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## Inter-agency Collaboration for a Technical Intern Training Program in Japan

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# **Inter-agency Collaboration for a Technical Intern Training Program in Japan**

**Takahiro MAEDA**

1. The Technical Intern Training Program as a Social Problem
  - 1.1. The need for inter-agency collaboration
  - 1.2. Difficulties in inter-agency collaboration
  - 1.3. The analytical approach
  
2. An overview of Japan's Labor Standards Administration
  - 2.1. The operational structure of the Labor Standards Administration's supervision in Japan
  - 2.2. Content and flow of labor standards inspection in Japan
  - 2.3. The importance of cooperation in Labor Standards Agencies
  
3. Inter-agency collaboration in the Technical Intern Training Program
  - 3.1. Inter-agency collaboration to solve problems
  - 3.2. "Information collaboration" by means of mutual reporting
  - 3.3. "Action collaboration" through joint inspection/investigation
  - 3.4. Summary
  
4. Future Issues in the Technical Intern Training ProgramReferences

References

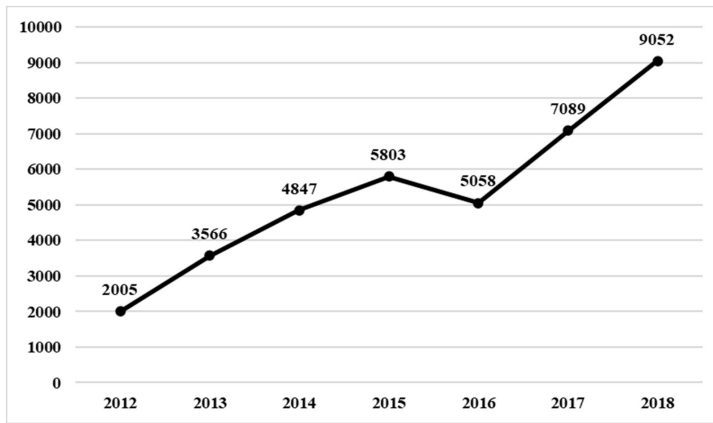
### **1. The Technical Intern Training Program as a social problem**

In the 1960s, as Japanese companies expanded their operations to overseas markets, sending personnel from local subsidiaries to Japan and back to their home countries upon training completion, as an exercise of technology transfer, was already common practice. In 1981, a new residency category was added to accept foreign workers, but labor shortages among small- and medium-sized enterprises became acute in Japan throughout the 1980s, partly due to a strong yen stemming from the economic boom. The international movement of people also increased, as did the number of foreigners entering Japan to find work illegally, which became an important policy challenge.

The Japanese government consistently adhered to the policy of not accepting unskilled foreign labor, and the 1988 employment permit system was devised to meet three demands: countermeasures to foreigners' illegal employment, labor shortage among small- and medium-sized enterprises, and the ban on accepting unskilled foreign labor. However, the Immigration Bureau of Japan's opposition canceled the employment permit system's introduction. Consequently, the Technical Intern Training Program was introduced in 1993 as a compromise. Thus, the official stance of "technology transfer" gradually faded and Japan began accepting foreign labor for unskilled work at low wages (Uebayashi, 2018: 46-50).

Against this background of system changes, a variety of problems, regarding the technical intern trainees' working conditions, started to emerge. For example, in many cases, these individuals had to work under labor conditions that were far worse than legally stipulated, and some technical interns' human rights were violated, through, for instance, the confiscation of their passports, mobile phones, and passbooks. As a result, a large number of technical intern trainees disappeared and this number has been increasing every year (Figure 1). These problems began attracting attention, as a serious social issue,

and international condemnation. In particular, the U.S. State Department, in its Trafficking in Persons Report, criticized the occurrence of “forced labor” within the Technical Intern Training Program (United States Department of State, 2020: 286).



**Figure 1. Missing technical intern trainees.**

Source : Immigration Services Agency’s (2019) *Sisso Ginoojissyusei wo Gennsyousaserutameno Sesaku* (Measures to reduce the number of missing technical intern trainees).

### 1.1. The need for inter-agency collaboration

The Technical Intern Training Program’s problems are generally referred to as “wicked problems”: social problems that emerged, because of the intertwining of complex issues, influenced by multiple factors, and are difficult to resolve with a single solution (Rittel & Webber, 1973). As we are in “an era of wicked social problems” (Gil-Garcia & Sayogo, 2016), government organizations play an important role in their resolution. However, what coping strategies have traditional public administrations put in place to address these wicked problems? As public administrations have conventionally focused on the division of labor and coordination among governmental institutions (Gulick & Urwick,

2004), the answer to this question is organization unification. Specifically, removing the overlap of various governmental institutions' competencies and functions has been thought to facilitate efficient responses to the problems.

Other public administration schools of thought, which differ from the conventional views, consider that pluralism and separation in governmental institutions improve overall trust in the governmental system and efficiency in the provision of public services. These include the polycentric thesis (Ostrom, Tiebout, & Warren, 1961), appreciating redundancy (Landau, 1969), and new public management (NPM) (Hood, 1991). However, since the second half of the 1990s, NPM, emphasizing competition among plural governmental institutions, started to come under scrutiny, while inter-agency collaboration began to attract attention. The latter, an antithesis to NPM, is premised on the specialization of governmental organizations, emphasizes competition among these specialized organizations, and explores the ways in which institutions can flexibly collaborate and coordinate to make the most of each organization's specializations, while leaving their plurality intact (Ito, 2019).

Also, collaboration among governmental institutions is premised on appropriate information sharing and requires action collaboration, not information collaboration, to deal with the problem as one entity (Syonen no Mondaikoudou ni Kansuru Chosakenkyu Kyoryokusha Kaigi [Conference of Collaborators of Research into Problematic Behavior of Juveniles], 2001). Thus, in contemporary society that is overflowing with complex and diverse social problems, governmental organizations are urged to collaborate to solve problems in an efficient manner (Agranoff & McGuire, 1998; Entwistle & Martin, 2005).

## **1.2. Difficulties in inter-agency collaboration**

Although the importance, necessity, and effectiveness of collaboration among governmental institutions is keenly recognized, in reality, inter-agency collaboration is not always successful (Bryson, Crosby, & Stone, 2006). Despite the countless attempts to establish such collaborations, the failures and critiques of sectionalism in governmental organizations have been endless. Then, why is the urgently required collaboration among government institutions difficult to accomplish in reality? First, collaboration is not necessarily an important task for government agencies. Heims (2019) argued that collaboration is a peripheral task for an organization to solve a specific challenge based on specific specialism and services. If we accept this principle to ensure an organization's survival, by focusing on the core task and establishing a reputation, it is almost rational to not collaborate and even engage in turf wars.

Second, collaboration is difficult to achieve when there is a high degree of autonomy within government agencies. Specifically, when government agencies have a greater policy autonomy, they use their own discretion to protect their authority and refuse to collaborate to ensure that their accountability remains clear (Bjurström, 2019). With regards to this article, the Labor Standards Agency, led by the labor standards inspector, a specialized official of the Ministry of Health, Labor and Welfare, aims to ensure the implementation of statutory labor conditions by conducting on-site inspections. Collaboration between the Labor Standards Agency and other administrative agencies is strongly required for resolving the wicked problems related to the Technical Intern Training Program.

However, the inspector is equipped with a high degree of specialism, regarding inspection and judicial policing authority, implying that he can secure law implementations in a self-contained manner. Furthermore, while it is not directly linked to the exercise of ju-

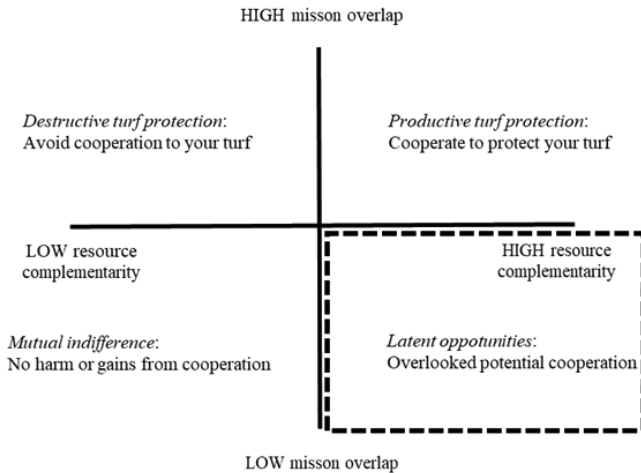
dicial police power, inspection, the labor standards administration's core task, may have a substantially stronger power, than an ordinary administrative investigation, because judicial police authority guarantees its effectiveness. In other words, the labor standards inspector is a labor law "policeman." This type of self-contained organization with powerful competences tends to encounter difficulties in collaborating with other governmental institutions, as it is "difficult to approach" (Tamura, 2012: 257-261). As such, if it is difficult to collaborate with other government agencies, is there no other choice but to not collaborate and leave the wicked problems unattended?

### **1.3. The analytical approach**

Thus far, many studies have conducted quantitative analyses and case studies to determine the factors that enable inter-agency collaboration (Ansell & Gash, 2008; Bryson et al., 2006). In addition, a comprehensive framework for analyzing multi-agency collaboration has even been proposed (Emerson, Nabatchi, & Balogh, 2012). However, previous research on inter-agency collaboration's success has not sufficiently examined the antecedents of successful collaboration (Spekkink & Boons, 2016). In other words, while previous research has shown what factors are important in the actual process of collaboration, the conditions under which governmental agencies can collaborate are not always clear. Thus, I examined the antecedents of inter-agency collaboration among government agencies that are generally considered difficult to cooperate with, such as the Labor Standards Agency.

A previous analysis of two factors, mission overlap and resource complementarity, suggested that organizational behavior in terms of competence does not necessarily lead to conflict (Figure 2). In other words, when the missions overlap and resources are complementary, collaboration is possible and even when only the resources are comple-

mentary, a potential for collaboration is still feasible (Heims, 2019: 117-123). As such, while some argue that inter-agency collaboration contains fundamental difficulties with regards to governmental organizations’ behaviors (focusing on their missions), one can also argue that when certain conditions are met, inter-agency collaboration becomes exceptionally possible.



**Figure 2. Four cooperation outcomes of the politics of (non-) cooperation**

Source: Heims (2019:118).

In the current article, I consider that while inter-agency collaboration is fundamentally difficult to achieve, when missions overlap or resources related to the organization’s mission are complementary, collaboration among government agencies is possible. Given these possible conditions, this paper analyzes inter-agency collaboration between the Labor Standards Agency and the Immigration Agency, focusing on the Technical Intern Training Program, to clarify why and how this kind of inter-agency collaboration is possible. To demonstrate a successful case of inter-agency collaboration and ob-



tain suggestions, this article focuses on a collaboration case that only involved resource complementarity.

While the aforementioned studies emphasized identifying factors that lead to successful inter-agency collaboration, they paid little to no attention to the reality of collaboration. It goes without saying that understanding “why” inter-agency collaboration can be successful is important, but it is also as important for public administration to shed light on “how” collaboration is made possible. Consequently, the current article carries out its analysis in reference to the following three perspectives to not only focus on factors that enable inter-agency collaboration, but also the reality of how this collaboration can occur.

First, I study the important system that frames the scheme of collaboration in labor standards administration, a field where collaboration is particularly difficult due to its organizational features. Then, I describe the ways in which the collaboration system is designed and conducted. Second, I discuss the collaborating organizations’ authorities that the system guarantees. For instance, the labor standards inspectors, as special judicial police officials, can dispense judicial punishment, possess powerful judicial authority, and carry out monitoring duties in the labor standards administration. Subsequently, I examine the types of authorities that collaborative partners should have to collaborate with these inspectors, who have a powerful judicial authority. Third, I study the “place” of collaboration. Information sharing and decision making, in reference to coordinated matters, must run smoothly for effective collaboration to materialize. Thus, how is the “place” that serves as the basis for collaboration equipped and how does it run? Specifically, the article focuses on whether there is a standing committee and other means of communicating to describe the reality of collaboration.

To achieve these goals, this article outlines the necessary labor standards administration knowledge, arguing that although collaboration is required, it is particularly diffi-

cult in labor standards administration, because of its organizational features (Section 2). Within this section, I also analyze a concrete case to present the reality of and challenges to inter-agency collaboration within the Labor Standards Agency. In section 3, I examine collaboration, with regards to the Technical Intern Training Program, between the Immigration Authority and the Organization for Technical Intern Training (OTIT). In the final section, the article discusses the challenges and prospects of collaboration.

## **2. An overview of Japan's Labor Standards Administration**

### **2.1. The operational structure of the Labor Standards Administration's supervision in Japan**

Labor administration has three major tasks: (1) securing and improving labor conditions and industrial accident compensation, (2) creating employment opportunities, ensuring the employment insurance system's and employment support's stability (employment security), and (3) eliminating employment discrimination, through consultation and guidance, based on gender and other factors (equal employment opportunity). Furthermore, the administration of (1) can be broken down into (1) the labor standards inspection administration, (2) the workers' safety and health administration, and (3) the industrial accident compensation administration. With reference to labor standards monitoring, the authorities carry out business inspections across Japan to ensure that the conditions stipulated in the Labor Standards Act and others are observed, and issue improvement recommendations or exercise judicial policing if necessary. Labor standards monitoring is indeed the labor standards inspection administration's "core task" (Wilson, 2000: 25), in its efforts to ensure the implementation of general labor conditions. In contrast, workers' safety and health administration is engaged with the prevention of industrial accidents, and the industrial accident compensation administration is tasked with assessments and compensation payments.

Then, what kind of administrative and inspection systems does the Labor Standards Act present to guarantee the effectiveness of the legally stipulated labor conditions? First, there is a Labor Standard Bureau in the Ministry of Health, Labor and Welfare, and prefectural labor bureaus in each prefecture. These are supplemented by the labor standards inspection office, as the frontline organization in each prefectural labor bureau (Clause 1, Article 97 of the Labor Standards Act). These institutions report directly to the central government, and the effectiveness of their monitoring duties is secured through the adoption of a vertical chain of command, from the Minister of Health, Labor and Welfare to the chief of the labor standards inspection office (Article 99 of the Labor Standards Act). Specifically, Clause 1 of the International Labor Organization (ILO) Convention No.81's Article 4 (1947), which Japan ratified in 1953, declares that: "So far as is compatible with the administrative practice of the Member, labor inspection shall be placed under the supervision and control of a central authority."

Administrators and technical officers used to play an important role in the administration of labor standards supervision. However, in 2009, the new recruitment system eventually replaced the latter with labor standards inspectors. The inspector, recruited through an examination process, is a part of the ordinary administrative staff, while having a special authority as a judicial police official. As an ordinary administrative staff member, an inspector has the right to (1) carry out on-site inspections at businesses or their affiliated buildings,<sup>1</sup> (2) demand the submission of accounts, documents, and evidence; (3) question the business owner and workers (Article 10.1 Clause 1 of the Labor Standards Act), (4) pass orders to report or appear (Article 104.2, Clause 2 of the Labor Standards

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1 Among these technicians, those who are appointed as Industrial Safety Specialists or Labor Health Specialists can carry out on-site inspections of industrial safety and labor health when necessary (Article 94, Clause 1 of the Industrial Safety and Health Act).

Act), and (5) demand the immediate disposal of accommodations attached to the business (Article 103 of the Labor Standards Act). Also, as a special judicial police official,<sup>2</sup> an inspector has the right to carry out compulsory investigations and refer cases (Article 102 of the Labor Standards Act).

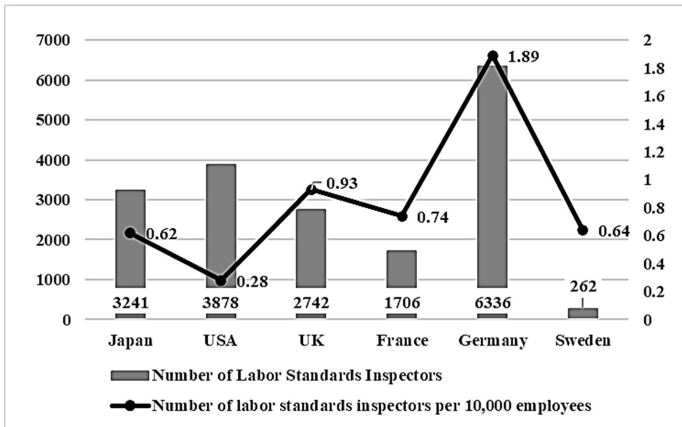
While an inspector has wide-ranging competences, his/her authority is not necessarily strong. Inspection and questioning only constitute administrative investigation, and there is no legal provision for an administrative disposition to impose compulsory correction in the form of law contraventions.<sup>3</sup> This authority secures administrative law implementations guaranteeing a “correction recommendation” or informal administrative guidance against law contraventions through threats of criminal punishment (judicial punishment) (Okitsu, 2009: 134-136).

In Japan, approximately 3,000 people are engaged in labor standards inspection as labor standards inspectors. Overall, the number of inspectors per 10,000 employees is 0.62, despite the ILO’s suggestions that there should be one inspector per 10,000 employees. Therefore, in Japan, labor standards administration is understaffed, as is the case in other countries, although they do have relatively better human resources compared to Japan, with the exception of the U.S. (Figure 3).

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2 Special judicial police staff include narcotic control officers, controllers (Narcotics and Psychotropics Control Law), maritime labor officials (Seamen Act), and coast guard officers (Japan Coast Guard Act).

3 As an exception, Articles 98 and 99 of the Industrial Safety and Health Act stipulate that the competence of administrative disposition should issue orders to stop work, stop using the building, and make changes.



**Figure 3. Number of labor standards inspectors: International comparison.**

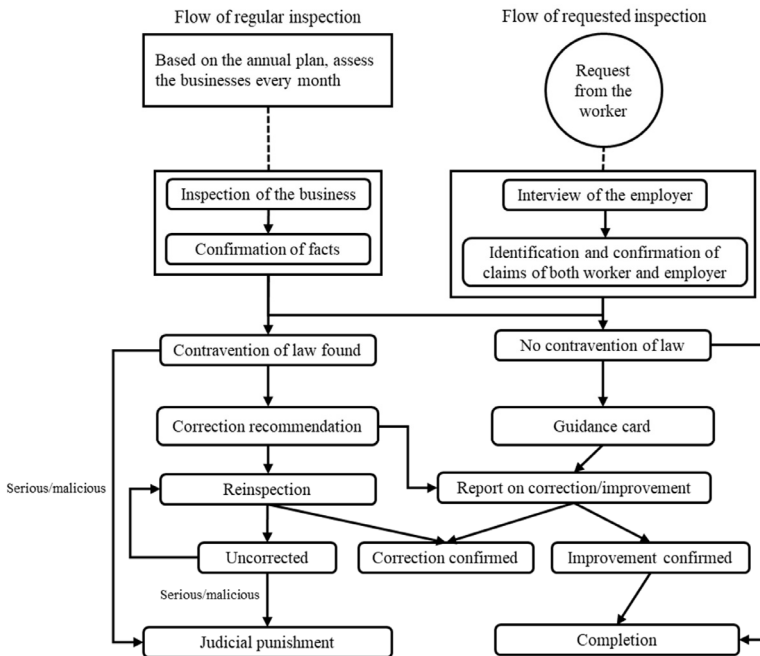
Source: Labor Standards Bureau, Ministry of Health, Labor and Welfare (2017), *Roudou kijun kantoku gyousei ni tsuite* [On the Labor Standards Inspection Administration].

## 2.2. Content and flow of labor standards inspection in Japan

Inspection is roughly divided into regular and requested inspections.<sup>4</sup> Regular inspections are carried out, without prior notice, with applicable businesses, based on the annually drafted inspection plan within the framework of the Labor Standards Act and other regulations, over which the inspector has authority. Requested inspections stem from a worker's request, can be carried out with prior notice (depending on the case) and can be seen as a more passive than regular inspections. In this form, the inspector investigates whether there is a law contravention, with reference to the worker's report. In both regular and requested inspections, if a law contravention is found, the inspector issues a correction recommendation, while when guidance issues emerge, he/she offers a guidance

<sup>4</sup> Accident inspection is another type that is conducted when a serious industrial accident occurs.

card, representing a typical and non-legally binding form of administrative guidance. If the contravention is repeated, serious and/or malicious matters result in judicial punishment (Figure 4).



**Figure 4. The functioning of labor standards supervision.**

Source : Author, with reference to the diagram on the Labor Standards Inspector Recruitment Examination website.

### 2.3. The importance of cooperation in Labor Standards Agencies

As issues surrounding the Technical Intern Training Program are wicked problems, labor standards agencies are required to cooperate with other administrative agencies to resolve the problems. It is also necessary to supplement the scarce organizational resources

with other government agencies' collaboration, because there are simply not enough personnel to support problem solving. In addition, cooperation is recommended in terms of supervisory and administrative authority. In other words, the system guaranteeing administrative guidance, not by administrative disposition, but by the psychological threat of criminal punishment, which is rare in administrative law, tends to encounter difficulties in securing its effectiveness.

Given this dilemma, in what ways can the labor standards administration collaborate with other governmental agencies? What kind of collaboration is appropriate for “action collaboration” in inspection? To answer these questions, I examine the background and the reality of mutual reporting system utilization in labor standards administration, as well as the types of inter-agency collaboration in administration, which faces obstacles due to specialism and powerful competences, by analyzing the Technical Internship Training Program.

### **3. Inter-agency collaboration in the Technical Intern Training Program**

#### **3.1. Inter-agency collaboration to solve problems**

As mentioned above, a number of problems have erupted over foreign technical training systems. To solve these wicked problems, the Labor Standards Agency has been working on inter-agency collaboration. First, in June 2006, a mutual reporting system was established between the labor standards and immigration authorities to share information on such contraventions. Additionally, from October 2014, these two authorities have been conducting joint inspections/investigations to strengthen their collaboration. Furthermore, to improve the technical internship program, the Technical Training Intern Act was legislated in 2016, for November 2017 implementation. Simultaneously, the OTIT was established as the “command tower of the technical internship program” to carry out

necessary administrative tasks, such as implementing on-site inspections of supervising bodies and internship implementors. This process also decided that the labor standards authority should conduct mutual reporting and joint inspections/investigations with the newly established organization.

### **3.2. “Information collaboration” by means of mutual reporting**

The memorandum<sup>5</sup> agreed upon by the Ministry of Health, Labor and Welfare, the Ministry of Justice, and the OTIT governs the mutual reporting system, regarding foreign technical interns (Figure 5). When a case is reported, information is conveyed through the following route. If a case is reported at a labor standards inspection office that is under the jurisdiction of a prefectural labor bureau, the latter collects and summarizes the reported information, and must provide information to the regional immigration bureau or the branch that has jurisdiction over it. Upon receiving the information, the regional immigration bureau (or its branch) confirms whether the case applies to a new intern under the Technical Training Intern Act or an old intern under the former immigration legislation. In the former case, the bureau reports the case to the OTIT. Similarly, a case that has occurred in the jurisdiction of a regional immigration bureau, its branch, or the OTIT’s regional branch, will be communicated to the regional labor bureau that has jurisdiction over the business in question.

The following cases are communicated through the mutual reporting system. Cases that are reported from the labor standards authority to the regional immigration bureau

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5 Circular notice 0901, No. 4, dated September 1, 2010: “On the mutual reporting system with the immigration bureau in order to secure the implementation of legally stipulated labor conditions for technical interns.” Circular notice 1027, No. 50, dated October 27, 2017: “On the mutual reporting system with the Organization for Technical Intern Training in order to secure the implementation of legally stipulated labor conditions for technical interns.”

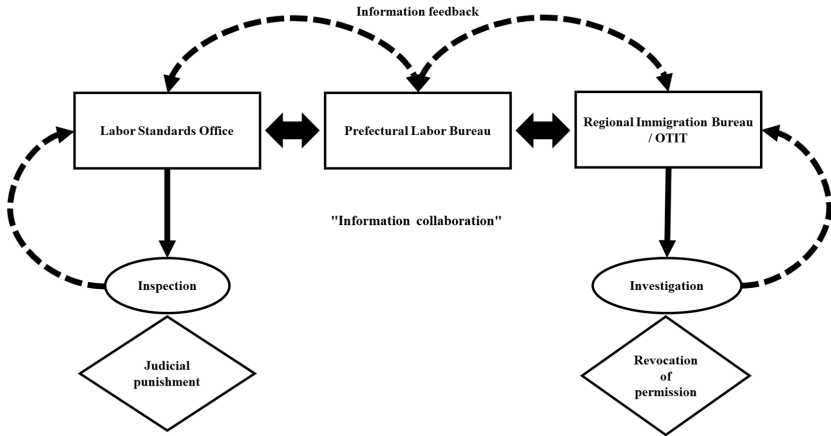


and the OTIT are those that contravene labor standards legislation, confirmed after inspection.<sup>6</sup> However, cases that are reported from the immigration authority/OTIT to the labor standards authority are those that are suspected to contravene labor standards legislation, as a result of a business inspection. These agencies are obliged to immediately use the mutual reporting system when they confirm such cases.

As seen above, the labor standards authority, the immigration authority, and the OTIT work together to implement “information collaboration.” Cases reported through the mutual reporting system are clearly defined and clarified to exercise the competences of the involved institutions in an efficient and effective manner. When a reported case is a law contravention, the labor standards authority, the immigration authority, and the OTIT, each carry out inspections or investigations, as appropriate, reporting their findings to one another. In principle, the labor standards authority provides supervision and guidance to all reported businesses, and the outcomes are reported to the other institutions in the same manner as mutual reporting. When the immigration authority receives a report, it takes specific measures, such as fraud certification, and reports the outcome to the other institutions, based on intern and technical intern immigration and residence control guidelines. Lastly, the OTIT acts in accordance with the technical intern training legislation.

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6 See Footnote 5. ‘Circular notice on mutual reporting’ and an interview with the Kyoto Labor Bureau. Ministry of Health, Labor and Welfare.



**Figure 5. The mutual reporting system’s structure.**

Source: Author.

**3.3. “Action collaboration” through joint inspection/investigation**

The collaboration between the labor standards authority, immigration authority, and OTIT has developed into the “action collaboration” phase, in which they carry out joint inspections/investigations into technical intern cases that have suspected violations of human rights, such as forced labor.<sup>7</sup> The aim is to improve the efficiency and effectiveness of on site fact confirmation, and resolve the human rights violations by exercising their competences, based on their obtained information after inspection. Figure 6 reveals the ways in which a joint inspection/investigation is carried out in reality. There are two types of cases that affect technical interns: (1) suspected forced labor, and (2) suspected subjection to violence, threat, imprisonment, penalty collection, or passport or passbook confiscation (suspected labor standards legislation contravention). The cases applicable to the above criteria are deemed to be priority resolution cases and prompt action is taken

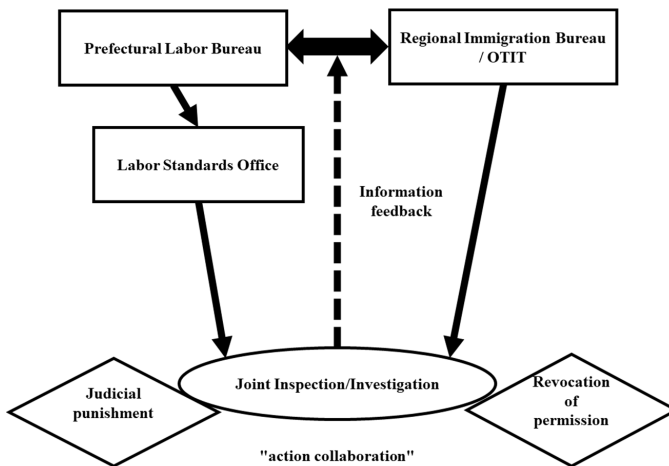
<sup>7</sup> Circular Notice (2017), 1027(51) dated October 27.

to conduct joint inspections/investigations.

The agencies involved make efforts to identify priority resolution cases daily and if such a case emerges, information is shared through the following route. When the labor standards inspection office becomes aware of a priority resolution case, it reports it to the prefectural labor bureau, who provides information to the regional immigration bureau, and the latter then verifies which of the two regimes, new or old, should be applied. If the case falls under the new regime, the regional immigration bureau notifies the OTIT. When the prefectural labor bureau becomes aware of a priority resolution case, it notifies the regional immigration bureau, and the labor standards inspection office that has jurisdiction over the case. If the priority resolution case identified by the labor standards inspection office falls outside its jurisdiction, the prefectural labor bureau notifies the regional immigration bureau, and the labor standards inspection office that has jurisdiction over the case. If the priority resolution case, which the prefectural labor bureau or the labor standards inspection office has become aware of, falls in the jurisdiction of another prefectural labor bureau, that prefectural labor bureau is notified, and upon receiving information, the prefectural labor bureau in question notifies the regional immigration bureau and the labor standards inspection office in its jurisdiction. Lastly, information from the regional immigration bureau and the OTIT is conveyed to the labor standards inspection office within the relevant jurisdiction via the regional labor bureau. Thus, the regional labor bureau serves as the nodal point in information sharing.

Based on information on the priority resolution case, which has been mutually shared, the prefectural labor bureau, the regional immigration bureau, and the OTIT promptly start consulting to carry out a joint inspection/investigation. At the consultation, they together decide whether a joint inspection/investigation should take place and which business should be inspected. They also determine other joint inspection/investigation

details, such as deciding the prefectural labor bureau's involvement, assessing whether a joint investigation should be carried out with the supervising body if its involvement is suspected, and arranging interpreters to interview the technical interns.<sup>8</sup> As for priority resolution cases in which the violation of a technical intern's human rights is suspected, because having a prompt resolution is essential, the authority, bureau, and organization conduct a follow-up consultation after the joint inspection/investigation to determine the necessary measures after sharing information.



**Figure 6. The joint inspection/investigation system's structure.**

Source: Author.

### 3.4. Summary

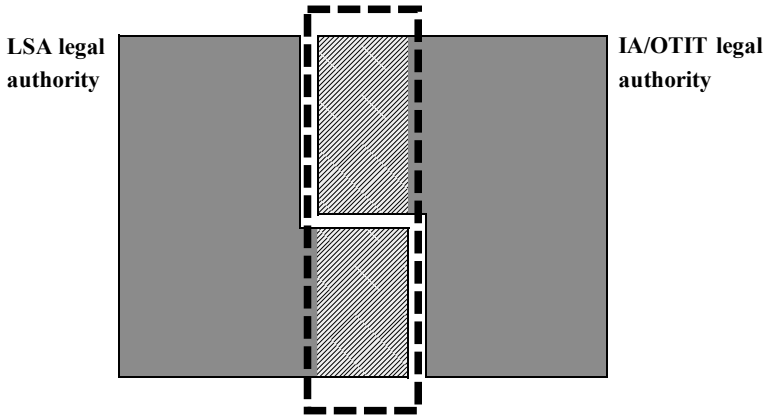
In the case of the Technical Intern Training Program examined above, the labor standards authority's, the immigration bureau's, and the OTIT's collaboration can be summarized as follows. First, they follow a detailed collaboration "system" that involves defining, in

<sup>8</sup> Interview with the Kyoto Labor Bureau, from the Ministry of Health, Labor and Welfare.

great detail, the cases in which information is shared through mutual reporting, including the mode, contravention wording, and the information sharing route. Similarly, there is a detailed, concrete arrangement in place with regards to joint inspection/investigation, in terms of detailed descriptions of the targeted case, and the processes that must be followed before and after joint inspection/investigation.

Second, the complementary legal authority between the labor standards authorities, the immigration authorities, and the OTIT increases the effectiveness of their administrative activities. The interlocking parts, in the center of Figure 7, represent the labor standards regulatory bodies' various supervisory powers, as well as the licensing powers of the immigration control agencies and mechanisms. Even a highly autonomous administrative body, such as the labor standards authority, can collaborate with other administrative bodies if it has licensing authority and access to the same information sources in the administrative investigations.

When the labor standards authority, the regional immigration bureau, and the OTIT, each simultaneously exercise legal authority, more effective regulatory implementation becomes possible. Furthermore, compared to a situation in which each institution carries out its own inspection/investigation, by sharing information, each institution can collect information more efficiently and effectively.



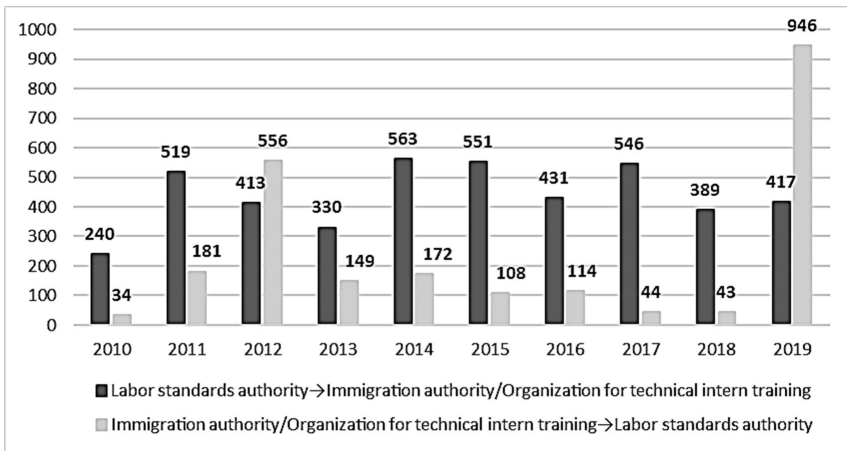
**Figure 7. Complementary legal authorities: The Labor Standards Agency, Immigration Agencies, and the OTIT.**

Source: Author.

Third, regarding the collaboration “place,” rather than establishing a standing committee that meets on a regular basis, collaboration is achieved on the basis of individual cases. In particular, in the case of a joint inspection/investigation into a technical intern’s situation involving a human rights violation, when each institution becomes aware of the priority resolution case, they promptly share information and move onto consultation to resolve the problem as soon as possible.

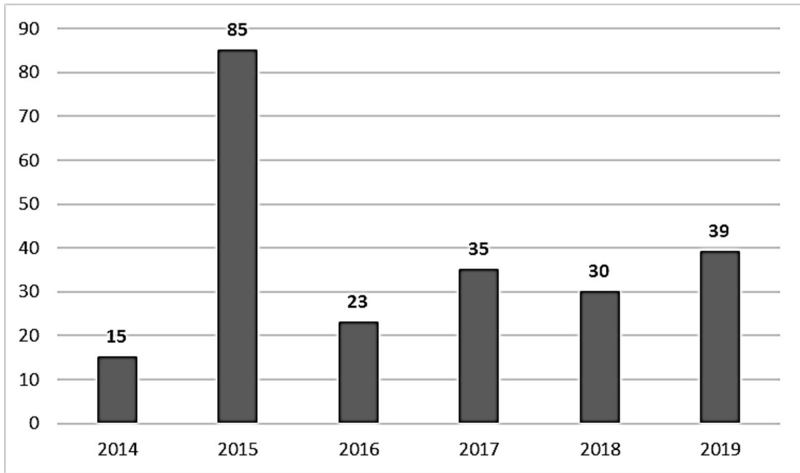
Finally, upon reviewing the outcomes of this collaboration attempt, based on 2010 data, there were more reporting cases from the labor standards authority to the immigration authority (Figure 8). The extent of reporting from the immigration authority was 556 in 2012, suggesting that they were more actively using the mutual reporting system than the labor standards authority. It appears that the problem of disappearing technical interns has triggered the active use of this mutual reporting system. As for the joint inspections/

investigations, launched in 2014, there were a substantial 85 actions in 2015 (Figure 9). Since then, a few dozen joint inspections/investigations have taken place every year. As it is still early days for these joint inspections/investigations and given that the number of technical interns will continue to rise in the future, this form of collaboration holds an increasing social importance.



**Figure 8. Mutual reporting numbers.**

Source: Compiled from “The situation of inspection/guidance, referral from the training institutions of technical interns” from various years.



**Figure 9. The number of joint inspections/investigations.**

Source: Compiled from “The situation of inspection/guidance, referral from the training institutions of technical interns” from various years.

#### **4. Future issues of inter-agency collaboration in the Technical Intern Training Program**

This article has summarized the findings of previous studies on information sharing and inter-agency collaboration, and analyzed the reality of inter-agency collaboration in labor standards administration. The article’s findings are summarized as follows. I discussed the collaboration difficulty among administrative institutions. Collaboration is a “peripheral” task for each administrative institution and the decision to not collaborate can be understood as a rational action in certain cases. However, when mission overlap and resource complementarity are present, collaboration becomes possible.

Furthermore, since labor problems are wicked problems, the labor standards authority is not only required to actively pursue inter-agency collaboration, but also must face the necessity and difficulty of collaboration, because of its unique structure of competencies, wherein



criminal punishment guarantees the administrative guidance's effectiveness. Consequently, I chose to analyze the mutual reporting system and joint inspection/investigation examples in the case of the labor standards authority's inter-agency collaboration. By examining such a case, I was able to provide suggestions on the inter-agency collaboration types among organizations facing challenges in collaborating with other administrative institutions.

Lastly, examining the immigration authority's and the OTIT's mutual reporting and joint inspection/investigation has revealed the importance of resource complementarity and collaborating through the official system. The labor standards authority, which faces fundamental difficulties in collaborating with other institutions, must issue detailed and concrete circular notices in order to clearly define the roles in advance and increase the chances of being able to collaborate. In addition, by conducting administrative investigations into various businesses and collaborating with administrative institutions with similar tasks, but different administrative disposition competences, institutions try to make the most of resource complementarity and effectively secure legally stipulated labor conditions. Following this, by continuing to share information through a minutely formulated mutual reporting system, they move on to the action collaboration phase in the form of joint inspections/investigations that in turn facilitate even deeper collaboration.

While efforts are being made to actively engage in inter-agency collaboration, a few challenges emerged in the labor standards authority's process of collaborating with other administrative institutions. First, the labor standards administration's implementation regime must be strengthened. Regarding labor standards inspectors, the labor standards administration's main driving force is capped at 3,241, as of 2016,<sup>9</sup> the number of sub-

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9 The upper limit includes management, such as the chief of the labor standards inspection office, suggesting that the number of inspectors who can actually inspect and guide, as their main task, would be lower.

jected businesses is about 4.12 million, and the number of businesses that underwent a regular inspection is 130,000. By simple calculation, this suggests that one labor standards inspector inspects 1,271 businesses, clearly demonstrating an excessive workload. Although the number of inspectors has increased as of late, this factor still requires some improvements.

Second, the mutual reporting system and joint inspection agreement must be continuously reviewed and validated. For administrative institutions with powerful authorities to collaborate, they must avoid turf wars and shifting the responsibility among the institutions, by instituting a detailed agreement in advance. However, the more detailed the agreement, the more difficult it becomes to respond in a flexible manner. Therefore, while accumulating steady collaboration experience, it is necessary to continue updating the agreement's content, as appropriate.

Third, it is necessary to keep seeking relevant institutions for future collaborations. At present, there is only one institution, apart from the immigration authority, with whom the labor standards authority has a mutual reporting system and a joint inspection scheme. Specifically, there is mutual support and daily collaboration with the police institution in investigating crimes related to industrial incidents. However, information sharing attempts, through law contraventions reports, occur with other administrative institutions and organizations. For example, in the construction industry, there is a mutual reporting system between the Ministry of Land, Infrastructure and Transport, and the prefectures, as well as between the Fair-Trade Commission and the Ministry of Economy, Trade and Industry regarding subcontracting improvements. Thus, there are many potential administrative institutions with which the labor standards authority can perform both information collaboration and action collaboration.

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