

Migrant labour and low quality work: a persistent relationship

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Abstract

The marginalisation of migrants at work, especially those in industries and occupations characterised by low wages and low skilled jobs, is a critical issue for scholarship, policy and practice. While the bulk of migration-related research and theory comes from other disciplines, the insights of employment relations perspectives are particularly valuable in explaining why vulnerability to marginalisation and mistreatment is so persistent for these groups of migrants. We explore this issue by reviewing the reasons why migrant workers, especially newly arrived and temporary migrants, are more vulnerable than other groups of workers, examining worker-focused, employer-focused, and state-focused scholarship on this issue. After providing an overview of the articles published in the *Journal of Industrial Relations* special issue on ‘Migration and Work’, which relate to the theme of the persistent relationship between migrant labour and low quality work, this introductory article uses insights drawn from our review to propose an agenda for future research.

Introduction

This introductory article to the *Journal of Industrial Relations* special issue on ‘Migration and Work’ focuses on the persistent marginalisation of migrants at work, which we identify as a critical issue for scholarship, policy and practice and where the insights of employment relations perspectives are particularly valuable. The characteristics of migrant workers vary greatly in different national, industrial and occupational contexts. While many migrants work in high-income, high-skill jobs, cross-national studies indicate that migrant workers are disproportionately represented in labour market segments characterised by low wages, low skills and low job quality (e.g. Mason and Salverda, 2010: 42-44), and are often susceptible to discriminatory practices. This article seeks to build on extant research in the employment relations field to establish an agenda for future research.

The relationship between migration and work has been transformed in recent decades. Between 1990 and 2017, international migration flows increased from 153 million to 258 million. Immigration to high-income countries, particularly for work-related purposes, has accounted for the majority of this growth (United Nations, 2017). While there are many drivers of these trends, they have been facilitated in part by labour migration policy changes including the growth of temporary and employer-sponsored visa schemes and the introduction and expansion of cross-border labour mobility zones (Castles et al., 2014). Nevertheless, compared to goods, services and capital, where cross-border trade and movement have been liberalised substantially, there remain considerably greater constraints upon the free movement of labour (McGovern, 2007).

Changes to immigration policies, including changes enabling the expansion of migrant labour supply, have produced major political challenges. Policymakers in many countries have recently struggled to balance the perceived disruptive impacts on jobs and communities with the potential economic benefits. The pivotal role that negative public attitudes towards immigration played in Donald Trump’s presidential election in the United States, the Brexit referendum in the United Kingdom and the ascent of far-right parties across Europe exemplifies this (Gumbrell-McCormick and Hyman, 2017).

Employment relations perspectives have much to offer research on migration and work. Despite this, McGovern (2007: 218) noted in a widely cited review article that immigration, whilst “fundamentally a labour problem ... is strangely neglected by industrial relations

scholars” compared to the engagement and influence of other disciplines, most notably economics. Indeed, research on migration and work has tended to be siloed in different disciplines, and many key contributions to this research have come from outside of the employment relations field. For instance, economic research has been important for understanding the impact of migrants on labour markets (e.g. Borjas, 2003; Simon, 1999). Sociological research has illuminated the various drivers of migration and the experiences of migrants including how they find work (e.g. Castles, 2000; Robertson, 2011). Legal research has drawn attention to the legal underpinnings of migrant selection policies and the enforcement of laws pertaining to migrant workers (e.g. Barnard and Ludlow, 2015; Crock and Lyon, 2002). Political science scholarship has explained how labour migration policies are constructed particularly in terms of the influence of interest groups and public attitudes (e.g. Freeman, 1995; Geddes, 2003). And philosophical research has developed important insights for understanding the ethics of how migrant workers are treated in the workplace and by the nation state (e.g. Carens, 2008; Walzer, 1983).

Nonetheless, the institutionalist focus of an employment relations analytical lens brings key advantages for analysing migration and work issues. While these issues have been relatively neglected within employment relations research compared to other disciplines, several employment relations scholars have made important contributions to migration research in particular areas. These include understanding why migrant workers are channelled into particular workforce segments (e.g. Piore, 1979; Waldinger and Lichter, 2003); identifying the reasons for discrimination against migrants in workplaces and the labour market (e.g. Taksa and Groutsis, 2010; Yu, 2019); analysing particular types of management practices in workplaces and industries where migrant workers are concentrated (e.g. MacKenzie and Forde, 2009; Thompson et al., 2013); examining the strategies and policy positions of unions and employer associations towards migrant workers (e.g. Marino et al., 2017; Wright, 2017); and analysing state and community strategies to ensure that migrants’ employment rights are enforced (e.g. Clibborn, 2019; Fine and Bartley, 2019).

According to Afonso and Devitt (2016), employment relations perspectives have also been important for comparative political economy research on migration. In particular, these perspectives have highlighted how employment relations actors and different national labour market institutions, including those related to wage determination and skill formation, can

influence labour immigration policies and flows of migrant workers (see also Dibeh et al., 2019).

This article begins by considering the reasons why migrant workers, especially newly arrived and temporary migrants, are more vulnerable than other groups of workers to mistreatment and marginalisation. It then reviews worker-focused, employer-focused, and state-focused scholarship on this issue. After providing an overview of the articles published in this special issue, the article concludes by outlining particular areas where future research is required.

What explains the association between migrant labour and low quality work?

The workplace and labour market experiences of migrants are highly diverse. In virtually all countries, migrants are represented across all professional and occupational fields, all industries and all levels of seniority (Bauder, 2006). Human resource management and international business scholarship focuses particularly on highly skilled migrants who are either ‘self-initiated expatriates’ who move countries by their own volition or else are employed by multinationals and posted to international offices as ‘assigned expatriates’ (e.g. Andresen et al., 2014; Guo and Al Ariss, 2015; Zikic, 2015).

Since these groups of migrants tend to have a high degree of agency and individual bargaining power, the concerns of this scholarship relate mainly to: core human resource management processes among highly skilled migrants, such as remuneration, training, recruitment and selection; outcomes relating to their job performance, employee satisfaction and organisational learning; and issues relating to workplace and social integration amongst workers moving across borders (e.g. Collings et al., 2009). While there are notable exceptions (e.g. Almeida et al., 2012; Turchick Hakak and Al Ariss, 2013), marginalisation and mistreatment of these workers are generally treated as secondary concerns within these fields.

Outside of the human resource management and international business fields, the dominant focus of research on the intersection of migration and work is migrant labour in low-paid and lower skilled – or ‘low quality’ (Knox and Warhurst, 2015) – jobs, as reflected in the focus of recent influential volumes (e.g. Costello and Freedland, 2014; Howe and Owens, 2016; Ruhs and Anderson, 2010). Across the European Union and in countries with longstanding identities as ‘nations of immigrants’, such as Australia and Canada, both scholarly interest in and policy focus on the association between migrant workers and low quality work appears to

have grown in recent years (Clibborn and Wright, 2018; Lenard and Strachle, 2014; Wagner, 2018). This is despite the generally highly educated profile of recent migrants to these and other developed economies, particularly when compared to settled migrants and non-migrants (OECD, 2016).

At least three factors can account for this interest in the link between migrant labour, on one hand, and low quality work and/or marginalisation, on the other. First, while governments in many countries have sought to target high-skilled migrants, policy changes have encouraged migrant workers into low quality jobs in relatively greater numbers. In virtually all developed countries, this has been facilitated through a greater policy focus on temporary visas that restrict migrant workers' voice and agency (Consterdine, 2017; Dauvergne, 2016; Wright and Clibborn, 2017). Second, high-skilled migrants often experience considerable challenges getting their qualifications recognised or face barriers obtaining employment that utilises these skills, which can confine them to lower skilled jobs (Almeida et al., 2012; Deitz et al., 2015; Yu, 2019). Third, the increasingly bifurcated nature of labour markets has led to a growth of both higher skilled and lower skilled jobs (Gautié and Schmidt, 2010; Goos and Manning, 2007; Kalleberg, 2009). Employers have often found it difficult to source workers locally to perform lower skilled jobs particularly those defined by low job quality and thus have turned increasingly to migrant labour (Fudge, 2012).

Notwithstanding these recent policy and structural changes, the association between migrant labour and low quality work is longstanding, with a large body of research examining this emerging in the post-war decades (e.g. Castles and Kosack, 1973; Castells, 1975; Piore, 1979). However, we lack a comprehensive explanation for the evidently persistent, and in some respects deepening (Anderson, 2010; Clibborn and Wright, 2018; Dauvergne, 2016; Ruhs, 2013; Wagner, 2018), relationship between migrant labour and low quality work. In this special issue, the article by Anna Boucher (2019) provides a measure of reported violations of migrant workers' rights and how these appear to be impacted by factors including ethnic background, occupational status and legal representation. This is an important step in identifying policy solutions to addressing such violations. Boucher's study focuses on a relatively higher skilled group of temporary sponsored migrant workers whose immigration status ties them a single employer, thus limiting their ability to exercise voice or exit from the employment relationship in the event of mistreatment (as discussed below). There is scope to replicate this approach among lower skilled and in all likelihood more

vulnerable groups of migrant workers. Such research is particularly necessary in relation to labour market segments where employment protections are weak or absent, such as in the informal economy and the so-called ‘gig economy’ (Wright et al., 2018), where recent studies indicate migrant workers are concentrated (e.g. Clark and Colling, 2018).

Three approaches to rethinking migrant labour and low quality work

To account for why migrant labour tends to be associated with low quality jobs, we need to examine supply-side (or worker-centred), demand side (or employer-centred) and policy and institution-related (or state-centred) factors.

Worker-centred accounts

As noted above, economic scholarship, particularly that informed by orthodox theories, has dominated research on the intersection of migration and work (McGovern, 2007). Such theories have also had a considerable influence on labour migration policy outcomes, as discussed below. This body of research, however, is yet to provide a convincing account for the persistent vulnerability of migrant workers to mistreatment and marginalisation. In recent years reports of migrant workers being underpaid and poorly treated have increased in countries such as Australia, the United States and the United Kingdom (e.g. Berg and Farbenblum, 2017; Ram et al, 2017; Weil, 2018). Economic theories, and the policies they inform, tend to suggest that such outcomes are generally the result of an “information asymmetry between temporary migrant workers and their employers” (Productivity Commission, 2016: 30). This assumes that migrants have less access to information about labour market conditions and their rights under employment law than their employers. From this perspective, addressing this information imbalance is the key to resolving problems of migrant work exploitation.

Theories from employment relations and related fields, such as political economy and socio-legal studies, suggest that there are several factors aside from access to information that affect migrants’ working conditions and their position in the labour market. The particular professions and occupations that migrants are qualified for, and whether these qualifications are recognised in the host country, can affect their opportunities within the labour market (Groutsis, 2003). Migrants who possess specialised and recognised qualifications in demand tend to be more able to find high-quality and high-income employment, and thereby avoid precarious work scenarios unless constrained by other factors including immigration rules,

skill recognition procedures, language barriers and discriminatory practices. By contrast, migrant workers without recognised sought-after qualifications tend to have fewer options in the labour market, which is likely to push them towards low-wage, poor quality jobs (Bauder, 2006; Dauvergne, 2016; Walsh, 2014).

Trade unions can potentially help to improve migrant workers' conditions and their position within the labour market (Turner et al., 2014). Trade unions traditionally had a restrictive stance towards representing and advocating on behalf of migrant workers on the grounds that immigration increased labour supply and drove down the wages of other workers (Haus, 2002). In many countries, union policies and practices have shifted in recent years towards more inclusive approaches (Marino et al., 2017; Milkman, 2006). However, resource constraints and structural barriers to organising, particularly in low-wage sectors where migrant workers are often concentrated, have tested the capacity of unions to organise and represent them (Holgate, 2015).

In this context, as Fine and Bartley (2019) discuss in this special issue, new forms of non-traditional collective representation, such as worker centres and community organisations, have emerged to connect with migrant workers in ways that traditional representative structures may inhibit (see also Alberti et al., 2013; Lopes and Hall, 2015). The success of these new organisational forms may be partly due to their resonance with a more diverse workforce who sees their identities as constructed primarily through their communities outside of work, rather than at the workplace (Yilmaz and Ledwith, 2017). The article by Yu (2019) in this special issue examines how identity and the related concept of cultural conformity can impact on migrant workers' careers and their inclusion or exclusion at the workplace. There is scope for future research to examine how identity can be mobilised individually and collectively to improve migrant workers' position within the workplace and the labour market.

Piore's (1979) application of segmented labour market theory has provided another influential perspective for understanding the concentration of migrant workers in low-paid jobs. Piore argues that migrant workers are often more willing than non-migrants to work for low wages and poor conditions because of their 'dual frame of reference'. Such jobs may be considered low status and unattractive according to one frame of reference, that is, the standards and norms accepted by workers in the host country. Nevertheless, they may be relatively superior

through the lens of another frame of reference, that is, the prevailing wages and conditions of jobs in migrants' home country.

Piore's theory has influenced subsequent research on the working conditions of migrant workers (e.g. Krings et al., 2011; McCollum and Findlay, 2015; Waldinger and Lichter, 2003). However, Clibborn's (2018) study of international students in Australia identifies a 'third frame of reference' of the peer group of other migrant workers. In this third frame, the prevailing norms regarding acceptable wages and working conditions are not informed directly by those of either the home or the host country, but what is deemed acceptable within the peer group. Further research is needed to examine whether additional frames of reference exist among other categories of workers, and how these can be potentially identified and harnessed as part of efforts to improve migrant workers' position within the labour market.

Employer-centred accounts

While the characteristics of labour supply are important for understanding the susceptibility of migrant workers to mistreatment and marginalisation, so too are characteristics of demand. The following discussion focuses on three demand-related characteristics: control, perception and skills.

While useful for assessing supply-side issues, Piore's (1979) application of segmented labour market theory also provides an important perspective on why employers may develop a preference for hiring migrant workers. Piore finds employers who disproportionately recruit migrant workers develop preferences for workers whom they can control in order to reduce or contain unit labour costs. This control may be associated with numerical and temporal flexibility in terms of the ability to hire and fire migrant workers more easily and to adjust working hours in response to changes in production schedules. Migrant workers are more willing to tolerate these conditions, according to Piore, because of their relative lack of alternative options for employment, and because their frames of reference lead to lower expectations compared to other groups of workers, as discussed above (Piore, 1979; see also Clibborn, 2018). Subsequent studies have broadly supported Piore's arguments (e.g. Bauder, 2006; McDowell et al., 2008).

Employer perceptions of migrant workers' characteristics are an additional factor that can account for employer demand for migrant labour. Studies of recruitment practices in the

construction industry find that employers favour migrant workers because of their perceived better work ethic and enthusiasm (e.g. Moriarty et al., 2012). Perceptions that migrants are more committed, harder working, easier to retain, more tolerant of poor conditions and provide better service have been found to account for employer preferences for migrant workers in the care sector (e.g. Atanackovic and Bourgeault, 2013; Hussein et al., 2011). Studies of lower skilled migration in the United States and the United Kingdom across various industries find employer preferences for migrant workers based on perceptions that they are more productive and reliable than non-migrants (e.g. Baxter-Reid, 2016; Rodriguez, 2004; Scott, 2013; Waldinger and Lichter, 2003).

Addressing skills shortages is another common theme of research on why employers recruit migrant workers. This is particularly the case among studies of higher skilled migrant labour (e.g. Hawthorne, 2013; Khoo et al., 2007). These skills shortages are typically understood within scholarship and defined in visa regulations in terms of ‘hard skills’ or the qualifications required for particular professions. Research has also pointed to migrant workers’ possession of superior ‘soft skills’ or interpersonal competencies, such as the ability to communicate or to work constructively with colleagues, to explain employer preferences (e.g. Moriarty et al., 2012).

Other studies indicate that the ‘soft skills’ employers use to rationale their recruitment of migrant workers can be a smokescreen for a desire to recruit workers over whom they can exert control (Ruhs and Anderson, 2010). For instance, a recent study of the hospitality industry found that employer claims of the superior soft skills of migrant workers related to attributes created by the conditions of sponsored temporary visas. These conditions made it difficult for these workers to exercise voice or exit the employment relationship and led employers to perceive them as more loyal (Wright et al., 2019). More research is needed within migration and work scholarship to scrutinise the distinction between the skills that employers demand and “attributes and characteristics that are related to employer control over the workforce” (Ruhs and Anderson, 2010: 20).

State-centred accounts

The state plays a critical role in mediating the intersection between migration and work. There is considerable cross-national variation in immigration selection rules and procedures established by governments that determine which migrant workers are permitted entry into a

labour market (Boucher and Gest, 2018). The relative strength or weakness of national employment laws, labour market institutions and enforcement regimes can be critically important for determining whether migrant workers enjoy the same rights and opportunities as citizens and permanent residents, or whether they are likely to be underpaid at work and marginalised in the labour market (e.g. Fudge, 2014; Lever-Tracey and Quinlan, 1988). The following discussion reviews research on the state's role in mediating the migration-work relationship in terms of the association between migrant labour and low quality work. In particular it examines the following themes: the trend towards demand-driven policy; visa rules and residency status; the enforcement of employment laws; the influence of labour market institutions; the gaps between policy objectives and outcomes; and the gendered dimensions of labour immigration policy.

In recent years there has been a shift within immigration policy in many countries towards 'demand driven' arrangements that seek to align migrant worker selection with the immediate recruitment needs of employers. Employer-sponsored visas, which allow employers to engage migrant workers if they claim to have difficulty filling a particular vacancy from the local labour market, are the clearest example of this development (Wright et al., 2017). The main rationale for these visas is that they can improve the efficiency of labour markets by matching supply to demand quickly and help to address skills shortages (Papademetriou and Sumption, 2011). However, as indicated above, how skills shortages are defined needs to be scrutinised. What an employer claims to be a skills shortage may simply be a recruitment difficulty in the local labour market that can be addressed by increasing the wages or improving the quality of the job on offer (Healy et al., 2015). There are also serious equity implications of employer-sponsored visas given that they constrain the ability of migrant workers to switch employers or to exercise voice (Zou, 2015). According to Dauvergne and Marsden (2014: 528) such arrangements reflect "the profound inequality of non-citizen workers – who depend on employers in order to even enter or remain in the labour market".

In essence, the shift towards demand-driven visas demonstrates the triumph of neoliberal policies derived from unitarist management theory and orthodox economic theory that prioritise efficiency over equity considerations. Such policies assume the existence of equal bargaining power and equal information between migrant workers and their sponsoring employer. This is despite extensive research from employment relations and related fields

highlighting power differentials and information asymmetries between employers and migrant workers (McGovern, 2007).

There is emerging research indicating how immigration rules can determine migrant workers' ability to exit from exploitative employment relationships, or to exercise voice in the event of mistreatment (Anderson, 2010; Bach, 2010; Cangiano and Walsh 2014). Temporary residency limits the agency of migrant workers because it typically restricts their capacity to find alternative employment and access social rights including to public welfare. Some temporary visas provide pathways to permanent residency if certain conditions are met, such as maintaining a specified period of temporary residency (Bauder, 2006; Dauvergne and Marsden, 2014; Goldring and Landolt, 2013; Ruhs, 2013).

Permanent residency generally entails security and agency, and as such is rarely associated directly with migrant worker mistreatment (Dauvergne, 2016; Wright and Clibborn, 2017). By contrast, temporary residency can make temporary migrants more vulnerable to mistreatment at work, especially if attached to certain types of work visas (Robertson and Runganaikaloo, 2014). For instance, employer-sponsored visas typically make migrants' right to live in the host country contingent upon maintaining the employment relationship with the business that sponsors them (Wright et al., 2017). Transgression of the rules of other temporary visas can place migrants at risk of losing their visas (Anderson, 2010). For instance, in Australia, international students are limited to a specific maximum number of working hours each fortnight. If they exceed this limit, their employers can report them to immigration authorities, which might lead to their deportation (Clibborn, 2015). Working holiday visa holders are dependent on employers certifying completion of work to gain visa extensions (Reilly et al., 2018). Both of these situations create situations of dependence among temporary migrants on their employers who can potentially use their position to treat workers unlawfully (see also Campbell et al., 2016). More research is needed, however, to examine how specific visa rules can exacerbate the vulnerability of migrant workers to mistreatment.

The extent to which employment laws and standards are enforced and the activities of unscrupulous employers are monitored also shapes the treatment of temporary migrants. The emergence of state-led regulatory models to enforce employment laws in some countries has effectively replaced union-led regulatory models (Hardy and Howe, 2009). State-led

regulatory models are reliant upon often-constrained government budgetary support. This has made more challenging the already difficult task of enforcing standards in hard-to-reach parts of the labour market where migrant workers are often concentrated, such as smaller businesses and industries characterised by ‘fissured’ work arrangements (Weil, 2014). The growing presence of intermediaries, such as labour hire contractors, has enabled employers in some industries to evade their legal responsibilities towards migrant workers (e.g. van den Broek et al., 2016). Recent studies indicate that similar outcomes are evident among migrants working in the informal economy where employment protections are weak (e.g. Clark and Colling, 2018). There is need for further research on this issue in the gig economy where such protections are generally absent (Wright et al., 2018). The article by Fine and Bartley (2019) in this special issue analyses innovative forms of ‘co-regulation’, whereby governments and industry organisations collaborate with worker representatives and community organisations to improve their capacity to enforce employment laws and minimum standards. The authors suggest that this occurs due to the beneficial role of worker representatives and community organisations in strengthening worker voice mechanisms and workplace monitoring (see also Clibborn, 2019; Harvey et al., 2017). However, further research is needed on state enforcement initiatives to protect the rights and conditions of migrant workers.

It is also important to note the impact of national and industry-level labour market institutions, which states typically play an important role in creating and/or legitimating, in shaping processes and outcomes related to migration and work. The strength of employment protections, the extent of skills investment and coordination, the role of social policies in enabling or constraining workforce participation, and regulations influencing the strength of unions, can affect employers’ management practices relating to migrant workers and the agency of these workers in the labour market (Afonso and Devitt, 2016; Caviedes, 2010; Menz, 2008; Wright, 2012). According to the article by Dibeh and colleagues in the special issue, while decisions of individuals to migrate have generally been attributed to economic and sociological factors, labour market institutions also play an important role (Dibeh et al., 2019).

There are also critical variations between the intentions and the outcomes of national-level labour immigration policies. For example, visa regulations are focused on workers who enter the receiving country through ‘front doors’ or dedicated labour migration schemes (Geddes, 2003). However, in many countries there has been gradual opening of ‘side door’ visa

schemes that fall outside the formal scope of official labour immigration policy, such as visas for students with limited work rights. ‘Back doors’ for unauthorised migrants without any right to work are an important feature of labour markets in certain countries, such as the USA (Cook et al., 2018; Dibeh et al., 2019; Wright and Clibborn, 2017).

Finally, the distinction in visa rules between primary and secondary immigration is also important for considering the gendered nature of immigration policies, particularly given the lack of research on the working experiences and labour market impacts of partners who accompany migrant workers (Boucher, 2016). This indicates the need for more research on the gendered dimensions of labour immigration policies, including an examination of the ways in which they can compound labour market segmentation and discriminatory outcomes. For instance, the way that ‘skill’ is defined within skilled visa rules reflects a social construction of skill that privileges qualifications associated with male-dominated professions. By contrast, female-dominated professions including those related to social care are not deemed sufficiently ‘skilled’ to allow qualified migrants to obtain a skilled visa in certain countries including Australia (Boucher, 2016; Hampson and Junor, 2015). This is despite female-dominated professions including those related to social care and health being among the fastest growing areas of labour demand internationally. This trend is likely to continue with population ageing projected in many developed economies and given the significant challenges to meeting increased labour demand from domestic sources alone (Piper, 2011). There is therefore a need for future scholarship to scrutinise the gendered construction of skill in visa rules (Boucher, 2016) and how this affects state policies for the recruitment of care workers (Baird et al., 2017).

Articles in the special issue

The articles in this special issue all relate to the main theme of this article on the persistent relationship between certain groups of migrant labour and low quality work or marginalisation in the labour market. Martinez Lucio and MacKenzie’s (2019) article develops a framework for analysing the challenges posed by the complex regulatory spaces and formal and informal institutions and actors involved in migration and work. While employment relations perspectives are useful for analysing these challenges, the authors make a compelling case for how regulation theory can complement these perspectives, given the latter’s emphasis on the importance of “fluid and contested” regulatory spaces that characterise the international movement of labour.

Yu's (2019) article examines how migrant workers negotiate challenges relating to identity and the pressure to conform culturally in the workplace and the labour market. It focuses on high-skilled migrant professionals, a group generally considered to be less susceptible to marginalisation. Despite this characterisation, the article demonstrates that there are social and economic consequences in not conforming to the dominant workplace and societal cultures, thereby compelling professional migrants to suppress their identity and cultural expression. While not specifically related to low quality work as such, the article demonstrates how identity and culture can be a potential source of vulnerability for a group of migrant workers widely assumed to have a high degree of agency. It therefore makes a significant contribution to existing scholarship focused mainly the structural and institutional causes of migrant worker vulnerability and marginalisation.

Dibeh, Fakh and Marrouh's (2019) article analyses the drivers of the young people's decisions to migrate in the Middle East and North Africa, a region with recent experience of social and political unrest in the wake of the Arab Spring. Drawing upon a unique dataset, it specifically examines the influence of individual socio-economic characteristics on whether individuals are likely to migrate. The authors develop important insights particularly for identifying the drivers of regular versus irregular labour migration. They find young people from the Middle East and North Africa with a lack of employment opportunities in their home country are more likely to seek regular migration channels if they are from wealthier households, whereas irregular migration intentions are more likely among those from poorer households. However, the stability of institutions in the home country is an important factor affecting individual migration decisions through both regular and irregular routes.

Fine and Bartley's (2019) article examines the enforcement of labour laws for migrant workers in the context of inadequate government capacity to ensure compliance. It considers the benefits of two models, co-enforcement and 'worker driven' private regulation, to address the enforcement gap between law 'on the books' and law in practice. The authors illustrate the benefits of the two models through in-depth analysis of exemplary cases in the United States involving the Seattle Office of Labor Standards and the Fair Food Standards Council in Florida. While finding differences in the bases of power and, to some extent, the role of the state, these cases reveal a convergence on civil society linkages, locally grounded monitoring

capacities and enforceable penalties. The article also identifies some challenges and opportunities for extending these models into new settings.

Boucher (2019) presents findings from a pilot database measuring rights abuses of temporary sponsored skilled visa holders in Australia over the past 20 years. By coding available relevant court cases initiated by visa holders and news coverage relating to workplace rights violations, the article presents analysis of patterns of rights abuses of temporary sponsored skilled migrant workers. It finds that ethnic background and occupational status of migrants appear to inform the level of reported rights abuses and that legal representation of migrant workers, particularly by the state labour enforcement agency, aids successful outcomes of court proceedings.

Conclusion

While immigration is fundamentally an employment relations issue, other disciplines have tended to exert greater influence over migration and work in terms of scholarship, policy and practice (McGovern, 2007). This is reflected in the prevalence of immigration policies informed by orthodox economic theory and unitarist management theory, as seen in the growth of ‘demand-driven’ immigration selection policies designed to meet the immediate needs of employers and legal restrictions and structural barriers to migrant workers’ mobility, voice and agency.

The institutional focus of employment relations scholarship provides an important lens for critiquing the unsustainable nature of these arrangements given their prioritising of efficiency over equity and voice (Budd, 2004). Employment relations perspectives can, however, benefit from incorporating the insights of other fields, particularly those relating to regulation theory as Martinez Lucio and MacKenzie (2019) argue in this special issue. Indeed, as with other areas of employment relations research (Howe, 2017), there is a growing synergy between employment relations perspectives and related fields such as socio-legal studies, political economy and geography in analysing key issues where migration and work intersect, such as the relationship between migrant labour and low quality work.

In reviewing the reasons why this relationship between migrant workers and low quality work remains persistent, and in some respects appears to be deepening, this article has drawn upon key insights from these related fields. Employment relations researchers utilising cross-

disciplinary insights are well placed to address the gaps identified in this article relating to: measuring violations of migrant workers' rights and the use of business practices to avoid such rights, such as in the gig economy; the mobilisation of identity as part of efforts to improve migrant workers' position; the frames of references that migrant workers use when navigating the labour market; the nature of employer preferences for migrant labour; how specific visa rules influence migrant workers' voice and agency; state and joint enforcement initiatives to protect migrant workers' rights and conditions; and the gendered dimensions of labour immigration policies. Further research on these issues will help to challenge the dominant orthodox economic assumptions that exert significant influence over policies relating to migration and work.

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