workers to Thailand, Malaysia, Singapore and Japan. In the past, ACRA devoted a substantial part of its time to providing input to the development of Sub-decrees and Prakas concerning the migration of Cambodian workers, developing an industry Code of Conduct and publishing manuals for PDTs focusing on migration to Malaysia and Thailand. In these PDTs, prospective migrants participate in role plays and games to learn how to save money, to seek assistance when they encounter problems and to make plans after returning home. The ACRA also educates workers on the legal protections they are entitled to under the existing Sub-decrees and Prakas. Migrants may now lodge complaints or seek compensation for any damages through the ACRA's website or Facebook page.

³ While there are a number of terms to describe individuals who provide care services to others, including "caregivers" and "caretakers", this proceeding hereafter uses the term "care workers" to better illustrate this group of people as workers who provide care services.

Mr Vireak noted that the ACRA is facing several new challenges including difficulties in recruiting enough Cambodian workers to meet the demands of a broader labour export market. As Japan emerges as a popular destination, the ACRA must also adapt training courses to the evolving needs of prospective migrants, for example teaching Japanese language and culture. The ACRA plans to conduct a “Training of Trainers” in Cambodia to make it easier to train workers. The association is also currently working with its Japanese counterpart to develop new courses and improve the curriculum of existing training courses.

As his final point, Mr Vireak raised concerns about the growing number of Cambodian migrants who leave their jobs in Japan without properly terminating their contracts.⁴ A possible reason workers leave their jobs could be the discrepancy between the promised working conditions pre-departure and the actual conditions in Japan. To address the problem, he recommends PRAs provide accurate information on working conditions in Japan to migrants before departure. Prospective migrant workers should also be informed about the consequences of leaving their jobs without terminating their contracts. Last year, the ACRA issued a letter to request the MOLVT intervene and address the issue.

Discussant Ms Trang Hoang, Mekong Migration Network (MMN) presenting on behalf of Yohei Nakajima, Second Secretary, Economic & ODA Section, Embassy of Japan in Cambodia⁵

Ms Trang Hoang discussed the recently amended Immigration Control and Refugee Recognition Act in Japan, whose changes will come into effect in April 2019. The amendment was passed in response to growing labour shortages small and medium-sized enterprises (SMEs) and other businesses in the industrial sector in Japan are facing. The amendment creates a new “Specified Skilled Workers” visa status for migrant workers with certain expertise and skills in the industrial sector. Under the new migration pathway, migrant workers may be directly hired by employers in Japan as

⁴ Governments, recruitment agencies and employers often refer to these workers as “runaways”. However, the term suggests wrongdoing and culpability of migrants when leaving their jobs and does not fully capture their underlying reasons for leaving, which are often related to poor working conditions and unfair treatment in the workplace. The problematic usage of the term “runaways” was pointed out at the consultation meeting. For this reason, this document shall utilize the phrase “migrants leaving their jobs without properly terminating their contracts” in its stead.

⁵ Due to a conflict of schedule, Mr Yohei Nakajima, Second Secretary, Economic & ODA Section, Embassy of Japan in Cambodia, was not able to attend the consultation meeting and sent presentation files to share with participants of the consultation. Ms Trang Hoang from the MMN presented on his behalf.



▼ Ms Trang Hoang

opposed to utilizing PRAs. Intermediaries may not collect any type of deposits. The scheme will be implemented through bilateral agreements with countries of origin. Representatives of the MOLVT and Japanese officials are

currently reviewing existing cooperation agreements and are expected to conclude a bilateral agreement by March 2019.

Under the new migration pathway, migrant workers will be able to work in 14 sectors, including care work; building cleaning management; machine parts and tooling; industrial machinery; electric, electronics and information; construction; shipbuilding and ship machinery; automobile repair and maintenance; aviation; accommodation; agriculture; fishery and aquaculture; manufacturing of food and beverages; and food service.

The new visa status is further divided into two categories of Specified Skilled Workers, referred to as (i) and (ii). Under the first category (i), migrant workers must pass both skill and language examinations to qualify for the visa. They are allowed to stay in Japan for up to five years but may not bring any family members with them. The worker will have the ability to change jobs within the same field during their stay. The second category (ii) is designed for workers with expert skills, although the exact meaning of “expert” remains unclear at this stage. Migrant workers in this category are required to pass a skills examination but not the language one. They are allowed to extend their stay in Japan indefinitely and bring their family with them.

Migrant workers who have completed at least three years of work under the TITP may extend their stay in Japan as Specified Skilled Workers (i) without taking skill or language examinations. They may then convert to the Specified Skilled Workers (ii) category after five years if they become “experts” in their fields.

Specified Skilled Workers are entitled to a wage level equivalent to or higher than Japanese nationals. They are covered by labour-related and social insurance-related laws and policies and have access to multiple forms of assistance and guidance on topics including day-to-day living, accommodation, language and how to file complaints and/or change jobs.

Discussant Mr Asato Wako, Associate Professor, Kyoto University



▼ Associate Professor Asato Wako

Professor Asato Wako noted that Japan now officially recognises incoming migrant workers as “workers” under the new “Specified Skilled Workers” visa status (as opposed to trainees). By 2025, Japan will receive an estimated 345,000 migrant workers under the new migration pathway. Even though the scheme will go into effect in April 2019, not all 14 categories of work will immediately be available to migrants—namely there will be a delay in opportunities for construction and agricultural work. The Japanese government currently plans to sign bilateral agreements with nine countries of origin. In these countries, the Japan Foundation is expected to host a computer-based Japanese-Language Proficiency Test six times per year, along with other skills examinations. The examinations will be open to all applicants regardless of their countries of origin.

Migrant workers who have completed at least three years of work under the TITP will qualify for the Specified Skilled Workers (i) visa status. They may renew their visas in Japan without returning to their country of origin. Migrant workers under Specified Skilled Workers (ii) may only sponsor members of their immediate family (i.e. spouse and children) as dependents. After staying in Japan for 13 years, migrants will qualify for permanent resident status. The Japanese government is currently developing more support mechanisms for migrant workers, including multilingual support centres and policies to combat unscrupulous practices of brokers.

Although the new migration pathway appears to have a number of benefits, Professor Asato cautioned:

“Information about the new visa category is still fragmented. Without more comprehensive information, the recruitment process will likely be a black box.”

One area that requires further clarification is the system of direct hiring. Under the new scheme, employers are allowed to hire migrant workers without using any intermediaries. However, in the absence of comprehensive information about the Japanese job market, migrants are likely to continue to turn to PRAs for job matching services. The current lack of clarity over the roles of Cambodian PRAs in the new migration pathway may lead to intermediaries and brokers engaging in unscrupulous and exploitative practices. Another aspect of the migration process that deserves more attention is defining the role of “Supporting Organisations” in Japan, which are non-profit organisations set up to provide assistance to migrant workers in collaboration with employers. However, according to existing policies, the forms of assistance are limited to migrants’ day-to-day life, such as help with accommodation and language. The role of supporting organisations in providing other areas of support, such as resolving labour disputes, is not clearly articulated.

Professor Asato also raised concerns about Japan’s complicated migration system, which involves a number of migration pathways. In each of these pathways, the targeted age groups, countries of origin and sectors vary, and the roles of governments, PRAs, and employers are also defined differently. The confusion over how the new visa category will be implemented stems from the lack of clarity in existing complicated migration policies. As his final point, Professor Asato noted that the requirements for migrant workers and their family members to receive welfare benefits will be strict. Regardless of migrants’ visa status, welfare schemes will only cover migrant families who are living in Japan.

Open Forum

Information on Migration Trends, Standard Recruitment Fees, Deposits and Change in Employers

▼ Rep. of a PRA Association



A question was raised about current migration trends from Cambodia to Japan, the length of the required training period in Cambodia and what the existing policies are on standard recruitment fees. Mr Vireak reported that around 9,000 Cambodian migrants are currently working in Japan. To date, 42 member PRAs of ACRA have been recruiting and sending workers to Japan.

Prospective migrant workers have to go through four to six months of training to qualify for work. There are currently no standard recruitment fees for Cambodian workers migrating to Japan.

Questions were then asked about security deposits and what the required procedures are to change employers. Professor Asato responded that PRAs in Cambodia are not allowed to collect any deposits from migrants and will be blacklisted if it does so. However, the Japanese government does not regulate or monitor PRAs and delegates such responsibilities to countries of origin. This remains a weakness of the migration system. In terms of changing employers in Japan, Professor Asato cited reports that the Japanese government may require employers to issue release papers before migrant workers are allowed to leave their posts. The transition period from one job to another may last up to six months.

Issues concerning Migrant Workers who Leave their Posts Without Terminating their Contracts

Ms Reiko Harima from the MMN remarked that migrant workers who leave their jobs without terminating their contracts are often vilified and labelled as “runaways.” The use of the term “runaway” blames migrants for leaving their jobs irresponsibly and does not fully capture what may be the underlying reasons for quitting. Worker may leave jobs because of poor working conditions and unfair treatment by their employer. She urged different stakeholders to refrain from using such a loaded and derogatory term when referring to migrant workers.

On this issue, Mr Sothearak commented that migrant workers are informed about their obligations and the consequences for leaving their jobs without terminating their contracts during PDTs. Despite this information, some workers may still want to leave their posts due to bad experiences at their workplaces or out of a desire to stay in Japan. The MOLVT and the Cambodian Embassy in Japan provide a number of channels to address migrants’ concerns and problems. These forms of assistance may address some of the challenges faced by migrants and reduce the chances of them leaving their jobs prematurely.



▲ A representative of an international non-profit organisation

A representative of the ACRA added that PDTs should not only inform prospective migrants of the consequences of leaving their jobs without terminating their contracts but should also promote the benefits of completing a contract and returning home. He observed that the PDTs conducted in Vietnam help migrants develop entrepreneurial goals, which incentivises them to complete their jobs in Japan and acquire the necessary skills to achieve these goals. Another representative of a CSO pointed out that PRAs should not only focus on preventative measures workers can take at the pre-departure stage but should also provide more extensive assistance to migrant workers when abroad. The representative suggested PRAs could check in with workers once every few months to make sure their working conditions are satisfactory. Check-ins could create an opportunity to resolve problems and thus reduce the likelihood migrants leave their jobs because of poor working conditions.

Professor Asato stressed that one of the foremost causes migrants leave their jobs without terminating their contract is the prevalence of labour rights violations in Japan. According to an earlier report published by the Japanese government, over 70% of employers violate the rights of their workers. He noted that SMEs in financial hardship are especially prone to cheat and exploit migrant workers. In light of this, the Japanese government must play a more active role than it does now to monitor SMEs and ensure migrants receive the same labour rights protection as Japanese nationals. Aside from labour rights violations, PRAs' exorbitant recruitment fees may prompt migrants to leave their jobs without terminating their contracts. Migrants who have incurred high debts to pay for their recruitment fees and other service costs are more likely to leave their jobs in search of better paying positions to repay what they owe. Professor Asato speculated that in contrast, the relatively low financial burden Filipino workers face may be why there is a low rate of Filipino workers leaving their jobs in Japan before completing their contract.

Care Work

A PRA representative raised concerns that migrant women in care work may be especially vulnerable to mistreatment because of entrenched gender stereotypes in Japanese society. Professor Asato added that the vulnerabilities of care workers may also be rooted in the nature of their work sites. Some elderly care facilities in Japan are small and isolated, which can create an environment conducive to labour rights violations. Without remote access to different channels of assistance, many migrant care workers tend not to seek help or report their problems to authorities. In order to empower migrant care workers, PRAs must train them on how to stand up to common rights violations, such as non-payment of wages. Professor Asato also pointed out that care work will become less gendered in the future with the recruitment of more male care workers. Japan currently plans to recruit up to 60,000 care workers by 2025.

Plenary Two

Migration for Human Resource Development: Accrediting and using the skills obtained by migrants during migration to Japan

Discussant Ms Rebecca Napier-Moore, Programme Technical Officer, the International Labour Organisation (ILO)

In her presentation, Ms Napier-Moore discussed the development of skills at each stage of migrants' journey from pre-departure to in-migration and return. She drew light to a recent ILO survey that revealed 46% of the 457 interviewed Cambodian migrant returnees acquired new skills during their time abroad, but only 13% were able to apply the skills after returning home. The same survey also reported that 80% of the migrant returnees struggled to find employment and only 4% were able to access services to assist them re-join their communities. The challenges returnees face and lack of support to successfully reintegrate can limit returnees' ability to contribute to long-term socio-economic development.



Ms Napier-Moore believes that migrants' skill development during various stages of their migration should contribute towards their lifelong employability. At the pre-departure stage, stakeholders should evaluate whether existing skills trainings are tailored to

meet the needs of the Cambodian labour market; whether they are cost-effective; and whether they are gender transformative (giving women a chance to work in higher paying typically "male-dominant" sectors). It is also important to consider whether the present migration framework uses Regional Model Competency Standards to recognise workers' prior learning based on a common regional benchmark. When abroad, on-the-job and off-site trainings are often available to migrants. Stakeholders should consider whether these different forms of training advance workers' skills and assess the degree of skills transfer actually taking place. At the reintegration stage, government should identify migrant returnees with skills and facilitate opportunities to upskill. Doing so not only helps migrant returnees command a higher wage if they re-migrate but can also upscale Cambodia's labour force. Aside from upskilling workers, the government could exert greater effort to match Cambodian migrant returnees with jobs in Cambodia-based Japanese companies.

Discussant Ms Nara Monilak, Representative of the Ministry of Labour and Vocational Training (MOLVT), Royal Government of Cambodia



Ms Nara Monilak noted that Article 9 of Prakas 252 on “On-site service of the Private Recruitment Agency and repatriation” requires the MOLVT issue certificates to migrants upon their return to recognise their work abroad.

According to the “Memorandum of Cooperation on the Technical Internship Training Programme” between Cambodia and Japan, the purpose of the TITP is “to transfer technical skills, techniques and knowledge to Cambodia, to contribute to the human resource development by which the development of the economy of Cambodia would be led and thus to promote international cooperation.” Under this general framework, Ms Monilak pointed out that Cambodian migrant workers receive on-the-job training and gain new experiences from their work. If workers perform well on their jobs, they will be allowed to stay in Japan for an additional two years under the TITP for a total of five years.

After completing their contracts, migrant workers can receive paid airfare home along with their pension and other benefits. Due to the high demand for workers in Japan, migrant returnees have the option of re-migrating to Japan for work under the new visa scheme in April 2019. The National Employment Agency (NEA) in Cambodia also assists migrants search for jobs or advises them on how to start their own businesses.

Discussant Mr Bunhak An, Chairperson, Manpower Association of Cambodia (MAC)

Mr Bunhak An noted that a current disadvantage with the TITP is its focus on practical skills rather than theoretical knowledge. Theoretical training is important because it is more flexible and allows migrants to easily get certified. He observed that migrant workers in Japan have often been able to gain new “soft” skills that help with their personal development. For instance, learning the merits of punctuality, becoming more independent and exercising better judgement and improving decision-making skills.

Attaining a certain level of competency in the Japanese language is also valuable as it enables migrants to work with Japanese investors once they return home. Mr An further urged migrants to choose to work in sectors in Japan where they gain skills and experience that also meet the needs of Cambodia's labour market in order to enhance their employability upon return. For example, migrants performing agricultural work in South Korea can often command a higher wage when they return to work in the same field in Cambodia because of their new knowledge of organic farming.

Commenting on the new migration pathway to Japan, Mr An believes that the direct hiring process may pose some risks. The lack of clarity on the roles of PRAs can lead brokers to cheat and exploit prospective migrants. He is particularly concerned that some of the pre-departure skills training centres will become disguised brokers and offer illegal and unregulated recruitment services to prospective migrants.



Open Forum

In response to a question about PDTs provided by the MOLVT, Ms Moniak explained that the MOLVT's curriculum includes 8 modules, covering labour and immigration laws in Japan, Japanese culture, workplace practices and culture, and available channels of overseas assistance. The MOLVT encourages migrants disseminate this information to their friends. Mr An added that migrant workers receive an additional one-month post-arrival training in Japan that provides them with additional information on how to navigate daily life in Japan.

A representative of a PRA inquired about the types of support the Cambodian government provides to help migrant returnees start their own businesses. Ms Moniak responded that migrant returnees can approach the NEA for business management programmes. The NEA currently has 39 locations across the country. The MOLVT also encourages migrants to start formulating plans for a new business during PDTs.

A question was also raised about migrant returnees' access to the Japanese pension. Professor Asato explained that migrants in Japan are required by law to contribute to the pension fund. The Japanese government will pay back the full amount of migrants' contributions if their stay in Japan is less than three years. After three years, the government will return to migrants their full contributions after deducting 20% in income tax. Regardless of where they are located, migrants are entitled to receive pensions after they have resided in Japan for more than ten years and are over the age of 65.



▲ *A representative of a PRA*

Keynote Speech

Cambodian Government Policies and Strategies in Safeguarding Cambodian Migrants' Rights

Her Excellency, Ms Chou Bun Eng, Secretary of State, Permanent Vice President of the National Committee for Counter-Trafficking, Royal Government of Cambodia

▼ H.E. Ms Chou Bun Eng



Ms Chou Bun Eng shared that around 400,000 Cambodian youth are reaching working age every year and have the option of working at home or going abroad. Japan is an attractive destination that offers good working conditions and a high salary. At the same time, the country requires workers with high levels of specialised skills. She believed that Cambodia has plenty of workers who are prepared to work in Japan and improve their skills. How much workers benefit from migration depends on different aspects of their migration cycle:



Starting from the point when migrants make the decision to migrate to the point when they return, we want their migration cycle to be safe, regular and orderly. When this can be achieved for all migrants, labour migration is most beneficial.

Ms Chou Bun Eng then raised concerns about the alarming trend of training schools in Cambodia providing unlicensed and unregulated recruitment services to prospective migrant workers on the side. While the Cambodian government is in the process of investigating and closing down these schools, the expanding labour export market presents unscrupulous brokers with increasing opportunities to cheat and exploit migrant workers. Consequently, stakeholders must raise awareness of these bad practices to prospective migrants. Ms Chou Bun Eng also commented that the direct hiring process

under the new Japanese migration pathway should be better regulated to ensure migrants' safety. If PRAs are no longer a necessary part of the recruitment process under the new visa scheme, the Japanese government should clarify who can recruit workers and what roles recruiters or PRAs are permitted to have.

Some Cambodian workers may find it difficult to adapting to life in Japan, especially because of the differences in working styles, cultures and climates. For this reason, good PDTs are essential in preparing prospective migrants for potential challenges in Japan. Providers of training should cooperate with different government departments, such as the MOLVT, the Ministry of Education and the Ministry of Health, to develop suitable curriculums for workers. Different stakeholders should also start to think about ways to provide PDTs to workers who will be directly hired by their employers under the new Japanese scheme. In addition to preparing workers for life in Japan, stakeholders should educate workers on how to establish and participate in workers associations and/or unions at their workplaces. Unions and workers' associations provide a platform for workers to share and collectively act on common challenges and concerns.

Ms Chou Bun Eng also discussed concerns of the potential impact long-term migration has on migrants' families who remain in Cambodia. Under the TITP, migrants may work in Japan for a maximum of five years, and the new visa scheme permits them to extend their stay as Specified Skill Workers (i) for another five years.⁶ The two visa categories currently do not allow migrants to bring members of their families as dependents. Migrant workers may, as a result, be separated from their families for up to ten years. This separation may affect migrants' relationships with their families, as well as to the development of their children. Efforts should be made to ensure migrants can visit their family members or vice versa.

Upon return, migrant returnees will be able to apply newly acquired skills and expertise and contribute to Cambodia's socio-economic development. They can also train other prospective migrants and prepare them for a safe migration journey. Ms Chou Bun Eng concluded:



I hope the workers' expectations come to fruition. Their hopes are also the hopes of the government. We want to see successful employment, good jobs and better income levels. We want migration to be safe and free of exploitation, violence and human rights violations...Successful migration is when both Japan and Cambodia benefit.

⁶ Only the Specified Skilled Workers (ii) visa category allows migrants to bring their spouse and children to Japan.

Open Forum

Professor Asato shared Ms Chou Bun Eng's concern that language schools in Cambodia are increasingly providing illegal and unregulated recruitment services to migrant workers. Under the new migration pathway, Japanese competency is a prerequisite for the Specified Skilled Workers (i) visa category. This will prompt the establishment of more language schools in countries of origin and afford opportunities for brokers to use language schools to illegally recruit workers. To address this issue, Ms Chou Bun Eng believes greater cooperation between the government, PRAs and language schools is required. The government should clarify the roles of language schools under the law and potentially establish pathways for these schools to become licenced PRAs.



▲ A representative of an inter-governmental organisation shares the results of a group discussion

From the perspective of the **Cambodian government**, increased migration of its nationals from Cambodia to Japan can offer more employment opportunities for Cambodian workers. Increased remittances from abroad can also improve the living conditions of migrant families and ultimately promote Cambodia's socio-economic development. Provided that the TITP achieves its aim of skills transfer, working in Japan can raise the technical skill level of the national labour force after migrants return home. However, some participants were concerned that the increasing number of migrants departing to Japan can lead to a brain drain at home, especially because the new migration pathway offers migrants prospects of a longer stay. Additionally, the Cambodian government faces challenges in understanding the reasons migrants leave their jobs without terminating their contracts and thus finds it difficult to develop policies and measures to prevent the trend from continuing.

The migration of workers from Cambodia to Japan provides new opportunities for **PRAs** to expand their labour export markets and offer additional destinations for their clients to choose from. However, some representatives of PRAs remarked that the lack of information on the details of the new migration pathway to Japan can make recruitment processes difficult. Another common challenge faced by PRAs is the growing trend of migrant workers leaving their jobs without terminating their contracts. During the meeting, several participants recognised the need for PRAs to provide more PDTs to prevent migrants from leaving their jobs as well as increasing services and assistance for overseas migrants to ensure that they are working under safe and decent conditions.

Recommendations

Developed by Participants

During the previous discussion, participants also developed several recommendations for the governments of Japan and Cambodia and PRAs.⁷

To the Japanese Government

- Examine the reasons migrant workers leave their jobs without terminating their contracts and find ways to address the causes;
- Regulate the process of direct hiring under the Specified Skilled Workers migration pathway;
- Improve the monitoring of PRAs in Cambodia and accepting organisations in Japan; and
- Establish a process of skills recognition for migrant workers.

To the Cambodian Government

- Provide social services for family members of migrant workers who remain in Cambodia;
- Clarify the roles of recruiters in the direct hiring process under the new migration scheme in Japan;
- Improve monitoring of PRAs;
- Establish a skills recognition process for migrant workers; and
- Ensure the support and assistance provided by labour attaches is accessible.

To Private Recruitment Agencies

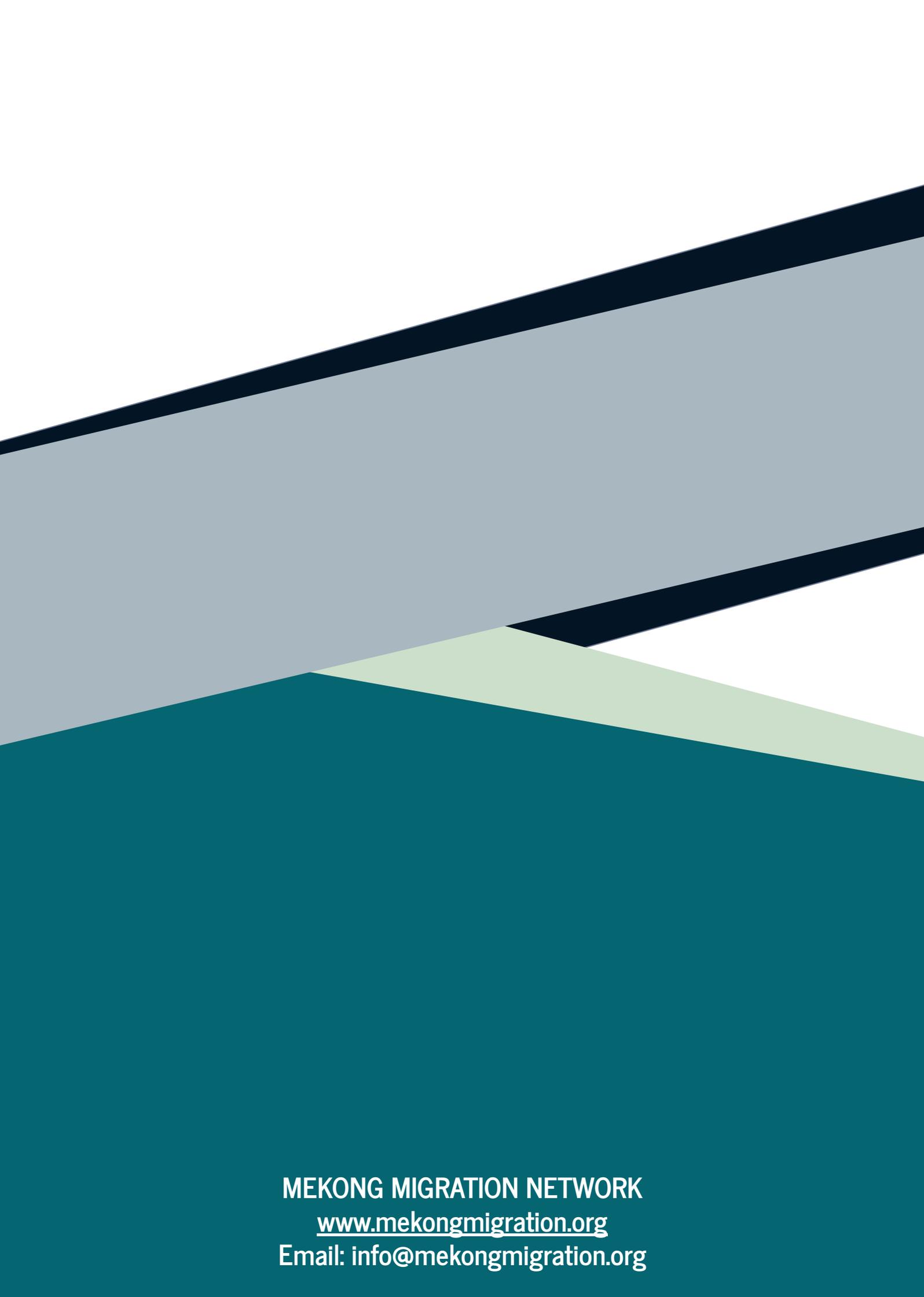
- Reduce the costs of recruitment;
- Provide shelter homes for migrant workers in Japan in case of emergency;
- Provide a clear cost structure for prospective migrants;
- Provide post-arrival support for migrants; and
- Provide clear and accurate information to migrants during PDTs.

⁷ These recommendations do not necessarily reflect MMN's stance.

Conclusion

Through the consultation, participants identified several opportunities and challenges involved in the migration of workers from Cambodia to Japan and developed strategies for different stakeholders to improve the existing protections for migrant workers. While the new migration pathway to Japan has a number of advantages, including the freedom for migrant workers to change employers within the same field and the system of direct hiring by employers, several concerns remain. Among these concerns are the limited available information on the roles and responsibilities of PRAs under the direct hiring system and the possibility that language training schools in Cambodia offer illegal and unregulated recruitment services to migrants. Participants also worry that many of the existing issues with the TITP will carry over to the new migration scheme, especially with regard to underlying factors pushing migrant workers to leave their jobs without properly terminating their contracts and the abusive and exploitative working conditions in Japan.

To find innovative solutions to these challenges, participants expressed the importance of holding consultation meetings such as this one and are interested in continuing multi-stakeholder dialogue to understand different perspectives.



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