

THE GLOBALIZATION OF ENTERPRISES AND MIGRANT WORKERS: SPECIAL REFERENCE TO JAPAN

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1 The Globalization of Enterprises and Migrant Workers

The increase of migrant workers in any country raises various issues, important among which are whether they should be restricted in number, how they could be controlled by immigration law, how they should be protected from being unfairly treated or discriminated against, and so forth. The general issues as well as special issues have been brought about by "the globalization of enterprises," especially to countries which have experienced a sudden influx of migrant workers in a short period, as in Japan.

The theme of this paper will focus on the legal and social issues concerning workers who have flooded into economically richer countries from other countries as a result of the global expansion of activities of

enterprises, whose main offices are located in the economically richer countries. However, the main examples in this paper are drawn from Japan.

Before furthering the discussion, the definition of a migrant worker, as it applies to this paper, will be given. The term "a migrant worker" does not mean a person who has legal status as an immigrant, but any person who enters Japan with the intention to work in Japan, regardless of his or her visa status, such as job seeker, trainee, student, tourist, etc. The term "illegal or undocumented migrant workers" means workers from foreign countries who (1) enter into Japan without a visa, (2) stay after the permitted period to stay in Japan, (3) work without legitimate permission given by the Immigration offices. Under Japanese law immigrant status will be given, at the administrative discretion of the Department of Justice, to a person who fulfills the following requirements: (1) having stayed for at least 5 years in Japan, (2) contribution to Japan in a positive way, (3) proof of financial independence, and (4) a history of good behavior as an inhabitant of Japan. Therefore, it is not easy to get legal immigrant status in Japan. In this paper "a migrant worker or employee" does not include these people.

2 The Economic & Social Reasons for the Influx of Migrant Workers

The rapid influx of migrant workers into economically advanced countries occurs for various reasons. They include (1) the expansion of economic activities, accompanied by acute labour shortages in those countries, which can absorb migrant workers, (2) high technological development, which attracts skilled migrant workers, (3) the sharp differences in income levels and living standards between these countries and the developing countries, from which many unskilled migrant workers come, (4) the existence of widespread poverty in the developing countries, which is partly the result of incomplete land reform and an increase in population, (5) the activities by brokers who earn money by finding and sending migrant workers from developing countries to advanced countries, and so forth.

Additional reasons, which are related to the globalization of enter-

prise activities, are as follows. Firstly, the managerial and service sectors of global enterprises in the advanced countries have expanded and are supported by relevant companies which absorb migrant workers. The management functions of the main offices of these enterprises include the authority to control branch factories and offices located in foreign countries, necessitating a small number of skilled native speakers to negotiate international business contracts and to educate a Japanese managerial staff. The largest number of unskilled workers will be hired by building maintenance companies, restaurants, and other relevant tertiary companies.

Secondly, the factories or managerial offices of the global enterprises located in the advanced countries, such as Japan, need to transfer their technology or managerial skills to those set up in developing countries in order to expand their economic activities. In these cases, migrant workers employed by these companies in foreign countries will be sent to the factories and offices in advanced countries for training. These workers will become migrant workers or trainees working in the advanced countries.

Thirdly, some types of global enterprises will require foreign professionals or special employees for their planning, market research or legal department when seeking to expand their economic activities to the world market. However, the demand for recruiting this type of migrant worker is small.

Lastly, global enterprises supply migrant workers, recruited from other countries where they have their tertiary or related companies, in order to help their subcontracting or other related companies located in the advanced countries, which suffer from acute labour shortages. Generally speaking, the global enterprises could sustain their own economic activities through continuous supply of goods and services provided by these subcontractors or other related companies. Though migrant workers are necessary for their economic activities under the dual structure of Japanese economy, which consists of big enterprises on one hand and small and medium size enterprises which support the former ones by supplying goods and services on the other hand, many of these workers sent from other countries are unskilled, and some of them are working illegally without a visa.

In Japan, according to a 1990 Department of Labour report, nearly

2 million skilled and semi-skilled workers were needed, and 62% of the companies surveyed indicated a desire to hire foreign workers⁽²⁾.

It is very important to point out that, although these subcontracting or other type of related companies to the global enterprises are mostly small or mid-size ones, the demand for foreign workers is generally strong. In Japan, 30% of the small and mid-size firms surveyed want to hire migrant workers⁽³⁾.

Without these companies, the economic activities of the global enterprise will not be secure. Therefore, social and legal issues raised by the unskilled workers, even if undocumented, are relevant to the situation of the globalization of enterprises and should be considered.

3 Argument For and Against the Acceptance of Migrant Workers

In general, the policy to accept a limited number of migrant skilled employees and trainees is supported. The Japanese Government set the conditions for accepting migrant workers, especially from Asian countries, by amending the Immigration Control Act of 1990, to which this paper will refer. The argument remains as to whether unskilled migrant workers should be accepted. If the answer is yes, the conditions for it should be set.

Negative opinions concerning whether or not to accept migrant workers have been delivered by both the Japan Employers' Association (Nitsukeiren), the Japan Trade Union Federation (Rengoh) and the government. The reasons are (1) a sizable influx of cheap migrant workers will lower the level of working conditions of Japanese workers and delay the reform of working conditions, such as increasing salary levels, enforcing safety standards at work and the like within the industrial structure of Japan, (2) the uncertain future prospect of Japanese economic growth, including the fear of recession, (3) the high unemployment rate among aged Japanese, and the increased possibility of hiring female workers in the near future (4) the vocational training and education of Japanese workers is possible, (5) the rising social cost of introducing many migrant workers, such as social security, education, housing, etc. (6) the possible increase in crime and drugs as well as other social fric-

tion caused by opportunities to settle in Japan, (7) the single race notion of ethnic purity and uniqueness of Japanese society resulting both from the special history and the mentality of the people, (8) the adverse effect on the developing countries of taking educated and skilled workers out of their home countries, referred to as "brain drain," (9) the immature social and legal environment's inability to accept many migrant workers (10) no national consensus reached yet on this matter, (11) increased investment to manpower saving devices and machines⁽⁴⁾.

Positive opinions have been issued by middle and small scale enterprise employers' associations, human rights protection groups and others. They say (1) companies will go bankrupt or face difficulty in continuing their business without hiring migrant workers, including skilled workers, such as hospital nurses and computer programmers, and unskilled workers, such as construction and metal workers. (2) the protection of human rights, in addition to working conditions for migrant workers, will elevate those of Japanese workers. (3) Japan has an international responsibility as a nation who has been successful in her development⁽⁵⁾.

In my opinion, (1) global enterprises in many cases have earned their profits by setting up factories and offices in less developed and therefore cheaper labour cost countries and by selling goods or providing services in these countries from which foreign workers come. Even if these economic ties are not apparent, the global enterprises in the advanced countries should fulfill their community obligation as members of international society and redistribute of their profits by accepting migrant workers, especially from developing countries. (2) Another contribution to the international community is the transfer of high technology from the advanced countries to the developing countries through migrant workers who will acquire the proficiency of skills and know-how. Japan could contribute to the international community by transferring high technology to less developed countries through the education of migrant workers. (3) another aspect is the internationalization of the advanced countries. Accepting migrant workers into Japan will work in a positive way to help internationalize the social structure and consciousness of individuals. As a result, the social structure and consciousness of individuals will be affected to some extent and may help to internationalize. Internationalization of the society of any country is now

inevitable as a result of the emergence of the borderless age of the 20th century⁽⁶⁾.

4 The Proposed United Nations Convention and Some Advanced Countries

The protection of migrant workers is required by not only global enterprises, but also any company in any country. The Conventions of the United Nations (UN), which is an international organization, can be binding to any country which ratifies them. Though not ratified in Japan, its conventions and attached recommendations influence policy because any affiliate nation violating UN recommendations will be criticized by other nations, especially when the nation is an advanced country like Japan.

The General Assembly of the UN was expected to vote on a convention concerning the protection of the rights of migrant workers, including illegal workers and their families in October of 1990. Global enterprises whose main offices are located in the advanced countries will be expected to accept this convention if agreed to by the affiliate countries.

The main parts of it are; (1) the definition of a migrant worker as any person who is or has been engaged in remunerated activities in a country where the person is or is not a citizen, (2) the equal opportunity for employment of nationals, regardless of "sex, race, color, language, religion, criminal conviction, political or other opinion, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status,". (3) the equal right to access of social welfare and medical services, (4) the right of the migrant workers' family to enter and stay in a country where the migrant worker has stayed, (5) the right to fair penal procedures guaranteed when arrested, including release on their own recognizance when bail is paid.

If this UN Convention is ratified by the General Assembly of the UN, the government under which the global enterprises are active will be affected in the future. Also, the criteria written in this convention for the protection of migrant workers will make it easier to analyze the present situation of migrant workers in Japan.

Former West Germany is similar to Japan in terms of introducing

migrant workers from developing countries, for the purpose of easing labor shortages. There are approximately 2 million foreign workers in Germany at this time. Even though the flow of migrant workers into the country was prohibited in 1973, as of 1988 there were approximately 500,000 illegal migrant workers reportedly staying there. Former West Germany employs a labour permit system which includes a deportation policy, which closely inspects the qualifications of migrant workers who wish to work in the country. It also imposes criminal penalties on employers who hire undocumented workers. Rather than immigration control, to protect migrant workers' rights, the ombudsman system has been introduced.

Government immigration policies are different from country to country based on their geographic location and economic development. However, it is the international trend that (1) unskilled migrant workers are not welcomed, (2) screening of foreign workers entering advanced countries has become more stringent, (3) the acceptance of the influx of migrant workers includes the increase of social and economic costs of accepting their families as well, (4) discrimination in employment as well as in society is inevitable and, therefore, legal and educational efforts are indispensable, (5) the deportation policy of illegal migrant workers and the penalization policy of the employers who hire them are measures to prevent undocumented migrant workers, but so far have had little success, (6) advanced countries are seeking to reach international agreements between two or more countries to tackle the problems arising out of the influx of migrant workers⁽⁷⁾.

It is my opinion that though the Japanese government clearly declared, in June 1990, that Japan did not accept unskilled migrant workers⁽⁸⁾, the international flow of workers from country to country is inevitable, in light of the recent globalized world and the fact that some migrant workers from developing countries remain illegally in advanced countries. It is desirable for affiliate countries to ratify the international conventions which declare to protect the human rights of migrant workers. If not ratified, affiliate countries should be required to make an effort to fulfill them due to their international moral obligations. It is more realistic for countries with friendly trading relationships to reach a bilateral agreement dealing with policies to accept and deport migrant workers. The Japanese government suggested this possibility in June,

1990⁽⁹⁾.

5 The 1990 Immigration Control Act of Japan

The Immigration and Refugee Recognition Act⁽¹⁰⁾ was promulgated in 1952, however, under this Act the number of foreigners reported in Japan reached the highest point in 1988, and major reforms were made in 1989 and came into effect in 1990. The Justice Ministry statistics, published in April, 1990, show that the increase of deported migrant workers doubled, the increase in forged passports was sixfold, and the number of illegal workers was up 16% from the previous year⁽¹¹⁾. Many of these illegal workers are foreigners who had declared either sight-seeing or studying at the time of their entry specification and later took up some employment in Japan.

The legislative intent of the 1990 amendment is (1) to adapt Japan to the globalization of the world economy by making entry requirements more flexible, so that an individual with professional knowledge and skills will have more opportunities to enter Japan to seek employment, (2) to adapt Japan to the influx of migrant workers, as a result of the Japan's economic expansion, so that certain immigration procedures become simplified. (3) to tighten controls on illegal migrant workers in order to cope with the social and economic problems associated with the influx of illegal migrant workers. These controls include criminal penalties imposed on both illegal migrant workers and employers of illegal workers.

The revised Act went into effect on June 1, 1990. The main changes are as follows: (1) the written statement, which is called "visa status certificate," is required to be submitted to the Ministry in order to obtain a job visa. This statement includes (i) description of work, (ii) employment history, (iii) job qualifications, and (iv) educational background. (2) The increase of job categories from 18 to 28 to which work permission is now issued (the details are in the appendix of this paper). (3) The introduction of the work eligibility certificate, which is issued for ¥500. If foreigners show the certificate to a prospective employer, he or she can trust that they are eligible workers, so that the process of hiring becomes much smoother. However, they are able to work without

the certificate, providing their status documents are in order.

(4) The introduction of New criminal provisions which state: (i) Anyone who negligently employs foreigners without working visas, or who has foreigners under his or her control with the clear intention to arrange employment for them, and who arranges the employment of foreigners as his or her business, shall be imprisoned for up to 3 years and/or fined ¥2 million, (ii) any Japanese broker who engages in illegal employment activity to send foreign workers to Japan from foreign countries shall also be sentenced by the same penalties. (iii) The old provision is still effective that migrant workers who fall under the previous categories shall be punished by imprisonment of up to 3 years and/or fined up to ¥2 million. (iv) Offenses committed under the old act shall be subject to the penalties stipulated under the old act. (v) Any company who committed the same offenses mentioned above shall also be punished. In practice, the DOL issued an administrative circular notice in June, 1990 which said that administrative guidance (*gyou sei shidou*) was the measure to be taken, and did not refer to criminal prosecution. The notice said that, when the office found a suspicious company hiring illegal migrant workers, the office should merely call attention to the company not to continue hiring illegal migrant workers⁽¹²⁾.

(5) A company as a corporate entity shall be regarded as having committed the same offenses as an employer has done and shall, therefore, be punished. In practice, however, the DOL issued an administrative circular notice in June, 1990 which said that administrative guidance (*gyousei shidou*) was the measure to be taken against an employer to guide him/her to follow the law, and this notice did not refer to criminal sanctions. This notice also said that, when a local office of DOL finds a suspicious company hiring illegal migrant workers, the office should guide him/her to discontinue hiring them. If the office finds concrete evidence that a company has hired illegal migrant workers, then the office should inform the immigration office concerned.

Besides the Immigration Control Act, labour law, such as the Worker Dispatching Business Control Act has been used to arrest brokers who have supplied foreigners with tourist visas to submit to Japanese employers. In one of the cases reported, a Japanese employer, who had supplied 35 foreigners with tourist visas to submit to small construction and manufacturing companies, was arrested on May 30, 1990. The fore-

ign workers were turned over to the Osaka Immigration Office which has the authority to deport them. In another case, on August 31, 1990, three Japanese managers were also arrested for supplying 14 Chinese with tourist or student visas which were submitted to an automobile parts manufacturing factory for almost 10 months, while simultaneously using some of them as translators for their own company⁽¹³⁾.

6 The Working and Living Conditions of Migrant Workers in Japan

The 1990 survey by the Middle and Small Scale Employers' Association of Workers' Compensation Association shows that one out of 7 middle or small scale companies located in the metropolitan area hired some migrant workers. More importantly, approximately 70% of them were suspected to be illegal workers because 48.4% had student visas and 23.5% had tourist visas, while only 17.6% had business visas. 33.3% were Chinese, 14.7% were Pakistanis, 12.9% Bangladeshi⁽¹⁴⁾.

Concerning the existence of wage differentials between migrant workers and Japanese workers, a 1990 Department of Labour (DOL) survey stated that 10 out of 37 factories replied affirmatively. The DOL found 25 violations of the Labour Standards Act. There were 8 cases of employers not giving job applicants clear explanations of their working conditions at the time of hiring, eight cases of overtime, six cases of unsafe working conditions, five cases of no book keeping on migrant workers, four cases of no medical check-ups and one case of no wage payment. Many articles dealing with the human rights of migrant workers in Japan suggest that a much higher percentage of cheaper labour could be shown.

As to workers' compensation, 77 migrant workers have received their benefits, granted under the Workers' Compensation Insurance Act, for 9 months during 1987. This figure does not represent the real environment on the shop floors, because any Labour Inspection Office is required to report to the Immigration Office of Japan at the time of finding illegal migrant workers working in Japan, under the policy directed by the Directors of Departments of Labour, in January, 1988⁽¹⁵⁾. However, in June, 1989, the head of the Division of Labour Inspection of DOL

issued an administrative circular notice which was in conflict with the one issued in January, 1988. This notice said that local Labour Inspection Offices of the DOL had made it a policy not to report undocumented migrant workers to immigration offices concerned, even if offices had found them and they had filed complaints regarding unpaid wages or other violations of the Minimum Wage Act. This notice also said that local offices which started counseling for migrant workers would not report undocumented migrant workers to immigration offices concerned, even if found⁽¹⁶⁾.

However, undocumented migrant workers still fear that they might be reported to immigration offices concerned by local Labour Inspection Offices which have the authority to decide the qualifications for workers' compensation benefits. Few migrant workers would report labour accidents and occupational diseases contracted to the Labour Inspection Offices to get their benefits, because the Unemployment Insurance Act would not be applied to migrant workers because of the limited period of their jobs. The Health Insurance Act would be applied.

The Department of Justice recently announced that no employment bias against Latin Americans of Japanese ancestry was found by the survey in May, 1990. The daily wages of men were between ¥8,000 and ¥10,000 while those of women were around ¥6,000. Both are roughly the same as Japanese in comparable jobs. This survey shows an increase of Japanese-Latin American workers to 20,000⁽¹⁷⁾.

Since medical care facilities for migrant workers and their families has been urged, three hospitals in Okayama, for example, employ a staff who understands 12 languages. Medical bills can be deferred by special arrangement, instead of the reimbursement delivery system which has been used by migrant residents⁽¹⁸⁾. The medical network for foreign residents was started by the Association of Medical Doctors for Asia, in Japan, in June, 1990. Immigration counseling was also inaugurated by the Tokyo Regional Immigration Bureau during the same month⁽¹⁹⁾.

In my opinion, some of the skilled workers and professional employees who come from foreign countries, especially from Asian countries, are still discriminated against in Japan from their entry to the labour market. This is because the employment categories which are permitted by law to enter Japan are still restricted. However, once permitted, skilled and professional migrant workers are respected after being

hired. On the other hand, many unskilled or semi-skilled manual workers especially from Asian countries are discriminated against in many ways, such as in employment and in social life, because of their color, race, ethnicity, or national origin. Measures should be taken for the following policies: (1) A basic effort should be made to keep statistics as accurate as possible, with updated figures concerning migrant workers in Japan. (2) Labour inspection should be reinforced to find undocumented or illegal brokers and employers, rather than to search for migrant workers. When finding undocumented workers, the Labour Inspection Office should examine, first of all, whether their employer has violated labour protection laws. For the protection of the working conditions of migrant workers, strong administrative guidance (Gyousei Shidou) should be given to the employers to make them compensate the migrant workers regardless of illegal visa status or violations of immigration law. The labour law doctrine established among academics believes labour law should protect all workers, without discrimination, as long as they are working under its jurisdiction. Under this doctrine, the de facto relations which have existed in the past between an employer and workers are important for the purpose of protecting the workers regardless of legal status. They must live as human beings, support their families and contribute to their company and their community. (3) Stringent criminal penalties under the law should be imposed if the employers are found to have willingly or negligently violated the law. (4) Whether the fact that workers are undocumented is reported to the immigration office concerned should depend upon case-by-case judgment because, once reported, they may be deported. In some cases, they should be allowed to stay in Japan until they get legal status to stay. The administrative circular notice issued by the Head of the Labour Inspection Division of DOL in 1989 which is mentioned above shall be maintained.

Among the remaining issues to be discussed are (1) to make labour contracts clear when agreed upon, (2) to secure translation services from foreign languages into Japanese in courtrooms, and (3) to mitigate the impact on Japanese culture of accepting migrant workers to Japanese society and others.

The problem which still needs to be discussed is the recent changing government policy of accepting more "trainees." This change has come as a result of strong criticism raised by the small and mid-size

companies that they are suffering from a shortage of labour. The problem is that trainees will not be considered as "workers" and are not qualified for the legal protection of labour law under the strict interpretation of law. However, the Department of Labour takes the view that, judging from the factual relationship between the worker and the employer, any person who is engaged in labour shall be protected by labour law.

The Japanese Government set up criteria for legitimate "trainees" who are allowed to work at a company in Japan. (1) Training shall be directed by a permanent Japanese worker who has more than 5 years experience on-the-job. (2) Skills acquired by training must be rarely found in the trainee's home country. (3) Skills must be used after returning to the trainee's country. (4) A company providing training shall provide housing and educational facilities for a trainee. (5) The ratio of trainees to Japanese workers working at the same factory shall be one to twenty. (6) Safety, health, and private accident insurance shall be provided for a trainee. (7) The Workers' Compensation Insurance Act as well as The Labour Standards Act shall not be applied to a trainee in principle. No overtime work and night shift work shall be permitted. (8) A trainee shall not be paid wages or a salary for work, but a maximum of ¥7,900 per day can be paid for housing, food and other daily needs. (9) An organization who is allowed to send a trainee from a foreign country shall be either governmental, or a company who has an economic relationship with a company who has trained a trainee previously sent to Japan.

Migrant workers have their right to organize a trade union and bargain collectively with their employers under The Trade Union Act.

7 Conclusion

Illegal foreign workers working in Japan are human beings living in Japan as well as working forces contributing to the Japanese economy. Therefore, the deportation policy to expel them automatically when being found is not advisable. The Japanese Government should treat them the same as Japanese by imposing a sort of tax on them, giving them opportunities for education and applying social security law. They

could be deported under discretion of the humanitarian point of view, but mass deportation from Japan should be carried out only when agreed upon by the international agreements signed between Japan and other countries concerned.

Government at both national and local levels have started consulting work for migrant workers. National trade unions have declared their support for them. Some citizens' organizations have opened daily consulting windows to help them. Lawyers' associations have publicized their willingness to provide legal consultation and aid. Though these functions are rather new, they should have a positive affect in assisting migrant workers and aiding their assimilation into Japanese society.

Footnote

- (1) Mr. Tim Wright, a graduate student of the Graduate Law School, Niigata University and his wife Nancy Wright helped the author to edit this paper.
- (2) Especially in the small size enterprises employing from 5 to 29 workers, 17.8%, while middle size ones hiring from 30 to 99, 10.6% and 100 above, 7.8% DOL, Research on Demand and Supply on Skilled Workers, 1990; Japan Times, September 19, 1990; Japan Times, October 10, 1990
- (3) The Small Business Employers' Association' survey of 1990 shows, Japan Times, May 31, 1990.
- (4) Houmushou (Department of Justice), Gaikokujin Roudousha Nyuukoku Mondai Kentou Iinkai Chuukan Houkoku, Zaidan Houjin Nyuukan Kyoukai, 1988. Roudoushou Shokuan Kyoku (Department of Labour), Kongo niokeru Gaikokujin Roudousha no Ukeire no Houkou, Gaikokujin Roudousha Mondai Kenkyuukai Houkoku, Roumu Gyousei Kenkyuusho, 1988
- (5) Tadashi Hanami, Yasuo Kuwahara, ASU NO RINJIN GAIKOKUJIN ROUDOUSHA, Touyou Keizai Shinbun, 1989; Houkaku Semina, ed., GAIKOKUJIN ROUDOUSHA TO JINKEN, Nihon Hyouron Sha, 1990.
- (6) This stance comes from the realistic point of view to acknowledge the following facts about Japan. (i) Almost 1 million foreigners are now living in Japan legally which is a record level (Japan Times, October 7, 1990). (ii) Other obvious facts show that many foreign workers come to Japan from Asian countries such as The Philippines, Bangladesh, Mainland China, and more recently South American countries. Japanese-South Americans are also filling the recent labour vacuum (Japan Times, June 16, 1990) There are also over 15,000 illegal workers reported to be staying in Japan, among whom 14,000 were indicted in 1988 (Nitsukei Shinbun, January 9, 1989 and the Department of Justice, the Number of Deportation and Violation of the Immigration Control Act in 1988)

- (7) Koyou Shokugyou Sougou Kenkyuu Sho, Shuyoukoku no Roudou Kyoka Seido, 1988, Gunter Wallraff, Ganz Unten (Masako Shuenetsuku, translated, SAITEIHEN, Iwanami Shobou, 1986)
- (8) Supra note 4.
- (9) Id.
- (10) Public Act No. 79 (1989).
- (11) According to the Government statistics, 22,625 foreigners were deported, showing an increase of 27% from 1988 and double the total in 1986, and that 2,349 foreigners were deported due to forged passports, a sixfold increase from the previous year, though those who worked without proper visas decreased 17%, from 839 to 696. Illegal workers, defined by the Ministry as working without authorization or with expired visas, stood at 16,608, up 16% from 14,314 the previous year.
- (12) Shoku Hatsu (Circular notice issued by the Director of Job Security to Governors), Dai (No.) 264, June 1, 1990.
- (13) Japan Times, 1 June, 1990; Asahi Shinbun, 1 September, 1990)
- (14) It is obvious that the situation is changing when comparing this 1990 survey to the 1989 Department Of Labour' statistics. According to the DOL survey carried out in 1987, of 15,796 factories inspected throughout Japan only 48 employed foreign workers for a total of 202 foreign workers. The important fact is that 55.0% of them were illegal workers. Illegal workers in this sense means foreigners employed without working visas. In my observation, this statistic does not count foreign workers (i) whose visas are student visas, but who work over 20 hours a week, which is legally permitted, (ii) whose visas are trainee visas, but who work just the same as ordinary workers.
Out of 111 illegal foreign workers, there were 54 Bangladeshians 36 Pakistans, 13 Indians, 2 Taiwanese and others. They worked in metal manufacturing companies (48 persons), food processing companies (28), construction companies (9) and others. These jobs require both unskilled or semi-skilled workers. The size of factories they were employed by is mostly 5 workers or less.
- (15) Kihatsu (Administrative Circular Notice issued by the Director of the Labour Standard Department, DOL) Dai 50, Shokuhatsu (Decree by issued by the Director of the Job Security Department, DOL) Dai 31, January 26, 1988.
- (16) Kikan Hatsu (Administrative Circular Notice issued by the Head of the Labour Inspection Division) Dai 41, October, 1989.
- (17) Japan Times, May 1, 1990.
- (18) Japan Times, May 13, 1990.
- (19) Japan Times, June 24 & 25, 1990.

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Economic Planning Agency, White Paper on Japanese Economy 1990, Business Intercommunication

Practical Handbook of Productivity and Labour Statistics '89-90, Japan Productivity Centre

Japan Economic Almanac 1990, Nihon Keizai Shinbun

Labour In Japan, About Japan Series No. 9, Foreign Press Center, 1988

Qualifications for Obtaining Employment Permission

Areas where no changes were made	Areas where modifications were made concerning contents of activities	Newly introduced areas	Cases under which Ministry of Justice order is applied	Cases under which employment permission is granted
1. Investment activities and management of a corporation	1. Technological services 2. Entertainment 3. Vocational skills	1. Legal and accounting services 2. Medical services 3. Research 4. Special know-how in humanities areas and overseas operations 5. Education 6. Cross-border in company	Cases under which Ministry of Justice order is applied	A. Cases under which employment permission is granted
1. Diplomatic mission 2. Public activities 3. Teaching 4. Religion-related activities	1. Performing arts 2. Journalism		Cases under which Ministry of Justice order is not applied	B. Cases under which employment permission is not allowed
Studying-degree program	1. Trainee 2. Accompanied family	Studying-non degree Program Cultural activities	Cases under which Ministry of Justice order is applied Cases under which Ministry of Justice order is not applied	C. Cases under which the granting of permission is judged on a case-by-case basis
Temporary stay	Certain activities not covered under other categories		Cases under which Ministry of Justice order is not applied	

Note: This table lists cases under which foreigners can engage in certain activities, but the following five categories set no restrictions on the range of activities allowed residents: (1) Permanent residents, (2) A spouse of a permanent resident, (3) A spouse of a Japanese citizen (4) Long term residents, (5) Children of the residents under Art. 2, Par. 6 of the Transitional Provisions of the Law No. 126 of 1952.