



Wage exploitation and undocumented labour

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PAFRAS Briefing Papers

PAFRAS (Positive Action for Refugees and Asylum Seekers) is an independent organisation based in Leeds. By working directly with asylum seekers and refugees it has consistently adapted to best meet and respond to the needs of some of the most marginalised people in society. Consequently, recognising the growing severity of destitution policies, in 2005 PAFRAS opened a 'drop-in' providing food parcels, hot meals, clothes, and toiletries. Simultaneously experienced case workers offer one-to-one support and give free information and assistance; primarily to destitute asylum seekers. PAFRAS works to promote social justice through a combination of direct assistance, individual case work, and research based interventions and analysis.

Below an underclass, destitute asylum seekers exist not even on the periphery of society; denied access to the world around them and forced into a life of penury. To be a destitute asylum seeker is to live a life of indefinite limbo that is largely invisible, and often ignored. It is also a life of fear; fear of detention, exploitation, and deportation.

It is from the experiences of those who are forced into destitution that PAFRAS briefing papers are drawn. All of the individual cases referred to stem from interviews or conversations with people who use the PAFRAS drop-in, and are used with their consent. As such, insight is offered into a corner of society that exists beyond the reach of mainstream provision. Drawing from these perspectives, PAFRAS briefing papers provide concise analyses of key policies and concerns relating to those who are rendered destitute through the asylum process. In doing so, the human impacts of destitution policies are emphasised.

Briefing Paper 7

The seventh of these briefing papers utilises data from an ongoing research project that PAFRAS is conducting on undocumented working. Co-written by Jon Burnett and criminologist Dave Whyte, from the University of Liverpool, this report will focus on the occupational risks faced by undocumented workers in the UK. The briefing paper that follows draws on a small selection of the findings that this report has produced, and places particular emphasis on the routine financial exploitation of undocumented workers.

The report from which the data in this briefing

paper is based will consider more widely the context within which undocumented workers occupy a specific place in the labour market. However, what follows takes a narrower perspective and focuses on the manner in which policies of criminalisation directly inform the 'wage slavery' that workers are exposed to.

This briefing paper uses data gathered from 15 in-depth interviews with people who are seeking asylum and are, or have been working 'without permission' in the UK.¹ The exact reasons for their working differ. Some of the interviewees work in order to raise the fees for legal assistance; others simply to survive. Denied any form of support, they are locked into absolute destitution. For all of the interviewees, however, the law states that they cannot be paid for their activities in the labour market.

As discussed above, the primary focus of this paper is on exploitation. But in order to frame this particular perspective attention is initially drawn to the strategies of criminalisation that the New Labour government are currently both developing, and pursuing with regard to those seeking asylum. As shall be argued, criminalising labour directly underpins the exploitative framework within which asylum seekers who take up employment operate.

Criminalising labour

The right to work for asylum seekers, granted in 1986, was abolished in 2002 by the New Labour government and since that point significant resources and efforts have been channelled into preventing those who are seeking asylum from entering the labour market.

These efforts have intertwined with a wider purge on 'illegal working' that gathered momentum after the highly publicised deaths, in 2004, of 23 Chinese cockle pickers in Morcombe Bay. The formal response to this, by way of the creation of the Gangmasters Licensing Authority in 2005, sought to regulate the work of gangmasters through a combination of enforcement activities and licensing schemes. Whilst in June 2008, between 70-80 local immigration teams were established across the country tasked with tracking down 'illegal migrants' and increasing local

¹ Whilst the undocumented workers in this briefing paper are seeking asylum, the term 'undocumented workers' here refers more widely to people who are taking up employment in a way that breaches immigration and asylum legislation.

partnership working.² From November 2008, in a mass extension of surveillance, employers will be obliged to check the compulsory identification cards of certain categories of foreign nationals.

Ostensibly, these strategies have a multi-faceted purpose and, according to the Home Office, seek to 'level the playing field' and 'tackle the exploitation of vulnerable migrants'.³ Their exaction, however, suggests that the wellbeing of workers is of far less consequence than implied. The significant focus on preventing undocumented working requires analysis alongside New Labour's programme of managed migration: A reaffirming of immigration controls through which, as Kundnani states, migration routes are 'fine-tuned to the needs of capitalism'.⁴ In this framework borders are managed, in part, with explicit reference to the desires of the labour market. Asylum seekers – especially those whose claims have been refused – are redefined as an unnecessary and unwanted section of the workforce as immigration policies regulate 'the floating population of migrant workers'.⁵

In short, whilst on the one hand the concerted energy spent on 'shutting down illegal working'⁶ aims to ensure that a flexible market has the cheap, disposable workers that it requires; on the other those who are designated as 'irregular migrants' are to be criminalised and where possible removed. The emerging 'deportation machine' that Liz Fekete spoke of in 2006⁷ continues to gather pace and, in 2007, a person was removed from the country at a rate of one person every 8 minutes.⁸

Enforced vulnerability

The considerable degree of resources and energy that have been spent on criminalising

undocumented working has consequently underpinned a structured framework of exploitation and subordination. Undocumented workers are especially conscious of their rightless position in the labour market; and as one interviewee queried:

*How they can kick you out of your home and write that you are not allowed to work? What are you supposed to do? You have to put yourself at risk and find a job. And then one day you get caught, you will get put in jail, and then they may release you, or they may charge you, or they may send you home. Nobody knows.*⁹

There are hundreds of thousands of 'refused' asylum seekers in the UK who will not voluntarily return home through fear of torture; regardless of whether their claim has been accepted or not. Forced into destitution, working is the only vehicle through which they can obtain the means through which to exist on the margins of society. Yet, unable to work 'legally', they are forced into the labour market as undocumented workers. Employers who utilise such labour are well aware of the opportunities that this provides them with.

For employers, undocumented workers represent a labour force that is highly exploitable, disposable, and expendable. Fully aware, in most cases, of the vulnerability that their 'irregular' status represents; this in turn is utilised in order to exert downward pressure on wages. According to one interviewee, an agency that he worked for would intimidate employers who showed any sign of dissent with regard to their conditions of work by threatening to reveal their immigration status:

*I've often heard them threatening people over the counter, saying "we are going to call immigration for you lot one day"...It was a threat – "push your luck and we will deal with you".*¹⁰

Whilst at the same time, attempts to increase pay (or in some cases even receive it) are routinely met simply with a threat of dismissal. Invoking a scenario that is common for undocumented workers, the following individual stated how:

*At the end of every week they are meant to pay you. But they might not give you it. You might have to wait for two weeks, three weeks. You don't have the right to ask him for money. When you do ask maybe you will lose your job, so you wait until he thinks to give it to you.*¹¹

² Home Office (2008) 'Local immigration teams to be introduced across the UK', *Home Office Press Release*, 19 June.

³ Home Office (2008) 'Preventing Illegal Working', *Home Office*, accessed 19 October, <http://ukba.homeoffice.gov.uk/employers/preventingillegalworking/>

⁴ Kundnani, A. (2007) *The End of Tolerance: Racism in 21st Century Britain*, London: Pluto Press, p. 143.

⁵ Ibid, p. 144.

⁶ Home Office (2007) *Shutting Down Illegal Working in the UK*, London: Home Office.

⁷ Fekete, L. (2005) 'The Deportation Machine: Europe, asylum and human rights', *European Race Bulletin No 51*, London: Institute of Race Relations.

⁸ See Burnett, J. (2008) 'Dawn raids', *PAFRS Briefing Paper No. 4*, Leeds: PAFRAS.

⁹ Interview with author, June 2008.

¹⁰ Interview with author, June 2008.

¹¹ Interview with author, August 2008.

Wage slavery

In this context, a form of practical wage slavery has been consolidated with regard to undocumented workers. The majority (although not all) of those interviewed for this research were paid 'cash in hand' and whilst a small number of people were paid slightly above the minimum wage for a short period, this was a rarity. The vast majority of people, in all of the jobs that they have had whilst in the UK, explained that their wages averaged at a much lower rate. The lowest wages equated to approximately £1.50 per hour. Notwithstanding the exploitative wage rates that this equates to though, employers are adept at utilising a range of strategies to further withhold, reduce, and retain the money that their workers are owed.

By paying wages on a set basis workers can be forced to work until a day's work is completed with, as such, their hourly rate of pay consequently curtailed. One interviewee, paid £20 a day for example, explained when asked how many hours a day he worked on average that it 'depends, sometimes 9, sometimes 10, sometimes 8, sometimes 5. It depends on when you finish'.¹² Similarly, coercing workers into taking unpaid overtime is frequent. However, at the same time, for those paid at an hourly rate the same strategy is, in effect, reversed in order to reduce wages. According to one individual, paid by the hour, he would simply be sent home from his factory job when his labour was not required anymore; whilst permanent members of staff would be paid until the end of a working shift.¹³

Such strategies represent only a small example of some of the finer details of schemes inculcated to ensure the costs that employers have to pay are kept to a minimum. Their simplicity rests in the explicit coercion that is embedded within and, as discussed above, draws directly from the vulnerable position that undocumented workers are in. This vulnerability is consolidated through policies of criminalisation which both 'irregularise' the status of workers (thus reducing their opportunity to seek formal mechanisms of redress); and force them into abject poverty (thus increasing compliance). One interviewee discussed these processes succinctly, and explained:

I came here as an asylum seeker, and when I got refused I didn't have any family [or] anyone supporting me. The only option I had was to work,

*to help myself. Because the Home Office kick us from our houses we don't know where to go... We are not allowed to work but I have to do it. Why? Because if I don't do it I am going to die. That's why I do it. And it [is] very hard and difficult jobs. Because the people who hire us they know we don't have papers, they treat us like, it's not human. Instead of £5 [per hour] we get £2.50 but I have to do it. Why? There is nothing else I can do. I prefer working even for that small amount of money. They treat us very badly, behaving, shouting, screaming, and you can't say anything. If you lose that job, you have to find another one.*¹⁴

Conclusions

The New Labour government continue to devote increasing amounts of time and resources into preventing undocumented working. As workers are criminalised though, one of the effects of this is that their employers utilise their vulnerability to exploit and marginalise them further. Wage exploitation is only one facet of this wider, systematic pattern of structural subordination. Existing as a 'just in time' work-force, undocumented workers are easy to hire, and easy to fire: utilised as and when market forces dictate. If they complain, then they can simply be removed to be replaced by another worker who has been left so vulnerable that undocumented labour; no matter how poor the wages are, and how poor the conditions are, is the only option available.

As this paper has asserted then, the exploitation of undocumented workers occurs within a wider political framework, and it is this framework that must be addressed. It is no secret that undocumented workers are a central part of the labour force. Their cooking, cleaning, driving, packing, picking, digging, loading, and caring is utilised by all. Yet, as it stands, undocumented workers are demonised, marginalised, and vilified on the one hand; whilst attempting to survive in conditions of practical servitude on the other.

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¹² Interview with author, June 2008.

¹³ Interview with author, June 2008.

¹⁴ Interview with author, June 2008.