
Policymaking Process for Foreign Care Workers in Contemporary Japan: Changes and Continuation

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Abstract

This paper analyzes recent policy reforms made to foreign care work in Japan. The two policy reforms discussed in this paper are 1. The expansion of categories in the Technical Intern Training Program (TITP) and 2. The inclusion of domestic workers into the Japanese labour sector through the use of National Strategic Special Zones. By analyzing these policymaking processes, the following four observations were made salient. 1. That policy reforms were largely driven by economic motivations; 2. That the policymaking processes that determined the nature of these reforms were led by politicians who were acting on behalf of the interests of business leaders; 3. That the Japanese government continues to utilize policies that deny labourers permanent residency or citizenship status, such as temporary worker programs, in order to avoid implementing migration practices that allow workers to become Japanese citizens; and 4. That the government holds contradicting attitudes towards care work, whereby eldercare is increasingly considered professional/skilled work, while domestic work is regarded as low/semi-skilled labour. These findings suggest that Japan's foreign care immigration policies are designed to recruit temporary workers in ways that violate their human rights for the purpose of exploitation, in addition to the original goal of transferring skills to sending countries. With this in mind, I conclude my paper by arguing that these policymaking processes reproduce a gendered, racialized, and classed international division of labour and a global care chain.

Keywords

Japanese immigration policy, migrant worker, domestic worker, Technical Intern Training Program, process tracing

Introduction

Over the last few decades, Japan's population has been ageing, with 27% of the population aged 65 or older, and approximately 6.2 million people using care services through Long-Term Care Insurance (LTCI) (MHLW, 2016a). The Japanese government has been responding to these demographic and family changes with a series of social policy reforms, such as introducing LTCI in 2000. However, Japan's ageing population has caused a rapid increase in the number of people, mainly women, caring for their

family members, as well as a severe shortage of professional care workers. Although immigration is often used as a key national policy tool to mitigate labour shortages and population decline in many countries, Japan has been reluctant to reform its

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immigration policy (Peng, 2016). In particular, the country has kept its borders closed to migrants, especially unskilled/semi-skilled workers, and tried to meet labour demands by using existing temporary worker programs, such as the Internship Programs, that deny migrants access to permanent residency and citizenship (Chung, 2014).

By using existing temporary worker programs, instead of relying on immigration, the Japanese government can avoid significant legislative change as well as public debates around the country's notoriously restrictive immigration policies (Chung, 2014; Peng, 2016). Furthermore, the Japanese government's preferential use of co-ethnic migrants of Japanese descent illustrates the state's commitment to maintaining the cultural and ethnic homogeneity of the country (Oishi, 2005; Rosenbluth, Kage & Tanaka, 2016). For instance, the government has insisted that these foreign workers are not "immigrants" and thus the policies designed to accept them are "not immigration policies" (Cabinet Office, 2018, p. 34-35). These and similar positions demonstrate the Japanese government's refusal to reform their immigration policy in favour of open immigration practices.

In what follows, I will investigate how the Japanese government is using de facto immigration policy to increase the intake of foreign care workers in order to address Japan's rapidly ageing population. First, I will outline and discuss emergent debates around migration and social policy that give substantive focus to the intersections of gender, care, and migration. Drawing on this literature, I will then analyze two Japanese policy reforms related to foreign care workers: The expansion of job categories in the Technical Intern Training Program (TITP) to include eldercare workers, and the acceptance of foreign domestic workers into National Strategic Special Zones (NSSZs). I treat these policies and surrounding policymaking processes as discursive practices and analyze them

using a process tracing method that involves an analysis of the power dynamics between stakeholders in the decision-making processes and the tactics used by the Japanese government. I conclude by discussing the implications of these policymaking process on both the foreign workers themselves as well as broader society more generally.

Background

The globalized economy

Migration is not a new phenomenon; however, since the 1980s, worldwide migration has dramatically increased (Castles & Miller, 2009). Currently, there are 243 million international migrants worldwide, in comparison to 152 million in 1990, and 48 percent of whom are women (U.N., 2016).¹ Theories on the causes of migration are diverse (Massey et al., 2008; Teitelbaum, 2008). However, what they all have in common is the belief that migration creates transnational economies that have resulted in the creation of transnational communities, as workers are forced to move from one state to another in search of employment, often leaving family members behind (Hollifield, 2008).

Due to the globalized economy, there are economic pressures pushing for open migration (Castles & Miller, 2009; Chung, 2014). Accordingly, domestic politics, bilateral and regional relationships, and national state security policies are increasingly affected by, and in turn affecting, international migration (Castles & Miller, 2009). With the rise of globalization, international human rights agreements have evolved, and social and political rights have been extended to migrants. In turn, migration has become a more complicated process and, as a result, it requires a more comprehensive evaluation (Sassen, 2005; Brettell & Hollifield, 2008). As phrased by Saskia Sassen (2005, p. 35): "it is necessary to examine the transformation of the state itself and what that can entail for migration policy and the

¹ While there is no formal legal definition, international migrants fall into the following six categories: temporary labour migrants, such as guest workers and overseas contract workers; highly skilled and business migrants; irregular migrants, such as undocumented/illegal migrants; forced migrants or refugees; family reunification migrants; and return migrants, such as people who returned to their countries of origin (UNESCO, n.d.). Generally, short-term or temporary migration refers to migration periods that last between 3 and 12 months. while long-term or permanent migration refers to a change of country of residence for one year or more (UN, n.d.).

regulation of migration flows and settlement”.

Moreover, the combination of broader socioeconomic changes and neoliberal social policy reforms² in sending and receiving countries have altered how care is understood, provided, and regulated (Gill & Bakker, 2003; Herrera, 2013; Michel & Peng, 2017). For instance, the rising cuts to social resources and provisions in the wake of increased privatization and marketization of care has forced people in receiving countries to rely more on the market and community/voluntary sectors. In sending countries, however, economic and policy changes have increased unemployment and underemployment, intensifying financial insecurity and making care migration an increasingly compelling and necessary alternative for those hoping to escape poverty (Gill & Bakker, 2003; Michel & Peng, 2017).

In Japan specifically, care is largely provided by family members, mainly women, in addition to being purchased through extensive market services (Osawa, 2007; Ochiai, 2009). However, rapid population transformation and a resulting shortage of eldercare workers has made these options less accessible to Japanese citizens (Care Work Foundation, 2018). Yet, despite this, Japan has very limited immigration opportunities for care workers – with some exceptions, such as the bilateral Economic Partnership Agreement (EPA) Program. This fact stands in direct contrast to many other countries in Europe, North America, and elsewhere in Asia that actively mobilize the labour of migrant care workers to address population shifts (Ochiai, 2009). It is also important to note that Japan is one of the highest-ranking countries when it comes to gender disparity in both paid and unpaid care work. 70% of public eldercare work and 90% of private care work is performed by women who are paid relatively low wages (Care Work Foundation, 2018). Thus, care work in Japan is restricted by both economic and gendered constraints.

Notably, the rising transnational demand for care labour has produced a global care chain. The global care chain refers to the links between people

across the globe based on the paid and unpaid work of caring (Hochschild, 2000). In short, it is the overarching network of transnational dimensions that maintain daily life. This network is comprised of households that transfer their caregiving tasks from one to another on the basis of power axes, such as gender, ethnicity, social class, and place of origin (Orezo, 2009). Care work has historically been foisted onto women in particular, which explains, in part, why care work is one of the biggest industries women engage in (Oishi, 2005). However, with both globalization and the defunding of the welfare state through neoliberalism, women in developed countries who have more economic power are now using migrant care labourers instead of doing this labour themselves. These migrant women are often impoverished and, most commonly, from the Third World (Ueno, 2009; Brigham, 2015). Often mothers themselves must find someone else to fulfill their domestic duties, such as other family or community members (Bakan, Stasiulis & Stasiulis, 1997; Crawford, 2003; Ueno, 2009), thereby initiating a global care chain. Moreover, since care work is often considered to be low-skilled work, it is poorly remunerated, which is only further justified by the fact that racialized women constitute the majority of care workers (Anderson, 2000; Ehrenreich & Hochschild, 2002; Yeates, 2009). With this in mind, it is clear that the links of the chain traverse complex axes of inequality that include not only gender but also race, class, generations, geopolitics, and nations (Perez, 2009 in Herrera, 2013; Yeates, 2009).

In the context of Japan, we begin to see the effects of the global care chain emerge in relation to eldercare work and domestic work in particular. For eldercare work, Japan started to accept trainees under the Foreign Technical Intern Training Program (TITP) in 2018, with 257 people arriving in 2018. The Japanese government is expecting to accept approximately 50,000 to 60,000 more foreign eldercare trainees in the next five years (“Kaigo rainichi”, 2018). Regarding domestic workers, the Japanese government recently announced that they expect to receive more foreign domestic workers

² The term is most commonly applied to those who change their traditional liberal views in favour of those that espouse fewer direct welfare benefits and other similar programs (Barker, 2014), which implies an ideological shift towards individualism, rationality, and market supremacy (Pratt, 2006).

through a new pilot program (Special Economic Zones) (Nomura, 2016). The first 25 workers under this program arrived in March 2017 and came from the Philippines.³ The above research demonstrates that, although Japan still employs the “regulated institutional approach,” which involves strict immigration control for care workers (Peng, 2017), a more “liberal private market approach” has emerged in specific areas of the economy, such as in domestic work. In the next section, I will elaborate on this discussion by examining Japan’s current temporary worker programs for migrant and foreign care workers.

Migrant and foreign workers in Japan

Japan has long been reluctant to create a policy designed to increase the entrance of migrant workers, including care workers, into the country (Ochiai, 2009; Peng, 2017). Until recently, the only policies to accept foreign care workers and nurses in Japan were established through the bilateral Economic Partnership Agreement (EPA) program. Since 2006, around four thousand eldercare workers have come to Japan from other Asian countries through the program.⁴ And as of January 2019, a total of 3,165 EPA care workers were working in Japan (MHLW, 2019). However, this program is considered to be one of the temporary worker programs (Otomo, 2016), which means that the Japanese government primarily frames the EPA program as a form of international cooperation to help up-skill workers from sending countries, while denying workers permanent residency and citizenship. It was therefore never intended to be an immigration policy aimed at recruiting workers in an effort to address care worker shortages in Japan (MHLW, 2016b). This explains why the program has been largely unsuccessful in securing care workers on a long-term basis. For one, there are many obstacles facing EPA workers seeking to stay

in Japan. In order to stay in Japan after the program (a maximum four years), they must pass a care work qualification exam. However, due to the exam’s strict standards concerning language competency, the majority of the EPA workers fail to pass, and as a result, eventually have to leave the country (MHLW, 2019b). Therefore, the EPA program is considered to be unsuccessful at addressing the care needs of the country in economically sustainable and socially meaningful ways.

Beyond the EPA program, another important temporary worker program to consider is the Technical Intern Training Program (TITP). Founded in 1981, the TITP was developed as a form of government aid⁵ that supports the transfer of skills from Japan to sending countries. As of December 2018, around 328,000 people have entered Japan through this program (Osumi, 2019). However, program trainees were mostly accepted by industries with a labour shortage, such as construction, agricultural, and manufacturing sectors (MOJ, n.d.). This suggests that the program works more to remedy shortages in the Japanese labour market than it does to transfer skills to sending countries. This is further evidenced by the fact that 1. the Japanese government recently reformed this program to include eldercare work and 2. trainees under the TITP could originally only stay in Japan for up to three years (MOJ, n.d.). Taken together, these two observations indicate that the TITP is being used to recruit migrant labourers on a short-term basis and thus, like EPA, is being improperly used to address the care labour shortage in Japan.

In April 2019, the Liberal Democratic Party (LDP) government introduced a new policy (*Tokutei ginou*) that allows foreign people to work in Japan for up to five years when employed in 1 of the 14 job categories that the state deems “in need,” such as elder care, construction, and agriculture (“Japan’s New Labour Visa”, 2019).⁶ Here, “specified skilled workers,” i.e., those engaged in work requiring skills that need a considerable degree of knowledge

³ It is important to note, however, that even before this program came into effect, some housekeeping services were already being provided by Filipina maids, who mainly came to Japan with an entertainer visa and acquired residency status by marrying Japanese men.

⁴ The program started in 2006 with the Philippines, 2007 with Indonesia, and 2014 with Vietnam.

⁵ Official development assistance (ODA): the government aid designed to promote the economic development and welfare of developing countries.

⁶ The government is planning to launch an even higher skilled category in the next few years wherein foreign nationals with more skill will be allowed to stay in the country longer. This will allow certain migrant workers to accompany family members and renew work permits in Japan indefinitely. In the next five years, Japan expects to receive about 345,500 foreign blue-collar workers under these categories (“Japan’s New Labour Visa,” 2019).

or experience, can stay for up to five years in the country. This policy is intended to provide an avenue for foreign workers who completed the EPA and TITP program to remain in the country. However, these workers have little chance to obtain permanent residency or citizenship and are also unable to bring their partner or dependents into the country. This is because the Japanese government insists that this policy is not an “immigration policy”, as these workers are not migrants (LDP, 2016, p.2), and should therefore not be treated as such⁷.

Unsurprisingly, these temporary worker programs have been criticized by scholars and human rights specialists for the inconsistency existing between their original purpose—transferring skills to developing countries—and their reality—recruiting temporary workers at a low wage (Chung, 2014; JFBA, 2014; Lang, 2018). On the one hand, treating migrant workers as temporary foreign workers allow the Japanese state to benefit from the labour of migrants without also extending them citizen entitlements. Trainees brought in under the TITP are especially vulnerable to labour and human rights violations, as they have temporary status. Not only are they under strict governmental control,⁸ many of the trainees face exploitative circumstances, such as being overworked, underpaid, or abused and harassed by their employers (JFBA, 2014). In fact, over the last five years, more than 25,000 trainees in total were reported missing – mainly as a result of trying to flee harsh conditions (Lang, 2018; MOJ, 2018). These statistics illustrate the problematic realities of the program and the vulnerable position in which migrant workers brought in through such temporary worker programs are unjustly put in (Sugi, 2018).

As illustrated above, regardless of Japan’s purportedly closed immigration policy, the country has already accepted large numbers of foreign workers. 2.3 million foreign workers currently reside in Japan (Osumi, 2019), and the number of incoming migrants (when foreign workers are included)—approximately 430,000 people a year—is the fourth highest out of all 35 countries associated with the Organisation for Economic Co-operation

and Development (OECD) (OECD, 2018). Yet, despite this, the Japanese government insists that these migrants are temporary foreign workers, rather than migrants who merit the entitlements associated with being a Japanese resident - the harm of which is exemplified by the human rights violations associated with the TITP and similar temporary worker programs. However, Japan’s ageing population, along with the emergent globalized economic system, will only increase the need to bring more migrant workers into Japan. Accordingly, in the next section, I will examine Japanese immigration policies intended to address care work shortages. By examining these policymaking processes and their associated practices, I will demonstrate how policies related to care work, specifically the TITP and domestic work, are being discussed and mobilized by the current Japanese government.

Methods

Inductive process tracing

For my analysis, I will use process tracing, a qualitative analysis tool intended to analyze case studies, in order to examine Japanese policymaking processes as discursive practices⁹. Positioning policymaking processes as a discursive practice allows researchers to identify not only how public policies represent larger social norms and mores but also the interactive processes by which these norms are conveyed and constructed (Schmidt, 2008). This then enables an explanation of the dynamics of social change and continuity that inform not only ‘what is said’ in a given policy but also ‘who said what to whom, where and why,’ in the making of said policy (Schmidt, 2008, p. 305; Bischooping & Gazso, 2016, p. 132). Accordingly, I view policymaking as a discursive process in this paper because it helps to reveal the ways in which policies are socially constructed and thus imbued with symbolic meaning that extends beyond the mere analytic frame of rules and regulations (Fischer, 2003). This view also permits me the ability to disclose how policymakers understand, regulate, and treat subjects in a given society, particularly in relation to the intersections of

⁷ Although the Japanese government insists that these programs are not immigration policies, this paper clearly demonstrates that they are. Hence, in this paper, I will use the word foreign worker and migrant worker interchangeably.

⁸ TITP trainees are usually unable to either change their occupational category or employer status upon arrival or visit their home country during the duration of the program (Lang, 2018).

⁹ According to Gazso and Bischooping (2016), discourse is a “web of meanings, ideas, interactions and practices that are expressed or represented in texts (spoken and written language, gesture, and visual imagery), within institutional and everyday settings” (p. 129).

care work and immigration policy.

When analyzing public policy as discourse, it is crucial to recognize the role that power relations play in shaping these discursive practices (Goodwin, 2011), as discourses operate as “regimes of truth” that regulate our individual behaviour based on prevailing knowledge-power relations (Foucault, 1973). One way to examine how power structures affect policymaking is through process tracing (Campbell, 2002; Schmidt, 2008). While there is debate over the definition of process tracing and the necessary procedures required for its application (Trampusch & Palier, 2016), process tracing is most typically defined as the analysis of processes, sequences, and conjunctures of relevant events within a given case study for the purpose of either developing hypotheses that might explain the case, or testing existing hypotheses about causal mechanisms related to said case (Vennesson, 2008; Bennett, 2010; Bennett and Checkel, 2015). These mechanisms typically relate to processes involving material power, institutional efficiency, or social legitimacy (Mahoney, 2000). Thus, careful examination by process tracing, such as examining how specific actors carried certain ideas into the policymaking process or how the dialogue started and then came into effect, can reveal how unequal power relations effect policymaking decisions (Campbell, 2002; Schmidt, 2008). It can also show the complex relationships between different stakeholders and their constituents.

For my analysis, I specifically used an inductive process-tracing approach, which uses evidence from within a given case to build hypotheses that might explain the outcome of the case; these hypotheses may, in turn, generate additional practical implications for future cases (Bennett & Checkel, 2015). This study examined the Technical Intern Training Program (TITP), and National Strategic Special Zones (NSSZs) as two policies intended to address care labour shortages in Japan through the use of temporary migrant workers¹⁰. The goal here was to reveal the mechanisms between the policymaking processes behind these cases and the logics that led to the current (unintended) outcome of them being used to address labour shortages in Japanese care work. More specifically, my analysis

will seek to answer the following three questions: 1. When and by whom was policy reform suggested for each case? 2. What kind of problems were demonstrated within these reforms? 3. Who agreed or disagreed with the implementation of each reform, and why? By framing my analysis with these questions in mind, I am able to reveal the intention behind each policy reform and the power structures in which these reforms operate.

Data selection

The data I used for my analysis came from official Japanese government meeting minutes, reports, and other documents that address policy reform around care work policies relevant to this paper. Documents were obtained from public governmental websites and ranged from 2013 to 2016.¹¹ The following documents were chosen for analysis:

1. Government policy papers:

Japan Revitalization Strategy (Nippon saikou senryaku) 2013 to 2016; *Basic Policy on Economic and Fiscal Management and Reform 2018 (Keizai zaisei unei to kaikaku no kihonhoushin 2018)*; Policy paper from Liberal Democratic Party of Japan on the *Basic concept of accepting foreign worker for ‘symbiosis era’ (Kyosei no jidai’ ni muketa gaikokujin roudousha ukeire no kihonteki kangaekata)*

2. Minutes of policy advisory groups council within the Cabinet Office:

Industrial Competitiveness Council (ICC) (Sangyo kyousouryoku kaigi); Council on Economic and Fiscal Policy (CEFP) (Keizai zaisei shimon kaigi), and their sub-groups; and Council on National Strategic Special Zones (Kokka senryaku tokubetsuku shimon kaigi)

3. Minutes and reports from meetings held in the Ministry of Health, Labour and Welfare (MHLW):

The Study Committees on Foreign Care Workers (Gaikokujin kaigo jinzai ukeire no arikata ni kansuru kentokai)

¹⁰ EPA program reform occurred concurrently with the two other policy reforms discussed in this paper. However, due to space limitations, the analysis of EPA program reform will only be briefly discussed in this paper.

¹¹ Cabinet Office: <https://japan.kantei.go.jp>, Prime Minister’s Office (PMO): <https://www.kantei.go.jp>, Ministry of Health, Labour and Welfare (MHLW): <http://www.mhlw.go.jp>, Ministry of Justice (MOJ): <http://www.moj.go.jp/>, Liberal Democratic Party of Japan (LDP): <https://www.jimin.jp/>

4. Reports from meetings held in the Ministry of Justice (MOJ):

The 6th Roundtable Conferences on Immigration Control Policies (Dai 6ji shutsunyukoku kanri seisaku kondankai); the sub-committee on Consulting Systems of Foreign Workers (Gaikokujin ukeire seido kentou bunkakai)

5. Conference held together by the MHLW and the MOJ:

Combined Experts Conference on Revitalization of the TITP (Ginoujishshuseido minaoshi nikansuru hounmushou kouseiroudoushou goudou yushikisha kondankai)

For my analysis, I focus particularly on the following councils: The Council on Economic and Fiscal Policy (CEFP) (Keizai zaisei shimon kaigi)¹², Industrial Competitiveness Council (ICC) (Sangyo kyououryoku kaigi)¹³, and Council on National Strategic Special Zones (NSSZs)¹⁴. (See Appendix A, Figure 1, for the active period of each Council). Each of these councils act as a policy advisory group within the Cabinet Office chaired by the Prime Minister, who appoints its members, including appointment experts from the private sector. The mandate of these groups is to “enhance the Prime Minister’s leadership,” namely by providing expert advice on relevant economic and fiscal policies (PMO, n.d.a, p. 1). The members of these councils are business leaders and scholars who support deregulation and privatization (PMO, 2014a; PMO, 2016a; PMO, n.d.b). Each council and meeting

minutes analyzed for this study were coded in accordance with themes relevant to the project (See Appendix A, Figure 2, for the timeline and topics of the meetings).

As seen in Figure 1, topics were first mentioned in the Cabinet Office policy advisory councils, as well as in the report forms produced by the Cabinet, and subsequently discussed in relevant ministry-led meetings. For instance, the EPA program reform was first mentioned in the Cabinet report, *Japan Revitalization Strategy* in June 2013, and then discussed in a Cabinet-led ICC and CEFPP joint meeting in 2014, followed by a meeting in the Ministry of Health, Labour and Welfare (MHLW) in 2016. Unlike previous studies that state Japan’s “bureaucratically-driven” policymaking is led by the civil servants within the Ministries (Campbell, 1992), this data indicates that the Prime Minister and the Cabinet Office are taking a leading role in policymaking.

Below, I will analyze two policymaking processes: first those regarding the expansion of categories in the Technical Intern Training Program; and then the policy decisions made around accepting domestic workers through the use of National Strategic Special Zones.

Findings

Technical Intern Training Program (TITP)

Expanding the temporary worker programs.

Despite the fact that associations of long-term care have been lobbying the Technical Intern Training

¹² The Council on Economic and Fiscal Policy (CEFP) started in 2001, under the Liberal Democratic Party (LDP) government, and ceased functioning during the government of the Democratic Party of Japan (DPJ) between 2009 and 2012, and recommenced in 2013, shortly after Prime Minister Abe of the LDP took office. The council typically consists of ten people, including at least four experts from the private sector or academia (PMO, n.d.a). The members of the 2013 council included the head of the Bank of Japan, the head of the Japan Business Federation (Keidanren), and other business leaders and economists (PMO, n.d.b), who is known to be a supporter of deregulation and privatization.

¹³ The Industrial Competitiveness Council (ICC) is a council that began in 2013 under the administration of LDP Prime Minister Abe. This council aims to develop strategies to compete in the global economy (PMO, 2013i). There are no guidelines for membership qualifications, no time limitations imposed on the members, or any rules about when and how often they can hold a meeting. The chair of the meeting, the Prime Minister, is responsible for member appointments and scheduling meetings. In 2016, the ICC was comprised of Ministers and nine business leaders and experts from the private sector (PMO, 2016a).

¹⁴ The Council on National Strategic Special Zones (NSSZs) commenced in 2014, again under Prime Minister Abe’s cabinet. The aim of the council is to utilize the National Strategic Special Zones as a “breakthrough for regulatory reform” (PMO, 2014a).

Program (TITP) to expand job categories to include eldercare for more than ten years (MOJ, 2014a, p. 4), discussions on this topic only started to emerge in the fall of 2013 with the advent of Industrial Competitiveness Council (ICC)'s Employment and Human Resources sub-group (PMO, 2013a). This sub-group, of which most of the members, including three core members¹⁵, are from business sectors, met between September 2013 and April 2014 with the goal of "smoothly develop[ing] the *Japan Revitalization Strategy 2013*" (PMO, 2013b, p. 1): the government's core policy. The expansion of the TITP categories was first proposed in October 2013 by one member of the sub-committee: Sadayuki Sakakibara, the then leader of the Japan Business Federation, and was then discussed in subsequent sub-group meetings between October and December 2013 (See Appendix A, Figure 2).

Proposed changes were designed to: 1. extend the length of the trainee program and 2. widen eligible occupational categories to include eldercare in order to "eliminate the labour force shortage in Japan" (PMO, 2013d, p. 1). In November 2013, the sub-group held a hearing session with the two regulatory bodies: The Ministry of Health, Labour and Welfare (MHLW) and the Ministry of Justice (MOJ). In contrast to business leaders in the ICC sub-group, civil servants from MHLW and MOJ¹⁶ had kept a

prudent stance on this reform. MHLW civil servant stated that "firstly, this TITP should be optimized for its intended aim" and cautioned that "expanding the system should be carefully examined" (PMO, 2013e, p. 5)¹⁷. Despite these divergent opinions, in the final meeting held in December 2013, the sub-group gave their mid-term report (PMO, 2013g), stating the need to expand TITP job categories, such as care work, in order to fulfill labour shortages and sustain the Japanese economy (PMO, 2013g, p. 12). This report, written in line with the Prime Minister and his Cabinet's objectives¹⁸, was submitted to the larger ICC meeting. Not surprisingly, the Cabinet Office accepted the proposed revision, and in January 2014, the government officially announced to expand TITP job categories, including eldercare work (PMO, 2014a).

Including the contents from this report, the *Japan Revitalization Strategy 2014* was published in June 2014. Regarding revisions to the TITP, the strategy stated that "while drastically strengthening the management and supervision schemes, the government will expand the Technical Intern Training systems, including job categories covered by the system, training period (from 3 years to 5 years at most), and admission quotas on trainees" (PMO, 2014c, p. 26). The strategy also set forth a goal to implement this policy by 2015. Following

¹⁵ Core members of the group consisted of three people from the business sector, including the two most significant business associations in Japan—Sakakibara, from the head of the Japan Business Federation (Keidanren); Hasegawa, from the Japan Association of Corporate Executives (Keizai Doyukai), and Professor Takenaka, who heads the Koizumi administration's economic policies, as well as the biggest temporary staffing agency in Japan (PMO, 2013c).

¹⁶ The MOJ held their own sub-committee meetings regarding the TITP programs in the 6th Immigration Policy Roundtable between November 2013 and May 2014. The subsequent reports released in June 2014 pointed to the problems associated with the TITP, along with its reality; that the program is serving to fulfill labour shortages in Japan (MOJ, 2014b).

¹⁷ In the following hearing in November 2013, MHLW staff explained the pros and cons of TITP raised by different stakeholders and experts. Among them, opinions favourable to expanding the TITP originated from the Japan Business Federation (Keidanren), Osaka Chamber of Commerce and Industry, and Small and Federation of Medium Enterprise, while opposing views came from the Japanese Trade Unions Confederation (Rengo) and Japan Federation of Bar Associations (Nichibenren) (MHLW, 2013).

¹⁸ In the meeting on December 2013, Hasegawa, from the Japan Association of Corporate Executives (Keizai Doyukai), mentioned the Prime Minister's recent interview with a newspaper, whereby the reporter stated that "in order for the Prime Minister to revise the New Growth Strategy in June next year, we must meet his expectations by designing strategies with regards to areas of employment and human resources, agriculture, as well as medical and nursing care" (PMO, 2013h, p. 5). This comment indicates not only that topics discussed in the meetings were influenced by either the Prime Minister or larger ICC membership, but also that decisions or recommendations from these meetings were in line with state objectives.

this announcement, the concerning ministries, MHLW and MOJ, were forced to begin consultations on specific measures of policy implementation¹⁹. From November 2014 to January 2015, these two ministries held four Joint Experts Discussion Panels to discuss details about possible issues and procedures related to the expansion of the TITP (MHLW, n.d.a). The topic was discussed by a MHLW organized study committee on foreign care workers²⁰ between October 2014 and February 2016, during which time the topic of TITP expansion was discussed only three times. At their first relevant meeting, the chair pointed out that the committee was to proceed “within the framework of the *Japan Revitalization Strategy 2014*” and, although expansion of “TITP has not yet been decided”, members were advised to discuss this topic “as if the expansion of TITP on care work has been already decided” (MHLW, 2014, p. 1)²¹. These findings indicate that the policy decision had already been made before the ministry level meetings were held, likely when the *Japan Revitalization Strategy* was published or even proposed.

Despite its original goal to develop international cooperation and provide skills training for trainees from sending countries, the demands and needs of foreign migrant workers and their countries, i.e., the training contents, were never discussed in the above meetings. Similarly, although activists, scholars and international organizations have long spoken out against human rights violations under the TITP, these issues were also not discussed (MHLW, 2013, 2015c). Furthermore, even though the committee (half-heartedly) noted some of the concerns of TITP expansion (MHLW, 2015c), the final report still concluded that “it is appropriate to expand TITP job categories of eldercare work,” while simultaneously claiming that the program aim is to “transfer skills

to the sending countries,” and is thus not a measure to “fulfill labour shortages” (MHLW, 2015c, p. 1). The report also stated that “appropriate measures” should be taken when conducting revisions so as to: 1. Not lower the social status of eldercare workers in Japan; 2. Ensure migrants have the same working conditions as Japanese workers; and 3. Maintain the quality of eldercare in Japan. It also mentioned that people who have Japanese eldercare certification could work in any setting as “professional/technical workers” (MHLW, 2015d p. 14). Soon after this report was released, the government submitted two pieces of legislative reforms to the lower house of the Diet (parliament) in accordance with cabinet-led decisions to extend the TITP duration from 3 years to 5 years and create a new TITP category for eldercare workers (MOJ, 2015a). From the spring of 2019, Japan started to accept TITP eldercare worker trainees.

Modifying labour categories. The above process shows that Japan is clearly and explicitly continuing to use temporary worker programs to meet its immigration needs rather than use a “front door” immigration policy that would entitle migrants to citizenship benefits (Hollifield, Martin & Orrenius, 2014). For one, TITP reforms have long been discussed with the aim of recruiting trainees for those job categories with labour shortages, and since it is treated as a temporary worker program, the Japanese government has not discussed larger immigration policy reform around social integration or long term migration related to the program, such as granting migrants permanent residency or citizenship. This is exemplified by the fact that “appropriate measures” described in the above report regarding the entrance of more foreign care workers into the TITP appear to be more focused on mitigating the resulting feelings and reactions of Japanese people,

¹⁹ In April 2014, at the joint meeting of the ICC and the CEF, the Prime Minister ordered the Minister of Justice mandate legislative reforms for the TITP expansions (Cabinet Office, 2014d).

²⁰ Members of the MHLW study committee consisted of ten people, including representatives from associations for long-term facilities, associations of vocational schools for certified care workers, and labour unions.

²¹ In the following hearing in November 2013, MHLW staff explained the pros and cons of TITP raised by different stakeholders and experts. Among them, opinions favourable to expanding the TITP originated from the Japan Business Federation (Keidanren), Osaka Chamber of Commerce and Industry, and Small and Federation of Medium Enterprise, while opposing views came from the Japanese Trade Unions Confederation (Rengo) and Japan Federation of Bar Associations (Nichibenren) (MHLW, 2013).

than of helping the workers integrate into the society successfully. Moreover, the politicians and members on the council in charge of revising the TITP are mostly from the private sector. Civil servants from the ministries not only had little to no influence on the implementation of these policies, they also tended to oppose the reforms in question. The fact that business-oriented federations and their leaders supported the proposed changes to the TITP, while trade unions and their lawyers did not, demonstrates that the expansion of the TITP operates to the benefit of those seeking to use temporary worker programs as a means to address labour shortages in the country. It is thus clear that business interests remain the driving force behind recent changes to the TITP's policy.

In parallel to the TITP reform, the Japanese government also revised the immigration legislation to permit work in Japan indefinitely for people who have obtained national care work qualifications (*Kaigofukushishi*), which came into effect in September 2017 (MOJ, 2015a, p. 23). These minor policy reforms indicate that the government has started to consider eldercare workers as professional/skilled workers (MHLW, 2016c), and, by doing so, they will likely be able to accept more foreign eldercare without making major legislative changes. More importantly, in the *Basic Plan for Immigration Control*, the government has revealed the stance that the definition of "professional or technical fields" may be flexibly and quickly revised in accordance with society's needs (MOJ, 2015a, p. 23). Accordingly, the residence and landing permission criteria of foreign workers in "professional or technical fields" will be flexibly modified (MOJ, 2015a). In this document as well, it is vaguely indicated that eldercare is now considered to be professional/skilled work.

Similar to TITP reform, the government's revised understanding of eldercare work as "professional/skilled work" emerged in response to the 2015 and 2016 *Japan Revitalization Strategy* (PMO, 2015, 2016c). In both documents, the government affirmed they would invest in the healthcare and nursing care sector in Japan in order to develop unique professional care skills and techniques that they would then promote as one of the main exporting goods and services in the global market (PMO, 2016c). With this in mind, it is evident that

the Japanese government is trying to professionalize eldercare and, in turn, help to grow their healthcare and nursing industries on the global market, thereby bolstering Japan's total economic growth.

Accepting Domestic Workers through National Strategic Special Zones (NSSZs)

Expansion and stratification of care work. Elder care work was not the only category of care work transformed by the *Japan Revitalization strategy*. In June 2014, the government announced that they would accept "housekeeping support workers" into the National Strategic Special Zones (NSSZs) in major cities. The goal of this was to "help reduce the housekeeping burden" for Japanese women (PMO, 2014c, p. 26) by providing "services to be used cheaply and with peace of mind," thereby supporting their ability to participate in paid labour (PMO, 2014c, p. 53). NSSZs are designated zones that are given priority status for receiving special, more free-market-oriented, economic policies, and flexible legislative measures. Thus, by utilizing these zones, the Japanese government and municipalities can enhance economic activities, which result in the promotion of international competitiveness (Tokyo Metropolitan Government, n.d.).

Although projects operating in NSSZs are typically proposed by municipal governments, along with the private sector, the discussion regarding domestic workers primarily occurred at the national level and, more specifically, in the cabinet council (PMO, 2014d, Tsusaka, 2016). The idea of using NSSZs to mobilize foreign labour as a means of providing housekeeping services to Japanese women was first proposed by a business leader, and member of the ICC sub-group, Professor Takenaka (PMO, 2013f). He argued that Japan "needs to accept maids from foreign countries in order for women to join the labour force" (PMO, 2013f, p. 12). This idea was further elaborated on in a larger meeting between the ICC and CEF (Cabinet Office, 2014b, 2014c, 2014d).

During this meeting, Minister of Justice and the National Strategic Special Zone Minister shared the idea that utilizing the NSSZs to accept foreign domestic workers could be used as "an experiment" to address the aforementioned concern (Cabinet Office, 2014d, p. 5, 10, 12). They also indicated that the acceptance of foreign domestic workers

was implemented in the scope of enforcing broader immigration policies for domestic workers (Cabinet Office, 2014d). The above implies that the strategy to use NSSZs to expand notions of domestic work is really a means by which to implement a de facto new immigration policy without also implementing major legislative change. By avoiding significant administrative procedures in this way, this policy was implemented much faster than other types of policy reforms in Japan, and was thus less regulated (PMO, 2014e).

It is apparent that the policymaking processes and practices regarding foreign domestic workers in Japan employ a neoliberal approach. For one, in the policymaking process, the idea of bringing in foreign domestic workers through the NSSZs was proposed by business leaders. Thus, similar to TITP expansion, business leaders have a significant influence on the policymaking processes involved. As regards policy practices, in order to efficiently regulate and control the foreign domestic workers, the government decided to hire them through private staffing agencies (PMO, n.d.c), including some of those owned by Professor Takenaka (“Phiripin jin kaji daikou”, 2015). Hence, also similar to TITP policy reforms analysed in this paper, it is clear that these policymaking processes were initiated, not by ministries acting in favour of domestic labours and workers, but by moneyed government bodies²².

Furthermore, rather than trying to reduce the gender gap within Japanese care labour, the government is instead hiring foreign workers to provide cheap housekeeping services to Japanese women so that they can then engage in paid work. This reproduces and reinforces the “international division of labour” and the “global care chain” (Hochschild, 2000; Parrenas, 2003).²³ For instance, some companies in Japan have already started to offer domestic services provided by Filipina staff, most of whom initially came to Japan under an

entertainer visa and stayed in Japan by marrying a Japanese citizen. Advertisements disseminated by these agencies are filled with stereotypes that portray Filipina maids as “kind, gentle, cheerful, and hospitable” (Pinay Housekeeping Services, 2016). Similarly, the agencies that coordinate TITP trainees to Japanese companies also use racial stereotypes to depict their workers, such as depicting Vietnamese people are “easy-going but tough,” or Thai people as “polite” (Aiwa Corporative Association, 2014, p. 1).

By using these supposedly natural ‘traits’ to represent foreign domestic workers, matching agencies are trying to promote their perceived positive racial attributes in an effort to decrease Japanese people’s apprehension towards foreign workers. However, this tactic is problematic in that it reinforces stereotypes and re-stigmatizes “foreignness” (England & Stiell, 1997; Kelly, 2014; Lan, 2018). This is a clear example of how migrant workers are gendered, racialized, and classed by national identities in the policymaking process, wherein receiving countries capitalize on the idea that some national identities supposedly have qualities that make them well-suited for care and domestic work (England & Stiell, 1997).

Discussion

This study reviewed recent policy reforms in Japan implemented around care work, giving substantive focus to recent revisions made to the Technical Intern Training Program (TITP) and the National Strategic Special Zones (NSSZs). In particular, I focused on how these revisions were mobilized as a result of the *Japan Revitalization Strategy*, which sought to address Japan’s economic growth and labour shortage, to the benefit of business and state interests. My analysis of these policy reforms revealed four main findings, which I discuss below.

First, it is clear that reforms to these policies are driven by economic motivations and deeply

²² When the working group under ICC and CEFP held hearings with concerning ministries such as the MOJ, MHLW, and the Ministry of Economy, Trade and Industry around accepting domestic workers into Japan (PMO, 2014d) one of the Cabinet Office secretaries stated that “this plan will be included in the new Japan Revitalization Strategy next month” (PMO, 2014d, p.2), which indicates that these hearings are already under the purview of the Cabinet.

²³ There are also concerns regarding human rights issues for these workers since the Japanese government has not signed the ILO Convention #189, Domestic Worker’s Convention to protect domestic workers (Hasebe, 2015).

influenced by business leaders' opinions. Most Cabinet council members in charge of these reforms are business leaders and economists from the private sector who support privatization and deregulation (Sadamatsu, 2017). Their proposals are based on economic rationales, as illustrated by the emphasis placed on increasing Japanese women's labour market participation, which is one of the core components of Prime Minister Abe's policy, "Abenomics" (PMO, 2016b). As shown in my review of TITP reform, these programs were used as a tool to mitigate labour shortages as a result of Japan's ageing population. The Liberal Democratic Party (LDP)'s stance on accepting foreign workers is based on meeting "the society's needs" (LDP, 2016, p. 2), and addressing labour shortages in relevant areas, such as care work, agriculture, construction, and tourism. This idea, along with their argument that one "needs to be cautious that these policies will not be mistakenly understood as if this is an immigration policy" (LDP, 2016, p. 2; Cabinet Office, 2018), suggests that foreign workers are considered temporary workers who should be used to satisfy labour needs in undesirable jobs. In short, foreign workers are primarily understood as tools to meet the demands of the Japanese economy.

Second, in contrast to the previous studies that suggest that Japanese policymaking processes have often been considered to be bureaucratically driven by civil servants in the ministries (Campbell, 1992; Sadamatsu, 2018), my findings suggest that policy reforms, at least those regarding foreign care workers, are primarily driven by council members who are business leaders in the private sector. For instance, TITP policy reforms were first proposed by business-based council member(s), and then discussed in larger meetings with the Prime Minister and his Cabinet. It was only after the policy implementation was announced by the Cabinet, that relevant ministries held meetings, often with experts in the area, around the practical implications of changing the program. Further, in relation to domestic workers, National Strategic Special Zones

(NSSZs) were used as a quick way to expedite the effectuation of new policies with less bureaucratic procedures. In both instances, civil servants in the Ministry of Health, Labour and Welfare (MHLW) and the Ministry of Justice (MOJ) expressed a cautious stance towards policy reforms. Despite this, however, these views were not meaningfully considered when implementing each policy (PMO, 2013e). Further, similar opinions from labour unions and bar associations, which were given in expert hearings, were also overlooked.

Most importantly, feedback from migrant workers and non-profit organizations that support migrant workers' rights were not considered at all. Instead, policy reform was largely informed by business leaders, who are new power elites (Sadamatsu, 2018). Sadamatsu (2018) explains that new power elites, who compose the Cabinet²⁴, not only hold power among stakeholders in the policymaking process, but also have major sway when implementing new policies. This is a new 'governance-type' attitude to managing immigration policy and reform, which is different from Japan's former bureaucrat led government approach to regulating immigration (Sadamatsu, 2018). This governance-type policy will create more issues for the country, as it allows new power elites to implement new policies without being monitored by a third party. As a result, power will continue to concentrate around stakeholders and politicians (Sadamatsu, 2018).

Third, the Japanese government continues to utilize temporary worker programs to address issues around immigration and labour, either by revising existing TITP programs for eldercare workers, or utilizing National Strategic Special Zones (NSSZs) to circumvent major legislative change, something these programs were never designed to do. Although policymakers still state that these policies are not technically immigration policies, it is evident that an increasing number of migrant workers reside in Japan through these programs. By continuing to utilize these temporary worker programs, and treat migrant workers as a "foreign human resource"

²⁴ For example, during one of the meeting held by the employment and Human Resources sub-group, Hasegawa, from the Japan Association of Corporate Executives, stated that "in order for the Prime Minister to revise the New Growth Strategy in June next year, we must meet his expectations by designing strategies with regards to areas of employment and human resources, agriculture, as well as medical and nursing care" (PMO, 2013h, p. 5).

rather than migrants (Cabinet Office, 2018, p. 35), the government is able to avoid, not only public discussions regarding immigration, but the responsibility they have to help foreign workers integrate into the society.

In addition to the problematic use of temporary worker programs, the government is also slowly trying to modify the meaning of the words used in the policymaking process. This is exemplified by the changes made to the definitions of eldercare in their policy papers, as evidenced by the fact that the ruling party, the LDP, recently announced that the occupational categories in professional/skilled labour should be flexibly defined according to “the society’s needs” (LDP, 2016, p. 2). Moreover, the LDP decided to stop using the phrase “unskilled worker” (*Tanjyun roudousha*) due to its “negative image” (LDP, 2016, p. 1). That the government altered the wording of relevant policy documents, while also introducing flexible changes to the concept of professional/skilled labour, implies that they aim to create alternative discourse around migration. In particular, they want to generate a discourse aimed at dispelling the public’s negative image of migrant workers, so that these workers can be used to satisfy the labour demands in the least desirable jobs in the Japanese economy.

The fourth and final finding is that the Japanese government seems to hold contradictory attitudes toward care work. Although both eldercare work and domestic work are discussed in the context of Japan’s economic promotion and used to enhance international competitiveness (Sadamatsu, 2018), the government increasingly considers eldercare work to be professional/skilled work, and care work, such as housekeeping work, to be low-skilled labour. A main reason for this is that elder care involves nursing care, which is now considered, at least by

the government, to be one of the core industries that Japan needs to thrive in the global market (PMO, 2016c). Accordingly, TITP trainees who have obtained Japanese eldercare (and thus nurse care) certification are considered to be “professional/technical workers”²⁵ (MHLW, 2015d, p. 14, 2016c, 2016d). This new standard toward eldercare is used as a means to accept more nursed trained foreign workers. For instance, in the fall of 2017, the Japanese government introduced a new visa status that would enable foreign workers with Japanese eldercare work certification to live and work in Japan indefinitely - as long as they continue to work in the nursing care sector. This has led to a huge increase in international students in care work vocational schools (Ebuchi & Takeuchi, 2018)²⁶.

In contrast to eldercare workers, accepting foreign domestic workers are intended to reduce costs associated with housekeeping services in Japan, and to promote Japanese women’s labour participation (Cabinet Office, 2014a; Ishibashi, 2015; PMO, 2014c). This policy represents the mechanisms to create further stratification among people who provide care. For instance, the skill delineation made within care work has resulted in the dismantlement of childcare work into higher-skill educational work and low-skill housekeeping work²⁷. Moreover, the words and phrases in the *Japan Revitalization Strategy*, such as “promot[e] women’s social participation” or “unleash the power of women,” are racially and ethnically biased, as the word “women” only refers to Japanese women (PMO, 2014c, p. 9). Taken together, these two observations suggest that policymaking processes in Japan assume that only women of certain racial-national and socioeconomic statuses should be economically empowered, and that their empowerment has to come at the cost of exploiting and devaluing the labour of women from

²⁵ The hurdle remains high for foreign eldercare workers to renew their work permits as they are required to obtain Japanese care work certification by a certain time period, where Japanese citizens working in nursing care are not required to do so. The government states that this measure is to ensure a quality of care provided by care workers and to avoid a wage gap between Japanese and migrant workers.

²⁶ It is reported that the number of international students in care work vocational school is increasing rapidly and now constitutes one in six students (Ebuchi & Takeuchi, 2018).

²⁷ Foreign domestic workers can only be involved in simple childcare duties, such as picking up children from daycare. This is because childcare is not a duty that foreign domestic workers can perform because of concerns raised by the Minister of Education in a meeting, whereby they stated that: it is “problematic that foreign people are involved in childcare without fully understanding Japanese language or culture” (Cabinet Office, 2014b, p.11).

divergent national and class backgrounds.

In both the policymaking processes and practices examined in this paper, foreign workers are gendered, racialized, and classed by their national identities, as well as the work they perform. Despite clear evidence to the contrary, these workers are still considered to be temporary workers rather than long-term migrants and, as a result, social policies and support services for foreign residents are severely lacking. Their exploitation and vulnerability to human rights abuses are often ignored or justified to the benefit of the Japanese economy. Hence, current Japanese de facto immigration policies around care work, including both policymaking processes and practices, are reifying the international division of labour and the global care chain (Hochschild, 2000; Parrenas, 2003; Sadamatsu, 2018).

Conclusion

In this paper, I analyzed the processes involved in the formation of foreign care worker policies in Japan. When examining the policymaking processes, it is essential not to take government statements about policy at face value, but to carefully investigate them to reveal whose interests and voices are being heard, and whose are being marginalized. My analysis revealed the power structures embedded within Japanese policymaking processes aimed at reforming foreign care work. Namely, I demonstrated that the drivers of these policy reforms were acting on behalf of the economic interests of both business leaders and the Prime Minister and his Cabinet. These economically driven policies are creating problematic stratifications in care work, dividing care workers along national and class lines. Moreover, different types of care work are also being stratified, as eldercare is treated as professional/skilled work while housework is still considered lower semi-skilled work. The fact that these immigration policies regarding care work are reinforcing the global care chain by shunting women from sending countries into underpaid work should be recognized.

Regardless of their status, the Japanese government needs to protect the human rights of their foreign workers. This requires them to admit that side door immigration policies, such as temporary worker programs, are being used to enforce economic growth in Japan, thereby reducing

foreign care workers to temporary migrants who are denied access to citizen entitlements. The entire country of Japan must acknowledge that, although they are described as temporary workers, migrant workers are still active members of the society and thus need support and resources.

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cells (TITP expansion) indicate when each topic of interest was mentioned or discussed (while red cells allude to EPA reform).

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