ABSTRACT

This article suggests that despite the informal nature of employment relationships, in the context of migrant undocumented labour, working arrangements are nevertheless governed by clearly understood and accepted norms, regulating pay and working conditions. Thus in situations where there is an absence of state regulation in the field of employment, social actors nevertheless consent to abide by norms, which guide, control, and regulate proper and acceptable behavior. Thus, within what is referred to as a dual labour market (Piore, 1975, 1979), the parties are not completely free from regulation. The outcome is that businesses employing undocumented migrants acknowledge the terms that should be applied to specific types of work, observing hierarchies and providing opportunities for progression for those without documents and seemingly without the power to insist on the operation of the law. In turn, workers acknowledge the agency that they possess but may not choose to exercise it. The article draws on Gouldner’s (1960) concept of the norm of reciprocity, although in a context where it is not dependent on equivalence.

CONTEXT, NETWORKS, AND MOBILITY

You create a difference. You add new meals to the menu. The customers know you. They talk about you, in this case, you do not need to look for job...
[sic], the jobs find you. Of course, if you are good, in one or one half year, the employer automatically increases your wage, you become someone that he needs all the time, not like a waiter that he can change any time. You are the chief, in order not to lose you, he makes such increases. But I cannot ask for it. Still you do your best to please them. I do not [know] maybe this is something personal but if I do a work, I want to be successful. In my previous workplace I started with £180 and finished with £370. Even at that time it was good amount of money. (Agit, 34 years old, Kurdish, in the UK nine years)

There are at least two million undocumented migrants in Europe (European Commission, 2009), although some estimates provide even higher numbers (McKay et al., 2009). Whatever the actual figure (and any estimate is problematic), in Europe large numbers of migrants are working without documents, whether in berry picking in Sweden, in the tomato harvests of Southern Europe, construction workers in the UK and in Germany in false self-employment, or in domestic labour in private households throughout many of the “old” EU15 countries. Working without documents excludes workers from the labour and social rights they would otherwise enjoy, and indeed it is in only a minority of European Union (EU) countries—Belgium, France, Germany, Greece, Italy, the Netherlands, and Poland—that undocumented workers can enforce even their most basic right to withheld wages (LeVoy & Verbruggen, 2005). This exclusion from formal rights mediated by the state does not imply, however, that their labour is offered in a completely unregulated context.

This article explores how the labour process operates in the London minority ethnic restaurant and takeaway sector, a sector dominated by small employers and reliant on low-paid workers (Pantelidis & Wrobel, 2008), with the average business employing fewer than 10 workers (accounting for around 75% of all businesses) and exercising profit maximisation through the pursuit of flexible working practices at minimal cost; migrant labour “has played a large role in enabling employers to pursue this strategy,” especially since some 18% of the workforce are of migrant origin (Lucas & Mansfield, 2008: 4). In London, where the greatest concentration of minority ethnic owned restaurants is located, it was estimated in the middle of the first decade of this century that around 60% of all hotel and restaurant workers were migrants (McDowell, Batnitzky, & Dyer, 2006). There is an overpopulation of curry houses, “outrunning even a spectacular growth in demand” (Ram et al., 2003). This leads to price cutting, aggravating low pay and poor working conditions and contributing to difficulties in recruitment and retention (Jones, Ram, & Edwards, 2006a).

In their study of low paid employment in London, Evans et al. (2005) found that 65% of the workers surveyed relied on networks to access work. But such networks may be insufficient and fragile and may operate as traps, cementing the

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1 To protect interviewees’ anonymity, none of the names used in this article are their real names.
relationship between migrants and low-paid work. Alternatively they may be sparse and insufficiently developed and thus unable to provide effective advice and support, as Holgate et al. (2012) note in their study of union decline and voice among minority ethnic workers. However, networks are also more complex than might be suggested if they were conceptualised only through family or geographical ties. Ryan (2011) argues that networks constructed post migration require an analysis that goes beyond concepts of “bridging” or “bonding,” leading her to suggest that the “nature of social networks may best be understood by focusing on the relationship between the actors, their relative social location and the available and realisable resources” (Ryan, 2011: 708). Of course, realisable resources are also linked to immigration status, and for those without regular status there are great barriers, both in reality and in terms of self-imposed restrictions, to accessing networks and other potentially valuable resources, particularly the “bridging” capital that is associated with widening networks and greater opportunities for migrants more generally (Bloch, 2013; Lancee, 2012; Sigona, 2012).

Gouldner’s (1960) norm of reciprocity, defined as where each party has “rights and duties,” may be a useful lens through which to analyse how norms are constructed in relation to undocumented migrants and employment. Although Gouldner (1960: 164) begins by suggesting that “relations with little or no reciprocity” may occur “when power disparities allow one party to coerce the other,” he also suggests that reciprocity can be present even where power relations are unequal. Thus the exchange of reciprocity does not have to be of equal value, and “the obligations imposed by the norm may vary with the status of participants within a society” (Gouldner, 1960: 171). It is obviously difficult to place an exact value on reciprocal exchanges, and here no attempt is made to do this. However, what our study has confirmed is the presence of what Gouldner (1960: 167) terms “reciprocity imbalance,” which may remain unchanged throughout the employment relationship but equally may alter within the course of it, dependent on matters such as the skills acquired by the worker; the skill or labour shortages experienced by the employer; as the result of family or kinship ties; or through relationships where there is a personal, political, or ethical identification.

This recognition of the intricacies of relationships between workers and their employers is also explored by Ryan (2011), who notes that “bonding” capital, the capital that, for new migrants, might be associated with co-ethnic networks, is complex and nuanced, so that, for example, a shared nationality is not sufficient to guarantee close bonds and other shared characteristics might indeed offer greater potential for bonding than simply national origin. Furthermore, Ryan, in her analysis of weak ties, suggests that it is important to differentiate between vertical and horizontal weak ties, with the former providing access to new opportunities in a way that the latter do not, concluding that “while strategic networking may help to assuage some forms of social disadvantage, it is important to acknowledge the underlying obstacles and barriers that may continue to exclude outsiders and prevent access to particular kinds of resources” (Ryan, 2011: 722). Networks that
migrants encounter on first arrival are unlikely to remain static (Anthias, 2007). For Anthias and Cederberg (2009: 903), too, ethnic bonds “can be seen as both potentially enabling and disabling.” Research suggests that among migrants with legal status, networks develop over time, in particular those associated with bridging capital (Lancee, 2012). For undocumented migrants, networks remain relatively restricted, even over time, consisting of “trusted” micro networks of people from the same ethnic and/or linguistic group (Bloch, Sigona, & Zetter, 2009). However, there is an imperative for undocumented individuals to develop networks, often of other undocumented migrants, because this opens up access to jobs in the sectors where the undocumented are likely to find work, including restaurants and takeaway shops (Bloch, 2013).

In analysing migrant tactics in relation to sourcing employment, account is taken of the context of migration, the existing networks and support, the role of geography, and the potential role of new actors in industrial relations, although at the same time the “impact of immigration status on employment relations and conditions is more complex than the straightforward and individualized ‘illegal migrant’/‘exploitative employer’ model allows” (Datta et al., 2007: 426), and, as Ruhs and Anderson (2006) argue, to understand migrant choices and agency it is necessary to consider the options available to migrants as well as their personal situation, so that immigration status is only one factor and cannot be considered in isolation. Thus, Jones et al. (2006a) suggest that workers’ room for manoeuvre is greater than might be suggested by a purely structuralist narrative that focuses on the requirement to drive down costs to compete and, although ultimately constrained within “ruthlessly defined margins” (Jones et al., 2006a: 358), there is some room for agency. Thus, from the perspective of migrants, the small businesses operating in the sector and the networks that they might utilise to access work can be identified as offering a strategy of survival to those without documents (although they may also operate as a trap for those in the most vulnerable positions). Consequently, workers may adopt “coping” tactics, through the mobilisation of available resources, together with the use of networks or family or geography, and indeed they may have an overwhelming need of networks in order to access work (Datta et al., 2007).

INFORMAL WORK, MIGRATION, AND ECONOMIC CRISIS

The current crisis of capital has been accompanied by a growth in inequality and an increase in the size of the informal share of the economy, with the 2007 Eurobarometer survey noting that the main driver for employers using informal work was the desire to reduce purchasing costs (European Commission, 2007), with those carrying out undeclared work stating that their main reason for accepting such work was that it was beneficial to both parties (47%), although one in eight claimed that they were working informally because formal work was not available for whatever reason. In an earlier study of precarious work and social rights in 12 EU member states, it was argued that informal work is not a separate category of the
employment relationship but is at one end of a continuum between formal and informal work, and that undeclared work is often undertaken alongside declared work (McKay et al., 2012). This supports the contention that the informal economy is structural, operating within a co-reliant formal economy (Breman, 1976), and that the lines are often blurred between the two. For example, while Eurobarometer reports that just 2% of workers in the UK claimed to have carried out informal work, 7% admitted that they had acquired services that they had reason to assume were undeclared (European Commission, 2007), suggesting that the undeclared labour market may be larger than the statistical data suggest. Furthermore, as Jones, Ram, and Edwards (2006b) argue, such types of business are a necessary feature of economic development under contemporary capitalism, what Castells and Portes (1989: 1) describe as “a major structural feature of our society.” The restaurant and takeaway sector is heavily reliant on informal labour (Albrecht, Navarro, & Vroman, 2006; Blair, 2001; Portes & Borocz, 1989; Wilson & Portes, 1980). Wright and Pollert (2006) found undeclared or underdeclared and illegal working among the ethnic minority and migrant restaurant workers they interviewed, and suggested that the status of these workers had impacted on their pay levels. In particular, they noted that this form of employment was “prevalent in small, ethnic minority-owned restaurants, usually employing members of the same ethnic group” (Wright & Pollard, 2006: 1). Similarly, research by Bloch, Sigona, and Zetter (2009) noted the sectoral clustering of undocumented migrants in restaurant and takeaway businesses and reported on their experience of lower pay and longer hours than those of documented workers doing comparable jobs. Nine percent of respondents to the Eurobarometer survey indicated that their informal work had been carried out within the restaurant and hotel sector, while one in four UK respondents viewed undocumented migrants as a dominant component of informal labour. Thus, it can be argued that the combined effect of economic crisis and tighter immigration controls has been to conceptualise undocumented migrants as stimulating informal work, although generally in increasingly precarious conditions, where it becomes entrenched as labour that is marginalised and exceptionally vulnerable. Pay rates in the sector are low. In their study of low pay, Evans et al. (2005) found that the lowest rates of pay were found in London’s hotel and catering industry. Whereas for the economy as a whole, average weekly wages in February 2013 were £488 and had risen by 58% over the last decade, average weekly earnings in wholesaling, retailing, and restaurants in February 2013 were £306 a week and had risen by just 30% over the 10 years since February 2003. Undocumented workers also believe themselves to be at greater risk of dismissal as a consequence of employer fear of immigration raids and are more likely to view their employment negatively and to experience more stress at work (McKay & Wright, 2008).

Although Wright and Pollert (2006: 49) suggested that workers who were undocumented were “in a much more vulnerable position in terms of the conditions that they have to endure and their ability to remedy any problems,” they also noted that other workers, whose legal status gave them a right to work, also worked
informally and were paid “cash in hand” without tax or national insurance deductions. Thus, the dominance of informal working in the sector extended these conditions even to those workers who in theory should not have been bound by them.

Furthermore, there is collusion not only between employer and worker but also, as Ram et al. (2003) argued, between government agency and employers. The presence of a large cohort of undocumented and vulnerable workers undoubtedly sets the pattern for employment within the sector, but it is the structure of the sector that determines this, rather than the status of the workforce. As Jones et al. (2006b: 361) observe, “it is not that immigrants bring informality with them as a cultural trait, but rather that the informality is generated within the function of the UK economy.” Legal status makes only a marginal, if any, difference to the smallest micro-businesses of the enclave, and pay levels for those who are documented are affected only where they move outside of the enclave (Ahmad, 2008). Indeed, it is the ability to move beyond the enclave that determines the level of success, in terms of labour market outcomes, rather than the issue of formal status; thus it is “flexibility or fluidity” that differentiates outcomes (Erdemir & Vasta, 2007). However, it is those with legal status who are more able to move out of the ethnic enclave, though this does not preclude, among some, the use of fabricated documents to facilitate mobility (Vasta, 2011). But all this fails to take account of the fact that, while in the formal economy there are hierarchies derived from both status and skills and from their interrelationship, these are reproduced in the informal economy (Uys & Blaauw, 2006). This is the case within the restaurant and takeaway sector, where norms governing terms and conditions, known and understood by both worker and employer, can provide routes to better quality jobs for some workers, regardless of status, although for others, of course, it may ensnare them within a narrow range of jobs that are both emotionally and physically restricting.

**The Discordance between Skill Shortages and Immigration Controls**

According to the British Hospitality Association, there are currently around 9,500 Indian restaurants (of which at least two-thirds are in fact Bangladeshi) in the UK, a rise from just 500 in 1960 and 3,000 in 1980 (“Indian beats it all,” 2012). Forty-five percent of these restaurants are located in London and the South East. There are around 7,500 Chinese restaurants and takeaways, with nearly half located in London and the South East. The number of Turkish restaurants is much lower, with estimates of just over 100 in 2008, mostly in London and the South East. According to the trade magazine *Spice Business*, the Indian/Bangladeshi restaurant and takeaway sector employs 80,000 workers, serving around 2.5 million customers each week (Khaleeli, 2012). However, behind these figures is what *Guardian* journalist Homa Khaleeli (2012) has described as “an industry squeezed between the recession and the government’s strict immigration policy.” The industry has stopped growing and profits are falling, particularly in the small,
family-run businesses. The impact of current UK immigration policies, which restrict entry to chefs who earn around £30,000 a year, means that one in four vacancies in Indian restaurants is unfilled. The picture is very similar for the Chinese restaurant and takeaway sector, which employs around 100,000 people and has faced the same difficulties in recruitment due to the change in immigration policy, but this has been made worse by the growth in China’s economy and in the purchasing power of Chinese workers, which has meant that the value of the pound has fallen relative to the yuan and the attraction of migrating to the UK in search of work and a higher standard of living is reduced, particularly when the costs associated with the migration journey are very high. Most of those interviewed in the authors’ various research projects suggest figures of between £10,000 and £20,000 paid by undocumented migrants to the smugglers who arrange their journeys (Bloch et al., 2009; McKay et al., 2009). Matthews and Ruhs (2007: 18) have challenged the notion of skill shortages, particularly in relation to the restaurant sector, arguing that skill is often a proxy for nationality, with highly subjective and variable stereotypes that associate certain nationalities with inherent skills. However, even if this is accepted and even if employers do look for specific “traits,” as opposed to skills, when recruiting, the restaurant and takeaway sector is presently experiencing skill shortages that have arisen at least in part due to changes in immigration law that now prevent legal entry for skilled, semi-skilled, and of course unskilled restaurant workers.

**METHODOLOGY**

The article is based on an on-going two-year study funded by the Economic and Social Research Council (ESRC), “Undocumented migrants, ethnic enclaves and networks: opportunities, traps or class-based constructs” [UndocNet]. Interviews were carried out with 55 undocumented workers and with 24 employers in ethnic enclave businesses, from three groups living in London: Bangladeshi, Turkish/Kurdish/Northern Cypriot, and Chinese. This article examines interviews with 35 of the migrants, who, at the date of interview, either were working in a restaurant or takeaway or had worked in one. While the focus at this point is on employment in ethnic enclaves in London, the issues raised are generalisable to the sector in most advanced economies, where similar working patterns indicate the presence of specific production processes reliant on undocumented labour. Some interviews were conducted in the first language of the interviewees where this was their preference.

**FINDINGS: REGULATING UNREGULATED LABOUR MARKETS THOUGH NORMS OF BEHAVIOUR**

A key objective has been to investigate how, within an outwardly unregulated labour market, established and accepted norms can be evidenced that appear to
determine working conditions. For industrial relations practitioners, these might almost be referred to as “custom and practice,” were it not for the fact that they have not emerged as a result of collective negotiation and they are not maintained through collective intervention, and for these reasons they may fit better within Gouldner’s norm of reciprocity. The restaurant and takeaway workers interviewed in the UndocNet research were clear that the labour market in which they were employed was regulated and that it operated on the basis of an acknowledged system, with its own clearly defined norms, as described by Agit:

There is a system in this country . . . if a person works and works in an off-license and then, if he quits and goes to another off-license to work, they do not give him/her more than £200, £250. . . . It is also that . . . there is an average amount of money that a chef gets. . . . You cannot offer less than the average.

This “system” set the rate of pay and determined that there would be no premium on movement to another job. The system had a second component—knowledge. Workers knew what the rates of pay were for each level of job within the restaurant and takeaway sector. Awareness of this pattern of payment and hierarchy was fed by the interchange of staff between the two subsectors, so that an in-depth knowledge of rates of pay was established on the basis of information circulated between them. This in turn meant that workers chose to move according to the gains they could accrue. A 31-year-old Kurdish male who had been in the UK for seven years observed:

If you have a Turkish restaurant, you know what is going on in other Turkish restaurants. . . . There are too many staff exchanges happening within those restaurants. (Deniz)

Several factors appear to influence employment outcomes, and these are discussed below. Key factors were location and geography, status and dominance, and job and skill hierarchy.

The Geography of Work and the Way in Which Informal Work Defies Market Rules

Wage rates in London are generally higher they are than in the rest of the UK, reflecting London’s higher cost of living. Indeed, in many sectors of employment, a “London weighting” element is added to wage levels to reflect this. However, a surprising finding from the research is that, in relation to undocumented migrants, London did not necessarily offer the highest rates of pay and, in the experience of those who had worked both inside and outside London, the rates of pay in the latter could be higher while living costs could be lower. Interviewees were acutely aware of factors such as geography that might result in higher wages and reported being more likely to save money if they were working away from London. Of course this did not mean that they always (where they had a choice) decided to
work outside London, as other factors like community, access to cultural events, and access to medical and other services might still make London a destination of first choice, at the expense of higher wages. As Hasan, a 34-year-old man from Turkey, who had worked for more than six years outside London explained:

You do not have much expenses outside London. . . . You do not pay for the food. . . . You cook it in the kitchen. . . . You do not pay rents, as the accommodation is always provided by employers outside London. . . . Erm. . . . You can save money. . . . outside London I mean. . . . You do not go anywhere. . . . I mean club or pubs . . . or even restaurants. . . . You do not have much expenses . . . so it is advantageous to work outside London if you want to save money.

However, the relationship between work and geography was complex. For some, leaving London resulted in loneliness, due to the absence of co-ethnic networks outside major urban centres, while for others, being away from co-ethnic workers enabled them to acquire English language skills while perceiving themselves as less at risk from immigration raids. Money was not always the key concern; other factors were influential in deciding where to work. Ai, a 28-year-old woman from China moved to London because, she said, “I hoped to be able to earn a bit more money [and] in the countryside you’d feel a bit lonely.” Others expressed the view that while earnings might actually be better outside, London offered better opportunities for a social life. Welat, a migrant of Turkish origin, had moved from London to work with a distant relative in a kebab shop in the North of England. However, although he was earning well, there was no social life. Additionally, he encountered higher levels of racism and felt that colleagues outside London were more accepting of their predicament and less willing to challenge injustice. Lok, a 46-year-old Chinese origin migrant, spoke of being “bored” when based outside London. Similarly, Hevi, a 49-year-old Kurdish male, in the UK for three years, cited the following reasons for returning to London:

Social . . . cultural . . . political factors . . . I do not know anyone outside London. . . . There are not many people from our community outside London. . . . You become very asocial . . . inactive outside London. . . . If you do not work, then there is no any reason to stay outside London. . . . Erm. . . . I need to stay in London and be in touch with my solicitor . . . She [the solicitor] told me that we could appeal against their decision. . . . Erm. . . . We would provide some more documents for my case . . . for my claim. . . . I do not want to go to outside London until I get my status. . . . But I will definitely go . . . live there . . . as soon as I get my status . . .

For some, however, the relative isolation of less urban areas was the attraction, as Hassan, a 34-year-old Turkish male, noted when he said, “outside London is much safer.”

Pay cuts, in the context of this study, were therefore not primarily a product of the recent economic crisis but were in many cases the outcome of moves from
work locations outside London to inside it. Thus, the way the labour market operates, in relation to undocumented migrants, may undermine the dominance of London wages, at least in relation to the restaurant and takeaway sector.

Moving to London was sometimes occasioned by the need to be within easy reach of legal advisors. Roni, a 36-year-old Kurdish male in the UK 12 years, had moved from London to Leicester, but when his asylum claim was initially rejected, he and his wife felt that they needed to return to London, where legal advisors were easier to locate. Jiyan, a 44-year-old Kurdish man in the UK 12 years, explained his decisions for returning to London as related both to his need to stay in close contact with his solicitor and to the potential for a better social life:

Due to my case . . . Erm . . . My solicitor was in London . . . . He kept me calling and asking me come . . . . I was coming and could not go back for a few days . . . . still I had my contact with him . . . . But it did not work like that . . . Erm . . . . He still tells me to come . . . and work over there . . . . Erm . . . Now I [have] settled down . . . in London . . . also Scotland is very far . . . . You feel isolated . . . . I do not want to stay away from people [meaning members of his community] . . . . You cannot have social life . . . network over there . . . . There are always just a few Turks around . . . . With these Turks, I also do not have same common political deeds . . . so you cannot be friends . . . . Erm . . . . I just talk . . . . Hope they make sense . . . .

Individuals also gravitated to London for other reasons, such as to gain access to appropriate medical care, particularly in the case of Chinese origin interviewees, who preferred to use Chinese medical practitioners: for example, Dai, a 27 year old Chinese male in the UK four years, origin migrant, stated that his move back to London had resulted in improvements to his health as he could access the type of medical treatment he preferred.

Undocumented migrant interviewees moved seamlessly from restaurant work to takeaways dependent on: the opportunities available, the perceived need to move frequently to avoid police raids, and the terms on offer to them, which in turn were highly dependent on the position that they held or had reached within the hierarchy of labour in the sector. In some cases, too, workers were dismissed when businesses failed, or left when employers asked for documents they could not produce.

In most cases the terms and conditions were fairly consistent. The average working day was between 10 and 12 hours in length, six days a week, suggesting a minimum 60-hour week. Had the national minimum wage been paid, anticipated rates of pay would have been around £370 a week for the lowest graded worker, before deductions for tax and national insurance. Interviewees generally expressed their pay levels as net after deductions, so that if they gave a figure of around £280 a week or £240 if accommodation was provided, this might translate to a gross wage of £370 a week. However, none of the workers in the jobs requiring the fewest skills, such as kitchen assistants, earned as much as this, meaning that pay was almost always less than the state national minimum wage.
In interviews with employers, where they provided information on the rates of pay they offered there was a similarity between their figures and those cited by the workers. The owner of a Bangladeshi restaurant in the City of London, for example, indicated that chefs were paid £400 a week, a rate similar to that quoted by migrant chefs. Another restaurant owner stated that chefs would receive between £300 and £400 a week and provided the following rates for the remaining staff:

Waiting staff you’re looking at, erm, starting from, again for assistant, from £180 to £250.

Q: So they get a little bit more than the . . . kitchen assistant porter type?
A: No, no, kitchen staff—the very new one would get about £150 to 60, it’s the same with the waiters; the very new waiters would get £150 to 60. . . . Waiters don’t get much, I said, because the most they can earn is £250 and chef can earn £400. But those people who do waiting don’t want to get their hands dirty and they’re happy with what they get. If they [were not] they would be starting in the kitchen and get trained as a chef and so make more money.

What is remarkable about the interviews is not just that they demonstrate a common knowledge among both employers and workers of the pay rates, but that when the employers revealed the pay rates for documented migrants (both of the above employers, for example, claimed not to hire migrants without documents), it appeared that they were offering the same rates as those without documents received. The responses further suggested either that there may be much higher levels of undocumented employment in the sector than is acknowledged or, more likely, that the rates of pay on offer to those without documents have become the established rates in an industry that, while frequently investigated by immigration authorities, is rarely investigated under the very weak labour inspection system around the state national minimum wage. For even where individuals referred to a pay disparity between the undocumented and those with documents, the small size of the difference still suggested that even for those working legally, pay was below the national minimum wage.

The Construction of Hierarchies within Informal Work

Established terms and conditions did not apply solely in relation to pay levels; they also applied in the construction of hierarchy in the workplace, in a way that both regarded those at the bottom as disposable and, at the same time, provided opportunities for some to progress to more secure posts. These hierarchies were often enforced by workers themselves. Bobby, a 31-year-old Chinese undocumented migrant who had been in the UK for 12 years, had worked in his first job as a “daza” (kitchen porter) in the North of England. Working with co-ethnics, he described a “feeling of closeness” with them and accepted advice that he should learn to stir fry, to earn more money to pay off the £25,000 fee he owed to those who had smuggled him into the UK. In his first job he earned £150 a week. In his second, his earnings increased to £180 plus tips, and he learnt additional skills. He
then moved to another city in the North of England where he was paid £230. From there he went to a different town, again in the North, and increased his pay to £250, working for the chef from his previous workplace who had opened his own business. He worked there for more than five years. He got on well with his boss and received a pay increase, raising his earnings to £280. From there he moved to London, then back to the North of England where his pay increased to £300 a week but for a job he did not like, in a fish and chip shop where he felt he was doing “daza” work as just he and one other worker were doing everything. He decided to leave the fish and chip shop and move back to London, where he was paid less, £280. He believed that the rates of pay he had attained were standard for the work that he was doing, although he thought those with legal status earned a bit more—his estimate was around £30 to £40 extra a week, which was between 11% and 14% more. Such movement around the country was not unique to Bobby’s case and was a feature of the lives of other undocumented migrant interviewees. However, Bobby’s story also demonstrates the acquisition of skills along the way, leading to his eventually taking on a supervisory role, as he described below:

I wouldn’t say they were under my wing, because each of us had a different set of duties. . . . In the UK, people are expected to perform their work duties by self-motivation. So the whole kitchen was under the master-chef’s supervision, not mine. But when the master-chef had to take leave, for example, I was normally the person to stand in for him, whilst also taking care of the oil-wok. And similarly, if I had to take leave, the boss would stand in for me. So we just had to swap roles with one another like this.

**ROUTES TO PROGRESSION**

The main route to progression within restaurants was through observing and learning. Undocumented migrants working in restaurant and takeaway shops do not for the most part arrive with skills in this area but instead learn on the job, gradually moving up from the position of kitchen assistant, which entails washing up, cleaning, and some chopping and is the lowest position within the kitchen. The data demonstrate that the routes to progression were similar, regardless of the ethnic group, with more or less the same conventions of hierarchy and of pay structures, though the amount of pay seemed to differ, with Bangladeshi undocumented migrant workers generally being paid less than those in the other national groups for basic kitchen assistant work. There are five factors that appear to assist progression: time in the host country and in the job; opportunities for training and learning; the actions and attitudes of co-workers; workers’ use of agency; and skill shortages.

**Time in the Job and in the Country**

Although length of time is not always a predictor of progression, there is a clear association between time and progression, and this is borne out both by an analysis
of the trajectories of the workers in the restaurant sector and by their own observations. The reasons for this involve the interaction between the acquisition of human capital in the form of skills and sometimes language but also the acquisition of social capital in the form of networks, which was an important route to employment and job improvements for some interviewees. Sanjay, a 38-year-old Bangladeshi male, who had been in the UK for five years, noted how time opened up access routes:

The first two years I worked in restaurants as I didn’t know much or many people. I was in a position that I couldn’t do anything else. Also, restaurants had free board and lodging.

Jian, a 32-year-old Chinese male who had been in the UK for nine years, referred to learning new skills during a lengthy period in the same job:

Because, after six years’ working there, I had learnt all the skills needed, by the time I left the place I was already a chef. . . Six years of working had enabled me to learn the skills to be a chef.

Acquiring new skills and responsibilities in the workplace also resulted in an increase in his pay:

Q: You said earlier that you started from £160 and then you got a wage increase to £180. . . . How much did you get paid later, since you stayed there for a total of seven years?
A: My wage eventually increased to over £300 [per week]. . . .
Q: You got over £300; by then you were already a skilled worker, right?
A: Right. I wasn’t the same as when I first went to work there. £300 a week was the wage that a chef should get then.

The pattern is one of small incremental wage increases over time, as new skills are acquired, generally though training and observation and on-the-job opportunities, as the following section will show. Fifteen of the restaurant sector interviewees had been in the UK for four or fewer years, and of these, eight had experienced progression. Thirteen had been in the UK for eight or more years, and of these, ten had experienced progression.

Opportunities for Training and Learning by Observation

Although formal systems of training were virtually unknown among those interviewed in the restaurant and takeaway sector, undocumented migrant workers recognised and valued the learning potential of kitchen work, in particular, as offering opportunities for progression. Manjoj, a 26-year-old Bangladeshi male who had been in the UK for just one year, explained what his opportunities were for training and where they might take him:

A: Yes, I am learning.
Q: What are you learning to cook?
A: Well, to be a cook you need to learn to cook certain things. For example, pilau rice, rice, onion bhajis, poppadums, and frying stuff. So far I have learnt to cook rice and pilau rice. Now I am following what they are cooking.

Q: Then you will learn how to cook onion bhaji, poppadums. . . .
A: Yes, they come next. If you can help chef then you can become cook.
Q: So if you learn to cook all of those, you can be a cook?
A: Yes, I will be a cook.

The fact that there was no formal system of training did not reduce the value of the learning experience in the eyes of those who had benefited from it, such as Guang, a 42-year-old Chinese male who had been in the UK for nine years:

It wasn’t formal training. . . . When you work with the chefs, they may tell you what to do, like what flavour should be put in, etc. . . . You just emulate what they do. . . . And slowly you will get used to it and know how to cook the dishes.

Similarly, Jian spoke of how he had progressed over a six-year period, from “daza” to second in command in the kitchen:

I worked in that job for six years and during that time I continued learning new kitchen skills. I got wage increases as I continued working there until I later left that place. I had become “Er-chu” [second only to the master-chef in the restaurant] well before I left.

Training was by observation and by repetition as Bik, a 23-year-old female from China, in the UK four years said: “So you repeat this, day after day and eventually you become skilled at it.” Progression was often slow and the lowest level kitchen jobs were tedious, low paid, and hard. Moreover, the work is unskilled and so the workers are easily replaced. However, they were able to learn by observation and took their chances when they got them, as Deniz, a 31-year-old male Kurd who had been seven years in the UK, recounted:

I was also fed up with doing washing up. . . . While doing the washing, I also had the chance to observe how they were doing the mezes. . . . They needed someone. . . . They only made £50 increase in my wage. . . . and they found another person to do the washing.

The Actions and Attitudes of Co-workers

For some of those who had succeeded in progressing through the jobs’ hierarchy, the support of co-workers was considered key. Co-workers in this context tended to be identified as people originating from the same place and space. As in Ryan’s (2011) assessment, this defined networks as formed much more narrowly than through shared national identity. Thus, in the case of the Turkish/Kurdish interviewees, who were all citizens of Turkey their positioning as either Turks or Kurds was essential in their identification of networks of support. Indeed, a minority of Kurdish origin undocumented migrant workers spoke of encountering hostility
from Turkish origin workers and employers, though for some this was also conflated with hierarchies based on status or what Wills et al. (2009: 257) term the “migrant division of labour.”

Therefore, even when nationality was not contested, as it was in the case of Kurdish workers from Turkey, coming from the same country of origin was not enough of itself to create commonalities of interest. For example, in relation to those originating from China, the area they came from in China was an essential part of who they were and with whom they identified. Chinese interviewees spoke of “laoxiang,” those coming from the same area, as people whose support they might seek and whose advice they might take. Those who were not “laoxiang” were regarded as different, since often they did not have a language in common. Moreover, workplace relations could be strained, as Cheung, a 38-year-old Chinese male in the UK for three years, revealed:

I am tired of infighting between people from different hometowns. Those guys who think they have been here longer often bully newcomers.

However, where individuals did find strong reasons for identifying with others, they viewed this as a positive element in their job progression. Bobby was lucky to have a “laoxiang” who was there to advise him in his first job, as well as a master-chef to guide him, and it was these connections that gave him the opportunity to progress:

. . . “laoxiang” [gave] me instructions on how to do this and how to do that. . . .
Since I was new here, such help was really useful. One “laoxiang” said to me that I should learn to stir-fry rice and noodles. He said that only when I had learnt some practical skill could I find a better job to earn more money. . . . I think what they told me was important; it was for this reason that I learnt to cook and was therefore able to earn a little more. This allowed me to pay back the £25,000 I had borrowed earlier.

UNDOCUMENTED WORKERS, AGENCY, AND PROGRESSION

The progression experiences of some of the undocumented workers in the study had been brought about by job changes, but this was not always the case. Some felt a sense that staying in one place for too long was not advisable and hindered progression, as Soumen, a 37-year-old man from Bangladesh in the UK 14 years noted:

It’s hard to progress in an Indian restaurant if you stay for too long. You don’t get the respect. In order to progress you need to go to different restaurants and show you can do different jobs. . . . Yes, increase your demand, go to different restaurants, go to busy restaurants. Within the first three months, I became a cook from a kitchen porter.
Similarly, Cheung talked about moving to other jobs for progression within the Chinese restaurant sector. He had started as a “daza” worker and decided to move to use his new skills:

I decided to leave there myself. . . . I was thinking that perhaps I should move on . . . because after a month, I’ve learnt the skill for taking care of the oil-wok [for deep-frying foods]. I thought I had got the basic knowledge for handling deep-fried foods. I’d go to find another job to use my newly acquired skills fully.

Within many Chinese restaurants, workers spoke of there being a bonus system in operation, and Lok described his job mobility strategy in relation to it: “I worked in each of these jobs for four months because after every four months’ service, you would get a double pay week.” Therefore Lok would simply stay for four months, get his double pay week, and move on to the next job. Others moved on because employers refused to give them more money when they had acquired new skills or had been in the job for a period of time and therefore felt it was deserved.

Undocumented migrants were thus not simply passive recipients of the treatment meted out to them: instead, some were active in their decision making and followed their sense of self-worth, within the confines and restrictions of what was available to them. Indeed, in a few cases pay increases were directly attributable to workers’ making demands of the employer, as the explanations provided by a 31-year-old and a 42-year-old, both from China, one having been in the UK for four years and the other for nine, demonstrate:

Q: Have you ever asked for a wage increase?
A: Yes. I have. But they told me that I should wait. They said that I should get an increase in two years.
Q: Do you think you’ll ever get a wage increase?
A: Yes. I should think so. (Ron)
Q: Have you ever asked for a wage increase?
A: Yes. I have. But the basic pay is very low in first place. And you have worked for a long period, they may give you a little wage increase; but just a very little. So the increase is tiny and too slow. (Guang)

The notion of progression as a consequence of value to the employer was evident. Soumen affirmed that “my value increased and my pay increased.” Others also understood their value, including Rojda, a 53-year-old Kurdish woman, who worked very long hours in a café, performing almost every task other than cleaning. She has been working there for a number of years but had not asked for a pay increase or received much additional money. Nevertheless, she had decided to stay working in the café although she could have moved to a new job, as to her other things were more important, such as her employer’s respect and her feeling of serenity, as she told the interviewer:
A: ... I know he [the employer] is happy with my work. ... He could have increased a bit more ... but I do not ask. ... He does not talk about ... so ... like that. ...
Q: Why do you not ask?
A: I think if I ask and if he says no our relationship will not be like before. ... I am peaceful now. ... I am used to working here. ... I say to myself I get less, but my mind is peaceful.

Use of agency did not always mean that workers would vocalise specific demands. Rather, they were aware of their “use value” and of the fact that the employer would have to recognise it, but their status demanded that they did not overplay their hand. For example, Agit reported obtaining regular wage increases simply because his employer did not want to lose him. Effectively his pay was doubled in a relatively short period of time. Knowing that he was good at what he did and aware of the employer’s need for his services, he was confident that he could secure wage increases. However, at the same time he did not necessarily put forward his case for an increase. His status precluded his use of agency, despite his awareness of his value to the employer.

The fact that the restaurant sector is highly dependent on pleasing its clientele and on making sure that their needs are met created a consciousness of worth in undocumented workers, even where this did not lead them to make demands directly of their employers. They might hold such demands in check, but they knew that they could leave their employment if this unarticulated negotiation did not produce results. Jian anticipated that he would receive wage increases and described how he settled on a pay rate:

We got on well with the boss. I never had a problem with the boss. After working there for a while, the boss even gave me a little wage increase. ... We settled on something close to £300 a week. ... We settled on the fact that I was already an experienced chef. I can cook stir-fried rice dishes, I can cook stir-fried noodles. I was a fully experienced chef by then.

Equally, in some cases, workers were aware of their ability to utilise agency but did not do so or did not seek identifiable outcomes, if these are to be calculated on the basis of pay increases alone. For some workers, other less tangible but equally important outcomes resulted from their use of agency. Rojda, referred to above, is one example, but others also chose to stay in jobs where they felt secure and safe and had positive relationships with co-workers rather than move to achieve more money, as Bobby from China, noted:

Wage increases would have to depend on how the business was. If the business wasn’t good, you couldn’t find a reason to ask for a wage increase. ... For me, having a job was already something. Also, as time went on, we had become friends. And I wasn’t really in a hurry to find another job anyway. As a newcomer in the country, finding another job somewhere else wouldn’t be easy for me. I reckoned it’d be better if I just stayed where I was. I was
thinking that whichever place I worked for, the thing I had to do would remain
the same. It wouldn’t make a lot of difference if I found another employer. . .
Don’t you think so? Even though my wage wasn’t very high, I felt
comfortable working alongside people I could get on with.

Agency Arising through Skill Shortages

As indicated earlier in this article, the ethnic restaurant sector in London (espe-
cially Indian/Bangladeshi and Chinese restaurants) claims that it has been
experiencing skill shortages since changes to immigration law in 2008 abolished
the previous sector-based visa schemes that permitted employers to recruit from
abroad to fill certain job vacancies, mainly for chefs. It is now only the largest and
most exclusive restaurants that are able to pay the level of wages that permit the
issuance of entry visas. This inevitably means that smaller restaurants are more
likely to be employing undocumented workers, either those who entered clandest-
inely or with false documents, or those who have overstayed, or those who are
working students and likely to be working beyond their permitted hours, given the
length of the working day in the sector. It is ironic that government policies
intended to restrict migration might actually serve to increase the agency of those
workers who do make the journey to the UK without documents. Skill shortages
provide the undocumented not only with an entry path into work but with addi-
tional agency permitting them to influence the terms and conditions under which
they work. As seen in the interviews, from the perspective of workers who had
developed a high level of cooking skills, skill shortages placed them in a stronger
negotiating position; this was the case not just in the Chinese and Bangladeshi
restaurants but also in the Turkish restaurants. Although the Turkish sector is
much smaller, it too is experiencing difficulties in recruiting skilled workers.

Deniz, who was confident in his skills as a chef, knew that his employer could not
replace him easily and therefore he could resign knowing that either the employer
would have to beg him to come back or he could walk into any other job. His skills,
and importantly his reputation, were a guarantee of permanent work, regardless of
his status:

We recently had an issue. . . . If I tell you, you will understand how it is. . . .
The other week, he told me that I needed to come on Tuesday to the work. . . . I
said I could not come. . . . I said I needed to take care of my children. . . . He
said you had to otherwise you would be fired. . . . I said OK, in this case, I quit
the job. . . . He had to work in the kitchen on that day. . . . Then he called me
and said I could continue my job. Why? Because he knows he cannot find a
better chef than me for now. . . . OK. You go and get Olay newspaper [a
Turkish local newspaper] and look at the last few pages of it. . . . You will see
how Turks are yearning for qualified staff [members]. . . . For example, my
boss could not dare firing me. . . . Why? He knows he cannot find a good chef
like me for a few months. . . . His business will be affected by my absence
so. . . . “A” restaurant offered me to work with them, “B” restaurant gave me a
call the other day [he lists the names of some restaurants]. . . . They are either my friends . . . and two of them know that I am illegal but still they say come and work for us. . . . They say we will help you to get your status, we will find you a good solicitor . . . if you work well, you have a reputation in your community and within other workplaces. . . .

Q: OK. I see. What about your second job in the [X] area? How did you find it?

A: A friend of mine was working in there [the second restaurant] . . . . When I left my job at [the first] restaurant, I let people know that I was looking for a job. . . . My friend working in there told me to come and talk to the boss. . . . I talked and started to work as a chef. . . . He offered me almost double [the pay] that I used to receive from the previous restaurant. . . . Before I left there, I already got a call from my first workplace . . . the one which was attacked. . . . He wanted me to work for him as a chef. . . . He increased my wage too. If there are 10 good Turkish kebab chefs in London, I am definitely one of them.

CONCLUSION AND IMPLICATIONS

The hospitality sector has always employed, and continues to employ, a significant proportion of international and migrant workers, and this is unlikely to change (Lucas & Mansfield, 2008). The article has shown that there are norms that employers and workers follow and that regulate employment relationships, without the intervention of the state; they could be termed informal modes of regulation. However, the scope and coverage of these norms is not ad hoc but is dependent on the “agreement” of the parties to comply. Undocumented migrants who find themselves in positions they deem to be exploitative—in particular, where internally regulated norms are not followed—may still have a residual power to leave or to organise. We demonstrate how exiting may be expressed as a source of power, in a market that experiences labour shortages, due to a combination of the impact of state policies preventing legal migration and factors that might make the available jobs unattractive to local labour. However, power may also be dependent on the relationships between worker and employer and on acknowledged obligations. Thus, the absence of a formal rule-making state authority does not imply the absence of binding norms. Instead, unregulated labour markets display a high level of internal regulation. This is not to suggest that there are no “glass ceilings” for those without documents but to suggest that legal status alone may not always determine where individuals find or place themselves within occupational hierarchies. The article has contested the notion of the undocumented as essentially weak and vulnerable and demonstrated that undocumented workers may have agency, whether or not they utilise it; so while workers in regulated labour markets will not always, on all occasions, exercise agency, due to specific political and industrial environments, the same is the case for undocumented migrants.
The key argument advanced in the article is that, while a worker’s undocumented status may point to a position of vulnerability within the labour market, the actuality is more complex and that a lack of legal status does not always translate into powerlessness. The legal structures designed to impede the potential of workers to obtain rights and/or improvements at work are not in all cases fully effective, as they ignore the possibilities of worker agency, even under the most difficult of conditions. Indeed, in some situations, these structures may actually operate in such a way as to enhance agency, specifically when legal entry is made more difficult in a context where there are labour supply challenges. Thus, undocumented workers may still be in a position to exercise power and agency, where that agency is the consequence of a combination of factors relating to one or more of the following: time, skill, labour shortages, kinship, friendship, or political identity. In these circumstances, the structures that might otherwise have had the effect of rendering workers powerless are less effective. This is not to say that those without documents experience no disadvantage as a result of their lack of legal status but to point out that the disadvantages they face may be mediated by their exercise of agency. But the objective of this article has not been to engage in a structure/agency debate and to argue that agency may have primacy over structure in some circumstances but to go beyond this to investigate why it might be the case that agency is consciously not utilised. This requires an acknowledgment of the fact that the possession of agency does not necessarily translate into its use. Workers may demonstrate awareness of their agency and of its potential to make changes in their favour, particularly in relation to wage levels. However, they may choose (it could be argued through exercising what is also a form of agency) not to utilise their power to obtain changes, as the result of their assessment of the value of this stance to them. Gouldner’s concept of the norm of reciprocity has thus offered a useful theoretical tool by which these trade-offs, between inaction and action, can be understood, as the concept takes account of the impact of the use of agency in situations of reciprocal imbalance.

What are the implications of this analysis? First, that immigration policies also have unintended and contradictory consequences, so that restricting immigration may not only create situations of exceptional vulnerability for those who cross borders without documents but may also deliver a measure of agency where the outcome of such policies is to create a greater need for labour. Second, that the ownership or acquisition of scarce skills may militate against some of the adverse consequences of immigration policies. This is not to suggest that this creates an optimal situation for workers in these conditions. They are still likely to be disadvantaged compared to documented workers, and the conditions that they work in are likely to be harsher, so that workers will still desire documented status as an optimal state and will seek out strategies that might assist in obtaining that goal. But the research also implies that there may be collusion between employers and policymakers where they wish to promote forms of labour that are both cheaper and more compliant.
Within these contradictory sets of circumstances there may be opportunities for more collective forms of organisation. Although these have not been the subject of this article, the issues raised point to the potential for organising, around an acknowledgment of agency within undocumented worker populations. For this reason, it is important to identify agency in relation to the undocumented, so that they are not visualised just as the meek and unseen but so that it can be seen, as has been demonstrated in other contexts, including France and the United States, that they, like all other workers, have the potential to exercise their power, both individually and collectively.

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