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## Faculty of Business Economics

Master of Management

### **Master's thesis**

#### ***The employment relationship of unauthorized migrant workers***

**Ijeoma Chinazor Stephanie Otika**

Thesis presented in fulfillment of the requirements for the degree of Master of Management, specialization Strategy and Innovation Management

#### **SUPERVISOR :**

Prof. dr. Koen VAN LAER

#### **MENTOR :**

Mevrouw Sandra BOGAERS



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## **DISCLAIMER**

*This master thesis was written during the COVID-19 crisis in 2020-2021. This global health crisis might have had an impact on the writing process, the research activities and the research results that are at the basis of this thesis.*

*There was an impact on the data collection process, this is because it was not possible to meet and interact with people face to face. Interviews used for this research were done over the phone and through the virtual means which limited the number of people interviewed for the study.*

## **PREFACE**

Before you lies the thesis topic "EMPLOYMENT RELATIONSHIP OF UNAUTHORIZED MIGRANT WORKERS" carried out in Belgium by Otika Ijeoma Chinazor Stephanie, in partial fulfillment of the requirement for the master of Management degree from Hasselt University. I was engaged in researching and writing this thesis from September 2020 to August 2021 and under the supervision of Professor. Koen Van LEAR and assistant Sandra BOGAERS.

This thesis is solely the work of the author. However, some parts of the text are based on the work of other scholars for which the author provided references.

International migration has increased in the twenty-first century, a lot of people migrate to Europe and other developed states in search of greener pastures. Some of these migrants travel through dangerous means to find a better life or escape violence in their home countries.

This topic was of interest to me because I come from a continent that sees many of its youth doing all manner of things to migrate abroad and where mass displacement and migration is caused majorly by poverty and extremely violent conflict. Hence, I wanted to understand what life is like as an undocumented migrant worker and the challenges they face.

## **ACKNOWLEDGEMENT**

The final outcome of this project required a lot of guidance and assistance from my supervisors, Prof. Koen VAN LAER and especially my assistant supervisor, Sandra Bogaers. I am sincerely grateful for the opportunity to carry out this thesis under their supervision and for the time spent going through my project and providing me with very useful feedbacks.

I am also grateful to my family for their constant encouragement, guidance, inspiration and prayers which helped me in successfully completing my thesis.

Ijeoma Chinazor Stephanie Otika

September, 2021

## **EXECUTIVE SUMMARY**

This thesis examines the employment relationship of unauthorized migrant workers in Belgium in order to ascertain the nature of the relationship between employers and these undocumented migrant workers. Undocumented migrant workers in Belgium are faced with many challenges. Despite these challenges faced, these workers contribute a lot to the economy and functioning of the Belgian state.

The study is qualitative and the research design was based on structured interviews. The sample for the study was made up of five (7) undocumented migrants in Belgium. Content analysis through coding was used in analyzing the data gotten from the interviews.

From the study, undocumented migrant workers described the employment relationship they have with their employers as exploitative. The interviewees stated that they are deprived of many benefits and are restricted from taking any action because of their status. Long working hours, undesired jobs, low wage are some of the problems faced by undocumented workers which the interviewees saw as employer's power. The interviewees acknowledged that they have certain powers which could help in changing their situation for the better. These are, the powers to quit or refuse to work, members of collectifs, and hiding of their legal status. These powers is not applicable in reality as they are restricted from taking any of these actions because of their undocumented status.

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## Chapter One

Due to the impact of migration on the economy, it has become a common topic for discussion in all countries around the world. Human migration is a complex phenomenon that occurs within and across countries and continents. The migrations from one location to another differ and can be attributed to different reasons based on employment opportunities, displacements due to war and violence, education, the search for better life, etc. In some states, migration is seen as an avenue to improve livelihood (FAO, 2017). Those seeking to improve their livelihood, minimize their risks, and diversify their income sources often consider migration as a strategy (FAO, 2017:1). Certain countries and continents are prone to migration. Africa, for example, is a continent where mass displacement and migration is caused majorly by poverty and highly violent conflict (Flahaux and De Hass, 2016). According to the United Nations Department of Economic and Social Affairs (2016), 14% of international migrants worldwide are from the African continent. The UNDESA (2016) also noted that in 2015, African countries were the origin of 12 % of the international migrants in Europe. According to (Eurosat, 2020), a total of 3.9 million people immigrated to one of the EU-27 Member States during 2018, making it a major destination for migrants. The International Organization for Migration (IOM), in their World Migration Report (2020), asserted that the bad economy in developing countries is one of the major reasons for international migration. According to them, international migration is not generally the same across the world. However, it is shaped by economic, demographic, geographic, and other factors resulting in distinct migration patterns.

Western Europe is one of the major destinations for migrants from different parts of the world. The migrations into Western Europe have increased from all types of migrants (including Sub-Saharan Africa and the Southern European States). This influx of migration is attributed to the growing economies in the region. Most migrants are not adequately paid and are primarily employed in industries where the labor union has no moral influence; hence, the employers violate existing labor laws to exploit these migrants for their benefit (Mackenzie, 2009).

The migration of unauthorized workers has gained significant importance for many researchers, (Levoy et al, 2004), (Bloch & Mckay, 2015), (Gheasi et al, 2013), (Anderson & Ruhs, 2010) and (Budd & Bhave, 2009). The term undocumented migrants refer to individuals who entered a country without the required documentation, including those who entered with valid visas and overstayed or have violated other terms of their entry. (Passel J.S, 2004).

The EU has enacted certain migration laws not to ensure that the rights of unauthorized migrants are protected but as part of EU legislation concerning migration control. In early 2009 the European Parliament adopted the so-called "Employers Sanctions directive," which sets down penalties for employers of unauthorized migrants. These penalties can include prison terms in severe cases to employers whose subcontractors employ unauthorized migrants.

## **Statement of the Problem**

Undocumented migrant workers are faced with many challenges as a result of their legal status. According to (Levoy et al, 2004), undocumented migrant workers face many problems ranging from long hours of work in dangerous and unhygienic conditions and inadequate wage compensation. They are left out of labor protection policies and made to depend on the goodwill of their employers (Caritas, 2019).

According to (Musscheet. et al, 2010). Due to Belgium's aging population and a shortage of labor in certain sectors of the economy like farming, construction, and domestic household work, undocumented migrant workers fill these shortages.

Despite the immense contributions of unauthorized migrant workers, they are not adequately protected by labor laws and hence are prone to an unhealthy work environment. Therefore, this research aims to understand how the employment relationship of undocumented migrant workers is described by the undocumented migrant workers themselves.

It does this by asking the question: how is the employment relationship between undocumented migrant worker and their employer described by undocumented migrant workers?

# Chapter Two

## Literature Review

This chapter discusses the literature on migrants and their employment relations. Specifically, it examines the literature on the concept of employment relations, inequality of the (low-middle skilled) migrant employment relation, and the agency of migrant worker.

### Employment Relation

There are different perspectives on the concept an of Employment relationship. According to (Budd & Bhawe, 2009), employment relations entail the interaction between employers (Buyers of labor) and employees (Sellers of labor). These interactions persist due to many different goals and objectives that the employers and employees intend to achieve. (Marchington & Wilkinson, 1996) sees employment relationship as a means to achieve specific goals and objectives. They argued that it is the means through which employees are managed both as individuals and groups to achieve the goals of any institution. This shows that goals of an organization are achieved based on the outcome of the relations between the employer and the employees.

An employment relationship is mostly guided by rules and regulations in the form of labor laws and public policies. (Devadason & Meng, 2014). These relationships vary across countries and can be influenced by a variety of factors, such as punctuality, compliance with management instructions, good work ethic, race, sex, legal status etc. Therefore, the concept of employment relationship is influenced by the employers, the employees, and the community.

Employment relationship in its simplest form is the relationship that exists between employers and their employees. It is an informal and formal process that takes place whenever an employer has dealings with an employee and vice versa.

### Inequality of the (low-middle skilled) Migrant Employment Relation

The inequality of the low and middle-skilled migrant workers has been ever present in most European states. The Employment relations of migrant workers and their employers differ across Europe. People become undocumented through various ways, such as over staying student or work visa, getting an asylum application denied and opting to hide from the authorities instead of being send back to a country where persecution is feared, (Bloch, 2013:27).

(MacKenzie & Ford, 2009), opines that the output of workers determines employment relations. They argued that migrant workers are the good workers because they show a willingness to work hard, follow management instructions, and put in long hours when necessary. This is seen as an inequality in the work place because employers maximize profit by deliberately employing migrant workers, they exploit them by making them work longer hours and doing the most difficult jobs due to migrant workers

willingness to work extra so as to live a better life. (Terweel B, 2018), explained the inequality of the migrant worker in terms of work agreement. He argued that the employment relation of migrant workers is most times based on temporal work agreement characterized by weak employment protection legislation mostly disseminated in high-income countries. This form of employment allows both the employer and the migrant employee flexibility in managing their work relationship. This is mainly to the advantage of the employer as certain benefits attached to being a permanent employee is not given to the temporal worker. (Boffi G, 2020), looked at the absorption of migrant workers into the labor market based on the assessment of education qualification obtained in non-western countries and the role of the language barrier in migrant's employability. According to him, higher education obtained in non-western countries seems to have little impact on the absorption of migrants into the Dutch labor market. Language barriers have also been found to have significant negative impact on migrant employability. Migrant workers are often recruited informally within a specific ethnic group or ethnic enclave business (Bloch & McKay, 2015). Employers of undocumented migrant workers often employ workers from their ethnic group or those trained in their home country. Employers in enclaves offer a linguistic environment that doesn't place a high value on English for workers with no language skills and provides a pathway to employment on arrival for workers without those skills and with no documents (White A & Ryan L, 2008). Despite the short-term gains, the hindrance to language acquisition means that workers may be confined and unable to develop the necessary social networks to progress over the long run (Elrick & Lewandowska, 2008). In addition to limiting their access to social networks outside of the immediate ethnic community, the enclave that provides low-paid and available workers due to their undocumented status prevents their structural integration into wider society (Bloch, 2013)

The study of migrant workers in Dutch households by (Gheasi et al, 2013) demonstrated that employment relations in Dutch households are characterized by exploitation, racial discrimination, and subornation. Undocumented migrant workers face this issue because of their legal status. (Bloch & McKay, 2015), argues that the employment relationship of the undocumented migrant is based on exploitation. Employers take advantage of the status of their employee as undocumented persons to exploit them and deprive them of employment benefits. (Anderson & Ruhs, 2010), also stated that undocumented migrants are exploited by employers who take advantage of their status. Thus, migrants are often subject to abuse and exploitation.

(Levoy et al, 2004), argued that undocumented migrants face a lot of exploitation at work due to their legal status. According to him, undocumented workers are forced to work long hours, get low pay and work in bad conditions. Migrants migrating under irregular conditions are the ones who typically experience the most inhumane work conditions and often have limited means of seeking redress due to their status. Despite these challenges faced by these migrant workers, they contribute a lot to the economy by working in those sectors of the economy that documented migrants and citizens of a country may likely not work in. However, if unauthorized migrants are already in a country, stopping or preventing them from working could endanger their lives as they also need means of livelihood. (Munch S, 2018)

Fundamental Rights Agency (2008) report shows that in various European States even when other variables such as age, gender and high level of education are held constant, migrants' labor are at a huge disadvantage than that of the native population. Unemployment rates are higher for migrant workers. According to (Burkert & Seibert, 2007) in the study of German migrants, the unemployment rate is higher for migrants (both documented and undocumented) in Germany than for German citizens. Also, in the Netherlands, (Langenberg & Lautenbach, 2007) argued that people of non-western backgrounds despite their academic qualifications tend to work at the elementary or low level. Despite the fact that the education difference between the native Dutch and the foreigners were not that much, the migrants still tends to be disadvantaged in the employment process.

(Alanya et al, 2015), also views religious belief as another important factor for migrant's inequality in the workplace. According to the study, intergroup encounters are affected by second-generation Muslims' religious perceptions, which influence employment relationships. Muslims who have exceptional qualifications face discrimination because of their religious belief

## **Agency of the Migrant Worker**

Despite the many challenges faced by migrant workers, they contribute a lot to the development and sustenance of the economy. Migrant workers have some power in the employment relations which can change their working conditions for good. According to Smith (2006), migrant workers show power in the employment relationship by leaving the job when exploited. This shows that an employee has the power to end his/her contract as quitting is owned and controlled by the employee. He further stated that quitting can also favor the employer by removing the more vocal and disgruntled workers from the workplace, eliminating the possibility of trade union membership or collective bargaining. The power of the employee in the employment relations was acknowledged by (Scott, 1994) and (Yu, 2016) in their separate study in which they separately identified quitting and exit as forms of power the undocumented migrant worker have in the workforce.

(Edwards and Scullion, 1982) as cited in (Smith, 2006) in discussing the power in employment relations as it relates to conflict between the employers and the employees sees quitting as an expression of the conflict within capital-labor relations. Therefore, for them, quitting represents migrant workers' power within the employment relationship, and not one necessarily geared toward benefiting workers' interests as a whole, but rather one that offers them a way out of unsatisfactory employment. Similarly, (Scott, 1994) identified exit as a form of power that undocumented migrants possess. He added that it is a safe regulatory mechanism to prevent discontent from creeping into labor management in non-unionized firms. Also (Yu, 2016), in his study of Labor Power control and resistance in China argued that workers mobility is also another form of power that employees have over in the employment relationship. According to him, when labor shortages are high in certain sectors of the economy, Chinese migrant workers gain power in employment relationships because they can move between different workplaces.

## **CHAPTER THREE**

### **Research Methodology**

This chapter discusses the methodology used for the study. A short description of migration in Belgium is made. The research design, study area, sources of data and method of data analysis are all discussed in detail. The methodology that was used in carrying out this research was qualitative based on the nature of the research, which required responses from respondents. Hence, the primary source of data collection (interview) was used in getting information from respondents.

#### **Study Area**

Like any other European country, Belgium is a destination for immigrants and officially became host destination to many immigrants since the early twentieth century as most migrants then came to Belgium in search of jobs (Mandin J, 2014). According to Central Federal Migration, 2014, as of 2012, out of the total population of Belgium, 11% were foreign nationals. Their report also stated that the French and the Dutch constituted most European citizens living in Belgium. At the same time, Moroccans and Turks were the majority of foreign nationals living in Belgium. Most of the immigrants from Belgium are from Europe, Asia, and Africa (Mandin J, 2014). From the mid-twentieth century, immigrants came to Belgium on family reunification visas but from the 1990s, asylum seekers and undocumented workers have been the dominant form of immigrants in Belgium (Martiniello and Rea, 2012).

According to the OECD (2018) statistics, first-generation immigrants in Belgium significantly accounted for 17 % of the total population in Belgium (OECD, 2018). The World Migration Report (2020) stated that the recent surge in international migration which stood at 227 million was caused partly by conflict, extreme violence and harsh economic and political instability in countries such as Syria, South Sudan, Yemen, Democratic Republic of Congo and the Central African Republic etc. This consequently resulted in seeking a better life and job opportunities in Europe and other parts of the world by displaced persons. It was also reported that due to the high migration in Belgium, these migrants also contributed to the growth of the Belgian economy. (Meeteren et al, 2007), in their study identified catering, constructing, and horticulture sectors as the sectors in which undocumented workers in Belgium are employed the most.

Regardless of whether they entered the country legally or had economic opportunities, irregular, undocumented, or unauthorized migrants are defined as persons who live in the country without authorization to do so; people are referred to as undocumented only when their legal stay expires.

In Belgium, the undocumented migrants organize themselves in a group called the "Collectifs. These Collectifs is a network of all undocumented people fighting for their rights to stay in Belgium, the purpose which is to support the independent actions of each group and do some shared actions for the benefit of

its members. Some of the collectifs in Belgium include the Voix des Sans Papier de Bruxelles, Afghan Collectif de sans papier, Voice of the Undocumented People of Liege (VSP) amongst others.

## Sources of Data

The source of data for this study is obtained from primary sources through interviews. The research design for this study is based on structured interviews because the interviews followed similar structures, which enabled the understanding of the employment relationship of undocumented migrant workers in Belgium. The population of this study comprised of only undocumented migrants in Belgium. These included Two (2) Nigerians, (2) Senegalese, One (1) Afghanistan, One (1) Cameroonian, and one (1) Gambian. These interviewees were given pseudonyms in place of their real names so as to keep their information confidential.

### Interviewee's pseudonyms

GROUPS	PSEUDONYMS	NATIONALITY	GENDER	TYPE OF WORK	NO OF YEARS IN BELGIUM
1st interviewee	TAM	NIGERIA	MALE	CONSTRUCTION	5 YEARS
2 <sup>nd</sup> interviewee	JAM	NIGERIA	FEMALE	FARMING	7 YEARS
3 <sup>rd</sup> interviewee	BAM	SENEGAL	MALE	CONSTRUCTION/PAINTING	10 YEARS
4 <sup>th</sup> interviewee	VAM	SENEGAL	MALE	CONSTRUCTION	7 YEARS
5 <sup>th</sup> interviewee	NAM	AFGHANISTAN	MALE	CONSTRUCTION/FARMING/HOSPITALITY	8 YEARS
6 <sup>th</sup> interviewee	XAM	CAMEROUN	FEMALE	DOMESTIC WORKER	3 YEARS
7 <sup>th</sup> interviewee	GAM	GUINEA	MALE	CONSTRUCTION	4 YEARS

To gather information on the topic under study, structured interviews were used. This allowed the researcher to ask in-depth questions. Interviews were conducted over the phone and via Google Hangouts to adhere to strict covid19 safety protocol. Interviewees received a brief idea of the general purpose of the study beforehand, and Open-ended questions were asked during the interview to enable participants to share any relevant information. The participants were all asked for informed consent



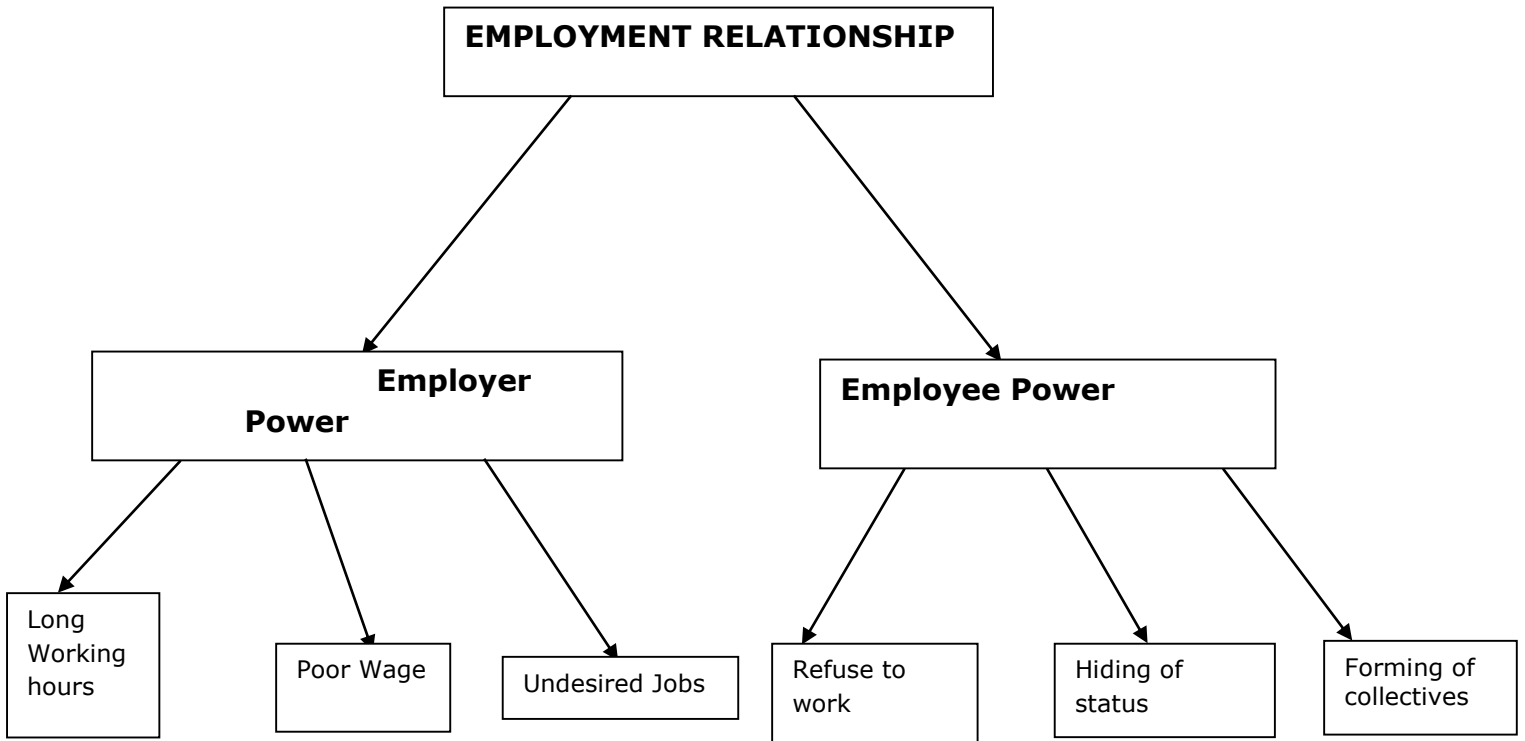
before the interview, and all agreed to be recorded during the phone and virtual interview. Snowball technique was used due to the precarity of the group under study as some undocumented migrant workers gave the researcher the contacts of others, which helped get more people for the study.

The structure of the interviews followed five themes: personal and migratory history of the interviewees themselves, their overall work experiences on the Belgium labour market, their relations at work with the employers, reflections on their position as undocumented workers in the labour market, and the role of the Collectifs.

## **Method of Data Analysis**

The researcher started inductively coding the interviews, identifying when the undocumented workers spoke about their relationships and interactions with the employers. Based on these findings, the researcher made a distinction in coding based on when the undocumented workers spoke about the power of the employer in the employment relation and when they spoke of the power of themselves as undocumented workers in this relation. In the following phase, the researcher went into greater detail into the findings and made distinctions between the different forms of how either employers or undocumented workers could express their power, according to the undocumented workers. This resulted in the coding's of 'long working hours', 'poor wage' and 'undesired jobs', and the coding's 'refusal to work', 'hiding of status' and 'forming of collectives' (see figure 1 and table 2).

**Figure 1: Code Tree for the data from Undocumented Migrant workers in Belgium**



**Employment Relationship:** is conceptualized in (Budd & Bhawe, 2009) perspective to mean the relationship between the buyer (Employers) and seller of labor (employees). This code has been applied in all moments when the undocumented workers mentioned or referred to their relationship between themselves as employees and employers in the working context.

**Employer Power:** this coding has been applied in all instances; the undocumented workers spoke about how the employment relationship could be formed in favour of the employer, who exerted their power over the undocumented employees. These instances could be further deducted in the following sub-coding:

*Long Working hours:* All cases when the undocumented migrant worker would mention how the employer uses his/her power over them to make them work long hours.

*Poor Wage:* All cases where the undocumented migrant workers would mention that the employer uses their power to pay them less than they worked for

*Undesired Jobs:* Instances where the undocumented migrant workers would mention that the employers uses their power over them to make them do the most difficult and risky jobs which are undesired by the documented people.

***Employee Power:*** this coding has been applied in all instances; the undocumented workers spoke about how the employment relationship could be formed favoring the undocumented workers, as they could increase their power in the relationship. These instances could be further deducted in the following sub-coding:

*Refuse to work:* All cases where the undocumented migrants would mention that they have the power to refuse to work.

*Forming of collectives:* All cases where undocumented migrants mention that they can become members of a larger collective of undocumented workers.

*Hiding of status:* All instances where the undocumented migrants would mention that they could hide their undocumented status.

## **Critical reflection**

Covid19 restrictions made face-to-face meetings with interviewees impossible, requiring online communication. Also the precarity of the people under study posed a difficult challenge, as some of the targeted audience were frightened of being deported due to their legal status, thus limiting their willingness to open up, thereby reducing the number of people interviewed for the study.

From this study, I have understood better the nature of the relationship that exists between the undocumented migrant worker and their employers from the perspective of the undocumented workers themselves. From the interviews I conducted and the literature reviewed, one word that sums up the nature of the relationship is "exploitation". These undocumented workers feel exploited and subjected to the will of the employers in all manners and deprived of many benefits due to their status. They do not get sufficient pay for the work they do, they are made to work longer hours than necessary, they get to do the most difficult, hard and risky jobs, they are also not supported by the system which has a bad influence on their relationship with the employers.

Although, the undocumented migrants recognized having certain power theoretically, which is useless to them in reality as they are limited to enforce any of these powers because of their legal status.

## CHAPTER FOUR

### FINDINGS

The undocumented workers described their relationship with their employer through their embeddedness in inferior working conditions enforced on them by the employer, with little to no leverage on the workers' side. They state the inferior working conditions were long working hours, poor wage, and being positioned in undesired jobs. When they talk about their own power in relation to the employer, they mention the refusal to work, hiding their legal status, and forming of collectives. However, even these actions are described as not sufficient to gain power and improve their working conditions.

#### ***Working conditions and relation with employer***

These undocumented workers described the relationship with their employers by describing three inferior working conditions they experience: long working, a poor wage, and the assignment to undesired jobs.

##### *Long working hours*

First, when describing their work conditions, the interviewees stated that they are (formally and informally) forced by the employer to work long hours compared to documented people. Undocumented migrants face obstacles that reduce their access to jobs such as uncertainty of the employer about their skills and qualifications, lack of host countries language, and most importantly lack of legal status, they are also prohibited from officially working, and difficulty in finding jobs, this makes them to feel subjected to the employers' wish and forces them to work long hours when the employers demands such.

Exemplary is Afghan undocumented worker who stated:

*Firstly it is difficult to get job for us as a result of our status, so most employers use this as an opportunity to exploit us by making us work for so long, sometimes I work 12 hours in a day which is far more than the hours a documented person would work. – Nam, Afghanistan, 8 years in Belgium*

The undocumented Afghan worker states here that he experiences employers exploiting him to work long hours. He attributes this specifically to his legal status, which allows employers to exploit undocumented workers. He describes how he is expected to work 12 hours a day, which is illegal in Belgium. However, because of his legal status, he feels subjected to the employer's wishes. , they feel subjected to their employers because of their undocumented status. They cannot easily find jobs, so they have no choice but to work long hours.

Their feeling of being subjected to the employer to work long hours is strengthened as some undocumented migrant workers bear the responsibility to support their families. They describe how they

are determined to work long hours, as this means making more money. An example can be found in the statement of a Nigerian undocumented worker:

*The job is so difficult, and they pay us so little. We end up working for long hours in order to make more money to take care of our needs and that of our families, which is very stressful on my health, and we don't have health insurance. - Tam, Nigeria, 5 years in Belgium*

The Nigerian undocumented worker states here that he works long hours because he has the need to take care of himself and that of his family and because he is paid so little because of his status, there is a need for him to work even longer hours to make more money.

As the undocumented workers describe the hours they work, they also feel forced to work by the employer, and they describe that these working hours are spent under challenging conditions. ...

According to an undocumented worker from Senegal:

*The hours of work is hard sometimes we work 12 or more hours under the sun and rain, we work very hard and difficult jobs. I sometimes worked in construction site where I was made to be carrying the heavy things because of my status and I was working the longest hours with some other undocumented workers that worked there, the documented people do the easy jobs while we do the difficult hours and at the same time work the longest hours. It is not easy but we need to survive. - Bam, Senegal, 10 years in Belgium*

The Senegal undocumented migrant worker states here that the working condition is very hard and difficult. All the difficult jobs are left for the undocumented workers and they also work the longest hours compared to the documented people. He feel forced to work under the bad conditions because of his legal status which limits him to do much to change the situation.

#### *Poor Wage*

Second, when describing their relation to their employers, the undocumented migrant workers stated that they earn a poor wage. They feel that the employers use their power over them to pay them less than they actually work for. The undocumented migrant workers here state how they are generally paid far below market wages

An Afghan undocumented migrant worker, in his words, stated:

*Most employers pay very little amount of money for a very hard work, they are benefiting from our status as undocumented worker, there is no relationship. It is a relationship based on compromise like paying 4 euro per hour it is exploitation. In Belgium, the minimum salary is about 15euros per hour, documented workers get more than 90 or 100 Euros per day depending on the hours they work. Undocumented worker will get 5 -7 Euros per hour and get between 60, 50, or even 30 Euros per day for same number of hours with a documented worker. Nam, Afghanistan 8 years in Belgium*

Nam described that the employers benefit from their undocumented status by paying him less than what he actually worked for. He feels the employer uses the power over him to pay him lesser than the documented people, he believes this is because of his legal status because documented people get paid a lot more.

When describing their relation with the employer on this topic, they stated that they are just being used for their labor as they cannot object to any form of unfair treatment at work as a result of their legal status and the need to survive for themselves and their families and they do not get a decent remuneration in return. ... An undocumented migrant worker from Senegal interviewed stated in his words:

*Their only concern is to get their work done and pay us the little money as they always do, I once worked at a farm and all they cared about was getting their work done. They pay us 5-7 euros per hour for same work they pay documented people 15 to 20 euros per hour even while working in hard conditions and with harsh chemicals. Sometimes I work in the field collecting apples, pear, aardapellen and some other fruits and sometimes harvesting this fruits but at the end get paid 7 Euros per hour. I cannot work in the professional sector because of my status even though I have the qualifications so I do any job I find and get paid so little. Bam, Senegal 10 years in Belgium*

The low wage stands in stark contrast with the type of jobs they are expected to perform. Collaborating with this, an undocumented migrant worker from Senegal stated:

*... We do not talk he just tells us what to do and we do it and he inspects the job done before he pays us. He gives us what he likes and we ask no question because we need the money he does not care about me or any undocumented worker, he pays us so little. Vam, Senegal 7 years in Belgium*

The second Senegalese undocumented worker states here that he gets little to pay for his work and that the employment option for the undocumented workers are limited to occupations with weak enforcement, which is why they accept whatever they are being paid without asking any question as they are limited by their status to do anything. He sees himself at the mercy of the employer who is free to pay them whatever they want, there's sometimes no agreed-upon wage, the employer at the end of the work pays whatever they decide, and this is because of his legal status.

#### *Undesired jobs*

**Third**, when describing their jobs in the employment relationship, the interviewees stated that they are expected by the employers to do the hardest and riskier jobs that nobody else desires to do. They are more willing to perform tasks with higher risks because they have few alternatives and are more hesitant to decline such tasks for fear of losing their job

In the words of an undocumented worker from Guinea:

*They do not care about us, they give us the hardest jobs. I once worked in a construction site and my employer always made sure I get to do the difficult things because he knew that I couldn't object because of my status. Gam, Guinea 4 years in Belgium*

The Guinean undocumented worker states that employers give them the most difficult jobs knowing that they cannot object because they have few alternatives. It's difficult for them to find jobs as a result of their status, so they settle for any job they get even if it's difficult or hard as they would not like to lose the job they have...

An undocumented worker from Senegal also supported this in his statement:

*... A few of them are kind with us but most of them are not, they give us the most difficult and hard job because they know that we cannot complain. These employers know that it is illegal to use undocumented worker but that is their benefit because they use the opportunity to make sure we do the hard jobs that documented people will not do. I one time worked in a farm with harsh chemicals even without given protective gears, this made me sick for some days the employer knew this but did nothing... for the employee and the employer it is illegal. In our cases we have no choice even if we are doing hard jobs and we work long hours. . We need money to pay for the school of our children at home and take care of our family. Bam, Senegal*

The Senegalese undocumented worker states here that he does the most dangerous jobs nobody else wants to do, given no protection even when he is working with harmful chemicals, this he attributes to lack of legal status...

The interviewees also mentioned that they do black jobs, which is also a means of exploitation, these are also challenging jobs, and they are not their wages or salary through a bank account and no evidence of a transaction record. The 'Black jobs' is a type of work for which a person is paid in cash, no record or report of transaction; employers do this to avoid paying income tax on what is earned. Most times, this type of job is given to people without legal documents and it's also a means of exploitation, it makes the working conditions bad, as the employer can treat you the way they want.....Collaborating this point, an undocumented migrant worker from Nigeria stated in his words:

*... I do some black jobs because I do not have document to do anything. And it is really difficult....the working condition is very bad because the employers treat you any way they want, they give us the most difficult and hard job that the regular people will not do.*

The Nigerian undocumented worker states here that the employers of these black jobs make them do the most difficult task, and they feel they are under the control of their employers because of their status. These undesired jobs are seen in the working conditions and the hard jobs they are meant to do without complaining because of their status.



## **Possibilities for change**

The interviewees also acknowledged that certain actions could help them increase employee power, but in practice, this does not work. This is because they feel restricted concerning exercising their employee power to change the situation as they are undocumented and the system is not on their side.

The undocumented migrants interviewed mentioned the three powers they have which could enable them to change their situation are Refusal to work, forming of collectives, and hiding their status

### *Refusal to work*

These undocumented migrants interviewed stated that they have the power to refuse to work, but in reality, this is not how it works. They cannot exercise this power because of their status and difficulty in getting jobs. In most cases, these workers are dependent upon by their various families. They face a lot of pressure to send money back to their home countries, therefore, the need to continue working irrespective of whatever challenges they face at work.

Fear of poverty is a real issue, and the lack of being part of the welfare system that can help support them

The Nigerian Undocumented migrant worker collaborated this statement:

*I cannot stop the work even though I know I have the power to stop but I cannot because I need the money to survive and because of my status no one is going to easily employ me. Because of the law against undocumented migrants, we are badly treated and we have no access to anything from medical to housing, insurance and even banking. It is very bad and we live a really bad life. Tam, Nigeria 5 years in Belgium*

This is increased when they have a family.

According to the Cameroun undocumented migrant worker:

*I know I can decide not to go to work, I have the power to say I don't work anymore but if I don't go because I am been treated poorly, how would I survive? I have to look after my kids and I need money to do that. And there's also a law against the employment of undocumented migrants so the system does not favor us. So if I refuse to work who will employ me and how will I take care of my family? Xam, 3 years in Belgium*

The undocumented Cameroonian migrants states here that although they have the power to decide not to work but they are not able to exercise this power because of their obligations to take care of their families and also the fact that the system does not support them because of the employers sanction directives which does not support the employment of undocumented migrants and sets out sanctions for employers who does otherwise, this influence the relationship of undocumented migrants with the employer in such a way that they feel the power they have in the employment relation in reality is useless to them as they cannot exercise it .

They attribute this to their undocumented state because they believe that being undocumented limits their ability actually to exercise any powers they have.

The Senegalese Undocumented migrant worker stated:

*Because I am undocumented I am powerless, even though I know I have some powers maybe to say no I am not working but how can I even say that when I know that to get another work is very difficult for an undocumented person, I have to manage and bear the treatment.*

#### *Forming of collectives*

Most of the interviewees stated that they belong to different collectives. This is coordination of undocumented migrant workers in Belgium, the purpose of which is to support the independent action of each group in the fight for legalization of documents and to care for each other as a group. As a result of being members of these groups, the undocumented people are getting information from their members on how to get jobs, live peacefully, and avoid being deported. These collectives do nothing for them in terms of change of status but help to better their lives by providing them with basic necessities

The major benefit of these collectives is that members are helped in getting jobs and accommodation and educate them on how to be safe and avoid deportation.

According to the first undocumented Senegalese migrant:

*the organization assist the members in terms of searching for jobs, telling us about the policies and what we should and should not do as undocumented people, this helps us in avoiding problems and getting jobs easier.*

The undocumented Senegalese worker stated here that the collective is important for them as it helps with getting and searching for jobs, this makes it easier for them as getting jobs is one of the most difficult challenge they face as undocumented people.

The undocumented Afghan worker also collaborated with this statement:

*The group assist members in getting jobs easier, enlightening us on how to live in the country without papers and assists us in getting accommodation because normally we are not allowed to rent houses as undocumented people.*

As the undocumented workers talked about the gains from being members of these collectives, they also stated that the collectives do not get any support from the government and does not have any power to appeal for change of status of its members, and this also influence their relationship with the employer as not being able to change their status limits their power to act or change work situation to their favor.

According to the undocumented migrant from Senegal:

*We do not get any support from the government and cannot also help our members get the legal papers to stay in the country but what we can do is to assist members in living a bit more comfortable even as an undocumented person.*

These undocumented migrants state here that although they belong to some collectives which assist them in getting the jobs which makes the search for a job a little easier for them, yet these collectives cannot fight for the change of status of its members because it doesn't have any powers to do so as everyone in the group are all undocumented people and are not in any way supported by the system which has a bad influence on their relationship with the employer.

#### *Hiding their legal status*

The undocumented migrants stated that they sometimes hide their status when the employers do not care about knowing what their status is. They see this as an opportunity to keep their status to themselves so they can get fair and equal treatment as the documented workers. There is a significant power these undocumented migrant workers have in the employment relationship with the employers, and it is very beneficial to their survival. Most times, undocumented migrant workers devise this means to get higher wages if possible and get better work and welfare packages.

Hiding of their status is a major power for undocumented workers to get equally treated with the documented people. As stated by the undocumented Senegalese worker:

According to the first Senegalese:

*Some of the employers do not know about our status and when this happens we keep it to ourselves we do this to get the same benefits that the documented people get. We do not talk about that we just go and work and pay attention to what we say.*

The Nigerian undocumented worker supported this, in his words:

*Most of us do not tell them about our status, this is because sometimes the employers do not ask about it and if they don't ask, we keep it to ourselves and try to watch what we say, this way we also enjoy the same treatment as documented people.*

The Afghanistan undocumented worker also stated that:

*Some of the employers in these sectors where we work do not ask about our status, they just employ us because they need their job done, so in this case we keep our status to ourselves and get paid the normal wage but this is not something that happens all the time.*

These undocumented migrants stated here that most times, they hid their status just to enjoy the same benefit as documented people. This is a major power because it puts them on the same level as the documented people. They also stated that this is possible most times because the employers just want to get their job done and does not care about any status

These findings have shown that these undocumented migrant workers are facing similar problems. They felt subjected to their employers and exploited in the employment relationship because of their status. They are exploited in every area, although they acknowledged that they have certain powers theoretically. Still, in reality, they are restricted from exercising these powers because of their status and the fact that the system is also against them.

## **CHAPTER FIVE**

### **Discussion**

This chapter discusses the findings of the research. These discussions were based on the literature review and from the findings of the interview presented in the earlier chapter. The purpose of the study was to understand the nature of the employment relationship between undocumented migrant workers and their employers as described by

#### **Discussion on the power of the employer**

When discussing the employment relationship, the undocumented migrant workers would always directly talk about the working conditions they faced. The employment relationship between the undocumented worker and the employer is thus determined by the bad working conditions they face. Our findings show that the undocumented workers are faced with the employers' power to make them do the most challenging and complex jobs, work long hours and pay them low wages compared to the documented people. They feel subjected to the employer's will and often have limited means of seeking redress due to their status. This finding aligns with (Bloch and McKay, 2015), who were more interested in the experiences of undocumented migrant workers within the labor market. To them, migrants without legal permission to be in the country of residence are restricted to the most precarious jobs within the least regulated parts of the economy. (Levoy et al, 2004) also argued that the status of these migrant workers often leads to various problems like long working hours in bad conditions, untimely payment of wages, and many health challenges as a result of bad working conditions.

(Anderson & Ruhs, 2010) also argued that employers take advantage of the status of undocumented migrants as being undocumented renders migrants vulnerable to abuse and exploitation.

Furthermore, the study also shows that these undocumented workers are employed in sectors that are not adequately controlled by the government, which according to the undocumented workers, gives room for even more exploitation. This also aligns with (Bloch, 2013), who argued that undocumented workers are often taken advantage of because of their undocumented status. They have limited power because of their status to contest this inequality and ensure basic employment rights, he also went further to state that undocumented migrants tend to work in the hidden economy, which the government does not regulate properly. This was corroborated by the undocumented migrant workers interviewed, as they stated that they work in the least regulated part of the economy like farming, construction, households. These sectors of employment of the undocumented migrant worker enable their exploitation and marginalization.

In their study, (MacKenzie & Forde, 2009) noted that some companies in order to maximize profit, deliberately employ undocumented migrant workers. This deliberate attempt to cash out on undocumented migrant workers by employers, as noted by (MacKenzie & Forde, 2009), was buttressed by the undocumented Senegalese and Afghan migrant workers during the interview, they stated that

the employers do not report them to the authorities even when they are aware of their legal status as unauthorized workers and it is illegal employing them, but they still do so to benefit from their labor, Employers make money from employing undocumented people by paying them little to get a lot of work done and also avoid paying of tax.

In conclusion, the findings show that employment relations of undocumented migrant workers are not formed in a vacuum; certain things shape these relationships. This includes policies pertaining to the employment of unauthorized migrants, which leaves them vulnerable and exploitable, as well as employers who employ undocumented workers essentially to exploit them for profit. Undocumented migrant workers are exploited in several ways in the employment relationship, this leaves the undocumented migrant worker feeling subjected to the will of the employer and not able to change this situation for the better because of their legal status.is

## **Discussion on the power of the undocumented migrant worker**

The literature review shows that employees have certain powers in the employment relationship that they can be used to demand a better work environment. When discussing the employment relationship, the undocumented migrant workers stated that they have certain powers theoretically that they see as a possibility for change. Smith (2016), Scott (1994), and Yu (2016) have all acknowledged the importance of the agency of the migrant worker. They argued that employees have the power to quit, which they can use to seek better labor packages and mobility power to move from one employer to another.

Findings from the interview collaborated with the literature review. The interviewees stated that they have the power to quit and refuse to work if exploited. They stated that with this power, they could increase and exert their control. This findings aligns with (Smith, 2006) who argued that migrant workers have the power to quit their job if unfairly treated. He went further to state that quitting is a fundamental legal right which is owned and controlled by the worker. The undocumented migrant workers while acknowledging this powers immediately debunked this themselves as they stated that theoretically this is true, but in reality, they are limited to exert this power as a result of their status because they need to survive and quitting for them is not an option.

(Yu, 2016) in his study of Labor Power control and resistance in China argued that workers mobility which is the movement of workers from one employer to another is a form of power that employees have in the employment relationship. The interviewees argued that practically this is not possible because for them there's difficulty in getting a job as a result of their status, so it's difficult for them to exercise their mobility power as they cannot easily move from one job to another.

Therefore, the findings agree with the literature review that undocumented migrant workers have certain power which could provide a possibility for positive change but this is only theoretically, as the

interviewees stated that in reality this is not applicable because of their status which limits them from exercising these powers.

# **Chapter Six**

## **Conclusion, Recommendation and Suggestion for further study**

### **Conclusion**

Migration continues to happen irrespective of the migration policy that exists in the destination country. This is mostly due to the poor condition of living in the country of origin and the belief that there is the availability of work and better life in the destination country. This study is based on the issues bothering the employment relationship of undocumented migrant workers as seen from the workers' perspectives. Undocumented migrant workers in Belgium described their employment relations as one which is based on exploitation. These findings are crucial as they add to the body of literature on the challenges faced by undocumented migrants and bring an understanding of how the undocumented migrants describe their employment relationship. The Researches tried to provide quality content despite the Covid19 restrictions, which negatively impacted the data collection process and the precarity of the group under study, which also limited the number of people interviewed for the study.

### **Recommendations**

#### ***Host country government***

The Belgian government should institute adequate measures to ensure all workers, irrespective of their status be given adequate labour packages, this can be done by separating migration status and employment rights to ensure that all workers irrespective of their migration status benefit from the protection of labor laws. These will ensure that undocumented workers are not maltreated and exploited by their employers and are taken care of until they are either deported back to their home country by the appropriate authority or given a legal work permit.

Secondly, the Belgian government should be more active in monitoring workers and employers in lower sectors of the economy, and they should enforce the implementation of labour rights protection of workers in those sectors. Because those sectors of the economy are often neglected and sectors where exploitations and abuses of workers are taking place. Workplaces such as farms, construction sites, households are avenues that need intense checks by the government to forestall the many injustices witnessed in those sectors.

Thirdly, unionizing undocumented workers and giving the union some form of power is very important and will go a long way to help fight for its members' right and put them in a much stronger position. Although some of these organizations exist in Belgium like Collectif de San's Papier de Liege, Afghan Collectif of Sans Papiers etc., these organizations are limited in power and cannot fight for its members as they have no right whatsoever to do so.



### ***Home country government***

The reason people migrate is typically triggered by circumstances in their country of origin. Refugees, asylum seekers, and immigrants are most times caused by war, poverty, and persecution. There is a lack of jobs or low salaries in most migrant-producing countries. Therefore, people are forced to look elsewhere for better opportunities, which negatively affects the country because they tend to lose skilled workers to richer and developed countries. The government of home countries can decrease the number of citizens seeking to leave their countries searching for better lives by creating jobs.

Secondly, the government can also carry out a lot of sensitization programs in schools and other public places, and also through the media to educate people on the challenges of illegal migration

## **Suggestions for further Research**

The global health crisis of the Covid-19 pandemic had an impact on the data collection process. This is because it was not possible to meet and interact with people face to face. Interviews used for this research were done over the phone. Also the precarity of undocumented workers limited the number of people interviewed, so not so many different ideas were gathered for the study.

The research was based on how the employment relationship between undocumented migrant workers and their employer is described by the undocumented migrant workers. A further study can be conducted to seek the perspectives of employers themselves to understand how they relate with these undocumented migrant workers

# CHAPTER SEVEN

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