The Hidden Work Of Challenging Precarity

Kiran Mirchandani

Mary Jean Hande

Abstract. This article explores the hidden work of workers employed in precarious jobs which are characterized by part-time and temporary contracts, limited control over work schedules, and poor access to regulatory protection. Through 77 semi-structured interviews with workers in low-wage, precarious jobs in Ontario, Canada, we examine workers' attempts to challenge the precarity they face when confronted by workplace conditions violating the Ontario Employment Standards Act (ESA), such as not being paid minimum wages, not being paid for overtime, being fired wrongfully or being subject to reprisals. We argue that these challenges involve hidden work, which is neither acknowledged nor recognized in the current ESA enforcement regime. We examine three types of hidden work that involve (1) creating a sense of positive self-worth amidst disempowering practices; (2) engaging in advocacy vis-à-vis employers, sometimes through launching official claims with the Ontario Ministry of Labour; and (3) developing strategies to avoid the costs of job precarity in the future. We show that this hidden work of challenging job precarity needs to be formally recognized and that concrete strategies for doing so would lead to more robust protection for workers, particularly within ESA enforcement practices.

Keywords: Hidden Work, Employment Relationships, Employment Standards, Low-wage work, Precarity, Stratification.

Résumé. Cet article explore le travail caché de ceux qui occupent des emplois précaires se caractérisant par des contrats à temps partiel et temporaires, un contrôle limité de leurs horaires de travail et des lacunes en matière de protection réglementaire.

À travers 77 entretiens semi-structurés menés auprès de travailleurs occupant des emplois précaires et à bas salaires en Ontario, au Canada, nous examinons leurs tentatives de remettre en cause la précarité à laquelle ils sont confrontés.

Celle-ci est liée à des conditions de travail qui contreviennent avec la Loi sur les normes d'emploi (LNE) de l'Ontario, comme le fait de ne pas recevoir le salaire minimum, de ne pas être payé pour ses heures supplémentaires, d'être congédié injustement ou de faire l'objet de représailles.

Nous pensons que ces problèmes impliquent du travail caché, ce qui n'est ni reconnu ni pris en compte dans le régime d'application actuel de la LNE.

Nous examinons trois types de travail caché qui impliquent (1) la création d'un sentiment de valeur personnelle en dépit de pratiques déresponsabilisantes; (2) des activités de plaidoyer auprès des employeurs, parfois par le biais de plaintes officielles auprès du ministère du Travail de l'Ontario; et (3) l'élaboration de stratégies visant à éviter de devoir assumer les coûts associés à la précarité de l'emploi dans l'avenir.

Nous pensons que le travail caché de ceux qui remettent en cause la précarité de l'emploi doit être formellement reconnu et que des stratégies concrètes doivent être mises en œuvre pour fournir une protection plus fiable aux travailleurs, notamment dans le cadre des mesures d'application de la LNE.

Introduction

Thirty years ago, feminist theorist Arlene Kaplan Daniels made a forceful argument about the need to expand the commonsense notion of "work" to include all the activities individuals undertake in the course of maintaining their daily social and economic lives. This call to expand the notion of "work" served to draw attention to social reproduction, which is both essential and frequently hidden from view. While all hidden work may not be paid, as Daniels argued, recognizing the invisible work involved in maintaining social and community life would "dignify [this] labor and engender respect for the workers who do it." (1987: 403). Three decades of feminist theorizing since Daniels' work have provided valuable vocabularies through which the invisible work, to which she refers, has been made more visible. Ethnographies have illuminated the invisible work involved in feeding and caring for a family (DeVault, 1999), the body labour in high touch jobs (McDowell, 2009; Wolkowitz, 2006) and the pecuniary, prescriptive, presentational and philanthropic facets of emotion work in workplaces (Bolton, 2009). In this paper, we contribute to this literature by exploring the "hidden" work of employees in precarious jobs which involve employment standards violations. While there has been growing recognition of the social and economic costs of precarious jobs, as well as the emotional work

required of workers to manage their poor conditions of work, few have explored the work required of those who attempt to challenge their job precarity. That is the focus of this paper.

Over the years, researchers across multiple disciplines have developed the concept of precarity to describe the chronic state of inequality, instability and insecurity that characterize the social and economic context of austerity and debt in advanced capitalism (Grenier et al. 2017; Lewchuck et al., 2015; Porter, 2015; Standing 2011). Poor conditions of work are a key dimension of precarity. Precarious jobs are low-wage, part-time, temporary, and irregular. Workers in these jobs face harassment, uncertainty around their schedules, wrongful dismissals, and frequent wage violations (Standing, 2011; Vosko, 2006). While much of the focus of the literature has been on the economic drivers of job precarity and the impact of poor working conditions on existing structural inequities, our analysis builds on these insights to highlight the work required to navigate the day to day challenges which accompany these jobs. Through interviews with workers in precarious jobs in Ontario, Canada, we explore the hidden work which workers perform in an attempt to navigate and challenge their precarious working conditions.

We argue for the need to develop strategies to recognize this hidden work, which could lead to better legislative protection for workers through improved employment standards laws and enforcement. We explore three types of hidden work. First, despite the often disempowering labour processes within which they are embedded, workers do identity work, which is largely hidden, to create a sense of themselves as professional, hardworking subjects. This involves casting themselves as calm, informed, professional and skilled in managing conflict. Through these constructions of self, workers challenge labour processes of precarity, which cast them as unskilled and disposable. Second, given the high levels of employment standards violations faced by many workers in precarious jobs, they engage in the labour (part of which is hidden) of launching claims against their employers. This hidden work not only involves dealing with the fear and uncertainty of navigating the claims process, but it also involves connecting their situations to wider collective struggles for worker rights. Finally, workers plan for their future and develop strategies to avoid bearing further costs of precarity in their jobs. We argue that employment standards legislation and practice can recognize this hidden work, and in doing so can challenge job precarity and close loopholes used by employers to erode established minimum standards.

Existing research demonstrates that precarious forms of employment are rising in Canada while full-time direct employment is declining

(Pupo and Thomas, 2010; Standing, 2011; Vosko, 2006). As jobs become more precarious, Ontario workers rely heavily on the Ontario Employment Standards Act (ESA) for workplace regulation and protection. Unfortunately, ESA regulation and enforcement have also weakened significantly in the last 30 years with a shift towards a digitized, highly individualized claims-resolution process for workers and voluntary compliance for employers (Grundy et al., 2017; Vosko et al., 2017; Standing, 2011). This claims-making process involves several steps. First, workers who experience work place problems—such as harassment, unpaid wages, or health and safety issues—must familiarize themselves with the ESA and determine if their experiences constitute a violation of the law. Next, they must evaluate if they have the documentation or the resources to complete the complex paperwork necessary for filing a claim online. This often requires assessing the risks of filing a claim and the likelihood that the claim will result in adequate compensation for their efforts.

Workers often engage in extensive research online and through various informal networks, community and legal services in order to access the necessary information and supports to follow through with a successful claim. While the Ministry of Labour (MOL) has a hotline that workers can access for information, the actual claim and supporting documentation must be completed and submitted online or through post (Grundy et al. 2017:4). Once the claim is submitted, workers have little control over how their claim will be assessed or the eventual outcome. While some workers might receive the full amount of their claim, it is not uncommon for claims to be rejected or for employers to refuse to comply with orders to pay. In many cases, MOL officials will encourage workers to negotiate a settlement with their employer when it is determined that the employer is unlikely to pay the full amount owing. The entire process often takes several months (Mirchandani et al., 2019).

Not only do individual workers have to deal with their unfair conditions of work, they have very few options for collective action. For example, workers' voices are individualized (Vosko, 2013), and they are encouraged to be entrepreneurial in their attempts to seek redress for ESA violations in ways that often foreclose collective or agentive actions that might address violations more systemically (Mirchandani et al., 2019). This compliance orientation is part of a broader neoliberal shift towards "soft regulation" or regulatory new governance where state enforcement is minimal and employers are encouraged to voluntarily comply with fair labour standards (Grundy et al., 2017). Workers have to take on the responsibility to launch complaints against employers who fail to follow employment standards laws, which might involve risking

their jobs. Workers perform hidden work in the context of this policy approach to the proliferation of precarious jobs.

HIDDEN WORK AND THE COSTS OF JOB PRECARITY

There has been widespread recognition that precarious jobs pose multiple costs for workers. Noack and Vosko note that "precarious jobs are typically characterized by high levels of uncertainty, low income, lack of control over the labour process and limited access to regulatory protections" (2011: 3). Precarious jobs are also associated with a high risk of ill-health. Overall, workers in precarious jobs not only have low wages, but they also have little control over how their work is structured and over their work schedules. They are often treated as disposable, just-in-time, temporary workers and have limited recourse to regulatory protections. Workers already vulnerable in terms of their social locations (such as undocumented workers, certain groups of women and immigrants) often face even worse working conditions within precarious jobs (Mirchandani and Broomfield, 2019). Feminist theorists have documented the convergence of three features which characterize many jobs held by marginalized groups of people: (1) weak employment relationships which lead to job precarity, (2) low wages and (3) work invisibility (Fuller and Vosko, 2008; Ehrenreich and Hochschild, 2004). Significantly, precarious jobs are often jobs of last resort for workers who face limited employment prospects for better quality work.

There are many negative impacts of precarious jobs that are borne by workers. Kidder and Raworth (2004) argue that women farm and factory workers in many countries around the world face insecurity, stress and gender-based segregation into low-wage work, and they incur several types of "costs" as a result. These include higher costs of food or transit due to irregular hours, social costs such as poor health and costs to self-esteem. Similarly, Quinlan et al. (2015) demonstrate how casual homecare workers (predominantly women) experience significant health costs like mental and emotional stress and musculoskeletal injuries that often go undocumented due to the lack of regulation and benefits in such workplaces. Lewchuk et al.'s (2015) research project on the impacts of precarious jobs on Ontarians shows that most workers in precarious jobs juggled multiple part-time and casual jobs with no training, benefits or scheduling certainty. These working conditions lead to social costs such as isolation, emotional and mental strain and decreases in civic engagement.

While these studies have provided vivid illustrations of the negative impact of precarious jobs, less attention has been focused on the hidden work which individuals are required to do in order to manage these costs and it is to this issue which this paper contributes. Specifically, while researchers have aptly illuminated the poor conditions of work in precarious jobs and management practices which foster job precarity, we highlight the need to also explore the day-to-day embodied and emotional experiences of holding precarious jobs. Hidden work includes much of the paid and unpaid labour involved in maintaining a household or workplace setting, emotional labour, as well as the body labour involved in high-touch jobs. Hatton notes that "mechanisms of invisibility" are fostered by the tendency for such work to be unpaid or "off the books," for hidden work to occur in non-organizational spaces and for such work to involve identity work where "hegemonic cultural ideologies" (i.e. stereotypes around race, gender and age) make work appear to require little skill (2017: 339). Poster et al. (2016) caution that even though this later emotional or identity work is invisible, it is often integral for maintaining formal employment and determining job rewards or remuneration.

Theorists have also highlighted the race, disability, class and gender hierarchies that organize the need for workers to perform invisible tasks as part of their jobs (Wu, 2016). Kosny and MacEachen's (2010) ethnography of three female-dominated social service organizations in Toronto shows that workers do "background work" (necessary, yet un-named activities to support official job duties), "empathy work" (building relationships and crisis intervention) and "emotional labour" (managing client and their own emotions) as part of their jobs, and these activities are not captured in job descriptions. These forms of invisible work often take a toll on workers' health as they are undertaken to resolve conflicts between clients, provide counselling or manage one's own feelings in the context of client illness or depression. Similarly, Fanelli et al. (2017), found that frontline employment service workers experience acute pressure to carefully manage both their client's and their own experiences of employment precarity, which often takes a significant emotional and mental toll.

The hidden work involved in challenging job precarity includes maintaining a sense of self-worth despite one's association with low-status or dirty work, or one's construction as disposable. Petriglieri et al. term this "identity work" which involves "efforts people make to attain, hold on to, repair or give up identities" (2019: 124). Workers in precarious jobs manage the "social taint" accompanying their poorly paid, unstable and routinized jobs, many of which place them in "servile relationships" vis-

à-vis employers or clients (Kreiner et al., 2006: 620). As explored by social identity theorists, people attempt to develop positive self-identities through creative tactics such as distancing (that is, from other tainted people or institutions), fictive story-telling (through exaggerating claims or strategic omissions) (Snow and Anderson, 1987), reframing (that is, referring to the positive value of their work) or "recalibrating" (that is, adjusting standards through which their work is valued) (Simpson et al., 2012: 11). Particularly for workers who do not have strong organizational or occupational ties, such as workers in the gig economy or workers in precarious jobs, identities are constantly in development, which entails largely hidden work. Petriglieri et al. describe this gig-based hidden identity work as the process of "constraining, confining, reassuring, and orienting the self" (2019: 153) so that the self is bound to work.

Workers in precarious jobs also develop emotional strategies to care or serve while simultaneously dealing with employment relationships where instability and harassment are common. Reconciling the effort required to care in relation to employers who fail to properly recognize or pay for such labour involves hidden work. Gandini (2019) argues, for example, that the growth of the gig economy has intensified, and perhaps made more explicit, the emotional labour required in service jobs as workers are compelled to cultivate favorable relationships with consumers, particularly in highly stressful circumstances.

In the care sector, women are required to care for their clients irrespective of poor working conditions. Uttal and Touminen (1999) note for example that women who perform paid caregiving jobs experience stress because they have both to care for children with the competency of mothers, and maintain emotional detachment from children given the transient nature of their jobs. Cranford and Miller (2013) similarly explore home care work and argue that it is often provided by workers who are hired through temporary agencies. They earn low wages and do not have guaranteed minimum hours of work. Yet, their work involves caring for older clients, responding to their "feeling signals" (2013: 787) and anticipating their needs. Indeed, the recent campaign by the Workers Action Center in relation to COVID-19 entitled "Superheros get sick too" underscores the hidden work required when precariously employed health care workers are required to perform as "superheros" during the 2020 pandemic with minimal improvements in their pay or working conditions.

Hidden work is also required to mediate the social and economic costs of job precarity. Wilson and Yochim (2015), for example, document the work that women do in order to care for their families during periods of recession and economic insecurity. They refer to this work

as "mamapreneurialism" which involves a wide range of individualized emotion work needed to keep families happy despite the erosion of incomes, homes and lifestyles. Mamapreneurs do invisible labour to convert their family-based friendships into work opportunities and manage their schedules around work needs as they arise. Halpin and Smith (2017) note that in times of risk and precarity, many adults and youth engage in a lifelong project, which can be broadly termed "employment management work." This includes making tradeoffs between money and time use, using networks to advance economic interests and self-branding, and planning for labour market activities. Such work is not only hidden but also essential for survival in the context of precarious jobs.

Collectively, these examples show that many jobs in the global service economy require hidden and invisible labour (Poster et al., 2016). They add important insights on the everyday and lived experiences of precarity rarely captured in analyses of laws, neoliberal practices, labour processes or statistical trends. While these analyses reveal that precarious jobs require hidden work, and that workers often bear multiple social and economic costs of job precarity, there has been relatively less focus thus far on the hidden work that workers do specifically in order to *challenge* job precarity. Challenges can be overt and collective, but also include more subtle forms of resistance as described by Ong as "manipulating, contesting, or rejecting claims… reassess[ing] and remak[ing]… identities and communities in important ways for social life" (1991: 296). In this article, we extend analyses of the hidden work that workers do as part of their precarious employment to explore their work when they face workplace violations. This hidden work of challenging job precarity involves constructing and reconstructing their identities and sense of self, the emotional work of dealing with their feelings and the feelings of others, engaging in new learning when exploring state-provided options for launching complaints, conducting tasks such as meeting people or collecting documents, and developing strategies for both recognizing and doing something about future violations they may face.

Methods

The analysis for this paper is based on 77 interviews conducted with workers in a wide range of precarious jobs in Sudbury, Toronto and Windsor in the province of Ontario, Canada. The study's goal was to understand precarious workers' experiences and responses to ESA violation (Vosko et al, 2020). Workers were recruited through poster advertising, newspaper advertising, and referrals from community organisations.

All workers interviewed were employed in low wage jobs and faced problems at work; a significant number of these problems were violations of provincial employment standards law. All workers experienced employment standards violations and about half had filed an official complaint through the MOL. Almost all of the workers had an income below the Canadian poverty line (Statistics Canada, 2015). About a quarter (22) of the workers had university degrees. Forty percent (31) were immigrants to Canada, and 31 were people of colour. Thirty of those interviewed did not have permanent jobs but were working in temporary and seasonal employment. Most permanently employed workers were listed as "casual" or "part-time" with little guarantee that they would get a fixed number of hours. The employers of at least six permanent workers misclassified them as "independent contractors" in an attempt to avoid their obligations under Ontario ESA. In total, only 30 workers interviewed indicated that they had a formal, written employment contract, of which 16 had "permanent" positions. Twenty-one workers held more than one job.

After recruitment, workers completed a semi-structured interview and a questionnaire. Interview questions focused on worker history, working conditions, experiences of ESA violations and harassment, as well as reflections on community support, co-worker relations and the process of making an official complaint about their working conditions to the state. The questionnaire collected details related to worker demographics as well as scheduling, immigration status, education and pay ranges. The interviews were coded and organized according to themes such as "workplace culture," "working conditions," "supervisor relations," harassment," "impact of violations," "humiliation," "intimidation," and "reflection on claims process."

The analysis for this article occurred over several years alongside the exploration of these themes (Vosko et al. 2020). Although respondents were not specifically asked about their hidden or emotional work during interviews, many in fact spoke about issues such as managing their own feelings, navigating sentiments such as fear, indignation, embarrassment, and anger, as well as constructing their sense of self. After all the interviews were complete, we collected all instances where respondents spoke about emotions, feelings or the management of self-identities and thematically organized these in terms of the kinds of hidden work they performed.

Three subthemes were identified to capture the range of hidden work that workers performed. Reviewing each sub-theme, we then selected a few respondents to profile in detail to be able to fully illustrate their hidden work. Citing short examples from multiple interviews enabled us to

convey the complexity of this work. Respondent profiles were selected because they represented "instrumental case studies"; that is, they provided opportunities to learn about hidden work, and they were conceptually (although not statistically) representative of the sample as a whole (Stake, 2005; Hamel et al., 1993). Each of these subthemes is explored in the next section. Our aim is to highlight the range of hidden work that employees perform when they attempt to challenge the precarity of their jobs.

Our data collection and analysis was influenced by narrative analysis (Maynes et al. 2008) whereby we aimed to facilitate conversations on "two temporalities – historical time and the experience and reconstruction of significant moments in one's life" (Maynes et al.:4). Our interviews focused on what workers did in response to poor working conditions, particularly those which are in violation of the law. Rather than "checking" workers narratives for accuracy, we were primarily interested in how workers felt and how they remembered situations in which they faced workplace violations (Mirchandani et al., 2018).

The findings we present in the sections below are particularly pertinent in light of the active contemporary policy landscape around Employment Standards in Ontario. In 2015 the Ontario government undertook to modernize the employment standards enforcement. An extensive consultation process resulted in the passage of the Fair Workplaces, Better Jobs Act (Bill 148) in 2017 (Jeeva, 2018). The Act led to a higher minimum wage and contained enhanced protections for workers related to temporary help agencies, pay equity, scheduling, vacations, personal emergency leave, violence and misclassifications. Better enforcement was seen as key and there were provisions made to hire more employment standards officers. However in 2018, with an election and a change in government, a new Bill was introduced which reversed almost all the provisions in Bill 148, froze the minimum wage, and cancelled proactive inspections. As a result, labour standards and their enforcement remained inadequate. The 2020 pandemic brought these issues to the forefront given the deadly impact of poor working conditions in the health care sector and the devastating consequences of weak provisions related to sick leave (Workers Action Center, 2020). Although the interviews for this project were conducted prior to the pandemic, it is likely that the situation intensified the hidden work required of workers in precarious jobs.

THE HIDDEN WORK OF CHALLENGING JOB PRECARITY

Creating a sense of self-worth amidst disempowering practices

Many precarious jobs are routinized, poorly paid and unstable. Workers are hired on a temporary, contract or part-time basis. As a result of the weak employment relationships that characterize their jobs, workers have little access to training or career development, and they often face violations of even the minimum labour standards established within the law. Despite managerial approaches casting them as unskilled and easily replaceable, workers do hidden work to construct themselves as dedicated and responsible professionals, as valuable workers evoking discourses of "higher purpose." Workers also use indignation to create a positive sense of self.

Brianne, a home care worker provided a cogent example. She had little control over her schedule and was not paid for all the hours she worked. She described her job as one where she had to develop skills to deal with difficult clients. Her clients had complicated health challenges and "couldn't be left alone." For example, if clients made threatening or offensive remarks, Brianne had to attempt to minimize the risks to her personal safety and develop strategies to help them calm down. She recounted a situation when she was successful at dealing with a difficult client. Although she was not allowed to leave their home, she responded to a client who yelled at her by interrupting her care work and instead doing paperwork at the client's home and refusing to talk until the client calmed down. In these ways, Brianne constructed herself as a competent professional who was responsible for clients. Rather than gaining her sense of worth based on her pay or how she was treated by her employers she said, "I'm the type who, I don't work for money. I make sure that my rent is paid. But I make sure that these clients are taken care of; these are my clients, these are my people. So I have to make sure they are okay." Constructing a narrative of self-worth in light of poor working conditions and highlighting the importance of her job despite the poor pay, requires identity work which is often hidden.

While Brianne evokes narratives of self as caregiver, other workers construct themselves as more "savvy" than their employers as an identity strategy through which they can navigate the unequal power relationships. Celeste, a retail worker, had a manager who engaged in "small" violations around shift times and breaks and refused to post shift times in advance. She describes the impact on her life: "You basically don't have a life. You can't schedule anything. You can't meet friends. You can't go

to doctor's appointments, like they are impossible to make… You are literally powerless when it comes to scheduling." Despite her familiarity with labour laws, Celeste felt it was more strategic to pretend to be ignorant than to directly challenge her employer. She said,

> when you let on how smart you are, that is when they are going to try and cut you out in whatever way possible…They are going to try and cut hours, and try and save money, any way they can. This means you are probably going to get less money. And the less they think you know the more apparent they are at it. When they are more apparent at it, then you know this is what is going on."

For Celeste, "playing dumb" at work not only makes violations more explicit and easier to challenge or document (in case she decided to file a complaint) but it allows her to cast herself as a skillful navigator with both more knowledge and more insight than her employer. Such identity work allows workers to maintain their self-worth despite the demeaning treatment that is prevalent in many precarious jobs.

Workers also exercise hidden work to manage their emotions in the context of the harassment they experience. Brent was hired in a butcher shop, and in the three years he worked there, he was not paid for many overtime hours and was often yelled at and threatened by his bosses. He described the continuous emotional work he found himself doing to cope over time by saying,

> I learned to not take it personally. I learned to not take offense to it. [The bosses] had major problems, anger problems, [they] had a pill problem. I learned that those were their problems. It wasn't about me when they were yelling and screaming. It had nothing to do with me or my job. It was about them having a bad day and needing to take it out. I would just kind of ignore them and go about my job.

Brent cast this emotional self-control as an important strategy which made him successful in his job. Rather than seeing the harassment as a result of either his work, or the precarious nature of his job, he instead characterized it as being the result of the bosses' "anger problems." Despite the aggression he was subjected to, he felt he was in control of the situation and masked his own anger by smiling. He reported, "When [the boss] got mad at me I would keep smiling and keep going about my business." Eventually Brent found the situation untenable and moved to a different city and looked for another job. Although he never received his unpaid overtime wages, he said that his experiences have taught him the importance of self-control:

> I find I never get angry now. I calm myself down extremely quickly because I have seen what it can do. Like when you lose control like that and the effects it has on other people. I am very good about self-control, emotional self-control. When other people get mad at you…I wonder why are they angry instead of taking it personally or getting angry back?

Such distancing strategies allow Brent to maintain his self-identity as a professional worker, dedicated to the task at hand. Rather than seeing himself as an easily replaceable worker in a low-paid job, he highlights how he approaches his work with integrity and professionalism.

While Brent highlighted the importance of self-control, Walter adopted the opposite strategy of casting himself as a vocal vigilante in response to the ESA violations he faced. Walter filed official complaints with the MOL against two employers. His claims were for unpaid wages and wrongful termination. Walter worked as a taxi driver and lamented the lack of a union in the sector. Walter was suspended after an angry outburst when he "got ripped off on a taxi fare." Realizing he would never work for this employer again, he decided to file his first complaint with the MOL. He received less than $1,000 from his claim, but he felt vindicated. Years later, he was hired at a competing taxi company and was unfairly fired for "off-the-job" conduct and denied termination pay. This time, he did not hesitate to file another claim, even though he knew that this would further diminish his chances of finding future employment in the sector. He was highly vocal about filing his claims and actively encouraged other workers who had experienced violations to do the same. Particularly frustrated by the tendency for taxi company employers to misclassify workers as self-employed, he promised to "be just like a vigilante in one of those movies and I'm gonna get [the taxi company], but I'll do it legally." Rather than constructing himself as a victim of an ESA violation, Walter cast himself as a superhero noting: "Revenge is a meal best served cold against these crooked people, so I'll get in the... I'm gonna do something no other driver did." Walter recognized that his employers treated him as a vulnerable and expendable worker, and he recast his employment relationship as one in which he was a "vigilante" battling "crooked people." This recasting was the result of hidden work that was necessary in light of the precarity of Walter's job. Like the identity work of those in stigmatized occupations or in occupations involving relations of servility (Kreiner et al., 2006), workers in precarious jobs in a range of occupations continually attempt to construct their identities in ways that combat the devaluation of their work and the disposability they might feel.

Contemplating action: advocacy and formal complaints

As Walter's narrative reveals, when workers face workplace violations such as unpaid wages or harassment, they have to spend time and energy thinking through the various ways they can respond. Since one way in which workers can potentially recover their financial loss is through the MOL complaints process, many workers also described weighing the potential costs and benefits of launching a complaint as well as how they attempted to build the emotional stamina needed to go through the claims process. Often workers justified the extra work they had to do in filing a claim by evoking discourses of justice and linking their individualized efforts to broader efforts to foster greater rights for workers. Speaking to employers as well as exploring the possibility of launching a formal complaint takes both courage and emotional work in the context of their recognition of their lack of alternative job opportunities.

Carolina worked as a sales person at a casino kiosk. When she first started her job she noticed that she was not paid holiday pay and asked her manager about this but was told to keep her mouth shut. She hesitated because she considered the manager a friend but eventually decided to file a complaint with the MOL. Carolina's claim was successful, but six months later she said that

> all of a sudden my hours go to 32. So I contacted my [district manager] and I am like I was hired at 40 hours why am I am down to 32 now? She said well we can do that. It's full time. I'm like okay. So I let that go for a bit. Then my days off started changing and they started giving me weekends off, which is your high times to sell.

Although Carolina attempted to negotiate an increase in hours with her manager, she realized that they were within the law and she could not successfully make a case to the MOL again.

Although Carolina was the "top seller" amongst all employees, after a short period of time she was suddenly fired in a dramatic fashion with "security all over the place" and her replacement waiting to take over from her. She remembers "crying because I felt like a criminal. Really. I was very embarrassed." She was convinced that she was unfairly terminated because she had filed a MOL claim against her employer. Carolina said,

> The day I got terminated I went home and cried a whole lot. And then I called the [MOL] because I kept all my files. I just knew I needed to keep these so I had [the officer's] phone number and I called her directly and left her a voicemail. She got back to me within an hour and she just told me the process I had to do. I needed to go back online and file."

At the time of our interview, Carolina was awaiting the outcome of her claim against her employer in Small Claims Court. Despite the clear emotional toll her job had had, she told us,

> I am not letting this go. They fired the wrong person. You just totally affected my livelihood, my life. Embarrassed me, never been fired in my life. I have never been written up ever in my life. And you can just do it on the phone and think it is okay, and go on with your life? I thought no, they are not doing this to anybody else.

Like many other workers in precarious jobs, ensuring that she received the mandatory wages and benefits required constant advocacy vis-à-vis her managers and MOL officials as well as dealing with feelings of fear, embarrassment, anger and determination– all of which constituted hidden work.

Navigating unequal power dynamics also involves developing strategies for evidence collection and reaching out for support in order to resist employer exploitation. Jason worked as a cook for over 30 years, often in unionized environments. About 10 years before our interview, he noticed a shift in his job sector as several of his previous workplaces closed down and he could only find non-unionized, temporary work where ESA violations were common. Jason noted that his employers were not conscientious about paying their workers because "They just want people coming and going." In his most recent job, his boss frequently made him feel expendable by making comments like "I don't need you" or "If it wasn't for me, you'd be homeless."

Nevertheless, Jason developed a habit of carefully documenting all of the hours he worked and made notes about which days were holidays, which days he worked beyond his scheduled shift, and how much he was actually paid each pay period. This work was time consuming and hidden. When he noticed that he was only being paid for "standard hours," which did not reflect the numerous overtime hours he worked, Jason showed the discrepancy to his boss and insisted that he be paid or else he would file an MOL claim. Not taking his threat seriously, Jason's boss mocked his low level of education and retaliated by taking him off the work schedule rather than properly compensating him. Jason realized he had, effectively, been fired. He needed his lost income but was initially overwhelmed by the process of filing a claim against his employer. He did not have a computer and he had limited literacy. He called the MOL for help, but he said their advice "didn't make any sense." His detailed recorded-keeping, however, bolstered his confidence that he had all the evidence he needed to file a successful claim. Eventually, he reached

out to a worker advocacy group who helped him with his claim, and he received over $2,200 in compensation.

Many workers in precarious jobs know that their employers are violating the ESA and weigh the costs and benefits of filing a claim with the MOL. If they decide to file a claim, this involves tasks such as collecting documents, meeting with legal or community supporters and completing forms. Alongside these tasks, workers engage in the hidden work of dealing with fear, confusion, and uncertainty during the claims process. Although their primary reason for complaining is often to recover their lost wages, many workers deal with the uncertainty that they will be monetarily successful by casting their actions as part of the broader cause of advocating for worker rights. Overall simply contemplating taking legal action by launching claims to the MOL against their employers is often reported by workers as an emotionally exhausting process.

Learning to Plan for Fugures in Light of Experiences of Job Precarity

Experiences of precarity shape workers' lives in many negative ways. Those who face workplace violations in multiple jobs do hidden work to develop strategies for both recognizing and addressing any future violations they may face. Emily worked in two jobs where she faced ESA violations and describes how her experience in the first job allowed her to recognize and take action when she faced a similar situation in the second. Her first job was as an administrative assistant to a prominent medical professional in a hospital. She did not receive vacation pay for the many years she was employed at the hospital, and she also found her boss to be abusive. She reported that she once went "in tears" to her Human Resources Department for help, but they took no action. She decided to quit her job and phoned the MOL for advice on how to at least recover her vacation pay. Based on their advice, she calculated the years of vacation pay (totaling several hundred dollars) she had not received, and followed the required steps for filing an MOL claim After successfully receiving her due, she realized that "you have to educate yourself." In a later job at a call centre, she once again faced pay violations when her employer made deductions for equipment on her pay-cheque and failed to give her the premium pay she was promised. She immediately approached her employer, who was dismissive. She said,

> He seemed reluctant to listen to me, 'cuz he already knew what he was doing, right? I got the impression that they were making it hard for me to receive what I wanted to receive. So he goes "email me." Then he throws the card at me, his business card.

Emily decided to file another claim with the MOL. Given her earlier experience, she had kept detailed records, which bolstered her case.

Workers' decisions to leave their abusive workplaces can also constitute a self-affirming act. Hanna was hired as an administrative assistant when she was 19 years old and was treated like a "slave." She worked between 12 and 16 hours a day and was not paid for all her hours. She said that her managers made comments like, "Why is it taking you this long?" or "How [could] this minor error… have possibly happened?" Hanna reflects, "I don't know if it was meant to be belittling or they truly didn't understand, but it created a very odd mental thing [in] me." The "mental thing" that Hanna refers to is a sense of insecurity as she told us, "I ended up getting paid less than what I should have there, because I wasn't being forthright enough, and not demanding enough. If I would've, I probably would've got fired, and it would have been better, but that didn't end up happening." Hanna felt "trapped" because she needed a job as the sole earner in her family. Once her spouse got a job, however, she describes the dramatic way in which she left her job: "I … went to management and had a crying fit in their office, and said I could not do this. I absolutely cannot. They are totally terrible… I didn't even tell them. I just went above them and said "fuck you" (laughs)." Hanna describes the experience as "totally traumatizing." After six months of unemployment, she sought work again to pay her bills.

Hanna's next job, however, was not much better. She worked twelve hour days and was once again not paid overtime hours because she was falsely classified as "management." She says, "It was complete bullshit. I was a data entry lackey and a phone taker. They wanted to get as much out of me as they possibly could and wiggled their ways into it as much as possible, not to mention that one of the managers and owners there has serious temper problems, and will yell at you and throw things and just walk out on you and it was just ridiculous." She described an occasion when she was having lunch with friends with whom she contemplated launching a claim to the MOL. She said,

> I did discuss potentially doing something. But in the end, it is a lot of work and a lot of effort and I think we really just wanted to move on… I decided I just wanted to cut and run. And the reason I kind of regret it, is because I know people are still working there and I know they are not going to change and I know they don't think they are doing anything wrong.

After Hanna left her job she decided to work only in unionized workplaces. She also said, "Now that I've grown quite a large pair of balls… I am not afraid to get up and quit, period. So I am happy to quit, and let them know why I am quitting." Hanna knew that she would likely en-

counter ESA violations in the future, but her previous experiences of job precarity allowed her to prepare for these violations and develop strategies to advocate for herself, while also cutting her losses. Such learning was a part of the hidden work which workers undertook given their recognition of the job precarity of entire sectors of the economy rather than particular jobs.

RECOGNIZING THE WORK OF CHALLENGING JOB PRECARITY

Our analysis reveals that workers in precarious jobs find ways to not only endure the working conditions they experience, but also challenge them through identity work, weighing the costs and benefits of formal action, and planning to mitigate precarity in the future. While many have noted that workers bear the costs of precarity in their day-to-day work by accommodating erratic schedules, low pay and workplace harassment, the accounts of workers we interviewed suggest that these costs require effort that is rarely conceptualized as work but should be. Hidden work, just like precarious employment itself is gendered. In challenging precarity, workers evoke hegemonic masculinities and femininities – such as Brianna who constructed herself as an "ideal worker" (Acker, 1990) who remains fully committed to her profession irrespective of pay, Brent who controlled his anger by smiling, Walter who saw himself as a superhero vigilante, Hanna who first had a "crying fit" but then grew "balls." The analysis in this paper suggests that not only is precarious work gendered but so is the hidden work of dealing with precarity.

Like other forms of resistance, challenges through hidden work fall along a continuum. Much of the hidden work of challenging job precarity described by the workers we interviewed appears to straddle a fine line between the employment management work theorized by Halpin and Smith (2017) and more active or direct challenges to their employers or working conditions. Some challenges, such as launching a formal complaint, or documenting hours to hold employers accountable, aim to draw the attention of authorities who could put an end to practices which violate employment standards. Others, such as engaging in self-education or smiling in the face of abuse, challenge precarity by making work tolerable until an opportunity for more direct action becomes possible. The hidden work of coping and challenging is an integral part of holding a precarious job.

The hidden work of precarity is necessitated by the characteristics associated with weak employment relationships and poor working conditions. This hidden work has neither been characterized as "skill" (Gatta

et al., 2009) as has been done with emotional labour required in customer facing occupations, nor has it been characterized as "cost" similar to work for which shift or hazard pay is common (Cole et al., 2009). Rather, dealing with precarity is not seen as part of work at all. Many theorists have argued that highlighting the hidden dimensions of work can facilitate the better recognition of such labour. Bolton (2009, p. 556) reflects that "a core motivation of [her] work has been to gain recognition that its products may appear intangible but that emotion work is a formative activity with material consequences – it is hard, productive work that involves knowledgeable agents and 'multi-skilled emotion managers.'" Gatta et al. similarly note that "recognizing skills in service occupations is only part of the challenge; sociologists must also contribute to the dialogue on *rewarding* these skills" (emphasis in original, 2009, p. 978).

In light of these arguments, we argue that hidden work is an inherent part of managing and challenging the rampant ESA violations of precarious jobs and should be recognized and rewarded as work. Currently, this work is largely unacknowledged within formal avenues for redress, such as the Ontario MOL claims process. The current ESA provides minimum standards of work, but effectively relies on workers to enforce the act by filing a claim when their employer breaks the law. Yet when workers do make claims against employers, there is no recognition of the hidden work required. The current formal claims process masks this hidden work because of the compliance orientation within current employment standards enforcement practices.

Within the compliance model, workplace violations are assumed to be the result of employer ignorance and the enforcement process serves to educate employers on their responsibilities and provide workers with the wages they should have been paid. As Vosko et al. have noted however, the reliance of the compliance model "results in a situation in which employers who violate the ESA and are caught can expect that in most cases the worst that will happen is that they will be required to pay what they owe" (2017: 270). Any recognition of hidden work is undermined in such an approach because workers can claim only for the amount they are owed and not any additional remuneration for the psychological or emotional stress they underwent or the hours of unpaid work they were forced to undertake as a result of their attempts to challenge the violations they experienced.

The analysis in this paper suggests that the hidden work, which is routinely part of precarious employment, needs to be recognized by state officials when they investigate ESA violations. Employment standards officers who find that workers have been unfairly treated need not only to compensate them for their lost wages, but also for the undue hidden work

they performed to challenge the job precarity they experienced. Rather than simply serving to address individual complaints, a workplace violation should be treated like a "serious social hazard" which contributes to a "climate in which processes of evasion, erosion and abandonment can lead to a gloves-off labour market" (2017: 259). Successful complainants should receive not only their wages but also compensation which captures the hidden work which they were required to undertake because they faced a labour law violation and had to individually take on the extra work of launching a claim. Workers who file claims at the MOL face an uphill battle in providing "documentary evidence" of amounts owed, as well as written proof of employer harassment or the unfair exercise of power. This results in a situation where there is little formal recognition of the widespread invisible work required within precarious jobs. Forms which capture details on workers' hidden work and measures, such as a legislated precarity supplement or compensation for the hidden work of pursuing claims to the state, would both compensate workers for the additional emotional demands of holding insecure jobs as well as serve as a disincentive for organizations which rely heavily on the creation of poor quality and precarious jobs. These higher settlements should result in larger fines on employers, which in turn would not only make the invisible work of challenging job precarity visible, but also ensure that other workers are less likely to face labour law violations. As Daniels (1987) noted over thirty years ago, recognizing hidden work dignifies this labour and highlights its important role in maintaining economic and social life.

References

Acker, J. (1990). Hierarchies, jobs and bodies: Toward a theory of gendered organizations. *Gender & Society*, 4(2),139–158.

Bolton SC (2009) Getting to the heart of the emotional labour process: A reply to Brook. *Work, Employment & Society* 23(3): 549–560.

Cole, M., Elliot, R. and Lindley, J. (2009) Dirty money: is there a wage premium for working in a pollution intensive industry? *Journal of Risk and Uncertainty*, 39,2, 161-180.

Cranford CJ and Miller D (2013) Emotion management from the client's perspective: the case of personal home care. *Work, Employment & Society* 27(5): 785–801.

Daniels AK (1987) Invisible work. *Social Problems* 35(5): 403-415.

DeVault M (1999) Comfort and struggle: emotion work in family life. *Annals of the American Academy of Political and Social Science* 56(1): 52-63.

Ehrenreich B and Hochschild A (eds) (2004) *Global Women: Nannies, Maids, and Sex Workers in the New Economy*. New York: Henry Holt and Company.

Fanelli C, Laliberte Rudman D and Aldrich RM (2017) Precarity in the nonprofit employment services sector. *Canadian Review of Sociology* 54(3): 331-352.

Gandini A (2019) Labour process theory and the gig economy. *Human Relations* 72(6): 1039-1056.

Gatta M., Boushey, H. and Appelbaum, E. (2009) High-touch and here-to-stay: future skills demands in US low wage service occupations. *Sociology*, 43,5, 968–989.

Government of Canada (2019) Employment Insurance (EI). Available at: https://www.canada.ca/en/employment-social-development/programs/ei.html, accessed 6 June 2019.

Grenier A, Phillipson C, Laliberte Rudman D, Hatzifilalithis S, Kobayashi K and Marier P (2017). Precarity in late life: Understanding new forms of risk and insecurity. *Journal of Aging Studies* 43: 9-14.

Grigorovich A, Kontos P. A critical realist exploration of the vulnerability of staff to sexual harassment in residential long-term care. *Soc Sci Med*. 2019;238:112356. doi:10.1016/j.socscimed.2019.112356

Grundy J, Noack AM, Vosko LF, Casey R and Hii R (2017) Enforcement of Ontario's Employment Standards Act: The impact of reforms. *Canadian Public Policy* 43(3): 190-201.

Hamel J, Dutour S and Fortin D (1993) *Case Study Methods*. Newbury Park, California: Sage.

Halpin BW and Smith V (2017) Employment management work: A case study and theoretical framework. *Work and Occupations* 44 (4): 339-375.

Hatton E (2017) Mechanisms of invisibility: Rethinking the concept of invisible work. *Work, Employment & Society* 31(2): 336-351.

Hochschild AR (1983) *The Managed Heart: Commercialization of Human Feeling*. Berkeley, California: University of California Press.

Kidder T and Raworth K (2004) 'Good jobs' and hidden costs: women workers documenting the price of precarious employment. *Gender & Development* 12(2): 12-21.

Kosny A and MacEachen E (2010) Gendered, invisible work in non-profit social service organizations: implications for worker health and safety. *Gender, Work and Organization* 17(4): 359-380.

Kreiner GE, Ashforth BE and Sluss DM (2006) Identity dynamics and occupational dirty work: Integrating social identity and system justification perspectives. *Organizational Science* 17(5): 619-636.

Lewchuk W, LaFlèche M, Procyk S, Cook C, Dyson D, Goldring L, Lior K, Meisner A, Shields J Tambureno A and Viducis P (2015) The precarity penalty: the impact of employment precarity on individuals, households and communities. *Poverty and Employment Precarity in Southern Ontario* Available at: http://www.unitedwaytyr.com/document.doc?id=307, accessed 24 June 2019.

Mirchandani, Kiran, Leah F. Vosko, Urvashi Soni-Sinha, J. Adam Perry, Andrea M. Noack, Rebecca Hall and Mary Gellatly (2018). Methodological K/ nots: Designing Research on the Enforcement of Labor Standards. *Journal of Mixed Methods Research*. 12 (2) 133-147.

Mirchandani, Kiran, Mary Jean Hande, and Shelley Condratto (2019). "Complaints-Based Entrepreneurialism: Worker Experiences of the Employment Standards Complaints Process in Ontario, Canada*." The Canadian Review of Sociology* 56(3): 347-367.

Mirchandani, Kiran and Bromfield, Sheldon (2019). "Roundabout wage theft: The limits of regulatory protections for Ontario workers in precarious jobs." *Journal of Labor and Society*. 1-17.

McDowell L (2009) *Working Bodies: Interactive Service Employment and Workplace Identities.* West Sussex: Wiley-Blackwell.

Maynes, M. J., Pierce, J. L., & Laslett, B. (2008). *Telling stories: The use of personal narratives in the social sciences*. Ithaca: Cornell University.

Mills, J. H., Thomas, R., & Mills, A.J. (2012). *Identity politics at work: Resisting gender, gendering resistance*. New York: Routledge.

Noack AN and Vosko LF (2011) Precarious jobs in Ontario: mapping dimensions of labour market insecurity by workers' social location and context. *Law Commission of Ontario,* Available at: https://www.lco-cdo.org/wp-content/uploads/2012/01/vulnerable-workers-call-for-papers-noack-vosko.pdf, accessed 24 June 2019.

Ong, Aihwa. 1991. The Gender and Labor Politics of Postmodernity. *Annual Review of Anthropology*. 20: Pp: 279-309

Petriglieri G, Ashford SJ and Wrzesniewski A (2019) Agony and ecstasy in the gig economy: Cultivating holding environments for precarious and personalized work identities. *Administrative Science Quarterly* 64(1): 124–170.

Porter A (2015) Austerity, social program restructuring, and the erosion of democracy: Examining the 2012 employment insurance reforms. *Canadian Review of Social Policy* 71: 21–52.

Poster WR, Crain MG and Cherry MA (2016) Introduction: Conceptualizing Invisible Labor. In: Crain MG, Poster WR and Cherry MA (eds) *Invisible Labor: Hidden Work in the Contemporary World*. Oakland, California: University of California Press, 3-27.

Pupo N and Thomas M (eds) (2010) *Interrogating the New Economy: Restructuring Work in the 21ˢᵗ Century*. Toronto: University of Toronto Press.

Quinlan M, Bohle P and Rawlings-Way O (2015) Health and safety of homecare workers engaged by temporary employment. *Journal of Industrial Relations* 57(1): 94-114.

Simpson S, Slutskaya N, Lewis P and Höpfl H (eds) (2012) *Dirty Work, Concepts and Identities.* Houndsmills, Basingstoke: Palgrave Macmillan.

Snow DA and Anderson L (1987) Identity work among the homeless: The verbal construction and avowal of personal identities. *American Journal of Sociology* 92(6): 1336-1371.

Stake R (2005) Qualitative case studies. In: Denzin NR and Lincoln YS (eds) *Handbook of Qualitative Research*, 3rd edition. Thousand Oaks, California: Sage, 443-466.

Standing G (2011) *The Precariat: The New Dangerous Class.* London: Bloomsbury.

Statistics Canada (2015) Low income cut-offs. Available at http://www.statcan.gc.ca/pub/75f0002m/2012002/lico-sfr-eng.htm, accessed 22 January 2017.

Uttal L and Tuominen M (1999) Tenuous relationships: exploitation, emotion, and racial ethnic significance in paid child care work. *Gender & Society* 13(6): 758–780.

Vosko LF (ed) (2006) *Precarious Employment: Understanding Labour Market Insecurity in Canada*. Montreal and Kingston: McGill-Queens University Press.

Vosko LF (2013) Rights without remedies: Enforcing employment standards in Ontario by maximizing voice among workers in precarious jobs. *Osgoode Hall Law Journal* 50: 845-873.

Vosko LF, Grundy J, Tucker E, Thomas MP, Noack AM, Casey R, Gellatly M and Mussell J (2017) The compliance model of employment standards enforcement: An evidence-based assessment of its efficacy in instances of wage theft. *Industrial Relations Journal* 48(3): 256-273.

Vosko, Leah .F, Guliz Akkaymak, Rebecca Casey, Shelley Condratto, John Grundy, Alan Hall, Alice Hoe, Kiran Mirchandani, Andrea M. Noack, Urvashi Soni-Sinha, Mercedes Steedman, Mark P. Thomas, and Eric M. Tucker. International/Québec contributors are Nick Clark, Dalia Gesualdi-Fecteau, Tess Hardy, John Howe, Guylaine Vallée, and David Weil. 2020. *Closing the Enforcement Gap: Improving Protections for Workers in Precarious Jobs.* Toronto: University of Toronto Press.

Wilson JA and Yochim EC (2015) Mothering through precarity. *Cultural Studies* 29(5-6): 669–686.

Wolkowitz C (2006) *Bodies at Work*. London: Sage Publications.

Workers Action Centre (2020) *Decent Work and Health Report*. Forthcoming URL.

Wu T (2016) More than a paycheck: Nannies, work, and identity. *Citizenship Studies* 20(3-4): 295-310.

Kiran Mirchandani is a Professor in the Adult Education and Community Development Program, Ontario Institute for Studies in Education (OISE), University of Toronto. Her research and teaching focuses on gendered and racialized processes in the workplace; transnational service work; critical perspectives on organizational development and learning; criminalization and welfare policy; and globalization and economic restructuring. She is the author of Phone Clones: Transnational Service Work the Global Economy (2012), co-author of Low Wage in High Tech: An Ethnography of Service Workers in Global India (2019), Closing the Enforcement Gap: Improving Employment Standards Protections for People in Precarious Jobs (2020) and Criminalizing Race, Criminalizing Poverty: Welfare Fraud Enforcement in Canada (2007). She also co-edited (with Winnie Poster) Borders in Service: Enactments of Nationhood in Transnational Call Centers (2016).

Email: kiran.mirchandani@utoronto.ca

Mary Jean Hande is a Postdoctoral Fellow with the Nova Scotia Centre on Aging at Mount Saint Vincent University. As a critical gerontologist, she draws on critical disability studies, feminist, anti-racist, and historical materialist approaches to understand care work and care policy in the context of aging, precarity and globalization. Her research and teaching is community- and user-engaged and committed to forefronting marginalized perspectives and transformative social change. She is currently leading a SSHRC Insight Development Grant investigating working conditions for migrant home care workers during COVID-19 pandemic, which partners with migrant justice group Migrante Manitoba.