

The Work of Cities and Regions
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**Precarious work and migration: tautology or
contradiction in terms?**

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The relation between global mobility and mobility in the labour market

The state plays an important role in construction of both de-regulated labour markets, and types of workers who operate in such labour markets. Immigration controls construct certain types of employment relations, and “precarious” workers. This process is not an aberration but must be analysed in conjunction with an understanding of state legislation governing other groups such as lone parents and those on incapacity benefit.

Overview

- Precarious work and de-regulated labour markets.
- Mobility across borders: immigration policy and the shaping of workers
- Labour market mobility: immigration and insecurity
- Migrants: unexceptional precarity

Precarious Work

- Rodgers and Rodgers (1989)
 - a) The degree of certainty of continuing work
 - b) The degree of control over working conditions, wages, pace
 - c) The extent of protection of workers through law or customary practice
 - d) Income
- Not equivalent to “non-standard” nor “informal”

Precarious Work

- Applicability in current conjuncture:
 - “not safe or firmly fixed”: the sub-contracting of risk
 - The importance of time
 - “insecurity and uncertainty about tomorrow”
- The flipside of the “Work-Life Balance”. Economic productivity the overwhelming priority.
- Highly de-regulated labour markets highlight the question intrinsic to capitalism of *who controls labour mobility?*

Mobility Across Borders: immigration policy and the shaping of workers

“Britain is a country where people work hard, play by the rules, speak English and get on through merit. .. Failure to take on the people traffickers who are behind three quarters of illegal immigration to this country, leaves vulnerable and often desperate people at the mercy of organised criminals”

John Reid March 2007 (then Home Secretary)

Introduction to [Enforcing the Rules](#)

Controlling Categories of Entrant

Characteristics required	Student	Main Work Permit Scheme	SBS (food processing)	Seasonal Agricultural Worker (non EEA)	Working Holidaymaker	Au Pairs
Skill/experience	N/R	NVQ level 3	N/R	N/R	N/R	N/R
Age	N/R	N/R	18-30	Over 18 but must be student	17-30	17-27
Country of origin	N/R	No/R	Bulgaria and Romania (2007)	60% of quota non EEA. 40% Bulgaria or Romania	Commonwealth countries	Must be on designated list of countries
Dependants	N/R	No/R	N/R	N/R	No children aged 5 or older	No Dependants allowed
Marriage	N/R	N/R	N/R (but may not accompany)	N/R (but may not accompany)	Single OR married to a WHM who MUST accompany you	Unmarried

Post Entry Controls/Conditions of Stay

- Having entered the UK non-citizens subject to particular conditions depending on their visa status
- Some may not access the labour market at all as a condition of stay, others may stay only if they are working in the labour market.
- Conditions of stay for work permit holders: non-portability of visa/sectoral limitation

Mobility Within Labour Markets: Shaping precarity

Control over retention

- State enforcement of dependence through limiting mobility and enforcing temporary stay of “high skilled” workers
2005 : 91,500 work permits, 40,300 less than 12 months.
68,980 applications for renewal
- Employers recognise limited mobility as advantage for “low skilled” migrants e.g. SAWES and au pairs

Mobility Within Labour Markets: Shaping precarity

Flexibility

Migrants who may only work part time or temporarily if they want to work legally

E.g.

- Students may work 20 hours in term time and 40 hours a week in the holidays;
2005: 284,000 students given leave to enter
- working holidaymakers may work for up to 12 months of their 2 year stay
2005: 56,600 working holidaymakers

Mobility Within Labour Markets: Illegal working

- “Illegality” multi-layered
- “Abuse of vulnerability”: contradictory responses
- 2004: 1098 workplace raids, 8 employers prosecuted, 3, 332 migrants arrested

“many (overstayers) are thought to be young and from countries with reasonably high GDP per capita and perhaps with high levels of education. Anecdotal evidence suggests that these groups do not intend to stay long term in the UK and require low levels of encouragement to return home. Some groups overstay deliberately as a way of evading immigration controls and some of these may then go on to make an unfounded asylum claim”

Enforcing the Rules para 11

- Doctrine of Illegality

Migrants: unexceptional precarity

- A8 nationals: no longer subject to immigration control
 - a) Degree of certainty of continuing work. WRS: 13% intending to stay for one year or more;
 - b) control over working conditions. TUC report 31% in accommodation facilitated by employer
 - c) Extent of protection. TUC report 25% no contract
 - d) Wages. WRS: 77% earning NMW or below
- The state does not just regulate immigration, but also sets the framework for employment laws and protections

Unexceptional precarity: agencies, students and self employed

- Significant proportion of agency workers.
 - a) It is legal for employers to discriminate against agency workers in terms of wages and conditions
 - b) Classed as “workers” rather than employees
 - c) Problems of deductions
- TUC report: working for an agency significantly increases likelihood of reporting problems – usually wages or hours.
- Students as “flexible” workers
- Growth of self employment

Work-life Balance

- Migration: intersection with life stage
- Youth and tenure
- Working in sectors where it is difficult to balance other commitments and pleasures
- Immigration controls in de-regulated labour markets do not protect low wage labour, and do not protect migrants from exploitative employment practices
- The state does not just regulate immigration, but also sets the framework for employment laws and protections

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