

# Research Paper

The experience of ethnic minority workers in the hotel and catering industry: Routes to support and advice on workplace problems

Ref: 03/06

2006

Prepared by:

Tessa Wright and Anna Pollert

(Working Lives Research Institute, London Metropolitan University)

Funded by Acas and the European Social Fund

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ISBN 0-9554830-0-X

ISBN 978-0-9554830-0-4



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## **Acknowledgements**

The authors would like to thank the European Social Fund and Acas for providing financial support to the project, and Acas staff also for their guidance during the project, in particular Margaret Fox, Anthony Gould and Gill Dix.

The project benefited greatly from the contributions of the Project Advisory Group, both in suggestions made on methodology, access and content at meetings, and help in accessing research participants. Many individuals and organisations helped us in gaining access to workers to interview, including those in trade unions, employers, community organisations, advice agencies, local government, community interpreters and friends and Working Lives Research Institute colleagues, many of whom also proved to be helpful key informants. We are also very grateful to the fieldworkers who carried out interviews: Jan Alam, Mohammed Iqbal Choudhury, Violetta Parutis, Manuela Cea-Poblete and Wei Zou Bell.

We are also extremely grateful to all the hotel and restaurant workers who agreed to be interviewed for this research, and hope that we represent their experiences and perceptions fairly.

## **Disclaimer**

This report contains the views of the authors and does not represent the views of Acas Council or the ESF. Any errors or inaccuracies are the responsibility of the authors alone.

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## **EXECUTIVE SUMMARY**

This report describes the findings of a qualitative research project, *The Experience of Ethnic Minority and Migrant Workers in the Hotel and Catering Industry: Routes to Support and Advice on Workplace Problems*, funded by the European Social Fund and Acas and carried out by the Working Lives Research Institute at London Metropolitan University. The research provides evidence of the conditions faced by ethnic minority and migrant workers in the hotel and restaurant sector, an industry already known for its harsh working environment. In-depth interviews with 50 ethnic minority and migrant workers in London, the West Midlands and the South West were carried out between May 2005 and May 2006. In addition, interviews were held with key informants to provide contextual information on features and trends within the sector. The key findings of the research are summarised here.

### **Working conditions in hotels and restaurants**

- Cash-in-hand, undeclared or under-declared, and illegal working was found among the ethnic minority and migrant restaurant workers interviewed, and affected both employment conditions and rates of pay. This was prevalent in small, ethnic minority-owned restaurants, usually employing members of the same ethnic group.
- The National Minimum Wage (NMW) was the rate commonly paid to basic grade staff, including bar and restaurant staff, hotel porters and housekeeping staff, particularly outside of London. The research also found a high incidence of flat rate payments per shift or per week, regardless of hours worked, below the NMW, often paid cash-in-hand.
- Long hours working was a further feature. Full-time workers did a minimum 40-hour week, with 50 to 60 hours a week being common, particularly in restaurants. Late night working, or until the last customer left, was often expected without extra pay. Some felt that they had no life outside work due to the long hours demanded by the job. In some instances, individuals had several jobs to earn money to support family or send back home.
- There was low awareness of holiday and leave entitlements. Very few workers received more than the statutory entitlement to four weeks' holiday. Some reported getting no paid holidays or receiving less than the legal minimum, and there was generally low awareness of holiday entitlement. In small restaurants there was sometimes an informal policy of two weeks' leave.
- It was common for workers to have received no written statements of particulars or contracts. This was found among both informally and legitimately employed workers, and was a source of anxiety for several.

- There were poor perceptions of job security in the sector. Few workers felt secure in their employment, often feeling they could be sacked on the spot, particularly those working informally. Some longer-term workers in regular employment were aware that increasing use of casual and agency staff meant that their jobs were not secure.
- Training available to migrant workers, particularly in restaurants, was minimal, usually only in basic health and safety, hygiene or fire procedures. In some hotels, however, managers had recognised the neglect of training in the past and were offering staff the chance to pursue National Vocational Qualifications.

### **Problems at work**

- There was a high degree of acceptance of the poor working conditions in the sector among interviewees, with issues such as low pay, long hours, unpaid overtime and poor health and safety standards often not perceived as particular “problems” but rather viewed as the nature of work in the sector.
- Where problems were identified these related to: pay; long working hours; workload; getting time off; bullying and verbal abuse, including racial harassment; problems getting on with colleagues; English language skills; and theft of property from work.
- Bullying and verbal abuse was common, particularly in kitchens where chefs were often known as bullies, but this was accepted by some as “just the mentality of the kitchen”. Sometimes the abuse had a racial element, with “bloody foreigner” used as a term of abuse. Racist abuse from restaurant customers was also regularly suffered by some waiters. In one hotel, several staff had experienced bullying from a manager, resulting in time off sick with stress. Staff believed there was an ulterior motive of trying to get rid of long-serving employees and replacing them with cheaper casual staff.
- Opportunities for promotion were felt by several interviewees to be inhibited by discrimination on grounds of race, ethnicity, nationality or age, as well as the limitations imposed by work permit or visa rules. Some long-term workers felt they had been overlooked for promotion, with their age then compounding the problem as employers looked for younger staff to promote and develop. Where employees saw that they had opportunities to progress, this was due to the support of a manager.
- Opportunities were further limited by employer presumptions about the suitability of staff for “front-of-house” jobs, such as reception or waiter positions, based on ethnicity, gender and age. Some employers expressed preferences for white staff, or a “balance” of white and non-white front-of-house staff, on the grounds that it was what their customers wanted. The research found that such racial stereotyping was expressed openly in this sector in a way that may not be acceptable in other sectors.

- In the main, interviewees did not raise health and safety concerns when discussing problems at work, reflecting an acceptance of the hazards of this type of work. However many issues did arise during the course of interviews, which included: burns and working in hot kitchens; working in a confined space; back and shoulder pains; and tiredness from long working hours and heavy workload. Often, responsibility for health and safety, such as avoiding burns, was seen as primarily belonging to the employee and not the employer.
- Most workers believed that little could be done to tackle the problems that they were having at work, or felt that the only solution was to leave the job. A handful of workers had taken action to resolve their problems at work, either by raising concerns with their manager, or seeking outside support or advice.

### **Support, advice and awareness of rights**

- Workers felt poorly informed about employment rights in the UK, and had little idea of where to get information if they needed it. Many also were unsure about aspects of their own particular terms and conditions of employment, which was related to a lack of written information. As might be expected, those who had been in the UK for a longer time, and the small number who were members of a trade union, felt better informed about their rights at work.
- Trade unions had been a valuable source of support for a small number of interviewees, but for most workers, unions simply did not feature in their experience of work. But despite the difficulties of organising in the sector, including high staff turnover, no culture of trade unionism and employers that are hostile to trade unions, union membership was growing in one London hotel and catering branch. This was the result of recruitment campaigns that included information in several languages.
- Some interviewees either had, or would, seek support from community organisations about problems at work. However, there was a variation in the level of community support available in the three regions, with London and the West Midlands having established organisations representing a variety of ethnic groups, but such structures were much less well developed in the South West. Seeking support and advice through community organisations can also be a double-edged sword for those who work for employers within the same ethnic community, with some fearing that if they sought advice, word would get around and they would have problems getting work in future.
- Of the small number of workers who had sought support for problems at work, Citizen's Advice, Acas and a specific project for service workers (no longer in existence) had been used. While a small number were aware of Citizen's Advice, a couple thought that the service excluded them because of its name, which implied to them that it was for British citizens only.

## Conclusions and recommendations

- While many of the working conditions and problems highlighted in this report are common to workers in the sector, the research found several features that serve to differentiate the experience of ethnic minority and migrant workers: immigration status; working in the informal sector; discrimination in the labour market and employment; and low expectations which increase tolerance of poor working conditions.
- For ethnic minority and migrant workers the difficulties in raising and resolving problems relate both to their own individual vulnerability and characteristics of work in the sector. Recent migrant workers may have limited English language skills and little or no knowledge of UK employment rights and support structures, factors that compound the difficulties of addressing problems in the sector. These include: the perception that there is a ready supply of labour to replace workers who complain; a lack of union organisation; a culture of poor personnel practice, such as minimal training and provision of information; and the informal nature of much employment obtained by ethnic minority and migrant workers in the sector. There appeared also to be a lack of monitoring or enforcement of employers' compliance with employment legislation in this sector.
- To understand the different experiences and motivations for ethnic minority and migrant workers working in hotels and restaurants, the research developed a typology of strategies that highlights at one end how some individuals feel they are acting strategically in relation to their work choices, whereas at the other, economic factors and limitations play a greater role in determining their choices. The strategies move from *Career progression* through *Broadening opportunities* and *Stepping stone* to *Pragmatic acceptance* and *No alternative*.
- The research makes a number of recommendations about how the position of this vulnerable group of workers can be improved through better access to employment rights and information, improvements in working conditions and career opportunities, and improved provision of support and advice.

## 1. INTRODUCTION

This project, *The Experience of Ethnic Minority Workers in the Hotel and Catering Industry: Routes to Support and Advice on Workplace Problems*, was funded by the European Social Fund and Acas and carried out by the Working Lives Research Institute, London Metropolitan University between May 2004 and July 2006.

The project used qualitative research methods to explore the experiences and problems at work of ethnic minority and migrant workers in hotels and restaurants, with the aim of both identifying the range of experiences and problems encountered, and gaining a greater understanding of access to and use of support and advice to resolve these problems. The research therefore provides evidence of the conditions faced by ethnic minority and migrant workers, which is an area relatively neglected by research so far. Its objective is to inform policy in order to improve good practice in relation to the employment of ethnic minority and migrant workers, to prevent problems from arising, and to improve the support and advice mechanisms available. The key target groups for these research findings and policy objectives are thus employers, statutory bodies, the voluntary sector, trade unions and community groups.

### 1.1 Background to the project

At the start of the project a working paper (Wright and Pollert, 2005) was prepared to establish the extent of ethnic minority and migrant working in the hotel and restaurant sector, as well as pinpointing the main issues for workers in the sector identified by the existing literature. The working paper is available on the project website<sup>1</sup>. The paper showed that ethnic minority and migrant workers make up a significant part of the hotel and restaurant workforce – almost three-fifths (59%) of workers in the sector in London described themselves as other than White British in the 2001 census (Wright and Pollert, 2005: 27). Outside of London the picture reflects the differences in the concentration of the ethnic minority population across the UK. In the West Midlands, where 84% of the hotel and restaurant workforce were White British in 2001, the largest other groups were White other (2.9%), Bangladeshi (2.3%) and Indian (2.2%). The sector is a particularly important source of employment for some groups, with 52% of male Bangladeshi workers employed in restaurants, compared to only 1% of white males (Holgate, 2004: 21).

In London, migrant workers (those born outside the UK) account for 60% of those employed in the hotel and restaurant sector (GLA, 2005: 68), compared to 31% of all London workers who were born outside the UK.

However there have been important changes in the composition of the hotel and restaurant workforce since the 2001 census, with employers filling vacancies in the sector by employing significant numbers of workers from the East European countries that acceded to the EU in 2004 (known as the A8 countries). The government requires nationals of the A8 countries who wish to work in the UK to register with the Worker Registration Scheme (WRS), and Home Office figures show that of the 375,000 workers registered between May 2004 and March 2006, 22% were working in hospitality and catering (80,570 workers) (Home Office,

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<sup>1</sup> <http://www.workinglives.org/Hotel&Catering.html>

2006a). There has, however, been a decline in the proportion of WRS applicants in Hospitality and Catering from 31% in the second quarter of 2004, to 18% in the first quarter of 2006, with Administration, Business and Management now employing greater numbers. The highest proportion of all applicants under the scheme were Polish (61%), followed by Lithuanian (12%) and Slovak (10%). The figures also show a movement of registered workers to other parts of the UK than London, with the percentage applying to London falling from 25% in the second quarter of 2004, to 11% in the first quarter of 2006 (Home Office, 2006a).

While working conditions in the industry have been well documented as consisting of low pay, low status, exploitation of employees and lack of unionisation (e.g. Gabriel, 1988; Price, 1994; Head and Lucas, 2004; LPC 2005), little has been written in the UK about the actual experiences of ethnic minority and migrant workers, with much of the existing literature focusing on management behaviour and strategy (Wright and Pollert, 2005). Some recent exceptions include a study of low pay in London (Evans et al, 2005), which included the hotel and catering industry. This study of 341 randomly selected low paid workers contained 90% who were migrants. Of their sample of hotel and hospitality workers, the largest group (two-fifths) were non-British whites, mainly from Eastern Europe, followed by Africans (24%). It found the lowest rates of pay to be in the hotel and catering sector, below contract cleaning, home care and the food industry. Other recent research has considered the experience of Central and East European migrants in low paid employment in the UK in the context of the A8 countries joining the EU, and covers hospitality, along with construction, agriculture and au pairs (Anderson et al, 2006).

It is some 15 years since the Commission for Racial Equality (CRE) undertook a formal investigation into recruitment and selection in hotels (CRE, 1991) in response to concern that the sector was failing to consider equal opportunities in employment practices. It found that ethnic minority staff were disproportionately concentrated in unskilled jobs, and found only one ethnic minority manager out of 117 hotels investigated. It made a number of recommendations about how hotels should improve their practices in relation to recruitment, monitoring, positive action and training taking account of equal opportunities issues. However, we have been unable to find evidence of any monitoring or evaluation of whether these recommendations have been heeded or implemented by hotel employers.

While knowledge of employment rights among all workers in the UK is poor, it has been shown that vulnerable groups know even less (Pollert, 2005). A random survey of people's awareness of employment rights in the West Midlands found that women, ethnic minorities, young people and the low paid were least likely to be aware of their rights (WMLPU, 2001).

The research was undertaken in the context of considerable public debate on migration policy, and at a time when the government was intending to phase out low skilled migration schemes, such as the Sectors Based Scheme, which granted work permits to certain numbers of workers in skills shortage sectors such as hospitality, in the light of new labour available from the European Union (Home Office, 2005). At the same time there is increasing concern for "vulnerable" workers, and the government has recently published a policy statement on protecting vulnerable workers, defined as "someone working in an environment where the risk of being denied employment rights is high and who does not have the capacity or means to protect themselves from that abuse" (DTI, 2006: 25).

## **1.2 Research aims**

The research set out to address the following key questions:

1. What are the working conditions of ethnic minority and migrant workers in hotels and restaurants?
2. How are working conditions seen and what are perceived as 'problems', and how does this impact on acceptance of poor working conditions?
3. What type of problems do ethnic minority and migrant workers have working in hotels and restaurants?
4. How do these compare to the problems generally affecting workers in the sector and to what extent are they associated with particular labour-market niches within the sector to which these workers are confined? If this is so, to what extent is the insecurity of migrant status relevant, or is racial discrimination relevant?
5. How much do ethnic minority and migrant workers in this sector know about their rights at work, and to what extent do ethnic minority and migrant workers in this sector attempt to enforce their legal rights at work, or instead try to find ways to achieve a sufficient income and manageable working conditions, even if this means colluding with illegal employment practices?
6. How much do ethnic minority and migrant workers in this sector know about where to get advice and support for problems at work? And who do they turn to for advice and support? To what extent do ethnic minority and migrant workers in this sector use statutory (i.e. Acas, CRE), voluntary (CABx, local advice agencies), trade union, community (groups or informal contacts through ethnic networks) or informal (friends, family) sources of support and advice?
7. What are the experiences of ethnic minority and migrant workers in this sector of using all these sources of support and advice and what barriers do they face in accessing support and advice for workplace problems?

## **1.3 Structure of the report**

The report describes the research methodology and access routes, together with the characteristics of the interviewees in section 2. The working conditions experienced by interviewees are described in section 3, confirming evidence from much of the existing literature on the sector, but also highlighting where the experience of ethnic minority and migrant workers may be particular. Section 4 describes the problems encountered by interviewees in their jobs in hotels and restaurants, but also considers the attitude of these workers to defining "problems" at work, as well as their approaches to resolving problems and barriers to resolution. The information, support and advice available to and used by the ethnic minority and migrant workers interviewed is explored in section 5, together with their awareness of employment rights in the UK.

In section 6 conclusions are drawn about the specific experiences of ethnic minority and migrant workers in the sector, the problems that they face and their need for support and advice, suggesting that changes need to be made to practice within the sector, as well as in improved provision of support to ethnic minority and migrant workers.

## **2. METHODOLOGY**

The project employed qualitative research methods to gather in-depth accounts of the experiences of 50 ethnic minority and migrant workers. Interviews were carried out between May 2005 and May 2006. In addition, interviews and face-to-face and telephone conversations were held with key informants to provide contextual information on features and trends within the sector affecting ethnic minority and migrant workers.

The strengths of using qualitative methods are that they can not only identify tangible issues (the problems themselves, for example), but also more elusive, subjective issues, such as motivation, perceptions of opportunities and of rights, sense of inclusion, integration and fairness – or their opposites – sense of frustration, alienation and barriers to obtaining support and fairness at work.

### **2.1 Regional scope**

The research project was confined to England within the terms of reference set by the European Social Fund. Three English regions were selected in order to provide a comparison of experiences of migrant and ethnic minority workers: London, the West Midlands and the South West. London and the West Midlands have considerably larger non-white and migrant populations than other parts of the country, with significant numbers of Bangladeshis and Pakistanis working in the hotel and restaurant sector in the West Midlands (Wright and Pollert, 2005: 27-28). In contrast, the South West is the English region with the smallest non-white population, but is experiencing a growth in migrant workers. The problems facing ethnic minority and migrant populations here have been less well documented, but where studies have been done, isolation from ethnic minority communities and support structures emerges as an issue (BMG Research, 2003; Gaine and Lamley, 2003; SWTUC, 2004). Tourism also accounts for 10% of total employment in the South West, with the greatest proportion of these (70%) employed in the hospitality sector – accommodation, restaurants, pubs etc. (Tourism Skills Network South West, 2002). In the South West it was decided to focus the research on two towns with a large tourist population and therefore a high demand for a hotel and restaurant workforce: Bournemouth and Plymouth. The Human Resources manager of a Bournemouth hotel group, interviewed for this research, said that only 32% of their workforce was British, indicating a high reliance on foreign-born workers.

### **2.2 Definitions of ethnic minority and migrant workers**

The research includes both “ethnic minority” and “migrant” workers, categories which, in real life, are complex, changing and overlapping. Some ethnic minorities (using the Labour Force Survey definitions) will also be migrants. Migrants (defined here as all those who were born outside the UK, Home Office, 2002) may or may not be defined as ethnic minorities, and may or may not be discriminated against. White Australian or Canadian migrant workers, for example, would not be. But Kosovan people may be regarded as ethnic minorities, and suffer racism and discrimination, and Czech or Polish people may or may not be discriminated against, and while they may not be “visible” in terms of skin colour, in the way black and Asian people are, they are “visible” in terms of language, cultural characteristics, and discrimination. As many “white” Eastern Europeans are now

working in the hotel and restaurant sector, particularly since the EU enlargement in May 2004, it was felt to be important to include their experiences in the study.

### **2.3 Access to research participants**

In order to include the experience of a broad range of interviewees from different ethnic groups and backgrounds, including both recent and more settled ethnic minorities, it was decided to use multiple routes to access interviewees. Therefore a range of bodies were contacted, many with a twofold purpose of: a) providing contextual information about the sector and/or the experiences of particular ethnic groups; and b) helping gain access to research participants. Organisations contacted included trade unions, community and worker organisations, sector bodies, employers and statutory and advice agencies (see Appendix 2).

In the South West, where there are fewer organised community groups than in the two other regions, we spoke to officers at Bournemouth Borough Council, who gave us informal contacts within the main local ethnic minority communities, as well as putting us in contact with several community interpreters who spoke the main languages of the local ethnic minority groups: Portuguese, Korean, Turkish, Bengali and Spanish. These routes proved very useful in helping to access research participants and in providing interpretation for interviews. However, in the end, Turkish and Bangladeshi workers were reluctant to come forward to be interviewed, which the interpreters said was because they were fearful of speaking out about their employers, despite reassurances of confidentiality.

In all three areas we used fieldworkers who were able to use their language skills to carry out interviews in workers' native languages, namely Bengali, Spanish, Polish, Lithuanian and Mandarin. The fieldworkers were also able to provide access to workers who may not have come forward otherwise, being people who were known and trusted among their own ethnic communities, or who were able to provide sufficient reassurance of confidentiality. Training was provided in using the interview guide to all fieldworkers to ensure a common approach was used in interviews and that fieldworkers understood the aims and objectives of the research.

While the approach used provided access to workers in a wide range of establishments, from large hotel groups to small independent restaurants, including several working 'illegally' or 'informally', we acknowledge that using such routes could not access the most hard-to-reach illegal migrant and ethnic minority workers, who may constitute a considerable proportion of workers in the sector. The research may not fully represent the worst conditions found in the 'underbelly' of the sector as suffered by many 'illegal' or 'undocumented' migrants, as portrayed, for example, in Steven Frear's 2002 film about a London hotel, *Dirty Pretty Things*.

It was decided not only to seek out interviewees who perceived themselves as having had a "problem" at work, but a range of people in different jobs in the sector, in order to explore their typical work experiences and their attitudes towards "problems" and conditions in the sector.

## 2.4 Key informants

In addition to the worker interviews, at least 20 key informants (see Appendix 2) provided further context on the hotel and restaurant sector, including regional knowledge. These included employers and employer representative bodies, trade union officials and branch members, community organisations, representatives of sector bodies and statutory and voluntary organisations. In some cases in-depth interviews were carried out, and in others more informal conversations were held either face-to-face or on the telephone.

## 2.5 Worker interviews

A total of 50 in-depth qualitative interviews were carried out in the three regions, with a greater number in London due to the huge range of ethnic minority and migrant workers in the sector in the capital. The breakdown was as follows:

**Table 1: Worker interviews by region**

Region	%	No. of worker interviews
London	46%	23
South West	24%	12
West Midlands	30%	15
<b>Total</b>	<b>100%</b>	<b>50</b>

A semi-structured interview schedule was used during the interviews, which generally lasted between 45 minutes to an hour and a half. Participants were assured of confidentiality, and of the anonymity of both themselves and their employer. They were thanked for their time and participation with a £10 shop voucher.

At the start of the interview, participants were asked to complete a two-page questionnaire giving basic demographic and employment details, data from which is provided in the following section.

### 2.5.1 Ethnicity

Respondents were asked to describe their ethnicity, according to the classification used in the 2001 Census. The results are grouped together in table 2.

**Table 2: Ethnicity of the sample**

Ethnicity	%	No. of interviewees
White	36%	18
Bangladeshi and Pakistani	26%	13
Chinese and Other Asian	20%	10
Black	16%	8
Mixed	2%	1

### 2.5.2 Country of birth

Table 3 shows the range of countries from which interviewees came. It was notable that only one participant was born in the UK, despite attempts to find British-born ethnic minority workers in the sector. Both fieldworkers and interviewees themselves commented that many British-born people do not wish to work in a sector that is known for low pay and long hours, including the children of migrants interviewed, as they seek better alternative employment opportunities (some young British-born workers do work in the sector while they are students, but tend to do so for only a short time).

**Table 3: Country of birth**

Country of birth	%	No. of interviewees
Bangladesh	24%	12
China	10%	5
Colombia	6%	3
France	2%	1
Ghana	4%	2
Holland	2%	1
Indonesia	2%	1
Ivory coast	2%	1
Korea	6%	3
Lithuania	8%	4
Philippines	2%	1
Poland	4%	2
Portugal	4%	2
Slovakia	6%	3
Somalia	6%	3
Spain	2%	1
Sudan	2%	1
Turkey	4%	2
UK	2%	1
Ukraine	2%	1

### 2.5.3 Gender

Women are under-represented in the sample (38% of interviewees) compared to their presence in the sector as a whole, but this reflects the fact that the sample includes a substantial number of Bangladeshi workers, who represent a significant group in the sector in the West Midlands, and most of these workers are male (Wright and Pollert, 2005: 27-28).

### 2.5.4 Age

Only one interviewee was under 21 years old. Almost two-fifths (38%) were aged 21 to 30 years old, and the same proportion were between 31 and 40 years old. Six interviewees (12%) were aged 41 to 50, and five (10%) were between 51 to 60. None of the interviewees were aged over 60.

### 2.5.5 Education

Overall the sample was fairly highly educated, with 36% having a first stage or higher degree. Another 10% had post-secondary non-tertiary level education, and 36% had received education up to secondary level, while 12% had received

primary level education or less. A further 6% had other qualifications or the details of their education were not known.

#### *2.5.6 Employment*

The majority (62%) of the interviewees worked in restaurants, while 30% worked in hotels. The remaining 8% either worked in both hotels and restaurants, as agency workers, or in catering services.

More than half of respondents (54%) said there were 10 or fewer employees where they worked. A further 22% said there were between 11 and 25 people where they worked. Only 6% worked for employers with between 26 to 49 people and 10% said there were 50 or more employees where they worked. However these figures should be treated with caution, and may underestimate the number working for larger employers, as respondents may have interpreted the questions as referring to the workplace or department of the hotel where they worked, rather than the employer as a whole.

Almost half the interviewees (48%) worked as waiters or waitresses, either in hotels or restaurants. Another 20% were chefs or cooks, and a further 4% worked in kitchens as general assistants. 12% said they were supervisors or managers and 4% described themselves as cashiers. Another 10% worked in other jobs in hotels as receptionist, general assistant or porter/bar worker.

The majority of workers were full-time (70%), while 14% said they worked part-time, and 14% were casual workers.

Working hours were long. The largest proportion (40%) worked over 40 hours per week – 10% worked between 41 and 48 hours, while almost a third (30%) said they worked over 48 hours a week. Just over a third (36%) worked between 21 and 40 hours a week. Only 6% did less than 20 hours a week.

The majority (82%) had only one job at the time of the interview, with 18% having two or more jobs. However, some of those currently working in only one job talked of previous times in the sector when they had more than one job.

#### *2.5.7 Union membership*

Only five were members of a trade union (either the GMB or the T&G), or 10% of the interviewees, although this is still a higher proportion than in the sector as a whole, where only 5% of workers are unionised (Wright and Pollert, 2005: 25).

## **2.6 Data analysis**

All worker interviews were tape recorded and transcribed (or detailed notes were made where the quality of the recording did not allow for full transcription) with the participants' consent, and field-notes were made shortly after the interviews. This data was analysed with the help of QSR N6 data analysis software in order to assist a consistent and rigorous approach to the data being analysed. A thematic index was developed to categorise the transcripts according to major themes and transcripts were coded accordingly using the N6 software.

### **3. WORKING CONDITIONS IN HOTELS AND RESTAURANTS**

This section describes the conditions under which the ethnic minority and migrant workers interviewed were working in hotels and restaurants, covering pay, hours, holidays, sick pay, written contracts, job security, training and informal working. Other conditions experienced are described in section 4, in which workers' experience of problems at work is discussed.

#### **3. 1 Pay**

##### *3.1.1 Rates of pay*

The National Minimum Wage (NMW) (since October 2005 it is £5.05 an hour for those aged 22 and over, and £4.25 for those aged 18 to 21, and from October 2004 it was £4.85 and £4.10) was the rate set by many employers in the sector, particularly outside of London. The research included nine workers who were paid exactly the NMW, including one who was paid youth rate as she was aged 21. Nearly all of these worked in the South West, with only two in London, which indicates that whereas hotel chains and agencies in London may be obliged to pay something above the NMW to their basic grade staff, in Bournemouth staff working in hotels in basic grade jobs, such as the bar, restaurant, porters and housekeeping, receive only the minimum wage. A Human Resources manager of a Bournemouth hotel group said that this was their policy to pay the NMW to everyone at the operative level – i.e. “anybody that’s not qualified or skilled with some qualifications” – and it appeared to be common in other hotels in the area.

More than a third of interviewees were paid above the NMW, although in some cases only just above this level. A Birmingham sandwich shop assistant said her wages had risen from the NMW to £5.10 per hour after a few months' service, and, in a fast food chain, a kitchen assistant in London was now getting £5.30 an hour, having started on the NMW, after being with the firm for around a year. The rate for waiters working through agencies in London was said to be £5.50 by a couple of interviewees. However, one said that when he moved from being employed through an agency to working directly for the catering service of a public sector body, his rate increased from £5.50 to £8 an hour. The highest hourly rates for waiters among interviewees were £7 to £8 an hour in some London hotels and catering services.

Some workers received higher rates than the NMW in recognition of their supervisory or management roles. In a unionised London hotel annual salaries for supervisors in restaurants and banqueting were from £13,000 to £16,000 gross. The professional skills of chefs can attract higher pay, and one chef de partie in a good quality London restaurant earned around £19,000 gross, although this is for an average working week of 56 hours (see below).

The Human Resources manager of a Bournemouth group of hotels illustrated that employers will not pay above the NMW if they do not need to, even for skilled staff:

“We’ve got a head chef from Slovakia who was earning £2.50 an hour in Slovakia, we offered to pay him £4.85 [the NMW at the time], he was over the moon. And for us that was incredible because we should be paying, you know, a lot, lot, lot more than that. But it suited him, it suited us and of course again that’s going to keep industry wages low if you’ve got somebody who has been

to college, comes out with their certain qualifications and now says 'I don't get out of bed for less than £10.00 an hour' and yet you've got Mr Slovak who will come and do it for £4.85, where is the industry going, where is the whole of society going in that it will always keep wages low? And therefore the National Minimum Wage is a good idea." (Human Resources Manager, Bournemouth hotel group).

Government research suggests a widespread view among employers across the economy that migrant workers are cheaper because of their low pay reference point: "...comments from employers suggested migrant workers were better thought of because they were more likely to be happy with the minimum wage (as it was higher pay than in their home countries)" (Home Office, 2006b). This indicates that in a sector such as hotels and catering, already known for its low pay, employers' use of migrant workers' lower expectations of pay may depress wages further, which raises concerns about the exploitation of their vulnerability.

### *3.1.2 "Cash-in-hand" and undeclared, illegal working*

Around two-fifths of the interviewees either earned below the NMW, or were paid a flat rate per shift or per week which was the same regardless of actual hours worked, and which made it difficult to tell their actual hourly pay, or were reluctant to say what they were paid. Most of these were also paid cash-in-hand. A typical rate for waiters in Bangladeshi or Indian restaurants in the West Midlands was £200 for a 50 to 60 hour week, normally paid as a flat rate, regardless of the actual hours worked, so many complained that they were paid nothing extra if customers stayed until 12 or 1am (see 3.1.4 below). One waiter with around 15 years' experience received about £70 for 26 to 30 hours a week. He said:

"I do not think that Bangladeshi or Indian restaurant owners have heard of the minimum wages regulations. If they could, these people would like people to work for nothing, just in return for food perhaps." (Male, Bangladeshi, restaurant worker, West Midlands)

He explained that the restaurant owners showed officially that they were paying staff part-time at £30 to £60 per week, while paying £200 for a full-time week of around 70-80 hours.

A Turkish restaurant owner in London admitted that he declared most of his staff as part-time, although they worked full-time hours, but said that staff wanted this, with both parties avoiding their full tax and national insurance liabilities.

A chef in a Chinese restaurant in Plymouth was earning £300 for a 63-hour week in addition to which he received accommodation and meals and felt he did better than in London, where he had been paid £200 for working in a restaurant in Chinatown. Rates for other staff where he now worked were lower, though, with the person doing the washing up and cleaning receiving only £180 to £200 a week.

### *3.1.3 Tips*

Tips have traditionally made up a significant part of wages for waiters and waitresses, making up for low wages and contributing to a worker's sense that they can increase what they earn by working hard or providing good service.

In some cases the tip is an essential part of the wage, which would be below the NMW otherwise. One Lithuanian waitress in a central London restaurant was paid only £20 for a minimum 8-hour shift (officially from 4pm to 12am, but in reality they usually finished at 1am or 2am), so relied on the 12.5% service charge plus tips to make up her pay. The tips provided an incentive to work hard, she said, as “the more people one serves the bigger percentage of service charge one gets”.

A waiter in an Indian restaurant commented, though, that:

“nowadays the majority of people pay by credit or debit card so that they leave us very little 'tips'.” (Male, Bangladeshi, restaurant worker, West Midlands)

Changes to the payment system which meant that tips were paid through the pay packet, and therefore taxable, left one waitress in a London hotel believing that staff had lost out as a result of the change. Despite tips being added to the salary, she said they ended up with the same amount in their pay packet, but without the additional cash tips:

“They add it [tips] to our salary, but before they didn't have that system. So obviously it looks like ... tips are included to our salary, so it should be more now because we have more salary, wages, paid out more than before, but it's all the same. So it means they didn't increase our salary” (Female, Ukrainian, hotel worker, London)

A further problem of being reliant on tips was highlighted by a Colombian restaurant assistant manager in London, who takes home up to £2,000 a month, of which more than half is tips (his basic salary is £900 a month). As a result he feels he cannot afford to take his full 6-week holiday entitlement because he loses such a large proportion of his salary when he is on holiday and is only paid the basic rate.

For some “cash-in-hand” workers, though, when the restaurant is busy and tips are good, staff may be happy with what they can make, which may be above the minimum:

“I get £35 [per shift] plus tips. I mean, tips are really good here. Sometimes when you are busy you get kind of £7 or £8 per hour. So yeah, it's enough.” (Male, Turkish, restaurant worker, London)

In this case though, such rates are clearly dependant on business being good, and also rely on customer generosity. Long hours are also expected, and the flat rate per shift stays the same regardless of hours.

#### *3.1.4 Overtime pay*

For most interviewees overtime was not paid. Extra hours were either paid at the normal rate or, in several cases, were not paid at all, with staff expected to continue working until the last customer left for no extra pay. A Lithuanian worker at a London restaurant told how it was routine that staff stayed until all customers had left, without additional pay:

“Especially when one works till 3-4am when there are parties. There was one party when they asked us to stay longer and promised to give good tips, but when the manager told them that no more alcohol would be served after 3am, they got furious and left. And no tips. And so we had to polish glasses until 5am. Nobody told anything about any additional payment.” (Female, Lithuanian, restaurant worker, London)

Some waiters in Indian and Bangladeshi restaurants also found this was common practice:

"For example if the restaurant closes at 2am and customers arrive at 2am, we are expected to serve them until 3am. We do not get paid for extra hours. Even if five customers arrive after closing time, the manager expects us to serve them and we do not get paid on an hourly basis, they pay us on verbal contract, but they don't keep their promises. If you disagree with them you have to leave." (Male, Pakistani, restaurant worker, West Midlands)

Only a small number of interviewees got paid overtime, including time and a half for a general assistant in a small, independent West Midlands hotel, and in a London hotel with trade union recognition. But in this unionised hotel, a waitress reported that managers did not want to give overtime to full-time staff who were more expensive:

"They usually give it to people from the agency, casual people, because it's less pay or something? I don't know. And that's the thing that is happening with the Bank Holiday... They never put the full-time worker for the Bank Holiday. Because in this case they have to pay to us double and to give to us lieu-day." (Female, Ukrainian, hotel worker, London)

### **3.2 Hours and workload**

#### *3.2.1 Long hours*

Long working hours are typical in hotels and restaurants, and were found to be very common among those interviewed. Hardly any of the full-time workers interviewed did less than a 40-hour week, with 50 to 60 hours a week being common for many, particularly those working in restaurants, who often worked late into the evening. In one prestigious London restaurant, the normal working hours for chefs were 56 hours a week, made up of two double shifts of 16 hours, plus three 8-hour shifts. A female commis chef from Ghana in this restaurant typified the kind of fatalistic acceptance expressed by many about their conditions:

"It's a bit tiring, but you get used to it... It's only when you don't sleep well that you are tired, but it's alright and you don't do double every day, some days you come in the evenings, it's alright". (Female, Ghanaian, restaurant worker, London)

Many restaurant workers did a six-day week, so having only one day off a week. For one Bangladeshi waiter in Bournemouth, the introduction of two days off a week would be one of the improvements to his working conditions he would most like to see.

Split shifts are also common in restaurants and hotels. In one Bournemouth hotel the waiters would work from 8am to 12pm, then come back at 6pm til 11pm. A Korean worker described it as:

"a horrible shift. But people do it because every hotel does. It's not only the one hotel or two, every hotel does that. Because they've got a tight budget." (Male, Korean, hotel worker, South West)

A Colombian assistant restaurant manager usually worked a 60 to 65 hour week, but lived too far from work to travel home between shifts (10.30-3pm, 6pm-11, 12 or 1am) so would normally leave home at 9am and arrive back at 12 or 1am.

However, some more enlightened employers have got rid of split shifts, recognising its unpopularity with staff. A group manager of a Bournemouth hotel cited the fact that all staff now did a straight shift as one improvement that had been introduced to working conditions.

Many told of the effect that such hours had on their health and social and family lives. An owner of a Turkish restaurant in London was working 80 hours a week:

"It affect my family life. My social life. Is not good. But we have to do it. We have to do it, if you want to manage the restaurant." (Male, Turkish, restaurant worker, London)

Several felt that they did not have any life outside work:

"Actually I don't have any life because I work, work and work. It's a pity of course. I don't like this too much... we always work in the evening or we do double shifts, from 10am to 1-2am. I would like it more if I could work in the morning and finish at 4pm, so you have the evening free and you can do something. Otherwise, if one works so many hours a day, one sleeps the next morning, gets up and goes to work again." (Female, Lithuanian, restaurant worker, London)

"We finish working at 11pm. By the time I get back home, it is past midnight and I am still in the working and stressing mode. After having a rest and winding down a bit, the time I usually go to bed is almost 3 in the morning. I feel tired every day. Certainly there is a lack of sleep. When I have a day off, I don't go anywhere; I just stay in bed and sleep." (Male, Chinese, restaurant worker, London)

"My life here is only working and sleeping. I get up and go downstairs to work. After finishing working, I go back upstairs again to sleep. Nowadays, I don't feel as if I have any feelings any more." (Female, Chinese, restaurant worker, South West)

Another waitress in a Chinese restaurant described the physical effect of working from 11am to 11pm each day, but felt she had no choice:

"After working for the whole day, my legs and feet are in terrible pain. However, we have to cope with it. If you can't do it, someone else would soon step in to take your place. The employers don't have any problems in hiring workers here." (Female, Chinese, restaurant worker, London)

### *3.2.2 Unsocial hours*

Late working was a particular concern for some female staff, who were worried about travelling home at night. A hotel waitress, who was expected to stay until her last customer left the restaurant, had a bus journey of an hour and half across London after her shift, and had recently been mugged late at night near her home. Another female fast-food restaurant worker would only work during the day as she feared travelling in London at night.

Many workers were expected to work at evenings and weekends, when hotels and restaurants are busiest, and refusal of time off at weekends, even occasionally, was often a great source of dissatisfaction among staff. This hotel restaurant worker said it was a rule that you could not have Saturday off:

"Normally I couldn't get Saturday. It's not really nice, you know, because everybody have commitments, Saturdays, normal weekend. You want to see friends. Usually the people, the friends, making party or birthday. They are doing Saturday, Sunday. And you so sad, you know, you just have to go to work. Because they say no, no, it's busy, that's all, no question." (Female, Ukrainian, hotel worker, London)

Similarly, even occasional Saturdays were not allowed for this restaurant worker to spend time with his family:

"I only work on Friday night and Saturday night and sometime we need a break, for example, Saturday is a family night. If I want to give some time to my family, I need to give my family some time on Saturday, say once in six month. They will not allow you to take that time off." (Male, Bangladeshi, restaurant worker, West Midlands)

### *3.2.3 Irregular hours*

For some in the industry, the problem is not long hours but rather too few hours, or the irregularity of the work available. One waiter in a Somali restaurant said his working week could vary from 20 to 40 hours, "whatever boss needs", and so he was looking for another job with a more steady income. Another hotel worker who worked between 10 and 15 hours a week felt it was unfair the way the working hours were allocated, with more hours going to students on placements who had greater flexibility over when they could work. Some of those working through agencies also complained about not getting the hours that they needed to support themselves, so often signed up with several agencies to ensure that work was available.

### *3.2.4 More than one job*

Several of the interviewees had, or had in the past, worked in more than one job. This was sometimes a part-time job on top of a full-time one. In one case a full-time hotel receptionist from Slovakia had found a second job as a healthcare assistant, making his total working week 60 hours, when he discovered that the cost of living in Bournemouth was much higher than he expected:

"It's not so good to have just like to work for minimal rates, but you don't pay minimal rates for your rent or for your place, you know." (Male, Slovakian, hotel worker, South West)

Another hotel porter/barman from Slovakia with a 40-hour job had previously had a housekeeping job as well, working from 8am to 11pm, but had felt unable to continue at that pace:

"[I was] able to do it maybe three or four months but after that you die, you know, you can't do it every day, you have to live, you have to see your friends and you have to have free time, spare time. Was too difficult." (Male, Slovakian, hotel worker, South West)

The research found it was common for migrants when they arrive in the UK to work such exceptionally long hours, either to afford accommodation, which as we have seen may be more expensive than anticipated, or perhaps to repay agency fees for finding the work in the UK, or to prepare for bringing family over. This was the case for one worker who came from Portugal, where she had been unable to find work, to the South West of England, but needed to earn enough money to be able to get accommodation and bring her children over to the UK. She found

herself working 70 hours a week in several jobs for about two years, before feeling she had to cut down her hours:

“Because I was, I was lost. After all those years working so hard. I was a bit lost with myself. I didn’t have time for myself.” (Female, Portuguese, hotel and restaurant worker, South West)

A Polish worker with a wife and two young children in Poland had three jobs to help him in “earning for the heating system” for the house he was building at home. He spent:

“36 hours cutting grass, 10-20 hours in the [catering job], and 10 hours of being a doorman. I haven’t even thought about how many hours I do, about 58 hours, not a tragedy. Yesterday, for example, I did a day from 8am to 1am.” (Male, Polish, agency worker, London)

To maximise the chance to save money, he rented a 3-bedroom flat with seven others in London, and was sharing a room:

“The conditions are horrible, it’s crowded. But the good thing is that one comes and someone else leaves so we don’t come home all at the same time, we don’t run into each other.” (Male, Polish, agency worker, London)

### **3.3 Holidays**

Hotel employers tended only to provide the legal minimum of four weeks’ holiday a year. Only a small number of workers employed by hotel chains received more. This included a Filipino restaurant supervisor in a unionised hotel who got service-related holiday, amounting to 27 days after her 25 years in employment.

However, in the restaurant sector, only a handful of interviewees received their four week entitlement, although many workers did not know what their holiday entitlement was, particularly the more recent recruits. A cashier who had been working for a franchised sandwich chain for a year claimed she only got two weeks’ paid holiday a year, indicating either that the company is not providing employees with their legal entitlement, or that employees are ill-informed about their own employment conditions.

This employee of a fast-food chain had tried to ask her employers about her holiday entitlement, but had found it difficult to get any information from them:

“Even if you ask them how many days they don’t know because you know, their finance people is different and it’s a big company. And you can’t know, you can’t have anyone to ask what’s going on, they say I don’t know, they don’t know.” (Female, Sudanese, restaurant worker, London)

Among many restaurant workers, holiday arrangements were rather informal, with some saying they received no holidays, and others getting below the legal minimum. One waitress who had worked in a central London café for several years was pleased that her employers allowed her six weeks’ off to return to Colombia, but said that only three of these were paid. According to a Chinese cook with 10 years’ experience in Chinese restaurants, some paid for holidays while others did not.

“After working four months, you have one week holiday. If you don’t take your holiday and choose to work, they will pay you double. If you choose to take your holiday, some employers give you holiday pay, some don’t. Anyway, it all

depends on what kind of employers you have got. Some employers won't even let their staff take any holidays at all. I worked for eight different Chinese restaurants and over half of them didn't let me take holidays." (Male, Chinese, restaurant worker, South West)

In Indian and Bangladeshi restaurants in the West Midlands an informal policy of two weeks' leave operated in many places, although a couple of full-time workers said they received three weeks' leave. One worker described it like this:

"These owners of Indian Restaurants have formulated a law by themselves, for example, you are entitled to two weeks' paid holiday a year. But until you have worked there for a year, you will not get that entitlement, even if you have worked there for six month. Say you have worked six month and you want a week off, you can take it but don't expect your job back after a week, nor can you expect any holiday pay. It is draconian." (Male, Bangladeshi, restaurant worker, West Midlands)

It can be seen, therefore, that as with other areas of employment rights, many workers in this sector are being denied their legal rights, or simply are unaware of their entitlement. As this cook in a Chinese restaurant puts it:

"When you are new in the UK, you don't know anything about English public holidays. Some workers have been here for more than 10 years and they still don't know anything about public holidays. We don't know the English employment policy regarding overtime and holiday pay." (Male, Chinese, restaurant worker, London)

### **3.4 Sick pay and leave**

The majority of interviewees, when asked about whether they would get paid if they were off sick, did not know. A small number said that they would be paid for one or two days of sickness, but not more, and a few others said they would not be paid for the first few days of sickness, but would be paid after that on production of a certificate from the doctor, indicating some knowledge of the Statutory Sick Pay system. A Bangladeshi waiter in Bournemouth considered his Bangladeshi restaurant employer to be "good" because he had been paid when off sick with flu for four days, but acknowledged that the owner would not pay sick pay for illnesses of more than two weeks.

At a unionised London hotel, permanent staff were entitled to payment for a limited period under the sick pay scheme. However, a waitress there reported that she had been called at home when off sick with a sore throat, and even though she had lost her voice, she felt pressured into coming into work while sick.

Many of the informal workers, though, felt unable to take time off when sick, or if members of their family were ill, for fear of losing their jobs. This waiter in an Indian restaurant said:

"If, for example, you're sick on Friday and Saturday, it doesn't matter because you still have to go to work because it's the busiest day of the week, it doesn't matter what is your problem. One Friday I was sick but I went to work and I told my employer maybe if I don't feel like it tomorrow maybe I won't come. He said if you don't die you have to come to my premises and you have to stay there." (Male, Bangladeshi, restaurant worker, West Midlands)

A Chinese restaurant worker confirmed:

"If you are off sick for a couple of days, that is fine. But if you are off sick for over a week, then the employer will ask you to leave. He will employ someone else to replace you." (Male, Chinese, restaurant worker, South West)

### **3.5 Written information and contracts**

#### *3.5.1 Lack of written information*

It is clear from comments already made that employees were often unaware of their terms and conditions, and many had not been provided with any written information to clarify these.

In this case, a Lithuanian waitress said that taxes were paid by the employer, but she did not receive payslips:

"At the end of tax year I will get P45 and everything will be there: how much I was paid and how much taxes I paid. But they don't give any payslips every week or every month. I understand that the manager is too lazy to deal with all those papers so gives this form to everyone at the end of the tax year. And everything will be written there... But this is the way it has always been and this is how they do. It is interesting. I would like to know how much taxes I pay and so on." (Female, Lithuanian, restaurant worker, London)

#### *3.5.2 Written particulars of contracts*

Not surprisingly, none of those working informally in the restaurant sector had written contracts, and this was a source of anxiety for some, and a confirmation of their insecure employment situation. One waiter said:

"I would like to see a proper contract, because at this moment... there is no contract between me and employer. If he wants to kick me out tomorrow he can, I can't tell anyone, if I go to someone... go to Citizen's Advice Bureau, go there and complain about my employer and if they contact my employer the employer will say this person does not work in my place. So there is nothing between me and my employer, so it's gotta be changed." (Male, Bangladeshi, restaurant worker, West Midlands)

But it is also common for legitimately employed workers in the hotel and restaurant sector not to receive the written particulars or a written statement of a contract of employment, or for it to take some time to be provided, and well over the two months after the beginning of employment required by the Employment Rights Act 1996. One worker in a sandwich shop in Birmingham received a contract only after a year of working there. Some workers were under the impression that they could not receive a contract until they had been with the employer for three months, although in the case of a kitchen assistant in a fast food chain, she did not receive it then either, despite being told she would.

Clearly the lack of a written contract or statement of their terms and conditions, for many of those interviewed, underlined their lack of awareness of both their particular terms and conditions of employment and their rights under UK employment law more widely. Several interviewees said they would like to have a contract of employment, simply to know what they were entitled to. And for workers from countries where such matters are more formalised, this situation can be something of a surprise. As one Slovakian worker put it:

"I will be happy with a contract because I don't like black job or something like that. I know it, I am here legal because I pay tax, I pay National Insurance number, but I like when I have the papers. Back home, you can't work without papers. No papers, no work, even the President, nobody can." (Male, Slovakian, hotel worker, South West)

He had also found many other people with similar concerns:

"I just been on internet and there was a discussion about England... And many, many people ask 'I haven't got a contract, what shall I do? My boss told me you don't need it'. We don't do that or something like that. So it's not only me."

This worker also explained that not having a contract or written statement had presented practical problems when trying to open a bank account as this was one of the pieces of information requested by the bank. Instead he eventually received a confirmation letter from his employer.

### **3.6 Lack of job security**

The hotel and catering sector is not known for high levels of job security, and for many workers this is related to their irregular employment situation. As several interviewees said: "There is no job security in Indian restaurants". Some interviewees told how workers could be sacked on the spot:

"The other week one waiter forgot to put poppadoms onto a customer's table. Of course, these small mistakes happen when you are busy making £10,000 to £15,000 per week for the owner and working long hours without breaks, but he was sacked on the spot, because the customer complained." (Male, Bangladeshi, restaurant worker, West Midlands)

One waiter said he had security only because the owner was a relative:

"It's alright because the employer is my relative, so it's alright for me, but for other people it's... sometimes... if the employer doesn't like you they'll force you to leave." (Male, Bangladeshi, restaurant worker, West Midlands).

A cook in a Chinese restaurant highlighted the power of the chef over who kept their job.

"Working in the kitchen, the chef is the boss. Sometimes, if the chef has got an eye on your job for someone else, such as his friends or relatives, he will make sure that you have such a hard time at work, that you may even be forced to quit. The owner also listens to whatever the chef says, because the whole business basically relies on the chef. If the chef doesn't want you to work in the restaurant, the employer will ask you to leave." (Female, Chinese, restaurant worker, South West)

A waitress in a unionised hotel, whose contractual position was secure as she had a permanent job, acknowledged that things could change:

"I feel secure now but in my experience you never are secure in one job. It could come another manager who doesn't like my face. ...It could happen, it does happen a lot. But for me until today it has not happened." (Female, Portuguese, hotel worker, London)

She worked in a hotel where there had been a dramatic increase in the use of casual staff, with an Indonesian waiter reporting that he was the only permanent member of staff left on his shift in the restaurant. Serious bullying was also

reported by other workers in this restaurant (see 4.2.4), which they believed was part of a management strategy to make long-term permanent staff leave.

The fear of not finding alternative work contributed to some workers' feelings of insecurity, and led them to put up with very harsh working conditions. This Chinese chef was grateful for what he had:

"Just keeping my job is the most realistic thing I should be concerned about. Lots of migrant workers can't get any jobs at all and they have to sell DVDs in the street. I appreciate what I have got now." (Male, Chinese, restaurant worker, London)

### **3.7 Training**

In general, the training provided to interviewees was minimal, often simply an induction in the basics of carrying out the job, or basic health and safety, hygiene or fire procedures.

In some hotel chains, however, more systematic training was provided, covering customer service, food hygiene, health and safety and management. At a Bournemouth hotel group, basic grade staff were offered the chance to pursue a National Vocational Qualification (NVQ) in customer service lasting 18 months. A Slovakian employee had found it useful and had gained his diploma, and it had helped him learn about aspects of the UK legal system. In this hotel group, English language training was also provided to staff, which the Human Resources manager said had increased staff confidence and communication. She had introduced the NVQ and language training following "15 years of neglect" of training by the company. After an initial reluctance from staff who felt they knew the job already, she said that they were "beginning to get the bug". She found that training in the workplace had worked very well.

"The old system of going into college one day a week doesn't work for us at all. So it's been very flexible, it hasn't intruded into home life and it's basically given them a national qualification for being able to do what they say they can do. Which is really the whole NVQ ethos anyway. And it hasn't been such a pain as they thought it would be." (Human Resources Manager, Bournemouth hotel group)

In another hotel in Bournemouth, part of an international group, a Korean restaurant supervisor had received regular training in fire safety, wine, and was attending a year-long management training course once a month that he described as "very tough". According to another Korean in Bournemouth with experience of several hotels, training depended on the grade of hotel, with higher grade hotels providing better induction and training, as well as a more sympathetic attitude to staff mistakes as they were learning the job. In a unionised London hotel, training had also included a course section on sexual harassment.

It was also observed that higher quality restaurants put more time into training. A chef at a recently opened London restaurant had received a week's training in the specific type of food to be served before the restaurant opened.

However, in smaller restaurants training was usually minimal, or in some cases non-existent. Fire training, food hygiene and customer service were the most commonly mentioned areas, although in many cases this only consisted of a short introductory session when they started the job.

This Chinese restaurant cook felt that fear of inspection meant that food hygiene training was taken seriously, but despite this, not all staff received the training:

“When I started working there, I was told where to put raw meat and where to put cooked food. The restaurant is quite strict about hygiene issues. On the other hand, if they are not aware of hygiene matters, the business could be closed down by the inspectors... It was a one-day training in Chinatown. Not everyone has been for this training. Only a few workers like the chef and the second chef were sent to the training.” (Male, Chinese, restaurant worker, London)

One Bangladeshi waiter in a restaurant in the West Midlands had been expected to pay for his own food hygiene course, costing him £60.

But despite the possibility of inspection by the authorities, others had not received even basic fire evacuation advice, as another Bangladeshi waiter in an Indian restaurant explained:

“No training has been given, not even, there is no guidance as to where to evacuate and assemble in case of fire, nothing.” (Male, Bangladeshi, restaurant worker, West Midlands)

It was common for workers to say that they learnt “on-the-job” or with the help of friendly work mates, which clearly depends on the willingness of colleagues to assist. This Polish hotel waitress provides a typical description of how many people learn the job:

“My training was a failure. I can say that I haven't had any training. My first day at work I spent with a person from human resources, but she presented everything very briefly. The second day I started work already. My manager was absent so I started straight away without any training although I expected that I spend some days working with somebody and learning. But nothing like that happened. I learned by doing things. This happens quite often unfortunately. I didn't have a good training unfortunately. I learned by myself by asking questions.” (Female, Polish, hotel worker, London)

The experience of a Lithuanian waitress employed through an agency to work in several hotel restaurants may also be common. She described the employers' attitude to training in this way:

“They tell us how to do things only after we do something wrong, then they explain the thing to us.” (Female, Lithuanian, hotel worker, London)

### **3.8 Informal working**

Illegal and undeclared working, as discussed in 3.1.2, was observed among a number of Bangladeshi workers interviewed in the West Midlands, among Chinese restaurant workers in London and the South West, and in Turkish restaurants in London.

“Collusion” with – or turning a blind eye to – unlawful employer practices was commented on by this Chinese chef, who left matters such as paying tax up to the employer:

“It depends on your boss. Some employers pay tax for us and some don't. It is not my business. I gave him my national insurance number. Whatever our employers do with it, I don't know.” (Male, Chinese, restaurant worker, South West)

Another kitchen assistant in a Chinese restaurant in London was more direct about the situation, saying: “We don't pay tax. We are working illegally.” When asked if the employer had asked for a national insurance number, he said:

“Well, to be honest, people usually just get round that. If you're willing to spend a couple of hundred pounds, you can buy a forged national insurance card.” (Male, Chinese, restaurant worker, London)

The implications for such workers was exposure to working hazards without insurance, inability to report breaches of employment law because of illegal employment status and poor employment records, no pension rights and lack of access to statutory sick pay.

## 4. PROBLEMS AT WORK

The previous section has described the often harsh and difficult working conditions experienced by ethnic minority and migrant workers in the hotel and restaurant sector. However, many of these conditions are accepted by interviewees as the nature of work in the sector, and may not be perceived as particular “problems”. This section explores respondents’ attitudes to problems at work; matters that they have considered to be problems; and whether and how they have attempted to address these.

### 4.1 Attitudes to problems at work

The research did not set out to interview only workers who perceived themselves as having had a problem at work, but rather to explore ethnic minority and migrant workers’ experience of working in the sector, and their attitudes to, as well as experience of, dealing with problems and seeking support and advice.

As well as being asked questions about their working conditions and their experience in the sector, interviewees were asked whether they had had any problems at work, and, if necessary, were prompted with a number of possible areas where they might have had difficulties, such as pay, hours, health and safety etc. It was notable that a high proportion (around two-fifths) said that they had not had problems in their current job, or working in the sector. Yet of these, many also talked of aspects of working in the sector that they were unhappy with.

A Korean supervisor in a Bournemouth hotel typified an accepting awareness of the poor conditions in the sector. He felt that he couldn’t complain about his particular job, but recognised that overall the hotel industry was hard work and poorly paid:

“No, no problem at all. But compared to other industries low income is the main problem. But it’s not the organisation. It’s general, hospitality industry in UK, so I can’t complain about that... generally speaking, hotel industry is very hard. So I can’t complain about that one. Do you know what I mean? That’s why maybe not many English people want to work in the hotel industry.”  
(Male, Korean, hotel worker, South West)

A Chinese kitchen assistant, who claimed not to have any problems in the Chinese restaurant where he worked, felt that he had to avoid problems, as there were no solutions. He said:

“I think if you are willing to work hard, you won’t have too many problems at work.” (Male, Chinese, restaurant worker, London)

Yet when asked if he was ever treated unfairly, he responded:

“It happens very often. You have to keep yourself away from problems. You can’t do anything about it.”

For some workers, comparing their experiences in the UK with work in their home country, or the hardships of migration, makes them more accepting of the conditions endured in their current job. A Chinese cook, who had been in the UK for four years, describes her view of problems at work:

“When I was on the way to the UK, it was the most difficult and hardest time I have ever had in my life. Since arriving in the UK, I have felt very much numb. I don’t know how to express what I’m feeling. Getting from China to

the UK took me nine months. After that experience, nothing seems like a problem anymore. As for working in the UK, if you don't like the place, you can leave. It is not a big deal for me." (Female, Chinese, restaurant worker, South West).

Workers who said they had not had any problems were divided into those who felt they could approach their manager if any problems did arise, and those who saw no point in raising issues with the boss, as it would not change anything. Only one, an Indonesian waiter in a unionised hotel, mentioned that he had been given information about the employer's complaints procedure.

Among those who felt they could approach their boss was a Bangladeshi restaurant manager and waiter.

"In the restaurant we have not faced such problem, but if there is small disagreement or misunderstanding, all of us sit with our boss and talk it over and finish it there." (Male, Bangladeshi, restaurant worker, West Midlands)

Clearly this informal way of resolving issues depends on having a good working relationship with the manager or owner, which may be the situation for some in small family-run restaurants. A Turkish restaurant owner described his relationship with staff as one of "friendship".

"I am friend with my staff. Sometimes I work harder than them. And they know I work harder than them. I am not like boss. I am like friend. Friendship. We have good communications with each other. And now they are well paid and the boss is their friend, why they want to go somewhere else." (Male, Turkish, restaurant worker, London)

But the other side of this informality can be a lack of adherence to employment regulations, which may make it difficult for workers to raise problems. A Bangladeshi waiter, who felt he did not have any problems with colleagues, was typical of those who saw no way of trying to raise concerns and improve working conditions. He said:

"I did not have any problem with anybody in this job or before because I try to be friendly with everyone." (Male, Bangladeshi, restaurant worker, West Midlands)

However, he was paid below the National Minimum Wage, and said that there was no point in raising the matter with the employer, as he would tell him to find another job. Similarly, several other workers felt that if they had any problems at work, they would just leave and find another job. Another Bangladeshi waiter recalled that he had worked for "about 10 restaurants and takeaways" in the last five to six years.

The notion of resolving problems at work simply by leaving the job and finding another similar job in the sector was not confined to those working informally or in restaurants within the same ethnic community, although it was a commonly used strategy among these workers. A Korean who had worked in several hotels in Bournemouth as a waitress had left previous jobs because of poor working relationships with colleagues and a bullying chef. She felt that employers had little incentive to listen to the complaints of waitresses and resolve problems, as they could just replace staff who left with others:

"They don't listen to us. If I stop they can find other one quite easily. So they think there are plenty of staff, there are plenty of people who want to work in restaurant, so I think that's kind of problem for me, I think, yeah. But for them it's a kind of ... power." (Female, Korean, hotel worker, South West)

## 4.2 Problems experienced

The main problems identified by those who said that they had experienced problems, either in their current job or in other jobs in the sector, related to: pay; long working hours; workload; getting time off; bullying and verbal abuse, including racial harassment; problems getting on with colleagues; English language skills; and theft of property from work.

### 4.2.1 Problems with pay

Interviewees had experienced problems getting paid the correct amount, not receiving their fair share of tips, and, in the worst cases, not getting paid at all.

A Sudanese woman working as a kitchen assistant in a fast food chain told how she had been underpaid for several months, as she had not been told she was entitled to an increase from the NMW starting pay after four and eight months under the performance system, and only discovered this when she moved to a new branch.

"They have procedure when you start work on the minimum wage, £4.85 it was. And it should be like after four months they see that my performance, if it's good, if it is excellent or whatever, I should have pay rise and they didn't do that for me. And I should have another one after eight months and even they saw my performance it became better so that I should have pay rise twice, they didn't do it for me. And when I came to this restaurant they say to me 'Why they pay you the minimum, when you worked there for this long time. You should have pay rise'. And they saw my performance and they say 'You are excellent, but why didn't they improve your income, it should be more than that'. And they asked me to fill forms and ... they give me pay rise and it became £5.10 and in August last year it became £5.30." (Female, Sudanese, restaurant worker, London)

A Slovakian man working as a receptionist in a Bournemouth hotel was getting only the NMW, despite the Human Resources manager of the same hotel, in an interview for this project, claiming that reception staff were paid more than the NMW which was paid to waiters, porters and housekeeping staff. He was very unhappy about it:

"I was paid more than the other staff, the other staff was minimum rate, I was paid more, but now after the law has changed and the new minimum rate has become, all of us have got the same rate. And I am not happy with that. So I don't know what I will do about it. Because I don't think it's the right thing that the person can actually speak with the people, have got some kind of responsibility here, and with the money as well, should be paid the same money as is paid a chambermaid or a kitchen porter. Some of them they don't speak English at all." (Male, Slovakian, hotel worker, South West)

A Lithuanian waiter had had problems with an agency that didn't pay him because they said the employer didn't pay them – he described it as "the cheapest agency". He never received the money owing to him, but had taken no action as he said the agency had been good to him, giving him the chance to gain

experience when other agencies would only take on experienced workers. Like other workers dissatisfied with their employers, he simply moved to a different agency.

Several of the interviewees working informally had problems getting paid the amount agreed or being paid on time. A cook in a Chinese restaurant in London said:

"He didn't pay me the wage we had agreed. The wage we agreed was £270 per week, but he only paid me £240. You couldn't do anything about it. In the end, I just left that place." (Male, Chinese, restaurant worker, London)

Another cook in a Chinese restaurant in the South West had problems getting paid regularly:

"Sometimes when the business isn't good, the employer might delay paying you until they have got money to pay out again. But they will pay you the full amount in the end." (Female, Chinese, restaurant worker, South West)

However, not all workers do receive their pay owed in the end, as another cook in a Chinese restaurant recounted:

"When I came to the UK, I worked for a restaurant and the owner was from Malaysia. Because the business wasn't very good, she kept delaying our wages. After weeks of not being paid, my friend and I decided not to work there any more. We asked her to pay our wages, which she had delayed to pay. For me, that was over five hundred pounds and for my friend, it was over a thousand pounds. She said that she didn't have any money to pay us. One night we went to see her to ask about the money again. Her husband, who was English, was shouting at us. My friend had a very big argument with him. In the end, he kicked us out of the restaurant. It was a very wet night. My friend and I packed our stuff and left the place without any money. We took the train to London and stayed with our friends for that night. The next day, we had to look for another place to live. We tried to call that Malaysian owner about the wages that she hadn't paid us, but they kept avoiding picking up the phone. After three weeks, I found another job in Chinatown. My work there was being busy and besides I can't speak English so I can't sue them. In the end, I just let it go." (Male, Chinese, restaurant worker, South West)

Tips were an issue for a Korean working as a waitress in a Bournemouth hotel, where she did not get any tips for three months. Although she put the tips that she received in the "basket" to be shared out, the supervisor never gave them to her, with one of her colleagues telling her that the supervisor saw the tips as "his extra money".

A Lithuanian woman cashier in a franchised sandwich chain had been made to repay money when there was a shortfall in the till, which she was sure was not her error but a manager pocketing the money herself. During a week when the particular manager was on leave, there were no shortages in the till, but these happened again when the manager returned. She said:

"I'm telling you, they really steal money there and everybody says that the staff steals. But the managers steal more." (Female, Lithuanian, restaurant worker, London)

In this case, she felt unable to complain about the loss of money, as:

"You can't prove anything, no cameras, nothing, you can't prove."

#### *4.2.2 Working hours and workload*

Long working hours have been shown to be very common in the sector (see section 3.2.1.) and several mentioned the physical effect of such hours on them, as expressed here by a Chinese waitress in a restaurant in London's Chinatown:

"Another thing is the physical strain – I feel tired all the time. I think because of the long hour shifts.... We don't have a decent life here. We just live for work." (Female, Chinese, restaurant worker, London)

Many workers also felt the strain of employers who needed them to be available to work at short notice, and found this difficult to resist in the face of demanding employers and limited job security. A Polish waitress, who previously worked as a casual waitress, described the pressure in this way:

"The boss does demand a lot and he thinks that you can work for him whenever he needs you, and if you want a day off they make a problem. I mean it is a problem for them... but they put you under stress. They think that you are there for them 24/7. I think many people experienced this. They call you and think that you are flexible so you can be at work in 3 hours and work for 10 hours." (Female, Polish, hotel worker, London)

Not being paid for working beyond the agreed hours and being expected to stay until the last customer left were also mentioned as problems (see 3.1.4). In the case of one Pakistani waiter in an Indian/Bangladeshi restaurant, this had led to an argument with the manager, who was not prepared to do anything to change the situation, and he and some other workers were intending to leave the restaurant. He said that the owner, who was a close relative of the manager, did not care:

"The owner always knows what's going on around the place but they don't bother... workers come and go. People working in Indian Bangladeshi or Indian restaurant do not work for a very long time. Instead they keep changing from place to place because there is no job security, no pension or any holiday facilities. It's all messy really." (Male, Pakistani, restaurant worker, West Midlands)

#### *4.2.3 Relationships with colleagues*

In common with all working environments, problems getting on with colleagues was mentioned as a problem by some workers, although in this sector there may be additional tensions when people are working in high pressure, customer-oriented jobs, often compounded by the heat of the kitchen and working in a small space. In some cases this was experienced as bullying (see below, 4.2.4).

Other difficulties mentioned included working with people of many different nationalities, where communication could be a problem, or where a worker felt in a minority where other colleagues shared a common nationality or language.

On the other hand, several mentioned that they enjoyed the experience of working with a range of nationalities, expressed here by a Turkish worker talking about his previous job in a London hotel.

"I mean, South America, I don't know, Colombian, Cuban, Spanish, Italian. It was really nice. I mean, I don't have time and money to go there but at least I know what kind of people live there." (Male, Turkish, restaurant worker, London)

#### 4.2.4 Bullying and verbal abuse

Another hazard of the sector was bullying and verbal abuse, found to be commonly experienced, with kitchens being particularly unpleasant environments, and chefs often known as bullies. A Ghanaian restaurant chef described how she had seen many female staff members crying in the kitchens, and many people leave because of the abuse. However, she tries not to take it personally and believes "it's just the mentality of the kitchen".

A Korean waitress had left a previous job in a hotel because of problems with colleagues and the chef:

"The chef is English and then he always shout at us waitresses and then he seems to, don't know if is because we can't speak English very well like him."  
(Female, Korean, hotel worker, South West)

His powerful position meant that staff felt it was impossible to challenge his behaviour:

"I ask one staff [member] one day why you didn't do anything about that, and she said just let him do it because we can't do anything, there is nothing we can do with him, because his position is much higher than us, we are just the staff, the kind of waitress and he's kind of the first... she said that without him, without chef, the restaurant can't go. So we can't do anything."

In some cases the abuse directed at interviewees had a racial element, with "bloody foreigner" used as a term of abuse to some. A Portuguese waitress felt this was a common experience:

"The only thing I always noticed since I arrive in England was the racism against other people, foreign people. And I was a victim of that." (Female, Portuguese, hotel and restaurant worker, South West)

Two female employees at a unionised hotel had suffered serious bullying from one particular manager, who shouted, abused and picked on them for the smallest thing, regularly taking them to see staff in Human Resources to list their faults. A Filipino restaurant supervisor with 25 years experience in the job said:

"He treat us like a dog, he treat us like nothing... He is really a very bad person." (Female, Filipino, hotel worker, London)

A Ukrainian waitress, with seven years in the job, also described him as a "really nasty man", and recalled how he had called her into work on her day off to see Human Resources:

"That was my day holiday and they call me here and for three hours they bully me. And three hours before my Christmas holiday – the things make me cry, make me upset. It's not me, you know. I got a lot of positive things from the guests." (Female, Ukrainian, hotel worker, London)

Despite telling Human Resources about the bullying, she received no support:

"I suppose I am expecting some help from them. But they didn't. So you don't have support from them because Human Resources at the end of the day looks like they support manager."

The incidence of Human Resource managers at senior levels in an organisation failing to stop bullying, including racial abuse, reported by ethnic minority workers in the hospitality sector was also noted in the research project on unorganised workers' problems at work (Pollert, 2006).

The Filipino employee above took time off sick with stress as a result of the bullying, the first time she had been off sick in 25 years in the job. She reported that many people had left the restaurant since the manager had started, and believed that the bullying had an ulterior motive of getting rid of long-serving employees and replacing them with cheaper casual staff.

"They will give you stress until you go away... probably we have long service, which they don't like. So they prepared to have casual staff, young ones, they don't like the hotel maybe like us. Which is where we are better than them. Because they want always casual staff... so that they can save money, money, money." (Female, Filipino, hotel worker, London)

The Ukrainian worker confirmed the increasing casualisation of the workforce, saying that she was only one of two permanent employees left in the restaurant out of a staff of 15 who would all formerly have been permanently employed.

A Chinese cook in a London restaurant also believed that a bullying chef and the owner had economic incentives for forcing staff out.

"He [the owner] didn't care. The chef is the most important person for his business. As long as his chef is not leaving, his business will go on. Another reason why the chef was nasty to us was if anyone left, he could introduce someone else to have their job. He would get about £200 for introducing the job to that new person. On the other hand, if you are a new worker, you have to go through a trial period of a couple of weeks. You are paid less than the others during that trial period. That means the employer benefits from hiring cheap new workers as well." (Male, Chinese, restaurant worker, London)

Racial abuse from customers was encountered by some Bangladeshi and Somali waiters in small restaurants. This was described by a head waiter in a Bangladeshi restaurant in Daventry:

"It's mainly the customers who have some kind of weird notion that we are all inferior species. Mostly they will start by calling you 'Blackie' or 'Black Bastard'. Sometimes staff will retaliate and then all hell breaks loose. Strange thing the Police seem to side with the racists... it used to be a regular thing on a Saturday night, but nowadays it has reduced – say once a month." (Male, Bangladeshi, restaurant worker, West Midlands)

This example makes it clear that staff see little point in reporting such incidents to the police, as they do not expect to get support. A Somali man working as a cashier in a Somali restaurant in the West Midlands had suffered physical and verbal racist abuse from the indigenous white community whilst working in the restaurant, but was reluctant to expand on the details during the tape-recorded interview, fearing the consequences; on tape referring simply to "trouble from the customers".

#### *4.2.5 Barriers to promotion*

Interviewees identified a number of difficulties that inhibited, or they believed would inhibit, their chances of job progression in the sector. Discrimination on grounds of race, ethnicity, nationality and age were seen as factors, as well as limitations imposed by work permit or visa rules. Where employees saw that they had opportunities to progress, this was due to the support of a manager.

This Chinese cook was not able to get opportunities to progress from her employer, so had to rely on a friend to gain experience and improve her employment prospects:

"My boss didn't offer me any training. I learnt how to do more advanced work from one of my friends. When I was working as a cleaner in a Chinese restaurant in London, I wasn't allowed to learn how to make fries and cook. I had to go to another restaurant in the early morning to learn how to cook from my friend, secretly... You have to have a good relationship with the chef. Otherwise he won't teach you. Besides, everyone is playing a different role. Even if you know how to do some advanced work, it may well be that someone else has that position already. The employer doesn't really need you to know that, so that they don't give you any training. As a worker, you need to look after yourself and learn how to do more advanced work. That way, you can go to other restaurants to find a better job and get paid more." (Female, Chinese, restaurant worker, South West)

A Korean supervisor in a hotel restaurant in Bournemouth said that opportunities were limited for people such as himself, who were on student visas, as they could only work 20 hours a week:

"Because part-timer hasn't got enough opportunity to be promoted basically. If you're working full-time there is more chance to be promoted and more chance to get the work and to pick up the whole information." (Male, Korean, hotel worker, South West)

Added to this, the majority of students will only stay for a year or two, giving another reason why employers are reluctant to promote them. And a Polish agency waiter pointed out that agency workers do not get promotion opportunities either, saying:

"Only when working directly for the company one has a chance to get promoted, not when working for an agency." (Male, Polish, agency worker, London)

A hotel porter of French-Algerian origin, working in the same Bournemouth hotel for 16 years, had worked in Algeria and France in accountancy, but had failed to get this type of work in the UK. He put this down to the fact that he had worked for the American Embassy in Algeria, where he learned a different system to that commonly used elsewhere. But despite his wide experience, he had been rejected by the American Embassy in London four times, which he believed to be on account of the fact that they prefer the local people, known as foreign nationals. However, he refused to name this as race discrimination, saying: "It's not racism or anything like that, that's how it works". He described further disappointment in attempts to move into accounting work in his current hotel, when his informal approach about a possible vacancy was ignored, and the job given to a young woman whom he believed had no experience in accountancy.

Other long-term workers also felt that they had been unfairly treated in relation to opportunities for promotion, with discrimination playing a large part in this. A Spanish waiter who had worked in various London restaurants and cafés for 10 years felt very strongly that prejudice stopped him getting promotion at a coffee shop chain where he worked for three years. He believes that foreigners face discrimination, although he qualifies this:

"It depends on what kind of foreigner you are – American, Canadian, Australian people get promoted – and maybe Spaniards, they don't like us." (Male, Spanish, hotel and restaurant worker, London).

He suggests that national stereotypes are prevalent, with the Spanish seen as good waiters, whereas it is "cool" to be French or Italian working in a coffee shop. He challenged the company over his failure to get promotion, but they said he was not mature enough (although he was nearly 40) and claimed he had communication problems, blaming his English (which was very fluent in the interview). In contrast, he said it was normal for British 22-23 year-olds to move up after a short period in the job.

A Filipino woman working in a hotel for 25 years, who had reached supervisor grade, also believed that discrimination had played a part in limiting her opportunities for promotion:

"White skin, they promote, even though they haven't got much education... they are new face, they are young" (Female, Filipino, hotel worker, London).

She too highlighted the preference for younger workers that others have commented on, so it seems that the longer-term workers in the sector then begin to face an additional obstacle to progress, that of age discrimination (see below, 4.2.6).

A Turkish waiter who had previously worked in a London hotel had also not been promoted in more than three years in the job. He was not able to put his finger on the reason, although there was a suspicion of racism:

"My managers, how can I say? They weren't kind of racist, but I always felt there was something and I knew, because I really tried to get one step more, you know, one step up. And I don't know, always something happened... and I was the oldest guy in that job, I mean, always something happened and I go no further, I don't know why." (Male, Turkish, restaurant worker, London)

A Sudanese woman in a fast-food restaurant also confirmed the perception that white/British workers are more likely to get promoted, even though they may be inexperienced:

"Other people they treat them better. And even after eight months, one of our colleagues, she is English and she became a manager. And she is doing nothing. Just she is young and white, whatever. And we do the whole work and they say 'You are good, you are good' and you receive nothing." (Female, Sudanese, restaurant worker, London)

A key informant from the GMB trade union, representing workers in hotels and catering in London, also noted that long-term ethnic minority staff may be overlooked in relation to promotion:

"I have come across people, particularly from a West Indian background, who tend to work in this one particular hotel for a long period. And their issues are different to the extent that some of them have been neglected for promotion. They have never been trained before." (GMB hotel and catering sector branch officer, London)

The ESRC 'Unorganised Worker' research project (Pollert, 2006) found that where ethnic minority workers were in 'front-of-house' and higher status jobs in hotels and restaurants, they were penalised for being in ethnically atypical positions

(rather than being invisible in 'back-of house' jobs) and suffered racial abuse from other workers and managers.

The structure of the family-owned businesses in which many ethnic minorities or migrants find work can also limit promotion opportunities. A head waiter in a Bangladeshi restaurant, who had worked in restaurants for 36 years, and had good working relations with the owner, felt that this would not be enough to get him promotion to restaurant manager. He said:

"Usually owners appoint restaurant manager from within the wider family members. I may become a manager if one of my relatives opens a restaurant." (Male, Bangladeshi, restaurant worker, West Midlands)

Only a handful of interviewees felt positive about their chances of progressing in the sector. One Ghanaian woman working as a chef de parti in an upmarket London restaurant felt she had been lucky in being given opportunities to learn skills and had benefited from the support of her head chef, who invited her to come with him to the current restaurant when it opened some six months earlier. But, despite loving the work, and feeling that she could progress, she still felt that the long hours (she worked 54 hours a week) would force her to leave the sector. She had ambitions to work in childcare, which would be shorter working hours and would allow her more time with her own young children. A chef in the same restaurant, from the Ivory Coast, also felt that he had had opportunities to progress in his job, as he was willing to work hard. However, he too had ambitions to leave the sector and wanted to retrain as an engineer, a job that he was doing before leaving the Ivory Coast.

Insufficient English language skills were felt to be a barrier to promotion for some. A Slovak porter/barman, who in Slovakia had worked as a supervisor in a five-star restaurant, felt that his level of English language skill was deterring him from seeking similar work in the UK. But there was a view that lack of English fluency could be used as an excuse by employers not to promote and was not based on actual proficiency, expressed by a Spanish waiter (whose English was very proficient in the interview for this research).

Language can also be a barrier for some workers to gaining work outside businesses within the same ethnic community, where they will also be limited to certain "back-of-house" jobs, such as working in kitchens. One Chinese worker, for example, who had been in the UK for 10 years but spoke no English, knew that his options were limited to kitchens in Chinese restaurants.

#### *4.2.6 Discrimination in recruitment*

The hotel and restaurant sector often relies on informal recruitment methods, through friends or family connections. Furthermore, the research found a number of presumptions about the suitability of staff for some "front-of-house" jobs, based on ethnicity, gender and age.

We found examples of employers expressing preferences for white staff: an employer organisation representative told how employers welcomed the availability of Eastern European workers, partly on the grounds that "they are good-looking people", which may also be an oblique reference to their "whiteness". And an informant who worked for a catering recruitment agency told how he had been cautioned to "go easy on black recruitment" by one of his

hotel clients, who wished him to provide “a balance” of white and black staff to their hotel. This was on the grounds that it was what their customers wanted.

A Korean waitress in Bournemouth felt that it was difficult for Asian workers to get jobs in the UK because of employer prejudice:

“I reckon, they might think if an Asian worker, some kind of a foreigner, that they might think I don't speak English properly.” (Female, Korean, hotel worker, South West)

Assumptions about the suitability of workers based on gender were also made. A Slovakian male hotel porter felt that it was much harder for him than for a woman to get a job as a waiter, citing the example of his “pretty” girlfriend:

“My girlfriend she used to work with me... and she just said ‘Oh, I don't like this job, I am going to find another one’. She's a girl, she's got plenty of opportunities... she walk in two in the morning, and she said ‘I am looking for a job’ and they said ‘You are on’. I was in the same restaurant, they ask me for passport. I bring the passport, they ask me for a reference, so I brought them reference, after that they said, okay, we will phone you very, very soon. They never phoned. She was a girl, she has never worked as a waitress, no experience, she was not able to take a plate, and she's got a job. Me, always in five star service, I am able to take six plates together, but they haven't because I am a man. And the managers were men. And she was a girl, she's very pretty.” (Male, Slovakian, hotel worker, South West)

An Indonesian male hotel worker confirmed this perception, believing that middle management give jobs to “people who look good”, so, for example, they put good-looking women in the bar, because male customers expect it.

Age discrimination is another issue that workers in the sector may face. Negative attitudes towards older workers in the sector were mentioned by several interviewees. A Chinese worker who had worked as a chef in Chinese restaurants for the past 10 years was finding that employers did not want to employ older workers, as working in kitchens needs physical strength and fitness, and they believe older workers have more chance of getting sick. He said:

“A couple of years ago, I hadn't had any job for several weeks. I asked around some Chinese restaurants and I was told that they didn't really want to employ old age workers... Generally speaking, employers are not interested in workers who are over 40 years old.” (Male, Chinese, restaurant worker, South West)

Some Bangladeshi workers also commented that employers did not want to employ older workers, believing that they are not able to work as hard.

#### *4.2.7 Health and safety*

In the main, interviewees did not raise health and safety concerns when discussing problems at work, perhaps reflecting an acceptance of the hazards of this type of work, as already described. However, many issues did arise during the course of interviews, which included: burns and working in hot kitchens; working in a confined space; back and shoulder pains; tiredness from long working hours and heavy workload; and bullying (see 4.2.4).

Several restaurant workers, mainly chefs and kitchen assistants, mentioned suffering burns during their work, but some “front-of-house” workers also did. A Lithuanian waitress described how she burnt her fingers as they had not told her that the kettles were hot, indicating a lack of training or induction. Another Lithuanian cashier in a sandwich and fast food chain described her manager’s unsympathetic reaction when she burnt herself:

“Once I went to pour soup, it was a cream soup and I burned my hand. I came and put the hand under cold water. And the manager said: ‘So you are going to work like that, like a disabled? Go home.’ I said that I needed money and I had to work. No compassion, nothing, and it was so painful.” (Female, Lithuanian, restaurant worker, London)

A Ghanaian chef described how “a terrible splash” from very hot oil had caused her a serious burn, but there was no gel with which to cool it down, as it had been used up and not replaced. She placed responsibility for this on colleagues, saying “it was our fault” for not notifying anyone when the gel was finished, rather than on the chef or management for failing to check supplies.

A Sudanese worker in a fast food chain said she had bought her own gel to deal with the frequent burns from working in the kitchen, which she described in this way:

“In the kitchen everything is more than 100 degrees. Everything is boiling and if you suddenly pull something and a little bit of oil drop on your wrist it became like that [shows interviewer burns on arms]. And it was worse than that, I went to put something, I bought like a gel to put on it, it became better now, it was darker than this. All over my body.”

Interviewer: “Yeah, they look very painful.”

“Yeah, it is.”

Interviewer: “Do you, if that happens at work, do you report it or write it down anywhere?”

“If it is like big thing, they write it in the accident book. But if it's like this, they say ‘It's your mistake, you have to be careful about yourself’ and stuff like that.” (Female, Sudanese, restaurant worker, London)

Both these cases show that responsibility for avoiding burns was seen as primarily belonging to the employee and not the employer. Furthermore, neither felt that it was practical to wear protective clothing that would prevent burns. The fast food worker acknowledged that the employer had trained them in how to do the job safely, but felt that pressure to work fast made this difficult:

“They said, you have to do this this way. This is the right way to do it. And when it's so busy, sometimes you do other stuff because you want to serve the food fast and they shout at you, you need to serve the food fast, because it's fast food restaurant. And if you just move like that and there is this thing and it's hot, it comes on you straightaway.” (Female, Sudanese, restaurant worker, London)

The Lithuanian cashier in a sandwich and fast food chain said that she had been asked by the employer to sign a form saying that if anything happens to her, they are not responsible, in a clear breach of health and safety legislation.

Back and shoulder pains were the next most commonly mentioned problem for workers, and were a result of long working hours with insufficient rest days for this Chinese cook:

“Everyday, I make stir fried rice for hours. My shoulders have got a terrible pain. I can't ask for any days off for resting my shoulders. If I did, my employer might just fire me. I have to bear the pain everyday.” (Female, Chinese, restaurant worker, South West)

For a Korean hotel waitress, carrying tables had caused her back problems, and she had not found the health and safety training relevant, as it did not provide a practical way of getting the job done quickly as required.

### **4.3 Action taken over problems**

The previous section showed that most workers believed that little could be done to tackle the problems that they were having at work, with many simply accepting their complaints as “the nature of the job”. For others, like this Bangladeshi waiter, there was only one solution:

“If you find it difficult working there, you will have to leave the job. This is the way it is.” (Male, Bangladeshi, restaurant worker, West Midlands)

Several, in the examples given in section 4.2.1, had lost money at work, through being paid incorrectly, or not at all in some cases. The Sudanese fast food restaurant worker whose pay had not been increased when it should have been was deterred from seeking back pay by the process of complaining through the head office, as her managers were not inclined to take up the issue for her.

Only a handful of workers talked about taking action to resolve their problems at work, either by raising concerns with their manager, or seeking outside support or advice. The Slovakian receptionist in Bournemouth was untypical in his willingness to tackle the management about the fact that, following the NMW uprating, his pay was no longer higher than other jobs. However, his determination to raise the issue was bolstered by his willingness to leave if it was not resolved satisfactorily.

“[If] they will not agree, then I will decide to go, because I would be a fool to stay here for the minimum rate and it will be a very difficult time now [in the hotel], because Christmas is coming.” (Male, Slovakian, hotel worker, South West)

A Portuguese former hotel and restaurant waitress told of one occasion, of many, when she was called “a bloody foreigner” by a colleague, in this case the chef, when she had made a minor mistake with an order. She complained to her manager, and as a result the chef was demoted from head chef to chef. In this case, then, the complaint was taken seriously and action taken against the perpetrator of the abuse, although she said there were many other occasions when nothing happened.

For the two women who had suffered bullying by a male manager in a unionised hotel in London (see 4.2.4), though, the ordeal only ended when he left the job. Both had attempted to put their point of view to the Human Resources department, but felt that they always took the manager's side. But despite not feeling supported by management on an individual level, the Filipino worker did report that the employer had introduced training for staff on bullying, which

occurred after these incidents had taken place. Both women, though, had informed the union representative of the situation, received support and discussed action, although it was not clear whether any action had been taken as a result.

Two workers reported that they had used advice and support agencies to seek a remedy for a problem at work, in both cases concerning unfair dismissal, and had had successful outcomes. A Colombian waitress had found the services of the Service Workers' Action and Advice Project (SWAAP) very helpful when she had been sacked in 1993, after seven years in her job, when new owners bought the café in which she was working. SWAAP had been set up to support catering workers, and were distributing leaflets in cafes in the area of central London where she worked. They took up her case with the employer, and succeeded in getting her over £1,000 in compensation for unfair dismissal. In the other case, a Bangladeshi worker was sacked on the spot after an argument with the owner of the restaurant in the south of England. But the owner refused to pay him the current week's wages and 10 days' holiday pay he was owed. A friend then advised him to visit the local Citizens' Advice Bureaux (CAB), where the advisor wrote a letter to the employer, and the following week the worker received his wages, plus the holiday pay and one week's wages in compensation. In both cases the workers believed that they would not have received compensation or money owing without the support of these agencies, and it is very unlikely that either would have had the resources or support to pursue legal remedies.

One Spanish worker, however, was taking legal action to tackle the unfair treatment he believed he had received while working for a coffee shop chain. He had worked for the employer for three years and failed to get promotion, despite seeing many other people, including those he had trained to do the job, move up the ladder. He was taking a claim to an Employment Tribunal on the grounds of racial discrimination, racial abuse, bullying and unfair dismissal, and was confident he had a good case. He had received help initially from the CAB, which he described as "like my second home", but was now using a solicitor to pursue his case. For him, the case was not about money, but about fairness:

"I don't want to settle this case out of court, I want them to admit that I have been discriminated against, to apologise for discriminating against me, and if possible, get my job back and carry on with my training, if only because I worked for them for three years." (Male, Spanish, coffee shop worker, London)

## 5. SUPPORT, ADVICE AND AWARENESS OF RIGHTS

This section discusses workers' awareness of their employment rights, sources of support and information, including trade unions, community organisations and other routes such as the Citizens' Advice, and considers some of the obstacles to accessing such support.

### 5.1 Awareness of rights

As section 3.5 illustrated, a lack of information from employers left many workers feeling unsure about both their particular terms and conditions of employment, and their rights under UK employment law.

The great majority of workers interviewed felt ill-informed about employment rights in the UK, and had little idea of where to get information if they needed it. When asked about their rights, some employees mentioned that they would like to see a contract of employment. Others believed though, that in the absence of a contract (presumed to mean a formal employment relationship), they had no legal rights or protection.

However, one worker, a Colombian waitress in a London café, who had been in the UK for 30 years, expressed ambivalence about knowing about one's rights:

"I don't know, some people want too much rights, some people are ok without. I think some people ask for too much, for everything, for me, I work, they treat you well, they pay you well." (Female, Colombian, restaurant worker, London)

But she did recollect that she had lost out on entitlement to statutory sick pay through not knowing the system, following an operation she had undergone many years ago when she had only been in the UK for two years, after which she could not work for two to three months.

Language can also be a barrier to awareness of rights, and may persist for workers who continue to work for many years in a non-English language environment, such as some of the Chinese cooks already quoted (see 3.3).

Only a handful of interviewees felt informed about employment rights in the UK, including a Portuguese former hotel and restaurant worker who had been in the South West of England for nine years, and now acted as an interpreter and informal advisor for the local Portuguese community. She regularly used the local library to inform herself about aspects of UK legislation. A Colombian worker who had been in the UK for 19 years had taught himself about employment law by reading books, and seeking advice from people he knew. He had also shown his contract to a union contact (although he was not a union member), who believed that it contained breaches of employment law. However, when asked if he had ever discussed these with the employer, he said:

"No, what for? You can't change it, as it's already done [signed]." (Male, Colombian, restaurant worker, London)

An Indonesian waiter with six years in the UK felt he knew his rights, and used an internet site at home to gain information. He was also one of a tiny number of interviewees who said that they had received information on rights from their employer. In common with a Portuguese waitress with 13 years in the UK, who

worked at the same London hotel, he felt confident about asking for information and querying his employment conditions. It is worth noting that they worked for one of only two employers of interviewees that recognised unions, and workers in this hotel had received more information about their terms and conditions than other interviewees. In a hotel in Bournemouth, a Korean worker had been given a booklet containing employment information and been asked to sign that she had read each page. Despite this, she did not seem very well informed about her conditions of employment.

Others felt that their employers deliberately kept them in the dark about their employment rights. A Sudanese worker in a fast-food chain, who had not been able to get information about her holiday entitlement and had not received wage increases when she should have received them, said:

"They never told us about our rights and because they know that if we know our rights, it's going to come [down] on them, so they just want us like we don't know anything... because most of the people are foreigners, they don't know about the law, about stuff like that. And it's their [the employers] advantage so that we don't know and they do what they like. But if we know, we are going tell them this is our right and we want it like that." (Female, Sudanese, restaurant worker, London)

Others felt that employers knew little about employment rights themselves, particularly those in the ethnic minority restaurant sector, as expressed by this Chinese cook:

"To be honest, I don't think my employers know anything about employment rights. Even though they are restaurant owners here, they don't really know very much or fit into this society either." (Male, Chinese, restaurant worker, London)

Similarly, this Bangladeshi waiter said:

"No right is ever discussed in the restaurant. Most of the owners seem to be ignorant in this field." (Male, Bangladeshi, restaurant worker, West Midlands)

Some employers felt that their economic position meant that they could not comply with employment rights:

"When you talk about this the employers get agitated and say 'we cannot because we are a small business'."

## **5.2 Trade unions**

Trade unions were not a common source of advice and information on rights at work for workers in this research, as only five were members of a union. Of these workers, one Spanish waiter had joined the GMB general union in response to the many problems that he had had with different employers in the sector in 10 years working in the UK. He had only joined the union recently, previously believing that unions were "not for foreigners" and were a "kind of a secret organisation, only for white people".

The other trade union members worked in a hotel that recognised the T&G, and were better informed about their contractual rights than most workers, having received written contracts and a staff handbook setting out their terms and conditions.

One Filipino restaurant supervisor at this hotel was very happy with the support received from her union representative when she had problems with bullying and stress at work, and had not felt the need to seek outside advice:

"I said let me just stick with the union. If I get a very big problem I had better stick with them because [union rep] is a really good adviser and that is really good, he can advise you and find out the facts for you... He was very supportive." (Female, Filipino, Hotel Worker, London)

This view was supported by a Lithuanian waitress at the hotel who also found the union representative very helpful and supportive when she had been bullied at work.

Only two other workers had jobs where unions were recognised – in catering at a public body – but neither had yet joined. One, a Polish waitress, was approaching her third month in the job and was considering joining:

"I got confused and I didn't know whether I should join or not... I think it's a good idea to join if one has problems and is stressed. So far I think that only after three months I will be able to join the pension scheme and so on. So since it's the third month now I will soon get information about trade unions too I think. I think I should think about this and maybe even join." (Female, Polish, hotel worker, London)

The other worker, a Lithuanian, was in the process of moving from being an agency worker to becoming directly employed by the organisation where he had been working, and did not see any point in joining the union until he had his contract.

But for most workers interviewed, trade unions simply did not feature in their experience of work – they either knew nothing about what unions did, or had never come across unions or union members in their work in the sector. Some, though, felt that being a union member would jeopardise their jobs. An agency worker who had joined the union nevertheless said that he would never say at work that he was in the union, as:

"They would stop giving you jobs, I know that." (Male, Spanish, hotel and restaurant worker, London)

Another, also an agency worker, from Lithuania, felt that:

"I don't think that this would be a good thing [being a union member] when applying for a job." (Male, Lithuanian, agency worker, London)

Similarly, a Bangladeshi restaurant worker said he would not join a union as "I am worried about losing my job". Other Bangladeshi workers thought that a union would help them, but doubted that owners would permit this:

"Every owner, every 'gaffer', is afraid of trade union. I do not think they will allow people to get help from trade unions." (Male, Bangladeshi, restaurant worker, West Midlands)

Another felt that unions had neglected workers in Bangladeshi restaurants:

"Unfortunately organisations like the trade unions also fail by not looking into the suffering of these workers." (Male, Bangladeshi, restaurant worker, West Midlands)

An officer of the GMB union in London, however, gave an example of how the union had tackled employers who were not paying the minimum wage:

“A couple of Indian restaurants were paying below [the NMW]. And when we tackled them on the issues they were saying to us that they didn’t actually realise what the minimum pay was. [laughs] But they soon realised that. And we make sure they do realise that.” (Branch officer, GMB London Hotel and Catering branch)

Union officers dealing with the hotel and catering sector who were spoken to as part of this research, however, did recognise the many difficulties of organising in this sector, including: high staff turnover; no culture of trade unionism; employers that are hostile to trade unions including some that have frustrated union attempts at recognition; bullying management resulting in workers’ fear of joining unions; and workers who may not speak English.

Despite all these problems, though, an officer of the GMB London Hotel and Catering branch said that membership in the sector was growing, and the branch had between 1,200 and 1,300 members (interviewed in January 2006). He would like it to be growing faster though, acknowledging that low union density meant that they were starting from:

“a very low base and that needs to change if the unions are going to have a real impact in workers contract negotiations.” (Branch officer, GMB London Hotel and Catering branch)

He reiterated some of the concerns of workers interviewed, pointing out that management bullying intimidated them and made some workers afraid to join unions:

“Particularly at the low end of the sector in restaurants and fast food areas. A lot of bullying and intimidation by managers of the staff. And some of that is also in hotels, people are worried. Some are intimidated or discouraged from joining a trade union. Now we are getting people from the Eastern European countries coming in. And they tend to be a little bit wary or afraid of joining a trade union for some of them are on a fixed-term contract for two years or three years. And they know after the fixed-term contract the employer will probably let them go.”

In a sector with such poor conditions of employment, as well as breaches of the law, officers of both the GMB and the T&G said that much of their time was spent on dealing with individual grievances. A T&G officer responsible for the hotel and catering sector in London said that often workers only join the union when they were having problems or being dismissed, so while the union helps to sort out their redundancy or leaving arrangements, the members do not necessarily stay when they move jobs, often moving to a job with no or few other union members. In these circumstances unions struggle to improve conditions collectively.

And even where there is union recognition, shop stewards have to recruit constantly to maintain union numbers. If numbers fall, employers put the union under pressure, and they can lose recognition (in cases won through the Central Arbitration Committee) if numbers fall below the threshold after three years. The GMB failed to win recognition at Sofra restaurants in London, due to insufficient numbers in the end and devious employer tactics, although they did win improvements to pay in that tips and a proportion of the service charge now go to staff, and they now have written contracts.

As part of its recruitment drive in the sector, the GMB has also produced leaflets on rights at work in several languages. A London regional officer said that they had been working on offering English language support through the union, although the branch members had felt that information on rights at work was more useful.

Recruitment activity by the T&G in London in the sector has included regular leaflet drops in central London restaurants and hotels, and active links and support for the Latin American Workers' Association and the Portuguese Workers' Association. The union has long had links with Portuguese migrant workers, who established the union's London International Catering branch in the 1970s.

### **5.3 Community groups**

Some said they either had, or would, seek support from community organisations if they had problems at work, such as the community elders, in the case of a Somali worker, or a Bangladeshi rights advice organisation in the West Midlands. But finding time to visit such sources was a problem for those working very long hours. Similarly, community support provided by churches (such as the Korean church in Bournemouth, and a Lithuanian church in London) was difficult to access for those working at the weekends. One Chinese mandarin speaker was aware of community organisations in London's Chinatown, but said that they only speak Cantonese.

The research also indicates a variation in the level of community support available in the three regions. While London has very well established organisations representing a variety of ethnic groups, and the West Midlands has community organisations for Bangladeshis and Somalis (among others), such structures are much less well developed in the South West. A key informant from Bournemouth Borough Council observed that community representation was often through key individuals who were active in their local communities, rather than through organised groups. This was confirmed by a Bangladeshi worker had moved to Bournemouth from Southampton as he had been offered a better paying job as a chef. But he said that there was only a small Bangladeshi population in Bournemouth, with no community organisations. He had to go to London or Brighton when he wanted to seek advice or talk to people in his native Bengali language.

However, there was evidence that some communities such as the Portuguese may be getting better organised in Bournemouth, and were receiving greater recognition from statutory bodies. A former hotel and restaurant worker from Portugal, who had found little support or information available when she arrived in Bournemouth a few years ago, felt that support and services had developed in the last two years:

"I think things are getting much better than they were before. And there is more information and even before we didn't have any leaflets in Portuguese and now if you want you can ask for them and they appear everywhere, police, social services, housing, Citizens' Advice, so you can ask for that everywhere. And if you don't know Portuguese you can always ask for an interpreter. But before they didn't suggest that." (Female, Portuguese, hotel and restaurant worker, South West)

However, the existence of a community network that can offer support and advice may also prove to be a double-edged sword for those who also work for employers within the same ethnic community, as the fears of this Bangladeshi restaurant worker illustrate:

“If you seek advice from anybody and word gets out, nobody in the future will employ you, the alternative is the dole, so people suffer in silence, for the sake of their family.” (Male, Bangladeshi, restaurant worker, West Midlands)

A Bangladeshi chef working in Bournemouth had sought advice from a Bangladeshi community centre in the south of England when he had been sacked by a previous employer, but the organisation had insufficient expertise to help him, but had advised him to go to a solicitor or the CAB, which he did (see 5.4).

#### **5.4 Other sources of support**

While some of the workers who had been living in the UK for longer were aware of services such as Citizen's Advice, there were some difficulties in using such services. A couple of interviewees thought that the service excluded them, because of its name, which implied to them that it was for British citizens only. One Turkish worker said he did not think he could use it, as “I am not citizen in this country.”

For a Korean worker, using such a service may not fit with cultural norms:

“Traditionally in Korean culture if we did have trouble or problems in the organisation, we try not to take that story to outside body, you see, to discuss it. Because we think it's something probably not ethical, it's not right to go outside the organisation and also probably in some ways it depends on how you are brought up as well. Because we are from the Oriental culture so were brought up not to discuss house affairs to other people.” (Female, Korean, hotel worker, South West)

A Colombian restaurant manager in London said he had never been to places like Acas or the CAB for help as he is not a “trouble person”. His experience of visiting statutory agencies, such as his local council, where one may have to wait three or four hours, had also made him feel as though to get advice and help one has “to go and beg for it”.

In the worst cases, seeking remedies for problems at work can lead to deportation, as this story of a Chinese worker who raised a grievance with the employer illustrates:

“If you are bullied by your employer, you just have to leave. Besides we don't want to create more problems for ourselves. If we did try to argue with the employer, he might report us for working illegally in the UK to the police. We can't really do anything about it. One of my friends has been given less money than they agreed. She tried to get her full wage back, but the employer told her to either take the money or to leave. She took the money in the end. But a few days later, the boss reported her working illegally and she was deported back to China. When we are bullied at work, we won't dare to say anything to anyone or any organisations.” (Male, Chinese, restaurant worker, South West)

Some, though, had used the CAB to get advice, and found them to be very helpful and this had resulted in a successful outcome, such as the Spanish waiter who described the CAB as "like my second home". A Bangladeshi worker who was sacked on the spot after an argument with the owner of the restaurant where he was working went to the CAB, who wrote a letter to the employer, and the following week he received the week's wages and 10 days' holiday pay he was due, plus one week's wages in compensation.

A Colombian waitress had found the services of the Service Workers' Action and Advice Project (SWAAP) very helpful when she had been sacked in 1993, after seven years in her job, when new owners bought the café. SWAAP had been set up to support catering workers, and were distributing leaflets in cafes in the area of central London where she worked. They took up her case with the employer, and succeeded in getting her over £1,000 in compensation for unfair dismissal, which she believes she certainly would not have got without their help. SWAAP no longer exists, but this worker's experience shows that such an organisation – that does not charge for its services or require people to be a member – would still be an extremely valuable service for the many vulnerable workers in the sector.

A Spanish worker who had been dismissed by his employer found Acas to be extremely helpful in providing advice and support when considering taking an Employment Tribunal case, and also in helping him to understand legal concepts such as harassment and unfair dismissal.

## 6. CONCLUSIONS

### 6.1 Ethnic minority and migrant workers' experience of the sector

In considering the working conditions and problems of ethnic minority and migrant workers in hotels and restaurants, this report has highlighted some of the features that are common to most workers in the sector. These include: minimum pay and holiday provision; breaches of law in terms of paying below the National Minimum Wage (NMW) and failing to provide paid holidays; long working hours; poor employment practices in the form of lack of provision of written particulars of contracts; little awareness of contractual and legal rights; and low levels of unionisation.

However, it has also been shown that working in the sector is substantially affected by a number of features that serve to differentiate the experience of ethnic minority and migrant workers. Specifically, these include:

- immigration status;
- working in the informal sector;
- discrimination in the labour market and employment; and
- low expectations which increase tolerance of poor working conditions.

Firstly, immigration status has a significant role in both a worker's opportunities for work, their experience of that working environment, and their ability to resolve any potential grievances. So workers with European Union passports, including the A8 nationals who gained the right to work in the UK in May 2004 as long as they register initially, have significantly greater opportunities for moving between jobs and progression within jobs than those limited by permit or visa requirements that restrict work, such as those on student visas who can only work for 20 hours a week, who find employers are unwilling to promote them. In contrast, workers whose immigration status does not allow them to either reside or work legally in the UK are in a much more vulnerable position in terms of the conditions that they have to endure and their ability to remedy any problems, as shown by the cases of Chinese restaurant workers who did not receive their pay and the worker who was deported after complaining to the employer.

This is not to say that workers with European Union passports do not encounter exploitation within the sector including low pay, very long hours and bullying, but rather that their options for dealing with such situations, or moving out of them, may be less constrained than those who also face visa or work permit restrictions or who may not have a legal right to remain in the UK.

Secondly, whether workers were working legally or informally also had a significant impact on their employment conditions, including rates of pay, and ability to raise any grievances or improve their working conditions. The formal/informal status of their employment was connected to their immigration status for some workers, such as those who did not have a right to work in the UK and found work in the informal sector, for example in restaurants owned by members of the same ethnic group. However, other workers whose immigration status allowed them to remain and work legally in the UK also found work in the informal sector. In this research, this was particularly (but not exclusively) the case among Bangladeshi restaurant workers, many of whom were working "cash-in-hand", or were augmenting their "official" part-time hours with additional paid

hours. This collusion between owner and employee over pay was also found to be common practice in order to disguise non-compliance with the National Minimum Wage in research by Ram, Edwards and Jones (2004) that included restaurants operating in the informal economy. But beyond the collusion between employer and employee, they also suggested that there may be some collusion by the state with the workings of the informal economy, noting the gap between the enactment of the NMW regulations and their enforcement. They argue that:

“Not only can enforcement be difficult, with government agencies constantly struggling to plug loopholes, the actual will to enforce may itself be weak or non-existent. This could be due to passive by-standing, or tacit encouragement (since informal economic activity can be viewed as a means of generating employment and self-employment among otherwise socially excluded sections of the population, often in decaying urban areas).” (Ram, Edwards and Jones, 2004: 9)

But while collusion over the payment of wages may in part explain workers' reasons for remaining in low-paid work with which many were dissatisfied, another possible explanation is the third feature that affects the experience of ethnic minority and migrant workers in this sector: limited labour market opportunities that may be affected by racial discrimination.

It has been seen that some of the Bangladeshi waiters interviewed here had worked in other jobs, and wanted to broaden their career chances, but had experienced problems finding other work. This is consistent with the research among workers in Asian restaurants by Ram et al (2001), which documented the lack of labour market opportunities. They concluded that: “Immigrants and second-generation ethnic minorities often found themselves working in co-ethnic restaurants because of a lack of opportunity rather than a particular desire to work in such places” (Ram et al, 2001: 367). Government statistics show that unemployment rates for Bangladeshi, Pakistani and black Caribbean men remain consistently high, and were 10-15 percentage points above that for white men in 2000 (Cabinet Office, 2003). The reasons for these differences may be rooted both in processes operating in the labour market, such as racial or other discrimination, as well as characteristics of certain groups such as lack of skills or qualifications.

Ram et al (2001) noted that, for second-generation ethnic minorities, lack of labour market opportunities may be a reflection of “the lack of educational credentials”. However this was not the case with our sample, which contained many first-generation Bangladeshi workers who were highly qualified, having obtained degrees in Bangladesh. This clearly indicates that the lack of recognition of both non-UK educational qualifications and professional qualifications and experience inhibits the opportunities of non-UK born workers, a problem noted in other research on migrant workers in the UK (for example: Anderson et al, 2006; Evans et al, 2005; McKay and Winkelmann-Gleed, 2005).

It can be difficult to prove that direct race discrimination is affecting employment and promotion opportunities, yet the preference expressed by some employers for “white” staff described in this report, suggests that there may be additional barriers in this sector where there are assumptions about what are desirable characteristics of “front-of-house” staff, based on both gender and ethnicity, as Adib and Guerrier (2003) note. There is also evidence in our findings that age

intersects with gender and ethnicity in assumptions about which staff are suitable or desirable for certain positions.

Several interviewees, particularly longer-term workers in the sector, felt that they had not had the same opportunities for promotion as British or white staff, expressed simply by this Filipino restaurant supervisor in a hotel: "White skin, they promote, even though they haven't got much education". An informant from the GMB hotel and catering branch also observed that they had come across workers of a West Indian background who had worked in the same hotel for a long period and had been neglected for promotion and had never received training.

Bullying was also found to be rife in the sector, and although some accepted it as "just the mentality of the kitchen", and it could happen to anyone, for others it was related to their ethnicity or nationality, with "bloody foreigner" used as a term of abuse.

Racial abuse from customers was also common for some workers, particularly among Bangladeshi and Somali waiters in the West Midlands. Staff saw little point in reporting such incidents to the police when fights broke out, as they sometimes did when waiters retaliated, as they did not expect to get support.

Finally, migrant and ethnic minority workers' low expectations of pay and conditions, because of poor previous working experiences and a variety of motivations and pressures which led them to work in the sector, produced a cycle of tolerance of poor terms and treatment and reluctance to define these as "problems" (see 6.2, below).

## **6.2 Workplace problems, support and advice**

The research found that around two-fifths of those interviewed did not perceive themselves as having any "problems" at work, despite complaining about working conditions in the sector, such as low wages, long hours and bosses that refuse to listen to grievances. This reflects a certain "acceptance" among many of the nature of work in the sector or their position in it (see 6.3, below).

Among those who complained of particular problems or difficulties, issues included: not being paid, or being paid the incorrect amount; long working hours or difficulty getting time off; workload and pressure; bullying and verbal abuse, including racial harassment; problems getting on with colleagues; and lack of English language skills.

For ethnic minority and migrant workers the difficulties in raising and resolving problems relate both to their own individual vulnerability and characteristics of work in the sector. As individuals, particularly those recently arrived in the UK, migrant workers may have limited English language skills, combined with little or no knowledge of UK employment rights and support structures. While knowledge of employment rights among all workers in the UK is poor, it has been shown that vulnerable groups know even less (Pollert, 2005). A random survey of people's awareness of employment rights in the West Midlands found that women, ethnic minorities, young people and the low paid were least likely to be aware of their rights (WMLPU, 2001).

For workers in areas such as the South West of England with smaller or more recent migrant and ethnic minority communities, there are fewer organisations or members of their ethnic or language communities to provide support or information, and statutory services may be less geared up to providing support to non-English speakers. Some workers may also be “non-compliant” or “semi-compliant” with the law, the latter categorisation developed by Ruhs and Anderson (2006) to indicate a situation where a migrant is legally resident, but working in violation of some or all of the conditions attached to their immigration status. For non-compliant or semi-compliant workers, therefore, complaining about problems at work can lead to deportation, as in the example of a friend of a Chinese restaurant worker interviewed.

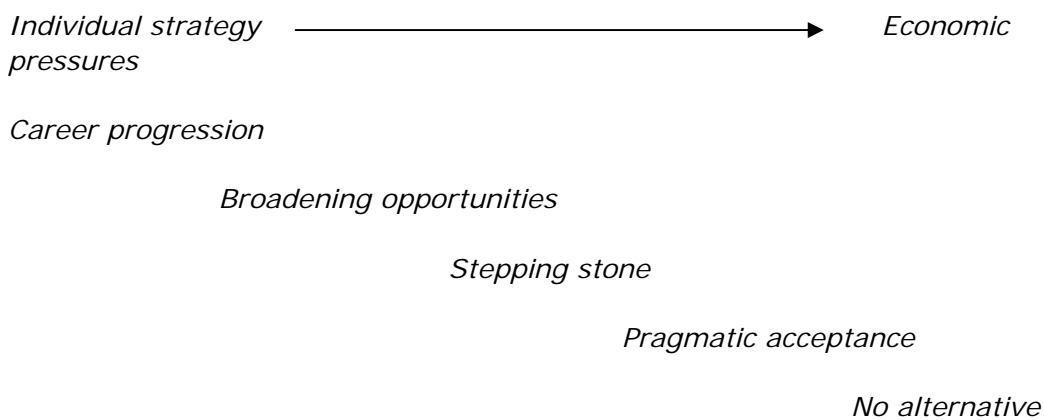
A number of features of work in the sector also make it difficult to raise or resolve problems. While these difficulties can affect the ability of all those working in the sector to address problems at work, the concentration of many ethnic minority and migrant workers at the lowest end of the sector, together with the individual vulnerabilities described above, means that these difficulties are compounded. Firstly, many workers have mentioned that the ready supply of labour to replace them if they leave their jobs means that employers have little interest in, or incentive to, listen to their grievances or attempt to resolve them. Furthermore, some workers suggested that employers were pursuing policies of casualisation of the labour force in order to save money by using agency workers, and were keen to see long-term workers leave. Secondly, a lack of union organisation in the sector was a further deterrent to raising problems, as there were no obvious sources of advice and information, or ways of discussing or raising grievances collectively. Thirdly, a culture of poor personnel practice is common in the sector, as noted by Price (1994), which includes minimal training and little provision of information, including written contracts, with evidence from this research that ignorance may be fostered by employers who provide limited or confusing information to employees seeking clarification of their rights. And fourthly, the informal nature of much employment obtained by ethnic minority and migrant workers in the sector mitigated against the raising of problems, as workers believed that they had few employment rights, or little way of enforcing them. And as shown above, the authorities were not monitoring or enforcing employers’ compliance with employment legislation, leaving them to get away with consistent breaches.

The research found a small number of examples, however, of workers who had tackled problems with the employer, and some had resulted in successful outcomes. Those in a unionised hotel, while getting little support from the Human Resources department over their problem of bullying, had received valuable support and advice from their union representative. Two workers had sought help from advice and support agencies to seek a remedy for a problem at work, in both cases concerning unfair dismissal, and had had successful outcomes. One had used the CAB to get pay and holiday pay owing after being sacked on the spot by a restaurant owner. Another had found the former Service Workers’ Action and Advice Project (SWAAP) very helpful when she had been sacked, gaining over £1,000 in compensation. She felt that this service was a great benefit to unorganised workers, and wished something like it still existed. In both cases the workers believed that they would not have received compensation or money owing without the support of these agencies, and it is very unlikely that either would have had the resources or support to pursue legal remedies.

### 6.3 Workers' motivations and acceptance of poor pay and conditions

A separate paper based on this research (Wright and Pollert, 2006b) developed a typology for ethnic minority and migrant workers' motivations and strategies for working in hotels and restaurants, which seeks to identify the *prime* motivation for each group for currently working in the sector. However, it is not intended to be exclusive, as workers may have moved between different categories during their working lives in the sector, or may belong to more than one. It aims to highlight how, at one end, individuals feel they are acting more strategically in relation to their work choices, whereas at the other, economic factors and limitations play a greater role in determining their choices.

**Figure 1: Typology of workers' motivations for working in hotels and restaurants**



Workers in the *Career progression* category were pursuing a career in the hospitality industry – usually in large hotels or prestigious restaurant kitchens – which they had chosen out of interest or as providing a means to travel abroad. They tended to be either European or Korean, and may be combining work experience with a course in hospitality or tourism. However, the position of some in the research who stay and continue working after their student visa expires shows how easily workers may slip from one of the more “privileged” categories, where a successful career is a possibility, to the category of *No alternative*, where no legal opportunities for work in the UK are available.

Other workers were *Broadening opportunities* for work in general, not just in the hotel and restaurant sector, by coming to the UK intending to learn or improve their English and/or to experience living in another country. Clearly the economic circumstances and opportunities available in the countries they had left, such as high unemployment, had a bearing on their decisions to come, and would impact on whether they stayed or returned. This group predominantly came from the former A8 countries of Eastern Europe and were taking advantage of the opportunities to work provided by EU enlargement. They did not have a particular commitment to the sector, so their work choice was driven by the availability of work and was viewed strategically in terms of opportunities provided. However, in common with others working in the sector while maintaining ambitions to study or work elsewhere, long working hours could inhibit the possibilities for moving on.

For others, working in the sector is a *Stepping stone* to a specific objective, rather than a general widening of opportunities, such as studying for a new career, or retraining in the work for which they qualified in their home country, while supporting themselves by working in hotels or restaurants. However, they occupy a pivotal position, where the balance may tip from a strategic or optimistic approach to a pragmatic acceptance of their position or a sense of lack of alternatives.

Many of the interviewees could be said to have a pragmatic acceptance of their position, based on a broad knowledge of the overall “tough” conditions of the sector. In some cases they expressed themselves as reasonably satisfied with their jobs, either with the rewards or perks available or the job satisfaction gained. However, this satisfaction or acceptance was sometimes based on comparison with worse conditions in their home countries, or other countries in which they had worked, or on the hardships suffered while trying to get to the UK. For some, this apparent acceptance can mask a deep disappointment with the failure to achieve earlier career objectives, and many of the workers in this category had been in the UK and working in the sector for some years. The experiences of longer-term workers is explored in more depth in a separate paper (Wright and Pollert, 2006a).

Other workers felt themselves to be limited to working in the sector by lack of alternative employment options, found little satisfaction in the work, and wished to leave it. While some of those in the *No alternative* category lacked educational qualifications or work experience, many had degree-level qualifications from their home countries, suggesting that other factors may contribute to their limited options, such as discrimination in the wider labour market, as noted above.

But for workers in all categories, including those who felt they had no alternative but to work in the sector, attitudes towards their jobs were influenced by the view that if there were any problems or issues they could not resolve or tolerate, they could always leave and find another job *in the sector*. This ready availability of jobs in the sector is therefore used by both employers and employees, contributing to the cycle of high labour turnover, and frustrating attempts at collective organisation or improving working conditions in the sector. Many employers are reluctant to address employee grievances, or feel no need to improve working conditions on the basis that they can always replace workers, at least at the less skilled end of the sector (the same cannot be said for chefs, who tend to be in greater demand), while employees who are unhappy with their conditions expect that little can be done to change them, and that they will find another, “less bad”, job easily.

#### **6.4 Policy implications and recommendations**

The hotel and catering sector, as noted at the beginning of this Conclusion, is already noted for its poor pay and conditions and there is thus much to do to improve it, in terms of the government’s commitment to “a labour market where adaptability and flexibility to promote employability and competitiveness are combined with a commitment to fairness” (DTI, 2006: 5). Our findings on the experience of migrant and ethnic minority workers suggest that they are particularly vulnerable to exploitation, either because they are prepared to put up with much because their work here is a means to another end, or because conditions are still better than those they have left behind if they are migrants, or

because wider discrimination and/or segregation in the labour market gives them few alternatives to working in this sector. The recent growth in migration from Eastern Europe has added a new source of labour to existing sources of migration, as well as to a pool of ethnic minorities already employed in the industry, and research on their home-country conditions suggests that many are leaving economies where poor labour standards are rife. There is thus an additional danger that already precarious and exploitative conditions could be depressed still further by the use of migrant workers escaping such circumstances, in a "race to the bottom" (Woolfson and Sippola, 2006).

We would thus like this research to provide its users with concrete suggestions to prevent this occurring, and raise standards in terms of long-term development of a trained, skilled and contented workforce. The following provides some suggestions for improving the sector in general, and assisting equal opportunities policies for migrant and ethnic minority workers.

### **Employment rights and information**

- Improved funding for knowledge and information on employment rights and equal opportunities to employers and employees.
- Improved support for small employers (including ethnic minority businesses) in understanding and implementing employment rights.
- More accessible sources of information in different languages, such as leaflets for employers and to hand out to employees at induction (cf. those produced by the TUC).
- More information on accessing the Inland Revenue NMW helpline.

### **Improved working conditions and career opportunities**

- Incentives to small employers to employ workers legally. Incentives to employers to promote equal opportunities policies in terms of recruitment and promotion.
- Encouragement to employers to improve training provision (using existing examples of good practice) and career development opportunities, particularly for longer-term workers who may have been passed over for promotion.
- Free or subsidised language training for workers who require it.
- Statements to employers that government's concerns with improving work-life balance applies to all workers and industries, including hospitality, and that this is in their own interests in improving human resources, a skilled workforce and labour retention.
- Targeted programme or strategy to tackle bullying and harassment in the hotel and catering sector (similar to DTI and Amicus Partnership project).

- Encouragement to employers and unions on the benefits of unionisation and information on statutory rights to trade union recognition.
- Support for Living Wage Campaign.

### **Support and advice**

- Greater support for mainstream advice agencies to promote services to ethnic minority and migrant workers and support for such workers in accessing services, such as language support where needed.
- Support for ethnic minority and migrant community advice and information services to improve their provision of employment information and advice.
- Re-establishment of services such as the Service Workers' Advice and Action Project, with statutory and trade union backing.

### **Migration policy**

- Application of employment rights to all workers and separation of employment law from immigration law.

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## **APPENDIX 2: KEY INFORMANT CONTACTS AND INTERVIEWS**

### *Employer and sector organisations*

- British Hospitality Association
- People 1<sup>st</sup> (Sector Skills Council for hospitality, leisure, travel and tourism)
- Human Resources Manager, US hotel group, London
- Human Resources Manager, local hotel group, Bournemouth
- Group Manager, national hotel group, Bournemouth
- Owner of high quality restaurant, London
- Dorset and New Forest Tourism Partnership
- Former employee of employment agency for hotel and catering sector

### *Trade unions*

- T&G full-time officer and hotel and catering branch, London
- T&G full-time officers, South West region
- GMB full-time officers and London Hotel and Catering Branch

### *Community and worker organisations*

- Latin American Workers Association
- Portuguese Workers Association
- Bangladeshis for Equal Rights, Birmingham
- Halkevi Kurdish and Turkish Community Centre, London

### *Statutory and advice agencies*

- Commission for Racial Equality
- Citizen's Advice, national office and Bournemouth Bureau
- Bournemouth Borough Council
- Dorset Race Equality Council



