What would you see if you really looked?

Hotels and other companies operating in the hospitality sector have a responsibility to safeguard staff and agency workers engaged within their business operations and to treat all workers with dignity and respect.

Effective due diligence

Companies should be aware of laws protecting staff from exploitation and forced labour, and should undertake effective due diligence to ensure that their employment and contracting arrangements meet legal requirements.

Turning a blind eye is not an option

Turning a blind eye to the exploitation of staff and agency workers and the unscrupulous operating practices of some agencies is not an option. The law is quite clear; wilfully disregarding indications that an offence is taking place may leave companies liable for prosecution.

Use the SEE formula overleaf to help protect your business and those who work in it.

Don’t turn a blind eye to exploitation

What would you see if you really looked?

Staff Wanted Initiative is led by the Institute for Human Rights and Business and Anti-Slavery International, to raise awareness within the UK hospitality industry of the steps needed to combat the exploitation of vulnerable workers, trafficking and forced labour.

Our aims are to:

- Help the hospitality industry recognise and understand how exploitation of workers can occur
- Provide a due diligence lens to view the activities of those agencies providing labour and other services to the hospitality industry
- Offer guidance on best practice and business operational procedures which respect the rights and dignity of workers

Use the SEE formula to help protect your business and those who work in it.

www.staff-wanted.org

This project is funded by The Joseph Rowntree Foundation. www.jrf.org.uk

The Institute for Human Rights and Business works to raise corporate standards and strengthen public policy to ensure that the activities of companies do not contribute to human rights abuses, and in fact lead to positive outcomes. www.ihrb.org

Anti-Slavery International, founded in 1839, is committed to eliminating all forms of slavery throughout the world by exposing current cases of slavery, campaigning for its eradication and supporting the initiatives of local organisations. www.antislavery.org
**Scrutinise**

Scrutinise and monitor your relationships with staff and with recruitment agencies. Records, business agreements, contracts and payments can reveal valuable information about possible exploitation. Additional checks can help ensure you are operating as a responsible employer or user of agency staff.

1. Check all staff including agency workers have a written contract.

2. Check all staff including agency workers have not paid any kind of direct or indirect fees to obtain work.

3. Check and record addresses of all staff including agency workers. Investigate where numerous staff list the same address, indicating high shared occupancy.

4. Undertake background checks on any agency used to recruit or supply staff. Are they reputable?

5. Use indicative pricing statistics to assess quotations and fees from agencies offering or charging suspiciously low rates.

**Engage**

Engage with your workforce. Talking formally and informally with your workforce can uncover whether there are any issues around potential exploitation that you should investigate further.

1. Provide training for supervisors and other staff on identifying and remedying risks and vulnerabilities to exploitation.

2. Monitor hours worked and have triggers in place to investigate excessive overtime or availability for work on rest days. Ensure recorded hours match hours actually worked.

3. Monitor allocation of jobs, work, roles or tasks and prevent any form of discrimination.

4. Provide full details to all staff including agency workers of rules surrounding statutory rights, sick pay, holiday pay and any other benefits due.

5. Investigate payments by workers to any agency for food, accommodation, uniforms / overalls, transport, laundry or other services.

**Ensure**

Ensure you provide a fit and proper workplace. Clear operational procedures provide a framework for your own staff and supervisors when dealing with agency workers. They can help ensure that problems either do not occur or can be quickly identified and remedied.

1. Have a clear recruitment policy with procedures and guidelines in place for the hiring of staff or use of recruitment or employment agencies.

2. Supervisors and managers should receive written notification that accepting inducements, or any form of worker maltreatment, coercion or harassment will be regarded as a gross misconduct offence.

3. Calculate and then operate to realistic expectations of work to be achieved within timeframes. This should take into account varying patterns of normal hotel use by customers.

4. Ensure all health and safety measures are appropriate and accessible to all staff including agency workers.

5. Establish a confidential grievance process for all staff including agency workers.
The Staff Wanted Initiative - The Hospitality Industry will only earn respect by respecting those who work within it

21 May 2012 | by Neill Wilkins

Over the summer, London’s annual influx of tourists will swell still further by visitors coming for the Olympic and Paralympic games. The city’s instantly recognisable, traditional yet energetically global image continues to be a major selling point for the Olympic games and its numerous sponsors keen to place their logos and associate their brands with all that is great about London.

The carefully prepared public face of the city will be primed and primped and the many taxpayer-funded public works shined and polished.

Swept along by the Olympics and interest in the capital engendered by the Jubilee Celebrations, the tourism industry and particularly London hotels are anticipating a bumper summer. London has always been the key UK destination for foreign and domestic visitors attracting 26 million visits in 2010 when tourist receipts for London totalled £11.2 billion. This will obviously increase dramatically at the time of the Olympics. The expected influx of extra visitors promise a golden return for the industry - this is to be a year like no other.

The rewards of this boom will not, however, be shared by all of those who work in London’s hotels. Behind the public face of the industry and the welcoming smiles of the reception desks are many others hidden from view.

The hotel industry across the capital, and many other parts of the country, has long adopted a model of operation that seeks to minimise any true engagement with many of those who work within it. Across the sector the use of agency staff for many housekeeping functions is routine. Hotels claim this offers them the flexibility to compete whilst offering the level of service demanded by customers. Outsourcing operations allows costs to be monitored and controlled leaving the hotels free to concentrate on building the public face of their brand.

The reality for many workers employed through brokers is less satisfactory. Lightly regulated and with very little meaningful enforcement of labour law, competition is cut-throat, with law-abiding, legitimate business undercut by the unscrupulous, in a desperate race to the bottom. For hotel workers, competition for easily accessed unskilled jobs is fierce and options limited, leaving workers vulnerable to exploitation.

Neill Wilkins is Programme Officer at the Institute for Human Rights and Business (IHRB).
The hotel industry could not function without the hidden workforce of cleaners, housemaids, porters, kitchen staff and so many others. Many of the agency workers employed in the sector are migrants, who are even more vulnerable to malpractice and abuse. This exploitation takes many forms including excessive working hours and availability for work, piece-work rates that deny the minimum wage, withholding of wages, and excessive deductions for services, uniforms, food, transport and accommodation through to debt bondage and outright forced labour.

Many hotels claim this isn’t their problem. They argue that the agencies set conditions of work and that the state has a duty to enforce national labour laws. The last thing the industry needs, we are told, is yet more regulation. For the hotels, the advantages of the current system seem clear. Labour costs - the key component of running a hotel operation - are reduced along with “non-cost-effective” employment of regular staff in an industry with fluctuating demand.

But labour subcontracting and less formal employment relationships clearly have a negative side for the industry. Businesses that outsource labour functions and turn a blind eye to malpractice effectively leave themselves open to reputational and, increasingly, legal risk. Exposés on exploited workers in hotels will continue to feature in various media. This scrutiny will only increase as the Olympics approach. Hotels may also find themselves subject to legal sanction by being complicit in exploitation and abuse. The law relating to the new criminal offence of slavery, servitude or forced labour is clear. Companies can be found to have met the standard of “known or should have known” that the offence is occurring if they wilfully disregard the indications that the offence is taking place. Turning a blind eye to working conditions of staff and agency workers and the operating practices of agencies is not an option. Illegal practices rarely happen in a vacuum and hotels can also be exposing themselves and their staff to other forms of criminality.

For the hotel industry as a whole, the low cost business model does the sector few favours. An industry that relies on dubious, informal and often illegal working arrangements damages its own reputation and that of the broader tourism industry. Insecure minimum wage jobs are propped up by taxpayers, who pick up the slack in benefit payments. Effective training structures and skills acquisition by staff are also victims of a short-term profit model.

The UN Guiding Principles on business and human rights, which were unanimously endorsed by the UN Human Rights Council in 2011, make clear the responsibility of all businesses to respect human rights. This is not complicated. Effective due diligence can soon reveal indications that all might not be as it seems. Hotels are more than aware of minimum wage rates and how long it takes to clean a hotel room. For any hotel manager in any doubt, indicative pricing statistics exist. Agencies operating well below obvious thresholds are not super-efficient; they are exploiting staff. Part of a hotel’s human rights due diligence is to examine the operations of current or potential agencies and also the working conditions of employed staff. What is needed is a willingness to look.

To raise awareness of these challenges for the industry, and to offer guidance to those who award contracts within hotels both large and small, the Institute for Human Rights and Business and Anti-Slavery International have launched the Staff Wanted Initiative. The project suggests using a simple SEE formula – Scrutinise, Engage, Ensure, check-list to help identify indicators of exploitation. This week as the Olympic torch begins its journey around the country we are sending details of the Staff Wanted Initiative to all the 1500 hotels in London. For a customer facing industry so dependant on reputation, proper engagement with its responsibilities is the only sustainable option.

For all of us, but particularly those whose work is so often hidden away, a successful Olympics, a successful capital city and a successful hospitality industry can only be built on respect.

Details of The Staff Wanted Initiative can be found at www.staff-wanted.org