

Life in the Yoseba

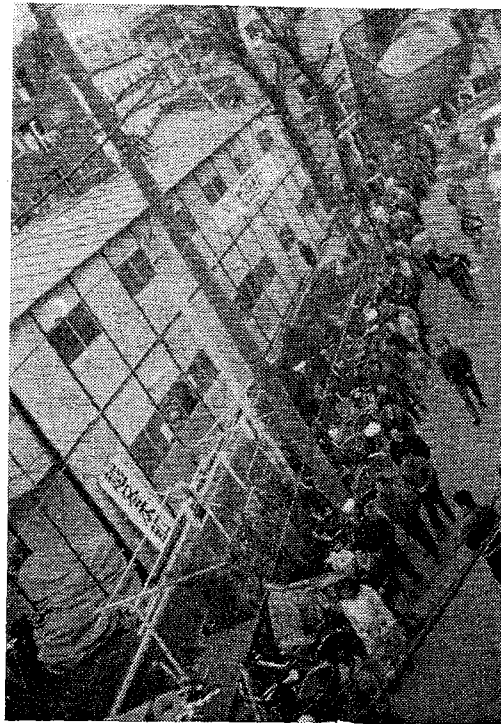
By Kobayashi Kengo

Elderly workers lose jobs when new workers enter the labor markets known as Yoseba such as Sanya in Tokyo and Kamagasaki in Osaka, but they generally don't hold grudges against foreign workers, as they tend to see them as the same as younger Japanese men. Nevertheless local unions are still reluctant to come out in support of the migrant workers for fear of alienating their Japanese membership.

Reverend Kobayashi, a member of Kalabawno Kai, himself works as a day laborer in Kotobuki in Kanagawa.

F Foreign migrant workers gather in *yosebas*, where they are recruited every morning by labor contractors working for subsidiaries of big construction or shipping companies. They come to Japan through the connection of relatives or friends. Ranging in age from 20 to 40, most are from the Philippines and South Korea. The demand for young foreign workers is increasing due to a shortage of Japanese casual labor, but language problems and the resistance of labor unions often prevent foreign workers from getting good jobs.

The *yoseba* are dotted with very simple and cheap hotels, known as *doya*, owned by Korean residents of Japan. Many notices are written in Hangul (Korean), English and Japanese. Usually a Japanese worker stays in a two- or three-mat *tatami*



room, but I met two foreign workers, who seemed to be husband and wife, sharing one of these small rooms.

These are some of the people I worked with.

K from Seoul, South Korea

K has a wife and two children in his home country. He earns between ¥200,000 and ¥300,000 per month, of which ¥100,000-200,000 goes to his family, leaving

him with about ¥100,000 for living expenses. If there are jobs, he works at night. Kim wants to stay in Japan a few years longer. Since he has already overstayed his tourist visa, once he goes back to Korea he can not return to Japan for more than one year. Four years ago, there were few Koreans from Seoul, and when he met friends from home on the street, they used to go drinking. Now there are few such occasions, and he worries about his co-workers spending all their money on gambling.

B from Luzon, the Philippines

B has a wife and three children. He sends his family ¥100,000 per month. He has worked in Japan for four years and though he is overstaying, he works as much as he can. He is satisfied with the present situation and sees no need to legalize his status.

C from Luzon, the Philippines

C's family is in the United States. He is now

working with Koreans and Filipinos at a construction site in Tokyo. All foreign workers could lose their jobs if a co-worker gets injured or has a workplace accident. The company operates under a feudalistic system of collective responsibility.

Foreign workers are attracted by Japan's relatively high wages for day labor—the average is ¥12,000 a day. But even if they are skilled, they earn less than Japanese workers, who get ¥1,000 to ¥2,000 more. Some laborers promise to work for the same company for several days, for by staying on the same job for a long time, they win the trust of their employers. Natural leaders appear among the workers. Most use Japanese names and sign their pay slips with these names.

Yosebas are sensitive to changes in the economic situation. Because day laborers do not have regular contracts, they are the first to be fired when jobs become scarce. This is especially true for foreign workers.

Immigration and Labor

Under present Japanese immigration law, the following people are considered illegal workers: 1) those who enter Japan with tourist visas to work; 2) Those who continue working after their visa has expired (so called overstayers); 3) those who enter Japan illegally by-passing immigration procedures; and 4) those who take paying jobs without permission from immigration authorities. Foreigners working in the *yoseba* invariably fall into these categories.

Although immigration law clarifies these laborers as illegals, they are entitled to protection under Japan's labor laws. The term "illegal worker" is thus not really accurate. A better term is "undocumented worker." More than 200,000 foreigners reportedly work in Japan with an undocumented status.

According to Immigration Bureau statistics, in 1990, 94,868 foreigners came to Japan to work, of whom 37,566 were trainees. Some 24,176 undocu-

mented male workers were arrested. The number of arrests represent 58 nationalities. Countries with large contingents of these include Bangladesh (5,915), South Korea (4,417), Malaysia (3,856), Pakistan (3,886), and the Philippines (1,593). Others are from Sri Lanka, Iran, Nepal, India, Nigeria and Ghana. 71.3% of these workers are between 20 and 35 years old. In the prime of life, they work as

factory hands, construction laborers, odd-job men, sanitation engineers, cooks and sales clerks. 85.4% are factory and construction workers who perform tasks that are difficult, dirty and dangerous—in Japanese, the 3 Ks—kitsui, kitanai, kiken. Japanese young people refuse to take this kind of work.

Present Japanese immigration law specifies 28 kinds of work open to foreigners. These jobs are in investment, management, the legal and accounting professions, and as medical personnel, researchers, educators, technicians. They may also work for international agencies, on company assignments, or in the entertainment industry.

Unpaid Wages

Unpaid wages is the most common example of human rights infringements against foreign workers. Unscrupulous employers frequently take advantage of the vulnerable situation of "illegal" foreign workers.

For example, a boss may say, "You are not a good worker," and refuse to pay full wages or meet other contract conditions. When workers demand back wages, employers often claim to be short of money and delay the payment. If workers quit, employers may refuse to pay altogether. In some cases, job brokers run away with the workers' wages.

Employers must obey Article 24 of the Labor Standards Law, which requires them to pay wages even to undocumented workers. Employers who violate this provision are criminally liable. But labor standards officials, who are responsible for

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dealing with these problems, are legally bound to inform the government about violations of the Immigration Act. Thus, undocumented workers who complain about breaches of contract risk deportation or prosecution themselves.

In 1990, a labor standards official said that "Basically we don't inform the Immigration Bureau." But foreign workers cannot be sure of that. Their situation is precarious.

NGOs who support foreign laborers have negotiated with employers on the workers' behalf. When the negotiations reach deadlock, they ask the Labor Standards Office not to inform immigration officials. But even after submitting documents to the office, often they cannot solve the problem. They attempt to protect the workers rights by treating these problems as labor disputes and by securing the cooperation of friendly trade unions.

Workers' Compensation

Many foreign workers who engage in dangerous jobs at factories or construction sites are involved in workplace accidents. In cases involving lost fingers, the factory owners usually pay a small amount of compensation privately and don't bother applying for workers' accident compensation insurance. It is only when the accident is serious, involving for example a lost arm, that they take this step.

The major cause of these accidents is that the workers remove safety devices from machinery. In small subsidiary companies the overriding emphasis is on meeting deadlines, meaning that regulations and safety measures are inevitably sacrificed. Communication difficulties are also mentioned as a major cause of accidents. In any case, the combination of communication problems and disregard for safety regulations can be deadly.

Construction workers are also exposed to unnecessary safety hazards. There is a common phrase among workers that "injuries and lunch should be taken care of by the individual." Employers typically refuse any medical treatment unless the injury is serious enough to warrant hospitalization or surgery. Foreign workers usually do not seek medical assistance on their own, both because they don't know where to go, and because of the fear of possible arrest and deportation.

An additional fear weighing on foreign work-

ers is that employers sometimes react to workers who take a few days of sick leave by firing them and evicting them from their apartments, in violation of Article 20 of the Labor Standards Law, which stipulates that employers must give workers a month notice before termination. This means that the workers lose both their job and their accommodation at the same time. In most cases they can't do anything but ask their fellow countrymen for help.

Even in cases where the employer takes a worker to a medical facility, the boss usually only pays for the first visit. The doctor asks the employer to pay, and to guarantee future visits, but in reality the worker is asked to go to subsequent visits alone and must personally bear the costs. Even in cases where employers agree to pay all expenses, they typically get frustrated as time drags on and expenses pile up, and they often deduct the expenses from the worker's salary. For these reasons, it is very difficult for workers to get adequate health care.

In some cases, employers don't pay the worker during the treatment, meaning that the worker has no choice but to return to work and terminate the treatment.

There has been strong resistance to introducing foreign labor into the construction industry. Perhaps for this reason, unskilled foreign workers are given Japanese nicknames. The shrewd employers use these nicknames to apply for insurance, keeping the money themselves.

Notice 50 issued by the Labor Standards Office states that workers' compensation insurance should be applied to all industrial worker's accidents that take place in Japan, whether the worker is qualified or not. It is followed, however, by the condition similar to that for labor disputes, that workers with improper visas or with expired visas must be reported to the Immigration Bureau, discouraging many workers from applying for insurance.

Not many workers or even employers know that their injuries can qualify for insurance, and sometimes even police officers misinform them that compensation is not given to unqualified workers. ■

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