Migration, Diasporas and Citizenship

VULNERABILITY, EXPLOITATION AND MIGRANTS

Insecure Work in a Globalised Economy

Edited by Louise Waite, Gary Craig, Hannah Lewis and Klara Skrivankova

Migration, Diasporas and Citizenship

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Abbreviations

BME	Black and Minority Ethnic
CBI	Confederation of British Industry
COE	Council of Europe
CSR	Corporate Social Responsibility
EOI	Export-Oriented Industrialisation
ETI	Ethical Trading Initiative
EU	European Union (bear in mind that EU15 indicates EU member states prior to 2004, EU25 from 2004 to 2007, EU27 from 2007 to 2014 and EU28 at the time of writing)
EU-SILC	European Statistics on Income and Living Conditions
FDI	Foreign Direct Investment
FOI	Freedom of Information
GDP	Gross Domestic Product (of a single country)
GLA	Gangmasters Licensing Authority
GPN	Global Production Networks
ILO	International Labour Organization
IMF	International Monetary Fund
IND	Immigration and Nationality Directorate
IOM	International Organization for Migration
IWP	In-Work Poverty
JRF	Joseph Rowntree Foundation
LCP	Live-in Caregiver Programme
MAC	Migration Advisory Committee
MDWs	Migrant Domestic Workers
NASS	National Asylum Support Service
NGO	Non-Governmental Organisation
NINos	National Insurance Numbers
NMW	National Minimum Wage
NRM	National Referral Mechanism
ODW	Overseas Domestic Worker
TELCO	The East London Communities Organisation
TFWP	Temporary Foreign Worker Programme
TNC	Transnational Corporation

TPF	Tirupur People's Forum for Protection of Environment and Labour Rights
TISC	Transparency in Supply Chains
TUC	Trades Union Congress (UK)
UEL	University of East London
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNODC	UN Office on Drugs and Crime
WRS	Workers Registration Scheme

Introduction

Louise Waite, Gary Craig, Hannah Lewis and Klara Skrivankova

> Precarity is something that isn't reserved for a small specialised group of people – the precariat or whoever. It spreads, it affects us all. The whip of insecurity disciplines even those who were recently comfortable . . . . We are all zero hours.
>
> (Richard Seymour, *Guardian*, 1 May 2014)

> One in five workers in this country have no idea what days they will work or even if they will work from week to week . . . zero hours are not a rarity, they are a trap of low wages, anxiety and utter uncertainty.
>
> (Len McCluskey, Unite Union, BBC News, 9 September 2013)

> Firms are almost obliged to treat workers on zero hours contracts badly – for example, avoiding making offers of work on a regular basis – if they want to make sure that the employment status of the individual remains that of a worker [rather than an employee].
>
> (Ian Brinkley, The Work Foundation, August 2013)

As evoked through the above quotes, this edited book explores issues of vulnerability and exploitation in the labour market, drawing on material from across the world. It does this through a broad-reaching analysis of the lived experiences of exploitation in different geographical contexts. In cataloguing these experiences, we range across global neoliberalised economies and emergent supply chains, states' management of migrants' mobility and the structural production of immigration statuses, characteristics of enclave economies for migrants and their co-ethnic/co-language networks, and national/international responses and interventions designed to tackle migrant exploitation.

Vulnerability and exploitation at work: Precarious migrant lives

Exploitation at work is a topic garnering significant attention throughout history (e.g. Marx, 1976 [1867]). Yet there is a sense and a growing body of evidence that exploitation is on the rise across the world today (TUC, 2008; Holgate, 2011; Sargeant and Ori, 2013). Often presented by governments and the media in the Global North as mainly a problem for poor countries and marginal workers in the Global South, over the past two decades the prevalence of extreme exploitation and what some have called 'unfree labour' has become undeniably globalised. More recently, it has been suggested that the ongoing global financial and economic crisis is deepening exploitation, having negative consequences for vulnerable workers, who may lose their jobs in the current downturn or may remain in work facing worsening conditions and reductions in pay (IOM, 2009). Recent revelations in the UK of rising numbers of 'zero hours' contracts are symptomatic of such deepening exploitation.

The term 'precarity' is often used when attempting to describe these growing global levels of vulnerability and exploitation (Standing, 2011; Lewis et al., 2014). In a literal sense, precarity refers to those who experience precariousness and is generally used to invoke lives characterised by uncertainty and instability. Three important dimensions of precarity can be identified within the literature. First, a rise in insecure employment emerging from the globally prevailing neoliberal labour market model that renders certain groups vulnerable to exploitative and insecure working conditions, particularly in the context of a move towards deregulation of markets (e.g. Bourdieu, 1998, 1999; Dorre et al., 2006; Fantone, 2007). Those who work in the unprotected and precarious lower echelons of the labour market are said routinely to face uncertainty over continuity of employment, a lack of individual and collective control over wages and conditions, limited or no social protection against unemployment, discrimination and insufficient income or economic vulnerability (Rodgers and Rodgers, 1989). Secondly, wider feelings and experiences of insecurity beyond the labour market are experienced, indicative of a generalised societal malaise (e.g. Neilson and Rossiter, 2005). Thirdly, precarity has been politicised and identified as a potential platform for collective action to challenge both exploitative labour processes and a wider insecurity (Foti, 2005; Waite, 2009). This is supported by global institutions, such as the International Labour Organization (ILO) and the European

Trade Union Confederation, which are gathering data to underpin such action.

This book is an exploration of how and why *migrants in particular* are implicated in these precarious labourscapes. In recent decades, many receiving countries have faced increasingly diversified and complex migration streams and are encountering highly disparate groups of international migrants, driven by differing processes, within their borders. These include high- and low-skilled labour migrants, refugees, trafficked persons, students, undocumented persons and migrants moving for family reunion, marriage or lifestyle changes. In focusing on experiences of vulnerability and exploitation, this book is concerned, however, with the mass of migrant workers who find themselves working at the bottom of labour markets in low-paid precarious work, rather than transnational labour elites.

Although migrants have long underpinned low-wage economies in, particularly, the 'Global North', this dependency is thought to have grown dramatically in recent years (Burnett and Whyte, 2010; McLaughlin and Hennebry, 2010; Wills et al., 2010). For many employers looking to cut labour costs and to establish or maintain a competitive advantage, migrant workers offer a cheaper and more compliant alternative to local workers (MacKenzie and Forde, 2009), especially for those looking to employ people to do the 'dirty, dangerous and dull' (Favell, 2008) jobs at the bottom of the labour market. Migrants, especially new arrivals, are presented as being harder workers, more loyal and reliable and prepared to work longer hours due to their lack of choice and frequently limited understanding of their rights. This therefore intensifies competition and offers employers the pick of the 'best' migrant workers (McDowell, 2008; McDowell et al., 2009). As such, a growing body of work details the clear connections between migrants and exploitation in its various – and sometimes extreme – forms (Anderson and Rogaly, 2005; Craig et al., 2007; van den Anker, 2009).

The five parts of this book (described in the following) all spring from our key argument that vulnerable migrant workers experience commonplace exploitation within labour markets that are mediated and structured by the interplay of broader political, economic, social and gendered processes. Understanding the structural production of vulnerability through a political economy lens is a central theme of this book, alongside considering how the very process of defining certain workers as vulnerable can reinforce the segmentation of labour markets and global and national divisions of labour.

The globalisation of vulnerability

The chapters in Part 1 are rooted within the global political economy perspective. Phillips, Smith and Pradella and Cillo together explore how the organisation of production and trade in the contemporary global economy generates or accentuates vulnerability and extreme exploitation in different contexts. Central here is the context of globalisation, the advance of neoliberalism and the resulting erosion of working-class power, widely held to have underpinned the rise of insecure and casualised employment relations over the past 30 years. Arguably, these processes have combined to structure two-tier labour markets in many countries, in which well-paid, skilled and highly protected employment is contrasted with flexible, low-skilled work routinely undertaken by marginalised groups such as migrants, young people and women (Barbieri, 2009). Global supply chains and the mushrooming of subcontracted agency labour (Fudge and Strauss, 2014) enable corporations to organise production across borders, generating an enormous supply of labour in competition for jobs and a 'race to the bottom' in wages and conditions – a phenomenon also apparent in national supply chains.

In Chapter 1, Nicola Phillips focuses on global trade and production and considers emerging private governance initiatives which aim to address the problems of forced labour and trafficking in global supply chains. She swiftly draws our attention to a recent initiative in California, USA – the Transparency in Supply Chains Act. This legislation – recently informing a clause in the UK government's Modern Slavery Act – is designed to deal with forced labour and trafficking and places firms as the agents of primary importance in this endeavour. As such, Phillips explains that this is an ostensibly new approach to governing supply chains in relation to labour exploitation and arguably serves as a 'world leader' worthy of emulation in other places. However, the chapter problematises the effectiveness of the Act in relation to corporate conduct and accountability in the global economy and broader public governance strategies.

Continuing the focus on the globalisation of production, in Chapter 2, John Smith considers the central place of outsourcing in the neoliberal era through firms' substitution of relatively high-wage Global 'North' labour with low-wage Global 'South' labour in countries such as China and Mexico. He charts a picture of increasing vulnerabilities and deteriorating social conditions for a growing majority of the South's industrial working class. The chapter argues that such neoliberal globalisation can be seen as a new imperialist stage

of capitalist development characterised by the persistent economic exploitation of southern labour by northern capitalists.

The final chapter in Part 1 from Lucia Pradella and Rossana Cillo (Chapter 3) illustrates Smith's focus on industrial workers in Global South countries by examining the phenomenon of the working poor in Western Europe, with a focus on the UK, Germany and Italy. Again we see the deployment of a global political economy lens as Pradella and Cillo speculate on the relationship between impoverishment and neoliberal globalisation in their case-study countries. The chapter contributes to debates on in-work poverty and asks whether enhanced worker protection can ever return under the aegis of the 'European social model' or if this is incompatible with the growth of casualised neoliberal labour markets.

Migrant workers, unfreedom and forced labour

The chapters in Part II ask how and why particular migrant socio-legal statuses contribute to processes and continuums of unfreedom and forced labour, focusing particularly on the governance and legal regulatory processes at play when attempting to tackle such issues. With different foci, Kendra Strauss (Chapter 4), Matej Blazek (Chapter 5) and Alex Balch (Chapter 6) explore experiences of, and responses to, the particularly severe end of the exploitation spectrum (Skřivánková, 2010): forced labour/unfreedom. Although forced labour is typically understood as occurring primarily in the so-called slavery super-centres of India, Pakistan and Brazil (Craig, 2009), a recent surge of literature together with high-profile media cases have revealed the widespread occurrence of forced labour outside these geographical regions (e.g. Andrees, 2008; Geddes et al., 2013). Discussions of forced labour further overlap with the concept of 'unfree labour'. Argued to be a more expansive, and hence useful, concept compared to the more rigid definition of forced labour (which leans on fixed binaries such as free/forced), unfree labour situates 'unfreedoms' in opposition to 'free' labour, characterised by agreement, or 'free' contractual relationships (Phillips, 2013).

In the first chapter of this part, Strauss probes the intersection of migration and care-work to consider issues of commodification, privatisation and extreme exploitation in the 'private' realm. She focuses on Canada and the UK to explore domestic workers' experiences of unfreedom which often arise as a consequence of a sought-after settlement route. Strauss moves our understanding of the structural

subordination of migrant workers' rights towards a political economy construction of gendered domestic work.

Blazek shines an analytical light on a lesser-explored group of migrants in his chapter: non-EU migrants working in East Central Europe. In exposing the voices of, particularly, Ukrainian and East Asian migrants, he draws on the concept of structural violence to illustrate the intractable links between workplace exploitation and other forms of abuse at home and in public spaces. He further problematises the assumption that small migrant communities always give rise to homogenous experiences, for he finds diversity and differentiation among non-EU migrants working in Slovakia.

Balch brings Part II to a close with a rigorous evaluation of the UK's efforts to tackle forced labour. He charts the incidents involving migrant workers that have significantly raised public awareness of forced labour in the UK, arguing that these have shaped the emerging political discourse (reflected in a new Act of Parliament) around 'modern slavery'. The 'gaps' in regulation and enforcement are critically commented upon with a critique of early drafts of the Modern Slavery Bill,[1] together with a distillation of the reaction to this new legislation that highlights underlying political calculations and divisions.

The vulnerability of asylum seekers

Part III illuminates the experiences of a particular migrant category by exploring the lives of refugees seeking asylum in different parts of the world. The chapters by Tom Vickers (Chapter 7), Maja Sager (Chapter 8), Donghyuk Park (Chapter 9) and Louise Waite and collaborators (Chapter 10), each analyses the interplay between asylum, broader migration policy and labour exploitation. Much recent research on migrant exploitation has concentrated on the constrained position of certain groups of migrants categorised by, for example, nationality (Pai, 2008; Kagan et al., 2011) or sector (Anderson et al., 2006). Yet immigration policy and insecure immigration status in particular are known to provide an environment conducive to exploitation by employers (Dwyer et al., 2011). The lack of, or highly conditional, access to legal work and/or welfare for asylum seekers therefore often renders them susceptible to severe exploitation.

In the first chapter of this part, Vickers catalogues asylum policies in the UK between 1999 and 2010. He argues that an increasingly repressive and punitive policy environment exists for asylum seekers and that this is likely to continue, despite vociferous resistance from civil