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Japan and the Problem of Foreign Workers

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[1]

Japan alone among highly developed capitalist nations has refrained from a recent (circa post WWII) massive importation of foreign labour. This is truly remarkable. It is common knowledge that in the twenty years after the latter half of the 1950s Japan experienced a high period of growth, with heavy industry as its base. In that process industrial employment also greatly expanded. It goes without saying that this rapid economic development--more rapid even than that of Western Europe and the United States--elicited a similarly abrupt jump in the demand for labour. Even with the increase in labour productivity and its accompanying savings of labour, the simple reproduction of the [capitalist] proletariat (the so-called natural increase of the labouring population) could not cover this sudden burgeoning in the demand for labour.

How did Japan supply this additional labour power without introducing foreign labour? It did it through a rapid and large-scale population migration from the countryside. Of course everywhere labour power flows from the villages and agriculture plays an important role in the process of industrialization. Yet the dramatic post WWII decrease in absolute numbers of farm village households and agricultural population was unique in the history of capitalism in Japan.

If one looks back in history, one could also note a fair-sized decrease in farm household population after the implementation of the land tax revision in the thirty years from the beginning of the Meiji

* This paper is presented as an interim report of the joint research project on "The Internationalization of the Japanese Economy and Regional Restructuring".

period to Meiji 36 [1868-1903]. The privatization of land and the new tax system brought about a "migration of poor farm households to urban areas, and the concomitant accumulation of an underclass in 'the city'." (Mikio SUMIYA, History of Wage Labour in Japan) In the following forty years (Meiji 37 to Showa 19 [1904-1944]), however, the farm household population stabilized notably (to an average of 5,530,000 households, the variation being plus 110,000 or minus 150,000 households). Decreases in the agricultural labouring population were also extremely mild. Yet when we come to post-WWII, except for the temporary swelling of the farm population caused by the destruction of the cities and the food shortages during the war, a dramatically sharp population outflow from the [farm] villages began, and in the twenty years from 1955 (Showa 30) to 1975 (Showa 50), the agricultural labouring population decreased on the average of 430,000 people per year. For the same period the number of farm households decreased by more than 1,000,000 (see table 1). Thus, for the first time since the Meiji period Japan saw farm inheritors and entire farm households leaving their villages in massive numbers.

Table 1 Changes in employment structure in Japan:
Annual average numbers of the increase or decrease(-)
in the each five year period (1,000)

	Primary (Agriculture) Sector		Secondary (Manufacturing) Sector		Tertiary Sector
1955-60	-410	-430	+500	+390	+670
1960-65	-450	-450	+530	+410	+510
1965-70	-450	-410	+570	+450	+600
1970-75	-450	-450	+100	-60	+600
1975-80	-170	-170	+170	+40	+620
1980-85	-140	-140	+130	+70	+530

Source: Japan's Ministry of Labour, Labour Statistics.

As one can see in table 2, the absolute and relative decline of the farm labour population is common to other advanced capitalist countries. Yet in scale and pace, Japan is in a class by itself. The farming population in 1950 (Showa 25), which amounted to nearly 50% of the entire working population--about equal to the percentage in 1930

(Showa 5)--actually declined by almost 10,000,000 people in the following twenty year period. In an exceedingly brief span of time Japan went from being a semi-agricultural nation to being an industrial nation. This not only meant a great alteration of the economic structure, but also entailed intense social and cultural change. In the present context one could say that these 10,000,000 people migrating from the farming villages fulfilled the role of supplying the additional labour for high growth--the strong accumulation of capital. In the period from 1950 to 1975 employees in the secondary and tertiary sectors increased by 10,000,000 and 17,000,000 respectively, while employees in the primary sector decreased by nearly 10,000,000. Roughly speaking, this just about fits the increase in the secondary sector employee population. This distinguishes Japan from West Germany and France, whose primary sector population employment rate had dropped to the 10% mark by the early years of the 1960's, leading them to the large-scale introduction of foreign workers. It is no wonder that Italy, with a high farming population ratio which was declining only slowly, became the major labour exporting nation for Western Europe.

Table 2 Employment in the primary industry in the major capitalist countries (1,000 & %)

	A.1950 or so	B.1962/63	C. 1972	D. (C-A)
U.S.A.	7,330 (12.2%) ^a	5,440(7.3%) ^d	3,470(4.3%)	-3,860
U.K.	1,110 (4.9) ^b	890(3.7) ^e	740(3.1)	-370
Germany,F.R.	5,110 (23.2) ^a	3,230(12.0) ^e	1,950(7.5)	-3,160
France	7,480 (36.5) ^c	3,750(19.7) ^d	2,640(12.7)	-4,840
Italy	8,470 (39.8) ^b	5,580(26.4) ^d	3,300(18.2)	-2,890
Japan	17,210(48.3) ^a	9,870(23.2) ^e	7,540(14.8)	-9,670

Note: a 1950, b 1951, c 1946, d 1962, e 1963; figures in parentheses indicate the ratio to total employment.
Source: ILO, Labour Statistics.

By the latter half of the 1960's Japan's labour market began to become tight, since high economic growth had continued with only slight cyclical variations. A labour shortage became apparent. For instance, the yearly average rate of increase in the nominal wage (total cash monthly wage in companies with over 30 employees) for all industries

excluding the service industry rose from 10.2% between 1960 and 1965, to 13.7% between 1965 and 1970, and reached 18.5% between 1970 and 1975. Real wages practically doubled in the ten year period 1965-1975. The effective ratio of jobs offered (except for new graduates) passed the one mark in 1968.

The most important point here is that Japan's characteristic dual economic structure began to lose its influence on wages. In the case of young men (18-29) the wage gap between large and medium to small industries disappeared. By 1965 the young men's wage level of medium to small sized firms exceeded that of large firms. Clearly in the period from the end of 1960's to the beginning of the seventies, the Japanese economy entered into a phase of labour shortage. If Japan's high growth had not been stopped by the "Oil Shock" of October 1973, this labour shortage bottleneck would have become serious, no doubt leading to the eventual importation of foreign labour.*

[2]

In the latter half of the 1980s it became clear to Japan that she could no longer stay on the sidelines of the torrent of labor migration from the periphery (Third world) to the core. Even so, Japan's legal statutes declare that "the immigration of unskilled, simple labour power" will not be allowed, so there are no public statistics available to tell us the exact number of foreign immigrant labourers. If we look at the data for those foreigners entering the country according to residence status, we hardly learn a thing. Foreign labourers' migration and employment actually takes place like this: Mainly they enter the country on a short-term tourist visa, overstay their permitted time period and carry out "uncredentialed activities" [i. e. unskilled labour]. According to law, this is "illegal employment." Thus, other than by indirect means--such as guessing their numbers by counting the number of people apprehended on violations of the Immigration-Control Law--there is no way to know the trends of immigration and employment

* The forced migration and forced labor of Korean people, and problems contingent to their continuing residence in Japan, is beyond the present theme, so I will not discuss them here.

of foreign labourers.

In table three we see changes in the immigration Law violators apprehended by the Immigration Office of the Ministry of Justice. In this table, "non-credentialed activities" and "illegal overstay of residence due to illegal employment" are combined under "illegal employment." The number of cases (people) doubled in 1984, and shortly thereafter in 1987 exceeded 10,000. Of course, this is just the tip of the iceberg, and the number of foreign labourers actually employed is estimated to be several times, even more than ten times greater than this.

Table 3 Immigration-Control Law violators apprehended by the Immigration Office of the Ministry of Justice in Japan

	1982	1984	1985	1986	1987	1988	1989
A. Total	3,814	6,830	7,653	10,573	14,129	17,854	22,626
B. Illegal entries	562	513	460	597	542	616	2,349
C. Illegal landing	56	100	123	124	134	149	258
D. Non-credentialed activities	1,025	357	218	349	372	839	696
E. Illegal overstay	1,962	5,569	6,592	9,215	12,792	15,970	19,105
E' (due to un-credentialed activities)	864	4,426	5,411	7,782	10,935	13,475	15,912
F. Illegal employment (D + E')	1,889	4,783	5,629	8,131	11,307	14,314	16,608
G. Criminal cases	209	291	260	288	289	280	218

Source: Ministry of Justice, Japan.

Hiromi Mori of the Japan Statistics Research Institute of Hosei University calculated the number of "those who entered the country according to the correct procedures dictated by the Immigrations Law, but who continued their stay without registering as a foreign resident as required by the "Foreigner's Registration Law" for the period 1975-1986. Allowing for necessary adjustments in calculations, their number during this period of time was estimated at 90,640. The number of immigrants since 1987 has greatly increased, as have the number of "illegal employment" cases apprehended, so we can safely estimate that the number of foreign labourers in 1989 has clearly exceeded the 100,000 mark. Of course this figure seems nothing in comparison to that

of Western Europe and the U. S., either in absolute numbers or according to population ratio.

Next we will touch on the characteristics of foreign labourer immigrants as shown through data from people apprehended as "illegally employed."

(a) The growth of "illegally employed" in 1988-1989 was due to the rapid expansion of numbers of male labourers from Pakistan, Bangladesh and Korea. As a result the ratio of men to women exceeded one in 1988 as one can see in table 4. We hasten to note that the trend previous to this, from the beginning of the 1980s, was for the immigration of women labourers in fairly large numbers. Most of these were Philippine women. If we look at the occupations of the women apprehended, in 1988 almost 90% were bar hostesses, strippers, and prostitutes. Practically all were young women introduced into so-called "Businesses affecting public morals"--the most labor-intensive industries going! Hence we have an extremely large number of immigrants coming from the

Table 4 The apprehended due to "illegal employment" (F in Table 3) by nationality and sex (figures in parentheses indicate female)

	1982	1984	1985	1986	1987	1988	1989
Total	1,889 (1,705)	4,783 (4,433)	5,629 (4,942)	8,131 (5,945)	11,307 (7,018)	14,314 (5,385)	16,608 (4,817)
Philippines	409 (396)	2,983 (2,887)	3,927 (3,578)	6,297 (4,797)	8,027 (5,774)	5,386 (3,698)	3,740 (2,451)
Thailand	412 (387)	1,132 (1,078)	1,073 (953)	990 (826)	1,067 (777)	1,388 (1,019)	1,144 (775)
Pakistan	7 (0)	3 (0)	36 (0)	196 (0)	905 (0)	2,497 (2)	3,170 (2)
China	775 (691)	466 (330)	427 (301)	356 (195)	494 (284)	502 (272)	588 (272)
Bangladesh			1 (0)	58 (0)	438 (1)	2,947 (8)	2,277 (2)
Korea	132 (97)	61 (27)	76 (41)	119 (50)	208 (99)	1,033 (264)	3,129 (920)
Others	154 (134)	138 (111)	89 (69)	115 (77)	168 (83)	566 (127)	2,560 (395)

Source: Ministry of Justice, Japan.

Philippines on entertainment visas. In the past ten years, as a byproduct of "development" the major cities of Asia have seen the creation of the sex industry under the rubric of "tourism", involving great numbers of women. The above illustrates that this sexual exploitation of Asian women by males of "advanced countries" has made its way to Japan.*

(b) The main occupational categories in which rapidly increasing numbers of male Asian labourers have found "illegal employment" over the past two or three years are those of construction labourer and factory worker (worker in a manufacturing plant). Over 80% of all such labourers work in these two categories. According to the "Cases of Illegal Labourers," an investigation of urban areas (Tokyo, Osaka and Nagoya) which the Immigration Office of the Ministry of Justice carried out from May through June, 1989, such factory jobs cover a broad spectrum, including metal processing, plastics processing, printing and binding, plating, press operating, and materials coating. Recently, the percentages of women working in factory jobs such as metals and plastic processing and auto parts manufacturing has also increased. On the whole one could say that it is in medium to small firms, where job benefits and labour conditions are relatively poor, that the majority of foreign labourers are concentrated. Such manufacturers which pull in foreign labourers despair of finding Japanese labourers, as contemporary youth shun physical work in favor of the service

* A. Ong has reported on the alienation experienced by Asian women working in the "realm of intimacy" and assembly factories of export processing zones. In her words, ".....The similarities and overlap between light manufacturing and sex industries are further brought home by the fact that women displaced from assembly industries may seek work in hotels and brothels. Some factory women supplement their meager wages by moonlighting as prostitutes. Thus while the electronics revolution has facilitated capital mobility to exploit Asian women on their home grounds, modern rapid transport brings in foreign tourists or conveys Asian women overseas for sexual exploitation." (Aihwa Ong, Industrialization and prostitution in Southeast Asia, in Southeast Asia Chronicle, No. 96.)

industries.

According to the survey which our joint research group carried out in the Tokyo Metropolitan Region at the end of 1988 (covering eight industrial categories of small and medium-sized enterprises presumed to be employing foreign workers), about 60% of 266 companies faced a very serious labour shortage, stating that "Even if we place a help wanted ad we cannot find anyone". This response surpassed by far the 14% that cited "Wages are putting pressure on business operations". Moreover, 59% responded that their shortage of labourers was particularly among young male workers. It is noticeable that 57% of the respondent enterprises held that given this labour shortage, whether "illegal" or not, the employment of foreign labourers is unavoidable, and should be approved by the government for the survival of small-scale companies. Over half of the respondents expressed their hope that if there were a system in place which allowed them to hire foreign workers they would like to do so.

Of the 266 companies from which we have got responses, 25% answered that they had hired or were presently employing foreign workers. Those companies which were actively introducing foreign labour into work place were of the relatively "large" scale of 10 or more regular employees. These findings roughly agree with the results of a survey of small and medium-sized businesses in the Tokyo Metropolitan Area carried out by the Tokyo Tomin Bank (Nihon Keizai Shinbun, 21 July 1989). According to that survey, the companies that had had experience in employing foreign workers amounted to 9.6% of the respondents, but for those of a scale of 50 regular employees or more, the figure reached 20%.

Our survey revealed that the companies of a relatively large scale have, in recent years, actively introduced new technology, such as micro-electronic devices (ME). Furthermore, their economic links to Tokyo are such that they cannot easily relocate their production base. Contrary to the common understanding that the introduction of foreign workers delays the adoption of new technological innovations and maintains in existence those companies that, properly speaking, should be expected to be declining, in fact, the labour shortage is quite serious among those companies that are shifting to high valued-added

products and rationalizing their operations. These are points that merit attention. (For a report on some of the findings of our survey, see: Iyotani, Toshio and Toshio Naitoh, "Small and Medium Sized Businesses in Tokyo--Forced to Transform Under the pressures of Internationalization", Ekonomisuto, 5 September 1989 (in Japanese).)

[3]

In the context of the rapid increase in the "illegal employment" of foreign workers discussed above, since 1988, a debate has sprung up over whether the labour market should be opened to foreign workers. Parallel to the Ministry of Justice's work on revising Immigration-Control Law, a variety of reports have been issued by the Ministry of Labor, the Economic Planning Agency and other government ministries and agencies; political parties and economic and trade associations have made their own policy proposals; and labour unions and volunteer groups have released statements on the issue. Publications on the problem of foreign workers have emanated from a variety of specialized fields. Through all of these activities, the points of contention bearing on the issue of foreign workers have been brought into sharp focus. Through the process of this debate, the issue has transcended that of the labour market itself and developed into one covering a wide array of topics, ranging from the nature of the internationalization of Japanese society and the response to an aging society to education and human rights.

The issues that have arisen during this debate can roughly be divided into those concerning the effects on the Japanese labour market and those related to the social friction arising from an inflow of foreign workers. Apart from the problems of wages and working conditions, the questions related to the effects on the labour market include: How is one to properly interpret the labour shortage occurring in the Japanese economy? How would Japan cope with the expected unemployment of foreign workers once a recession sets in? Is the concentration of foreign workers in particular occupational fields giving further impetus to the formation of a dual labour market? Are the structural changes in the Japanese economy producing qualitative changes in the labour market? Will a dependence on foreign workers

hinder efforts to raise productivity?

The issues relating to social friction range from the "closed nature" and "homogeneity" of Japanese society; friction between customs and systems thought to be peculiar to Japanese society and the life ways of foreigners; and the provision of basic social necessities in order that foreign workers might be accepted, such as housing, education and social security, and the costs of such facilities and services; to the discriminatory nature of Japanese society; attitudes toward Asia among the Japanese; a lifestyle that would enable the practice of the principle of equality between Japanese and foreigners; and the guarantee of human rights.

However, up to now, under the leadership of the Ministry of Justice, which has as its central aim the maintenance of public order, and the Ministry of Labour, whose first consideration is the employment and labour conditions of domestic workers, there has been no change in the position of the government regarding the restriction of foreign worker's inflow into the so-called simple, unskilled labour fields. This point is clearly expressed in the revision of the Immigration Control and Refugee Recognition Law, passed by the Diet on 8 December 1989, with effect from 1 June 1990. The Immigration Control Law is strictly nothing more than a measure to deal with the sphere of immigration. From the first, there was no possibility that it would address issues relating to the deep-rooted character of the Japanese economy and society.

Even in the United States and the countries of Europe, where there has been a fairly long history of foreign immigration, the problem of the acceptance of foreign workers is multidimensional and cannot help but have complex repercussions. What is more, it is natural that Japan, a country that has no experience with the acceptance of a "voluntary" foreign labour force, was unable to achieve a national consensus on all the issues that have arisen in the debate in a short period of time. Nevertheless, the inflow of foreign workers into Japan, in various forms, is expected to increase in the future, and there remain many issues that must be addressed. And these issues transcend those that can be handled within the framework of the immigration system. If this is to be the case, the debate must be transformed from the formalistic

confrontation over abstract concepts that has prevailed until now. Rather, it should be developed from the following points.

Firstly, it must be recognized that the objective conditions for the inflow of foreign workers are fully developed. In the context of the modern international labour flows, a number of conditions are steadily coming into formation within the Japanese economy. These include the decline of rural population and the exhaustion of new supplies of labour that had occurred in developed industrial countries; the cessation of the functioning of the mechanism of the industrial reserve army; the rigidification of the labour market; the increasing importance of the service sector, in which transfer of the base of production is not possible; and the expanding demand for cheap labour brought about by the concentration of the central functions of management and administration. Thus, it can be said that the objective conditions for the inflow of foreign labourers into Japan are now in place. That is, the present labour shortage within the Japanese economy is not a cyclical, temporary phenomenon, but rather a structural one. Therefore, the idea that the labour shortage is due to a mismatch of labour supply and demand between regions or between industries is fundamentally mistaken. The process of transformation of the Japanese economy that has taken place since the 1970s has given rise to changes in the labour market such that, as has been the case with the United States and Europe, a structure has been created that makes the inflow of labour from abroad inevitable.

Secondly, despite the fact that, on the one hand, the inflow of foreign labour has become inevitable, on the other hand, it is a fact that policy responses to minimize the social and economic friction resulting from that inflow will be difficult. Solving the dilemma posed by these two circumstances will not necessarily be easy. In a situation defined by a large income differential between Japan and the neighbouring countries of Asia, pressures of a virtually unlimited supply of labour in those countries, and improvement in transportation and communications which has lowered the resistance to migration abroad among those seeking work, as long as Japan has a demand for labour, a large-scale inflow of migrant workers from Asia is inevitable. However, the types of employment that such migrants engage in are

unstable, poorly paid and characterized by poor working conditions. It is not that these categories of employment did not previously exist in Japan. What is certain, however, is that the inflow of foreign workers will cause an even further expansion in the segmentation of the labour market. Furthermore, foreign workers are not discriminated against simply in terms of low wages and types of occupation characterized by difficult working conditions. Facing racial discrimination, they are also socially isolated. The problem lies in the fact that not only is the inflow of foreign workers inevitable, but, as a result--given a certain structure and character of Japanese society--segmentation of the labour market and social segregation cannot be avoided. In their acceptance of immigrant labour, the United States and the countries of Europe have not been able to escape this reality. However, nothing constructive will come from the policy stance of today, insisting as it does on pointing to the introduction of foreign workers on the part of the United States and countries of Europe as a case of failure. Rather, in a situation in which the inflow of a foreign labour force is inevitable, the first step toward a solution of the issues must be the recognition of this dilemma.

Thirdly, the international movement of population in the capitalist world economy is essentially labour migration. These flows are not necessarily in harmony with the often stated ideal of expanding international human and cultural exchange. Likewise, there is a clear gap within the policy response of the government. A typical example has been the system of Japanese language education for foreigners. Although a plan was put forth for accepting 100,000 students from abroad, policymakers carelessly neglected to provide for an adequate system of Japanese language education that would be required for this purpose. Japanese language education for foreigners has, for the most part, been left to private institutions. In the average Japanese language school, curriculum contents as well as facilities are extremely poor, and the school fees and teaching materials are priced at a level far beyond the ability of the students to pay. Despite these circumstances, virtually nothing had been done to establish an official policy concerning educational conditions. As a consequence, in reality, many such "students," in order to earn enough to cover their high

living expenses and school fees, take up part-time jobs. Or else, as is common knowledge, they enter the country with the intention to work from the beginning, with the study of Japanese only as a pretext. This has amounted to a betrayal of the expectations of those young foreigners who come to Japan with a desire to study the language.

The most important step now, keeping firmly in mind the three points discussed above, is to move in the direction of a policy aimed at reaching a national consensus. Essentially, contact with people possessing a different way of life, a different culture, is bound to produce friction to a greater or lesser degree. In particular, Japanese have a deep-rooted discrimination against foreigners, especially against Asians. It is also said that it is difficult for foreigners of European descent as well to get along with Japanese society. Up to now, most Japanese have very little experience in accepting foreigners and living together as neighbours, as fellow citizens, and do not understand how to do so. Of course, in the United States and Europe as well, discrimination against foreigners, especially non-white foreigners, is quite strong. And it cannot be said that living conditions are necessarily good for foreigners, even in these countries. It is undoubted, however, that, with their long history of accepting foreigners and sharing the same society, in terms of moving toward the recognition of a foreigner as a member of the same society, Europe and the United States are many steps ahead of Japan. In Japan's case, to build such a foundation in a short period of time will surely be difficult. And it will be necessary to make efforts on a variety of levels in order to forge the consensus that, even if the acceptance of foreigners is accompanied by a great deal of friction, the process will be beneficial, both personally and socially, as a learning experience.

In considering the sorts of issues discussed above, one cannot help but see a contradiction in the fact that the international movement of people is primarily a movement of labour. The issue for us, while calmly analyzing the objective conditions for these labour flows, is to bring to light the human moments that cannot help but be expressed therein, and to grope our way down the path of universal communication (der universelle Verkehr) among individual human beings.

Supplementary note on the 1989 amendment of
the Immigration-Control and Refugee Recognition Law

The recent revision of the Immigration Control Law had, roughly speaking, the following two aims. The first was to revise the law in a systematic fashion in response to the changes, both within and outside of Japan, that have taken place since the 1981 revision of the law (effective as of 1 January 1982). In response to the increase in the number of people entering the country, the diversification of reasons for entry and criticism leveled against the vagueness of the criteria for entry screening, the residence status system and entry criteria have been substantially adjusted. Secondly, the revision of the law presented a choice opportunity to strengthen control over "illegal employment." The revised law has been expanded to cover both the employers of such workers and the brokers who mediate their hiring, and offenders have been made subject to criminal punishment. Below, I will explain the flaws in the revised law.

(a) Under the revised law, residence statuses have been expanded from 18 to 28 categories. Statuses for the purpose of employment have also been expanded and these residence statuses have been designated in terms of specific occupational terms rather than the code numbers of the old system. Moreover, as concerns the screening criteria, which have until now been strongly criticized as being unclear, the Ministry has clarified, through a Ministerial ordinance, what it will accept as grounds for entry in terms of school record, employment record, years of practical experience, field of employment, remuneration in Japan, etc., for each residence status category. The revision has also been praised for the fact that, because of these more precise criteria, application procedures have been simplified.

However, even if the categories of residence status have been expanded, a large part of the change is simply an enactment in law of what had been flexibly applied and accepted in past practice. Residence qualifications are still basically limited to those possessing "specialized skills, abilities or knowledge." Another difficult point, as a number of reports have indicated, is that the criteria have still been left vague by which skilled labour or the employment categories for

which foreigners are particularly suitable and for which Japanese workers cannot be substituted, etc., are judged. It is not that the employment of foreigners up until now has absolutely not been recognized in Japan. For instance, the number of new arrivals entering for the purpose of work (business managers, professors, entertainers, engineers, skilled labour, foreign instructors, etc.) rose dramatically from about 30,000 people in 1980 to 81,000 in 1988 and 72,000 in 1989. The number of firms hiring legally foreign workers, including large corporations, has also been rising steadily. According to a variety of surveys, these numbers can be expected to continue to rise in the future. However, even as the principle of admitting foreigners to do work for which Japanese cannot be substituted is held up as the basis of existing immigration control, in fact, we have the unusual situation where over 80% of entrants seeking general employment are in the "entertainment" category. One is left with doubts as to whether the expansion of residence status categories is really meant to liberalized the entry of skilled workers.

(b) Next, as concerns the control of so-called "illegal employment," punishment has been stipulated for: "(1) those who illegally hire foreigners for a business activity; (2) those who, in order to effect the illegal hiring of a foreigner, place such a foreigner under their own control; (3) those who, as a business, engage in any activity to mediate the illegal hiring of a foreigner or to mediate any act specified in the preceding article." With the possibility of up to three years in prison or a fine of up to ¥2 million if convicted (article 73.2), the punishment can be said to be fairly heavy for such a crime. These provisions are said to be not only aimed at punishing the employer of such workers, but also to control the underground brokers and organized crime gangs that have become involved in recruitment. The supplementary resolution passed on the occasion of the adoption of the law by the national Diet takes this situation into consideration: "While these regulations take fully into consideration the elements necessary for controlling the pernicious employers, ... the existence of those who stand in the background ready to make large profits from the violation of this law should not be overlooked."

However, it has been pointed out from the beginning that the

expansion of provisions for the punishment of the employers would only increase the potential for illegal labour and encourage the activities of the vicious brokers. Furthermore, it is necessary to guarantee the human rights and the rights as workers of even those engaged in "illegal labour." This point, however, has not been reflected at all in the present revision. Nor have the 100,000 or 200,000 foreign migrants actually working in Japan been given any consideration.