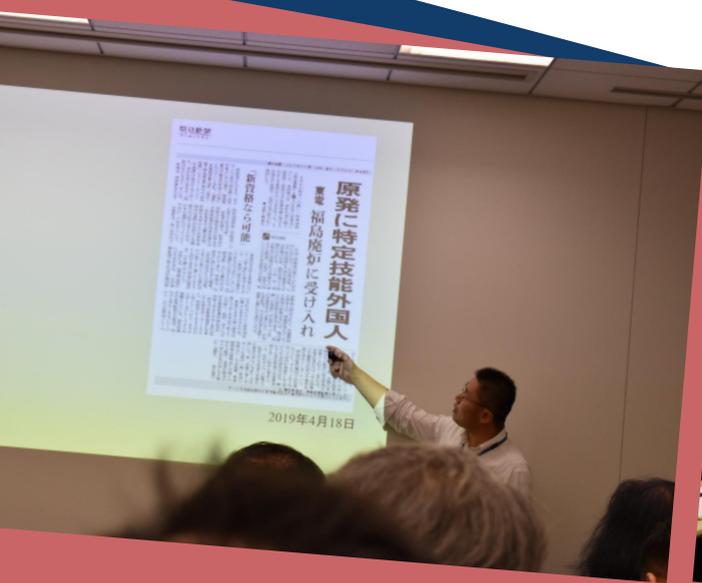




MEKONG MIGRATION NETWORK PROCEEDINGS OF THE WORKSHOP ON LABOUR MIGRATION FROM MEKONG COUNTRIES TO JAPAN



8 July 2019
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Acknowledgements

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

Panellists

Plenary I: Professor Wako Asato, Kyoto University; Mr Ippei Torii, Solidarity Network with Migrants Japan; Ms Chiaki Osaki, The Japan Association of Certified Care Workers; and Mr Kazuomi Aoyagi, Alliance of Associations for Diversity and Inclusion Acceleration in Japan

Plenary II: Ms Aye Aye Nyunt (April), Japan Focal Point of the Myanmar Overseas Employment Agency Federation (MOEAF); Ms Thet Thet Aung, Executive Director, Future Light Centre (FLC), Myanmar; Mr Luong Trao Nguyen, Chairperson of the Viet Nam Association of Manpower and Supply (VAMAS); Mr Pin Vireak, Executive Director, Association of Cambodian Recruitment Agencies (ACRA); and Mr Sokchar Mom, Executive Director, Legal Support for Children and Women (LSCW), Cambodia

Facilitators

Ms Reiko Harima and Professor Wako Asato

Organising Team

Ms Reiko Harima, Professor Wako Asato, Ms Trang Hoang and Ms Homma Tori

Documentation

Mr Luk Kay Yui Stefan and Mr Yuki Hayasaka

Publication of the Proceedings

Mr Luk Kay Yui Stefan, Ms Reiko Harima, Mr Yuki Hayasaka and Ms Hayley Welgus

Cover Design & Layout

Mr Luk Kay Yui Stefan

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Acronyms

ACRA	Association of Cambodian Recruitment Agencies
CSO	Civil Society Organisation
CoC	Code of Conduct
FLC	Future Light Centre, Myanmar
ILO	International Labour Organization
JMC	Japan Myanmar Association
MMN	Mekong Migration Network
MoC	Memorandum of Cooperation
MOLIP	Ministry of Labour, Immigration and Population, Myanmar
MOEAF	Myanmar Overseas Employment Agencies Federation
POEA	Philippines Overseas Employment Administration
PDT	Pre-Departure Training
SSW	Specified Skilled Workers, Japan
TITP	Technical Internship Training Program, Japan
VAMAS	Vietnam Association of Manpower Supply

Introduction

On July 8, 2019, the Mekong Migration Network (MMN) held a multi-stakeholder workshop on Labour Migration from Mekong Countries to Japan in Tokyo, Japan. The workshop was organised in anticipation of increased labour migration from Mekong countries, as Japan seeks to plug gaps in its rapidly shrinking labour force. Under the current Technical Internship Training Programme (TITP), a significant proportion of migrant workers in Japan originate from Vietnam (72,637), Myanmar (3,692), and Cambodia (3,328).¹ These relatively modest numbers are expected to increase rapidly following the Japanese government's announcement that it intends to welcome an additional 345,000 migrant workers within five years. To facilitate this policy change, Japan amended its strict immigration laws and added a new "Specified Skilled Worker" (SSW) visa category. Japan also signed bilateral Memoranda of Cooperation (MoC) with Vietnam, Cambodia, and Myanmar to facilitate the implementation of the new scheme.²



▲ *Participants at the workshop*

¹ Based on a pamphlet by Japan International Training Cooperation Organization. The figures indicate the number of newly entered migrant workers under the Technical Intern Training (i)-b in 2018.

² MoCs on the Basic Framework for Information Partnership for Proper Operation of the System pertaining to Foreign Human Resources with the Status of Residence of "Specified Skilled Worker" were signed with Cambodia, Myanmar and Vietnam on 25 March 2019, 28 March 2019, and 1 July 2019 respectively.

Given these developments, MMN gathered more than 35 stakeholders to address potential challenges and opportunities from the perspectives of Japan as well as countries of origin in the Greater Mekong Subregion. Participants included representatives from the Embassy of Vietnam in Japan, the Vietnam Association of Manpower Supply (VAMAS), the Association of Cambodian Recruitment Agencies (ACRA), the Myanmar Overseas Employment Agencies Federation (MOEAF), inter-governmental organisations, recruitment agencies, and civil society organisations (CSOs) in Cambodia, Myanmar, Vietnam, and Japan, as well as academic experts on labour migration.

The two plenary sessions at the workshop touched on a number of topics from the perspectives of Japan and countries of origin, including: legal frameworks and recruitment practices in different countries of origin; labour rights violations in Japan; migrants' experiences in pre-departure and post-arrival training; restrictive conditions under the TITP visa status; migrants' reproductive rights; the work of CSOs and associations of recruitment agencies in countries of origin in supporting migrant workers throughout the migration cycle; the feasibility of adopting the "Zero Recruitment Fees" model for migration to Japan; and the continued presence of illegal intermediaries involved in the migration process.

Agenda

- 10:00-10:30** **Welcome and introduction**
Facilitated by: Ms Reiko Harima, Regional Coordinator, Mekong Migration Network
- 10:30-12:20** **Plenary One: New Migration Policy in Japan: Opportunities and Challenges from the Perspective of Country of Destination**
Facilitated by: Ms Reiko Harima
Panellists:
Professor Wako Asato, Kyoto University;
Mr Ippei Torii, Solidarity Network with Migrants Japan;
Ms Chiaki Osaki, The Japan Association of Certified Care Workers;
and
Mr Kazuomi Aoyagi, Alliance of Associations for Diversity and Inclusion Acceleration in Japan
- 12:20-13:30** **Group Photo and Lunch Break**
- 13:30-13:45** **Video Presentation: Hope and Inspiration of Workers Migrating to Japan**
- 13:45-16:15** **Plenary Two: Perspectives of Countries of Origin**
Facilitated by: Ms Reiko Harima, MMN
Panellists:
Ms Aye Aye Nyunt (April), Japan Focal Point of the Myanmar Overseas Employment Agency Federation (MOEAF);
Ms Thet Thet Aung, Executive Director, Future Light Centre (FLC), Myanmar;
Mr Luong Trao Nguyen, Chairperson of the Viet Nam Association of Manpower and Supply (VAMAS);
Mr Pin Vireak, Executive Director, Association of Cambodian Recruitment Agencies (ACRA); and
Mr Sokchar Mom, Executive Director, Legal Support for Children and Women (LSCW), Cambodia
- 16:15-16:50** **Joint Discussion**
- 16:50-17:00** **Closing Remarks**

Welcoming Remarks

Ms Reiko Harima, Regional Coordinator, Mekong Migration Network

Ms Reiko Harima began the day's discussion by introducing the background and objectives of the workshop. This workshop was part of a broader project to better understand the roles of major countries of origin in the Greater Mekong Subregion, namely Cambodia, Myanmar, and Vietnam, in protecting migrant workers throughout their migration cycle. While MMN has previously been more focused on migration to other destination countries in Southeast Asia, such as Thailand and Malaysia, the increasing number of migrants going to Japan in recent years has led to greater interest in the roles of countries of origin in supporting migrants going there. Migrants often consider Japan to be a safe destination country that offers better opportunities for them to enhance their skills. Ms Harima expressed her belief that various stakeholders both in countries of origin and Japan have responsibilities to meet these expectations.



▼ Ms Reiko Harima

In light of these developments and given the pressing need to identify potential opportunities and challenges relating to migration to Japan from Mekong countries, MMN organised a series of in-country consultation meetings. The first meeting was held in Yangon, Myanmar in October 2018 and the second meeting took place in

Phnom Penh, Cambodia in February 2019. Both meetings drew together various stakeholders to exchange views, including representatives from government agencies, the Japanese Embassy, recruitment agencies and associations, CSOs, as well as migrant returnees and academic experts. A third meeting in Vietnam will soon be held.

The objectives of this particular workshop were: 1) to learn from various stakeholders in countries of origin about policies and practices regarding labour migration to Japan and the availability of services and assistance for these workers; 2) to learn from various stakeholders in Japan regarding new policies and trends concerning inbound labour migration; 3) to learn from civil society representatives about the experiences of migrants in Japan and the possible challenges ahead; and 4) to explore possible collaboration going forward.

Plenary One

New Migration Policy in Japan: Opportunities and Challenges from the Perspective of Country of Destination

Professor Wako Asato, Kyoto University

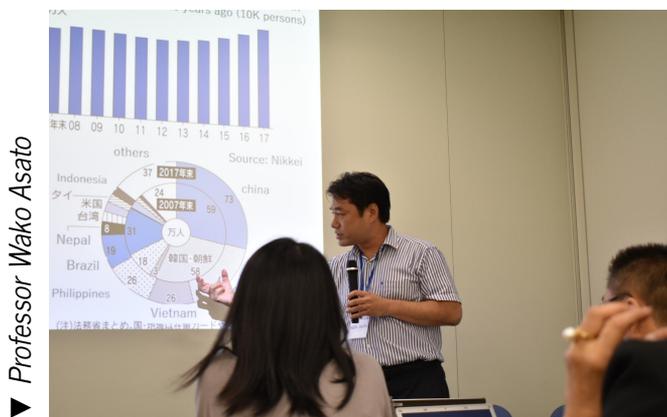
Professor Wako Asato from Kyoto University began with a presentation on trends and issues surrounding migration to Japan under the TITP and trajectories under the SSW visa scheme. He noted that the composition of nationalities of workers migrating to Japan has vastly changed in recent years. Vietnam has become the biggest country of origin for migrant workers under the TITP, and numbers from Myanmar and Nepal have significantly increased.

Even though Japan has established similar MoCs with a number of countries of origin to implement the TITP, recruitment practices vary across countries of origin, especially with regards to the collection of recruitment fees. Recruitment agencies cannot charge more than 2,800 USD in Myanmar and 3,600 USD in Vietnam. In Cambodia, there are no legal caps. However, even in countries where the government prescribes a maximum recruitment fee, actual migration costs often exceed prescribed caps. Professor Asato reported encountering cases where migrant workers took out loans to pay migration costs and received threats from debt collectors while working in Japan. High migration fees could also be one reason why migrant workers leave their work in Japan without properly terminating their contracts, in search of better employment opportunities to offset costs or pay off debts.³ On average, migrant workers who have left their work in Japan without properly terminating their contracts paid 800,000 Yen (7,527,7528 USD) in migration fees and 60% of them paid more than one million Yen (9,410 USD). Professor Asato believed that problems such as the heavy financial burden on migrant workers can be addressed by improved policies:



The goal of governments of Japan and countries of origin should be to improve the conditions of migrant workers. Improving the institutional framework can lead to better conditions for migrant workers.

³ 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 later pointed out at the workshop. For this reason, this document utilises the phrase “migrants leaving their jobs without properly terminating their contracts” instead.



Regarding the recent creation of the SSW migration pathway, Professor Asato noted that the scheme adds to an already complicated migration system in Japan, which can be difficult for migrant workers to understand. While the SSW scheme offers more freedom to employers and workers, including the freedom

for workers to change jobs in the same sector and the ability for employers to directly hire migrants, several components are difficult to implement due to the different requirements of countries of origin. For example, under a new agreement between Cambodia and Japan on the SSW signed in March 2019, all migrant workers have to be recruited through a recruitment agency, which makes direct hiring by employers impossible.

Mr Ippei Torii, Solidarity Network with Migrants Japan

Mr Ippei Torii estimated that at least 1,460,463 migrant workers currently work in Japan. Among them, only 19% came to Japan with a working visa. The remaining 81% are migrants who perform work under different visa categories, including those migrating under the TITP (20%) and the student visa (20%). In some prefectures in Japan, TITP workers make up more than 50% of the migrant worker population.

Since the TITP's creation in the 1990s, only one major reform has taken place; in 2017, migrant workers' maximum stay was extended from three to five years along with the passage of a new law establishing mechanisms to protect migrants. Despite the new law, many of the same issues under the TITP have recurred, including cases of salary payment below the minimum wage level, forced repatriation of migrants, sexual harassment, and illegal dismissal of pregnant workers. Mr Torii shared a recent case about an employer habitually striking a worker's head as punishment for not wearing protective gear. The worker was eventually admitted to hospital for depression caused by long term abuse. In another example, a migrant worker signed a contract in her own language that included a clause requiring her to return home if she became pregnant, which is a clear violation of Japan's labour law. The clause was not included in the Japanese version of the contract. When she later gave birth, she abandoned her baby for fear that she would be repatriated back to her home country.

Mr Torii believed that cases of labour rights violations are common because certain aspects of the TITP, such as the lack of freedom for migrant workers to change jobs, often facilitate a power imbalance between employers and workers, and create environments conducive to abuse and exploitation. He noted:

“Employers are not inherently evil...[However,] there is a remarkable power imbalance that is built into the system and employers realise they have a power advantage over workers.

Regarding the SSW scheme, Mr Torii was disappointed that the Japanese government appears only to be focused on importing foreign labour without considering the positive impacts migrants can bring to Japanese society. He commented:

“We have to change our attitude towards migration. Migration is not purely about extracting labour from migrant workers – it is also about community building. We have to start treating migrants not just as workers but also as our neighbours.

As his final point, Mr Torii recommended that countries of origin educate prospective migrants more on labour regulations in Japan, as well as safety and health matters, their rights regarding joining unions, and their right to make a lump sum withdrawal from the Japanese pension system upon returning to their home countries.



▲ Mr Ippei Torii

Ms Chiaki Osaki, The Japan Association of Certified Care Workers



▼ Ms Chiaki Osaki

Over the past five years, Ms Chiaki Osaki reported having observed a severe labour shortage in Japan's elderly care sector. During this period, many new care facilities have struggled to find Japanese workers and began looking abroad for migrant workers. The Japan Association of Certified Care Workers also adopted a

stance to support the recruitment of care workers from abroad.⁴

At one post-arrival training provided by a Supervising Organisation in Japan, Ms Osaki noted that migrant workers were enthusiastic about their work and generally adapted well during the training.⁵ However, differences in the working culture between countries of origin and Japan sometimes contributed to mismatches between expectations and reality. For example, one worker did not expect his job would entail assisting elderly people to take baths. In another example, a worker was not aware that having tattoos was considered a social taboo among some groups in Japan and had to cover her tattoos up with makeup during work. Ms Osaki also found it problematic that migrant workers were not provided mobile phones with Japanese numbers until six months into their work. Not owning a phone posed difficulties for migrant workers to contact support services when they required assistance.

The Japan Association of Certified Care Workers has published a manual for the training of care workers with the purpose of standardising practices in the care sector and training migrant care workers to become future educational leaders in their countries of origin. Ms Osaki further shared that many members of the Association have expressed an interest in recruiting migrant care workers under the SSW visa scheme, because, unlike migrants under TITP, those migrating under the SSW are expected to have specialised skills and will require less training in Japan.

⁴ 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.

⁵ Under the TITP, "implementing organisations" conduct the technical intern training. "Supervising organisations" are non-profit organisations 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 more information on the structure of the TITP, please visit <https://www.jitco.or.jp/en/regulation/index.html>.

Mr Kazuomi Aoyagi, Alliance of Associations for Diversity and Inclusion Acceleration in Japan

Mr Kazuomi Aoyagi discussed laws and recruitment practices concerning migration from the Philippines to Japan, which he believed can serve as an example for countries in the Mekong. According to Mr Aoyagi, the Philippines began sending a significant number of workers abroad since the early 20th century and there are currently over 10 million Filipinos abroad. 95% of overseas employers hire Filipino workers through recruitment agencies. As of July 2019, 3,711 recruitment agencies have been registered in the Philippines and, among them, 1,258 have a valid licence.



The Philippines Overseas Employment Administration (POEA) Memorandum Circular No. 14 s-1999 stipulates that recruitment agencies may collect placement fees from migrant workers up to an amount equivalent to no more than one month of their salary. However, for migration to Japan under the TITP,

the POEA prohibits recruitment agencies from collecting any placement fees from migrant workers. Instead, recruitment agencies in the Philippines collect 100 USD from Supervising Organisations in Japan per migrant every month, which is intended as a fee for recruitment agencies to monitor worksites in Japan. So far, Mr Aoyagi noted a high level of commitment from Filipino recruitment agencies to send representatives to inspect migrants' working conditions.

To qualify for migration under the SSW scheme, prospective migrants have to pass language and skills examinations in select countries of origin that have entered into a bilateral agreement with Japan. The Philippines has already held five computer-based examinations on care work in Manila. With the exception of the first examination, which was marred by rumours of leaked test material, general passing rates were low. Mr Aoyagi suggested that more educational institutions or preparatory schools should be set up in the Philippines to prepare migrant workers for the examination. He also urged the governments of Japan and the Philippines to quickly develop details for the implementation of the SSW, as prospective Filipino workers who have passed the examination still await guidelines on the full recruitment procedure.

Open Forum

In response to a question about whether CSOs in Japan have followed up with migrant workers after they returned home, Mr Torii shared that his organisation, the Solidarity Network with Migrants, Japan, conducted a country visit to China to check in on former TITP workers. Most interviewed migrant returnees in China were engaged in jobs that were unrelated to their previous work in Japan, but there were also a few who took advantage of their Japanese language skills to start businesses.

A representative of the Association of Cambodian Recruitment Agencies (ACRA) shared cases where Cambodian workers in Japan received low wages but felt afraid to negotiate with their employers. Mr Torii agreed that low wages are particularly prevalent in the garment and agriculture sectors because workers in these two fields are situated at the bottom of the supply chain. One strategy to tackle low wages could be to target big companies and brands that continue to contract factories and manufacturers employing cheap labour. Mr Torii also understood that workers might feel afraid to negotiate with their employers because the TITP facilitates a power imbalance between employers and workers, as noted during his presentation.

A representative of a Vietnamese recruitment agency then brought up concerns about migrant workers who leave their jobs without properly terminating their contracts in Japan. Mr Torii responded that the proportion of migrants who leave their jobs without properly terminating their contracts is only around two to four per cent of all TITP workers. He further suggested that using the term “runaway” to describe these migrants is inappropriate, as it implies wrongdoing on the part of the migrant worker. He stated:

 *We must be clear – the fundamental issue here lies with the system that denies migrant workers freedom to choose and change employers. I don't think 'running away' is a bad thing. All Japanese citizens have the right to change jobs...When migrants 'run away', they are exercising the same right that all Japanese citizens enjoy.*

In certain situations where migrant workers encounter abuse and exploitation at work, “running away” is reasonable, if not preferred:

 *I believe it is more problematic that TITP workers cannot “run away” if they face labour rights violations.*

In spite of this, laws in Japan continue to problematise migrants who “run away” and treat them as criminals. Under current laws, employers who facilitate “illegal employment” receive higher penalties than migrants who engage in “illegal employment”. However, in reality, migrant workers suffer more severe consequences as they can be deported while employers are mostly just fined.

A representative of a CSO asked whether post-arrival training sessions in Japan provide information related to migrant workers’ reproductive health and maternity rights. Ms Osaki explained that post-arrival training sessions usually do not mention migrant workers’ reproductive rights. In one pamphlet about the TITP issued by the Japanese government, information about migrant workers’ reproductive rights was also left out. Mr Aoyagi added:



Migrant workers are human beings. They should not be denied the right to love, reproduce and start a family.

Regarding care work, an academic expert on labour migration stated that migrant care workers are brought into Japan through a number of migration pathways, which all have different requirements for migrant candidates. She was interested to learn about how these different schemes work cohesively to recruit migrants. Ms Osaki responded that many people do not understand the specifics of each migration pathway and tend to collapse all schemes into one generic “migration system”. She was convinced that many government officials at the provincial level were equally puzzled by Japan’s complicated migration system.

A final question was raised to clarify the principle of “equal work, equal or more pay” under the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (2017), which entitles migrant workers to an equal or a higher wage level than Japanese nationals who are engaged in the same type of work.⁶ Ms Osaki believed that it is very rarely the case TITP workers receive pay that is higher than Japanese nationals in the same type of work.

⁶ Article 9(ix) of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (2017) states, “The amount of remuneration paid to a technical intern trainee shall be equivalent to or greater than the amount of remuneration paid to a Japanese national for similar work, and other treatment of the technical intern trainees shall conform to the criteria provided for by an ordinance of the competent ministries.” The Act is available at <http://www.moj.go.jp/content/001223425.pdf>.

Plenary Two

Perspectives of Countries of Origin

Mr Luong Trao Nguyen, Chairperson of the Vietnam Association of Manpower and Supply

Vietnam and Japan signed the first bilateral agreement on the TITP in 1992. Since then, increasing numbers of Vietnamese workers have been migrating to Japan. Between 2013 and 2018, 219,651 Vietnamese migrants moved to Japan under the TITP. Japan is now the top destination for Vietnamese migrants and Vietnam is the biggest country of origin for Japan. Mr Trao acknowledged that since the TITP was established, the programme's purpose has not only been to facilitate the transfer of technical skills from Japan to Vietnam but also to plug gaps in Japan's labour market.

The roles of the Vietnam Association of Manpower and Supply (VAMAS) include providing input to the development of migration policies in Vietnam, expanding labour markets for recruitment agencies, and developing measures and mechanisms to protect the rights of migrant workers. One of VAMAS's most significant achievements was to develop an industry Code of Conduct (CoC) in 2010, which outlines recruitment agencies' roles and responsibilities in protecting migrant workers throughout the migration cycle. Based on recommendations of the International Labour Organization (ILO) and international standards, VAMAS released an updated CoC in 2018, which was implemented alongside a ranking system to rate subscribing recruitment agencies' compliance with the code. The ranking is based on a five-star scale, with five stars indicating full compliance. Supervising Organisations in Japan can use the results of the rank to find trusted partners in Vietnam, and prospective workers can also gather and compare information about different recruitment agencies.

Mr Trao recognised the importance of pre-departure training (PDT) in preparing prospective migrant workers for life in Japan. In Vietnam, PDTs not only provide training but are part of a selection process to evaluate whether prospective migrants are qualified to be sent abroad. Depending on the sector of work and requirements of employers in Japan, recruitment agencies also provide language and skills training sessions to prospective migrants. Before migrants depart for Japan, they receive a mandatory orientation on the laws of Vietnam and Japan, Japanese culture and society, and responsibilities and duties of workers. PDTs also encourage prospective migrants to develop their goals so that they can take full advantage of their experience in Japan to achieve certain objectives.



Mr Trao believed that the creation of the SSW scheme is a positive development, as it creates possibilities for migrant workers to stay longer in Japan after completing the TITP. When the Japanese government first announced the new visa category, Mr Trao was concerned that certain components of the

scheme—in particular, the ability for employers to directly hire workers from Vietnam—could be risky for migrant workers. In Vietnam, prospective migrants cannot readily access information about the job market in Japan. In the absence of such information, illegal intermediaries may try to offer job placement services for migrants at exorbitant rates. VAMAS expressed concerns about the direct hiring process to the Japanese government and in the final version of the MoC on the SSW between Vietnam and Japan, recruitment agencies in Vietnam will continue to play a role in the recruitment of migrants under the SSW.

Ms Aye Aye Nyunt (April), Japan Focal Point of the Myanmar Overseas Employment Agency Federation

The Myanmar Overseas Employment Agencies Federation (MOEAF) was set up in 2012 and currently has around 280 member recruitment agencies. The executive committee of MOEAF consists of 25 representatives of recruitment agencies and, among them, eight representatives oversee migration to different destination countries, including Japan. In 2016, MOEAF developed a voluntary CoC outlining good recruitment practices throughout the migration cycle. About 200 recruitment agencies have signed the code, and 72 more will do so in the near future.

Regarding migration to Japan, in 2014, MOEAF signed an agreement with the Japan Myanmar Association (JMA), based both in Yangon and Tokyo, to coordinate in supporting Myanmar nationals in Japan. In April 2019, JMA officially announced that its role in doing so ended and handed all responsibilities back to the Myanmar Embassy in Japan. In the same month, Myanmar and Japan also signed an MoC to enable Myanmar workers to migrate to Japan under the SSW.

Before migrant workers from Myanmar depart for Japan, the Ministry of Labour, Immigration and Population, Myanmar (MOLIP) organises a three-day workshop to inform prospective migrants about the laws of Myanmar and Japan, Japanese culture and society, and available on-site services. Some recruitment agencies provide an additional two-to-three-day course to better prepare migrants for life in Japan. Once migrant workers are deployed, MOLIP requires recruitment agencies to conduct regular check-ins with migrants and report to the Ministry once every three months regarding working conditions in Japan. The Embassy of Myanmar in Japan also sends representatives to conduct regular inspections of migrants' worksites.



▼ Ms Aye Aye Nyunt

As her final point, Ms Aye Aye Nyunt noted that while many migrant workers consider Japan to be safe and secure, there are still cases of labour rights violations. She urged the Japanese government to step up efforts to make sure employers in Japan are complying with the labour law.

Ms Thet Thet Aung, Executive Director, Future Light Centre, Myanmar

Future Light Centre (FLC) is a CSO in Myanmar providing support to prospective migrants, migrant returnees, and family members of migrant workers. FLC's main activities include disseminating information on migration to prospective migrants and those who live in rural areas, helping migrants access complaint mechanisms in Myanmar, and supporting migrant returnees to seek justice in cases of violations. With support from the ILO, FLC is currently running a Migrant Resource Centre to provide assistance to migrants and their family members.

In Ms Thet Thet Aung's experience, one common challenge migrant workers face is a lack of comprehensive information on recruitment agencies. There are a number of cases where migrant workers relied on unscrupulous Japanese language schools in Myanmar that provided illegal recruitment services and charged exorbitant fees. While migrant workers can pursue their cases using the Law Relating to Overseas Employment (1999), the legal procedure is time-consuming and expensive, which can be reasons why migrants are often deterred from seeking justice through the formal channel. In addition to exploitative intermediaries, prospective migrants often have to pay high migration fees. Currently, recruitment agencies are not allowed to charge more than 2,800 USD as recruitment fees. However, some migrants have to pay for additional skills and language

▼ Ms Thet Thet Aung (left)



training and, for those who do not live near training centres, living and transportation costs while attending training. Upon return, migrant returnees are often unable to apply the skills they have acquired in Japan due to a lack of employment opportunities in Myanmar. Some migrant returnees choose to re-migrate to another destination country.

Ms Thet Thet Aung recommended that the Japanese government provide more comprehensive information to migrant workers about their rights in Japan. In particular, more information on the social and labour insurance systems in Japan should be provided to Myanmar workers, who often have little knowledge about contributing to social protection programmes at home. The Japanese government should also strictly monitor the implementation of employment contracts to ensure full compliance by employers. Several Myanmar migrants complained to FLC that they were often paid less than what was stipulated in their employment contract while working in Japan.

Recommendations to the Myanmar government include building the capacity of representatives stationed at the Myanmar Embassy in Japan and drafting clear descriptions of their roles and responsibilities in protecting migrant workers. The Myanmar Embassy in Japan should also look into extending the operating hours of their hotline to enable migrants to call the Embassy for assistance after working hours. The Embassy should eventually appoint labour attachés in Japan, including officers of different genders to respond to gender-specific concerns. As her final recommendation, Ms Thet Thet Aung believed that the governments of Myanmar and Japan should hold cross-country dialogues with CSOs in both countries to better understand the situation of migrant workers at different stages of the migration cycle.

Mr Pin Vireak, Executive Director, Association of Cambodian Recruitment Agencies

The Association of Cambodian Recruitment Agencies (ACRA) has 56 member recruitment agencies that send workers to Hong Kong, Singapore, Thailand, Malaysia, and Japan. In collaboration with UN Women, ACRA developed a CoC in 2009. An updated CoC will be developed and released later in 2019 with the support of ILO. During the drafting process of the new CoC, ACRA visited VAMAS in Vietnam to learn about the ranking of subscribers of the Vietnamese code. ACRA will be adopting a similar ranking system in Cambodia to rate subscribing recruitment agencies' compliance with the new code.



▼ Mr Pin Vireak

In 2015, ACRA, in collaboration with ILO, developed a pre-departure curriculum focusing on migration to Thailand and Malaysia, and conducted training of trainers according to the new curriculum. Members of ACRA also provide PDTs to prospective migrants going to Japan, which typically last for a day.

Regarding migration to Japan, Cambodia and Japan signed the MoC on the TITP in 2017. Currently, 90 recruitment agencies have been approved to recruit workers to Japan and around 8,000 Cambodian migrant workers are in Japan under the TITP. Popular sectors of work in Japan include agriculture, construction, food processing, and garment manufacturing. In March 2019, Cambodia and Japan also signed an MoC to establish mechanisms for Cambodian workers to migrate to Japan under the SSW scheme.

From the perspective of recruitment agencies, Mr Vireak shared that agencies in Cambodia are experiencing more difficulties recruiting workers to Japan compared to other destination countries. He also urged the Japan International Training Cooperation Organization to provide more capacity-building training for employers in Japan to reduce the likelihood of employers violating labour laws and exploiting workers.

Mr Sokchar Mom, Executive Director, Legal Support for Children and Women, Cambodia

Mr Sokchar Mom shared that more than one million Cambodian workers are currently abroad, representing around 10% of the population in Cambodia. Thailand is the most popular destination country due to a number of factors including its close proximity to Cambodia. In general, migrant workers from Cambodia are engaged in jobs that are

widely considered as dangerous, difficult, and dirty.

In recent years, the migration from Cambodia to Japan is becoming increasingly popular. Through interviews with prospective migrants, Mr Mom learnt that their primary motivation of going to Japan is to earn money to support their family or to pay off existing debts. Contrary to the TITP's stated purpose of transferring technical skills from Japan to developing countries, migrants were less emphatic about gaining new skills from their work in Japan.⁷ However, many expressed hopes that migrating to Japan would open up new opportunities for them once they return to Cambodia.

Currently, one of the biggest challenges for prospective migrants going to Japan is affording the high migration costs. The Cambodian government has not set any legal caps for the collection of recruitment fees, and migrant workers incur varying levels of migration costs depending on the recruitment agencies they use. Total migration costs usually average between 4,000 to 9,000 USD. Mr Mom has witnessed cases where prospective migrant workers were promised employment in Japan and invested in Japanese language training provided by recruitment agencies. However, when recruitment agencies failed to secure jobs for them, migrant workers were blamed for not performing well during interviews with employers in Japan and their initial investment went to waste.



▼ Mr Sokchar Mom

Unscrupulous intermediaries involved in the migration process to Japan is another issue prospective migrants face. In addition to providing language courses, some Japanese language schools in Cambodia offer unlicensed and illegal recruitment services to prospective workers and charge exorbitant rates. Responding to earlier

presentations delivered by VAMAS and ACRA, Mr Mom said he believed that having a ranking system to rate recruitment agencies' compliance with industry CoCs could contribute towards building prospective migrants' trust in recruitment agencies. Provided

⁷ 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." The MoC is available at <http://www.moj.go.jp/content/001229407.pdf>.

that the results of the ranks are widely disseminated to the public, Cambodian workers would be able to compare the quality of services provided by each recruitment agency and choose the ones they are most comfortable to work with.

Mr Mom concluded his presentation by recommending both governments of Japan and Cambodia to push for establishing a standard recruitment fee in Cambodia. Ideally, prospective workers should not pay any recruitment fees. Instead, all costs should be borne by employers. Regarding pre-departure training in Cambodia and post-arrival training in Japan, Mr Mom believed that the training curricula should incorporate components to teach migrants strategies on how to bargain with their employers and stand up for their rights when encountering situations of abuse and exploitation. If workers are only told to respect and follow employers' orders, there will likely be no equal relationship between employers and workers in the workplace.

Open Forum

An academic expert on labour migration asked whether there is any support available to migrant workers who become pregnant in Japan. Ms Aye Aye Nyunt shared a case about an employer in Japan who offered to reassign a pregnant migrant from Myanmar to a less labour-intensive position during the initial stages of her pregnancy. During the later stages of the migrant's pregnancy, the employer agreed to the migrant returning home and coming back to Japan after delivering the baby. Ms Aye Aye Nyunt also noted that during PDTs in Myanmar, some recruitment agencies educate migrants on contraceptive measures to prevent unplanned or unwanted pregnancy.



▲ Discussion at the Open Forum

A representative of ACRA was also interested to learn about VAMAS's and MOEAF's views on the "Zero Recruitment Fee" model, in which workers bound for Japan are not charged recruitment fees and the cost falls on employers. Ms Aye Aye Nyunt from MOEAF revealed that a few recruitment agencies in Myanmar focusing on migration to Thailand and Myanmar have started to adopt this model. In these cases, employers in the destination country usually agree to pay for recruitment fees and other related costs because they also own factories in Myanmar and hope migrant workers will eventually return to Myanmar to continue working at their factories. Mr Trao from VAMAS acknowledged that demands for the "Zero Recruitment Fees" model are growing stronger but felt it was not feasible to implement at this point as it requires employers in destination countries to agree to pay the fees. The few recruitment agencies in Vietnam that have adopted this model are usually highly ranked and trusted agencies.

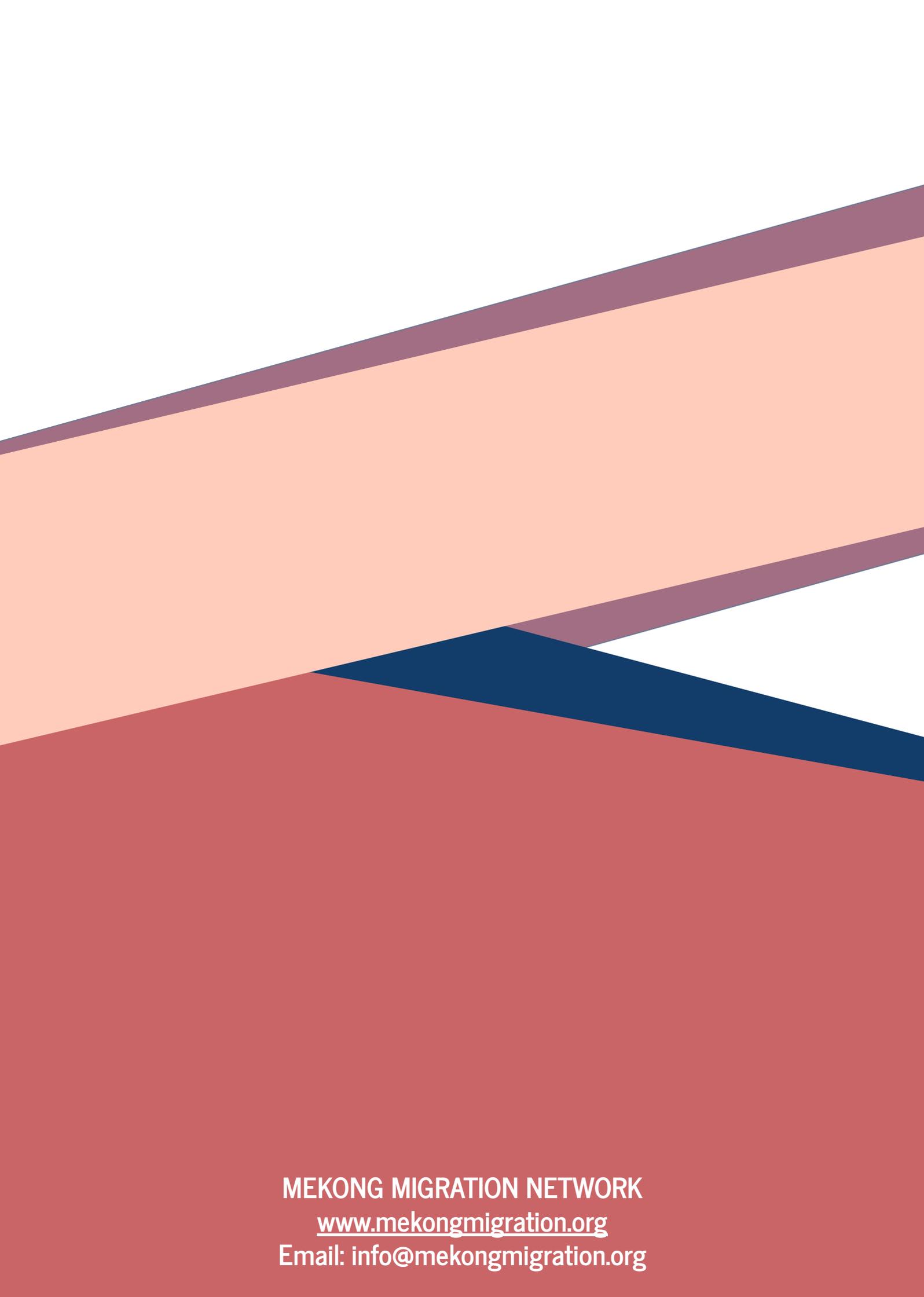
Regarding CoCs in countries of origin, Mr Mom asked how VAMAS encourage recruitment agencies to sign the voluntary CoC and commit to the terms set forth under the code. Mr Trao explained that signing the CoC can help build recruitment agencies' image. He added that when recruitment agencies sign the CoC, they receive training on international standards and ways to improve recruitment practices. Recruitment agencies come out of the training with enhanced capacity to handle different issues, including ones that are gender-sensitive.

Conclusion

The workshop provided a platform for stakeholders from Cambodia, Myanmar, Vietnam and Japan to share concerns and issues about migration to Japan from the perspectives of countries of origin and destination. Panellists from Japan pointed out that the migration system in Japan remains complicated, which makes it difficult for migrant workers to understand. In spite of a reform of the TITP in 2017, which established more mechanisms to protect migrants' rights, violations against workers are still common. Certain aspects of the TITP, such as workers' lack of freedom to change employers, lead to a power imbalance between employers and workers and create environments conducive to abuse and exploitation. While several participants brought up concerns about migrant workers leaving their work without properly terminating their contracts, one panellist believed that this topic should not be problematised. When migrant workers "run away", they are in essence changing jobs – a right that all Japanese citizens, but not TITP workers, enjoy. In view of this, migrant workers should not be culpable – or criminalised – for leaving their jobs. Looking ahead, Japanese society at large should begin thinking about labour migration not only as a means to import foreign labour force but also as a way to enrich the social and cultural fabric of Japan.

Panellists from Cambodia, Myanmar, and Vietnam agreed that migrant workers continue to face a number of issues beginning from the pre-departure stage of the migration cycle. Among them, high migration costs and the presence of unscrupulous intermediaries providing illegal recruitment services are two major challenges. While recruitment agency associations in all of the countries of origin attending the workshop have mechanisms in place to promote ethical recruitment and protect migrant workers, suggestions were raised to further these commitments. One such suggestion was to encourage recruitment agencies in countries of origin to adopt the "Zero Recruitment Fees" model, in which prospective migrants are not charged recruitment fees and the cost falls on employers.

To address challenges arising from labour migration from Mekong countries to Japan, many participants highlighted the need for enhanced collaboration among different stakeholders in countries of origin and destination countries. Participants expressed an interest in deepening the dialogue to ensure migrant workers are well protected throughout their migration cycle. The meeting ended with MMN thanking all participants for their contributions during the workshop.



MEKONG MIGRATION NETWORK
www.mekongmigration.org
Email: info@mekongmigration.org