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# The art of not being caught: Temporal strategies for disciplining unfree labour in Singapore's contract migration

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## ABSTRACT

Adopting a case study approach, this paper examines unfree labour amongst labour migrants from a temporal perspective. I draw on the notion of temporality specifically to refer to the spontaneous and arbitrary imposition of strategies by employers as a response to situations in which workers attempt to bargain to ameliorate exploitation in the workplace or in response to workplace injuries. Although there is a significant literature discussing employer tactics to control and discipline workers, very little of this specifically addresses migrant workers or proceeds through a thick description of individual company strategies. I suggest that strategies to discipline migrant workers are often embedded in the broader migration regimes and state laws that underwrite migrant workers' positions, and should be attributed equal weight in understanding how unfree labour is produced and maintained in practice. The case studies are taken from experiences of South Asian male migrant workers in four different small-medium enterprises (SMEs) that are subcontracting companies (sub-cons) in the construction and shipyard sectors in Singapore, and one man who suffered serious injury as a result of his work. Through these five case studies I hope to develop a characterization of migrant worker unfreedom that goes beyond descriptions of broad structural factors that discipline migrant workers, or characterisations of migrant worker conditions, to an examination of the micro-dynamics of workplace discipline. In this understanding I extend current conceptualisations of unfree labour by arguing that unfreedom must, in part, be understood as the inability to contest exploitation, including the strategies companies impose on workers at specific times to enable this.

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## 1. Introduction

There is now a robust engagement by geographers and others with precarious work and unfree labour (LeBaron and Ayers, 2013; Lewis et al., 2015; Anderson, 2010; McDowell et al., 2009; Wills et al., 2009; McGrath, 2013; Datta et al., 2007). This work has made significant advances in characterising the compendium of conditions that both create uncertainty in the labour arena and mitigate against effective labour bargaining, thus rendering labourers vulnerable and without security in their working situations and relations. Some observers contend that these conditions are a product of the changing nature of the labour bargain associated with the rise of flexible production systems (especially in the global north) (Peck and Theodore, 2001; Kalleberg, 2008), whilst others suggest that such conditions have constituted the mainstay of labour relations for a much longer period (especially in the global south where they have begun to intersect with relations and

structures of neoliberal globalization in recent times) (Mezzadri, 2008; LeBaron and Ayers, 2013). For migrant workers, often traversing north-south or south-south contexts in their labour trajectories, there has been particular emphasis on the role of debt relations/debt bondage and, relatedly, on institutional regimes governing migrant workers' positions and (il)legality, as producing situations of heightened precarity in the workplace (Lewis et al., 2015; Anderson, 2010). Debts, arbitrary contracts, state laws, and migration restrictions can all conspire – often in concert – to produce 'hyper-precarious' migrant workers (Lewis et al., 2015). This recognition (McDowell et al., 2009; Wills et al., 2009; McGrath, 2013; Datta et al., 2007) has enabled us to make inroads into understanding the conditions that define the experiences of precarious work specifically for migrant labour, including where these may lead to unfree labour.

Despite these advances in academic understanding of both precarious work and unfree labour, employer strategies to discipline and intimidate migrant workers at specific points in time (such as when workers attempt to leave the company or bargain for better conditions) have not been well-conceptualised in this growing

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geographical and related literature. As Strauss (2012: 138) has suggested in relation to unfree labour, there is a, “relative paucity of empirical studies of unfree labour, from a sector-specific, geographical or micro-scale (fine-grained qualitative) perspectives, on the one hand, and the need for greater conceptual clarity on the other”. Even for the European context where documentation of migrant worker conditions has been most prolific, it has been noted that, “empirical data on migrant worker experiences is relatively scarce” (Cross, 2013: 515), with, “little detailed empirical research about labour market practices experienced by migrant workers” (Dundon, 2007: 501). Rather, much of the scholarship on employer–employee relations and worker intimidation where migrant workers are concerned has tended to examine the role (or absence of) unions (for example, Hardy, 2015; Hardy et al., 2012; Bernsten and Lillie, 2016; Vosko, 2014) or other actors such as non-government organisations (for example, Ford, 2012; Bal, 2014; Pangsay, 2015) as key determinants of worker agency and rights, or lack thereof.

Those who do focus on relations between workers and their superiors in sites of labour exploitation have variously noted the importance of employer strategies that rely on spatial tactics (for example, Kelly, 2002; Yea, 2016; Wainright, 2007). From my study, conceptualisations of migrant worker unfreedom in these micro-spaces can also be enhanced through a temporal perspective.<sup>1</sup> This entails an exploration of the ways migrant labourers’ freedom to contest workplace exploitation is stymied through a range of strategies imposed by employers at specific junctures. These strategies are enacted in response to instances when migrant workers attempt to bargain with employers to ameliorate exploitation in labour conditions or in response to workplace injuries. Medium and small sized firms in the construction and shipyard sectors in Singapore discipline or remove workers who are unproductive (for example, because they are injured or refuse to work excessively long shifts) and therefore impose a cost to firms, or because they complain (in which case they are often viewed as ‘troublemakers’) and therefore are likely to threaten company profitability in future if they are not controlled. These threats are actualised, for example, when a worker deserts the workplace and makes a complaint to Singapore’s Ministry of Manpower (MOM), the government authority charged with mediating employer–employee disputes (see Yea, in press). Here, deserting the workplace means resigning without notice and, for migrant workmen in Singapore, will normally render the worker irregular, since change of employer is only permitted in exceptional cases. Many of these company strategies are thus responsive to worker actions, but only during times of threat of worker demands or in response to inefficiencies associated with particular workers. Other strategies are aimed at anticipating and thwarting worker complaints, and may only be invoked when workers threaten to complain.

The findings from the following case studies can assist in developing more comprehensive understandings of unfree labour in other contexts, particularly Europe and United States, where both precarious work and unfree labour have been most extensively researched to date. Geographers situated in Southeast and East Asia have long sought to consider the ways (post)colonial subjectivities and knowledge can de-centre the hegemonic knowledge of that which is produced in ‘core’ regions of the world, and

advance alternative characterisations of urgent contemporary concerns that do not rest on *a priori* conceptualisations derived from the global north. In a region where it is estimated that approximately 11.7 million of the world’s 21 million forced labourers are located, it would indeed seem peculiar to overlook Asia in developing conceptualisations of unfree labour (ILO, 2014). Indeed, Kalleberg and Hewison (2012) have emphasized the need to provide a geographically sensitive reading of precarious work in Asia, to which this paper hopes to contribute.

## 2. Conceptualising unfree labour

The terms unfree labour, labour trafficking, forced labour and precarious work are often used in conjunction when describing exploitative migrant laboring situations, both in Singapore and elsewhere. Here I draw out the ways they are related, but nonetheless distinct processes, focusing particularly on current conceptualisations of unfree labour. Forced labour, according to the International Labour Organisation (hereafter ILO) describes any work extracted against the free will of the worker. In other words, forced labour is that which is performed under compulsion, particularly where compulsion is associated with the ‘menace of any penalty’. This broad definition is not always helpful in practice because it is so wide as to include seemingly very different laboring circumstances such as bonded child labourers in India, plantation workers in Latin America, and migrant construction workers in the Middle East. This is largely because compulsion and free will are contextually highly variable and often difficult to pinpoint in the abstract. For example, questions remain about what constitutes compulsion, and what circumstances make workers unable to leave their workplace, despite their desire to do so. Forced labour is often related to human trafficking in that compulsion and the removal of free will are tactics utilized by traffickers to continue to extract labour from workers under highly exploitative arrangements from which workers cannot easily extricate themselves. Forced labour enables the exploitative element of trafficking to be realized, whilst trafficking is one way in which to induce forced labour.

Whilst forced labour and human trafficking are terms that have gained currency amongst international organisations, such as the International Labour Organisation (ILO), unfree labour is a far broader term that is used primarily in academic debates. In this paper I engage with the concept of ‘unfree labour’ because of its potential to encompass situations of labour trafficking and forced labour, both of which are widespread amongst migrant workmen (and women) in Singapore. Unfree labour may be understood as any situation where workers cannot extricate themselves from an exploitative working situation, despite their desire to do so. Nor can workers effectively exert agency in the labour bargaining arena to realise justice in exploitative situations or exercise their rights to do so. Academic discussions of unfree labour have focused on two key issues. The first of these is the relationship between unfree labour and precarious work. As I have argued elsewhere, “One of the central thrusts of this scholarship is a recognition that precarious work in situations of labour migration can lead to situations of unfree labour. Precarity, a concept embedded in labour market realities, destabilizes any notion that ‘slavery-like’ conditions are exceptional; it recognizes highly exploitative laboring situations as an “extreme end” of precarity’ and draws attention to normalized practices – including indebtedness, low pay and insecure work under harsh conditions – that create an enabling environment for unfree labour to flourish” (Chok and Yea, Unpublished paper: 9). In other words, the conditions that commonly characterize precarious work can produce vulnerabilities that enable unfree labour to develop (see also Allain et al., 2013; Lewis et al., 2015).

<sup>1</sup> To my knowledge only three scholars have examined migrant labour issues from a temporal perspective. Ahmed (2008) and Anderson (2010) both discuss the ways migration restrictions create an environment in which migrant workers are disciplined by concerns about how much time they have remaining in the destination country. Rogaly and Thieme (2012) explore the temporalities associated with internal Indian migrant labourers, particularly as they build resilience and agency into their migration experiences over time through repeat migrations. Although both these foci also hold for participants in my study, my focus is rather on arbitrariness in time as it relates to company strategies aimed at disciplining workers.

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