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Violation and lack of awareness of employment rights in the UK's hotel industry. Isolation, fragmentation and barriers to labour enforcement.

Abstract

The article examines the extent of labour violation in the UK hotel industry and identifies the challenges and difficulties that workers face to defend their employment rights. Drawing on interview material and documents, the article identifies the factors that weaken workers' capacities to bring forward complaints and discusses the organizational, institutional and individual factors making silence dominant in the sector. This multi-faceted analysis demonstrates different layers of vulnerability that create a very unfavourable environment for the promotion of employment rights in a context of heightened levels of fear. We contribute to the existing studies by demonstrating that for precarious and insecure workers in particular the UK model of individual employment rights has 'no substance'. Our findings highlight that it jeopardizes not only the enforcement of rights but also workers' ability to acquire comprehensive knowledge and awareness of them.

Key words: enforcement, employment rights, unions, hotel industry, precarious work, workers' voice.

Introduction

This article analyses the barriers and difficulties that workers in the hotel industry, a sector characterised by low-pay and insecure work, face to enforce their employment rights in the UK. Using 36 interviews with workers and published documents, the article centres the discussion around the development of an individualistic model of employment regulation and the lack of enforcement mechanisms. The UK is characterised by a model in which the enforcement of employment rights is based on individual complaints (Dickens and Hall, 2010). Together with the lack of union capacities, this model has also been characterised by weak pro-enforcement policies and resources and the non-existent involvement of non-state actors and stakeholders (Dickens, 2012; Lewis, 2019). The model assumes two premises. First, that workers should be aware of their employment rights. And, second, that they should have the capacity to act to enforce and exercise them. Crucially, the key factor underlying these premises is workers' capacity to exercise their voice. Following Bailes et al (2018) argument, current employment regulation in the UK relies on an individualistic and decontextualised approach to workers' voice that doesn't consider power inequality in the workplace. Similarly, current research has identified increasing employers' policies and practices leading to managerial silencing of workers' voice (Donaghey et al, 2019; Hickland et al, 2020). In this context, this article analyses the existing barriers for workers to bring forward complaints by identifying the different processes challenging the exercise of their voice.

Existing research in countries dominated by an individualised model (eg Canada, the US and the UK) has highlighted the challenges and difficulties that workers face to bring forward complaints (see Weil, 2012; Basok et al, 2014; Hall, 2016; Hall et al, 2020; Mirchandani et al, 2019; among others). It has been suggested that this individualised model of provision and enforcement may not be able to compensate for the inherent inequality in the employment relationship (O' Sullivan et al, 2015). Overall, existing literature has identified that the available information and advice are limited and uncoordinated (Grimshaw et al, 2017) and that claimants and would-be claimants find the process extremely complex, isolating and with difficulties to access the support they need (Holgate and others, 2011 and 2012; Kirk, 2018).

This means that workers tend to have a low awareness of their rights (Meager et al, 2002) and even when they have some awareness of them the enforcement is very limited, problematic and, in most cases, no tangible results are produced (Pollert and Charlwood, 2009). Moreover, Ioannou and Dukes (2021) have emphasized the role of ‘social norms’ in certain industries, such as hospitality and catering, in naturalizing micro breaches of legal rules.

To our knowledge, previous studies have mainly focused on workers' capacities to enforce employment rights once the violation has been recognised by the worker even in an abstract sense of unfairness (Kirk, 2018). There is a gap in our knowledge about the degree of awareness of labour rights and workers' attitudes in case of violation, especially in conditions where workers are not actively seeking advice. To fill this gap this article focuses on the dimensions of awareness and in difficulties to bring cases forward in cases of violation not taken up formally, in a sector of the economy that employs a high number of low-skilled and vulnerable workers (young, female and migrant): the hotel industry. This sector has been identified by the Labour Market Enforcement Strategy 2018 to 2019 as a key sector of being at risk of labour exploitation and widespread violation of employment rights (Director of Labour Market Enforcement, 2018). The article discusses the multi-faceted factors that lead to the dominance of employee silence in the sector. Following previous research on employer silencing (Hickland et al, 2020), the findings enlarge research in this area by considering the institutional and organizational factors that lead to the dominance of workers' silence in the sector. In that sense, we theorize the violation of labour rights through the lenses of silence as it is manifested in and reinforced by multiple levels (institutional, organizational and individual).

The article is organised as follows. The first part discusses the challenges that the enforcement of employment rights presents in the UK whereas the second part briefly characterizes the hotel industry. The next section presents the methodology. The findings are divided into two sections. First, the extent of non-compliance and the awareness of the violation of labour rights are considered, followed by an analysis of the processes related to the enforcement of employment rights in the sector. Finally, the article concludes with a discussion of the theoretical implications of our study and an overall conclusion.

Institutional framework and employment rights enforcement in the UK

The UK model of industrial relations changed substantially during the 1970s and 1980s through a process of direct erosion of the industrial relations institutions characterized by a shift from free collective bargaining and tripartite institutions to statutory individual employment rights (Hyman, 2003; Colling, 2006). This process of decollectivization resulted in trade union decline, decentralized collective bargaining, the strengthening of managerial prerogative and the increasing tendency towards treating problems at work as individual legal cases (dealt by tribunal) instead of collective issues handled by trade unions (Howell, 2005; Colling and Terry, 2010; López-Andreu, 2019). Not reversed by the New Labour government (1997-2010), the current framework gives unions the role of raising awareness about employment rights, but it does not deviate from the deregulatory agenda that promotes an individualized employment environment and sustains the current absence of legislative support for the collective regulation of the employment relationship (Dickens, 2014; Lewis, 2019).

Moreover, Colling (2006) has highlighted that unions have a restricted role in the enforcement of individual employment rights since the cost of legal mobilization is quite high, especially in a context of financial strains, while the law is also too individualized to allow the diffusion of successful cases to collective rights. Furthermore, Employment Tribunals can show precedent

for future cases, but they only dictate how future legal claims will be decided. However, union presence is a positive factor in protecting and enforcing employment rights, with the resolution of grievances and disputes being greater in unionized workplaces where unions intervene to stop illegal practices and solve problems before they reach the litigation stage (Dickens, 2014). Although low desire for union membership and a preference for self-representation have been associated with the hospitality industry, research shows that there is a hidden desire to join unions but employers' attitudes and lack of union recognition act as deterrents (Lucas, 2009). But since union membership has sharply declined in recent years - only around one out of ten workers being a union member in the private sector – the ability of unions to protect workers' rights is severely restricted.

Whereas in many countries a centralised labour inspectorate exists, the UK has developed a more indirect form of enforcement of employment rights with a responsiveness among different agencies, namely the Gangmasters and Labour Abuse Authority (GLAA), the Employment Agency Standards (EAS) Inspectorate and the HRMC National Minimum Wage (NMW). This approach has been characterised as de-centred and corresponding with a fragmented labour market (Mustchin and Martinez-Lucio, 2020) in which employer-led flexibility and economic performance are not restricted by institutional burdens (Hepple, 2013). In 2017, the Director of Labour Market Enforcement was established to oversee and link together the NMW Commission, the GLAA and the EAS, aiming to enforce labour market regulation. The Director provides periodic reports identifying the most vulnerable sectors and outlines recommendations. However, it has been argued that the system remains fragmented and operates within silos, without a clear and comprehensive strategy (Mustchin and Martínez-Lucio, 2020). Furthermore, the lack of engagement with stakeholders, unions and employer organisations further hampers the enforcement of employment rights (Dickens, 2012; Lewis, 2019).

Several studies have identified different factors that affect workers' capacities to bring forward individual complaints. The limited knowledge of employment rights is one of the most important barriers, especially in industries dominated by migrant workers (Weil, 2012; Basok et al, 2014). According to Pollert (2009), the current system makes it difficult for workers to defend their rights since they are forced to find out information individually and via a complex network of rules and regulations. In this regard, Kirk (2018) has identified that the main source of workers' knowledge about employment rights and compliance mechanisms tends to be related to their personal contacts. Furthermore, it has been argued that the process is bureaucratic and time-consuming, and in many cases, the procedures are not clear (Weill et al, 2019; Hall et al, 2020). These difficulties may lead to demoralising experiences and the search for individualised solutions (Hall, 2016).

Most importantly, the current law enforcement approach, as confirmed by the Fair Treatment at Work Survey, does not take into account significant labour market changes such as employment fragmentation and flexible practices, resulting in a high number of workers who are victims of violation but never reach an employment tribunal (Department for Business Innovation and Skills 2010; Dickens, 2014). As discussed by Weil (2012) this tends to be related to the perception about the costs and benefits of bringing forward a complaint. These include the potential success of the complaint but, most importantly, the consequences in terms of disciplinary actions and reprisal by the employer (Basok et al, 2014). Following this argument, Kirk (2018) has highlighted that many potential cases are dropped due to informal agreements with the employer that claimants feel forced to accept because of the potential

consequences of bringing the employer to the ET (losing the job, leaving the job without references, etc.).

Business trends, employment and issues of compliance in the Hotel industry¹

In the hotel industry, large groups dominate the sector and an ‘asset-light model’ has been developed in which different adjustments between ownership, lending, franchising and management provide flexibility and reduce capital investment (Cunill and Forteza, 2010). At the same time, family micro-enterprises have tended to lose relevance in the structure of the sector, remaining relevant in coastal areas (Hospitality UK representative interview). Despite fears associated with the effects of Brexit, the hotel industry saw annual growth of 2.6% in the 2014-2019 period, with total revenues reaching 20 billion in 2019 (IBISWorld, 2019).

In parallel, employment in the hotel sector has been growing since the 2008 recession. According to the Office of National Statistics (2018) during the 2009-2019 period employment increased from about 321,000 workers to almost 370,000, accounting for 1.2% of total employment in the UK. More than half of those working in hospitality are women but the majority of them are employed on a part-time basis and in junior roles such as kitchen/catering assistants and cleaners (Bronte, 2018). Two out of ten (23.7%) of the food and accommodation sector’s workforce are on zero-hour contracts in which there are no actual/minimum/guaranteed working hours and workers are always on-call. Unions argue that workers on zero-hours contracts are often working 40–50 hours per week but hotels do not offer permanent contracts or working hours as the dominant employers’ strategies prioritize external and quantitative adjustments (Unite representative interview).

Moreover, the use of new organisational and employment forms such as zero-hours contracts, outsourcing, sub-contracting, temporary work agencies, bogus self-employment and informal work is a widespread practice in the sector (ILO, 2010). These allow employers to reduce direct costs (social contributions, holidays and sick pay), ease dismissals, match staff arrangements to the fluctuating rates of hotel occupancy and pay less for training/recruitment and compensations for injuries (Wilton, 2006; Lai et al, 2008; Warhurst et al, 2008; Janta, 2011; Balch and Rankin 2014). Used mainly by large hotels and in some occupations (cleaners and porters), these methods make the employment relationship fragmented and informal as workers are managed and employed by different organizations (Wills, 2005; Weil, 2011). As a result, low-paid jobs are widespread, with the average weekly full-time wage being eighteen percent less than the national average (Economic Insight, 2019), and turnover is high (calculated to be around 30% in 2018 (HR Magazine, 2018)). However, migrant and young workers provide continuous pools of labour resources, reducing hotel employers’ interest in developing skills and providing training (Appelbaum, 2010). These developments are alleged to create a regulatory vacuum for the exacerbation of long-standing problems of the hotel industry, including low-status jobs, long working hours, poor wages and precarious contracts. In particular, the increasing use of subcontracting, outsourcing and temporary work agencies by hotels are creating a bulk of businesses whose existence is dependent on surviving competition with each other, often necessitated by cutting wages and breaching employment rights.

Although sectoral regulation (collective negotiations and agreements) has been absent in the hotel industry, workers were covered by the Wage Councils that offered statutory wage

¹ Interviews with stakeholders have been used to contextualise the sector. They are quoted as Hospitality UK representative interview and Unite representative interview. See methods section for more details.

regulation and tackled the very low pay in the sector. However, their abolition in 1993 meant that the industry (along with catering) lost the last formal institutional arrangement that used to limit the allegedly stronger managerial prerogative to set working conditions in comparison to other industries (Lucas, 1996). Trade unions in hospitality have developed a series of actions to reach and represent workers despite the obstacles that they face. For instance, Unite has organized a series of campaigns and petitions in large hotels renowned for bad practices including failure to pay the Living Wage (despite promises), recognition of trade unions and decent working conditions. In November 2019, Unite held demonstrations in two Premier Inn hotels to complain about the very low wages that workers receive despite the high profits that the chain recorded (Union news, 2019). The appointment of part-time organizers (former hospitality staff) to recruit new members through (sometimes) undercover work has been a feature of the industry showing the aggressive anti-union strategies of hotels (Guardian, 2015). However, organizing is mainly taking place in large workplaces with some union presence as historically the high turnover in the industry, the recruitment of migrants and the small size of many establishments prevented the development of strong collective organizations capable of providing awareness and support for the enforcement of rights. As a result, recourse to industrial tribunals has been historically limited even if this system was designed to solve problems in industries with high levels of violation and low workers representation like hotels (Lucas, 1996).

Methods

Along with a variety of hospitality reports, stakeholders' studies and newspaper articles this article uses 36 semi-structured interviews with workers in the Hotel industry to investigate the awareness of employment rights and the difficulties and challenges for their enforcement. The interviews provided insights into workers' awareness of employment rights and their own experiences of the degree of compliance with labour laws in the sector. Interviews have been identified as a suitable technique to understand 'experiences' (Chase, 2011) and they have allowed us to identify workers' knowledge of employment rights and their own experiences with labour law compliance. . The use of semi-structured interviews (and not a survey) was chosen to collect rich information that included elements of personal trajectory and situation and detailed information of working conditions and knowledge of employment rights and their enforcement processes.

The interviews were conducted in two main geographical areas: London and Manchester. London has the biggest share of the hotel sector and shows a sustained demand as the business centre and capital of the UK. On the other hand, Manchester has a growing and sustained demand and is a leading city for conferences and events. Moreover, the hotel sector in both areas is not especially affected by seasonality, making these two areas suitable areas in which to understand the employer-worker relationship in the hotel sector. The study followed a 'purposive sampling design', whereby individuals are selected due to their specific experiences as workers in the sector (Ritchie et al, 2003). The participants were recruited by the researchers in their workplaces (hotels) and a snowball strategy was used after the first contacts were established. Our final sample includes 36 workers from different occupations (see Table 1 for a detail of workers' characteristics). Our interviews were conducted face to face or by phone and lasted between 30 minutes and 1 hour.

[Insert Table 1 here]

In addition to workers' interviews, several interviews with stakeholders were carried out. These include representatives from the hotel industry (UK Hospitality) and Unite the Union that helped to frame business dynamics in the sector and main employment issues.

Findings

Extent of non-compliance and awareness of employment rights

Non-compliance with employment rights has been identified as a feature of the sector. Data from the Office for National Statistics and Unite show that a significant number of workers (around 70,000) in the hospitality industry were paid below the minimum wage in 2017 while almost four out of ten are owed wages for hours that they have worked (TUC, 2019). The accommodation industry has been also found by HMRC to be one of the industries with the highest number of underpayment cases and as a result, many large hotels have been fined. The workers of the sector we spoke to highlighted that violation of labour rights is widespread. This non-compliance with employment rights seems embedded in the sector in a culture that prioritizes competition based on labour costs and has become a 'norm' of the sector, similar to the practices Ioannou and Dukes (2021) identified in the catering and hospitality industry. Most of the practices are integrated into the day-to-day work environment and can be characterised as routine cases of violation (Davies, 2018), affecting mostly unpaid overtime, being paid below minimum wage and non-compliance with break times and holidays.

For instance, many interviewees identified unpaid over-time as a regular and daily practice to finish the job. This practice seems more common in some jobs (eg receptionist and waiter) and in evening/night shifts with many workers claiming that it is very common to do half an hour or an hour (unpaid) more to finish things before the other shift starts or to prepare things for the next day. Similarly, a survey conducted by Unite Hotel's Workers Branch also shows that chefs do extensive overtime work as they start earlier and finish later than their shift requires (TUC, 2019). Outsourcing and the widespread use of agencies in the sector reinforce these trends. For instance, agencies under pressure to gain contracts transfer the pressure on cleaners to reach an increased ratio of rooms per hour since payment is based on the number of rooms cleaned and not the hours worked:

'Well then yes, sometimes I have to work more than the hours assigned before. I have lots of rooms to finish! I always tell them that if they want it clean is not enough time. No, they say that I should do the rooms in this time and if I can't it is my fault' (women, 39, non-British, room attendant).

A recent documentary on a well-known hotel in London confirmed the extent of this phenomenon with cleaners reporting significant pressures to clean 3 rooms per hour regardless of the state of the room or the number of beds (TUC, 2019). According to trade unionists, this work intensification is the result of the fact that managers get bonuses for cutting labour costs and time, so they put pressure on workers to work longer or harder without pay (Unite Representative).

On the other hand, several interviewees on full-time contracts reported being paid less than the minimum wage (£7.83 at the time of the study) even if their nominal salary was much higher due to unpaid overtime. The widespread use of unpaid working hours and the lack of formality in the registration of working hours by managers means that many workers may not be aware that they are paid below the minimum wage:

‘Managers’ diaries did not reflect the actual hours I had worked. When I calculated I was employed to have a salary of £22,000 per year like in an average of the normal legal limit of 160 hours per month, and divided £22,000 to this 160 hour legally required to work, it shows the actual pay for the hours that I was doing. But for example, in March I was underpaid, I was paid £7.20’ (male, 31, non-British, night manager).

Violation was also widespread in relation to breaks. Several workers of our sample reported that during night shifts there was no one to cover them during their break so they end up working through their 20 minutes break, although this time is not included in their final pay. Similarly, workers in food/beverage and reception also highlighted that the pressure of work is so intense that they do not take their legal 20 minutes break for every six hours of work since it is impossible to stop working. In many cases, these practices are integrated into the sector and especially in non-standard forms of work, as the quote from two agency workers reveals:

‘You know, sometimes I finish quite late the night shift like 11 or 12 and then if I have the morning shift, I should start at 6. I think that there is some legal time you have to rest, a friend told me that, but I am not sure and I have not asked’ (male, 28, British, waiter).

‘When you see all these people in the queue waiting and only one person in the reception, who is doing everything you don’t feel comfortable, and in the end, you do the work in your breaks. The hotel never has enough people and that’s why we often have to work during our breaks’ (female, 25, non-British, receptionist).

Holiday pay has been another area susceptible to violation with almost 21 percent of workers having no paid holidays (Coominetti and Judg, 2019). In our sample, most workers were entitled to holidays but they were forced to take holidays in off-peak times, which often does not accommodate their own needs and preferences. In other cases, they ended up losing their holiday pay altogether. The needs of employers for higher (seasonal) flexibility to meet demand fluctuations seems to be the guiding principle behind decisions regarding holidays with workers’ demands often ignored:

‘In December we had all these floods and the hotel got a lot of people whose houses had been pulled out. So we were refused our holidays and myself and another colleague lost nine days of holidays. I spoke to the manager and he said that this is the way it is and there is nothing he can do about it. I wanted to complain to HR but the manager said that if I do the case will come to me him and I won’t get it anyway so there is no point to make a complaint’ (female, 53, British, room attendant).

Overall, the workers interviewed showed a detailed knowledge of the minimum wage per hour and some knowledge about other statutory rights such as holidays. However, they showed a much lower understanding of how these rights may function in specific contexts affected by non-standard employment **as the latter adds more complexity in finding information**. This is mainly the case of agency workers but also of those working part-time or short hours. As discussed, this may lead to non-compliance with pay statutory rights based on unregistered and unpaid overtime.

We identified that the main source of information is the word of mouth, including partners, friends and colleagues. As a result, the knowledge of employment rights is individualised and strongly depending on individual characteristics and circumstances. For example, some

workers take the initiative in a situation they felt unjust and search information online, often contacting a union afterwards. Accordingly, we identified a very low role of enforcement agencies. Conversely, company handouts, in some cases provided directly by the company and in others obtained by the workers after asking, played a stronger role in providing information. The latter shows the lack of coordinated and comprehensive enforcement policy in the UK, not only in terms of enforcing the rights but also in providing the information for individual workers, the premise that sustains the model. It also reinforces some of the bad practices identified in the sector, and in many cases, leads to employers' strategies to withhold, totally or partially, information. **Accordingly, workers mentioned being misinformed by managers in many situations while difficulties to find information were also reported especially in smaller workplaces.** For example, some interviewees reported being told to take breaks shorter than the legal break. In other cases, workers reported that they were informed that were not allowed to take holidays few days before the starting date due to staff shortages. **However, in most of the cases, these practices seemed embedded in the everyday operations of hotels to the extent that many workers considered them as social norms that you have to accept. Overall, we found that the main causes of the lack of awareness were the difficulty to find information, the misinformation by management, the complexity of rules and the acceptance of the situation as it which often led to indifference.**

Dealing (individually) with non-compliance

Although the extent of violation of employment rights is high, grievances tend to be managed individually, and in most cases, they never become formal complaints. Accordingly, in the cases of grievances silence dominates as these tend to be dealt with through informal agreements with the employer as a result of a combination of lack of knowledge about the process, fear and stress about it. In most cases, this results in verbal agreements and compensation strategies that did not benefit the worker in the medium and long-term (for example promising more pay or fewer hours in the future). Furthermore, most of the interviewees reported that they were afraid to start a formal complaint taking into account the potential effects that this course of action might have on family income, visa status and future employment prospects:

‘I work with a lot of people and they have a lot of issues usually with hours and the breaks, the hours for cleaning the rooms, everyone complains about these. But people including myself are scared to put a formal complaint, we don't know what will happen after, we have families, I cannot afford to be without work’ (female, 39, non-British, room attendant).

This quote resonates with a general feeling identified in the workers of the sector: fear. We identified this during the research as many workers showed high levels of fear in response to participating in the research or contacting us (eg constant requirements for anonymity of the worker and of the company/hotel, requirements about the need to speak first with the manager and fear that the manager will see the worker talking with the researcher). This attitude can also be identified in the ways that respondents dealt with the violation of their rights. When workers were asked about what they did in the event of non-compliance with employment rights, the dominant response was to let the manager know or to keep silent. In line with existing literature in the area (Department for Business Innovation and Skills 2010; Pleasance et al, 2015) we identified that fear levels were much higher among the migrant workers of our sample, highlighting the influence of specific characteristics like nationality when workers consider their options other than complaining. As many of these violations are embedded in a business model based on work intensification an low paid work, an organisational culture

characterised by unilateralism and managers' authoritarianism seem to be normalized in many workers:

'No, I didn't complain to the manager. You know this is not how things work. You know, I am afraid with the manager, they do not allow us to complain' (male, 31, British, waiter).

'Managers exploit some people because they are seen as 'weak', they might have issues in their personal lives or just really need the job and afraid to lose it. They take advantage of these people because they are more vulnerable, they bully them quite often' (female, 25, non-British, receptionist).

Resonating with the findings of previous studies (Basok et al 2014; Hall, 2016) this fear is grounded on the negative and discouraging (and sometimes even demoralizing) environment that workers face when they decide to complain. In this regard, most of the workers interviewed did not remember any case in which a complaint was taken into and the few that recall emphasized that they did not know how the case evolved as the worker left the company.

For the agency workers of our sample, these problems become more acute. Tolerating violation and accepting overtime and low pay work is linked to employees' fear that employment contracts will not be renewed by the agency. The legal distance between direct employers (hotels) and workers created by non-standard contracts such as subcontracting and outsourcing enables the former to avoid any responsibility in cases where labour market enforcement occurs, blaming the providers (agencies) for any misconduct:

'Oh yes everyone (manager of the hotel) is aware but nothing happens. First, I don't really know where to complain as my actual manager is not present in my workplace. Also, I am afraid with the manager, they do not allow us to complain' (male, 28, British, waiter).

The low union density in the sector and the reluctance of workers to approach unions in cases of violation is a contributing factor towards workers not reporting non-compliance cases and being reluctant and afraid to oppose employers' practises. This attitude is actively encouraged by managers who often display increased hostility towards any form of collective regulation, creating barriers to employee resistance against the violation of labour rights. Even global chains that have signed the UN Global Compact Guidelines (calls for hotels to assist the development of collective bargaining) actively oppose the collective organization of workers and discourage union representatives' activities (Unite, 2019). The extract below is characteristic of the perceptions held by many workers regarding unions and collective action in general:

'For me in the UK, I don't think it will have any effect if I join any union, I don't see the advantage of joining unions in the UK unless I was in a different sector. But in the hotel sector I don't think it has any effect or I feel it might have negative effects if they found out I was in a union. But you know, the unions are not that visible. At least I didn't see them in my experience in this hotel' (male, 29, non-British, receptionist).

The quote reveals that is the weak presence of unions in the sector (as a result of hostile management practices and unfavourable legislation) that affects their capacity to enhance awareness of employment rights. In this regard, the cases among our interviewees who had been involved in a complaint and obtained information through the union, the information was obtained after their own search and contact. However, in these cases workers face aggressive attitudes by their employers who are forcefully opposing grievances:

‘At my grievance, again they disrespected everything and the only thing I could manage to say, as I wasn’t assisted by anyone, I could manage to say that I have a grievance and some concerns about the new contract I was bullied for sure, but after it ended, it was announced that I was subject to a disciplinary procedure’ (male, 31, non-British, night manager).

This sends a message that individual grievances are eventually being brushed under the carpet while employees face sanctions for the decision to lodge a formal complaint. This makes that workers often leave the hotel and the results of their complaints remain unknown.

Discussion and conclusions

This article has identified a persistent trend of non-compliance in the sector, especially regarding overtime work, holidays pay, breaks and work intensity. We have highlighted that instead of helping employees to regain some power in the inherently unequal employment relationship, the model of individual complaints and grievances exacerbates their weak position by decollectivizing the employment relationship and offering employers scope to violate employment rights without punishment. Below, we discuss the institutional, organisational and individual factors that prevent workers’ voice in case of non-compliance.

Several factors related to the institutional context have been identified as hindering the capacities for employee voice and can be considered as institutional silencing. First, the capacity of labour inspection and enforcement agencies to enforce employment rights in the sector is weak, whereas the increasing role of third sector organisations (such as NGOs, Citizens’ Advice, etc.) is not enough to compensate for this lack of governmental involvement. As a result, enforcement becomes fragmented and individualized. Our study resonates with Mustchin and Martinez-Lucio’s (2020) argument that the current model is underpinned by a lack of a coordinated and comprehensive approach that corresponds to the UK’s fragmented labour market. Second, the findings reveal that the weak regulatory enforcement role of unions and lack of union presence in the sector strongly erodes the possibility of voice. The latter exacerbates the individualization of the employment relationship and makes it hard for the model of individual complaints and grievances to help workers defend and exercise their rights. As previous research has indicated (see Papadopoulos and Lyddon, 2020), a strong workplace union presence can enable hospitality unions to put pressure on employers to decelerate their offensive on employment rights and on the State to strengthen the enforcement mechanisms. A stronger union presence in the UK hospitality industry could support workers to break their ‘silence’ by reducing the high levels of isolation/fear and growing their confidence to seek information, recognize and defend their labour rights. In the process, they would be able to challenge key features of the individualized employment model (flexible work, lack of sectoral regulation) and push for collective employment rights.

Furthermore, many of the issues identified above interact and reinforce specific organisational cultures and practices that can be defined as organisational silencing. First, and in line with previous studies (Hall et al, 2020), it has been shown that the low compliance in the sector and the lack of clear guidelines and resources for front-line enforcement officers are linked to fragmentation, agency work and subcontracting. These practices have significantly contributed to the deterioration of working conditions, have created more space for labour violation and, most importantly, have led to the fragmentation of the role of management and eroded communication channels in the workplace. Furthermore, the absence of structures of communication with agency staff due to the legal ambiguities surrounding the role and function

of agencies opens up space for abuse, with lead firms ignoring and taking no responsibility for the actions of their subcontractors (Fu, 2016).

Similarly, this fragmentation of the role of management has been reinforced by the dominance of a culture characterised by cost-reduction and low commitment strategies. The rise of new flexible working arrangements over the last fifteen years has significantly contributed to the deterioration of working conditions since they create more space for labour violation and exploitative practises to emerge (Grimshaw et al, 2017). Echoing previous findings regarding employer silencing (Hickland et al, 2020), these practices resulted in the withhold or mislead of information by managers making workers less aware of their rights and, in many cases, not being sure where to complain in case of grievances. The latter highlights the impact of the increasing separation between the ownership of business, employment and direct management of workers on work regulation and enforcement of employment rights (Weil, 2011 and 2014).

The factors identified at the institutional and organisational level and result in strategic choices by policymakers and employers affect the individual worker and his/her capacities to be aware of employment rights and to bring forward cases, resulting in workers' silencing. First, the high labour turnover in the industry together with the existence of a significant number of young, inexperienced and migrant workers exacerbate the issues of awareness of employment rights. Furthermore, the lack of knowledge of employment rights, linked with migrant status, discussed by previous studies (Basok et al, 2014 and Weil, 2012) was also found by our research. On the other hand, it has been identified an increasing fear about disciplinary actions and reluctance to challenge employers' practises or simply to complain about the unfair practises used by hotels (Nechanska et al, 2020). Many in our sample regarded silence as the best strategy to keep their jobs. Moreover, we found that in most cases workers choose to respond individually to non-compliance relying on internal corporate procedures to solve their problems. But, these attempts were mostly ineffectual with workers being unable to navigate the complex network of rules and regulations and their managers actively misinforming them or encouraging them to back down.

This article contributes to the literature about the enforcement of employment rights in models characterised by individual complaints and weak collective regulation by emphasizing that even in the cases that workers have some knowledge of their rights, this is fragmented and individualized making workers not always realizing the existence or degree of violation. Accordingly, workers' ability to enforce their rights is severely constrained not only by limited capacities when a violation has taken place, as previous UK-based studies have found (eg Holgate et al, 2011; Kirk, 2018a) but also by the low and fragmented awareness of employment rights, especially among groups of the workforce with certain characteristics. In this regard, our study highlights that the mere existence of individual employment rights, without the presence of collective organisations and institutions implies for many precarious and insecure workers that those rights have 'no substance' (Smith and Morton, 2006).

Finally, we argue that to tackle routine violations of employment rights in sectors employing vulnerable workers (such as the hotel industry) a more coherent policy and greater resources should be granted to enforcement agencies and union capacities need to be reinforced. The current pandemic has disproportionally hit low-paid workers, many of whom are employed in tourism and hospitality which have seen a severe drop in their revenues. Although it is early to predict how this will unfold in the hotel industry it is safe to say that the pressure on companies

to reduce costs and survive a very challenging environment might exacerbate even further the challenges of enforcing employment rights in this industry.

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