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# Labour geography and the state: Exploring labour's role in working against, with and through the state to improve labour standards

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[journals.sagepub.com/home/epn](https://journals.sagepub.com/home/epn)**Thomas Hastings**

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**Abstract**

State labour inspection has been relatively underresearched in economic and labour geography, despite its prospective role in tackling worker exploitation as part of national state regulatory strategies. This paper seeks to address this gap by critically examining state labour inspection as a government function capable of upholding labour standards within and across economic space. A key contribution of the paper is to make stronger connections between workers' spatial strategies and their ability to shape how labour inspection and standards enforcement is carried out. Focusing upon the UK and Ireland, we examine different ways in which some labour-friendly groups have sought to contest but also to support state labour inspection efforts with a view to protecting workers.

**Keywords**

Agency, state regulation, labour inspection, labour geography, hidden work

**I. Introduction**

There is now a significant literature within geography and other social sciences concerning how we live in neoliberal times. A key argument implicit in much of this literature is that the representatives of capital have 'captured the state' and are using its powers to discipline labour in an effort to address problems of capital accumulation. Such discipline has been expressed in myriad – if

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diverse – ways in different parts of the world, ranging from the imposition of punitive control regimes in various regions of the Global South (e.g. Kelly, 2002, 2013; Knutsen and Hansson, 2010; Pun and Smith, 2007) to efforts to get labour to accept low-paid, exploitative conditions in Global North labour markets (Burawoy, 1985; Cumbers et al., 2010; Helms and Cumbers, 2006; Jonas, 1996). In this regard, critical geographical analyses largely paint a negative picture of the state and its role in supporting capital over labour and in privileging economic growth at the expense of workers' health and welfare (Herod, 2001; Brenner, 2004). However, whilst not wishing to minimise the challenges faced by millions of workers labouring under neoliberal state regimes, here we suggest that this representation presents a somewhat totalising vision of the 'neoliberal state' and that the state's behaviour is, in fact, always subject to contestation. Consequently, the state (even in its neoliberal form) can sometimes be influenced and/or harnessed by workers to support their goals. We make this argument through examining some of the actions of national-level labour standards enforcement agencies in the UK and Ireland.

At a most basic level, labour inspectorates are supposed to protect workers' rights in those countries which have established them. In theory, the International Labour Organization (ILO) plays an influential role in this respect, with some 149 countries having ratified (as of early 2023) the 1947 ILO Labour Inspection Convention requiring signatories to 'maintain a system of labour inspection in industrial workplaces' (Article 1). In practice, many countries do not operate with a unified state labour inspectorate, and instead utilise multiple enforcement bodies/agencies to uphold particular labour standards (e.g. relating to the monitoring of wages, health and safety, and so forth). Ostensibly, then, labour inspectorates and labour standards enforcement agencies can play key roles in policing capital's exploitation on the ground. In practice, though, they frequently face challenges when trying to protect workers, including lack of resourcing and having to operate within the context of neoliberal state priorities that would seem to run counter to such goals. Although such resourcing gaps and neoliberal priorities can be testing for workers, we want to suggest here, however, that they can also sometimes present *opportunities* for them and their allies to both contest state (in)action and to collaborate with various states and other actors to shape state labour inspection practices. More specifically, we examine how labour's agency can influence state policies concerning rules and standards enforcement (Mustchin and Martínez Lucio, 2020; Strauss, 2017). In doing so, the paper contributes to the labour geography 'project' by examining how worker agency is at play in working sometimes against and sometimes with state actors to *uphold* rules and regulations which underpin how labour markets operate. We suggest, then, that the theme of state labour inspection is a productive entry point by which labour geographers can contribute to state governance research (an area which has long been largely lacking in labour geography analysis). Indeed, we suggest, a 'labour geography of labour inspection' can offer important insights into how capital can be regulated through state-labour collaborations and so how the geography of state power can be used, reshaped or at least *influenced* by workers and their allies. In making this argument, we build upon labour geography accounts which have encouraged expanded understandings of the state's role in constructing/managing the legal status of migrant workers through state intervention strategies (i.e. accounts that lie outside the state's role facilitating investment/divestment; see Mitchell, 2011; Strauss, 2020).

The remainder of the paper is divided into four main sections. The first briefly discusses labour geography's rise as a discipline which has examined how workers have sometimes played crucial roles in shaping how the economic landscape is made but also points out that it has often not had a particularly vigorous engagement with questions of state governance and regulation. Next, we detail something of the history of how approaches to labour inspection have developed over time. We then present a case study of how various labour-friendly actors, including unions, charities and faith-based organisations (FBOs), in the UK and Ireland have engaged with the state to ensure that workers' rights are protected. In sum, we examine how state inspection can serve as an integral

part of upholding labour standards by focusing upon the role of workers and their allies in shaping the inspection process. We thus consider how (geographically differentiated) efforts by worker groups can influence state approaches to labour inspection and what this means for making the economic landscape. The paper, then, argues for developing a labour geography that is more sensitive to state power through examining how workers have informed the practice of state rule enforcement and labour inspection.

## 2. The prospective relevance of labour geography in labour inspection

Since its emergence in the 1990s, labour geography has grown substantially, benefiting from multiple reviews and stocktaking exercises to arrive at its current (now pluralised) state (Hastings 2016; Lier, 2007; Peck, 2013, 2018). An undoubted factor in this growth has been labour geography's normative appeal, based upon the optimistic notion that workers and their agency *matter* in the construction of economic spaces. Within this project, a key focus has been labour's use of space and scale 'to secure labour-friendly regulation, shape corporate practice, and defend working conditions' (Herod et al., 2003: 185). Although labour geographers initially examined this agency largely through case studies of organised labour, the project has subsequently broadened to include analysis of the influence played by other types of workers and their allies in shaping landscapes.

Despite its expansion into new arenas of investigation (see Hastings, 2016; Peck, 2013, 2018), some early criticisms of the labour geography project nevertheless remain pertinent. Thus, whilst it is certainly the case that geographic theorising has inspired understandings of state governance and regulation that are relevant to labour geography, Castree's (2007) criticism that labour geography itself has generally failed to sufficiently theorise the state as either regulator or employer still largely holds true. This gap exists despite potentially profitable links that could have been made to critical state-spatial theorists writing at the time of the project's initiation in the late 1990s, with such deficiency perhaps reflecting a general failure of critical economic geography at the time to have a particularly sophisticated view of the state. Thus, within Marxist thinking, much discussion prior to the 1990s concerning the capitalist state historically involved two somewhat opposing views. On the one hand, theorists like Sweezy (1942) and Miliband (1983) argued that the state is, essentially, simply a tool of capital. On the other hand, theorists like Poulantzas (1976, 1980 [1978]) were arguing that the state and its institutions have a degree of independence from capital – Poulantzas (1975 [1968]) famously suggested that the state is 'relatively autonomous' from the capitalist class – even if, at the end of the day, state institutions ultimately serve capital's long-term interests. In very broad terms, the main difference between these two views was that whereas instrumentalists like Sweezy and Miliband focused upon the short-term interests of capital, reading state actions through such a lens, structuralists like Poulantzas took a longer view, seeing the state as always operating in capital's long-term interests, even if it may not do so in every day-to-day situation.<sup>1</sup> Both views, though, tended to present the state in somewhat Panglossian terms, assuming that whatever state actors do is ultimately in capital's best interests, and did not seem to offer much possibility for imagining an active role for workers in shaping the state and how it operates across space.

Rather than adopting either of these two perspectives, we view the state as a sociospatial and decentred entity made up of myriad elements which often compete with one another, even when pursuing neoliberal policies (Jessop, 1999; Moisio et al., 2020: 6). We believe this to be a more productive view of the state for labour geographers to adopt, for it presents states not as reified and internally coherent 'things' but, rather, as composed of various institutions which are strategically marshalled through state projects and strategies in the pursuit of particular – but often conflicting and changing – goals (Brenner, 2004; Jessop, 1999; MacKinnon and Shaw, 2010). It recognises, in other words, that not all of the institutions that make up 'the state' necessarily

have the same sets of interests nor do individual institutions necessarily have the same interests over time. In fact, the different institutions that make up the state and the functionaries who implement state policy typically have competing concerns, often on the basis of how they are differentially embedded in different places (geography matters!) or serve different state functions – fostering capital accumulation versus ensuring the state’s continued legitimacy in the eyes of its citizens, for instance. Moreover, the various separate institutions that make up the state may shift emphases over time, based upon the political ideology of those actors who control them at any given time (as after a change in government).

In this regard, Jessop’s (2008) ‘strategic-relational approach’ (SRA) understanding of the state is useful, for it describes how various state actors – some of whom may be more favourably disposed towards workers than are others – work to secure their desired visions for the different elements of the state that they represent in ways that may be at cross-purposes with one another and with their predecessors (Bieler, 2008; Ioris, 2012; Jessop, 1999; MacKinnon and Shaw, 2010). In line with this perspective, Jessop (1999: 51) argues the need, therefore,

first to examine the state form as a complex institutional ensemble with a specific pattern of “strategic selectivity” that reflects and modifies the balance of class forces; and, second, to consider the constitution of these class forces and their strategies themselves, including their capacity to reflect on and respond to the strategic selectivities inscribed within the state apparatus as a whole.

Following from this, Brenner (2004: 76) has added a spatial element to the argument by contending that ‘[t]he spaces of state power are not simply “filled”, as if they were pre-given territorial containers. Instead, state spatiality is actively produced and transformed through [various] regulatory projects and sociopolitical struggles articulated in diverse institutional sites and at a range of geographical scales’.

Jessop’s and Brenner’s formulations, then, open a conceptual opportunity for labour geographers to understand the state as a contested (spatial) entity, one whose form can be shaped by the activities of workers and their allies. Moreover, in considering just how – per Brenner (ibid) – ‘state spatiality is actively produced and transformed through [various] regulatory projects and sociopolitical struggles’, it is important to recognise that these sociopolitical struggles are often multifaceted. They include struggles not just between capital and labour but, also, between different *factions* of capital and of labour (perhaps coalitions of workers and firms in one region vs. coalitions of workers and firms in another), between different factions of capital (perhaps coal capital vs. steel-making capital) and between different factions of labour (perhaps coal miners vs. steelworkers), all of whom strive to mobilise state institutions for their own particular objectives (MacKinnon, 2012). In turn, such objectives are frequently shaped by geographical concerns – ensuring that it is other groups of workers, capitalists and communities who bear the brunt of economic recessions, for instance. This focus upon contestation and strategy plays out in regulationist perspectives on the state, which, despite a largely top-down assessment of institutional actors, have proven useful in examining the role of different institutional configurations in generating periods of relative harmony within labour markets (in particular balancing the needs of capital and labour through forging reciprocities between the spheres of production and consumption; Jonas, 1996). Within this context, state labour inspection may be viewed as one institutional means through which the state can regulate capital and discipline its activities to avert egregious cases of labour exploitation and therefore, perhaps, avoid crises of legitimation.

Based upon the above, then, we suggest that workers’ spatial activities can influence the geographical configuration of state power. They frequently do so in response to workers’ perceptions of state *effects* (Painter, 2006), that is the consequences of state activities and how these are seen to impact people and particular groups in different ways. In this respect, labour inspection has the

potential to radically transform the labour market experiences of the most vulnerable segments of society, especially relatively powerless migrant workers. However, although all illegally exploited labour should, in theory, receive support from state enforcement institutions, research upon labour inspection has often shown how a lack of resources can restrict the regulators' abilities to do so (Mustchin and Martínez Lucio, 2020). Moreover, as some industrial relations research has shown, in policing migrant workers who are ineligible to work, enforcement institutions often play roles – sometimes unwittingly – in the punishing of those vulnerable workers whom they are supposed to help (including victims of workplace abuse; see Mustchin and Martínez Lucio, 2020). A key objective of this paper, then, is to examine how non-state actors have identified problematic approaches to labour inspection with a view to steering labour inspection in more progressive directions.

Finally, we also locate our empirical research within perspectives that view states as *peopled organisations*. Although it may seem an obvious point that state institutions are made up of real people, this is not always how they are theorised, especially in more instrumentalist and/or structuralist accounts where the capitalist state is conceptualised as – essentially – an entity populated either by automatons working to ensure capitalism's survival or, alternatively, as a populationless entity where people disappear into the woodwork of a state apparatus that is seen to behave simply according to capital accumulation logics. However, viewing state institutions as made up of human beings – even accepting that they do not have complete autonomy to do as they please – opens the door to exploring how state officials' behaviours and attitudes impact the performance of the organisations for whom they work and thus the kinds of state services they provide on the ground and the manner in which they provide them (Jones, 2020: 53). In this regard, we link our research to a wider body of work examining state officials' agency, including Lipsky's (1980) work on street-level bureaucracy (SLB) (see also Jones et al., 2004). This important text has focused attention on the discretionary agency of frontline workers who deliver public services on behalf of the state (see Piore and Schrank, 2008; Pires, 2008; Schrank and Piori, 2007; Teague, 2009). Similarly, work by Cidell (2006) has focused upon the agency of individuals in governing bodies and how their private interests and past work/life experiences (e.g. periods of activism) can inform the decision-making processes of leaders within organisations, thus creating new institutional outcomes (see also Jones and Murphy, 2011; Rainnie et al., 2010). This point is important when considering labour inspection and the formation of regulatory approaches by both frontline inspectors and senior figures within state enforcement bodies, as these individuals hold the power to shape state regulation in worker-friendly directions.

Situating our work within these literatures, below we examine the role of labour agency in influencing the functions/workings of state labour inspection. In particular, we focus upon how workers and their allies challenge, shape and redirect the activities of labour inspection in the interests of vulnerable employees who operate in hidden and/or hard-to-reach sectors of the economy. Our research draws upon fieldwork conducted between 2015 and 2018 on behalf of the ILO as part of a commissioned 'Strengthening Labour Administration' project. This research was tasked, in part, with examining national labour policies and approaches to labour inspection and involved a total of 58 interviews with officials engaged in public administration and/or state/third-party regulation in different regions of the world (the UK, Ireland, the USA, and South Africa).<sup>2</sup> Here we focus primarily upon materials drawn from Ireland and the UK. As part of this research, a training toolkit was produced for the ILO with a view to training labour inspectors on effective approaches for tackling exploitation in the informal economy (Heyes and Hastings, 2015). In this regard, the UK and Ireland are seen as interesting cases, for they are Western European states which subscribe to ILO mandates on labour inspection whilst simultaneously pursuing neoliberal approaches to governance and the regulation of capital. Between 2018 and 2023, 29 further interviews were conducted with stakeholders involved in labour inspection, as well as civil society and faith-based actors with an interest/involvement in this area.

The discussion proceeds as follows. The next section provides a brief review of the rise of labour inspection globally as a means of upholding worker rights, followed by details of the case study labour standards enforcement agencies in Ireland and the UK. The subsequent section examines strategies through which workers and their allies have sought to engage state inspectors as a means of upholding labour standards. This includes a focus upon methods for contesting the state through forms of protest/resistance, followed by more collaborative interventions. These latter efforts are shown as networked forms of agency that seek to overcome barriers to effective labour inspection. A final section examines the role of inspectors/regulators as workers themselves who, through their intercessions, have helped to develop novel tactics/approaches to shift the orientation of labour inspection in desired directions. The paper concludes by suggesting some future research directions in this area.

### **3. The ILO and the contested development of labour inspection via national-level territorial institutions**

Whilst labour inspectorates and attendant enforcement bodies are national in their operation, their rise globally has been tied to the prominence of supranational institutions and, in particular, the ILO. Since its inception in 1923, the ILO, a specialised agency of the United Nations, has identified state-led labour standards inspections as key to detecting and addressing workplace exploitation. In this respect, its Convention on Labour Inspection (No. 81, 1947) establishes expectations for national-level labour inspectorates, including three core objectives:

1. To secure the enforcement of the legal provisions relating to conditions of work and the protection of workers whilst engaged in their work (e.g. provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters).
2. To supply technical information and advice to employers and workers concerning the most effective means of complying with legal provisions.
3. To bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

The growing commitment to Convention No. 81 underlines a role for national-level labour inspectorates as a means of regulating capital at this scale (Brenner, 1999; Hastings and Heyes, 2016; Heyes and Hastings, 2015; Luz Vega, 2013; Von Richthofen, 2002). To this end, the focus upon national institutions ostensibly represents a re-territorialisation of regulatory functions at this scale, a process that challenges arguments that globalisation is undermining the power of the nation-state either through decentralising authority for labour market governance to local/regional levels or else concentrating it in supra-national bodies (Brenner, 1999: 66). At the same time, although the ILO's ability to influence state policies in labour-friendly directions has been challenged by a raft of powerful, capital-friendly supranational institutions – notably the IMF and World Bank – there is evidence that wider societal and worker-led pressures from below have influenced state approaches to labour inspection. Thus, in the case of the UK, the Gangmasters Licensing Authority (GLA), forerunner to the present Gangmasters and Labour Abuse Authority (GLAA), was created following public outcry over the deaths in February 2004 of 23 Chinese cockle pickers who were working on Morecambe Bay under the direction of the criminal gangmaster Lin Liang Ren. This included pressure from trade unions (particularly the Transport and General Workers' Union) for stronger regulation of gangmasters. Equally, in Ireland, it was union upset over migrant worker exploitation at a time of the 'Celtic Tiger' and European Union enlargement which spurred the 2007 creation of the National Employment Rights Authority (NERA), forerunner to the Workplace Relations Commission (WRC), as part of the *Towards*

2016 Social Partnership Agreement (Government of Ireland, 2008; O'Donnell et al., 2011: 101). From a Jessopian 'SRA' perspective, these developments suggest a formative role for non-elite actors in the creation of labour inspection bodies in both countries, ostensibly geared to creating a buttress against migrant worker exploitation in particular.

In both the UK and Ireland, the most prominent labour standards enforcement agencies have emerged within a relatively crowded landscape of enforcement institutions wherein different entities hold particular, fragmented remits for enforcing labour rights (Gavris and Heyes, 2021; Mustchin and Martínez Lucio, 2023). In the UK, the main labour market enforcement responsibilities are presently divided between the His Majesty's Revenue and Customs's (HMRC's) National Minimum Wage enforcement team, the Employment Agency Standards Inspectorate (EAS), the Health and Safety Executive (HSE), and the GLAA, although they are set to come under a single umbrella entity at some point. Of these, the GLAA has arguably assumed the role as the UK's most prominent labour standards enforcement agency and has enjoyed new police powers since 2016 that allow for the investigation of abuse allegations across the labour market.<sup>3</sup> The granting of such powers reflected a state shift to embrace the importance of the GLAA in tackling forms of modern slavery in supply chains and was marked by a rise in responsibilities and remit but also a £2.6 million funding increase for the 2017–2018 budget.

In recent years, labour inspection in Ireland has also been subject to regulatory reform, including changing industrial relations structures. In 2015, a new Workplace Relations Act reformed the state's employment rights and industrial relations structures, subsuming a number of previously discrete functions carried out by the NERA, Equality Tribunal (ET), Labour Relations Commission (LRC), Rights Commissioners Service (RCS), and the Employment Appeals Tribunal (EAT) under the new WRC. Other important regulatory bodies include the Health and Safety Authority, Revenue (the Irish tax and customs agency), and the Department for Social Protection. The WRC's main role is to promote good workplace relations and compliance with relevant employment legislation by conducting workplace inspections.

In the context of labour inspection, our discussion mainly considers the role and influence of the GLAA (UK) and the WRC (Ireland) as prominent labour standards enforcement institutions in the respective case studies. Despite their respective remits and the rise of inspection funding in the UK, however, critics have pointed to relatively low levels of financing and staffing levels in both countries, alongside wider resource constraints (Hastings and Heyes, 2016; authors' interviews). For instance, in 2021 the GLAA had only between 115 and 124 inspectors (the latter including advertised but unfilled positions; author's interview 2021) whilst in May 2021 the WRC recorded just 53 inspectors, in addition to seven higher executive officer inspector team managers (O'Reilly, 2021), considerably below the 90 inspectors agreed to as part of the *Towards 2016* agreement (Government of Ireland, 2008: 27). To put these numbers into context, ILO (2006: 4) benchmarking suggests that one inspector for every 10,000 workers is required for effective countrywide labour inspection in 'developed' countries. Based upon this, the Trades Union Congress (TUC, 2021) has suggested that an additional 1797 inspectors are required in the UK whilst Ireland should have about 230 inspectors, based upon a working population of some 2.3 million people (Central Statistics Office Ireland, 2022).<sup>4</sup> Such figures offer an insight into the resource challenges state labour inspectors face in the context of austerity conditions and state regulatory priorities.

The constraints facing labour inspectorates and standards enforcement bodies more globally have informed a raft of theoretical and practical experimentations concerning new approaches and strategies for addressing exploitation on limited budgets (Baldwin et al., 2010). Common in this respect has been the use of 'risk-based' approaches to regulation. These approaches proactively target 'high-risk' industries deemed most likely to commit offences. To avoid costly expenses, the ILO has also encouraged a turn to compliance-based approaches to regulation – as the name suggests, these approaches are based upon forms of persuasion and working with firms to aid in their



voluntary compliance with labour regulations. This practice has links to ‘meta regulation’ forms, which encourage firms to adopt new systems/procedures that inspectors will find easy to monitor (Heyes and Hastings, 2015). Where firms fail to live up to these promises, regulators may in turn level stricter sanctions from further up an ‘enforcement pyramid’ of actions (e.g. state sanctions; see Ayres and Braithwaite, 1993; Heyes and Hastings, 2015; Williams, 2014). To a large extent, then, these schemes rely upon the subjective agencies of labour inspectors who, as workers themselves, strategically mobilise emotional labour and persuasive powers to ‘sell’ these interests and work with firms to expedite compliance outside of court actions or more serious sanctions (e.g. entreating business owners to see the logic of staff database systems and creating set procedures documenting health and safety checks).

Other creative and ultimately cost-saving forms of regulation may be bracketed under ‘smart regulation’ tactics, which embraces a role for multiple actors, approaches and social controls to improve compliance rates. As noted by Gunningham and Sinclair (2017: 139),

the preferred role for government under smart regulation is to create the necessary preconditions for second or third parties to assume a greater share of the regulatory burden rather than engaging in direct intervention. This will reduce the drain on scarce regulatory resources and provide greater ownership of regulatory issues by those directly concerned in industry and the wider community. In this way, government acts principally as a catalyst or facilitator. In particular, it can play a crucial role in enabling a coordinated and gradual escalation up an instrument pyramid, filling any gaps that may exist in that pyramid and facilitating links between its different layers.

Building upon this latter point, the holistic, ‘smart’ approach to regulation encourages a shift from traditional bi-partite formations (i.e. state and capital as the main regulatory ‘players’) to incorporating a role for multiple actors/third parties in working together to improve regulatory outcomes. Whilst research has queried the effectiveness of smart regulation in practice (Gunningham and Sinclair, 2017), this shift nevertheless opens up a greater capacity for worker groups (e.g. unions and civil society organisations) to work with the state in ways that support national territorial approaches to labour inspection. It is also suggestive of the need for labour inspectorates/standards enforcement agencies to foster strong working relations with third-party groups with a view to ‘passing on the baton’ to surrogate regulators who may effectively steer labour rights enforcement without the need for state involvement (Hastings, 2019).

With these points in mind, below we discuss labour’s role in engaging the state with a view to influencing labour inspection as both practice and effect (i.e. as part of a SRA). The *Fighting the state: Campaigning from the outside to change inspection priorities* section examines how labour groups, faced with frustrations, have sought to impose new rules for employers and encourage new enforcement practices. The *Working with the state: The role of international faith-based organisations in labour inspection* section considers more conciliatory approaches to engaging the state on the part of labour-friendly groups (in particular a focus upon the networked activities of FBOs). Finally, the *Working through the state: Creative actions on the part of state enforcement workers* section spotlights the agency of state inspection personnel themselves and their role in encouraging creative forms of labour inspection.

## 4 Unpacking labour’s agency in labour inspection

### 4.1 *Fighting the state: Campaigning from the outside to change inspection priorities*

Since their creation in the mid-2000s, the UK’s and Ireland’s main equivalent labour inspection bodies have worked with a number of third-party actors, primarily through information-sharing

exercises. In the UK, regular discussions have been channelled through quarterly Liaison Group meetings involving unions (e.g. the TUC, Unite and GMB) and charities/advice centres (e.g. Fishermen's Mission and The Connection at St Martin's). Similar meetings take place in Ireland, though more intermittently (authors' interviews). In turn, the GLAA has noted a common use for such organisations as conduits of workplace knowledge (i.e. acting as intelligence gatherers on the ground). Thus, one senior GLAA official commented:

where they already have access that's been negotiated they [workers or members] could be useful eyes and ears to let us know...They're [unions, NGOs] all a potential source of information, particularly where workers might not want to come forward themselves but want to tell somebody independent.

Despite the prospective benefits of working with third parties, interviews with regulators and members of these third parties in both countries revealed conflicting views over the appropriate role of inspection and wider approaches to labour market enforcement. Accordingly, whilst state officials spoke primarily of a compliance-led approach to law enforcement, unions and third-sector organisations in both the UK and Ireland lamented failures on the part of labour inspection to fundamentally address workplace exploitation (authors' interviews). Whilst this charge was commonly related to a lack of funding and inspectors on the ground, interviewees in Ireland also observed a disproportionate focus upon illegal migrant workers as part of inspection activities. Echoing critiques of joint inspection approaches in the UK (Mustchin and Martínez Lucio, 2020), a senior official at the Migrant Rights Centre Ireland (MRCI) in Dublin discussed the negative perception that NERA (the forerunner to the WRC) had earned amongst migrant workers following the use of joint raids between labour inspectors and immigration police, saying that the body

has been undermined and workers don't trust them because they do these raids with the immigration police, and the immigration police take over. It totally undermines [relations with the enforcement body]. You know, who is going to come to NERA in confidence to complain about exploitation?

Upset over joint inspections and the targeting of illegal migrant workers through enforcement activities were said to have weakened relations between the inspection body and third parties, undermining the chance for collaboration between genuinely labour-friendly groups and the state (authors' interviews). Concomitantly, a perspective emerged that labour standards enforcers in Ireland had grown 'soft' in disciplining employers who routinely committed crimes against workers (e.g. wage theft) and were targeting vulnerable migrant workers who faced far higher life consequences than the firms violating the 2003 and 2006 Employment Permits Acts (authors' interviews). To this end, recent WRC annual reports reveal the bulk of WRC convictions related to firms violating Employment Permits Acts legislation (Employment Permits Acts 2003 and 2006). In the list of convictions in 2020, 70 out of 81 employers listed were convicted of violating Employment Permits Acts (the 2020 Annual Report, WRC, 2020; authors' calculations).

Following from such frustrations and the perceived (inadequate or inappropriate) effects of state labour inspection, several unions and third-sector organisations in the UK and Ireland have sought to influence inspection practices in more worker-friendly directions. In the UK, such moves can be seen in a recent publication by the TUC (2021) which, in addition to the aforementioned criticisms of a lack of staffing, calls for a formal role for unions on the boards of existing and future enforcement bodies (authors' interviews). In Ireland, meanwhile, the MRCI and the International Transport Workers' Federation (ITF) have targeted legislative change as a means of forcing the WRC to better monitor and address the exploitation of migrant workers who work in hidden areas of the economy that are hard to access. This latter approach has been marked by fruitful campaigning to improve conditions for migrant workers, both generally and in respect of largely hidden work in high-risk

sectors (notably the *au pair* and fishing industries, respectively). In the case of fishing, prior to 2016, non-European Economic Area (EEA) workers had no legal route to work on fishing boats off the Irish coast and these workers were not considered to be appropriate subjects for inspections by the NERA/WRC (Murphy, 2017; Murphy et al., 2021). However, in response to combinations of research, campaigning and media engagement driven by the ITF and MRCI in particular, the WRC adopted new approaches to monitoring fishing boats in the interests of migrant worker rights. A key breakthrough came from media coverage (*The Guardian*, 2015), which led to rapid reforms intended to safeguard Ireland's international reputation. Subsequently, a new task force and Atypical Working Scheme (AWS) was created in 2016 with a view to supporting the rights of non-EEA workers in the fishing fleet. As one ITF representative commented,

I think it's a peculiarity of the Irish political establishment, they're sensitive to international coverage and they're very sensitive to their international reputation. Therefore, it took a UK-based paper [*The Guardian*] to go and cover it in that kind of detail to actually force the issue firmly. And then, if you like, that gave the cover then for the Irish media to come in behind it. And that led to...interest [and a rise in] the amount of sympathetic journalists at the Irish media...The upshot [was that] the group that was convened...advised for the setting up of the special permit scheme, the AWS for non-EEA fishers.

The AWS creation had two main consequences. First, it required a new labour regime for boat owners utilising non-EEA labour, shifting away from a system of 'share fishing' based upon self-employment in which workers are paid with a proportion of the catch (a system extremely prone to exploiting workers not meant to be there) and towards one involving workers' formal employment. Second, the WRC was then required to *systematically* investigate Irish fishing vessels for the first time. As noted by an interviewee from the WRC:

we had not been active in relation to the sea fishing sector really up until early 2016 when the Atypical Scheme was brought in by the Department of Justice. Prior to that, people who worked in [this] area worked on a share-fishing basis, so they weren't employees at all and didn't come within our aegis or our ambit in terms of employment law. But the atypical scheme [meant that] non-EEA persons who wish to work in certain parts of the Irish fleet must [now] have an atypical permit to work within that particular sector. [If they] get that atypical permit, they're deemed to be employees.

This case represents one instance in which a non-governmental organisation (NGO) and a trade union rescaled their operational spheres to leverage international pressure onto the Irish state (specifically the Department of Justice) to establish and then to help enforce non-EEA workers' rights.<sup>5</sup> In doing so, campaigners effected a shift in the orientation of labour regulation institutions away from approaches which punish the worker and, instead, towards holding accountable those who are in charge of the workplace. Although this development was significant, critics of the Atypical Scheme would nevertheless go on to question its long-term effectiveness (due in part to the power of boat captains and lack of worker mobility) and the ability of enforcement agencies to uphold these new rights as a consistent practice.<sup>6</sup> Subsequently, criticisms of the AWS by researchers at the National University of Ireland, Maynooth, the ITF and the MRCI – which again featured in *The Guardian* – led to a government review of the scheme and its closure on the 31st of December 2022.<sup>7</sup> This move, seen as a significant success by the ITF, resulted in the transfer of responsibility for work permissions in the sector to the wider Department of Enterprise, Trade and Employment (DETE) Employment Permit system (specific terms are to be determined at the time of writing). In doing so, realistic hopes for stronger working rights

entitlements for non-EEA workers previously prone to exploitation have been realised, including possibilities for the same workers to explore alternative forms of work.

Whilst this section has focused upon the role of campaigning to adjust state approaches to migrant worker status and attendant rights/entitlements, other strategies outside of challenging legislation are required to improve the enforcement of worker rights on the ground. With this in mind, the next section examines the potential for constructive *collaborations* between the state and CSOs, focusing upon the networked, associational agency of church groups as a means of informing/supporting labour inspection as a practice. It illustrates how cooperation between state actors and labour groups can exist alongside forms of lobbying/campaigning for state enforcement changes.

#### 4.2 *Working with the state: The role of international faith-based organisations in labour inspection*

In addition to campaigning to change legislation and reform state approaches to labour law enforcement, a number of FBOs have also been operating alongside/with state agents with a view to improving approaches to labour standards enforcement (Lonergan et al., 2021; see Wills et al., 2009 for a further example of FBO agency in campaigning for improved labour standards). Several have been quite active in this regard, including the Santa Marta Group (SMG), an international network of Catholic Bishops spanning over 35 countries (including the UK and Ireland) established in the UK in the early 2010s. The mission of the SMG and its network reflects long-standing ideological commitments to tackling slavery as a moral injustice in whatever context and space exploitation is found and has increasingly incorporated engagements with state labour inspectorates and labour enforcement agencies (for a related case study on transnational church activist networks, see Mitchell and MacFarlane, 2019).

Key to the SMG's approach has been the nurturing of connections between different churches and FBOs (from different faiths) with state regulatory bodies in multiple national contexts.<sup>8</sup> In this respect, one of its missions has been to align state actors with prominent FBOs on the ground, thereby helping to create complimentary institutional approaches whilst focusing attention upon the broader objective of tackling modern slavery. This has included the creation of an online database of national cases in which third-party groups have proven effective in supporting victims of exploitation (often by working with state institutions). Other prominent examples of partnered working include collaborations between the SMG and the Church of England's Clewer Initiative (CI) which, like the SMG, has developed a networked approach to coordinating the activities of churches in communities with a view to tackling modern slavery – in describing itself, the Initiative (2022) has stated that,

[b]ased on our belief that the tools to tackle modern slavery lie within communities, we work with local churches to build resilience and support vulnerable groups. We also work at a national and international level through a range of partnerships and collaborations raising awareness and developing practical tools and resources for use by churches, communities, partners and the public.

This mission reflects a multi-scalar approach to helping vulnerable people at risk of workplace exploitation through coordinating church support. The CI thus aims to inform and support local, resilience-based support campaigns at the level of local churches whilst concomitantly building links between churches and national-level state enforcement institutions. Examples of the latter include reciprocal working relations with the GLAA (e.g. 'train-the-trainer' exercises), wherein the GLAA has helped churches train followers to spot signs of modern slavery and effective ways of reporting suspected instances to state agencies.<sup>9</sup> In turn, the GLAA has acknowledged

the power of FBOs to educate followers and inculcate changes in routine aspects of work life outside of religious spaces with a view to improving enforcement intelligence (Birks and Gardner, 2019). This approach acknowledges the abilities of church leaders and their followers to influence the life choices and behaviours of people in ways which can support all manner of approaches for tackling exploitation.

Building upon this training approach, the CI has also sought to develop practical ways of supporting state labour law enforcement, including developing smartphone apps to generate data regarding suspected modern slavery cases. A flagship effort in this respect has been the Initiative's 'Safe Car Wash app', which encourages the public to report suspected cases of modern slavery to the GLAA and attendant enforcement agencies (e.g. the National Crime Agency).<sup>10</sup> Early reports based upon app data found that 48% of reports regarding hand car washes found workers did not have access to suitable clothing, 17% found workers appeared fearful at the car wash and 14% found evidence to suggest that workers were living on the car wash site (all potential signs of modern slavery) (University of Nottingham, 2019). Importantly, by enlisting the public's support in reporting suspected instances of slavery, the data gathered through the app can overcome legislative barriers that the GLAA often faces when accessing sites which are technically classified as domestic spaces and would otherwise require the permission of owners to inspect (Clark and Colling, 2018). As a senior figure in the GLAA observed, 'you can't just turn up at any old car wash and say "I'm coming in under my police powers". You've got to pass a threshold of evidence and analysis' (authors' interview). Subsequently, the CI has sought to help state actors identify and access high-risk sites at the most localised levels, helping to inform risk-based approaches to regulation (Strangways-Booth, 2019).<sup>11</sup>

Such cases illustrate how various FBOs have assisted state approaches to labour inspection in ways which deviate from more typical, resilience-based supports like simply providing charity/welfare services (for more on this shift, see MacKinnon and Derickson, 2013). To this end, app-based supports evidence labour-friendly groups' roles in offering new skill sets and technical knowledge geared to supporting the state in ways specifically intended to help labour inspectors overcome technical and legal challenges. Applications of this sort have thus helped to inform the bureaucratic authority and territorial power of the state through the use of 'mundane governmental technologies and associated practices' (Moisio et al., 2020: 9) in the interests of more effective labour rights' enforcement. At the same time, it is important to acknowledge the limitations of approaches harnessing the public and the dangers of relying on non-expert observations in particular. During one interview, a senior figure at the GLAA thus questioned the accuracy of the SafeCarWash data whilst raising the risk of overzealous members of the public potentially meddling in state investigations (authors' interviews). Moreover, this approach to monitoring applies mainly to customer-facing types of work, which are more easily observed. This points to some of the limitations of harnessing the public as 'eyes and ears' on the ground and in close relation to exploitative sites. Following this example of how labour-friendly groups have sought to support state regulators, our final section considers the role of worker agency within state labour inspection as a means of shaping local labour markets and how they work.

### 4.3 *Working through the state: Creative actions on the part of state enforcement workers*

This final section examines the agency of the workers involved in the process of *doing* labour inspection, examining different approaches through which state workers have sought to directly influence labour standards inspection on the ground. The discussion draws upon a perspective of state workers as active front-line workers, workers whose own motivations and ideas – together with wider life orientations – really do matter for labour inspection. We draw upon labour

geography work examining the relevance of whence workers come, their past experiences, how they are embedded in particular places and so forth for how this informs inspection as a practice (Rainnie et al., 2010). In this respect, Cidell (2006) has shown how the wider lives of workers in organisations are relevant/help shape institutional outcomes (e.g. periods of activism in one's social life; see also Rainnie et al., 2010). As she puts it (p. 201, emphasis added),

[t]he personal/professional split is critical when considering those people who are at the top of their particular jurisdiction: mayors, executive directors, etc. The power of a particular institution depends not only on the system of governance (e.g., strong-mayor form of city government), *but also on the personal characteristics of the individual that runs it, including their personality and/or ideology.*

The background and wider lives of labour inspectors are thus relevant to how they perceive and conduct their work, helping to inform how the agency of state officials manifests itself in the course of doing labour inspection (Lipsky, 1980). In Ireland, for example, one interviewee (a former NERA/WRC inspector) noted his past involvement with trade unionism in the private sector as relevant in his application for the job as a labour inspector ('I had been kind of active in getting people organised and representing them, it was something I was interested in'). In turn, the same interviewee observed that his relative zeal for the role had alienated him from certain managers and inspectors who had acquiesced to a lighter-touch approach to labour inspection:

I would complain if they were interfering in cases and preventing a proper resolution of the case. I was particularly irked about the way we weren't enforcing holiday entitlements, and they were making the excuse that we didn't have the legal powers.

Such frustrations – also echoed in recent whistle-blower reports which focus upon institutional failures at the WRC (Smith, 2019) – likely reflect a lack of discretion in the models of labour inspection adopted in the UK and Ireland (Teague, 2009). Nevertheless, faced with a (perceived) lack of institutional support, the same interviewee observed that informal connections with the MRCI had sometimes proven useful in better understanding exploitation cases. In turn, an interviewee at the latter organisation spoke of his willingness to educate and inform labour inspectors open to better ways of performing their role and wider investigations, such as conducting labour inspection interviews with staff away from production sites or informing inspectors of tricks deployed by employers to mask exploitation (authors' interviews). Such tactics show how cross-institutional connections based upon a personal drive to learn and form links with others are important in the delivery of labour inspection as both practice and effect in the interests of workers.<sup>12</sup>

In line with Cidell, the lives of decision-makers within state enforcement agencies are also relevant in strategies of labour inspection. The individual agency of senior figures/directors involved in labour inspection is important in the creation of new ideas, policies and programmes for addressing barriers to labour inspection in hard-to-reach sectors. The role of personal lives and existing connections in this case is evidenced in past efforts by a GLAA official to mobilise a local Catholic school (through contacts and connections) as part of a pilot project intended to harness school and community knowledge of local people with insights into exploitation. In this instance, the GLAA sought to marshal those involved at the school (teachers, parents and pupils) to observe and report upon prospective signs of modern slavery (authors' interview).

Other creative schemes intended to tackle hidden exploitation include the GLAA-backed 'Responsible Car Wash Scheme' (RCWS) launched in October 2018 as a not-for-profit accreditation scheme created to raise standards in the car wash sector wherein those sites that are endorsed can display the RCWS logo at their place of business (GLAA, 2018). This scheme was developed

through collaborations between business associations (the Downstream Fuel Association and the Carwash Association), state actors (the GLAA, Police, the HSE, HMRC and the Environment Agency), and the UK-based anti-slavery charity Unseen, with support from major supermarkets. In exchange for accreditation, businesses must adhere to a Code of Practice requiring compliance with legal/regulatory obligations and other agreements to uphold workers' rights whilst ensuring access for state officials (i.e. standards inspectors) as a matter of course. Although multiple actors were involved in the scheme's creation, the role of particular individuals in negotiating and creating these effects was evident. Interviews and personal correspondence with the GLAA underlined the role of networking and stakeholder events in forging novel approaches to regulation, including a successful interaction with a like-minded representative of Tesco which proved key in developing the RCWS:

that helped [engaging with Tesco] because they then got the other supermarkets involved for us...I said "We need a framework". You have to have a consistent framework that you're going to evaluate something against...I said "if you accredit something and make it a condition you could include [in] it that you allow us to get in there as a right of access".

These and related insights into the social practices which help forge regulatory approaches are helpful in understanding how compliance-based forms of regulation emerge in practice through the ideas of key individuals and their ability to diffuse these through relevant networks. Such analysis underlines the value of seeing state enforcement institutions not just as entities tasked with implementing regulatory strategies in various nation-states but also as peopled organisations in which the values and ideas of state workers are relevant and matter to regulation as a practice.

## 5 Conclusion

The above discussion has sought to respond to calls to better theorise the state in labour geography accounts (Castree, 2007; Strauss, 2020) by examining labour's role in shifting state approaches to labour standards enforcement. Specifically, we hope to have shown how the agency of workers, including those representing workers and those *doing* the regulating – differentially constrained over time and space as it is – can be important in shaping labour market regulation. Although labour geographers have frequently written about how workers have contested state actions, the three vignettes we have presented also show how workers and their allies effectively and consciously pushed labour standards enforcement efforts in more expansive, labour-friendly directions. In the first instance, the ITF and MRCI in particular worked to expose legislative loopholes that had resulted in hidden exploitation in the Irish fishing industry. Whilst this approach was based, in part, upon leveraging international pressure onto the Irish state to act, our second example focused upon the role of FBOs and their networks in coordinating efforts to support state labour inspection (in particular under the SMG's leadership). This example illustrated how third-party groups can not only contest state behaviour but also sometimes work *with* state institutions to address a range of institutional and resource-based failings. Our final discussion shed light upon the agency of those working in labour standards enforcement, showing how they can shape regulatory approaches from the 'bottom-up'. The research presented above, we would aver, thus adds to the labour geography project by showing how state actors can *support*, as well as constrain, workers' resistance to labour market exploitation. Through illustrating how worker agency can extend and enhance the spatial reach of the state by, for instance, helping to identify and assist victims of exploitation in hidden worksites like car washes, sites in the rural economy and so forth, we hope to have contributed to critical research upon labour inspection and its spatialities.

In addition to contributing to the labour geography literature, however, through examining forms of agency geared to both contesting and supporting state actions we believe that our account also

has relevance for geographical state theorising, which often underplays labour's agency in its accounts. Hence, whereas regulation theory, for example, has proven useful in explaining structural understandings of how stability and growth occur, it has done so in a largely top-down fashion that generally ignores worker behaviour (Cumbers et al., 2010; Helms and Cumbers, 2006). Our account, which is in the mould of Jessop's SRA to conceptualising the state, offers a corrective to this, illustrating how worker groups can play roles in developing strategies and pushing state regulatory agencies to protect workers. Through illustrating the value of examining how labour agency can inform regulatory geographies, we have attempted to decentre the state to show how it can sometimes be pushed to engage in actions that are not in the immediate (or even long-term) best interests of capital. Certainly, there is always the possibility that labour inspectorates and other regulatory institutions are co-opted by capital and others pushing neoliberalising agendas (Brenner et al., 2010). However, this is a historically and geographically contingent matter, not a structurally determined one, as empirical analysis shows how workers and their allies can help to steer state rule enforcement approaches in more labour-friendly directions.

We finish by stressing some considerations that emerge from the above approach and briefly sketching some avenues for future work to more deeply integrate state analysis into the field of labour geography. First, an intended purpose of this paper has been to explore how labour agency can inform state-led standards enforcement. This requires recognising that labour inspectors, although employed by the state, are workers/social actors who can shape economic landscapes through their behaviour. Sometimes they do so in ways which help to improve the lives of other workers and sometimes they do not. The fact that they can play key roles in shaping how the economic landscape evolves, though, means that we should not ignore their spatial agency. Indeed, exploring how various workers – like labour inspectors or police officers – who are often considered to be 'agents of state repression' shape landscapes' evolution through the decisions they make and the consequences this has for other workers is, we would aver, an important, if often overlooked, part of the story of the making of the geography of capitalism. Hence, as Blomley (1994) showed, the actions of police officers – many of whom came from working-class backgrounds – limiting the mobility of striking coal miners dramatically shaped the geography of the 1984–1985 miners' strike in the UK, whilst Herbert's (1996) analysis of the Los Angeles Police Department showed how LAPD officers' control of various spaces and exercise of power in and over them has impacted how the urban landscape has developed in that city. Whereas some labour geography research early on focused upon public sector employees (e.g. Painter, 1991), it largely did so in terms of how such workers challenged neoliberalism openly through, for instance, opposing efforts to privatise government services. We would suggest, though, that there is also a need for further research examining how regulatory workers (like labour inspectors or police officers) also play roles in shaping capitalism's geography. This includes a focus on the discretionary powers of regulators to act in some ways rather than others, with a view to influencing other actors' behaviours.

Secondly, there remains a continued need to research the lives of those engaged in hidden spaces of the economy – like undocumented migrants – and to better understand how regulatory nexuses influence working lives. This is especially the case because of how regulation is changing in contemporary capitalist economies. Thus, the 'deregulation talk' that lies at the heart of much writing about neoliberalism typically implies that we are moving from an economy that is more regulated to one that is less regulated. In such a world, regulators are generally viewed as having less power than previously, such that their activities might be considered to be less worthy of study. However, as Vogel (1996: 2) has argued, 'the rhetoric of globalisation, privatisation and deregulation serves only to obscure what is going on'. Hence, *deregulation* typically involves a significant degree of economic *reregulation* as economies come to be not unregulated but, instead, regulated in new and different ways. Lest they unleash anarchy, governments must set rules for the economic 'deregulation' that allows the 'market mechanism' to operate with greater freedom and also are the only ones who



can legally sign into law various ‘free trade’ agreements that ‘deregulate’ how market exchange functions. Furthermore, many governments have essentially outsourced various regulatory activities to private entities who have taken on the job of policing how economies function by establishing global rules for industrial and commercial standards. For instance, in the 1970s the forerunner to the International Financial Reporting Standards Foundation (2023), ‘a not-for-profit, public interest organisation’, was ‘established to develop high-quality, understandable, enforceable and globally accepted accounting and sustainability disclosure standards’ whilst the International Organization for Standardization (2023) ‘is an independent, non-governmental international organization [that] brings together experts to share knowledge and develop voluntary, consensus-based, market relevant International Standards that support innovation and provide solutions to global challenges’. The existence of scores of such organisations raises important questions about the nature of economic regulation and how the actions of those tasked with conducting it shape the form of the economic landscape at scales from the very local to the truly global.

## Notes

1. It should be noted that Poulantzas (1976: 63) himself rejected this characterisation, writing that how ‘the differences between Miliband and myself have sometimes been perceived, especially in England and in the United States, as a controversy between “instrumentalism” and “structuralism”, is an utterly mistaken way of situating the discussion’. Nevertheless, this is how the debate has often been represented.
2. Interviewees also consented to materials being used in the production of other outputs, including journal articles. One interview involved two participants, which, if counted separately, would amount to 59 interviews. Over the course of the research, a growing interest emerged in the challenges inspectors face in accessing hidden sectors of the economy involving informal work. This included repeated discussion of hand car wash sites, which are often based on forecourts of former petrol station sites. These are places of work which are known to involve high proportions of undocumented workers at risk of modern slavery who wash vehicles by hand in exchange for cash. Hand car wash sites are typically classed as domestic sites and without pre-existing evidence of criminal activity may only be accessed by inspectors once they have secured permission from a site owner to conduct inspections. In total, 30 interviews were conducted with stakeholders based in the UK and Ireland.
3. As noted, throughout the paper, we consider the GLAA and the inspection function of the WRC as the foremost labour standards enforcement agencies in the UK and Ireland (i.e. within the context of the discussed regulatory landscapes, wherein particular institutions maintain specific regulatory remits). Our insights into labour inspection within the UK and Ireland are focused primarily on these respective state institutions. In terms of the GLAA’s enhanced powers, these apply only to England and Wales. Labour Abuse Prevention Officers (LAPOs) work as specialist investigators who carry out enquiries into labour market abuse offences, whilst compliance officers investigate firm behaviour against compliance. For simplicity we refer to the inspection staff at both the NERA/WRC and the GLA/GLAA as *labour inspectors*.
4. Mustchin and Martínez Lucio (2020: 738) note the ‘ambivalent positions’ held by labour inspectors in many state projects and accumulation strategies. Labour inspectors may thus play ‘strong’ enforcement roles when required to address criminal activity (such as modern slavery) but ‘softer’ roles in handling more minor cases (see Piore and Schrank, 2008; Schrank and Piori, 2007; Teague, 2009). Research in this vein has suggested the ‘Anglo-Saxon model of labour inspection’ provides relatively limited autonomy to frontline inspectors, potentially linked to their niche role in relation to other regulatory units.
5. In 2019, a UN Special Rapporteur’s Report brought further reputational damage to the Irish state, criticising the Department’s work permit system for making migrant workers more vulnerable to abuse and modern slavery. This coverage was specifically flagged by the ITF (2019). Whilst it is difficult to link precise reports/attentions to state reforms, the growing pressure to address migrant exploitation may be seen in the introduction of a new Regularisation of Long-Term Undocumented Migrants Scheme which offered a means for long-term undocumented migrants residing in Ireland to regularise their status between 31 January 2022 and 31 July 2022 (Government of Ireland, 2022).

6. This latter concern again reflects resourcing challenges (authors' interviews). Whilst the WRC has included fishing as part of its risk-based approach to regulation, in a given year only a small proportion of boats can be inspected – in 2020, the WRC inspected only 37 vessels out of 180 which came within the scheme's scope (WRC, 2021: 17).
7. The *Review of the Atypical Scheme for non-EEA Crew in the Irish Fishing Fleet*. As part of this process, Immigration Services confirmed that permit holding non-EEA crew members under the AWS would be granted Stamp 4 permission status on an exceptional basis (those holding a valid Irish Residence Permit (IRP) card expiring on or after 1 January 2023). Stamp 4 status greatly enhances the freedom of non-EEA workers in the Irish labour market and improves the prospects of these individuals gaining citizenship, if desired. In the context of this change, further coverage in *The Guardian* newspaper in 2021 had included an article on unsafe conditions for migrants on fishing boats informed work by research from Maynooth and insights from the ITF (*The Guardian*, 2021).
8. Kevin Hyland, the former UK Independent Anti-Slavery Commissioner, also played an important role in establishing/guiding the development of the SMG, subsequently adopting a role as Senior Special Advisor to the SMG. Insights into FBO practices were gained from interviews conducted particularly between 2018 and 2023.
9. Train-the-Trainer resources can be requested at <https://theclewerinitiative.org/training-courses/training-with-the-glaa> (accessed 25 April 2023).
10. Data captured by the app include responses to questions relating to on-site living, inadequate/unsafe clothing and unusual forms of pay (e.g. cash-only policies and payment to managers directly), which help establish an estimated risk of slavery.
11. Discussions with the GLAA identified some early difficulties in the application of smartphone technology, including misleading reports on the location of car washes and a fear that overzealous citizens may contaminate potential crime scene investigations. In part response to these challenges, researchers at Nottingham Trent University (NTU) assisting the GLAA have appraised/identified flaws in the app technology.
12. Whilst acknowledging the above, it is important not to overemphasise the impact of labour's agency on the part of those performing regulatory functions in relation to specific laws and government agendas (Strauss, 2020; Mitchell, 2011). This recognition of limits upon agency is important, because it remains the case that regulatory bodies and their staff are tasked with upholding laws enshrined by supreme legislative bodies in reflection of particular ideologies, despite regulators' personal feelings on such matters. Thus, whilst we have examined the agency of state officials with potentially progressive remits (i.e. geared to improving labour rights on the ground), we acknowledge the limits to state worker agency in relation to wider state agendas geared to disciplining vulnerable migrants in the current neoliberal era. At the time of writing (May 2023), for instance, the UK government was pursuing the Illegal Immigration Bill, which threatens the human rights of migrants based on its commitments to detain and remove those who arrive in the UK by illegal means.

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## References

- Ayres I and Braithwaite J (eds) (1993) *Responsive Regulation: Transcending the Deregulation Debate*. Oxford: Oxford University Press.
- Baldwin R, Cave M and Lodge M (eds) (2010) *The Oxford Handbook of Regulation*. Oxford: Oxford University Press.
- Bieler A (2008) Labour and the struggle over the future European model of capitalism: British and Swedish trade unions and their positions on EMU and European co-operation. *The British Journal of Politics and International Relations* 10(1): 84–104.
- Birks J and Gardner A (2019) Introducing the slave next door. *Anti-Trafficking Review Issue* 13: 66–81.
- Blomley N (1994) *Law, Space and the Geographies of Power*. New York: Guilford Press.
- Brenner N (1999) Beyond state-centrism? Space, territoriality and geographical scale in globalization studies. *Theory and Society* 28(1): 39–78.
- Brenner N (2004) *New State Spaces: Urban Governance and the Rescaling of Statehood*. Oxford: Oxford University Press.
- Brenner N, Peck J and Theodore N (2010) After neoliberalization? *Globalizations* 7(3): 327–345.
- Burawoy M (1985) *The Politics of Production: Factory Regimes under Capitalism and Socialism*. London: Verso.
- Castree N (2007) Labour geography: A work in progress. *International Journal of Urban and Regional Research* 31(4): 853–862.
- Central Statistics Office Ireland (2022) *Table 4a Seasonally Adjusted Total Number of Employees classified by NACE Rev.2 Economic Sector August 2022*. Available at: [www.cso.ie/en/releasesandpublications/fp/fp-mepead/monthlyestimatesofpayrollemployeesusingadministrativedataaugust2022/](http://www.cso.ie/en/releasesandpublications/fp/fp-mepead/monthlyestimatesofpayrollemployeesusingadministrativedataaugust2022/) (accessed 25 April 2023).
- Cidell J (2006) The place of individuals in the politics of scale. *Area* 38(2): 196–203.
- Clark I and Colling T (2018) Work in Britain's informal economy: Learning from road-side hand car washes. *British Journal of Industrial Relations* 56(2): 320–341.
- Clewer Initiative (2022) *Who We Are*. Available at: <https://theclewerinitiative.org/who-we-are/about-the-clewer-initiative/> (accessed 25 April 2023).
- Cumbers A, Helms G and Swanson K (2010) Class, agency, and resistance in the old industrial city. *Antipode* 42(1): 46–73.
- Gavris M and Heyes J (2021) Varieties of labour administration in Europe and the consequences of the Great Recession. *Economic and Industrial Democracy* 42(4): 1282–1304.
- GLAA (2018) *Responsible Car Wash Scheme*. GLAA press release. Available at: [www.gla.gov.uk/whats-new/press-release-archive/22102018-responsible-car-wash-scheme/](http://www.gla.gov.uk/whats-new/press-release-archive/22102018-responsible-car-wash-scheme/) (accessed 25 April 2023).
- Government of Ireland (2008) *Towards 2016: Review and Transitional Agreement 2008–2009*. Dublin: Department of the Taoiseach.
- Government of Ireland (2022) *Regularisation of Long Term Undocumented Migrants Scheme*. Dublin: Department of Justice. Available at: [www.irishimmigration.ie/regularisation-of-long-term-undocumented-migrants-scheme/](http://www.irishimmigration.ie/regularisation-of-long-term-undocumented-migrants-scheme/) (accessed 25 April 2023).
- Gunningham N and Sinclair D (2017) Smart regulation. In: Drahos P (ed.) *Regulatory Theory: Foundations and Applications*. Acton: ANU Press, 133–148.
- Hastings T (2016) Moral matters: De-romanticising worker agency and charting future directions for labour geography. *Geography Compass* 10(7): 307–318.
- Hastings T (2019) Leveraging Nordic links: South African labour's role in regulating labour standards in wine global production networks. *Journal of Economic Geography* 19(4): 921–942.
- Hastings T and Heyes J (2016) *Comparative Developments in Labour Administration*. Geneva: International Labour Office. Available at: [https://www.ilo.org/wcmsp5/groups/public/—ed\\_dialogue/—ed\\_dialogue\\_msu/documents/publication/wcms\\_506148.pdf](https://www.ilo.org/wcmsp5/groups/public/—ed_dialogue/—ed_dialogue_msu/documents/publication/wcms_506148.pdf) (accessed 25 April 2023).
- Helms G and Cumbers A (2006) Regulating the new urban poor: Local labour market control in an old industrial city. *Space and Polity* 10(1): 67–86.
- Herbert S (1996) *Policing Space: Territoriality and the Los Angeles Police Department*. Minneapolis: University of Minnesota Press.

- Herod A (2001) *Labor Geographies: Workers and the Landscapes of Capitalism*. New York: Guilford Press.
- Herod A, Peck J and Wills J (2003) Geography and industrial relations. In: Ackers P and Wilkinson A (eds) *Understanding Work and Employment: Industrial Relations in Transition*. Oxford: Oxford University Press, 176–192.
- Heyes J and Hastings T (2015) Extending labour inspection to the informal economy: A trainer's handbook. Training toolkit prepared for the International Labour Organisation (ILO). Available at: [www.ilo.org/wcmsp5/groups/public/—ed\\_protect/—protrav/—safework/documents/instructionalmaterial/wcms\\_422044.pdf](http://www.ilo.org/wcmsp5/groups/public/—ed_protect/—protrav/—safework/documents/instructionalmaterial/wcms_422044.pdf).
- ILO (2006) *Strategies and Practice for Labour Inspection (GB.297/ESP/3)*. Geneva: International Labour Office. Available at: [www.ilo.org/public/english/standards/relm/gb/docs/gb297/pdf/esp-3.pdf](http://www.ilo.org/public/english/standards/relm/gb/docs/gb297/pdf/esp-3.pdf) (accessed 25 April 2023).
- International Financial Reporting Standards Foundation (2023) *About Us*. Available at: <https://www.ifrs.org/> (accessed 25 April 2023).
- International Organization for Standardization (2023) *About Us*. Available at: <https://www.iso.org/about-us.html> (accessed 25 April 2023).
- Ioris A (2012) Applying the strategic-relational approach to urban political ecology: The water management problems of the Baixada Fluminense, Rio de Janeiro, Brazil. *Antipode* 44(1): 122–150.
- ITF (2019) *UN Criticises Irish Work Permit Scheme for Foreign Fishers*. ITF press release. Available at: [www.itfseafarers.org/en/news/un-criticises-irish-work-permit-scheme-foreign-fishers](http://www.itfseafarers.org/en/news/un-criticises-irish-work-permit-scheme-foreign-fishers) (accessed 25 April 2023).
- Jessop B (1999) The strategic selectivity of the state: Reflections on a theme of Poulantzas. *Journal of the Hellenic Diaspora* 25(1-2): 41–77.
- Jessop B (2008) *State Power: A Strategic-Relational Approach*. Cambridge: Polity.
- Jonas A (1996) Local labour control regimes: Uneven development and the social regulation of production. *Regional Studies* 30(4): 323–338.
- Jones A and Murphy J (2011) Theorizing practice in economic geography: Foundations, challenges, and possibilities. *Progress in Human Geography* 35(3): 366–392.
- Jones R (2020) The everyday state. In: Moisiso S, Kock N, Jonas A, Lizotte C and Luukkonen J (eds) *Handbook on the Changing Geographies of the State: New Spaces of Geopolitics*. Cheltenham: Edward Elgar, 46–60.
- Jones R, Goodwin M, Jones M, et al. (2004) Devolution, state personnel and the production of new territories of governance in the United Kingdom. *Environment and Planning A: Economy and Space* 36(1): 89–109.
- Kelly P (2002) Spaces of labour control: Comparative perspectives from Southeast Asia. *Transactions of the Institute of British Geographers* 27(4): 395–411.
- Kelly P (2013) Production networks, place and development: Thinking through Global Production Networks in Cavite, Philippines. *Geoforum* 44: 82–92.
- Knutsen H and Hansson E (2010) Theoretical approaches to changing labour regimes in transition economies. In: Bergene A, Endresen S and Knutsen H (eds) *Missing Links in Labour Geography*. Farnham: Ashgate, 155–169.
- Lier D (2007) Places of work, scales of organising: A review of labour geography. *Geography Compass* 1(4): 814–833.
- Lipsky M (1980) *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage Foundation.
- Lonergan G, Lewis H, Tomalin E, et al. (2021) Distinctive or professionalised? Understanding the post-secular in faith-based responses to trafficking, forced labour and slavery in the UK. *Sociology* 55(3): 505–521.
- Luz Vega M (2013) Labour inspection systems: Strengthening enforcement in times of crisis. In: Heyes J and Rychly L (eds) *Labour Administration in Uncertain Times: Policy, Practice and Institutions*. Cheltenham: Edward Elgar, 222–244.
- MacKinnon D (2012) Reinventing the state: Neoliberalism, state transformation, and economic governance. In: Barnes T, Peck J and Sheppard E (eds) *The Wiley-Blackwell Companion to Economic Geography*. Chichester: Wiley, 344–357.

- MacKinnon D and Derickson K (2013) From resilience to resourcefulness: A critique of resilience policy and activism. *Progress in Human Geography* 37(2): 253–270.
- MacKinnon D and Shaw J (2010) New state spaces, agency and scale: Devolution and the regionalisation of transport governance in Scotland. *Antipode* 42(5): 1226–1252.
- Miliband R (1983) State power and class interests. *New Left Review* I/138: 57–68.
- Mitchell D (2011) Labor's geography: Capital, violence, guest workers and the post-World War II landscape. *Antipode* 43(2): 563–595.
- Mitchell K and MacFarlane K (2019) The sanctuary network: Transnational church activism and refugee protection in Europe. In: Mitchell K, Jones R and Fluri J (eds) *Handbook on Critical Geographies of Migration*. Cheltenham: Edward Elgar, 410–424.
- Moisio S, Jonas A, Koch N, et al. (2020) Changing geographies of the state: Themes, challenges and futures. In: Moisio S, Kock N, Jonas A, Lizotte C and Luukkonen J (eds) *Handbook on the Changing Geographies of the State: New Spaces of Geopolitics*. Cheltenham: Edward Elgar, 1–28.
- Murphy C (2017) Tackling vulnerability to labour exploitation through regulation: The case of migrant fishermen in Ireland. *Industrial Law Journal* 46(3): 417–434.
- Murphy C, Doyle D and Thompson S (2021) *Experiences of non-EEA workers in the Irish fishing industry*, Maynooth University. Available at: [www.maynoothuniversity.ie/sites/default/files/assets/document/Experiences%20of%20Non%20EEA%20Workers%20in%20the%20Irish%20Fishing%20Industry.pdf](http://www.maynoothuniversity.ie/sites/default/files/assets/document/Experiences%20of%20Non%20EEA%20Workers%20in%20the%20Irish%20Fishing%20Industry.pdf) (accessed 25 April 2023).
- Mustchin S and Martínez Lucio M (2020) The evolving nature of labour inspection, enforcement of employment rights and the regulatory reach of the state in Britain. *Journal of Industrial Relations* 62(5): 735–757.
- Mustchin S and Martínez Lucio M (2023) The fragmenting occupation of labour inspection and the degradation of regulatory and enforcement work inside the British state. *Economic and Industrial Democracy* 44(2): 526–546.
- O'Donnell R, Adshead M and Thomas D (2011) Ireland: Two trajectories of institutionalization. In: Avdagic S, Rhodes M and Visser J (eds) *Social Pacts in Europe*. Oxford: Oxford University Press, 89–117.
- O'Reilly L (2021) Question posed by Deputy Louise O'Reilly to the Tánaiste and Minister for Enterprise, Trade and Employment, Dáil Éireann Debate on the Workplace Relations Commission, Thursday 3 June 2021. Available at: [www.oireachtas.ie/en/debates/question/2021-06-03/1/#pq-answers-1](http://www.oireachtas.ie/en/debates/question/2021-06-03/1/#pq-answers-1) (accessed 25 April 2023).
- Painter J (1991) The geography of trade union responses to local government privatization. *Transactions of the Institute of British Geographers* 16(2): 214–226.
- Painter J (2006) Prosaic geographies of stateness. *Political Geography* 25(7): 752–774.
- Peck J (2013) Making space for labour. In: Featherstone D and Painter J (eds) *Spatial Politics: Essays for Doreen Massey*. London: Wiley-Blackwell, 99–114.
- Peck J (2018) Pluralizing labour geography. In: Clark G, Feldman M, Gertler M and Wójcik D (eds) *The New Oxford Handbook of Economic Geography*. Oxford: Oxford University Press, 465–484.
- Piore M and Schrank A (2008) Toward managed flexibility: The revival of labour inspection in the Latin world. *International Labour Review* 147(1): 1–23.
- Pires R (2008) Promoting sustainable compliance: Styles of labour inspection and compliance outcomes in Brazil. *International Labour Review* 147(2-3): 199–229.
- Poulantzas N (1975 [1968]) *Political Power and Social Classes*. Atlantic Highlands NJ: Humanities Press.
- Poulantzas N (1976) The capitalist state: A reply to Miliband and Laclau. *New Left Review* I/ 95: 63–83.
- Poulantzas N (1980 [1978]) *State, Power, Socialism*. London: Verso.
- Pun N and Smith C (2007) Putting transnational labour process in its place: The dormitory labour regime in post-socialist China. *Work, Employment and Society* 21(1): 27–45.
- Rainnie A, McGrath-Champ S and Herod A (2010) Making space for geography in labour process theory. In: Thompson P and Smith C (eds) *Working Life: Renewing Labour Process Analysis*. London: Palgrave MacMillan, 297–315.
- Schrank A and Piori M (2007) *Norms, Regulations and Labour Standards in Central America*. Series Estudios y Perspectivas #77. Mexico City: United Nations.
- Smith M (2019) State indulges non-compliant employers. *Village: Ireland's Political and Cultural Magazine*. 27 April. Available at: <https://villagemagazine.ie/state-indulges-non-compliant-employer> (accessed 25 April 2023).

- Strangways-Booth A (2019) *Safe Car Wash App Reveals Hundreds of Potential Slavery Cases*. *BBC News* 7 April. Available at: [www.bbc.com/news/uk-england-47829016](http://www.bbc.com/news/uk-england-47829016) (accessed 25 April 2023).
- Strauss K (2017) Sorting victims from workers: Forced labour, trafficking, and the process of jurisdiction. *Progress in Human Geography* 41(2): 140–158.
- Strauss K (2020) Labour geography II: Being, knowledge and agency. *Progress in Human Geography* 44(1): 150–159.
- Sweezy P (1942) *The Theory of Capitalist Development: Principles of Marxian Political Economy*. New York: Monthly Review Press.
- Teague P (2009) Reforming the Anglo-Saxon model of labour inspection: The case of the Republic of Ireland. *European Journal of Industrial Relations* 15(2): 207–225.
- The Guardian* (2015) Revealed: trafficked migrant workers abused in Irish fishing industry. 2 November. Available at: [www.theguardian.com/global-development/2015/nov/02/revealed-trafficked-migrant-workers-abused-in-irish-fishing-industry](http://www.theguardian.com/global-development/2015/nov/02/revealed-trafficked-migrant-workers-abused-in-irish-fishing-industry) (accessed 25 April 2023).
- The Guardian* (2021) Unsafe conditions and low pay for migrants on Irish fishing boats exposed. 20 October. Available at: <https://www.theguardian.com/global-development/2021/oct/20/plight-of-migrant-workers-on-irish-fishing-boats-exposed> (accessed 25 April 2023).
- Trade Unions Congress (2021) *TUC Action Plan to Reform Labour Market Enforcement*. London: TUC.
- University of Nottingham (2019) *Safe Car Wash App Report*. Nottingham: University of Nottingham Rights Lab. Available at: [www.antislaverycommissioner.co.uk/media/1278/safe-car-wash-app-report.pdf](http://www.antislaverycommissioner.co.uk/media/1278/safe-car-wash-app-report.pdf) (accessed 25 April 2023).
- Vogel S (1996) *Freer Markets, More Rules: Regulatory Reform in Advanced Industrial Countries*. Ithaca: Cornell University Press.
- Von Richthofen W (2002) *Labour Inspection: A Guide to the Profession*. Geneva: International Labour Office.
- Williams C (2014) *Policy Approaches Towards Undeclared Work: A Conceptual Framework*. GREY Working Paper No. 4. Sheffield University Management School, University of Sheffield. Available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2450112](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2450112) (accessed 25 April 2023).
- Wills J, Datta K, Evans Y, et al. (2009) Religion at work: The role of faith-based organizations in the London living wage campaign. *Cambridge Journal of Regions, Economy and Society* 2(3): 443–461.
- WRC (2020) *Workplace Relations Commission 2020 Annual Report*. Dublin: WRC.