
Migrants and Undeclared Employment within the European Construction Sector: Challenging Dichotomous Approaches to Workers' Agency

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Abstract

Drawing upon qualitative data on Albanians residing in Italy and Greece, this article furnishes new insights into the topic of undeclared migrant construction workers' agency. It analyses different types of undeclared work through Katz's theoretical framework that suggests a disaggregated conceptualisation of agency. In so doing, it adds to thinking on the factors shaping fluidity between types of agency and challenges dichotomous views on passive or voluntary participation. The article also highlights that mutual interests between workers and employers enable migrant builders to defy and resist state regulations, despite the impacts of undeclared work on workers and the fact that power dynamics are unequal. Thus, the main contribution the article makes is to suggest a more nuanced understanding of labour agency that may go beyond the conflict between employers and workers. Overall, the article highlights the relevance of this study for different economic sectors, geographical areas and migrant groups.

Keywords

bogus self-employment, construction sector, employers, Greece, informal employment, Italy, labour relations, migrant agency, migrant workers, undeclared work

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Introduction

Construction work in Europe is characterised by the rise of informal forms of employment due to the growth of labour subcontracting practices, flexibility and non-unionisation (Berntsen, 2016). Almost one-fifth of all undeclared work¹ in EU countries is undertaken in the construction sector (Cremers et al., 2017), in which contractors and employers largely rely on migrant labour to reduce production costs (Buckley et al., 2016). Employers and builders rarely sign formal employment contracts, and their relations may be characterised by reciprocity, which may have both positive (employment opportunities or exchange of services) or negative effects (labour control) (Thiel, 2012).

Public debates and some scientific research on informality/illegality in migrant labour markets often suggest binary representations of migrant workers as vulnerable victims or manipulative abusers (Ruhs and Anderson, 2009); this is also true for the construction sector (Vershinina et al., 2018). A few studies shed more light on the discussion, showing that migrant construction workers may exercise limited agency, even when engaged in informal employment relationships (Berntsen, 2016; Khurana, 2017; Wetlesen, 2016). However, these rarely focus on the different forms of undeclared employment (Williams et al., 2011), equating this to the absence of any job contract. In addition, they tend to neglect possible reciprocal interests between employers and migrant workers (Anderson, 2007) who can exercise agency vis-a-vis the state (Ruhs and Anderson, 2009), despite unequal power dynamics.

Using the case of settled Albanians in Italy and Greece during the Great Recession (2007–2009) and its aftermath, this article aims to develop a better understanding of the agency of undeclared migrant construction workers through the analysis of various practices. Despite recognising that the agency of workers is limited, particularly during periods of economic recession (as was the case for most of my participants who struggled to get by), it analyses the intention and effects of different undeclared practices, by adopting the framework proposed by Katz (2004: 242), which distinguishes three forms of agency. First, *resilience* refers to autonomous initiatives aimed at improving one's situation without challenging the structure. Second, *reworking* includes 'attempts to rework oppressive and unequal circumstances' that generate new possibilities. Third, *resistance*, which is rarely identified, refers to actions that aim to disrupt exploitative situations and oppression or to subvert conditions in which one finds oneself. These practices can be interwoven and mutually sustaining. For instance, acts of resilience can generate the conditions for resistance practices or opportunities for restorative acts. The effects of agents' practices are fluid, depending on contextual factors (e.g. wars, gendered social norms) and individual aspirations and characteristics (e.g. language skills, knowledge of workers' rights plans) (Rydzik and Anitha, 2020).

This article contributes to the debate on migrant worker agency by illustrating that reciprocal interests between employers and migrant workers can reinforce undeclared workers' capacity to defy and resist state regulations, which opens new possibilities and enables workers to disrupt the poor conditions in which they find themselves. As power dynamics between the two parties are unequal, interactions between employers and employees can affect the result of involvement in undeclared practices in a bi-directional way, thus adding to the intersection of factors determining fluidity and overlapping

between different forms of migrant workers' agency (Katz, 2004). It also highlights the implications of migrants' engagement in undeclared work and the importance of family, geography and time in shaping agency. Finally, it discusses the relevance of the empirical findings across different economic sectors, geographical areas and migrant groups.

The following section surveys the literature on migrant (undeclared) work in the construction industry and other sectors, and discusses how agency is theoretically conceived in this article. There follow two sections providing information on contexts and the methods that were employed to collect data, respectively. The successive section includes the empirical findings, while the last section highlights the most significant conclusions of the article.

Literature review and migrant agency

Migrant workers are a structural facet of the construction sector across the globe. However, construction industries can significantly differ in terms of: (a) structure (levels of subcontracting, firm size, informality); (b) labour contracts (full- and part-time, project-based or daily contracts); (c) recruitment mechanisms (labour agencies, state programmes, informal intermediaries); and (d) presence of high- and/or low-skilled migrant workers (Buckley et al., 2016).

Construction workers in manual jobs can be engaged in undeclared work conducted on a waged and own-account basis (Williams et al., 2011). Undeclared waged work includes 'envelope wages' (when workers are paid an official declared wage and an unofficial undeclared one) for overtime or for the regular work. The agreement on the 'under-the-table' wage is the outcome of both the employer's and the migrant's actions, because concealing the additional portion of the wage from the official authorities serves the interests of both parties. Manual workers also can be engaged in wholly undeclared waged employment: totally hidden activities from the authorities. It is conducted by definition by migrants who do not possess residence permits out of necessity. This practice also can be considered as a matter of choice when workers do not opt to be declared to authorities during the period in which they receive social benefits or when they are multiple jobholders, thus receiving a double 'salary'.

Undeclared own-account work concerns bogus and proper self-employment. Most scholars examine undeclared work conducted by false own-account workers whose status is ambiguous, classified between employees and self-employed workers (Buckley et al., 2016). While such workers are considered to conduct such work out of necessity (see Vershinina et al., 2018 for an exception), proper own-account workers may voluntarily exit from the formal realm of the economy to save costs. This practice is portrayed as beneficial to both clients and suppliers (Williams et al., 2011), although it is also seen as passive acceptance of the working terms when own-account workers are asked by customers: 'how much for cash?'.

Concerning theoretical debates on labour agency, industrial relations scholars largely conceptualise migrant worker agency as the capacity of workers to act collectively and resist employers' power through organisation in trade unions (Berntsen, 2016). This strand of literature considers migrants as disempowered actors who passively accept poor employment conditions. Labour process and some migration scholars though conceptualise migrant

worker agency as workers' capacity to reclaim a degree of autonomy at work. These studies analyse workers' involvement in precarious labour practices and situations of disadvantage and discrimination, suggesting that migrant (construction) workers are able to exert some degree of control over work conditions by employing labour effort and leveraging knowledge, skills and competences (Hagan et al., 2011; Iskander et al., 2012), by job jumping and mobility (Alberti, 2014; Berntsen, 2016), or by relying on family and social ties (Khurana, 2017; Swider, 2015; Wetlesen, 2016). These practices become sources of conflict and negotiation between employers and workers, while workers' agency interplays with gender, age, race, time in the labour market and language proficiency (Alberti, 2014; Andreotti, 2006; Rydzik and Anitha, 2020). However, when these studies focus on workers' informal practices, they consider as informality only those employment relationships not regulated by any legal labour contract, thus overlooking the different forms of undeclared work. Moreover, these studies see employers and workers being permanently in conflict, thus neglecting the fact that their interests may coincide. For instance, (undeclared) migrant workers in the domestic sector may need to work and gain money, while employers are seeking flexible workers (Anderson, 2007). In this view, these two parties can exercise some agency vis-à-vis migration and labour frameworks (Ruhs and Anderson, 2009): employers minimise labour and immigration costs, while illegally employed migrant workers may gain (economic) benefits by resisting the state's restrictive regulations on work and migration.

Overall, migrant agency is examined not only as choice, but also as the 'understanding decision making, the room for manoeuvre, opportunity structures and migration trajectories' (Anderson and Ruhs, 2010: 178). It elaborates agency as 'the temporally constructed engagement by actors of different structural environments [...] which, through the interplay of habit, imagination, and judgment, both reproduces and transforms those structures in interactive response to the problems posed by changing historical situations' (Emirbayer and Mische, 1998: 962). This approach suggests that social action is embedded in different relational and temporal contexts, and is simultaneously shaped by three components, namely: 'habit', 'imagination' and 'judgement'. Agency, therefore, is informed by the past ('habit'), but is oriented both towards the future, in the sense that social actors have the capacity to imagine alternative options while projecting, and the present, because social actors are able to evaluate past habits and future projects in specific contexts and moments.

Contexts

Emigration from Albania started in the 1990s, and was largely triggered by poor socio-economic conditions. Italy (421,591 in 2020) and Greece (359,994 in 2019) host the highest numbers of Albanian emigrants. The main sector of employment among male Albanian migrants has been construction (Gëdeshi and Jorgoni, 2012), while Albanians represent the most numerous non-EU migrant group in the Italian (20% of the total migrant workforce) and Greek (almost 84% of total migrant workforce) construction sector (Dimitriadis, 2021). Nowadays, the Albanian labour market is characterised by a high level of (youth) unemployment, informal employment and low-skilled agriculture workers employed in low-productivity jobs, factors that constitute drivers for potential migration (King and Gëdeshi, 2020).

Italy has had a poor economic performance since the 1990s due to its public debt, low productivity rates, poor competitiveness and political instability, which have been aggravated by the Great Recession (Lafleur and Stanek, 2017), though this country experienced fewer job losses compared to other southern European countries (Fellini and Fullin, 2018; Panichella, 2018). Greece was hit much harder by the economic recession, facing a sovereign debt crisis and adopting three economic adjustment programmes. Its economy registered negative growth rates for seven consecutive years after 2008, while unemployment rates climbed to the record level of 27.3% in September 2013.

Flexibilisation and segmentation along with fragmentation of the production are the main characteristics of both countries' labour markets. These characteristics favour the prevalence of informal and irregular forms of employment, which are easily accessed by migrant workers (Panichella, 2018; Reyneri, 1998). Migrants are mainly employed in 3D (dirty, demanding, dangerous) jobs in the manufacture, agriculture, domestic and construction sectors. The Great Recession strongly affected construction and manufacturing; in contrast, the demand for domestic workers in Italy increased.

The organisation of work in the Italian construction sector is based upon a nexus of hierarchical relations between contractors and subcontractors, which resulted in a growing number of individual and small firms since the 1980s (Fellini et al., 2007; Perrotta, 2011). In 2015, 61% of construction companies were individual firms, and 35.3% had from two to nine employees. Only 3.5% of construction companies employed from 10 to 49 workers, whereas 1120 out of 511,405 companies employed over 50 workers (0.2%) (Dimitriadis, 2017). Investments in the construction industry have been constantly declining from 2012 to 2016, whereas the number of construction firms decreased for 10 consecutive years from 2008, regardless of their size. Waged employment includes full-time contracts and other precarious contractual forms (i.e. part-time or project-based contracts). Starting up an individual firm requires no proof of economic (capital) resources, whereas access to trades is not restricted to those with any form of certification. Italy has strong and encompassing labour unions that offer special services and structures to migrants (Danaj et al., 2018).

Subcontracting is a hallmark of the Greek construction sector, too, while fragmentation of the firm is even higher: 98.1% of construction firms employ from 0 to nine people; 1.7% from 20 to 49; and only a residual percentage of firms employ over 50 people. The crisis of 2008 had devastating impacts as the number of private building permits and the volume of private building activities dropped by almost 85% from 2007 to 2016 (Dimitriadis, 2021). The number of construction firms was reduced by 34.2% from 2009 to 2015 (from 112,952 to 74,337). As in Italy, no certification is required to access construction trades. Considering employment relations in the Greek construction sector though, it is important to underline some distinctive features. First, formal employment consists in daily contractual relations. In this way, workers can accumulate rights to a state pension and other benefits upon their daily payslips (welfare stamps). Second, the law does not provide for the existence of individual firms.² Contractors outsource work to unregistered own-account workers/small-scale contractors (something similar to *mis-tri* in the Indian construction sector; see Khurana, 2017; Wetlesen, 2016); the latter can provide services to customers (house or land owners). Third, contractors and customers are the formal employers, thus being responsible for workers' payments and safety. They

Table 1. Sample of respondents.

		Italy (N = 29)	Greece (N = 32)	Total (N = 61)
Age	Under 45 years	20	22	42
	Over 45 years	9	10	19
Family status	Single	3	3	6
	Married with family	26	29	55
Employment status	Waged employees	18	18	36
	Own-account workers	9	8 ^a	17
Migrant status	Employers	2	6	8
	Irregular	1	0	1
	Short-term	4	6	10
	Long-term	20	20	40
	Citizenship	4	6	10

Note: ^aDeclared to belong to this employment status, even though it is not provided by the law.

have to apply for a building licence to the authorities, which determines how many work-days are needed for the execution of a specific work. If they do not do so, workers cannot work on a declared basis. Fourth, small-scale contractors are responsible for their team of workers, which disbands at the end of the project, although the formal employer is still the customer or contractor. In addition to controlling their team of workers, small-scale contractors themselves often work on the construction sites, and are declared to the authorities as daily workers. They negotiate their own profit on the project and the wages of their team with customers or contractors. Although it is the customer or contractor who has to pay workers' wages, this transaction can be carried out cash-in-hand through small-scale contractors. Importantly, Greece has weaker trade unions that do not seem to have focused on migrants' inclusion over time (Danaj et al., 2018).

Therefore, Italy and Greece are two interesting cases for comparison as they share similar labour markets (Panichella, 2018) and have high percentages of undeclared workers in the construction sector (Cremers et al., 2017). However, different employment relations in the construction sectors enable meaningful comparative considerations that are relevant beyond the European level.

Methods

This study is part of a wider research project on Albanian migrant construction workers' experiences in Italy and Greece, and practices to cope with economic crisis. The analysis reported in this article was based on semi-structured interviews with 53 workers and eight employers (some of them occasionally worked together with their employees) (Table 1). Of the 61 migrants, 42 are under 45 years old, while the great majority of them are married with family. Most of them have a long-term residence permit, whereas there are 10 naturalised migrants and one without a regular status. They resided in Milan and Athens or their satellite municipalities. Except for one, all interviewees were

first-generation migrants, and had moved to the destination countries more than 10 years previously. Most informants were experienced workers within the residential construction sector, which comprises building construction, maintenance work, repair, renovation and demolition. The article draws also on semi-structured interviews with five native construction workers (two Italians and three Greeks), 17 building trade unionists (13 in Italy and four in Greece) and six labour inspectors (two in Italy and four in Greece). Interviews with institutional actors and native workers together with documentary analysis enabled me to broaden the understanding of undeclared workers' decision-making process in both contexts and to triangulate findings, in line with previous research on (informal) labour practices of migrant workers in the EU (Berntsen, 2016). The interviews were conducted from March 2015 to July 2016.

Respondents were mainly recruited through cultural associations and trade unions, whereas the snowball sampling technique was minimally practicable, since only a few initial research subjects introduced to me new informants. Other contacts were created during my presence at a series of cultural events of associations frequented by Albanian workers, whereas access to respondents was also obtained through personal acquaintances. In-depth interviews with respondents were conducted face-to-face in Italian and Greek; the great majority of them had Italian or Greek language proficiency. Most interviews in both contexts were conducted in cafes or parks. They were audio-recorded and lasted approximately from half an hour to two hours. The transcription of each interview was made in the original language (Italian or Greek), and only the citations used to justify the findings were translated into English. The sample is not representative of the migrant population working in Greek and Italian construction. The names used in the quotes are pseudonyms.

Using NVivo software (Nvivo 11 for Windows), the coding process for the whole research project was both data- and theory-driven. Overall, 28 themes and 206 sub-themes were produced. The analysis in this article concentrates on coding that relates to workers' experiences of informal work and interpretation of their own everyday acts. In particular, empirical evidence derives from the theme called 'involvement in undeclared work' and from seven sub-themes, namely 'nature and types', 'agency', 'power relations', 'crisis effects', 'representations', 'the demand side' and 'implications'.

Findings

Migrant workers' informal practices are examined by considering undeclared work conducted on a waged and own-account basis. In each subsection, the analysis deals with a specific type of undeclared work, initially challenging views of migrants who have been long seen as working informally out of necessity, and, then, assumptions about workers acting as purely economic actors.

Undeclared waged work

Under-declared waged work. Participants' narratives on part-time employment experiences in Italy indicated that migrants might actually work more hours than provided in the formal contract, time for which they usually received an envelope wage. Talking about this kind of undeclared work, a worker stated:

If you don't find another job, you have to get one [part-time contract]! Many friends of mine have part-time contracts. But, you know in this way they are able to renew their residence permits.

This quotation shows that acceptance of envelope wages for under-declared, full-time employment can be considered either a form of resilience or a reworking practice depending upon one's immigrant legal status. Although these employment relationships have been linked to limited job security (Rydzik and Anitha, 2020), receiving envelope wages can be either a means to get by in the absence of any other available job or an opportunity to maintain residence status. Yet, this does not mean discounting challenges and barriers to access declared employment, as some of my participants' stories in Italy recounted their weak position due to the precariousness of their legal status (Dimitriadis, 2018).

As regards full-time contracts, Gezim's experience confirms claims depicting workers as rational actors. He is a 51-year-old experienced worker with a long-term residence permit in Italy. His account on involvement in undeclared overtime offers interesting insights on negotiations with the employer before the job starts:

You are paid, for instance, for 160 hours [monthly wage]; 10 euros per hour; it's 1600 euros. If you work 200 hours, your boss gives you one cheque for 1600 euros, and another one for 400 euros. [. . .] it's not in the employer's interest to declare extra work on your salary slip; but it's not in the builder's interest either. The hourly wage cost is about 24 euros, and the builder takes 8–9 euros. If the employer offers you from 10 to 12 euros per overtime hour worked, both parties save money. Because if they declare everything [to the tax authorities], you have to pay more taxes.

In the same vein, a trade unionist said:

By not declaring overtime, instead of paying 220, the employer pays 150, and the worker increases his wages by 50%.

Both quotations indicate that well-informed experienced workers can defy and resist labour market regulations thanks to shared interests with employers; contrarily to studies illustrating construction workers' weak position due to collusion between the state and employers (Swider, 2015). However, Azem, who works in Greece, while his wife and two children live in Albania, tells a different story. They had returned to Albania due to poor employment opportunities in Greece during the Great Recession. Not being able to find stable employment in his home country, though, he moved back to Athens seeking to create the conditions so that his family could join him:

In the past year, I feel lucky to have had a permanent job [. . .] but employers often ask you to work more hours. You don't know how much they [employers] will pay you; and, if they actually do so. [. . .] I'm patient and I avoid arguing with my boss. They can leave you at home the day after.

Even if the quotations of Gezim and the trade unionist above indicate that migrant construction workers can act as rational actors, not to be ignored is inequality in power

relations between employers and workers. As revealed by other respondents too, envelope wages for overtime may not be paid in times of economic difficulties for employers. Under such conditions, as becomes clear in the example of Azem in Greece, migrants receive little or no money for undeclared overtime work. This practice enables Azem to get by and is connected to his family plans, illustrating that resilience is connected to future projects (Katz, 2004). His negotiating power declines due to the fear of becoming unemployed, so that it is decided that avoiding creating tensions with employers is the best solution oriented towards the future (remain employed and be joined by his family). However, Milot, a builder with a long-term residence permit in Athens, claimed that the employer's demand for unpaid overtime was collectively faced by his colleagues through asking 'to get paid according to the hours worked, and not on the basis of a daily fixed wage'. This was the only collective practice of resilience to exploitative undeclared work referred to by my respondents. Overall, organised and collective forms of agency were rare in both case studies. The great majority of participants in Greece had no contact with trade unions, while some of those in Italy saw unions as service providers (Danaj et al., 2018).

Wholly undeclared waged employment. Moving to waged employment that is wholly undeclared, the experience of Beqir, a young single man, complicates the discussion on the agency of irregular migrant workers. When Beqir was interviewed, he had been living in Italy for 10 years on an irregular basis. He continued to work as a builder, waiting and hoping for a new regularisation law that would enable him to obtain a regular residence permit because he wanted to remain in Italy. Beqir knew that employers have been the gatekeepers (through a kind of sponsorship) in this procedure in the past by enabling the regularisation of the migrants working for them (Bonizzoni, 2017; Dimitriadis, 2018; Vianello et al., 2021). He told me that he considered his employer as a friend who could enable his regularisation when a new amnesty was implemented. This indicates that close relationships between undeclared workers and employers may be considered a source of agency. The agentic dimension of this practice is thus connected to the future, and also reveals a complex temporal dynamic. New arrivals are often exploited at the beginning of their trajectories as workers in construction, but they can benefit from low entry barriers (Kriings et al., 2011). In other words, this sector might be initially seen as a 'refuge' that enables the creation of spaces for manoeuvre. In Katz's (2004) terms, these resilience practices enable migrants to survive in the host society, being also underpinnings of projects to rework poor conditions in the future as migrants obtain job and language skills and expand their network of friends and acquaintances.

What was also common among participants was that during the years of recession many of them worked in other European countries for different periods; in some cases for a couple of weeks, in other cases even for one year. Adnan, a 40-year-old migrant worker who lives in Athens with his wife and two children, tried to explore the possibility of remigrating to Austria due to long periods of unemployment in Greece. He had initially undertaken some transnational work trips to explore jobs opportunities (Dimitriadis, 2021), but he realised that he could not remigrate with his family due to failure to acquire a long-term residence permit. When I interviewed him, he said he occasionally continued travelling to Austria:

I know some Greek guys working in Austria, Greek friends. You are required to have a five-year residence permit to work there. [. . .] I cannot [obtain one] because I don't have the welfare

stamps [do not meet the requirements]. I worked in black; I was working with a fake identity, a photocopy. [. . .] you make an agreement with the employer, and if [a regular worker] takes 25 euros, you take 12.5 per hour, and 12.5 go to him. It's ok, I'm satisfied with the money. When there's the opportunity I go there. [. . .]

Despite the risk of detection, the barriers (work permit) to declared employment, and the fact that the deal on working terms is between two unequal actors (migrant builders and employers), Albanians can remain for three months within Schengen area countries, leverage their (professional) networks and find undeclared waged work in the European construction sector. Work trips for wholly undeclared work usually reflect families' needs and plans (similarly to non-EU migrant agriculture workers across Europe) (Morrison et al., 2013), enabling builders to be resilient by increasing their income in periods of low economic activity in the host country, or to rework or subvert constraining circumstances by exploring new job opportunities and, possibly, accessing new labour markets (Dimitriadis, 2021). This kind of agency is enabled thanks to reciprocal interests between both employers and employees.

In considering now regular migrants' wholly undeclared practices that have been often considered as a matter of rational choice, the experience of a single migrant worker with a regular legal status in Italy, Lavdrim, shows that this kind of strategic involvement may have implications. Lavdrim stated that while he was receiving unemployment benefits, he had been offered a new job by his former employer, whom he asked not to hire him formally:

When I started working with that employer I didn't want to be hired, as I was receiving unemployment benefits. Then, when the benefits were over, I couldn't do it to have a formal contract.

This quotation suggests that the capacity to negotiate working relations for those holding a regular immigrant status enables strategic involvement. However, as power relations between employer and worker are not equal, this practice may deprive workers of access to formal contracts when needed. This means that while Lavdrim's practice could be initially characterised as defiance to state regulations thanks to the collaboration with his employer, it had contradictory outcomes since the employer broke the agreement.

Examining wholly undeclared waged employment in relation to the further casualisation of labour due to the crisis (Kapsalis, 2015), the narration of Fatlum, an Albanian employer in Athens, states:

[if a worker] goes to work only for that day, to take the money, he doesn't care about being insured. In any case, he cannot renew his health card. By working once a month, he cannot obtain 50 daily social contributions that are needed to renew it. He doesn't care about his insurance; maybe he achieves to do it [access to public health services] thanks to his wife's job. He needs the money.

This quotation illustrates that occasional workers may see wholly undeclared employment as a way to maximising incomes. In the Greek case, for instance, as workers realised that they could not find formal employment for more than 50 workdays in a year so that they could access public health insurance, they opted to work wholly unregistered.

This was very common among those who could access public health services thanks to their wives' formal employment, or those with long-term regular residence permits. Further casualisation of labour favoured the construction of reciprocal interests between employers and employees to conceal employment relations from authorities and defy labour market regulations. However, this practice entails lack of access to health and safety standards, a constant fear of detection and the incapacity to accumulate rights to a state pension or other benefits. Also, in the case of regular migrants with temporary residence permits who cannot rely on other family members to access legal status and/or welfare benefits, it could be argued that workers may risk lapsing back into irregularity when they cannot prove formal employment.

Undeclared own-account work

The story of Saban, an Albanian worker who lives in Italy with his wife and three children, problematises views depicting bogus self-employment as being passively accepted (Vershina et al., 2018):

I didn't want to [become registered as own-account], but it was a very critical point . . . I had to renew my residence permit; there was no solution other than acquiring a VAT registration number. Nobody wanted to hire me. [. . .]

Like Saban, other respondents claimed that they had been involved in bogus self-employment out of necessity. In this view, this practice seems to be an act of recuperation. However, starting up an individual firm might be a solution for migrants who need to renew their residence permits (Dimitriadis, 2018). Indeed, Saban's undeclared practice reworked the situation, as his family migratory project was to continue living in Italy. By considering though that Saban is now able to bid for jobs and work as a proper own-account worker, it seems that not only did he renew his residence permit, but starting up an individual firm gave him the opportunity to exploit his latent entrepreneurial skills and improve his economic position. This suggests that such an undeclared practice enabled him to subvert the conditions in which he found himself over time, experiencing upward occupational mobility.

In a few cases, similar opportunities may arise for workers with irregular status. Beqir, for instance, spoke Italian very fluently and had made many friends and acquaintances in a small satellite city close to Milan:

- I: Aren't you afraid of being arrested if someone [authorities] asks for your document while you're working?
- B: Yes, but if you don't harm anyone and you just work, I think there's no problem.
- I: [. . .] Have you bought any tools for your work?
- B: No. When it happens, I borrow everything I need from my Italian friend [employer]; even for a couple of weeks.

This quotation shows that irregular migrants' agency can be embedded in both networks and specific contextual contingencies, because Beqir could undertake such work

only in the homes of people whom he could trust; this is in a context where deportation practices are anything but successful (Ambrosini, 2017). This is another example suggesting that irregular migrants can experience upward occupational mobility defying state regulations as their interests align with those of their employers/customers.

On the contrary, it can be assumed that builders may share a desire to exit the declared economy to maximise their incomes. This practice is widespread in the Greek construction sector due to its peculiar regulatory framework, as well as in Italy. The two following participants can benefit from wholly undeclared self-employment, as they had built clientele in the past years thanks to their professional, linguistic and communication skills:

Usually during the weekends, I work in black to earn more. Thanks to other jobs I did in the past, I left my phone number with people who now call me to have their houses painted.

I've never liked working for others [as an employee] . . . I like running after good money; black money, how to say . . . if the owner doesn't [issue a licence], I work undeclared for some more money. I cannot work for 20–25 euros [as employees do].

For those, such as Edon in Italy, who work in waged, declared, full-time employment from Monday to Friday, this practice reflects the temporal and contextual elements of agency; it is easier to conduct undeclared self-employment during the days when controls are less frequent and in private homes where workers are more protected against possible control by authorities (Ambrosini, 2017). For Albion in Greece, when he worked as a small-scale contractor, undeclared self-employment was the best solution to earn more money; provided, however, that the client does not register the building activity with the authorities. This is another act showing that employers' and workers' common interests can result in practices of resistance to state control and regulations.

Fatum, a 35-year-old builder, created a business in cleaning services and continued to work occasionally in construction as an off-the-books own-account worker:

I have created a cleaning service company with another partner to support my family and to ensure our health insurance. Money from construction is extra, black money. [. . .] At the moment, I have been assigned a renovation without any building permit. If the client wants an invoice, I have no problem with issuing one; I do it through the engineers I have collaborated with in the past.

This quotation shows that judgement on the feasibility of doing this undeclared practice in a supposedly law-abiding manner (issuing invoices) is based on social actors' capacity to mobilise social ties. Fatum had never stopped socialising with former colleagues or engineers in Athens. Even if he remained unemployed for several months in construction, he maintained his social capital, and now he is able to undertake repairs in private houses. Second job holders, like Fatum who now owns two businesses, can engage in forms of pure defiance and resist labour market regulations, achieving upward economic mobility.

Although these last examples prioritise agency and highlight that migrant construction workers are able to make rational calculations, it should not be neglected that power

relations between them and clients or the state are asymmetrical, and that structural constraints may limit migrants' agency. First, own-account workers have little negotiation power when customers demand 'how much for cash?' (Williams et al., 2011). This aspect is assumed to be more significant in those countries (like Italy and Greece) in which demand for undeclared work is high as a result of what Williams and colleagues (2015) called 'institutional incongruence'; that is, lack of alignment of a society's codified laws and regulations with the norms and beliefs of its population. Indeed, many informants, who were called to offer undeclared services to private customers, maintained that they could not negotiate working terms with customers; in Greece, particularly, the existence of declared work depends upon whether the landowner declares the execution of building work to the authorities. Fatlum said:

I've been asked to refurbish a house recently. [. . .] there is no licence, there are no welfare stamps [social contributions]. If you go to make an offer to a client [to bid for a job], and you talk about legality [issue of the appropriate building permit], they [house owners] laugh! 'Are you crazy?', they ask you.

Second, fiscal incentives in the form of tax deductions may induce clients to ask own-account workers to declare their services, thus limiting the latter's capacity of choice. For instance, the Italian state has successfully provided fiscal incentives as measures to support the energy-efficient renovation of buildings in order to boost construction activity after the economic crisis and tackle undeclared economy (Dimitriadis, 2017). Third, engagement in undeclared work may not be possible when the job is conducted for bodies and entities governed by public law. As a labour inspector in Greece said: it's not common to be employed informally when the repair concerns a public school. Fourth, the absence of formal contracts and bids between clients and customers (i.e. any proof of services offered) may make it difficult for own-account workers to claim their money in the case of non-payment. As all interviewees stated, this was anything but rare during the economic crisis period. Fifth, wholly undeclared own-account work (and also other undeclared practices) can be constrained by the locality. This not only concerns open or public spaces where the risk of control by inspectorates is higher, as already argued, but the probability of a check by inspectorates is relatively higher when the building site is in the city centre: 'working in the city centre of Milan and in suburbs is not the same thing. There are many more controls in the city', one trade unionist said.

Discussion and conclusions

This article contributes to the question of the agency of migrant (construction) workers engaged in undeclared employment. It suggests an analytical approach that goes beyond the binary portrayal of informal workers as acting out of either necessity or choice, and the dichotomy of exploitation and resistance resulting from the capital-labour conflict. In order to better understand migrants' agency in undeclared employment, it is necessary to analyse the intentions and effects of different types of practices and reflect on the role of the coincidence of interests between employers and workers.

Reciprocity in labour relations may help undeclared migrant workers exert agency vis-a-vis state regulations, which enable them to improve their situation, rework

oppressive circumstances or subvert the conditions in which they find themselves (Katz, 2004). By identifying or constructing common interests and cultivating interpersonal relations with employers, undeclared migrant builders exercise agency to access or maximise security of legal status, achieve financial stability, seek new job opportunities and experience upward occupational and economic mobility. Migrants' capacity to do so increases as they have more stable legal status, knowledge of legal frameworks, better professional and linguistic skills or when they can rely on their social ties. However, there is no evidence that such kinds of resistance can transform the system, whereas it is shown that involvement in informal practices has numerous implications for workers.

This article also advances theory in relation to the factors that shape fluidity in the results of labour practices of resilience, reworking and resistance (Berntsen, 2016; Katz, 2004; Rydzik and Anitha, 2020). Reciprocity in labour relations not only can enhance migrant workers' agency, but can result in opposite outcomes, as power dynamics between them and employers are unequal. In addition, the influence of migrants' families on decision-making is shown: rather than conceptualising undeclared migrant builders individually as purely economic actors, it is suggested that their agency and behaviour is shaped by family needs and plans. The outcome of engagement in undeclared work may be differently shaped by contextual factors (policies on migration, employment relations, and controls or tolerance of irregular migration and informal economy), geographical factors (location of building sites, i.e. public or private buildings located in city centres or suburbs) and temporal factors (weekend or during the working week) also.

The contributions of this article may go beyond the construction sector, as well as the research subjects and contexts of this study. First, this article is relevant to labour-intensive sectors characterised by informality and heavy reliance on migrant labour. For instance, irregular migrants in the domestic sector may access jobs as wholly waged undeclared workers and regularise when a regularisation programme is available thanks to their employers (Bonizzoni, 2017; Dimitriadis, 2018; Vianello et al., 2021); or, migrants working part-time in tourism may not only accept such precarious contracts to achieve future goals (Rydzik and Anitha, 2020), but they might benefit from undeclared work, receiving envelope wages for overtime or undeclared full-time work; the same can be true in the hospitality sector (Alberti, 2014). Similarly, a part-time contract in any sector can allow migrants to maintain their legal status, while working wholly undeclared as domestic workers or cleaners, benefiting from the difficulty of imposing checks in private homes (Anderson, 2007). In agriculture, employers can circumvent restrictions and hire undeclared migrant workers who often travel to get seasonal or temporary jobs (Boels, 2013; Cohen and Hjalmarson, 2020). This enables the latter to increase their income and sustain projects in their country of origin. Second, the study of the Greek case, on the one hand, enables connections to (construction) labour markets of different geographical areas that are based on daily employment relations and/or are characterised by the presence of intermediaries who can act both as employers or jobs recruiters and employees (Khurana, 2017). On the other hand, evidence on the agency of bogus self-employed workers in Italy is significant for countries characterised by similar labour relations in construction (Vershina et al., 2018) and can be relevant for other sectors. For instance, bogus self-employment in home-cleaning and care sectors (Maroukis, 2013) can permit migrants to get by at an early stage of their path, but it can enable them to advance their careers and

cultivate entrepreneurial abilities over time. Third, the results of this study may be relevant for other non-EU migrants within EU labour markets, and especially for those who have the right to travel and sojourn within the Schengen area without a visa requirement (e.g. Ukrainians or Moldovans; see Morrison et al., 2013; Vershinina et al., 2018).

By considering comparatively the Italian and Greek case studies, it can be said that the peculiarities of the regulatory framework in the Greek construction sector seem to enforce customers' power when negotiating working terms. However, widespread subcontracting and fragmentation of construction firms in Italy favour bogus self-employment, which is not the case in Greece due to the non-existence of formal individual firms. Daily contracts in Greece also entail continuous bargaining between employers and employee, thus making elements of choice and necessity significantly interwoven. Moreover, because female employment ensures legal stay status, high demand in the Italian care and domestic sectors, in which builders' wives often find work, enables the husbands to better leverage the benefits of undeclared labour.

All in all, location, economic sector and ethnic group constitute three dimensions of future research on (undeclared) migrant workers' agency. What is lacking from this discussion is the role of cultural components in which economic action in construction is embedded (Thiel, 2012), as well as the interplay between trade unionists' and workers' action (Coletto, 2010). Future research should also focus on the perspectives of the recipients of undeclared services to gain better insights into the power relations between them and workers. Future works could furnish deeper understanding on undeclared workers' immaterial incentives and subjectivities (Vianello and Sacchetto, 2016).

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Notes

1. Undeclared or informal work in this article is defined as 'remunerated work that is not declared to the authorities for tax, social security and/or labour law purposes when it should be declared but which is licit in every other sense' (Williams et al., 2011: 854). Although the terms 'informal' and 'undeclared' have often been used to denote different types of economies, they are used interchangeably in this article.
2. This concerns construction labourers such as builders, brick-masons, carpenters, ironworkers, painters, but not electricians and plumbers.

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