

# Migration and Precariousness

## Two Sides of the Contract Labour Coin

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This study seeks to contribute to a better understanding of precarious employment, highlighting its association with migration through the prism of the private security industry in Goa. In light of rising social anxiety about poor, disenfranchised migrants in India, this article explores the political-economic conditions that give rise to their precarious employment, highlighting the prevalent practice of subcontracting and the associated lax regulation, which render workers vulnerable to exploitation. The research illustrates the power that the state wields, not only in regulation and law enforcement, but also as a principal employer. It concludes with recommendations for policy and action that can lead to greater protection of workers in precarious employment.

The International Labour Organisation's (ILO) annual report on *Global Employment Trends, 2012* states that south Asia has the highest rate of vulnerable employment in the world, with Bangladesh and India (63.3% and 62.9% of total employment, respectively) leading the region. Vulnerable employment, also often referred to as precarious employment, can be loosely defined as paid work done outside the model of "standard employment", which served as the basis of governmental labour market regulation and social welfare systems and had three characteristics which are no longer the norm: full-time employment; a single employer who controlled conditions of employment; and employment for an indefinite period of time (Benner 2002). A vast majority of this includes work on a fixed-term, short-term, temporary, seasonal, day-labour, casual, or contract basis.

Precarious employment is generally characterised by uncertainty and economic insecurity for temporary and part-time workers, who are involved in ambiguous employment relationships through subcontracting and the involvement of third-party labour agencies (Peck 1996; Wills 2009). Typical conditions of precarious employment are low wages, poor protection from termination of employment, lack of access to social protection and benefits, and limited or no ability to exercise human rights at work (ILO 2011).

Precarious employment is a contributing factor to global poverty as it is accompanied by unpredictable sources of livelihoods, inadequate earnings and difficult working conditions. The link between precarious employment and poverty is evident in India, where about 92% of a workforce of 457 million is estimated to be in the unorganised sector. It is widely acknowledged that unorganised-sector workers generally have little to no social protection in terms of savings, assets or insurance (cf Harriss-White and Gooptu 2000; Remesh 2007). For example, in 2004-05, only about 0.4% of the unorganised-sector workers were receiving employment-based social security benefits such as the government-mandated Provident Fund (PF), to which employers are obliged to contribute (NCEUS 2007). What still remains largely below the radar of public discourse is the gradual erosion of employment relations in the organised sector. While flexible forms of employment can be advantageous for highly skilled, geographically-mobile professionals, they represent a dead-end for the unskilled, who lack other options.

This paper seeks to shed light on the precarious work arrangements that exist in the private security industry, a thriving global line of business. Trends in the industry, such as its growth

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and power in India, along with attendant issues of monitoring and accountability, have been discussed elsewhere (cf Nagaraj 2012; Upadhyaya 2011). The Central Association of Private Security Industry (CAPSI), the premier industrial association, estimates that the industry in India employs seven million workers as the world's largest security workforce (<http://www.capsi.in>). It is a model case to study trends of precarious employment, as it is almost entirely based on contract labour and is connected with a parallel trend of labour migration, with a workforce predominately composed of migrant men.

At a time when attention to the largely neglected phenomenon of internal migration in India is long overdue (UNESCO 2012), the research assesses the extent to which trends towards precarious employment and migration intersect, analyses the effects of this correlation on workers' lives, and draws on the implications for policy. The paper argues that the private security industry is composed of migrant workers not necessarily because they are cheaper, but because unfettered labour control allows for maximum extraction of their time and physical capacity in a labour-intensive industry. Migrants living away from family and social networks for economic survival are the most amenable to such exploitative practices. This situation is made possible by the structure of the industry, the collusion of the state, and the social stigma that migrant workers face.

### Research Methods and Sample

The findings cited in this paper stem from an empirical study conducted in 2009-10 within the private security industry operating in Goa. A survey of 101 security guards engaged through more than 30 different security agencies was conducted over 2.5 months. The survey is complemented by 16 in-depth interviews with security guards, either at their work sites or their residence, in order to understand their situation framed by poverty, migration, and the informalisation of employment. The work sites of security guards covered in the study included housing societies, public institutions, industrial estates, banks, hotels, and miscellaneous private firms. Additional interviews were conducted with security agency owners and managers, as well as private companies and governmental representatives as the principal employers.

The security industry in Goa, as elsewhere in India, depends upon young, migrant men. Migrants, that is, people who trace their ancestral roots outside Goa, comprised more than four-fifths of the private security industry's workforce in Goa. They were: Nepalese and Assamese (23% each); from Odisha (17%), Maharashtra (16%), Uttar Pradesh (6%), and Bihar (4%); and the remaining 11% were from nine different states. The security industry is steeped in gendered stereotypes that influence the recruitment and retention of a higher percentage of men than women. Only 10% of the workers surveyed were women, and all but one were Goans.<sup>1</sup> Sixty-one per cent of the security workers had lived in Goa for less than five years, with 22% of the total having lived in Goa for less than a year. Sixty-three per cent of the workers surveyed were below the age of 30. These figures imply that young, unskilled migrants find the

expanding security industry in Goa a relatively convenient entry point into the local labour market.

Following the national trend of a largely unorganised security sector (Kaushik 2010; Upadhyaya 2011), employment in Goa's security industry is casual. Only two of the workers interviewed in this study were employed directly by the employer. All others worked through over 30 private agencies on a contract basis. The following private security agencies (in alphabetical order), which were cited during the field research, included small, local family enterprises, regional, national and multinational players: 911 Protection Squad, Ace Security, Bhavani, Bombay Intelligence Security (BIS), Black Cat, Check-Mate, Cobra Security, Constant Security Services, Civilian Operation Private Security (COPS), Direct, ESSCOS, Force 10 Security, GDS, Goa Security Bureau, Goa Recruitment and Employment Society (GRES), Group 4 Securicor, Gyanendra Security Service, James Security, Kargil Security Service, Kings Security Agency, Modern Security, Naik Security Service, Nandanvan Society, Peregreen, Pro-Interactive, Rajput Security Service, RISS, Sai Baba, Siddhant Industrial Security Services, St Anthony Security Service, Tops Group, Tuff Security Service, and Vidira Faculty Service.

### The Insecurity of Security Work

Security work in Goa is marked by the same insecurity that prevails in the industry around India, particularly in Delhi, Bangalore and Kolkata, and the National Capital Region (NCR) (Upadhyaya 2011; UNI 2008). It entails long shifts, low pay, no holidays or paid leave, and a lack of social security for people at the bottom of the local labour market, whose prospects for decent employment are severely restricted.

Three-fourths of the workers (75%) surveyed regularly worked 12-hour shifts without overtime wages for the additional half-day (four hours) over the legal eight-hour shift. Only 12% of the workers worked a regular eight-hour day, while 3% of the workers worked between eight and 12 hours each day, without overtime wages. Interviews with workers suggest that it is not uncommon for workers to put in two eight-hour shifts during the same day in two different locations, thereby working 16 hours in a day for two single wages, without overtime payment.

A comparison of Goan and migrant workers' shifts shows a stark difference (Table 1).

Goan workers were more evenly distributed between the eight-hour and the 12-hour shifts than the migrants, who were disproportionately doing 12-hour shifts. Specifically,

50% of the Goan security guards in the sample worked an eight-hour shift, while only 17% of the migrants did the same. On the other hand, 81% of the migrants worked a 12-hr shift, in contrast to less than half (40%) in the sample of Goans.

Based on these figures, migrants appear to put in more intensive work days than Goans. Many workers did not consider this wholly negative because they were able to earn more

**Table 1: Workers' Overtime – Goan and Migrant**

Work Shift	Goans (%)	Migrants (%)
8-hr shift	50	17
10–11 hr shift	10	2
12-hr shift	40	81
Total	100	100

money. Security work was considered an acceptable job by most of the workers themselves, given their slim prospects in the labour market more generally. For young, poorly educated, rural, unskilled migrant men, contract labour is a bare survival strategy, with virtually no potential for savings and absolutely no safety net in the case of illness, old age, or incapacitation. This is corroborated in studies of low-wage migrant workers in other parts of India (cf Korra 2011).

Under the Minimum Wages Act, the daily wage of an unskilled worker was Rs 103 at the time of the research, based on an eight-hour day and four days off per month. Most of the workers interviewed said that they were paid as daily wagers, regardless of the number of hours, with 19% of the respondents reporting sub-minimum wages.

A more complex picture emerges when Goan and migrant workers' wages are compared in relation to their work hours (Table 2). Goan and migrant security guards were separated on the basis of their shifts – the legal eight-hour shift, a middle range of 10–11 hours, and a 12-hour shift – and further divided according to their salary range.

**Table 2: Distribution by Hours Worked and Wages Earned – Goans and Migrants**

Hours	Wages	Goans (%)	Migrants (%)
8-hour shift	Less than Rs 3,000	10	3
	Rs 3,100–4,000	40	3
	Rs 4,100–5,000	0	5
	Rs 5,000 and above	0	6
	Rs 3,000–4,000	10	2
12-hour shift	Rs 3,000 or less	20	14
	Rs 3,200–4,000	0	35
	Rs 4,100–5,000	10	26
	Rs 6,000 and above	10	6

As Table 1 established earlier, a larger proportion of the migrants than Goans worked a 12-hour shift. An analysis of the wages in conjunction with the work hours shows that the migrant workers' average wages in the eight-hour shift category were slightly higher than the average wages of the Goan workers in the same category. Goan workers who worked eight-hour shifts were more likely than the migrants to receive Rs 4,000 per month, or less. Migrant workers who put in the same hours per day, on the other hand, were nearly twice as likely to earn more than Rs 4,000 per month, rather than Rs 4,000 and less. One possible reason for this difference may be that migrants received less days off work per month than Goan workers, but this is difficult to ascertain through the data from this survey.

In contrast, the average wage of Goans and migrants is virtually the same in the 12-hour shifts category. The difference between the two groups of workers lies in their distribution across the four wage bands. Goans are divided between the highest and lowest wage ranges (30 out of 40%), while the migrants are concentrated (61%) in the middle ranges, with only 20% in the highest and lowest ranges. Exactly twice the percentage of Goans who earn Rs 6,000 and above (10%) earns Rs 3,000 or less (20%), whereas more than twice the percentage of migrants (6%) who earn Rs 6,000 and above earns Rs 3,000 and less (14%).

Besides low wages for long shifts, 83% of the security workers surveyed did not receive any paid leave during the year, a figure only slightly lower than 91% of the security guards in the NCR (Upadhyaya 2011). Many were able to arrange an unpaid week to a month off work per year in order to visit their native villages. It was evident throughout the study that the workers appreciated having the time off, even though it was unpaid, in order to attend to family matters. Interviews indicated that workers had very low expectations of their contract agencies, and paid holidays were seen as an inaccessible luxury.

Although most of the workers surveyed were entitled to be enrolled as members of the statutory PF, to which workers and employers contribute, nearly half of them were not. The situation was similar in the case of the Employees' State Insurance (ESI), which is an essential, not a "fringe", benefit for security workers, since physical fitness is a job requirement and physical assault is an occupational risk. Just over half of the survey respondents did not receive ESI. Upadhyaya (2011) found that a higher proportion of guards, two-thirds of those surveyed in the NCR, were not covered under ESI, while roughly the same portion of workers as in Goa did not receive PF contributions.

Security workers end up paying out of their meagre earnings for their own medical expenses and those of their families, if their ailments were perceived as serious enough to warrant professional care in the first place. Nearly four-fifths of the survey respondents reported that they did not receive an annual bonus from their employers, despite being eligible for it under the Payment of Bonus Act, 1965.

### Signed and Sealed Contract System

Although the sample of directly employed security guards was too small for a comparison of work, wages and benefits with contract security workers, Upadhyaya (2011) confirms significant inequality on these issues found in Goa, implying that the vulnerability of workers is due to the contract labour system. Contracting out an "essential" service like security, which is regular and perennial in nature, that is, needed on a consistent basis throughout the year, violates the Contract Labour (Regulation and Abolition) Act, 1970. Both the government and the private sector, such as banks, hotels, cinemas, offices, and factories, persistently flout this law and hire security guards through private agencies.

Indeed, the central and state government is a gigantic employer of security personnel, and spends significant amounts of money each year for their services through contract agencies. For example, the Goa Directorate of Health Services hired 280 guards, six security supervisors and three security officers to guard its 28 establishments. Its total expenditure on security between 1 January 2008 and 5 May 2009 was Rs 198.10 lakh (Messias 2009).

Principal employers abdicate their responsibilities towards the people who work for them by inviting the third party agency to handle all administrative and legal duties of an employer on their behalf. A typical agreement reads as follows:

The responsibility of making monthly periodical payments to the Security Personnel on account of salary, leave, statutory bonus,

Provident Fund, gratuity, ESIS, etc, shall be *exclusively* of the Contractor and they shall be the *employees* of the security Contractor for the purpose of Labour Laws ....The Contractor shall not be entitled for any revision in the terms and conditions before the expiry of the period for which the contract is made [emphasis added].

In contrast, Section 21(4) of the Contract Labour Act states:

In case the contractor fails to make payment of wages within the prescribed period or makes short payment, then the principal employer shall be liable to make payment of wages in full or the unpaid balance due, as the case may be, to the contract labour employed by the contractor and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

In these words, the Contract Labour Act clearly outlines the role and responsibilities of the principal employers. Considering the contradiction between the contractual agreements and the law, responsibility for employment appears to be diffused, involving both the principal employer and the contract agency, or neither, requiring court mediation if it is called into question.

One of the chief fallouts of the ambiguous “employer” responsibilities integral to the contract system (Wills 2009) for security workers was the lack of legal recourse for unpaid and late payment of wages. Seven out of 10 workers surveyed did not receive an appointment letter from the agency through which they were deployed at their work sites. Two-thirds were not given a wage-slip in violation of Rule 77(2)b of the Contract Labour Act, punishable under Section 24 of the Act with a maximum fine of Rs 1,000 per worker. Seventy-seven per cent received cash payments without a pay-slip or signing a wage register (Upadhyaya 2011: 55), without any oversight by a representative of the principal employer, as mandated by the Contract Labour Act.

Under Section 12(b) of the Inter-State Migrant Workmen Act, contractors are required to provide workers with a “passbook” as a combined identity card and proof of employment, outlining the place and name of the establishment where they were employed, the period of employment, the wage rate and mode of payment, the displacement allowance paid, and the return fare payable. It was clear through the study that this was not followed.

Without documentation such as identity cards, the largely migrant workforce remains an amorphous group of people, shunted around by middle-men who control their lives and livelihoods, and distrusted by the public as outsiders (see discussion below). Workers typically forfeited their unpaid wages when they changed jobs, due to a lack of evidence to claim their entitlement through the courts.

### Loss of Job Security

Another burden of the contract system for security workers is the calculated denial of job security. Workers are typically on six-month to one-year contracts, which continuously get renewed. The “break-in-service” strategy in both the public and the private sectors is to prevent workers from logging continuous six-month employment, which would legally qualify them for permanent status, and all that “regular” employment entails. Hence, workers often end up working for the same agency for

years, reduced to being permanently temporary or “perma-temps” (Benner 2002).

The contract system works against workers in other ways. Often, the principal employers specify the hours of coverage required, for example, 24 hours, without specifying the number of personnel needed. Agencies take advantage of the omission in “creative accounting” by deploying the minimum number of guards for 12-hour duty and invoicing their clients for more personnel for a standard eight-hour shift – a practice followed even by multinational giant G4S (UNI 2008). A few security guards shared their strong suspicion (or conviction, according to some) that representatives of principal employers receive bribes from bidders in exchange for the contract, and once the contract has been awarded, turn a blind eye to the manner in which it was implemented by the contractor as long as there were no serious breaches of security.

The contract system persists with the active participation of principal employers, subjecting workers to a precarious existence. For example, a clause commonly included in the agreement between principal employers and contract agencies prohibits the principal employers from directly hiring a person deployed at their premises within six months of their resignation from the agency, thereby keeping the worker beholden to the contract system for a livelihood.

The agencies also exercise control over workers by charging “deposits” for uniforms and “paperwork”. They withhold workers’ identity cards and other important employment-related information and documents, such as their PF account numbers. According to agency owners interviewed, this was done to keep workers from leaving without informing them, apparently the biggest problem faced by security agencies; however, they admitted that workers were easily replaceable.

In sum, workers bear the brunt of an entrenched contract labour system in an extremely competitive, demand-led security services. Despite the power of the contract agency over workers and the terms of their employment, there is vast scope for principal employers to negotiate fair terms and conditions for the workers at the end of the supply chain (more on this later).

### Falling between the Acts

According to the leaders of the Security Association of Goa (SAG), the industry is “thriving without any regulations” (Fisher 2009), and only 32 of nearly 500 agencies operating in the state are members of SAG (*Navhind Times* 2013b). This does not bode well for workers in an industry that falls in the enforcement cracks of legislation. Four pieces of legislation are most relevant to safeguarding migrant security guards’ rights.

The central government’s Private Security Agencies (Regulation) Act, 2005 was meant to regulate a highly disorganised industry and set industry-wide norms with regard to hiring practices, background checks, training, wages, and other statutory benefits. It stipulates that every security agency should be registered with the state government and provide 160 days’ training to its staff before deployment to the worksite. It lays down specific preconditions for security guard training

institutes, including infrastructure requirements and emphasis on skilled manpower. Once implemented, the Act could edge out the fly-by-night operators (Venkat 2007; *Navhind Times* 2013a). It would also make security firms accountable to the central government under the home ministry, and not the labour commissioner's office within the state government, thereby reducing local bureaucrats' vested interests, political paternalism and corruption (UNI 2006). However, Goa has not yet notified Rules under the Act (*Navhind Times* 2013a).

Security agencies in Goa are predominantly registered as commercial enterprises under the Shops and Establishments Act, 1973.<sup>2</sup> According to the labour commissioner's office, fewer than 150 of approximately 500 private security agencies are licensed under the Shops and Establishments Act. This is a sore point that frequently surfaces in public discourse, both from the government and business points of view, due to rising anxiety about public security in light of a few high-profile crimes and a perceived threat of terrorist attacks in Goa (*Navhind Times* 2009, 2013b; PTI 2013; *The Times of India* 2010, 2012).

Similarly, a registration and licensing procedure of principal employers and contractors under the Contract Labour (Regulation & Abolition) Act is not strictly followed. It is true that simply abiding by an administrative exercise is not a sufficient measure of legal compliance, and cannot be a standard by which employers are judged as "responsible". In a context where regulation is based upon an official record of existence, however, the registration process is imperative and irreplaceable. In fact, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, expressly prohibits principal employers and contract agencies from employing interstate migrant workers without registration and a licence, respectively.

Once registered, a copy of the registration certificate has to be submitted to the police in case migrant workers are employed. The police, in turn, issue a police clearance certificate (PCC) to the agency after checking the workers' antecedents. This procedure is not always followed by security agencies because it is time-consuming and can be costly, depending on the number of migrants they hire (Singh 2009). Larger companies may also demand that workers themselves obtain PCCs.

Government officials and business association representatives alike are clear that there are a great number of security companies that are operating illegally. Such lax accountability of security services paradoxically increases public risk (Nagaraj 2012), at a time when the need for them has never been greater.

### Labour Legislation: Principle vs Practice

There is very little oversight of the private security agencies, even when they are registered with the authorities. Interviews with officers and inspectors in the labour commissioner's and Employment Provident Fund offices suggest that inspections of security agencies are outstandingly rare and conducted arbitrarily, being paper-based exercises in the main.

Existing labour legislation is not being enforced due to some of the structural weaknesses that exist within the enforcement

system itself, such as the limited time and energy to identify and pursue errant employers on the part of inspectors within an under-resourced, lumbering system. Security agencies evade detection by frequently changing their names or locations, and even operating with "shell" offices, used only as postal addresses and payment centres. This may be due to the fact that many operate other businesses or work somewhere else and run these "agencies" on the side, making inspections a tedious task for time-constrained inspectors.

Under the current haphazard, paper-based mode of operation of the governmental bureaucracy, it is highly unrealistic to expect the enforcement of the Inter-State Migrant Workmen Act, which requires constant communication and coordination between labour commissions in Goa and other states to verify compliance under certain provisions of the law. Besides, this law is meant to protect workers in a situation that does not correspond to the reality of labour migration associated with the security industry. Security guards are not always "recruited" (in another state), but enter the labour market in Goa on their own, and change jobs frequently rather than are sent back to their native villages. Thus, they may not be covered by many provisions of the Inter-State Migrant Workmen Act.

Workers are regularly cheated of their earnings due to the non-compliance of contract agencies, combined with a faulty enforcement system. Labour inspectors miss many irregularities faced by a spatially scattered workforce when they check paperwork in the agencies' offices and do not speak directly with workers. This is because many companies keep workers off the books without identity cards, appointment letters, or duty and wage registers to keep their financial liabilities low, and in the process, stay off the hooks of the regulatory bodies. Over one-fourth of the workers surveyed had no valid proof of employment.

Employers also use loopholes in the law to evade responsibilities. Under Rule 24 of the Contract Labour Act, the contractor has to pay a security deposit of Rs 500 per worker (according to the number s/he registers as employees), which is refunded once the contract ends. In this way, the contractor is obliged to make funds available in advance to partially cover workers' wages. In practice, agencies registered under the Shops and Establishment Act in the security industry may not claim their security personnel as employees, listing two to four employees, for example, a clerk and a supervisor, but deploying thousands of security guards at different sites. None of these security guards may be covered as an employee of the establishment under the Act.

Worse, the Contract Labour Act is applicable to such an agency only if 10 or more guards are deployed at any one site, that is, one principal employer. If the number deployed per site is less than 10, then the agency need not be registered under the Contract Labour Act (or pay the security deposit), and only laws such as the Minimum Wages Act would apply. Furthermore, the amount deposited is usually too low in comparison to the withheld wages, and the nominal deposit may be seen as a small price to pay for "business as usual".

Security agencies have contracts with several different institutions at the same time and negotiate different rates for their

services. They shift workers from one post to another, depending upon where they are needed (in case a worker resigns or is absent), regardless of whether the principal employer has paid a higher rate for greater job responsibilities of the guards. They may keep the workers' pay constant and pocket the difference. Such malpractice goes undetected, unless the security workers uniformly receive sub-minimum wages and this comes to light during an inspection.

A focus group session with workers highlighted a case in which an agency was inspected and found in violation of the law. To avoid paying a hefty penalty, it registered a new company under a different name, falsified its paperwork, and paid part of the money owed to some of the workers in order to show that it was fulfilling its obligations as an employer. One of the workers interviewed shared that this may be done with the full knowledge of, and even in collusion with, the government official/inspector, a pattern noted in other studies (cf Rajeev 2009). Thus, the research findings illustrate a vexing lack of and leniency in the practice of labour enforcement, despite the protective spirit of the law.

### The 'Outsider' Syndrome

Compounding the precariousness of their work and the sense of abandonment guards experience within the contract labour system, migrant security workers occupy a position as "outcasts" within Goan society. Migrants in Goa, as elsewhere in India, face social and political hostility, which makes them less likely to seek recourse in the law and weakens their chances of obtaining justice when they do press claims to their basic civic and human rights (UNESCO 2012).

One of the issues that emerged through the in-depth interviews following the survey was that the threat of physical abuse often hung ominously over the workers' heads, and made them reluctant to insist upon the regulations that they were employed to enforce. One worker described a traumatic situation that he had faced when he asked a staff member, who had arrived late, to sign the entry register. She complained to the union president inside, and all the union members stopped working, came out of the plant, and surrounded the security shelter to shout insults at him. In this case, being a migrant made the worker feel intimidated and personally under attack.

Violent attacks and physical threats also prevent workers from questioning the way they were treated by their supervisors and agency owners. In another situation, a migrant security guard who had worked under the supervision of a man from the same state reported that he was posted at a governmental agency for a 16-hour (night and day) shift for Rs 5,000 a month. He had worked for three months and then, due to the illness of his brother, applied in writing for a month's leave during the fourth month. When he phoned for his back wages, he was told that he would be paid only if he returned to work for the remainder of his leave. When he went in person, he was verbally abused and threatened with violence. Having seen a man who had just been beaten up in the office, he was shaken up and went to the police to register a complaint.

Fortunately for him, the police intervened on his behalf and convinced the contractor to pay the back wages. While this story had a positive ending, in the majority of cases, workers do not have the confidence to pursue the matter with a statutory authority. Without the economic means to take time off work or the social connections to pursue complaints, more often than not, they give up their earnings and benefits for fear of violent reprisals.

Although contractors are required to provide "suitable residential accommodation" to their employees according to the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979, migrant security workers often live in slum-style housing that is cramped, unsanitary, and inhumane. They are "kept like dogs", in the blunt words of a market researcher who had analysed the private security industry for an out-of-state entrepreneur considering investment in the security industry in Goa. Accommodation for migrants unaccompanied by family members consisted of a room or a makeshift shack, for which the workers paid rent to the property owner. Depending upon the size, the rooms were shared by four or more workers, who either worked for the same contract agency or did different informal jobs and shared ethnic ties.

One room, no more than 3.5 metres long and 1.5 metres wide, sheltered about 10 men, who slept on the floor in shifts (depending upon whether they worked the night or the day shift). They cooked their meals on separate stoves at the far end of the room and used a public toilet located at the edge of the slum. The number of men who shared living space with each other also fluctuates frequently, as workers move from job to job or move geographically within the state and the country.

Goa is joining the bandwagon of Indian states in the xenophobic attitude locals are adopting towards *bhaile* (outsiders). Reports in the press and the electronic media abound of migrants "swamping" Goa and making *niz Goenkars* (genuine Goans) feel outnumbered. This increasing hostility is directed specifically towards the poor migrants from other parts of India who labour in unskilled jobs in construction, middle-class households, hotels, and restaurants, as well as security work. A growing disquiet against migrants in Goa, as in other parts of India, leaves civil society hesitant to come forward in active support of poor migrants, despite their contribution to the economy (UNESCO 2012).

### Tackling Precariousness

The key question that emerges from the findings is: What interventions can be made to eliminate the exploitative practices associated with the precariousness to which migrant workers are subjected? A source of optimism in an otherwise bleak context is that the supply of security services has to be in the same place as the demand. Unlike segments of the manufacturing sector, which have been known to pick up and leave when the pressure (from the state, unions, or civil society) has risen to pay a decent wage and provide better employment conditions, security services are rooted in place.

This does not, however, mean that tackling precarious work will be problem-free. Contractors will continue to evade

responsibility: close shop with the claim that they do not have adequate business and reopen under a new name; replace “troublesome” workers with a fresh, malleable workforce (UNI 2008); or operate unregistered, unnoticed by the enforcement agencies. These practices have been effective in perpetuating precariousness in the absence of conscientious governance and a vigilant civil society.

Unionisation in the private security industry in Goa, and in India generally, is extremely sparse, despite the fact that an exceptional majority of security guards are in favour of unions (Upadhyaya 2011). Unions are sometimes found to be functioning more as “company shields than as worker representatives”, and in the current scenario, are not a realistic option due to the virulently hostile attitude of security agencies towards workers’ unity (UNI 2008). Precarious employment means that if workers make the slightest attempt to secure their rights or improve their employment conditions, they can be easily replaced. In fact, both local and migrant workers interviewed in this study said that they were afraid even to ask questions about their working conditions or pay. Besides workers’ own fear and insecurity, there are major obstacles to organising security guards: the high turnover of guards who move from company to company in search of higher wages, and their geographically scattered and changing place of duty make meetings for a common charter of demands an uphill task.

The research has shown many ways in which the government could protect migrant, contract workers through the enforcement of existing labour legislation. With adequate political will, there could be vast improvements made at the inspection stage to verify the conditions of all the workers deployed by agencies, including those “off the books”. A worker-centred enforcement system based on the security agencies’ work orders would help trace workers in the field at the principal employers’ sites in order to confirm that they have appointment letters, receive timely minimum wages, work an eight-hour day, and get a weekly day off. Systematic inspections carried out at work sites would have a huge positive impact on the lives of security workers.

Rajeev (2009) proposes a pragmatic incentive-based method to stem the collusion between labour inspectors and non-compliant (principal or contract) employers, wherein a reward is offered to the former for identifying and preventing violations of the law by the latter. Such a plan, albeit contentious, presupposes intensive training of workers on their rights, and a systematic approach to filing and following up on the confidential complaints within the labour administration.

Furthermore, the government could protect workers by restricting precarious forms of employment with numerical, functional, and temporal limits, as well as disincentives for employers who rely on precarious workers, for example, higher taxes or reduced subsidies. While this has been attempted through union-management contracts in well-organised sectors such as banks, its feasibility is yet to be tested in low-pay sectors which draw on a migrant workforce. The state could also strengthen workers’ long-term financial security, with special measures such as additional contributions to their

social security fund and a written directive that specifies the minimum wage upon which the employers’ contributions to provident funds need to be calculated.<sup>3</sup>

### A Second Approach

Another approach is to create sector-specific public institutions that represent workers’ interests. The 34 boards in Maharashtra, which cover more than 2,00,000 workers in the informal sector under the Mathadi Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969, have improved the regulation of employment terms (for example, proper, timely payments), welfare facilities, and health and safety standards for unprotected manual workers (Khotkar 2013). When petitioned by several industries for exemption from this law, the Supreme Court upheld the protection to workers who were not organised or, for other reasons, not in a position to bargain collectively with employers.

However, such institutional mechanisms do not automatically guarantee workers’ rights. In the construction industry, where workers are also hired through contractors and work without formal job contracts, and employers often do not comply with existing legislation, Soundararajan (2013) found that a cumbersome and demanding registration process resulted in very low workers’ registration rate at such boards in many states. Similarly, the Maharashtra Private Security Guards Board, established to link public-sector principal employers with workers, demonstrates that malpractices can continue despite its existence (Cox 2008). Thousands of security guards employed in public-sector undertakings in and around Mumbai filed a court case through their union to press for permanent employment, or at least employment with some benefits of permanency such as the possibility of staying deployed to the same employer, rather than being arbitrarily transferred to another one by the board. In 2008, after a 20-year court case, the Supreme Court ruled that the security guards who were deployed by the board could not be considered “employees” of the employers, and that no employer-employee relationship existed between them (Cox 2008). Thus, the apex court cannot be relied upon to take a consistent position to turn the tide of precariousness of contract workers.

Within the power structure of contract employment in the private security industry, it is the principal employers who control the terms and conditions under which the agencies employ and deploy personnel at their sites. A potent challenge here is the active participation of the government in perpetuating the contract labour system as a principal employer. If the principal employers are governmental departments or

#### EPW Index

An author-title index for EPW has been prepared for the years from 1968 to 2012. The PDFs of the Index have been uploaded, year-wise, on the EPW website. Visitors can download the Index for all the years from the site. (The Index for a few years is yet to be prepared and will be uploaded when ready.) EPW would like to acknowledge the help of the staff of the library of the Indira Gandhi Institute for Development Research, Mumbai, in preparing the index under a project supported by the RD Tata Trust.

public undertakings, their moral authority and power to uphold decent employment standards in the industry is proportionately greater. However, the study reveals that principal employers rarely exert this power on behalf of workers, even in areas where a proactive, constructive role is explicitly mandated by law.

Not all principal employers of security personnel are licensed as required under the Contract Labour Act, nor is the security agencies' registration used as a criterion during the contract bidding process. One could overlook this administrative lapse if the bidding process were conducted in an ethical, law-abiding manner, giving priority to agencies capable of fulfilling the provisions of "decent jobs". Instead, contracts are awarded to the lowest bidders, even when it is obvious that the bids are under-quoted and the funds proposed would not be sufficient to perform the financial obligations of an employer (UNI 2008). For example, one advertisement for a security agency quoted Rs 2,250 as the monthly salary a principal employer was willing to pay the agency for an eight-hour shift. At the prevailing legal minimum wage of Rs 103 per day for 26 days of work per month, the specified salary was Rs 428 short. Moreover, the principal employer expected the agency to pay the statutory benefits of PF and ESI, without making provisions for them within its budgetary allocation.

More pressure needs to be brought to bear on principal employers on an industry-wide scale in order to enforce the

existing regulation and make them more accountable for their responsibilities as employers. Besides the Contract Labour Act that holds principal employers responsible for employment conditions of contract workers, as mentioned earlier, the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 clearly outlines the penalties that an irresponsible employer would face. Yet these Acts, and others, are flouted with impunity.

Public and private principal employers should insist upon certain standards of accountability from the private agencies in the bidding process, and for the duration of the contract, for example, registering with the authorities, setting up social security accounts for workers, ensuring full and timely payments, and monitoring these regularly to penalise irresponsibility. The study shows that principal employers, including government bodies, turn a blind eye to the malpractice of their contractors. Once the principal employers take their role in creating decent employment more seriously, there will be a "trickle down" effect of ethical management, with contract employers forced to follow the leaders.

### Conclusions

Security work is done by a predominately male, migrant population, which comes from some of the poorest parts of the country. They face long hours, sub-minimum wages, have no social security or paid holidays, and are expected to risk their

## India Time Series

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Under the online data service, time series have been structured under various modules: (i) Financial Markets; (ii) Banking Statistics; (iii) Domestic Product of States of India; (iv) Price Indices; (v) Agricultural Statistics; (vi) Power Sector; (vii) Industrial Production; (viii) Finances of State Governments; (ix) Combined Government Finances; (x) National Accounts Statistics; (xi) Annual Survey of Industries; (xii) External Sector; and (xiii) Finances of the Government of India.

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lives for their jobs. As one security worker with 20 years of experience in the industry succinctly stated: “*Security agencies sirf paise ke vajai se contracts kartein hein, kaam ya dhaan ke vajai se nahin* (Security agencies are in the business only for the money, not for the sake of duty or service).” Besides the profit-at-any-cost motive of security agencies, this paper has argued that the contract system in a highly unregulated industry breeds unfair and illegal practices. By institutionalising third-party agencies in the employment relationship, principal employers are neglecting their responsibilities and relinquishing legal accountability.

The state has a dual role in upholding employment standards. As a regulatory agency, it needs to enforce stringently existing labour legislation, and as a principal employer, it should ensure compliance of its contractors in the short term and eliminate the middle-man in the long run. The Private

Security Regulation Act has great potential to consolidate the industry into formal enterprises that can be brought under stricter scrutiny on issues beyond labour rights. For the migrant workers in precarious jobs at the end of the supply chain, improvements such as comprehensive training, paper trail of monetary transactions, and social security benefits would raise their ability to transfer skills geographically, thus strengthening their negotiating power within the industry on a national scale.

This needs to be complemented by stronger efforts to expand and upgrade the labour enforcement machinery to reflect the changing world of employment and the movement of people around the country. With the implementation of better workplace norms in so-called “migrant jobs”, the chances of curbing precariousness for all workers will be much greater.

## NOTES

- 1 Despite the prevailing image of men as physically stronger and more aggressive than women, and therefore better suited for guard duty, social attitudes dictate the need for female guards who can conduct physical searches on women. The demand for female workers in this case is met by local women rather than migrants, most likely due to the gendered construct around household responsibilities that influence how women and men are differentially placed in relation to (paid) work opportunities (Banerjee and Raju 2009).
- 2 Security agencies may also be registered under the Companies Act, 1956, but this is not the practice in Goa.
- 3 See NCEUS (2007) and Remesh (2007) for a fuller discussion on social security measures for workers in the unorganised sector.

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