

Challenging Sexual Harassment in Low Paid and Precarious Hospitality Work

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Challenging Sexual Harassment in Low Paid and Precarious Hospitality Work

by **Ruth Beresford, Bob Jeffery** / Aug. 21, 2024 in **Shift Patterns (#21)**

Ruth and Bob present their work with the Sheffield Trades Council to explore the prevalence of sexual harassment in the hospitality industry.

Sexual harassment is seemingly endemic in the hospitality industry. Our new report¹ explains why.

Workplace Sexual Harassment in the #MeToo Era

The last few years have seen an increasing stream of headlines identifying a toxic culture of sexual harassment at McDonald's outlets in the UK. This recently culminated in the firm's UK chief executive standing before the Commons' Business and Trade Committee to decry the widespread and 'truly horrific' cases.² While such public displays of handwringing may do little to shift the underlying business culture that is responsible for widespread sexual harassment at the firm, the fact that the global fast-food behemoth must now regularly acknowledge the problem is a testament to union campaigning over the last decade. Both the Service Employees International Union (SEIU)-driven Fight for \$15 in the United States³ and the organising work by the Bakers Food and Allied Workers Union (BFAWU) in the UK⁴ have made the issue central to their campaigning, highlighting one of the key ways in which - alongside low pay and insecure contracts - hospitality workers are far too often treated with contempt.

The #MeToo movement has clearly also been a factor in workers' willingness to stand up against sexual harassment. A viral tweet by actress Alyssa Milano about the crimes of Harvey Weinstein in 2017 gave new life to the hashtag first used by black feminist Tarana Burke in 2006. The movement gave confidence to victim-survivors of sexual harassment and sexual assault to speak out and drove meaningful change, with reports in 2019 that #MeToo had driven CEO firings to a 15-year high in the US,⁵ and a TUC survey in the UK 2020 revealing that 7 in 10 workers believed #MeToo allowed people to be more open about the problem of sexual harassment.⁶

Notwithstanding the real gains of the #MeToo movement, sexual harassment - both in the workplace and wider society - remains endemic. This much was obvious to our research team, who encountered the issue while attempting to map the landscape of low paid and precarious work in Sheffield from 2018 onwards.⁷

The Sheffield Research

The purpose of that research was to look at the distribution of work, terms and conditions, and the prospects for unionising across a range of sectors

in our city (including transport and logistics, call centres, social care, retail and hospitality). The research was explicitly conceived of to support 'Sheffield Needs A Pay Rise' (SNAP), a campaign developed by rank-and-file activists with Sheffield Trades Council (including ourselves) to support unorganised workers.

As part of the first round of research in 2018-19, we interviewed around 30 workers across a wide range of sectors about their experiences in the workplace. We also spoke to around a dozen full-time and lay union officials, to try and get a sense of what the barriers to organising were perceived to be, and what the SNAP campaign could do to help out. The launch of a first report in June 2018 led to Sheffield Trades Council signing a partnership agreement with the Bakers Union where the Trades Council would crowdfund half the costs for a new full-time organiser for the city, employed by the Bakers. That organiser, with the help of a team of volunteers, would focus on hospitality targets for part of the week and undertake general campaigning work and support other unions for the other part of the week.

The campaign had some concrete successes, which we discuss below. It also raised aspirations, with a number of worker activists going on to become active in other workplaces, leading disputes and taking on organising roles with other unions. It did not, however, in many instances lead to sustainable membership gains, which is partially a reflection of the challenges of organising in hospitality and partially a reflection of the limited resources the campaign had to work with.

In any case as a result of this initiative, when we undertook a second round of interviews in 2020-21 (during the pandemic), almost everyone we spoke to worked in hospitality (mainly fast-food and chain bars, some smaller independent restaurants).⁸

The fact that at least 2/3s of all the hospitality workers mentioned sexual harassment is really what led us to put together a report on the issue. It clearly isn't the only harm hospitality workers face. Our wider research shows that wage thefts are endemic, whether through being held back in your own time to clean down at the end of a shift, to being charged for your own uniform, to trial shifts you're never going to be paid for. Similarly, a large proportion of workers we spoke to had no access to holiday and sick pay, faced poor health and safety (including during the pandemic), abuse from customers and often bullying and discrimination from managers.

At the same time, the reports of sexual harassment were some of the most egregious abuses of power we documented, because of the trauma workers' experienced, the systematic failures of management to take the issue seriously, and also because of the gulf in power between perpetrators, who tended to be much older, on secure contracts and wielding organisational power, and victim-survivors who were often much younger, on insecure contracts and in junior roles.

Existing Survey Evidence

We demonstrate that these are general patterns in the first part of the report, where we review the best available survey data on workplace sexual harassment in the UK. While the evidence is fairly limited, there have been a handful of large-scale national surveys that provide important insights.⁹

Those surveys show that sexual harassment is disproportionately experienced by women, especially the more serious forms of harassment. As a result, we echo the Scottish feminist campaign organisation Engender that sexual harassment is often a form of violence against women, which is underpinned by widespread sexism, misogyny, and gendered inequalities.¹⁰ At the same time, research by the Government

Equalities Office suggests that the highest levels of harassment are experienced by people who are transgender. Age is also a predictor of sexual harassment, with the GEO survey showing that workers aged 16-24 were more than four times as likely to report sexual harassment as those aged over 50.

The survey evidence also shows that people of colour are more likely to experience sexual harassment than those who identify as White British, as are those who identify as lesbian, gay or bisexual compared to heterosexual, and those with a highly limiting disability are about twice as likely to report sexual harassment as those without.

While some of these facts received limited media attention when these surveys were first published,¹¹ the link they also demonstrate between insecure or 'precarious' contracts and sexual harassment has received remarkably little comment. Yet the GEO data is very clear that around half of interns/apprentices/trainees experienced sexual harassment in a given 12-month period, compared to 23% of permanent employees. And a BBC survey of over 6,000 adults in 2017 showed that those on zero-hour contracts were about 60% more likely to experience sexual harassment compared to the average worker.

The surveys also suggest that hospitality has the highest levels of sexual harassment of any industry, and one of the widest disparities in sexual harassment between men and women. Indeed, some surveys suggest that over half of all women who work in hospitality will experience sexual harassment.

Four Mechanisms

In the main body of the report, we explain this reality by way of four mechanisms, which work together with societal sexism and misogyny, to facilitate high levels of sexual harassment.

The first mechanism is the sexualisation of service work, which refers to the ways in which predominantly women workers are objectified for the entertainment and pleasure of predominantly male customers. While this is arguably a feature of a wide range of occupations, the issue is particularly acute in hospitality. It starts with recruitment and the allocation of work roles. A number of workers told us how men would be allocated to jobs in the kitchen or cellar, while women would be given roles on the front of house to 'bring in the punters'. Nor was this restricted to pubs and bars, workers also reported the same thing in fast-food outlets.

The process of sexualisation then proceeds through policies around uniforms and presentation, which included quite extreme examples of women workers being expected to wear highly revealing clothes and having to put up with being groped by male customers. *Hannah*¹² told us of her experience working in a theme bar where she and the other female workers were expected to wear revealing outfits:

“ I also didn't like the attention that I was getting because of the outfit that I was wearing. Guys were groping at me and I just didn't like it.

Finally, there is the discourse of customer satisfaction in hospitality where workers are expected to perform friendliness, deference or even subservience towards customers, and which made it difficult for individual workers to challenge customer expectations of sexualised interactions.

The second mechanism is around precarious contracts. Almost all of the workers we spoke to were on zero-hour contracts and were really aware of the vulnerable position this put them in, where a manager or supervisor could cut off their hours and income at a whim. In this way, bosses are able

to exercise what Alex Wood refers to as a ‘flexible discipline’.¹³ This was most obvious in the case of *Olivia*, who worked at a national chain restaurant and both witnessed and experienced sexual harassment from an assistant manager who was twice her age (including wolf-whistling at younger female staff and referring to *Olivia* as his ‘bitch’). When *Olivia* reported the issue to the general manager her hours were cut for three weeks in retaliation. As the organiser from Leeds Get Organised - The sister campaign to Sheffield Needs A Pay Rise, which ran between 2022 and 2023 - told us:

“ [...] men, who want to sexually harass women, young women, it's like their ideal [...] territory, you're in an environment where you've got lots of young women, dependent upon you financially [...], so like the way that these things are set up is like, absolutely facilitates sexual harassment.

Clearly, these are not isolated examples, with zero-hours contracts featuring prominently in the examples of sexual harassment filtering out of McDonald's,¹⁴ but also cropping up in Employment Tribunal cases like *Southern vs Britannia Hotels Ltd* and *Dimond vs MKK Hotels*.

And insecure contracts weren't simply used to retaliate against workers who tried to challenge sexual harassment, but they were also used to facilitate those acts of sexual harassment. Another worker, *Isabella*, explained how an older assistant manager at her fast-food outlet would use his control of the rota to make sure she was always on the same shifts as him, and that their breaks were at the same time.

In addition to the survey evidence that demonstrates the link between insecure contracts and sexual harassment, there is also data from Europe that demonstrates an additional link

between ‘schedule unpredictability’ – defined as experiencing changes to one's working schedule either on the day or one day in advance – and higher rates of ‘unwanted sexual attention’ and sexual harassment.¹⁵ It is therefore worth underscoring the fact that the hospitality industry is the heaviest user of zero-hour contracts in the UK.

The third mechanism is around the systematic reliance of the hospitality industry upon workers who in some sense might be thought of as vulnerable, or what Tony Royle – writing about McDonald's - referred to as employer preferences for ‘recruiting acquiescence’,¹⁶ i.e. those who for a range of reasons are going to be less likely to challenge the boss and more likely to do what they're told.

Recruited acquiescence can be a product of the technical organisation of the workforce, as well as their social characteristics. In terms of the former, differing entitlements serve to segment the workforce, with youth rates of the national minimum wage, for example, ensuring young people are seen as cheap, lower in status and dispensable.

But perhaps the biggest challenges for young workers are simply their inexperience, their lack of knowledge of employment rights, or at least a lack of confidence in asserting those employment rights. One café worker, *Kirstin* (23) said:

“ [I'd] never really considered what rights people who work hourly have, or I think I just assumed that they didn't have many, or any.

Isabella, by contrast emphasised that the difficulty with tackling the denial of basic employment rights was more to do with a lack of confidence:

“ I think it was more the fear that I’m younger than everyone here, I’m not too sure how I’m going to communicate it. It’s the worry of, am I going to get in trouble, if I start asking about it? I don’t think it’s to do with not knowing, because I think everyone knows not having a break on an eight-hour shift is not good.

Another aspect of recruited acquiescence is to do with local labour market conditions. Sheffield has higher levels of unemployment, part-time working and zero hours contracts, and lower levels of job density, rates of pay and household wealth, relative to the rest of the UK.¹⁷ This, coupled with the erosion of welfare benefits and increasing conditionality, clearly influences workers’ bargaining power and their ability to walk away from poor quality jobs.

The final mechanism is around labour market deregulation. There are obviously many ways in which successive governments have sought to undermine conditions for workers. Amongst the most important for hospitality was the abolition of a wages board in 1993, which had previously been one mechanism through which minimum working standards could be imposed across an industry that has historically seen very low levels of unionisation. Also important was the Tory-LibDem coalition increasing the qualifying period for certain employment rights to 2 years in 2012. While sexual harassment cases are not subject to a qualifying period, unfair dismissal is, and in the context of an industry that relies on a rapid turnover of young workers, very few will ever make 2 years with the same employer.

The recent record around enforcement is also pretty dismal. The Equalities and Human Rights Commission has taken some action around sexual harassment, including at McDonald’s], but its budget has been cut to around 1/3 of its original 2007 level. It also lacks teeth, not having the power

to bring prosecutions or issue fines. The Health and Safety Executive meanwhile, which does have such powers, does not consider sexual harassment to fall under its remit.

Employment Tribunals are also a poor mechanism for seeking redress. First, there is the issue of time limits, where workers have to report an issue within 3 months or risk being ‘timed out’. Even more depressingly, the only really systematic investigation of sexual harassment tribunal hearings – now almost 20 years old – found that judges were more likely to find against claimants if they initially exhibited a ‘passive’ response (defined as avoidance, seeking social support and negotiation) to sexual harassment, as compared to the more ‘active’ response of directly confronting harassers.¹⁸ That research also found that workers in - ‘elementary occupations’ – of the kind that predominate in hospitality – were significantly less likely to win their cases.

So where does this leave us? Well, our report does make a large number of recommendations for businesses and for legislative reform, including the need for clear policies around sexual harassment, independent reporting, a zero-tolerance approach and legal protections for workers.

Union Organising

But if workers are waiting on governments and employers to do the right thing, they might be waiting a long time. The government’s *Worker Protection Act 2023* created a legal duty for employers to take ‘reasonable steps’ to prevent sexual harassment, but the initial draft legislation was significantly watered down, including the removal of an obligation to protect workers from third party sexual harassment (from customers or suppliers).

As for employers, the hand wringing by the likes of McDonald’s bosses is entirely at odds with their

reliance on a system of precarious contracts and disenfranchised workers.

Ultimately, we agree with Charlotte Bence - whose work for Unite the Union helped draw attention to the scale of sexual harassment in hospitality back in 2018 – when she took issue with coverage of workplace sexual harassment that portrayed women:

“ [...] as victims instead of survivors. As having no agency of their own, just waiting for a white knight solution to save them [and] about how sad and terrible it all is, but not about what they as women workers can do about it.”¹⁹

In the final part of the report, we therefore focus on the way in which women – through their unions – are taking on the issue. Firstly, we examine the history of unions, noting their often-chequered histories on questions of gender inequality, the continuing under representation of women in senior lay and full-time officer roles, and the horrendous revelations in recent times of sexism, misogyny and sexual harassment at the top of major unions.²⁰

The need for union officials to look like the workers they are trying to support was flagged by a number of those we spoke to, with catering worker *Jennifer* (24) explaining:

“ [...] if it's just all men and if you were coming into the catering [sector] – it's the girls that are in trouble, the sixteen-year-old girls. [...] they [male organisers] are not going to get it. And even if they say they do, they don't. And at sixteen, I wasn't really up for talking to middle aged men, I wasn't comfortable, I really, really wasn't, even if they were friendly [...].

Secondly, we look at what unions are actually doing to take on the challenge around sexual harassment. We note that unions are increasingly trying to support workers in hospitality. These efforts can't come soon enough, given that scarcely more than 3% of workers in the sector are members.²¹ We discuss the organising drives by BFAWU at McDonalds and Wetherspoons, and Unite at TGI Fridays. We look at some of the work Unite Hospitality has done around their Get Me Home Safely campaign, which asks councils to bring in licensing conditions for venues to provide transport for workers whose shifts may end late into the night.

We also look at the work of the Sheffield Needs A Pay Rise campaign, which has clocked up victories over unpaid wages at Papa Johns²² and over pay and scheduling at the Cutlery Works,²³ but also won a bunch of smaller victories, including over sexual harassment. In one example our organiser, Rohan Kon, supported workers in marching on the boss to demand locks on changing room doors (when previously there had been a tendency for older male managers to 'accidentally' walk in on younger female members of staff when they were getting changed).

These examples are important, but Sheffield Needs A Pay Rise is currently going through a hiatus and hospitality continues to be neglected by much of the trade union movement. The fact that as of writing 370 Starbucks stores have unionised in the US shows that although hospitality may be 'difficult-to-organise', it is not impossible to organise.

This matters because of the abuses it leaves workers open to. And because hospitality is the first experience of work for so many young people in this country, the danger is that those abuses become normalised. As former fast-food and bar workers ourselves, we want a future where workers can look forward to something more than hard

work, low pay, precarious contracts and sexual harassment.

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Featured in **Shift Patterns (#21)**

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