



MEKONG MIGRATION NETWORK

PROCEEDINGS OF THE CONSULTATION ON LABOUR MIGRATION FROM MYANMAR TO JAPAN



15 October 2018
Yangon, Myanmar

Acknowledgements

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

Panellists

Plenary I: Ms Khin Cho Win, Assistant Director, Department of Labour, Ministry of Labour, Immigration and Population (MOLIP), Myanmar and U Win Htun, Vice Chairperson, Myanmar Overseas Employment Agencies Federation (MOEAF)

Plenary II: Mr Yuta Isozaki, Labour Attaché Embassy of Japan in Myanmar and Mr Asato Wako, Associate Professor, Kyoto University

Plenary III: Ms Thin Thin Lwin, Assistant Director, Public Overseas Employment Agency (POEA), MOLIP, Myanmar and Ms Kyawt Kyawt Aung and Ms Thiri Tun, Migrant Returnees

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Table of Contents

Acronyms	1
Introduction	2-3
Agenda	4
Plenary One: The Recruitment and Deployment of Myanmar Workers to Japan: Policies and Trends	5-7
Plenary Two: The Employment of Myanmar Workers in Japan: Policies and Trends	8-12
Plenary Three: Happy Return-Enabling and Empowering Migration Cycles	13-17
Activity One (Marketplace): Identifying Opportunities and Challenges from Different Perspectives	18-19
Activity Two: Recommendations/ Going Forward	20-21
Conclusion	22

Acronyms

CSO	Civil Society Organisation
EPS	Employment Permit System, the Republic of Korea
ILO	International Labour Organization
MMN	Mekong Migration Network
MOC	Memorandum of Cooperation
MOEAF	Myanmar Overseas Employment Agencies Federation, Myanmar
MOLIP	Ministry of Labour, Immigration, and Population, Myanmar
NSSA	National Skills Standards Authority, Myanmar
OEA	Overseas Employment Agency
OTIT	Organisation for Technical Intern Training, Japan
PDT	Pre-Departure Training
POEA	Public Overseas Employment Agency, Myanmar
ROK	The Republic of Korea
TITP	Technical Internship Training Programme, Japan

Introduction

On 15 October 2018, Mekong Migration Network (MMN) and the International Labour Organisation (ILO) jointly organised the Consultation on Labour Migration from Myanmar to Japan at the Sedona Hotel in Yangon, Myanmar. The consultation was held at a time when there was growing anticipation that Japan would liberalise its migration policy to receive increased numbers of migrants. In early 2018, the Japanese government announced its intention to recruit upwards of 500,000 foreign workers by 2025 to fill gaps in the country's labour market. Japan considers Myanmar to be a key source of migrant workers. In April 2018, Japan and Myanmar signed a Memorandum of Cooperation (MOC) on the Technical Intern Training Program (TITP) to set commitments and responsibilities of both countries in the sending and accepting of "technical intern trainees."

Given this background, MMN and ILO held a consultation with the aim to better understand the challenges and opportunities in the migration process from Myanmar to Japan and to jointly explore interventions and strategies to improve the efficacy of migration procedures and safety of migrants. 41 participants attended the event, including representatives from the Myanmar Ministry of Labour, Immigration, and Population (MOLIP), the Myanmar Overseas Employment Agencies Federation (MOEAF), Overseas Employment Agencies (OEAs), Civil Society Organisations (CSOs), a labour attaché from the Embassy of Japan in Myanmar, an expert on Japanese migration, and migrant returnees.



▲ *Participants at the consultation meeting*

The three plenaries of the consultation addressed a number of topics such as trends, policies and recruitment practices of workers migrating from Myanmar to Japan, issues concerning migrants who leave their jobs in Japan 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. Participants then examined the opportunities and challenges involved in migration from Myanmar to Japan from the perspectives of migrant workers, the governments of both countries and OEAs in Myanmar. Based on the results of the discussion, participants collectively developed a set of recommendations to improve existing protections for migrant workers.

Agenda

- 9:00- 9:30** **Welcome and introduction**
Facilitated by: Ms Jackie Pollock, Chief Technical Advisor, International Labour Organization and Ms Reiko Harima, Regional Coordinator, Mekong Migration Network
- 9:30- 10:30** **Plenary One: The Recruitment and Deployment of Myanmar Workers to Japan: Policies and Trends**
Facilitated by: Ms Jackie Pollock
Panellists: Ms Khin Cho Win, Assistant Director, Department of Labour, Ministry of Labour, Immigration and Population (MOLIP), Myanmar and U Win Htun, Vice Chairperson, Myanmar Overseas Employment Agencies Federation (MOEAF)
- 10:30- 11:00** **Group Photo and Tea Break**
- 11:00-12:30** **Plenary Two: The Employment of Myanmar Workers in Japan: Policies and Trends**
Facilitated by: Ms Reiko Harima
Panellists: Mr Yuta Isozaki, Labour Attaché, Embassy of Japan in Myanmar and Mr Asato Wako, Associate Professor, Kyoto University
- 12:30- 13:30** **Lunch**
- 13:30- 14:30** **Plenary Three: Happy Return-Enabling and Empowering Migration Cycles**
Facilitated by: Ms Jackie Pollock
Panellists: Ms Thin Thin Lwin, Assistant Director, Public Overseas Employment Agency (POEA), MOLIP, Myanmar and Ms Kyawt Kyawt Aung and Ms Thiri Tun, Migrant Returnees
- 14:30- 15:15** **Activity One: Identifying Opportunities and Challenges from Different Perspectives**
- 15:15- 15:30** **Break**
- 15:30- 16:15** **Activity Two: Recommendations/ Going Forward**
- 16:15- 16:30** **Closing**

Plenary One

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

Discussant Ms Khin Cho Win, Assistant Director, Department of Labour, Ministry of Labour, Immigration and Population (MOLIP), Myanmar



Ms Khin Cho Win gave an overview of recent migration trends from Myanmar to Japan. Between 1999 and 2017, 11,000 Myanmar workers moved to work in Japan. This figure is expected to rise with the signing of the Memorandum of Cooperation (MOC) on the Technical Intern Training Program (TITP) between Myanmar and Japan in

April 2018. The MOC establishes procedures for recruiting Myanmar workers¹ under the TITP in Japan. 60 of Myanmar's 259 licensed Overseas Employment Agencies (OEAs) have been sending Myanmar nationals to work in the seafood, construction, agriculture, garment, and welding sectors of Japan. Japan is also currently recruiting and training care workers² for its elderly population. Ms Khin Cho Win said that the MOLIP will continue working with the Japanese government to promote safe migration and decent work for Myanmar workers abroad.

Discussant U Win Htun, Vice Chairman, Myanmar Overseas Employment Agencies Federation (MOEAF)

U Win Htun reported that the MOLIP has to date approved 96 OEAs in Myanmar to send workers to Japan, of which 60 are active. He outlined the procedures for prospective employers in Japan to sponsor migrant workers, for OEAs in Myanmar to recruit workers and the steps for prospective migrants to prepare for their departure. For migrants, the

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 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.



process includes applying for passports, labour cards, visas to Japan and Overseas Workers Identification Card. They must also attend a Pre-Departure Training (PDT) that informs them of “do’s” and “don’ts” as workers in Japan. The Japanese government requires employers and migrant workers to sign employment contracts that clearly stipulate workers’ salaries, duties and working hours.

U Win Htun noted that Myanmar is unable to send workers expeditiously to meet Japan’s labour demand, as the entire recruitment process can take up to three to four months to complete. He also mentioned that the MOEAF will continue working with the MOLIP and OEAs to facilitate migrants’ smooth and full reintegration into society upon their return.

Open Forum

Questions were raised about prospective migrants’ recruitment costs and reasons for the slow processing times of their applications. Ms Khin Cho Win stated that OEAs can charge no more than USD 2800 in recruitment fees. U Win Htun added that migrants are required to pay a 5% commercial tax (USD 140). Both panelists agreed that the workload for the MOLIP is too heavy and believed that the procedure must be digitalised in the future to shorten the processing time.

Ms Khin Cho Win also shared concerns about the approximately 500 Myanmar workers who have left their jobs in Japan without properly terminating their contracts between 2015 and 2018.³ She believed it was an issue that should be addressed effectively.

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 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.

According to U Win Htun, the trend of migrants leaving their jobs in Japan without terminating their contracts has continued despite the existence of complaint mechanisms and other forms of overseas assistance that seek to address migrant workers' challenges and concerns. The growing demand for workers in certain Japanese industries often means that migrants can readily find new jobs on their own without utilizing formal procedures. He believed different stakeholders must try to better understand the underlying causes of migrants leaving their jobs and find new ways to address the problem.

Plenary Two

The Employment of Myanmar Workers in Japan: Policies and Trend

Discussant Mr Yuta Isozaki, Labour Attaché, Embassy of Japan in Myanmar



▼ Mr. Yuta Isozaki

Mr Isozaki stated that Japan has accepted increasing numbers of migrant workers from 486,000 migrants ten years ago to 1.28 million at present. The country is expected to receive up to 1.8 million migrant workers in the near future. In 2017, 6,000 Myanmar workers have been recruited to jobs in Japan. Mr Isozaki also shared earlier concerns about Myanmar workers leaving their posts in Japan without terminating their contract. Some possible reasons for this may be poor working conditions in Japan or problematic relationships between migrants and their colleagues.

Migrant workers can now enter Japan either as specialised experts or as “technical internship trainees” under the TITP. The TITP aims to transfer skills to migrant workers with the hope that they can contribute to their home countries’ development after spending time in Japan.⁴ In recent years, the Japanese government has introduced several measures to improve existing protections of migrant workers. One such measure was the passage of the new TITP law, the “Act on Proper Technical Intern Training and Protection of Technical Intern Trainees”, in November 2017 after concerns about migrants’ poor working conditions had been brought to the government’s attention. The new law created the Organisation for Technical Intern Training (OTIT), which is

⁴ For more information about the TITP, please visit <https://www.jitco.or.jp/en/regulation/index.html>.

responsible for licensing and monitoring “supervising organisations” and “implementing organisations”⁵ in Japan to ensure that working conditions are decent and safe. The new law also forbids accepting organisations from requiring security deposits from migrant workers or confiscating their passports. TITP workers now enjoy the same legal protections as migrants who enter Japan through the specialised experts scheme, including coverage by the Labour Standard Law, the Occupational Safety and Health Law, and the Minimum Wage Act. Migrants can also make appeals through the available grievance mechanism if their rights are violated.

To further ensure the safety in the migration cycle, Japan has signed MOCs with different countries of origin to set out the respective responsibilities of each country in the recruitment and protection of migrant workers. Under the current MOC signed in April 2018 between Japan and Myanmar, the Myanmar government has to approve OEAs before they can recruit workers. Approved agencies must be signatories of the MOEAF’s Code of Conduct.

Japan plans to add a new visa category in April 2019, which will provide a third pathway for migrant workers to enter and work in the country. The occupational sectors that will be made available under this new visa category are still under discussion.

Discussant Mr Asato Wako, Associate Professor, Kyoto University

Professor Asato noted a shift in the Japanese government’s attitude towards the TITP in the past few years:

 *One of the controversies concerning the TITP is whether it is a workers’ programme or a training programme. Now the government is starting to call it a workers’ programme, [whereas] before it avoided the term workers’ programme and referred to it as a training scheme.*

Such a shift in terminology falls in line with the government’s recent proposals to extend migrant workers’ maximum stay in Japan to up to ten years (permitting an extension of five years after completion of the initial five). This extension reflects the TITP’s evolution from a training scheme to a mid-level skill working programme.

⁵ Under the TITP, “implementing organisations” implement the training plans of workers. “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 TITP’s official website, available at <https://www.iitco.or.jp/en/regulation/index.html>.

Professor Asato also observed that the new law introduced in November 2017 has additional means for enforcement of legal protections. The OTIT created under the new law not only accredits training plans of “implementing organisations” but also ensures migrant workers’ actual working conditions match descriptions of the training plans. Discrepancies in the proposed and actual conditions of work can lead to companies losing their licenses to hire migrant workers. In addition to monitoring accepting organisations in Japan, the OTIT also provides additional assistance to migrants, for instance through multilingual counselling centres in Japan.

Even though protections of migrant workers have improved, several concerns remain unaddressed. One such concern is the tendency for migrants to leave their jobs without properly terminating their contracts. Professor Asato noted that this issue may indicate fundamental flaws with how Myanmar’s migration system has been set up. He observed that other countries of origin, like the Philippines, have a much lower rate of migrants leaving their jobs even though they send more workers to Japan than Myanmar. He raised an additional concern about the high fees of training courses in Myanmar, especially for elderly care, and stated that it deserved more attention. In recent years, some employers have offered loans to prospective migrants to complete training courses in their countries of origin. These can become additional costs for migrants when they have to repay the training fees in the future. As his final point, Professor Asato discussed the need to address the forced repatriation of migrant workers by their employers. Migrants who have been involuntarily or unfairly dismissed are often sent back to their countries of origin without any opportunities to access grievance mechanisms. The government should take greater action to train immigration officers at exit ports to systematically identify migrant workers who are being forcibly repatriated.

▼ Associate Professor Asato Wako



Open Forum

A representative of a CSO was interested in the process of skills development and transfer under the TITP. Mr Isozaki explained that the transfer of skills under the TITP not only enables migrant workers to become leaders in their sectors back home but to also transfer newly acquired skills to other workers in their countries of origin. Japan is willing and prepared to issue certificates to workers who have completed the TITP programme. The Myanmar government can decide how these certificates are acknowledged or utilised.

Professor Asato questioned whether skills transfer, as opposed to securing more workers to meet Japan's labour demand, is the primary motive of the TITP. Although a certain degree of skills transfer takes place under the TITP, he asked:

 *Are these skills really useful in Myanmar? Is this skills transfer successful?... If Japan wants to transfer skills, there must be recognition of these skills [between destination country and countries of origin], so that trainees can really go up the skills ladder in their country of origin.*

A representative of a CSO pointed out that Myanmar currently has the National Skills Standards Authority (NSSA), which accredits skills in industries such as welding, carpentry, masonry, and sewing. He suggested that this accreditation should be expanded to include care work in order to certify prospective care workers before they depart for Japan.

Participants then discussed the types of Pre-Departure Training (PDT) OEAs offer to prospective migrants. A representative of an OEA explained that workers with no prior experience typically attend training courses that last for up to three months and cost MMK 300,000 (USD 195-196).⁶ Another representative of an OEA said that his OEA provides a nine-months long training course for prospective care workers. The curriculum of this programme will be developed with partnering accepting organisations in Japan and submitted to the NSSA, the MOLIP and the Ministry of Health and Sport for reviewal.

Professor Asato then raised concerns about the TITP's requirement for Japanese trainers to conduct trainings in Myanmar. He speculated that such a requirement is intended to reduce the time and cost of training in Japan. This can create uncertainty as to whether

⁶ USD 1 was equal to MMK 1,535 at the time of the consultation (Central Bank of Myanmar, Reference Foreign Exchange Rates, dated 15 October 2018).

▼ A representative of a OEA



the accepting organisations in Japan or OEAs in Myanmar should be responsible for shouldering the costs of hiring trainers from Japan.

A representative of an inter-governmental organisation asked Professor Asato whether there are plans for care workers to become trainers themselves

after returning to Myanmar. She also inquired about the possibilities for Myanmar to become a retirement site for elderly Japanese people in the future. Professor Asato responded that the TITP is more focused on recruiting workers than equipping migrants with the skills to become trainers in their countries of origin. Even then, recruiting care workers has proven to be difficult because care work remains an unattractive profession with high entry requirements and a lower average salary than construction and manufacturing. He also explained that Myanmar's potential as a retirement site for elderly Japanese people will depend on Myanmar's retirement visa scheme.

Plenary Three

Happy Return: Enabling and Empowering Migration Cycles

Discussant Ms Thin Thin Lwin, Assistant Director, Public Overseas Employment Agency (POEA), MOLIP, Myanmar

▼ *Ms Thin Thin Lwin*



Ms Thin Thin Lwin shared with participants the POEA's experiences working with migrants heading to and returning from the Republic of Korea (ROK). The POEA facilitates migrant workers' reintegration by providing consultation to returnees on their future career and on ways to start their own businesses.

Under the Happy Return Programme, the POEA works with Korean companies based in Myanmar to try and place returned migrants with these companies.

Ms Thin Thin Lwin also explained the procedures for prospective migrants to apply for a position through the Employment Permit System (EPS). Prospective workers are required to pass the Korean language test and EPS tests, undergo health check-ups and participate in 45 hours of pre-departure trainings and 3 days of post-departure training. To prevent migrants from leaving their jobs without properly terminating their contracts, the POEA collects a security deposit from workers as a guarantee.

Discussants Ms Kyawt Kyawt Aung and Ms Thiri Tun, Migrant Returnees

Ms Kyawt Kyawt Aung shared their personal experiences of how their rights were violated in Japan and also spoke of the difficulties they faced in trying to hold the employer in Japan and OEA in Myanmar accountable despite numerous efforts to contact authorities. Below is their full story:

In 2013, Kyawt Kyawt Khaing and Thiri Tun came across an advertisement for work in a garment factory in Japan. The two previously worked in Myanmar's garment sector for many years and hoped working abroad would help land them better-paying positions as quality control inspectors. In Myanmar, work in quality

control is often given to foreigners because the country does not officially certify skills relating to the quality control of garments. Consequently, Kyawt Kyawt Khaing and Thiri Tun wished to receive training under the TITP and return to Myanmar with the necessary qualifications to get positions in quality control.

In March and May 2013, Kyawt Kyawt Khaing and Thiri Tun went through an interview process conducted by Japanese people. After the second interview, they signed a labour contract and a number of other documents, most of which were in Japanese and English with only one in Burmese. The employer and OEA did not provide copies of the documents. After that, the two were asked to pay USD 8000 in recruitment and service fees, which they did not have. Instead, they gave USD 5000 as an initial payment. The remaining amount was later deducted from their salary over the following six months at Yen 50,000 (USD 445-446)⁷ per month.

Ms Kyawt Kyawt Aung ▼



Kyawt Kyawt Khaing and Thiri Tun arrived in Japan with three other Myanmar migrants and were placed in a small factory. The work there required a much higher level of sewing skills than they had initially expected. At first, the factory owner asked the workers to design and sew patterns

based on photos of couture design fashion. Afterwards, the supervisor described the dress he/she wanted, and the lead worker had to design it and everyone else had to produce it. One of the workers in the group was not able to complete the given tasks and had to return home.

One year later, some other workers began to leave their jobs. The employer cried, drank and shouted every night at the remaining workers. In December 2014, another six Myanmar workers left the factory.

One day, Kyawt Kyawt Khaing and Thiri Tun were informed that a Japanese labour inspector would pay a visit. They were told to lie to the labour inspector and state they were receiving a monthly wage of Yen 120,000 (USD 1069- 1070) and

⁷ USD 1 was equal to Yen 112.19449 at the time of the consultation (XE Currency Charts: USD to JPY, 15 October 2018).

overtime pay of Yen 1,000 (USD 8-9) per hour. It was only at this point that the two realised their actual monthly salary of Yen 50,000 (USD 445-446) and overtime pay of Yen 300 (USD 2-3) per hour were much less than they were entitled. They also discovered that their employer falsified records of their salary and lied about not keeping records of their working and overtime hours. The labour inspector came and inspected the workplace, but did not speak to the workers.

After two additional Myanmar workers left, Kyawt Kyawt Khaing and Thiri Tun were the only remaining workers at the factory. The employer tightly monitored their activities and did not allow them to use their mobile phones. Eventually, the two managed to reach their OEA in Myanmar and requested to change jobs. The OEA sent four representatives to the factory but made no arrangements to change employers.

Kyawt Kyawt Khaing and Thiri Tun continued to request a new employer. They tried to contact the recruitment agency in Japan to no avail and called the OEA in Myanmar, which provided little support. Eventually, a representative from the Japanese recruitment agency visited the two and explained that it would take one month to change employers. He promised to arrange new employment for them after returning from a trip to Myanmar.

In May 2015, Kyawt Kyawt Khaing and Thiri Tun faxed the Myanmar embassy for assistance. The next day, they approached a police officer who helped them buy a train ticket to travel to the Myanmar embassy. The embassy contacted a representative of the OEA in Myanmar and negotiated a new contract between the OEA and the two workers. The representative of the OEA advised the two to return to the factory and wait while the agency arranged for new jobs. However, Kyawt Kyawt Khaing and Thiri Tun decided not to return to their previous posts and instead went to a training school to wait for their new jobs. There, they were told that they would not receive proper wages even if they moved to another factory. When they learned this, Kyawt Kyawt Khaing and Thiri Tun decided to return to Myanmar.

Upon returning, the two submitted an official complaint to the MOLIP. They were told that that the ministry's complaint department could negotiate for a refund of their initial recruitment fee of USD 5000. However, both of them believed the compensation was insufficient. They had worked without proper pay, thus a just compensation should include relief for the underpayment of their wages. They

also wanted justice and safety to be guaranteed for other workers in the same situation.

The MOLIP suspended the license of the OEA in Myanmar for six months and issued a letter to Kyawt Kyawt Khaing and Thiri Tun stating they could sue the OEA to recover their unpaid wages. In August 2016, the two filed a lawsuit against the OEA in Yangon, Myanmar. From October 2016 to January 2019, both appeared for several court hearings and are still awaiting the final verdict.

Open Forum

Discussion from the floor revolved around the issue of migrants leaving their jobs without properly terminating their contracts in the ROK and Japan. Ms Khin Cho Win explained that the MOLIP has complaint mechanisms in place to respond to migrants' needs. These avenues of redress can reduce the likelihood of migrants leaving their jobs. With the help of the MOEAF and regional labour offices across the country, the MOLIP investigates matters brought up in complaint letters, and, where necessary, takes action according to Articles 26 and 27 of the Law Relating to Overseas Employment.⁸ She reported that the ministry has addressed issues brought up in 1,900 of the 2,000 complaint letters it received between 2013 and 2018.



Professor Asato points to concerns about labour conditions in Japan

⁸ Article 26 of the Law Relating to Overseas Employment states, "Whoever performs the Service Agency functions without the Service Agency Licence, shall on conviction be punished with imprisonment for a term which may extend to 7 years and shall also be liable to a fine."

Article 27 states, "Any Service Agent Licence holder who charges service fees in excess of the amount prescribed by the Supervisory Committee, shall, on conviction, be punished with imprisonment for a term which may extend to 3 years and shall also be liable to a fine."

Ms Thin Thin Lwin then shared that the POEA collects a deposit of MMK 1.5 million as a guarantee from all prospective migrants heading for the ROK. In the event that migrant workers leave their jobs without terminating their contracts, the Myanmar Embassy in the ROK will inform the POEA of the missing workers' details. They will also contact family members of the missing migrant to help locate them.

Professor Asato pointed out the difficulties the Myanmar government face in keeping track of migrant workers' situations and conditions after they leave their country of origin. He noted that greater cooperation between Myanmar and Japan is required to ensure migrant workers are working under proper labour conditions in the destination country. He also suggested that enduring poor labour conditions is the key reason migrants leave their jobs without terminating their contracts. According to a report by the Japan International Training Cooperation Organization, more than 70% of the employers of migrant workers in Japan have violated their workers' rights by failing to pay or underpaying wages and requiring long working hours. Rather than setting up a deposit for migrants, he believed governments should foremost address recurring rights-violations in Japan and examine how to mitigate migrant workers' harsh working conditions.

Participants were also interested in the remittance system in Japan. Some representatives of OEAs explained that migrants usually remit money home through bank transfer, western union or convenient stores. However, it remains difficult to access data and information on remittances from Japan to Myanmar. Other representatives of OEAs shared concerns about migrants accessing informal channels of remittance, which makes them vulnerable to possible corruption often embedded in these channels.



▲ *A representative of an OEA*

Activity One

Identifying Opportunities and Challenges from Different Perspectives

Participants separated into three groups and explored the opportunities and challenges involved in the migration to Japan from the perspectives of migrant workers, the governments of Myanmar and Japan and OEAs in Myanmar.

Participants pointed out that **migrant workers** are afforded new opportunities to improve their living standards, gain international exposure, acquire work-related skills and knowledge, grow personally and start their own businesses upon return. One of the main challenges they may face during the migration cycle is inability to understand the employment contract and/or a general lack of understanding about their rights and entitlements. This lack of knowledge and understanding can make them vulnerable to abuse of their rights in Japan. There were also concerns that migrant workers may face obstacles when trying to adapt to life in Japan such as overcoming language barriers and adapting to climate differences.



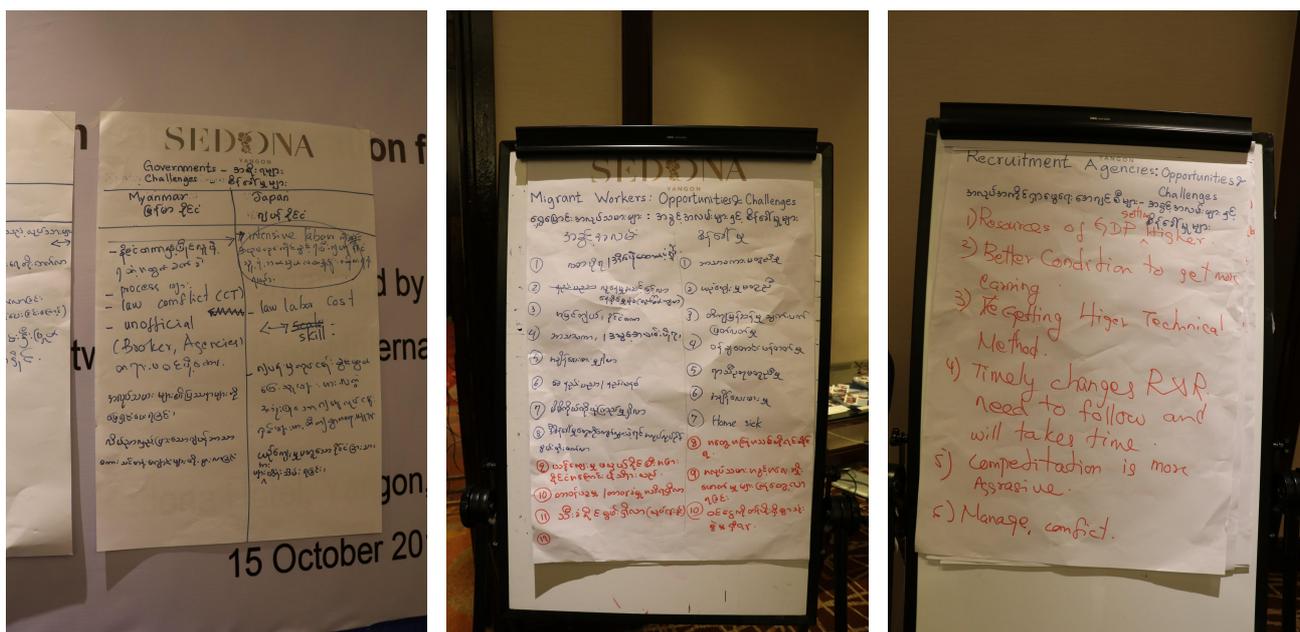
▲ *Discussions during the activity*

From the perspective of the **Myanmar government**, increased migration to Japan and higher levels of remittances from abroad can also impact the living standards of migrant families. The income can promote Myanmar's socio-economic development. Provided that the TITP facilitates an actual transfer of skills, the national labour force can also benefit from returned Myanmar workers with higher technical skill levels across sectors. However, the government faces several challenges, including addressing unlicensed intermediaries that provide illegal and unregulated recruitment services to prospective migrants. One participant cautioned of an increasing trend among Japanese-language

schools in Myanmar to act as brokers and provide recruitment services without a proper license. Additionally, participants worry that the increasing number of workers migrating to Japan may stretch the Myanmar government's resources. The lack of government resources may affect the processing time of migrant's applications before departure and the handling of complaints when they are in Japan.

By recruiting workers from Myanmar, the **Japanese government** enjoys the benefits of a cheap and young imported labour force. Provided that an actual transfer of skills takes place as well, Japan has a better reputation for developing migrants' skill levels. At the same time, however, Japan continues to face challenges in addressing the issues concerning migrants who leave their jobs without properly terminating their contracts. The Japanese government also encounters problems stemming from the current societal exclusion of migrants from different cultural backgrounds in Japan.

The increased popularity amongst Myanmar nationals of migrating to Japan provides **OEA**s with opportunities to expand their labour export markets and recruit more Myanmar workers. However, some representatives of OEAs found it difficult to work with existing migration regulations and procedures, which are complicated and time-consuming. Some OEAs have also experienced difficulties in expanding their existing services and assistance to overseas migrants to meet the rising numbers now abroad.



▲ Some of the results of the discussion

Activity Two

Recommendations/ Going Forward

Based on the result of the previous discussion, participants collectively developed a set of recommendations to improve the existing migration mechanism and protection for migrant workers.⁹

To the Myanmar Government

- 1) Shorten document processing time by developing an E-filing system and digitalising the recruitment and approval procedures;
- 2) Strengthen the relationship with the Japanese embassy and other Japanese stakeholders;
- 3) Identify the reasons migrants leave their work in Japan without properly terminating their contracts and address these issues with an evidence-based response;
- 4) Develop guidelines that respond to migrants who leave their work without properly terminating their contracts and closely monitor their situation in Japan;
- 5) Gather and compile official statistics on migrant workers' access to different channels for remittances;
- 6) Promote the use of official channels for remittances; and
- 7) Set up centres in Myanmar to address work and health-related issues of migrant returnees.

To the Japanese Government

- 8) Only approve accepting organisations that have been carefully vetted and meet all required labour standards;
- 9) Develop accepting organisations' capacity to deal with migrant workers from different cultural backgrounds;
- 10) Make accepting organisations' training plans available and transparent to migrant workers and OEAs in Myanmar before migrants depart;
- 11) Lower commission fees when migrant workers transfer money from Japan; and
- 12) Set up centres in Japan to address work and health-related issues of migrants.

⁹ These recommendations do not necessarily reflect MMN's stance.

To OEAs in Myanmar

- 13) Be more selective in choosing accepting organisations that meet and adhere to basic labour standards in Japan;
- 14) Host workshops with the OTIT to discuss common challenges relating to migration from Myanmar to Japan; and
- 15) Disseminate accurate information on migrant workers' working conditions, the rights they are entitled to, and the consequences of leaving their jobs without properly terminating their contracts.

Conclusion

Through the consultation meeting, participants identified the opportunities and challenges involved in the migration of workers from Myanmar to Japan and developed strategies and interventions for different stakeholders to improve the existing protections for migrant workers. As Japan plans to establish a new migration pathway in April 2019, it is critical that all stakeholders address existing problems and challenges to ensure the same issues do not impact the anticipated increasing number of migrants under the new migration scheme. The critical issues in need of resolution include the underlying factors pushing high number of Myanmar workers to leave their jobs without terminating their contracts, the prevalence of abusive and exploitative practices at migrants' workplaces and the lack of skills recognition under the current TITP. Existing services and assistance provided to migrant workers during all stages of their migration cycle, from pre-departure to return, should also be expanded and improved.

Participants at the meeting emphasised the importance of holding these kind of consultation meetings and expressed an interest in continuing a dialogue with different stakeholders to understand different perspectives and find solutions to the identified problems.



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