

Government's Response Based on the Final Report of the Advisory Panel of Experts on Ideal Form of Technical Intern Training Program and Specified Skilled Worker System

Based on the final report of the Advisory Panel of Experts, ideal form of the program and the system shall be considered as described below from the perspectives of aiming to realize a society of harmonious coexistence inclusive of foreign nationals and making Japan an attractive country to work in, while also giving careful consideration to securing human resources in rural areas and small-and medium-sized enterprises.

1. General Remarks

- Dissolve the current Technical Intern Training Program (TITP) and establish the new program called “Employment-for-Skill-Development (ESD) Program”, the aim of which is securing and developing human resources in industrial fields with labor shortage.
- Consider a different framework for those who have been accepted through individual-enterprise-type technical intern training programs with meaningful aims/objectives but different from ESD Program.
- Maintain the Specified Skilled Worker System (SSWS) with necessary improvements.

2. Securing of Foreign Human Resources

(1) Scope of fields where foreign nationals will be accepted under ESD Program

- Limit the scope of such fields to those designated as specified industrial fields under SSWS.
- Consider the job categories corresponding to specified industrial fields will be accepted as the scope of fields among those subject to Technical Intern Training (ii) in principle. As for categories that currently have no corresponding specified industrial fields, examine the actual function that the current TITP has been playing in securing human resources in the field related to the job category.

(2) Expected number of foreign nationals to be accepted

- Decide the expected number of foreign nationals to be accepted for each field and treat it in the operation as the maximum number of foreign nationals to be accepted.

(3) How to decide the expected numbers and the scope of fields of foreign nationals to be accepted

- Decide on these matters based on opinions submitted by a new panel of experts and various stakeholders such as labor and management organizations.

(4) Securing human resources based on local characteristics

- Local governments to take part actively in regional councils and promote initiatives to develop the environment to accept foreign nationals.
- Consider the acceptance of foreign nationals to the fields that entail seasonality depending on the reality of the work.

3. Development of Foreign Human Resources

(1) How to develop foreign human resources

- Develop human resources to the level of skills of Specified Skilled Worker (i) basically for the period of three years. Designate main skills in the job categories, and develop and evaluate foreign nationals as planned.

(2) How to evaluate foreign human resources

- Requirements: passing the following examinations

(1) Before starting work Pass the A1 or higher levels of a Japanese language proficiency test (such as Japanese Language Proficiency Test (JLPT) N5) or complete a Japanese language course equivalent to the level of the test above at a certified Japanese language school.

* Require accepting organizations to have foreign nationals take the test above (unless already passed) and the Basic Grade of the Trade Skills Test, etc. in the first year of acceptance.

* As for Japanese language proficiency test, it is possible to set a requirement to pass higher levels in consideration of the requirements in the current TITP (same applies to the below).

(2) Upon transition to Specified Skilled Worker (i) Pass Grade 3 of the Trade Skills Test, etc. or Specified Skilled Worker (i) evaluation test and A2 or higher levels of a Japanese language proficiency test (such as JLPT N4).

* Allow those who have failed in the tests to continue to stay in Japan for up to one year.

(3) Upon transition to Specified Skilled Worker (ii) Pass Specified Skilled Worker (ii) evaluation test and B1 or higher levels of a Japanese language proficiency test (such as JLPT N3).

(3) How to improve Japanese language proficiency

- Use the framework of the Act on the Accrediting of Japanese-Language Institutes to Ensure Appropriate and Reliable Implementation of Japanese-Language Education and give incentives for accepting organizations to actively provide Japanese-language education support.
- Consider measures to introduce new Japanese language proficiency tests including those with standards ranging from A1- to A2- equivalent and to ensure opportunities to take these tests, and promote taking measures such as development of Japanese language materials to support Japanese language learning in home countries to prepare for Japanese language proficiency tests.

4. Protection of Human Rights of Foreign Nationals and Enhancement of Their Rights as Workers

(1) Employer changes “in cases of excusable reasons”

- Expand and clarify the scope of “cases of unavoidable circumstances” to permit employer changes of foreign nationals and make the procedures more flexible. Promptly improve the operation under the current system.

(2) Employer changes based on foreign nationals' will

- Permit employer changes based on foreign nationals' will only within the same job category under the following conditions, while working at the same accepting organization throughout the entire three-year period is effective and ideal.
 - a. As for the duration of employment at the same accepting organization, exceed a certain period (*1).
 - b. Pass the Basic Grade of the Trade Skills Test and a Japanese language proficiency test of a certain level or higher (*2).
 - c. As for the new accepting organization, meet certain requirements to be considered appropriate.

(*1) For the time being, set the period within a range from one to two years for each field based on the nature of work in each field. While trying to set such period for one year with consideration in light of development of human resources, on setting such period for one year or longer, consider a mechanism to increase in salary and improve other working conditions after one year of employment.

(*2) As for the level of the Japanese language proficiency, set for each field within the range from the level equivalent to A1 to the level required at the time of transition to Specified Skilled Worker (i).

- Consider a mechanism to ensure reasonable compensation for the payment of the initial costs from the new accepting organization for the original accepting organization.
- Introduce a mechanism to grasp information on employer change brokerage and take appropriate actions against malicious brokers while increasing the statutory penalty for promoting illegal employment. Prohibit private employment agencies from involving in employer changes for the time being.

5. Roles of Relevant Organizations

(1) Supervising and Support Organizations and Registered Support Organizations

- Ensure the independence and neutrality of supervising organizations (to be reorganized as “Supervising and Support Organizations”) by restricting involvement in supervisory functions of their officers and staff members who are closely related to accepting organizations and requiring appointment of external auditors.
- Limit outsourced organizations providing support services for specified skilled workers to registered support organizations.

(2) Accepting organizations

- Improve the requirements for accepting organizations and take necessary measures for appropriate acceptance of foreign nationals.

(3) Sending organizations

- Make new memorandums of cooperation (MOCs) to reinforce efforts to eliminate malicious sending organizations. In principle, accept foreign nationals only from countries with whom new MOCs have been made.
- Increase the transparency of information on brokerage fees and other costs, and introduce a mechanism to ensure to share the cost appropriately between foreign nationals and their accepting organizations in order to reduce foreign nationals' financial burdens.

(4) Employment-for-Skill-Development Organization (ESDO)

- Reorganize the Organization for Technical Intern Training into Employment-for-Skill-Development Organization (ESDO). Task the new organization additionally with providing consultation and support for specified skilled workers and strengthen its supervisory, supporting, and protective functions.

6. Other Actions

- Play central roles in the proper operation of the entire system by the ministries and agencies responsible for the programs.
- Take initiatives to contribute to the development of an environment necessary for the acceptance of foreign nationals by the ministries and agencies responsible for each specified industrial field.
- Promptly respond to any acts of human rights violations even under the current systems.
- Secure transition period and carry out active PR activities in advance and implement necessary transitional measures.
- Continuously verify and make necessary reviews of the operation of ESD program even after it comes into effect.
- Make necessary improvements to the permanent residence permit system.