

2020

'MADE IN JAPAN' AND THE COST TO MIGRANT WORKERS

Where
is the
Sun?



I just want to
go back to my
H ☹ e



'Made in Japan' is Taking its Toll on Migrant Workers

"Sometimes I ask oku-san (owner's wife) and shacho (owner): Why is my salary different from other trainee workers?"

She just tells me to be quiet, don't say anything."
Sandy, Technical Intern from Cambodia

The Technical Intern Training Program (TITP) is a state-supported mechanism for recruiting migrant workers to fulfil workforce gaps in numerous industries in Japan, including the garment industry. TITP started in 1993 as an initiative by the Japanese government to share Japanese skills and technology with developing countries. The stated aims by the Japanese government are to share Japanese skills and technology with developing countries by offering trainees a three-year work placement. In reality, migrant workers are a means to alleviate the intensifying labour shortage caused by an ageing Japanese society. 28% of Japan's population is over 65, and migrant workers offer a new, willing and younger workforce. Over 74% of trainees come from China and Vietnam, and the rest are recruited from India, Cambodia, Pakistan, Nepal and Sri Lanka.

In the Summer of 2015, May, a skilled tailor and garment worker in China, received a call from an employment agent, trying to persuade her to work in Japan. May was almost 50, and the agent assured May that age would not be a problem, and that the Japanese government was keen to welcome a wide range of migrant workers for the Technical Intern Training Program (TITP).

Expecting a better salary than she received in China, May decided to take the offer. Before she travelled to Japan in 2016, May was asked to pay the employment agents RMB 30,000 (USD \$4,387) as a non-refundable deposit. As a garment worker, May could not afford such a high agency fee so she agreed to repay the deposit once she started earning a salary in Japan, thereby trapping May in debt bondage.

May travelled to Japan, excited about the new opportunities awaiting her there, and became one of the 49,601 new foreign trainees in 2016.

When May arrived in Japan she was immediately transferred to a hosting organisation, where she received basic Japanese language education and training with classmates from Myanmar, Vietnam and Cambodia. Instead of spending one year in training, as she had been promised, May spent only one month in training before being sent to her workplace for the "practical intern training".

May was only told she would receive practical training in a factory named Akatsuka Shishu, which specialised in producing trousers. Our research has uncovered that Japanese fashion brands including Gallardagalante, Perle Pêche and Human Woman were sourcing from May's employer.



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The factory was located in a quiet neighbourhood in Gifu, an area famous for its natural beauty. There she was met by the president of the factory, who took her and two other migrant trainees to their dormitory. The first thing she noticed was a poorly maintained room.

“Once I entered the dormitory, it was extremely dirty like no one had lived there before...The room was so small...After my first day of work, I went back to the dormitory and saw mouse droppings...I told my family that the accommodation here was not as good as our home.”

Sandy, Technical Intern from Cambodia



May's employer was not skilled in stitching clothes, and no training was given to her. As reflected in other cases we have come across, May was treated as cheap labour and, as such, was more vulnerable to exploitation than her Japanese counterparts. May worked from 8am to midnight, with 1.5 hours break in total for meals in between. It was common for her to work 14-15.5 hours a day, 6 days a week.

May and her fellow co-workers lived in a single storey house operating as a factory, where they worked, ate and slept. May shared a bunk bed with another Chinese migrant worker, and there was one bathroom, shared by six workers. In summer the dormitory became unbearably hot, up to 35°C, and it became difficult to sleep. These cramped and unsanitary living conditions are especially concerning during the current COVID-19 pandemic where social distancing is of paramount importance to stopping the spread of the virus.



Poverty Pay and Long Working Hours

May was paid ¥300 (USD \$2.73) an hour for sewing Gallardagalante trousers, which retail for upwards of ¥12,000 (USD \$110). It would cost 4 days total wages for her to buy a single pair of the trousers she made.

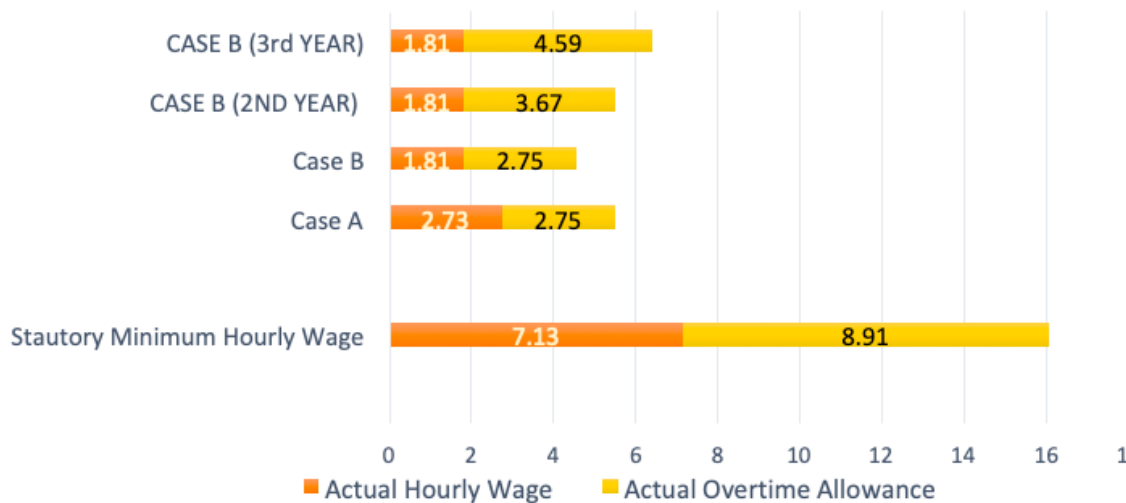
May didn't know that the Gifu prefecture government enforced a statutory minimum hourly wage of ¥754 (USD \$7.13), over double what May was paid. The law requires an extra 25% for overtime allowance, but May never received this. She even worked on what was meant to be her designated rest day.

"We were always working as we have no rest day (day off). If we got a precious odd day off, I would definitely sleep in the morning and go to the supermarket in the afternoon."

May, Technical Intern from China

After almost two years of being exploited, May was put in touch with ROUDOU SOUDAN.COM (労働相談.COM), a labour NGO and a member of the Clean Clothes Campaign network to seek legal advice.

Differences between the Statutory Minimum Wage & Actual Wage Received in the case studies (In USD)



May decided to take legal actions against her former employer for the numerous violations she suffered. SOUDAN.COM provided a shelter for May, where she stayed with other migrant workers who had similar experiences. In the past few years, more than 260 migrant workers from a variety of Asian countries have stayed in the shelter.

Zhen Kai, an organiser from SOUDAN.COM, plans to take May's case to court because "the authority often takes the word of employers at their face value."

Employers often forge documents, including payslips, to use as evidence that they have complied with the law. To avoid responsibility, May's former employer declared bankruptcy, and sold the ownership of the factory to another corporation, owned by his son. The factory is still in operation today, owned by the same family, and they are still hiring new TITP trainees.

Addressing Labour Violations in the TTIP Programme

According to the Japanese Labour Standards Inspection Office, over 7,000 enterprises and supervising organisations in the TITP programme have violated labour laws and regulations. The Japanese government is well aware of the problem, which is part of the reason why it amended the TITP Act in 2017 to extend further protection to migrant workers. In principle this is a positive step for migrant workers, however the Japanese government consistently fails to enforce the law.

As the numbers of migrant workers in Japan grow, so does their contribution to the “Made in Japan” brand. The TITP trainees offer a quick solution to the labour shortage in the Japanese garment industry, yet the TITP model allows for exploitation and the denial of migrant workers rights.

For brands, outsourcing production lines is a cheap and flexible business model, yet the brands take no responsibility for the working conditions of the migrant workers who are making their clothes. We urge brands and companies to act responsibly and to take immediate action to crack down on labour violations in their supply chain.

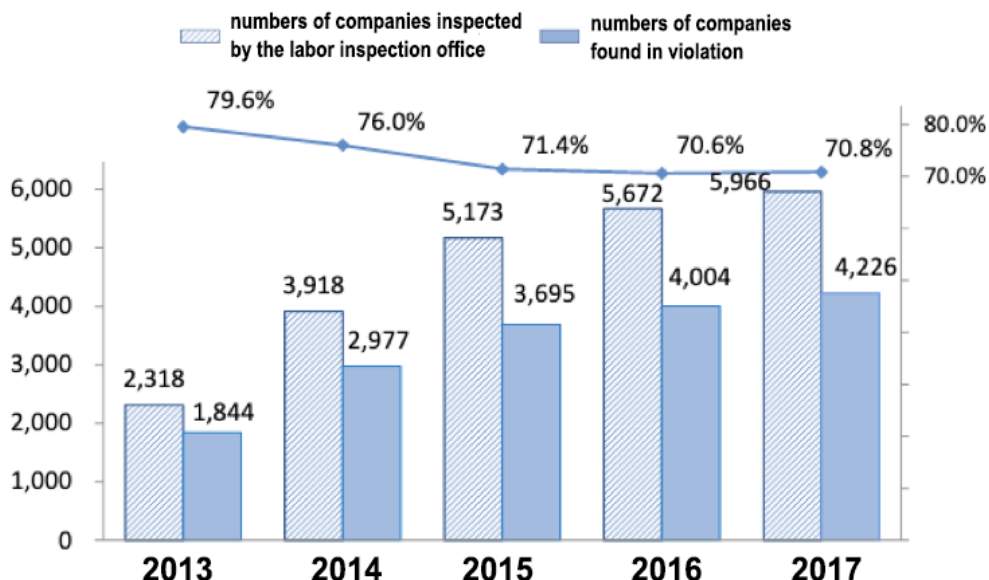
Brands should make their code of conduct and business due diligence plan public and also available to workers in their own languages, and take concrete steps to protect the rights of migrant workers. These must include conducting regular inspections of their contractors and sub-contractors, and being transparent about their supply chains and labour standards to civil society and consumers. They must ensure migrant workers are not trapped in debt bondage and are receiving living wages or, at the very least, the minimum wage.

Action to address labour rights violations in these trainee programmes is now more urgent than ever. The COVID-19 outbreak has added severe health risks to the plight of migrant workers. By the end of March 2020, Japan recorded more than 2300 confirmed cases and 66 deaths and in the first week of April prime minister Shinzo Abe declared a state of emergency in response to the pandemic. Yet, despite the urgent need for social distancing measures, many of the TITP trainees continue to work in small workshops and live in crowded living quarters with poor sanitation facilities.

Inspection and Violations

(1) 全国の労働基準監督機関において、実習実施者に対して5,966件の監督指導を実施し、その70.8%に当たる4,226件で労働基準関係法令違反が認められた。

<注>違反は実習実施者に認められたものであり、日本人労働者に関する違反も含まれる。



Migrant Workers Testimonies

By late 2019, SOUDAN 's migrant shelter had hosted more than 200 migrant workers. All had come there for help after experiencing abuse and mistreatment. May's case is sadly a common story. Below are two further testimonies from trainees in 2019, highlighting the exploitation they suffered during their TITP work placements.

Pony and Sandy from Cambodia

Pony and Sandy are from two different cities in Cambodia and were introduced by an employment agent who specialises in sending workers to Japan. Both had heard that they could earn good money in Japan and would be able to learn new skills.

Pony was a garment worker in Cambodia in a large stitching company for over two years before deciding to become a trainee in the garment sector in Japan. Her decision was partly based on the positive experiences of a friend of hers who was already a trainee in Japan.

For Sandy, her sister encouraged her to join as she was also working as a trainee in Japan. Sandy had no experience in the garment industry and previously sold fruits in a Cambodian market. Both were asked to pay an extremely high application fee of USD \$6,000 to the agents, which would cover visas and the application process. Pony took out a bank loan in order to pay the fee.

Sandy and Pony arrived in Japan in the summer of 2016, and both studied Japanese in Tokyo for only one month before being sent to work in manufacturing companies.

Bullying

Pony was bullied by a Cambodian colleague in the factory who had arrived in Japan one year earlier and was therefore her senior, even though Pony was older. This worker was unwilling to teach Pony any new skills and told disparaging lies to the management about Pony's performance.

Bullying is a common problem among trainees. In many firms, instead of the owner, it is the senior trainees who provide training to new trainees, and some use this power to coerce or threaten new trainees. In the factory where Pony and Sandy were placed, there was only one Japanese employee: the owner's brother-in-law. He oversaw the trainees.

Poverty pay

Their salary was ¥60,000 (USD \$551) per month before deductions were taken for rent and food. After deductions, the amount they received was ¥24,000 (USD \$220) per month.

Typically their working day started at 8.30am and officially finished at 6.30pm, however they would then work overtime until very late in the evening. They were given a lunch break at 12.00pm, but during busy periods this would be limited to twenty minutes. They were offered a 30 minute dinner break at 5.30pm, and the occasional 10 minute break at 3pm during quiet periods.



Migrant Workers Testimonies

Pony and Sandy worked overtime daily until 11pm, and sometimes as late as 1am. The worst example was when the factory only had trainees working and they worked overtime until 3am. Their overtime rate was ¥300 (USD \$2.85) per hour for their first year, rising to ¥400 (USD \$3.80) per hour for the second year and ¥500 (USD \$4.75) for their third year. The trainees were meant to have one day off per week, however this depended on the orders and if the deadline was tight they would not be allowed Sundays or holidays off. When they did get a day off they were so exhausted from their long hours they usually spent it sleeping.

There were not enough employees in the company so the trainees had to do most of the jobs, from carrying materials to stitching and pressing. It was very different from Pony's previous garment job in Cambodia where she only had to focus on sewing. The factory in Cambodia was much larger than the small factory in Japan where they were placed.

After comparing their situation with their friend and sister respectively, they realised that they were paid far below the average wage. They asked the owner and his wife about their wages in the hope that their salary would be raised, however they were told to keep quiet about their wages.

"Sometimes I ask oku-san (the owner's wife) and shacho (the owner): Why is my salary different from other trainee workers? She just tells me to be quiet, don't say anything."

Sandy, Technical Intern from Cambodia

Candy from China

Candy was a garment worker in China when her friend suggested the TITP programme, telling her that even though she was in her 50s, there would still be companies willing to accept her. Although Candy's family was financially stable, she wanted to earn more money and improve their standard of living and, as her son was already in his 20s, she wasn't concerned about leaving him to work abroad.

Just twelve days after her application, she was invited for an interview and asked to pay a deposit of RMB1,000 (USD \$146). She paid, however she then did not hear from the agent for the following five months. Candy asked for her deposit to be returned, but instead the agent assured her that she would be accepted by the programme in due course. She later realised that she had paid a larger non-refundable deposit than other trainees. In total, she paid RMB 36,000(USD \$5,272) while other Chinese trainees paid RMB 35,000 (USD \$5,126) for the programme.

Training and working

Unlike most of the trainees, Candy had to go through "practical training" in her company at the same time she was studying theory and language as part of TITP. She would begin her day working, then leave to attend school for three - four hours per day, only to return and continue working.





The factory owner collected her from school to return her to the factory where she worked from 4pm until late at night. This was her routine for the first month she was in Japan, even though the TITP programme states that trainees are meant to only receive theoretical and language training during the initial period, and not undertake practical work too. Despite this intention, some factories try to fully utilise the trainees by asking them to work immediately after their arrival in Japan.

Where is the sun?

When talking about her life in Japan, Candy would say that she never saw the sun. In her building the ground floor was the office; the second floor was the dormitory and the third floor was the factory. With no commuting time, the company required the trainees to work from 5.15am until midnight each day. After deducting 30 minutes for lunch and 30 minutes for dinner, Candy worked a total number of 17–18 hours per day.

Working seven days per week

Candy worked seven days per week, and did not receive a single day off during her first six months in the company.

"There was no such thing back in my home country. We had four days off in a month. But here, there is no rest...It was very hard. So, at that time, I did not want to continue. I just wanted to go back to my home."

Candy, Technical Intern from China

Candy was even expected to work during the New Year in Japan, but she was determined to have a day off for the Lunar New Year, the largest holiday in China. Candy and the other Chinese trainees begged the factory owner to give them one day off. The owner agreed, however they had to work until 2am the night before the Chinese New Year in order to secure their only day off.

After that, they negotiated with the owner to reduce their long working hours to 7am - 11pm, and to ask for one day off each month. Candy has reported that at times when it was not busy she would plead with the owner to give her another day off, bringing it to two days off in a month. Similar to May's experience, during her day off Candy would sleep for the whole morning and visit the supermarket nearby to purchase ingredients in the afternoon. Although Candy also wanted to travel and see Japan, she was too exhausted and also didn't have the money for travelling.

In addition, Candy claims that the owner's wife ordered them to lie about their real working conditions, including the excessive working hours, the number of hours of overtime and the amount of break time she received. The company wanted to avoid the labour violations being discovered and thus prevent any legal ramifications.

Recommendations

The Clean Clothes Campaign has the following recommendation to the Japanese government:

1. TITP trainees who attempt to flee from abuse and exploitation are often threatened with large punitive fees. The 3–5 years practical training requirement in the TITP programme prolongs their suffering, and the Japanese government should relax this restriction and grant more freedom to trainees to choose their employer.
2. The Japanese government should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), and acknowledge migrant workers and TITP trainees' contribution to the Japanese economy.
3. On joining the TITP programme, migrant trainees should be informed of their legal rights and protections and be given information on how to seek recourse to remedy should their rights be violated.
4. When investigating alleged TITP programme labour rights violations, the government and the Labour Inspection office should provide adequate legal, language interpretation service, temporary refuge, and counselling services to victims of forced labour to ensure a fair and due process.
5. Social audits of factories should be transparent and public and investigations into alleged abuses in the TITP programme should be transparent and the results should be available to workers, translated as necessary, and to the wider public.
6. Our study shows that local civil society groups, such as community legal centres and shelters, are essential in identifying risks and rights violations, and improving access to justice. The Japanese government should work closely with civil society groups and provide resources that enable their work.
7. Punitive action should be taken against factories and brands who fail to protect the rights of migrant workers in their supply chain.