

COMPLETION REPORT

Legal framework on management of the foreign workers in Japan and Application for Vietnam

Dr. Huong Thi Lan Phan

Associate Professor

Representative Office of Nagoya University in Vietnam, Asian Satellite Campus Institute in Vietnam

Thank to the Grant provided by the Sumitomo Foundation, I have completed my research project in March, 2019 with following activities:

1. Completion of final research paper: Legal framework on management of foreign workers in Japan and its application for Vietnam. I have conducted two business trips to Japan for doing research activities including desk review and key individual interviews as well as presenting my research findings. For the first business trip to Japan, I had 10 days in Nagoya University for meeting and doing desk review of legal documents related to the foreign workers in Japan at the Graduate School of Law and Center for Asian Legal Exchange (from 15 July to 24 July 2018). I had conducted research activities in Tokyo from 25 to 28 July 2018 with key individual interviews including Lawyers: Koji Yamawaki (Sakura Kyodo Law Office) and Mr. HIROSHI Suzuki – Deputy Director – Foreign Worker Affair Division, Employment Security Bureau. Regarding to the second business trip to Japan, I came for presenting my research findings with comments from Professor ICHIHASHI Katsuya at Center for Asian Legal Exchange (from 23 to 28 January 2019). I also shared my paper to Professor Supriya Routh (Victoria University – Canada) for his comments. In addition, I also organized a Round Table Discussion with lectures of labour law in Hanoi Law University for their comments on my research. I finalized my research paper and submitted to the Center for Asian Legal Exchange (CALE) for publication. However, my paper is still under process of publication as Discussion Paper published by CALE.

2. Result of my research:

Vietnam and Japan are now facing with the legal issues in management of foreign workers. Through my research paper, the current issues of legal regulations related to foreign workers including visa, work permit, and social insurance of Vietnam were analyzed in comparison with Japan. This paper illustrates recommendation for Vietnam in reforming legal framework on management of foreign workers as follows: (1) Vietnam should introduce the Certificate of Eligibility as Japan for better management of foreign workers as current system reveals many obstacles for them to obtain the work permit before entry Vietnam; (2) It is essential to develop a flexible mechanism for changing entry purpose also allows foreign worker to change their legal status easier; (3) Vietnam should develop regulations on part-time jobs and provide support services for foreign workers for better protection of their rights in Vietnam.

3. Recommendation for future activities:

It is a great chance for foreign research to receive the Grant for doing research in Japan. However, we have faced with some difficulties, especially doing interview or organizing a conference or workshop for sharing research findings. It is very help full for us if Sumitomo Foundation can organize a international workshop for researchers to share the research outcomes.

Publication of the Results of Research Project:

Verbal Presentation (Date, Venue, Name of Conference, Title of Presentation, Presenter, etc.)

Central for Asian Legal Exchange – Nagoya University, 24 January 2019.

Thesis (Name of Journal and its Date, Title and Author of Thesis, etc.)

Book (Publisher and Date of the Book, Title and Author of the Book, etc.)

CALE Discussion Paper (under processing).