FAYETTEVILLE, Ark. – While the economy has left many workers uncertain about their futures, that is only one of many challenges faced by the employees of bodysoppers. These highly skilled foreign workers must also contend with cultural differences, isolation and mistreatment. University of Arkansas researchers Vikas Anand and Anne O’Leary-Kelly are studying these contingent workers and their role in the changing economy.

“There are more than 500,000 H1-B contingent workers in the United States at this time and more than half are employed in the software industry,” explained Anand, assistant professor of management. “They enter the United States on an H1-B visa, which is for workers with special skills and training in occupations where there is a shortage of qualified domestic labor.”

Anand and O’Leary-Kelly, professor of management in Sam M. Walton College of Business, conducted their study along with Blake Ashforth of Arizona State University. Their preliminary findings were presented in a symposium chaired by Ashforth at the 2002 Annual Meeting of the Academy of Management in Denver.

Obtaining an H1-B visa requires sponsorship by an employer. However, many established U.S. employers are reluctant to sponsor immigrants for H1-B status because the visas require assurances of employment; H1-B visas are valid for 3 years, but most software development, in particular, is done on a short-term project basis with a much shorter duration.

Bodysoppers have stepped in to fill this gap in needs between qualified workers and employers. The ultimate middlemen, bodysoppers contract with client companies to provide a
certain number of qualified workers. They recruit workers from countries such as India, Canada, China and Thailand, providing the U.S. Immigration and Naturalization Service (INS) with the employer guarantees necessary for their H1-B visas. The workers are then sent to fulfill the short-term contract. When that project is completed, the bodyshopper will send them to another location to work on another contract.

“We wanted to see what happens to these workers in this environment. They are adapting to a new and foreign culture while working under unique conditions,” said O’Leary-Kelly. “In addition to moving to a different part of the country every few months, these workers face isolation in the workplace and, sometimes, unrealistic expectations from clients.”

As one worker describes it, “I didn’t ever think, like, (Company Y) employees are my colleagues, because, initially – probably up to two months – I didn’t even know who is my manager…I didn’t really have any interaction with my actual team . . . There is one person who comes often. He gives me work and I’ll just finish it off. And whenever he comes back, then only I can give my completed work back. Otherwise, I didn’t even know where he sits.”

Anand notes that employers do not account for cultural differences and may expect the workers to have business knowledge beyond their programming skills. “While these workers have an expertise in programming, they may not have a business background or experience in that particular industry. But often they are expected to be able to come in and know everything about the business and be productive from the first day.”

Another H1-B worker describes it: “The day you went in, they’ll come up with a problem and say ‘solve this.’ You don’t even know what the data structures are. You don’t even know what the naming conventions are, you don’t even know about the business. I was not having a clue what this business is all about, what these items are. I mean, there were no retail stores in India. And there was no information technology in India for retail stores. So it was really tough.”

The researchers conducted more than 50 interviews with contingent workers employed through bodyshoppers. Although they are usually well-educated and highly skilled, many employees of bodyshoppers were reluctant to talk about their employment and working conditions.

However, the researchers found that economic changes are having a significant impact on these workers. While the INS requires wage parity for H1-B workers, it doesn’t monitor bodyshoppers to ensure the workers are being fairly paid.
In addition, workers in the bodyshopper system must contend with “bench time,” when they are between assignments. Although bodyshoppers agree to maintain the workers on continuous employment, if the bodyshopper cannot develop new contracts, they may refuse to pay the workers while they are not on contract. Often the workers are forced to return to their native country. This makes some workers reluctant to bring family members to the United States and may increase their feelings of isolation.

“Relationships are very different for these workers than with regular employees,” said Anand. “They move every 5 or 6 months. While some thrive under these conditions, it is very difficult for most.”

“The workers are motivated because they really want a green card,” explained O’Leary-Kelly. “Since that application is usually sponsored by the bodyshopper, there is an indebtedness to the bodyshopper, which results in an imbalance of power.”

This imbalance is increased by another Catch-22 for H1-B workers – time. The H1-B visas are issued for 3 years, with one renewal; an individual may only work 6 years total on an H1-B visa. But it takes 5 years or more to get a green card (permanent resident status). Every time an H1-B worker changes employers, the green card clock restarts, since the employer sponsors the green card application. But the H1-B visa clock keeps running. A worker that changes employers risks having the visa expire before the green card is approved. This ties them to the bodyshopper so that they are usually not able to look for other employment.

“It’s not that all bodyshoppers are bad,” explained Anand. “There are some that try to treat workers fairly, but the system has an inherent imbalance of power.”

Despite the cultural and workplace challenges, these contingent workers have a high degree of flexibility and a strong ability to adapt, according to the researchers. They have a strong focus on their work and on learning and identify more strongly with the profession and the client than with the bodyshopper, according to Anand.

“What we have found so far is an amazing strength of spirit among these workers,” said O’Leary-Kelly. “There is a lot of optimism that they will be able to obtain a green card and become a permanent resident, although that process can take more than 5 years.”

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