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Local labour regimes and the agency of construction workers in Chennai, South India

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Summary

The construction industry in India is one of the largest sources of employment in the country, but it is weakly regulated by labour legislation. As a consequence, construction workers are hired informally, their employment is unprotected and they do not have access to social security in cases such as unemployment, illness, injury, regency and old age. In Tamil Nadu, construction workers started to organise collectively into trade unions in the early 1980s and demanded a comprehensive legislation to be implemented in the construction industry. The state government responded in 1982 by enacting a legislation to improve the conditions of different groups of informal workers, among them construction workers. This act, however, was never implemented. Instead, the Tamil Nadu Construction Workers Welfare Board was established in 1994 to provide welfare schemes. The Board is governed as a tripartite institution with representatives from unions, employers and the state government, but does not play any role in the regulation of employment and the welfare schemes do not contain substantial social security.

Through a qualitative case study of the construction industry in Chennai, the state capital of Tamil Nadu, the aim of this thesis is to explain opportunities for – and constraints to construction workers' agency by examining how employment arrangements and welfare provisions were regulated and negotiated. The data material consists of interviews with workers, union leaders, employers and government officials, as well as documentary sources, collected during the period 2007-2010. I use local labour regime as an analytic frame to approach the interaction between labour regulation, labour control and workers' agency on different geographical scales. In dialogue with theoretical perspectives on the informal economy and literature on the politics of work and welfare in India, I develop a contextual explanation of processes that conditioned the agency of construction workers in Chennai and the ways they themselves shaped their working lives.

The thesis argues that alliances between employers, certain union leaders and politicians on a regional scale have facilitated the implementation of welfare schemes, but also prevented more structural changes in labour regulation. By accommodating some of the welfare demands from the unions, labour regulation could be kept at a minimum. Another constraint to the collective agency of construction workers was the fragmented union landscape, caused by differences in political orientation and also to the proliferation of unions organising informal workers.

Still, the welfare schemes worked as an organising tool for the unions, which were able to influence the state government to a certain degree. Moreover, my two case study unions played a key role as intermediaries of welfare provisions including accident compensation from employers. Hence, I identify a union-influenced labour regime in the neighbourhoods, recruitment sites and workplaces of local workers residing in Chennai on a permanent basis. In comparison, at two large construction sites within Greater Chennai, I identify a migrant-based labour regime, characterised by the absence of unions, lower wages, longer hours of work and lack of access to welfare schemes.

I relate the differences between the two regimes to local and migrant workers' varying degrees of spatial embeddedness. While it is often argued that labour market intermediaries prevent collective organising, I demonstrate that the ambiguous positionality and multiple roles of local labour contractors operating as intermediaries between the formal and informal spheres were important to understand the unionisation of construction workers in Chennai. Furthermore, I show that the recruitment sites of local workers were regulated by social rules and practices, and to some extent union involvement, which increased their bargaining power as compared to the migrant workers. At the same time, the asymmetrical relations between labour contractors and labourers also constrained the room for manoeuvre in negotiating

employment arrangements, and tendencies towards hierarchy and dependence were replicated in the unions.

To bring out these complexities, I argue that it is necessary to focus on regulatory processes and multiple forms of worker agency that manifest in the production and reproduction locales, both on regional and local scales.

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List of acronyms

ADMK	Anna Dravida Munnetra Kazhagam
AITUC	All India Trade Union Congress
BAI	Builders Association of India
BC	Backward castes
BWI	Building and Woodworkers International
CITU	Centre of Indian Trade Unions
CLA	Contract Labour (Regulation and Abolition) Act, 1970
CLEP	Commission on Legal Empowerment of the Poor
CPI	Communist Party of India
CPI-M	Communist Party of India – Marxist
DMK	Dravida Munnetra Kazhagam
ESI	Employee’s State Insurance
ILO	International Labour Organization
ISO	International Organization for Standardization
IT	Information Technology
IMWA	Interstate Migrant Workers (Regulation of employment and conditions of services) Act, 1979
INTUC	Indian National Trade Union Congress
INRLF	Indian National Rural Labour Federation
GO	Government Order
GoTN	Government of Tamil Nadu
HSE	Health, Safety and Environment Plan
LLCR	Local labour control regime
MGR	Marudhur Gopalan Ramachandran
MIDS	Madras Institute of Development Studies
NCEUS	National Commission for Enterprises in the Unorganised Sector
NCC-CL	National Campaign Committee for Central Law on Construction Labour
NGO	Non-governmental organisation
NMPS	Nirman Mazdoor Panchayat Sangam
NTI	New Trade Union Initiative
SC	Scheduled castes
TCWF	Tamilnadu Construction & Unorganized Workers Federation

TKTMS	Tamizhaga Kattida Thozilalar Madhya Sangam
TMKTS	Tamil Maanila Kattida Thozilalar Sangam
TMS	Thozilalar Munnetra Sanga
UNDP	United Nations Development Programme
VAO	Village Administrative Officer

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Glossary

Tamil:

Amma – lady/mother

Dalits – lowest in the caste hierarchy

Mistri – male skilled worker operating as small-scale contractor

Kottanar – male skilled worker

Jully – cement mix

Periyal – male low skilled worker

Chital – female low skilled worker

Dobakur – fraud

Ninge-ponge – you please go, polite form

Ni-po – you go, impolite form

Hindi:

Bidi – hand rolled cigarettes

Chapaties – round bread

Coolie – day labourer/daily wage

Dhal – lentil stew

Dharna - hunger

Gaon ka admi – man from the village

Halipratha – bonded labour system

Malik – boss, here meaning contractor

Thasildar – Revenue Officer

Thekedar – contractor

Sardar – labour contractor

Maps



Figure 1: India, states and territories



Figure 2: Tamil Nadu, districts



Figure 3: Chennai city

1 Introduction

1.1 The research problem

The construction industry is one of the fastest growing sectors in the Indian economy (Srivastava, 2012) and the labour force is estimated at almost 450 million. The majority of workers are hired on an informal basis and implementation of the national labour legislation to regulate the industry has been ineffective. As a consequence, their work is temporary and uncertain and the risk of accidents is high (Standing Committee on Labour, 2014). Furthermore, they do not have access to social security, defined by the International Labour Organization as systems for basic income in cases such as unemployment, illness, injury, pregnancy and old age (ILO, 1952). In India, the situation of informal workers can be contrasted to a minority of formally employed workers in public sector enterprises and services, as well as some private companies, who are protected by labour legislation and have job security as well as social security (NCEUS, 2007).

As a pioneering state, Tamil Nadu enacted legislation to improve the conditions of informal workers, among them construction workers in 1982, called the *Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act*. The act provides for the regulation of employment arrangements, as well as for comprehensive social security. However, the act was never implemented, and instead the *Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme* was implemented in 1994. This scheme does not regulate working conditions, and is limited to welfare provisions. The Tamil Nadu Construction Workers Welfare Board, based on tripartite representation from unions, employers and the state government, governs the scheme.

The legislations were introduced after a mass mobilisation of construction workers starting in 1979, when a severe shortage of cement and steel led to rising prices on raw materials and recession in the construction industry. The large number of workers who became unemployed mobilised to demand price control, unemployment compensation and legal protection from the state government. During the campaign, the Tamizhaga Kattida Thozilalar Madhya Sangam (TMKTMS), or the Tamil Nadu Construction Workers Union, was founded (Agarwala, 2006: 61-62, 2013: 43; Ramakrishnan, 1996). The union has split several times, and at present there are many different unions organising construction workers in the state.

Through a qualitative case study of the construction industry in Chennai, the state capital of Tamil Nadu, *the aim of this thesis is to explain opportunities for – and constraints to construction workers’ agency by examining how employment arrangements and welfare provisions were regulated and negotiated.* Employment arrangements refer to the modes of recruitment of workers and the terms and conditions of work. Welfare provisions refer to the state-provided schemes and to accident compensation, medical care and sick leave provided by the employer. By regulation, I understand the interaction of formal regulations, such as labour legislation, market regulation and social institutions, practices and conventions (Peck, 1996: 17). Agency is defined here as “the capacity that individuals or groups have to make choices and decisions that, in turn, structure or shape their own lives” (Castree, Coe, Ward, & Samers, 2004: 160). In this thesis, the focus will primarily be on the possible ways construction workers shape their *working lives*, both collectively and individually.

The processes above may be studied on different geographical scales, e.g. the workplace, the local, the regional, the national and the international scales. However, with reference to debates within Human Geography, geographical scales are not natural and given, but rather socially constructed through social relations, actions and institutions. Hence, local and extra-local processes on a variety of scales influence the relationship between workers and employers in place (Castree et al., 2004: 96-98, 115). These dynamics are captured by the concept of a *local labour regime*, which I apply as an analytic frame for the thesis. According to my reading, it is constituted by two components: The first component is *labour regulation*, referring to the nexus between wider regulatory processes in the state and the economy and regulatory processes in the local labour market (Jonas, 2009; Peck 1996: 106-113;). The second component is *labour control*, referring to the locally specific ways workers are integrated into the workplace and habituated to production (Jonas, 2009). Inspired by Jonas (1996), I understand a local labour regime as consisting of two interrelated ‘locales’, or contexts for social interaction: the *production locale*, referring to the politics of the workplace and the *reproduction locale*, referring to the politics of welfare. Finally, I see local labour regimes as a reflection the agency of workers in relation to employers and the state and vice versa: local labour regimes condition workers’ agency and workers shape the local labour regimes.

In this thesis, I focus on the interaction of processes on a regional scale, which is the state of Tamil Nadu, and on a local scale, which is the city of Chennai including a part of Kancheepuram district that is included in Greater Chennai (Chennai Metropolitan Development Authority [CMDA], 2016). Since the 1990s, Tamil Nadu has been the most

industrialised state in India, and also among the states with the highest economic growth. The industrial development has been concentrated in clusters specialising in the production of specific commodities, e.g. textiles. The state government has also facilitated domestic and international investment through infrastructure development, and by establishing a large number of Special Economic Zones catering to, for example, the auto industry, IT and telecom (Vijayabaskar, 2010). These developments have led to a boom in the construction industry attracting migrant workers from other states (Malarvizhi, 2008). The city of Chennai and its surroundings has been a significant centre for these developments. The population of Tamil Nadu was 72 million in 2011, while the population of Chennai district, including the city and its surrounding areas, was 4.6 million (Census of India, 2011a, 2011b).

The study is based on eight months of fieldwork in Chennai, undertaken in three periods between 2007 and 2010. I conducted semi-structured interviews with unionised and non-unionised construction workers in low-income neighbourhoods in Chennai, as well as temporary migrant workers at two large construction sites who lived in accommodations provided by the employers. I have also conducted interviews with key informants among trade union leaders, construction builders and contractors and government officials. The data material from interviews has been supplemented by observation at relevant arenas and documentary sources, such as labour laws, official documents, union material and newspaper articles.

1.2 Analytical point of departure and research questions

The topic of this thesis relates to the scholarly and policy-oriented debate on how working conditions and welfare provisions in the informal economy may be improved and the role of informal workers themselves in this process. The informal economy is hereby defined as “all workers and economic units that are, in law or in practice, not covered or insufficiently covered by formal arrangements” (Commission on Legal Empowerment of the Poor [CLEP], 2008: 137). This thematic focus situates my study within *labour geography*; a research stream with few analytical boundaries, but with some common themes like the geographies of work, labour markets, regulation and trade union strategies (Castree, 2007). In the following, I will outline my key contributions to the literature on informal workers in India and to labour geography.

1.2.1 Regulating the informal economy

The Tamil Nadu Construction Workers Welfare Board represented an innovation in terms of how social security for informal workers might be promoted. However, since the Board did not formally regulate employment arrangements, these were mostly informally regulated, although some labour laws applied to the construction industry. By exploring the interaction between different forms of labour regulation, this study identifies important mechanisms influencing construction workers' actual access to welfare provisions and the implementation and enforcement of labour laws on the ground.

As a member of the International Labour Organization (ILO), India is expected to ratify the international labour standards and incorporate them into the national labour legislation. Although international labour standards are variously categorised, Portes (1994) suggests dividing them into the following four categories: 1) Basic rights include regulations against child labour, forced labour and physical coercion; 2) Civic rights refer to the right to free association, collective representation and the free expression of grievances; 3) Survival rights encompass the right to a living wage, accident compensation and a limited workweek; and 4) Security rights are regulations against arbitrary dismissal and the right to retirement compensation and survivors' compensation. The ILO declaration on *Fundamental principles and rights at work*, also called the core labour standards, was adopted in 1998, and are binding on all member countries irrespective of whether the actual conventions have been ratified. These include the right to freedom of association and collective bargaining, the elimination of all forms of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in employment and occupation (ILO, 1998).

In 1991, the ILO discussed whether the informal economy should be promoted to facilitate employment generation, or whether regulation and social protection should be extended to informal workers. With the last alternative, there was a possibility that the potential for employment generation could be reduced. The ILO has concluded that "all those who work have rights at work", and that employment generation must go along with a progressive realisation of rights along the continuum from the informal to the formal economy, towards the goal of Decent Work for all (International Labour Office [ILO], 2002: 1-5). The concept of Decent Work consists of four strategic objectives: promoting employment generation and rights at work, extending social protection, including social security and a safe working environment, and promoting social dialogue between workers' and employers' organisations (ILO, 1999).

Another concept that has emerged in the policy-oriented literature after the Millennium is ‘legal empowerment’. Among the contributors, there seems to be a general agreement that it is important to use the law to increase poor peoples’ control over their own life in terms of livelihood, as well as enable their participation in political processes (Banik, 2008; Golub, 2003; Palacio, 2006; USAID, 2007;). The United Nations’ Commission on Legal Empowerment of the Poor (CLEP, 2008) recommends a progressive realisation of labour rights in the informal economy as one of the pillars in the legal empowerment agenda. Some of its key components include strengthening the identity, voice and representation of the working poor, in addition to their dialogue with employers and governments, improving the quality of labour regulation and the function of institutions, supporting the application of a minimum package of labour rights for the informal economy, promoting access to opportunities for decent work, education and training, combating discrimination, and developing inclusive social protection (pp. 132-133). The CLEP report further argues that instead of contrasting deregulation against a fully regulated labour market, there is a need to focus on how such regulations can contribute to poverty reduction by promoting decent work (pp. 170-171).

In India, the informal economy is estimated to be 92% of the total workforce and 72% of the non-agricultural workforce. These figures encompass both the so-called self-employed, such as street vendors and wagedworkers, e.g. in factories and on construction sites (NCEUS, 2007: 1-4). The informal economy has been increasing since the early 1990s because of stagnation and a decline in formally protected employment and an increase in informal employment (NCEUS, 2007: 4). This development has paralleled the introduction of economic reforms, which included privatisation, liberalisation and deregulation. At the same time, the Indian government has taken several initiatives aimed at promoting economic and social rights for vulnerable groups (Corbridge, Harris & Jeffrey, 2013: 101-102). Ruparelia (2013) calls these initiatives ‘the new rights agenda’. When it comes to the informal economy in particular, the central government appointed the National Commission for Enterprises in the Unorganised Sector (NCEUS) in 2004 to formulate appropriate policy recommendations. The report of the commission identifies the need for a comprehensive legislation for the informal economy, also called the ‘unorganised sector’, which includes minimum conditions of work, social security and the promotion of livelihood (NCEUS, 2007). Similarly to the construction industry in Tamil Nadu, the commission’s recommendations regarding the minimum conditions of work have not been addressed, while some of the recommendations regarding social security were enacted in the *Unorganised Workers Social Security Act of*

2008. Thus, Corbridge et al. (2013:101-102) remark that this Act is not substantive enough and its implementation has not come very far. The Government of India has also adopted the Decent Work Country Programme of the ILO for the period 2013-2017, which mirrors the general Decent Work agenda outlined above (ILO, 2013).

The initiatives to improve the situation of construction workers in Tamil Nadu, and the active involvement of unions in this process, echo policy recommendations by NCEUS (2007), the CLEP (2008) and the Decent Work Country Programme (ILO, 2013). By exploring the complexity of interests and alliances related to the construction industry, the findings of my study are relevant in the discussion of how initiatives directed at informal workers might be implemented locally, and their potential successes and limitations.

1.2.2 The agency of a heterogeneous workforce

Construction workers are a heterogeneous category encompassing both labour contractors, called *mistris* in Tamil, who act as intermediaries in the labour market, and workers. The labour contractors have an ambiguous position: They hire workers for the job, monitor them at the construction sites and pay their wages. At the same time, they may also work themselves, and are in a hierarchical relationship to the primary contractor or the principal employer. Workers and labour contractors may therefore simultaneously have common and conflicting interests. The unions examined in this study organise both labour contractors and workers. Thus, another key contribution of the thesis is to explore the implications of this heterogeneity for the agency of construction workers, collectively as well as individually.

The unionisation of construction workers in Tamil Nadu is interesting since it has also been argued that fragmentation of the workforce in the informal economy prevents collective organising. Based on studies from Gujarat in West India, Breman (1996: 244-245) argues that because urban labour markets are characterised by a surplus of unskilled labour, it is essential to maintain vertical dependency relations with employers and labour recruiters to obtain work, and horizontal solidarity among workers is not developed. At the same time, historical studies from India show that workers and labour contractors have been part of the same unions in the jute industry (Chakrabarty, 1989: 144) and in the textile industry (Breman, 1996: 250; Murphy, 1981: 237-239). Moreover, in the post-reform era, new associational forms and organising strategies have been emerging among various groups of informal workers in several states (Agarwala, 2006, 2013; Hill, 2001; RoyChowdhury, 2003). Due to the reduction of employees in the formal economy, the influence of the national trade unions

has declined, and they have also been paying more attention to workers in the informal economy (Candland, 1999; Gillian & Biyanvila, 2009).

In a study of informal workers' organisations in the tobacco industry and the construction industry in Tamil Nadu, Maharashtra and West Bengal, Agarwala (2013: 33-34) argues that an important explanation for the growth of such organisations is their organising strategies, which differ from the strategies of traditional unions. Firstly, she argues that because of shifting employment relationships and lack of job security, which undermines the efficiency of strikes, these organisations direct their demands towards the state, rather than employers. Secondly, the organisations focus on welfare benefits, such as social security and education scholarships, rather than workers' rights such as job security and minimum wage, although she notes that some of the organisations focus on both sets of issues. Thirdly, she claims that the organisations mobilise informal workers as a class based on their informal work status: they do not define themselves in opposition to capital, but connect to the state through their social consumption needs as citizens. Finally, she finds that since workplaces change regularly in the construction industry and tobacco workers often work at home, the organisations mobilise workers in the neighbourhoods instead of the workplace. According to Agarwala, the organisations contribute to the empowerment of women by providing rights awareness, practical and psychological support, in addition to strengthening their political voice.

However, the role of labour contractors is overlooked in Agarwala's (2013) study, and she does not elaborate on the role of unions for actual access to welfare schemes. Meanwhile, in a study of gender discourses in the construction and exports industries in Chennai, Blomqvist (2004: 150) points out that labour contractors were part of the male dominated leadership in the unions. She finds that women lacked knowledge on their rights as well as on the work of the unions, and observes that the unions are neither doing much to increase their awareness, nor to achieve equal wages for women and men. Even so, she does not address possible advantages of labour contractors being part of the unions, e.g. when it comes to organising potential and negotiations with employers.

The contrasting findings of the above-mentioned studies might be related to the authors studying different organisations, but empowerment and domination might also occur simultaneously within the unions. Lindell (2010) emphasises that when studying the politics of informality, power relations and hierarchies within informal workers' organisations should not be neglected. Thus, this study explores the collective mobilisation of construction workers within the context of hierarchical social organisation. With this in mind, I intend to

capture the possible coexistence of processes enabling agency and legal empowerment, while at the same time reproducing relations of hierarchy and dependence.

1.2.3 Labour geography and the informal economy

Labour geography contains different thematic strands united by a geographical approach to labour questions (Coe, 2013). One thematic strand theorises the formation of geographically specific local labour regimes and labour markets (Coe & Jordhus-Lier, 2011). A key concern within this strand is the expansion of insecure work, also called precarious or contingent work, characterised by low pay, few welfare benefits and low levels of unionisation. Subcontracting is a driving force in this development and several authors look at the systemic role of staffing agencies as profit-seeking labour market intermediaries in shaping subcontracted, flexible labour markets (Coe, 2013). This strand is more concerned with the structural constraints facing labour, rather than labour agency (Jonas, 2009).

Another thematic strand theorises the collective organisation of workers through trade unions, and discusses their potential agency (Coe & Jordhus-Lier, 2011). Herod (1997) initially introduced the term ‘labour geography’ to argue that the geography of capitalism is not only shaped by mobile capital shifting investments between places: workers also shape economic landscapes and the uneven development of capitalism through their spatial strategies, for instance when they prevent the relocation of jobs in a locality. In the aftermath, a series of case studies focusing on the collective agency of unionised workers emerged (Coe, 2013).

However, critiques of this thematic strand remark that while focusing on the agency of organised labour, important issues were overlooked. With reference to the export industry in East Asia, Kelly (2002) emphasises that “It is precisely the prevention of labour collectivity that constitutes the politics of labour in such circumstances.” Similarly, Lier (2007: 829) argues that attention should not only be directed at workers with a strategic position within the global capitalist system, but also at neglected groups, voices and places. Moreover, he observes that analyses should focus on “workers’ agency that is not articulated as collectively organised political strategies”. A more conceptual critique comes from Castree (2007), who claims that the notion of agency remains both under-theorised and unspecified by most labour geographers.

Over the later years, focus has been extended to new sectors, new arenas for action and new modes of collective organisation (Coe & Jordhus-Lier, 2011). The labour geography

literature has been enriched with several case studies from the global south, with some of these studies focusing on the informal economy in particular (see for example Bergene, Endresen, & Knutsen, 2010; Lindell, 2010). Coe (2013) observes that recent research reflects a more nuanced approach to labour agency, also including individual agency on a day-to-day basis. For example, Rogaly (2009) draws attention to the informal and diverse manifestations of agency among non-unionised temporary migrant workers in India. Similarly, Carswell & De Neve (2013) differentiate between multiple forms, intensions and effects of everyday agency among workers in the textile industry in South India.

According to Coe (2013), a third thematic strand has emerged, which seeks to combine the concerns for worker agency and the structural features of contemporary labour markets. A key focus within this strand is the *multiscalarity* of union strategies, including workplace action, local alliance building and transnational organising. Rather than talking about labour agency in general, Coe & Jordhus-Lier (2011) argue that we need to develop a notion of agency that is embedded in the social relations and institutional formations that surround workers, e.g. global production networks, the state, the community, and labour market intermediaries. Similarly, Knutsen, Endresen, Bergene, & Jordhus-Lier (2015) call for approaches that capture both enabling and constraining structures conditioning workers' agency. They further observe that there is still a need for developing more rigorous analyses of non-unionised workers, informal workers and labour migrants. Moreover, the agency of capital in the formation and implementation of labour regulations on various scales from the workplace to the international scale has so far received less attention, and that more knowledge on the role of workers in shaping such regulations would be beneficial.

In a dialogue with the above observations, this thesis seeks to embed the agency of construction workers in Chennai within the social relations and institutions of the construction industry, the local communities and the local state. The focus on the implementation of labour legislation brings out the agency of informal workers in relation to employers and the state, and thus responds to the lacuna identified by Knutsen et al. (2015). However, while several contributions to labour geography argue that labour market intermediaries prevent collective agency (Coe & Jordhus-Lier, 2011; Coe, 2013), the complex positionality of the labour contractors indicate that it is not necessarily so when we move to the informal economy in urban India, where the intermediaries were part of the unions. The heterogeneity among construction workers, including both labour contactors and labourers, calls for an analysis of multiple forms of agency on various scales. This thesis will

therefore explore collective union agency on the regional and local scales, collective agency outside unions and individual agency in the daily negotiation over employment arrangements.

1.2.4 Research questions

With reference to the above discussion, the following research questions will guide the analysis:

- 1. In what ways were employment arrangements and welfare provisions in the construction industry regulated on a regional scale?*
- 2. How did the unions influence state government policies, and what were the opportunities for – and constraints to their agency?*
- 3. In what ways were employment arrangements and welfare provisions regulated on a local scale?*
- 4. How and why was construction workers' agency enabled or constrained?*

1.4 Thesis outline

This thesis will proceed as follows: Chapter 2 discusses how labour regulation and workers' agency in the informal economy may be conceptualised and develops 'local labour regime' as an analytical frame for the case study. I critically discuss perspectives on labour regimes and labour markets theorising how the relationship between workers and employers is embedded in wider political processes. Since informal employment relations dominate the construction industry, I include perspectives specifically related to the informal economy in the global south. These perspectives do not, however, sufficiently address the role of workers themselves in shaping their working lives, hence I discuss contributions theorising workers' agency. At the end, I summarise how these perspectives together constitute my analytical frame.

Chapter 3 presents theoretical and empirical contributions on the politics of work and welfare in India and Tamil Nadu, which I will use to provide a contextual analysis of local labour regimes in the construction industry in Chennai. These perspectives offer explanations as to why the majority of the workforce in India is not protected by formal labour regulation, and also to why new opportunities for welfare policies have emerged in the aftermath of the economic reforms.

Chapter 4 critically examines the methodology and design of my research project. I discuss abduction as a research strategy in relation to the philosophy of science and key

characteristics of case studies. Next, I define ‘the construction industry in Chennai’ as a single case, and describe my procedures for data collection and the recruitment of research participants. I then situate my project within the naturalistic paradigm in qualitative research, and discuss what kind of knowledge can be generated from interviews. Thereafter, I clarify the choices made during the research process according to methodological and ethical standards. Lastly, I explain the process of categorising and analysing the data material using an abductive research strategy, and how I identified local labour regimes in the construction industry.

In Chapter 5, I analyse the struggle between unions, employers and the state government over the formal regulatory framework applicable to the construction industry. I discuss why my case study unions have been able to leverage some of their demands for welfare schemes, but not for a comprehensive legislation to regulate the industry. By opening the ‘black box’ of the Tamil Nadu Construction Workers Welfare Board, I further analyse how the struggle manifested itself in the governance of the Board and in the implementation of welfare schemes. I suggest that alliances between employers, some union leaders and politicians have enabled the implementation of welfare schemes, but at the same time prevented more structural changes in labour regulation. I further emphasise that the legislation underpinning the Board has opened the opportunity for unions to act as intermediaries of welfare schemes. On the one hand, I suggest that the implementation of welfare schemes has increased the fragmentation of the union movement, consequently undermining their collective agency. On the other hand, the welfare schemes have worked as an organising tool, and the unions were able to influence the government policies to a certain degree, which pointed in the direction of a *union-influenced labour regime* on a local scale in Chennai.

Chapter 6 examines how the welfare provisions of local workers in Chennai were regulated and the role of unions as intermediaries of these provisions. I address the structure, membership and leadership of my two case study unions and workers’ motivations for joining the organisations. I further analyse the role of unions in accessing state-provided welfare schemes, as well as accident compensation from principal employers. Finally, I discuss how the relationship between union leaders and members influenced the capacity of the organisations to retain and mobilise their membership. I demonstrate that the unions played a key role for access to welfare provisions, which was an indication of union influence in the reproduction locale. I further argue that the unions were based on the common interests of mistris and workers, but also on the vertical relationship between union leaders and

members. As a consequence, while the unions enabled the collective agency and legal empowerment of the members in relation to employers and the state, they also reproduced relations of patronage and dependence.

Chapter 7 investigates how the employment arrangements of local workers were regulated and negotiated on a daily basis. I analyse the ambiguous positionality of the *mistris* as skilled workers, entrepreneurs and labour market intermediaries, and how this position influenced their practices of labour control. Then I explore the neighbourhoods and day labour markets as sites of recruitment for work and I discuss workers' room for manoeuvre to negotiate employment arrangements with the *mistris*. This chapter shows that the unions intervened in work conflicts, and to some extent contributed to wage regulation, both of which were also indications of union influence in the production locale. However, the continuation of unequal wages for male and female workers, in addition to the deduction of commission from the wages of the workers by the *mistris*, demonstrate that the unionisation of construction workers had not altered these practices related to hierarchy and dependence.

Chapter 8 shifts the focus to temporary migrant workers at two large construction sites located within Greater Chennai. I analyse how their employment arrangements and welfare provisions were regulated compared to the local workers. The migrant workers came from villages in North- and East India, as well as in Tamil Nadu. Since they stayed in labour camps provided by the employer, the production and reproduction locales were interlinked. Compared to the local workers, the migrants earned lower wages, worked longer hours and at one of the sites the living conditions were poor. Moreover, the migrant workers were not unionised nor registered in the Board. I therefore identified a *migrant-based labour regime* at the two construction sites characterised by a higher degree of intensification of work than the *union-influenced labour regime*.

In Chapter 9, I return to the research questions stated in Chapter 1 (section 1.2.4), and summarise the main characteristics of the *union-influenced* and the *migrant-based labour regimes*. I argue that the differences between the two regimes were related to the varying degrees of *spatial embeddedness* among local and migrant workers. In the final section, I outline the contributions of this thesis to two main scholarly debates on contemporary India. The first debate relates to how the conditions of informal workers may be improved through formal regulation and social policies, whereas the second debate is centred on how we may understand and conceptualise the agency of informal workers.

2 Theorising local labour regimes

2.1 Introduction

The aim of this chapter is to discuss how labour regulation and workers' agency in the informal economy may be conceptualised. Many of the authors presented in this chapter are concerned with the changes that affected workers in both the global north and global south after the economic crisis of the early 1970s, often associated with neoliberalism. This process generally involves market-oriented policies and reduced state intervention in the economy through deregulation, liberalisation and privatisation. However, nation states still play an active role although their regulatory role is changing (Castree et al, 2004: 107). In the global north, one response to the crisis was the outsourcing of production to newly industrialising countries. Another response was the deregulation and flexibilisation of labour markets and welfare cutbacks leading to an increase in contingent work (Burawoy, 1985; Peck, 1996). In the global south, flexible labour markets and job insecurity have been the norm in the informal economy. At the same time, the process of informalisation, implying growth in the informal – compared to the formal economy, has intensified (Castells & Portes, 1989). Moreover, new forms of repressive working conditions have emerged in the expanding export industries, and some authors argue that the threat of mobile capital to relocate to places with the most favourable investment conditions put workers and unions on the defensive (Burawoy, 1985; Peck, 1996). In the meantime, other authors draw attention to new opportunities and strategies for collective organising, as well as worker agency on a micro-scale (Carswell & De Neve, 2013; Herod, 1997; 2003, Rogaly, 2009). The contribution of labour geography is to conceptualise how place, space and scale matters to these processes.

The chapter is divided into four main sections. I start by addressing different theoretical perspectives on labour markets and the relationships between workers, employers and the state, in order to provide a foundation for the rest of the chapter. Thereafter, I examine how *labour regimes* may be conceptualised on different scales. The following section complements the former by conceptualising *local labour markets* as socially structured and regulated in locally specific ways. Taken together, these perspectives provide different angles to theorise how the relationship between workers and employers is embedded in wider political processes. When applying this approach to employment relations in the global south, some key insights regarding the informal economy are useful, and I discuss

them in a separate section. In the final section, I examine the related concepts of agency, power and empowerment before discussing in what ways workers help shape economic geography. I conclude the chapter by summarising how the different parts together constitute *local labour regime* as an analytic frame.

2.2 Workers, employers and the state

We may distinguish between three main theoretical approaches to the labour market: the neoclassical, the Marxian and the institutionalist approach (Castree et al., 2004: 268). The authors I draw from to construct my analytical frame are informed by a combination of Marxian and institutionalist approaches to the labour market and see the state as embedded in-, rather than determined by, social forces in society with a certain autonomy on its own.

2.2.1 Workers and employers

The neoclassical approach has economic models as a point of departure for analyses of labour markets. According to one such model, equilibrium between supply and demand in the labour market, like in commodity markets, is best achieved when there is free competition. Workers and employers enter the market as equal, rational actors who seek to optimize their gains, and workers can improve their attractiveness in the market by investing in human capital, such as skills and education. Imperfections in the market, like for example unemployment, can best be resolved by letting market forces work. State intervention should therefore be kept a minimum (Torp, Barth, & Magnussen, 1994: 34-40; Castree et al., 2004: 168-170). Neoclassical economists acknowledge that the free competition model is an ideal situation not corresponding to reality, so models to explain exceptions have therefore been developed. Moreover, the importance of, e.g. institutions, has increasingly been theorised within this school (Torp et al., 1994: 34-40). Still, Tilly & Tilly (1998: 16) argue that new labour economics resemble the older neoclassical models as “they leave little space for power, history and or culture”.

On the other hand, the Marxian approach sees the labour market as a site of conflict between classes rather than for equal exchange (Castree et al., 2004: 270-271). In *Capital: A critique of political economy (volume 1)*, Marx explains how the process of ‘primitive accumulation’ creates a market for labour. In the transformation from feudalism to capitalism, peasants and artisans are separated from their means of production and turned into free labourers (Marx, 1867: chapter 26). Under the capitalist mode of production, the

capitalist class owns the means of production, such as raw materials and machines, while the proletariat sells its labour power to the capitalists (Marx, 1867: chapter 32). Marx specified that workers do not sell themselves per se, but their labour power, or their capacity to work. Hence, labour can be understood as a pseudo-commodity (Storper & Walker, 1983). The relationship between owners of capital and workers is exploitative, according to Marx, because the wages of workers are lower than the value of the products they make (Castree et al., 2004: 270). This surplus value is extracted by the capitalists and reinvested in order to sustain capital accumulation (Gidwani, 2009). Furthermore, because there is a possibility that workers may collectively resist incorporation into production, employers develop various practices of *labour control* to ensure that their capacity to work is realised (Jonas, 2009).

Marx's binary division into two contradicting classes has later been refined in order to reflect the complexity of contemporary societies. In addition to ownership of the means of production, more recent theories have also included other power-conferring resources such as control over the labour of others and possession of scarce occupational skills. These elements are important to theorise the causes of inequality and poverty and how the conflicts among social groups shape their life chances (Portes & Hoffmann, 2003). Wright (2005: 16-17) introduced the term 'contradictory class locations within class relations' to categorise for example a factory worker who holds stocks in the firm where he is employed and simultaneously occupy two class locations.

The institutionalist approach criticises the neo-classical approach in particular, but also the Marxian approach, to remove economic activities from the socio-economic context in which they are embedded, and here institutions are of key importance. Institutions may be defined as "a regularity of behaviours or a rule that is generally accepted by members of a social group, that specifies behaviour in specific situations, and that is either self-policed or policed by external authority" (Martin, 2000). With regard to labour institutions, Rodgers (1996:6) defines them as "the social institutions which affect or derive from the incorporation of labour in production, the remuneration and working conditions of labour, and associated social and income guarantees". He further distinguishes between five categories of labour institutions: the first category is organisations, which are social bodies based on a coordinated set of rules, like trade unions, employers' organisations and state bodies dealing with labour issues. The second category is formal labour market institutions like written employment contracts and labour legislation. The third category is informal labour market institutions like internalised patterns for proper behaviour and social networks. The fourth category is underlying formal social rules, including the system of rights within a society,

property rights and individual rights, which influence the functioning of the labour market. The fifth category includes underlying informal social rules values, norms, culture and ideology. However, Rodgers points out that the categories should be seen as connected and overlapping, rather than separated.

2.2.2 *The state as a regulator*

The state is a key regulatory institution in the labour market. Theories of what the state is and how it may be understood can be categorised into society-centred and state-centred approaches, as well as approaches seeking a middle position. Classical Marxism did not contain a specific theory of the state, but the political institutions are seen as a reflection of the economic structure in society. Thus, Marxian state theories represent a society-centred approach, since they attempt to “explain the *state’s* form, functions, and impact through factors rooted in the organization, needs, or interests of *society*” (Jessop, 2007: 6). Meanwhile, state-centred approaches argue that the state cannot be reduced to a reflection society, but is an autonomous entity (Jessop, 1990: 279).

The Marxian understanding of the state is premised on *materialism*, thereby implying that the mode of production, or the *base* of any society, conditions the political social and cultural *superstructure*, which refers to ideas and consciousness. Consequently, the material conditions under capitalism constrain the possibilities for developing a working class-consciousness, although people can act within their present situation (Blunt & Wills, 2000: 53). Because the state plays an instrumental role in managing the interests of the dominant, bourgeoisie class, changes in the political structure are not likely to happen until there is a crisis in the capitalist system (Simon, 1991). Nonetheless, with industrial development, the competition within the bourgeoisie increases. Consequently, the proletariat is concentrated in larger factories, and their situation becomes more precarious. As a response, “... workers begin to form combinations (Trades’ Unions) against the bourgeois; they club together in order to keep up the rate of wages” (Marx & Engels 1848/2000: 33). Thus, the unique position and experience of the working class facilitates its collective organisation and potential to bring down the capitalist system (Blunt & Wills, 2000: 49).

The *economism* of classical Marxism – implying that state politics follow from economics – has also been widely criticised within Marxian theory since politics is left with little autonomy on its own. As a leftist thinker and political activist in Italy after World War 1, Gramsci observed that the economism of classical Marxism had a pacifying effect on trade

unions and the political Left. He understood the state, not as an instrument for the capitalist class, but rather as a terrain for political struggle between the working class and the capitalist class, with a 'relative autonomy' of its own, although he did not use this term. Gramsci connected the struggle over state power to the relations of production, but he argued in favour of the primacy of politics, and saw revolutionary change first and foremost as a result of political interventions (Simon, 1991).

In order to explain the processes preventing working class resistance against capitalist exploitation (Jonas, 2009), Gramsci drew inspiration from Lenin, and developed the concept of *hegemony*. According to Simon (1991: 23-24),

Hegemony is a relation between classes and other social forces. A hegemonic class, or part of a class, is one which gains the consent of other classes and social forces through creating and maintaining a system of alliances by means of political and ideological struggle.

In capitalist societies the bourgeoisie is the hegemonic or dominant class, although its position relies on alliances with other classes. The concept of an *historical block* refers to the coalitions between classes with potentially conflicting interests. Such coalitions provide an intermediate solution to existing class tensions by creating consensus around the leadership of the hegemonic class (Boggs, cited in Glassman, 2004: 578). Historical blocks are complex constructions and may consist of sub-blocks, e.g. an agrarian block and an industrial block, which contain different elements and potential contradictions. Hence, historical blocks can produce various *political blocks*, which maintain, but not exactly reflect, the underlying forces that constitute the historical block. Social forces like peasants and industrial workers may be more or less integrated in the historical block. They may therefore, but not necessarily, participate in the political block (Sassoon, 1980: 121-122).

Furthermore, leadership of an historical block, and achievement of state power, rests on the dual leadership in civil society and in the sphere of production. In other words, state power is embedded in the relations of society. According to Gramsci, *civil society* includes all organisations and institutions outside production and the state, such as trade unions, religious associations and the family. *Political society* refers to the coercive apparatus of the state, such as the armed forces and the police, together with the entire legal system and the administrative departments (Simon, 1991).

For a dominant class to sustaining hegemony, a balanced strategy that contains elements of domination and coercion, monopolised by the state, as well elements of persuasion and consent, is required. Under capitalism, the dominant bourgeoisie class must therefore make some 'economic-corporate sacrifices' in order to accommodate the interest of

other classes and foster their consent, though for example state-provided welfare schemes. Gramsci argues, however, that the working class can challenge bourgeoisie hegemony and introduce socialism by mobilising counter-hegemony in civil society through trade unions and political parties (Simon, 1991). In this way, political processes can alter economic structures.

The Gramscian perspective was further developed by the French Regulation School to explain how capitalism survives despite its crisis-prone nature and ongoing class struggle. The answer was found in the linkages between a *regime of accumulation*, referring to a specific combination of production and consumption, and a supporting *mode of regulation*, referring to the institutions and norms which regulate capitalist accumulation and social relations (Jessop, 1990: 307-310). In contrast to Classical Marxism, the regime of accumulation does not determine the mode of regulation, but these are seen as mutually constitutive.

With reference to the American car industry, regulation theory used 'Fordism' to describe the accumulation-regulation regime that prevailed in North America and Western Europe from the mid-1940s until the mid-1970s (Peck, 2009). Fordism was characterised by mass production and increased worker productivity. During this period, the nominal wages were increased in order to create a domestic market for the consumption of mass produced commodities. In this way, overproduction could be prevented (Lipietz, 1982). Thus, the mode of regulation contained state intervention in the economy, expansion of welfare policies and a coordinated industrial relations system (Peck, 2009). This was a period of stable economic growth in the Western Industrialised countries that has been labelled 'the golden age' (Faulconbridge, 2009). Following Gramsci, welfare policies and wage increases for workers facilitated capitalist accumulation, and were therefore supported by employers. Peck and Tickell (1994) notes that the period 'after Fordism' has been characterised by political and economic experimentation with flexible production systems and market-oriented regulation, but none of the new growth models have stabilised into a new accumulation-regulation regime.

Jessop (1990, 2007) is a central contributor in terms of conceptualising the state within a regulation theory framework, and proposes *the strategic-relational approach* as an alternative to both society-centred and state-centred theories. Jessop draws on the Marxian political philosopher Poulantzas to conceptualise the state as 'a social relation'. Seen from this perspective, the state is neither a simple instrument nor a subject, but rather the material

condensation of the relationship between various social forces. Drawing on a range of different theories, he suggests the following definition of the state:

The core of the state apparatus comprises a distinct ensemble of institutions and organisations whose socially accepted function is to define and enforce collective binding decisions on the members of society in the name of their common interests or general will (Jessop 1990: 341).

This definition captures both the specific form of the state and its links to the political sphere and to the wider society. Nevertheless, ‘the common will’ or ‘general interest’ will always be asymmetrical and marginalising some interests while privileging others (Jessop, 2007: 9-11). Hence, he proposes the concept of *strategic selectivity* to capture how states are more accessible to some social forces and political strategies rather than others (Jessop, 1990: 260-62). This implies that the state may be called capitalist as long as it facilitates the continuation of capital accumulation, although this is not an essential feature of the state (Jessop, 1990:354). However, “It is not the state that acts; it is always specific sets of politicians and state officials located in specific parts and levels of the state system” (Jessop, 2007:37). According to Jessop, a general theory of the state has its limitations, and its specifics have to be studied contextually.

The discussion above brings out the two dimensions constituting labour regimes: labour control and labour regulation. Firstly, following the Marxian perspective, workers do not sell themselves, but their labour power, and realising this capacity requires various practices of labour control. Secondly, when the state is conceptualised as a social relation, its regulation of the capital-labour relationship may be seen as a reflection of the balance of social forces in society. Still, with reference to the institutionalist perspective, processes of labour control and labour regulation are embedded in the socio-economic context surrounding workers and employers, and must be theorised accordingly, which I will discuss below.

2.3 Labour regimes on different scales

This nexus between regulation and production processes has been further theorised by the labour sociologist Burawoy (1985) in his classic work, *The politics of production*. Based on detailed empirical studies of workplaces in different historical contexts, and by applying the Gramscian concepts of coercion and consent, he conceptualises a typology of factory regimes. These regimes are generalised at a higher level of abstraction. Inspired by Burawoy, Jonas (1996), Kelly (2001, 2002) and Andræ & Beckman (1998) have developed variations

of the regime concept in Human Geography (Knutsen & Hansson, 2010). I review these contributions, before I summarise how they will be used in my analytical frame.

2.3.1 Factory regimes

Burawoy's (1985) conceptualisation of a factory regime consists of two dimensions: The first dimension is the political and ideological effects of the *labour process*, referring to the organisation of work that transforms raw materials into useful products. While involved in the labour process, workers reproduce both specific social relations and the experiences of those relations. The second dimension is the *political apparatus of production*, referring to the institutions that regulate and shape workplace struggles. Burawoy illustrates how these two dimensions are interrelated by referring to his own experiences working on a shop floor in Chicago. He observes that while working, he and his fellow workers not only generated capitalist profit for the factory, but also consent to the rules governing production. Coercion by the management was only used if the rules were violated. Collective bargaining and the grievance machinery were regulating institutions that limited workers' struggles, while at the same time restraining management intervention (pp. 7-11).

Key components constituting a factory regime are the labour process, market competition among firms, the mode of reproduction of labour power, and most importantly, state intervention (pp. 88). International political and economic forces shape the constellation of these components. Burawoy operates with three main typologies of factory regimes, with sub-varieties within each type, and the first type is the *despotic regime*:

Under despotic regimes survival outside work depended on performance at work. The bond rested on the partial or complete expropriation of labourers from the means of subsistence, and was mediated through the family, the employer, the labour market or a combination of these (pp. 261).

Belonging to this category is *market despotism*, which was the classic capitalist factory regime in the 19th century as characterised by Marx. He argued that in their search for profit, firms constantly had to introduce new technology and intensify work, in order to compete in the market. Simultaneously, workers were separated from the means of production, and depended on selling their labour power to an employer for survival. The state looked after the external conditions of production, but neither regulated production relations nor reproduction. These characteristics undermined worker resistance and facilitated coercive managerial domination (pp. 88-90). Burawoy observes that this regime could be found in the textile industry that emerged in the new colonies in North America. After an initial phase in which

they used young girls from the farms, the firms increasingly used migrant labour from Europe. These workers had no other means of subsistence, and were less likely to resist harsh working conditions (pp. 99-102).

However, contrary to Marx's prescriptions, market despotism appeared to not be the dominant regime in the textile regions of Northern England during the second half of the 1800s, according to Burawoy. Instead, three sub-varieties of despotic regimes emerged: The *company state regime* was characterised by the coercive power of the mill owner. Here, the workers resided in factory villages controlled by the owner, who consequently interfered in their housing, provisions, education and religion. By binding the community to the factory, the company-state was directly involved in the reproduction of the workforce, and therefore went beyond market despotism. The *patriarchal regime* emerged due to the outsourcing of production to skilled spinners. As subcontractors, they employed family members and controlled them on behalf of the manager. Since workers retained their autonomy from the principal employer, this regime laid the ground for collective organisation among the spinners. With the introduction of new machinery, the centralisation of production in larger units and increased prosperity, the *paternalistic regime* developed. Instead of direct coercive control over the workforce, the factory owners exercised indirect influence through welfare provisions and communal leisure life centred around the factory. In exchange for welfare provisions, workers were expected to support the church or political party of the master. Under this regime, the dependency of a specific employer by several members of a family prevented the development of an autonomous workers' organisation, and class struggles were controlled (pp. 91-99).

Gradually, in the advanced capitalist countries, a second type of factory regimes, called the *hegemonic regime*, gradually replaced the despotic regimes after the Second World War:

Subsequently, survival outside work came to depend more on the state and less on performance at work, although the latter never lost its predominance of the former, and some fractions of the labour force were better off than others. The rise of the welfare state, however rudimentary, compelled management to rely less on coercive practices and expand the scope of consent (pp. 261).

Burawoy identifies two parallel processes to explain the shift from despotic to hegemonic regimes: The first process was the crises of overproduction and the interest of international capital in increasing the consumption power of the working class. The second process was pressure from organised labour to establish minimum levels of security, both at work and in case of unemployment. These demands were intensified due to cyclical economic crises,

which had to be solved at the level of collective capital. In order to restrict competition between firms, state intervention was necessary. The convergence of interests among workers and employers led to the consolidation of social insurance and guarantees against managerial domination (pp. 261).

These two forms of state intervention break the connection between the reproduction of labour power and productive activity at the workplace, according to Burawoy. Firstly, the introduction of state social insurance, especially unemployment benefits, made survival outside the labour market possible and reduced workers' dependency on employers. Secondly, restrictions on managerial power through labour legislation and compulsory trade union recognition protected workers against both arbitrary dismissal and bondage to an employer. Consequently, employers had to rely less on the disciplining effects of market forces or on arbitrary coercion, and increasingly needed the consent of the workers to cooperate with management. However, Burawoy emphasises that although consent prevails over coercion under hegemonic regimes, the latter does not disappear and will vary according to context (pp. 125-127). For example, Fordism incorporated direct or coercive management practices, such as surveillance through Taylorism, with non-coercive or reciprocal practices like corporate welfarism (Jonas, 2009).

The same transition did not happen in the socialist and earlier colonial states, where varieties of despotic regimes continued to be the norm. In a Russian factory, Burawoy identifies a coercive production regime called *bureaucratic despotism*. Here, workers' survival outside work was linked to adequate performance at work under state control, mediated by the party, the trade union and the management (pp. 265). A copper mine in Zambia illustrates the regime of *colonial despotism*. Under this regime, cheap labour and exploitative practices were utilised to extract raw material, which was sold to the advanced capitalist countries at a low price. The regime in the mines was characterised by a strict surveillance of migrant workers who resided on a company compound, eventually together with their families. Survival in the compound was thus directly related to performance at work, which has a disciplining effect on the workforce. At the same time, as the workforce became more stable, compound life facilitated the development of class consciousness and the formation of trade unions (pp. 217-249).

When new products in industrial production replaced old raw materials, post-colonial economies had to attract new forms of capital investment. This need coincided with the crisis in the Fordist production system of advanced capitalist countries at a time when technological developments made capital mobility and international production possible. Burawoy argues

that these processes paved the way for a new factory regime, *hegemonic despotism*, which is the regime type dominating the global economy from the 1980s onwards:

This is a new form of despotism – built on the basis of the erstwhile hegemonic regime – which, rather than creating antagonistic interests (as the early despotic regimes did), begins to construct a coordination of interests around despotic rule (pp. 264).

In advanced capitalist countries, the constant threat of relocation of industries to low-cost countries forces trade unions to enter into concession bargaining with employers. Workers give their consent to reductions in rights and benefits at work if workplaces can be saved. In peripheral countries, new despotic factory regimes emerge, such as export-processing zones where cheap labour and repressive labour control are employed to secure profit generation. Burawoy notices that this regime is not emerging without worker resistance, but the overall tendency is an increased domination of capital over labour (pp. 263-269).

2.3.2 Local labour (control) regimes

Although the need for employment opportunities may reduce workers' bargaining power, Jonas (1996) criticises the 'footlooseness' of international capital claimed by Burawoy (1985). Jonas points to the contradiction inherent in capital's need for constant accumulation: On the one hand, capital-in-general has an abstract interest in the global exchange of labour power and expansion across space. On the other hand, particular capitals have interests in the local context of that exchange. In order to secure a stable environment for accumulation, particular capitals develop local labour control practices to integrate workers into production and ensure the reproduction of their labour power.

Similarly to Burawoy (1985), Jonas (1996) refers to historical studies showing that employers have used indirect, reciprocal practices, rather than direct, despotic (coercive) practices of labour control, to increase workers' loyalty and legitimise management authority. Distribution of social benefits through welfarism and paternalism are examples of interference in workers' reproduction and consumption. Philanthropic, civic and cultural engagement represents newer versions of the same. Additionally, 'new workplace cultures' built around profit sharing and teamwork are examples of reciprocal methods to promote employees' identification with the enterprise. For Jonas, labour control is:

[...] an irretrievably historical, cultural and spatial process involving the uneven development of practices which smooth the transition of labour from the labour market to the point of production, reproduce a productive work force, co-ordinate conditions of pay and consumption, and thereby facilitate accumulation strategies (pp. 328).

He further defines a *local labour control regime* (LLCR) as a stable local institutional framework for accumulation that develops over time in specific contexts. According to Jonas, such regimes are not closed entities, but can be understood as contexts for social interaction conceptualised by Giddens as *locales*. This is also compatible with Massey's conceptualisation of *locality* as non-bounded and connected with wider relations of power. Following from these assumptions, a LLCR is a fluid and dynamic set of social relations in which the local and global interact, consisting of three locales of labour control: Firstly, *production locales* refer to the politics of the workplace, including on-the-job training, surveillance, employer-provided services, wages and benefits. Secondly, *reproduction locales* refer to the politics of education, training, health care and welfare. Thirdly, *consumption locales* refer to the politics of housing, recreation and household consumption. Instead of generalising typologies of factory regimes, Jonas emphasises historical and geographical contingency within hegemonic periods. Hence, LLCRs are an outcome of:

[...] day-to-day and locally-situated struggles and agreements among and between firms, industries, workers, public agencies, community organizations and so forth, and exist in a changing context of local, national and global power geometries (pp. 335).

The free trade zones, or *maquiladoras*, in Mexico are used as an example of how employers might intervene in the reproduction of workers in order to prevent a collapse of the local labour control regime. After the economic crises in the mid-1990s, the government had devaluated the peso, consequently reducing the buying power of the workers employed in the zones. By providing income supplements, cash benefits and food coupons to the workers, the employers secured the reproduction of the labour force, which was necessary for capital accumulation to continue.

Kelly (2001, 2002) has further developed the concept of local labour control regime in his studies of newly industrialising regions in South-East Asia. In a rapid industrialising site in the Philippines, he demonstrates how a complex web of actors and institutions, including governments on different scales, corporate investors, estate managers, recruitment agencies, factory workers and community leaders form a local labour control regime. He argues that instead of constructing an antagonistic relationship between global capital and local labour, attention should be directed to how this relationship is mediated by a range of local players. What is more, labour control goes beyond formal regulatory institutions, and includes informal, personalised and localised mechanisms and practices (Kelly, 2001).

In a comparative study of the Philippines, Malaysia and Indonesia, Kelly (2002) takes the analysis further and explicitly examines how the interplay between space and scale is

used to control labour and prevent collective organisation among workers. Accommodation of migrant workers in supervised hostels, and production in strictly controlled industrial estates, are examples of how physical space is used as a surveillance strategy. In-house unions and the promotion of individual relationships between workers and managers are examples of how negotiations are restricted to the scales of the individual and the workplace in order to prevent the formation of broader union movements. Moreover, bureaucratic regulations on the national scale restrict autonomous union organisation. Finally, the use of international and domestic migrant labour is a spatial strategy that facilitates a compliant workforce. Although the production sites have similarities, the labour control strategies vary across the regional space. The multiple actors involved and the differences in national regulations and policies suggest that these strategies are embedded in contextual processes beyond capital-labour relations.

Drawing on Regulation theory as well as Burawoy's (1985) typology, Andr e & Beckman (1998) apply the concept of *labour regime* to "summarise the complex of institutions, rules and practices that regulate the relations between capital and labour as they manifest themselves in the work place" (pp. 23). In their analysis of the Nigerian textile industry, labour regimes are identified at the enterprise level. They further generalise these regimes to groups of companies and to specific locations and arrive at two different types. In the city of Kaduna, they identify a *union-based labour regime* characterised by formally regulated, collective bargaining agreements. Meanwhile, in the city of Kano, the employers were hostile towards the unions and employment relations were of a patriarchal and clientelistic kind. They relate these differences to varying industry structures and to the local political economies in the two cities (pp. 25).

2.3.3 *The local labour market*

Around the same time as Jonas launched his concept of the local labour control regime, Peck (1996) reconceptualised 'the local labour market' as a unit for analysis. In his book, *Work Place: The social regulation of labour markets*, Peck seeks to further develop institutionalist and Marxian approaches to the labour market as alternatives to the neoclassical approach by incorporating the spatial dimension and emphasising geographical variability.

According to Peck (1996: 1-20), the main solution to increased unemployment in North America and the United Kingdom since the 1970s has been deregulation, the flexibilisation of labour markets and less state intervention. However, rather than solving the

problems, the consequences have been long-term unemployment, job insecurity, lower wages and the dismantling of welfare. Peck argues that these policies are based on a theoretical misconception implying that labour markets operate like commodity markets regulated by supply and demand. Although the neoclassical approach recognises that workers may face discrimination, e.g. in the education system, this approach neglects the complex causes for why different groups of workers have different chances in the labour market.

Segmentation theory offers one approach to help capture these complexities. The concept of *segmentation* implies that the labour market is divided into parts or segments, and that access to- and mobility between the different segments is restricted. One way to identify segments is job characteristics, such as employment security and wage, thereby indicating that some jobs are more attractive than others. Factors such as age, gender and ethnicity may affect access to different segments (Tilly & Tilly, 1998: 170-174). The theory of dual labour markets, developed by Doeringer & Piore in the 1970s, laid the foundation for segmentation theory. According to these authors, the labour market in North American cities is divided into a primary sector with secure employment and favourable working conditions, and a secondary sector characterised by insecure, low-skilled and low-status jobs. The two sectors had different social compositions and ethnic minorities, with women, the disabled and young people dominating the secondary sector. They primarily explained this dualism by industrial demand for workers with different skills and regularity (Doeringer & Piore, cited in Peck, 1996: 50-52).

The dual model received critique for being too rigid and for inadequately conceptualising the supply side in the labour market and the role of the state. More recent segmentation theory has expanded on demand side factors, and also incorporated the latter elements. On the demand side, employers' strategies to ensure flexibility and adjust the labour requirement to the market are used to explain why some workers are kept permanently, while others are hired on a temporary basis. Employers may also contribute to segmentation through discrimination in the recruitment of workers. Furthermore, the state may influence segmentation on the demand side by stimulating employment creation to incorporate unemployed and vulnerable groups into the labour market. On the supply side, social reproduction through occupational socialisation in the family and the education system are seen as central dimensions. Moreover, the division of labour in the household is emphasised when explaining women's restricted employment opportunities. According to segmentation theories, the very existence of marginal groups in the labour market, such as migrant workers, ensures a supply of labour to low-status employment, and is thereby

contributing to the creation of such jobs. As regulating actors, trade unions may play a role in supply side segmentation by protecting the interests of organised workers, and thereby exclude unorganised workers. Lastly, the state can restrict the labour supply, for instance from children and youth, through legislation and education policy (Peck, 1996: 56-79).

Within economic geography, the quantitative ‘spatial science’ tradition drew on the neoclassical approach to the labour market in order to define travel-to-work-areas, i.e. how far from the work place employers recruit workers, and how far workers would travel to their job without changing residence (Martin & Morrison, 2003). In his reconceptualisation of the local labour market, Peck (1996) draws on segmentation and regulation theory, and argues that instead of drawing physical boundaries around labour markets, the focus should be on the social processes at work and their locally specific outcomes. As a result, local labour markets are shaped by the interaction of production processes structuring labour demand, reproduction processes structuring labour supply and processes of social regulation on different geographical scales (pp. 83-106). Instead of starting out with an idealised model, like the neo-classical approach, and reducing regulation to market forces or state intervention, Peck understands social regulation as “...the disciplining effects of market regulation, purposive regulatory action on the part of the state, and the diverse effects of social institutions, practices and conventions” (pp.17). Hence, international and national regulatory processes, such as labour regulation, training programmes, welfare systems and industrial policies, interact with policies and programmes, economic development, enterprise agreements, work cultures and household structures on a local scale. Taken together, these processes form a distinctive regulatory milieu in the local labour market, according to Peck (pp. 106-113).

Peck & Theodore (2010) apply this approach in their analysis of contingent work in Chicago. They demonstrate the mesh of demand, supply and regulation processes by pointing to how flows of labour and capital are being transnationalised, while the contingent labour market is simultaneously being powerfully shaped on a local scale. By studying the labour market ‘from the bottom up’, through the eyes of the actors involved, they demonstrate how we can ‘read out’ more general processes from local circumstances and place specific accounts.

For the purpose of my analytical frame, I apply the concept of *local labour regime* and draw on the contributions above to operationalize this concept. As mentioned in Chapter 1 (section 1.1), it is constituted by two components: The first component is *labour regulation*, referring to the interaction of formal regulation, market regulation and social institutions,

practices and conventions that regulate the relationship between workers and employers. The second component is *labour control*, referring to the locally specific ways workers are integrated into the workplace and habituated to production. The ideal types in Burawoy's model are useful for identifying some general characteristics, although I agree with Jonas (2009) who argues that it is problematic to generalise a dominant 'global labour control regime' because *place* matters to how such regimes develop. However, labour regimes may also vary within a locality, both between workplaces and on the same shop floor (Knutsen & Hansson, 2010; Magnusson, Knutsen, & Endresen, 2010). Hence, in my analysis I explore to what extent different local labour regimes can be identified in the construction industry in Chennai.

2.4 The informal economy

Theories on labour control and regulation emphasise the role of the state as a regulator. However, the informal economy is outside or partly outside the sphere of formal state regulation. Perspectives on how the informal economy is operating, and its relationship to the formal sphere, are therefore required in order to analyse local labour regimes in the construction industry, which is dominated by informal employment arrangements. In the debate on informality, Chen (2007) distinguishes between three approaches which I will discuss below: the dualism, legalism and structuralism.

2.4.1 Dualism, legalism and structuralism

Like early segmentation theory applied to labour markets in North America, dualist perspectives based on the neoclassical model influenced analyses of the economy and the labour market in the global south. In his Dual-sector model, Lewis (1954) predicted that a surplus of labour would be transferred from the rural 'subsistence sector' to the 'capitalist sector' due to the relatively higher wages in the latter sector. While this transfer did not happen as quickly as expected, Harris & Todaro (1970) argued that working in the informal economy was a survival strategy for migrants waiting to be formally employed. In the meantime, Neo-Marxist scholars have argued that such a transfer of surplus labour from the 'non-capitalist' to the 'capitalist' mode of production was blocked, since it was profitable for capitalist production that workers had some income from agriculture so wages could be kept low (Schuurman, 1993). Scholars from both non-Marxist and Marxist strands applied the

concept of ‘marginality’ to characterise the economic activity of migrants excluded from the modern economy (Portes & Schauffler, 1993).

A *dualist approach* was also prevalent in the ILO mission report from Kenya in 1972. Here, the formal and informal are seen as separate sectors with few linkages between them, and the two sectors are defined according to contrasting characteristics, in which key features of the informal sector include the following: ease of entry, reliance on indigenous resources, family ownership of enterprises, small scale of operation, labour-intensive and adapted technology, skills acquired outside the school system and unregulated, competitive markets (Peattie, 1980). According to Chen (2007), the dualists argue that informal activities and units comprise the less advantageous sector in the labour market with few linkages to the formal sector. They are concerned with government provisions and support to stimulate business development in the informal sector, rather than regulation per se.

The *legalist approach* is associated with De Soto (1989, 2000), who focuses on the relationship between informal entrepreneurs and the formal regulatory environment (Chen, 2007). De Soto (1989) argues that informal economic activities were initially a survival strategy for rural migrants because access to the formal economy was restricted. However, the main reason behind the extensive growth of the informal economy is the rigid rules and regulations imposed by the state, which make the formalisation of economic activity difficult and expensive. Operating informally is therefore a strategic choice for entrepreneurs, and he recommends the simplification of rules and bureaucracy, including deregulation to help facilitate productivity growth in the informal economy. At the same time, De Soto (2000) argues strongly in favour of one form of formalisation, namely that of property rights. Because poor farmers and slum residents usually do not possess formal documents on their savings and property, these assets become ‘dead’ capital that does not increase their ability to take loans, reinvest and increase their assets. In turn, this hampers economic development.

Meanwhile, the *structuralist approach* focuses on labour relations, rather than entrepreneurship (Chen, 2007). According to this approach, the informal economy is not a result of survival strategies, or a separate sector, but instead is related to relations of production (Castells & Portes, 1989). Accordingly, both the formal and informal economies are seen as linked through a dialectic relationship: The informal economy is delivering a variety of commodities and services to workers in the formal economy. Moreover, in order to reduce production costs, firms in the formal economy avoid state regulations by hiring informal workers or subcontract parts of the production to informal enterprises. The linkages between the formal and informal economies open opportunities for informal entrepreneurs to

act as intermediaries between the two spheres (Portes & Schauffler, 1993). These intermediaries, or micro-entrepreneurs, possess some monetary resources and professional, technical or artisanal skills, and they employ and supervise a small number of workers. The informal proletariat encompasses waged workers and own-account workers, such as street vendors, whose enterprise is the least profitable. They occupy a different position in the class structure than the micro-entrepreneurs and the relatively privileged formal proletariat, who are protected by labour legislation and often unionised (Portes & Hoffmann, 2003).

The structuralist approach further claims that deregulation à la De Soto (1989) will not lead to improved conditions for the urban poor, but rather to increased exploitation through low wages and a lack of security and labour rights. At the same time, labour laws, which are too rigid, may lead to more informalisation. The state should therefore interfere in the economy, but in a way that avoids either strict regulation or total deregulation (Portes, 1994; Portes & Schauffler, 1993).

Chen (2007) observes that the above debate has tended to blur the distinction between informal actors' relationship to the *formal economy*, meaning regulated economic units and protected workers, and the *formal regulatory environment*, meaning government policies, laws and regulations. Hence, the contributors are addressing different groups and problem complexes. The dualists view informal operators as a vulnerable group to be assisted. The legalists see them as entrepreneurs who need freedom from government regulations, while for the structuralists the lack of labour regulation is the source of vulnerability for informal workers. Chen further argues that although it should be a goal, it is not realistic that most informal enterprises and workers can be fully formalised. For small-scale enterprises and the self-employed, this involves increasing costs, and the bureaucracy in developing countries may have neither the administrative capacity, nor the available funds to provide sufficient benefits in return. Additionally, employers tend to informalise jobs rather than formalise them. Thus, formalisation means different things for different segments of the informal economy. She suggests a policy that promotes more equitable linkages between the formal and informal economies by decreasing the costs of working informally, while increasing the benefits of working formally.

Lindell (2010) points out that liberal perspectives tend to portray informal workers as vibrant entrepreneurs, while authors coming from a Marxist perspective connect informality to the downgrading of labour following from neo-liberal globalisation. Informal workers are seldom seen as political actors able to collectively organise. Within a human rights-based approach to development, a central argument is that the implementation of civil and political

rights are important to strengthen people's capacity to make claims from the state, instead of being passive beneficiaries of aid (Andreassen, 2006). Tørres (2006) argues that core labour standards should be included in a rights-based approach: freedom of association for example to form trade unions and the right to collective bargaining, empower workers to promote other rights, such as full and decent employment, human development and a living wage. However, it may be discussed whether civic rights should have priority over socio-economic rights in the implementation process. Chan (2001) argues that it might be better to give priority to non-core standards (such as occupational safety and social protection) in contexts in which autonomous worker organisation is restricted, for example in China. Furthermore, studies of women factory workers in Latin America observe that maternity leave and related welfare benefits were as high on their priority list as the right to form unions (Pearson & Seyfang, 2002).

To analyse local labour regimes in the construction industry, I will draw on the above perspectives to explore informal construction workers' linkages to the formal economy and the formal regulatory environment. In addition, I will apply the perspectives on informality to analyse the ambiguous positionality of the labour contractors as skilled workers and micro-entrepreneurs and their role as intermediaries between the formal and informal spheres. Nonetheless, the literature on informality does not pay much attention to strategies for collective action, and in order to discuss the relationship between collective organisation and the realisation of socio-economic rights, theories on workers' agency are relevant.

2.5 Workers' agency

Geographers writing about local labour regimes and labour markets referred to above are concerned with the role of unions in labour regulation. However, their main concern is the structural constraints facing labour in an internationalised economy (Jonas 2009). Herod (1997, 2001, 2003), meanwhile, places the agency of workers at the forefront, and conceptualises how workers shape economic geography through their spatial strategies. In this section, I examine the interlinked concepts of agency, power and empowerment, before discussing how workers' agency may be conceptualised.

2.5.1 Agency, power and empowerment

From a Marxian point of view, structural change in the mode of production is a prerequisite for political change, implying that structures *determine* social transformation, while

consequently constraining the agency of social actors. Several social scientists have sought to solve this ‘structure-actor problem’, among them Giddens (1984) with his theory of structuration. According to Giddens, social agents are knowledgeable actors who know what to do. This knowledge may be conscious or unconscious. Giddens (1984: 9) defines agency in the following way:

Agency refers not to the intentions people have in doing things but to their *capability of doing those things* in the first place (...) Agency concerns events of which an individual is the perpetrator, in the sense that the individual could, at any phase in a given sequence of conduct, have acted differently. Whatever happened would not have happened if that individual had not intervened [emphasis added].

This conceptualisation of agency emphasises the capability of people to do things based on their choices and decisions. Even so, there are many unintentional consequences of peoples’ actions, and these consequences condition further action. Thus, when we act, we draw on sets of rules and resources, which together constitute *structures*. Rules are procedures for how to behave and resources are of two types: The first type is allocative resources, which refer to control over material resources. The second type is authoritative resources, which refer to control over people (pp. 1-34). Giddens’ concept of *the duality of structure* captures how actors reproduce these structures in their day-to-day practice, but also how the structures can be challenged and transformed by the actors (Castree et al., 2004: 59). This perspective assigns more room for manoeuvre to actors than the Marxian approach, but still acknowledges the impact of social structures.

According to Giddens (1984: 15-16), power is a feature of the duality of structure, and all action involves *power* in the sense of transformative capacity. This capacity is related to the actors’ resources, which are media for exercising power. Power within social systems contains regularised relations of *dependence* and *autonomy* between actors and groups. “But all forms of dependence offer some resources whereby those who are subordinate can influence the activities of superiors” (p. 16). Sæther (2008: 41-42) observes that Giddens’ conceptualisation of power implies that although people in important positions may control substantial resources, they are not necessarily able to pursue the outcome they favour. In this way, he opens up a possibility for the dual existence of *domination* and *resistance*.

In the discussion on regulation of the informal economy discussed in Chapter 1 (section 1.2.1), I introduced the concept of *legal empowerment*. The policy-oriented literature does not discuss the theoretical foundations of the empowerment concept, but its origins may be traced to the focus on *community participation* that emerged in the development debate pertaining to the global south during the 1990s. How ‘power’ is conceptualised varies

between different approaches to empowerment. According to Mayo & Craig (1995), the neoliberal approach often associated with the World Bank sees self-help and community participation in development projects as a way to enhance efficiency and cost-effectiveness. This approach is based on a conceptualisation of power as a variable sum; “Power resides with the members of society as a whole, and power can increase in society as a whole” (p. 5). The power of the poor can therefore be increased without affecting powerful groups negatively; hence empowerment is achievable within the present social order.

In opposition to this harmony model of power, post-Marxist writers understand empowerment as the collective mobilisation of marginalised groups against the exclusionary activities of both the state and the market. This approach is based on a conflictual and relational model of power, implying that the empowerment of disadvantaged groups requires structural changes (Mohan & Stokke, 2000). For example Freidman (1992), understands empowerment as a process in which marginal groups gain increased control over their own lives in relation to four dimensions: psychologically, socially, economically and politically. Mohan & Stokke (2000) argue that both the neoliberal and post-Marxist approach tend to essentialise and romanticise ‘the local’ as a site of participation and empowerment, consequently downplaying social inequalities and power relations in communities.

Another critique comes from Sharp, Routledge, Philo & Paddison (2000), who argue that there is a tendency in social movement theories to construct a binary opposition between domination and resistance, since power is associated with domination, which marginalised groups are resisting. Sharp et al. seek to overcome this binary opposition through the concept of *entanglements of power*. Following Foucault, they understand power, not as a possession of certain groups of people, but as relational and dispersed ‘everywhere’ in society. For Foucault, power is not only repressive and negative, but also productive and positive. Furthermore, domination and resistance are always entangled, implying that one dimension cannot exist without the other, nor be reduced to the other.

Based on this approach, Sharp et al. (2000) argue that domination and resistance can be understood within a continuum, where it is meaningful to talk about resistance in domination and domination in resistance. An example of resistance in domination is how the intelligentsia challenged the authoritarian regime in Czechoslovakia from within. An example of domination in resistance is the co-optation of social movements by the state, which happened with the Brigado Rosso in Italy. Here, state agent provocateurs interfered in the movement to ensure state interests. Internal hierarchies and suppression of dissent within organisations, as well as the internalisation of hegemonic forces, are other examples of how

dominant power exists within resistance movements. However, Sharp et al. (2000) point out that: “A stress on these entanglements also does not mean that we cannot tell the difference between domination and resistance” (p. 21). Although Giddens and Foucault offer different conceptualisations of power, a common key insight is that it exists in all social relations as continuums of dependence/autonomy or domination/resistance.

Returning to workers’ agency and power, Castree et al. (2004: 159-160) draw on Giddens (1979, 1984) to define the ‘agency of labour’ as “the capacity possessed by individuals or groups to act for their own benefit or for the well-being of others (p. 159)”. They observe that the agency of labour is both enabled and constrained by economic, political and cultural structures on different geographical scales from the local to the global. Following Giddens (1984: 14-16), this duality of structure/action involves power as transformative capacity. For workers, a key resource for mediating power is their capacity to work, which they can withdraw by stopping the work individually or collectively in a strike. Another resource is their capacity to vote, and in this way they can influence the state to improve their conditions. Piwen & Cloward (2000) conceptualise these resources as workplace repertoires and political repertoires, which together constitute *workers’ power repertoires*.

The capacity to work can also be related to the *indeterminacy* of labour power. According to Smith (2006), this means that the precise amount of *effort* required for a particular job cannot be fixed in advanced. Thus, the labour contract remains open ended. This indeterminacy implies antagonism between employers and workers, resulting in struggles over the terms and conditions of work. Another type of indeterminacy is the existing possibility that workers may quit the employment relationship and search for another employer, rather than organise collectively to improve conditions at the existing workplace. However, workers may also use the threat to exit in renegotiating terms and conditions at their existing work place for their individual or collective benefit. Smith therefore differentiates between the power over work effort and the power to move between employers, so-called *mobility power*.

2.5.2 Workers and geography

In his critique of how economic geography has been practiced, Herod (1997) observes that this sub-discipline has mainly paid attention to how capital, and sometimes the state, make investment decisions and shape the geography of capitalism, while the role of workers in this

process has been neglected. He further argues that the neoclassical approach is concerned with how factors of production and consumption, as well as the nature of the firm, influence locational decisions. The Marxian approach, meanwhile, focuses on how capital shapes the economic landscape in order to facilitate its accumulation and reproduction. Two examples are Lefebvre's concept of 'production of space' and Harvey's concept of 'spatial fix'. Herod labels both the neoclassical and Marxian approaches as *geography of labour*, since the focus is on how the spatial distribution of workers influences investment decisions. As an alternative, he makes a case for *labour geography* to theorise how workers create their own 'spatial fixes' and shape the economic landscape in ways that ensure their survival and reproduction.

Herod's (1997) perspective has led to a differentiation of four sets of *geographical strategies* available to workers. These are strategies workers and allied groups can apply to utilise or transform the geographical organisation of work on various scales. Firstly, workers can act individually or collectively at their *workplace* by resisting demands from their employers, either directly through strikes or indirectly through sabotage or inappropriate behaviour. Secondly, workers can act *in place* by forming alliances (Castree et al., 2004: 157-162). According to Herod (2003), all workers are to a varying extent *spatially embedded* in the places where they work through kinship and family ties, residence, work ties or other social obligations. This embeddedness may lead to entrapment if employment opportunities are lacking in a locality and workers' ability or will to migrate or commute to other places in search for work is restricted. Workers embeddedness and/or entrapment have potential implications for their political praxis, for example when they resist relocation of workplaces, seek to attract new investments or ensure access to housing, childcare or transport facilities. Carmichael & Herod (2012) observe that spatial embeddedness entails economic, political and cultural resources, which can be utilised to organise collectively. In particular, spatial proximity between workers living close to each other may facilitate connections, which can be utilised in the formation of unions.

However, with the growth of service employment, the employment structure has changed, thereby leading to a geographical fragmentation of workers' lives. Workers may not work regular shifts, as they may work at multiple job sites and with a shorter distance between workers and management. These changes in employment structure also require new forms of organising (Herod, 2003). Alliances between workers from different industries, or between unions and other civil society actors such as non-governmental organisations (NGOs) and church associations, so-called social movement unionism or community

unionism, are examples of new forms of collective organisation (Castree et al., 2004: 169-170). Examples of new organisational forms are work centres for illegal Latin American workers in the United States (Fine, 2005) and living wage campaigns for service sector employees in London (Wills, 2001). These forms of organisation may be contrasted to ‘traditional’ worker solidarity based on common class interests defined in opposition to an employer, which emerged when workers lived close to the factory. Consequently, their collective identity in the community and in the factory reinforced each other and formed the geographical basis for mass unionism (Herod, 2003).

Herod (1997), however, emphasises that ‘labour’ is not a monolithic entity since different groups of workers may have conflicting interests, for instance in a relocation process where some lose employment and others acquire access to new jobs. Likewise, Cumbers, Nativel & Routledge (2008) observe that trade unions may also be arenas for class struggle among groups and individuals with *complex positionalities* in relation to capital. For example, in global union federations, there may be interest conflicts between union affiliates in the global north and global south, and also between the leadership and the rank-and-file. As a consequence, union elites may collaborate with capital to accommodate the interests of some workers, at the expense of international solidarity (See also Ryland, 2010). Moreover, in some cases, workers and capital owners may have common interests, and consequently act *in place* through cross-class alliances. Like workers, capital owners who have extensive fixed investments are also spatially embedded, and may prefer to continue production in a locality rather than relocating. Hence, by engaging in alliances with other groups of actors in their communities, workers can play a role in spatially shaping investment flows (Herod, 2003).

Thirdly, workers may organise *over space*, and in this way contribute to the construction of geographical scales. By organising translocally, workers from different places are linked together spatially. For instance, workers can construct new scales of bargaining by pushing for regional or national wage setting systems, in order to hinder capital from exploiting wage differences between places when localising production. Another strategy is to coordinate strikes in order to obstruct vulnerable links within global production networks (Herod, 1997, 2003). A final spatial strategy available to workers is movement *across space* through labour migration, and we may distinguish between voluntary and forced labour migration. Voluntary migration is a proactive geographical strategy applied in the search for higher wages and better opportunities for employment, skills training or business generation. Forced migration, on the other hand, can be characterised as a reactive strategy resulting from, e.g. poverty or persecution (Castree et al., 2004:198-202).

As discussed in Chapter 1 (section 1.2.3), there has been a call within labour geography for a more nuanced approach to different forms of labour agency. Cumbers, Helms and Swanson (2010) draw on the work of Scott (1985) and Katz (2004) to analyse working class agency in old industrial cities in the United Kingdom. In his classic work, *Weapons of the weak*, Scott (1985) reveals the everyday forms of resistance among peasants in Java, Indonesia. Because of the risk involved, the peasants avoid challenging authority directly through organised collective action, but rather through more subtle strategies. Katz (2004: 239-259) is critical towards using the term ‘resistance’ to characterise all forms of autonomous or counter hegemonic practices among weaker groups. Instead, she proposes a framework that differentiates such practices in her studies of children’s lives under global restructuring. Practices of *resilience* refer to small acts to get by and improve the conditions of the household, such as out migration for work or engagement in self-help networks in the community. Practices of *reworking* reflect another awareness of oppressive conditions than resilience, and seek to reshape power relations and redistribute resources, but without altering the hegemonic social order. Organising in the community to improve children’s education and facilities in public space are examples of reworking. Finally, practices of *resistance* are direct efforts to confront oppression and exploitation on various scales and involve a critical consciousness. Activist groups opposing unwanted changes in the neighbourhood, and the sabotage of top-down development projects, are acts of resistance. However, these practices are less common than those mentioned above, as they are more confrontational and build on a broader understanding of processes involved. According to Cumbers et al. (2010), this framework is useful to bring out the agency of residents in the old industrial centres, who are often portrayed as passive victims. They are not collectively organised, but express their agency by practices of resilience in the reproductive sphere. Hence, they argue that worker agency needs to be theorised both within and outside the workplace.

Agency among non-unionised workers has also been theorised by Rogaly (2009). In addition to migration itself he identifies spaces for negotiating wages and working conditions, and the use of cash savings from labour migration to start a business in order to avoid the worst forms of exploitation and humiliation, as manifestations of agency on a micro-scale among temporary migrant workers in India. Although these practices do not involve collective organisation through unions, they nevertheless shape the landscape of agro-capitalism and may be significant to workers themselves. Similarly, Carswell & De Neve (2013) observes that garment workers in South India make active decisions about, for example, whether to migrate or not, for how long, for which employer and under what

conditions. These multiple and everyday forms of agency impact upon the spatiality of the textile industry, and also have transformative effects on social relations, livelihood and reproduction in the rural areas.

Coe & Jordhus-Lier (2011) argue that further work needs to be done within labour geography to explain, “Why some workers’ actions seem to matter more than others” (pp. 18). They propose an approach to capture the spatial and temporal dimensions, structural constraints and social relations that shape the potential for workers’ agency. In order to ‘re-embed’ the agency of labour, they highlight four sets of social relations or institutional formations in which workers are differently positioned: The first is global production networks in which some workers are strategically positioned, while others play a more marginal role. The second is state institutions on various scales because the role of the state in regulation, reproduction, and also as an employer, is important for workers’ ability to act. The third is the social relations and associational life in the community. The important thing here is that the political strategies of workers may be based, not only on class or occupation, but also on other subject positions and identities, such as ethnicity. The fourth is intermediary agents in the labour market, which is a fraction of capital that actively contributes to increased fragmentation of the workforce, consequently preventing the collective mobilisation of workers.

The case of the construction industry in Chennai provides an opportunity to study multiple forms of labour agency, including collective union agency and spontaneous cooperation between workers, as well as individual agency, in the everyday negotiation over employment arrangements and welfare provisions. I seek to embed these different forms of agency in the social and economic systems of the construction industry, the local communities and the local state. Furthermore, when analysing the agency and possible legal empowerment of construction workers in Chennai, I explore how the tendencies towards dependence/autonomy and domination/resistance play out in the social relations between the actors.

2.6 Conclusion

This chapter has discussed how labour regulation and workers’ agency in the informal economy may be conceptualised. In order to do so, I discussed different approaches, which in complementary ways conceptualise how the relationship between workers and employers is embedded in wider political processes. The first part of the chapter discussed the relationship

between workers, employers and the state as a backdrop for the other three parts. In contrast to the neoclassical perspective, which sees the labour market as an arena for equal exchange between employers and workers regulated by supply and demand, I draw on Marxian perspectives to conceptualise labour as a pseudo-commodity and the relations between labour and capital as conflictual. Furthermore, I refer to the institutionalist perspective to emphasise that this relationship is shaped by the socio-economic context and has to be studied accordingly.

Following Gramsci, the struggles between labour and capital manifest themselves in the struggle over state power. Hegemony refers to the alliances between the dominant class, which in capitalist societies is the bourgeoisie, and other classes. To achieve state power and sustain hegemony, the dominant class must pursue a strategy balancing the use of coercion, monopolised by the state, with strategies fostering consent (Simon, 1991). The Regulation school further theorises the role of the state in supporting capital accumulation through its *mode of regulation*, in which labour legislation and welfare provisions are key elements. Drawing on these perspectives, Jessop (1990, 2007) conceptualises the state as *a social relation* reflecting the balance of forces in society. Consequently, the role of the state in regulating the relationship between workers and employers may be seen as a reflection of the power balance between these three parts.

The above perspectives operate at a high level of abstraction, and the second part of the chapter therefore discussed conceptualisations of local labour regimes and labour markets, which can help analyse empirical contexts. I selected ‘local labour regime’ as an appropriate regime concept for my analysis, and according to my reading, it is constituted by two components: The first component is *labour regulation*, referring to the nexus between wider regulatory processes in the state and the economy and local regulatory processes (Jonas, 2009; Peck, 1996). The second component is *labour control*, referring to the locally specific ways workers are integrated into the workplace and habituated to production. Labour control practices occur in three overlapping locales, or contexts for social interaction, including the production, reproduction and consumption locales (Jonas, 1996). Furthermore, we may differentiate between direct, coercive and indirect, reciprocal practices of labour control (Jonas, 2009). Following Burawoy (1985), both sets of practices may exist within a local labour regime although either coercion or consent will be the most prevalent.

Labour regulation and labour control include social processes outside the sphere of formal state regulation, especially so in the global south. Consequently, in the third part of the chapter I discussed different perspectives on the informal economy. Important insights from

this debate are that the informal economy is heterogeneous, containing a variety of work situations and social positions, and is linked to the formal economy and the formal regulatory environment. As a result, it is not a separate sector (Chen 2007). These characteristics are important to pay attention to when analysing local labour regimes in the construction industry, which is characterised by informal employment arrangements.

The authors writing about labour regulation and control are primarily concerned with the structural constraints facing labour in an internationalised economy (Jonas 2009). Similarly, the perspectives on the informal economy see informal workers as either entrepreneurs constrained by state regulation or as exploited labour, rather than political actors able to collectively organise (Lindell, 2010). For this reason, the fourth part of the chapter discussed literature on labour agency. Herod (1997, 2003) argues that all workers are to a varying extent spatially embedded in the places where they work. This embeddedness might have implications for their political praxis, and he highlights the potential of workers to shape economic geography and act for their own benefit. However, although workers may have the capacity to act in some way or the other, not all actions have transformative effects on their working lives. One challenge that has been identified within labour geography is to theorise the variable and constrained agency of workers, and the different forms of agency. Katz's (2004) schema differentiating between resilience, reworking and resistance offers a useful framework for understanding how workers' agency within these three forms may manifest itself as both collective and individual agency. Following Coe & Jordhus-Lier (2011), labour agency also needs to be re-embedded in the wider social and economic systems that surround workers, such as the industry, including the role of labour market intermediaries, the state and the community.

Informed by this discussion, I will first analyse the struggle between unions, employers and the state government over the formal regulatory framework applicable to the construction industry on a regional scale in Tamil Nadu. I draw on the Gramscian concept of hegemony to explain why my case study unions have been able to leverage some of their demands for welfare schemes, but not for a comprehensive regulation of the construction industry. The Tamil Nadu Construction Workers Welfare Board is a state institution, and by seeing the state as a social relation reflecting the balance of forces in society, I analyse the agency of the unions in relation to employers and the state.

Secondly, I will analyse the nexus between labour regulation on a regional scale and local regulatory processes, including practices of labour control on a local scale in Chennai. The analysis concentrates on the production locale, referring to the politics of the workplace,

and the reproduction locale, referring to the politics of welfare (Jonas, 1996). Local labour regimes may also vary within a locality and even within the same workplace (Knutsen & Hansson, 2010; Magnusson et al., 2010). Hence, I explore to what extent different local labour regimes could be identified in the construction industry in Chennai. I further discuss how the processes and practices of labour regulation and control conditioned the everyday agency of construction workers and how they themselves shaped labour regimes on a local scale. In doing so, I seek to further embed the agency of construction workers in the social relations and institutions of the construction industry and the local communities, with a particular focus on the role of labour market intermediaries.

3 Politics of work and welfare in India

3.1 Introduction

In the previous chapter, I discussed theories about the relationship between workers, employers and the state, and operationalised the concept of local labour regime. However, in order to be applicable as an analytical frame, this concept needs to be contextualised. Thus, the aim of this chapter is to discuss theoretical and empirical contributions on the politics of work and welfare in India and Tamil Nadu, and on the relationship between informal workers and the state in particular, which I will apply in my analysis of local labour regimes in the construction industry in Chennai.

The chapter is split into four parts: The first part discusses different perspectives on why the Indian state has not implemented its policies more efficiently. In addition to the role of dominant classes and demand groups, the role of the national (central) trade unions is important when it comes to the lack of protection in the informal economy. In the second part, I discuss different perspectives on the implementation of welfare policies in contemporary India and the role of informal workers themselves in this process. The third part identifies some characteristics of political culture and leadership in South Asia, which provides a backdrop for the final section on state-society relations and the politics of work and welfare in Tamil Nadu.

3.2 Demand groups, dominant classes and industrial relations

When India achieved independence from British colonial rule in 1947, the country inherited a colonial labour legislation. The Indian National Congress, which dominated the independence movement and parliaments after 1947, encouraged trade unionism and was inspired by socialist ideas of industrialisation and development. As the other political parties established themselves nationally, they founded their own trade union wings called ‘centres’ to serve as electoral vehicles (Candland, 1999). Thus, the national governments initiated an industrial policy that identified the state as an entrepreneur creating employment and industrial development, as well as a regulating authority. Consequently, the state facilitated a large public sector, including enterprises, which extended the protection and benefits of labour laws while promoting the representation of unions in relation to employers (Sinha, 2004).

However, as mentioned in Chapter 1, formal state regulation and protection has only been implemented in the formal economy, and it was among the minority of formal employees that Indian trade unions mobilised their membership (Gillan & Lambert, 2013).

Bardhan (1984) points to the alliances and conflicts between three dominant classes: the industrial capitalists, the rich farmers and the professionals in the public sector as an obstacle to effective policy implementation. These classes have pressured the state to distribute public resources according to their interests, consequently neglecting other groups. Following this line of thought, Kaviraj (1988) says that the industrial capitalists were not strong enough to establish hegemony on their own. Instead, the sharing of power between several dominant classes implied a constant push and pull making the state inefficient.

Rudolph & Rudolph (1987) use the term *weak-strong* state, and observe that the Indian state has been effective, e.g. in creating basic industries after independence, but at the same time incapable of penetrating the informal economy in rural and urban areas (p. 1). They argue that pluralist interests, for example based on caste, religion and region, rather than class, constitute the platform for collective action in India. An important reason for the marginality of class politics is the dominant role of state, which is the main counterpart for capital and labour as well as an interest part in itself. For this reason, the state is the primary target for demand groups, such as formal workers, students and farmers. Their diverging issue- and movements-based politics contribute to problems of un-governability, according to the Rudolphs (pp. 19-23).

The lack of implementation of labour laws in the informal economy can also be related to the role of the trade union movement. Rudolph & Rudolph (1987) observe that the industrial relations regime in the formal economy in India is characterised by a *pluralist model*, with a variety of competing associational interests among both workers and employers. This regime has parallels to the Anglo-American world and contrasts the *neo-corporatist model*, which can be found in continental Europe and Scandinavia, where a few large apex bodies of employers' and workers' organisations dominate (pp. 248-252). The pluralist model simultaneously manifests itself in two forms. The first form is *state dominated pluralism*, in which strong links between trade unions and political parties give unions influence, but also restrict their autonomy. The Rudolphs trace the state-dominated pluralism in India to the suppression of labour unrest under Indira Gandhi's Emergency regime (1975-1977). Moreover, they argue that the legal and procedural environment has facilitated the fragmentation and proliferation of trade unions. This implies the absence of a 'secret ballot system', i.e. that each workplace elects one union to represent the workers. The

legal framework also has strong regulations against strikes. The state domination has paved the way for the second form, which is *involved¹ pluralism* and *entrepreneurial trade unionism*, in which each sector has many unions competing over members at the workplace. This form is characterised by members' personal relations and loyalty to the union leader (pp. 259-289).

Candland (1999) agrees to the above typology, but argues that the linkages between the unions and the political parties in India are the main cause of union weakness on the ground. Because unions are linked to political parties, the multiplicity in party politics is reflected in the union landscape. He further points out that because of union fragmentation, organised private capital has been able to influence state policies and the implementation of regulations in their favour through various employers' associations. Despite these constraints, the unions have prevented the privatisation of public sector companies and amendments in the labour laws initiated as part of the economic reforms in the 1990s. However, the unions still face the challenges of informalisation and deregulation of the labour market. Similarly, Gillian (2015) notes that for several decades the national governments have failed to translate announced amendments in labour legislation into legal-institutional change. At the same time, the state has facilitated a widening gap between formal regulation and the practice of employment relations on the ground, characterised by a lack of enforcement of labour laws, an increase in contract and precarious work and denial or suppression of trade union representation and recognition.

Breman (2001: 33) argues that the Indian trade union movement committed a 'historic blunder' when neglecting informal workers. In line with the structuralist perspective discussed in Chapter 2 (section 2.4.2), he points out that if the unions had acknowledged the organic linkages between the formal and informal economies, they could have incorporated informal workers into the struggle for labour rights applicable to all segments of the workforce. Failing to do this, the union movement has not been able to prevent increasing informalisation, and their political strength has been reduced.

The increase in 'independent' unions during the 1980s and 1990s was a response to the limitations of the central unions. Another development has been the emergence of 'new' trade unions and non-governmental organisations (NGOs), focusing on building membership among informal workers and women. Central trade unions have also increasingly focused on extending their representation among informal workers. Consequently, despite the historical

¹ Meaning intricate or complex.

limitations of the unions and liberalisation policies, they have achieved a significant growth in membership, which contrasts the trend in other countries. This growth is related to new organising strategies among both central and ‘new’ unions (Gillan & Lambert, 2013). These trends provide the background for the collective organisation of construction workers in Tamil Nadu, as I will further discuss in section 3.5.

3.3 Electoral democracy and welfare

Alongside the economic reforms, the national governments have initiated several social policies directed at workers in the informal economy that resemble those in Tamil Nadu, as noted in Chapter 1. The literature discussing the underlying causes for these policies point to the importance of civil society and electoral democracy, but the role of informal workers themselves is differentially understood.

Chatterjee (2004, 2008) offers one perspective in his conceptualisation of the ‘politics of the governed’. In a redefinition of Gramscian concepts, Chatterjee (2004: 27-41) divides Indian society into two domains: The first is *civil society*, in which the Enlightenment ideal of citizens with equal rights relates to the state as individuals or members of associations. This is the domain of the bourgeoisie and the urban middle classes, and excludes poorer sections. Yet, although the Indian state is less accessible to the poor, they are not without influence and organise in the domain of *political society*, in which they relate to the state as population categories and target groups for public policies, rather than as proper citizens. Chatterjee demonstrates how various groups actively use government categories, such as ‘slum dwellers’, to leverage their demands in political society where political parties compete over power.

Chatterjee (2008) further argues that the economic reforms introduced in the 1990s have led to some important changes in the relationship between earlier dominant classes and the state. He observes that the corporate capitalist class is now more diverse, with many new entrants and an increased scope for mobility, and plays a hegemonic role in civil society: The inefficient and corrupt state bureaucracy has lost legitimacy among the middle classes to a more efficient capitalist private sector. This hegemony is reflected in the political consensus about securing a rapid economic growth that manifests itself in the policies of central and state governments. A concrete example of this is land acquisitions by the state in West Bengal for the purpose of industrial development, which can be seen as continued primitive accumulation separating primary producers, such as peasants, artisans and petty

manufacturers, from their means of production. Even so, these groups do not possess the skills and qualifications required to be absorbed into the new growth sectors, like the IT economy, and are marginalised and ‘rendered useless’ by corporate capital. As a result, they find their livelihoods as self-employed in the ‘non-corporate’ urban informal economy, in which job security and social security are lacking. Under electoral democracy, however, the government acknowledges the need to compensate for the negative effects of market forces through welfare programmes, to help prevent marginal groups from turning into ‘dangerous classes’. This situation opens the possibility to negotiate with the state over the transfer of resources within the domain of political society. Nonetheless, government policies directed at lower income groups in the domain of political society take the form of ‘entitlements’, which have to be constantly negotiated, and never quite become ‘rights’ as in the domain of civil society.

Chatterjee (2004, 2008) has been criticised for constructing dichotomous oppositions of domains that in reality are interlinked, such as the corporate/non-corporate economy and civil/political society (Corbridge et al., 2005: 191; Baviskar & Sundar, 2008). I agree to the critique of the first dichotomy as Chatterjee’s binary echoes old dualisms between the pre-capitalist/informal sector and the capitalist/formal sectors, as discussed in Chapter 2 (section 2.4.2). Nevertheless, he also demonstrates how elite leaders of associations for the poor, such as teachers, act as mediators between the domains. As an illustrating example, he refers to how slum dwellers illegally occupying public land in Kolkata established a local resident association to resist a threat to eviction. The association allied itself with an opposition party to organise a protest movement against the ruling party. A key person in this mobilisation was a primary school teacher who lived just outside the slum. As an educated person with some insight into the rules of civil society, he was able to act as a mediator. Such mediators play an important role in ‘the politics of the governed’ by bridging the domains of civil society and political society, which “are differentiated by deep and historically entrenched inequalities of power” (Chatterjee, 2004: 66). Hence, as I interpret him, these domains should be regarded as interlinked rather than separated.

The second perspective is Agarwala’s (2013) reformulated model on the relationship between informal workers and the state in India, as mentioned in Chapter 1 (section 1.2.2). She does not refer explicitly to Chatterjee’s work, but her perspectives have both interesting similarities and differences with his. When comparing Tamil Nadu, Maharashtra, and West Bengal, and drawing some lines to Kerala, she finds that informal workers’ organisations have been more successful where there is competition between political parties and urban

informal workers are being perceived as an important vote bank. Economic liberalisation policies also provide informal workers with some additional leverage because their flexible, low-cost labour is an important ingredient in this growth model. Consequently, a new social contract is emerging which implies that state-provided welfare is exchanged with political support and industrial peace. However, she points out that welfare demands are not a perfect substitute for worker demands, and that structural changes are required to eradicate social injustice (pp. 189-205).

Both Chatterjee (2004, 2008) and Agarwala (2013) can be situated within a Gramscian framework, in which the Indian state utilises welfare schemes to gain consent from poorer groups in order to manage discontent, and in this way secure economic growth. They emphasise both collective organisation and voting power as central mechanisms. However, where Chatterjee sees collective mobilisation on the basis of ‘government categories’, Agarwala sees collective mobilisation on the basis of ‘class’, although she emphasises the importance of framing informal workers as a vote bank. Another difference is their view on citizenship. While Chatterjee argues that the poorer groups relate to the state as target groups rather than proper citizens, Agarwala claims that informal workers organisations use citizenship to frame their demands for welfare. Lastly, Chatterjee bases his argument on the self-employed who are excluded from the domain of corporate capital. In contrast, Agarwala sees informal contract workers as a prerequisite for economic growth.

Lerche (2012) offers a third perspective and argues that labour and the self-employed do not constitute a driving force in the implementation of national legislations such as the *Mahatma Gandhi National Rural Employment Guarantee Act of 2005*, guaranteeing 100 days of work to vulnerable groups, and the *Social Security Act of 2008*. These legislations have been implemented as a result of top-down initiatives forwarded by middle class activists, rather than because of broad-based movements. He further observes that: “Informal labour is not a political force to be reckoned with, neither in labour market relations nor in wider political contexts” (pp. 27). Furthermore, the legislations do not address economic labour market based inequalities and thus they facilitate ‘management of poverty’, rather than an increase in labour’s bargaining power in relation to capital and the state. At the same time, Lerche et al. (2012) point out that surplus value from production can be returned to labour via the state through welfare policies. This may be seen as a way to reduce the overall level of exploitation in society.

3.4 Political culture and leadership

The opportunities and constraints facing poorer groups in India when it comes to negotiating with the state over the transfer of resources can also be related to political culture and leadership. The political history of South Asian countries, among them India, is characterised by relatively slow state formation. Thus, the various social and political communities had a high degree of self-regulation based on personal rule and authority (Price & Ruud, 2010). The traditional political culture reflected local notions of hierarchy in which people are seen as unequal, for example in terms of caste, age and gender. To speak against somebody higher up in the social hierarchy is equivalent to rejecting their authority, and the correct behaviour is subordination (Ruud, 2010). At the same time, the Indian *subaltern studies* literature reveals that extensive notions of the rights of the poor, women, children, peasants and low casts have existed since pre-colonial times. However, these rights have been understood in a hierarchical manner. Because the poor were not equal to the rich, the rich had a moral obligation to protect them (Ruud, 2010).

Such patron-client relations can be defined as informal, personal relations between actors who differ according to social status and power, in which valuable resources are exchanged over a period of time. To what extent the client gives compliance to the patron vary with the clients dependence on the patron's services, and an imbalance in the relationship creates a sense of obligation towards the patron (Scott, 1975). In rural areas, the traditional patron is a landlord, who offers work, loans and protection to his tenants in exchange for labour and loyalty. Rudra (1985) introduced the term *mutual unequal dependence* to characterise the relationship between property owners and farm labourers in a village in West-Bengal. Although both parts depend on each other, the relationship "is based on the unequal power of causing damage to the other party by withdrawing co-operation in the production process" (pp. 254). However, the relationship is not limited to economic transactions, but covers all aspects of social life and is based on personal knowledge.

Similar notions of hierarchy have political consequences that appear when people in the lower end of the hierarchy appeal to a person of a higher social status for assistance (Ruud, 2010). Due to uneven economic growth and a scarcity of economic resources, the state has not secured social welfare for the majority of the population, and their vulnerability has influenced the strategies of political leaders, who seek to appear as persons with capacity to do things for others in order to attract followers. In this way, elements of personal rule continue to influence contemporary South Asian politics and the political styles of leaders

(Price & Ruud, 2010). When politicians distribute public resources in exchange for promised votes, we talk about political patronage or clientelism (De Wit 1996: 49-51).

Price & Ruud (2010) differentiate between three heuristic categories to conceptualise leadership styles that frequently appear in South Asian politics. The first is the ‘boss’ style, which refers to political leaders who seek to maintain personal dominance over a relatively small domain by redistributing resources. Such leaders often act as ‘fixers’, or middlemen, between his or her supporters and more powerful people. The second is the ‘lord’ style, which contains normative elements related to certain moral qualities. Here, the leader appears as a superior protector for the constituency. The Hindu gods and goddesses represent a traditional divine form of lordship, while the monarch and spiritual guru represent human versions of the same. The ‘social worker’ is a more secular form of ‘lordship’, and applies to political leaders who claim that their main purpose is to serve others. The third is the ‘captain’ style, which denotes dominance over large-scale polities at the state level. This requires the capacity to accommodate both general and particular interests. Yet, in practice, political leaders may mix and blend these styles according to skills, context and constituencies, as we shall see in Tamil Nadu politics below.

3.5 Welfare populism in Tamil Nadu

The political culture in Tamil Nadu is associated with a distinct form of populism. Swamy (1998) and Subramanian (1999), who offer complementary analyses of politics in Tamil Nadu, understand populism as political mobilisation of ‘common people’ for access to ‘elite’ privileges. They further observe that populist regimes may increase the entitlements of emergent groups to some extent, but without changing the underlying structures that sustain inequality. Both point to the interplay between two parallel forms of populism, or rhetorical styles, which have been important to help mobilise the constituencies in Tamil Nadu: The first form is what Swamy calls empowerment populism and Subramanian calls assertive populism, which seek to include marginalised groups into politics and improve their access to education, jobs and property. The second form is protectionist populism, according to Swamy and paternalist populism, according to Subramanian. Within this form, the elite and the state are constructed as protectors of the poor through the distribution of welfare benefits.

After India’s independence in 1947, the Indian National Congress (Congress) was the dominant political party in both the state government of Tamil Nadu and in the national government. This alliance secured the transfer of economic resources from New Delhi to

Tamil Nadu, hence contributing to economic development, and in a few years the state was one of the most industrialised states in India. Even so, the Congress primarily drew their support from elite groups, and did not have a broad popular appeal. Regional parties fronting Tamil nationalism therefore increasingly challenged the party. These parties had their roots in the Dravidian movement emerging in Tamil Nadu during the 1920s. The movement mobilised on the basis of linguistic nationalism against North Indian and Hindi domination and the privileged position of the Brahmin castes, both in religious life and in society (De Wit, 1996).

In the beginning, mainly non-Brahmin elite groups supported the Dravidian movement, but throughout the 1940s the focus was directed towards the mass mobilisation of low-income groups. The party Dravida Munnetra Kazhagam (DMK) was founded in 1949, and promoted distributional issues and ‘backward class’² reservations in education and the public sector to win support (Swamy 1998). The leaders of the party, first C. N. Annadurai and later M. Karunanidhi were scriptwriters themselves and produced movies that reflected the DMK’s focus on social issues and Tamil nationalism (De Wit, 1996).

In the 1967 state election, a DMK-led alliance squeezed the Congress out of power. The election promise of subsidised rice has been pointed out as a key issue for mobilising poorer constituencies; the Congress had not been able to prevent widespread starvation in the state due to drought and the DMK capitalised on this failure. However, from the beginning the DMKs policies were targeted more at the backward classes, rather than the very poorest, and they struggled to keep hold of the latter group. In 1972, Marudhur Gopalan Ramachandran (MGR), one of the key leaders withdrew from the party after internal controversies and established the Anna Dravida Munnetra Kazhagam (ADMK). He managed to construct a broad support base among the poor, and ruled the state from 1977 until his death in 1987. Internal struggles in the party again opened the doors for DMK, and in the aftermath the two parties alternately ruled the state government (Swamy, 1998).

According to Swamy (1968), the success of ADMK can be explained by two factors: Firstly, it was related to conflicts within the backward classes over which castes were to be included in the quota policies, which undermined the DMK. Secondly, it was related to the expanded welfare policies targeted at vulnerable groups and women in particular. These

² According to The Planning Commission of India, 1st Five Year Plan, Chapter 37, “Backwardness is expressed in lack of adequate opportunity for group and individual self-development, especially in economic life and in matters of health, housing and education. It is measured in terms of low levels of income, the extent of illiteracy, and the low standard of life demonstrated by living conditions”. (Planning Commission of India, 2015)

included accident and disaster relief programmes, the prohibition of homemade liquor to prevent male alcoholism and the Noon Meal Scheme for all children above two years implemented along with day-care facilities. Compared to other states, Tamil Nadu had a large female labour force vulnerable to market forces, and a minimum of social protection was therefore especially salient. The welfare measures introduced by MGR have proved difficult to reverse for other parties and have thus become an integrated part of politics in the state. Swamy agrees with other scholars that MGR's characters on screen, where he appeared as a promoter of social justice and a protector of women, reinforced his popularity, although this explanation should not be overemphasised. With reference to the typology of leadership styles (Price & Ruud, 2010), MGR eclectically combined elements of the 'boss style', when he focused on redistribution, the 'lord style' when appearing as a protector and the 'captain style' when he managed the mass politics of the state (Wyatt, 2010).

Scholars seem to disagree on the effects of Dravidian politics on socio-economic development in the state. De Wit (1996) claims that the welfare policies under MGR led to a strain on state finances, consequently preventing industrial development. On the other hand, Swamy (1998) argues that the economic performance of the state was relatively good. Furthermore, infant mortality rates and child malnutrition decreased although a substantial reduction in inequality did not occur. With regard to political development, however, he points to censorship of political critics, police abuse and increased corruption under MGR. Subramanian (1999) agrees with this view, but emphasises the emergence of 'social pluralism' along with 'organisational pluralism' as democratic outcomes of Dravidianism. By this, he means the existence of many associations significantly autonomous from the state and from each other. Moreover, the relations, both within the organisations and between the organisations and society, are characterised by autonomy and flexibility. According to Subramanian, both the DMK and the ADMK have accommodated the organisational development of caste- and farmers' associations, as well as trade unions, but at the same time controlled the influence of these organisations.

The UNDP's Human Development Report from 2004 states that the per capita income in Tamil Nadu is above the national average, and that significant demographic changes have taken place along with economic growth. The increase in the literacy level and the decline in population growth are greater only in the neighbouring state of Kerala, and infant mortality is among the lowest in the country. Furthermore, the poverty levels are below the national average. Nevertheless, there are significant regional differences within the state, in addition to gendered- and caste-based differences. Public health care coverage is still inadequate,

which has implications for morbidity rates. Finally, although work participation rates have increased, evidence suggests a growing casualisation of employment implying insecurity for workers (Vijayabaskar, Swaminathan, Anandhi, & Balagopal, 2004).

Agarwala (2006, 2013: 109-116) argues that populist politics in Tamil Nadu is important in explaining the achievements of informal workers' organisations in this state compared to Maharashtra and West Bengal. Here, the organisations have encouraged their members to vote according to their neighbourhood and not according to party affiliation. In this way, they have managed to construct their members as a vote bank, and utilise the competition between the two regional parties to leverage their demands. She further claims that informal workers' unions frame their demands in a way that does not obstruct the state's liberalisation agenda. Rather, the economic liberalisation in Tamil Nadu is another reason for why the state government has accommodated the welfare demands of informal workers, as they offer flexible and cheap labour, which is an important element in the growth strategy of the state.

Vijayabaskar (2010) similarly argues that the combination of corporate sector led growth and welfare policies pursued by competing political parties support Chatterjee's (2008) analysis of democracy and economic transformation in contemporary India. He notes that since the 1990s, Tamil Nadu has experienced relatively high industrialisation and economic growth. At the same time, the last three decades have been characterised by agricultural stagnation, and many of the Special Economic Zones have been established on land expropriated by the state government. Although there have been scattered protests from farmers, the resistance has not been as intense as in West Bengal. Vijayabaskar suggests that sufficient compensation, along with the possibilities of alternative livelihoods, can help explain the lack of resistance. The combination of industrialisation, urbanisation and opportunities for social mobility and welfare measures makes farmers in Tamil Nadu less dependent on their land compared to farmers in West Bengal.

According to Vijayabaskar (2011), the state government of Tamil Nadu facilitates a hybrid regime, which expands public welfare while at the same time, pursues an accumulation strategy resting on labour market flexibility. With reference to the labour force in the textile industry in Tiruppur, he claims that the state has shifted the question of labour welfare from the workplace to the household/neighbourhood. Thus, he observes that for workers "any setbacks in the workplace are compensated by a fall-back upon their entitlements as citizens" (pp. 44). Simultaneously, unions which for long have experienced

challenges organising workers in the factories, are starting to mobilise in the neighbourhoods around access to basic services, such as water, roads, street lights and housing.

In a study of the implementation of the national Mahatma Gandhi National Rural Employment Guarantee Act in Tamil Nadu, Carswell & De Neve (2014) observe that it has been implemented relatively efficiently here compared to other states. A commitment to social policies along the political spectrum is mentioned as one reason: No party can win elections without emphasising welfare provisions. Another reason is the history of social mobilisation evolving from the Dravidian movement, which has led to a strong civil society important in the implementation process.

3.6 Conclusion

This chapter has discussed perspectives on the politics of work and welfare in India and Tamil Nadu to help provide a background for the analysis of local labour regimes in the construction industry in Chennai. The role of dominant classes and demand groups was mentioned as an explanation for why the Indian state has not been able to implement its policies more efficiently. When it comes to the lack of implementation of labour legislation in particular, the neglect of informal workers by the central trade unions was pointed out as an important reason. It is within this national context that my two case study unions were founded in Tamil Nadu. However, in the aftermath of the economic reforms, the central unions have faced the challenge of increased informalisation and casualisation and have therefore started to build a membership among informal workers. The central unions have played a key role in the Tamil Nadu Construction Workers Welfare Board, as we shall see in chapter 5.

Alongside the economic reforms, the national government and the state government of Tamil Nadu have expanded their welfare policies directed at informal workers, both rural and urban. I referred to three perspectives pointing to the importance of civil society and electoral democracy in order to explain the implementation of these policies. However, the authors disagree on the role of informal workers themselves in this process, and I will discuss this in my analysis.

Scholars studying Tamil Nadu observe that the long history of social mobilisation also among poorer groups, combined with the competition between populist political parties are important for explaining why welfare policies has been more efficiently implemented here than in many other Indian states. I have emphasised that perspectives on political culture and

leadership provide a crucial backdrop to understanding the dynamics between political leaders and constituencies in the state. As I will show in my analysis, this political culture also influences the dynamics between union leaders and members. Simultaneously as the state government of Tamil Nadu has expanded its welfare policies, it has also pursued a corporate led growth strategy based on economic liberalisation and labour market flexibility. Hence, I will explore the role of employers in shaping local labour regimes in the construction industry.

4 Methodology

4.1 Introduction

The aim of this chapter is to establish the link between the philosophy of science, the methodology of my research project and the actual research design. First, I discuss different perspectives on abduction as a research strategy, referring to an iterative movement between theory and data. Second, I connect this to the pragmatist/participatory approach to social science and case studies as a type of qualitative research. Third, I show how I have selected ‘the construction industry in Chennai’ as a case and develop local labour regime as an analytical frame in accordance with the abductive research strategy. Fourth, I describe the naturalistic paradigm in qualitative research, and discuss what type of knowledge can be generated from qualitative interviews. I will then clarify the choices I made during the research process and discuss this in relation to methodological and ethical issues.

4.2 Positioning my study according to the philosophy of science

Research strategies are sets of procedures on how to answer research questions, and according to Blaikie (2000: 85-126) these procedures are based on different kinds of logic depending on what kinds of questions we are asking. Blaikie distinguishes between four different research strategies: the inductive; the deductive; the retroductive and the abductive. These strategies are related to different ontologies, or ‘theories about what there is’, as well as different epistemologies or theories about what we can know. Similarly, different approaches to qualitative research have different views on the correspondence between interviews and the social reality.

4.2.1 Research strategies

The inductive research strategy can be traced back to the positivist view of science associated with James Bacon (1561-1626) and John Stuart Mill (1806-1873). The positivist ontology assumes that the world consists of objects or events that can be empirically accessed by sense experience, and only objects or events that can be experienced in this way are regarded as real. According to the positivist epistemology, we can gain knowledge about these objects or events through observation. Thus, there is a correspondence between observation and fact.

The singular objects and events we observe, and the relationships between them, can be represented by generalising concepts. Bacon emphasised that the researcher should free him/herself from biases and presuppositions, in order to accurately observe what happened in an experimental situation. The ideal is to produce 'objective' data reflecting the reality itself. According to Mill, the concern of science should be to establish general laws on the basis of observed regularities. The basic principle in the inductive research strategy is to draw inferences from the singular to the general; that is, from the empirical data collected, to the general laws that cover all cases of the same kind (Blaikie, 1993: 13-23, 2000: 102-104).

The deductive research strategy evolved from the Critical Rationalism advocated by Karl Popper (1902-1994). This philosophical view agrees to a large extent with the ontology of positivism, though the epistemology is different. Popper argued that scientific observations will always be influenced by theory, and that it is not possible to collect neutral data. The deductive research strategy is based on the testing of hypotheses, or possible answers to research problems, with the aim of falsification. If a hypothesis is not falsified through several tests, it does not mean it is true, but that it is scientifically acceptable until it has been refuted (Blaikie, 1993: 24-27, 2000: 104-108).

The abductive research strategy has its roots in American Pragmatism, represented by, amongst others, Charles Sanders Peirce (1839-1914). Peirce argued that both inductive and deductive inferences might be empirically false (Bertilsson, 2007). Moreover, neither of these research strategies can lead to any new ideas. He therefore introduced a third form of reasoning, which he interchangeably called retroduction, abduction or hypothesis. This form of reasoning denotes a cyclical or spiral process of inquiry, which contains elements of both deduction and induction. In abductive/retroductive reasoning, inquiry starts with observation of a surprising phenomenon and a hypothesis is proposed, and by using deduction and induction this hypothesis is tested. According to Peirce, most scientific enquiry involves all three forms of reasoning, e.g. induction, deduction and abduction/retroduction (Blaikie, 1993: 165). Furthermore, interpretations that are common in a community make it possible to share sensational experiences, and for Peirce, truth is the belief in such common interpretations (Bertilsson, 2007).

The philosophical approaches of Scientific Realism and Critical Realism use both abduction and retroduction in their methodologies. Scientific Realism implies an ontological position which assumes that there is a reality existing independently of our knowledge of it, consisting of objects, structures and mechanisms (Sayer, 2000), and that we can gain knowledge about these features through abstraction, i.e. concepts and theories (Steen Jensen,

2000). Within Human Geography, Sayer (1992) has developed Critical Realism as a methodology for generating *causal explanations* by postulating and identifying causal mechanisms producing concrete events. Sayer points out that some mechanisms might be known from other situations and some will be observable, while others may be hypothesised.

In Critical Realism, abduction refers to the empirical and creative phase in which patterns are explored and phenomena recontextualised within a conceptual framework. Retroduction refers to the logical and transfactual phase in which the basic conditions that constitute these phenomena are reconstructed (Danermark et al., cited in Bertilsson, 2007: 15). The causal structures and mechanisms are then empirically tested by experiment or observation, documenting as many consequences of its existence as possible. The retroductive strategy hence has a deductive element, but in contrast to the deductive research strategy, prediction is not regarded as possible because of the contingent character of open systems like societies (Blaikie, 2000: 108-114).

Blaikie (2000: 114-119), however, relates the abductive research strategy to an Interpretivist tradition in social science, which understands the reality as *socially constructed*. The Interpretivist epistemology holds that we can obtain access to the social world through peoples' accounts of their everyday life. In order to discover why people do what they do, the aim of social research is to grasp the meanings and interpretations, motives and intentions of social actors. The Interpretivist takes a relativist position. Nevertheless, it is emphasised that meanings and interpretations are not private and limited to each individual, but rather intersubjective. Intersubjectivity means that members of a society produce and reproduce a shared mutual knowledge. The aim of Interpretivist social research is thus to go beyond specific meanings to typical meanings, by using approximations and abstractions in order to reconstruct everyday concepts into a social scientific language. This reconstructive process is the essence of the abductive research strategy. According to Blaikie, abduction is more appropriate to answer 'what' questions, while both the abductive and the retroductive research strategy can be used to answer 'why' questions. Blaikie (2007: 2) further observes that the abductive research strategy contributes to a grounded explanation or understanding of a phenomenon, rather than a causal explanation.

Without an explicit reference to philosophy of science, Ragin & Amoroso (2011) argues that all social research involves retroduction, understood as the dialogue between ideas and evidence. When describing the interpretive model of social research, they observe: "Ideas help social researchers make sense of evidence, and researchers use evidence to extend, revise, and test ideas" (pp. 57). Ideas refer to social theory, thereby helping the

researcher to make sense of the phenomenon being studied. Evidence refers to data about the phenomenon, e.g. in the form of interviews, observations, statistics and texts. By constructing *analytic frames*, the researcher develops systematic and detailed sketches of ideas, which will inform the seeing of the researcher when classifying and characterising the phenomenon. From a large pool of evidence, the analytic frame guides the researcher in selecting the most relevant. To make sense of the data, the researcher synthesises the evidence and constructs images about peoples' motives or the reasons for something. These images are related back to the analytic frame, which may be refined, developed or rejected (pp. 59-62).

The role of theory and the content of explanations are understood differently in the literature on abduction/retroduction, but the concepts basically refer to the dialectic relationship between theory and data. Put simply, it implies that one starts from the particular and relates to a conceptual framework, which informs the interpretation of data, and the empirical analysis is used to further develop the theory (Alvesson & Sköldbberg, 1994: 41-46; Thagaard, 2003: 174).

I understand my research strategy to be *abductive*, as I started out with observations of an empirical phenomenon. My interest for the labour regulation and workers' agency in the construction industry developed during the research for my master thesis in the city of Bhavnagar in the state of Gujarat in Western India. The topic of this research was day labour markets where workers gather in the morning to search for employment. At that time, the legal framework applicable specifically to the construction industry had not been implemented in Gujarat, and in Bhavnagar there were no trade unions organising construction workers. While writing the thesis, I read that in the states of Kerala and Tamil Nadu many of the construction workers were organised in unions, and that these states had implemented welfare boards for construction workers (ILO, 2001). During an internship with the International Labour Organization (ILO) in New Delhi in 2006, I started to organise a workshop in Chennai on the implementation of the national labour legislation applicable to the construction industry. The workshop was a follow-up to a national consultation held in 2005. The workshop got postponed, but I started to develop the idea of a research project that could explore opportunities and constraints related to improving employment arrangements and welfare provisions in an industry dominated by informal employment arrangements, such as the construction industry.

My approach to this phenomenon was influenced by social theories about labour regulation, labour control and workers' agency, and I constructed 'local labour regime' as an analytic frame, which has been developed during the writing process. The research design

was further informed by the knowledge gaps I identified in other case studies of unions and the construction industry in Tamil Nadu and Chennai. Against this backdrop, I intended to explore the formal regulatory framework and interaction between unions, employers and the state on a regional scale, as well as how employment arrangements and welfare provisions manifested on a local scale.

4.2.2 Notions of theory and case studies

The choice of research strategy also has implications for how theory is understood. In a typology of notions of theory within the social sciences, Mjøset (2007a) distinguishes between three different attitudes or approaches. The first of these is the standard approach, which contains two notions of theory: The law-oriented notion of theory retains the deductive-nomological ideal from the natural sciences. Although this perspective recognises the difficulties associated with developing universal laws applicable to society, the aim of social research should still be to generalise on the basis of regularities that appear in specific contexts. The idealising notion of theory conjectures how human interaction will take place under stylised conditions. The second is the social philosophical approach operating on a high level of abstraction, and includes historical and deconstructive research. The third is the pragmatist/participatory approach continuing from Peirce, among others, includes a broad range of approaches, but a common feature is that the researchers regard themselves as participants in the societies they are studying, and not as distant observers. This approach is characterised by an explanation-based notion of theory, where the aim is to develop explanations that are grounded in context. The grounded theory developed by the Chicago school tradition of sociological ethnography has been central to this approach.

Explanation-based theory relies on internal analogies. By accumulating insights from earlier case studies, and extending them to new areas, constant comparisons within local research frontiers drive theory development forward. Pragmatist/participatory research draw on different kinds of literature, it is often case-based, and generalisations take the form of typologies, concepts and models of contextualised social interaction patterns (Mjøset, 2007b).

Within the research literature, there is no clear agreement on what a ‘case’ is and the term is used in many different ways, although a commonality is the emphasis on one or a few incidences studied in depth. The research unit is often seen as a complex whole consisting of many sub-units and the relationship between them (Andersen, 1997: 8-9). Yin (2003:) defines a case study as “an empirical inquiry that investigates a contemporary phenomenon within its

real-life context, especially when the boundaries between phenomenon and context are not clearly evident” (pp. 13). This implies a sensitivity to the contextual conditions likely to influence what you want to study. He further distinguishes between single case studies within one context and multiple case studies undertaken in different contexts, which may be either *holistic* or *embedded*. A single, holistic case study focuses on one unit of analysis within the same context, while a single, embedded case study focuses on multiple units of analysis within the same context. Multiple case studies are either holistic or embedded, and are conducted within different contexts (pp. 39-56).

Case studies often rely on multiple sources of evidence related to the phenomenon, such as documents, archival records, interviews, observation and physical artefacts. Such data *triangulation* allows the researcher to address a broad range of issues, and may lead to more convincing conclusions than when relying on only one data source (Yin, 2003: 97-101). In spite of this, Silverman (2005: 121-122) is critical towards the claim that multiple methods may provide ‘the whole picture’, because this is an illusion. Instead, he recommends that the partiality of the data is acknowledged, and that a thorough analysis of one data set is pursued.

Furthermore, case studies can be merely descriptive, but can also aim at analytical generalisation, i.e. to generate knowledge that may be relevant to other, similar cases (Andersen, 1997: 126-128). Ragin (1992) argues that an important part of framing a study is to define the case as an example of something broader by asking, “What is the case a case of?” According to him, this question is not necessarily clear from the beginning and ‘casing’ is a process that develops during the research process.

4.2.3 The construction industry in Chennai as a single case

In order to carry out an in-depth study of the complexity of the processes and actors involved in the construction industry, I found it appropriate to do a single, qualitative case study. Kerala may be considered as exceptional in an Indian context because of the state’s achievements when it comes to human development, so I therefore decided to do the study in Tamil Nadu. It was also possible that lessons from this state could be useful when implementing similar policies in other Indian states. I identified the ‘the construction industry in Chennai’ as the case since the unions’ headquarters, the government offices and the Tamil Nadu Construction Workers Welfare Board (hereafter the Board) were located there. I planned to interview representatives of unions, employers and the state government to the Board and collect relevant documentary sources related to implementation of labour laws and

welfare provisions. Furthermore, I wanted to conduct interviews with both unionised and non-unionised workers to get different perspectives on the importance of collective organisation. Through my internship in the ILO, I learned that migrant construction workers were especially vulnerable and I intended to compare their conditions with those of the local workers.

Before coming to Chennai, I assumed that the *Tamil Nadu Manual Workers Act of 1982* introduced in Chapter 1 (section 1.1) had been implemented. However, the first union leaders I interviewed said that although the state government had framed the rules on the basis of the act in 1986, they had never been implemented, and that the Board only provided welfare schemes. Even so, since some of the national labour laws in principle were applicable to the construction industry, I kept the focus on studying the implementation of the formal labour legislation and welfare provisions along side other forms of regulation. The regulatory role of unions, both formally and informally, continued to be a main focus. The political struggle around the governance of the Board, and the implementation of welfare schemes was a topic that became important during the fieldwork.

During the fieldwork, I also decided to focus on four *subunits* related to the case (see figure 1), all in line with the embedded case study design as outlined by Yin (2003: 39). As my case study unions, I selected *Tamil Maanila Kattida Thozilalar Sangam* (TMKTS), meaning the Tamil Nadu Construction Workers Association, founded in 1983 and *Nirman Mazdoor Panchayat Sangam* (NMPS), meaning the Construction Workers Council Association, founded in 1993. Moreover, I selected two large construction sites employing temporary migrant workers, which I call Construction Site 1 and Construction Site 2. I return to how I selected these sub-cases in the next section.

In the process of data analysis and writing up the thesis, I have identified my study as a case of ‘workers’ agency’, with the aim being to *explain* opportunities for – and constraints to construction workers’ agency by examining how employment arrangements and welfare provisions were regulated. I intend to generate a grounded explanation or a contextual understanding of the case (Blaikie 2007; Mjøset 2007a), rather than a causal explanation, and to contribute to the local research frontier that seeks to understand the agency of informal workers in contemporary India.

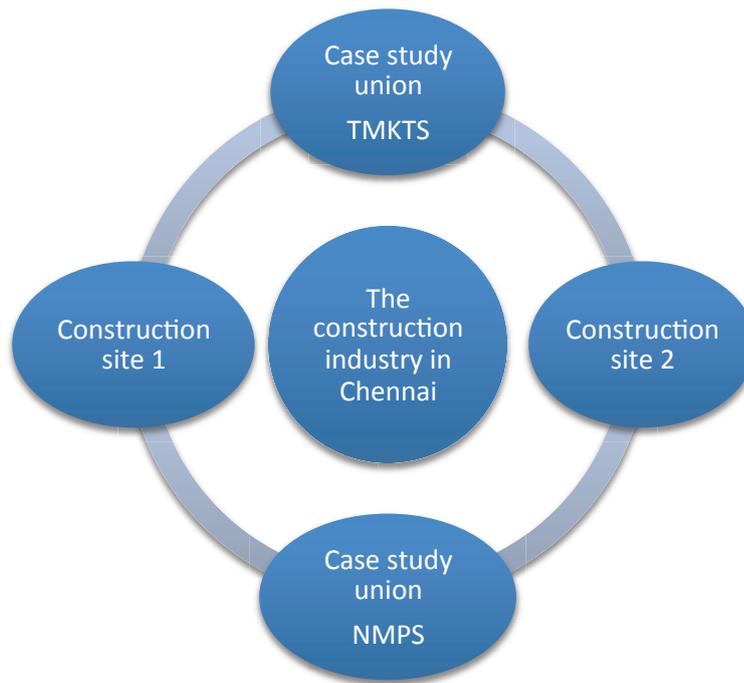


Figure 4: Subunits within the single case

4.2.4 The naturalistic paradigm in qualitative research

Qualitative methods are often contrasted to quantitative methods, consequently blurring the differences between various qualitative approaches and practices. In an effort to systematise various approaches, Gubrium & Holstein (1997: 3-16) differentiate between different paradigms that have their own language, or ‘method talk’. Hence, according to Ryen (2002: 61), the authors seek to bring in a theoretical sensitivity to how experience is understood and represented in social science. These differences have consequences for how the relations between the interviewer and the interviewed are perceived, and for how the data is interpreted.

Naturalism evolved as a critique of positivist inspired social science, dominated by standardised survey interviews and artificial experimental situations (Hammersley & Atkinson, 1987: 27). The aim of standardised survey interviews is to collect ‘facts’ about the world, including biographical information and statements about beliefs. Hence, this method assumes that there is a correspondence between the answers and a factual reality (Silverman, 2001: 87). The respondents are regarded as passive containers of data, which can be extracted by the interviewer if he or she uses the appropriate techniques in order not to ‘spoil’ or ‘bias’ the data. According to this conventional view, the reliability of data increases if the same

question generates the same answer independent of the situation, while validity refers to whether the inquiry results in ‘correct’ answers (Holstein & Gubrium, 2004).

According to the naturalistic paradigm, social actors need to be studied in their ‘natural settings’ by (Hammersley & Atkinson, 1987: 27) and the researcher seeks rich descriptions of social interaction through participant observation and open-ended interviews. The aim is to understand how the research participants perceive and experience their social realities. In order to do so, naturalism operates with certain guidelines to ensure the quality of the data: To access to the research setting, the researcher must gain trust and build a rapport with the research participants. Moreover, the researcher needs to get close to the informants, but not too close, to maintain the outsider’s perspective. It is also important that the researcher let the research participants apply their own concepts and avoids influencing the data for example by asking leading questions or sharing his or her opinions. Lastly, the researcher demonstrates what the research participants think and do by using ‘their own’ words and stories, focus on the content of what they say and describe their activities (Gubrium & Holstein, 1997: 19-37). Naturalism derives from the grounded theory applied in the Chicago school of sociology and is the dominant paradigm within qualitative research (Ryen, 2002: 62).

Naturalism may be contrasted to some constructionist approaches that are sceptical towards using interviews as a source of knowledge about the outside world because research participants construct different versions of reality in different situations (Silverman, 2001: 95-97). One such approach is ethnomethodology, in which attention is directed to how people construct social order through naturally occurring conversations. Another such approach is Postmodernism, which explores how the researcher and the interviewee together construct social reality in the interview situation (Gubrium & Holstein, 1997: 3-16; Ryen, 2002: 64-71).

Meanwhile, Miller & Glassner (2004) point out that although interview research does not provide mirror reflections of the social world, it “may provide access to the meanings people attribute to their experiences and social worlds” (p. 126). Similarly, the Interpretivist (constructionist) approach to abduction formulated by Blaikie (2000: 114-119) above (section 4.2.1), holds that we can gain access to how interviewees understand their social world by discover their subjective meanings. From these meanings the researcher can develop abstractions of intersubjective or typical meanings. Thagaard (2003: 42) also points out a fruitful middle position between positivism and pure constructionism. She refers to Nilsen (1996) who emphasises the importance of focusing on the material conditions that premise

peoples' experiences. In line with this perspective, peoples' interview accounts are regarded as reconstructions of actual experiences. At the same time, the way the interviewees describe their experiences may also be influenced by their perceptions of the researcher. I interpret these middle positions as compatible with the naturalistic paradigm.

In my research project, I have been informed by an Interpretivist position within the naturalistic paradigm to qualitative research. During interviews, I was interested in how the research participants understood their social world, e.g. their perceptions and experiences of employment arrangements, welfare provisions and the unions. Moreover, in order to discover why actors in the construction industry did what they did, I sought to grasp their meanings and interpretations, motives and intentions (Blaikie, 2000: 114-119). I used (participant) observation only as a supplement. This may be seen as a limitation as participant observation on what people do may bring the researcher closer to the social context of the interview and provide a broader understanding of the case (Thagaard, 2003: 81). On the other hand, as argued by Silverman (2005: 121-122) above, multiple methods will not provide the whole picture, and that it is more important to focus on one data set.

How may one then ensure quality in qualitative research? According to Silverman (2005: 209-226), validity is another word for 'truth', and in qualitative research it relates to how convincing the interpretations of the researcher appear to the reader. Reliability refers to consistency in the categorisation of data material by different observers. He suggests various strategies than can be used to enhance the reliability and validity of qualitative research, which I will discuss below. Thagaard (2003: 178-179) emphasises that being explicit about the procedures for data collection, and how the relationship between the interviewer and the interviewee might have influenced the data collection, are important issues related to reliability. This relates to Hammersley & Atkinson (1987: 37-42) who point to the importance of reflexivity in naturalist studies, implying that the researcher reflects on his or her influence on the research process and the interpretations that are presented. In the following sections, I will give an account of the research process, and discuss key issues related to reliability and validity.

4.3 Access to the field

The data material for this study was collected during three periods of fieldwork in Chennai. The first period lasted from November 2007 to April 2008, the second period from December 2008 to January 2009 and the third period for nearly one month in January 2010. Qualitative

research within the naturalistic paradigm requires access to the ‘field’, and Hammersely & Atkinson (1987: 68-88) point to the role of gatekeepers in this regard. Such persons introduce the researcher to the research participants, and often influence how the researcher is perceived and what type of persons he or she is able to communicate with. For instance, the gatekeepers might be hesitant to introduce the researcher to people who might speak negatively about them. However, hindrances for access should not only be regarded as a practical problem, but may also provide insights into social structures in the field. The role of gatekeepers will be discussed in the following.

4.3.1 Research permit and institutional affiliation

An ethical dilemma I encountered in the initial phase of my research project was the issue of independent research versus collaboration with local authorities. The NESH guidelines state that research that fulfils the requirements for scientific quality must not be hindered because the topic is controversial. It is also emphasised that when research is undertaken in cultures other than one’s own, the researcher should, as far as possible, collaborate with the local population and local authorities (The National Committee for Research Ethics in the Social Sciences and the Humanities [NESH], 2006: article 25).

Indian authorities request foreign researchers to apply for research visas, but since this is a long and often troublesome process, many academics just go on tourist visas. I therefore had a thorough rephrase before deciding whether or not to apply. On the one hand, labour rights in India might be a controversial issue, and there was a risk that my project would not be accepted. On the other hand, in order to be affiliated with the Madras Institute of Development Studies (MIDS), a local research institute in Chennai, a research visa was required. I assumed that such an affiliation was valuable in order to obtain contacts and access to the field. Against this background, I decided to apply for a research visa. From previous fieldwork experience in India, I had encountered government representatives who expressed annoyance about Western researchers ‘digging into problems’ in India, instead of concentrating on problems in their own countries. Hence, in the application I emphasised that exploring to what extent the relatively successful implementation in Tamil Nadu could serve as a model for other states in India, thus focusing on positive aspects, was an important aim of my project. I also presented my original research questions, and I felt that these were compatible with doing a critical investigation. Fortunately, the project was approved after a fairly long bureaucratic process. When arriving at MIDS, I learned that representatives from

the national government had visited the institute and inquired about the project to the professor who was listed as my local supervisor in the application. They had been concerned that my topic would portray a negative picture of the conditions of construction workers in India, but somehow they were convinced to approve it.

At MIDS, I had access to computer facilities and the library, and it was also very helpful to discuss the project with my supervisor, who provided me with contacts. Additionally, via another researcher at MIDS, I got in touch with a social worker who had experience as a research assistant, and he agreed to the job of being my Tamil interpreter. The certificate of affiliation with the institute was useful when introducing myself to regional union leaders, construction builders and contractors and government officials. Finally, during the two affiliation periods I attended two workshops at the institute, and held a seminar in which I presented some of the preliminary findings of my project and received useful feedback.

4.3.2 Strategic sampling and categories of research participants

In qualitative research, the sample of research participants is strategically selected. This implies a selection of different categories of informants who can provide information relevant to answer the research questions (Thagaard, 2003: 53). Informant triangulation is used to get different perspectives on the same phenomenon (Kvale, 1997: 149). Guidelines for qualitative samples also recommend variations according to relevant variables, in order to portray the heterogeneity that could exist within a relatively homogeneous population, and to avoid selecting only the ‘normal’ examples. Hence, the aim is not to construct a representative sample, but a sample that captures variation (Trost, cited in Ryen 2002: 85). My research participants can be differentiated into two main categories (see Appendix 1). The first is construction workers and the second is key informants among union leaders, employers and the state government.

4.3.3 Construction workers

In order to shed light on variations in working conditions and access to welfare schemes, I interviewed 20 local workers and eight mistris (labour contractors) who permanently resided in Chennai and were members of trade unions. I further interviewed eight local workers and one mistri who permanently resided in Chennai and were non-unionised. Among these workers I sought variation according to gender and whether they were recruited for work

from their neighbourhood or from a day labour market. I specifically selected union members who had applied for welfare schemes or claimed accident compensation, since access to these provisions was important in the study, but I also ensured that I interviewed members who had not received any welfare provision. Lastly, I conducted interviews with 17 temporary migrant workers and one labour contractor at two large construction sites. Within these categories, I sought variation according to skill level, gender and place of origin. I interviewed most of the workers individually, while in five of the interviews, two to three workers participated. Because of the challenges related to recruiting workers, which I will describe below, most of them were interviewed only once, though I met some of the local union leaders several times.

To recruit local construction workers who were members of a union, I started at the top of the hierarchy with leaders at the state level in Tamil Nadu. From earlier fieldwork in Gujarat and my internship with the International Labour Organization (ILO) in New Delhi, I had contact with two leaders in unions organising construction workers. Through them I got in contact with other union leaders in Delhi, who again referred me to union leaders in Chennai. I did not make a clear decision regarding which unions to choose members from, but had informal meetings with several union leaders in the initial phase of the fieldwork.

Through the leader of one of these unions, I obtained the contact details of a female local union leader in a low-income neighbourhood in North Chennai, who tried to help my research assistant and me to recruit construction workers for interviews. However, the first female workers we approached, were reluctant to participate. Furthermore, a male worker we were introduced to said he was willing to speak and arranged a place where we could sit on the roof, but then he suddenly disappeared. Half an hour later, he returned and called us to talk with a male, local union leader, who was also a mistry hiring people in the neighbourhood for work. He was very forthcoming and agreed to help us to recruit research participants from his union, which was TMKTS. Since this union was an offspring of the first construction workers' union in Tamil Nadu, and because of the willingness of the local leader to assist, I decided to select this union as one of my case study unions. From this local leader, I was able to get the mobile phone numbers of other branch leaders in Chennai, and recruited union members through them.

When meeting the national level leader of NMPS, a union organising construction workers in several states, I was in contact with the leader of this union in Chennai. When meeting her, she suggested I could attend a member meeting at the union office and recruit research participants from there. I therefore selected NMPS as my second case study union.

Nonetheless, my local supervisor in Chennai suggested that I should select one union 'central' and one 'independent' union in order to compare how they worked. It would have been interesting since TMKTS and NMPS were ideologically quite similar, but since I had already started to interview workers from these two unions, I felt that it was too late to change. Moreover, I had already made efforts to get in touch with workers belonging to 'central' unions, but without much response. Finally, two other doctoral theses related to construction workers in Chennai (Agarwala, 2006, 2013; Blomqvist, 2004) referred to in Chapter 1 (section 1.2.2) include TMKTS and NMPS, so I therefore found it useful to discuss my findings according to these studies.

In the guidelines for research on organisations, it is sometimes recommended that the researcher recruits informants through colleagues, rather than superiors, in order to create a more equal relationship to the interviewee (Ryen, 2002: 89). During my fieldwork, I therefore attempted to recruit informants through channels other than the union leaders, but this only met with limited success. In the neighbourhood referred to above, we tried a couple of times to go on our own without making an arrangement through the local union leader. However, when we tried to approach people, they said that most of the workers had gone outside. Those who were left refused to talk, and one woman explicitly said that we could not speak to her without the permission of the union leader. In two other neighbourhoods, we managed to recruit some new interviewees with the help of earlier research participants. Still, when my research assistant told the leaders that we had been there, they seemed a bit offended that they were not involved, and we felt that we had gone behind their back.

As a result, most of the members from TMKTS were recruited through union leaders in the neighbourhoods, while those from NMPS were primarily recruited with the help of a union office bearer, who was previously a mistri himself. Since the local leaders and some of the workers had mobile phones, he called and asked them to come to the office for interviews. He also recruited members who were already at the office or at the nearby day labour market. In the beginning, all the interviews took place in the union office, and he would not let me meet workers in their neighbourhoods. Apparently, another female researcher who had visited the union had a bad experience, and the office bearer would not let that happen again. However, after a while he came with us, or referred us to local leaders, in the neighbourhoods where the union was working. This was useful in order to get a more contextual understanding of the union's work because the workers I interviewed at the office came from different areas in the city. Initially, I wanted to recruit informants from different access points in order to have a broader understanding of how unions were working in

different areas, and also to protect the anonymity of the informants. The weakness of this strategy was that I got a more fragmented picture than if I had focused on two local branches within each union from the start. During the last part of the fieldwork, I tried to compensate for this by interviewing some more research participants from the branches already represented in the study.

On the one hand, it was an advantage to recruit union members through the local leaders because I could specify different categories of workers I wanted to interview. On the other hand, I was concerned about the influence of the gatekeepers, and assumed that people who were not recruited by a leader could feel freer to be critical towards the unions. Furthermore, the local leaders were often busy, and it happened several times that appointments were cancelled because they got urgent work. My research assistant made an endless numbers of phone calls to fix appointments, usually for Sundays or in the evenings, when potential research participants were not working. Even so, he was given a variety of reasons for why we could not conduct interviews, e.g. all the people had suddenly gone for work, they were drunk, there was a death in the neighbourhood, or there was a festival.

It also proved to be difficult to recruit local workers who were not members of a union. This corresponds with data obtained from the Board, which indicate that a high percentage of construction workers in the state were registered as beneficiaries, and it is therefore reasonable to believe that most of them were registered through unions. However, we managed to recruit some non-unionised research participants, either through a union leader, a previous interviewee or just by asking around in a neighbourhood. These interviews provided valuable insights into how the unions were perceived by non-members.

In order to recruit temporary migrant workers, I reasoned that it was most appropriate to get permission from the entrepreneurial companies in charge of the construction sites. Without their permission, I was unsure what could be the consequences for both the workers and me. I selected the entrepreneur in charge of Construction site 1 because this company was reputed for having good standards for occupational safety and was interesting to study as an example of 'best practice' in this regard. When I approached the company, I emphasised this as a positive entry point. The manager in charge of health and safety responded positively and referred me to one of the construction sites.

The first company was probably exceptional in the Indian context, and as a comparison I wanted to select a construction site of a company that was more average when it came to safety standards. I got in touch with the second company through one of the employers I interviewed. Initially, I asked him whether I could visit one of his sites to look at

the safety procedures, but he refused. Instead, he referred me to an entrepreneurial company that “was average when it comes to safety”, according to him. When I met the builder in charge of the company, he requested me to write down the topics I wanted to cover in the interviews. Thereafter he introduced me to the project manager and the site engineer at Construction Site 2. At both of the construction sites, it was a junior engineer of my age who helped me in recruiting research participants. Both of them were very friendly and forthcoming, but nevertheless, as gatekeepers controlling whom I could interview, they may have chosen workers whom they felt they had a good relationship with.

4.3.4 Regional union leaders, employers and government officials

As already mentioned, regional union leaders were recruited through previous contacts and my supervisor at MIDS. Most of the leaders I interviewed during the first fieldwork had previously been representatives to the Board. At the end of my first stay, I acquired the list of the Board representatives at that time, and when I came back for my second fieldwork, most of these were interviewed. In total I interviewed 13 regional union leaders from different organisations. Seven of these organisations were ‘central’ unions, traditionally affiliated with political parties, while the rest were ‘independent’ unions. My two case study unions belonged to the latter category.

In a booklet about the history of the construction workers movement in Tamil Nadu, I had read about an effort to establish a training centre at the Anna University in Chennai as collaboration between employers, unions and the government. The centre appeared to be inactive at the time of fieldwork, but they had the list of partners and I contacted some of the builders and contractors on the list. I also approached employers listed as representatives to the Board. This category of key informants included three private builders, one contractor taking tenders for government construction projects and representatives of the management in the entrepreneurial companies that were in charge of the two large construction sites employing temporary migrant workers. Four of the employers were members of the Builders Association of India (BAI), Southern Centre, one of them was a previous representative to the Board and one was member at the time of fieldwork.

Government secretaries of different departments were listed as representatives to the Board, and I intended to interview more representatives of the state government than I managed to. I met some secretaries who had been attending Board meetings, but they refused to give an interview. I also met some secretaries who had just started in a new position and

had not yet been called to any meetings. In other government departments, the office staff could not help me locate the persons who had actually been attending the meetings. According to them, the secretaries were often not attending such meetings themselves, but sent a lower level official and these officials kept on changing. There was also a high turnover of secretaries, as they were frequently transferred to other departments.

I only went to the government bodies with my certificate of affiliation, but without any personal reference, which could possibly have opened more doors. However, the most important officials were those related to the Board, and these were accessible. In addition to brief interviews with two different Superintendents and the Secretary of Board, I also had a personal communication with two officials within the State Labour Department and one officer within the Inspectorate of Labour.

4.3.5 Ethical dilemmas

Respect for human dignity and protection of the research participants are central elements in the ethical guidelines for research. Participants in a research project are entitled to information that enables them to understand what the research project is about, the aim of the project and the consequences of participation. It is also emphasised that a research project cannot be initiated without the voluntary informed consent of the people taking part. This implies that they should have an actual possibility to refuse to participate and to withdraw from the research project at any point of time. The information must be given in a way the potential participants can understand, and the researcher has the responsibility to ensure that they have understood the information (NESH, 2006: article 9).

The ethical guidelines also states that the information research participants provide regarding personal matters should be handled confidentially, and that the researcher must prevent the use and distribution of information that can harm the informants. As a result, the research material usually has to be anonymised. However, anonymisation has to be considered according to the methodological principles of reliability and the opportunity for other researchers to cross-check the research findings (NESH, 2006: article 14). Moreover, anonymisation may be a problem, especially in qualitative studies where it is important to present people in their proper context in order to give in-depth descriptions (Alver & Øyen, 1997).

Yet, the ethical guidelines have been developed in a Western academic tradition, and their application in cross-cultural research may not be straightforward. For example, the

requirement for written informed consent may raise suspicion, rather than building trust, among research participants situated in societies where agreements are mostly oral (Ryen, 2004; Butz, 2008). By contrast, it may be a challenge to ensure voluntary participation in cultures where it is considered impolite to refuse the request of a guest (Ryen, 2004).

The above ethical dilemma appeared to be highly relevant in my project. Before beginning the interviews, I explained the ethical guidelines to my research assistant. In the beginning, I repeated them before every interview and he translated them. After rehearsing them a number of times my research assistant himself gave the general introduction before we began the interview. We presented my background, explained the purpose of the project, mentioned the topics we wanted to ask about and how long it would take. We also emphasised voluntarily participation and that anonymity would be ensured. If the worker was recruited through a union leader or an engineer, we emphasised that they should feel free to say no.

Although some of the workers we approached without a gatekeeper declined to be interviewed, none of the workers recruited through a person higher up in the social hierarchy refused to participate. Union leaders assisted members in applying for welfare schemes, and helped them with work-related problems. Some of them were also mistris who provided employment and this role also applied to the management at the two large construction sites. Consequently, the workers might have felt obliged to participate when their leaders of employers requested them to do so. I therefore emphasised during the interview that they had to tell us if they wanted to leave. Since the interviews lasted for approximately one hour, some of them clearly expressed that they had other things to do, and we wrapped up the conversations. Other workers, meanwhile, appeared to be more comfortable with the situation, and we continued as planned.

Most of the workers agreed to me recording the interviews after being explained about their purpose and informed about the procedures for confidentiality, although a couple of females preferred that I took notes instead of recording. I have anonymised the workers in the text by referring to 'male' and 'female' workers affiliated to fictive neighbourhoods and day labour markets. The local union leaders are called by fictive names, e.g. Mr. K. However, have tried not to reveal so many characteristics about each of the interviewees that they could be recognised by the people who know them.

When I introduced myself to the key informants, I brought my certificate of affiliation with the MIDS along, which briefly stated the purpose of my project. I ensured confidentiality to the management at the two sites employing temporary migrant workers,

otherwise all the key informants agreed to me using their names and organisations in my thesis. Furthermore, excluding one union leader who felt he was not so fluent in English, all of them accepted that the interviews were digitally recorded. However, some of them requested that I not quote them on certain opinions, which I have respected this.

Another ethical dilemma is the premiering of research participants. Alver & Øyen (1997) observe that people participating in qualitative research often think it is a positive experience that someone listens to them. At the same time, they may also feel that it is challenging to talk about difficult things, and that the interviewing takes too much time. Is it appropriate to give something in return? From the author's account, it seems to be the norm in a Norwegian context not to promise people gifts nor lead them to expect that the research can improve their situation, since this 'pressure' is incompatible with the principle of voluntary participation. When interviewing poor people in developing countries, the reciprocity dilemma becomes especially prevalent. According to Ryen (2002: 241-243; 2004), gifts represent a way of showing respect and building relationships, though there is a fine balance between premiering and bribing.

During the introduction to the interviews, we emphasised that I could not offer any financial assistance to the workers. My research assistant also made this clear to the union leaders and contractors who recruited the research participants. However, I often ended the interview by asking them if they wanted to add or ask about something, and several times this resulted in a request for financial assistance. At one of the labour markets where workers searched for employment, we approached a woman from a neighbourhood where we had interviewed some female workers. She said that these women became annoyed because I had spent a long time with them without giving anything in return. In addition to the differences in socio-economic background between them and myself, their expectations may have been related to the political and organisational context in Chennai. One of my case study unions compensated members who attended demonstrations with food, water and a small amount of money. Moreover, the political parties often offered gifts or monetary assistance in order to attract people to their meetings.

As a result of the requests for money, I instructed my assistant to emphasise that since it was a research project, we were not supposed to pay. However, according to him, people might still hope up until the last minute that you would change your mind and that they would receive something. Thus, I felt that in accordance with the local culture, it was appropriate to give something in return, and started to give a small gift, such as sweets or a souvenir from Norway, when the interview was over. For the local union leaders who, in

addition to being research participants, helped us to recruit other people, I bought *vesties*, a piece of cloth men tie around their waists, which is the traditional costume of men in Tamil Nadu. The gifts seemed to be appreciated, but at the same time they were not too extraordinary.

After completing the final fieldwork, I donated a modest amount of money to each of my case study unions to show that I appreciated their collaboration. One of the leaders also requested me to send him the previous case studies that had been done on the construction industry in Tamil Nadu, which I did.

4.4 The data material

Qualitative interviews can vary from a more standardised design to unstructured conversations, with the semi-structured interview being the most common. A thematic interview guide ensures that important topics are covered, while simultaneously allowing flexibility so that the design can be adjusted in the research process. The aim of the naturalistic interview is to let the interviewees give elaborate descriptions of his or her world, without too much interference from the researcher (Ryen, 2002: 97-108). My research participants and key informants belonged to different strata of the social hierarchy, and the form of both the interviews and the challenges varied not only between different categories, but also among individuals.

4.4.1 Interviewing workers with an interpreter

The guide I used when interviewing the workers was quite detailed (see Appendix 2). Each section was introduced with a broad question, and based on the person's response I followed up with more detailed questions. Some questions intended to generate descriptions of employment arrangements and welfare provisions from all the workers, in order to compare them. At the same time, it was important to ask questions that could bring out their individual perceptions and experiences of their working lives.

After asking about biographical information, the first part of the interviews addressed the work history of the research participant. This is a method developed by Endresen (1994) to map people's mobility in the labour market in contexts where there are few written sources. This topic provided a good and less sensitive entrance to their working lives. The second part focused on their present employment arrangements: how they were recruited for work, possibilities for negotiating the terms and conditions of work, their relationship with

mistris and employers, and the actual conditions at the construction sites. The third part focused on their experiences with the unions and their access to the welfare provisions. I finished the interview by asking some questions about the general economic situation of the household.

Some of the workers provided very short answers and did not elaborate much. Consequently, I had to ask many follow-up questions and direct the conversation to a high degree. In comparison, others gave elaborate and detailed accounts and introduced relevant topics by themselves. This worked especially well with workers who had a relevant and coherent story to tell, for example about an accident.

The union members were interviewed in the union office, in the house of a local union leader or in the home of the worker. Although the leaders were not present in the room, the setting might have prevented workers from expressing critical views towards leaders and mistris in the union. Also, some of the unionised workers spontaneously praised the union leaders during the interviews. Several of them had received crucial assistance from the union, and according to my observations the union leaders were doing a lot of work for their members. Hence, their praising seemed genuine. However, some members and even leaders themselves still talked about problematic aspects related to their work and to the unions directly or indirectly.

Ryen (2004) observes that a research assistant who translates during a cross-cultural interview is not only an interpreter of language, but also a cultural mediator between the interviewer and the interviewee. Furthermore, if the language of interpretation is not the mother tongue of either the researcher or the interpreter, different understandings of words and expressions could affect the validity of data.

I took Tamil classes during the first stay in Chennai and was able to communicate a few words with the research participants and recognise words during the interviews. Nevertheless, I was fully dependent on my research assistant. Being a social worker with field experience, he seemed to be able to build rapport and maintain a good relationship with the local union leaders and to also communicate well with the workers, including both men and women. However, although we talked about the interview guide before starting the interviews, he did not always understand my questions immediately so I had to rephrase them. Furthermore, he complained that he could not find the correct translation of my questions into Tamil. As a cultural mediator, he had to explain the questions in a way the research participants could understand, and this gradually improved. He was also sensitive towards signals from them, and told me to finish the interview when he felt the person was

getting impatient. After the interviews, we discussed our impressions of the interview, and these conversations have informed my interpretations of the interview data.

During the interviews with the interstate migrant workers, a research assistant from MIDS and one of his friends interpreted the first two interviews, but they did not have time to continue. Most of the interviews with Hindi-speaking informants were therefore done with a young, female computer student who was referred to me by a friend. I could notice that she did not have the same field experience as the male assistants, and that she did not easily integrate my corrections. Despite this, some of the young men seemed to appreciate the presence of the two of us. Since I understand some Hindi, I was able to guide her along the way, and could also control the translation on the recording to a certain extent.

The temporary migrant workers were interviewed in meeting rooms at the construction sites. Compared to the local workers, I experienced that it was more difficult to get a good flow in the interviews. Some of the senior workers in particular gave very brief answers, waited for the next question and were satisfied with everything at the workplace. Although confidentiality was ensured, it seemed to be a restriction that their employer recruited them, and that they were interviewed at the workplace. However, some of the younger men and female workers were more open and outspoken about things that could be improved at the sites. In the analysis, I compare the accounts of my migrant interviewees with two other studies in the same area of Chennai to discuss whether the conditions found there were similar or different from other, similar sites.

4.4.2 Interviewing key informants

When interviewing key informants among union leaders, employers and the state government, my guide was more loosely organised as a list of questions and topics I wanted to discuss. The topics included the general situation regarding the implementation of labour legislation and welfare schemes, the workings of the Board and the relationship between unions, employers and the state government. At the end of the first fieldwork, the state government introduced some administrative changes to the Board, which provoked the unions. The following struggle brought the conflicting interests and power relations between the three parts to the forefront, and during the second fieldwork I re-interviewed earlier key informants in order to have their opinions on the latest development. Except for two union leaders, who were not so fluent in English, I interviewed the key informants alone without an interpreter.

Schoenberger (1991) observes that literature on qualitative research often emphasises the asymmetrical power relationships between the researcher and the researched. Because the researcher sets the agenda, he or she apparently has a higher degree of control over the situation than the researched. Nonetheless, she points out that in the corporate interview there is a greater risk that the researcher might lose control, because the informants are in a position of authority and are used to controlling others. The researcher should therefore strive to engage the informant in a collaborative dialogue about the research problem.

These observations were relevant to my interview relations with key informants. The union leaders and employers were forthcoming and willing to express their views. However, I experienced that some of them avoided my questions and talked constantly, so it was difficult to ask follow-up questions or introduce new topics. I felt it was impolite to interrupt them, but tried several angles to convey my questions. After repeated meetings, they increasingly acknowledged my insights into matters related to the Board, and the communication improved. Still, with regards to employers in particular, it is difficult to know whether they expressed their 'real' opinions or wanted to portray themselves as employers who treated the workers well. I reflect on this in during the analysis.

The government officials represented on the Board were not willingly expressing their own opinions, and the answer to several questions was "that's just the decision of the government" without more explanation. Although they mostly provided general information, it was useful as a background in order to understand the ongoing processes.

4.4.3 Observation and documentary sources

As a supplement to the interviews, I conducted (participant) observation at some of the arenas where the interviewees took part. One such arena was union meetings, and I attended two membership meetings and one workshop for regional union leaders. The membership meetings were conducted in Tamil so my research assistant made notes on the topics they talked about. I could also observe how the meeting was organised, as well as the social interaction between leaders and members. The workshop was conducted in English, and here I also participated by raising questions and making conversations. Additionally, I observed a demonstration against the administrative changes introduced by the state government, in which members from many different unions participated, in addition to a session in the State High Court treating petitions filed by the unions as a result of the administrative changes. Finally, together with my research assistant I observed the interaction at some of the day

labour markets where workers gather in the morning to search for employment, and the working and living conditions at the two large construction sites employing temporary migrant workers. Although the observations were limited, they were valuable in order to obtain a more contextual understanding of what was addressed in the interviews.

I have also collected data material from written sources. In addition to labour laws, official documents obtained from the Tamil Nadu Construction Workers Welfare Board and the website of the State Government of Tamil Nadu provided information on the formal regulatory framework. From the Board administration, I received statistics on the amount of cess collected, the number of beneficiaries registered with the Board and the scheme-wise details for the entire state. Even so, when I requested copies of the minutes from the Board meetings, the chairman replied that these were not official documents and consequently not available. I took this answer for granted until I went back for the third fieldwork and was received by a lower level officer who approached me in Hindi. When asking about the updated statistics on the Welfare Board, I also asked if it was possible to have a copy of the minutes. He referred my request to the new superintendent, and they promised that everything would be ready in two days, but when I arrived at the agreed upon time they said that the person in charge was on leave and that they could not provide the documents until after the weekend. I insisted that I needed the documents immediately because I was leaving Chennai, and after waiting for some time, I got minutes from the last two years. Additionally, from one of the 'central' union leaders represented in the Board, I obtained some minutes, which I did not get from the Board administration. According to the office staff, the minutes for previous meetings were not computerised and therefore not available. The minutes were written in Tamil, and I therefore asked my research assistant to read them and list the keywords for each section because it was a tedious task to translate everything. It appeared that a lot of the information was about technical matters, and we agreed that he only translate the most important parts.

The documentary sources also include written material provided by the leaders of my case study unions. When meeting with the leader of TMKTS for the third time, he expressed the concern that I did not know the full history of the Board, and he was worried that my study was not comprehensive enough. I told him that there was already some research done on the history of the Board and the union, and that my study was focused on contemporary issues. Since the union had split several times, he had not been interviewed in the other study and was therefore not convinced of its correctness. He offered to bring all the documents he had collected since the formation of the union, except for those lost in a fire, and we went

through everything together. Although I already knew a large part of the history, I got some new useful information and achieved a better understanding. In between, I could also ask clarifying questions. I had previously asked him about a petition to the High Court, but at that time he said it was with the lawyer and he seemed unwilling to provide the information. During our search in the archive, the full file used in the court case appeared, and he let me have a photocopy. This shows that repeated meetings where useful as written sources that were not available the first and second time, became available the third time.

4.5 Data analysis

In social research, data analysis involves the process of breaking a phenomenon to separate parts, before synthesising and viewing them as part of a larger context. As discussed above, analytic frames guide the seeing of the researcher when categorising and characterising the phenomenon being studied (Ragin & Amoroso 2011: 57-59). In the following, I describe the processes of transcribing and categorising the data material, and how I conceptualised local labour regimes in the construction industry in Chennai.

4.5.1 Transcribing and categorisation

My Indian research assistant transcribed all the interviews he had translated, and I reckon that this has helped to improve the quality of the data. For the two first interviews, I asked him to translate and transcribe the original Tamil version into English, as well as my questions and the English translation. This was a useful exercise because it revealed that he had added some information to the answer of the research participants in order to make it easier for me to understand. After discovering this, we agreed that if he wanted to explain something during the interview, he had to specify that on the tape. When reading through the transcripts, I marked sections that were unclear or where I wanted the original Tamil version to be translated again, and sent it to my assistant for clarification and a second translation. A Norwegian research assistant transcribed the interviews with the interstate migrant workers. Because of my familiarity with Hindi, I was able to crosscheck the quality of the translation to some extent.

The interviews with key informants in English were partly transcribed by the Indian assistant and partly by a Norwegian assistant. On some of these tapes, the quality of the recording was not good because the sensitivity of the microphone had been too high. Moreover, some of the key informants spoke with a strong accent and were not very clear.

The Norwegian assistant therefore had problems hearing the exact words, and the transcripts were not complete. With these interviews, I paraphrased the content after listening through it and I transcribed the sections to be quoted myself.

Silverman (2005: 220-223) observes that qualitative texts often present only the answer of the interviewee without the question being asked, so it is therefore difficult for the reader to make a proper evaluation of the interpretation presented by the researcher. He suggests that one way to increase the reliability of qualitative data is to present longer parts of the interview transcripts in the text, including both questions and answers. Hence, in the analysis I have sought to include the questions, either in the text or as part of the longer interview extract.

According to Ryen (2002: 153-162), Miles & Huberman's (1985) procedure for *iterative analysis* is compatible with the naturalistic paradigm, and I would argue, also with abduction as a research strategy. The procedures imply that the researcher looks for patterns in data and seeks the immediate meaning of these patterns. Thereafter, the concepts are used to categorise the data. To contrast, compare and count observations is useful to enhance the understanding of the data material. Similarly, Silverman (2005: 210-220) proposes the *constant comparative method* derived from grounded theory to help validate qualitative data. This implies that analytical categories developed on the basis of small pieces of data can be gradually tested and compared with larger bodies of data as the analysis develops. The crucial point here is to look for data extracts or deviant cases that challenge your initial hypotheses and interpretations. Silverman emphasises, however, that it is not the cases that are not deviant in themselves, but in relation to the concepts or models applied. Although the starting point is a limited amount of data, it is important to include a comprehensive data treatment in the final stage in order to avoid 'anecdotalism', which only includes data that fit the analytic argument. He also suggests the use of simple tabulations in order to reveal patterns in qualitative data sets.

I did not use a strict procedure for data analysis, but was informed by the iterative and comparative methods above. I started the data analysis during the fieldwork by writing down some of the main topics that were talked about in the interviews. These pieces were elaborated on when I got the interview transcripts. When reading through the interview transcripts, I manually coded the text using keywords and concepts to characterise the topics. Some of these concepts derived from the research participants themselves, such as notions of moral qualities associated with being a local union leader. Other concepts derived from the literature, such as 'agency', were applied to code an interviewee's experience when

negotiating with an employer. During the process of data collection and analysis, I wrote several conference papers in which I presented preliminary interpretations. While writing, I could see where the empirical gaps were, plus topics I felt were not adequately addressed. These texts formed the basis for the second and third fieldwork. When all the data was collected, I constructed matrices where I filled in key information about local and migrant workers, respectively. These matrices helped me to acquire an overview of a large number of research participants and see tendencies in the data material as well as identifying deviant cases.

4.5.3 Identifying local labour regimes

The laws and documents related to the construction industry and the Tamil Nadu Construction Workers Welfare Board, together with the interviews with union leaders, employers and government officials, provide information, opinions and experiences related to the formal regulatory framework and relations between these three categories of actors on a regional scale in Tamil Nadu. The interviews with local and temporary migrant workers, as well as local union leaders, provide accounts of their perceptions and experiences of employment arrangements, welfare provisions and unions on the ground.

I found interesting differences in employment arrangements, welfare provisions and collective organisation between local and temporary migrant workers, but also similarities in labour control practices and everyday forms of agency. Based on my analysis, I identified a *union-influenced labour regime* in the neighbourhoods, recruitment sites and workplaces of local workers, and a *migrant-based labour regime* at the two large construction sites. With reference to Mjøset (2007b), these local labour regimes constitute contextualised typologies of social interaction in the construction industry.

4.6 Conclusion

In this chapter, I have discussed the ontological and epistemological underpinnings of my research project, in addition to data collection and analysis according to methodological and ethical standards. I situated my project within a *pragmatist/participatory* approach to social science, in which the aim is to develop explanations grounded in context in order to contribute to local research frontiers. I characterised my project as a single case study, defined as ‘the construction industry in Chennai’. Within this case, I have focused on four

subunits, which consisted of two unions organising construction workers and two large construction sites.

The main source of data is qualitative interviews with actors in the industry. My approach to interviewing draws on the *naturalistic paradigm* in qualitative research. This implies that the interviewees' accounts of events and relationships in their working and organisational lives are seen as reconstructions of how they understand their social world and their actual experiences. At the same time, the accounts the research participants may also be influenced by the interview situation. Hence, I have sought to strengthen the reliability and validity of my interpretations by being explicit about the choices made through the research process, the interview settings and the procedures for transcriptions and data analysis. Furthermore, I have used triangulation of research participants and sources of data to support my conclusions. However, I recognise that this material does not provide a comprehensive picture of the construction industry in Chennai.

Through an *abductive research strategy*, implying an iterative movement between the empirical material and the analytical frame, I further defined my case as 'a case of workers' agency'. The aim of the analysis is to provide a contextual explanation of opportunities for – and constraints to the agency of construction workers in Chennai by examining how employment arrangements and welfare provisions were regulated. In this way, my case study contributes to the local research frontier on informal workers in contemporary India.

5 The Construction Workers Welfare Board as an arena for political struggle

5.1 Introduction

The Tamil Nadu Construction Workers Welfare Board is a state institution, and its governance is based on the principle of a tripartite cooperation between unions, employers' organisations and the state government. In the struggle over the labour legislation applicable to the construction industry, key issues have been to what extent this institution should regulate employment arrangements or only provide welfare, as well as the content of the welfare schemes. During my fieldwork, the state government initiated several changes in the administration of the welfare schemes, which brought disagreements over the governance, implementation and principles of the welfare schemes to the forefront. The aim of this chapter is therefore to examine in what ways employment arrangements and welfare provisions were regulated on a regional scale in Tamil Nadu. Moreover, I will discuss how the unions influenced government policies and the opportunities for – and constraints to their agency.

Thus, the focus of the chapter is on the processes of labour regulation 'from above' (Peck & Theodore, 2007). With reference to Burawoy (1985), labour legislation and welfare provisions are part of the 'political apparatus of production' that regulates the relationships between employers and workers in the construction industry. By drawing on the Gramscian concepts of hegemony and historical block, and seeing the state as a social relation reflecting the balance of forces in society (Jessop, 1990, 2007), I analyse the alliances which have facilitated the implementation of welfare schemes, but at the same time prevented more structural changes in labour regulation. Furthermore, I apply perspectives on the politics of work and welfare in India to help analyse the agency of the union movement in Tamil Nadu.

The chapter is divided into three main sections. I start by analysing the struggle over the labour legislation applicable to the construction industry and discuss explanations for implementation success and failure. This discussion continues in the next section, where I examine the fragmented organisational landscape in Tamil Nadu and the representation of unions in decision-making processes in the Board. Next, I analyse the resistance from both unions and employers to administrative reforms in the governance and the implementation of welfare provisions proposed by the state government. I argue that the controversies can be

related to the broader issues of labour and welfare rights beyond these changes. In the end, I discuss how labour regulation and union agency on a regional scale in Tamil Nadu may be understood by applying the theories above.

5.2 Regulation of employment and welfare

Labour laws in India enacted on a national scale, have to be implemented as rules by the state governments in order to be applicable. The state governments can also enact and implement their own legislation. The implementation of new laws is first announced in a government gazette and then in a *government order* specifying the enforcing government institution. If any changes are introduced, the government order is amended.

There are several national labour laws that in principle apply to the construction industry, although in practice much construction work falls outside the protection of this legislation. For example, the *Contract Labour (Regulation and Abolition) Act of 1970* only applies if a contractor hires more than 20 workers for a commercial purpose. When applicable, it regulates the terms and conditions for both work and employer provided accommodations. However, construction workers involved in small-scale and short-time work on private buildings are not protected by this Act. Also, existing social security schemes providing medical insurance, sick leave, unemployment compensation and pension only apply to formally employed workers. These include the *Employees State Insurance Act of 1948* and the *Employees' Provident Funds and Miscellaneous Provisions Act of 1952*.

Due to the contracting system consisting of various actors, another challenge to the implementation of labour laws in the construction industry is the lack of a direct employment relationship. Consequently, there may be disagreements over the responsibility for compliance with the labour laws (ILO, 2001). One group of actors is the *clients* who are the future owners of the buildings. They can be differentiated into public clients, referring to government institutions; private firms and institutions; and private individuals, who buy land to construct a residence for their own use. The client engages an *entrepreneur*, or primary contractor, to construct the building. In India, government institutions issue tender notifications for public projects, and only entrepreneurs who are registered as 'government contractors' may participate in the competition (Loop, 1992: 110-112). Some private companies may also buy property for real estate development; construct the building themselves and then sell it. In the following I will refer to these as 'private builders'. Finally, the primary contractors and private builders outsource different parts of the construction

process to *subcontractors* who recruit workers or again outsource this task to another subcontractor.

5.2.1 Union demands for a comprehensive legislation

The legal challenges outlined above were the background for a seminar organised by the Tamizhaga Kattida Thozilalar Madhya Sangam (TMKTMS), meaning the Tamil Nadu Construction Workers' Central Association, in Chennai in 1981. The purpose of the seminar was to formulate a model bill for a comprehensive legislation applicable to the construction industry. The union submitted the model bill to both the central government and the state government in Tamil Nadu. The state government approved the initiative, but revised the model bill and proposed a legislation that covered several different groups of informal workers, including construction workers. Additionally, the legislation differed on the medical insurance component, and subsidised housing was not included. As a result, a committee with union representatives, headed by former Supreme Court Judge V. R. Krishna Iyer, recommended major changes, including *separate legislations* for different industries and more substantial medical and housing provisions. The state government did not accommodate these recommendations, so the unions therefore organised a state-wide agitation in which 30,000 construction workers participated (Mody, 2004: 45-46). As mentioned in Chapter 3 (section 3.5), this was right after MGR and his party the ADMK had come to power.

Despite the union agitation, the Tamil Nadu State Legislative Assembly (Parliament) enacted the *Tamil Nadu Manual Workers' (Regulation of employment and conditions of work) Act* in 1982. This act provides for the regulation of employment arrangements and substantial social security, for scheduled groups of informal workers, through sector-wise boards administered by the state government. Both workers and contractors, including subcontractors, are supposed to register with the boards. With reference to a number of national labour laws, the boards shall regulate health and safety conditions, work hours, wage rates and overtime payment, as well as securing paid leave, weekly paid holidays and provisions for gratuity (a lump sum paid at the end of service). Moreover, the boards shall provide social security in the form of accident compensation, maternity benefits and provident funds (insurance and pension). If full employment is not available, workers are guaranteed a minimum income.

Mody (2004) points out that this Act is progressive in several ways, as it provides legal protection through the boards, which will effectively act as an employer. However, at

the time of enactment, the state government did not make any initiatives to actually implement it. Around the same time, there were political disagreements among the leadership of the construction workers' union. Consequently, two of the leaders broke out and founded my first case study union, Tamil Manila Kattida Thozhilalar Sangam (TMKTS) in 1983 (pp. 24-25). This union continued to agitate for the implementation of a separate legislation for construction workers in Tamil Nadu and also initiated the National Campaign Committee for Central Law on Construction Labour (NCC-CL) in 1985. This committee submitted a suggestion for a national legislation to regulate the construction industry to the central government. During the following years there were several rounds of negotiations between unions, employers and the governments both regionally and nationally (pp. 48-54).

In Tamil Nadu, an intermediate achievement of the unions was the implementation of the *Minimum Wages Act of 1948* in the construction industry in 1986. This act provides for the fixation of minimum wages in scheduled sectors every fifth year. Another achievement came in 1993, when the state government announced that a tripartite board for construction workers with provisions for social security, though not for the regulation of employment arrangements, should be implemented. This was reluctantly accepted by one of the leaders of the TMKTS, who viewed the announcement as an intermediate step on the way to a comprehensive legislation. According to him, it was important that the workers achieved something which could motivate them to continue the struggle. In the meantime, the other leader argued that the union should not accept the announcement because of its lacunas, so she therefore resigned from her post (Mody, 2004: 57-59). The same year, this leader established a regional branch of the Nirman Mazdoor Panchayat Sangam (NMPS), already existing in several states. This was my second case study union.

In 1994, the *Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme* was implemented under the provisions of the *Tamil Nadu Manual Workers Act of 1982*. The welfare schemes have been introduced gradually, with the following welfare schemes existing at the time of fieldwork: accident compensation, natural death compensation to survivors, funeral assistance, marriage assistance, maternity assistance, as well as crèches for the children of construction workers, education assistance for two children per family, assistance for the purchase of spectacles and pension. Except for the accident and death compensations, the amount provided by each scheme was low. Moreover, the schemes did not include medical insurance, unemployment or sick leave compensation. Thus, the substantial social security the unions had demanded was not accommodated.

According to the *Tamil Nadu Manual Workers Act*, a tripartite Board consisting of representatives of the state government, trade unions and employers, shall administer the welfare schemes. In order to register with the Board and obtain an identity card, a worker needs a ‘certificate of employment’ stating that he or she is a construction worker. The government, an employer or a trade union can issue this card. The Tamil Nadu Construction Workers’ Welfare Board, under the jurisdiction of the State Labour Department, was established in three districts in 1995 and later extended to the entire state.

As a result of the national campaign to regulate the construction industry, a national legislation was enacted in 1996, called the *Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act*. This Act also provides for the establishment of tripartite boards to administer welfare schemes, but not to regulate employment arrangements. However, the Act contains detailed regulations for occupational safety and health. Based on this legislation, the *Tamil Nadu Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules* were passed in 2006, including 150 pages with detailed occupational safety and health regulations for construction sites. By 2010, the rules were yet to be implemented, but according to the website of the Government of Tamil Nadu, implementation started in November 2013 (GoTN, 2013a).

5.2.2 Lack of implementation and enforcement of labour laws

One issue I raised in the interviews with key informants was the regulation of employment arrangements through a state administered board. Another issue was the reasons for a lack of enforcement of national labour laws in construction projects where these laws applied. According to union leaders, opposition from the builders’ lobby was an important factor in preventing the implementation of a more comprehensive legislation to regulate the construction industry in Tamil Nadu. The leader of NMPS observed:

The builders were the ones who delayed the whole process, they were the main... they never wanted any scheme on the Manual Workers Act. And of course no regulation. They are the people who were totally... against regulation of employment and wages. (Interview, leader NMPS, 15.01.09)

The main builders’ associations in India also organised a campaign to lobby against the legislation, which was drafted by the National Campaign Committee for Central Law on Construction Labour (NCC-CL) mentioned above. Instead, they submitted their own suggestion to the central government, which according to Mody (2004: 53) influenced the national legislation enacted in 1996.

Union leaders I interviewed also pointed out that the national labour legislation was not complied with, even in projects initiated by government institutions³ (Interviews, leader PST, 23.11.07, leader NMPS, 15.01.09). They further pointed to alliances between private employers and politicians as an underlying reason for the lack of implementation and enforcement of labour laws. According to the leader of case study union NMPS, the election campaigns of the political parties required a lot of money and bribes paid by construction builders and contractors to obtain tenders for government-initiated projects, contributed to funding the campaigns (Interview, leader NMPS, 23.01.10). One of the Left-wing union leaders observed:

The Builders Association may not be able to build all the constructions strictly as per the construction rules. Here and there... there may be violations. So overall they will always be pro-government. They may not like to antagonise the works. (Interview, leader CITU, 29.12.08)

From his point of view, the builders would support any government in power in order to avoid interference in their business. My data material cannot document this further, but similar alliances have been observed in East India (Corbridge, Williams, Srivastava, & Véron, 2005: 199) and in Bangalore (Pattenden, 2012).

According to a private builder representing the Builders Association of India (BAI) in the Board, the regulation of employment arrangements, as stated in the *Tamil Nadu Manual Workers Act*, would be difficult in practice because employers might hire workers who were not registered in such a board. Instead, he suggested the introduction of workbooks, in which wages could be registered to document that the minimum wages were paid. He also emphasised the need for tripartite collaboration to improve the so-called 'employability' of the workers through skills training. This would increase their productivity and make them more competitive in the labour market (Interview, private builder, March 28.02.08). The leader of case study union NMPS also mentioned workbooks as an alternative way to ensure the payment of wages, but only as an intermediate solution to a comprehensive regulation of the industry (Interview, leader NMPS, 15.01.09). Compulsory registration of wages thus seemed like a compromise both parts could agree on.

Similarly to the union leaders above, another private builder claimed that because government institutions did not enforce compliance in their own projects, they created a downward pressure in the market that affected the playing field. It was therefore difficult to comply with all existing labour legislation within the present profit margin (Interview, private

³Like for example the Public Works Department and the Housing Board.

builder, 11.04.08). This statement is confirmed by a comparative study of public and private sector building projects in Chennai, which documents a violation of labour laws in both types of projects (Suryanarayanan, 2004).

Records of the labour commissioner in Chennai also indicated lack of compliance with the *Contract Labour (Regulation and Abolition) Act of 1970* and the *Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act of 1979*. These acts state that the employer shall register contract and migrant workers with the Labour Department against a fee. However, when I investigated the records of the Labour Department in Chennai, they showed that only a limited number of establishments, which appeared to be related to construction, had registered that they employed contract or migrant workers. These numbers did not correspond to the booming construction activity in the city and its surroundings at the time of the fieldwork.

According to an officer at the Inspectorate of Labour in Chennai, their inspections often revealed non-compliance with labour laws in construction projects, and the reasons were both a lack of awareness regarding the regulations and profit motives. He further added that there were only 19 labour inspectors to cover the entire state, and emphasised that he could only provide me with general information and not personal opinions. Still, he expressed: “I could have told you about lack of staff, overburdened inspectors, lack of facilities like computers, old file systems, problems with unions and politicians... but we are doing as much as we can” (Personal communication, officer, Inspectorate of Labour, 10.04.08).

5.2.3 Welfare funded by employers

Although there were challenges related to the implementation and enforcement of labour laws in the construction industry, the employers funded the welfare schemes for construction workers in Tamil Nadu through a cess (tax) on the estimated cost of the construction project. The *The Tamil Nadu Manual Workers Act* (clause 8-A) states that persons who apply for building permits from local authorities or undertakes any construction work shall be liable to pay the cess. The Act further declares that the state government can collect a cess up to 1% of the estimated cost of a building project. However, only 0.3% cess was collected at the time of fieldwork. Until 2006, workers contributed to the funding through a small membership subscription fee, although this was removed in 2009.

During interviews with private builders, I asked them about their opinions regarding the cess and the welfare schemes, and they expressed that they supported these arrangements. According to the private builder representing the Builders Association of India (BAI) in the Board, the welfare of the workers was important for their productivity and therefore beneficial to the employers. He also saw it as an obligation to improve the lives of the workers and raise their awareness regarding “healthy lifestyles” (Interview, private builder, 13.02.08). Similarly, another private builder said, “If we give so much of welfare measures to our labour, we will extract more output” (Interview, private builder, 11.04.08). According to a third private builder, his company was supporting the welfare of workers from a “human relations perspective” (Interview, private builder, 30.11.08). With reference to the methodological discussion in Chapter 4 (section 4.2.4), it is difficult to know whether they expressed their ‘real’ opinions in the interview context. They may have wanted to portray themselves as responsible employers in relation to me. Nevertheless, in addition to increased productivity, philanthropy and corporate social responsibility may also affect the reputation of their companies positively. Hence, their views appear to be reasonable.

Another advantage of the welfare schemes for employers was mentioned during a workshop for unions affiliated to the global union federation, the Building and Woodworkers International (BWI) in Chennai. During the lunch break, one of the organisers of the workshop remarked that two of the union leaders participating in the workshop also worked as construction contractors, and thus represented both parts (Observation, BWI workshop, 18.-20.03.8). These union leaders cum contractors were president and general secretary of a federation consisting of seven unions participating in the workshop founded in 2007: Tamil Nadu Construction and Unorganized Workers Federation (TCFW). Among my case study unions TMKTS was part of this federation, while NMPS was not (BWI, 2007).

When the participants were discussing how to recruit temporary migrant workers to the unions, one of the union leaders cum contractors argued that they should convince the sub-contractors who recruit workers from the villages about the advantages of the accident compensation scheme: If the workers joined a union and were registered in the Board, the sub-contractor would be revealed to have the responsibility for compensation if an accident happened since this was provided by the Board (Observation, BWI workshop, 18.-20.03.8). According to the *Workmen Compensation Act of 1923*, sub-contractors are responsible for the payment of accident compensation if they hire 20 or more workers. If each sub-contractor hires less than 20 workers, but a total of 20 or more workers are employed at one building

site, the primary contractor is responsible. The accident compensation scheme was therefore beneficial to both sub-contractors and primary contractors alike.

I also asked the regional union leaders about their perspectives on employers' support to the welfare schemes. The leader of case study union TMKTS pointed to less government interference in construction projects and a potential political influence as two reasons. Before he became involved in union work he worked as a civil engineer, and he argued that when the state-provided welfare schemes were introduced, employers did not need to spend so much on social security in order to comply with the labour laws. He further observed that interference by labour inspectors, who came to the construction sites and threatened to report irregularities if bribes were not paid, was reduced. Moreover, he argued that when employers contributed to funding the welfare schemes, they increased their scope for influencing the state government (Interview, leader TMKTS, 19.01.10).

According to the leader of case study union NMPS, employers could accept welfare schemes as long as there was no interference in the employer-employee relationship. However, her union had demanded the implementation of the *Employees State Insurance (ESI)* for construction workers, which required a more comprehensive regulation of the construction industry, but neither other unions nor employers supported their demand. On employers supporting the existing welfare schemes, she argued:

It is because they know it is only *doles* and it is now between the government and the workers. Because there is no regulation attempt [...] But even on the ESI [*Employees State Insurance*] they were the first people to say no ESI. Then immediately the unions said no ESI. So I don't understand the difference between the builders and the various unions. I have gone through this thing.... it is lack of understanding and concern. I mean it's ideological, I think, it is ideological.

Me: In which sense?

To really understand the importance of ESI, the importance of housing, the importance of monsoon allowance, you know... it's ideological. Basically you have to look at this scheme not as *doles*, but in terms of *rights* and protection of workers as labour [emphases added]. (Interview, leader NMPS, 15.01.09)

She characterises the existing welfare schemes as 'doles', or benefits distributed by the state government, and contrasts them to labour 'rights'. She also points to the lack of conflict between employers and unions over the insurance issue, and explains it on ideological grounds. She did not specify these grounds, but as I interpret her, she differentiates between her union and other unions that accepted the implementation of selected welfare schemes instead of demanding rights for informal workers equal to those of formal workers. The potential benefits of the welfare schemes to employers indicate why they supported the

collection of cess and why some of them became involved in union work. Furthermore, since the schemes did not imply any regulation of employment arrangements, they did not risk an increased interference from the state government.

In February 2009, the state government implemented a new insurance scheme for low-income families, called the *Chief Minister's Insurance Scheme for Life Saving Treatment*. This was the regional version of a national insurance scheme, called *Rashtrya Swastya Bima Yojana*. Those identified as beneficiaries under the scheme received a smart card that entitled them to free medical treatment up to Rs. 100,000 in four years for 51 listed medical conditions. The scheme covered all workers in the state registered in one of the welfare boards, as well as low-income families. The central and state governments jointly funded the scheme and the Construction Workers Welfare Board was appointed as the implementing agency (GoTN, 2009a). The scheme could potentially compensate for the lack of medical insurance within the existing welfare schemes, but since the implementation was in the initial stage at the time of fieldwork, I cannot document the process further. However, the leader of NMPS was critical to this scheme, since private hospitals could profit on the scheme, which also did not provide construction workers with substantial social security equal to the ESI (Interview, leader NMPS, 15.01.09).

5.2.4 Collection and utilisation of the cess

While the collection of cess from private sector projects was functioning well, a lot of money was pending from public sector projects,⁴ according to a previous study of the Tamil Nadu Construction Workers Welfare Board (Krishnamuarthy & Nair, 2003). The records I obtained from the Board showed how much cess was collected in total, but not whether it came from the private or public sector.⁵ During interviews with union leaders, I referred to the above study and asked if the collection of cess from public sector projects was still a problem. One of the Left-wing union representatives in the Board confirmed that many local authorities collected cess, but that they did not submit it on time, and used it for their own budgets. Moreover, since government institutions like the Public Works Department could initiate construction projects without plan approval, cess was not always collected and submitted to the Board (Interview, leader CITU, 24.01.08).

⁴However, the documentation for this statement is not made explicit.

⁵The public sector includes local authorities (Village and Town *Panchayats* in rural areas and Municipalities in urban areas) and government institutions.

According to another Left-wing union representative in the Board, the Municipal Corporation in Chennai had collected 100 million rupees⁶ as cess, which was not submitted to the Board. The union had organised a press conference to highlight the problem and the next day the mayor personally handed over 40 million rupees to the Board. As a union representative, the interviewee had also raised the issue in Board meetings and requested the representatives of government employers to pay. According to him, these requests had been met to a certain extent (Interview, leader AITUC, 03.01.09).

One of the union leaders cum contractors referred to above suggested that in order to avoid delays, government contractors should submit the cess directly to the Board, instead of local authorities. He further added that he had used the *Right to Information Act of 2005*, which states that Indian citizens can obtain details on government administration and spending, to request records showing the sources of the cess in order to distinguish between private and public sector contributions (Interview, leader INRLF, 20.01.09). However, when I called him in January 2010, he had not received any answer from the Board, and approximately one year later when I asked him again by e-mail, he did not respond. I am therefore not able to document this further. Nonetheless, the examples show that union leaders played an important role in pressuring for accountability from the Board, but their efforts were not always successful.

Although the cess was not collected and submitted to its full potential, there was a large surplus of funds in the Board. Regional data shows that in March 2008, 1.7 million workers were registered as beneficiaries, but only 162,582 persons had received one or more of the welfare schemes since the formation of the Board. The sanctioned schemes totalled an amount of 535 million rupees, while the fund position in the Board at this time was 1.8 billion rupees (GoTN 2008a). In January 2010, the number of registered workers had increased to 1.9 million and the number of beneficiaries was 269,784 (GoTN 2010a). Thus, a large amount of available funding appeared to be unutilised, and hence did not reach the intended beneficiaries.

According to regional union leaders, the low distribution amount was partly related to low rates of registration during the first 10 years after the Board was founded. Moreover, it was related to delays in the verification of applicants due to the lack of administrative

⁶1.00 British Pound = 95.8294 Indian Rupees. Retrieved 09.05.2016 from:
<http://www.exchangerates.org.uk/Pounds-to-Rupees-currency-conversion-page.html>

capacity in the Board, and to the submission of incorrect application forms and documents. Still, the unions demanded that the cess should be increased to at least 1%, that the state government should contribute to the Board and that cess should also be collected from central government initiated projects. By increasing the funds, the welfare schemes could be extended. Such changes would, however, require an amendment to the legal framework, which only provided for the collection of cess from projects initiated by the state government. This was a key difference between the *Tamil Nadu Manual Workers Act of 1982* Act and the *Building and Other Construction Workers Act of 1996*, which allows for the collection of cess from both central and state government initiated projects (Interviews, leaders, AITUC, 03.01.09; CITU, 24.01.08; NMPS, 15.01.09; TMKTS, 21.12.07).

During interviews with employers, I asked them about the possibility for increasing the cess. A government contractor claimed that the employers were not against an increase, but that there should be a demand for the schemes. He further observed that as long as there was a large surplus of funds, the demand was not effective (Interview, government contractor, 14.11.07). According to a union leader cum contractor, the Builders Association of India (BAI) would be willing to provide more funding to the Board if they were sure that the funds reached those who were working for them and not workers in other sectors (Interview, leader, INRLF, 20.01.09). He was referring to the problem of misuse of schemes, which I will come back to later in the chapter. Here they speak on behalf of employers generally, and again, their opinions may have been influenced by the interview context. Nevertheless, after my fieldwork was completed, the state government increased the cess to 1% in December 2013 (GoTN, 2013b). This shows that the unions had successfully leveraged one of their demands to increase the funds.

5.2.5 Explanations for implementation success and failure

Reading the above events through the lens of labour geography, the construction workers mobilised *in place* in the main cities in Tamil Nadu, and formed links with other unions *over space* to leverage their demands for protection by the state government (Castree et al., 2004: 157-162, 209-215). However, in a situation of mass unemployment in 1979, and a generally ample supply of labour, construction workers could not effectively use the power of a strike to target employers (Piwen & Cloward, 2000). Instead, they used the power of their votes to target the state, with the context of welfare populism as a facilitating environment for leveraging some of their demands (Agarwala, 2013: 33-34, 109-116).

The welfare schemes provided a minimum of social security and with reference to Chen (2007), this exemplifies how linkages between the informal economy and the formal regulatory environment may be promoted. The amount of cess collected indicates a substantial formalisation of the construction industry through building permits. This is an indirect way of making employers responsible for the welfare of the workers in a sub-contracted labour system. Following Lerche et al. (2012), it shows how surplus value from production can be returned to workers via the state. What is more, the ability to obtain official identity cards shows that informal workers have gained a legal identity (CLEP, 2008: 167) and were recognised by the state as workers (Agarwala, 2013: 192). Yet, the welfare schemes were not sufficient to ensure a basic income in cases of unemployment, illness and injury, old age and retirement, as listed in the ILO standards on social security (ILO, 1952). Moreover, existing labour legislation did not efficiently regulate employment arrangements.

Both Agarwala (2013: 109-116) and Chatterjee (2008) have argued, although slightly differently, that the Indian state utilises welfare schemes to manage discontent from poorer groups in order to facilitate capital accumulation and economic growth. Consequently, within the context of electoral democracy, groups such as informal workers are able to negotiate with the state over the transfer of resources. According to Chatterjee (2008), the hegemony of corporate, industrial capital manifests itself in its influence over the bureaucratic-managerial class within central and state governments, and in the political consensus about ensuring economic growth through private sector investment. Following Gramsci (cited in Simon, 1991: 23-24), a hegemonic class “is one which gains the consent of other classes and social forces through creating and maintaining a system of alliances by means of political and ideological struggle”. Such coalitions constitute historical blocks. Leadership of an historical block, and influence over state power, rests on the dual intervention in both civil society and in the sphere of production (Simon, 1991). Thus, as argued by Jessop (1990, 2008), the state is a social relation reflecting the balance of forces in society, and its strategic selectivity gives some social forces more influence than others.

With reference to the discussion in Chapter 3 (section 3.2), the *Tamil Nadu Manual Workers Act* was introduced just before India embarked on economic reforms with the aim of deregulating rather than regulating the labour market to stimulate economic growth. According to the leaders of my case study unions, pressure from the private builders’ lobby with links to politicians had prevented the implementation of this act. Moreover, both union leaders and private employers argued that the lack of enforcement of existing labour laws in construction projects initiated by government institutions led to a downgrading of working

conditions across the industry. Thus, there was a reluctance to regulate employment arrangements among both private and government employers. However, my material indicated that private employers supported the tax on construction projects, and saw the welfare schemes as beneficial in several ways. This may have been an underlying reason for why two unions affiliated to one of the 'central' unions represented in the Board had construction contractors among the leadership.

According to Sassoon (1987: 121), several historical sub-blocks might exist simultaneously. I suggest that the involvement of private employers in their own interest organisation as well as in some of the unions, and the alliances between private and government employers were indications of an historical sub-block in the construction industry. The lack of implementation and enforcement of labour legislation and the selective implementation of welfare schemes reflected the hegemony of corporate capital within this block. Thus, financing welfare schemes may be interpreted as 'economic-corporate sacrifices' of the employers (private and government) to gain consent from the subordinate classes, in this case construction workers, in a context of mass mobilisation to sustain hegemony. In this way a minimum of state interference could be maintained.

The support of employers can further be related to the *spatial embeddedness* of capital in the construction industry (Herod, 2003; Carmichael & Herod, 2012). Due to the project-based nature of the industry, the investments of construction builders and contractors are fixed in space only for a short period of time, and they shift their investments when one building is completed. National companies dominated the construction industry in Chennai, and much of their activity was based locally. Although migrant workers were hired from other states, an aspect I will return to in Chapter 7, Tamil workers constituted a significant part of the workforce. The construction industry was one of the growth sectors in Tamil Nadu, and in contrast to Chatterjee's (2008) dichotomous model of the Indian economy, it exemplified how the formal/corporate economy and the informal/non-corporate economy were interlinked. Informal construction workers were therefore not 'rendered useless' by corporate capital. Contrarily, following Jonas (1996), particular capitals have an interest in shaping a secure environment for accumulation and develop local labour control practices to integrate workers into production and secure their reproduction. Consequently, financing welfare may be seen as an intervention in the local labour regime in Chennai, which also had regional implications.

5.3 Union fragmentation, representation and participation

The collective agency of unionised construction workers has been important for the implementation of welfare schemes, as we saw above. At the same time, the fragmentation of the union movement appeared to be a barrier for further realisation of labour rights. The organisational landscape in Chennai was complex, with a large number of unions organising various groups of informal workers, including construction workers. In the following, I discuss the reasons for this fragmentation and analyse what type of unions were represented in The Tamil Nadu Construction Workers Welfare Board, and their influence on decision-making processes.

5.3.1 Multiplicity of unions

The first category of unions organising construction workers were offspring of the initial union founded in 1979, including my case study unions. Both leaders emphasised that they aimed to organise workers across party affiliations and caste boundaries, they were critical to the state government, regardless of whoever was in power, and they appeared to be on the Left politically. They had previously been members of the Board, but not during recent periods. None of the unions received regular external funding, but both collaborated with larger umbrella organisations. As mentioned above (section 5.2.3), TMKTS was a member of a regional and a global union federation. As members of the latter, they received funding for some of their activities. The leader was also active in New Trade Union Initiative (NTI), an umbrella organisation for Left-oriented unions. NMPS was a member of the a different union federation in Tamil Nadu, called the Unorganised Workers Federation, which brought together various groups of informal workers. The leader was also head of a women's association and a slum dwellers' federation.

In the second category, we find regional branches of 'central' unions that have traditionally been affiliated to political parties and have started to mobilise members among informal workers (Candland, 1999). These included the All India Trade Union Congress (AITUC), founded in 1920 and affiliated with the Communist Party of India (CPI); the Indian National Trade Union Congress (INTUC), founded in 1947 and affiliated with the Indian National Congress, and the Centre of Indian Trade Unions (CITU), founded in 1970 and affiliated with the Communist Party of India – Marxist (CPI-M). The regional parties DMK and ADMK also had their own party affiliated unions.

The third category consisted of several smaller unions. Their outreach, size and ideological characteristics were difficult to identify, but according to the secretary of the Board and union leaders among the key informants, many of them were ‘bogus’ unions or ‘one-man unions’. They claimed that these unions were built up around a local leader; they collected high subscription fees from their members in order to make a profit and they promised them better welfare schemes than what were actually provided. The ‘bogus’ union problem was reflected in the experiences of some of my research participants among the workers, but is not systematically documented in my material. However, according to records of the Labour Department, the total number of registered trade unions in Tamil Nadu was 11,431 in September 2009. The data also showed that the number of unions had increased with more than 1,000 since 2006. Some of these unions were operating on a regional scale and others on a district scale. In Chennai district alone, over 2,000 unions were registered (GoTN, 2009b). In addition to the Tamil Nadu Construction Workers Welfare Board, the state government had established 16 additional welfare boards for different types of informal workers over the years. The increase in the number of unions appeared to be a parallel development. The records from the Labour Department did not show how many of the unions were organising construction workers, but it is reasonable to believe that they also organised this group.

Unions within the two former categories had therefore requested that the state government tighten the requirements for membership records and reporting in order to restrict unserious actors. The right to form unions is stated in the national *Trade Union Act of 1926*, and according to the state rules for Tamil Nadu, a union can register itself with the Labour Department with a minimum of 100 members. The leader of case study union TMKTS argued that this was not in the interest of the state government:

The thing is they don't want any union to be strong. If you are strong, then you will fight. If you fight, you will go for demands. That government is not interested.... You see. [...] What is their interest in building up a union? They only want to see that the unions do not exist. They should not be an organised force to fight. There should not be an organised force to question. If there is an organised force to question, then there is a problem. They are interested in multiplicity of unions. They are interested in splitting and splitting and splitting. That is their interest. (Interview, leader TMKTS, 20.12.08)

As I interpret him, a consolidated union movement would be a threat to the politicians because the unions might raise demands that would be difficult for politicians to fulfil. Another union leader expressed:

Until the trade union organisations are united, the workers will never get united. There will not be any chance, because they are divided into so many groups, into so many organisations, based on politics... and caste... race politics and communal politics. So there is no chance for the working class to get united. If the working class is not getting united, their interests will not be protected. (Interview, leader AITUC, 03.01.09)

He observes that a consolidated union movement is necessary for promoting the solidarity of the workers and consequently improving their situation.

Nevertheless, there were indications that a large number of construction workers in Tamil Nadu were members of a union. In 2001, the total amount of construction workers in the state was estimated to be around two million,⁷ but only 18% were registered with the Board. The *Tamil Nadu Manual Workers Act* allows construction workers to register themselves in the Board if they have a certificate of employment issued by the state government, an employer or a union. A survey from Chennai shows that 90% of the construction workers in the sample were registered by trade unions (Krishnamurthy & Nair, 2003).

My data from the Board show that the registration rate increased significantly after 2005, when the pension scheme was introduced. In March 2008, 1.7 million workers were registered, while in January 2010 the number was 1.9 million (GoTN 2008a; 2010a). Since it is reasonable to believe that a union registered most of the workers, the increase in beneficiaries also indicates an increase in the number of construction workers who were members of a union. Hence, the welfare schemes worked as an organising tool due to the role of unions as potential intermediaries of welfare provisions.

5.3.2 Representatives and meetings

The *Tamil Nadu Manual Workers Act* states that employers and workers shall have equal representation on the Board, and that the state government appoints these representatives. The same procedure applies to the appointment of representatives to the Advisory Committee, which shall provide guidelines on important matters. The Act recommends the Board to convey regular meetings.

In September 2007, the State Labour Minister was appointed as the Chairman of the Board, which was reconstituted for two years. This Board consisted of seven representatives of the government and nine representatives of employers, including five government institutions and four private builders. One of the builders also represented the Builders

⁷Excluding interstate migrant workers.

Association of India (BAI), Southern Centre. The unions had seven representatives, which was less than the employers and thus not in accordance with the act. These included three representatives from the Thozilalar Munnetra Sanga (TMS), which was affiliated with the ruling party DMK. The Indian National Trade Union Congress (INTUC) had two representatives and one of them was also a construction contractor. Finally, the unions traditionally affiliated to the communist parties, the All India Trade Union Congress (AITUC) and the Centre of Indian Trade Unions (CITU), had one representative each (GoTN, 2007).

When I examined the records of earlier Board representatives, I observed that the 'central' unions had been represented continuously since the formation of the Board, often by the same person, while the representatives of other unions had changed (observation TMKTS office, 28.01.10). According to the leader of case study union TMKTS, his union had demanded that the registered workers should elect Board representatives. Consequently, representation would be based on the membership strength of the union. When the state government did not approve this demand, his union suggested a rotating system to ensure that no union could be represented for more than two periods at the time. Also, this suggestion was declined, and he chose to withdraw as a representative because it became 'too political' (Interview, leader TMKTS, 21.12.07).

The list of representatives to the Board at the time of the fieldwork confirmed this view. Firstly, the state government had favoured their party-affiliated union with three representatives during the last round of appointments, although their membership base among construction workers was not so strong (Interviews, leader CITU, 24.02.08; leader AITUC, 03.01.09). Secondly, INTUC and CITU had traditionally been affiliated with the Congress and the Communist Party of India – Marxist, (CPI-M). These parties were DMK's coalition partners in the United Progressive Alliance (UPA), which constituted the central government after the national elections in 2004. This coalition was successfully re-elected in 2009, although the CPI-M broke out of the alliance in June 2008 due to the nuclear deal between India and the United States. When I interviewed one of the representatives of INTUC, he told me that he had a good relation with the Chief Minister, but emphasised that he would be collaborating with any government in power (Interview, leader AIKTMS/INTUC, 13.01.09).

Thirdly, a union leader who publicly announced that he supported the ruling party was appointed as a Board representative in July 2008 (GoTN 2008b), and in March 2010 he was appointed as the Chairman of the Board (GoTN 2010b). He was the leader of Tamizhaga Kattida Thozilalar Madhya Sangam (TKTMS), the first construction workers' union in Tamil

Nadu, which was left by the leaders of my two case study unions because of political disagreements.

According to union leaders I interviewed, there was a political tie-up between DMK and the TKTMS leader, who had close links with a caste organisation for the *vanniyars*, a Backward Caste that was numerous in central Tamil Nadu. A conflict between a *vanniyar* leader and DMK had reduced the support for the party among this group. Hence, DMK hoped to increase its support base by appointing the above union leader first as a Board representative and then as Chairman. The union leaders assumed that his prestige would be strengthened and the members of his union could be favoured when it came to welfare schemes (Interviews, leaders AITUC, 03.01.09; NMPS, 15.01.09, 23.01.10). When I interviewed the leader of TKTMS himself, he confirmed that he had a good relationship with the Chief Minister (Interview, leader TKTMS, 12.01.09). His support of the ruling party was also clearly expressed during the run-up to the by-elections in 2010, in which he encouraged construction workers to back DMK because of the party's engagement in the welfare boards (Staff reporter, 2010).

My data material suggests that the principle of tripartite representation from employers, workers and the state government existed on paper, but in practice the state government dominated the Board through appointments of political alliances. This was also evident when we look at concrete decision-making processes below.

5.3.3 Decision making

In interviews with Board representatives, I asked about what they discussed in the meetings and whether there were any disagreements. The Left-wing union representatives complained about the irregularity of meetings, and also about the lack of critical discussions (Interviews, leader CITU 29.12.08; leader AITUC, 03.01.09). One of them observed:

The ruling party members [among the union representatives], they will not open their mouth against the activities of the government, they will not open their mouth [...] You see. Only at the time of eating something, in the Board meeting, they will open their mouth. Otherwise they will not open. Sometimes they are shouting against us, [when] we talk something, against the government. (Interview, leader AITUC, 03.01.09)

The lack of critical views towards the state government may be related to the selective appointment of representatives discussed in the previous section. However, one issue that had been discussed was the removal of registration and renewal fees paid by construction workers registered in the Board. In accordance with the legislation, workers contributed to the funding

of welfare schemes through these fees, which were removed in September 2006. According to the government order, the Chairman of the Board, at that time the Commissioner of Labour, had requested the state government to pass the appropriate orders “to remove the difficulties faced by the construction workers” (GoTN, 2006). Another rationale was to prevent ‘bogus’ unions from making a profit from registering workers in the Board.

The union leaders I interviewed, however, objected to the removal of the fees. The leader of case study union TMKTS pointed out that [if you pay] ... “you also get the right to question. Now because everything is free, the government does not bother about what the workers are saying, what the unions are saying” (Interview, leader TMKTS, 21.12.07). According to him, the state government removed the membership fees in order to silence the workers and the unions based on the rationale that only those who pay would get influence.

Meanwhile, a previous Left-wing union representative to the Board recognised that it contained a dilemma:

We said put minimum... so that workers also have a feeling of belonging. If they contribute one rupee or two rupees, they themselves feel that ‘we are part of the membership and we contribute something’ like that. If that is erased, everything is free. That is Government’s concept. What we can do? We are not asking for it, but we are not opposing it also. When it is given free and when you are going to become a member and enjoy it... why should I come and [say] ‘No, no, no you should pay’. Means you will not pay [laughs] and you will not like that also. If Government is announcing it free, why should we oppose? (Interview, leader AITUC, 07.01.08)

On the one hand, he reckons that if the workers pay they would have a sense of ownership to the Board. On the other hand, the unions could not actively oppose free registration, which from an economic point of view was beneficial to the workers. He further drew a parallel between free registration in the Board and the distribution of TV sets as a populist strategy to attract voters (Interview, leader AITUC, 07.01.08). Before the state elections in 2006, the distribution of free colour TVs “for women’s recreation and general knowledge” was one of the promises in DMK’s election manifesto (Special correspondent, 2006).⁸ The generosity of the DMK party towards lower income people, and the emphasis on ‘free’ benefits, is also expressed in the election poster from 2010 below.

⁸The distribution was, however, stopped by the Election Commission before the state elections in 2011, because it could influence the voters in favour of the party in power (NDTV 2011).

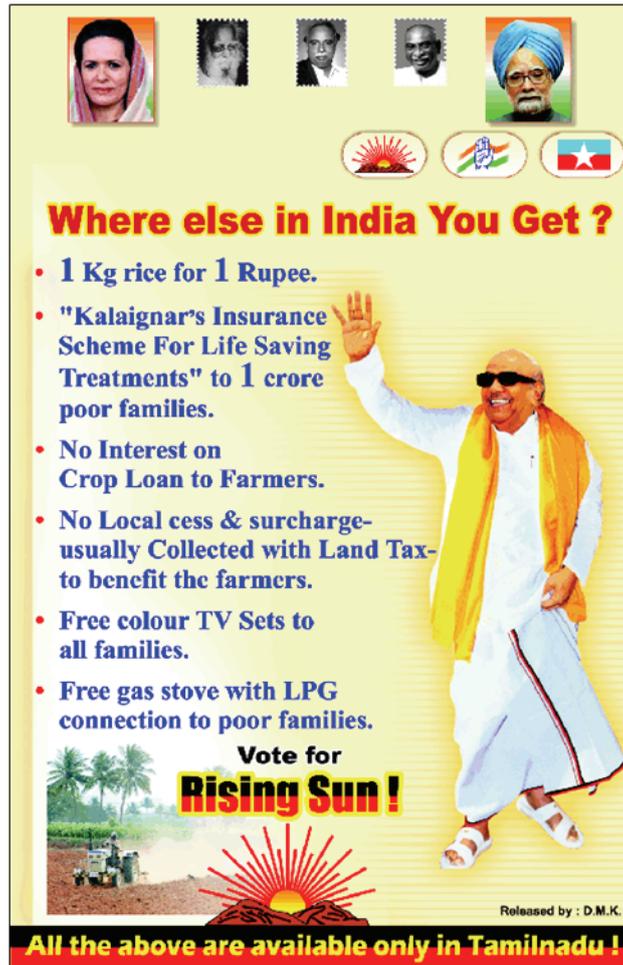


Figure 5: DMK election poster, 2010

Another controversial issue was a government order announced in March 2008, without consultation with the representatives to the Board or with the Advisory Committee. The order declared that key functions of all the welfare boards should be transferred from the jurisdiction of the Labour Department to the Revenue Department. The state government gave three reasons for this decision with special reference to the board for construction workers: Firstly, that people who were not construction workers had been registered in the Board. Secondly, that some of the unions had submitted illegitimate claim applications for welfare schemes and continued to renew the membership of people who had died. Thirdly, that many workers had duplicate membership in more than one board, and could therefore access two sets of welfare schemes, which was illegal. Overlapping membership in the boards for construction workers and agricultural workers was seen as the main problem. Finally, the state government argued that the Labour Department did not have the capacity to verify all the members, whereas the Revenue Department had staff down to the village level who knew what people were doing for a living and could verify members more easily. Even

so, the state government emphasised that the unions would still keep their role as intermediaries when workers applied for welfare schemes (Interviews, Superintendent, Tamil Nadu, Construction Workers Welfare Board, 08.04.08; Joint commissioner of labour/Board secretary, 22.04.08; Union leaders, April 2008; Minutes, 2008). The unions, and to some extent the employers, mobilised against the announcement, which I will discuss in the final section of the chapter.

5.3.4 State domination and involuted pluralism

The concepts of *state dominated pluralism* and *involved pluralism* used by Rudolph & Rudolph (1987: 259-289) to characterise industrial relations in the formal economy also appear to be relevant for the construction industry in Tamil Nadu. Firstly, the state government dominated the Board through appointment of representatives, which was in accordance with the legislation. I showed that some of the ‘central’ unions traditionally affiliated to political parties had been continuously represented on the Board. During the research period, two of these political parties were DMK’s coalition partners in the national government. The other union representatives included the union affiliated with DMK, and ‘independent’ union leaders who supported the ruling party. Moreover, contrary to statements in the *Tamil Nadu Manual Workers Act*, the employer representatives outnumbered the union representatives, and many of these were senior officers heading government institutions that initiated construction projects.

Secondly, I demonstrated that the ruling political party DMK dominated the Board through decision-making processes regarding the removal of worker registration fees and the transfer of welfare boards from the jurisdiction of the Labour Department to the Revenue Department. These findings indicate that the Board in practice was a tool for the ruling political party. As noted by Sassoon (1980: 121-122), historical blocks may produce political blocks that do not exactly reflect, but nevertheless maintain the underlying forces constituting the historical block. Furthermore, social forces like construction workers may be more or less integrated in the historical block. The composition of the Board indicate that private employers, ‘central’ unions and unions that were affiliated to or supported the ruling party were integrated in the historical block and some of them participated in the political block, although there were internal disagreements. Without representatives to the Board and with a critical stand towards any government in power, I suggest that my case study unions were less integrated in the historical block and did not directly participate in the political block.

However, the case study unions took part in the implementation of welfare schemes and in this way they contributed to maintaining the underlying coalition.

The fragmented union landscape consisting of previously ‘party affiliated’ unions, long existing ‘independent’ unions and the large number of smaller unions, fit well into the model of involuted pluralism. I related this fragmentation to the implementation of welfare schemes and the increase in the number of welfare boards. Hence, I suggest that these provisions were a ‘double edged sword’ for the unions: On the one hand, the welfare schemes worked as an organising tool for the unions due to their role as potential intermediaries of these provisions. On the other hand, as I have argued elsewhere, the multiplicity of unions suggests that an unrestricted practice of the right to freedom of association may actually undermine a consolidation of the union movement, consequently constraining the agency of collectively organised construction workers to achieve more structural changes in labour regulation (Wetlesen, 2010).

5.4 Union resistance to administrative reforms

In April 2008, thousands of informal workers from all over the state gathered in front of the State High Court to demonstrate against the state government’s announcement that all the welfare boards, including the Tamil Nadu Construction Workers Welfare Board, should be transferred from the jurisdiction of the Labour Department to the Revenue Department in order to prevent the misuse of welfare schemes. All the union leaders and employers I interviewed opposed the transfer, although they disagreed regarding the need for increased control. The unions used a variety of protesting strategies to influence the state government, which in the end modified its decision. However, the outcome was increased bureaucratic control, which my case study unions opposed.

5.4.1 *Protesting strategies*

The first protesting strategy of the unions was submission of writ petitions to the State High Court to test whether the government order announcing the transfer of welfare boards to the Revenue Department was illegal. The petition written by case study union TMKTS based its argumentation on the *Tamil Nadu Manual Workers Act*: Firstly, according to the petition, the Act declares that independent boards shall administrate welfare schemes. By shifting the registration of members and the sanctioning of scheme applications to the Revenue Department, the only task left for the Board would be the collection of cess. Thus, the Board

would lose some of its key functions, which was not in accordance with the Act. Secondly, the petition emphasises that the Board is based on the principle of *tripartism*, and according to the Act, the state government can monitor the Board, but not control it. The fact that neither the Board representatives nor the advisory committee were consulted violates this principle. Thirdly, the petition claims that the state government did not reveal any evidence on the misuse of welfare schemes, and if misuse was a problem, the Board had a mandate to deal with this itself. Fourthly, the petition argues that the Revenue Department was already overburdened and did not have the capacity to do additional tasks efficiently. Finally, the petition says that workers would lose valuable employment opportunities if they needed to consult revenue officials in order to acquire verification (TMKTS, 2008).

The petition submitted by the National Campaign Committee for Unorganised Sector Workers, to which my other case study union, NMPS, was affiliated, points out how the changes would harm the workers:

Instead of fulfilling the objective of the Labour Law of securing social justice and freeing the manual workers from economic bondage, it has been a half-hearted attempt in formation of Sectoral Welfare Boards without administrative back up and further negating the impact by cancellation of registration fee and transferring to Revenue Department thus *disempowering* the unorganised workers. These are days when we emphasise the need for “inclusive” development and involvement of the affected persons in the formulation and implementation of schemes for their benefit. Therefore, any arrangement that does not have the willing consent of the governed, cannot, and must not succeed. It is in that view that we consider that the Tamil Nadu government would be well advised to take a “people’s” view of the whole affair and restore the whole arrangement. If the labour administration needs to be strengthened for this purpose, that must be done. Above all, we see no merit in a proposal under which what is the legitimate function and responsibility of the state Labour Department is sought to be transferred to the “jack of all trades”, namely, the Revenue Department. We do not want to say anything further, except that the sapient and sagacious Chief Minister, Thiru Karunanidhi will do the right thing and defuse the situation. Expecting an urgent action [emphasis added]. (National Campaign Committee for Unorganised Sector Workers, 2008)

The petition argues that the administrative reforms would contradict the interests of the people the schemes were supposed to benefit. It also points to the reputation of the Revenue Department as the most corrupt among all the departments. Instead of a transfer to this department, the capacity of the Labour Department should be strengthened. The corruption argument was also expressed in interviews with several union leaders with the leader of NMPS claiming:

Once you make a Revenue Department, corruption is easier. The political parties can get involved, trade unions can be finished. You see, ultimately in the era of globalization... organised sector is not allowing trade union. Unorganised sector also, why have trade unions?... Trade unions they will question about wages, this and that. So let it be these *doles*. So no need of *rights*? [emphasis added]. (Interview, leader NMPS, 15.01.09)

As I interpret her, political parties would have better access to the Revenue Department than the unions. She implicitly argues that the bureaucracy is not autonomous from the interference of political parties, so consequently, workers would rely on them rather than the unions for accessing welfare schemes. Similarly to her argument expressed earlier (section 5.2.3), this is a strategy pursued by the state government to help define the welfare schemes as ‘doles’ rather than labour ‘rights’. Thus, she sees the involvement of the Revenue Department as yet another move to weaken the union movement.

In contrast to the leaders of my two case study unions, one of the Left-wing union representatives to the Board recognised the problem of the misuse of welfare schemes:

See it is true that lot of bogus claims are being there... lot of bogus registration exposed... not by reputed trade unions like CITU, but by lot of NGOs and independent trade unions. They do business. They registered even bogus members. Even housewife is recorded as a worker. So this has to be prevented. But not through verification by so many departments. The way is not correct. (Interview, leader CITU, 29.12.08)

Although he opposed the transfer of welfare boards through the Revenue Department, he supported increased government control. Leaders representing unions affiliated to INTUC also shared this view (Interviews, leader AIKTMS, 13.01.09; leader INRLF, 20.01.09). This shows that the unions agreed on the main issue, but that they also had diverging views on the need for control.

I went to the State High Court to observe the petitions being judged. I noted that several of the union leaders I had met were present together with some construction workers. The discussion among the judges was held in English, and due to the acoustics in the old colonial building, it was difficult to hear what they were saying (Observation, Madras High Court, 09.04.08). The outcome was that the court ordered *status quo*, which implied that the *Tamil Nadu Construction Workers’ Welfare Scheme of 1994* had to be amended in the state legislative assembly if the transfer to the Revenue Department was to be pursued. This required a majority vote among the representatives of the political parties in the State Legislative Assembly.

The second strategy the unions used to influence the state government was the mass mobilisation of informal workers from different sectors across the state (see Figure 4). I attended one of the largest demonstrations in Chennai, and observed that trucks brought in workers from outside districts. The workers belonged to many different unions indicating that they had united under a common banner (Observation, rally, April 2008). Additionally, the various unions organised separate demonstrations on different days.



Figure 6: Union rally, April 2008

The High Court judgement led to a third protesting strategy, which was that some of the union leaders utilised their personal relations to politicians to influence the outcome. Right after the government order was issued, the two Left-wing unions represented on the Board had talks with the State Legislative Assembly members from CPI-M and CPI, the Communist parties they had traditionally been affiliated to. As a result of these talks, the representatives of the Communist parties performed a protest walkout from the Legislative Assembly when the government order regarding the transfer to the Revenue Department was discussed (Interview, leader CITU 29.12.08, leader AITUC, 03.01.09). The union leader who was later appointed as Chairman of the Board narrated how he personally went to the Chief Minister's residence to talk with him, and that he had promised: "Wait one week and I will call you" (Interview, leader, TKTMS, 12.01.09). These accounts show that links between the unions and the political parties existed informally, although they were not formally affiliated.

Employers among the key informants also had different views on the government order. During the workshop organised by the Builders and Woodworkers International (BWI), the representative of the Builders Association of India (BAI) on the Board was invited to discuss some of the prevalent problems in the construction industry. He was critical to a transfer to the Revenue Department, and emphasised that the money the builders pay should be utilised for construction workers. If key functions of the Board were transferred to the Revenue Department, the cess could be used for other purposes in the government administration (Observation, BWI workshop, 18.-20.03.08). However, a government contractor and previous Board representative supported the state government, and said that

increased control was necessary in order to prevent the misuse of schemes (Personal communication, government contractor, 18.04.08).

In the aftermath of the mass mobilisation and the High Court judgement, one of the Left-wing union representatives to the Board narrated how the Chief Minister had come to the State Legislative Assembly to ensure that the government order would not be enforced immediately, and that the state government would have talks with the political parties and the unions regarding the matter. The State Labour Minister then conveyed a meeting with union representatives to the Board. The representatives agreed on demands for necessary amendments, which were accepted by the Chief Minister (Interview, leader CITU, 29.12.08). The state government responded by withdrawing the government order. When I asked the secretary of the Board about the reasons for this outcome, he admitted that it was because of union pressure (Interview, Board secretary/joint commissioner of labour, 08.01.09). Union leaders I interviewed in the aftermath of the events also emphasised the impact of their resistance. The leader of case study union NMPS expressed: “They [state government] want to weaken the unions. But, whether they like it or not, unions are a reality in Tamil Nadu, that’s all” (Interview, leader NMPS, 15.01.09). The union leader, who later became the Chairman of the Board, claimed that the bureaucrats had pushed forward the agenda, and that the Chief Minister was not aware of the consequences it would have:

The government has to face elections and it will create major problems if they are regarded as an anti-labour government. The Chief Minister is pro-labour, he understands the reality. It was the officials who gave him false information. We cleared it and gave alternative suggestions and he accepted. (Interview, leader TKTMS, 12.01.09)

He points out the distinction between bureaucrats and politicians. According to him, the bureaucrats convinced the Chief Minister about the advantages of a transfer, though on false terms. When the Chief Minister realised that he had awakened antagonism from the unions, he was willing to turn things around.

5.4.2 Continued opposition to increased bureaucratic control

Although the first government order was withdrawn, a new controversial order was issued in October 2008. Until then, registration and renewal of membership in the Tamil Nadu Construction Workers Welfare Board had been conducted in district offices, while the welfare schemes were sanctioned in the head office in Chennai. The new government order stated that all the welfare boards should be fully decentralised and located together in district offices. Instead of a transfer to the Revenue Department, the employment certificate

confirming that the applicant was a construction worker had to be *signed* by the revenue authorities. In rural areas this was a Village Administrative Officer (VAO), and in urban areas this was a revenue inspector. The worker did not have to appear in person at the time of registration, or when applying for schemes, but instead at the time of renewal every second year (GoTN, 2008c).

The union leaders supported the decentralisation, but were critical to the co-location of all the boards. Firstly, they pointed out that money from the Construction Workers Welfare Board would be used to cover the administrative costs of the other boards. Moreover, all the other welfare boards, except for those for construction workers and auto rickshaw- and taxi drivers, were solely funded and governed by the state government and not through a tripartite model. In contrast to many other sectors dominated by informal workers, such as street vending, it is possible to identify an employer that can be taxed in the construction industry. Hence, they suspected that the cess collected from the construction industry would be used to fund the schemes available to workers from other sectors. Finally, they were afraid that construction workers would get less priority when their applications were handled together with workers from other sectors (Interviews, leaders AITUC, 03.01.09; CITU, 29.12.08; NMPS, 15.01.09, 23.01.10; TMKTS, 20.12.09).

The leader of case study union NMPS argued that different sections of the workforce should have their own Board: “Because each section of labour has its own problems, which need to be attended to. But then your [state government’s] scheme is only giving doles” (Interview, leader NMPS, 15.01.09). Again, she refers to the difference between doles and rights, which may be related to the union claim that separate boards for different sectors is a requirement for the realisation of labour rights.

Another issue was how the involvement of the revenue authorities in the verification of workers could affect the unions. One of the Left-wing union representative to the Board, who supported increased control, expressed:

The new G.O. [government order] helps in major elimination of bogus members. Because of the VAO [Village Administrative Officer], the independent trade union leaders may not be able to do business as in the past. The level of business will get reduced. Even for the recruitment of genuine workers, they [independent unions] will demand more money. The genuine workers may not know about the existence of CITU and other unions... people will be afraid because it is a Communist union. (Interview, leader CITU, 29.12.08)

According to him, ‘reputed’ unions would benefit from the new verification procedures because unserious actors would be prevented. He further added that the role of the unions was protected because they could still apply for registration in the Board on behalf of their

members, and the workers did not need to appear in person at the time of registration (Interview, leader CITU, 29.12.08). Meanwhile, the other Left-wing union representative to the Board expressed it like this:

If the union is certifying that he is a construction worker, and the union can make the construction workers a member in the welfare board, then he will have some respect, faith in this union. Now the union can't play any role, in registering him, in renewing him, in getting the benefit to him. Then, why should he come and join in the union? (Interview, leader AITUC, 03.01.09)

According to him, the role of the unions would be reduced, consequently weakening the potential for collective organisation. Similarly, the leaders of my two case study unions argued that the new amendments were just another way of involving the Revenue Department and weakening the union movement (Interviews, leader NMPS 15.01.09; 23.01.10, leader TMKTS 28.01.10).

Furthermore, the union leaders were concerned about how the verification procedures would affect the efficiency of the schemes. The Left-wing union representative to the Board, who supported increased control, reported that his union had demanded that labour officers should travel around to the villages and residential areas to do the verification, instead of workers taking leave to go to government offices. This would require an increase in the number of staff. Also, they demanded that the problems of corruption in the bureaucracy had to be prevented (Interview, leader CITU, 29.12.08). The increased scope for corruption was a concern of all the leaders interviewed, and one of them argued:

If they [workers] go before the Village Administrative Officer, they have to pay money [...] He will not sign, without taking money. He is not working for the salary, he is working for this bribe only. Because the government knows all these things, the government knows. (Interview, leader AITUC, 03.01.09)

The leader of case study union NMPS argued that unions supporting the state government did not represent the interests of construction workers:

You see, unions also, also part of the system, in many ways. But then, only when the workers are questioning the leadership, the leadership will also start questioning things. That is how it goes. The change has to come from below. (Interview, leader NMPS, 15.01.09)

To summarise, all union leaders interviewed were critical to the new amendments. However, the Board representatives from CITU and INTUC supported the state government's need for more control, while the other leaders saw the amendments as yet another move to weaken the union movement. As noted above (section 5.3.2), the stands of CITU and INTUC may be related to the alliances between DMK and the parties these unions have traditionally been affiliated with.

Minutes from Board meetings show that the union representatives to the Board complained about delays in the registration of workers and sanctioning of schemes after the new amendments were implemented (Minutes 2009a). According to union leaders and office bearers I interviewed in January 2010, the registration of new members had come to a standstill after the new verification procedures were introduced, and there was also confusion among the unions regarding these procedures.

5.4.3 Mobilisation in the domains of civil society and political society

With reference to Chatterjee (2004: 66), the above events show that the unions mobilised simultaneously in the domains of civil society and political society in order to influence the state government, with union leaders familiar with both domains playing a key role as mediators between them. Mobilisation in civil society took the form of writ petitions, and demonstrates how union leaders utilised the legal system to leverage their demands. They understood the potential consequences of the administrative reforms, and had contacts with lawyers who could help with the formal proceedings. Although the courts are regarded as corrupt and inaccessible to poorer sections in India, public litigation is widely practiced, often to promote the rights of the poor (Katzenstein, Kothari & Mehta, 2001).

The unions also referred to corruption among government officials in the Revenue Department to give strength to their arguments. Although corruption is a serious problem in government institutions in India, several studies argue that the problem is exaggerated by the *discourse* of corruption, which in itself contributes to help sustain corrupt practices (see for example Aandahl, 2010: 285-308; Gupta, 2006; Parry, 2000). The reputation of the Revenue Department as especially corrupt was in itself a good argument against the transfer of the welfare boards to its jurisdiction.

However, the mass mobilisation of informal workers shows that the unions did not restrict their protest to the legal institutional domain, but also utilised the potential of political society in which political parties compete over power. Leaders from unions traditionally affiliated with political parties emphasised that they were formally independent. Still, the use of personal relations to influence politicians demonstrates that such links still informally existed. The Left-wing unions used their traditional affiliation with the Communist opposition parties, while two other unions used their strategic relations to DMK.

The proposed transfer of welfare boards to the Revenue Department, and the modification of the administrative reforms after union pressure, illustrates the dilemmas

politicians face in an electoral democracy. On the one hand, the welfare schemes needed to be financed and implemented, and if they were misused, political leaders risked appearing as if they were not in charge. On the other hand, the politicians could not afford to be perceived as 'labour unfriendly', as the unions played an important role in the implementation of welfare schemes, as well as in the political landscape. Nor could the politicians risk losing the support of employers. Nonetheless, the outcome was some limited modifications, which demonstrated the dominant role of the ruling political party in the governance of the Tamil Nadu Construction Workers Welfare Board.

The above material is also relevant to the discussion on the organising strategies of unions in contemporary India. Agarwala (2013) and Vijayabaskar (2011) similarly observe that the unions they study have shifted their focus from rights associated with the workplace to rights associated with citizenship and the neighbourhood. Chatterjee (2004, 2008), however, argues that government policies directed at lower income groups in the domain of political society take the form of 'entitlements', which have to be constantly negotiated, and never quite become 'rights' as in the domain of civil society.

As I interpret the leaders of my two case study unions, the focus of their unions on welfare schemes were only an *intermediate* solution to a comprehensive labour legislation applicable to the construction industry. One of the leaders argued that the present welfare schemes resembled 'doles' distributed by politicians to attract votes, rather than labour 'rights' as they had originally fought for. Leaders of both the case study unions demanded the schemes to be extended in order to provide substantial social security along with the regulation of employment arrangements and democratic tripartite representation on the Board. They further argued that if the workers contributed even a small amount of funding for the welfare schemes, their opinions on issues of governance and implementation would have more legitimacy. If the welfare schemes were associated mainly with the government, they could easily be used and misused by political parties. Thus, their arguments support Chatterjee's (2008) understanding of the current welfare schemes as ad-hoc entitlements rather than substantial rights.

Yet, it may be discussed whether the protests by the unions against the administrative reforms promoted the interests of construction workers. According to the state government, the changes were initiated to make the welfare schemes more accessible to the beneficiaries, but according to union leaders, the consequences would be the opposite. Only future research can document the long-term effects of the reforms. However, the reforms undermined the

principle of tripartism, and may therefore reduce the potential of the Board to develop as a catalyst for labour and welfare rights for construction workers.

5.5 A union influenced labour regime?

Following Burawoy (1985: 7-11), factory regimes shape workers' struggles, and workers' struggles shape factory regimes. Thus, the content of formal state regulation, and to what extent it is implemented and enforced, reflect the power relations between workers, employers and the state. Initially, my two case study unions formed a movement aimed at confronting relations of exploitation in the construction industry through legislation enforced by a government board. Hence, with reference to Katz (2004: 239-259), this collective mobilisation qualifies as a *resistance* movement. However, the hegemonic role of corporate capital in the construction industry identified above constrained their transformative capacity. Instead, the cess represents a limited *reworking* of employment relations in terms of redistribution of resources. Thus, the establishment of the Tamil Nadu Construction Workers Welfare Board supports Tørrer's (2006) argument regarding the importance of civil and political rights, such as the right to freedom of association, for the implementation of socio-economic rights, such as welfare provisions.

Informed by Sharp et al. (2000), my material nonetheless indicates that it would be a simplification to interpret the above events simply as union resistance towards the domination of capital and the state. Instead, my material illustrates how hegemony in the construction industry on a regional scale in Tamil Nadu was negotiated in the continuum of domination and resistance. Although there were indications that employers and union leaders represented on the Board supported the ruling political party DMK, consequently enabling its *dominant* position, they also *resisted* some of the administrative reforms announced by the state government. In this case, they side-lined with the leaders of my two case study unions, who pursued a critical stand towards the state government, irrespective of the political party in power.

As demonstrated in this chapter, the formal labour regulation in the construction industry in Tamil Nadu did not correspond to the hegemonic factory regime in Burawoy's model (1985). Firstly, because of the lack of applicability, implementation and enforcement labour laws, the state did to a very limited extent interfere in employment relations to prevent the coercive practices of employers. Secondly, the state-provided welfare schemes were not sufficient to sustain workers outside the labour market. For this reason, survival outside work

depended on performance at work, a key characteristic of despotic regimes. Even so, the welfare schemes may be interpreted as a hegemonic element to foster consent among construction workers. Hence, labour regulation in the construction industry was different from-, but also contained some similarities with *hegemonic despotism*. As observed in section 5.2.5, the construction industry was primarily a domestic industry and necessarily place based. Relocation of workplaces to reduce costs was therefore not an option for employers. At the same time, employers could reduce costs by hiring migrant workers instead of local workers. Construction workers in Tamil Nadu did not enter into concession bargaining to keep their jobs, as they did not have any rights in the first place, but the risk of losing employment opportunities constrained the scope for making demands directly on employers.

I agree with labour geographers such as Jonas (1996) and Kelly (2002), arguing that generalising a global labour control regime, such as hegemonic despotism, is problematic because 'place' matters to how such regimes develop. Instead, I seek inspiration from Andræ & Beckman (1998: 268-270) who identify a *union-based labour regime* in some of the large textile factories in Kano, Nigeria. This regime was characterised by collective bargaining, the formal regulation of employment arrangements and substantial social security. These features were lacking in the construction industry in Tamil Nadu, as we have seen. However, the role of unions as potential intermediaries of welfare provisions, the indications that a majority of Tamil construction workers were members of a union and the influence of unions on government policies all point towards the existence of a *union-influenced labour regime* on a local scale in Chennai.

5.6 Conclusion

In order to explain why my two case study unions had been able to leverage some of their demands for welfare schemes, but not for a comprehensive legislation applicable to the construction industry, this chapter has emphasised the alliances between private and government employers, some union leaders, and politicians. I argued that the Gramscian concept of an historical block was relevant to help conceptualise these alliances and that the developments of the Board reflected the hegemony of corporate capital in the construction industry. Thus, implementation of welfare schemes financed by employers may be seen as a manoeuvre to foster consent among construction workers and their unions. In this way, the formal regulation of employment arrangements could be kept at a minimum. However, the historical block contained internal contradictions, which came to the forefront when the state

government decided to transfer all the welfare boards to the Revenue Department. Representatives of both unions and employers resisted, and as a result of broad based mobilisation, the state government was forced to modify its decision. These events illustrate how hegemony was negotiated within the continuum of domination and resistance.

I also argued that the fragmented nature of the organisational landscape appeared to be another barrier for the further realisation of labour and welfare rights. The fragmentation was caused by divergent political views, and also by the proliferation of new unions. The number of unions had increased with the gradual extension of welfare schemes, and I suggested that this was related to the role of unions as potential intermediaries of welfare provisions. Thus, on the one hand, the implementation of welfare schemes had increased the fragmentation of the union movement, consequently constraining their collective agency to initiate structural changes in the regulation of employment arrangements and welfare provisions. On the other hand, the welfare schemes worked as an organising tool, and the unions were able to influence the government policies to a certain degree, which pointed in the direction of a *union-influenced labour regime* in the construction industry in Chennai. The next two chapters explore how this regime manifested itself on the ground.

6 Trade unions as intermediaries of welfare provisions

6.1 Introduction

The previous chapter showed that the labour legislation had opened an opportunity for unions to provide workers with a ‘certificate of employment’ in order to register in the Tamil Nadu Construction Workers Welfare Board. Consequently, the welfare schemes worked as an organising tool for the unions. When being introduced to union members who had experienced accidents, I realised that the unions also assisted workers in dealing with employers and the courts in order to claim accident compensation. Thus, in this chapter I examine how the welfare provisions of local workers were regulated and the role of unions as intermediaries of these provisions. Welfare provisions are related to workers’ survival outside the labour market, and thus this chapter is concerned with the reproduction locale in the local labour regime (Jonas, 1996).

An important focus in the chapter is the relationships between union leaders and members. The regional union leaders had a middle-class background, and several local leaders in the neighbourhoods were *mistris* who recruited workers to construction sites. In order to analyse these relationships, I draw on studies of political leaders (Price, 2006, Alm, 2010, Price & Ruud, 2010) and trade unions (Murphy, 1981, Chakrabarty, 1989) in India. These studies show that patronage is a key element in the relationship between leaders and the led. I therefore explore to what extent the unions, on the one hand, enabled the collective agency and legal empowerment of construction workers and on the other hand, reproduced relations of patronage and dependence.

The chapter is organised as follows: I start with a brief outline of the membership, leadership and organisational structure of my two case study unions. Following this, I will examine how workers were recruited to the unions and analyse their motivations for joining the organisations. I will then analyse the role of unions as intermediaries of welfare provisions, including selected welfare schemes and accident compensation from the employer. The final empirical section elaborates on how members were retained in the unions and mobilised for union activities, with an emphasis on the relationship between union leaders and members. Towards the end I discuss the key characteristic of the local labour regime in the reproduction locale.

6.2 Construction workers and their unions

In this section, I examine the socio-economic background of my research participants, before I situate them within the production and labour systems of the construction industry. Although the focus of this chapter is the reproduction locale, some background information on the production locale is required for the discussion. After outlining key features of the unions, I discuss the role of *mistris* in the collective organisation of construction workers.

6.2.1 *Construction workers in Chennai*

My research participants among the local workers were all Tamils between the ages of 33 and 60 years. Most were Hindus belonging to ‘scheduled castes’, also termed untouchables or *dalits*, whereas some belonged to ‘backward castes’ and two were Christians. The scheduled castes are the lowest in the Indian caste hierarchy, and have experienced – and still experience – discrimination. As a result of affirmative action policies, both scheduled and backward caste groups are constitutionally entitled to reservations in the education system and the public sector (Harris-White, 2003: 31).

The majority of my research participants had a rural background, either as agricultural labourers or small-scale farmers, and had migrated to Chennai in search of work after they married. A few were born and brought up in Chennai with parents working in construction or other types of manual work. The research participants had attended from two to 10 years of primary school. Most of the women were illiterate, while some of the male workers and all the local union leaders could read and write Tamil. They lived in neighbourhoods classified as slums. Most of them rented their house, while a few had constructed their own house on government land. All the houses were made of bricks with electricity, but water and sanitary facilities varied. Some had their own water tap and toilet, and others utilised public water taps and toilets in the neighbourhood.

According to Loop (1992), the construction industry in India has traditionally been labour intensive and applied simple technology, and most operations have been done manually, although this is changing, especially on larger buildings. The traditional way of house construction was still common on smaller buildings at the time of my fieldwork, whereas large construction sites utilised ready-made concrete and more machines.

Based on a study of the construction industry in the cities of Vellore and Salem in Tamil Nadu, Loop (1992) differentiates between the production and labour systems. The production system refers to the different categories of entrepreneurs, including engineer

contractors and small-scale entrepreneurs. There are different types of small-scale entrepreneurs, with *mistris* as the largest group. The *mistris* can further be differentiated according to those who take independent contracts from house owners, and those who mostly work as subcontractors for other contractors (pp. 109-172). The labour system refers to the different kinds of workers involved in the construction process, who can be differentiated on the basis of skills and regularity. Regular workers work more or less for the same *mistri*, who provides them with work. They do not have job security beyond one building project, but they have some income stability. The casual workers are hired when more labour is needed or for specialised tasks, and they can again be divided into two categories: Workers who work on and off mostly for the same *mistri* and are recruited from their neighbourhood, and workers who seek employment at day labour markets or at construction sites. They change employers more often, and have irregular employment (pp. 292-306).

The *mistris* among my research participants took both independent contracts directly for private house owners, as well as sub-contracts for engineers. Most of the workers were employed on a casual basis and were recruited by different *mistris*, either from their neighbourhood or from a day labour market. On average, they worked 15-20 days per month. Two of the research participants were regular workers under one *mistri*, and worked 26 days per month. However, both groups were only paid for the number of days worked, and did not receive payment if they took leave or if work was cancelled, due to for instance heavy rain.

The workers could further be differentiated according to skill level and gender. Skilled, male workers, who were well versed, but not fully qualified in masonry work, were called *kottanar*. They assisted the *masons* in brick laying and finishing. Other categories of skilled workers were the painters and those specialising in demolishing buildings. A male helper with some experience was called *periyal*. Their tasks included the mixing of *jully*, or cement consisting of sand, small stones and water. They also assisted the skilled workers with brick laying and plastering. The lowest category in the labour hierarchy was the helpers called *chital*, meaning ‘small person’. Adolescent male workers and female workers belonged to this category. Their job was to pass on the materials to be mixed in the *jully* and to pour concrete into the slabs. They also carried bricks on their head and passed them on to the male workers.



Figure 7: *Chital*, female worker (Photo: Trine Nickelsen)

6.2.2 *Union structure and leadership*

My two case study unions were organised into different branch units in the neighbourhoods. Each branch had a local leadership, and some of these local union leaders were also part of the sub-district, district and regional leadership. The main organisational bodies were the executive committee, the state general council and the district general council. The unions had some full-time and part-time administrative staff, but the local union leaders carried out most of the everyday activities. The members elected the union leaders.

TMKTS had most of its activities concentrated in the main office, while NMPS held meetings in the main office as well as in the residence of the regional union leader, with both located in North Chennai. NMPS held monthly membership meetings, whereas the regularity of meetings in TMKTS differed between the branch units. Additionally, the unions mobilised members for regional and national consultations, information meetings and demonstrations. In addition to their focus on labour legislation and welfare schemes, the unions also worked with other livelihood-related issues. One issue was a decision made by the state government to displace residents in slums located on government land to areas in the outskirts of the city. This would affect many of the members. The unions organised protests against the decision,

and demanded provisions for adequate housing. The unions also provided skills training, to women in particular, to increase their job opportunities.

As mentioned in section 5.2.2, construction workers needed a ‘certificate of employment’ confirming that he or she worked in the construction industry in order to register with the Board. If this was to be issued by my case study unions, the worker had to become a union member. Thus, the local union leaders identified potential members in the neighbourhoods. After collecting pass photos and the union subscription fee, they issued a union identity card, and brought this to the regional union leader for verification, along with the documents for registration in the Board. Sometimes, the new members also came along, but it was not always required.

According to the office staff of the unions, the annual membership fee for TMKTS was 150 rupees. Per 2009, TMKTS had 88,000 members in Tamil Nadu, with 80-100 branch units in each district totalling 2,200-2,500 branch units in the state. They did not inform me about the number of members in Chennai district. For becoming a member of NMPS, the fee was 250 rupees to register and 120 rupees annually to renew the membership. NMPS had 23,503 members in Tamil Nadu and 5,000 members in Chennai district belonging to 30 different branch units.

The regional leader of TMKTS was an engineer by profession, whereas the leader of NMPS was educated as a teacher. Hence, they belonged to the educated middle-class. Both leaders said that they encouraged female leadership in all parts of the organisations. During fieldwork, however, the local union leaders I was introduced to were always men who had been members of the unions since the beginning. Moreover, all of them were skilled workers, and most of them were also mistris. As skilled workers and mistris, they earned higher wages than the other workers, which allowed them to spend some time for union-related work. They could also afford motorbikes, making the mobility between construction sites and union related tasks possible. Lastly, all of them were literate. The position of mistris in the unions indicated that the hierarchy in the labour system was replicated in the organisations.

When I asked members about what type of qualifications were important to become a leader, they emphasised literacy as one requirement because of all the paperwork involved. Even so, a male worker said that anyone could become a leader, but it depended upon the strength in elections. I therefore asked him if he himself could become a leader, and he answered that “I don’t have any network, but they have network.” When encouraged to elaborate, he said that this was important in order to “deal with problems” (Interview, male worker NMPS, 23.04.08). A final aspect mentioned by a married couple, was the necessity to

abstain from alcohol. When the husband said that he could become a leader, his wife protested and argued that he could not do such a responsible job because he consumed alcohol (Interview, worker couple, TMKTS, 30.01.10). Alcohol was widely consumed in the neighbourhoods where the unions worked, and being able to abstain from this temptation might be a way to constitute and maintain leadership.

6.2.3 Spatial embeddedness and collective organisation

Before the unions were formed, local trade guilds for masons and carpenters already existed in Tamil Nadu. These guilds were often caste based and resolved internal disputes, fixed wages and conducted annual temple festivals. In the early 1970s, masons and carpenters formed trade associations in some of the towns, but they were usually short lived (Mody, 2004:24). Nevertheless, when the union started to organise construction workers in 1979, the guilds responded and the agitation spread to the districts (Ramakrishnan, 1996). In his study of the construction industry in Vellore and Salem in Tamil Nadu, Loop (1992: 262) shows that most of the local union branches were led by mistris. He points out that although it was less risky for workers to unionise when their immediate employers were also members, there were few workers among the members. My own data and the increase in the number of beneficiaries in the Tamil Nadu Construction Workers Welfare Board, probably registered through unions, (Chapter 5, section 5.3.1), indicate that this has changed, although mistris still played an important role as local union leaders.

The role of the guilds shows that there were some local institutionalised structures to build on and that the skills of the mistris are relevant to explain the unionisation of construction workers in Tamil Nadu. Burawoy (1985: 91-99) observes that skills have historically been a power basis for collective organising, e.g. in the textile industry in 19th century Britain. Under the *patriarchal* factory regime, the outsourcing of production to subcontractors, who were skilled spinners, facilitated autonomous union organisation since the workers were less dependent on the principal employer.

According to Herod & Carmichael (2012), spatial embeddedness in the form of connections between workers who live close to each other may facilitate the formation of unions. This is reflected in Agarwala's (2013: 33-34) study which shows that informal workers' organisations in India mobilise their members in the neighbourhoods. As this chapter will show, connections between skilled mistris and workers, who lived in the same

neighbourhoods, were important in the collective organisation of construction workers in Chennai.

To understand the position of *mistris* in the unions, we may also draw a line to labour contractors in colonial India. Roy (2008) observes that labour contractors in the powered industries, mines, ports and plantations under British rule converged three different *intermediary roles*: as a supervisor in the production site (foreman), as a recruiter of labour and as a headman of the community. Although the labour contractor was associated with the colonial economy, his position had roots in the traditional economy, such as agriculture and crafts: “The foreman as headman embodied the hierarchical element that characterized any master-apprentice and patron-client relationships intrinsic to training and supervision in traditional contexts” (pp. 998). According to Roy, the rise of the labour contractor was an institutional response shaped by both demand and supply side processes. Employers not familiar with local labour markets needed labour recruitment on a large scale. The workers, who were often labour migrants, needed help and protection in a new setting. The result was incorporation of traditional authority, in the form of a labour contractor, into modern worksites. Similarly to labour contractors in colonial India, I suggest that the local union leaders in Chennai, who were also *mistris*, combined several intermediary roles, which I will elaborate on below.

6.3 Recruiting members

The low-income neighbourhoods, in which the research participants resided, were known for being the location of many construction workers, and thus significant sites of union activity and labour recruitment. In the following, I analyse how workers were recruited to the unions from the neighbourhoods and their motivations for joining these particular organisations.

6.3.1 *Motivations for unionisation and the role of leaders*

In one of the neighbourhoods, which I call Ellis Nagar, the two *mistris* Mr. S and Mr. K were key persons in the local leadership of TMKTS. They had both moved from their native villages in Tiruchirapalli district in central Tamil Nadu during the early 1980s and started working in the construction industry. After reading about the recently founded union in the newspaper, they decided to join as members. According to the announcement, the union wanted to improve the conditions of construction workers, and this appealed to them, they

recalled. Mr. S explained the challenges he faced when recruiting people in his neighbourhood to the union:

I explain the schemes to each and every house and I have to convince them. Convincing is very difficult because you need to explain each and every scheme and how it works and how it gets active. So I say “If you need all the schemes, then you need to be member of this union.”

When I enquired why it was difficult to convince the workers, he observed:

They will be arguing for each and every scheme. When I explain the pension scheme, they say: “I am going to get it after I’m 60 years, why should I pay now?” And if it is about the maternity scheme: “I’m not married now, but after marriage I can plan to join as a member.” (Interview, mistri TMKTS, 08.02.08)

His colleague, Mr. K, emphasised the time-consuming procedure of recruiting new members to the union and registering them with the Board:

It is a huge task getting a member into the union. First we need to campaign and then convincing itself will take two months. Then afterwards you will be asking him to get the photograph and documents for applying for the membership. That will take another six months because they won’t go to the photo shop and take photos. Then after getting it, I have to organise a particular day [to bring them to the Board]... that will take another two months. So totally it will take a year to convince one person to our union. (Interview, mistri TMKTS, 10.01.10)

According to these local leaders, they actively used the welfare schemes to motivate workers to join the union, and they put a lot of effort into the process of registration. Mr. K observed that the neighbours’ opinion of a particular union was also an important factor in the recruitment process (Interview, mistri TMKTS, 10.01.10).

The accounts of the leaders were reflected in interviews with workers in all the branches of TMKTS, who mentioned access to welfare schemes as an important motivation for joining a union. According to a female worker in Ellis Nagar who had recently joined, the local union leaders had told her that “If anything good happens, you will be getting money and if anything bad happens, you will also be getting money.” When asked to elaborate, she referred to education support as ‘good’, and money for the family if she died as ‘bad’ (Interview, female worker TMKTS, 23.01.08). In addition to welfare schemes, a reasonable subscription fee was also important when a male worker in the neighbourhood decided to become a union member two years earlier. He recalled:

Those days people came, but they were demanding 300 rupees, 400 rupees, 500 rupees for registration and all. I was not able to afford it, that’s why I didn’t join the union. But he [Mr. K] came to our house some two years back and he asked me only 100 rupees and he asked me to take a photo, that’s all... and he gave me the registration card. It was very cheap, that’s why I joined. (Interview, male worker TMKTS, 28.12.08)

To him, the subscription fee Mr. K requested was more affordable than what other union leaders had demanded earlier. As discussed in Chapter 5 (section 5.3.1), his experience illustrates the problem of ‘bogus’ unions, which profit on recruiting members by charging high subscription fees.

Another male worker in Ellis Nagar, who had been a member for nine years, mentioned union support in the event of an accident as a motivation to become a member:

Suppose if I am going to face any accident or if I am going to become a victim and I am not able to work anymore. Even if it is not going to be my mistake, I can’t fight with the builders alone. I will not be able to. If I join a union, the whole people, the whole mass will come behind me to fight for the cause to get justice. So for this purpose I joined the union (Interview, male worker TMKTS, 23.01.08)

This worker points to the collective strength of the union when confronting the employer, in contrast to standing alone.

In Shankar Nagar, where the local union leader Mr. C was in charge, I interviewed a married couple that had only been members of the union for three years, although they had been living there for a long time. The husband told me:

Earlier these people [union members] were not so united. So people were not there to help us and we were not able to get the [welfare] schemes activated. Now Mr. C [local union leader] is there and many other people are there and the schemes are very accessible right now. (Interview, couple, TMKTS, 30.01.10)

The quote indicates that he related the union activity and the accessibility of the welfare schemes to the local union leader. According to Mr. C, TMKTS and another union had simply divided the neighbourhood between them: “They have that side and we have this side”, he explained (Interview, mistri TMKTS, 13.01.10).

In Nagavakkam, the local union leader of NMPS, Mr. M, reported that he had been recruited to the union in 1982 (before my two case study unions split) by a mistri. This mistri had explained to him that they fought for a welfare board, and interviewee narrated how he himself used the welfare schemes to recruit new members:

We need to tell all the advantages about the union in order to convince people. For instance, if I have got education scheme, I will tell them that “I have got this.” [...] If a person has got the marriage scheme, I will call this person to the person who has not joined the union. So we will just attract them and we ensure them that there is a good future. [We will say] “Even if you are not going to get money now, you will be getting it in the future.” We will be explaining each and every scheme to them. (Interview, skilled worker NMPS, 27.12.08)

According to him, members who had received any of the schemes were important in convincing other workers to join the union. A female worker in this neighbourhood told me

that she had attended the union meetings for many years without being a member. She further explained:

There are many people [in the neighbourhood] who are working as construction workers, but many of them were not members of the union. Only because of Mr. M all got recruited into this union.

Me: So what convinced you to join the union?

When I use to go to the [union] meeting, they will say that “Join this union and you will have various schemes.” So that impressed me and I joined the union. (Interview, female worker NMPS, 24.01.10)

Also her account indicates that along with the welfare schemes, the role of a particular local union leader was important to organise the workers locally.

One of the full-time office bearers of NMPS explained that when they recruited new members, they emphasised that they did not charge anything extra and that they were a ‘bribe free’ union in contrast to many other unions. They also mentioned that unlike the political parties, which may try to buy votes by distributing money or consumer goods, the union would not offer people anything to become members. Instead, they tell people: “The members of the union fight together to get the schemes, whilst the political parties will never ever turn back to you in future” (Interview, office bearer NMPS, 10.10.10). A male worker⁹ echoed this description when describing the regional union leader of NMPS:

Mrs. G will not get any bribe or will not take any money. Whereas other unions like Communist party’s or the DMK’s or the ADMK’s, they will be working only for the money. Mrs. G will never ever get money from any one. There is no alternative to Mrs. G in Tamil Nadu. I joined the DMK party but it is outside the union. When it comes to the union, I won’t be any party’s member. Only outside of the union, I am a big fan of DMK. Suppose if I’m going to have an accident, Mrs. G will be standing behind me and not my DMK party or the ADMK party or the Communist party. So that’s the difference. (Interview, male worker NMPS, 20.01.08)

A female member of NMPS experienced the importance of union assistance when her husband, who had been a member of the union for 20 years, had a work accident and received practical and financial assistance from the regional union leader Mrs. G. The research participant, however, had just recently become a member, and when I asked her why she did not join earlier, she responded:

I didn’t have the basic money for membership and I had to look after my children, that’s why I didn’t join the union. For the past four years I am having headache. I don’t have a good body, I am always so tired and very frustrated. See every time [I work] I use to get headache. When

⁹ He appeared to be drunk during the interview, and is therefore not further included as a research participant.

I'm working I feel like fainting. And just now only I saved some amount, in order to join the union.

Me: So why did you decide to join the union?

Just because Mrs. G [regional union leader] saved my husband, suppose tomorrow if I am going to experience anything like that, they will surely look after my children. Because of that, I have joined the union. I have the safety and my children also have the same. (Interview, female worker NMPS, 03.02.08)

In this case, the efforts of the regional union leader had been important, and the interviewee realised that if something happened to her, she could rely on people in the union to take care of her children.

Three workers from the Malaipakkam labour market mentioned assistance from the union in cases of cheating by the employer as a motivation for becoming members. A male worker explained:

Every Saturday we will be getting our wages. But if suppose we are not getting the wages or if there is late payment, then the union members will interfere and demand the wages which has to be given for the particular worker. That's why we join the union.

Similarly, a female worker expressed:

Personally you can't fight with the [house] owners. So if they are going to cheat, then you have to fight for it in order to get the salary. But you can't do that. So in order to do that, I join the union where thousands of people are like us. (Group interview, workers NMPS, 23.04.08)

Similarly to the male worker above who talks about union support if an accident happens, this female worker points out the difficulty of confronting employers alone, and the advantage of being together with other people.

A final motivating factor for joining the union explicitly expressed by two members affiliated to the Malaipakkam day labour market was access to work. Among the two, the female worker had been a member of the union for the past six years, and she narrated why she decided to become a member:

It was very difficult to get a job, so the neighbours said that if you are joining the union, they themselves would recruit you. So I thought it would be good to join the union and I joined.

She said that she mostly worked for mistris who belonged to the same union as her, and because she was familiar with them, she could ask them directly for work. However, if mistris who were not members of the union approached her, she would also work for them (Interview, female worker NMPS, 20.03.08). Similarly, a male worker explained that when he started searching for employment at the market, he joined the union for better job opportunities (Group interview, workers NMPS, 23.04.08). Other union members also

mentioned that they regularly worked for mistris who were in the same union. Being the member of a union may thus have been a way to maintain relations with those providing employment.

The non-unionised local workers gave various reasons for why they were not members. In Ellis Nagar, a male worker said that he did not know much about the unions and reasoned: "I'm not talented basically, that's why I'm not able to know about the union." However, he was aware that union membership might help him to get some money from the government, and was positive about joining if somebody recruited him (Interview, male non-unionised worker, 09.01.08). This worker searched for employment at construction sites, and complained that he had difficulties getting work. His weak linkages to mistris cum local union leaders in the neighbourhood might explain why he was less informed about the welfare schemes and not actively recruited to any of the unions.

In Laxmipuram, a male worker said that several unions had tried to recruit him, but he had refused to join any of them and explained why:

I thought of joining the union first, and then learn about the union. But some people use to come and ask me "give me 300 rupees... 400 rupees..." and so on and "therefore give me a photo and all for the membership". Why should I give and now I don't want to join the union. For me God is there and He will look after me.

Me: But those people who come here and approach you, what do they say to convince you?

Many people came to my house and tried to convince me, but I was not convinced. Because they told me "If you join the union and you have an accident, I will get you 10,000 rupees. If your hand is broken, I will get you some amount...you will get education scheme". But I was not convinced and I told them that "I don't expect anything from anybody and God will help me". That's all.

Me: But why were you not convinced?

See, there is a nearby person, who just now joined the union and they took a photo and registered him. He joined as a member. He paid all the basic money, which he needed to pay to the union and afterwards within a month itself... he was asked to do a job... he was asked to cut some steel. When he was cutting the steel, it broke and he lost the balance and fell down. He was paralyzed. He did not get any compensation till date. Then what's the use of joining the union? The union people are coming and just giving tea and coffee. Secondly, I am also afraid that if I join a union, I will get into an accident or something like that. (Interview, non-unionised male worker, 22.04.08)

The high membership fees, as well as the negative experience of a neighbour, were important for his critical perception of the unions. Instead of joining a union, he relied on his religious believes.

In Villivakkam, a female worker said that she refused to join a union because she did not have the money for membership. However, her son was a union member, but when I

asked if she thought the union was doing something good for the workers, she answered: “They say so, but I don’t think such good things have happened” (Interview, non-unionised female worker, 16.12.07). Nonetheless, when I returned to her neighbourhood some months later, one of her relatives reported that they had all joined the union of one of the Communist parties because they hoped that the organisation could be of some help.

For the non-unionised research participants, a lack of information or trust in the unions, economic constraints and a hesitance to participate in union activities were mentioned as reasons for not joining the organisations. Although construction workers in principle could be registered as beneficiaries in the Board by getting a ‘certificate of employment’ from an employer or a government official, instead of a union, this was not the case for any of the non-unionised workers, and hence they did not have access to the welfare schemes.

6.3.2 Unionisation for collective strength and access to protection

The original purpose of trade unionism is to negotiate agreements with employers on pay and conditions of work, and in this way protect the interest of the members (Castree et al. 2004: 264). However, similarly to social-movement unionism that has emerged in the global north (Wills, 2001; Fine, 2006), scholars studying the Indian context observe that the unions have adjusted their strategies and focus on welfare that can be obtained from the state instead of directing demands towards employers (Agarwala, 2013: 33-34; Gillan & Lambert, 2013; Vijayabaskar, 2011).

Mistris and workers among my research participants pointed to the importance of collective strength in relation to employers, if they had an accident or were being cheated, as a motivating factor for joining a union. At the same time, they emphasised that they could gain access to state-provided welfare schemes through the unions. For workers, an additional motivating factor was access to employment since mistris were also part of the unions. I argued above that because the mistris played an important role as local union leaders, the hierarchy in the labour system was replicated in the unions. Furthermore, there was a hierarchical relationship between the regional union leaders with a middle-class background and mistris and workers alike. The regional leaders could provide direct assistance, e.g. in the event of an accident, as exemplified with the husband of a female union member above. Hence, I suggest that in a labour market characterised by precariousness and scarce welfare resources, the organising strategies of the unions fit into a patron-client model (Scott, 1975), in which workers connected to superior intermediaries for access to material benefits, help,

work and protection in exchange for attendance in union activities and possibly leadership support.

The dynamics between union leaders and members in Chennai may be understood as part of a broader political culture in which leaders seek to appear as persons capable of helping others in order to attract followers (Price & Ruud, 2010). In rural areas, such patronage was previously based on access to and control over land. In the meantime, new opportunities have emerged for leaders to exercise patronage based on personal skills and networks (Ruud, 2010). Several studies from India show that being a successful ‘fixer’ is one way to build a political career (Price & Ruud, 2010). Fixers are political intermediaries between people in a local community and powerful bureaucrats and politicians higher up (Manor, 2000). Alm (2010) observes that for aspiring political leaders, becoming a reputed fixer able to ‘get things done’ is key to establish local leadership in a village in central Tamil Nadu. Fixing includes various kinds of problem solving, such as dealing with government officials and accessing state distributed resources, against bribes and/or political support. However, in order to become somebody others would turn to for help, aspiring leaders must also appear to be humble and selfless. Comparatively, Price (2006) finds that notions of authority in a village in Andhra Pradesh build on old ideas of protection along with conceptions of individual moral qualities. For political leaders, a good reputation is connected to concern for others, selflessness and generosity. At the same time, involvement in party politics may also be regarded as incompatible with moral behaviour. In a study of civil society organisations in Chennai, Harris (2007) refers to a middle-class activist who characterises the politics of political parties and their associated trade unions as ‘a dirty river’. Instead of engaging with this ‘old’ politics, his organisation and those of a similar kind, sought to influence the local government through alternative forms of civic engagement. Such attitudes to party politics have also been observed among social activists in West Bengal (Ruud, 2001; Nielsen, 2012).

Accounts of both unionised and non-unionised workers among my research participants indicate that in order to attract members, it was crucial that the local union leaders appeared to be active in the neighbourhoods in a fair and honest manner. Because of this, I suggest that their reputation was related to their role as ‘fixers’ who acted as intermediaries between union members, the regional union leaders and the Board. Moreover, their reputation was related to moral qualities associated with themselves and their unions, such as abstaining from alcohol consumption and distancing themselves from ‘bogus’ unions and corrupt political parties.

6.4 Access to the Tamil Nadu Construction Workers Welfare Board

Registration in the Board and the submission of scheme applications required knowledge of a complicated bureaucratic system. As the material in this section illustrates, the local union leaders assisted members on these matters by using their contacts and knowledge of the system. This was one of the ways local unions connected workers to the formal regulatory environment, maintained their reputation and constituted their leadership.

6.4.1 Registration and renewal

During the fieldwork, I got the opportunity to attend two union meetings organised by NMPS. One was a local member meeting and one was a regional consultation for members and union leaders from different districts in Tamil Nadu. At both these meetings, the welfare schemes were an important topic of discussion. At the meeting for local members, the leaders emphasised to the audience the importance of following correct procedures for registration and renewal in the Board, as well as for applications for welfare schemes (Observation, meeting NMPS, 02.12.08). At the state consultation, the representatives from the various districts, all men, got up on stage and complained about bureaucratic obstacles, delays and corruption in the district offices of the Construction Workers Welfare Board. The union leader concluded the session by outlining a strategy of protest in order to pressure the state government to improve the situation (Observation, state consultation NMPS, 10.02.08).

In interviews with local union leaders and members, I asked about the procedures related to the Board and their experiences in this regard. When applying for registration with the Board, the worker had to fill in an application form, and attach the certificate of employment signed by the regional union leader, along with photocopies of the birth certificate, ration or voting card. In order to obtain these documents, a permanent address was required, which was not a problem for the local workers among my research participants. In return, they received an identify card from the Board. Once registered, workers had to renew their identity cards every second year, i.e. exactly 10 days before or 10 days after the first date of registration. If the renewal procedure was not followed, claim applications regarding various schemes could be rejected. Before the new amendments introduced in April 2008 (discussed in Chapter 5, section 5.4.2), workers did not need to appear in person at the time of registration and renewal, and local union leaders submitted the application forms in bulk to the Welfare Board office. However, according to the amendments, new members must be

verified by a representative of the revenue authorities and appear in person at the time of renewal.

How this was administrated in practice was demonstrated to me in December 2008 by one of the local union leaders of TMKTS in Ellis Nagar. He showed me an old suitcase he had under his bed, full of applications for renewal. He also had a notebook where he kept records of all who had registered in his union branch. When it was renewal time, he told me that he collected identity cards from the members and gave them to a colleague, who then travelled to the Board office on his motorbike to personally submit the forms along with the identity cards. I met him again in 2010, after the amendments were implemented, and he then said that he assembled new members and brought them to the Board office for registration, though not for renewal (Interview, mistri TMKTS, 10.01.10). Still, another local union leader reported that the revenue authorities occasionally came to the residential areas to verify members, and that he would bring members to the Board for renewal (Interview, mistri TMKTS, 13.01.10). A union office bearer observed the same and said that the government officials wanted to make sure that the members were still alive in order to prevent misuse of the schemes (Interview, officer bearer NMPS, 10.01.10). The different responses from the research participants indicate that the implementation of the new rules was yet to be streamlined.

6.4.2 Applying for welfare schemes

In order to access the welfare schemes, workers had to submit correctly filled out application forms and enclose the necessary documents. The local union leaders assisted members on these matters and sometimes they accompanied them, or went on their behalf, to the government offices. When the schemes were sanctioned, the money was sent as postal money order forms that could be cashed at a bank.

Construction workers who were registered with the Board were entitled to education assistance for two children. The amount was 1,000 rupees for completing the 10th standard and 1,500 rupees for completing the 12th standard. Girls were also entitled to additional support for all three years in secondary school. For higher education the amount ranged between 1,000 and 4,000 rupees per year depending on the course, and additional money was provided if the student stayed in a hostel. When applying for the for 10th and 12th standard pass schemes, a mark sheet confirming the examination had to be attached. When applying for assistance while studying in a course, applications had to be submitted before passing the

course, and a Bonafide Certificate, confirming that the student was enrolled, had to be attached. The education assistance schemes had been gradually implemented since 1995, with data from the Board showing that these were the initiatives that have the highest outreach (GoTN 2008a; 2010a).

One of the research participants, who had received education assistance for his children, was a male worker in Ellis Nagar. He had succeeded in accessing the 10th standard pass scheme, and also applied for the 12th standard pass scheme for his eldest daughter. He explained how he went to the school to get the mark sheets signed by the principal, and also to the revenue authorities to get a community certificate stating caste, in addition to an income certificate to attach with the applications. In order to acquire these documents, he had utilised one of the brokers who could be found outside the government offices. Although these last two documents were not requested in the application form, union leaders confirmed that it could be required in order to get the schemes properly sanctioned. The research participant further narrated that the local union leader had then forwarded the application to the Welfare Board. The interviewee's daughter was studying at a government college, and when I asked how he managed the expenses for education he told me that although he was illiterate, he was determined to give the best possible education to his children, which in turn would secure them good jobs. He also added that in order to achieve this goal he did not waste money on alcohol and cigarettes, but tried save as much as possible for the future (Interview, male worker TMKTS, 23.01.08). His concern for education was shared by several of the research participants, and the fact that some of them educated their children up to the college level indicates a potential for social mobility over generations. Although the government schools and colleges were free, costs included books and often fees for private tuition after school, which were seen as required to pass the exams. The financial benefits provided by the education schemes were low, and research participants expressed the need for taking additional loans, e.g. from moneylenders, in order to cover the costs.

Another research participant who had received education assistance was Mr. C, the local union leader in Nagavakkam. He told me that when he applied for education assistance for his daughters while they were studying, he had to get the Bonafide Certificate signed first by the principal and then by a government official. He said that such officials could be the *thasildar* (Revenue Officer), a government doctor or a government lawyer. When I asked where he could find these officials, he answered:

We will be having an understanding with the government doctors and lawyers. We will go there and tell that, “We are from this union and we are working for the progress of workers, so if you are free, we will give you the application forms and maybe you can charge for that.” They [officials] will be demanding 10 or 20 rupees per form and then after negotiating, we will get the signature. (Interview, mistri TMKTS, 13.01.10)

His account illustrates how local union leaders actively used their contacts with educated professionals, who could help them access the welfare schemes on behalf of their members.

A second welfare scheme provided to construction workers and their children was the marriage scheme of 2,000 rupees, which could only be received twice. The person who was marrying had to be above the legal age for marriage. The form did not request formal registration of the marriage, but the original marriage invitation had to be attached with the application.

In Nagavakkam, I met a female worker who had applied for this scheme after her eldest daughter got married. She told me that she went along with the local union leader, Mr. M, to the Board office, and submitted the application form along with the wedding invitation and photocopies of her identity card, ration card and the daughter’s mark sheet for passing the 10th standard. After seven months, she received the money. The interviewee explained that the bridegroom was a distant relative who had come to their house to see her daughter, and they liked each other. They married in Chennai, and the bridegroom’s family paid for the function. However, the dowry she had to provide totalled 150,000 rupees. This included gold, a refrigerator, a grinder, a mixer, utensils, vessels, etc. The husband of the research participant worked as a watchman, which indicates that the income of the family was quite modest. When I asked how they raised the money, she said they had borrowed it from a relative who was wealthy (Interview, female worker NMPS, 24.01.10). This example illustrates the huge gap between the provisions of the marriage scheme and the socially expected expenses of such an event, which may lead to a huge debt burden. Although national law forbid the bridegroom’s family from requesting a dowry, it is still widely practiced in the country, including in Chennai (Kehtineni & Srinivasan, 2013).

A third welfare scheme available to construction workers was the pension scheme of 400 rupees per month, which was introduced in 2005 and increased in 2006. In order to be entitled to the pension scheme, a worker had to be over 60 years of age and registered with the Board for at least five years. The application form did not require any documents other than the identity card stating the person’s age, unless the applicant was applying for a disability pension, which then required a medical certificate. However, according to the regional union leaders, because workers often did not know their exact birth date, their age

could vary between different documents, thus an age certificate issued by a government doctor or lawyer, or a proper birth certificate issued by the *thasildar*, was necessary.

In Ellis Nagar, the two local union leaders reported that they first collected identity cards and 200 rupees from members who wanted to apply for a pension, and they then approached a lawyer they knew who would issue age certificates. The amount of 150 rupees went to the lawyer, while the remainder was spent on photocopying and ‘service charges’ to themselves for doing the work. Only occasionally were they required to bring the workers along to the lawyers (Interview, mistris TMKTS, 21.12.08). Their accounts also show how they utilised contacts with educated professionals to access welfare schemes. According to a female worker in Laxmipuram, she went to the doctor by herself to get the age certificate:

First, they [the union leaders] asked me to go to the doctor to get the certificate stating that I am 60 years of age. So he [the doctor] had some interaction with me, he asked me, “What is your age, where are you from, at what age did you start your work and are you working now?”, and then he signed the form. (Interview, female worker NMPS, 20.03.08)

However, when I met her again almost one year later, her application was still pending and she did not know why. She told me she was still regularly seeking work at the nearby day labour market, and was planning to work as long as she was able to even if she received the pension, since the amount was not sufficient to sustain a living.

6.4.3 Handling the bureaucracy

The examples above show that it varied insofar as how the members obtained the documents to attach with the application forms for the welfare schemes. According to local union leaders I interviewed, age, birth, community and death certificates, as well as medical reports stating disability after a work-related accident, often had to be signed by the *thasildar* for the schemes to become sanctioned. According to Mr. K in Ellis Nagar, union members had to go to the *thasildar*’s office themselves. He said they could get the signature if all the required documents were correct, but if something was missing, a bribe was required. He observed:

You can’t directly bribe the *thasildar*. It starts from the peon [office boy]. He knows and he will be directing the person to which department he has to go and where to bribe. The bribe money will depend on what category he [official] is in. Only then we can proceed. (Interview, labour contractor TMKTS, 10.01.10)

An office bearer of NMPS said, however, that members did not have to go to the *thasildar* themselves. Instead, the local union leaders could go on their behalf and bring the identity card of the member along with a letter from the regional union leader stating that the applicant had to go to work in order to get food. He further complained that the officials

would often tell them to come back the next day, or after three days, and that a bribe would usually speed up the process. He also said that if this happened, he would inform the member that the government officials were demanding 100-200 rupees and ask if the applicant wanted him to proceed (Interview, office bearer NMPS, 10.01.10). In contrast to the *thasildar's* office, the union leaders claimed that bribing was never an issue in the Board office in Chennai, although it had been reported in other districts. They reasoned that this was because the office was in a city, where people were more aware of the correct procedures (Interviews, mistri TMKTS; office bearer NMPS, 10.01.10).

Like the accounts related to registration and renewal in the Board, the difference between the formal requirements of scheme applications and the various practices among local union leaders demonstrate that the bureaucratic system was not streamlined, and that knowledge of the system was necessary to access the schemes. The union leaders nevertheless experienced rejection of scheme applications, and expressed frustration in this regard. Mr. K in Ellis Nagar complained:

The union is of no use. Just for the sake of formalities we can say that we are members in the union, because as far as I am concerned, I will make sure that I'm helping whoever asks me the help. So I'm still working for the union and I use to apply for people who really want the scheme to be activated. So what I do is I just fill up the applications. Last time I applied for six people and not even one has been sanctioned. So what is the use of union? The union never played a vital role here... there is not even a single union that is really working hard for us. Only if you are going to work, you will get the food... the union will never help you in those things. (Interview, mistri TMKTS, 10.01.10)

He further explained that even for the smallest mistake, the application would be rejected. For example, if there was a discrepancy between the person's official name written in the identity card and the informal name used by close family in the ration card, this would cause problems. He added that when they went to clarify mistakes with the officials, the latter would blame the formal regulations and say, "The act says like this, so we can't do anything" (Interview, mistri TMKTS, 10.01.10). His account indicates that rigidities in the system influenced the credibility of the union, because accessing the schemes was an important part of union work.

As remarked in Chapter 5 (section 5.4.2), only a minority of the beneficiaries registered in the Board had received any of the welfare schemes at the time of the fieldwork. The scheme most of my research participants had received was education assistance. This may be due to the relative accessibility of the scheme, but also to the relevance of the scheme in their lifecycle. For example, members may have joined the union a long time after their children were born, and were below the age of 60. Consequently, they had not applied for

either maternity assistance or for a pension. Some of those who had received money reported that they had to wait for several months to get the schemes sanctioned, and that government officials had visited their house to confirm their identities.

6.4.4 Constituting leadership through welfare intermediation

The union leaders in Chennai assisted members in accessing welfare provisions from the state government, and with reference to Chen (2007) they connected informal construction workers to the formal regulatory environment. Thus, despite legal and bureaucratic obstacles, the unions contributed to the realisation of social security rights and consequently to legal empowerment (CLEP, 2008: 130-134).

In his study of housing politics in Chennai, De Wit (1996) points out that poorer people have restricted access to scarce resources, like housing, work, credit healthcare and water. Due to illiteracy, or because they are newcomers to the city, poorer people often lack information on how to access these resources. Furthermore, they might not possess the social skills required in order to approach government officials of a higher social status. Finally, the bureaucracy is a complicated institution, and it is necessary to know how to manage the system, and which documents and bribes are required. At the same time, it is a challenge for the local government to get in touch with the large number of poorer people in urban areas (pp. 47-49). De Wit finds that this situation paves the way for local leaders of political parties to act as intermediaries between the state government and the slum residents. Through their networks of contacts, they act as problem solvers and control the distribution of resources. In return, they request bribes or promises that people will vote for their party in the next election, although they might not actually do so. The latter form of exchange is a key characteristic of political clientelism (pp. 268-274).

The local union leaders in Chennai had some commonalities with the slum leaders portrayed by De Wit (1996). They were literate; they knew the bureaucratic system and how to get things done. However, an important difference between De Wit's slum leaders and my research participants was that they claimed independence from the influence of political parties. This suggests that the unions had established themselves as a supplement to political parties in terms of access to the state. Although a 'service charge' was mentioned on one occasion, a 'bribe free' image appeared to be important for the reputation of the unions, which constrained the scope for profiting economically as intermediaries of welfare. Then what could have motivated the local leaders to spend so much time on union work? In

addition to be personally rewarding, I suggest that involvement in union work promoted the common interests of mistris and workers. Moreover, in accordance with the ‘fixer’ role, being able to manage the state system was one of the ways local union leaders constituted leadership and acquired local support.

6.5 Access to accident compensation from employers

The construction industry is an accident-prone industry, and according to local mistris and workers among my research participants, they only obtained safety equipment if they worked on large construction sites. However, they usually worked at smaller sites, up to four storeys, without any protective measures. As a result, some of the male, skilled workers had experienced serious injuries. The three cases below demonstrate the vulnerability of workers in informal, sub-contracted work relationships, and also the important role of unions as intermediaries between workers, employers and the state government if an accident happens.

6.5.1 Compensation through the formal system

Construction workers who experienced work-related accidents were entitled to compensation from the Board. The amount ranged between 50,000 to 100,000 rupees depending on the injury. However, data from the Board showed that between 1995 and 2008 (GoTN 2008a) only 825 workers had received the accident death compensation and 165 workers the disablement due to accident compensation. According to regional union leaders and the Board Secretary, the main reason was that the money for accident compensation had been deposited with an insurance company, and that it was difficult to get the claims approved because of rigid rules. This procedure had been changed at the time of fieldwork, and instead the Board directly handled compensation claims.

Construction workers who were injured could also file cases against the employer under the *Workmen Compensation Act of 1923*, with the State Labour Commissioner handling the cases. If the contractor employs more than 20 workers, the *Contract Labour (Regulation and Abolition) Act of 1970* comes into play, and it is the contractor and not the principal employer (client) who is responsible for accidents. However, if the contractor refuses to fulfil his commitments, the act states the responsibility of the principal employer (Personal communication, officer, Inspectorate of Labour 13.02.0). In all instances, the Labour Commissioner requires that the employment relationship can be proved.

The first case from my material is the story of a male worker from Malaipakkam, and illustrates the challenges related to claiming compensation through the formal system. The accident happened while he was working on a regular basis for a primary contractor on a building constructed by a government institution. He narrated:

I was working in the fourth floor in a bathroom. I needed to paint the windows and had to go outside. I was just painting them and in one hand I was holding the rope for safety, so if I fall I can catch the rope. But it didn't work because I had kept the ladder on a sunshade. Unfortunately, both hands were full of paint and the ladder started breaking. I was not able to catch the rope because it was so slippery from paint and I fall from there to the ground. It was almost 74 meters. (Interview, male worker NMPS, 21.12.08)

His jaw was broken, teeth fell out and his hand and leg was severely twisted, but his head was not injured. He underwent several treatments over the next three years. The total cost was 22,000 rupees, and his father took loans from various relatives to finance the treatment. The union assisted him in applying for compensation, but the problem was proving the employer-employee relationship, and the contractor refused to recognise him. Although the interviewee did not have a written contract, the mistri who hired him had kept wage records, and these worked as proof. The documents were submitted to the State Labour Commissioner. However, the case was pending for one year because the Commissioner demanded a written signature from the contractor before compensation could be approved, and he was missing for one year. Lastly, the regional union leader located the contractor and got the signature. They won the case and got a compensation of 260,396 rupees, which was calculated on the basis of lost wages. According to the interviewee, it was the state government that provided the compensation.

6.5.2 Compensation through the informal system

The second case, the story of a skilled worker from Shankar Nagar, shows the importance of union assistance in claiming informal compensation. The accident happened when he was constructing a sunshade over a first floor window. He was not provided with a ladder and was standing on some inappropriate pieces of wood. The material broke and the worker fell down. On the ground, there were bricks and stones, and the worker broke his knee bone. He was taken to a government hospital, where they put a screw inside the knee. The interviewee was in the hospital for three months undergoing treatment, and when he came home, he was in bed for an entire year. The treatment cost him more than 100,000 rupees, which was financed by loans from friends and relatives. Fortunately, he was not permanently disabled.

Along with one of the union leaders, the worker went to the mistri who had hired him, and requested that he ask the principal employer, who was a private house owner, for compensation. Although they had a long-term relationship, the mistri was not very helpful according to the interviewee:

We had very good relationship; he used to care for me a lot and I used to care for him a lot. But after I fell down, when my union members came for justice, he said that “He only worked for me and I know him only for one day.”

He therefore said to the mistri had that he would take the case to court with the help of the union. Finally, he got a compensation of 50,000 rupees from the mistri, probably paid by the house owner who was a relative of the mistri. When I asked why he decided not to take the case to court, he answered that the regional union leader had recommended that he not file a case against the owner because although the compensation could be around 100,000 rupees, the legal process would be expensive and probably last from one to two years (Interview, skilled worker NMPS, 27.12.08).

The third case, the story of another skilled worker in Ellis Nagar, demonstrates the potential and limitations of protection in personalised employer-employee relationships. The accident occurred in 2005 when the interviewee was lifting a pillar-box (slab) up to the second floor. This was too heavy for him, so he lost his balance and fell down. He fainted and both his legs were injured; one broke and the other was injured. After the accident, the worker was taken to a government hospital. The employer, who was a wealthy builder he had known for a long time, was present at the hospital together with the wife of the interviewee. The employer said:

Please don't give police complaint and all. Since you have been working for me for 10 years, you are like my brother, so I will just take care of everything. Or else, if you want to give a complaint against me you can do, but I will be genuine.

The interviewee explained to me why he decided not to go to the police: “When he speaks like that, how can you go?” He further narrated that after a while, the wound was infected and he took some tablets for this. The wound healed, but then he got brain fever and the medicine he took to cure it damaged a nerve, which again affected his eyesight. After being unable to work for three years, he started again, but during this time his eyesight had deteriorated. Consequently, he went daily to a private hospital to get an injection, which led to an improvement in his condition. There, they also were maintained by his wife's income as a domestic worker.

The interviewee had been a member of TMKTS for 10 years, and after the accident the local union leaders asked if he wanted assistance to apply for compensation. However, he declined the offer because the employer had promised to support him. In the beginning the employer kept his promise, covered all the medical expenses and gave him 1,000 rupee per week for more than a year. Because it was difficult for the interviewee to work in the construction industry, the employer said he could help him to open a teashop. In the meantime, the family of the employer complained: “You have spent more than 55,000 rupees, and now you want to open a tea shop!” For this reason, the employer told the worker that he could not help him anymore. Every day the interviewee went to his house, but he kept telling him: “Come back tomorrow.” The employer finally asked him to find out how much it would cost to open a teashop, and he estimated 90,000 rupees including advances and the required material. The employer answered that he could not pay that much, and then the worker told him that he would contact the union.

However, the union leaders were angry when he contacted them, and said: “You should have asked us immediately, then we could have claimed a compensation of 300,000 rupees. But you told us that the employer is a very good man, and that he would pay you. And now you come and tell like this!” The worker then went with a group of union members to the employer, and demanded a compensation of 100,000 rupees. The employer responded by saying he could not give more than 20,000 and in the end they agreed on 30,000. From this amount, the informant had to give 3,000 rupees to his fellow union members as compensation for lost work. When I asked him if he thought this was fair, he responded by saying:

See it is completely not fair. Because they don't feel that it is their obligation to come and work for us. They only think that they have left their job to come here to help me, so they have a norm that for every 100 rupees they will be deducting five rupees. So there is no option, and if we get 50,000, then we need to give 5,000 or 10,000. There is no other go. (Interview, male worker TMKTS, 31.01.10)

Like the story above, assistance from fellow union members was crucial in order to claim some informal compensation from the employer. However, this act of solidarity was not without a price, and he had to give them something in return.



Figure 8: Work on scaffolding (Photo: Trine Nickelsen)

6.5.3 Union agency in the legal system

The three cases above illustrate the economic challenges of informal workers in the event of an accident: The medical expenses related to the treatment were high and they lost income during the recovery period and in the aftermath due to disability. In order to claim compensation, it was necessary to identify the responsible employer, and in a subcontracted labour system this was often unclear.

In the first case, the contractor refused to recognise the worker as an employee in order to avoid his share of the responsibility. Although a formal contract did not exist, the wages slips worked as proof, and the labour commissioner asserted the responsibility of the principal employer. This decision was in accordance with the *Workmen Compensation Act of 1923*. The second case demonstrates that the mistri downplayed the personalised relationship between himself and the worker after the accident to avoid getting involved. As a consequence, the union actively used the legal framework in order to claim compensation informally instead of going to the court. The third case shows that personalised relations with an employer can be a source of protection, but also a barrier to claim legal rights. When the interviewee gave up trying to get help from the employer, it was difficult for the worker to

apply for compensation through the formal system, because he did not have the required police report. However, in this case informal compensation was also achieved through support from the union.

De Neve (2007) finds that employers in the textile industry in Tiruppur invoke real or fictive kinship morality, like reciprocity, mutual obligation and equality. Although not necessarily successful, the aim is to secure a loyal workforce and reduce turnover, as well as to avoid confrontation on the shop floor. The second and third cases above illustrate similar notions of kinship-like relations, which in the third case made it difficult to confront the employer. Moreover, the three cases exemplify how employers could take advantage of the inaccessibility of the legal system to informal workers. At the same time, the cases demonstrate that union membership was crucial for getting assistance to claim compensation, either through the formal system or directly from the principal employer through informal dispute resolution, but where the law provided a background for the claim. In the first two cases, the contacts of the regional union leader were important to ensure treatment and compensation. Hence, claiming accident compensation was another way the unions linked informal construction workers to the formal regulatory environment (Chen, 2007) and contributed to their legal empowerment by realising the right to accident compensation (CLEP, 2008: 130-134). In this way, collective union agency contributed to *reworking* an element in the employment relationship (Katz, 2004: 247-251).

Even so, when it came to sick leave, which was not related to an accident, the union members had to manage on their own. Research participants talked about frequent health problems, such as high blood pressure, headaches, chest pain and fever. As casual workers, they were paid only if they worked. Hence, if they were not feeling well, they either stayed at home or took some painkillers and forced themselves to work. The right to sick leave is regulated by the *Employees State Insurance Act of 1948*, which in practice only applies to formally employed workers, and demonstrates a legal deficit on this matter. As mentioned in Chapter 5 (section 5.2.3), NMPS had demanded the implementation of this act for informal workers, but had not succeeded in this regard. Due to the lack of provisions for unemployment, sick leave and medical expenses, the research participants relied on loans from informal moneylenders, relatives and neighbours to compensate for lost income.

6.6 Retaining and mobilising members

I argued above that the reputation of the unions and their leaders were important in the recruitment of workers to the unions. In this section, I elaborate on the social relations between union leaders and members in order to understand how workers were retained in the unions and mobilised for activities such as meetings and demonstrations.

6.6.1 Social relations in the unions

When I asked the two local union leaders in Ellis Nagar about their motivation for spending so much time on union work, they answered that they did it because they felt it was really satisfying to help others (Interviews, mistris TMKTS, 21.12.08). Mr. K later elaborated on this perception:

From God's grace... like whatever I'm doing now is just help and I don't expect return. Let my children get the help. Because I'm a very genuine person. Therefore to help others is my policy. (Interview, mistri, TMKTS, 10.01.10)

This account suggests that although he personally did not expect anything in return, helping others might be positive for his children. In a previous interview, Mr. K narrated how the misbehaviour of other local leaders had created problems in his union branch one year earlier. For that reason, he was shifted from a higher to a lower leadership position in order to take care of it. He narrated the incident like this:

The hierarchy system in a union should act responsibly. There should be no differences among the union people [members] and the union secretary. Some [union leaders] have collected money and they have used it for their own purpose. Some of them have ego and they don't really help the people. They say, "It is not my work" and they blame others. But I convince other people to do work. Even sometimes I get frustrated, but I will calm down and reduce my tension and speak silently and gently. [...] So this May everything has been settled. Because within this one year, I have collected almost 200 people [members] and they are in a good level and making it well. (Interview, mistri, TMKTS, 14.14.08)

The extract indicates that Mr. K's efforts were important to help solve the problems and mobilise new members. It also contains several guidelines for the moral behaviour of union leaders: Firstly, they must not take advantage of their positions, which happened in the above incident. Secondly, they should not be egocentric and avoid helping the members. Thirdly, if there is tension in the union, it is important to solve it in a gentle manner.

Mr. K further mentioned four additional incidences in which he had acted as a problem solver in the neighbourhood. In the first incidence, a worker had died in an accident and some other local union leaders were involved in applying for fatal accident

compensation. They promised to help his family in the application process if they were willing to share the amount of 100,000 rupees. To prevent this injustice, Mr. K had gotten involved himself, and helped the family in an honest way. In the second incidence, the son of a local mason had tried to commit suicide by drinking poison. The father had not helped him because they had an ongoing conflict. Mr. K therefore took the son to the hospital and was with him the entire night to make sure he did not die. Lastly, when a girl in the neighbourhood was raped and the molester escaped, people in the area had advised her not to complain to the police because her name could become spoiled. However, Mr. K allied himself with some of his work colleagues and identified the molester, who was beaten with broomsticks (Interview, mistri TMKTS, 10.01.10).

Members of the local union branch in Ellis Nagar also described Mr. K in positive terms. A male worker expressed his opinion about him in the following way:

If it is going to be Mr. K you know, he will be working for the construction workers. He is very good and I have a very good opinion about Mr. K. He always fights whenever necessary against the Government and he is a very hard worker and he doesn't think about himself alone. He also works for each and every construction worker to grow them up and he is a very honest person. (Interview, male worker TMKTS, 23.01.08)

According to the research participant, being hard working, caring and honest were positive qualities of the local union leader. Later in the interview, however, he also said that Mr. K, like other mistris in the neighbourhood, deducted commission from the wage when recruiting workers, which balances this picture to a certain extent.

While I was interviewing the above male worker, a female union member came into the room to fill water into Mr. K's buckets. In the interview with her afterwards, she said that she was destitute, and that her husband had left her for another woman. She was alone with two children, and Mr. K had been a good support for her. At the same time, she seemed disappointed in the fact that she had not yet received any financial assistance through the union when saying: "All the unions and political parties promise to help you, but they don't do much" (Interview, female worker TMKTS, 23.01.08).

Another male worker in the neighbourhood articulated ambivalence towards the union when I asked if he thought construction workers in general faced any challenges:

If you are joining a union, you get lot of information. But you have to leave your job sometimes to go to various rallies or staging a *dharna* [hunger strike]. Even though you are getting 20 to 30 rupees with food and all, we are still affected by that and that's a real challenge for us.

Me: Then what motivates you to attend these union activities and rallies?

Mr. K has lot of challenges; he takes the obligation and he takes the pain to go to every place and he goes to every person telling about the schemes if they are not member in the union. Second thing is if we are going for a rally or staging a *dharna*, then only the Government is doing something. So it really improves the scheme. It motivates us to do more rallies and more *dharnas* so that we can get more benefits. (Interview, male worker TMKTS, 28.12.08)

He complains that workers lose income if they take leave to attend union activities, but also that their mobilisation is important to improve the schemes. At the same time, the quote indicates that he feels obliged to attend union activities because of the efforts of the local union leader.

Similarly, a third male worker in the neighbourhood expressed a sense of obligation towards the union:

It is because of obligation and curiosity I am attending the meetings. The union people come here and they will organise the meeting. They are coming here and helping us to understand the concept so we know what is really happening. So it is our obligation to attend each and every meeting. (Interview, male worker, TMKTS, 31.01.10)

This research participant says he attends meetings to learn. At the same time, he also points out that it is the duty of members to attend the meetings organised by the local union leaders. He was one of the workers who had received assistance through the union after an accident, which may have strengthened his sense of obligation.

In Shankar Nagar, the social dimension of being a member of TMKTS was emphasised by a female worker:

If you are going to be in the same house [her home], you will be bored and you will know nothing. But if you are joining the union, you can go to many places... you can know all the places in Chennai and you gain lots of experience by demonstrating. That's why being a member of the union is always good. (Interview, female worker TMKTS, 17.02.08)

For her, the meetings and demonstrations organised by the unions offered an arena for learning and the sharing of experiences. Comparatively, in a group interview with members of NMPS, a female worker expressed:

We have the we-feeling when we come here. We will have some talk with each other and we really love it.

Me: What is good about coming together like that?

It basically relieves your pain when exchanging your problem with others. (Group interview, workers NMPS, 22.04.08)

Her account suggests that participation in union meetings together with other members may be personally rewarding.

The regional union leader, Mrs. G, appeared to be central to the social environment in the union. She was spontaneously praised in interviews, e.g. by the office bearer below when he narrated a typical day:

In the morning itself I will be having lot of calls, as it depends upon the situation. Sometimes in the construction site some accident may occur and I use to go there. Because I will get a call and I need to go there and I solve the problem. Sometimes if there is a fight between husband and wife, then I need to go there and solve it. Then the rest of the time I need to finish all the welfare issues for people who come for applying for various schemes. So I just do all the other work. Even on Sundays we don't have any holiday and because Mrs. G is so sincere and honest, everybody loves to be part of this union and we are very famous starting from Kanyakumari till Delhi. So it is in a good run right now. (Interview, office bearer NMPS, 10.01.10)

Similarly to Mr. K, he narrates how he acted as a problem solver for members' personal issues, in addition to those related to work or welfare schemes. According to him, the sincerity and honesty of the regional union leader was an important part of the success of the organisation. He himself had given up his earlier profession as a mason and worked full-time for the union. When I asked whether he received any salary, he answered that he got a small amount for a travel allowance, but emphasised that his job was to do voluntary 'social work' for society. The notion of social work or service also appeared when I asked another local union leader if he was active in any political party: "Before I was an ADMK supporter but after joining the union I just want to do some social service, so I quit that", he replied (Interview, mistri NMPS, 20.01.10).

A perception of the regional union leader similar to the one expressed by the office bearer above was prevalent in the account of a female worker in Laxmipuram:

Wherever there is a meeting in the union, we shall go. For the union, Amma [Mrs. G] is doing only good things. Even if we don't get any scheme or money, she uses to go and get the requirements we need from the government. She always fights for the cause, and the government will promise, but is not implementing it. Amma goes abroad for us to collect funds [...] As soon as we go to the meeting, she will be telling that you have to come regularly to the meetings, you should not join some other union and be careless; you should only participate in our meeting. Whenever Amma goes abroad, she will be updating the world news to the construction workers, and tell about what is happening. (Interview, female worker NMPS, 20.03.08)

This research participant calls the regional union leader Amma, which can mean either lady or mother in Tamil, and emphasises that the efforts of the leader helps to take care of the members. Similarly, the female worker referred to in section 6.3.1, whose husband had received assistance by Mrs. G after a serious accident, conveyed a strong sense of gratitude towards this leader:

I believe her as a God and whenever I have meals, I first think about her and then only I eat. She is the only person who has saved my husband. If it was going to be just two days later, I wouldn't have seen my husband. So it is only because of Mrs. G. I just went and spoke to her, and then she helped us. (Interview, female worker NMPS, 03.02.08)

In addition to the help they got after the accident, the union leader tried to give counselling to her husband who was drinking and beating her, but so far without success. As a result, the husband was not welcome to union activities. After the interview at the union office, I met the woman at a union meeting and a rally. During the interview she said that before she did not have time or money to become a union member, but that she had given priority to this after the accident. This may be connected to an obligation towards the union leader who had helped the family in several ways.

As discussed in chapter 4 (section 4.3.3, 4.4.1), the workers above were recruited for interviews by the local union leaders, and may have been reluctant to speak in negative terms about them or the union. However, the ambivalent accounts of TMKTS members of in Ellis Nagar can be interpreted as more critical and contributing to balancing the picture. It should be noted, however, that the two members of NMPS, whom I recruited myself, clearly expressed dissatisfaction with the union. One of them was a female worker in Laxmipuram, who was disappointed because the union had not been supportive after her husband died in an accident:

I joined the union just because they told me that for 10th standard they will be giving this much of money, and for 12th standard they will be giving that much of money, but they didn't give even a single paisa. Now I am totally vexed and do not want to join the union. Because when my husband died there was no one to help me.

[...]

Since after my husband died I haven't gone to any of the places or not even a single rally or dharma. Because when my husband died the union said that they will give 1,000 rupees, but they didn't give that 1,000 rupees, and they told that there are various schemes, but nothing happened. So I was totally vexed and since then I thought only one thing; that if I am going to work only then I will be able to look after the family and no one is going to help us. (Interview, female worker NMPS, 18.01.09)

She further added that the lack of contact with the union after the incident was related to the death of the local union leader, who died around the same time as her husband. The couple had a good relationship with him, and had attended many meetings and demonstrations, but the link to the union ended when he died. This story exemplifies the importance of local union leaders in retaining members.

Another member who was not satisfied with the union was a female worker who had applied for education assistance for her daughter studying in the 11th standard. She expressed her disappointment like this:

There are leaders but they are not competent. They are always bothered about their own work and not the union work. I gave the application four months back and they haven't done anything... only when they are interested they will submit the application to the Board and then we get. We just adjust... that's all (...) I am vexed asking. I have asked many times, they haven't given me any kind of information. That's why I am not going to ask anything here after. (Interview, female helper NMPS, 23.12.07)

This account illustrates how important it is that the union leaders 'deliver the services' in order to sustain the trust of the members, although the delay may be related to the bureaucratic obstacles discussed in section 6.4.

My material suggests that the efforts of regional and local union leaders were important to retain members in the unions and mobilise them for meetings and demonstrations. In addition to acting as intermediaries of welfare provisions, union leaders were involved in solving work-related and personal problems for members and people in their neighbourhood. Thus, members who felt that the leaders were actively working for them, even if they had not received any of the welfare schemes, spoke positively about the union. In contrast, members who had been disappointed lacked faith in the organisations.

6.6.2 Constituting leadership through moral qualities

Union members above expressed that they attended union activities for their own learning and sociability. Harris (2005) observes that while most non-governmental organisations in Chennai are characterised by a charitable approach seeking to deliver 'benefits' to the poor, there are a few civil-society organisations, among them the Unorganised Workers Federation to which NMPS belonged, that are *of* the working poor, and where they acquire agency, recover selfhood and earn self-confidence. Agarwala (2013: 33-34) pursues a similar argument on women in informal workers organisations in India, as mentioned in chapter 1 (section 1.2.2). In addition to legal empowerment, the unions may thus contribute to what Friedman (1992) terms social, psychological and political empowerment.

At the same time, my material indicates that a sense of obligation towards two of the leaders in particular appeared to be important to mobilise members for union activities. The perceptions of the regional union leader as 'Lady/Mother' and 'God' contain notions of her as a superior protector of the members in accordance with the 'lord' style of leadership. This style contains normative elements associated with certain moral qualities, and the 'social

worker' may be seen as a secular version of lordship. The role of the social worker is to serve others rather than pursuing conventional political strategies (Price & Ruud, 2010). Alm (2010) finds that political leaders in a village in central Tamil Nadu combine the role of the 'fixer' by the humility and selflessness of the 'social worker' to gain legitimacy. Comparatively, union leaders in Chennai on both the regional and local scales strived to appear as honest, hardworking and self-sacrificing. Moreover, they downplayed the differences in social background and positionality between themselves and the members and some of them used the term 'social work' when referring to their union activities. Hence, I suggest that the union leaders in Chennai constituted their leadership through moral qualities.

6.7 Union influence in the reproduction locale

Historical studies of unions established under British colonial rule in India discuss the consequences of collective organisation based on vertical relations. Chakrabarty (1989: 116-154) observes that there were frequent protests among jute workers in colonial Calcutta against employers, but they did not lead to the development of strong and enduring trade unions. An important reason he argues is that the existence of a bourgeoisie culture, based on procedures for organisational discipline and principles of democratic representation by equals, is a precondition for the development of stable, broad-based unions. The union leaders in Calcutta aspired to this ideal, but both they and the workers were situated within a pre-capitalist culture, which was hierarchical, in-egalitarian and illiberal. These culturally given relations of power also influenced the trade unions, which in reality were built on the basis of personal loyalty to the leader rather than on organisational discipline and democratic representation. The workers preferred leaders from the educated elite as their representatives because they had the necessary contacts to influence employers. However, in order to sustain their position, these union leaders needed to bridge the gap between themselves and the rank and file by downplaying their status symbolically. Nevertheless, the consequence was that the unions were prone to factionalism at the top, thereby leading to splits and the establishment of several unions around individual leaders.

Murphy (1981: 92), meanwhile, argues that fully democratic trade unions are rare also in Western countries. She finds that the union leaders in the textile industry in Tamil Nadu (1918-1939) were coming from the educated elite, and were often upper caste. Although they had a paternalistic attitude to the workers, they provided valuable support, and the unions would not have survived without their leadership.

From a contemporary perspective, Harris (2009) argues that the members of organisations such as the Unorganized Workers' Federation and NMPS in Chennai develop political agency of their own, which is not mediated by local big men and political parties. Rather than making a distinction between pre-capitalist and capitalist cultures, or mediated or unmediated agency, I agree with Devine (2007) that membership-based organisations of the poor must always be understood as part of the cultural environment in which they operate. He argues that researchers and the aid community tend to underplay the hierarchical tendencies in such organisations, because of the willingness to support grass-roots initiatives. In a study of an organisation for landless labourers in Bangladesh, he reveals that this organisation is a site of agency for the rural poor, but simultaneously reproduces patterns of dependency and clientelism in the community. Hence, these apparently contradictory tendencies co-exist and simultaneously constitute social action locally.

In Chapter 5 (section 5.5.), I argued that the labour regulation on a regional scale in Tamil Nadu was mainly despotic, but contained some hegemonic elements. This chapter has demonstrated that my case study unions played a key role as intermediaries of welfare provisions, which points in the direction of union influence in the reproduction locale. I further suggest that on the one hand, the unions were based on the common interests among mistris and workers in relation to employers and the state, and with reference to Chakrabarty (1989), on 'organisational discipline' in the form of subscription fees, regular meetings and elections. Through their activities, the unions enabled the collective agency and legal empowerment of the members, although alliances in the historical block and union fragmentation constrained their transformative capacity, as discussed in chapter 5.

At the same time, the vertical relations between union leaders and members indicate that the unions also reproduced tendencies towards patronage and dependence. Following Chakrabarty (1989), patron-client like relations between union leaders and members could be one of the reasons for the multiplicity of unions, consequently preventing consolidation of the union movement, as discussed in Chapter 5 (section 5.3.1). Furthermore, according to theories of labour control, welfare provided by employers is a mechanism to control the workforce by increasing their dependence, while welfare provided by the state breaks the connection between production and reproduction (Burawoy, 1985: 261; Jonas, 2009). While one of the office bearers in NMPS did not work in the construction industry anymore, those union members who relied on mistris-cum-local union leaders for access to welfare did not become more independent on their immediate employers. The mistris-cum-local union leaders acted as intermediaries of both work and welfare and in this way, they connected the

locales of production and reproduction in the *union-influenced labour regime*. Possibly, their role as intermediaries of welfare could strengthen their authority as intermediaries of work.

6.8 Conclusion

This chapter showed that the research participants joined the unions because of a collective strength in conflicts with employers, as well as for access to state-provided welfare schemes. Access to employment was also a motivating factor for the workers since *mistris* were part of the unions and the local leadership. This indicated that the hierarchy in the labour system was replicated in the unions. Another hierarchical relation existed between the regional union leaders from the educated middle class and the members. I therefore suggested that the collective organisation of construction workers in Chennai was based on the common interests of *mistris* and workers, but also on the vertical relationship between leaders and members, and that the patron-client model was relevant to help conceptualise these relations: In a labour market characterised by precariousness and scarce welfare resources, workers entered into relations with superiors for access to material benefits, help, work and protection. Attendance in union meetings and demonstrations, and most possibly also leadership support during union elections, was expected in return from the members.

In order to recruit and retain members, as well as mobilising them for union activities, the material indicated that the reputation of the leaders and their unions was important. In particular, the relations between local union leaders and members in the neighbourhoods were crucial, demonstrating how the spatial embeddedness of local workers facilitated their collective organising. I suggested that the union leaders maintained their reputation and constituted their leadership by combining two roles: The first role, which applied to local leaders in particular, was associated with the ‘fixer’, or middleman, who knows the system and demonstrates a capacity to get things done. The second role was the ‘social worker’ associated with certain moral qualities such as being honest, hardworking and self-sacrificing. By invoking this role, the leaders downplayed hierarchical differences between themselves and the members consequently strengthening a sense of obligation towards themselves and the union.

The union leaders on the regional and local scales informed workers about their legal rights and the policies of the state government. They also registered members in the Tamil Nadu Construction Workers Welfare Board, and helped them apply for schemes. Moreover, they assisted workers in claiming accident compensation from principal employers, formally

through the legal system or informally. Thus, I argued that my case study unions played a key role as intermediaries of welfare provisions, which was an indication of union influence in the reproduction locale.

I further argued that the unions enabled the collective agency of construction workers in relation to employers and the state, although their transformative capacity was structurally constrained. Moreover, the unions connected informal construction workers to the formal regulatory environment, and contributed to their legal empowerment. At the same time, the vertical relationship between leaders and members indicate that the unions also reproduced tendencies towards patronage and dependence. In the next chapter I analyse how the relationship between mistris and workers played out in the daily negotiations over employment arrangements.

7 Sites of recruitment and negotiation over employment arrangements

7.1 Introduction

Union members in Chennai had access to some welfare provisions, and the key role of the unions as intermediaries of these provisions pointed in the direction of union influence in the reproduction locale. This chapter turns to the production locale, referring to the politics of the workplace, including the sites of recruitment. The aim of the chapter is to examine in what ways the employment arrangements of local workers were regulated and negotiated on a daily basis. By employment arrangements I understand the modes of labour recruitment and the terms and conditions of work.

I draw on Peck (1996) and Peck & Theodore (2007) to analyse how employment arrangements in the construction industry were socially structured and regulated in locally specific ways. In particular, I examine the interaction between formal regulation, market regulation and social institutions, practices and conventions, or informal rules. In the construction industry, labour control was outsourced to the *mistris*, who acted as intermediaries between the formal and informal economies (Castells & Portes, 1989; Portes & Schauffler, 2003). As intermediaries, the *mistris* had a complex, or ambiguous positionality in relation to employers and workers (Cumbers et al., 2008). With reference to Burawoy (1985) and Jonas (1996), I discuss how the positionality of the *mistris* influenced local practices of labour control within the continuum of coercion and consent. I further analyse opportunities for – and constraints to everyday forms of agency among *mistris* and workers (Rogaly, 2009, Carswell & De Neve, 2013) and draw on Katz's (2004) schema to differentiate between acts of resilience, reworking and resistance.

The chapter starts by examining the positionality of the *mistris* as skilled workers, entrepreneurs and labour market intermediaries, and the challenges associated with combining different roles. I then explore how the neighbourhoods and day labour markets were operating as sites of recruitment for work and discuss workers' room for manoeuvre to negotiate their terms and conditions of work with the *mistris*. In the final part I summarise the complexity of regulatory processes, labour control practices and everyday forms of agency in the production locale of the local labour regime.

7.2 The mistri as a small-scale contractor

In chapter six (section 6.2.1) I differentiated between mistris and different types of construction workers. In this section, I draw on Loop's (1992) study of the construction industry in Vellore and Salem in Tamil Nadu to further situate the mistris within the subcontracting system in the construction industry and discuss their ambiguous positionality.

7.2.1 Contracting in the construction industry

Loop (1992: 188-190) describes how the different stages in a construction project were each led by a specialised mistri with a team of workers. The first stage is excavations, followed by the construction of the foundation. The next stage is the centring work, which refers to the construction of temporary wooden frames needed for the roof and ceiling. When this is completed, steel benders will place iron rods, the armament of the concrete, on top of the frames and electricians will install pipes and wires. Thereafter, another gang of workers pours concrete over the frames. When the concrete is hard, the frames are removed. Lastly, masons, carpenters and painters will enter the scene to finalise the building.

According to Loop (1992: 132-148), the mistris can be differentiated along a continuum according to their degree of independence. Appropriation of the generated surplus is an important factor in this regard and related to the modes of payment. The first mode of payment is *daily wages*, which are paid by the end of each working day or week. The mistris who operate in this way often work themselves while supervising their team. The second mode of payment is *per site visit*. The mistri receives a fixed amount per day; he visits the site and can handle several sites simultaneously, while also arranging for materials and cement mixers. These modes of payment leave the mistri with a limited scope for profit generation, although if the wage payment goes through him, he might deduct a commission from the wages of the workers. The third mode of payment is through *contract*, which means a direct agreement between a private house owner (builder) and the mistri. Under a contract, the mistri is paid a negotiated sum per 100 square feet of the building. The most independent mistris take *full contracts*, which include ordering and buying building material, as well as hiring labour. The most common is the *half-contract*, under which the house owner provides the material, and the mistri hire some of the equipment and also engage sub-contractors. Under both types of contracts, the mistri receives advances from the owner to pay wages, equipment and under full contracts, building material. The final balance is settled after completion of the building and the more economically a contract is executed, the larger the

balance, or profit for the mistri. Full contracts are potentially the most profitable for the mistri, but also more risky if the work is delayed or the cost of building material increases. Consequently, only a minority of the mistris take full contracts. Additionally, ownership of the means of production is an important factor deciding the independence of entrepreneurs. Loop finds that mistris who own tools and machines, and do not need to rent this equipment, have an advantage in terms of profit generation. However, the initial investment is not necessary to become a mistri because of the advance given by employers. Rather, it is the opportunity to take the first contract and demonstrate capabilities that is important in the process of becoming a mistri.

The work history of Mr. K in Ellis Nagar is illustrative of the career paths of the mistris among my research participants. He started working as a helper for a mistri he became acquainted with when he moved to Chennai from his village, and step-by-step he advanced to become a skilled worker. After getting an opportunity to be in charge of a construction project, he got some recognition by colleagues and engineers, and gradually established himself as a mistri. When I met him, he took subcontracts for engineers, as well as contracts directly for private house owners. He rarely undertook material contracts because it was more risky, as I will elaborate on below. For a small job, he himself would recruit workers and provide the necessary tools, while for bigger contracts he would hire another subcontractor with a team to carry out specialised tasks. Some workers in the neighbourhood worked regularly with him, and often approached him in his house to ask for employment. If he urgently needed more people, he would go to one of the day labour markets close to the construction site. He also recruited temporary migrant workers from villages in Tamil Nadu (Interview, mistri TMKTS, 17.04.08; January 10.01.10).

None of the mistris among my research participants had any formal training, and they had all worked along with a senior mistri to learn the skills and used their contact network to become mistris. It varied as to whether they took full – or half contracts or earned daily wages, and some alternated between different arrangements. They took contracts directly for both private house owners and sub-contracts for engineers. None of them had a formal licence to operate as contractors, and they hired workers informally based on oral agreements. Nonetheless, the builders and contractors who engaged them were formally registered companies. If the mistris undertook a contract for a private person, this person would need a formal building permit to construct a house, and as we shall see below, such contracts could also be formalised.

The actual earnings of the mistris were difficult to estimate since it varied depending on the type of contract they were undertaking. When taking material contracts, the profit of the mistri corresponded with the size of the project, and they were reluctant to make an estimate of this. The mistris who took daily wage contracts earned between 300-400 rupees per day, which equalled that of skilled workers. They said they did not get anything extra from the employer for recruiting the workers. However, accounts from workers discussed in section 7.4 indicate that it was a common practice among the mistris to deduct a commission from the wage of the workers. Overall, the skilled workers, including the mistris, earned higher wages than the helpers and appeared to be better off economically.

7.2.2 Vulnerability in relation to principal employers

I asked the mistris if they had ever experienced any difficulties with their employers, with the following three examples illustrating their vulnerable position as small-scale contractors. Mr. K in Ellis Nagar narrated that when taking a material contract for a private house owner, they had signed a written agreement based on the rates of material at that time. The agreement estimated the total cost of the project to be 250,000 rupees, but the house owner had promised that if the cement price increased while the work was going on, he would compensate for this in the end. The price of cement increased, and trusting the agreement, Mr. K ordered the required amount of cement and spent money out of his own pocket. When the work was completed, the cost of the project had increased to 280,000 rupees. However, the house owner refused to compensate for the price hike, and insisted on sticking to the original agreement, thus resulting in a loss for Mr. K. I asked him whether he had received any help from the union to get the money back, and he answered that he went along with 10 union members to negotiate with the owner, but without result. When the initial agreement was signed, a witness was present and he encouraged Mr. K to take the case to the state labour commissioner. Yet, Mr. K was afraid that if the case went further to the court, he himself would have had to cover the expenses, which he could not afford (Interview, mistri TMKTS, 17.04.08). In this incident, the formal contract did not protect the mistri against unforeseen costs. When the informal agreement was violated, the union supported him, although the outcome was not successful.

Mr. C in Shankar Nagar recalled that when taking a material contract for a private house owner, they had a verbal- and not a written agreement. Since they both belonged to the same religious community and the builder was friendly with him, Mr. C felt it was

inappropriate to ask him for a formal contract, which would signal that he did not trust him. The employer asked Mr. C for all the bills he got when he bought the material, saying that his auditor needed them. When the work was completed, the employer refused to reimburse the expenses. Mr. C tried to negotiate with him, but without success. When I asked whether he had tried to involve the union, he answered that he could not do that since he did not have any proof, either in the form of a contract or the bills (Interview, mistri TMKTS, 13.01.10). Here, personal relations based on community belonging prevented Mr. C from entering into a formal agreement, so consequently he did not expect any support from the union when he encountered problems with the employer. However, he also told about a similar incident that happened to a friend of his, in which a formal contract existed and the union was able to negotiate some of the pending money from the employer.

Mr. M in Laxmipuram experienced that the employer violated an informal agreement, implying that the interviewee would be paid the remaining sum of 25,000 rupees when the project was completed. However, when he went to the employer to collect the amount, the employer said, “I don’t have any money, I cannot give you.” According to Mr. M, he could not fight with him since he was “like a friend” when they were doing the project. When I asked him if he had received help from the union, he answered that although he had helped other people in the union to get their money, he would not ask them to help him. He reasoned that potential employers might think: “If we recruit him, he might create problems and call the union.” “Even if they are cheating me, that’s ok, at least I am getting the work,” he added (Interview, mistri NMPS, 20.01.10). Also in this incident, a personal relationship with the employer prevented the mistri from demanding his payment. Moreover, it shows that the mistri was reluctant to involve the union because he feared for his reputation among employers.

7.2.3 A complex positionality in the nexus of formal and informal regulation

According to the structuralist perspective on informality, the linkages between the formal and informal economies provide opportunities for micro-entrepreneurs to act as intermediaries between the two spheres (Castells & Portes, 1989; Portes & Schauffler, 1993). Furthermore, these micro-entrepreneurs, who have access to some capital and control labour, occupy a different position in the class structure than the informal proletariat selling its labour power. Even so, the self-employed who are in a dependent relationship with buyers are in practice disguised wageworkers, rather than entrepreneurs (Portes & Hoffmann, 2003). With

reference to Loop's (1992: 165-175) schema, mistris who take full contracts are clearly entrepreneurs, whereas those who take half-contracts or earn daily wages have a more ambiguous position because of less economic independence. Similarly, De Neve (2014) emphasises the ambiguous position of labour contractors in the textile industry in Tiruppur. Despite their entrepreneurial skills, the position of the labour contractors is characterised by a precariousness and vulnerability following from their informal economic activities at the tail of global production networks. Thus, in a situation of 'entrapped entrepreneurship', upward mobility may suddenly be followed by a fall back to the ranks of the workers. The labour contractors therefore occupy a fluid, rather than fixed position in the class structure. These findings illustrate that labour is not a monolithic category (Herod, 1997), but consists of groups and individuals with complex positionalities in relation to capital (Cumbers et al., 2008).

My material illustrates the role of the mistris as intermediaries between the formal and informal spheres in the construction industry and their ambiguous positionality. The unregistered mistri might sign a formal contract with the employer and recruit labour informally. In such a semi-regulated environment, the cases above demonstrate that a formal contract can in fact turn out to be a disadvantage instead of protection for the mistri if unexpected costs are not included. At the same time, a formal contract was necessary for union involvement in disagreements with the employer.

On the one hand, the possibility of making a profit on material contracts, and on deducting a commission from the wages of the workers they recruited, indicated that the mistris had an entrepreneurial position and conflicting interests with the workers. On the other hand, their vulnerability in relation to the employer, and the fact that they might also work themselves and receive daily wages, indicates a lack of economic independence. Economic difficulties for the mistri may also have consequences for the payment of the workers and hence, they had common interests in relation to principal employers. The cases show that the unions supported their members in work related matters, although it was not always possible or successful. One of the mistris was also afraid that involving the union could negatively affect his work opportunities in the future.

To improve the conditions of informal workers, Chen (2007) suggests a policy that promotes more equitable linkages between the formal and informal economies and balances the relative costs and benefits of working formally and informally. Similarly, the CLEP (2008: 170-172) emphasises the need for strengthening the quality of regulations that protect actors in the informal economy. My findings indicate that improving the content of contracts

in the construction industry is one such mechanism for decreasing the vulnerability of mistris and workers to prevent the non-payment of reimbursements and wages.

7.3 The mistri as a labour market intermediary

To explore the role of mistris as labour market intermediaries, I asked the research participants how they would characterise a ‘good’ mistri. I also asked the workers if there were any differences between the mistris who recruited them, in particular those belonging to my case study unions, and other mistris. Based on their accounts, I discuss how the relationship between mistris and workers may be understood.

7.3.1 A challenging role

When I asked Mr. K how he would describe a good mistri, he responded in the following way:

A mistri must be able to do each and every aspect of the work; what *periyal* does and what *chital* does. That’s the main thing. He must know each and every work, starting from the base to the upper part. The whole process you know. Because the engineer will be drawing a sketch and he will be giving the plan. The mistri’s job is to implement everything. Then engineer’s job is to follow-up to see if what the mistri has done is right or wrong [...] Even a single half inch [mistake], the whole plan gets destroyed. So only a person, who knows each and every job, will be a good mistri.

If you are going to become a good mistri, you need to get the approval [of the work] from the helper also. It’s not like... because he is below me in terms of hierarchy, that I should not listen to him. Because he might have some idea... we should be able to accept his suggestion also. Then only you can become a good mistri. The engineers will be sketching the plan, but that is also very difficult, and sometimes they are not able to cope up. Sometimes they ask suggestions from the mistri also because they are more experienced. (Interview, mistri TMKTS, 17.04.08)

He points out that a good mistri should listen to the suggestions of the workers, and he draws the parallel to the relationship between engineers and mistris: Even engineers might benefit from the advice of a mistri, since they have more experience on the ground. However, although the workers might have valuable insights, their behaviour could also be a challenge, according to Mr. K:

I’m not getting up in life as well as I’m not getting down in life, I am just maintaining my status. That’s all. I can’t go and get big construction work because I do not have any kind of reliance with the construction workers... because one day they will be doing a good job and the other day they will be taking leave, and I will be accountable for that. So it will be a big problem. If you are not available on that day, and if you are going to give a job to the workers, they won’t be doing it. So there will be lot of problems.

Me: But why are the workers behaving like that... that they take one day leave and you cannot leave them... why is like that?

I didn't say that I do not really believe the construction workers. If the engineer gives me a job and I will be giving them the job, they won't be doing it as perfect as what I am expecting from them: One will be doing it only for the hobby sake. The other one will be drinking... Even if I'm going to tell them exactly what I really want, they won't be doing it because they make some crooked things... If it's going to be a straight wall, there will be up side downs. So that will be a barrier for me. (Interview, mistri TMKTS, 17.04.08)

Mr. K further said that he constantly had to monitor the workers to make sure that they did not waste cement and did the work properly according to the timeframe, but he could not always be present at the construction sites. He often managed several sites simultaneously, and he regularly went to visit his family in his native village (Interview, mistri TMKTS, 17.04.08). The accounts indicate that in order to succeed as a mistri, he must acknowledge the insights of the workers while at the same time closely monitor them while working.

Mr. M, a mistri belonging to NMPS, referred to an incident which illustrates the importance of workers to the mistris:

This year I lost 75,000 rupees because the workers demanded more money for the daily wages. Since I had signed a bond [with the employer] stating that, "I will be finishing the work on this day," I had no other go except to give the workers whatever they demand for. If you don't do it, then they stop the work and go to the police. Since I'm a member of the union, I have to face a lot of questions, which are being shot by the union. They might go the police and then to the court, and I will face lot of problems and they will win the case. (Interview, mistri NMPS, 03.12.07)

Since he was taking a direct contract, he was responsible for completing the job according to the agreement with the employer, and he therefore had to accommodate the demands of the workers in order to prevent them from delaying the progress. According to the interviewee, the union would defend the rights of the workers, which shows that it was an advantage to the workers that they belonged to the same union as the mistri.

The advantage of keeping good workers on hand was also emphasised by Mr. D, a non-unionised mistri, who explained:

When I'm taking a contract, I will be running out of time, so that's the only reason I'm working along with them [workers]. If I work hard then they will think: "Oh, this mistri is working so we need to work fast."

Me: But not all mistris are working themselves, isn't it?

Other mistris will just command only. They will always see the time also. They won't be sincere, and after seven then they will just wind up. Even when they are going to get a huge amount they won't be sharing it with the workers. But I use to share, and if I am getting a big amount I will be giving everyone 500 rupees. Excluding the wages.

If I need them tomorrow, they won't go to another person, they will be coming back because they think, "Oh, he is a good mistri" [...] They have worked hard for this construction so we need to give something to them, then only it will be good.

Me: Is that sometimes a problem to keep the workers at the site...you said they might go somewhere else?

You can have any number of workers, but the efficient worker must be with us. Then only it will be good. If I am going to get another contract, then I will be calling them. So in order to attract them I need to give 500 rupees ... to make sure tomorrow if I am going to call them they will be coming and leaving the other place...that's the reason.

A: So what characterises a good worker?

Someone who can be in charge even if I am not there. Only those kind of people will be given 500 rupees. Sometimes, if I am not happy with the worker then I will change that person. (Interview, non-unionised mistri, 04.01.09)

Rather than monitoring the workers, Mr. D says he encourages them to work hard by working himself. He also seeks to keep good workers available for the next project by sharing the profit he gets from a contract.

When I asked a female worker in Shankar Nagar, who had been working for a mistri in her union for the past seven years, how she would describe a good mistri, she responded:

If you are going to work under a mistri, he must be able to get the work done by others. Second thing, he must not show faces if the work goes wrong. He must be able to identify the problem and teach others to understand it and not criticise them. Some [mistris] will always show faces and all.

Me: So is this mistri you are working with a good mistri?

He is very good. Even we come late, he would adjust... in the evening if it is late, he will ask us to go so that we can catch the bus to our house. If suppose if it is too late, and if I am not at home on time, my husband use to call that mistri and ask "Why she hasn't come home?" And he [mistri] will tell that: "We will drop them." Only after that he will leave us. (Interview, female worker TMKTS, 17.02.08)

A female worker from Kotturpuram similarly said: "He must have a good character, he must not scold any of his workers" (Interview, female worker TMKTS, 16.03.08). Comparably, a male worker from Nagavakkam emphasised that "He should first respect and he should love each and every one also. He should have good rapport with the workers. Then he is a good mason." When I asked how he could show respect, he said the mistri should use the polite form of 'you' in Tamil, which is 'ninge', when talking to the workers, and not the impolite form of 'ni' (Interview, male worker NMPS, 24.01.10). These accounts suggest that a good mistri talks well to the workers, treats them with respect and cares about them.

According to a female worker in Laxmipuram, the mistry belonging to her union had a 'we-feeling' about the workers, and they were not shouting at them. In contrast, other mistry who did not belong to her union would be shouting if the work was not properly done (Interview, female worker NMPS, 20.03.08). A skilled worker in Nagavakkam observed that the mistry in the union were more concerned about the safety of the workers:

Some [union mistry] will be thinking that not only work has to be done, but also ensure that co-workers are safe. Whereas other mistry are not thinking like that [...] They only think about the work. They will satisfy only if the work is done. They won't think about the body condition and other things of the co-workers. That's the difference. (Interview, male skilled worker NMPS, 27.12.08)

Similarly, a male worker from the Malaipakkam labour market reckoned that a mistry who is not member of the union would be more self-centred, while a mistry who is a member of the union will think that he has an obligation to work for the construction workers. However, he also said that mistry from the union would prefer to hire workers who were not members, because then they could deduct commission from their wage (Interview, Malaipakkam market, 13.02.08). These accounts indicates that mistry who belonged to the same unions as the workers behaved better than other mistry, which may be related to the possibility of union involvement. Mr. M, a skilled worker cum local union leader in Nagavakkam reported that he frequently experienced delays in the payment of wages. In such cases, he approached the union leaders, who accompanied him to the mistry in charge. If the engineer withheld the payment, they would proceed with the claim to him (Interview, skilled worker NMPS, 27.12.08). An office bearer from NMPS said that in conflicts between mistry and workers belonging to the union, he gathered information about the incident and passed it on to the regional union leader, who would talk to the different parties individually and then together, in order to solve the problem (Interview, office bearer NMPS, 10.01.10).

The account of a female worker from NMPS shows that the type of contract influenced how the mistry treated the workers:

If suppose the mistry is taking a contract for six months from the [house] owner and he hire *coolie* workers like us and we start the work. But while doing work, he wants us to carry extra bricks. If we are carrying eight bricks, then he will expect us to carry 10 bricks. He is doing this in order to finish the work soon. If the mistry finishes the work soon, he will gain money, but the loss will be for the workers since we are hired on daily contract and the work will be tough. If we are going for work, which is not under contract, then we can work slow... take some rest then it is easy for us and at the same time the construction building will also be strong. (Interview, female worker NMPS, 03.02.08)

Her experiences show that if the mistri takes a material contract, he would pressure the workers more than if he hires them for short-term work. A non-unionised male worker in Laxmipuram noted no differences between the mistris when I first asked him:

See there are no differences. All the mistris are same. They will be earning for their sake and they will dominate us. So we don't have any other go. Either we need to work with them or we need to quit. Second thing, in the rainy season, the construction site will be very messy. You can't even see. That also they will be asking to wash it. Even after finishing we will be putting our clothes to come home, at that time also mason will ask me to stop and he will be going upstairs and he sees whether he is satisfied or not. If he is not satisfied then he comes down and asks us to do it once again. (Interview, non-unionised worker, 22.04.08)

Above he describes how all the mistri dominates the workers by commanding them. However, later in the interview he observed that mistris, who were recruiting for smaller construction sites, were not cheating on agreed payment because the work situation was transparent. In contrast, he had experienced that mistris who were in charge of workers at bigger sites cheated, since it was easier to get away with it. At the time of the interview, he was mainly working on smaller sites and refused to work for mistris who postponed the payment (Interview, non-unionised worker, 22.04.08). His observation regarding the difference between large and smaller construction sites indicates there were social norms that prevented cheating from the mistris, and he consciously chose to work for them. Comparatively, a non-unionised female worker from Nagavakkam had previously experienced that mistris cheated her, so she therefore only worked for 'known' mistris whom she could rely on (Interview, non-unionised female worker 16.12.07). A female worker from the Mint Street day labour narrated a recent incident in which a house owner scolded her for working too slowly, and according to her, his behaviour was unreasonable. Without claiming any wages, she had left the construction site because the work was impossible to do faster (interview, non-unionised female worker, 19.01.09). These examples demonstrate that the workers also made active choices regarding whom they would work for.

The ambiguous positionality of the mistris was precisely described in the accounts of a regional leader of one of the Left-wing unions:

The mistris they play a dual role. In certain conditions they act like an employer, in certain conditions they act like a co-worker... Some mistris, they are asking the worker to join in the union. Because the workers' rights will not get protected by the mistri, he wants the worker to have some union. If there is any problem, the mistri will come and complain before the union: "Myself and all these 10 workers, these men, are discontracted, he [employer] has not properly paid the wages, or he has not provided these facilities, or he is not given medical treatment." Similarly, the same mistri will make the complaint against the contractor or the owner, not only for him but for the workers also. (Interview, state secretary AITUC, 03.01.09)

He points out that mistris and workers have common interests in relation to the principal employer and might consequently benefit from unionisation. However, he also said that some mistris may find it troublesome that workers join the union:

Some places the mistris are against the union, they don't want the workers to take part in the union. Because once the workers join in the union, they will know what is what, and they will ask for their rights, they will claim their rights.

Me: In which sense?

They will ask for more wages, otherwise they will not work more than eight hours, and they will... so many things they will claim. In some places, you see, you have to... not only the wages... "You have to give me two tea daily: morning one tea, evening one tea, otherwise I will not work", just like that. So they will raise, "I am tired, I want the energy to work, you give me something". Just like they will start demanding it, if they join in the union, they will claim this. If they are not in the union, they will work like a slave. So some mistris will not like the construction workers to join in the union. (Interview, state secretary AITUC, 03.01.09)

According to this union leader, workers who join the union will demand more from the mistris and might cause problems for him as an entrepreneur:

Recently we had some demonstration. So the workers wanted to take part in the demonstration... the mistris did not allow: "I have important work, I have to finish this work within two days, three days, if you people go on and take part in the demonstration or rally or in this or in the struggle, who will work here? I cannot complete all these things, I will not allow it, if you go tomorrow, I will not allow you to work", just like that. There are so many frictions in these places, so many things.

Me: How do you deal with that? How does the union deal... how do you solve that?

Solving means... at present we have no other way than adjusting to both the people. Because we need the mistris' support to organise the workers, in certain places. In certain places we fight against the mistris, and throw the mistris, and we employ our own man as a mistri. Just like that we do. That depends upon the cases of concern. (Interview, state secretary AITUC, 03.01.09)

This example shows that the positionality of mistris as entrepreneurs may prevent workers from joining union activities because they risk not getting work again. At the same time, the unions are depending on the mistris to organise the workers. He further illustrated the ambiguous positionality of the mistris when talking about the practice of deduction of commission from the wages of the workers:

In certain places he [mistri] will take some more money from the contractor, he will pay less to them [workers]. He will take something. If he takes 150 rupees per worker, he will pay only 120-30 rupees to each worker. But he will be taking the responsibility of getting work for them, just like that. Otherwise, with the help of some vehicle or other things he will carry all the workers to the work spot... he will be having some tempo or van, he will carry the material, the equipment and the worker in the same van. He will go to the work spot, this kind of thing... These mistris are little bit exploiting them [workers] and at the same time he is taking care of them. (Interview, state secretary AITUC, 03.01.09)

According to him, deduction of commission was not fully acceptable, but also understandable since the *mistris* charged for providing a service. However, according to a regional leader from another Left-wing union, the practice used be common among the *mistris*, but not anymore because the union has raised awareness regarding the issue (Interview, assistant general secretary CITU, 29.12.08). Their accounts indicate that these union leaders did not regard deducting commission as an acceptable practice.

7.3.2 *Local practices of labour control*

The *mistris* were key regulatory actors in the local labour market, and supplied the employers with a flexible workforce that could be adjusted to the fluctuating demand. Following Jonas (1996), the *mistris* brought workers from the labour market to the point of production, thereby realising their capacity to work. In this way, labour control was transferred from the clients and primary contractors to the *mistris* as intermediaries of work. The *mistris* provided access to employment in a precarious labour market, and the workers were dependent on them for their survival. Still, the *mistris* were in a vulnerable position in relation to their superiors, and had to deliver in accordance with the agreement to secure payment and future contracts. Consequently, they were dependent on the loyalty and performance of their workers to complete their assignments. The relationship between the *mistris* and workers may therefore be conceptualised as an *unequal mutual dependence* (Rudra, 1985). Both parts depended on each other, but the power relationship was asymmetrical in favour of the *mistris* as immediate employers.

In the meantime, according to accounts above, the workers may not necessarily comply with the work schedule: They may leave before the work is finished, join a union demonstration or be drinking alcohol. Moreover, most of the workers among my research participants were not dependent on one *mistri*, but worked for several intermediaries. Thus, due to their *mobility power*, there was a probability that they could quit the contract and search for another *mistri* (Smith, 2006).

Chakrabarty (1989: 110) observes that the authority of the *sardars* (labour contractors) in the Calcutta jute mills was based on fear, as they had the power to hire and dismiss the workers and to also use physical force. However, if taken too far, the workers could become hostile. In order to be effective, their domination had to be based on legitimacy and acceptance. Similarly, Breman (1996: 93-100) finds that the *jobbers* in the agro-industry in South Gujarat have risen from the ranks of labourers. This shared social origin is an

advantage when selecting workers and ensuring that they appear in time for the season, do satisfactory work and continue until the work is completed. Labour contracting is profitable because of the possibility of collecting commission from employers and workers alike, but it is also risky because the labour contractor may not get reimbursement from the employer for advances paid to the workers if they do not show up on time. Consequently, the jobber has to manage his relationship to both employers and workers: He must make the workers perform according to the expectations of the employer, but without antagonising them. Thus, there is a fine balance between cursing and persuasion. Put differently, with reference to Burawoy (1985) and Jonas (1996, 2009), the labour contractor must balance direct, coercive practices with indirect, reciprocal practices fostering consent in order to control labour on behalf of the employer.

My material indicates that in a similar way the mistris balanced direct or coercive labour control practices, such as monitoring workers at the construction site and requesting overtime, with indirect, reciprocal practices to foster consent. The latter included treating workers with respect, using economic rewards and working alongside the workers. There were, however, differences between the mistris and some of the non-unionised workers had negative experiences with coercion without consent. Meanwhile, the unionised workers observed that the mistris usually did not misbehave indicating that union membership made a difference. As discussed in chapter 4 (section 4.4.1), the union members might have been reluctant to say negative things about the mistris because they relied on them for access to work and welfare. The members nonetheless shared their views about mistris deducting commission from their wages, which I will discuss in section 7. 5.

7.4 Sites of recruitment

The local workers among my research participants were mainly recruited for work in the construction industry from two types of sites: The first type was neighbourhoods where many construction workers resided. The second type was squares and street corners in the different parts of the city, which were transformed into day labour markets early in the morning. As mentioned in chapter 6 (section 6.2.1), most of them were casual workers, while a few worked regularly for one mistri. Drawing on accounts from mistris and workers, I explore how these recruitment sites were socially structured and regulated and which factors influenced the access to work.

7.4.1 Recruitment from neighbourhoods

In Ellis Nagar, the workers were either recruited from their homes or in the streets inside and immediately outside the neighbourhood. One of the unionised workers I interviewed had moved from his village in Dindigul district to Chennai 11 years ago. Relatives had helped him and his wife to settle in the neighbourhood, where he got acquainted with Mr. K and other local mistris. He started working as a helper and gradually built up a contact network with mistris from other places. He searched for work in the street outside the neighbourhood, and described the recruitment process like this:

Suppose if you are standing outside, and the mistri is searching for workers. If you are there, you will get the job. So the mistris will come to the tea shop or to some other place in the roadside, where they will be asking directly to the tea shop people or to the roadside people: “What are you doing? If you have any interest, please come with me.”

When I asked what was important in order to get recruited, he explained:

See there are two things: First thing you must know the work. Second thing you must be honest. If you favour these two, then you will be recruited.

The emphasis on the moral quality of honesty, in addition to knowing the skill, indicates that the reputation of the worker mattered for getting recruited. When I explicitly asked him whether caste or kinship was relevant in labour recruitment, he responded:

Chennai is a city where you have all kinds of religions and castes. So you will be having equal opportunities for everyone. Because if you are in Chennai and I am in Chennai, you belong to one caste and I belong to a different caste. But the main thing is that where you are living, I will be living nearby. Maybe your neighbour will be SC [scheduled castes] and you will be from the BC [backward castes] community. But whereas in villages, you will be have a wholesome area where a particular type of people will be living.

He points out that in contrast to the villages, people from different casts live next to each other in the city and consequently also work together. On the other hand, when I asked if there was any competition among workers to get employment, he replied:

Suppose I am a helper and you are a mason. I work under you, and you ask me for another helper. Maybe I know a person who really needs money and is searching for the job. But I won't give him the job; I will call my relative. (Interview, male worker TMKTS, 23.01.08)

According to this example, kin relations may be important in word-of-mouth recruitment, and in this way, caste indirectly plays a role.

A unionised female worker also got help from relatives to settle in Ellis Nagar when she came with her husband from a village in Tiruchirapalli district 18 years earlier. When coming to Chennai, they had gone around the neighbourhood to ask local mistris for work. She described the present recruitment process in the following way:

When we are in the roadside, they [mistris] use to contact us. When we are fetching water and all... they will be nearby, and they will be asking "There is work tomorrow, so are you willing to come?" and we will say "Yes".

She further said that she might also actively approach the nearby mistris together with other women to ask for work: "I don't have any money, so please recruit me", she would request. At the time of the interview, she was working four days a week at a construction site, but she did not know for how long. Because of a leg injury, she could not work so efficiently and observed: "Sometimes the mistri will say that 'you are not working well, you can just go and you need not come tomorrow.'" She was alone with three children after her husband had left her, and the result of this was that they did not always have enough to eat (Interview, female worker TMKTS, 23.01.08). Her accounts indicate that workers could also play an active role in the recruitment process. However, being able to work well and efficiently was important to get employment from the mistris, who could dismiss those who did not perform accordingly.

The account of a non-unionised male worker from Ellis Nagar suggests that a lack of contacts in the neighbourhood might be a barrier for getting recruited, but at the same time an active choice. When he came alone from a village in Karur district to Chennai over 30 years ago, he went around to construction sites and asked for work. At the time of the interview, he was still searching for employment in this way. He did not know Mr. K before he was recruited to the interview, and had not heard much about the unions nor the welfare schemes. Although he could get work only 15 days per month, he preferred this mode of recruitment because mistris in the neighbourhood would charge 10-20 rupees as a commission for hiring him. According to him, the local mistris would hire people they liked, but he also pointed out other factors: You should not bargain, you should not ask for a bonus during Diwali or Pongal festivals and you should be willing to work for 10 hours without overtime payment (Interview, non-unionised male worker, 09.01.08). Consequently, it was important to comply with the expectations of the mistris in order to get work.

7.4.2 Recruitment from day labour markets

The Malaipakkam day labour market was located at a crossroad near a wholesale market, and research participants who were members of NMPS searched for employment at this market. Here, the activity started at around 7.30 am, and when I went there to observe, approximately 20 workers were standing in groups at different places around the square. Women and men were standing separately. I observed employers coming on motorbikes, approach the workers and initiate negotiations. After settling the terms and conditions of work, workers went off to

the construction sites on foot, by bicycle, bus or in vehicles. The number of people standing at the market went down as some workers who got hired left. Others were still standing there when I left at around 11 am, and some said that they would be there until 12 noon. NMPS and some other unions have put their flag in the market to signal their presence among the workers (Observation, 28.01.10).



Figure 9: Day labour market (not Malaipakkam)

Mr. R, who was a mistri, explained that he came to the market, both to get new contracts from house owners and to hire workers. He grew up in Chennai and previously worked permanently for the Electricity Board. When he lost this job, he started searching for work at the market as a painter and got in contact with a mistri who provided him with the opportunity to work under him and learn the necessary skills. After that, he could take independent contracts along with two to three *periyals* who regularly worked with him. He said that only if an employer approached him directly at the market, would he enter into negotiation:

Otherwise we will lose our respect. They [employers] would think that we are eager for opportunities and they won't be giving us [the job]. We will simply be standing there and ask a *chital* to grab the opportunity, and that's how we get the work.

He added that employers could also ask a female or male worker if they knew any mistri. If this person preferred Mr. R to another mistri, he or she would bring the employer along for the negotiation (Interview, mistri NMPS, 21.12.08). These accounts illustrate that recruitment could be a two-way process, and also shows that in order to maintain his status, the mistri

himself could not 'beg' employers for work, instead leaving this to a worker below him in the hierarchy.

Mr. R further explained that the mistris affiliated with the market had an informal agreement among themselves. For example, if one mistri claimed that a house owner had not paid him the correct amount and stopped the work, the house owner could request another mistri to complete the job. If he accepted, the initial mistri might start a fight. Therefore, the agreement said that one mistri should not engage in any work until the previous mistri had settled everything with the employer. This agreement applied to both mistris within NMPS and mistris belonging to other unions. He also said that if he interfered in the negotiation between an employer and another mistri, other people might wonder "whether he is drunk or not", indicating the inappropriateness of such appearance. When I asked him if union membership mattered for access to work, he said that non-unionised workers were allowed to stand in the market, but that union members would encourage them to join their organisation to get support if they encountered problems with employers (Interview, mistri NMPS, 21.12.08).

The accounts of a male worker at the market also illustrate the role of workers in the recruitment process and the significance of appropriate behaviour. He characterised himself as a *periyal*, but he explained that because he knew many mistris coming to the market, he also organised other workers to come along with him. He then received wages for the entire group, which he distributed (Interview, male worker NMPS, 13.02.08). Once when I met him at the market he was drunk, complaining that he was not getting work, although he had made an agreement with an employer the day before. The employer had requested him to organise five to six workers, and they had settled the terms of employment. Yet, when the employer arrived at the labour market in the morning, he had hired the other workers, but not him. While my research assistant and I sat at the market, we observed that the research participant complained about the incidence to his fellow workers. He shouted and demanded that from tomorrow, nobody should stand in the market. The workers appeared to be hesitant to talk with him. Then another employer appeared at the scene, and the research participant negotiated with him before they finally went off to work (Observation, Malaipakkam labour market, 28.01.10). This incident illustrates the importance of appropriate behaviour, and in this example alcohol consumption was a barrier for getting employment.

Familiarity with the mistris and recommendations from other people at the market were most important for access to work, according to workers interviewed in a group at the NMPS office. They started to search for employment at the market 25 years earlier, and at

that time neighbours had recommended them for work. When I asked if there was competition among the workers to get recruited, they answered that this did not happen because the people who hired them selected whom they wanted (Group interview, workers NMPS, 23.04.08). Another female worker affiliated with the market, however, observed: “Most of the time there will be fighting, and the mистри has to decide who has to come.” According to her, the mistris refused to hire a person if they were not satisfied with his or her work, but they also just hired people interchangeably (Interview, female worker NMPS, 20.03.08). These workers had different experiences regarding the interaction at the market, but point to the power of mistris to select the workers they prefer.

Sexual favours to mistris in exchange for work was a topic that came up in interviews with two female workers, who searched for work at the Mint Street day labour market. This was not a topic I intended to address, and it was not systematically explored among other research participants. The two women did not belong to any of my two case study unions, although one of them was a member of a Left-wing union. The other was non-unionised.

The non-unionised woman narrated that she came to Chennai from her village in Ramanathapuram district as an adolescent. After having various jobs, she started to search for employment at the market. Initially, she referred to her earlier experience, and after proving her skills she obtained work regularly. She explained the interaction at the market in the following way:

I will be there in the Mint at 7:30 in the morning, and there will be little sand, and I will be sitting on that. People will be coming there and if they know the *chital* or mистри before itself then they will be calling them, and the mistris will be calling the *chitals*. Some of the mistris will be calling the *chitals* whom he is comfortable with. He will be touching and talking and all, which I don't like, and we get isolated. The mистри will be calling the same *chital* to all the places, but I will be searching for a new person and find out whether he is good or not and then I will be going.

[...]

There are lots of things happening in the Mint. Some of the mistris won't recommend me and will be telling that: “She will be working well, but you can't be comfortable with her”, and that's why they [other mistris] avoid us. Because when I go for work, I just finish off my job and I just come back. I won't be having any kind of extra activities and all. (Interview, non-unionised female worker, 19.01.09)

The other female worker at the market had also been in the construction industry since she was an adolescent. When her parents died in a village in Villipuram district she came to Chennai to live with relatives and got married. After becoming a widow, she started to search for employment at the day labour the market. She had similar experiences as the woman above:

You can take it anywhere, and if you want me to tell anybody in this microphone or even in the media microphone, I am ready to tell that I am not actually a victim, but I have been used by the mistress because if I am asking for a job, they will be asking to have sex with me. More than five to six persons have asked me till date, and I have slapped them with my slippers, with broomsticks.

Whatever I am getting I just slap them like anything because they are so cheap. If a particular woman is co-operating with a particular mistress, that woman will be getting work throughout the year and good wages also. That mistress will be complaining about me to the other four masons and tell that, "Don't take her, she is not that good". That mason will make sure that I am not getting work anywhere else and that's why you need to learn a lot in the life.

When I asked her whether she had tried to raise the issue with other women at the market, she answered:

I have discussed a lot, but others are blaming me [by saying]: "If you don't like it, you just quit, why you want to ask stupid [questions]? Because I have children in my home and I'm getting money, I don't mind satisfying him."

I also asked if she had tried to discuss the problems with the union, and she responded:

The union is a *dobakur* [fraud]. They are the biggest frauds. They will tell that, "You just tell us the problem", and they will be hearing it for half an hour or something like that and they will be telling that, "We will take steps", and they won't be taking any steps.

She further told me that she had tried to make a complaint to the police, but it was not successful:

The mistress bribed that policeman and he twisted the case... like that mason told, "I didn't call her, she only called me." The policeman said that, "Just because you are poor, he has given you work, why you want to blame him? So now don't do like this. Next time I hear this I will beat you and keep you in jail." The policeman blamed me and just said, "Get out." So automatically fear comes to your heart and what to do? I just came back. (Interview, female worker AITUC, 17.01.09)

According to these female workers, those who provide sexual favours to mistress get advantages when it comes to wages and access to work. Although they individually refused entering into such relations, their accounts show that women's collective resistance against this practice was constrained by the precariousness of work because it was important to keep good relations with the mistress in order to obtain employment.

The members of my two case study unions did not mention similar incidents, although two female workers from NMPS observed that exchange of sexual favours occurred at the day labour markets they were familiar with (Interviews, female worker NMPS 23.12.07, female worker NMPS 03.02.08). When I asked leaders of my case study unions if this was an issue they had to deal with, they answered that there might be such incidents, but that it was

not a big problem (Interview, office bearer, 10.01.10, mistri TMKTS, 10.01.10). However, a leader of one of the Left-wing unions admitted:

Regarding sexual exploitation at the workplace, we have to intervene more and more. That has almost become a culture so we have to change it slowly and slowly [...] Our intervention has been minimal. We have to intervene more. CITU is taking up the problems in residential areas also. (Interview, assistant general secretary CITU, 29.12.08)

He observes that the union has not done enough to prevent this practice, but that they were working on it. The diverging answers from the leaders indicate that this was a sensitive topic, which might have been silenced within the unions as well as in the interviews with me.

7.4.3 Access to employment and informal rules

The material presented above illustrates how the sites of recruitment for construction work in Chennai were socially structured through demand and supply side processes, and socially regulated by informal rules and practices (Peck, 1996, Peck & Theodore, 2007). The construction industry is project based and the various parts of the construction process were subcontracted to a specialised entrepreneur. Thus, the labour requirement, both in quantity and skill, varied between the different stages of a project. These demand side processes shaped the contingent nature of the labour system and contributed to the segmentation of the workforce according to skill level and regularity of work. On the supply side, rural migrants with limited options in the labour market constituted a flexible workforce that could be hired according to the requirements.

However, although the skill requirements for becoming a helper at a construction site were low, it does not mean that access was wide open. Studies of urban labour markets in India have for long documented that personal mediation and ‘influence’ is important to obtain employment, and that contact networks often overlap with primordial ties based on regional origin or caste. For employers, the advantage is that the mediator is ‘responsible’ for the behaviour of the worker he recruited, which has a disciplining effect (Holmström, 1984: 200-221). Employers may also prefer workers with specific backgrounds for different types of work. These preferences are based on long-lasting, culturally reproduced stereotypes, according to Breman (1996: 230-232). As a result, specific caste groups may dominate certain branches of industry, and thereby restrict access for other castes causing labour market segmentation (Holmström, 1984: 38; Breman, 1996: 230-232; Harris-White, 2003:31). At the same time, there are studies referring to both employers and workers who claim that ‘merit’ based on qualifications is more important than ‘influence’ for getting a job.

Some employers may even prefer more impersonal labour recruitment because a group of workers who are close to each other may be more demanding (Holmström, 1984: 200-221).

In his study of the construction industry in Vellore and Salem, Loop (1992: 281-300) applies the concept of *fragmentation* instead of segmentation, because the latter has connotations to a dual labour market. He identifies four categories of fragmenting factors influencing access to construction work: sex and age; religion, ethnicity and kinship; geographical origin and place of living and recruitment channels. The last factor overlaps with the other categories since informal networks of contacts, such as recommendations by a relative, neighbour or friend, is the most common recruitment channel to the industry. He finds that two Scheduled Caste groups living together in specific localities perform the specialised tasks of foundation and concrete filling. Similarly, in a previous study from Bhavnagar in Gujarat, I found that a Scheduled Caste group living close to a day labour market specialised in centring work. Employers who needed this expertise would approach them either at home or at the market (Wetlesen, 2004: 60-61).

Studies of labour recruitment sites in other parts of the world also show that contact networks matter for access to casual work. Asaad (1993) observes that coffee houses operate as informal institutions for recruitment to the construction industry in Egypt. These institutions that have evolved over time, and access to skilled work in particular is regulated by personal contacts. Comparably, Valenzuela, Kawachi, & Marr (2002) describe how the day labour markets in Southern California are spatially organised. The workers are standing there at specific times, and most workers come to the same market every day, consequently leading to the development of personal relations between employers and workers, and among workers, over time.

The occupational histories of the local workers in Chennai show that most of them had entered the construction industry through recommendations by a relative, a neighbour or a friend. The opportunity to work along with an experienced mistri was important to advance as a skilled worker, and eventually to become a mistri. In this way, the recruitment channel was a segmenting factor for access to the industry, and to skilled work in particular. Furthermore, my material shows that contact networks mattered for access to work on a daily basis from both neighbourhoods and day labour markets. In Chapter 6 (section 6.3.2), I suggested that the reputation of the unions and their leaders was important in the recruitment of members. The material presented in this chapter indicates that reputation also mattered in labour recruitment. According to both mistris and workers among my research participants, working well and efficiently was the most important factor for access to work. Informal rules

such as appropriate behaviour, being honest and comply with the terms set by the mistress were mentioned as other factors influencing recruitment.

The local workers lived in neighbourhoods with mixed castes, and I did not find any occupational specialisation among them. However, kin relations did play a role for those research participants who were recommended to construction work by relatives. Some accounts also indicated that relatives of the mistress had an advantage when it came to recruitment. Moreover, there were female workers among the research participants working along with their husbands who were mistress. If their husbands could not offer them work, they referred them to other mistress they knew. Thus, my material indicates that recruitment could be based on both 'merit' and on 'influence'.

Several studies of the construction industry in India demonstrate that women have restricted access to skilled work because of the gendered division of labour. At the construction sites, the role of female helpers is to perform tasks, which has a lower value than the tasks performed by male helpers (Loop, 1992: 281; Blomqvist, 2004: 125-129; Wetlesen, 2004: 64-65). Except one woman who was trained as a mason by the union, all of my female research participants in Chennai were helpers at the construction sites, which indicate that gender was a segmenting factor influencing access to skilled work. The reports on sexual favours in exchange for work illustrate how the asymmetrical relations between mistress and female workers were reinforced by gender. In an Indian context, the power hierarchy based on male control of sexuality shapes social structures, both inside and outside the labour market, according to Harris-White (2003: 104). This may be an underlying explanation for the position of women in the construction industry.

Trade unions can also contribute to segmentation of the labour market by restricting access to jobs for non-members (Peck, 1996: 67-69). According to research from West-Bengal, social networks linked to trade unions prevent non-unionised workers from getting employment in the construction industry (Agarwala, 2006: 134-135). In Chapter 5 (section 5.3.1), workers mentioned increased job opportunities through mistress in the union as a motivating factor for becoming a member, but they emphasised that they also worked for other mistress in order to get sufficient employment. Some of the mistress in my study reported that they mostly hired workers from their own union, while others said they hired workers from different unions, as well as non-unionised workers.

However, in order to systematically map to what extent the contact networks in the construction industry in Chennai overlapped with caste, kinship and union membership, a larger data set would be required. My material nevertheless illustrates some of the ways the

local labour market for construction work was socially regulated. In the next section I will discuss how this influenced workers' room to manoeuvre in negotiating employment arrangements with the mistry.

7.5 Negotiation over employment arrangements

To further examine the interaction at the sites of recruitment, I asked the research participants to tell about payment arrangements and working hours, and whether these were negotiable. I also asked which factors influenced the wage level, whether they agreed on the wages among themselves and to what extent the unions played a role in regulating the wages. Those affiliated with the day labour markets were asked if there was any competition leading to underbidding. The issue of the deduction of commission from the wage by the mistry was examined in most of the interviews. Sometimes the workers brought it up themselves when they were asked to tell about the payment arrangements, and if not, I specifically asked about this. The reader must keep in mind that the local workers were interviewed over a time span of three years, and that the wages increased during this period due to inflation.

7.5.1 Regulation of wages and working hours

Although recruitment to construction work was not formally regulated, *The Minimum Wages Act of 1948* was implemented in the construction industry in 1986. The act states that the appropriate state government shall fix the rates of minimum wages according to a normal working day for scheduled types of employment and types of workers. The wage level shall be adjusted at least every fifth year. According to the state rules, a working day shall not be spread over more than 12 hours a day, including at least half an hour rest every fifth hour. For overtime work, payment shall double the ordinary rates.

The schedule for Tamil Nadu from March 2008 defines eight hours as a normal working day. It further states that the daily minimum wage for masons and bricklayers in Chennai was 140.50 – 147.50 rupees, whereas for ordinary workers it was 120 – 124 rupee. Where the nature of work is the same, no distinction shall be made between male and female workers (Sharma, 2008: 50-53). In addition to the basic minimum wages, workers shall be paid a Dearness allowance of 33.60 rupees per day in order to compensate for inflation in consumer goods. This means that the real minimum wages for skilled workers was 174.1 – 181.1 rupees and for ordinary workers 153.6 – 157.6 rupees (Sharma, 2008: 50-53).

The local union leader in Nagavakkam, Mr. M, mentioned the minimum wage rates set by the state government and demonstrations organised by the union as two factors influencing the wage level:

Government will be putting a notice that for *periyal* this much... for *chital* this much and all. But union people will unite our selves and we stage a *dharna* (demonstration) and that gets publicity. We will be telling that we cannot afford Government's rate but we want this much of amount. That amount gets publicity and gets customised in each place. (Interview, skilled worker, NMPS 27.12.08)

He points out that the rates set by the government were not proportionate with the actual living costs, and that the higher rates demanded by the union influenced the wage level on the ground. Several research participants mentioned high inflation in the price of consumer goods as a factor increasing the wages at the time of fieldwork, although they complained that the increase did not compensate for actual living costs.

However, the unions should not be directly involved in regulating the wages, according to Mr. K, a mistri in Ellis Nagar:

If any union is going to support higher wages, then it is not a union. The union is only for our safety. It is only working for that. If one union starts to demand increase, then another union will start the next increase. It will be a big fight and create lot of problems.

He argues that if the unions demand higher wages, they will start to overbid each other. Instead of promoting solidarity, conflicts will arise. Nonetheless, he said that an exchange of information about what other people were influenced the wage level. If they heard about somebody who had charged more than the standard rates for a job, they would refer to that when negotiating with the employer, and the rates increased (Interview, mistri TMKTS, 17.01.08). Similarly, two female workers narrated that they had gone together with other mistris and workers to demand wage increase from the employer. They were able to leverage their demands, and these rates became the new standards (Interviews, non-unionised worker, 16.12.07, female worker TMKTS, 16.03.08).

These accounts indicate that the wage level was regulated by formal regulation, union mobilisation, market regulation through supply and demand, and social practices. According to both mistris and workers among the research participants, the wage level for different categories of workers was 'fixed', although it varied with type of work. The mistris negotiated wages with the employer on behalf of the workers, with this agreement constituting the framework for the wage level. However, at the time of recruitment, mistris and workers agreed on what kind of work to be done, the wage rates and if travel allowance to and from the construction site was included. If the mistri undertook a material contract, he

could potentially share his profit with the workers. It also varied whether the mistress deducted commission from the wages paid to the workers. Consequently, there was a potential space for wage negotiation, which I will analyse below.

7.5.2 Negotiation in the neighbourhoods

The workers recruited from the neighbourhoods were paid on a weekly basis. They could usually get an advance payment from the mistress on Wednesdays and full payment on Saturdays according to how many days they had worked. If they did not receive an advance payment, they received the full amount on Saturdays. However, when they needed to borrow larger amounts of money, the workers mostly turned to moneylenders. When talking about the recruitment of workers, Mr. in Ellis Nagar explained the advantages of hiring workers locally from the neighbourhood instead of going to the day labour market:

The problem is if I hire market people, they will just stop the work at five o'clock and leave. Whereas if I hire neighbourhood people, I can give the wages on Saturdays. They will have lot of patience and they will work till seven or eight o'clock. The market people will never do like that. As soon as five o'clock gets over they will wash their hands and ask for the wages. (Interview, mistri TMKTS, 17.04.08)

This account indicates that workers recruited from the neighbourhood were more loyal to him than those recruited from the day labour markets. This may be because they had closer relations, but also because they were more dependent on him for access to work, as well as welfare schemes through the union.

As observed in the previous section, compliance with the terms set by the mistress was important to obtain work. A unionised male worker in Ellis Nagar claimed that he could not negotiate with the mistress, but had to accept what they offered. He observed: "Sometimes the mistri will promise 150 rupees, but give 130 or 140 rupees and he himself will take the rest of the money." According to him, all the mistris, including those who belonged to the same union as him, deducted commission before wages were paid. If he refused to accept this, he would not be offered employment again. However, he also said that if he worked at the same site for a year or so, he could demand 10-20 rupees extra per day and he might receive it. In case he did, he could demand the same amount for the next job (Interview, male worker TMKTS, 23.01.08). His experiences suggest that the room for manoeuvre in negotiating payment was constrained by the precariousness of work, although his bargaining position might increase with experience.

Similarly, an non-unionised male painter in Laxmipuram pointed to the limited space for negotiation:

This is the only job I know now. So only if I am going to work, I will have my food and with the mason's also you can't fight... that "I have less money and I need more money" and all. Whatever he is going to give... I have to take it... just because I need to get another [job] opportunity. See I don't have any other option, because I need to make my children study. I need to educate them. So in order to educate them I need to work. So for that whatever mason is telling, I have to do it. Today he even asked me to wash the toilets. I cleaned up with acid and till now the smell is in my hand, but no other option. What ever he is telling, I have to do it.

He reckons that he has to accept the wages offered by the mistry as well as fulfilling their requests in order to secure work in the future. However, no commission was deducted from the wage and for painting he earned 200 rupees per day, which was higher than for male helpers (Interview, non-unionised worker, 22.04.08).

In Shankar Nagar, a female worker (quoted in section 7.2.3) had worked for the same mistry for seven years, and talked positively about him and her current work situation. At the time of the interview, she worked continuously six days per week at the same project for one year. She left the house at 8 am and went by bus to the site where the work started at 9 am. The work finished at 7 pm, and by 8 pm she would be back. According to her, it was an advantage to work at the same site for a long time because she got acquainted with the work. She also enjoyed the company of her colleagues, who helped her with the work if she had fever, and she expressed: "Our friendship is like that between brothers and sisters." She earned 150 rupees per day, and when I asked her about commission, the conversation developed like this:

They [mistry] themselves will take commission from the wages we get. The [house] owner will give 170 rupees for a *chital*, but the mistry will give only 150 to them.

Me: Do you think it is fair?

They have to understand it that only because of difficulty we are coming for work... what can we do? We can't go and ask the house owner about the travel allowance and all, we should accept whatever money we are getting. If there is extra work, the mistry will ask for money from the engineer, but he will not give that money to the *chitals*.

Me: Have you tried to discuss with the mistry?

Even if we ask, he won't give. So we ask the supervisor whether the engineer gave money to the mistry for overtime work. The supervisor will say, "Yes, why do you ask? Didn't you get money for overtime?" It happens, but what to do?

Me: Why can't you try to argue?

If only I ask, the mason won't give and he will also dismiss me from work... we should go as a group. But the other *chitals* won't ask since they are all afraid. If four people come and ask then he might consider.

Me: Do you think that it is possible to go together as a group to discuss this matter with him?

The *chitals* will talk behind him [and say], "The mistri is not giving money for overtime", but they don't dare to ask him. (Interview, female worker TMKTS, 17.02.08)

In this example, the mistri deducted commission from the daily wage and also withheld overtime payment. Although the interviewee belonged to the same union as the mistri, she refused to discuss the issues with him because she feared for her job. Moreover, she assumes that if she goes alone, the mistri would not listen to her, but if they go as a group he might do so. However, instead of collectively confronting the mistri, the *chitals* discussed the injustice of this among themselves behind his back.

In contrast to the workers above, the accounts of male workers with special skills indicate that they actively tried to negotiate their employment arrangements. Without being asked explicitly, a unionised male worker in Ellis Nagar, who specialised in the demolition of buildings, said that the mistris did not deduct any commission from his wage. Because of the hard work, he earned 350 – 400 rupees per day. When I asked if he had ever experienced that wages were not being paid, he explained:

I came here [to Chennai] just for development. So I can't afford being cheated. Because whenever I go to work, I make all kinds of conditions... I don't mind whether I am going to talk to the engineer or the supervisor or the mistri... I just tell what is what: "If I am going to work, then you need to pay me." I will make all the conditions clear and then only I will be starting the work.

He further mentioned three factors that prevented cheating from the mistris: Firstly, if the mistri did not pay according to the agreement, he himself would go directly to the engineer or supervisor and complain. Secondly, the union would support him if it happened. Thirdly, it was difficult for mistris in the neighbourhood to cheat because the workers could directly approach them in their home. He said that local mistris would pay the wages precisely "like a gun" on every Saturday, whereas mistris who come from other places could run off with the money (Interview, male worker TMKTS, 28.12.08). This worker emphasises that he himself clarified the terms and conditions of work before starting the job. His perceptions of factors preventing cheating include individual agency, collective union agency and informal rules in the neighbourhood.

Mr. M, a local union leader cum skilled worker in Nagavakkam, earned 380 rupees per day, and said that he attempted to bargain with the mistri he was regularly working for, but without success:

I will be bargaining, but the mistri will always take that 20 rupees. They [mistris] will be telling that, "We are recruiting you know." They will compromise you. [...] I don't mind giving him 20 rupees. It's not fair, but at least I'm getting the work. In that sense I'm satisfied.

According to him, the deduction of commission was a common practice, also among mistris who belonged to the same union as him. He further added that the mistris claim that they use the money to rent vessels for carrying building material, but he did not know whether this was true or not (Interview, skilled worker NMPS, 27.12.08). In the quote, he expresses an ambivalent opinion regarding commission: It is not fair, but it is more important to get work. A female worker in the same neighbourhood confirmed that the deduction of commission was a common practice among the mistris, and when I asked if she thought it was fair, she answered:

It's fair... He (mistri) is the one who is giving us the job. So he has to collect all the people and he is accountable for everything... and he is also giving an amount to our satisfaction. So there is not harm taking extra money. (Interview, female worker NMPS, 24.01.10)

From her perspective, the mistris were doing an extra service as labour market intermediaries, which justified the deduction of commission.

Most of the male and female helpers recruited from the neighbourhoods earned daily wages according to the basic minimum wage rate, but did not receive the additional Dearness allowance, which was supposed to be added to the basic rate. Hence, they earned below the statutory minimum wage. However, the daily wages of male workers with special skills were higher than the minimum wage, indicating that bargaining power increased with skill level.

7.5.3 Negotiation at the day labour markets

According to research participants affiliated with the Malaipakkam day labour market, the daily wages were fixed for different categories of workers. Two male workers reported that they earned 250 rupees and a female worker that she earned 150 rupees per day. These workers also said that they could not demand more than the standard rate, because the employers would not agree to this, except for overtime work. However, they claimed that no commission was deducted from their wage by the mistris (Group interview, workers NMPS, 23.04.08).

Another female worker from the same market told me that she normally earned 150 rupees per day for filling *jully*, while for overtime work she earned 50 rupees extra. For breaking stones, she earned 90-100 rupees per day. These differences indicate that the wage rates varied with the type of work. When I asked her if the *chitals* agree about the wages, she answered that they had talked many times because they thought the wage they got was not enough, but the *mistris* refused to give them more than the standard rate and told them: “The wages are good and you don’t need to ask for more”, and that “This much itself is too much.” According to her, the *mistris* did not deduct any commission, but some workers would accept a lower wage than the standard rate in order to get the job (Interview, female worker NMPS, 20.03.08).

Mr. R, a *mistri* who recruited workers at the market, confirmed this and said it happened that some workers secretly speak to the employer and say: “You give me 100 and tell the others that I got 150 so there won’t be any fighting” (Interview, *mistri* NMPS, 21.12.08). Similarly, a male worker at this market reported that the standard rate was 250 rupees, but with the permission from other union members at the market, he could accept 240 rupees. However, he admitted that he sometimes worked for 200 rupees when he really needed money. According to him, it happened that the house owner would give 260 rupees to the *mistri* per male worker, but the *mistri* would take 10 rupees as a commission (Interview, male worker NMPS, 13.02.08).

The accounts of workers from Malaipakkam indicate there was an informal rule among the workers not to accept a lower payment than the ‘fixed’ rates in order to restrict competition, and that the unions were involved in regulating the wage level, although this was secretly violated. The issue of undercutting was also mentioned by three female workers who searched for work at a labour market near the Nagavakkam neighbourhood. They were not the members of any union, but the husbands of two of them were members of TMKTS. They said that the unions attempted to regulate the wage rates at the labour market, but that they secretly accepted lower rates: “How can we manage if we don’t go for 140 when there is a hike in the prices of everything?”, they asked me. They further emphasised that if the other women at the market came to know, it would be a big fight and they would not be allowed to stand there (Interview, non-unionised female workers, 06.03.08).

In contrast to female workers at Malaipakkam, the two women affiliated with the Mint Street day labour market expressed that they were actively negotiating with the *mistris*. One of them explained:

When I go to the mistri, I will be having lots of questions to him: “What kind of work?” First, I will be, asking, and then I will be asking whether I need to climb or is it only mixing of cement, taking bricks and taking sand... what kind of work. Based on the work he [mistri] will be telling: “Only for this work I am calling you and I will be paying you 220 rupees.” If I am satisfied with the wage, then I will be asking: “Where is the site?” and “To and fro you need to pay for bus charges and per day you need to give me two times tea break.” After negotiating everything, only I will be going with that particular mistri.

However, she also said that she would earn more if she worked directly for a house owner rather than a mistri:

If I am going along with the house owner, then it will be a profit for me because if I am going with a mistri, and if I am getting 200 rupees, 20 rupees he will be taking as a commission [...] And if I am going to ask him, “I am working for six days so please don’t take commission”, then the next day he will fire me.

Despite the risk of not getting work, she had tried to take up the issue regarding commission with the mistris and her colleagues:

I will be the only person to ask them [mistris] and I don’t even get support from my colleagues because they say that, “Why did you ask? Because of you even we have lost our jobs. The mistri is taking 20 rupees, but he is giving work... why you want to get rid of that?” (Interview, female worker AITUC, 17.01.09)

At the end of the interview she said that mistris belonging to the same union as her would not deduct commission, while other mistris would. The other female worker narrated the interaction at the market like this:

Sometimes the [house] owners will be calling me directly, but it is only for small jobs. But when the mistri is calling, it is for the whole job. He will be asking me, “Will you be doing all kinds of jobs?” Then I will be telling, “I will be doing all the jobs including mixing of cement, carrying bricks and carrying sand and all I will be doing.” “So how much you want?” he [mistri] will be asking, and sometimes just because of poverty, I use to go for 150 also, and on the second day, after seeing my work, the mistri will be telling that just come tomorrow also. Then I will be telling strictly that, “Today I got 150, but if you want me tomorrow you need to give me 200”. “Yah, tomorrow I will give you 200” [mistri will say], but 50 Rupees is going to that mistri only. (Interview, non-unionised female helper, 19.01.09)

Similarly to the female worker above, she describes how she negotiates with the mistri, but that he nonetheless deducts a commission from her wage (Interview, non-unionised female worker, 19.01.09).

The female workers from Malaipakkam earned the same or just a little more than the workers recruited from the neighbourhoods. The female workers from Mint Street who were interviewed a year later earned above the daily minimum wage, whereas the male workers recruited from the Malaipakkam market earned a higher daily wage than their colleagues recruited from neighbourhoods. However, workers recruited from neighbourhoods tended to get work more often than those recruited from the markets, which evened their total income.

7.6 Labour regulation and worker agency in the production locale

Following Peck (1996: 109-113), my material from Chennai shows that wages and working hours on the ground were socially regulated through the interaction between formal regulation, market regulation, informal rules and practices and union influence. According to the research participants, the going wage rates were 'fixed' for different categories of workers and also varied with type of work. The statutory minimum wages provided a point of reference in the negotiation between mistris and employers. Workers recruited from both neighbourhoods and day labour markets reported that they normally worked nine hours per day, including a 30 to 60 minute lunch break, and some times one or two tea breaks. This schedule may be seen as local practice, which was also in accordance with the *Minimum Wages Act of 1948*. However, if a task needed to be completed the same day, the workers were expected to work overtime and did not always receive additional overtime payment, which was not in accordance with applicable labour legislation.

Informal agreements as well as the demand for labour influenced the going wage rates on the ground, which could be lower or higher than the minimum wage rates. Most of the male and female helpers recruited from the neighbourhoods earned below the statutory minimum wage. Meanwhile, male workers at the Malaipakkam market and skilled workers recruited from neighbourhoods earned wages much above the minimum level, which indicates that their bargaining power was higher due to the demand for their qualifications. Workers at the day labour markets could also negotiate higher wages if an employer needed labour urgently. However, it also happened that they were underbidding the going wage rates if it was difficult to obtain work. This finding echoes earlier studies of day labour markets in India showing that the wage level is influenced by supply and demand (Punalekar & Patel, 1990; Loop, 1992: 314).

The material indicates that my case study unions contributed to the regulation of employment arrangements, also pointing towards union influence in the production locale. Firstly, the unions assisted mistris in conflicts with employers over payment, although it was not necessarily successful. Secondly, the unions organised demonstrations to demand higher rates than the minimum wages, which affected the going wage rates. Thirdly, the unions contributed to enforcing informally agreed rates at day labour markets. Lastly, if wages were not paid according to the agreement between employers and mistris or mistris and workers, the union could interfere. In these ways, the unions enabled the collective agency and legal empowerment of the members, and the going wage rates also applied to non-unionised local

workers. At the same time, unequal wages for male and female helpers and the deduction of commission by the mistris show that the unions had not altered these practices related to hierarchy and dependence.

As discussed in section 7.4, appropriate behaviour and compliance with the terms set by the mistris was important in order to get recruited. Hence, the fear of not getting employment in a precarious labour market prevented workers from negotiating payment or refusing overtime work. These perceptions can be understood within the context of the despotic factory regime in Burawoy's (1985: 261) model: Because of a lack of job security and substantial welfare provisions from the state, workers depended on the mistris for their survival.

Deduction of commission contributed to lowering the wage level of local workers in Chennai. Several research participants considered the practice as unfair, although some of them accepted it and acknowledged the service provided by the mistris as intermediaries of work. Chakrabarty (1989: 107-109) finds that the *sardars* in the Calcutta jute mills charged bribes both from the colonial employers and from the workers for their services as intermediaries. However, he argues that the bribes paid by the workers should not only be understood as economic transactions. The workers accepted this practice because they feared for their employment *and* because they recognised the legitimate authority of the *sardars*. Among construction workers in Chennai, the lack of collective resistance, and even acceptance of this practice, may also be seen as recognition of the mistris' authority related to their multiple roles as problem solvers, intermediaries of welfare and intermediaries of work.

At the same time, the material contains worker accounts that may be interpreted as manifestations of everyday forms of agency (Rogaly, 2009; Carswell & De Neve, 2013). With reference to Katz (2004: 244-257), avoiding or leaving mistris who misbehaved and talking about unfair treatment behind the back of the mistri, may be interpreted as acts of *resilience*. The examples of underbidding at the day labour markets show that the collective agency of workers to maintain a certain wage level and individual agency in a situation of despair may conflict. Underbidding may also be seen as resilience. Moreover, negotiating wages with the mistris represents efforts of *reworking*. Finally, opposing sexual harassment at the day labour market exemplifies acts of *resistance* against exploitation. These findings show that the power relationship between mistris and workers was negotiated in a continuum between dependence/domination and autonomy/resistance (Giddens, 1984; Sharp et al., 2000). The workers had some autonomy in relation to the mistris and actively shaped – or attempted to shape – employment arrangements on a local scale.

7.7 Conclusion

The material presented in this chapter demonstrated how the employment arrangements of local workers were socially regulated in locally specific ways. The *mistris* were key regulatory actors in the local labour market for construction work and I argued that they had an ambiguous positionality. As entrepreneurs, they could potentially profit on taking material contracts and deducting commission from the wages of the workers. At the same time, they were vulnerable in relation to the employer in conflicts over payment, and a formal contract did not necessarily protect the *mistri* against economic loss, which could also affect the workers. Hence, they had both conflicting and common interests with the workers.

As labour market intermediaries, the *mistris* provided access to employment, and workers depended on them for their survival. Even so, the *mistris* depended on the workers for completing their projects to the satisfaction of employers. I therefore argued that the relationship between *mistris* and workers was characterised by an *unequal mutual dependence*. Furthermore, most of the workers among the research participants were not tied to one *mistri*, but instead worked for several intermediaries. Due to their *mobility power*, they could potentially leave the construction site and search for another *mistri*. To maintain their relationship to both employers and workers, I suggested that the *mistris* balanced direct or coercive practices of labour control, such as monitoring workers at the construction sites and requesting overtime, by indirect, reciprocal practices to foster consent, such as treating workers with respect, working along with them and giving economic rewards.

I further showed that labour recruitment from neighbourhoods and day labour markets were based on contact networks and that the interaction was regulated by informal rules for appropriate behaviour. Having a reputation for working well and efficiently was important for access to employment. According to most workers, complying with the terms set by the *mistris* was also crucial in order to get recruited, which constrained the space for negotiation over employment arrangements in a precarious labour market. Nevertheless, the material contained several examples of everyday forms of agency, including resistance against sexual harassment and efforts to rework the terms and conditions of work. Actual bargaining power was, however, related to demand for urgent labour and to skills.

The chapter argued that my case study unions intervened in work conflicts and to some extent contributed to wage regulation, both of which were also indications of union influence in the production locale. However, unequal wages for male and female workers, in addition to the deduction of commission from the wages of the workers by the *mistris*,

demonstrate that the unionisation of construction workers had not altered these practices related to hierarchy and dependence. The latter practice may be related to the position of mistris in the unions.

8 Temporary migrant workers in Greater Chennai

8.1 Introduction

South of Chennai, along the Old Mahabalipuram road leading to the temple town of the same name, the landscape was rapidly changing due to the development of the 'new' economy. IT parks, engineering colleges and Special Economic Zones were springing up along with hotels and flats to accommodate professionals from other states, as well as from abroad. The built environment appeared as a mix of brand new buildings, with glass facades housing IT companies and half-completed concrete blocks with uncovered iron rods. Beside the buildings, large advertisement boards signalled the names of the builders, contractors and client companies. From interviews with employers, I learned that the clients in this area were a mix of Indian companies, such as Infosys and Tata, and international companies such as Hyundai and Nokia. Most of the construction companies were Indian, although some of these were Indian multinationals. In order to attract investors, the state government had facilitated infrastructure development like road construction, but at the time of the fieldwork the quality of the roads decreased with an increasing distance from Chennai. At the construction sites workers could easily be spotted due to their yellow helmets. Driving along the way, one could also observe scattered clusters of tin sheds housing migrant workers employed at the sites. Union leaders and employers I interviewed, claimed that the number of migrant workers coming from other Indian states had increased due to the above developments. According to a representative of the Builders Association of India cited in the press, the migrant workforce expanded by 10-15% after 2005 (Malarvizhi, 2008). The industry faced a slowdown under the financial crisis of 2008, but the activity soon picked up again. A study undertaken by NMPS estimates that there were 200,000 temporary migrant workers alone in Kancheepuram district in 2009 (NMPS, 2010). Parts of this district belong to the Greater Chennai sub-region.

In this chapter, I shift the focus to migrant workers employed on a temporary basis at two large construction sites in the southern part of Greater Chennai. The migrants lived in accommodations provided by employers, implying that the production and reproduction locales were closely interlinked. Thus, the chapter explores to what extent a local labour regime, different from the *union-influenced labour regime* pertaining to local workers, could be identified at these sites. The aim of the chapter is to examine how the employment

arrangements and welfare provisions of temporary migrant workers were regulated, and to discuss opportunities for – and constraints to their agency.

The focus on temporary migrant workers responds to a call by Rogaly (2009), who argues that this part of the workforce has received less attention within labour geography compared to migrants settled in the host country. He further observes that the work lives of temporary migrants is characterised by a distinct socio-spatiality, which makes union organising difficult, although manifestations of agency on a micro-scale, might be identified. Informed by these arguments, I explore differences in spatial embeddedness between migrant and local workers, and discuss the implications of these differences for their agency.

The chapter is split into three parts: The first part presents the two entrepreneurial companies and construction sites, followed by the work and recruitment histories of the migrants. In the end of the section, I discuss work migration as a form of labour agency in relation to both freedom and non-freedom in employment relations. The second part examines employment arrangements at the sites, and the migrants' room for manoeuvre in negotiating these arrangements. The third part addresses the living conditions at the labour camps and the migrants' access to welfare provisions from employers. I end this part by outlining the key feature of a *migrant-based labour regime*.

8.2 Companies, migrants and modes of recruitment

Two different entrepreneurial companies managed the two construction sites, which I call Construction Site 1 and Construction Site 2. The research participants could be differentiated into two main groups: interstate migrant workers from other Indian states and migrant workers from villages in Tamil Nadu. In the following, I compare key characteristics of the companies and the two groups of migrant workers and analyse their reasons for out migration and the terms of their contracts, including the issue of debt bondage.

8.2.1 Construction companies and the sites

The entrepreneur managing Construction Site 1 was one of the biggest construction companies in India, with a national office and several regional offices. The company also conducted operations overseas. The site under construction was a nine-storey hotel located in South Chennai, and the estimated timeframe for the project was two years. At the time of the fieldwork, there was only a large hole in the ground. The builder investing in the project was an Indian company and the client was an international hotel company.

The entrepreneur in charge of the construction site 2 was a medium-sized local company contracting commercial and industrial construction projects for private clients. The site was an 11-storey residential flat complex located in a part of Kancheepuram district adjacent to Chennai district. The completion schedule of the project was 13 months. When I visited the site, it was already a high-rise, but without plastered walls, so one could observe the work going on inside. The builder was a local real estate company, and the flats were targeted at professionals working in the nearby service industries.

At Construction Site 1, a total of 650 male workers were employed at the time of the fieldwork. Most of them were from North and East India, such as Uttar Pradesh, Jharkand, West Bengal and Orissa. Only a few workers were from Tamil Nadu, while the company supervisors who oversaw the work and had technical degrees, were all Tamils. There were some women employed as sweepers on the site, but not among the construction workers. Tamil contractors and contractors coming from the respective states recruited the workers and divided them into different groups, usually according to place of origin, with each led by a labour contractor.

At Construction Site 2, 1,000 workers were employed: 400 from Tamil Nadu, 250 from Andhra Pradesh, 200 from Orissa and the rest from Jharkand, Bihar and West Bengal. Skilled workers, like masons and painters, were mostly from Northeast India and similarly to Construction site 1, the company supervisors were mostly from Tamil Nadu. The workers I interviewed were hired directly by labour contractors.

As large construction sites, they fell under the jurisdiction of the *Contract Labour (Regulation and Abolition) Act of 1970* (CLA), as well as the *Interstate Migrant Workers (Regulation of Employment and Conditions of Service) Act of 1979* (IMWA). According to the CLA, contractors and sub-contractors who hire 20 or more workers must be formally registered. A licence must be taken for all the workers employed by paying the required fees to the state labour commissioner. For contractors and sub-contractors who hire interstate migrant workers, a separate licence must be taken, according to the IMWA. Such workers are also entitled to a *displacement allowance* at the time of recruitment, in addition to a *journey allowance* for journeys to and from their place of origin. IMWA further states that contractors and principal employers are responsible for ensuring that workers do not have any loans outstanding after the completion of the employment period. This clause relates to the prevention of bonded labour. According to the *Indian Bonded Labour Act of 1976*, long-term debt bondage combined with wages below the statutory minimum wage qualifies as forced or partly forced labour (Srivastava, 2005).

The safety officer at Construction Site 1 claimed that the licences of the contractors and sub-contractors were in accordance with the above acts (Personal communication, safety officer Construction Site 1, 08.01.08). Meanwhile, the project manager at Construction Site 2 said that the licence had only been taken for half the workforce (Personal communication, project manager Construction Site 2, 23.03.08). He did not elaborate on the reasons for this, but it could have been a strategy to save the costs related to allowances and fees. The interstate migrants I interviewed had not received any displacement allowance, but all had received a travel allowance, at least for one way. Thus, both the companies only partially complied with the acts when it came to allowances.

8.2.2 Interstate migrant workers

One of the interstate migrants at Construction Site 1, Rajesh, was 21 years old and from a village in Bandel district in West Bengal. His father was an artisan, but had stopped working, his mother was a housewife and the younger brother was studying in primary school. After completing the 7th standard, Rajesh worked at an industrial plant in Ranchi, the state capital of the neighbouring state of Jharkand, and lived there with his uncle. After returning to the village, he was just “roaming around” without studying or working. At that time, some of his relatives were working for a primary contractor, also from Ranchi, and a labour contractor from the village had recruited them. The labour contractor also encouraged Rajesh to come along with him: “Don't be here; you are doing nothing over here. Why don't you come down to the city and work?” he suggested. However, a female friend had tried to convince him to stay, and requested: “Do not go to the city and work; work here.” Rajesh gave his response in the following way:

I did not hear, I said, “I will go, and see how it is.” After coming here I like everything, I like being here, I like to work, I must do this work, so that is how it is.

Me: Why did she say you should not leave the village?

[She said] “Don't go, you will not like it there, you will not be comfortable there, other people are not nice”, and “What work will you get there, in the city?” I did nothing, so I said, “Let me go there and see what is happening.”

Me: What is your father saying? Is he supporting you coming here?

Papa was supporting me, my mum was telling not to go so far and work, “Be here and work here, why you want to go so far and work?” Papa was telling, “Let him go and see the world.” And then labour contractor came down to my place, and he was making my mum understand. He was telling that, “He left the studies, he is not doing any work, so let him come to the city, learn the work and earn something.”

Before leaving the village, Rajesh took an advance of 2,000 rupees from the primary contractor to cover some personal expenses. He then took the train along with the labour contractor and seven other people from his village. He had not signed any contract, but reckoned that he would be working in Chennai for three years.

At the end of the interview, I asked Rajesh if there was something he wanted to add or ask me about. On her own initiative, my research assistant encouraged him to tell about “anything”, e.g. if he had met a girl. I assume she sensed that this might be the case. Rajesh told us that he was engaged to the girl who had tried to convince him not to leave the village:

We are in love for a year. Our parents came to know and they asked us and we told that we will marry each other. I told, “I will marry only this girl and she told, “I will marry only this guy.” So after that my father went to the girl's father and spoke about marriage. He [girl's father] is also into the plant service. So, after that it was arranged. And once you see the picture you will agree with me that I have got a lovely girl, she is very beautiful and very cute.

[...]

I want my girl to be happy, for life, so I want to give her whatever she wants. She is even a graduate, and she is coming behind me, so I want her to be happy with me. So that is why I have come here to earn something, to keep her happy. The girl's father is working, but my father is not working. I want to work, I want to earn money, and I want to keep her happy. (Interview, male worker Construction Site 1, 25.02.08)

For Rajesh, his relatives and the labour contractor in the village, who had contact with a contractor, facilitated the outmigration for work. At the time of the interview, he was the only family member who was working, and it would be difficult to pursue the marriage without any income. His narrative also shows the importance he reckoned that money would have for a successful marriage. Moreover, the job provided an opportunity to explore the world outside the village.

The interstate migrant workers among my research participants were between 21 and 34 years old and from villages in Jharkand, West Bengal and Orissa in East India (see Map 1). I did not ask all of them about their caste background, but one belonged to a Scheduled Tribe and the others to different Scheduled Castes. Except for one Muslim, all were Hindus. Their parents were small-scale farmers, agricultural workers or craftsmen. The research participants had attended school from one to 10 years, and told how they had left their villages because of financial problems or to earn good money because there was lack of work and low wages in the village. They had been recruited either by a *thekedar*, meaning contractor, who came to the village or through a *gaon ka admi*, meaning a man from the village, who worked as a *malik*, literally meaning boss. Some of them were related to these recruiters in the villages. Both the two latter terms refer to a labour contractor, which is equal

to the term *mistri* in Tamil Nadu. The primary contractors were either from Tamil Nadu or from Jharkand. They did not work on the sites themselves, but came to distribute the wages, while the labour contractors supervised the workers at the site and stayed with them at the labour camps.

In addition to Rajesh above, one skilled interstate migrant had taken an advance of 15,000 rupees from the contractor. He earned a higher wage compared to the low- and semi-skilled workers, and it seemed possible for him to repay his debt during the assignment period. Nevertheless, these two workers were not free to leave the contractor before the debt was repaid. The other interstate migrants reported that they had not received any advance when they were recruited, which indicates that they were not in a situation of debt bondage. However, another way a contractor can tie up the worker is by withholding payment. One of the interstate migrants said that the last time when he went home, the contractor had given him the payment for one and a half years. I did not ask him if he was free to leave whenever he wanted, but he said that he did send money home occasionally if the family needed it. He may therefore have kept the money with the contractor out of convenience rather than compulsion. Another interstate migrant reported that he received a small part of the payment every month, and that the full payment was settled every second month. The others reported they regularly sent money home with a money order that could be cashed at the bank by the family members, thereby indicating that their wages were paid regularly.

Some of the migrants had worked in other states, often for the same contractor, before coming to Tamil Nadu. Except for one male worker, who had signed a written contract with the contractor, the others only had an oral agreement and no clear idea how long and where they would be engaged. Those who were married and had children did not bring their families along, but went back to the villages every three to six months for two to four weeks, usually during a festival. Several workers had stayed in Greater Chennai for many years and moved from site to site, and those who had recently arrived planned to do the same. In a long-term perspective, some of them wanted to settle down in the village if they got a good job opportunity there or had savings to buy land or open a shop. However, a senior worker said that he planned to continue to migrate out for work, although his family was in the village.

8.2.3 Migrant workers from Tamil Nadu

One of the female Tamil workers, called Thangam, had migrated from her village in Tiruvannamalai district to work in Chennai. She was 40 years old and the mother of three

sons. At the time of the interview, she was working at Construction Site 2 along with one of her sons. They had heard from their neighbours in the village that recruitment for construction work was going on. Hence, she approached the mistri in charge, who lived in a nearby village, and he took them along.

Thangam and her husband had previously earned their income from small-scale construction work in the surrounding areas of their village. However, some months ago, her husband became very weak and was unable to work. The doctor could not find out what was wrong with him, and Thangam reasoned that someone had done *billi suniyam*, which means to cast an evil spell on somebody.

The youngest son had completed the 10th standard, but they could not afford further education for him and Thangam was very concerned about this. The eldest son had completed school, but was not able to get into a government college, and her uncle had offered to lend him 15,000 rupees to go to a private college. The uncle was earning a good living from the steel company he was managing, and the amount he offered was enough to cover the fees for the first year. To pay the fees for the second year, Thangam had borrowed from moneylenders and relatives, but she could not manage to pay for the third year. She therefore suggested that the son could come along with her for construction work during holidays, but he said: “I only go for decent jobs; I can’t work as a *chital*” (helper). Instead, the son got a job involving setting up tents for functions in Bangalore, with Thangam referring to what she had told him:

I tried my best; I paid for you for two years of the course. If I’m going to stop you, then it will be the greatest sin I have ever committed. So just do your work; you don’t need to give money to me. You don’t need to be with me in future; just look after yourself and pay your fees on time so the college retain you. They are not going to be merciful to you. If someone comes [meaning a wife], you can be settled and look after her. You don’t need to look after me. You just think of your life alone; that’s enough for me.

Thangam and her husband had advised their eldest son to behave properly while he was studying, and her husband had reminded him that, “Your mum is working very hard; keep that in your mind. When I die, you can do whatever you want, but until then you should respect me” (Interview, female worker Construction Site 2, 26.03.08). Thangam’s story about her sons illustrates the aspirations for upward mobility through education, which was also expressed by local workers in Chennai. In contrast to Rajesh, who saw work migration as an opportunity to earn good money and secure his future, this type of work was below the dignity of Thangam’s eldest son. Yet, because Thangam could not afford any further education for her second son, he had entered into the same occupation as his parents.

The migrant workers from Tamil Nadu were between 25 and 63 years old and from villages in the central part of the state (see Map 2). Those I asked about the caste background belonged to different Backward Castes. Except for one Christian, all were Hindus, whereas their parents were also agricultural workers, small-scale farmers or craftsmen. The research participants had between one to seven years of primary school education, and their work histories showed that they had been agricultural workers or worked at construction sites in the surrounding areas of their villages before coming to Chennai. They had not been working in other states, but had shifted between different sites within Tamil Nadu. Like the interstate migrants, they reported that they had out migrated for economic reasons.

Additionally, the migrants from Tamil Nadu regularly went back to their villages, but they were not much involved in agriculture anymore. Those who had school-going children had left them with grandparents or in-laws, and in contrast to Thangam, none of the others had any children in higher education. Adult children were working with the parents at the site or in agricultural work, and some of the married daughters were housewives. The Tamil migrants were older than most of the interstate migrants, and had worked at construction sites for a long time. When I asked about their plans for the future, they seemed less optimistic compared to the younger interstate migrants. One of the male workers told me that he kept thinking about his children in the village: “Wherever you’re going to work, that place won’t give you happiness. Only work in the hometown will give you happiness” (Interview, male migrant Construction Site 2, 26.03.08). One of the female workers expressed about her future: “What to expect? As long as we work, they will give the *coolie* [daily wage]. If they say that, “There is another project and that you have to come, then we will go” (Interview, female worker Construction Site 2, 23.03.08).

None of the migrant workers from Tamil Nadu reported that they had received any advance at the time of recruitment. All of them had been recruited by *mistris* from their home district, who also distributed the wages in addition to supervising them at work. One male worker said that he deposited his money in the local store close to the labour camp, though I lack information on where the others kept their savings. Among these research participants, none had signed a written contract.

8.2.4 Temporary work migration as a geographical strategy

In terms of labour agency, work migration implies a *movement across space*, and is therefore one of the geographical strategies available to workers. However, we may distinguish

between migration as a 'proactive choice' and as a 'reactive necessity' (Castree et al., 2004: 198-202). The migrant workers among my research participants reflected both these phenomenon. Some of the younger migrants saw it as an opportunity to earn good money, while for others temporary work migration was one of the limited options they had for survival. All of the migrants pointed to lack of employment opportunities and low wages in their villages of origin and contrasted this situation to demand for labour and comparatively higher wages in Chennai. The inflow of temporary migrant workers facilitated the construction boom in the 'IT corridor', and in this way workers' decisions to come to the city helped shaping the economic landscape and the built environment in the area (Carswell & De Neve, 2013; Herod, 1997, 2003; Rogaly, 2009).

When analysing temporary work migration in an Indian context, debt bondage is a pertinent issue that has been widely documented, especially in sectors such as agriculture, brick links, salt pans and construction (Srivastava, 2005; Lerche, 2007). In his research on tribal areas in South Gujarat starting from the 1970s, Breman (1996: 101-108; 162-169) observes that before Independence, agricultural labourers and their families were bonded to the landowner, often for life and from one generation to the next, in the feudal *halipratha* system. The wages were extremely low, but the landowner provided a minimum of social security, such as loans for extraordinary expenses such as weddings. After Independence, the *halipratha* system diminished, and along with the growth of agro industry, external migrant workers replaced the local labourers, who had to trek to other parts of the state, or even outside, to find seasonal employment. During the lean season, however, these labourers are often heavily indebted, and will accept a cash advance from labour contractors in order to settle their debts. This advance has to be repaid through work over the season, but sometimes the labourers have to continue the repayment to the next season. Although the labourers voluntarily take cash advances, extreme poverty provides an element of compulsion to enter into bondage, and exit from the labour relationship is prevented by the threat of coercion until the debt is repaid. Breman conceptualises this phenomenon as 'neo-bondage'.

According to Lerche (2007), the decline in traditional bondage in India is related to processes such as land reform, the mechanisation of agriculture, new job opportunities and political mobilisation among lower castes. However, similarly to Breman (1996), he points out that advances are also common in 'free' labour relations, and that a loan from employers is a way for poor people to manage their expenses. It may also be an advantage for employers to lend money to the workers in order to secure a predictable workforce. Lerche further argues that the division between free and un-free labour is not always clear, and suggests

seeing labour relations along a continuum ranging from more-or-less free labour relations to fully un-free labour relations. Instead of a dichotomous division, this continuum better captures actual existing labour relations in specific historical contexts.

There might also be differences among migrant workers from the same locality when it comes to debt bondage. Research among Bhil tribal in Western India shows that the conditions of the migrants reflect their socio-economic situation in the village. For villagers who are better off, work migration may be a way to enhance their social position, while the poorest are often trapped in a circle of debt and dependency (Mosse, Gupta, Mehta, Shah, Rees and the KRIBP Project Team, 2002).

The lack of large advances indicate that most of my migrant research participants were not to be in a situation of debt bondage, although there were economic reasons for why they had migrated out for work. Some of them also emphasised that they could leave their superiors and search for another employer, as we shall see below. With reference to Mosse et al. (2002), this may indicate that they were not among the poorest in their villages of origin. However, two of the migrants had received advances and some of them kept their earnings with the contractors, who in principle could withhold their wages. Hence, there were elements of un-freedom in their employment relations, as noted by Lerche (2007).

8.3 Employment arrangements

Work in the construction industry is prone to accidents and health injuries if correct procedures are not followed. As mentioned in Chapter 5 (section 2.2), the state government had formulated rules according to *The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act of 1996* in 2006, although these were yet to be implemented at the time of the fieldwork. The rules contained detailed instructions for occupational safety and health, as well as for working hours and overtime work. Nevertheless, wages and working hours in the construction industry were regulated by the *Minimum Wages Act of 1948*.¹⁰

The entrepreneurs' concern for the safety of the workers was visible at both the construction sites. All the workers were wearing yellow helmets, and posters with safety reminders were visible. In the following section, I examine the safety situation, working

¹⁰ Including Dearness allowance, the statutory minimum wages for skilled workers was Rs. 174.1 – 181.1 and for ordinary workers Rs. 153.6 – 157.6 (Sharma 2008: 50-53).

hours and wages at the two sites. I further analyse the relationship between migrants and their superiors, and discuss reasons for why the companies hired migrant workers.

8.3.1 Occupational safety in an accident prone industry

During the fieldwork, there were several newspaper reports on serious accidents at construction sites in Greater Chennai (Malarvizhi, 2007a, 2007b; Special Correspondent, 2007), indicating that this was an issue of public interest. According to a study of migrant workers by NMPS, 31 fatal accidents had been reported to the police in Kancheepuram district (NMPS, 2010). The report does not mention the timeframe, but it is reasonable to believe that they had occurred in the recent past.

The entrepreneurial company in charge of Construction Site 1 appeared to have a systematic approach to the safety issue, and had engaged a safety officer at the site to train the workers. According to him, the company followed the safety regulations in the national legislation, *The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act of 1996*, as well as recommendations by the National Safety Council, in all their projects, irrespective of these regulations being implemented in the state where the project was going on. He further said that the management systems of the company were in accordance with standards set by the International Organization for Standardization (ISO), an interest organisation for industry-wide quality standardisation based on stakeholder consensus. The company had received several certificates of recognition from the ISO, also related to safety. Moreover, the company had insurance for the all employees and contract workers. Hence, if an accident occurred, the degree of disability would be stated after a medical examination, with the premium based on that. Only in cases of fatal accidents, would a representative of the State Labour Department be involved in the compensation process. According to the safety officer, the company got the contract for the hotel because of its safety policy (Personal communication, safety officer Construction Site 1, 08.01.08). The website of the company confirms their commitment to corporate social responsibility, including compliance with ethical and human rights standards and applicable local labour laws.

The safety officer further said that the emphasis on safety had increased because the company was constructing large scale, high-risk projects, and had previously been facing a lot of accidents. Therefore, a separate safety department had been established in the early 1980s. The department was later also extended to include health and environmental concerns

implemented through the Health, Safety and Environment (HSE) plan. The head of the safety department at each regional office was responsible for updating the safety policy according to government rules and regulations, which were regularly circulated within the company. Before a new project was initiated, they conducted a risk assessment, and the management system and project plan was designed according to the hazard potential and risk priority. The project plan specified the primary protection system for each site and the personal protective equipment required to prevent accidents. The safety officer was also responsible for disseminating and communicating the HSE management system to the site personnel.

When a new worker arrived, the safety officer would check that he was above the minimum age of 15 years, and whether he had sufficient skills by giving some practical exercises. The worker would then be registered and receive an identity card. At the site, there was a separate safety office with an attached training room, in which the company's 'safety rules' were displayed in English on the walls. They were also regularly showing an animated movie about safety in English, Hindi and Tamil, depending on the language of the workers. January was declared as a 'safety month', and a number of safety programmes were taking place at the time of the fieldwork. The safety officer emphasised, however, that safety equipment was only a secondary defence, and that safety concerns should be integrated into all aspects of a construction process. Hence, safety training was done regularly throughout the year, and every morning before the work started he gave a safety awareness pep talk and the workers had to give a 'safety pledge', i.e. promising to work safely during the shift (Personal communication, safety officer Construction Site 1, 08.01.08).

During my visits to Construction Site 1, I got the opportunity to watch the safety movie in Hindi together with six male workers. While lively classical music played in the background, the movie portrayed a worker who was leaving his family in the village to work at a construction site, and the information he received when he arrived. At the site, he was told there are many accidents in the construction industry, and that the families of the workers suffer because of that. The movie then covered different aspects of safety, starting with which personal protective equipment to be used and how to use it: a helmet to protect the head, goggles to protect the eyes when drilling, a face shield to protect against dust and lung damage, safety shoes to protect against nods and cement damaging the skin, different types of gloves (cotton, leather and rubber) for different tasks, ear protection when operating a diesel generator and a compressor and how to use safety belts, nets and ropes. The movie proceeded to inform about electrical safety, gas cylinder treatment, lift operating and first aid. Finally, the movie showed how to dig excavations, use ladders and work platforms, handle fire prone

material, use fire preventive equipment and lift without damaging the back. It then explained why smoking was prohibited at the site and how to handle drilling, including the request: “Don’t hunt each other with the drill!” The movie ended with the worker returning to his family telling what he learned about safety and giving his daughter a chocolate (Observation Construction Site 1, 08.01.08). The movie appeared to be informative, and I noted that the workers were actively paying attention.

All the workers interviewed at Construction Site 1 observed the safety situation as very good. They had been given instructions on how to work safely when they arrived, and most had seen the movie or participated in safety training. However, one of the interstate migrants had seen the movie in Tamil and did not understand everything. During the interviews, the migrants compared the site to other sites they had worked on before that did not have the same safety standards. One of the workers expressed: “The safety is very good. They teach us that you always have to wear a belt when you’re working at heights” (Interview, male worker Construction Site 1, 25.02.08). Another worker said: “I feel that it is not only me I am taking care of. I also need to take care of the safety of the people I work with” (Interview, male worker Construction Site 1, 04.02.08). Their accounts reflect the safety policy of the company.



Figure 10: Working with personal protective equipment

According to the website of the entrepreneurial company in charge of Construction Site 2, they had a safety policy which each project team was responsible for implementing, as well as an insurance policy for all employees and workmen. Moreover, the company had received

several awards and recognition regarding its safety policy from branch associations and other construction companies. According to the project coordinator of the company, there was an increased focus on safety among the clients, which allowed the company to spend more on safety measures and employ safety officers as part of the team of engineers at each site (Interview, project coordinator Construction site 2, March 2008).

The workers at Construction site 2 also reported that the safety situation was good because of the protective equipment they were provided. Even so, those I interviewed had not participated in any safety training or seen a movie. With reference to the safety officer at Construction Site 1 cited above, protective equipment was not sufficient for preventing accidents, and had to be applied along with training.

None of the research participants at the two sites had experienced any serious accidents, but workers at Construction site 1 knew about fatal accidents at previous sites they had worked on for the same company. In the meantime, workers at the site of Construction site 2 had observed or heard about accidents at their current site. One of them was a female worker from Tamil Nadu, who saw a young man get an electric shock when he climbed up the stairs inside the building with a vessel of cement. He had been hospitalised and got well after a week, according to her (Interview, female worker Construction site 2, 26.03.08). A female interstate migrant reported another incident and told me that one night when it was raining heavily, the labour camp had been overrun with water, and some of the workers had gone to sleep at the site inside the uncompleted building. One of the men had climbed up the stairs to the 3rd or 4th floor to sleep there. At that time, the floors were not protected by walls, and in the dark he walked too close to the edge, fell down and died on the spot (Interview, female worker Construction site 2, 28.03.08). The project manager confirmed that this accident had occurred. Although this event was not directly related to the work, it reflects the low quality of the housing facilities provided at the labour camp, which I will return to in section 8.4.

A male worker from Tamil Nadu observed a third incident at Construction Site 2 when he was working late in the evening. He told me how he was about to return to the labour camp when he saw a young man doing plumbing work at one of the higher floors. He heard that the supervisor asked the plumber to come down. The interviewee did not know exactly what happened, but apparently the plumber misunderstood the request from the supervisor and thought he was being asked to come down because he had done a mistake. Since he was well educated, he felt ashamed and jumped down purposely, according to the interviewee. He survived and was taken to the hospital at the expense of the entrepreneurial

company (Interview, male worker, Construction site 2, 26.03.08). This incident also exemplifies an injury not directly related to work, but to the working environment – in this case communication with a superior.

The accounts of the management indicate that norms for corporate social responsibility regarding safety were emerging in the construction industry among both clients and entrepreneurial companies. In particular, the company in charge of Construction Site 1 emphasised their leading position on this matter. However, provisions for personal protective equipment were not sufficient to prevent accidents if not followed by continuous safety awareness, which was reflected in the incidents at Construction Site 2. Although both companies had safety policies and special project staff to implement them, the differences in the amount of information I received show that the company in charge of Construction Site 1 had a more systematic approach.

8.3.2 Working hours and wages

When I asked one of the interstate migrants at Construction site 1 in what ways his life in Chennai was different from his life in the village, he replied:

In the village people come for work at 8-9 o'clock and they go back at 7 o'clock, after that they can't work, it will be closed. But here it is open around the clock [...] If you want to earn money, you can work for how many hours you want.

And to utilise this opportunity, he normally worked 12 hours per day, first a regular day shift of nine hours and then three hours overtime. The weeks alternated between day and night shifts and twice a week he was doing additional shifts, starting, for example, with a day shift, then continuing with a night shift and going straight to the next day shift before returning to the labour camp to sleep and then start again the next morning. During the day, he would have two short tea breaks and a one-hour lunch break at the site. During the night, he would have a break for two hours. He did not take any day off, but worked seven days a week.

He further said that the contractor came to distribute the wages once every 40 days. If he needed money in between, he could borrow 1,000 – 2,000 rupees, which would be deducted from his salary along with the food expenses of 2,000 rupees. Without deductions, his salary was 5,000 rupees per month, but he normally received 3,000 rupees in his hand. The wage was calculated according to the working hours: 100 rupees for eight hours and 140 rupees for 12 hours. The same rate applied to the night shifts (Interview, male worker Construction site 1, 25.02.08).

The other workers at Construction Site 1 followed the same work pattern for the day shifts; all of them said that they worked for 12 hours including overtime. Three of them did a 24-hour shift in a stretch once or twice a week. Two of them also worked half a day or full day on Sundays, while the others took the day off. The male helpers earned between 120–140 rupees for a 12-hour day shift. For the night shifts, they earned from 10 rupees per hour to 150 rupees for a full night shift. One of the two skilled workers I interviewed earned 170 rupees per 12-hour day shift, and the other 7,000 rupees per month when working 12 hours six days per week.

At Construction Site 2, the night shifts did not go beyond 2 am in the morning. One of the female workers from Tamil Nadu reported that her day shifts lasted from 9 am to 6 pm, including two tea breaks and a one-hour lunch break. Three to four days a week she would work overtime from three to eight hours. After that she would go to the labour camp and sleep until 6 am, then get up and prepare food, take a bath and again go to the site at 9 am. She did not have day off on Sundays, but took leave if she was sick. She further stated that she earned 80 rupees per day shift, which was calculated based on eight hours of work excluding a lunch break. For overtime work, she earned 7 – 10 rupees per hour. She bought and prepared the food herself in the local store, so nothing was deducted for this.

The other female workers at the site earned the same as the women above, except one woman who was interviewed one year after the others earned 110 rupees per day shift. The male helpers earned 110 rupees for day shifts and 10 – 12 rupees per hour for overtime. A lift operator at this site, who was permanently employed by the company, earned 7,000 rupees per month. He only occasionally worked until 10 pm, and would then earn 20 rupees per hour for overtime. He received a bonus of 2,000 rupees twice a year, and 108 rupees per week was deducted from his wage and saved as insurance and pension in his Provident Fund account. As explained in Chapter 5 (section 5.2), this was a social security scheme for formally employed workers that usually did not apply to contract workers.

When I asked one of the interstate migrants at Construction site 1, a skilled worker cum labour contractor, what he thought about Chennai, he answered:

There is a lot of peace and greenery over here. Whenever I feel hot, I just go and sit under a tree and get nice breeze. And if I feel bored, and can go out with the others after work.

Me: What do you do when you go out then?

I'm not getting much time, only two-three minutes, or five minutes, so I can have a tea and come back. If I take more than that, the [company] supervisor will shout at me. (Interview, skilled worker/labour contractor, Construction site 1, 18.02.08)

He points to the positive aspects of his work situation, but when asked to elaborate, he emphasises that the supervisors only allow short breaks. Another interstate migrant was asked if there was something about his situation he wanted to change, and he replied:

The company supervisor has to be changed because he is very cunning and cruel. He always shouts at us. When I sit for five minutes because of fatigue, he always come and shouts at me: “Get up and work!”, and says that I am not doing work. (Interview, male worker Construction site 1, 25.02.08)

These experiences indicate that the site supervisors, who were all Tamil, maintained strict discipline at the site to keep up the pace of work. Also at Construction Site 2, a female worker had similar experiences:

I’m really worried about the Sir [supervisor]. If I want to take rest I’m really afraid whether the Sir will come here or not. Because if they see that I’m not doing the work, then they will scold me and dismiss me. (Interview, female worker Construction Site 2, 16.01.09)

She had a stomach operation and used to get pain when she climbed the stairs. Despite of this, she did not take breaks because she feared for her job.

According to representatives of the management in the two entrepreneurial companies, the pace of the construction projects had been increasing immensely over the past few years due to pressure from the clients. Earlier, they could use a longer amount of time to complete a project. They admitted that the work schedule increased the risk for accidents, and was not compatible with the focus on safety (Personal communication, safety officer Construction Site 1, 08.01.08; manager Construction Site 2, February 2008). The safety officer at Construction Site 1, where work was going on continuously, day and night, expressed: “They (clients) are giving priority only to the job, but safety should also be included.” He further mentioned inexperienced and unskilled workers, as well as language barriers, as challenges to implementation of the safety policy at the site (Personal communication, safety officer Construction Site 1, 08.01.08).

Simultaneously, some of the migrants expressed that they *wanted* to work a lot in order to earn as much as possible, thereby indicating that the work schedule was also shaped from below. Overtime work may have been related to the low wage level. However, if wages were higher, workers might as well have worked overtime in order to earn as much as possible in the periods they were away from home.

The interstate migrant workers at Construction Site 1 received their payment from an external contractor, while at Construction Site 2 all the workers, including the interstate migrants, received their payment from the labour contractors and did not relate to another

contractor. *The Contract Labour Act* (Chapter 5) states that a representative of the principle employer shall be present at the time of payment (21), and that registers and records about work and wages are maintained (29), in order to ensure payment of minimum wages and prevent *illegitimate* deduction from the wages.

According to the workers at Construction Site 1, their superiors deducted no commission from their wages and the contractor registered their hours of work. The safety officer at this site said that the company was represented at the time of payment, and that the workers signed the wage slips. Some of the workers at Construction Site 2 reported that the labour contractors deducted commission, but they were not sure how much. The project manager at this site told me that the labour costs paid to the labour contractors were not in accordance with the wages paid to the workers, and he therefore suspected that a commission was being charged (Personal communication, project manager Construction Site 2, 23.03.08). Payment procedures thus appeared to be more formalised at Construction Site 1, although not necessarily in accordance with the statutory minimum wages.

The male and female migrant helpers and semi-skilled workers earned below the minimum wage rates, with women especially underpaid. Still, some of the male skilled workers earned above the minimum wage reflecting that their qualifications were in demand. The favourable terms and conditions of the lift operator, who was permanently employed, demonstrate how the workforce was segmented into regular and contract workers.

8.3.3 Employment relations and spaces of negotiation

Interstate migrants at Construction Site 1 spoke positively about their contractors and labour contractors, although it varied to what extent they felt they could negotiate wages with them. One of the male interstate migrants observed: “My labour contractor always cracks a joke; he always smiles and makes us laugh. With a smile, he teaches us whatever he wants to get done.” He said that for the time being he was happy with his payment, and when I asked if he could bargain about the wage with the contractor, he answered:

I newly arrived, so I don't think it is the right time to ask him. I don't know anything about the work, what is happening and all. Once I get into it, when I get experience, then I'll ask him to increase my salary.

Me: The [primary] contractor, has he discussed payment with you at all, any increase or?

I did not tell him anything; I did not ask him to increase my pay. The same way he has not told me anything about it. Because I newly joined, I can't ask him. I'll work for a year and then I'll ask him to increase my salary.

Me: Do you discuss payment with the labour contractor?

Yes, I discuss with my labour contractor, and he told me to not ask now: “You have just joined”. He [labour contractor] thinks that he [primary contractor] will feel bad when you have just joined and you are asking for an increment in your salary. [Labour contractor said:] “Work for a year, and then go to the contractor and speak about your salary. If he is not increasing your salary, then I’ll ask him.” (Interview, male worker, Construction site 1, 25.02.08)

The excerpt shows that he related his bargaining position to experience and since he was a newcomer, the labour contractor advised him not to upset the contractor by negotiating the payment.

Similarly to the worker above, being a newcomer at the site negatively affected the bargaining position, according to another interstate migrant: “I’m not happy with the salary because I earn only 3,000 rupees. What will be happening for 3,000 rupees? Nothing will be happening.” He had been doing construction work since he was eight years old and was qualified as a mason. However, his uncle, who had recruited him to the site, told him that there were too many masons on the site already, so he had to start as a helper. The research participant therefore approached the contractor directly, and he replied: “Wait for two months, and I will increase your salary and give you mason’s work”. When I asked him whether commission was deducted from his wage, he replied:

If I don’t like the work, then I will tell my contractor, and he will transfer me to some other place. He is depending on us. If I leave the job, then what contractor will do? How will he have food? Only if we are working, then only contractor will survive (Interview, male worker, Construction site 1, 25.02.08)

This account again demonstrates the advantage of experience: although a newcomer at the site, he used his earlier experiences to negotiate with the contractor. Furthermore, the account shows how the labour contractor (uncle) guided the migrant worker on how to behave in relation to the contractor. Finally, this worker points to the contractors’ dependence on the workers and the possibility to search for other job opportunities.

Comparatively, a third interstate migrant said that he and his co-workers planned to go together to negotiate with the contractor about their payment. When I asked if he thought it would be possible to leverage their demand, he answered: “When the contractor says he will give you this much; if the people are happy about that, they will work. If they think some other contractor will give them some more, they will go” (Interview, skilled worker, Construction site 19.01.08). From his perspective, the contractor needs to accommodate the demand of the workers in order to keep them.

Also a fourth interstate migrant reported that he had gone together with his co-workers and asked the contractor to increase their payment, but the contractor answered that they could only get an increase if they accepted a monthly deduction for the Provident Fund (Interview, male worker, Construction site 1, 21.02.08). As this was a social security scheme applicable only to formally employed workers, the offer of the employer appears as an excuse not to enter into wage negotiation. However, the example shows that the migrants made a collective effort to increase their wage level.

At Construction Site 2, one of the male workers from Tamil Nadu said that they sometimes demanded 10 – 15 rupees extra from the mistris, and that if their demand were not met they would stop the work. When I asked if he had ever faced any problems with a mistri, he answered: “I’m so good that nobody will cheat me and the payment will be given on time and no fraudulent occurs.” He continued:

If I am not well versed with the mistri, then I will just silently quit that mistri. Till date I haven’t witnessed any cheating from the mistris, but it happens that they deduct 10 rupees as commission.

He observed that there were good job opportunities in Chennai in comparison to his village. The day I met him, he reported that he had received calls from four different mistris who offered him work, but he did not accept any of them: “Because it will be dishonest if you are going to work with many mistris, so I am working with one mistri at the time” (Interview, male worker, Construction site 2, 24.03.08). This worker relates the inappropriate behaviour of a mistri to his own behaviour; if he behaves well, then the mistri will also behave well. If someone treats him badly, it indicates that he has also behaved badly. His account also suggests that the workers had some bargaining power due to the possibilities of stopping the work or leaving the mistri.

Female workers from Tamil Nadu also told me about efforts to collectively bargain about the payment with the mistris. However, one of them said that when they had asked the mistri for a higher wage, he responded: “If the company is giving us more, then I will also give more.” She reasoned this to be correct, since she had earned more at other sites when working under the same mistri (Interview, female worker, Construction site 2, 16.01.09). Another female worker had a similar experience:

We have tried to bargain a lot. We use to say, “We are going to stop the work and go somewhere else if you [mistri] do not meet our demands. Because outside [the site] they are getting 150 rupees and we are not even getting 100 rupees. It is very difficult for us.” But they don’t care about it.

Me: What was the mistris’ reply?

They will say that, “The company will only give us this much of money; what can I do?” He will just blame the company. And he will say, “You have a good shed, good drinking water, you can live there, that’s the reason you are getting only 80 rupees.”

When I asked if she had considered leaving the *mistri*, she answered that if her husband was well, they could have taken a house for rent and searched for work in the local labour market, but that this would be inappropriate since she was alone most of the time (Interview, female worker Construction Site 2, 26.03.08). The accounts of these women show that they were aware of the going wage rates in the surrounding area, and used that as a point of reference in negotiations with the *mistris*. Despite this, the *mistris* referred to what they were getting from the company and to the fact that accommodations were free.

The perceptions of a male worker from Tamil Nadu indicate that personal relations with the *mistri* constrained the room for manoeuvre in the wage negotiation. Without being asked explicitly, he observed: “The *mistri* is a good person; he doesn’t cheat us and he gives whatever is required.” When I asked him to describe a *mistri* who is not good to his workers, he explained:

We must always have a good relation; we must do our work and he must do his work. Then only we can have a good relation. And he must have respect for the workers, especially women. He must not say *ni-po* [‘you go’ in impolite form].¹¹

He contrasted this characteristic to his former *mistri*, who had been shouting at the workers, and he had therefore decided to quit the job. Although he talked about the *mistri* he was presently working for in positive terms, he said he could not negotiate wages with him: “Because the *mistri* is a known person, we don’t have the mentality to ask him for more. Whatever he’s going to give, I just accept it.” He further compared his relationship to the *mistri* with a family relationship: “If I have some problems, how can I ask my son?” First, he said that the *mistri* was related to him, but he later nuanced this by explaining that they were born and brought up together in the village (Interview, male worker Construction site 2, 26.03.08). His experiences show that he had the opportunity to leave the *mistri* who did not treat him with respect. At the same time, his family-like relationship with the new *mistri* prevented him from negotiating wages.

8.3.4 *Why migrant workers?*

Local workers among my research participants differentiated between ‘company work’ at large construction sites, which were long-term, and short-term work, usually on smaller sites.

¹¹In contrast, the polite form in Tamil is *ninge-ponge*; ‘You please go.’

According to them, migrant workers were often employed for long-term ‘company work’ and were paid lower wages, consequently reducing job opportunities for the locals at large construction sites (Group interview, workers NMPS, 23.04.08).

The employers I interviewed in other companies than the two included in this chapter all reported that they hired temporary migrants on their projects, both from rural Tamil Nadu and from other states. When I asked why they hired migrants instead of locals, they pointed to the contrasting characteristics between these categories of workers. One of the private builders explained:

Local labour’s productivity is very low. Their presence... their attendance is late and they wind up faster. Other labourers must stay on the site and they work, so their productivity is higher.

Local workers... sorry to say... are encouraged by politicians. So they work only for 15 to 20 days. They go for some other job for 10 days. We are finding it difficult to get the local labourers to be employed. They are lazy and they already earned that shelter and they have got a big family and they want to enjoy benefit.

He further added that the migrant workers wanted to work continuously for one period and then go home to their villages to take some rest. The opportunities to get continuous work and earn higher wages than in the rural areas were other reasons for why they migrated, according to him (Interview, private builder, 13.02.08). In the workshop organised by the Building and Woodworkers International, in which this builder participated, he observed: “North Indian workers are willing to stay at the site, eat four *chapaties* [round breads] a day and finish the work. It is because of migrant psychology; if they go away, they’ll work harder” (Observation BWI workshop, 18.-20.03.08). According to him, the higher productivity of the migrant workers was the primary reason for why he preferred to hire them instead of local workers.

Another private builder, who mostly hired workers from his own village, associated additional qualities of migrant workers:

Local people will not have that much of skill. That’s the problem and they are also not obliging our words. They will take decisions on their own interest. Our own state people will have some respect over that. (Interview, private builder, 11.04.08)

From the viewpoint of this employer, the migrants were better qualified, and those who belonged to the same native place as him were more compliant to the employer.

Representatives of the management at the two construction sites analysed in this chapter also emphasised skilled qualifications as a reason for why they hired migrant workers (Interviews, safety officer Construction site 1, 08.01.08; project manager Construction site 2, 23.03.08). However, a third private builder said that his company needed local workers in

addition to migrant workers, because the latter group regularly went back to their places of origin (Interview, private builder, 30.11.07).

The employers I interviewed all claimed that they were following the applicable labour laws in their own projects, except for the provisions for the Provident Fund, which normally applied to permanent employees and not to contract workers. Nonetheless, they also observed that non-compliance with labour laws and safety standards was a strategy to save costs and secure contracts in a competitive market for companies *other* than their own, and they would not let me do interviews with workers at their sites. This indicates that in practice at least, they might not comply with all relevant labour laws.

Union leaders I interviewed argued that low wages were an important factor for why employers hired migrant workers. One of the Left-wing union leaders observed:

[...] These people are brought in from so many places and put in camps and they are forced to work because of their poor family conditions. Because they don't have proper employment conditions in their birthplace, they come here. They work like slaves.

Me: But how is the situation for the local workers...?

Local workers... no big construction activities, they don't employ the local workers [...] Most of the local workers, are getting employment only in the local market, just like that. In big companies, if there is a big project, the contractor doesn't recruit local people, because they have to pay more and they will demand their rights. They will demand proper working hours; they will not work more than eight hours. In the evening they want to go home and look after their family. (Interview, leader AITUC, 03.01.09)

Like the employers above, this union leader points to the differences between local and migrant workers, but from his perspective the differences are related to the awareness of rights and family obligations, and not to laziness. At the same time, another union leader cum construction contractor claimed that the migrant workers were not exploited in terms of wages, but rather in terms of working hours. According to him, the living conditions in the sites of big companies were good, while they were worse at the sites of smaller companies (Observation BWI workshop, 18.-20.03.08).

The Left-wing union leader above observed that it was challenging to organise the migrant workers:

We are organising; we are trying; we are failing.

Me: What are your strategies to organise them?

[...] If any dispute arises, in the work site, if we come to know, we protect the worker, we stand for the worker. Then they complain, they tell what they need and everything. Then we are mates (?). But in the meantime he [employer] stops their employment, the contractor doesn't

give employment, on the next day. They don't give money, they don't give food. Then they are asking them to go back home. (Interview, leader AITUC, 03.01.09)

According to this union leader, migrant workers who seek assistance from the union risk awakening antagonisms from employers, consequently losing employment.

None of my migrant research participants were members of a union, and they had not been contacted by any of the organisations in Chennai. For the interstate migrant workers, joining a union would not necessarily help them to access the welfare schemes available to workers from Tamil Nadu. Some of the union leaders I interviewed claimed that they had managed to register interstate migrants with the help of an age certificate issued by a government doctor. However, they also reported that the Tamil Nadu Construction Workers Welfare Board usually requested an additional proof of residence showing a permanent address, and that it was difficult to get them registered. It was therefore more difficult for the unions to use their most important organising tool – the welfare schemes – when recruiting migrant workers as members.

8.3.5 Intensification of work, labour control and everyday forms of agency

The occupational safety at the two construction sites was regulated in part by national labour legislation, as well as norms for corporate social responsibility among clients and the two entrepreneurial companies. Consequently, the migrant workers were provided with safety measures that were not available to local workers. However, at Construction Site 2, the workers did not get any safety training, thereby reducing the effectiveness of protective equipment. Moreover, the extensive use of overtime at both the sites risked undermining the effect of the safety measures. The client companies played a contradictory role in this regard: On the one hand, they included safety measures in the contracts with the entrepreneurs. On the other hand, they pressured the entrepreneurs to complete the project within a tight schedule, which contributed to violations of overtime regulations.

The migrant workers themselves also contributed to shaping the overtime schedule because they wanted to earn as much as possible. Carswell & De Neve (2013) observed a similar strategy among single, male garment workers in Tiruppur. They preferred working on piece rates for contractors instead of permanent employment in large factories that restricted opportunities for overtime in order to comply with labour laws. The authors argue that working overtime may therefore be interpreted as a form of everyday agency, although shaped by the exploitative structures of the migrant labour regime.

Compared to the local workers among the research participants, who normally worked for nine hours per day, the migrant workers I interviewed had a tighter work schedule with a 12-hour working day as the norm, and were paid lower wages. The female workers were especially underpaid. The conditions of the migrant workers may therefore be interpreted as an *intensification* of work levels. This process implies longer hours spent at work, and greater work effort during a given period of time, or a combination of the two (Green & McIntosh, 2001). In accordance with my findings, other studies of migrant workers in Greater Chennai found that working and living conditions varied between different construction sites, but that the wage level tended to be below the minimum wage (Narashimham & Sukumar, 2007; NMPS, 2010).

The material discussed in Chapter 6 showed that workers recruited from day labour markets earned a higher daily wage than workers recruited from the neighbourhoods, thus indicating more bargaining power for shorter assignments. Meanwhile, workers recruited from neighbourhoods tended to get work more regularly, which evened the weekly income between the two groups. The migrant workers had continuous employment for a longer period of time, which may have been one factor influencing the wage level. Another factor was the living costs since the migrants stayed in accommodations provided by the employers and did not need to pay rents in the local housing market, as noted by one of the builders above. However, they had to pay for the food, and there was a high increase in food prices due to inflation at the time of fieldwork (City Bureau, 2008). Additionally, the migrants had dependents in their native villages. Hence, the wage level at the two sites indicates that the migrant workers had less bargaining power than the local workers. Employers could potentially recruit migrant workers from across the country, and when recruited from the villages the workers had to accept the terms and conditions presented them by the contractors and labour contractors. Although there were opportunities for negotiation over time, increases would be based on the initial wage level, which was lower than in the local labour market.

Similarly to the builders quoted above, Breman (1994: 185-188) observes that employers in the agro-industry in South Gujarat contrast 'lazy' local workers and 'hardworking' migrants. He argues that this discourse is a way to justify their preference for migrant workers who accept lower wages and longer work hours. De Neve (2003) finds the same arguments among textile mill owners in Tiruppur. Breman (1996: 232) further argues that the preference for 'alien' rather than local workers is their lack of contacts with the local environment, which makes them more compliant to the needs of employers. In his study of the horticulture industry in the UK, Rogaly (2008) identifies a general intensification of

production due to a shift in power from growers to retailers, along with a greater availability of international migrant workers. These workers are vulnerable because of their immigration status, are often illegal and may lack information on labour rights and regulations in the local labour market. For this reason, they are willing to work hard to maximise their earnings.

With reference to Herod (2003), the differences between local and migrant workers can therefore be related to their varying degrees of *spatial embeddedness*. The local workers among my research participants were spatially embedded neighbourhoods and day labour markets, and wages and working hours at these sites of recruitment were socially regulated in locally specific ways (Peck, 1996: 106-113). The neighbourhoods were also important sites of recruitment to the unions, which to some extent influenced the regulation of employment arrangements. In contrast, the migrant workers shifted between different worksites and labour camps, which were differently regulated.

At the two large construction sites portrayed in this chapter, both site supervisors and labour contractors controlled the workers. The site supervisors were responsible for overseeing that work was performed according to the timeframe, and the labour contractors supervised the workers according to specific tasks. Research participants at both sites complained that the supervisors shouted to hurry them back from the breaks, which indicates a direct and coercive form of labour control. However, there were migrant workers who spoke positively about the labour contractors, and described their relationship with them as friendly or family-like. Some of the workers were also in a kin relationship to the labour contractor.

Similarly to my argument in Chapter 7, I suggest that the labour contractors at the two sites examined in this chapter balanced direct or coercive practices of labour control, like monitoring workers at the sites and preventing them from bargaining with the main contractor, with indirect practices fostering consent among the workers, such as kinship morality (de Neve, 2007) and friendly communication. The balance between coercion and consent may be related to the *unequal mutual dependence* (Rudra, 1985) between contractors, labour contractors and workers, in addition to the *mobility power* of workers who could potentially quit the contract and search for another employer (Smith, 2006). Migrant workers at both sites claimed that they would leave the labour contractor if they were not treated well, and one of the male workers had done this in practice. They assumed that other job opportunities would be available, which is reasonable due to the demand for labour in the IT-corridor.

Similarly to local workers among the research participants, some of the migrant workers observed that informal rules for appropriate behaviour, e.g. when being a newcomer at the site or in a friendly relationship with the labour contractor, constrained the space for negotiating wages. At the same time, there were migrant workers who reported that they had tried to or were planning to negotiate wages with the contractors and labour contractors, and some had even threatened to stop working.

With reference to Katz (2004: 244-251), leaving the labour contractor may be interpreted as an act of *resilience*, while wage negotiation and threats to stop the work indicate attempts to *rework* employment arrangements. Following Rogaly (2009) and Carswell & De Neve (2013), these acts represent manifestations of individual and collective agency among migrant workers on a micro-scale. However, except for the skilled workers, those who tried to negotiate had not successfully leveraged their demands. If lower wages were one of the reasons why employers hired migrant workers, their room for manoeuvre in bargaining for higher wages was structurally constrained by the competitive strategies of the companies. Due to lack of enforcement of labour laws, there were few formal restrictions on employers in this matter. As a result, it is less likely the migrant workers' everyday forms of agency involved transformative capacity to alter their terms and conditions of work.

8.4 Living conditions and welfare provisions

According to the *Contract Labour Act* and the *Interstate Migrant Workers Act*, workers are entitled to satisfactory accommodation, sanitary facilities, drinking water, canteen, rest room and crèches if minor children are brought to the workplace. Moreover, the *Contract Labour Act* states that the contractor has the responsibility to reimburse the medical expenses of workers. As mentioned in Chapter 6 (section 6.5.3), sick leave is regulated through the *Employees State Insurance Act of 1948*, which in practice only applies to permanent employees. I had one brief visit to each of the labour camps, and my analysis of living conditions and welfare provisions below is based on my own impressions, as well interviews with the workers.

8.4.1 Living conditions at the labour camp

The interstate migrants at Construction Site 1 stayed in a labour camp, which was about half an hour drive from the site. The workers were transported back and forth by a company bus, and because of the distance they brought their lunch along. Although there was a canteen at

the site, one of the workers said that he could not afford to eat there together with the permanent employees. When I visited the labour camp, I observed that the sheds were made of tin, and that it looked clean and well organised (see figure 11). There was a mess at the camp, and also a water tank with washing facilities and several toilets. I was invited inside one of the sheds, and observed that the workers were sleeping on mats on the floor. They had electricity and TV, but there were no fans in the roof. I therefore assumed that it could be quite hot during the summer. However, all the migrants at this site reported that they were satisfied with the food and accommodations. Each group of workers hired one person to cook the meals for them, and they would get non-vegetarian food three times a week, in addition to rice, vegetable curry and *dahl* (lentil stew). After dinner, they usually watched TV for a while and then went off to sleep. Those who took Sundays off used to go to one of the nearby market areas, but they had not seen much of the city. They also kept in touch with their families through mobile phones or paid phones when they had time off.



Figure 11: Labour camp, Construction site 1

Although they expressed satisfaction with their living conditions, there were also challenges related to living in an unfamiliar place. A labour contractor explained the difficulties he faced as a superior to the workers:

We have to be with the labourers, because it's unpredictable when they start fighting with each other.

Me: Is it often that there is some fighting, some problem?

It does happen, mostly on Sundays because it is a holiday so everybody will be at home, they will be drinking and don't know what they are saying. Because of that, somebody will get angry and the fight starts.

Me: [...] So if this problem arises, what do you do?

I'll make them understand not to fight; "You have come here to work, not to fight." (Interview, labour contractor, Construction site 1, 18.02.08)

This account illustrates that the role of the labour contractors was not only to supervise the workers at the site, but also to control them outside work. This was reflected in the account of one of the workers at the site:

All the places are unknown; I don't know where to go. There [village] I know so many places where I can go out. I can go to my brother's place; I can go to my sister's place. But here I don't know anybody, I can't go anywhere, I have to be at the labour camp [...] If I take leave, my contractor will shout at me.

According to another worker, it was primarily the Tamil workers who lived in a labour camp nearby that created trouble:

This place is very good. The only problem is the language because I don't know Tamil. People refuse us. I don't know why. When they know that this camp is full of Bengalis and Biharis, they abuse us. Especially people who are drunk. So whenever we have to go to toilet in the night, we get into trouble with the locals. (Interview, male worker Construction Site 1, 19.01.08)

He experienced that Tamil workers were hostile to migrants from the North, and because they did speak different languages communication was difficult.

The labour camp attached to Construction site 2 was just a five-minute walk from the site, and the workers went there to have their lunch, which was prepared by the female workers in the morning before they left for the site. The standard at this camp appeared to be of much lower quality compared to the other camp. The sheds were made of rusty tin sheets and cramped together around narrow lanes. I also observed children outside some of the sheds, although I never saw them at the site.

There were different opinions about the standard of the labour camp among the workers I interviewed. Some of the male workers expressed that they were quite satisfied with the accommodations, and pointed out that they had sufficient electricity and water. Others complained about the lack of cleanliness and the standard of the sheds, and workers from Tamil Nadu claimed that it was the 'Hindi' people who made the camp messy. The female workers reported that there were gaps between the walls so people could see inside, and they pointed out that it was not 'safe' for women. Moreover, several workers complained

about water coming inside the sheds when it rained. When asked if they had tried to talk to management about the problems, one of the male interstate migrants explained:

Even people who have been here for two-three months are not talking to the management.

Me: Why are they not talking?

The *thekedar* [labour contractor] is not doing it. I'm just a labourer, why is he not doing it? He just said "Everybody is comfortable with it so what's your problem?" (Interview, male worker Construction site 2, 28.03.08)

This example again demonstrates the role of labour contractors in controlling the labour force and preventing discontent from reaching management. One of the female workers from Tamil Nadu told me that she and her co-workers had gone together and complained directly to the management about the sheds. The managers ensured that it would be improved; however, thus far nothing had happened (Interview, female worker Construction site 2, 26.03.08). This incident can be interpreted as a collective effort aimed at improving the living conditions at the camp. The differences between the two examples may be related to the common Tamil origin of the women and management, which lowered the barrier for making complaints.

Based on the interview accounts and brief visits, my general impression was that the facilities provided by the applicable labour legislation when it comes to living conditions for contract workers were in place at the labour camp of Construction Site 1, but not at the camp of Construction Site 2.

8.4.2 Accident compensation, sick leave and medical benefits

According to the migrant workers who had observed or heard about accidents, the two entrepreneurial companies had taken some responsibility for injured workers, but they were not sure about the details. The interviewee, who saw a male worker get an electric shock, heard that he got his medical expenses reimbursed, but she did not think he got any compensation for his injury (Interview, female worker Construction site 2, 26.03.08). The family of the male worker who died after falling down in the night might have received 50,000 rupees in compensation, but the interviewee who reported the incident was not sure if this took place (Interview, female worker, Construction site 2, March 2008). The male plumber who had purposely jumped down got his medical expenses reimbursed, as well as a compensation of 50,000 rupees according to the interviewee who was present when it took place (Interview, male worker, Construction site 2, 28.03.08).

The *Workmen Compensation Act of 1923* states that serious accidents shall be reported to the police, and that workers can claim compensation through the State Labour Commissioner. Although the companies took responsibility for injuries through the insurance premium they paid, workers may have received a higher compensation if cases were settled through government involvement. However, as discussed in Chapter 6 (section 6.5.3), the legal system was difficult to access even with the help of a union, and for non-unionised workers the barriers would be even higher. Interstate migrants can claim compensation either in their state of origin or in the host state. From my data, I cannot say whether the above accidents were formally reported to the Labour Commissioner. However, another study of migrant workers in Greater Chennai mentions that serious injuries are often not formally reported, and that workers are ‘bought off’ by the entrepreneur in order to prevent them from claiming compensation. Fatal accidents are usually formally reported, but even then compensation is settled between the employer and the workers without government involvement (Narashimham & Sukumar, 2007).

Another welfare issue I addressed in the interviews was to what extent the workers received payment if they were sick and whether the companies paid for medical assistance. Several research participants said they had been unable to work during their assignments at the sites because of fever and body aches. At Construction Site 1, two workers who had been unable to work for a week reported that their contractor had taken them to the doctor and paid for their medical expenses. They had also received wages for the days they were on sick leave (Interview, male workers Construction site 1, 04.02.08; 21.02.08). Nevertheless, another male worker at this site reported that he knew about a colleague in his group whose payment was deducted when he was sick, though the contractor had paid for the medical expenses (Interview, male worker, Construction site 1, 25.02.08).

At Construction Site 2, a male worker from Tamil Nadu said that his wife had received wages when she was sick, and that the company had paid for the medical expenses (Interview, male worker Construction Site 2, 24.03.08). According to another male worker from Tamil Nadu, the labour contractor would give him less demanding work if he was sick, but if he did not work, he would not get paid (Interview, male worker Construction site, 26.03.08). A female worker from Tamil Nadu had a different experience:

I got heavy fever, but I was not able to take leave because on that day I came from my home town and I did not have any money. So I just worked with fever. But it was rainy season and I was not able to work so I went to the doctor and I myself paid 80 rupees and I got cured. (Interview, female worker Construction site 2, 26.03.08)

A female interstate migrant had fallen sick a short time after she came to the site, and she had been unable to work for two weeks. Her husband had spent 2,000 rupees on medical expenses. These had not been reimbursed, and instead he had gotten a loan from the contractor. “I have spent a lot of money not to be in fever”, she observed (Interview, female worker Construction site 2, 28.03.08).

The variable practices described above reflect the legal deficit in existing labour laws when it comes to regulating sick leave for contract workers who cannot ‘afford’ to be sick. Welfare provisions are therefore depending on the good will of the contractors and entrepreneurs.

8.5 A migrant-based labour regime

The migrant workers among my research participants maintained links to the rural economy, either directly or through their families, but due to limited landownership they relied on selling their labour power, either in the rural or urban labour market. Again, survival outside work was related to performance at work, which is a key element of despotic regimes. Similarly to ‘the company state’ regime, the unity of production and reproduction at the two sites was reinforced by workers staying on the companies’ premises thus increasing their dependence on employers (Burawoy, 1985: 261). When comparing the employment arrangements and welfare provisions of local and migrant workers, I found that migrant workers earned lower wages, worked longer hours, and at one of the sites the living conditions were poor. Lastly, they did not have access to state-provided welfare schemes or union assistance in the events of an accident or work conflict. I therefore suggest that a *migrant-based labour regime*, different from a *union-influenced labour regime*, could be identified at the two construction sites.

Empirical studies from different contexts show to what extent migrant workers collectively organise varies according to space and time. In the mines of South Africa, Burawoy (1985) points out that despite coercive surveillance by the company manager, long-term accommodation of workers and their families in compounds facilitated class-consciousness and the formation of trade unions. Similarly, Kelly (2002) found that hostels for migrant factory workers in the Philippines turned into a seedbed for union organisation. Based on this experience, industrial estate developers have dispersed workers in the surrounding areas. By contrast, close monitoring and counselling of migrants living in

Malaysian hostels has worked effectively to prevent unionism. Both cases demonstrate how physical space can be used in labour control.

However, according to Rogaly (2009), the life worlds of *temporary* migrant workers are characterised by distinct spatio-temporalities that prevent union organising. They spend a shorter amount of time working together, and live in temporary accommodations. Consequently, the opportunities for developing class-consciousness are fewer. At the same time, he identifies everyday forms of agency among temporary migrants in Eastern India, such as negotiating wages and working conditions and saving money to start an independent business in order to escape exploitation. Comparatively, studies of migrant construction workers in Karnataka (Pattenden, 2012) and Andhra Pradesh (Picherit, 2012) point to the lack of unionisation but also to other forms of social struggle, mainly in the source villages.

The migrant workers among my research participants shifted between sites and labour camps. Hence, it was less likely that they developed long-term, residence-based relations that could facilitate collective organisation, as pointed out by Rogaly (2009). Moreover, the migrants lived far away from the core areas of the local unions, and reaching them would require a considerable effort from the union leaders. Although in principle the labour camps were accessible for outsiders, they were controlled by the entrepreneurial companies, which could potentially restrict union activities. Also, if the unions had reached them, there would be a language barrier in relation to the interstate migrants, because most Tamils do not speak Hindi. Finally, as mentioned above (section 8.2.3), for the migrants coming from other states it was difficult to register with the Tamil Nadu Construction Workers Welfare Board, and thus fewer immediate incentives to join a union. Following Herod (2003), we may say that varying degrees of spatial embeddedness explain the differences in unionisation between local and migrant workers in Greater Chennai.

However, according to the website of the state government, a government order issued in December 2014 announced that migrant workers could be registered in the Tamil Nadu Construction Workers Welfare Board based on a certificate signed by the employer, which should be submitted along with other relevant documents (GoTN, 2014). The government order does not specify whether registration also include interstate migrants. Even so, this decision indicates that migrant workers were on the agenda in state politics, and that politicians appeared to take responsibility for an issue frequently reported in the media.

To what extent the welfare schemes could work as an organising tool for the unions to mobilise members among the migrant workers can only be empirically investigated. If employers take an active role in the registration of workers, the registration itself would not

create an incentive for migrants to join a union. Nevertheless, as demonstrated in Chapter 6, accessing the schemes was the primary challenge, and here the unions might have a role to play. Several migrant workers among my research participants reported that they had worked or planned to work in Greater Chennai in a long-term perspective. This finding indicates that efforts to organise this group could be possible and valuable over time.

8.6 Conclusion

This chapter has identified a *migrant-based labour regime* at two large construction sites in the 'IT-corridor' in Greater Chennai. This regime was characterised by low wages, long working hours, and at one of the sites, poor living conditions. Although they were provided with more safety measures than the local workers, the large scale of the construction sites and the pace of work put the migrants at risk. The lack of compliance with labour laws was one factor shaping employment arrangements, together with pressure from clients to complete the projects within a tight timeframe and migrants' strategies to maximise their income. I therefore argued that the *migrant-based labour regime* was characterised by a higher degree of *intensification* of work than the *union-influenced labour regime*. Furthermore, none of the migrant workers were unionised or registered in the Tamil Nadu Construction Workers Welfare Board.

To explain these differences, I suggested that the migrant workers were less *spatially embedded* in the locality where they worked. They shifted between different work sites and labour camps that were not socially regulated in the same way as the recruitment sites of local workers. Furthermore, the connections between local mistris and workers in the neighbourhoods that enabled their collective organisation were less likely to develop among the migrants. As a consequence, the migrant workers lacked union support in claiming minimum wages and welfare provisions from both employers and the state.

There were, however, similarities in labour control practices and everyday forms of agency among local and migrant workers. Also for the migrant workers, their immediate employers were the labour contractors, who stayed with them in the labour camps. Monitoring workers at the sites and preventing them from negotiating wages with the primary contractor, as well as fighting during leisure time, exemplified direct or coercive labour control practices among the labour contractors. However, similarly to local workers, accounts of migrant research participants indicated that the labour contractors balanced such practices

with indirect, reciprocal practices to foster consent among the workers, such as friendly communication.

Also here, I related the labour control practices to the *unequal mutual dependence* between labour contractors and workers and the potential *mobility power* of the migrants. Apparently, the migrant workers were not tied in long-term debt bondage, and could potentially search for another employer. Leaving the labour contractor was thus one manifestation of everyday agency among the migrant workers, along with efforts to negotiate higher wages, threats to stop the work and asking for improvements in the labour camp. These efforts show that the migrant workers actively tried to shape employment arrangements on a local scale, although their acts did not involve transformative capacity to alter the local labour regime.

9 Conclusion

The aim of this thesis has been to explain opportunities for – and constraints to construction workers’ agency by examining how employment arrangements and welfare provisions in the construction industry in Chennai were regulated and negotiated. I applied ‘local labour regime’ as an analytical frame for developing the research design and for interpreting my data material. According to my reading, a local labour regime is constituted by two components. The first component is the interaction between wider forms of labour regulation and local regulatory processes (Jonas, 2009; Peck, 1996). The second component is practices of labour control referring to the locally specific ways workers are integrated into the workplace and habituated to production (Jonas, 2009). With reference to Jonas (1996), I understand local labour regimes as consisting of interrelated locales of social interaction, and I focused on the production and reproduction locales. Finally, local labour regimes are a reflection of workers’ agency in relation to employers and the state and vice versa: local labour regimes condition workers’ agency, and workers shape local labour regimes. Following Coe & Jordhus-Lier (2011), I sought to embed the agency of construction workers within the social relations and institutions of the construction industry, the local communities and the local state.

In the thesis, I have analysed the agency of my two case study unions by examining how employment arrangements and welfare provisions were regulated on a regional scale in Tamil Nadu. I then analysed how these wider regulatory processes manifested themselves on the ground and how construction workers in Chennai shaped employment arrangements and welfare provisions on a local scale. By comparing the employment arrangements, welfare provisions and the agency of local and temporary migrant workers, I identified two different local labour regimes: 1) a *union-influenced labour regime* in the neighbourhoods, recruitment sites and workplaces of local construction workers residing in Chennai on a permanent basis; 2) a *migrant-based labour regime* at two large construction sites in the outskirts of Chennai where the workers stayed temporarily in labour camps and the unions were not present.

In this final chapter, I will summarise my main findings by answering the research questions stated in Chapter 1 (section 1.4). Next, I will clarify the contributions of this thesis to the scholarly- and policy-oriented debates raised in the introduction to this thesis. The first debate relates to how the conditions of informal workers in India may be improved through

formal regulation and social policies, whereas the second debate is how we may understand and conceptualise the agency of informal workers in contemporary India.

9.1 Labour regulation and union agency on a regional scale

My first set of research questions asked: 1) *In what ways were employment arrangements and welfare provisions in the construction industry regulated on a regional scale?* 2) *How did the unions influence state government policies, and what were the opportunities for – and constraints to their agency?*

To answer these questions, I started by examining the formal labour legislation applicable to the construction industry. India has an extensive labour legislation to be implemented by the state governments and the laws cover both employment arrangements and social security provisions. However, these laws were originally designed according to establishments in the formal economy, and they were not always applicable to the construction industry. Moreover, when the laws were applicable, they were not necessarily enforced. Therefore, my two case study unions (previously united) initiated a state-wide collective mobilisation of construction workers in 1979 to demand a comprehensive legislation to be implemented in the construction industry.

As a result, the *Tamil Nadu Manual Workers Act* was enacted in 1982. It represented an innovative piece of legislation to regulate employment arrangements and provide welfare in the informal economy through sector-wise boards governed as tripartite institutions. This act was never implemented, although the *Tamil Nadu Construction Workers Welfare Scheme* was implemented in 1994. The Tamil Nadu Construction Workers Welfare Board, consisting of representatives from trade unions, employers and the state government, governed the scheme. Nevertheless, the Board was not assigned any role in the regulation of employment arrangements, and the welfare schemes did not provide the substantial social security demanded by the unions.

Agarwala (2013) argues that the competition between populist political parties explains why informal workers' organisations in Tamil Nadu have achieved more in this state compared to other states: the organisations have constructed their members as a potential vote bank, and negotiated welfare schemes in exchange for votes. To further explain why my two case study unions had been able to leverage some of their demands for welfare schemes, but not for a comprehensive legislation applicable to the construction industry, I pointed to the alliances between private and government employers, some union leaders and politicians.

According to the leaders of my case study unions, pressure from the private builders' lobby with links to politicians was an important reason for why the *Tamil Nadu Manual Workers Act* had not been implemented. Furthermore, both union leaders and private employers among my key informants identified the lack of enforcement of existing labour laws in construction projects initiated by government institutions as a factor leading to a downgrading of working conditions across the industry. However, the material indicated that private employers supported the implementation of the tax on construction projects to help finance the welfare schemes. They reasoned that improving the welfare of the workers increased productivity, and the schemes also relieved them to take economic responsibility if accidents happened. These advantages may be the reason for why two of the unions affiliated to one of the 'central' unions represented on the Board had construction contractors as their leaders.

I also showed that the state government dominated the Board through appointment of representatives. This was legitimised by the legislation. However, scrutiny into the selection of Board representatives demonstrated that the ruling political party DMK favoured politically allied unions and that employers had more representatives than the unions. My material also indicated that DMK dominated the Board through decision-making processes. In April 2008, the state government decided to transfer all the welfare boards from the jurisdiction of the Labour Department to the Revenue Department without consulting the representatives. The legislation underpinning the welfare schemes stated that unions could issue a 'certificate of employment' to register workers in the Board, and according to the state government, this resulted in misuse of welfare schemes. In addition to the transfer, the state government announced several bureaucratic changes to the administration of the welfare schemes.

My two case study unions opposed the decision for two reasons: Firstly, they argued that stricter control by bureaucrats delegitimised unions as genuine parts in the implementation of welfare schemes, consequently weakening their position. Secondly, they reasoned that the welfare schemes would be less accessible to the members. Unions represented on the Board also opposed the transfer to the Revenue Department. Moreover, private employers I interviewed opposed the transfer because they wanted the tax deducted from construction projects to reach construction workers, and not to disappear in the general budget. The outcome was that the state government withdrew its decision regarding the transfer to the Revenue Department, but still implemented stricter bureaucratic control.

Drawing on a Gramscian perspective (Simon, 1991; Sassoon, 1980: 121-122), I argued that the concept of an historical block was relevant to help conceptualise the alliances between private and government employers in the construction industry, unions represented on the Board and politicians. I further argued that the lack of implementation and enforcement of labour laws and the selective implementation of welfare schemes reflected the hegemonic position of corporate capital within the industry. Thus, in a context of mass mobilisation, the implementation of welfare schemes financed by employers may be seen as a manoeuvre to foster consent among construction workers and their unions in order to sustain hegemony. For this reason, the formal state regulation of employment arrangements could be kept to a minimum. Yet as demonstrated above, the historical block contained both internal contradictions and opposition from my two case study unions, which were less integrated in the block. These dynamics illustrate how hegemony was negotiated in a continuum of domination/resistance (Sharp et al., 2000).

I identified the fragmented union landscape in Tamil Nadu as another constraint to the collective agency of construction workers. The fragmentation was related to differences in political orientation and alliances, and also to the proliferation of new unions. Regional data showed that a large number of unions were registered with the State Labour Department and I related this to the potential role of unions as intermediaries of welfare provisions. Additionally, the number of beneficiaries registered with the Board had also increased, and it is reasonable to believe that most of them were registered through unions, hence indicating increased union membership in the state. I therefore argued that the welfare schemes worked as an organising tool, but at the same time contributed to a fragmentation of the union movement. This finding suggests that a lack of restrictions on freedom of association may actually undermine consolidation of the union movement, and consequently the realisation of labour rights.

Following Katz (2004), the collective mobilisation of construction workers can be understood as a *resistance* movement, although its transformative capacity was constrained by the alliances of the historical block and the union fragmentation identified above. Instead, the unions had been able to *rework* employment relations in terms of redistribution of resources through the cess financing the welfare schemes. Drawing on Burawoy (1985), I suggested that the labour regulation in the construction industry on a regional scale had similarities with a despotic factory regime: Firstly, because of the lack of implementation and enforcement of labour laws, there were few formal constraints on the coercive domination of employers. Secondly, the welfare schemes were not sufficient to secure survival outside the

labour market in cases of disability, illness, old age or unemployment. Because of this, workers' dependency on employers was not reduced. At the same time, the welfare schemes provided a minimum of social security, and may be interpreted as a hegemonic element. However, I argued that Burawoy's ideal type of hegemonic despotism appeared too general to capture the characteristics of labour regulation and union agency in the construction industry. I therefore supplemented his typology with conceptualisations of labour regimes within Human Geography (Andrae & Beckman, 1998; Jonas, 1996; Kelly, 2001, 2002), which are more context- and scale sensitive (Magnusson et al., 2010).

Although there were no collective bargaining agreements regulating employment arrangements in the construction industry, the large number of unions, the potential role of unions as intermediaries of welfare provisions and their influence on government policies pointed in the direction of a *union-influenced labour regime* on the ground. However, I found important differences in employment arrangements, welfare provisions and collective organisation among local and migrant workers. Hence, I identified a *union-influenced labour regime* in the neighbourhoods, recruitment sites and workplaces of local workers, and a *migrant-based labour regime* at the two large construction sites. In the following I will compare how employment arrangements and welfare provisions were regulated and negotiated within the two regimes. I then relate the differences between the regimes to local and migrant workers' varying degrees of spatial embeddedness and also discuss similarities in labour control and everyday forms of agency.

9.2 Local labour regimes in the construction industry in Chennai

My second set of research questions asked: 3) *In what ways were employment arrangements and welfare provisions regulated on a local scale?* 4) *How and why was construction workers' agency enabled or constrained?*

9.2.1 Employment arrangements

Drawing on Peck (1996) and Peck & Theodore (2007) I analysed how employment arrangements in the construction industry were socially structured and regulated in locally specific ways. In particular, I examined the interaction between formal regulation, market regulation and social institutions, practices and conventions, hereby referring to informal rules.

The first difference in employment arrangements between the two regimes was occupational safety. The local workers among the research participants usually worked at smaller sites without safety equipment such as helmets and belts, though the temporary migrant workers at the two large construction sites were provided with these facilities. The entrepreneurial company managing one of the sites followed the national occupational safety and health regulations for the construction industry, as well as international standards. This company also emphasised safety training and awareness among the workers. The other entrepreneurial company provided their workers with some safety equipment, but not any training. Consequently, their safety policy was less extensive. The management at the two sites related the focus on safety in large-scale projects to norms for corporate social responsibility emerging among entrepreneurs and clients in the industry.

A second difference was the wage level. In Tamil Nadu, statutory minimum wages for the construction industry were implemented in 1986, with union pressure being an important reason for this. The unions indirectly regulated the wage level by staging demonstrations for higher minimum rates, which had an impact on the ground. Moreover, they attempted to enforce fixed rates at the day labour markets. Lastly, the unions interfered in conflicts over wages between employers and mistris and mistris and workers. The going wage rates for male and female helpers recruited from the neighbourhoods were just below the minimum wage rate, while female helpers recruited from day labour markets earned more or less than the minimum wage depending on supply and demand in the local labour market. Male workers recruited from day labour markets and skilled workers were paid much above the minimum wage rate, and they pointed to high demand for their skills as the primary reason for this.

Local workers among my research participants differentiated between long-term ‘company work’ at large construction sites and work on smaller buildings, could be both long- and short-term. According to them, migrant workers were often employed for long-term ‘company work’ and were paid lower wages, consequently reducing job opportunities for the locals. Employers among the key informants observed that migrant workers were more disciplined and more highly skilled than the local workers. The wage level also appeared to be an important factor to save costs in a competitive market with tight profit margins.

The low skilled helpers among the migrant research participants earned far below the minimum wage. One reason for the low wage level was that the migrants lived in accommodations provided by employers, while local workers had to pay house rents. Another reason, which also applied to local workers, was that the wages tended to be lower for

continuous work on the same project than for irregular casual work. However, the differences in wage level were mainly related to bargaining power, which I will return to in section 9.2.3.

A third difference was the working hours. For the local workers, a normal working day lasted for nine hours, including lunch break. Even so, they could be requested to work overtime, and did not necessarily receive extra payment. The temporary migrants had a very intensive work schedule, with a 12-hour workday being the norm, and some of them did additional night shifts. Clients pressuring for a fast completion of projects, and migrants' strategies to maximise income, and compensate for the low wage level, helped shape this schedule. According to the management at the two large construction sites, the extensive use of overtime increased the risk for accidents. Thus, the clients played a contradictory role for the safety of the workers when they facilitated the use of safety measures, but at the same time demanded a strict timeframe for the projects.

When comparing the employment arrangements of the *union-influenced* and the *migrant-based labour regime*, I find that the latter regime was characterised by better safety equipment, but also by lower wages, longer working hours and at one of the sites, poor living conditions. Thus, these characteristics indicated a higher degree of *intensification*, which implies longer hours spent at work, and greater work effort during a given period of time, or a combination of the two (Green & McIntosh, 2001).

At the same time, I found similarities in labour control practices between the two local labour regimes. Labour control in the construction industry was outsourced to labour contractors, called *mistris* in Tamil, who had an ambiguous position as intermediaries between employers and workers. Some of the local labour contractors undertook direct contracts for an employer, which included both the purchase of material and the recruitment of labour, while others only recruited labour. The labour contractors supervised the workers at the construction sites, some of them also worked themselves, and except at one of the large construction sites, distributed the wages. Those recruiting migrant workers stayed with them in the labour camps.

Drawing on Rudra (1985), I argued that the relationship between labour contractors and workers were characterised by an *unequal mutual dependence*. The workers depended on the labour contractors for access to employment in a precarious labour market. In the meantime, the labour contractors depended on the workers for fulfilling their agreements with employers. Furthermore, most of the local workers did not depend on a single labour contractor, but instead worked for several intermediaries. The temporary migrant workers were hired for a longer period of time, and although there were elements of non-freedom in

their employment arrangement (Lerche, 2007), they appeared not to be entrapped in debt bondage. Thus, due to their *mobility power* (Smith, 2006), the workers could potentially quit and search for another labour contractor.

To keep good workers at hand and make them work according to the proper timeframe, I suggested that the labour contractors balanced direct or coercive practices of labour control, such as monitoring workers at the construction sites and requesting overtime, with indirect, reciprocal practices to foster consent. These included treating workers with respect and friendliness, listening to their advice, joking around, working along with them and giving economic rewards.

9.2.2 Welfare provisions

The main difference in welfare provisions between the two local labour regimes was access to the Tamil Nadu Construction Workers Welfare Board. The state-provided welfare schemes were only available to local, unionised workers among the research participants. For the interstate migrants, bureaucratic procedures restricted access to the welfare board by at the time of the fieldwork. However, the temporary migrants from Tamil Nadu were entitled to the schemes, but they had not been registered in the Board neither by a union nor an employer.

Regional data showed that although a large number of construction workers in Tamil Nadu were registered as beneficiaries, there were few who had actually received benefits. Consequently, a large amount of funds remained unspent and did not reach the intended beneficiaries. The low number of sanctioned schemes was partially related to the low registration rates of beneficiaries during the first 10 years after the Board was established. The surplus of funds was also related to the submission of incorrect application forms and documents, as well as delays in the verification of applicants due to the lack of administrative capacity within the Board. Nonetheless, data from the Board showed that the distribution of money increased during the period of my data collection.

Registering in the Board and applying for welfare schemes required literacy and knowledge of the bureaucratic system. I demonstrated that local and regional leaders of my two case study unions possessed this knowledge. They informed local workers about their legal rights and the policies of the state government, and assisted them in the registration and application processes. Despite the bureaucratic obstacles, they were able to access welfare schemes on behalf of the members, in particular in relation education assistance. The local

workers provided primary education for their children, and some even had children in secondary school and college. The research participants were very concerned about the importance of education, and the schemes may have been an extra motivating factor in this regard. However, to manage expenses for higher education, they had taken loans from moneylenders and acquaintances.

My case study unions also supported workers who had experienced accidents to claim compensation from their principal employer. I referred to several cases demonstrating that the unions had been able to achieve compensation on behalf of the worker. Yet, in practice it was difficult to formally claim compensation through the legal system because the employment relationship must be documented, which was not always possible in a subcontracted labour system. Hence, it appeared to be easier to use the law to informally claim compensation directly from the employer.

None of the temporary migrant workers had experienced serious accidents, but they had observed and heard about such incidents happening to co-workers. They reasoned that the companies had provided compensation, but they did not know the details. However, without the support of a union, the worker – or in cases of fatal accidents the family of the worker – might receive a lower amount of money.

A challenge for both local and migrant workers was health problems such as joint pain, headache, chest pain, high blood pressure and fever, which sometimes hindered them from working. A few of the temporary migrants had been compensated for sick leave and medical expenses by the primary contractor, while most of the migrant and local workers were not paid if they stayed back. They compensated for irregular income by borrowing money from relatives and neighbours in addition to shopkeepers and moneylenders. Compensation for sick leave was not provided by the national labour legislation applicable to construction workers or by the Board, and illustrates a crucial the gap in the social security provisions.

When comparing the welfare provisions of the *union-influenced* and the *migrant-based labour regimes*, I find that even though the welfare schemes did not provide substantial social security, the local workers had more opportunities than the migrant workers to claim the provisions they were entitled to, either from employers or the state, with the support of a union.

9.2.3 Spatial embeddedness and workers' agency

Drawing on Herod (2003) and Carmichael & Herod (2012), I argued that the differences between the two regimes were related to the varying degrees of spatial embeddedness among local and migrant workers. When my two case study unions started to organise construction workers, they built on the old guild system and masons' associations existing in cities in Tamil Nadu (Mody, 2004; Ramakrishnan, 1996). In this way, the unions were spatially embedded in institutional structures among skilled workers. Also within my case study unions, several local union leaders were *mistris*, and I demonstrated that local union leaders and neighbours played a crucial role in the recruitment of members to the unions. Thus, the local workers were spatially embedded in the neighbourhoods through work, family, kinship and residence ties. This spatial embeddedness contained crucial resources that were utilised to collectively organise.

The local workers joined the unions for collective support in the event of an accident or conflict with employers, and to access welfare schemes from the state. Some of them also mentioned access to work, since *mistris* were members of the unions. I therefore suggested that *mistris* being part of the unions had facilitated the collective organisation of construction workers. However, the position of *mistris* in the unions indicated that the hierarchy among construction workers was replicated in the unions. Another hierarchical relation within the unions was the relationship between regional union leaders with a middle-class background and *mistris/workers*. Hence, I argued that in a labour market characterised by precariousness and scarce welfare resources, workers entered into relationships with superiors to access help, material benefits and work. Attendance in union activities, and possibly also support to the leaders during union elections was expected in return. In this way, the vertical relationship between union leaders and members resembled the patron-client model, in which valuable resources are exchanged over time between actors with an unequal status and power (Scott, 1975).

With reference to studies of political leadership in South Asia (Price & Ruud, 2010), I suggested that the union leaders constituted their leadership by combining two roles: The role of the 'fixer' applied to local leaders in particular and included knowledge of the bureaucratic system as well as the capacity to 'get things done'. The other role was the 'social worker', containing individual moral qualities such as being honest, hardworking and self-sacrificing. By assisting the members in several ways, and at the same time downplaying hierarchical

differences, the leaders maintained a reputation, which was important to recruit and retain members and mobilise them for union activities.

Due to the ambiguous positionality of the *mistris*, I observed that they simultaneously had common and conflicting interests with the workers. On the one hand, both *mistris* and workers were vulnerable as informal, contracted workers. The unions enabled their collective agency in relation to the state, and to employers in conflicts over wages or if an accident occurred. Furthermore, they connected members to the formal regulatory environment, and in this way contributed to their legal empowerment. On the other hand, the deduction of commission from the wages of the workers by the *mistris* appeared to be a common practice also among unionised workers. Although workers among the research participants regarded it as unfair, they did not collectively challenge this practice, which may be related to the position of the *mistris* in the unions.

According to Rogaly (2009), the working lives of temporary migrants are characterised by distinct spatio-temporalities. They frequently change their place of residence and work, hence connections between workers that can facilitate collective organisation, are less likely to develop. Similarly, my migrant research participants shifted between different construction sites and labour camps, and were less spatially embedded in the locality than the local workers. As a consequence, they were not in touch with any of the unions, they had less bargaining power in relation to employers and lacked access to the state provided welfare schemes.

Despite the differences in collective organisation between the two local labour regimes, I identified similar opportunities for – and constraints to everyday forms of agency (Carswell & De Neve, 2013, Rogaly 2009), and I used Katz's (2004) schema to differentiate between resilience, reworking and resistance. The employment arrangements of both local and migrant workers were regulated by informal rules for appropriate behaviour, such as compliance with the terms set by the superior labour contractors and contractors. Within the context of despotic local labour regimes, these rules constrained the room for manoeuvre in negotiating the terms and conditions of work.

At the same time, there were also local and temporary migrant workers who reported that they actively negotiated wages with their superiors, which may be interpreted as efforts aimed at reworking their employment arrangements. However, for local workers, actual bargaining power was related to the employer's need for urgent labour, and for both groups it was related to being skilled. At one of the large-scale construction sites, some of the female workers had asked for improvements in the labour camp. This may be seen as an effort to

rework living conditions, although the management had not accommodated their requests at the time of the fieldwork.

Other strategies ‘to get by’, which may be interpreted as expressions of resilience, included avoiding ‘unknown’ mistris in order to prevent being cheated, talking behind the back of the mistri, and leaving mistris who misbehaved. The latter may again be related to the mobility power of workers discussed above (Smith, 2006). Finally, female workers who opposed sexual harassment at one of the day labour markets expressed acts of resistance. Taken together, these manifestations of agency indicate that the workers had some autonomy in relation to their superiors, and actively shaped, or attempted to shape, employment arrangements on a local scale.

9.3 Contributions to the literature

The first main contribution of this thesis is to the scholarly- and policy-oriented debate on how the conditions of informal workers in India may be improved. The establishment of the tripartite institution, the Tamil Nadu Construction Workers Welfare Board and the implementation of welfare schemes, resemble key policy recommendations forwarded by the National Commission for Enterprises in the Unorganised Sector (2007), the Commission on Legal Empowerment of the Poor’s (2008) legal empowerment agenda and the International Labour Organization’s Decent Work Country Programme for India (ILO, 2013). However, these policy recommendations include the implementation of legislation aimed at providing a ‘social floor’ to secure a basic income and decent working conditions. As shown in this thesis, the local labour regimes in the construction industry in Chennai were characterised by a lack of applicability, implementation and enforcement of labour laws, and the welfare schemes did not provide substantial social security. With reference to the Decent Work Country Programme for India, Lerche (2012) observes that the national government has taken significant initiatives when it comes to social protection, but avoids regulating the conditions of recruitment, work and pay in the informal economy. Thus, the government’s priority is to create employment for all before addressing decent work issues. The state government of Tamil Nadu appeared to be on a par with the national government.

This study nevertheless demonstrates that my case study unions actively used labour laws to leverage their demands, with one such law being the *Minimum Wages Act of 1948*. The unions had pressured the state government to implement this act in the construction industry, and they referred to the statutory minimum wages when demanding the state

government to increase these rates. Moreover, the minimum wages provided a point of reference in daily negotiations in the local labour market. Another law was the *Workmen Compensation Act of 1923*, which the unions referred to when demanding compensation for injured workers, either formally or to pressure the employer to informally settle compensation.

Key informants among both employers and union leaders pointed to the compulsory registration of wages in workbooks as a way to ensure minimum wages. Such registration would also be one way to document actual existing employment relationships in a subcontracted labour system, which was required to claim accident compensation through the formal system. In 2013, the rules for occupational safety and health regulations under the national labour legislation applicable to the construction industry were implemented in Tamil Nadu. Although these rules do not provide any regulations for labour recruitment and payment of wages, they are crucial for preventing accidents and health problems among workers. Increasing the capacity of government bodies to enforce such registration could be one way to strengthen the linkages between workers in the informal economy and the formal regulatory environment, as suggested by Chen (2007), and in this way promote the legal empowerment of construction workers.

Although the regional leaders of my two case study unions demanded a comprehensive legislation for the construction industry, they also pointed out some immediate measures that could be taken to improve social security provisions and develop the Board as a platform for tripartite representation. Firstly, they demanded an increase in the funds available in the Board, and that the cess on construction projects should be increased to 1%. Additionally, they demanded that the state government should contribute financially to the Board, and that the registration fees from workers should be reintroduced. They also reasoned that influence follows from contribution, and if workers contribute financially they have 'the right to question' in matters related to the Board. With increased funds, the schemes could be extended and temporary migrant workers registered as beneficiaries.

Both during and after my fieldwork, the state government has announced several government orders related to the construction industry. In 2009 the Tamil Nadu version of a national medical insurance scheme was implemented as a supplement to already existing schemes. Next, in accordance with the demand from my case study unions, the tax collected from building projects was increased to 1%. Lastly, the state government has taken initiatives to improve the accessibility of registration with the Board for temporary migrant workers. These announcements show that policies targeted at informal workers continue to be an

important part of politics in Tamil Nadu, and the implementation and consequences of these initiatives would also be an interesting topic for further research.

The Commission on Legal Empowerment of the Poor (CLEP) and the ILO's Decent Work Country Programme for India (ILO, 2013) point to the importance of social dialogue and consensus between workers, employers and state governments to improve conditions in the informal economy. However, the reports do not discuss the potential challenges and conflicting interests in this regard. The leaders of my case study unions argued for a more democratic representation to the Board by appointment of union representatives on the basis of membership strength rather than political alliances. Moreover, they suggested that a limit should be set to how long one union could be continuously represented on the Board in order to ensure rotation. Thirdly, the union leaders observed that the multiplicity of unions could be reduced if the *Trade Union Act* was amended in such a way that the number of members required to register a union was increased and the submission of membership records was strictly enforced.

Thus, another main contribution of this thesis is enhancing the understanding and conceptualisation of the agency of informal workers in contemporary India. While theories of labour regimes and labour control were useful to bring out the structural constraints facing construction workers, contributions focusing on workers' agency informed my exploration of how workers shape employment arrangements and welfare provisions in the construction industry. In particular, I have engaged with the argument that we the need to be explicit about different forms and levels of agency in order to discuss variations in the transformative capacity of workers (Coe, 2013).

My first argument relates to the role of informal workers themselves in the implementation of welfare policies. According to Agarwala (2013), informal *bidi* and construction workers have launched a new class movement that alter their relationship with the state: They offer their unregulated labour and political support in exchange for state recognition and state-provided welfare benefits. This has been particularly successful in Tamil Nadu. In addition to the context of welfare populism referred to above, Agarwala (2013) argues that the neoliberal economic policy pursued by the state government paradoxically increases the bargaining power of informal workers because their cheap labour is a key ingredient for economic growth.

Meanwhile, Chatterjee (2008) emphasises the significant number of self-employed workers, like street vendors, who are not absorbed into the new growth sectors of the economy and 'rendered useless' to corporate capital. From his perspective, these workers can

still leverage their demands as target groups for public policies and negotiate with the state over the transfer of resources. This is not because they are vital for economic growth, but because they can potentially turn into ‘dangerous classes’ if not taken care of by the state.

Lerche (2012) offers a third perspective and observe that civil society pressure for national social policies has come from top-down initiatives and middle-class activism, rather than broad-based movements, and informal workers do not constitute a significant political force. Moreover, the social policies do not address economic labour market inequalities, which limits the scope for implementing the Decent Work Agenda.

These readings show diverging interpretations of the agency of informal workers in India, depending on which sector and region or locality one looks at. By engaging with them at the same time, and by bringing in my own findings, my study further nuances these perspectives. I agree with Agarwala (2006; 2013) that the collective mobilisation of informal workers within the context of competing populist parties has been important for the implementation of welfare boards in Tamil Nadu. In contrast to observations by Lerche (2012), they have been able to influence government policies to a certain degree. At the same time, as pointed out by Lerche (2012) in relation to the national context, the social policies directed at construction workers in Tamil Nadu have not addressed economic labour market inequalities. Furthermore, middle-class activists have played a crucial role in pressuring for implementation of the Board. However, they have been doing this alongside broad-based mobilisation among construction workers. In this way, regional union leaders acted as intermediaries between the domain of ‘political society’, characterised by mass politics, and the domain of ‘civil society’, characterised by formal institutions and the rule of law (Chatterjee, 2008). Nevertheless, the collective organisation and access to state-provided welfare did not include temporary migrant workers among the research participants. This finding is in accordance with other studies from South India (Pattenden, 2012; Picherit, 2012), and shows important variations among construction workers within Greater Chennai.

Construction workers provide a labour force vital for economic growth, as argued by Agarwala (2006; 2013), and I elaborated on the role of employers in financing the welfare schemes through the cess on building projects. Hence, the current welfare schemes for construction workers were not only an outcome of the state-labour relationship, but also of private capital’s involvement. With reference to Lerche et al. (2012), this exemplifies how surplus value from production can be returned to workers via the state. Contrary to Chatterjee’s (2008) argument, construction workers were not outside the domain of corporate capital, but instead were linked to this domain through the subcontracting system.

My second argument relates to observations by several authors regarding a shift in union strategies from labour rights associated with the workplace to welfare rights associated with the neighbourhood (Agarwala, 2013; Gillan & Lambert, 2013; Vijayabaskar, 2011). For my two case study unions, the welfare schemes were an important organising tool and much of their work focused on issues related to the implementation of these provisions. At the same time, one of the regional union leaders characterised the welfare schemes as ‘doles’ to be distributed by politicians rather than labour ‘rights’, and leaders of both unions continued to demand a comprehensive legislation for the construction industry based on tripartite representation and funding. The workers I interviewed were concerned about issues like irregular work, low wages and lack of safety protection. These issues were not likely to be tackled through state-provided welfare schemes, but required the formal regulation of employment arrangements and more substantial social security measures. Moreover, I found that even though the mass mobilisation of the unions was directed at the state, they also targeted employers on a local scale if wages were not paid or an accident happened. For this reason, I argue that the unions acted in different ways, on different scales, both against employers and against the state.

My third and final argument relates to the link between labour market intermediaries and collective organisation. Contributions to labour geography focusing on global production networks point to the role of labour market intermediaries in increasing the fragmentation of the workforce, consequently preventing collective organisation (Coe & Jordhus-Lier, 2011; Coe, 2013). Breman (1996) has forwarded a similar argument by referring to informal labour markets in South Gujarat, West India. According to Agarwala (2006; 2013), informal workers’ organisations in India mobilise the informal proletariat as a class, thereby going around the subcontractors by connecting directly to the state. Meanwhile, I have demonstrated that the subcontractors (the *mistris*) were key figures in my case study unions in Chennai. Hence, the impact of labour market intermediaries on collective organisation is variable and contextual.

I therefore argued that ambiguous positionality and multiple roles of labour contractors, operating as intermediaries between the formal and informal spheres, were important to understand the unionisation of construction workers in Chennai. Labour contractors and workers had common interests in relation to employers and the state, and the concept of class may be useful to help emphasise their shared vulnerabilities. At the same time, conceptualising construction workers as a class also downplays the heterogeneity among them and the asymmetrical relationships between labour contractors and labourers.

Hence, it is crucial to pay attention to how workers' agency is negotiated within unions as well as in the local labour market.

To bring out these complexities, I argue that it is necessary to focus on regulatory processes and multiple forms of worker agency that manifest in the production and reproduction locales, both on regional and local scales. By using local labour regime as an analytic frame in dialogue with theoretical perspectives on the informal economy and literature on politics of work and welfare in India, I have developed a contextual explanation of processes that conditioned the agency of construction workers in Chennai and the ways they themselves shaped their working lives.

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Appendix 1: Interviews, personal communication and observation

Interviews local mistris

	Type of worker	Date	Age	Neighbourhood/ labour market	Union	Welfare provisions
1	Mistri	02.12.07 21.12.08 14.04.08 10.01.10	49	Ellis Nagar	TMKTS Local leader	No?
2	Mistri	03.12.07	60	Rangarajapuram	NMPS Local leader	Marriage scheme
3	Mistri	09.12.07	45	?	NMPS	Applied education scheme
4	Mistri	08.02.08 21.12.08		Ellis Nagar	TMKTS Local leader	Education scheme
5	Mistri	16.03.08	42	Kotturpuram	TMKTS Local leader	Education scheme
6	Mistri	21.12.08	52	Malaipakkam	NMPS Previous local leader	Education schemes
7	Mistri	04.01.09	55	Vannarpet	Non-unionised	No
8	Mistri	13.01.10	50	Shankar Nagar	TMKTS Local leader	Education scheme
9	Mistri	20.01.10	47	Laxmipuram	NMPS Local leader	Education scheme

Interviews local male workers, a group and a couple

	Type of worker	Date	Age	Neighbourhood/ labour market	Union	Welfare provisions
1	Male worker	09.01.08	47	Recruitment Ellis Nagar	Non-unionised	No
2	Male worker	23.01.08	37	Recruitment Ellis Nagar	TMKTS	Education scheme
3	Male worker	13.02.08	?	Recruitment Malaipakkam Market	NMPS	No
4	Male worker	22.04.08	41	Recruitment Laxmipuram	Non-unionised	No
5	Group interview, 2 male and 1 female worker	23.04.08	49 49 55	Recruitment Malaipakkam market	NMPS	Education schemes
6	Male worker	21.12.08	36	Injured, not working in construction	NMPS	Accident compensation government

7	Skilled worker	27.12.08	47	Regular worker Nagavakkam	NMPS Local leader	Education scheme Accident compensation employer
8	Male worker	28.12.08	45	Recruitment Ellis Nagar	TMKTS	No
9	Male worker	24.01.10	53	Recruitment Nagavakkam	NMPS	No
	Worker couple	30.01.10	55 50	Recruitment Shankar Nagar	TMKTS	No
8	Skilled worker	31.01.10	36	Recruitment Ellis Nagar	TMKTS	Accident compensation employer

Interviews local female workers

	Type of worker	Date	Age	Neighbourhood/la bour market	Union	Welfare provisions
1	Female worker	16.12.07	?	Recruitment Nagavakkam	Non- unionised	No
2	Female worker	23.12.07	36	Recruitment Nagavakkam	NMPS	Applied education scheme
3	Female worker	23.01.08 02.01.09	30	Recruitment Ellis Nagar	TMKTS	No
4	Female worker	03.02.08	26	Recruitment Ice house market	NMPS	No
5	Female worker	17.02.08	36	Regular worker Shankar Nagar	TMKTS	Education schemes
6	3 female workers	06.03.08	33 38 38	Recruitment Shankar Nagar market	Non- unionised	No
5	Female worker	16.03.08	27	Regular worker Kotturpuram	TMKTS	Applied, but not received maternity scheme
6	Female worker	20.03.08	60	Recruitment Malaipakkam market	NMPS	Applied pension
7	Female worker	04.01.09	54	Recruitment Mint street market	Non- unionised	No
9	Female worker	17.01.09	42	Recruitment Mint street market	AITUC	No
10	Female worker	18.01.09	38	Regular worker Laxmipuram	NMPS	Education scheme
11	Female worker	19.01.10	48	Recruitment Mint street market	Non- unionised	No
12	Female worker	24.01.10	42	Recruitment Nagavakkam	NMPS	Marriage scheme

Interviews temporary migrant workers

	Type of worker	Date	Age	Home state	Company
1	Skilled worker	19.01.08	25	West Bengal	Construction site 1
2	Male worker	04.02.08	22	Jharkand	Construction site 1
3	Skilled worker / labour contractor	18.02.08	23	Jharkand	Construction site 1
4	Male worker	21.02.08	22	West Bengal	Construction site 1
5	Skilled worker	21.02.08	34	Orissa	Construction site 1
6	Male worker	25.02.08	20	West Bengal	Construction site 1
7	Male worker	25.02.08	21	West Bengal	Construction site 1
8	3 female workers	23.03.08	40 40 40	Tamil Nadu	Construction site 2
9	Male skilled worker	23.03.08	25	Tamil Nadu	Construction site 2
10	2 male workers	24.03.08	63 37	Tamil Nadu	Construction site 2
11	Male worker	26.03.08	?	Tamil Nadu	Construction site 2
12	Female worker	26.03.08	30	Tamil Nadu	Construction site 2
13	Male worker	28.03.08	51	Orissa	Construction site 2
14	Female worker	28.03.08	30	Jharkand	Construction site 2
15	Female worker	16.01.09	32	Tamil Nadu	Construction site 2

Interviews union leaders

	Name	Date	Position	Union
1	R. Geetha	17.11.07 15.01.09	South Regional Coordinator	Nirman Mazdoor Panchayat Sangam (NMPS)
2	S. Mody	23.11.07	President	Penn Thozhilalargal Sangam (PTS)
3	R. P. K. Murugesan	07.12.07	Additional state general secretary	Indian National Trade Union Congress (INTUC)
4	G. Reddy	20.12.07 18.04.08	South coordinator	Building and Woodworkers International (BWI)
5	M. Subbu	21.12.07 20.12.08 28.01.10	General secretary	Tamil Maanila Kattida Thozilalar Sangham (TMKTS)
6	T. R. S. Mani	07.01.08	State secretary	All India Trade Union Congress (AITUC)
7	R. Singaravelu	24.02.08 29.12.08 30.01.10	Assistant general secretary	Centre of Indian Trade Unions (CITU)
8	L. R. Sudarshan S. V. Naggarajan	17.12.08	State vice president Secretary	Tamil Nadu Building and Woodworkers Union, INTUC, INRLF
9	K. Ravi	03.01.09	State secretary	All India Trade Union Congress (AITUC)
10	P. Kumar	12.01.09	Union president	Tamizhaga Kattida Thozhilalargal Mathiya Sangam (TKTMS)
11	M. Paneerselvam	13.01.09	General secretary cum construction contractor	Akila India Kattida Thozilaalar Mathiya Sangam (AIKTMS)

12	V. R. Karnan	20.01.09	Union president cum construction contractor	Indian National Rural Labour Federation (INRLF)
13	Marimuthu	10.01.10	Office bearer	Nirman Mazdoor Panchayat Sangam (NMPS)

Interviews/personal communication employers

	Name	Date	Company	Organisation
1	M. K. Sundaram	30.11.07	Private builder	Vice Chairman, Builders Association of India (BAI), Southern Centre
2	L. Moorthi	14.11.07 18.04.08	Government contractor	Penn Thozhilalargal Sangam (PTS)
3	K. Ramanujam	13.02.08 28.02.08 21.01.09	Private builder	Member Builders Association of India (BAI)
4	A. V. Ramasamy	11.04.08	Private builder	Chairman Builders Association of India (BAI)
5	Head of health and safety department	08.01.09	Construction site 1	
6	Safety officer	08.01.08 16.01.09	Construction site 1	
7	Project coordinator	March 2008	Construction site 2	
8	Project manager	23.03.08 16.01.09	Construction site 2	

Interviews/ personal communication government officials

	Name	Date	Position	Organisation
1		04.04.08	Officer	Regional labour commissioner, Government of India
2	K. Ganeshan	14.11.07 18.04.08	Superintendent	Tamil Nadu Construction Workers Welfare Board
3		13.02.08 28.02.08 21.01.09	Officer	Inspectorate of Labour, Tamil Nadu
4	Mrs. Kalavani	21.04.08	Deputy commissioner of labour	Labour and Employment Department, Government of Tamil Nadu
5	K. Alagesan	08.01.09	Secretary / Joint commissioner of labour	Tamil Nadu Construction Workers Welfare Board / Labour and Employment Department, Tamil Nadu
6	Ravishankar	26.12.08 12.01.09	Superintendent	Tamil Nadu Construction Workers Welfare Board

Observation

	Activity	Date	Place	Organisation/Company
1	Day labour market	12.12.07	Mint Street	
2	Member meeting	02.12.08	Office	Nirman Mazdoor Panchayat Sangam (NMPS)
3	Construction work	07.01.08	Construction site 1	Anonymised
4	Safety training	08.01.08	Construction site 1	Anonymised
5	District representatives' meeting	10.02.08	Meeting hall	Nirman Mazdoor Panchayat Sangam (NMPS)
6	Living conditions	24.02.08	Labour camp	Company 1
7	Living conditions	March 2008	Labour camp	Company 2
8	Union rally		Madras High Court to Secretariat	Joint union mobilisation
9	Workshop	18. - 20.03	Conference hotel	Building and Woodworkers International (BWI)
10	Judgement	09.04.08	Madras High Court	
11	Childcare	21.01.09	Creché	Tamil Nadu Construction Workers Welfare Board
12	Day labour market	28.01.10	Malaipakkam	

Appendix 2: Interview guide for workers

Background profile

- Native place
- Age, religion, caste
- Education
- Number of people in the household, what are they doing?

Work history

- Can you tell me what kind of work you have been doing since you started working?
- How did you get your first job in construction? Have you got any skill training? Why did you get into construction?
- What kind of work are your parents doing?

Present work

- Can you tell me about your present work?
- How do you get work? Who hire you? Where do they come from? Are you hired individually or with a group? Whom do you work together with?
- What is important to get work? (Recommendation, caste, kinship)
- How many days in a month do you generally get work? Is it sometimes difficult to get work? Has it been more easy/more difficult to get work?
- What do you do if you don't get work? Do you have other income sources?
- What is the role of the labour contractors / engineer / owners? How will you describe a labour contractor / engineer / owner who is good to the workers? Are there any differences between them?
- Do construction workers today face any challenges? Have you ever experienced any problems in your work?

Payment

- How is your wage decided?
- How much do you earn? (daily/weekly/piece rate) What decides the wage? (type of work, hours) Overtime payment?
- Do you bargain with the labour contractors about the payment? Is there any competition / collaboration among the workers? (underbidding / fixing wage level)
- When do you get paid? Do you ever get paid less than agreed in advance? Do the labour contractors deduct commission?

Working conditions at site

- How are the working conditions at the construction sites?
- How is the safety situation? Do you get safety equipment?
- Have you experienced any accidents? If so, did you get any compensation? Do you have any health problems?
- Breaks, food, drinks, toilet facilities

Unions

- Members: Can you tell me about your union?
 - Who recruited you? When was this? Why did you become a member? How much is the membership fee?
 - What do you think about the union? Are there any advantages of being a member? (access to work, bargaining position)
 - Have you got any help? Have you tried to apply for any welfare schemes? If so, what do you think about the schemes?
 - Have you participated in any union activities/rallies? Compensation received?
 - How are the leaders in this area? What do they do? Who can be a leader? Are the labour contractors in the union / other union? What do you think about that? How will you describe a good leader?
 - Non-unionised: Have you hear about any unions working for construction workers? What do you know? Would you like to become a member? Why/why not?
- Both:
- Which issues/rights do you think are the most important for construction workers?

Household economy

- How is the economic situation in the household?
- Are there expenses which you cannot afford (food, clothes, medical, schooling)?
- Do you have any savings? Where? Loan? From whom?
- Own/rented house? Housing quality? Electricity, water, cooking, sanitation? TV, radio, bicycle, scooter?

Closure

- I have no more questions, is there something more you want to tell me or ask about before we finish?