

# Pyramid subcontracting and moral detachment: Down-sourcing risk and responsibility in the management of transnational labour in Asia

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**Amanda Wise**

Macquarie University, Australia

## Abstract

Major transformations in the organisation of labour are having a profound effect on the moral character of the labour-capital contract. Using two small case studies undertaken in Singapore as a starting point, this article reflects on the moral economies of supply chain capitalism. Detailing examples of the human impacts of down-sourcing risk through 'flexible' modes of transnational employment, it analyses the strategies whereby firms and governments distance themselves from these consequences. Precarious forms of employment based on pyramid subcontracting arrangements allow a disruption of the moral relation (however tenuous) that is present in traditional face-to-face employment arrangements. The article explores four strategies of moral detachment on the part of the employers, contractors and brokers in the supply chain.

**JEL Code:** J61

## Keywords

Foreign workers Singapore, globalisation, human rights, Indian foreign workers low-paid workers, migrant labour, migration, neo-liberalism, precarious work, racism, supply chain, vulnerable workers

Major transformations in the organisation of labour are having a profound effect on the moral character of the labour-capital contract, are re-shaping forms of solidarity

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## Corresponding author:

Amanda Wise, Department of Sociology, Macquarie University Balaclava Road, North Ryde, NSW 2109, Australia.

Email: [amanda.wise@mq.edu.au](mailto:amanda.wise@mq.edu.au)

in society and are influencing individual character (Dejours and Deranty, 2010; Petersen and Willig, 2004; Sennett, 1998, 2007). Precariousness involves increased reliance on 'flexible' forms of unstable employment such as casualisation and labour hire arrangements (Barrientos, 2008; Kalleberg, 2009; Weil, 2011). In certain industries, extended chains of subcontracted labour have been well documented in the literature on global supply networks (Castles, 2011; Dicken, 2011; Rainnie et al., 2011). As Neilson and Rossiter (2008) have argued, historically and cross-culturally, precarity has actually been the norm, while Western post-World War II Fordism (economic stabilisation based on consumer demand management through wage and job security) has been the exception. Still, international labour standards embody ideals of security, continuity, fairness, reasonable hours, and provision for leave and rest breaks (Fenwick and Novitz, 2010). They also embody a moral dimension, whereby a worker is recognised as fully human, and as deserving of respect. Work is understood as contributing to a sense of purpose and continuity in life, and there is some sense of tangible *relation* involving reciprocal responsibility between employer and employee (Mishra, 2012).

The phenomenal growth in the last decade of transnational labour flows is symptomatic of larger processes of disembedded 'supply chain capitalism' (Tsing, 2009). This is analysed in the large economic geography literature on 'global shifts' in production (Dicken, 2011; Rainnie et al., 2011), in the literature on the social responsibility of global capital (Woolfson and Beck, 2005) and in explorations of the possibility for regulating labour standards along supply chains (Barrientos, 2008; Johnstone et al., 2001; Locke et al., 2007; Quinlan and Sheldon, 2011; Toh and Quinlan, 2009; Weil, 2011; Weil and Mallo, 2007). The present article is a study of failures of responsibility and regulation. It draws on first-hand encounters with two stark instances of labour and human rights abuses, in construction and long haul fishing, contextualised by non-government organisation (NGO) documentation of similar cases.

While compelling, the case studies are not presented for their novelty: the phenomena they represent are well documented. Instead, the aim is to conceptualise this evidence within a larger frame, drawing particularly on the work of social anthropologists and human geographers (Carrier, 2001; Cross, 2010; Ong, 2006b; Strathern, 2002; Tsing, 2009; Xiang, 2011). The article takes up Ong's (2006b: 16) argument that global labour supply chains exemplify a larger set of neo-liberal processes that disarticulate rights and entitlements formerly afforded through national citizenship, rearticulating them around transnational economic logics. The case studies are shown to feature strategies of detachment. They suggest that while operating in the different industrial spheres of construction and long haul fishing, precarious forms of employment are designed to distance and disrupt the moral relation (however tenuous) that is present in 'traditional' face to face employment arrangements. The study details a number of strategies of detachment on the part of the employers in the supply chain, and the sovereign states that stand to gain economically from these arrangements. These are (1) extended subcontracting chains, (2) bureaucratic languages of audit culture and euphemism, (3) exploitation of extrajudicial grey zones and variegated sovereignties and (4) transnational racial hierarchies.

## A note on method

The case study stories presented here are drawn from a larger funded research project on 'Transnational Affect and the Moral Economies of Temporary Migration'.<sup>1</sup> The main study involved interviews with low- and middle-waged temporary workers in Australia and Singapore, working in four industries: IT, construction, hospitality and manufacturing. The research involved 40 interviews in Australia and 12 in Singapore among low-waged migrant labourers. Interviews were open-ended, qualitative and of approximately two hours' duration each, with a thematic focus on emotional experiences and moral economies of temporary migrant labour. Follow-up interviews were conducted with some of the more compelling cases. In Singapore, this research was supplemented by interviews with key NGO workers and case managers, and ethnographic work in sites where workers congregate socially. We spent time in the shelter for homeless workers run by HOME (Humanitarian Organisation for Migration Economics, a Singaporean NGO). Findings were drawn out by systematic thematic analysis and triangulated against an extensive literature on low-wage migrant labour in Southeast Asia and the Middle East (Afsar, 2009; Gardner, 2010; Rahman, 2012; Rosewarne, 2013; Zachariah et al., 2002).

The rationale for this methodology was twofold. A series of large-scale survey-based studies of migrants on section 457 visas in Australia (Khoo et al., 2005) found mostly positive experiences of temporary migration to Australia. However, these findings contradict our anecdotal observations within the Indian community, numerous reports from Australian unions and recent media highlighting labour exploitation among particular communities (Koreans, Chinese, Indian, Filipinos) and in particular industries (construction, hospitality and mining) (e.g. Maley, 2008; Moore and Knox, 2007; Wallace, 2011). Survey and related quantitative methodologies are not suited to uncovering the sorts of issues discussed here. There are issues of literacy, issues of access and issues of fear and trust. Thus, an ethnographic and qualitative case study approach was chosen, where time was spent building relationships and trust within the communities we were studying. This enabled a more nuanced exploration of the issues the workers were facing. During the course of the first phase of study, we found that many of the Indians working in Australia had previously worked in Singapore where they were recruited by local agents with networks in Australia. Thus, the second phase of the study shifted to Singapore and took a more transnational view of recruitment, exploitation and subcontracting chains.<sup>2</sup>

Of the two case studies reported here, taken from this larger suite of interviews, the first involved low-wage foreign workers recruited through a chain of brokers in India to work in Singapore under a multilayered pyramid subcontracting arrangement. Five Tamil labourers were living at HOME, the small NGO mentioned above, that assists migrant workers in distress with issues like non-payment or under-payment of salaries, medical crises, unexpected unemployment and legal proceedings. It also runs two shelters for foreign workers who for various reasons find themselves out of work and without accommodation. Shelter residents will typically have suffered abuse, exploitation or injuries. The interviews occurred in early 2010 when Singapore's post-crash economic downturn was at its height, and precariously employed foreign workers at the bottom of the supply chain were especially vulnerable.

The second uses information provided in 2010 by an NGO, involving a Mozambican crew member of a Taiwanese commercial fishing trawler. NGO volunteer Stephanie Chok was intimately involved with the case while working on her PhD on foreign workers in Singapore. This case was publicly detailed on her blog (with permission from the NGO) and reported in the press (Chok, 2010). Follow-up information was also collected with her assistance in 2012. Research included use of publicly available affidavits, case files,<sup>3</sup> news reports (cf. Neo, 2009a, 2009b), and reports produced for relevant Singaporean NGOs, particularly HOME, and Transnational Workers Count Too (TWC2, 2012).<sup>4</sup> The case is exemplary of the kind of exploitation and trafficking (or trafficking like conditions)<sup>5</sup> that have been documented extensively in the literature and by human rights NGOs (Brennan, 2009; International Labour Organisation (ILO), 2013; Robertson, 2011; Stringer et al., 2011; Surtees, 2012; Tenaganita, 2009; Verité, 2013; Yea, 2012; Ye, 2011, 2012).

## **Pyramid subcontracting in Singapore**

Singapore is among the most globalised and liberal economies in the world. It ranked as the wealthiest country in the world in the 2013 'Wealth Report' (Knight Frank, 2013), second in the 'World economic freedom index' (Heritage Foundation/Wall Street Economic Journal, 2013), first in the World Bank's 'Ease of doing business' index (World Bank, 2012) and second in the World Economic Forum's 'Global competitiveness report 2012–13'.<sup>6</sup> But these glowing figures mask a more complex reality.

Singapore is an immigrant society consisting of a Chinese majority (74.1%) followed by Malays (13.4%), Indians (9.2%) and 'Others' (3.3%) (Singapore Department of Statistics, 2011: ix). Singapore's permanent population numbers about 3.7 million people. Extraordinarily, non-residents residing there on temporary work visas number an additional 1.3 million people, and make up 34.7% of the Singaporean labour force. The growth in this temporary workforce has been rapid, increasing in size by 76.8% between 2000 and 2010 (Yeoh and Lin, 2012). Singapore has long imported white-collar labour on temporary resident visas and these currently make up about 22% of the foreign non-resident workforce. The city-state is also well known for its army of low-skilled temporary migrant workers – officially termed 'foreign workers' – from China, India, Bangladesh, Sri Lanka, Burma, Thailand and the Philippines, who work in various manual and labour-intensive occupations. These include construction, manufacturing, ship-building, service jobs and domestic work. They number about 870,000 (Yeoh and Lin, 2012). Wages among foreign workers typically range between SGD400 and SGD1,200 per month (SGD – Singapore dollar). They work in a two tiered employment sector, in many cases earning half the wage of Singapore citizens. In the construction sector, approximately 80% of workers are foreigners on temporary work visas. The majority come from India, Bangladesh and China. Of those from India, the majority come from the southern Indian state of Tamil Nadu.

Labour market flexibility, underpinned by a variegated system of foreign worker visas, plays a large part in Singapore's global economic success and helps explain why it is regarded so highly as a favourable regulatory environment in which to do business.

Significant characteristics are the lack of a minimum wage, a highly racialised and stratified temporary foreign workforce, and a large industry of middlemen such as employment brokers and agents who underpin the foreign labour hire industry. For foreign workers, there are few employment protections in terms of leave or severance entitlements, or regulation of hours and conditions. The workforce is segmented between relatively protected local citizens (many of these are themselves low waged) and the large number of foreign workers on temporary visas.

Almost all foreign workers are thought to pay agents embedded in transnational broking chains to help them come to Singapore and to secure work for them (Lindquist et al., 2012). These fees can sometimes amount to a year's salary, which is typically borrowed from money lenders or family and friends at home, to be paid back with interest. A large proportion are employed by labour hire firms – some large but many more consisting of one-man operations, quite often in 'partnerships' with the recruiting agent in the home country. These firms subcontract the workers to other organisations, who are in turn often in a subcontracting relationship with a firm further up the supply chain. There is a high degree of precarity in these arrangements, and each layer in the chain 'skims' dollars off the top of the worker's salary. There is also a great deal of ambiguity around who exactly is the employer, responsible for payment of salary and for issues like emergency medical care.

These issues are illustrated by our interviews with Thiru and four of his friends at a homeless shelter for destitute foreign workers run by HOME. Thiru was a 24-year-old man from Nagapatinam in Tamil Nadu with a degree in Business Administration. He had been recruited in India by an informal Indian broker (himself a former foreign worker) on the promise of well-paid work in Singapore. He has been promised a 'good' salary of SGD800 a month, with a basic salary even if there was no work. This was also to include 'free' accommodation. He was required to pay SGD6,500 – which he was told would cover his airfare, 'application fee' and 'agents' fees'. Bearing in mind that a return airfare would cost about SGD500, there were obviously large profit margins built in. He was placed in a three month training program at his expense – which also incurred an 'agent fee'. He was trained in basic construction labouring skills like plastering and concreting.

Landing in Singapore, he was met by his new employer, 'All Seasons Labour Hire' – a subcontracting firm run by a Tamil permanent resident of Singapore. At the time of the interviews, this firm reportedly had 140 men on its books. The owner turned out to be the brother-in-law of the agent who had recruited Thiru in India. This is thought to be a common strategy: an agent or broker claims a fee, creates a fake subcontractor (or vice versa) – they are often relatives or friends – and each then takes a 'fee' from the worker. The SGD6,500 was described to Thiru as including the fee to the 'agent' and a fee for 'placement with employer'. In reality, the labour hire firm took a 50% cut of the fee after costs. He was delivered to his new 'home', which was two primitive rooms, with 20 men in bunk beds sharing each room.

Thiru was told he would be doing construction work. The reality was that he was placed in numerous day labour jobs from catering, to construction work, to an occasional day in the office, cleaning or general labouring. A lorry would arrive at 5:30 a.m. each morning to dispatch the labourers to a work site. On any one day, they would not know

where they would be working, for whom, with whom or on what kind of work. They did regular 12-hour shifts, 7 days a week. The promised SGD800 a month salary never eventuated and his passport had been confiscated. In the first month, Thiru was paid SGD300, and in subsequent months he received small amounts of pocket money totalling no more than about SGD1,000 for 6 months' work, before the payments dried up all together. If he or others complained, the so-called security could come to beat them up. He eventually complained and received threats of violence. Fearing for his safety as he had seen others beaten previously, he left with a couple of co-workers, after not being paid for 3 months. They were subsequently ejected from their employer-owned accommodation and became homeless. They slept at the Little India mass-rail-transit (MRT) train station and survived on temple food for a month – eating only one meal a day. The group were eventually picked up by a worker from HOME. They were provided accommodation in the shelter for destitute and homeless foreign workers and HOME took up their cases to pursue their unpaid wages. Thiru remained in limbo there for months with no income to support his family back home.

His friend Rajan had a brush with one of Singapore's so-called Repatriation Agents. These are, on the face of it, legitimate companies doing work approved by the government. The name sounds benign enough but it is common knowledge that these agents are frequently engaged by unscrupulous employers to dispatch workers whom they can no longer afford to pay, who threaten to complain and pursue back pay, or who are seeking funds to treat work-related medical injuries. For example, Rajan stated that one of his dorm-mates was asked by his employer to sign blank salary vouchers, enabling this employer to claim falsely that he was paying the correct contract rate. The housemate refused to sign, and when he came home from work, the employer had sent in the 'King Star Repatriation' company. Four thugs beat him up, gave him his passport, put him in a van, locked him a room incommunicado for 2 days while they sorted out flights, and then took him to the airport for deportation. When this also happened to two other housemates the following week, Rajan ran away to avoid a similar situation. He was homeless for a couple of months before being approached by a local pastor who helped him with food and provisions, and eventually referred him on to the HOME refuge.

During the interviews, the workers' anger at the situation seemed diffuse, not in the sense of mild, but in the sense of being without clear focus. In a traditional employment relationship, resentment at exploitation would have a clear target – the employer, and resentment could perhaps be mobilised through some form of collective action. Instead, these men's anger spread across the players in the chain: the agents, the labour hire firms, the repatriation companies and the government officials. While they were together and had all faced similar situations, they did not express a sense of collective anger or articulate anything like collective solidarity. It seemed they each bore their trauma alone and indeed most of the young men we spoke to at the refuge chose not to discuss their situation with one another nor inform their families at home in India. The multiple layers of exploitation and denigration they faced across the supply chain seemed to press down upon them in a way that caused a generalised sense of helpless despair and disempowerment.

## The multi-scalar and multinational exploitation of seafaring labour

The second case study involves exploitation of fishermen on a Taiwanese-owned commercial fishing trawler. There is an extensive literature on conditions, in some cases 'slave-like', in merchant shipping and long haul commercial fishing (Allamby et al., 2011; Chapman, 1992; Dacanay and Walters, 2011; Kathveci and Nichols, 2006; Mansell, 2007; Parliament of the Commonwealth of Australia, 1992; Roberts and Williams, 2007; Sampson, 2003; Surtees, 2012; Yea, 2012). In many cases, the arrangements fit formal criteria for labour trafficking. Crews are commonly of diverse national origins, recruited by local and international crewing agencies. The Philippines is a large source country for seafarers and fishers, as are Indonesia, Burma, Cambodia and parts of Africa. Arrangements often involve complex and multilayered transnational supply chains stretching from small-scale local agents and brokers, through training outfits and manning and crew management agencies, to ship owners, shelf companies – multiple players right up to the point of market. Long-haul commercial fishing operations are particularly notorious for abuses (ILO, 2013).

As Singapore is the world's second busiest port, many of these vessels dock there at one time or another. In the course of our research, we encountered the case of Jorge in July 2010. Jorge was a 32-year-old man from Mozambique who had been a crew member on a large Taiwanese-owned commercial fishing vessel, where he was subjected to appalling conditions, and not paid for his months at sea. The senior crew members – the Captain and Engineer – were all Chinese; while the fishermen were recruited from several nations including Indonesia, Philippines, Vietnam, Mozambique and Kenya. Jorge was recruited in Mozambique by a local broker who arranged his placement on the trawler, via his international networks. Jorge's affairs (contract, salary and so forth) were 'managed' by a small maritime labour management agency ('Beverly Agency'; Figure 2) based in Singapore, which had links to an agent in the Philippines where Jorge eventually boarded the trawler. He was promised USD210 a month to work on the *Tai Yuan* – a large deep-line fishing vessel. He was given the impression that the vessel would spend no more than 6 weeks at a time at sea, that he would be paid monthly and have the opportunity to remit money home. On board, however, he found himself in a living nightmare. The ship remained at sea for 15 months straight without touching dry land. It would liaise with a mother ship in open waters to restock supplies and offload the catch before heading off again. The crew were not paid the entire time (meaning his family back home had no income), they had no access to communication facilities to contact family, and experienced appalling mistreatment, exploitation and work conditions.

The crew regularly worked 16–17 hour days, 7 days a week, often being forced to exist on 4 or 5 hours of sleep. At any time, up to 3000 active fishing lines were operating and the crew had to haul in large tuna, swordfish and sharks – sometimes weighing over 65 kg. Only the Captain and engineers were issued safety vests. At one point, a fellow Mozambican crew member had his arm caught up in a line. He called for help but was pulled overboard before anyone could reach him. It was 2 a.m. and pitch black, and he had no safety vest. The captain took a long time to stop the ship and conducted only a most cursory search before ordering everyone 'back to work!' Instructions from the

captain would be shouted in Mandarin, which most of the crew did not understand, resulting in frequent violent beatings with hammers, hooks or bare fists. They slept on bug-infested floor boards with no mattresses, pillows or blankets. The crew were forced to drink dirty fresh water and had to shower in salt water for the entire 15 months. Fresh water for bathing and clean water for drinking were reserved for the officers. The crew (ratings, in maritime parlance) ate rice with either fish or pork – no fresh fruit, dairy or vegetables for 450 days.

When the ship finally docked in Singapore, many of the crew tried to flee the ship. Fortunately, one of the Filipino crew had a relative working in Singapore. He contacted the HOME NGO, which helped many escape after a series of negotiations, although not before having to forfeit a considerable portion of their unpaid salaries for ‘breaking contract’ and to ‘repay costs’. Unfortunately, Jorge had no passport: it had expired while he was at sea, and the nearest embassy was in Jakarta. He was not allowed by Singapore authorities to disembark. The Director of HOME, Jolovan Wham, made a mercy dash to Jakarta to try to secure a passport. After several days imprisoned on the ship Jorge was given a special visa pass that lasted only 4 hours before he had to return to the ship. It had to be renewed several times over three days while his passport and passage home were arranged. The final hours in Singapore were on a similar pass, leaving just enough time to get to the airport and liaise with Jolovan on his return from Jakarta, and board a flight to Johannesburg. It was a tense few hours and only at the last minute did the checkpoints authority allow him to board the flight. He too forfeited most of the USD3000 in wages owed to him. In negotiating his escape from the ship, the Singapore agent forced him to agree to allow them to deduct USD2000 for his passage home. If not for the intervention of the NGO, he would have been trapped out at sea on the ship indefinitely.

Jorge fell between the cracks in the supply chain. The agent claimed that it was the employer who was responsible for his non-payment of wages; the ship owner blamed the agent for making false promises; the agency was not subject to Singapore employment laws because it recruited and deployed offshore; the ship was registered in Taiwan which has notoriously lax enforcement of maritime labour laws; his passport expired at sea, so he could not exit the ship when there was no embassy in Singapore; and his ‘status’ as a non-citizen with no visa or passport meant Singapore considered it had no responsibility for him. For the most part, the parties who stood to benefit economically did their best to exploit the ‘grey zones’ between states.

## **Labour supply chains**

A recent ILO report on labour exploitation in the commercial fishing industry points out that recruitment methods vary across regions and that the chain of brokerage can be one or many steps removed from the vessel on which the fisher is eventually placed:

The brokers locate fishers in their home villages, along migrant smuggling trajectories and in ports. Sometimes brokers charge a fee to be paid against future earnings, which could become a cause of debt bondage (Derks, 2010; Brennan, 2009; International Transport Federation (ITF), 2008). Victims may also be transferred from one broker to another, and their debt could be augmented in the process (UNIAP, 2009). Brokers source fishers for recruitment agencies or fishing vessels directly (de Coning, 2011). (ILO, 2013: 18)



Fishermen often have to transit to a foreign port to meet a vessel, where a crewing agent facilitates employment contracts, visas, travel and so forth on behalf of the fishing operator. There is often uncertainty 'regarding the identity of the actual employer in cases when an employment contract has been entered into with a manning agent and not the vessel owner, operator or manager' (ILO, 2013: 18).

Jorge's case is thus part of a wider pattern of transnational labour supply in the long haul commercial fishing industry, which in many cases fits the formal definition of labour trafficking. The regulatory climate of the migrant worker's home country also matters enormously. The Philippines is the largest supplier of maritime labour and, unlike many other labour source countries, its government has made significant efforts to regulate and protect its nationals working in this industry. Crewing agencies and recruitment agents operating in or recruiting in the Philippines must be registered, and there are government checks on contracts signed (Sibya, 2013). Fishers and seafarers must be formally authorised to leave the country to work, and the government is active in developing bilateral agreements more generally for its transnational workers. However, where there is regulation, there are also small players like informal brokers adept at side-stepping it (Lindquist et al., 2012; Sibya, 2013). There are many poor rural men willing to take risks to support their families. Unregistered informal brokers take advantage of this ready supply and use methods like sending them out of the country on tourist visas to ports around Asia to board their fishing vessel, thus bypassing the limited protection offered by the Philippines government. Although customs officers are trained to keep a look out for men fitting this profile, shady agents reportedly pay off willing customs officers to allow crew members through. Once offshore, the fishermen be forced to sign unfavourable contracts,<sup>7</sup> and their journeys unfold very much like Jorge's (Brennan, 2009; Neo, 2009a, 2009b, 2010).

'Labour supply chains' are not limited to broker chains. The supply chain often begins informally through recommendations by a trusted friend or relative, and extends through layers of brokers, from the informal up to the larger recruitment, crewing, training, labour hire and management agencies. Supply chains include the place of work and the micro-power relations within them, as well as the agents charged with arranging and overseeing contracts, payment of salary and dealing with medical emergencies. The chain 'above' is sometimes overlooked in the literature on transnational labour migration, which tends to focus on the broking chain 'below' or 'before' the location of actual labour placement.

## **Four modes of moral detachment in supply chain capitalism**

In even the toughest conditions, a traditional employment arrangement has some kind of relational quality to it: the employer and worker are involved in some kind of moral contract involving a sense of 'personhood'. Pyramid subcontracting, by contrast, evidences sophisticated and deliberate modes of moral detachment.

Anna Tsing (2009) uses the term 'supply chain capitalism' to describe the overarching logic under which extended, typically transnational labour supply chains operate. Workers engaged in the chain are treated as individual saleable units; these extended

labour supply chains involve what Lillie (2010) describes as ‘bringing the offshore ashore’ (p. 683). Individual elements in the chain are bracketed to different sovereign regulatory regimes most favourable to keeping labour costs to a minimum. The chain includes the labour hire or crewing agency, the place (whether that be a trawler or a construction site) of work, right up to the top company that benefits from those services. One of the consequences is that risk is no longer shared, but ‘down-sourced’ along the supply chain, with those at the bottom bearing very much more risk than those at the top.

While such arrangements illustrate global economic forces, they involve everyday actors along the chain engaged in day-to-day processes of policing regulation, setting pay and conditions, and dealing with ‘suppliers’ of labour. The manager in charge of labour outsourcing in the multinational construction firm, the fisher manning agent working in Manila, the state official charged with investigating potential breaches, the person making a decision about where to source fish supplies and the government minister and senior policy makers – all are implicated. While it is tempting to describe the sheer brutality of abuse and exploitation as simply as ‘evil’, a further layer of reflection is necessary. Specifically, it is important to consider not just the technical ‘how’ and physical ‘what’ of processes of abuse but also the ways in which the decision-making actors along the supply chain morally relate to and rationalise them, and what kind of ideology institutional and commercial apparatus frames their moral reasoning. Jackall (2009 [1989]) describes such rationales as the ‘moral rules-in-use’ that managers construct to guide their behaviour at work (p. 4). The following section argues that these everyday actors operate through modes and techniques of moral distancing that deliberately diminish recognition of human subjects. It describes four modes of moral distancing exhibited in the case studies presented above.

### *Subcontracting – severing the face-to-face moral relation*

Singaporeans are frequently shocked at media exposés of foreign worker abuse, which often involve labourers on construction sites for high-end office buildings, glossy central business district (CBD) shopping centres or more recently the famous Marina Bay Sands Casino complex (Chan, 2011). These multi-million-dollar (sometimes billion) projects are built by major international developers who have legitimate contractual arrangements with subcontractors, yet the most appalling exploitation takes place under the radar, hidden under multilayered subcontracting arrangements. Such arrangements have the effect of detaching and morally distancing the high end (multinationals) from the bottom of the supply chain (precariously employed low-wage labourers).

Labour supply chains made up of diverse, independent yet loosely connected small niches typically operate in legal grey zones and produce a framework that ‘conditions both labour and capital to the problems of cutting labour costs and disciplining the workforce’ (Tsing, 2009: 15). Vulnerabilities are entrenched under conditions of contingency, experimentation, negotiation and unstable commitments. Subcontracting helps cut labour costs, and it also relieves top-of-the-chain contractors from all responsibility for labour. It circumvents the relational character and moral contract embedded in traditional employment arrangements.

The result is a highly individualised and commodified form of employment, shifting workers' entitlements outside normal labour regulation. Employer–employee relationships become harder to define, as the relationship is disrupted between the worker and the entity for which the productive activity is ultimately performed (McIntyre, 2008 in Ji, 2011: 336). As Ji (2011) points out,

... the only thing that the parent corporation expects from suppliers is to receive the product on time, and this demand to deliver the product is pressed down upon complicated, multinational chains of subcontractors; in the process social distancing multiplies and moral responsibility diminishes. (p. 336)

The longer the chain, the less 'human' the workers become to those at the top.

### *Bureaucratic discourse (regulatory euphemisms, audit culture and paper trails)*

The second mode of moral distancing occurs through bureaucratic and public relations communications styles, and through the use and abuse of paper trails, regulatory frameworks and codes of practice (Carrier, 2001; Sarangi and Slembrouk, 1996; Strathern, 2002). Reflecting on his fieldwork in a special economic zone in Southern India, Jamie Cross (2011) uses the expression 'detachment as a corporate ethic' to describe the use of codes of practice, audit checklists and similar forms of procedural bureaucracy designed to 'tame' global supply chains. He sees these as material technologies with discursive qualities that abstract and decontextualise relationships between transnational capital, managerial subjects and a global labour force. In extracting relationships from local contexts of interaction, by codifying and standardising relationships, these codes have the effect of containing and attenuating commitments and obligations that would otherwise arise out of everyday relationships with workers (Cross, 2011: 44).

Figures 1 and 2 provide examples of the legal–technical language the Singapore officials employ in their public responses. The professional bureaucratic language of these responses (Figures 1 and 2) masks as much as it reveals. Formality and euphemism establish an air of bureaucratic authority and create the sense that the issue has been dealt with according to transparent processes and rules. They show how terms of reference and regulation allow and legitimise certain findings, while masking the messiness of the social processes that fall outside their remit.

Strathern (2002) suggests that in decontextualising activities for quantification purposes, 'audit culture' is based on a form of self-referential abstraction that confirms its own internal efficacy and thus evaluates 'the results of social processes without having to deal with the social processes themselves' (p. 306, see also Carrier, 2001, 2009). Paper trails may be exploited so that breaches of national regulation are hard to prosecute. A common method is to have migrant workers sign a new, less favourable, contract once they arrive in the country of employment and are already indebted, or they may be forced to sign a contract in English that they are unable to read. The use of forged pay-slips or the insistence that workers sign blank timesheets are other means of 'tidying the

**PRESS RELEASE: Joint Proactive Enforcement Inspections on Repatriation Companies**

21 November 2011

On 14 Nov 2011, officers from the Ministry of Manpower (MOM), Singapore Police Force (SPF) and the Singapore Civil Defence Force jointly conducted proactive enforcement checks at the registered addresses of four repatriation companies. The inspection was aimed at ensuring that repatriation companies comply with the law when carrying out their business. Some examples include Penal Code offences against wrongfully restraining or confining any worker, as well as Employment of Foreign Manpower Act offences related to abetting employers to avoid payment of outstanding salaries or moneys due to the foreign worker...

**Findings**

Of the four premises inspected, two companies - A Team Services and Ultimate Security Consultants - were found to have ceased operations at their registered addresses. At 1 Aces Repatriation Pte Ltd, four workers, who have been residing at the premises for durations ranging from a few days to two months, did not highlight any employment issues when interviewed. They are allowed to move in and out freely on their own and held their own personal belongings and Work Passes. At UTR Services Pte Ltd, one foreign worker found at the premises said he had not encountered any issues staying there. While no infringements were detected, the two repatriation companies inspected were reminded to comply with all our laws.

Issued by the Singapore Inter-Agency Tip Taskforce

**Figure 1.** Ministry of Manpower findings on investigation of repatriation agencies in Singapore (Ministry of Manpower Singapore (MOM), 2011).

The Ministry of Manpower's investigations have **found that Beverly Agency is not an employment agency** and hence, it is **not regulated under the Employment Agencies Act**. MOM has established that there are no recruitment activities or job matching carried out by the agency in Singapore. **Actual recruitment of the seamen is carried out by Beverly's business partners based overseas.**

Instead, **Beverly Agency works as a managing agent for overseas clients and handles administrative work.** Managing agents provide business service, and in this case includes arranging for seamen's visas, lodging and providing meals for the seamen while they are in transit here in Singapore.

**The seamen in question are deployed to work for employers not based in Singapore and on international waters.** Local or foreign seamen who have encountered employment related issues in Singapore can seek assistance from the Singapore Organisation of Seamen.

**Figure 2.** Response from Singapore's Ministry of Manpower on why it did not charge the 'Beverly Agency' for breaches under the employment agencies act in relation to Jorge's case and others.

paper trail'. Despite what would seem an obvious breach of moral duty, government officials are able to refer to the fact that, technically, no laws have been broken and no regulations breached. The paper trail is intact and the state's moral responsibility stops

What we focus on is to achieve **service at the highest standards** in all aspects, including in the recruitment of crew and services we delivered. We strongly commit to continually improve our Crew's Quality as well as our Service Quality in order to meet our Principals' Expectations in Crew Management. **We always implement the highest standard of services and best practices in the Crew Management industry with reference to International standards and regulations such as; IMO/STCW 95, ISM, ISPS, Flag States, ISO 9001 and others.**

We aim to place dedicated, qualified, skilled multinational crew on our Principal's vessels, serving **with high motivation and professionalism** thus ensuring our long-term partnership for our Principal, in supporting their business activities more **effective, efficient with reasonable crew cost.**

**Figure 3.** Extract from mission statement on 'Beverly Agency' website.

there – despite the fact that Singapore's economy in large part relies upon such exploitative arrangements.

Euphemism, 'public relations speak' and bureaucratic discourse are similar mechanisms of detachment that draw on formal linguistic styles to soften and distance. Formality, suggests Iedema (1999: 50) is about interactive closure, while all three discursive forms play on partial reference to reality coded in ways which link to more positive meaning frames, or create and play upon ambiguity while appearing clear and precise. For example, the use of the term 'repatriation agency' in Singapore as a euphemistic code for thugs who kidnap workers who complain is an interesting 'stretching' of a real category of legitimate business.

Agents, brokers and middlemen also use technical–legal discourse. In the above extract from the 'Beverly Agency' (Figure 3) – which was the Singapore-based agent involved in Jorge the Mozambican fisherman's case – such discourse presents a veneer of polite and polished professionalism. It legitimises, softens and clouds the real nature of practice beneath. Recent scholarship in critical discourse studies has focused on corporate image making such as 'reputation repair' work following a public relations crisis (Valdebenito, 2013). It identifies a number of common lexico-grammatical and pragmatic devices, such as use of a particular active voice and the collective pronoun: 'we strive' or 'we focus on service at the highest standards'. Terms like 'best practice', 'efficient' and 'effective' present an active, professional face. Drawing on language more typical of larger corporations, this small agency situates itself as 'one of the big players'. Referencing international standards alongside their technical codes creates a sense of careful, professional distance and technical competence, presenting a face of 'good sense, good moral character and goodwill' (Griffin, cited in Valdebenito, 2013: 98). Together, these devices create an image quite removed from the moral complexities of the role of broker working at the interface between the crew and their (ultimate) employers.

### *Exploiting extrajudicial spaces of non-citizenship*

These discursive strategies have material consequences. Both the case studies illustrate the exploitation of a grey zone where activities, that on any normal moral compass would and should be illegal, can operate with impunity. They do so by complex transnational

### BIBBY SHIP MANAGEMENT – Flag State Management Services

From an international perspective, we can offer Flag State Representation as part of a full Crew Management package or as a single stand alone service. Utilising our wealth of experience and knowledge of Flag requirements and international regulations, we provide advice, guidance and recommendations, ensuring maximum benefit for the owner/client, regardless of Nationality or Registry.

**Figure 4.** Service description, ‘Flag State Management’, international shipping agency Bibby Ship Management (2008).

arrangements providing affected actors with no real claim to rights, protection or redress, owing to the transnational nature of the supply chain (ILO, 2013). As Tsianos and Papadopoulos (2006b) argue, the precaritisation of life reveals the limits of the national compromise of distributive rights. The conditions of abuse and virtual enslavement in the two examples presented above are able to occur through the complex and quite deliberate exploitation of ‘greyness’ operating transnationally between zones of regulation.

Commercial fishing trawlers are commonly registered in ‘Flags of Convenience’ states which have lax or no labour regulations, and typically, it is very difficult to identify ship owners, who hide behind structures like shell companies and joint ventures (Figure 4). Most ship registers allow the registration of ships without requiring the identification of the beneficial owners (Guan and Skogan, 2007).<sup>8</sup> This arrangement is often ‘hidden under the veil of incorporation and the use of corporate structures spread over a number of jurisdictions’ (Hosanee, 2010). Crew (Ratings and Officers) are recruited through multi-agent systems often spanning two or three states, making recourse to national laws difficult. Jorge’s vessel was Taiwan flagged. Taiwan has a reputation for lax enforcement of maritime labour rules, and Taiwanese fishing vessels in particular are regularly reported as among the worst for the types of exploitation Jorge faced. As in the example of the Beverly Agency (see Figure 2), claims made to the Singapore state cannot be pursued because the Singaporean elements of the supply chain argue that the workers were recruited and contracted by an agent or broker offshore, while their own role is limited to ‘managing agent’ for overseas clients. Under Singapore Law, the Ministry of Manpower (MOM) is unable to seek monetary compensation on behalf of migrant workers from agents or brokers in the home or other country, as their jurisdictional authority is limited to Singapore. In the case of the Indian workers, blame is placed upon the broker in India who is at fault for misrepresenting conditions. Unlike some other states, the Indian Consulate has no labour attaché, and has anecdotally been uninterested in assisting, or simply unable to assist, owing to the jurisdictional ambiguities involved.

In terms of brokerage patterns, there are differences between host and source countries, and between industries (Lindquist et al., 2012). The Philippines government – which formally accredits agencies in Singapore that recruit maids from the Philippines – has recently placed a bar on issuing new licences to agencies that source workers there as a way to ensure the possibility of closer monitoring (Tan, 2013). Unlike India, the Philippines has a Labour Attaché in Singapore, and the government is very focused on

developing policy and regulation to protect its migrant workers. Recent examples include regulations requiring employers to cover placement fees for workers. In a classic example of the 'nimble' nature of supply chains and their ability to work in and around intra-jurisdictional loopholes, the Labour attaché's ruling to limit the number of licensed agencies was intended to address the fact that a number of agencies previously black-listed had simply closed down and reapplied for a licence under a new name. The Singapore agencies argue, however, that the new rules will force many of them to recruit illegally, meaning there will be less protection for maids (Tan, 2013). They suggest that maids will be brought to Singapore on tourist visas and then apply for work permits. Under this kind of arrangement, they would not be registered by the Philippines government as overseas workers, and thus not entitled to employment terms defined by the Philippines.

While it is tempting to describe Jorge's situation as characteristic of Agamben's 'bare life' (1998), it is in fact non-exceptional (Lee, 2010; Ong, 2006a, 2006b). His situation was enmeshed in a thicket of international law and regulation, and his interstitial status was exploited and further embedded through this system (Ong, 2006a: 499). The transnational multiplication of jurisdictional contexts serves not only to exonerate the players in the chain from responsibility, but also to rationalise a sense of moral distance on the part of the decision-making actors along supply chain.

### *Racialised hierarchies*

Moral distancing also leverages off and reproduces histories of racial differentiation, and racialised systems and discourses of indenture, inferiority and servitude. For example, the system of bonded labour to which many transnational workers are subjected – including the fishers and the labourers in Singapore featured in this article – has its roots in colonial era indentured labour. This now presents as a template for new, neo-liberal, hyper-transnationalised modes of labour exploitation along extended chains of brokers, middlemen and subcontracting arrangements (Lindquist et al., 2012). In the merchant shipping and commercial fishing industries, for example, the crews are often multinational and ranked (Officers and Ratings classes) according to racial criteria and national origin. Among ratings crew members, it is the accepted norm that salary differs (even for the same work, on the same vessel) according to national origin. So, for example, even with the 'legitimate' wage offer (as against what happens in reality later on), the going rate for a fisherman like Jorge from Africa would be USD200 per month, while a Filipino on the same ship would be offered USD400 a month. Because of the international nature of this trade, and the key role and presence of an internationally networked group of manning agents, these rates are similar for a Spanish flagged vessel or a Taiwanese one. Officer classes are typically of lighter skinned races – European, Chinese or educated Filipinos.

Sadly, much of the exploitation of labourers like Thiru and Rajan in Singapore is perpetuated by co-ethnic Tamils from India and Singapore. This is reflective of wider trends, which Ong (2006b) terms 'Ethnic Demi-mondes' (p. 127), where a more developmentalist discourse plays out. A literature on exploitative ethnic enclaves (Kwong, 1997; Ong, 2006b) argues that many network-based migrant employment niches are no longer a path to upward social mobility as they were in previous generations of stable

permanent migration and regulated wage labour. Today, ethnic elites exploit transnational opportunities and networks for a flexible supply of co-ethnic labour conditioned in their home countries to low-paid precarious work. Their precarity as workers is compounded by lack of trust or of contacts and knowledge beyond the enclave, often a lack of English language skills and either illegal or temporary migrant status. In the case study presented, a Singaporean Tamil is considered further up the racial/national/civilisational hierarchy than a Tamil from a village in India, and the Singapore resident is able to play on his dual knowledge of the home and host economic landscape to argue that the conditions are fine, if the economic and labour context of the homeland is understood as the primary frame of reference. The precarious nature of temporary work visas is exploited, as is indebtedness. In places like Singapore, where particular occupation sectors are dominated by workers of a particular races and national origin (by virtue of the government's designation of approved labour supply source nations in particular industries), particular races begin to become synonymous in the public mind with certain forms of manual labour or service. This is reinforced through forms of spatial segregation (such as workers' dormitories) and gatherings on a Sunday in places like 'Little India'. Thus, workers come to be seen as a racialised 'mass' rather than people with individual lives, families and aspirations. The effect is moral distancing, dehumanising the racialised labourer and by transnationalising and relativising the idea of rights and entitlements.

## **Conclusion**

The four modes of moral distancing outlined in this article should be understood both as conscious strategy on the part of actors, organisations and institutions, and as a product of wider forces of neo-liberalism expressed in particular sovereign and industrial contexts. It goes without saying that the case studies in this paper are by no means unique. These are part of a global pattern and are shaped in equal parts by global economic forces, and local specificities of culture, history, business and work. Recent studies on global maritime industries, for example, have shown that during periods of economic downturn and crisis, conditions worsen and risk shifted down the labour chain (Markkula, 2011: 303). Yea (2012) highlights, for example, how Taiwanese long haul commercial fishing operators came to dominate the industry between 2003 and 2008, following a sharp increase in global oil prices.<sup>9</sup> Japanese and Korean operations reduced costs but their more regulated labour markets meant they were unable to compete with the Taiwanese, who now have about 80% market share (Yea, 2012). While the Taiwanese are not immune to rising costs, Yea (2012) puts their industry's success down to radical cost cutting in equipment and fleet maintenance, and dramatically reduced labour costs 'through the use of deceptive recruitment, exploitative labour practices at sea and sub-standard health and safety conditions on vessels' (p. 11). Specifically, the Taiwanese have become particularly adept at exploiting a transnational labour regime.<sup>10</sup>

In down-sourcing risk during times of economic crisis, 'precarity' becomes more embedded and legitimised under the guise of economic survival and the hegemony of neo-liberal notions of flexibility. All of this is part of a more global set of re-alignments, which Aihwa Ong has convincingly argued represents a process of disarticulating rights



and entitlements formerly afforded through national citizenship, and rearticulating them around transnational economic logics (Ong, 2006b: 16).

The interconnected phenomena of ‘global Asia’ are not without historical precedent. They build upon histories of indentured labour and slavery. Unlike Western industrialised economies with histories of unionised wage labour, the new forms of precarious employment are not juxtaposed to a previous era of relatively protected employment relations in Fordist welfare states of the West. The workers come from the urban poor of the global south, from villages: tenant farmers or small fishermen, small traders, already conditioned to selling their labour for what they can, as a peg in a commodity chain, dealing with brokers, traders and middlemen.

There are, however, some (relatively) new aspects of this current global epoch. The diffuse nature of power and supply chains renders collective action or even identification of the source of exploitation difficult. The technologies of globalisation underpin an increasingly nimble and flexible network of players in global supply chains, bolstered by access to information technologies so that it is now easy for a small one-man broker in Manila to acquire intimate knowledge of regulatory systems and connect to a network of likeminded middlemen in other countries to lubricate his work. Highly crafted sovereign systems of regulation (like visas) reinforce and re-stratify, sift in and out, particular categories of humans in terms of access to rights and means of redress and assistance. The links between the ‘big’ players of global capital have increased the speed with which the effects of global economic forces are fed down the labour supply chain (down-sourcing of risk). Also new is the complexity and multilayered nature of modern labour supply chains. Finally, legitimisation is offered through increasingly refined public relations and legal–technical discourses and systems from top of chain players, which serve to ‘tame the chain’. These are rooted locally and yet draw on generic neo-liberal corporate frames of reference and discursive styles.

In proposing these four modes of moral distancing, it has been noted that there are moral actors who make minute, everyday decisions at each point along these supply chains. While they undoubtedly do so as individual thinking persons, they work through, and are conditioned by, larger forces and frames of reference. This relational (or distanced) quality of the moral compact between worker and employer undoubtedly affects the workers in the profound ways articulated by Sennett (1998, 2007) and Dejours and Deranty (2010). While sociologists have explored these effects among the precariat of Western societies, comparative attention to the lives of transnational workers of the global south will enrich our understanding of these new realities.

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## Notes

1. The research was a collaboration with Dr Selvaraj Velayutham.
2. The names of the Tamil workers have been changed to pseudonyms to protect their identity. The case of the Jorge the fisherman has not been anonymised as his case was already in the public domain. See footnote 10.

3. Legally recorded affidavits of exploitation on commercial fishing vessels are reproduced by Yea (2012), and a series of five affidavits of Filipino fishers was made available at <http://justiceforseafarers.blogspot.sg> (January 2012). These were published online to accompany the article: <http://theonlinecitizen.com/2012/01/no-country-for-fishermen/>
4. Non-Government Organisation (NGO) workers interviewed for the research included the former director of HOME, Jolovan Wham.
5. The UN Protocol defines Human Trafficking as follows:

‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (International Labour Organisation (ILO), 2005)

This article does not attempt to categorise the practices discussed within this legal framework. It uses the terminology ‘labour exploitation’ to signal a continuum of exploitation that ranges from legal forms of exploitation to forms of abuse that fit the formal criteria of trafficking. See ILO (2013) for detailed exposition of legal and regulatory definitions of the terms ‘trafficking’, ‘forced labour’ and ‘slavery’.

6. Indicators for the Global competitive index include labour market efficiency described in these terms:

The efficiency and flexibility of the labor market are critical for ensuring that workers are allocated to their most effective use in the economy and provided with incentives to give their best effort in their jobs. Labor markets must therefore have the flexibility to shift workers from one economic activity to another rapidly and at low cost, and to allow for wage fluctuations without much social disruption. (Schwab et al., 2013: 6)

7. See Apostleship of the Sea (2010) for reference to Taiwan and involvement of Singaporean agencies (cited by Yea, 2012). This information was also filled out by a PhD Student at National University of Singapore, Shelley Mae Jalandon Sibya (Sibya, 2013). Her ethnographic research looks at transnational families of Filipino seafarers. She is from a Filipino seafaring family herself and is intimately familiar with these issues.
8. See also International Transport Workers Federation (ITF) Flags of Convenience campaign (ITF, 2012/2013).
9. Between 2003 and 2008, oil went from approximately USD317 per kilolitre to USD1112 (Hays, 2009; Yea, 2012).
10. I am deeply grateful to Stephanie Chok for her generous assistance and input into the preparation of this article.

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### **Author biography**

Amanda Wise is an Associate Professor of Sociology at Macquarie University. She has researched and published in the areas of everyday multiculturalism, racism, transnational communities and low wage migrant labour in Australia and Singapore.