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‘Illegality' and 'labour relations' in construction: a case study of Zimbabean undocumented migrant workers and employers in Johannesburg

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ABSTRACT

This study sought to explore how undocumented workers in the construction industry and their employers manage the employer – employee relationship in the absence of citizenship and (de facto if not de jure) labour rights for employees. Put simply, it sought to address the question, what governs workplace relations outside labour laws? Because of 'illegal' status in receiving countries, the literature has largely made it a norm to portray undocumented workers' experiences as hyper-exploitative characterised by antagonistic relations with their employers. However by focusing on this subsection of the construction industry made up of Zimbabwean immigrant workers and their employers I was able to get a detailed picture of how labour relations take place in the absence of recourse to the law. Instead of antagonistic relations I found a more complicated picture which was nonetheless more harmonious and cooperative. This goes to show that while 'illegality' is an issue in the literature, it is less of one in a sector where 'skilled' work is important. These workers are able to assume greater leverage and negotiate (with employers) to a greater extent than the literature on precariousness and migrant labour reveals. This research thus calls for more investigations into spaces of negotiation in undocumented workers' workplaces and relationships with employers so as to highlight more nuances and avoid generalising conclusions. In presenting these spaces of negotiation and workplace nuances, this study drew on narratives and experiences from both Zimbabwean employees and their employers who were in most instances subcontractors who also originated from Zimbabwe. These were obtained through in-depth interviews with workers and employers conducted between October 2016 and January 2017 and participant observations.