

Helping Hand for Foreigners

By Takahiro Takesue

Yoshitake Obata, general secretary of the Edogawa Ward Council of Labor Unions in Tokyo, had his first experience with the problems of illegal foreign workers in Japan in early 1987, when a Philippine woman who worked as a hostess in a bar that Obata frequented came to him for advice. She wanted Obata's assistance, because the Japanese man who had fathered her child and promised to marry her was now trying to avoid her. The woman wanted the man to legally recognize the child.

Obata discussed the matter with the man and his parents on several occasions, but he adamantly refused to recognize the child. As a final resort, Obata took the matter to court, accusing the man of being in breach of promise to the Philippine woman. By this time, however, the man had already married another woman, and the Filipino had lost any affection she had had for him. In the end, the two parties reached a compromise, agreeing that the Japanese man would pay the Philippine woman ¥4.3 million (approx. \$30,700 at the rate of ¥140/\$). Since then the Filipino has married another Japanese man.

Edogawa Ward, which is located in the old part of Tokyo, is a district full of small factories, shops and other minor establishments. The Japanese and foreign laborers working in these small businesses constitute the membership of Obata's union, the first district labor union in Japan.

It was in 1987 that a large number of foreign workers from such countries as Bangladesh, India and Pakistan began to appear in Edogawa Ward. Many of them turned to Obata for assistance. A Chinese student who worked for a demolition company wanted help in getting unpaid wages. An Iranian wanted compensation after losing a finger in a factory accident only five days after arriving in Japan. A Pakistani needed help in finding an apartment. Each time, Obata settled the issue by negotiating directly with the employer or landlord.

According to Obata, illegal Asian workers in Japan face three main problems: getting medical treatment when they suffer an accident or illness, settling conflicts at work over wages or working hours, and finding a place to live. Obata's union has about 20 foreign members from Pakistan, South Korea, Iran and elsewhere; most of them do not have the necessary permission to work in Japan.

"But even if they are working here illegally," said Obata, "their human rights must be protected."

Obata begins work at 9:30 a.m., and he never knows when the day will finish. He often receives telephone calls from troubled foreigners even after returning home, and sometimes discussion of the problem continues until the early hours. Obata is frequently called on to help out on Saturdays and Sundays, too, so he has few holidays.

Confronting brokers

Sometimes Obata has to play detective. One Philippine woman, who had entered Japan with permission to work for a certain period of time in the entertainment business, was worried that when the time came to go home, she would not

receive her remuneration. Cases are often reported of such women being forced to leave the country in spite of being unpaid. Obata heard from the Philippine woman that her job broker was taking her to Narita airport to pick up an airline ticket for her journey home. Obata decided to follow them to the airport and confront the brokers after the woman had received her airline ticket.

After tailing them to the airport, Obata stopped the brokers on some stairs in the airport lobby and began negotiating with them over the woman's unpaid wages. An hour later, the brokers paid the woman ¥62,000 (\$443)—six months' wages minus the amount she had borrowed from the brokers earlier. Since such confrontations can end up in violence, Obata took along three companions to meet the two brokers.

Masahiro Udagawa, a friend of Obata's and a member of the Edogawa Ward union, worries that Obata is going to ruin his health by working at such a pace. But Obata says quietly that it is in his nature, as a person from the traditionally compassionate downtown area of Tokyo, to offer a helping hand to those who seek assistance.

Udagawa, a free-lance editor, owns an



The number of foreigners engaged in salaried jobs in Japan is increasing.

Photo: Mainichi Shinbun

apartment building in which eight Iranians are living. Many landlords in Tokyo refuse to accept Asian tenants, but Udagawa is another person who likes to help foreign laborers.

Beginning this year, Obata and his friends are offering free Japanese-language classes for foreigners. At present more than 20 students gather for the lessons twice a month. Obata realizes that if these people are to settle down in Japanese society, they must first of all eliminate the language barrier.

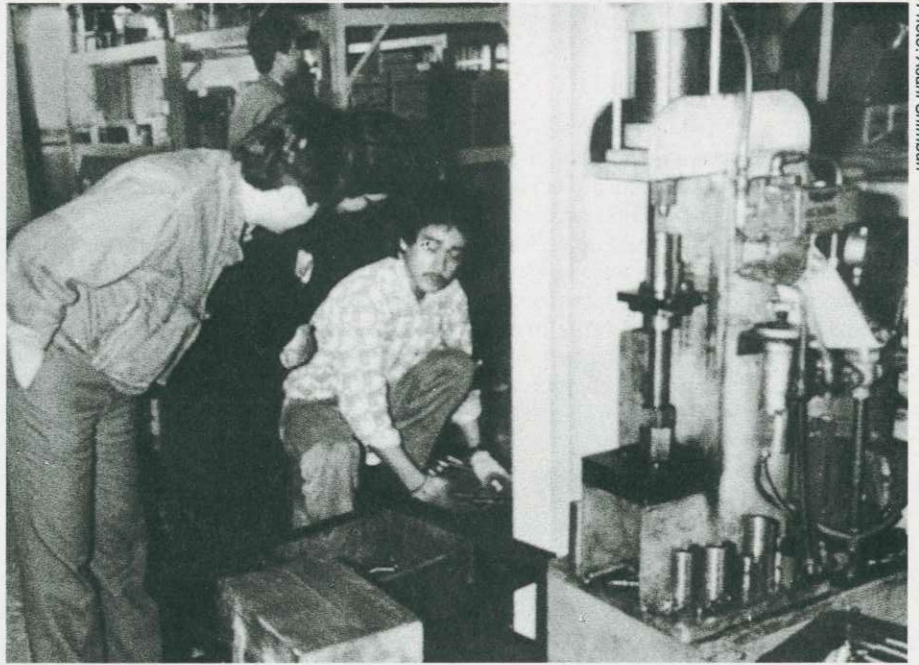
"The Japanese used to discuss the problem of foreign workers only in terms of principles, whether Japan should be open or closed to foreign labor," explained Obata. "But in reality, there are already many foreigners working in this country. So really we should be discussing what we can do in practical terms to help these people." The time for discussing principles has passed, he said.

A revision of Japan's immigration law in June 1990 introduced tougher penalties for businesses and employment agencies that employ foreigners who do not have a work visa. By controlling the employers, the authorities thought they could stem the flow of illegal foreign workers into the country. Over the past year, however, the flow has continued incessantly. There are now an estimated 200,000 to 300,000 foreigners working in Japan without permission.

Tadanori Onitsuka is a lawyer who works with partners in an office in Tokyo's Yotsuya. Like most lawyers, Onitsuka handles many divorce, inheritance and criminal cases. Unlike most other lawyers, he also deals with the problems of foreign workers in Japan.

"Since the revision of the immigration law," comments Onitsuka, "the position of foreign workers has become even more difficult." The reason is that when any kind of trouble arises, neither the foreign worker nor the employer wants the problem to come to the surface.

Recently a Pakistani worker came to Onitsuka for advice. While working in an automobile components factory, the Pakistani, who did not possess a work permit, had lost his left arm in an accident involving a mechanical press. Even if he



The shortage of labor in Japan has attracted hundreds of manual workers, many of them without working permission, from Southeast Asian countries.

returned to Pakistan, he would not be able to find a job, so the Pakistani wanted to claim compensation for a work-related accident. In Japan, even an illegal worker can apply for such compensation.

Onitsuka held talks with the factory where the Pakistani had been working, but initially with no success at all. If the Pakistani applied for compensation, the company would probably be punished for violating the immigration law by employing an illegal worker.

Winning compensation

"I wanted to take the matter to court," said Onitsuka. "But the Pakistani didn't want that, because he had been working illegally. The company didn't want the matter to come out, either. So in the end I reached an agreement with the company's lawyer, by which the Pakistani received ¥14 million (\$100,000) in an out-of-court settlement."

In cases like this one, the foreigner is lucky enough to get compensation. In many recent cases, however, employers have succeeded in catching foreign workers in clever traps. For example, when a

foreigner suffers an injury at work, the employer makes him drop the matter by warning him that he is working in Japan illegally. Or when hiring foreigners, the employer takes their passports so that they cannot leave of their own free will. If the foreigner asks to leave, the employer threatens to inform the immigration office. Or the employer binds the foreigner by giving him a loan.

A malicious case has also been reported in which an employer hired a gangster to deliberately start a quarrel with a foreigner. When the gangster was injured, the employer paid compensation to him on behalf of the foreigner and then made the foreigner work for free.

"Employers who hire illegal workers never know when they are going to be discovered," explained Onitsuka. "There's a lot of risk involved. So they try to use foreigners as cheaply as possible."

Another reason for the poor working conditions of foreign laborers is the secret maneuvering of the employment agencies. At present Japan suffers from a severe labor shortage, and there is a great demand for workers. So many Asians and people of Japanese descent from

South America have come here looking for work at factories, farms, restaurants or supermarkets.

To cash in on this situation, many special employment agencies have emerged in recent years to bring foreign laborers to Japan and dispatch them to workplaces. A considerable number of these agencies have connections with the underworld. And because of the intermediary role played by brokers, many foreign laborers do not even know who they are working for. This situation further endangers the position of foreign workers in Japan.

Last November, Onitsuka and other lawyers set up a group called the Lawyers for Foreign Laborers' Rights, with the purpose of protecting the human rights of foreign workers in Japan. At present more than 100 lawyers around the country are registered as members of the group and are providing advice to foreigners.

According to Onitsuka, the big headache for these lawyers is the lack of time, because dealing with a foreigner takes more effort and time than dealing with a Japanese.

A typical case is that of three Japanese-Brazilians who visited Onitsuka's office asking for assistance. They had been working at a paint factory but had not received one month's pay. Onitsuka visited the factory, which first of all responded coldly that their pay had been cut because the Japanese-Brazilians had taken time off without permission. Moreover, the factory argued that since the three foreigners had been sent by an employment agency, it was not responsible for them.

When Onitsuka visited the employment agency, it also claimed it had no responsibility for the foreigners, because they had been sent by a broker. Onitsuka then traced the broker, who had connections with a gang. As Onitsuka expected, the broker did not want to pay the remaining wages. "I went all the way to Brazil to get these people," he argued, "and I had to spend a lot of money treating the broker over there to meals and paying him."

Onitsuka gave up talking with the broker and negotiated with the paint factory and the employment agency to get them to share the burden. Two months

later, the foreigners received their unpaid wages—¥400,000 (\$2,860) for the three of them.

For his services in this case, Onitsuka received only transportation and document expenses. "To be honest, I wanted to be paid properly," he said, "but I couldn't bring myself to claim it from them." While Onitsuka was negotiating their case, the three Japanese-Brazilians found new jobs by themselves.

Protecting rights

Onitsuka accepted this case because he thinks that lawyers have a duty to protect the human rights of foreign workers. He also believes that the Japanese people, who live in a developed country, have a duty to assist people from developing countries. Onitsuka realizes that in reality many foreign workers in Japan are only interested in saving as much money as possible. But still he feels that their human rights must be protected.

Probably the first person to actively take up the problems of foreign workers in Japan was Ben Watanabe, who has led the National Union of General Workers, Tokyo South District for 30 years, after entering it immediately after his graduation from university. The union now has nearly 2,000 members, of whom about 300 are foreigners. Three-quarters of these foreigners are Americans, and the rest include those from Britain, New Zealand, Canada, Taiwan and the Philippines. Almost all of them work as teachers at language schools.

It was 18 years ago when the first foreigner, an American teacher at a language school, approached this union. The teacher complained that despite a decline in the value of the salaries of the teachers at the school because of the appreciation of the yen against the dollar, the school had not increased the salaries for seven years. Moreover, some teachers had been fired without being given any proper reason.

Watanabe suggested that the teachers at the school should form a union and negotiate with the school. The teachers subsequently established a union, took their case to court, and won. As a result,

Watanabe became well-known among foreign teachers in Japan, and they began to bring their problems to him. The foreign members of the National Union of General Workers, Tokyo South District all have work permits, so they are in a very different position from that of today's illegal workers.

When foreigners without work permits approach Watanabe, they are usually given the cold shoulder. Watanabe says, "To be honest, I have no desire to help foreigners who come to Japan with the sole purpose of making money. I know people from the Philippines who are disgusted when they see people who have worked in Japan and then returned home to live luxuriously with the money they have earned. Unless these people realize the importance of working to improve their country after they return home, I have no wish to help them."

Since the revision of the immigration law, there has been a rapid increase in the number of people of Japanese descent coming to Japan from Brazil and Peru. Though these people are legal workers, there are still cases reported of unpaid wages and kickbacks.

There has also been an increase in the number of foreigners entering Japan as company trainees but actually doing the same jobs as ordinary workers. Japan does not issue work visas for foreign manual laborers. But the demand is high, so as a last resort companies hire foreigners as trainees. One of the problems here is that if these people suffer an injury at work, they cannot claim compensation, because they only have the status of trainees.

Nippori railway station on the JR Yamanote Line in Tokyo has become a popular meeting place for Iranian workers, who exchange information about jobs there. A notice inside the station, written in both Japanese and Persian, says, "This is a passageway. Please do not loiter here." The "here" could well refer to "Japan." ■

Takahiro Takesue is a free-lance journalist who regularly contributes articles on economic issues to newspapers and periodicals.