

Investigation into cases of disappearance

(1) Subjects of the investigation

An investigation was conducted into 4,280 implementing organizations relating to 5,218 disappearing technical intern trainees who was interviewed due to them overstaying beyond their authorized period of stay, etc. and interview sheets was made by immigration officers between January 2017 and September 2018.

(2) Situation of implementation of the investigations

- (i) On-site investigation: 1,555 organizations (for 2,025 disappearing technical intern trainees)
- (ii) Telephone and document investigations: 2,177 organizations (for 2,473 disappearing technical intern trainees)
- (iii) Refused to cooperate: 113 organizations (for 155 disappearing technical intern trainees)
- (iv) Bankrupt, location unknown, etc.: 270 organizations (for 320 disappearing technical intern trainees)
- (v) Had already undergone a separate investigation after the trainees' disappearance: 165 organizations (for 245 disappearing technical intern trainees)

(3) Results of the investigation (except those pertaining to minor document deficiencies)

As a result of (2)(i) and (ii), misconduct acts relating to 721 individual persons (631 organizations), a total of 893 persons (some included more than once) were suspected.

As a result of (2)(v), misconduct acts relating to 38 individual persons (31 organizations), a total of 44 persons (some included more than once) had already been subjected to measures due to having engaged in illegal acts.

The total number of individual persons was 759 (662 organizations), a total of 937 persons (some included more than once), and the breakdown of the total is as follows:

- Minimum wage violation: 58 persons (measures already taken against one person)
- Contract wage violation: 69 persons (measures already taken against five persons)
- Excessive deduction from wages: 92 persons
- Non-payment of premium wages: 195 persons (measures already taken against 19 persons)
- Inappropriate overtime work hours and other acts: 231 persons (measures already taken against eight persons)
- Other human rights violations: 36 persons (measures already taken against six persons) (Unfair restrictions on going out, assault, etc.)
- Incomplete documents: 222 persons
- Other illegal acts, etc.: 34 persons (measures already taken against five persons) (discrepancy between the training plan and actual implementation, etc.)

(4) Response measures

- All suspected cases of violation of labor-related laws have been reported to the labor standards inspection agencies.
- Dispositions, guidance and other measures planned in the future based on the supervision and guidance results of the labor standards inspection agencies.
- On-site inspections to be implemented by OTIT by the end of FY2019 with regard to organizations subject to investigation that are currently employing technical intern trainees.

Investigation into cases of death

(1) Subjects of the investigation

171 cases of the deaths of technical intern trainees between 2012 and 2017 (six years)

* In addition to the 128 cases already noted, 43 cases including cases of omission in the reports submitted by the supervising organizations, etc. and omissions by the immigration bureaus.

(Reference) Total number of technical intern trainees residing in Japan: approx. 150,000 (in 2012) to approx. 270,000 (2017)

(2) Methods of investigation

- Examination and analysis of records such as reports at the time of the occurrence of an incident, or death certificates, etc.
- Additional supplementary materials from organizations implementing technical intern training, etc.

(3) Results of the investigation

- (i) Accidental death during training: 28 cases (overturning of a fishing boat, death through crushing caused by large materials, etc.)
- (ii) Accidental death outside of training: 53 cases (car accidents, drowning in the sea, etc.)
- (iii) Death through illness: 59 cases
- (iv) Suicide: 17 cases
- (v) Murder or fatal injuries: 9 cases (3 by fellow trainees)
- (vi) Others: 5 cases (3 cases for which it cannot be determined whether it was suicide or an accident, 2 cases of unknown cause of death even following an autopsy)

(4) Examples where the cause of death in the "list of cases of death" was drowning, etc.

- Drowning was two cases of (3)(i); 15 cases of (ii) (accidental drowning while swimming); three cases of (iv) (personal troubles, etc.)
- One case of freezing to death was (3)(ii) (going out while drunk, and freezing to death in a forest)

(5) Status of responses of related organizations

- Aside from cases of temporary return home, the police and labor standards inspection agencies were the ones to respond
- Workers' compensation covered work-related accidents and accidents while commuting

Status of operation of the new system

(1) Overall the optimization of new system has been functioning appropriately to a certain extent

- (i) Certain positive effects achieved through concluding bilateral arrangements with 13 countries and excluding improper sending organizations, etc.
- (ii) OTIT systematically conducted on-site inspections of implementing organizations and supervising organizations (more than 7,000 cases as of the end of December 2018).
- (iii) OTIT implemented protection and support of technical intern trainees (approx. 2,300 requests for consultations in the mother tongue of the technical intern trainee as of the beginning of February 2019)
- (iv) Striving for optimization of the program through operation of a system of accreditation of the technical intern training plans
- (v) Measures to ensure proper programs through business councils, etc.
- (vi) The rate of disappearance of technical intern trainees entering Japan under the new system is lower than the rate of disappearance of technical intern trainees entering Japan under the old system (see table (2) (3) below).

(2) The following issues arising in the response system to handle disappearances and deaths

- (i) Initial response measures such as collection of evidence after receipt of notification of a case of disappearance are not always sufficient.
- (ii) The items in the interview sheet are not sufficient, and the results of the interviews have not been used effectively.
- (iii) The immigration authorities were not sufficiently aware of deaths in some cases.
- (iv) There were few instances of application of the provisions prohibiting human rights abuses.

Status of disappearance of technical intern trainees accepted under the new system

(1) Changes in the number of missing technical intern trainees

	(a) Number of previous year-end technical intern trainees residing in Japan + Number of technical intern trainees newly entering Japan in the current year (persons)	(b) Disappearing trainees (persons)	(c) Rate of (b) to (a)
2015	264,630	5,803	About 2.2%
2016	298,786	5,058	About 1.7%
2017	356,276	7,089	About 2.0%
2018	424,394	9,052	About 2.1%

(2) Comparison of the situation of disappearance in the years of newly entering Japan

Comparison of the situation of disappearance in the years of newly entering Japan for technical intern trainees under the old system newly entering Japan in 2017 and technical intern trainees under the new system newly entering Japan in 2018

	Technical intern trainees entering Japan (persons)	Disappearing trainees in the year of entering Japan (persons)	Rate of disappearance
2017 (old system)	127,657	1,163	About 0.9%
2018 (new system)	130,699	658	About 0.5%

(3) Situation of disappearance after about one year after newly entering Japan

Comparison of the situation of disappearance as of the end of February 2019 of technical intern trainees who entered Japan in February and March 2018

	Technical intern trainees entering in February and March 2018 (persons)	Disappearing trainees as of the end of February 2019 (persons)	Rate of disappearance
Overall total	10,626	243	About 2.3%
Old system	4,758	158	About 3.3%
New system	5,868	85	About 1.4%

Operation improvement measures

(1) Strengthening responses to disappearances, deaths, etc.

(i) Strengthening of initial responses

OTIT or the immigration services authorities promptly conducts an on-site investigation after the occurrence of an incident, etc., and checks and preserves evidence on the technical intern trainees' wages, etc. If misconduct is found, this will be reported, and a disposition rendered.

(ii) Revision of the interview sheet

- Improvements made to the format of the interview sheet and detailed interview items listed.
- An immigration inspector with sufficient expertise conducts the interview and clarifies the facts based on (i).

(iii) Thorough examination by the immigration services authorities in cases of death (regular verification of related information)

(iv) Implementing organizations that are culpable in the disappearance will be suspended from being able to newly accept technical intern trainees for a fixed period of time (revision of the ministerial ordinance, etc.)

(2) Further promotion of optimization of the program contributing to the prevention of disappearances

(i) Expand the target countries of bilateral agreements and strengthen operations

- Speed up the creation of bilateral agreements with China, Indonesia, etc.
- Further strengthen optimization of the sending organizations through notifications to the sending countries and requests for dispositions.

(ii) Introduction of measures to require payment through wire transfers into bank accounts

As is the case with the specified skilled worker system, the payment of remuneration should be made in such a way that the actual amount of payment can be confirmed such as wire transfer into a bank account (revision of ministerial ordinance, etc.).

(iii) Reinforcement of crackdowns on illegal employment, etc. utilizing residence card numbers

The residence card number should be added as a required item to be entered in the report of foreign worker's employment status, and crackdowns and dispositions should be strengthened through information sharing between the Ministry of Health, Labour and Welfare and the Ministry of Justice and cooperation with the police.

(iv) Publicizing of information on transferring to the status of residence of "Specified Skilled Worker"

Thoroughly distribute information to the supervising organizations, implementing organizations and the technical intern trainees about transferring to the status of "Specified Skilled Worker" after completion of the technical intern training.

(v) Strengthening support and protection for technical intern trainees

Thoroughly disseminate support policies based on the support system such as consultations in the mother tongue of the technical intern trainee and support to change the implementing organization, as well as comprehensive measures, and strengthen protection of the trainees through expansion of utilization of these forms of support.

(vi) Strict examination and inspection based on prompt and extensive information-sharing

OTIT, the immigration services authorities and the Ministry of Health, Labour and Welfare are to quickly share diverse information such as the results of on-site inspections and information on the sending organizations. Conducting of strict examinations and inspections, etc. of implementing organizations and supervising organizations.

(3) Reinforcement of the structure of the immigration services authorities and OTIT for implementation of the above measures