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EARLY VIEW

FACTORS INFLUENCING THE EMPLOYMENT OF ILLEGAL FOREIGN LABOURERS IN CONSTRUCTION INDUSTRY: A REVIEW

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Abstract: The employment of illegal foreign labour within the construction industry has garnered attention due to its implications for labour markets, economic dynamics, and regulatory frameworks. In numerous regions and countries, the construction sectors heavily relied on foreign labour, often encompassing individuals with illegal or undocumented immigration status. This research paper aims to comprehensively review the factors shaping the employment of illegal foreign labour by contractors within the construction industry. The methodology involved an in-depth analysis of existing literature, meticulously uncovering the core factors that influenced the employment of illegal foreign labour within the construction sector. This process encompassed the identification and extraction of factors and corresponding sub-factors from diverse research sources. Then, the identified factors were grouped into 5 main clusters namely; (1) Monetary and Economic Perspectives, (2) Project and Industrial Characteristics, (3) Social and Cultural perspectives, (4) Vulnerability and Exploitation and (5) Regulatory and Enforcement. Hence, this research unveils a significant gap in comprehensive investigations pertaining the actual prevalence of employment involving illegal foreign labour, highlighting the need for further insightful exploration in this domain. By delving into these influential factors, this paper not only enhances the understanding of the employment of illegal foreign labour in the construction industry but also provides a foundation for potential policy change and industry practices aimed at addressing this intricate issue.

Keywords: Foreign labour, Illegal labour, migrant workers, Undocumented foreign labour

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INTRODUCTION

The construction sector plays a key role in fostering economic growth within developing nations (Khan, Liew, & Ghazali, 2014). As a result, there has been a notable surge in construction activities that necessitate a considerable workforce (Zulkeflee et al., 2022). However, local labour hesitance to take on labour-intensive roles in the industry due to factors such as inadequate wages and substandard social conditions (Tannock, 2015). Hence, contractor firms are compelled to recruit foreign labour from various countries (Coniglio, Prota & Šerić, 2015). These foreign labours are preferred for their willingness to work for lower pay and their adaptability to the challenging and risky nature of the industry (Tsang, & Nguyen, 2023). As contractors wield the authority to select construction labour, employers leverage this power to curtail expenditure, making the contractor's proportion a focal point for further investigation in this study (Corrigan et. al., 2022).

Nevertheless, the employment of illegal foreign labour by contractors in the construction industry has been a longstanding issue with far-reaching implications (Jamalulil et. al., 2022). Despite its prevalence, a comprehensive exploration of the factors influencing this practice has been notably absent (Lloyd, 2018). Furthermore, the existing literature lacks direct studies dedicated to understanding the specific elements that drive contractors to hire illegal foreign labour (Mergener & Maier, 2018). This gap may arise from challenges in obtaining clear and transparent data on illegal labours' statistics (Clibborn, 2015). Therefore, this research aims to fill this void by conducting a meticulous examination of available studies on the broader topic of hiring foreign labourers. Each identified factor in this study is extracted from a comprehensive analysis of related literature, offering valuable insights for future researchers. Hence, this study aims to comprehensively analyse the factors that influence contractor firms' decision to employ foreign labour within the construction industry. This study addresses gaps in the existing literature by conducting a comparative analysis across various sources, highlighting differences in influencing factors.

ILLEGAL FOREIGN LABOURS ISSUES

The issue of foreign labour cannot be adequately justified without considering the nuanced distinction between the terms "illegal" and "undocumented". While the term "illegal" denotes a breach of established immigration laws (Spena, 2014), the term "undocumented" refers to foreign individuals lacking proper authorization to reside or work in the country (Roth, 2017). The distinction highlighted the complex nature of foreign labour, encompassing both those who have entered a country without legal clearance and those who possessed expired visas or work permits (Esteves, Fonseca, & Malheiros, 2017). Most developed countries heavily depend on foreign labour to fulfil their labour needs in various economic sectors (Gómez-Flors, & Alguacil, 2018). Nevertheless, the construction industry is one of the sectors extensively affected by the presence of undocumented foreign labour (Jamalulil et al., 2022). The presence of foreign labour on construction sites can be discerned through the frequency of reports published in mainstream media (Salleh et al., 2014). Numerous researchers deemed this issue as significant, given the escalating trend of hiring undocumented foreign labour each year. Nonetheless, precise statistics remain elusive due to the

absence of comprehensive reports and research detailing the exact number of undocumented foreign labour (Borjas, 2016). Consequently, their presence can potentially contribute to a job disparity among locals, as employment opportunities are potentially compromised by their presence, thereby exerting a substantial impact on the local economy (Kim, 2015). According to Anderson (2020), despite these registrations, estimates suggest a significant number of undocumented foreign labour continue to operate within a country, reflecting the persistence of this complex issue. Borjas (2016) stated that the origins of these undocumented foreign labour are diverse, representing various countries from which individuals seek employment opportunities in a certain country. This international workforce, driven by economic necessity and opportunity, often finds employment through contractor firms operating within the construction sector (Awad & Yussof, 2019). The use of illegal and undocumented foreign labour by these contractors is attributed to factors such as cost-effectiveness, flexibility, and availability (Nelson, Nelson, & Trautman, 2014). While efforts have been made to regularize the employment of foreign labour, the presence of undocumented labour persists, demanding a comprehensive approach to address the factors influencing the employment of illegal foreign labour by contractors in the construction industry (Chin, 2023).

THEORETICAL STRUCTURES

Monetary Perspectives

According to a study by Awad & Yussof (2019), the employment of illegal foreign labour by contractors in the construction industry is a complex phenomenon influenced by various economic factors. One prevalent practice is the use of cash payment, where contractors provide undocumented labour with untraceable cash wages (Brown, Hotchkiss, & Quispe-Agnoli, 2008). This not only allows them to avoid official records but also taxation, contributing to the allure of such employment arrangements (Alm, J., 2021). A study by Jamalulil et al. (2022), showed that competitive nature of construction bidding also contributed to the employment of illegal foreign labour. They added that most contractors vying to secure contracts at the lowest cost may resort to hiring undocumented labour to reduce expenses, thereby gaining a competitive edge (Jamalulil et al., 2022). However, this practice can further perpetuate the cycle of illegal employment. In fact, contractor turnover is a common occurrence, leading to challenges in overseeing labour practices. A research conducted by Hijzen, Mondauto & Scarpetta (2017), showed high turnover rates could create an environment where oversight was compromised, potentially enabling the employment of illegal foreign labour to go unnoticed. Furthermore, the motivation to cut cost played a crucial role, with cost considerations driving contractors to employ undocumented labour (Chen, Hua & Liu, 2019). These considerations encompass not only lower wages but also reduced benefits, such as healthcare and retirement plans which enabled contractors to achieve cost savings while evading taxes and regulatory expenses (Hoxhaj, 2015). Moreover, economic cycles also contributed to the utilization of illegal foreign labour, as fluctuations in demand for construction projects can create periods of labour shortages (Karimi, Taylor & Goodrum, 2017). In such instances, contractors may turn to undocumented labourers to swiftly meet project demands and timelines (Jamalulil et al., 2022).

Besides, contractors may choose for undocumented labour due to its greater flexibility, allowing them to adapt to fluctuating workloads and dynamic project

requirements (Nelson, Nelson, & Trautman, 2014). While Bohn & Owens (2012) highlighted that informal agreements and wage negotiations further highlight the informal nature of the labour market in the construction industry. These practices may result in lower pay rates for undocumented labour who lack formal contracts, thus perpetuating the exploitation of labour. A study done by Juricic, Galić, & Marenjak (2021) depicted that labour shortages were also a key driver, compelling contractors to hire illegal foreign labour to address the immediate deficit in the available workforce. Moreover, the local community dynamics and market demand fluctuations also contribute to the prevalence of employing illegal foreign labour. Theodore (2020) stated that in areas with significant immigrant communities, contractors may tap into local networks to identify and recruit undocumented labour. In addition, rapid shifts in market demand can prompt contractors to swiftly hire illegal foreign labour, accommodating sudden increases in project requirements (Gorinas & Pytlíkova, 2017). Furthermore, perceived low-skill requirements and risks associated with hiring illegal foreign labour influenced contractors' decisions (Damelang et al., 2019). According to Buckley et al. (2016), some contractors may believe that specific construction tasks require minimal skills, making them more inclined to employ undocumented labour for such roles. Additionally, the perceived risk of penalties for employing illegal foreign labour may be considered low, leading contractors to opt for this labour source (Borjas & Cassidy, 2019).

Construction Industry Attributes

In a study done by Earl et al., (2017) emphasised that the employment of illegal foreign labour by contractors in the construction sector is influenced by a multitude of intricate factors that collectively shape the labour landscape. Changing demographics play a pivotal role, as an ageing local workforce prompts contractors to seek undocumented labour to bridge resulting gaps (Earl et al., 2017). As the industry grapples with evolving workforce dynamics, the utilization of foreign labour becomes a pragmatic solution to maintain project continuity and meet demanding labour requirements (Ismail & Yuliyusman, 2014). Besides, contracting practices within the construction industry add another layer of complexity. According to Lloyd (2018), subcontracting and outsourcing created a web of accountability that can inadvertently facilitate the employment of illegal labour. This convoluted structure can make it easier for contractors to bypass regulations and evade detection, contributing to the persistence of undocumented labours in the industry (Nungsari & Chuah, 2021). Additionally, the cyclical nature of construction, characterised by seasonal fluctuations in demand, leads to the temporary employment of illegal foreign labour during peak workloads (Orrenius & Zavodny, 2020) which, showed the industry's dependence on flexible labour sources to navigate varying project requirements. Nevertheless, the prevalence of document forgeries further exacerbates the issue. Contractors may exploit forged documents to hire illegal foreign labour, lending an appearance of legitimacy to their employment practices (Low, 2021). The research added that this manipulation of documentation showed the need for improved regulatory measures to verify the legal status of labourers. Moreover, the presence of numerous subcontractors on construction projects contributed to a fragmented workforce, increasing the likelihood of illegal employment practices (López-Andreu, 2020). He also stated that the fragmentation

complicates oversight and accountability, making it challenging to ensure compliance with labour regulations.

The integration of the construction industry into global supply chains in the context of globalization and cross-border projects leads to the employment of illegal foreign labour (LeBaron, 2021). According to Jensen (2022), international projects involving multiple countries may facilitate the movement of undocumented labour across borders, driven by the demand for specific skills and expertise. In fact, prevailing industry norms and historical practices also perpetuate the cycle of employing undocumented labour (Borjas, & Cassidy, 2019) as long-standing patterns of hiring and the normalization of such practices within the construction sector reinforced the presence of illegal foreign labour (Jamalulil et al., 2022). Moreover, time-sensitive projects exerted additional pressure on contractors, often leading them to prioritize project completion over adhering to legal hiring practices (Salleh et al., 2014). A research done by Fateh et al. (2020), emphasised that this urgency can inadvertently lead to the employment of illegal foreign labourers as contractors seek swift solutions to meet tight deadlines. Furthermore, public procurement practices, particularly when bidding for public projects, can incentivize cost-cutting measures, such as hiring undocumented labour, to submit competitive bids (Arbogast, 2016). These practices reflect the broader economic considerations that influence contractor decisions. In remote or isolated worksites, contractors may exploit the advantages of worksite isolation to hire undocumented labour without detection (Erich, 2021). This depicts the need for enhanced monitoring and enforcement mechanisms, especially in geographically distant construction projects (Syed, 2023). Moreover, concerning construction projects that required temporary housing, contractors may resort to hiring undocumented labour to fulfil both labour and housing demands, potentially subjecting these workers to exploitative conditions (López-Sala, & Molinero-Gerbeau, 2022).

Collective and Cultural Perspective

When viewed from a social and cultural perspective, the employment of illegal foreign labour by contractors in the construction industry is underpinned by a range of factors that reflect prevailing societal attitudes and cultural dynamics. Hendricks (2022) stated that cultural biases and discriminatory attitudes play a role in influencing the preference for undocumented labour in specific roles within the construction sector. These biases may lead to the marginalization of certain groups, perpetuating an environment where undocumented labour is considered acceptable for certain tasks (Méndez, Flores-Haro, & Zucker, 2020). Furthermore, the reputation of contractors is a significant factor that contributes to the employment of illegal foreign labour (Mahmood et al., 2021). Srivastava (2020) emphasised that contractors with a history of hiring undocumented labour may perpetuate this practice due to a perceived lack of consequences. This cycle is reinforced by the belief that there are minimal penalties or negative repercussions, thereby perpetuating the utilization of illegal labour within the industry (Crowley, 2020). Moreover, cultural acceptance varies across regions, and in certain areas, undocumented labour practices within the construction sector may be culturally accepted (Barber & Berslin, 2020). This cultural tolerance can normalise the employment of foreign labour without legal authorization (King-Dejardin, 2019). Besides, ethnic preferences also influence the hiring decisions of

contractors within the construction industry (Srivastava, 2019). According to Davis et al. (2023), contractors may have biases towards specific ethnic backgrounds, which influenced their choice to employ undocumented labour. They added that this preference may be based on perceived skill sets, language compatibility, or cultural familiarity. Gender dynamics are as equally influential, as gender imbalances within the construction sector can lead to the employment of undocumented female labour, often in specific roles that are perceived as more suitable for women (Lahiri-Dutt, 2022).

Suhardiman et al. (2021) stated that globalization and migration patterns further shape the availability of illegal foreign labour for construction projects. They also added that the global migration trends create a pool of willing labour, as individuals seek opportunities for employment in different countries. This phenomenon, driven by pandemic outbreaks, economic disparity, and the pursuit of a better livelihood, contributes to the influx of undocumented labourers into the construction industry (Vásquez Luque, 2023). Besides, language and communication considerations also play a role in hiring decisions. Chin (2023) expressed that some contractors might prefer to hire workers from specific regions where language compatibility and ease of communication facilitate efficient work coordination. However, language barriers can also contribute to the exploitation of undocumented labour. According to Syed (2023), contractors may take advantage of language differences, hindering effective communication and impeding these labourers' understanding of their labour rights. In contrast, informal networks and social connections within immigrant communities serve as conduits for the recruitment and hiring of undocumented labour (Mhandu, 2020). These informal channels streamline the process of connecting contractors with potential labour, reinforcing the prevalence of undocumented labour practices (Klinthäll & Urban, 2016).

Vulnerability and Manipulation

When viewed through vulnerability and exploitation perspective, contractors' use of illegal foreign workforce revealed a complex web of relationships that perpetuate undocumented labour exploitation. Wilkinson (2014) emphasised that inadequate labour organising is a pivotal contributor, as the lack of labour organizing and advocacy for undocumented labourers perpetuates their vulnerability and susceptibility to exploitation. Dhal (2020) stated that the absence of collective representation hampers the ability of these labourers to assert their rights and demand fair treatment, thereby enabling unscrupulous contractors to exploit their precarious situation. Besides, a particularly distressing facet of this issue is labour trafficking, where unscrupulous contractors engage in the heinous practice of exploiting undocumented labourers through human trafficking (Azad, 2018). These contractors forced undocumented labour into labour under exploitative and inhumane conditions, capitalizing on their vulnerable legal status (Andrevski & Lyneham, 2014). Moreover, the lack of education on employee rights is the main problem. Undocumented labour may be unaware of their rights or fear reporting labour violations due to their illegal status (Nguyen-Ngo, 2020). This fear of repercussions makes them easy targets for exploitation, perpetuating a cycle of abuse and injustice (Fateh et al., 2020).

The lack of labour protections for undocumented labour further exacerbates workers' vulnerability. According to Bales & Mayblin (2018), contractors may exploit these workers due to their tenuous legal status, leading to substandard labour conditions and a lack of fundamental rights. The precariousness of undocumented labours' situations, coupled with the lack of legal safeguards, exposes them to exploitative practices and unjust treatment within the construction industry (Galemba, 2021). Additionally, the significant levels of debt incurred by many foreign labours during the migration process render them particularly susceptible to exploitative labour arrangements (Hoang, 2020). Fateh et al. (2022) emphasised that this vulnerability can be capitalized upon by unscrupulous contractors who take advantage of their financial predicaments. Furthermore, the construction industry's reliance on non-standard work hours is also a factor in the employment of undocumented labour. Jamalulil et al. (2022), mentioned that contractors often view these unconventional work schedules as opportunities that fall outside conventional norms. Besides, projects necessitating irregular or extended work hours hold a certain appeal for these contractors (Marhani et al., 2012; Fateh et al., 2022). However, this inadvertently exacerbates the vulnerability of these workers to exploitation. Furthermore, the role of unions and labour advocacy cannot be understated. Kulić et al., (2018) stated that a weaker union presence or limited labour advocacy can result in insufficient protection for all labour, including those who are undocumented. This lack of robust representation leaves undocumented workers even more defenceless against exploitation and unfair labour practices (Rifà & Doná, 2021). Moreover, the unstable immigration status of many undocumented labours creates an environment ripe for exploitation. Bales & Mayblin (2018) highlighted that contractors may target individuals with unstable immigration status, leveraging their fear of deportation to subject them to exploitative labour arrangements. Garcia (2018) agreed that the threat of deportation looms large over these labourers, making them more willing to accept exploitative conditions to avoid detection and potential legal consequences.

Regulation and Implementation

The employment of illegal foreign labour by contractors in the construction industry is influenced by various complex factors that highlight the difficulties in regulating and enforcing laws. Latham-Sprinkle et al. (2019) highlighted that corruption and bribery present significant obstacles. Contractors may exploit these practices to manipulate officials and evade detection, thereby perpetuating the employment of undocumented labour. Besides, the geopolitical context further contributed to this issue. Political instability, conflicts, and economic disparities in source countries can drive individuals to seek work abroad, resulting in a readily available pool of undocumented labour that contractors can tap into to meet their needs (Ness, 2023). Moreover, another critical factor is the ignorance or disregard of laws governing foreign labour. Hilb (2020) emphasised that some contractors may be unaware of regulations or consciously choose to ignore them, believing that such practices are commonplace and tolerated within the industry. According to Cloce, Clark & Hunter (2022), this behaviour reflects a broader issue of normalised non-compliance that hinders efforts to regulate the employment of undocumented labour. Furthermore, inadequate documentation practices by contractors exacerbate the problem (Hamzah et al., 2020). Fateh et al. (2020) illustrated that lax record-keeping and

documentation procedures create an environment where the employment of illegal foreign labour can occur discreetly, further obstructing effective enforcement.

According to Baison (2021), informal recruitment channels play a significant role in facilitating the hiring of undocumented labour. Tandon & Rathi (2022) illustrated that word-of-mouth referrals and other informal methods of labour recruitment allow contractors to source and employ foreign labour outside formal channels, making it easier to evade detection. Besides, the lack of effective deterrence is also noteworthy. Asuamah Yeboah (2023) stated that weak penalties and ineffective enforcement mechanisms fail to deter contractors from engaging in the employment of illegal foreign labour, perpetuating a culture of non-compliance within the construction industry. Furthermore, lax regulatory enforcement, particularly in immigration and labour regulations, provides contractors with a sense of impunity (Ali et al., 2022; Jamalulil et al., 2022). Lung (2019) mentioned that weak enforcement emboldens contractors to hire undocumented labourers, as they perceive diminished risks of facing legal repercussions. This challenges the effectiveness of regulations and emphasize the need for stronger enforcement mechanisms to curb the prevalence of undocumented labour practices (Marsden et al., 2021). Additionally, migration policies play a role in shaping contractors' decisions. Howe et al. (2020) highlighted that stringent immigration policies or lengthy legal procedures can push contractors to resort to hiring undocumented labour to meet immediate project needs, particularly when legal avenues are impractical or time-consuming. Moreover, the involvement of unregulated or exploitative recruitment agencies further compounds the issue. Low (2020) emphasised that these agencies can act as intermediaries, facilitating the hiring of undocumented labour for contractors seeking to circumvent formal employment processes. Their existence highlights the need for tighter regulation and oversight of recruitment practices within the construction industry (Jasni et al., 2016; Fateh et al., 2020). Furthermore, delays in obtaining legal work permits can drive contractors to seek alternative solutions, including the employment of undocumented labour (Terriquez, 2015). Lastly, the lengthy bureaucratic processes create a gap in the availability of legal labour, prompting contractors to turn to undocumented sources to maintain project progress (Kalicki, 2019).

METHODOLOGY

The methodology employed in this research paper entailed a comprehensive exploration of the factors influencing contractors to employ illegal foreign labour within the construction industry. The decision to employ a qualitative research approach in this study was intentional, mainly due to its suitability for a thorough investigation of articles (Bahishti, 2021). Unlike quantitative methods, qualitative research is more appropriate for delving into intricate phenomena, offering more detailed insights, and grasping the fundamental factors that focuses on a specific matter (Busetto et. al., 2020). However, this research seeks to uncover the various factors affecting the hiring of illegal foreign labour in the construction industry, a qualitative approach permits a nuanced exploration of diverse viewpoints, experiences, and contextual intricacies. Fundamentally, this study adopts the work of Williams, Hamid, & Misnan (2018) as a methodological guide for selecting a qualitative

approach. Various analytical methods employed in their publication are replicated to formulate a comprehensive and contextually appropriate analysis methodology.

Analysis Process

This investigation was conducted through an extensive review of various scholarly sources, including books, theses, journal papers, conference papers, and case studies. By meticulously examining over multiple relevant literature, the study unveiled a spectrum of factors that contribute to contractors' decisions to engage in the employment of undocumented labourers. These factors were subsequently identified, meticulously examined, and organized into distinct clusters to provide a structured understanding of the phenomenon. The research process involved a systematic search for pertinent literature by utilizing keywords such as "illegal foreign labour," "undocumented labour," "illegal migration labour," and "foreign labour." This search approach was undertaken to ensure the inclusion of diverse and relevant sources that encapsulate the breadth of factors influencing contractors' employment decisions. The study involved a careful process of identification and extraction of the chosen past studies to uncover the main factors and sub-factors related to this practice. The findings were synthesized and tabulated, highlighting the factors unearthed through this rigorous and comprehensive literature review. By employing this methodological framework, this research contributes to a comprehensive and nuanced understanding of the multifaceted factors that drive contractors to employ illegal foreign labour in the construction industry.

FINDINGS AND DISCUSSION

After a thorough search of research databases, it has become evident that there are lack of in-depth investigations into the factors influencing the employment of illegal or undocumented foreign labour. This gap in research is primarily due to the absence of accurate and comprehensive reports detailing the actual extent of illegal foreign labour. Furthermore, there is a noticeable absence of direct inquiries into the underlying reasons prompting contractors to opt for hiring such labourers. To address this research void, a comprehensive analysis of 12 pertinent studies were undertaken to explore the various facets of foreign labour recruitment. From these studies, a meticulous process of identification and extraction were conducted to reveal key factors and sub-factors associated with this practice. These factors and sub-factors were then systematically compiled and presented in Table 1, offering a clear and organized framework for comprehending the diverse considerations that influence the engagement of foreign labour within the construction sector.

Table 1: Previous Research on Factors Influencing Foreign Labours Employment

No.	Factors Influencing Foreign Labours Employment	Authors											Frequency	
		Chin (2023)	Ashaari et al. (2018)	Marhani et al. (2012)	Fateh et al. (2020)	Fateh et al. (2022)	Salleh et al. (2014)	Jasni et al. (2016)	Hamzah et al. (2020)	Adi (2019)	Uddin et al. (2021)	Jamalulili et al. (2022)		Ali et al. (2022)
1.	Cash Payments	✓			✓			✓						3
2.	Cost Considerations	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	12
3.	Economic Cycles	✓			✓	✓	✓	✓	✓		✓	✓	✓	8
4.	Evasion of Benefits		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	8
5.	Flexibility and Availability	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	11
6.	Informal Agreements	✓	✓		✓			✓	✓					5
7.	Informal Labour Markets		✓			✓		✓		✓	✓	✓	✓	6
8.	Informal Wage Agreements	✓	✓		✓					✓	✓	✓	✓	6
9.	Labour Shortages	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	11
10.	Local Community Dynamics							✓	✓	✓	✓			4
11.	Local Economic Conditions	✓		✓	✓	✓		✓		✓		✓	✓	8
12.	Market Demand Fluctuations	✓		✓	✓	✓			✓			✓	✓	6
13.	Perceived Low-Skill Requirements	✓	✓			✓	✓	✓			✓	✓	✓	7
14.	Perceived Risk		✓					✓			✓			3
15.	Short-Term Projects							✓						1
16.	Skill Shortages	✓		✓		✓	✓	✓	✓			✓	✓	7
17.	Contracting Practices	✓	✓					✓			✓	✓	✓	5
18.	Fragmented Workforce		✓	✓		✓		✓	✓	✓		✓	✓	8
19.	Industry Norms	✓			✓	✓	✓			✓	✓	✓	✓	7
20.	Pressure to Meet Deadlines	✓	✓	✓	✓		✓				✓	✓	✓	7
21.	Substandard Working Conditions	✓		✓		✓	✓	✓	✓		✓	✓	✓	8
22.	Technological Advances							✓						1
23.	Attitudes and Discrimination	✓	✓		✓									3
24.	Cultural Acceptance							✓	✓	✓	✓			4
25.	Ethnic Preferences						✓			✓	✓			3
26.	Migration Patterns	✓	✓					✓	✓	✓				5
27.	Language and Communication	✓			✓			✓	✓	✓	✓			6
28.	Language Barriers	✓			✓					✓				3
29.	Networks and Social Capital		✓				✓							2

Labour Shortages	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	11
Local Economic Conditions	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	8
Fragmented Workforce		✓	✓		✓		✓	✓	✓		✓	✓	8
Substandard Working Conditions	✓		✓		✓	✓		✓	✓		✓	✓	8
Non-Standard Work Hours	✓		✓	✓		✓	✓		✓		✓	✓	8
Lax Regulatory Enforcement	✓	✓		✓		✓	✓	✓		✓	✓	✓	9
Strict Immigration Policies	✓	✓		✓		✓	✓			✓	✓	✓	8

Based on Table 2, eleven factors were identified to be the most prominent factors influencing foreign labours' employment by the contractors as they are mentioned by the previous researchers viz: Cost Considerations (12 times), Economic Cycles (8 times), Evasion of Benefits (8 times), Flexibility and Availability (11 times), Labour Shortages (11 times), Local Economic Conditions (8 times), Fragmented Workforce (8 times), Substandard Working Conditions (8 times), Non-Standard Work Hours (8 times), Lax Regulatory Enforcement (9 times), and Strict Immigration Policies (8 times).

The grouping technique appeared to be derived from an inductive approach which involves allowing the categories or themes to emerge naturally from the data, without imposing preconceived categories. From the patterns, the categories can be developed based on the recurring themes that arise during the discussion below. In response to these methodological challenges, the identified factors influencing the employment of illegal foreign labour were meticulously categorised into five main clusters: (1) Monetary and Economic Perspectives, (2) Project and Industrial Characteristics, (3) Social and Cultural Perspectives, (4) Vulnerability and Exploitation, and (5) Regulatory and Enforcement. These clusters had emerged through a rigorous analysis of a diverse range of literature, serving as a testament to the comprehensive nature of the study.

Monetary and Economic Perspectives

A consensus among researchers emphasised the pivotal role of cost considerations in the employment of undocumented or illegal labour by contractors (Chen, Hua & Liu, 2019; Fateh et al., 2020). This strategic move is rooted in the pursuit of expense reduction, wherein contractors capitalise on the willingness of undocumented labour to accept lower wages. Additionally, the evasion of benefits emerges as a noteworthy factor, reflecting a deliberate choice by contractors to sidestep their responsibility to provide employee benefits (Jamalulil et al.,2022; Fateh et al., 2022). Hence, this intentional decision-making process points to a complex interplay between cost-cutting strategies and labour practices. The fluctuations in economic cycles, representing changes in the economy over time, significantly affect the demand for construction projects. This can lead contractors to hire illegal foreign labour to manage varying workloads (Salleh et al., 2014; Jasni et al., 2016; & Chin, 2023). However, this practice goes beyond economic concerns as it can create an imbalance in job opportunities for local labour.

Project and Industrial Characteristics

Furthermore, the significance of flexibility and availability in the hiring of illegal foreign labour is emphasised by most researchers (Ashaari et al., 2018; Hamzah et al., 2020). The suggestion is that foreign labour offered heightened adaptability to fluctuating work demands compared to local labour. Hence, this dynamic illustrates a nuanced aspect of labour management within the construction industry, where the employment of illegal labour is driven not only by cost factors but also by the practical considerations of flexibility and availability. Moreover, the assertion that contractors may turn to hire undocumented or illegal foreign labour in response to labour shortages, (Fateh et al., 2020; Ali et al., 2022; Chin, 2023) added more insight to the understanding of the industry dynamics. Hence, this emphasised the adaptive nature of contractor decision-making in the face of fluctuating labour market conditions. Collectively, these insights highlight the multifaceted nature of the factors influencing the employment of illegal foreign labour, extending beyond a mere cost-driven approach to encompass strategic responses to labour market challenges.

Vulnerability and Exploitative Practices

Based on a study done by Kim (2015), the researcher stated that the presence of undocumented labour might disrupt job chances for locals, impacting the local economy. Furthermore, the intricacies of a fragmented workforce, often entailing various subcontractors, provide a conducive environment for contractors to discreetly engage undocumented labour (Marhani et al., 2012). A research conducted by Ashaari et al. (2018) also agreed that, when construction projects involve multiple subcontractors, creating a fragmented workforce, contractors may more easily hire undocumented labour without drawing attention. Unfortunately, this practice can lead to substandard working conditions. As for contractors, using the fragmented workforce situation, might subject undocumented labour to unsafe environments because local labour may be hesitant to work in such conditions (Salleh et al., 2014; Fateh et al., 2022). This clearly highlights the complex relationship between economic changes, how labour is managed, and the potential for exploitation in the construction industry.

Social & Cultural Perspectives

Contractors' choice to enlist undocumented foreign labour extends beyond mere cost considerations; as it serves to fulfil the rigorous demands of high-intensity work, often characterized by non-standard or irregular work hours (Jasni et al., 2016; Uddin et al., 2021). Hence, this nuanced aspect reveals a deliberate exploitation of undocumented labour to meet the challenging demands of the construction industry, underscoring the intricate dynamics at play. A research done by Hendricks (2022) highlighted that preferences for undocumented labour in certain roles within the construction sector are influenced by cultural biases and discriminatory attitudes. These biases can result in the marginalization of specific groups, fostering a context where employing undocumented labour is deemed acceptable for particular tasks (Méndez, Flores-Haro, & Zucker, 2020). Additionally, the reputation of contractors emerges as a substantial factor influencing the hiring of illegal foreign labour (Mahmood et al., 2021).

Regulatory and Enforcement

Additionally, the landscape of regulatory enforcement plays a pivotal role in influencing contractor decisions regarding the employment of illegal foreign labour. Lax regulatory oversight, as highlighted by Hamzah et al. (2020) and Jamalulil et al. (2022), provides a sense of impunity, emboldening contractors to engage in the hiring of undocumented labour with a perceived lower risk of facing penalties. Therefore, this observation implies a critical evaluation of regulatory frameworks, shedding light on the need for more stringent enforcement mechanisms to deter such exploitative practices. Moreover, the imposition of strict immigration policies introduces a different dimension to the employment dynamics. Salleh et al. (2014) highlighted that contractors may resort to hiring undocumented labour not only as a response to regulatory leniency but also due to the challenges in obtaining legal labour under stringent immigration regulations. Hence, this revealed a complex interplay between regulatory landscapes, immigration policies, and contractor strategies, in emphasizing the need for a holistic approach to understanding the drivers behind the employment of illegal foreign labourers in the construction industry (Fateh et al., 2022; Jamalulil et al., 2022).

CONCLUSION AND RECOMMENDATIONS

In conclusion, this research has investigated the complex factors influencing contractors to employ illegal foreign labour in the construction industry. The practice of hiring illegal foreign labours by contractors has persisted over time. Nevertheless, a thorough investigation conducted by searching through online databases revealed a dearth of direct studies focused on the factors influencing this practice. This gap can be attributed to factors such as unreported, unclear, and non-transparent data concerning illegal labours' information and statistics. Therefore, this study had to extrapolate insights from broader research on employing foreign labour in general. Thus, the identified factors were grouped into 5 main clusters namely; (1) Monetary and Economic Perspectives, (2) Project and Industrial Characteristics, (3) Social and Cultural perspectives, (4) Vulnerability and Exploitation and (5) Regulatory and Enforcement. Each identified factor stems from an extensive analysis of pertinent literature and can serve as a resource for future researchers. Beyond this, the study offers a valuable perspective for contractors to grasp the genuine repercussions of engaging in the hiring of illegal foreign labour. Furthermore, it provides a platform for policymakers to refine and establish more effective regulations for the benefit of the nation. Ultimately, this study prompts future researchers to delve into identifying the most salient factors within this complex landscape. Overall, this research provides valuable insights into the complex web of influences behind the employment of illegal foreign labour, offering a foundation for addressing this issue in a comprehensive and informed manner.

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