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Abbreviations

EU: European Union

EurWORK: European Observatory of Working Life

GAMM: Global Approach to Migration and Mobility

ICMPD: International Centre for Migration Policy Development

ILO: International Labour Organization

IMF: International Monetary Fund

IOM: International Organization for Migration

ISCO: International Standard Classification of Occupations

OHCHR: Office of the High Commissioner for Human Rights

MAC: Migration Advisory Committee

MFA: Migrant Forum in Asia

MO: Migration Observatory

MP: Member of Parliament

UN: United Nations

Abstract

Following a stark increase in the number of migrant workers to the United Kingdom in recent years, the current political narrative around labour immigration in the UK is characterised by strong opposition against the in-flow of migrant workers to the so-called 'low-skilled' employment sectors. This climate has been shaped by a set of historical and socio-economic developments that have affected the perception and status of migrant workers and that of 'low-skilled' migrant workers in particular. This thesis discusses the influence of the UK's (post-)colonial policies, neo-liberal reform, the 'securitisation of migration' and the role of the UK in international migrant workers' rights legislation to help explain the current backlash against 'low-skilled' labour immigration. In order to understand the particular focus on migrant workers in the 'low-skilled' employment sectors, the concept of 'skill' as a tool to categorise workers is deconstructed. Furthermore, it is discussed how a rejection of foreign-born workers in the 'low-skilled' employment sectors fits into the wider context of British neo-liberal policy and welfare reform, as well as in the state security debate. Finally, the UK's refusal to ratify several multilateral treaties on the rights of migrant workers is analysed in light of the internal British politics and sovereign political intentions at the time.

Zusammenfassung

Nach dem starken Anstieg der Arbeitsmigration in das Vereinigte Königreich in den vergangenen Jahren, ist das derzeitige politische Narrativ in Bezug auf die Arbeitsimmigration in das Vereinigte Königreich durch starken Widerstand gegen den Einfluss von Arbeitsimmigration von sogenannten „ungelernte Arbeiter“ charakterisiert. Das Klima wurde durch einige historische und sozio-ökonomische Entwicklungen geformt, die die Wahrnehmung und den Status von Arbeitsmigrantinnen beeinflusst hat, vor allem für jene im „ungelernten“ Sektor. Diese Arbeit diskutiert den Einfluss der (post-)kolonialen Politik des Vereinigten Königreichs, die neoliberalen Reformen, die „Versicherheitlichung von Migration“ und die Rolle, die das Vereinigte Königreich in der internationalen Arbeitsrechtsprechung hat, um den gegenwärtigen „Backlash“ gegen Immigration von „ungelernten Arbeiter“ zu erklären. Um den speziellen Fokus auf Arbeitsimmigration im „ungelernten“ Bereich zu verstehen, wird das Konzept von „Skill“ als ein Werkzeug zur Kategorisierung von ArbeiterInnen dekonstruiert. Dazu wird diskutiert, wie die Rückweisung von ausländischen ArbeiterInnen im „ungelernten“ Sektor einerseits in den größeren Kontext der neoliberalen Politik und Reform des Sozialstaates passt, und andererseits in den der Sicherheitsdebatte. Schließlich wird die Weigerung des Vereinigten Königreichs, einige multilaterale Verträge im Zusammenhang mit den Rechten von ArbeitsmigrantInnen zu ratifizieren vor dem Hintergrund der britischen Innenpolitik und der souveränen politischen Intentionen in dieser Zeit untersucht.

1. Introduction

What are the ideological developments which have shaped the current climate around low-skilled labour migration to the United Kingdom?

Scholars and organisations concerned with labour and migration agree that the need for migrant workers in European Union (EU) countries is increasing, and will continue to increase in coming years. The aging population in many EU states forces governments to attract both high skilled and low-skilled migrant workers from non-EU states to fill national economic and demographic gaps. This trend shows similarities with the 1950s and 1960s, when liberal migration policies allowed for an influx of southern and non-European migrants to EU states. In much of the political and public discourse around labour migration to Europe however, migrant workers are presented as merely ‘benefiting’ from the job prospects in Europe. This view, often fuelled with nationalistic sentiments, causes friction with the idea of an increasing European need for foreign labour expressed by labour experts. Many scholars, such as Papametriou, have pointed out the necessity of migrant workers for EU states. Papametriou writes: ‘As demographic aging will intensify after 2010, many European countries will have to develop proactive migration policies to meet their burgeoning demographic and economic needs’ (Papametriou 2006: 122).

Whereas an increase in incoming labour migration can be observed throughout the EU member states, the United Kingdom has seen a particularly rapid rise in its number of migrant workers. The Oxford University based Migration Observatory states that the number of foreign-born workers in the UK increased from 2.9 million in 1993 to over 6 million in 2013 (Rienzo 2014: 2). Although migrant workers in the UK can be found in both 'low-skilled' and 'high-skilled' positions divided over a range of different employment sectors, the increase is most significant in the so-called 'low skilled' occupations (*ibid*). One way to consider this increase is by looking at a ranking of occupations in the UK with the highest representation of migrant workers. In 2002, the top ten occupations on this list included only one 'low-skilled' occupation - that of the food preparation trade - as having one of the highest percentages of foreign-born employees (Rienzo 2014: 4). According to data from 2013, this list now holds four more 'low-skilled' occupations in addition to the food preparation trade, namely that of elementary process plants occupations, cleaning and housekeeping managers and supervisors, elementary cleaning occupations and process operatives (*ibid*).

The stark expansion of migrant workers in 'low-skilled' occupations in the UK implies that there is an increased need for 'low-skilled' workers in the British labour market. At the same time, the current political climate in the UK is strongly positioned against the increase in 'low-skilled' migrant workers, even framing the phenomenon of labour immigration as an essentially negative

development for the country. According to Stalker, in a publication sponsored by the International Organization for Migration (IOM), governments' restrictions on labour immigration happen on the grounds of the wish of states to preserve their 'national identity' and maintain 'social stability' (Stalker 2002: 163). Stalker writes that states face two conflicting objectives in their attempts to regulate (labour) immigration: on the one hand there is often a need for a foreign work force, either because migrant workers are valued for the particular skills that they bring, or because they are willing to perform jobs that are viewed as 'undesirable' by local workers and thereby contribute to resolving employment shortages. On the other hand there is the belief that an influx of migrant workers will cause social and political problems and threaten the country's national identity and welfare facilities, providing an incentive to introduce restrictive immigration policies (*ibid*). The two conflicting objectives of states described here by Stalker perfectly reflect those observable in the UK's government recent policy proposals on labour immigration. In these proposals, there is the acknowledgement of shortages in certain employment sectors and the realisation that these gaps have often been filled by migrant workers (1st objective), however there is a level of blame put on those same workers for the unemployment of domestic workers and the existence of social instability associated with immigration (2nd objective).

The aim of this thesis is to explore the contradictions between political objectives and economic needs in the UK gov-

ernment's recent approach to labour immigration and how this has been shaped by historical and international social, political and economic developments. In order to understand recent labour immigration trends to the UK as well as the government's heightened reaction to these events, Chapter 3 will give a historical perspective drawing links to earlier labour immigration waves in the 1950/60s and their connections to the UK's colonial past. Chapter 4 will assess how the construction of skill affects the situation of 'low-skilled' migrant workers being employed in the UK, and evaluate the UK government's response to labour immigration increases in terms of migration policies and initiatives that are currently in place. Following from this, Chapter 5 will analyse how the immigration politics of the UK fit in with larger political trends in terms of neo-liberal developments and the 'securitisation of migration'. In order to understand the UK's position in Europe and the wider international community when it comes to labour migrants, chapter 6 will discuss the significance behind the UK's refusal to ratify several international and migrant labour rights treaties, most notably the International Labour Organization (ILO) 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, and the 1990 United Nations (UN) International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families.

2. Methodology

2.1 Research overview

In order to gain a valid insight into processes of labour immigration to Europe, the topic and scope of this thesis have been limited in terms of time frame, geographical location, and research subject group. The focus of the thesis lies on developments within labour immigration in the present and the past five years. A historical perspective of labour immigration in the 1950s/1960s is given to create an understanding of current migration practices and attitudes (Chapter 3), and international treaties from 1975 and 1990 (Chapter 6) are discussed to demonstrate how the perception of migrant workers has developed to what it is today. In terms of location, this thesis looks exclusively at incoming labour migration and political decision-making relevant to the United Kingdom. There are four reasons behind this choice:

Firstly, the United Kingdom holds an exceptional, distinguishable position within Europe and within the European Union in relation to its immigration laws. This separate status is expressed for example through the country's partial opt-out of the 2009 Treaty on the Functioning of the European Union, which grants the UK the right to adopt EU rules on immigration, visa and asylum issues on a case-to-case basis (European Commission 2015: EU Immigration Portal: Explaining the Rules). Furthermore, the United Kingdom isolates itself on the scale of international politics by refusing to sign several treaties such as the one concluded at the 1975 International Labour Organization (ILO)

Migrant Workers Convention (ILO 2015: Ratifications of C143) and the 1990 United Nations (UN) International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (UN: Treaty Collection Chapter 4.13).

Secondly, the United Kingdom provides an interesting example as a country of immigration for its significant role in the colonisation of non-European regions and the post-colonial conditions that emerged afterwards. Other than other former European colonial powers, at the beginning of the decolonisation process the UK government adopted legislation which granted colonial British subjects British citizenship and therefore the right to settle and work in the United Kingdom, leading to a stark increase in the number of 'low-skilled' foreign-born workers (Hansen 2003: 26). This step could be interpreted as a strategy by the British government to establish long-lasting connections with its former colonies, however its later measures to restrict migration rights for former colonial citizens after immigration levels skyrocketed (Hansen 2003: 27), disproves this theory and is a sign of the UK's refusal to take further responsibility for its colonial past. For the purpose of this thesis, the changing British attitude towards colonial citizens and migrant workers can help explain current measures taken to restrict labour immigration.

A third aspect which makes the United Kingdom a remarkable case study is highlighted by a number of recent political developments in the field of labour immigration and the dis-

course which has accompanied these. As briefly touched upon in the Introduction, the UK government has been actively striving towards the reduction of incoming labour migration in the ‘low-skilled’ employment sectors through a number of policy change proposals. Beyond the mere intention to reduce foreign labour as mentioned above, the government has recently proposed legislation to restrict the number of work visas offered to migrants and to introduce a higher salary threshold for entrance to the country (BBC 2015). The discrepancy between a proven increased demand for foreign labour on the one hand, and a strong political backlash against labour immigration on the other, provides the framework on which this thesis is based.

The fourth reason behind the choice for the United Kingdom as the geographical focus of this thesis is of a practical nature and relates to the availability of materials. The topic of labour migration to the UK is extensively written about and information is widely available. The government itself practices relative transparency by regularly publishing their policy proposals on labour immigration in an accessible format. Moreover, the fact that literature on the chosen topic is predominantly written in English simplifies the gathering of data and reduces the risk of misinterpretation of material caused by translation errors.

As explained in the Introduction, the choice for a focus on migrant workers in the ‘low-skilled’ employments sectors is motivated by the given that the largest increase of migrant work-

ers has been noted in those employment sectors by research institutes such as the Migration Observatory. Furthermore, as this thesis concentrates on the civil rights and the social treatment of migrant workers, the situation of those employed in jobs with lower socio-economic status deserves the most urgency as they are deemed to be more vulnerable than migrants with more socio-economic capital.

2.2 Data collection

The research to support this thesis relies on both qualitative and quantitative sources, however is predominantly based on the former. The research method is a documentary analysis of documents that can be divided into four separate categories. The first category of sources, used throughout all chapters of the thesis, is that of scholarly articles on labour migration found in books and academic journals. Secondly, the thesis draws on the professional analysis of several international non-profit organisations specialising in migration and labour rights, most notably the International Organization for Migration (IOM) and the International Labour Organization (ILO). Similarly, findings by migration research institutes, such as the Migration Observatory and the Migration Policy Centre, are being used to analyse patterns of labour migration to the UK. For terms and definitions this thesis relies heavily on fore-mentioned organisations and institutions, hence the choices for these will be acknowledged when used. The quantitative elements of the thesis, in the shape of statistics and graphs, is also taken from publications by these professional or-

ganisations. The third category of sources consists of online UK government publications, including press statements, either representing the Cameron administration directly or issued by the government's appointed Migration Advisory Committee (MAC). In addition to the statistical data and predictions that these sources provide, they are used as a source for a content analysis of the government's attitude towards labour immigration. Finally, the official documents of two international ILO and UN treaties are used for the purpose of analysing the role of the United Kingdom in the international political spectrum on labour migrants' rights. The websites of the ILO and UN were consulted regularly for updates on the status of ratification of the respective treaties by states throughout the process of gathering data for this thesis.

It should be noted that although the notion of objectivity can be incited when it comes to scientific research, the various organisations and institutes cited in this thesis are all driven by their own political motivations. For some of these sources, such as the UK's government appointed Migration Advisory Committee, a direct link to party politics is obvious. However, international organisations such as the International Organization for Migration and the International Labour Organization are also highly political bodies with their own missions, interests and external stakeholders influencing their policies and publications. The political position of these sources will be acknowledged and situated within the migration politics framework as much as pos-

sible. Furthermore, the motivation of the undersigned to write this thesis also has a strong political basis, determining both the choice of topic, sources and the perspective that this work takes.

3. Historical perspective

3.1 Terms and definitions

The concept of labour migration, when interpreted literally as migration in pursuit of work opportunities abroad, can be observed throughout history and in all regions of the world. For the purpose of this thesis however, which focuses on the situation of migrant workers in so-called ‘low-skilled’ employment sectors in the United Kingdom today, the developments that took place post World War II are most significant in explaining current patterns of, and attitudes towards, labour immigration. The post-war period furthermore presents a time when terms and definitions relating to labour migration were first introduced and internationally recognised legislation on the rights of labour migrants was established accordingly. The definition of the term ‘migrant worker’ that is used in this thesis is drawn from the 1975 ILO Migrant Workers Convention, where it states: ‘the term migrant worker means a person who migrates or who has migrated from one country to another with a view to being employed otherwise than on his (*sic*) own account and includes any person regularly admitted as a migrant worker’ (ILO 2015: C143). The term ‘migrant worker’ or simply ‘migrant’ is preferred over that of ‘immigrant’ (worker), as the word captures the interchangeable status of migrants as they are concurrently an ‘emigrant’ to their home country and an ‘immigrant’ to their host country. When referring to migrant workers who are engaged in the ‘low-skilled’ employment sectors, the classification of ‘being employed other-

wise than on his (*sic*) own account' (ILO 2015: C143) from the ILO Migrant Workers Rights Convention is applied, which means that this thesis will focus on 'low-skilled' migrant workers who work for an employer only. It must be noted that although the term 'low-skilled migrant worker' is used to refer to all migrant workers engaged in the so-called 'low-skilled employment sectors', this term merely describes the current employment situation of the migrant worker and may not accurately reflect their educational background or actual skill set. The term 'low-skilled employment sector' rather than 'low-skilled migrant worker' is used as much as possible, as it draws attention to the possibility that the migrant worker has been educated in their respective home country to be qualified for different type of work than they are currently carrying out in the UK. Finally, the term 'low-skilled' is chosen over 'low-paid' as the former reveals more information on the nature of the work performed by labour migrants. The terms 'migrant worker' and 'labour migrant' will be used interchangeably, while similar terms such as 'guest worker' will be explained in their historical context in Chapter 3. The construction of the term 'low-skilled' and its consequences for the rights of workers who are classified as such, will be discussed extensively in Chapter 4 of this thesis.

3.2 Colonial ties

The first post-war wave of labour migration to Europe is characterised by purposeful intent and strict execution on the side of European governments, to which the United Kingdom forms a notable exception. Whereas a demand for workers to fill the gaps in 'low-skilled' employment sectors motivated many European governments to take in foreign workers, labour migration to the UK was closely connected to the country's colonial identity. Hansen distinguishes between two different types of post-war labour migration frameworks that occurred in Europe: that of 'temporary guest worker policies' versus 'colonial migration regimes' (Hansen 2003: 25). European states with no or little colonial legacy such as Austria, Germany and Denmark, relied on government-to-government guest worker agreements to meet their economic demands, while countries such as the Netherlands, France and the United Kingdom exhausted their former colonies for labour input (*ibid*). In the case of the UK, Hansen argues, colonial migration was the prevailing method to fill employment gaps in the low-skilled sectors which did not 'naturally' fill with white-British workers (*ibid*). There are exceptions to the 'colonial migration regime' of the UK and cases in which the British government did use temporary migration schemes outside of its colonial sphere of influence in order to fill employment gaps. The most notable example of this is the 'European Voluntary Workers' scheme, which was introduced by the British government right after the end of World War II and offered temporary employment in pre-selected sectors to Eastern European

refugees (Ciupijus 2010: 11). The dominant development in post-war labour migration to the UK however can be found in the country's policies towards its colonies and their citizens.

The influx of workers from former British colonies was enabled by legislation introduced in 1948 which turned all British colonial subjects into citizens of the United Kingdom, granting them social, political and economic rights, including the ability to enter the country as labourers (Hansen 2003: 26). These measures quickly led to an increase in the number of citizens from the colonies living and working in the UK, with numbers of around 500,000 new colonial migrants in 1962, to nearly a million in 1970 (Hansen 2003: 27). Official statistics from the British Home Office suggest similar data, stating that by June 1962 the total number of colonial migrants had risen to 472,000, with a yearly increase of about 75,000 new entries throughout the 1960s (Migration Watch UK 2015). Whether the wave of labour migration to the United Kingdom from former colonies went beyond the predicted outcome of the 1948 colonial citizenship rights reform or not, the influx of foreign workers did come at a time when the country was facing shortages in essential 'low-skilled' employment sectors. As Bell et al argue, low-wage labour immigration played a vital role in the economic reconstruction of European industrial states after the end of World War II (Bell et al. 2010: 16). In the case of the UK, even if the government did not actively recruit workers abroad like other European states did, the pres-

ence of foreign workers in the 'low-skilled' sectors forms an undeniable aspect of its socio-economic history.

The rise in low-skilled labour migration to the United Kingdom, which arguably was an unintended result of the country's colonial citizenship rights expansion measures, was halted when the UK overturned its flexible colonial citizenship rights policy in 1971 (Hansen 2003: 27). The fact that the United Kingdom was the first European state to actively attempt to stop the influx of non-European workers, can be seen as a result of its 'colonial migration regime' framework of labour migration, as opposed to other states' guest worker frameworks. The social rights that colonial workers in the UK enjoyed were far more elaborate than the rights of guest workers elsewhere in Europe, whose presence was viewed as temporary (Webber 1991: 12). One interpretation of the UK's early reform is therefore that the high numbers of foreign born workers was viewed as a threat to the employment opportunities for domestic British workers. The racial aspect in the UK's attitude towards its colonial citizens and workers is a given that cannot be overlooked. Already before (former) colonial subjects lost their right to freely migrate to the United Kingdom and the social rights associated with this, the 1962 'Commonwealth Immigrants Act' restricted the entrance of black colonial citizens and required them to have difficult to obtain 'work vouchers' in order to be allowed to work in the UK (Webber 1991: 12). Under the leadership of Thatcher, who voiced the idea that the British people would be feeling "rather

swamped by people of a different culture”, British citizenship rights for colonial migrants were restricted further under the 1981 British Nationality Act (Webber 1991: 14). The politicising of, and backlash against, non-European labour immigration which is currently noticeable in UK politics is therefore not a new phenomenon, but rather a continuation of sentiments that existed already in the colonial era and the years directly following decolonisation. Current debate on the social rights of migrant workers and restrictions with regards to their entrance and residency furthermore follows a pattern that can be traced back to the 1960s, as this chapter demonstrates.

4. Labour immigration: increase and backlash

4.1 Increase by demand?

In the current political climate in the United Kingdom, there is intensive debate over the assumed increase in the number of migrant workers in the ‘low-skilled’ sectors and its effects on the employment prospects of UK-born citizens and society at large. Whereas much public opinion on labour immigration can be classified as based on perception rather than fact, there are numeral scientific studies which suggest that there has truly been a substantial increase of foreign labourers in many of the ‘low-skilled’ employment sectors. The Migration Observatory report by Rienzo cited in the Introduction gives scientific evidence of this increase, with its data showing a doubling (from 2.9 million to 6 million) between 1993 and 2013 in the number of migrants of ‘working age’ living in the UK (Rienzo 2014: 2). Furthermore, as the report states, the growth in employment of foreign-born workers in recent years has been fastest among ‘low-skilled’ sectors, with elementary process plant, cleaning and housekeeping, and food preparation occupations among the ones with the highest increase of migrant employees (Rienzo 2014: 4). Findings by the UK government’s Migration Advisory Committee (MAC) broadly reflect these statistics. According to a 2014 report by the MAC, in 2013 about 16 percent (2.1 million) of all workers in the ‘low-skilled’ sectors were born outside the United Kingdom, of which approximately one million arrived in the UK from 2004 onwards (MAC 2014: 6-7). Both the Migration Observatory and the Migration Advisory Committee show that significant increas-

es in the number of migrant workers in the 'low-skilled' sectors have taken place during the past twenty years, regardless of the differing interpretations that can be given to such a development.

The stark increase in the number of migrant workers in many of the 'low-skilled' employment sectors, raises questions over the desirability of foreign workers over domestic workers in the eyes of employers. The decision to employ a migrant worker over a domestic worker would suggest that the former possesses certain qualities needed for 'low-skilled' work that British-born workers are lacking. This concern is addressed in a study by the government's Migration Advisory Committee which asked employers in low-skilled sectors about their perceived preference for migrant workers. While most of the respondents denied the allegation that they would intentionally target migrant workers, they did confirm the appeal of migrant workers in their tendency to 'accept jobs whose skills requirement are below their actual skills and qualifications' while UK-born workers 'either do not or would not apply for the job in the first place' (MAC 2014: 17). The beneficial characteristics of migrant workers therefore seem to be determined more by an unwillingness of British-born workers to work under certain conditions, which make migrant workers a relatively easier demographic to recruit. From the side of the migrant worker, unemployment in their home state and the explicit intention to work as the reason for their migration to the United Kingdom, could make them more willing to accept the

sort of employment which is popularly refused by local workers.

As Anderson et al. write:

In considering the nature of the demand for migrant workers one must first consider the question of whether there is in fact a demand for *migrant* labour per se. There may be a demand for a certain type of worker (for example, with particular skills or qualities, “flexible”, low waged etc), who in practice is a migrant, but who in theory could equally be a UK citizen (Anderson et al. 2006: 65).

This statement underlines the notion that it is not the status of ‘migrant’ in and of itself which qualifies migrant workers for low-skilled work, but rather the external circumstances which differentiate them from British-born citizens. The classification of what constitutes ‘low-skilled’ versus ‘high-skilled’ work is thereby an important factor in determining the desirability of certain jobs over others.

4.2 The construction of skill

The distinction between ‘high-skilled’ and ‘low-skilled’ work in and of itself is one that is constructed and therefore requires to be examined critically. The use of the terms implies that there is a hierarchy in work: certain ‘skills’ that can be obtained are considered to be of a higher order than others. Several scholars have written about how under the influence of capitalism, manual work has come to be valued differently. Steinberg differentiates between two types of theories on the ‘conceptualisation of skill’: the classical theories of industrial capitalism and theories that focus on the ‘stratification and economic rewards’ of skills as the cause for ‘skill hierarchy’ (Steinberg 1990: 450). In line with

classical industrial capitalism theory, the process of mechanisation as a result of industrialisation would have led to a deterioration of craft skills and the worker's loss of control over the product of one's own labour (*ibid*). This theory suggests that the classification of 'low-skilled' employment is the result of the disintegration of manual work which led to a reduction in tasks and responsibilities of individual workers. 'High-skilled' employment on the other hand would constitute work which has not been fractured in the same way and which constitutes a number of different tasks leading to the creation of a product or service. According to the 'functionalist theory of stratification', Steinberg writes, skill levels are placed 'at the center of an argument that justifies inequality in economic rewards by linking skill levels of a position to its functional purpose in the organization' (Steinberg 1990: 451). This system of stratification leads to a situation in which assumptions about the importance of work are made based on remuneration and jobs are 'ranked' accordingly.

Gender is another factor which affects how certain work is classified and remunerated accordingly. At the core of the feminist critique on the conceptualisation of skill in the work place lies the observation that certain work has seen an overrepresentation of either women or men based on perceived innate qualities in either gender that are not scientific. Following this artificial gender divide in employment, feminist scholars have pointed out that women have been paid less and/or have been excluded from work which is seen to require learned skills in the first place.

Steinberg presents the argument that 'women's work has seldom been defined as skilled because women have neither acquired the skills through narrow conventional educational and vocational programs nor obtained skill designations through collective bargaining' (Steinberg 1990: 452). A theory which opposes the historical tendency to value 'men's work' over 'women's work' is that of 'comparable worth'. Steinberg describes the function of comparable worth theory as creating a 'framework within which previously invisible or unacknowledged skills associated with historically female and minority work were made visible and argued to be worthy of compensation' (Steinberg 1990: 453). The notion that the level of remuneration is a useful factor in establishing the relative value that is given to women's work is prevalent in feminist scholarly work on the issue. Feminist sociologists England and Dunn expand on the notion of comparable worth by stating the idea that there is no such thing as an 'objective' way to measure the worth of work (England & Dunn 1988: 237). Instead, they argue that in order to increase the value given to women's work, women's groups will have to actively persuade governments and employers to raise payment for work which is traditionally seen as 'women's work' or which currently has an overrepresentation of women workers (*ibid*). Applying the notion of comparable worth to low-skilled labour performed by migrant workers in the United Kingdom, it could be argued that the value given to 'migrant work' could potentially be following a similar pattern as that of 'women's work'. As the presence of migrant workers in employment sectors classified as 'low-skilled' increas-

es, the value that is given to this type of work is likely to decrease as a result of its perceived undesirability for domestic workers. Following this line of thinking, the low value that is already given to 'low-skilled' work in terms of remuneration and prestige, would be projected onto the demographic of workers that are employed in these sectors. However, as will be discussed later on in this chapter, political measures taken in order to counter the increase in 'low-skilled' labour migration to the UK, may slow down the development of certain work becoming 'migrant work'.

The notion that work can be categorised into 'high-skilled' and 'low-skilled' sectors is one that is now commonly accepted and used by institutions concerned with workers' rights. In 2008, the International Labour Organization adopted a renewed version of the International Standard Classifications of Occupations (ISCO), which distinguishes between ten different occupational groups. According to this framework, 'managers' and 'professionals' take the first and second position, while 'elementary occupations' and 'plant and machine operators, and assemblers' fill the lowest two spaces on the scale (just above 'armed forces occupations', which is ranked as a separate category) (ILO 2008). According to the ISCO qualification, those occupations which require manual skills enjoy 'lower' status than those occupations which require intellectual or 'managerial' skills. The classification of 'low-skilled' can therefore be said not only to be determined by remuneration, but most notably, to use Steinberg's functionalist theory of stratification, by the nature of the job and

the level of ‘power’ that it comes with. Whereas the division between ‘high-skilled and ‘low-skilled’ work affects all workers whether with a domestic or a migrant status, the conditions associated with ‘low-skilled’ employment are often worse in the case of migrant workers. The skill distinction furthermore causes a divide between different types of migrant workers, as the status of low-skilled migrant workers is associated with a lower rate of social protection and benefits than is received by high-skilled migrant workers. In a policy briefing from 2013, the Migrant Forum in Asia (MFA), an ILO backed network of migrant associations, writes that ‘social protection has become an urgent issue for all migrant workers; especially low skilled migrant workers who face triple disadvantages of discrimination, marginalisation and vulnerability and are often excluded from social security benefits’ (MFA 2013: 1). These social security benefits which according to the MFA, migrant workers in the low-skilled sectors are more likely to be deprived of, include measures taken to protect workers from the effects that occurrences such as sickness, employment injury and unemployment have on their livelihoods (MFA 2013: 2). In addition to a lack of social security against external circumstances, scholars have pointed out that migrant workers in the low-skilled sectors are more susceptible to the circumstances which make them have to rely on social security in the first place. As Benach et al. write, the nature of much low-skilled work is often more exploitative and carries with it more potentially health damaging and dangerous aspects than high-skilled work (Benach et al. 2011: 1). It can therefore be argued that while the distinc-

tion between 'high-skilled' and 'low-skilled' work may be arbitrary, the consequences of this distinction have real and measurable effects on the livelihoods of migrant workers in each category.

4.3 Political backlash

The differentiation between 'low-skilled' and 'high-skilled' work becomes significant when considering that the criticism against labour migration focuses predominantly on migrant workers in what is considered the 'low-skilled' occupations. The increase in the number of migrant workers in the 'low-skilled' sectors in the United Kingdom in recent years has stirred a political reaction which in intensity classifies as a 'backlash' against the idea of labour migration as a means to fill employment gaps. This political backlash is difficult to separate from public opinion on labour migration, as they have informed each other and continue to fuel and shape the debate on both sides. According to political scientist Balch, the theme of immigration has historically been 'electorally significant' in the UK, showing that already in the 1960s/70s restrictive measures taken by politicians often had positive effects on their voting rates (Balch 2010: 18). For the 2010 UK parliamentary elections, which took place during the period in which a stark increase in the number of low-skilled sector migrant workers is noted, a similar trend can be observed. Of the 650 parliamentary seats, 306 Conservative Party candidates were voted in as Members of Parliament (MPs) (The Electoral Commission 2015). The Conservative Party ran an election campaign

which had economic growth as one of its spearheads, an issue which was presented by the party as closely linked to the issue of immigration. In the economy section of the Party's manifesto, it states:

Immigration has enriched our nation over the years and we want to attract the brightest and the best people who can make a real difference to our economic growth. But immigration today is too high and needs to be reduced. We do not need to attract people to do jobs that could be carried out by British citizens, given the right training and support. So we will take steps to take net migration back to the levels of the 1990s – tens of thousands a year, not hundreds of thousands (Conservative Party 2010: 21).

In this statement, a clear distinction is made between 'high-skilled' and 'low-skilled' sector migrant workers. While the former group is referred to in a positive manner with regards to their economic contribution to the UK, the latter is considered to be redundant and easily replaceable by local workers. The UK however does not stand alone in its attempts to specifically reduce the number of low-skilled labour migrants to the country in favour of high-skilled workers. Czaika and De Haas describe how migration policies within individual European states have been designed to either encourage or discourage certain types of migration (Czaika & De Haas 2013: 490). They note that over the last two decades, there has been an increase in the number of European states' restrictive policies targeting 'low-skilled' labour migrants, while simultaneously policies stimulating the immigration of 'high-skilled' labour migrants and students has been introduced (*ibid*). A similar tendency is seen in current European Union legislation concerning immigration. In the Global Approach to Migration

and Mobility (GAMM) policy, the EU's principal external migration policy framework, it is stated that although 'Member States retain the right to decide on the number of migrants they admit for work', EU policy has 'harmonised conditions' for students, researchers and 'highly qualified' migrants (European Commission 2011: 12). Furthermore, GAMM introduces the policy of the 'EU Blue Card Directive' as a method to attract and keep 'highly skilled workers' in order to fill shortages in certain employment sectors (*ibid*). These measures show that even though European states remain autonomous in their labour migration policies, the admittance of 'high-skilled' workers over 'low-skilled' workers is encouraged with the help of specific EU measures. Moreover, the UK's recent policies towards different types of labour migrants are in line with the trends noticeable in other European states' legislation on labour migration.

The attitude towards labour migration expressed in the UK's Conservative Party's election manifesto, continues in their policies as the leading party in parliament in the period 2010-2015. As part of their migration strategy, the government headed by David Cameron appointed the Migration Advisory Committee (MAC), to advise the cabinet on all migration-related issues facing the UK. In a publication from June 2015, the government officially announces that it has given the Committee the task to investigate proposals with the purpose of reducing the UK's demand for migrant labour (UK Government Official Homepage 2015). The government's anti-labour migration rhetoric and

strong preference for domestic workers furthermore becomes apparent in the words of Prime Minister David Cameron that accompany these proposals. Cameron states that ‘this government is on the side of working people: in the past, it has been too easy for businesses to recruit from overseas, undermining those who want to work hard and do the right thing’ (*ibid*). The issue that comes to the forefront in the UK government’s discourse on labour migration is on the one hand the acknowledgment that there is the need to fill low skilled positions within the British labour market, while on the other hand a rejection of the idea that these jobs could be taken up by foreign born workers. Looking at Cameron’s speech, it is even argued that the presence of migrant workers in the ‘low skilled’ sectors actively prevents the participation of domestic labourers in the British economy. The government’s discourse on labour immigration can therefore be said to be hostile, framing the increase in migrant workers in the ‘low-skilled’ sectors in particular as an undesirable development. Furthermore, its concrete actions in terms of proposed policy point toward an active attempt to reduce the number of labour migrants entering the country.

5. Politics of labour migration: the liberal paradox

5.1 Immigration policy: neoliberal trends?

The ideology that lies beneath the United Kingdom's attempts to reduce labour migration in the low-skilled sectors follows a line of thinking which isn't based purely on the economic needs of the country. As described above, the increase in the number of migrant workers was instigated by the need of certain sectors to fill its employment gaps in jobs that did not 'naturally' attract enough domestic workers. Therefore, employing a high number of migrant workers in 'low-skilled' industries is a way to solve labour shortages and contribute to a productive economy. The political reaction to this development in the UK however, as the previous chapter accounts for, has been an outspoken negative one. A significant factor in this rejection of foreign-born workers is that the backlash focuses on migrant workers in employment sectors which enjoy low socio-economic status. The assumption behind this idea is that migrant workers with 'low skills' have little to offer the country in terms of socio-economic capital - an assumption which contradicts the tangible economic contributions that these type of labour migrants make by filling labour shortages in destitute sectors. In order to understand this contradiction between national economic needs and British political discourse, one must look at larger ideological developments affecting labour migration policies on a British and international scale.

The term neoliberalism is used across a variety of academic disciplines to explain a belief system underlying several economic and political processes. Although the term holds strong ideological connotations, it often remains within the scholarly realm and is rarely used to directly back up or defend political decision making. According to Larner, neoliberalism can be interpreted in three different ways: as a policy framework, as an ideology, or through ‘the lens of governmentality’ (Larner 2006: 6). In relation to the political discourse around the reduction of labour immigration, at first glance the interpretation of neoliberalism as a policy framework does not seem applicable. As Larner writes, neoliberalism as a policy is associated with the ‘globalization of capital’ (*ibid*), which implies that rather than restricting the market for the benefit of domestic workers, it opens itself up for the participation of a global workforce. The aspect that Larner brings to the forefront however, is that of simultaneous changes being made to the welfare state. As she writes: ‘New forms of globalized production relations and financial systems are forcing governments to abandon their commitment to the welfare state’ (*ibid*). The focus of the British government on reducing the number of labour migrants in the ‘low-skilled’ sectors specifically, echoes this shift. Without specifically mentioning the welfare state in its communications on labour migration, the dismissal of migrants with low socio-economic status represents an unwillingness to accept new citizens who may have to rely on support from the state. As migrants working in ‘high-skilled’ sectors are associated with having strong socio-economic capital and there-

fore an ability to ‘take care of one’s own’, ‘low-skilled’ sector migrant workers are considered as weaker and more dependent for their limited assets. This perception ties in with the construction of skill and the power and financial discrepancy between so-called ‘high-skilled’ and ‘low-skilled’ workers as described in the previous chapter.

There is however another predicted effect of an increase in low-skilled labour migration which, as expressed in the official UK government communications presented above, is the notion that migrant workers would push domestic workers out of employment. This imagined outcome of labour migration would add to the membership of another vulnerable demographic making demands on the welfare state: that of the unemployed. The efforts of the British government to reduce labour immigration in the ‘low-skilled’ sectors can therefore be viewed in the same ideological light as its actions towards reforming the welfare state. Both developments prioritise the position of a ‘high-skilled’, privileged demographic over that of a ‘low-skilled’ group with a higher need for support from the state. An increase in the number of unemployed ‘low-skilled’ British citizens as a consequence of labour migration would lead to an intensified dependency on welfare services. This development would present a threat to British political efforts to reform the welfare system which have focused on impeding the accessibility of welfare services. This process is marked by what Dwyer calls the ‘principle of conditionality’ prevalent in recent British welfare policy (Dwyer 2004: 269).

Dwyer describes this ‘principle of conditionality’ as the notion that ‘eligibility to certain basic, publicly provided, welfare entitlements should be dependent on an individual first agreeing to meet particular compulsory duties or patterns of behaviour’ (*ibid*). These conditions, according to Dwyer, have been part of British welfare reform ever since the country was under the rule of the Labour party from the late 1990s (Dwyer 2004: 270). Most significant to the anticipated fear of an ‘unemployed low-skilled class’, was the New Labour so-called “Ambitions” programme, which aimed to ‘enable people to get higher skilled, better paid jobs and so tackle a situation where people remain unemployed when certain employers can’t get skilled staff’ (Dwyer 2004: 271). The aspect of conditionality in this measure lies in the barrier that it created for ‘low-skilled’ workers to access gain social security by ‘forcing’ them to become ‘high-skilled’ workers. However, paradoxically, this attempt to improve skill levels in the British-born population created space in ‘low-skilled’ jobs for migrants, as is seen in the low-skilled labour immigration increase in the years following these measures. Rather than being driven out of ‘low-skilled’ employment by migrant workers, in some cases British-born workers were made to change their occupation by the threat of neoliberal policy creating barriers to their access to welfare services.

Another way to consider migration politics is through the realm of intentional neoliberal ideology, or applied ‘Thatcherism’ as Larner calls it. In relation to the migration politics exercised by

the current Conservative-led government, this ideology would be a continuation of the way in which the party led the country under Prime Minister Thatcher in the years 1979-1990. Larner characterises Thatcherism as 'a state strategy to re-establish the conditions for sustained capitalist accumulation' (Larner 2006: 11). The efforts of the current UK government to actively cut back on 'low-skilled' labour immigration does reflect their intention to re-organise their economy, however it doesn't fully explain the anti-foreign workers sentiment that these efforts are entangled with. The third framework of neoliberalism that Larner addresses, that of 'governmentality', also fails to cover the intention behind current British immigration politics. The idea of neoliberalism as a form of governmentality, applied to 'encourage people to see themselves as individualized and active subjects responsible for enhancing their own well being' (Larner 2006: 13) could be argued to be contrary to political control which rules out the participation in the labour market of some based on their nationality. Whereas neoliberalism as a policy framework explains British migration politics on the parts of a general attitude towards vulnerable groups in society and the value of the welfare state, the overall theory doesn't grasp the strong opposition against foreign workers in particular. The electoral success claimed by the Conservative Party both in the 1960s/1970s and in 2010 in part can be ascribed to their radical stance on labour immigration, however cannot be understood as a consequence of neoliberal tendencies alone.

5.2 Socio-economic threats and the securitisation of migration

The selectiveness around the type of worker that is needed to fill employment gaps in the 'low-skilled' sectors appears to be in contradiction to the neoliberal aim of heightening productivity and achieving economic growth. It is this contradiction which Hollifield calls the 'liberal paradox': the friction within a system between the ideal of open markets and the reality of relatively closed states (Hollifield cited Geddes 2003: 20). As Geddes argues, the movement of 'goods, capital, services and money' in Europe has become increasingly open, while simultaneously a distinction between 'wanted' and 'unwanted' forms of migration has been established (*ibid*). Applying this liberal paradox to the political developments around labour migration to the United Kingdom, it can be concluded that the 'wanted' form of labour immigration is that of those migrants who are considered to be 'high-skilled', while the unwanted form manifests itself as the group of migrant workers attracted to the 'low-skilled' employment sectors. The undesirability of 'low-skilled' migrant workers is centred on two types of perceived threats. On the one hand there is the fear of an exploitation of the welfare system and the destabilisation of society and the British 'identity' by mass immigration. This threat linked to 'low-skilled' labour migration is directed at rather concrete socio-economic institutions such as the ones providing welfare services, as well as more ambiguous aspects such as 'societal stability' and 'national identity'. As Karyotis writes:

(...) migration is associated with a range of threats covering the whole socioeconomic and political spectrum. Immigrants and asylum seekers are often seen as a threat to public order and stability. They are also believed to be 'plotting' to exploit national welfare provisions and available economic opportunities at the expense of citizens. Above all, they are seen as a threat to the identity of societies and thus as a challenge to the very existence of a traditional pattern of living (Karyotis 2011: 13).

The anticipated threat to national welfare provisions and economic opportunities is clearly reflected in the UK government's aspirations of reserving 'low-skilled' employment for domestic workers and reducing the number of migrant labourers. The notion of migrants' exploitation of welfare provisions can be explained as a feared potential consequence of an overmanned labour market leading to unemployment and a situation in which former labour migrants can claim welfare benefits from the state.

The other type of threat is that of a direct safety hazard in the shape of violent actions associated with the presence of immigrants. This entanglement of migration with security issues is a process which can be captured by the term 'securitisation of migration'. Political scientists have noted how the narrative around labour migration has shifted from a focus on the labour migrants' purpose and anticipated contribution to the country, to a discussion of the possible security risks around their presence in the UK. As an expression of the politicised 'securitisation of migration', Shelley writes that 'the government has chosen to promote a narrative in which migration is associated with law and order ra-

ther than rights' (Shelley cited in Ciupijus 2010: 11). As Ciupijus points out, these developments 'undermine the human rights of migrants and often lead towards criminalization' (Ciupijus 2010: 11). Moreover, the perceived security threat associated with labour has a discriminatory nature, as it focuses generally on labour migrants with an Islamic background and on those from Arabic states especially. As Karyotis argues, terrorist attacks in Madrid in 2003 and London in 2005, have heightened public anxiety about migration in general and about migrants with a Muslim identity in particular, thereby fostering public support for increased restrictions on non-European migration (Karyotis 2011: 13). While there is no direct link between these attacks or the threat of violence and labour migration, the impact that these events had on the public perception of a certain type of migrants would have muddled the nuance in the migration debate. The idea behind intentional political efforts to 'securitise' migration is that it works as a powerful tool to gain public support and approval for policies that may otherwise not feel urgent enough. This also helps to explain the success of political movements which framed the issue of increased labour migration as a security threat and vowed to oppose this development. As Boswell writes: 'States are keen to depict migration as a security threat, because it helps them to secure public legitimacy and expand their control' (Boswell 2007: 1). However, as Boswell points out, political parties may need to change the way in which they present migration when the priorities that they have set require them to do so. Boswell describes how soon after the terrorist attacks in the United States in Sep-

tember 2001, the then Labour-led government in the UK felt the urge to take measures which proved their ability to protect their own citizens from the threat of terrorism (Boswell 2007: 4). At the same time however, the government was attempting to garner support for the expansion of labour migration programmes in order to meet the country's economic targets (*ibid*). This conflict in interest led to the government's decision to not actively make the link between immigration and a terrorist threat, and to the partial abandonment of their securitisation agenda (*ibid*).

Considering the proposed policies and general discourse around labour migration expressed by the current UK government in the period 2010-2015, it can be concluded that the political priorities have shifted. After a period in which labour immigration starkly increased, the securitisation strategy is being used again as a proven method to generate electoral support. The framing of 'low-skilled' migrant workers as 'unwanted' individuals who have a destabilising effect on society, is a relatively risk free way of appealing to large groups of voters. The outspoken preference for domestic workers in the 'low-skilled' sectors will speak to the interests of this demographic who happens to have voting rights, while migrant workers without this democratic right are being targeted without electoral consequences. This development shows that it is in the interest of political parties to frame labour immigration in a way which suits their priorities at the time and successfully navigate around the 'liberal paradox' of open markets versus closed states.

6. International labour migrant rights legislation and the UK: a reluctant state?

6.1 Universal labour migrant rights?

As the need for foreign labour in European economies grew and the number of migrant workers increased from the mid-20th century onward, academics started to raise questions about the way in which labour migration to Europe was organised. These questions were centred around the concern of a perceived power imbalance between migrant workers and employers in receiving states which made migrant workers vulnerable for exploitation. A very sharp critique of the temporary government-to-government guest worker type of labour migration which was prevalent in countries such as Germany and France, was expressed by Benard in 1978. In an article published that year in *Political Science Quarterly*, Benard questions whether this type of labour agreement can actually be classified as “free labour” at all, and compares the situation of migrant workers in Europe at that time to that of those working in slavery (Benard 1978: 278). As the main cause behind the reprehensible conditions of migrant workers in Europe, Benard points at their precarious status and lack of legal and civil rights, which she blames on a high level of self-interest on the parts of European states and employers. She writes: “The ambiguous status of the migrant worker is convenient for employers and governments, since it makes him (*sic*) (*the migrant worker - DH*) more tractable, less likely to complain or insist on his (*sic*) “rights”, and easier to dispose of in the event of a recession’ (Benard 1978: 284). In a more recent publication, Ciu-

pijus draws a comparison between the practice of temporary labour migration and that of forced migration, arguing that the former issue has incorrectly been treated as an economic issue only. The factor of ‘temporality’ inherent in 20th century European labour migration agreements, Ciupijus argues, allowed for the ‘morally reprehensible exploitation of workers’, and therefore requires to be treated as an ‘ethical challenge’ by states (Ciupijus 2010: 9). In the context of labour migration, ‘temporality’ becomes an incentive for parties who benefit from the labour of migrant workers (employers, states) not to discriminate between domestic and foreign workers in the granting of civil rights. The issues addressed by Benard and Ciupijus raise the question to what extent receiving states bear the responsibility for the conditions and well-being of migrant workers and by what structures they should be held accountable.

From the late 20th century the notion that labour migrants as a distinguishable group need to be recognised and protected by states gained credibility within the context of international politics. Several multilateral organisations and specialised agencies have attempted to establish sets of standards for how migrant workers should be treated by their receiving states. These attempts at creating universal frameworks of fundamental rights for labour migrants have met with opposition from states which feared that by committing to these rights their national sovereignty as well as their position within the global economy would be at stake. The ratification and implementation of these frameworks

in the form of international treaties has therefore seen many states opt out or commit only partially. Furthermore, even when states choose to be cooperative and adopt international human rights legislation, the actual realisation of its aims remains problematic. Soysal writes: 'The concurrent invocation, in nation-states' rhetoric and praxis, of national sovereignty and universal human rights engender paradoxical correlations' (Soysal 1994: 8). The friction between 'national sovereignty' and the universal nature of rights outlined in the treaties would form an irreconcilable contradiction, which in practice would lead to the failure to implement these rights when adopted. Alternatively, what Soysal's statement could imply is that in order to meet the need for 'universal value', legislation would be neutralised to the point where it loses the ability to have a measurable effect at all.

The United Kingdom is a notable example of a state which has failed to ratify some significant treaties on the rights of migrant workers put forward by the United Nations and its specialised agencies. The refusal of the UK to sign such legislation is especially striking considering their otherwise strong presence within international politics and their key membership to the United Nations as the organisation responsible for the creation of these treaties. The two most comprehensive treaties on the rights of labour migrants and the position of the UK in relation to those will be discussed in this chapter. As the treaties tend to elaborate on a number of different labour migration issues, the evaluation will be structured around three distinct topics: the

background to the treaty in terms of the initiating organisation and the role of the UK within it; the political message behind the treaty and the parts of the content which are relevant to migrants in the low-skilled sectors; and the question of why the UK has chosen not to sign the treaty. In order to establish how international labour migrant rights legislation has progressed over the years, the treaties will be discussed in the order in which they were adopted by the organisations in charge.

6.2 ILO 1975: Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers

Founded in 1919 as the ‘Labour Commission’, the founding philosophy of the organisation that would later become the International Labour Organization was rooted in the idea that ‘universal and lasting peace can be accomplished only if it is based on social justice’ (ILO 2015: ‘Origins and history’). The organisation’s executive body was composed by governmental representatives, employers and workers from nine countries, including the United Kingdom (*ibid*). For its founding impact on the organisation, and for the ILO’s status as the United Nation’s primary labour rights agency, the lack of support from the United Kingdom for a number of its endeavours is remarkable. In June 1975, the International Labour Organization passed a piece of legislation which is known as the Migrant Workers (Supplementary Provisions) Convention, or ‘Treaty C143’, which has since been ratified by twenty-three member states, the United Kingdom not included (ILO 2015: ‘Ratifications of C143’). As an or-

ganisation which aim it is to promote the rights of workers worldwide, Treaty C143 was the first piece of legislation introduced by the ILO which focused specifically on the rights of migrant workers. The events that took place in Europe leading up to the creation of the Convention are clearly reflected in the treaty's purpose and content. As described in Chapter 3, the 1970s were a time during which European states were beginning to notice the effects that their earlier calculated efforts to attract migrant workers were having on their societies. In the UK, policies allowing for the free movement of colonial citizens had already largely been overturned in the early 1960s, while the political sentiment over labour immigration became increasingly sceptical throughout the 1970s and 1980s. It is against the backdrop of this political climate, which was noticeable in other European states which had seen a large increase in labour immigration too, that the ILO Migrant Workers Convention was introduced. In this Chapter, the treaty will be referred to as the 'ILO Migrant Workers Convention', 'Treaty C143', or simply the 'Convention'.

In the Preamble to Treaty C143, clear references are made to the development of the increased migration of labourers to Europe. The notion that this type of one way labour migration is caused by, and further enhances, economic inequality between different world regions, is acknowledged in the following line:

Considering that in order to overcome underdevelopment and structural and chronic unemployment, the governments of many countries increasingly stress the desirabil-

ity of encouraging the transfer of capital and technology rather than the transfer of workers in accordance with the needs and requests of these countries in the reciprocal interest of the countries of origin and the countries of employment (ILO 2015: 'C143 Preamble').

The striking aspect of this statement is that rather than focusing on the particular situation of migrant workers, it critiques the larger development of an outpour of workers from certain states in favour of others and the destabilising effects that this might have on the societies being left behind. In addressing the larger migration dynamic, the Convention takes a strong political stance against the one-dimensional 'transfer of people' to states with a high demand for foreign workers. Treaty C143 upholds the notion that labour migration disproportionately benefits the economies of the receiving states, while it puts the societal stability and economic prosperity of the migrants' countries of origin at risk. Furthermore, the Convention acknowledges the vulnerable position that migrant workers find themselves in as individuals in transfer between their disadvantaged state of origin and their destination state. In doing so, Treaty C143 positions itself on the side of the migrant worker by stating that the task of the Convention is to protect 'the interests of workers when employed in countries other than their own' (ILO 2015: 'C143').

In Article 11 of the Convention, the type of labour migrant that the treaty is concerned with is specified as 'any person regularly admitted as a migrant worker' (*ibid*), with the exception of a few categories of migrants, including that of students and

those who can be classified as ‘expats’ for their temporary duties on the account of a foreign employer (*ibid*). These exemptions to Treaty C43 exclude at least two groups of migrants that can be classified as ‘high-skilled’, and therefore shift the focus to migrants employed in the ‘low-skilled’ sectors. As its main principle, the Convention obliges states to ‘respect the basic human rights of all migrant workers’ (*ibid*). Further explanation of what these ‘basic human rights’ exactly entail isn’t given in the Treaty, however several articles stress the need of states to actively prevent the illegal and/or forced movement and employment of migrant workers. Furthermore, Treaty C43 calls for governments to take protective measures in the form of social security for those migrants who do fall victim to illegal activity and lack the protection of their employer. The all-encompassing purpose behind the Convention is to have governments commit to a greater level of responsibility for migrant workers entering their countries, both in a legal sense (fighting illegal and forced migration) and by taking socio-economic measures (providing social security and benefits).

There are several plausible reasons for why the United Kingdom, despite their high level of involvement in the creation of the International Labour Organization, refused to sign the ILO Migrant Workers Convention of 1975. Firstly, the Treaty takes a critical stance towards intentional, one-way labour migration to Europe, making a clear reference to the practice of government-to-government guest worker contracts prevalent in

many European states at the time. The UK however, while also using foreign labour to fill its employment gaps in the 'low-skilled' sectors, relied on its 'colonial migration regime' (Hansen 2003: 25) rather than planned labour migration. By means of its early flexible policies toward the movement of colonial citizens, the UK attracted high numbers of migrants intending to work in the country, however the government refrained from being directly involved in their employment. The call for greater responsibility on the side of receiving states that Treaty C143 makes therefore could be ignored by the United Kingdom on the basis that labour migration to the country wasn't the result of their intentional efforts, but rather a side effect of its flexible colonial citizenship policies.

Secondly, the time in which the Convention was passed coincided with the period in which the UK was actually attempting to overturn its flexible migration policy and cut back on the rights of migrants from its (former) colonies. To sign a treaty obliging the state to provide more legal and socio-economic rights to migrants therefore would have gone directly against the direction of the prevailing migration politics that the UK government was pushing for at the time. Furthermore, in line with other states with high labour immigration rates at the time, the refusal of the United Kingdom to ratify Treaty C43 can be seen as a rejection of the permanent nature of its content. As Hasenau argues, it was in the interest of states to allow migrant workers only on a temporary basis, which was opposed by the principle of

‘promoting equality of opportunity and treatment’ in the Convention (Hasenau 1991: 695). While the UK wasn’t involved in the wide scale temporary recruitment of migrant workers that typified the labour immigration policies of other European states, its efforts to reduce colonial citizens’ mobility does reflect a similar intention to control and limit immigration rates. The reform of the UK’s colonial policies starting from the early 1960s was aimed at reversing the country’s responsibility for colonial citizens by taking away the rights that were previously granted to them. The ILO Migrant Workers Convention made a direct call on states to increase their responsibility for migrant workers, especially the socio-economically weaker, ‘low-skilled’ groups which many colonial migrants in the UK belonged to. In the spirit of a deliberate rebuttal from its accountability toward its former colonies and their citizens, the UK opted not to ratify the ILO Migrant Workers Convention of 1975.

6.3 UN 1990: International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families

The United Nations, existing of six different main bodies and a multitude of specialised agencies, upholds the task of the ‘protection of human rights worldwide’ as one of its five main missions (UN 2015: ‘Protect Human Rights’). It is within this mandate that the need for a universally accepted new standard on the treatment of labour migrants in the form of international legislation was developed. As with the International Labour Organization before it merged with the United Nations, the UK played a

crucial role in the creation of the UN as one of the twenty-six nations to sign its founding document, the 'Declaration of the United Nations' in 1942 (UN 2015: 'History of the United Nations'). However, while the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families of 1990 has proven to be more widely accepted than its 1975 ILO predecessor, with thirty-eight member states having currently signed (UN 2015: 'Treaty Collection Chapter 4.13'), the United Kingdom is not among them. It is remarkable that merely fifteen years after the adoption of the ILO Migrant Workers Convention, a similar policy was passed by the United Nations. The need to surpass the mandate of the ILO as the UN's prime labour rights specialised agency and adopt a treaty in the wider context of the UN is a sign of the relative failure of the earlier ILO Convention. A significant factor in its failure can be found in the unwillingness of many states, including the United Kingdom, to ratify the ILO treaty in the first place. As Bohning writes:

'It was remarkable that the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) proved unacceptable to a number of states, as well as to representatives of employers' and workers' organizations, when it came up for adoption by the International Labour Conference in 1975; and herein lies one of the origins of the new UN Convention' (Bohning 1991: 699).

According to Bohning, the lack of success of the ILO Migrant Workers Convention gave rise to the creation of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families by the UN in 1990. In the

UN Convention itself, reference is made to the earlier ILO Convention, and it is noted that the new Convention takes into account the ‘principles and standards’ developed within the framework of the ILO (OHCHR: Int. Convention Preamble). The new UN Convention on migrant workers’ rights, rather than a revision of the 1975 ILO Convention, should therefore be seen as a renewed and more elaborate attempt to gather support from member states for the ideals put forward by the ILO previously. As Hasenau writes: ‘The UN Convention reflects the strong points and the weaknesses of the existing universal instruments on migrant workers adopted under the auspices of the ILO’ (Hasenau 1991: 687). However, the UN Convention (consisting of 93 articles as opposed to the ILO Convention’s 24 articles) provides a much more in-depth discussion of what the rights of migrant workers exactly consist of. In the fifteen year period between the adoption of the two treaties, this is indicative of how quickly the concept of human rights progressed and gained recognition within international politics. In order to avoid confusion with the ILO Migrant Workers Convention of 1975, The UN International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families will be referred to as the ‘UN Migrant Workers Convention’ or simply ‘UN Convention’ in this Chapter.

There are several similarities between the UN Migrant Workers Convention of 1990 and the ILO Migrant Workers Convention of 1975. This similarity is first of all reflected in the

definition of migrant workers, which the UN Convention specifies as ‘a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national’ (OHCHR 2015: Int. Convention Art. 2). The UN definition, like the one of the ILO, thereby excludes students and migrant workers ‘whose admission and status are regulated by general international law or by specific international agreements or conventions’ (*ibid*). This definition reconfirms the focus of the ILO Convention on migrant workers with a ‘low-skilled’ status whose livelihoods are deemed vulnerable and in need of separate protective measures. While the treaty applies to ‘legal’ migrant workers only, the UN Convention does address the issue of ‘irregular’ migration and undocumented migrants in its Preamble. In regards to irregular migrants, who arguably fall into the category of most vulnerable migrants for their status of being ‘undocumented’, the expectation is stated that the UN Convention will act as an incentive for migrants to comply with state laws. The idea behind this is that irregular migration will be discouraged if documented migrants are assured of their human and civil rights and states respect those rights and provide protection. Whereas the ILO Convention called upon states to actively prevent the illegal and/or forced movement and employment of migrant workers, the UN Convention is an attempt to ‘empower’ migrants with certain rights in order to encourage migration through legal routes. However, the Convention calls for ‘sound, equitable, humane and lawful’ (OHCHR 2015: Int. Convention Art. 64)

conditions for all migrant workers and their families, including undocumented migrant workers.

Unlike the ILO Migrant Workers Convention, the UN Convention specifies in detail what the human rights of migrant workers and members of their families entail. The human rights described in the UN Convention cover all aspects of migrants' lives, including labour rights (protection from slavery/forced labour), legal rights (right to criminal defence), provision of emergency medical care and freedom of 'thought, conscience and religion' (OHCHR 2015: Int. Convention Art. 12). In addition to a more specific description of the human rights of migrant workers, the UN Convention also widens the scope of responsibility that member states have toward migrant workers by stating that the treaty 'shall apply during the entire migration process of migrant workers and members of their families' (OHCHR 2015: Int. Convention Art. 1). This means that instead of giving the host country of the migrant worker full and only responsibility to follow up on the standards as established in the treaty, it holds that all involved states - from the migrant's home country to the states they travel through - are accountable. In practice this means that migrants are treated as much as citizens of the respective states that they find themselves in at any given moment as the sovereign laws of that country allow for. While this excludes for example certain democratic rights such as the right to vote in national elections, in the area of employment and remuneration states which have signed the UN Convention are obliged not to dis-

criminate against migrant workers on the basis of their legal status as ‘migrant’ as opposed to ‘citizen’.

As with the UK’s refusal to sign the ILO Migrant Workers Convention of 1975, its failure to ratify the UN Migrant Workers Convention of 1990 should be understood as a reflection of the country’s internal immigration politics at the time. 1990 marked the end of the Thatcher administration, under which the British Nationality Act was passed in 1981, removing British citizenship from all people without ancestral connections to the United Kingdom (Webber 1991: 14). However, while the passing of the ILO Workers Convention happened during a time of active political attempts at reducing the number of migrants coming to the UK, in 1990 these policy changes had been completed and the political focus on immigration had lessened. The UK’s rejection of the UN Migrant Workers Convention should therefore be viewed in light of a broader anxiety about the loss of political and economic state sovereignty. Wallace uses a definition first posed by Hirsch to explain the meaning of sovereignty: ‘*Formal sovereignty* concerns legal rights. *Effective sovereignty* (or *independence*) concerns the practical power to exercise those rights’ (Hirsch cited in Wallace 1986: 368). According to Wallace, the fear for a reduction in national sovereignty by the UK has its roots in the country’s membership to the European Community (now European Union) and the influence of the International Monetary Fund (IMF) on its economic policies (Wallace 1986: 367). Howe writes that the UK presents a unique case as a state which ‘has

enjoyed sovereignty on as absolute a scale as it has ever existed' (Howe 1990: 678). Following the sovereignty argument, the UK's refusal to ratify international migrant workers' rights legislation should be interpreted as an attempt to maintain control over its own social and economic legislation. The UK, with its significant colonial past and far-reaching involvement in several multilateral organisations, can by no means be considered a politically isolated state. Within international politics however, as expressed in those two contexts, the UK has commonly manifested itself as a dominant power which has wielded its influence on other states rather than vice versa. Therefore to accept international legislation affecting its domestic social and economic policies, even when established by multilateral efforts, would be to compromise some of that sovereignty. The UN Migrant Workers Convention presents a set of standards for the treatment of documented and undocumented migrant workers which would inevitably have an effect on the UK's domestic human rights legislation. The failure of the United Kingdom to ratify the UN Workers Convention can therefore be placed in a tradition of British state sovereignty which the UK, as a powerful player in international politics, has been able to sustain some aspects of.

7. Conclusion

As this thesis attempts to portray, labour migration is an issue that has become intertwined with several other socio-economic, political and even security concerns that determine the current framework in which it is discussed. In answering the question of which ideological developments have shaped the current climate around labour migration to the United Kingdom, it must first be established what this climate actually looks like in the UK today. In Chapter 4 of this thesis, it is argued that there is an inconsistency in the economic need for 'low-skilled' migrant workers in certain employment sectors and the political narrative which in varying levels since the end of World War II has been strongly positioned against this type of labour immigration. The significant increase in the number of foreign workers employed in the 'low-skilled' sectors in the UK which the data show for the period 1993-2013, is followed by powerful anti-labour immigration rhetoric expressed by the Conservative Party in their 2010 parliamentary elections campaign and in their proposed policies in pursuit of a reduction of labour immigration. This political 'backlash' against 'low-skilled' labour immigration specifically - a phenomenon which can be observed throughout European states and the European Union - provides the foundation for what can be described as a hostile climate around 'low-skilled' labour migration to the United Kingdom. In the creation of this hostile political climate in regards to 'low-skilled' labour migration to the UK, there are five distinguishable but interrelated ideological de-

developments noticeable. In short, these developments can be classified by the following five themes: 1. Colonial policy and reform; 2. The construction of skill; 3. Neoliberalism and welfare reform; 4. Perceived threats and the securitisation of migration and 5. British state sovereignty. A discussion of all five of these developments in relation to one another provides the conclusion that this thesis has built towards.

Chapter 3 of this thesis provides the historical, post-World War II narrative of how the UK's 'colonial migration regime' led to large numbers of colonial citizens entering the country and the British job market. Different from the temporary guest worker policies prevalent in other European states, the policies in the UK were not intended to purposefully fill employment gaps in the 'low-skilled' sectors with foreign workers, however this was the consequence of their rather flexible policies introduced in 1948. This unintended result helps to explain why the UK, earlier than many other European states, started to tighten its colonial migration policy with the goal of overhauling the mass influx of foreign-born workers with restrictive measures from 1961 onwards. The negative political discourse on labour immigration and the framing of non-European, non-white 'low-skilled' workers in particular as 'undesirable' in the decades between 1960-1990, is a forebode of the current steps being taken in British politics to reduce 'low-skilled' labour migration to the country. Therefore, the increase in foreign-born workers entering the UK as colonial citizens after 1948 and its early political backlash,

counts as one of the crucial developments leading to the current labour immigration narrative.

An important aspect of the targeted rejection of certain types of labour migrants, as described in Chapter 4, is that it focuses predominantly on migrants attracted to the so-called 'low-skilled' employment sectors. It is established that 'skill' is a social construction and a consequence of the defragmentation of work under capitalism which has led to a hierarchy in skill. According to the functionalist theory of stratification, inequalities in remuneration and power are justified by this invented hierarchy. Subsequent to the 'gendering' of work, by which employment sectors in which women are overrepresented is undervalued and underpaid, there is the expectation that certain work will become 'migrant' work and the negative label of being 'low-skilled' is projected on that group. It is shown that the classification of being 'low-skilled' has serious negative consequences for the health and wellbeing of migrants, as compared to migrants who classify as 'high-skilled'. The construction of skill and the widespread acceptance of the term 'low-skilled' as a justification for the low socio-economic position of certain workers, underpins the current British political stance toward 'low-skilled' labour migrants.

Thirdly, tied in with the construction and subsequent ranking of skill, is the development of neoliberalism as the basis for immigration politics. As argued in Chapter 5, at first glance the selectiveness around the nationality of 'low-skilled' workers

seems to be at odds with the neo-liberal ideal of open markets, as it interferes with employers' demand for foreign labour and thereby sabotage economic growth. However, one aspect of the neoliberal agenda in the UK has been the reform of welfare services which principally disadvantages 'low-skilled' workers and the unemployed. As 'low-skilled' migrant workers fall into a demographic which enjoys low socio-economic status with a high likelihood to rely on the state for support, the political backlash against this type of labour immigration is in line with the neoliberal project of the UK government. However, another ideological development must be taken into account in order to fully understand the dismissal of 'low-skilled' foreign workers, which is the anxiety around a number of perceived threats to indistinct institutions such as the welfare state and 'British national identity', as well as the fear of a direct security threat. In regards to the latter, the term 'securitisation of migration' describes a political process by which the association of labour immigration with security issues has been used periodically by political parties in order to justify their immigration politics and to gather electoral support. The neoliberal framework, closely linked with the narrative of security threats and the securitisation of migration, provides the ideological basis on which the current UK government attempts to impose restraints on 'low-skilled' labour migration to the country.

Lastly, the thesis considered the UK labour migration politics through the lens of the country's reluctance towards international migrant workers rights legislation. In assessing both the

1990 UN International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and its predecessor, the ILO 1975 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, similar conclusions were drawn from the UK's refusal to ratify either treaty. Specifically in regards to the 1975 ILO Treaty, as the UK lacked the guest worker model of intentional labour migration that typified other European states, the government felt no urge to increase its responsibility for their 'unintended' migrant workers. Furthermore, the ILO Migrant Workers Convention was introduced at a time during which the UK was in the process of restricting, not extending, the rights of (colonial) migrants. The reasons behind the UK's opposition to the 1990 UN Migrant Workers Convention can be found in a similar pursuit of state sovereignty when it comes to the country's immigration politics. In line with the anti-immigration doctrine of Thatcher and the overhaul of responsibility for its former colonies and its citizens, the reluctance of the UK to ratify this treaty should be seen as an attempt to sustain control over its domestic affairs. The development, or tradition, of British state sovereignty, can therefore be interpreted as a strong mandate for the current government to restrict foreign access to its labour market and rely on British-born workers instead.

As goes for other European states and considering all five ideological developments described here, the United Kingdom

must be careful that in its pursuit of states sovereignty the country doesn't isolate itself to the point where its restrictive labour migration policies harm the country's economic prosperity. Furthermore, in its negative portrayal of the presence of 'low-skilled' migrant workers, British policy makers must be conscious of the damaging consequences that their rhetoric and policies may have on the lives of migrant workers in the so-called 'low-skilled' employment sectors.

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