

Factors Influencing the Employment of Illegal Foreign Labourers in the Construction Industry: A Review

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Abstract: The construction sectors in numerous regions and countries heavily rely on foreign labour. The employment of illegal foreign labour within the construction industry, often encompassing individuals with illegal or undocumented immigration status, has garnered attention due to its implications for labour markets, economic dynamics and regulatory frameworks. This research aimed to comprehensively review the factors of illegal foreign labour employment by contractors within the construction industry. To uncover the core factors that influenced the employment of illegal foreign labour within the construction sector, the methodology involved an in-depth analysis of existing literature. The in-depth analysis encompassed the identification and extraction of factors and corresponding sub-factors from diverse research sources. Then, the identified factors were grouped into five 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. This research unveiled a significant gap in comprehensive investigations pertaining to 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 study 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, Illegal foreign labour

INTRODUCTION

The construction sector plays a key role in fostering economic growth within developing nations (Khan, Liew and 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 labourers are hesitant 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 labour from various countries (Coniglio, Prota and Šerić, 2015).

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Foreign labourers are preferred for their willingness to work for lower pay and their adaptability to the challenging and risky nature of the industry (Tsang and 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, Fontanez and Kratsios, 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, existing literature lacks direct studies dedicated to understanding the specific elements that drive contractors to hire illegal foreign labour (Mergener and Maier, 2018). This gap may arise from challenges in obtaining clear and transparent data on illegal labourers' statistics (Clibborn, 2015).

Therefore, this research aimed 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 was extracted from a comprehensive analysis of related literature in order to offer valuable insights for future researchers. This study aimed to comprehensively analyse the factors that influence contractor firms' decision to employ foreign labour within the construction industry, as well as address gaps in the existing literature by conducting a comparative analysis across various sources and highlighting differences in influencing factors.

Illegal Foreign Labourers Issues

Most developed countries heavily depend on foreign labour to fulfil their labour needs in various economic sectors (Gómez-Flors and Alguacil, 2018). For example, 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). The issue of foreign labour should consider the distinction between the terms "illegal" and "undocumented". The term "illegal" denotes a breach of established immigration laws (Spena, 2014). Meanwhile, the term "undocumented" refers to foreign individuals lacking proper authorisation to reside or work in the country (Roth, 2017). The distinction highlighted the complex nature of foreign labour as individuals who have entered a country without legal clearance and those who possess expired visas or work permits (Esteves, Fonseca and Malheiros, 2017).

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), a significant number of undocumented foreign labourers continue to operate within a country, reflecting the persistence of this complex issue. Borjas (2017) states that the origins of these undocumented foreign labourers 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 and Yussof, 2019).

Nonetheless, the use of illegal and undocumented foreign labour by these contractors is attributed to factors such as cost-effectiveness, flexibility and availability (Nelson, Nelson and Trautman, 2014). While efforts have been made to regularise 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). Numerous researchers view foreign labour 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 labourers (Borjas, 2017).

THEORETICAL STRUCTURES

Monetary Perspectives

According to a study by Awad and 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 and Quispe-Agnoli, 2008) to avoid official records and taxation (Alm, 2021). In addition, a study by Jamalulil et al. (2022) showed that the competitive nature of construction bidding also contributed to the employment of illegal foreign labour. Most contractors vying to secure contracts at the lowest cost may hire undocumented labour to reduce expenses and gain a competitive edge (Jamalulil et al., 2022). However, this practice can further perpetuate the cycle of illegal employment.

Contractor turnover is common, leading to challenges in overseeing labour practices. Research conducted by Hijzen, Mondauto and 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 costs drives contractors to employ undocumented labour (Chen, Hua and Liu, 2019). These considerations encompass not only lower wages but also reduced benefits, such as healthcare and retirement plans, which enable contractors to achieve cost savings while evading taxes and regulatory expenses (Hoxhaj, 2015). Moreover, economic cycles also contributed to the utilisation of illegal foreign labour, as fluctuations in demand for construction projects can create periods of labour shortages (Karimi, Taylor and 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 undocumented labour due to its greater flexibility, allowing them to adapt to fluctuating workloads and dynamic project requirements (Nelson, Nelson and Trautman, 2014). Bohn and 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 labourers who lack formal contracts, thus perpetuating the exploitation of labour. A study done by Juricic, Galić and 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 and Pytlíková, 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 and Cassidy, 2019).

Construction Industry Attributes

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 utilisation of foreign labour becomes a pragmatic solution to maintain project continuity and meet demanding labour requirements (Ismail and Yuliyusman, 2014). Besides, contracting practices within the construction industry add another layer of complexity. According to Lloyd (2018), subcontracting and outsourcing create 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 labourers in the industry (Nungsari and 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 and Zavodny, 2020), which shows 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 documentation manipulation showed the need for improved regulatory measures to verify the legal status of labourers. Moreover, numerous subcontractors on construction projects contributed to a fragmented workforce, increasing the likelihood of illegal employment practices (López-Andreu, 2020). López-Andreu (2020) 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 globalisation 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 perpetuate the cycle of employing undocumented labour (Borjas and Cassidy, 2019) as longstanding patterns of hiring and the normalisation 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 prioritise

project completion over adhering to legal hiring practices (Salleh et al., 2014). Research done by Fateh, Arshad and Hamzah (2020) emphasises 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 incentivise 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 (Erlach, 2021). This depicts the need for enhanced monitoring and enforcement mechanisms, especially in geographically distant construction projects (Syed, 2023). Moreover, concerning construction projects that require 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 and Molinero-Gerbeau, 2022).

Collective and Cultural Perspective

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) states 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 marginalisation of certain groups, perpetuating an environment where undocumented labour is considered acceptable for certain tasks (Méndez, Flores-Haro and 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) emphasises 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 utilisation of illegal labour within the industry (Crowley, 2020).

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 influences their choice to employ undocumented labour. They add 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, which can lead to the employment

of undocumented female labour, often in specific roles that are perceived as more suitable for women (Lahiri-Dutt, 2022). Though cultural acceptance varies across regions and areas, undocumented labour practices within the construction sector have been culturally accepted (Barber and Breslin, 2020). Cultural tolerance can normalise the employment of foreign labour without legal authorisation (King-Dejardin, 2019).

Suhardiman et al. (2020) state that globalisation and migration patterns influence the availability of illegal foreign labour at construction projects. They also add that global migration trends create a pool of willing labourers as individuals seek employment opportunities in different countries. This phenomenon, often driven by pandemic outbreaks, economic disparity and the pursuit of a better livelihood, contributes to the influx of undocumented labourers into the construction industry (Luque, Salman and Sánchez, 2023). Besides, language and communication considerations also play a role in hiring decisions. Chin (2023) expresses that some contractors 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 recruiting and hiring undocumented labour (Mhandu, 2020). These informal channels streamline the process of connecting contractors with potential labour, reinforcing the prevalence of undocumented labour practices (Klinthäll and Urban, 2016).

Vulnerability and Manipulation

When viewed through vulnerability and exploitation perspective, contractors' use of illegal foreign workforce reveals a complex web of relationships that perpetuate undocumented labour exploitation. Wilkinson (2014) emphasises that inadequate labour organising is a pivotal contributor, as the lack of labour organising and advocacy for undocumented labourers perpetuates their vulnerability and susceptibility to exploitation. Dhal (2020) states 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 force undocumented labourers into labour under exploitative and

inhumane conditions, capitalising on their vulnerable legal status (Andrevski and Lyneham, 2014). Moreover, the lack of education on employee rights is the main problem. Undocumented labourers 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, Arshad and Hamzah, 2020).

The lack of labour protections for undocumented labour further exacerbates workers' vulnerability. According to Bales and 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 labourers' 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 labourers during the migration process render them particularly susceptible to exploitative labour arrangements (Hoang, 2020). Fateh, Mohamed and Omar (2022) emphasise that this vulnerability can be capitalised 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) mention 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, Mohamed and Omar, 2022). However, this inadvertently exacerbates the vulnerability of these workers to exploitation. Furthermore, the role of unions and labour advocacy cannot be understated. Kulić, Milosevic and Baturan (2018) stated that a weaker union presence or limited labour advocacy could 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 and Donà, 2021). Moreover, the unstable immigration status of many undocumented labourers creates an environment ripe for exploitation. Bales and 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) agrees 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. For example, Latham-Sprinkle et al. (2019) highlight corruption and bribery. 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).

Another critical factor is the ignorance or disregard of laws governing foreign labour. Hilb (2020) emphasises that some contractors are unaware of regulations or consciously choose to ignore them, believing that such practices are commonplace and tolerated within the industry. According to Cloce, Clark and 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, Arshad and Hamzah (2020) illustrate 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 and Rathi (2022) illustrate 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. Yeboah (2023) states 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, Mohammad and Samsudin, 2022; Jamalulil et al., 2022). Lung (2019) addresses 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 emphasises the need for stronger enforcement mechanisms to curb the prevalence of undocumented labour practices (Marsden, Tucker and Vosko, 2021).

Additionally, migration policies play a role in shaping contractors' decisions. Howe et al. (2020) highlighted that stringent immigration policies or lengthy legal procedures could 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) emphasises 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 and Othman, 2016; Fateh, Arshad and Hamzah, 2020). Furthermore, delays in obtaining legal work permits can drive contractors to seek alternative solutions, including employing 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 study 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).

Quantitative methods and qualitative research are more appropriate for delving into intricate phenomena as they offer more detailed insights and grasp the fundamental factors that focus on a specific matter (Busetto, Wick and Gumbinger, 2020). However, this research sought to uncover the various factors affecting hiring illegal foreign labour in the construction industry. Accordingly, a qualitative approach permits a nuanced exploration of diverse viewpoints, experiences and contextual intricacies. Fundamentally, this study adopts the work of Williams, Hamid and 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 articles, conference papers

and case studies. By meticulously examining 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, examined and organised into distinct clusters to provide a structured understanding of the phenomenon. The research process involved a systematic search for pertinent literature using 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 synthesised 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

The current study found a lack of in-depth investigations into the factors influencing the employment of illegal or undocumented foreign labour 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 was undertaken to explore the various facets of foreign labour recruitment. From these studies, a meticulous process of identification and extraction was 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.

Table 1. Previous research on factors influencing foreign labour employment

No.	Factors Influencing Foreign Labour Employment	Authors											Frequency
		Chin (2023)	Ashaari, Razak and Siow (2018)	Marhani et al. (2012)	Fateh, Arshad and Hamzah (2020)	Fateh, Mohamed and Omar (2022)	Salleh et al. (2014)	Jasni and Othman (2016)	Hamzah et al. (2020)	Adi (2009)	Uddin and Mohammed (2021)	Jamalulil 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

(Continued on next page)

Table 1. Continued

No.	Factors Influencing Foreign Labour Employment	Authors											
		Chin (2023)	Ashaari, Razak and Siow (2018)	Marhani et al. (2012)	Fateh, Arshad and Hamzah (2020)	Fateh, Mohamed and Omar (2022)	Salleh et al. (2014)	Jasni and Othman (2016)	Hamzah et al. (2020)	Adi (2009)	Uddin and Mohammed (2021)	Jamalulil et al. (2022)	Ali, Mohammad and Samsudin (2022)
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
30	Inadequate labour organising		✓		✓		✓		✓				4
31	Lack of education			✓	✓					✓	✓	✓	5
32	Lack of labour protections	✓			✓								2
33	Non-standard work hours	✓		✓	✓		✓	✓		✓		✓	8
34	Unstable immigration status				✓		✓			✓			3
35	Geopolitical factors								✓	✓		✓	3
36	Ignorance or disregard of laws				✓								1

(Continued on next page)

Table 1. Continued

No.	Factors Influencing Foreign Labour Employment	Authors												
		Chin (2023)	Ashaari, Razak and Siow (2018)	Marhani et al. (2012)	Fateh, Arshad and Hamzah (2020)	Fateh, Mohamed and Omar (2022)	Salleh et al. (2014)	Jasni and Othman (2016)	Hamzah et al. (2020)	Adi (2009)	Uddin and Mohammed (2021)	Jamalulil et al. (2022)	Ali, Mohammad and Samsudin (2022)	Frequency
37	Inadequate documentation practices						✓	✓	✓					3
38	Informal recruitment channels	✓			✓			✓	✓	✓		✓		6
39	Lax regulatory enforcement	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	9
40	Strict immigration policies	✓	✓		✓		✓	✓		✓	✓	✓		8
41	Unregulated recruitment agencies	✓					✓		✓					3
42	Work permit delays	✓												1

Table 1 offers a clear and organised framework for comprehending the diverse considerations that influence the engagement of foreign labour within the construction sector. The analysis of Table 1 reveals variations in the frequency of factors cited by researchers. Some factors receive frequent mentions, while others are less emphasised. Considering these elements, factors that have been referenced eight times or more are identified through the tabulated frequencies. These extracted factors hold significance as they are consistently highlighted by previous researchers. Consequently, these prominent factors, presented in Table 2, offer insights into the prevailing considerations that have garnered recurrent attention within the scope of this study.

Table 2. The most prominent factors influencing foreign labour employment

No.	Factors Influencing Foreign Labour Employment	Authors												
		Chin (2023)	Ashaari, Razak and Siow (2018)	Marhani et al. (2012)	Fateh, Arshad and Hamzah (2020)	Fateh, Mohamed and Omar (2022)	Salleh et al. (2014)	Jasni and Othman (2016)	Hamzah et al. (2020)	Adi (2009)	Uddin and Mohammed (2021)	Jamalulil et al. (2022)	Ali, Mohammad and Samsudin (2022)	Frequency
1	Cost considerations	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	12
2	Economic cycles	✓			✓	✓	✓	✓	✓		✓		✓	8
3	Evasion of benefits		✓	✓	✓	✓		✓			✓	✓	✓	8
4	Flexibility and availability	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	11
5	Labour shortages	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	11
6	Local economic conditions	✓		✓	✓	✓		✓		✓		✓	✓	8
7	Fragmented workforce		✓	✓		✓		✓	✓	✓	✓		✓	8
8	Substandard working conditions	✓		✓		✓	✓		✓	✓		✓	✓	8
9	Non-standard work hours	✓		✓	✓		✓	✓		✓		✓	✓	8
10	Lax regulatory enforcement	✓	✓		✓		✓	✓	✓		✓	✓	✓	9
11	Strict immigration policies	✓	✓		✓		✓	✓			✓	✓	✓	8

Based on Table 2, 11 factors were identified to be the most prominent factors influencing foreign labour employment by the contractors, as they are mentioned by the previous researchers via “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 that allows 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 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 and Liu, 2019; Fateh, Arshad and Hamzah, 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, Mohamed and Omar, 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 and Othman, 2016; and 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, most researchers emphasise the significance of flexibility and availability in the hiring of illegal foreign labour (Ashaari, Razak and Siow, 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,

Arshad and Hamzah, 2020; Ali, Mohammad and Samsudin, 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 by Kim (2015), 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 engage undocumented labour discreetly (Marhani et al., 2012). Research conducted by Ashaari, Razak and Siow (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, Mohamed and Omar, 2022). This clearly highlights the complex relationship between economic changes, how labour is managed and the potential for exploitation in the construction industry.

Social and 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 characterised by non-standard or irregular work hours (Jasni and Othman, 2016; Uddin and Mohammed, 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. 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 marginalisation of specific groups, fostering a context where employing undocumented labour is deemed acceptable for particular tasks (Méndez, Flores-Haro and 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

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) highlight 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 reveals a complex interplay between regulatory landscapes, immigration policies and contractor strategies, emphasising the need for a holistic approach to understanding the drivers behind the employment of illegal foreign labourers in the construction industry (Fateh, Mohamed and Omar, 2022; Jamalulil et al., 2022).

CONCLUSIONS AND RECOMMENDATIONS

This research investigated the complex factors influencing contractors to employ illegal foreign labour in the construction industry. The practice of contractors hiring illegal foreign labourers has persisted over time. Nevertheless, a thorough investigation by searching online databases revealed a dearth of direct studies on the factors influencing this practice. This gap can be attributed to unreported, unclear and non-transparent data concerning illegal labour 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 five 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 originated 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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