

Challenging Sexual Harassment in Low Paid & Precarious Hospitality Work



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Sexual harassment has no place in our communities, our workplaces or our trade unions. Yet, shamefully, it is a serious problem in the UK, as outlined in this report.

I can remember every time I have had an inappropriate comment said to me, or made in my presence about others, and more so when there has been unwanted physical contact. My earliest memory was being catcalled on the way to school, in uniform – experiences that are all too common. But every woman you know, work with or talk to will experience sexual harassment at least once in their lifetime, every single woman. Most more than once, and usually from a male perpetrator.

Whilst some men will experience sexual harassment too, it is well established that women are disproportionately affected, as well as workers with other protected characteristics, as this report highlights.

Most occurrences of sexual harassment don't get reported; they are laughed off in an uncomfortable way to avoid the confrontation and shame, or to avoid retaliation through bullying and hours being cut, as demonstrated in this research. Survivors are therefore harmed in multiple ways, having to deal with the trauma of sexual harassment and violence, the stigma around reporting their experiences, and potential financial insecurity from employer retaliation.

But nobody asks to be harassed. Survivors shouldn't feel shame, they haven't done anything wrong. Responsibility lies firmly at the feet of the perpetrators and the organisations and cultures that enable their behaviour. Until survivors are empowered to speak out without fear of reprisal from their employers, and believed when they do speak out, it is going to be difficult to challenge the culture that underpins and normalises sexual harassment.

The first challenge to confronting the problem is understanding its scale, and this research does an important job in reviewing the best available survey evidence and highlighting the particular problem of sexual harassment in hospitality work. This research also makes it abundantly clear that workers on zero hours and

other forms of insecure contracts are more vulnerable to sexual harassment.

To tackle workplace sexual harassment, we need clear policies in place that are upheld and actively worked on, not just collecting dust, coupled with a zero-tolerance approach to sexual harassment both in our workplaces and our trade unions. A real virtue of this research are the concrete recommendations for employers, politicians and unions to tackle sexual harassment at work. This includes an honest appraisal of the problems of misogyny in unions, but also some inspiring campaigns by workers and their allies to confront sexual harassment.

The report provides a clear framework, outlining the current situation in hospitality and beyond, and its causes, while giving voice to the struggles of survivors. I hope that trade unions and employers will take note of it and take action!



Sarah Woolley

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"It is clear that workplace sexual harassment is a too common experience in the UK, affecting 1/3 or more workers on an annual basis."

"Workplace sexual harassment can be conceptualised as a form of violence against women, and is underpinned by widespread sexism, misogyny, and gendered inequalities."

"...the effects of sexual harassment [...] encompass a range of psychological and physical harms."

"LGBT people are perhaps most likely to experience workplace sexual harassment"

Workplace sexual harassment is a serious problem in the UK, which currently is not being adequately addressed or challenged. Overwhelmingly experienced by women and perpetrated by men, it is legally defined as unwanted conduct of a sexual nature that creates an intimidating, hostile, degrading, humiliating or offensive environment for the victim-survivor ('hostile environment sexual harassment'), or where a victim-survivor receives less favourable treatment because they reject or submit to unwanted conduct of a sexual nature or that is related to gender reassignment or sex ('quid pro quo sexual harassment').

Workplace sexual harassment can be conceptualised as a form of violence against women, and is underpinned by widespread sexism, misogyny, and gendered inequalities. In recent years, sexual violence and sexual harassment more broadly perpetrated against women has received greater public attention and scrutiny. Social movements such as the #MeToo movement, the Everyday Sexism Project and Everyone's Invited have highlighted the extent to which sexual violence is routinely experienced in everyday life.

We explore prevalence of sexual harassment in Section 1.2. It is clear that workplace sexual harassment is a too common experience in the UK, affecting 1/3 or more workers on an annual basis. The bulk of the evidence suggests that it disproportionately affects women, who generally report rates twice as high as men. It also disproportionately affects young people, and young women in particular, as well as minoritised ethnicities, and those reporting a disability. And while the research is scant, what evidence does exist suggests that LGBT people are perhaps most likely to experience workplace sexual harassment. In terms of industry and workplace dynamics, sexual harassment seems to be particularly high in traditionally male dominated industries like technology and telecoms, and female dominated industries like hospitality.

Significantly, in terms of this report, there is a range of survey data

that suggests those on precarious contracts – specifically agency workers, zero-hour contracts, gig economy workers, interns, apprentices and trainees – are at a much higher risk of workplace sexual harassment. The evidence suggests that women workers are more likely than men to be sexually harassed by someone in a position of seniority and by someone outside of the organisation.

These patterns reveal that sexual harassment is very much tied up with hierarchies and vulnerabilities and is most prevalent where differences in power are the greatest. It is therefore clear that a reduction in these differences in power is likely to effect a reduction in the experience of workplace sexual harassment.

In terms of the effects of sexual harassment, explored in Section 1.3., these encompass a range of psychological and physical harms. A range of surveys also show that a significant minority leave or lose their jobs as a consequence of their harassment, and this is higher for women (victim-survivors are also more likely to leave or lose their job than perpetrators). Furthermore, the experience of sexual harassment may normalise such behaviours, making it more difficult to challenge them in the future. Sexual harassment is also associated with a range of organisational costs, from absenteeism and high turnover to reputational damage and the costs of litigation.

Sexual harassment is a particular issue in the hospitality industry, which is a major economic sector, as we explore in Section 1.5. The workforce may be more vulnerable to a variety of work-based harms – including sexual harassment – given that they are disproportionately young, female, from minoritised backgrounds, part-time and on zero-hours contracts and on the very lowest rates of pay (often ‘youth rates’ of the national minimum wage).

The sector has also witnessed a significant degree of rationalisation in recent decades, linked to the increasing predominance of financialised business models centred on increasing productivity and driving down wage costs. The sector is

also characterised by low levels of unionisation, an absence of national regulation of terms and conditions, and high levels of labour turnover.

In Section 3. we present the stories of 11 women who have experienced sexual harassment, exploring workplace dynamics and worker vulnerabilities, and sexual harassment perpetrated by managers, colleagues and customers. We highlight the impact of sexual harassment and unwanted sexual attention on these women's working lives, as well as the barriers they faced in attempting to mitigate or challenge such behaviours. This section intends to give voice to women's lived experiences, before we move onto analysing those experiences in terms of causes, mechanisms and processes in the following section.

This report identifies four key processes that lead to the hospitality sector witnessing the highest levels of workplace sexual harassment (Section 4.). The first is the frequent sexualisation of hospitality work, which we explore in Section 4.1. This refers to the ways in which predominantly female workers are objectified for the entertainment and pleasure of predominantly male customers. This is evident in recruitment practices that specify 'attractiveness' as a requirement for hospitality work (especially for women workers) in order to 'bring in the punters'. Uniform policies and the regulation of workers' appearance may also reinforce their sexualisation and set the tone for their treatment by customers and colleagues. Sexualisation is also underpinned by the discourse around customer satisfaction - the 'customer is king' - whereby workers are expected to perform friendliness, deference or even subservience towards customers. Beyond the performance of sociability being misinterpreted as sexual interest by customers, and the often-significant status differences between workers and customers, there was also the possibility that workers could be incentivised to tolerate sexualised interactions through their reliance on tips or good customer reviews, as well as managers normalising such interactions as 'part of the job'.

The second issue, covered in Section 4.2., is precarious contracts and the rise of 'manager controlled flexible scheduling', which means that workers' schedules can be adjusted in real time to match changing levels of demand, thus reducing employers' overheads. These contractual forms – such as 'zero-hour contracts' – allow managers to use scheduling as form of discipline, cutting hours, allocating them at times that are difficult to fit in with a worker's other responsibilities, or increasing schedule unpredictability. Here we have examples where managers have used their control of a worker's schedule to assist them in the commission of acts of sexual harassment, as well as to punish victim-survivors for speaking out. While such examples in our data were limited, their appearance in the published proceedings of employment tribunal cases and in the research of unions provides a strong anecdotal basis to our claim that precarious contracts promote sexual harassment.

The third issue is discussed in Section 4.3. and centres around the recruitment in the hospitality industry of an 'acquiescent' workforce, which is another way of describing employers' preferences for hiring workers who are more likely to be compliant due their personal characteristics and labour market position. What constitutes 'recruited acquiescence' varies between places, because it is partially a function of regulatory and enforcement regimes, as well as the features of local labour markets. In relation to our own research, we would particularly highlight the role of 'youth rates' of the national minimum wage in fuelling the concentration of young workers into the hospitality industry, the lack of knowledge of employment rights or confidence in asserting those rights amongst young workers in particular, and the tendency of those same young workers to quit rather than to challenge unpleasant working conditions.

Certainly, age disparities were evident in many of the examples of sexual harassment that were reported by workers. Moreover, workers in Sheffield are arguably at a heightened risk of exploitation, due to the slack labour markets that result from

deindustrialisation and a lack of investment.

The final issue is labour market deregulation, which is the focus of Section 4.4. After trends towards increasing regulation in the 1960s and 70s, there has been a turn towards deregulation since the 1980s, removing employment protections and reducing out-of-work benefits. This has led to proliferation of employment relationships and statuses, with different categories of workers being afforded different levels of rights and protections. Of particular significance is the increase in the qualifying period to bring unfair dismissal claims to two years, effectively debarring many hospitality workers from bringing a claim, given the short average employment tenures in the industry.

Trade unions have also been hemmed in by a raft of restrictive legislation, severely limiting their ability to advocate for workers. As a result, worker rights in the UK are on a par with Russia. Deregulation has also entailed the hollowing out of regulatory oversight and enforcement mechanisms. Enforcement agencies are under-resourced, and inspections and prosecutions are rare. Finally, there are various barriers to accessing the employment tribunals system, including time-limits, biases against victim-survivors and the low value of awards.

Having outlined these key four mechanisms that facilitate sexual harassment in low paid and precarious hospitality work, in Section 5. we look at how workers respond to sexual harassment, noting the low levels of reporting and mostly poor outcomes. This is the result of the poor handling of complaints and frequent dismissiveness towards or even victimisation of those bringing them. In this section we also set out what we see as the legislative, regulatory and business culture shifts that are necessary to reduce the prevalence of sexual harassment. Clear employer policies, mandatory training, a range of options for reporting, handling investigations with sensitivity and making it easier to bring employment tribunal claims are all measures we support. But given an evident lack of political will, we also outline a role for

campaigning organisations.

Following this same argument, in Section 6. we explore the role of trade unions in campaigning against sexual harassment. While we note some of the ways women have been excluded by historical and contemporary unions, these issues can also guide us in understanding the ways in which unions must adapt to better represent the contemporary workforce. An obvious example of which would be the need for unions to better represent the workers they seek to organise, which means continuing to increase the proportion of women in official and lay negotiator roles. We also however provide some inspirational accounts of unions organising in the contemporary hospitality sector, creating women's only spaces as well as building solidarities with men workers to campaign for things like safe transport home for workers in bars, restaurants and fast-food.

Finally, in Section 7, we summarise the key findings of our research, outline its relevance for other sections of the economy and groups of workers, and suggest what further research needs to be undertaken.

INTRODUCTION

"Workplace sexual harassment is a serious problem in the UK, which currently is not being adequately addressed or challenged."

"The workplace is a key site in which sexual harassment is perpetrated"

"Sexual harassment within low-paid and contractually insecure forms of work is of particular concern."

"Within the UK, there has been a lack of empirical research into the extent to which workplace sexual harassment occurs"

"...young women were more likely to experience sexual harassment..."

This report is born out of a larger study into low paid and precarious work in the City of Sheffield with hospitality workers (Thomas et al, 2020). As part of this study, we interviewed over 70 workers and trade union lay and full-time officials across a range of industries (including hospitality, retail, transport, health and education). We were struck by how many of the participants in hospitality reported that they had experienced sexual harassment in their workplace and noticeably how little literature there is into low paid and precarious work and sexual harassment. This report will contribute to this field through the addition of our data, by analysing the mechanisms that facilitate sexual harassment in hospitality (including the link with precarious work), and making recommendations for future research.

Workplace sexual harassment is a serious problem in the UK, which currently is not being adequately addressed or challenged. Overwhelmingly experienced by women and perpetrated by men, it can be conceptualised as a form of violence against women, and is underpinned by widespread sexism, misogyny, and gendered inequalities (Engender, 2022). In recent years, the sexual violence and sexual harassment that is perpetrated against women has received greater public attention and scrutiny. Social movements such as the #MeToo movement, the Everyday Sexism Project and Everyone's Invited have highlighted the extent to which sexual violence is routinely experienced in everyday life.

The workplace is a key site in which sexual harassment is perpetrated; an EU wide survey on violence against women found that 'every third case of sexual harassment occurs at the workplace' (cited in Reuter et al, 2020). The evidence suggests that workplace sexual harassment is widespread, has harmful consequences for people's health and well-being, is under-reported, and inadequately challenged and addressed (Women and Equalities Committee [WESC], 2018; Equalities and Human Rights Commission [EHRC], 2020; Government Equalities Office

[GEO], 2021a).

Sexual harassment within low-paid and contractually insecure forms of work is of particular concern. There is evidence that workplace sexual harassment occurs more frequently in contractually insecure forms of work (Rogers and Henson, 1997; LaMontagne et al, 2009; McDonald, 2012; European Union Agency for Fundamental Rights, 2015; Trade Union Congress [TUC], 2016; ComRes, 2017a; WESC, 2018; Reuters et al, 2020; Focus on Labour Exploitation [FLEX], 2021) and in those industries where insecure work is more prevalent (TUC, 2016; TUC, 2018). Moreover, Pollert and Charlwood (2009: 344) have argued that low pay is a reliable indicator of worker 'vulnerability', given that it is usually associated with lower skill levels and therefore workers are more dispensable and may find it more difficult to assert their employment rights. At the same time low paid workers are more likely to be financially insecure and so dependent on their jobs (FLEX, 2021: 14) and workers with additional demographic vulnerabilities (like young people and minoritised ethnic groups) are over-represented in low paying industries.

A significant number of our participants worked in the hospitality industry, in which sexual harassment is known to be a particular issue (Adkins, 1995; Guerrier and Adib, 2000; Lockwood et al, 2011; Brunner and Dever, 2014; Kensbock et al, 2015; Matulewicz, 2015; Good and Cooper, 2016; ComRes, 2017a; Minnotte and Legarski, 2019; FLEX, 2021; Moreo et al, 2022). There are a variety of reasons for this, including the fact that sexual harassment is experienced more frequently in roles which bring workers into contact with customers or third parties, and where some of these interactions may be 'sexualised' in various ways. But it is also the case that workers in hospitality are disproportionately likely to be engaged on insecure contracts, with 'food and beverage service activities' being the industry with the most zero hours contracts (ZHCs) and 'bar staff', 'waiters and waitresses' and 'kitchen and catering assistants' having the first,

second and fourth highest percentages of workers on ZHCs (Koumenta and Williams, 2019). Even at first glance there is strong evidence for a relationship between industries, job roles, contractual insecurity and exposure to sexual harassment.

Despite growing recognition of the prevalence of sexual harassment in the workplace, we have been surprised at the distinct lack of research specifically exploring the links between precarious work, low-pay and sexual harassment. This report makes a contribution to addressing this gap, by surveying the existing evidence and connecting this to exploratory findings from interviews conducted with low paid and precarious workers in the hospitality industry in Sheffield and South Yorkshire.

The structure of the report is as follows. In the remainder of Section 1. we provide definitions of sexual harassment, explore the prevalence of workplace sexual harassment by demographics and industrial sectors, define what we mean by 'low paid and precarious work' and introduce the UK hospitality sector. In Section 2., we outline the methodology that underpinned this research. In Section 3., we explore our participants' experiences of sexual harassment and unwanted sexual attention, allowing them to tell their stories in their own words. In Section 4., we identify what we understand as the four key mechanisms that are implicated in the prevalence of sexual harassment in hospitality, being the sexualisation of this form of service work, precarious contracts, the 'recruited acquiescence' of the workforce and labour market deregulation. In Section 5., we look at workers' experiences of attempting to respond to workplace sexual harassment, the challenges they face in seeking redress and the often-unsatisfactory outcomes, as well as the legislative, regulatory and business culture shifts we believe are necessary to effect change, and the role of campaigning organisations. We believe trade unions have a particular role to play in effecting such positive changes, but there is a need to overcome sexism in the movement and generalise important contemporary campaigns. These issues are addressed in Section 6. of the report. Finally, in

Section 7., we recapitulate our findings, note their relevance for other industries and identify remaining gaps in the existing body of research.

Defining Sexual Harassment

1.1

Within this report, 'sexual harassment' will be understood to include a broad range of behaviours and actions, and will draw on meanings and understandings from those we interviewed. Sexual harassment is defined and categorised in different ways, and drawing on any one definition may exclude certain experiences. Nevertheless, we frame our discussion with reference to the appropriate legal definition.

Sexual harassment in the workplace is primarily legislated under the Equality Act 2010 (which superseded the Sex Discrimination Act 1975), though certain acts may be covered by other legislation (such as the Protection from Harassment Act 1997)¹. The Equality Act prohibits sexual harassment, which is where:

'A engages in unwanted conduct of a sexual nature. The conduct has the purpose or effect of either violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B.' (Practical Law Employment, 2022)

This is more commonly referred to as 'hostile environment sexual harassment'.

The Act also prohibits 'less favourable treatment because the employee rejects or submits to unwanted conduct of a sexual nature or that is related to gender reassignment or sex' which is where:

1. There have been calls to regulate workplace sexual harassment under Health and Safety legislation (Engender, 2022; STUC, 2022), which we endorse and discuss below in Sections 4.4. and 5.4.

'A or another person engages in either unwanted conduct of a sexual nature or unwanted conduct that is related to gender reassignment or sex.

The conduct has the purpose or effect of either violating B's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for B. Because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.' (Practical Law Employment, 2022)

This is more commonly referred to as 'quid pro quo sexual harassment'.

Sexual harassment can include a wide range of behaviours, but the common factor is 'the effect that the conduct has on the victim, and that it is unwanted' (WESC, 2018). Different typologies have been developed to categorise sexual harassment (Government Equalities Office [GEO], 2021). For example, the EU Committee on Women's Rights and Gender Equality (FEMM committee) propose the following typology:

'Non-verbal - (e.g. sexually suggestive gestures, display of sexual material)

Verbal - (e.g. sexually suggestive comments or jokes)

Physical - (touching, hugging, kissing, rape)

Cyber - (offensive, sexually explicit e-mails or SMS messages, offensive, inappropriate advances on social networking sites)' (European Parliament, 2018: 13).

Taking into account victim and survivor led definitions of sexual harassment is important. Legal definitions of sexual harassment alone are inadequate as victim-survivors of sexual harassment may not recognise their experience as sexual harassment or may be unaware of what behaviours legally constitute sexual harassment (WESC, 2018; GEO, 2021). This is a point we return to in our methodology. In this report, we draw on a wide range of

definitions of sexual harassment, drawing on the established literature, as well as the meanings and understandings from the participants that we interviewed. In Section 3., where we share the women's experiences, we refer to their experiences of 'sexual harassment and unwanted sexual attention', in recognition that not all of the women we spoke to classed their experiences as sexual harassment.

Prevalence of Workplace Sexual Harassment

1.2

Within the UK, there has been a lack of empirical research into the extent to which workplace sexual harassment occurs (TUC, 2016: 4). Historically, the UK Government has not collected data into the frequency of sexual harassment experienced at work (WESC, 2018), and only made commitments to do so in 2018 (BEIS, 2018). However, the evidence that we do have indicates that it is a widescale problem.

The existing national and international data that exists indicate that workplace sexual harassment is largely perpetrated against women by men, though it can be experienced or perpetrated by anyone (GEO, 2021a; International Labour Organisation [ILO], 2020). Moreover, certain groups and demographics are more at risk of experiencing sexual harassment; it is compounded by other inequalities, and people's experiences can be bound up with other forms of harassment (TUC, 2016; GEO, 2021a; ILO, 2020; Engender, 2022).

As part of a Government Equalities Office consultation into sexual harassment in the workplace, a literature review was conducted to collate the existing evidence on workplace sexual harassment. The authors identified that there have been just four recent large-scale studies, 'that have used behavioural descriptions of sexual harassment as survey items, and which have involved relatively large base sizes' (GEO, 2021a: 14). It is important to note that these surveys vary in comparability. The two BBC commissioned

surveys are taken from a sample of the national population, whereas the studies conducted by the Prospect union and the TUC are from union members and only look at women. The studies also draw on different typologies of sexual harassment, which shape what kinds of behaviour are included. Acknowledging these caveats, we outline what these four key surveys, a fifth survey by the Government Equalities Office itself, and other, supplementary sources have to say about prevalence of sexual harassment in relation to a range of demographic factors.

Overall prevalence

A 2017 BBC Radio 5 Live Survey, commissioned to research experiences of sexual harassment in the workplace², reported that 37% of those surveyed had ever experienced sexual harassment in the workplace (ComRes, 2017a). A second 2017 survey commissioned by the BBC based on a larger sample³ found that 29% of participants had ever experienced some form of workplace sexual harassment⁴ (ComRes, 2017b). The Government Equalities Office survey, which can be considered the most robust of the data sources considered here⁵, found that 29% of those in employment reported having experienced some form of sexual harassment in their workplace or work-related environment in the last 12 months, equating to 20% of the population overall (GEO, 2020: 68).

Gender

The Radio 5 Live Survey reported that 20% of men and 53% of women in their sample had ever experienced workplace SH, or in a place of study (ComRes, 2017a: 1). The second BBC survey reported figures of 18% of men, compared to 40% of women (ComRes, 2017b: 23). A 2016 survey by the TUC meanwhile found

2. There have been calls to regulate workplace sexual harassment under Health and Safety legislation (Engender, 2022; STUC, 2022), which we endorse and discuss below in Sections 4.4. and 5.4.

3. 6,206 British adults aged 18+.

4. 9% in the last year, 20% over a longer time period.

5. The sample size was 12,131 participants and the design was intended to be nationally representative by a range of demographics including age, sexuality, ethnicity, gender and region.

that 52% of women polled had experienced some form of sexual harassment (TUC, 2016: 4-5)⁶ and a survey by the union Prospect (2018)⁷ gave a prevalence of 35%. A survey by the Equalities and Human Rights Commission 2018⁸, showed women were much more likely to experience sexual harassment, whereas men were more likely to witness it or support someone who had experienced it. In contrast to the other surveys considered here, the GEO study showed little variation in prevalence of sexual harassment by gender, 30% of women, compared to 27% of men experienced sexual harassment in the last 12 months (GEO, 2020). Elsewhere the GEO study notes that they used one of the broadest definitions of sexual harassment found in any study (2020: 26), which may explain the difference, but this requires further analysis.

The GEO survey (2021b) reported that experiences of sexual harassment were well over double for trans people (see Figure 1 below). Research from the United States suggests that policies around uniforms and bathrooms can create an environment within which the sexual harassment of transgender workers is 'permitted to thrive' (ROCU&FT, 2014: 20). A TUC (2017) study into LGBT people's experiences of sexual harassment found that trans women were more likely than 'other women to experience sexual assault and rape at work', with 32% of trans women who responded to the survey reporting being sexually assaulted and over one in five (22%) experiencing serious sexual assault or rape (TUC, 2017: 19). Nonetheless, while 50 trans women responded to that survey, not enough trans men responded to produce reliable estimates. However, for both groups, the evidence base is limited, and future research is needed to foreground the voices and experiences of trans and non-binary workers.

6. 1,533 adult women from a wider sample of 3,524 adults were asked about sexual harassment.

7. While this was a relatively large sample of 6,677, it was a sample of their own members (in technical, scientific and managerial occupations), rather than the general public.

8. A sample of 750 members of the public who had experienced sexual harassment at work.

Figure 1: Sexual Harassment (last 12 months) by Key Demographics (GEO)⁹



Age

The Prospect (2018) survey gave a prevalence amongst those aged under 30 of 44%, and the GEO survey (2021b) also showed that young workers were more likely to experience sexual harassment (see Figure 1). The figures for the Radio 5 Live survey were 45% of 18-34 year-olds, compared to 33% of respondents aged 55 and over who had ever experienced sexual harassment (ComRes, 2017a: 1), while the second BBC survey gave figures of 36% of 18-34 year olds, as compared to 25% for over-55 year olds (ComRes, 2017b: 23), with the most at risk group being women up to 34, at 43% (again ‘ever experienced’) (ComRes, 2017b: 27). The latter trend is borne out by the TUC survey, which, albeit based on a relatively small sample, showed that young women were more

9. Adapted from GEO (2020: 70).

likely to experience sexual harassment, with 63% of 18–24-year-olds reporting it compared to the average of 52% among all women respondents (TUC, 2016: 15).

Ethnicity

The GEO survey (2021b: 70) showed a higher prevalence of sexual harassment in the last 12 months amongst non-white ethnic minorities (32%) than their white counterparts (28%) (see Figure 1 above). The second BBC survey did not directly record ethnicity, but did ask participants their religion and found that Jewish (51%) and Buddhist (52%) individuals faced a greater risk of having ever experienced workplace sexual harassment than those of a Christian or Muslim faith (both 27%), but we do have to be cautious here due to small sub-samples (ComRes, 2017b: 25).

Certainly, there is some indication in the existing literature that women from certain ethnic groups may be targeted for sexual harassment due to racist stereotypes that sexualise women of colour in particular ways, for example assuming Asian women are too 'honourable' to report sexual harassment, or that black women are 'more tactile' and so will be more willing to tolerate sexual harassment (Fielden et al, 2010: 27). Concurring, McDowell (2009: 116-119) clearly shows how such racist tropes are rooted in an exoticisation and sexualisation of black female bodies which dates back at least as far as the colonial period. In the present day such stereotypes - coupled with global economic inequalities - serve to disproportionately funnel migrant women in Europe towards the kind of 'interactive service work' that is the focus of her study. Perhaps unsurprisingly then, various authors have argued that race is a 'risk factor' in understanding which hospitality workers are exposed to sexual harassment (Kensbock et al, 2015: 40), and such linkages lead Fielden et al (2010) to argue for a specific term of 'racialised sexual harassment' to cover the particular experiences of women of colour. This is an area that requires further research as the specific experiences of people of colour is scant in the literature.

Sexuality

In 2018, the TUC (2019) surveyed 1,001 Lesbian Gay Bisexual and Trans people¹⁰ in Great Britain who had worked in the last 5 years. The TUC reported that 68% of LGBT workers experienced at least one type of sexual harassment at work and 12% of LGBT women reported being seriously sexually assaulted or raped at work. The GEO survey (2021b) makes it clear that sexual harassment amongst LGB participants is significantly higher than for those who are heterosexual (see Figure 1 above).

Disability

The GEO survey (2021b) showed a much higher prevalence of sexual harassment amongst those with a highly limiting disability (Figure 1). This is confirmed by the second BBC survey. The gap is smaller in the BBC survey – though the question wording and reporting period differs - with 33% of participants recording any kind of disability (physical or mental) reporting that they had ever experienced workplace sexual harassment, dropping to 28% for those not reporting any disability (ComRes, 2017b: 23).

Region

The BBC Radio 5 Live survey noted that 37% of participants in Yorkshire and the Humber had ever experienced sexual harassment, in line with the UK average (ComRes, 2017a: 2), lower than Wales (45%) and the East of England (40%), but higher than the North East (29%), North West (35%), West Midlands (33%) and South East (36%). This differs from the second BBC survey, drawing on a larger sample, which reported a lower prevalence of sexual harassment for Yorkshire and the Humber (26%) than the national average (29%) and a majority of regions, including London (35%) and Scotland (32%) – only the North East had a lower prevalence (25%) (ComRes, 2017b: 24).

Employment Sector

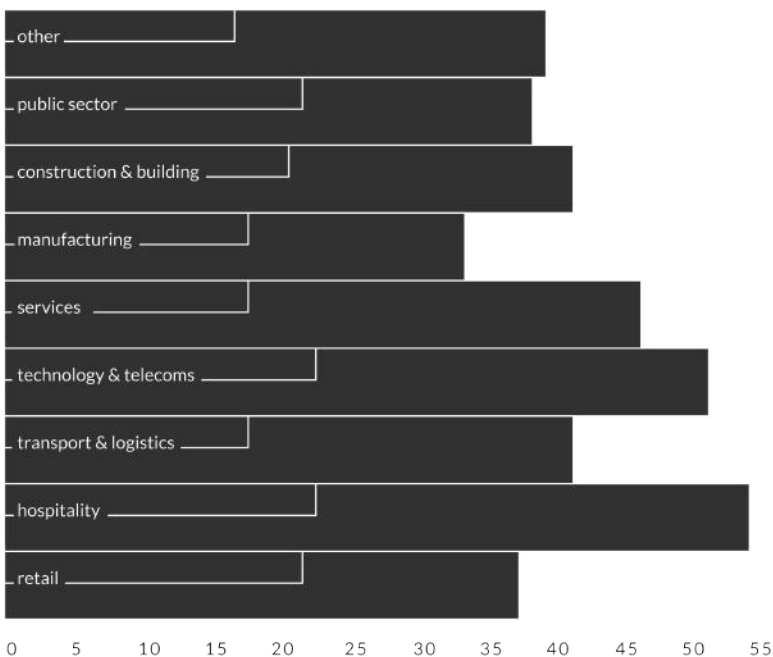
The TUC survey (2016) explored differences in experiences

10. A sample 1,001 Lesbian Gay Bisexual and Trans people, supplemented by 150 responses from LGB women to balance the gendered split.

across industries, but sample sizes were again small. Compared to a 52% average of respondents reporting workplace sexual harassment across all sectors, it was reported by 69% of women working in manufacturing and 67% of women working in leisure and hospitality. The second BBC survey, with a much larger sample, largely corroborated these findings, though with hospitality the worst affected sector, with 40% of workers in this sector reporting they had ever experienced workplace sexual harassment, 8% higher than the next nearest sectors – ‘services’ and the ‘public sector’ (ComRes, 2017b: 26). Figure 2 below provides the sector breakdown by gender for this survey. The EHRC survey (2018) noted that a third of those who had experienced sexual harassment had experienced it from a third party and many of those who reported this worked in the hospitality industry and felt that it was a ‘normalised’ part of the job (EHRC, 2018: 4) - an issue we will explore in Section 4.1. below. Indeed, Unite ran a survey in 2018 and while there may be some issues of self-selection, it did find that 9/10 hospitality workers (of all genders) experienced some form of sexual harassment, with 84% experiencing unwanted touching (Bence, 2018). A second survey¹¹ by Unite of its members in ‘services’ in 2022 revealed that 32% of participants has directly experienced sexual harassment and another 20% had witnessed sexual harassment, which rose to 47% and 63% amongst hospitality workers (Unite, 2021: 4).

11. The survey was sent out to 38,000 members to Unite’s members in ‘services’ (their categorisation), receiving 1181 responses, 27% of whom worked in hospitality.

Figure 2: Sexual Harassment ('ever experienced') by Sector (ComRes)¹²



Contractual Status

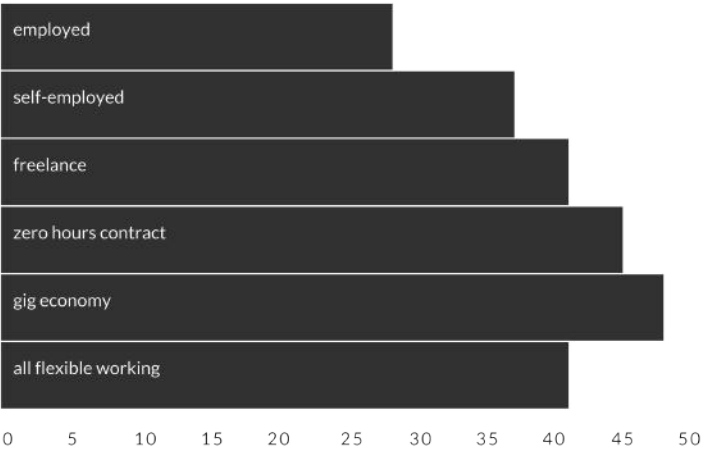
The TUC survey (2016) showed that women who did agency work or had a zero-hours contract were more likely to experience certain types of sexual harassment and were less likely to report it, though the sample is not large enough to draw any strong conclusions from this. The second BBC survey, however, with a much larger sample size, reported that overall, 43% of atypical workers had ever experienced sexual harassment, compared to 29% of those on standard employment contracts, with higher still proportions for those who work on a zero-hours contract or in the gig-economy 49%¹³ - see Figure 3 (ComRes, 2017b: 33). The GEO study noted that, in comparison to the 23% of permanent employees who reported sexual harassment within the last 12 months, around half of interns/those on work experience and apprentices/trainees experienced at least one form of sexual harassment in their workplace over the same period (GEO, 2021b: 71). The links between precarious contracts, power disparities and exposure to sexual harassment are further highlighted in

12. Adapted from ComRes (2017b: 29).

13. This is a self-report measure, so depends on what a worker understands 'gig economy' to mean.

research drawing on the European Working Conditions Survey, which showed an independent association between ‘schedule unpredictability’ – defined as experiencing changes to one’s working schedule either on the day or one day in advance (Reuter et al, 2020: 5) – and higher rates of ‘unwanted sexual attention’ and sexual harassment (Ibid: 8). Finally, the GEO report further notes that older victim-survivors of workplace sexual harassment were more likely to be permanent employees, and victim-survivors from ethnic minorities or reporting highly limiting disabilities were less likely to have a permanent role (GEO, 2021b: 70-71).

Figure 3: Sexual Harassment (‘ever experienced’) by Contract Type (ComRes)¹⁴



Perpetrators

The TUC (2016) survey found that most sexual harassment of women workers was perpetrated by a male colleague. In one in five cases, it was perpetrated by their manager or someone with authority over them. The Radio 5 Live survey found that men were more likely to be harassed by a colleague, at 57%, compared to 38% of women. 30% of women, compared to 12% of men, were sexually harassed by their manager or a senior manager (ComRes, 2017a). The GEO noted that 38% of victim-survivors reported that their perpetrator was the same level as them, while over a quarter reported a perpetrator who was more senior. Women were more likely to have been harassed by someone more senior to them (31% compared to 26% of men) and also more likely to

14. Adapted from ComRes (2017b: 29).

have been harassed by someone from outside the organisation - 20% compared to 8% of men (GEO, 2021b: 68). The second Unite survey identified 'clients, contractors and guests' as the main perpetrators, some 34% higher than the second category of 'bosses, managers and supervisors', which itself was marginally ahead of 'colleagues' (2021: 6). This chimes with survey evidence from the United States that suggests female workers are more likely to be 'bothered by' sexual harassment from customers rather than employers or co-workers, though the overall differences were slight - 90% vs 86% and 83% (ROCU&FT, 2014: 17-24). The Engender survey meanwhile recorded that 72% of participants were harassed by someone more senior than themselves (Engender, 2022: 18). Finally, the evidence from cases of sexual harassment that make it to employment tribunal indicate that 'managers and senior officials' are the category of worker whose behaviour is most likely to be complained about (Lockwood et al, 2011: 91). Overall, it is clear that managers, colleagues and customers are all significant perpetrators of sexual harassment.

In our own research we heard experiences of sexual harassment from all three categories of perpetrators and will explore the particular abuse of power implicated in each form.

Seniority also seems to influence the severity of harassment, with the greatest proportion of the most serious forms of harassment ('unwanted touching', 'repeat harassment') being accounted for by more senior perpetrators (38% and 32% respectively - GEO, 2020: 122). It is also worth noting that perpetrators of sexual harassment tend to be older than victim-survivors, but that this is much more so the case for women than for men (39% of those who harassed women were at least 10 years older, compared to just 23% for men - GEO, 2020: 120).

Summary

Summarising these findings, it is clear that workplace sexual harassment is a too common experience in the UK, affecting at least a 1/3 of workers on an annual basis. The bulk of the evidence

suggests that it disproportionately affects women, who generally report rates twice (or more) as high as men. It also disproportionately affects young people, and young women in particular, as well as ethnic minorities, and those reporting a disability. The evidence also suggests that those who are LGBT are perhaps most likely to experience workplace sexual harassment.

In terms of industry and workplace dynamics, sexual harassment seems to be particularly high in traditionally male dominated industries like technology and telecoms, and female dominated industries like hospitality (cf. Adkins, 1995: 58-59). For contractual status, it is clear that all forms of precarious work (from zero-hour contracts to internships) expose workers to a greater risk of sexual harassment. Moreover, the data on the overconcentration of young, ethnic minority and disabled individuals on precarious contracts and experiencing sexual harassment points to the ways in which precarity intersects with the vulnerabilities of groups that are already disadvantaged within the labour market and wider society. The evidence suggests that women workers are more likely than men to be sexually harassed by someone in a position of seniority and by someone outside of the organisation.

What all of this suggests is that sexual harassment is very much tied up with hierarchies and vulnerabilities and is seemingly most prevalent where differences in power are the greatest. While there is a lack of evidence on the relationship between likelihood of sexual harassment and pay levels, it should be clear that those on lower pay are by definition lacking in power and may find it more difficult to speak out due to the fear of losing their jobs.

These issues are explored in much greater detail below. However, it is evident even at this stage of our analysis that redressing power imbalances between workers and their colleagues, customers and bosses is likely to effect a reduction in the prevalence of workplace sexual harassment.

Sexual Harassment has a significant impact on people's lives, well-being and experiences of work. The experience of workplace sexual harassment is associated with harmful psychological outcomes, including lower job satisfaction, stress and depression (Kensbock et al, 2015: 37; Good and Cooper, 2016: 447), with a large number of victim-survivors thought to experience Post Traumatic Stress Disorder. Sexual harassment is also associated with physical health symptoms (Kensbock et al, 2015: 37) such as clinically poor sleep and high blood pressure (Engender, 2022: 20). In ROC United and Forward Together's survey of hospitality workers in the United States, they noted that 36% of participants reported that their level of depression and anxiety increased after experiencing sexual harassment (ROCU&FW, 2014: 28).

For a significant proportion of workers, sexual harassment results in them leaving their jobs – the Radio 5 Live Survey recorded this to be the case for 8% of participants overall, 9% of women and 4% of men (ComRes, 2017b). This finding was echoed in the second Unite Survey, where 10% reported leaving their job as a consequence of sexual harassment, in addition to another 21% who wanted to leave their job but felt they couldn't due to financial pressures. An Australian study found that victim-survivors were more likely to leave their jobs or be fired than perpetrators (Deloitte, 2019). Beyond leaving or losing the job, 32% of participants in the Unite survey also said that the sexual harassment had affected their mental health, 25% felt less confident at work, 19% felt unsafe and 6.5% said it affected their personal life and relationships (Unite 2021: 13). Aspects of this we explore further in Sections 5. (Responding to Sexual Harassment) and 6. (The Role of Trade Unions) below.

Matulewicz (2015: 416) has also drawn attention to the long-term consequences of sexual harassment, particularly for young workers for whom this may characterise their first or early experiences of employment. It may be that unacceptable and

egregious behaviours come to be normalised as ‘ordinary’ and accepted as ‘routine’¹⁵, making it difficult for workers to even conceptualise those experiences as sexual harassment (see also ROCU&FW, 2014: 6).

From an organisational perspective, experiencing workplace sexual harassment is unsurprisingly associated with reduced productivity and organisational commitment (Kensbock et al, 2015: 37), as well as absenteeism and higher levels of staff turnover (Good and Cooper, 2016: 448). For business such costs extend to litigation, victim compensation and negative publicity (Moreo et al, 2022: 624) – the risks of which may be increasing in the era of #MeToo.

The impacts of SH will be further explored in subsequent sections of this report, especially in Section 3. where we explore the stories of our participants in some depth, but even this brief review underscores that these impacts cannot be underestimated, and the evidence suggests the importance of tackling it for the sake of people’s working lives and overall wellbeing.

Defining Low Paid and Precarious Work

1.4

In this report, we will focus specifically on low paid and precarious work, and look at how such workers experience sexual harassment. In line with our previous research (Thomas et al, 2020), we define low pay primarily in terms of the internationally accepted measure of earnings below two-thirds of (median) average income. For full-time workers in the UK that median average as of April 2023 (ONS, 2023c) is £34,963, which would give a low pay threshold £23,076 (or £1,922 per month or £11.99 per hour – all figures before tax). Nonetheless, there are marked geographical differences in median annual earnings, which range

15. 14% of participants in the second Unite survey said they ‘accepted sexual harassment as part of the job’ (2021: 11).

from £31,616 in the North East (giving a low pay threshold of £20,867) to £43,628 in London (giving a low pay threshold of £28,794). In Yorkshire and the Humber, where this research was conducted, average earnings are £32,812 and the low pay threshold is £21,656 or £11.26 an hour (ONS, 2023c). We also have to contend with record levels of inflation, meaning that conservatively we should be adding 10% to each of these thresholds - CPI of 10.1% (ONS, 2023a) and RPI of 13.8% in the 12 months to January 2023 (ONS, 2023b).

An alternative measure of low pay is the Living Wage Foundation's (LWF) Living Wage, based on public expectations of disposable income necessary to achieve an adequate living standard. The current LWF Living Wage is £12 (outside of London) as of October 2023¹⁶.

Precarious work is a much more complex concept (Moore and Newsome, 2018, p.476) and is sometimes used interchangeably with other terms, like 'insecure' or 'atypical' employment, the 'gig economy', agency work, zero-hours contracts, (bogus) self-employment or part-time work (NIESR, 2017: 5; OECD, 2000: 156). To avoid confusion, within this report we will name specific forms of precarious employment arrangements specifically wherever possible (i.e. agency workers, fixed-term contracts) and only use the term 'precarious' when this meaningfully describes the experiences and feelings of a group of workers, or when we are referring to broader trends.

Some forms of precarious work increased significantly in absolute terms in the 1980s and 1990s (Umney, 2018: 57) and newer forms of precarious work (particularly zero-hour contracts and bogus self-employment) have become more prevalent in the last 20 years (Clarke and Cominetti, 2019; ONS, 2018a). Although there is a debate as to whether the percentage of people on precarious contracts is increasing or holding steady (Umney, 2018; Choonara, 2020), there is clear evidence that a range of

16. <https://www.livingwage.org.uk/what-real-living-wage>

workers are feeling increasingly insecure, given the last decade of pay repression, cuts to out-of-work benefits and increasing poverty – most publicly symbolised by the proliferation of foodbanks and street homelessness (Hardy, 2021: 63-65).

The UK Hospitality Sector

1.5

Many of the participants we interviewed worked in the hospitality sector. The hospitality industry encompasses the ‘accommodation and food service’ industrial sector as classified by the Office for National Statistics. It includes restaurants, cafes, pubs, bars, catering, hotels and other accommodation.

The economic output of the hospitality sector (accommodation and food services) in the UK was £59.3 billion pre-pandemic¹⁷, which corresponded to around 3% of total UK economic output. Of this total, £17.7 billion (30%) was from accommodation services and £41.6 billion (70%) was from food and beverage services (Hutton, 2022: 10). Hospitality businesses represent 3.7% of all businesses in the UK, and the figure is slightly higher, at 4.2% for the Yorkshire and Humber region (Hutton, 2022: 12). The sector is also a key employer, representing two and a ½ million jobs as of March 2020, up by ½ million from 2013¹⁸. The sector now represents 7.1% of all jobs in the economy and is the 7th largest of the 20 main industrial sectors (Hutton, 2022: 13).

This figure is slightly lower in Yorkshire and the Humber, at 6.2%, but this still equates to just over 170,000 jobs in the region (Hutton, 2022: 14).

In terms of industry demographics, hospitality workers are disproportionately young workers, with 35% being aged 16 to 24, compared to 11% across all sectors (ONS, 2020). This is highly

17. Output in the hospitality sector fell by as much as 90% during the peak of the pandemic, though largely recovered by February 2022 (Hutton, 2022: 18).

18. Though only 1.8 million workers, given the propensity for people to hold more than one job (Mai and Cominetti, 2020: 9).

significant in terms of the exposure to and experience of sexual harassment, as we will detail below. As regards ethnicity, 17% are from a minoritised backgrounds ('Black, Asian and Mixed/Multiple Ethnicities'), compared to 13% of all workers (Hutton, 2022: 15). While women only account for a slight majority of all jobs in hospitality in the UK, at 54% as of September 2022, they constitute 61% of part-time employees, and only 46% of full-time employees. For Yorkshire and the Humber women make up 54% of all hospitality employees, 59% of part-time and 47% of full-time employees¹⁹.

As regards pay, wage levels (excluding overtime) are the lowest of any industrial sector in the UK, equating to a median hourly rate of £8.48 as of April 2020, compared to the average for all workers of £10.39 (Hutton, 2022: 16). By the definition of low pay introduced above (below the 2/3s median), 52% of hospitality workers are low paid (Cominetti and Slaughter, 2020: 5), compared to 15% of all workers. Pay also varies significantly by job role, with hotel managers earning around £13 per hour, bar and restaurant managers around £10 per hour, chefs and cooks around £9 per hour, bar staff just over £8 per hour and waiting staff just over £7 per hour (Mai and Cominetti, 2020: 5). The latter two are below the adult minimum wage of the time, demonstrating that these roles must be dominated by young people on the 'youth rates' of the national minimum wage.

The sector is also characterised by the prevalence of part-time work and precarious contracts (in this sense meaning anything less than full-time jobs with guaranteed hours and permanent contracts). In 2019, 46% of hospitality workers worked less than a 35-hour week, compared to 26% across the economy as a whole (Mai and Cominetti, 2020: 4-5). As we noted above, hospitality is the sector that accounts for the largest percentage of zero hours contracts (Koumenta and Williams, 2019) and analysis from the TUC suggests that the hospitality industry has accounted for

19. <https://www.nomisweb.co.uk/>

1/5th of the increase in insecure work²⁰ in the five years from 2011 (TUC, 2017a: 11).

These features of the hospitality industry, in terms of (low) pay and (precarious) contracts, are in part a function of the nature of the businesses, as a labour-intensive form of personal service where employers seek to keep wage costs down. However, these features have arguably been exacerbated in recent decades due to the rationalisation of the industry that has followed in the wake of capital concentration, financialisation and mergers (Grady and Simms, 2019; Papadopoulos and Ioannou 2022: 11). As a result, hospitality firms will set targets for labour costs not to exceed a specific percentage of total sales revenue (typically less than 20%), using performance management and managerial bonuses to monitor and incentivise the system (Kearsey, 2020: 506; Royle and Rueckert, 2020: 3). Franchising models are also preferred due to the belief that franchisees will more effectively 'sweat' their labour resources (Royle, 2000: 35). Such systems promote the use of zero-hour (and other forms of precarious) contracts, as these allow managers to minimise their staffing obligations. In turn however these contracts allow for inordinate levels of managerial control, which Wood (2020a) has described as 'flexible discipline', and which we will explore in relation to sexual harassment in Section 4.2.

Finally, the character of the hospitality industry is also marked by a lack of regulation. To some extent this mirrors the more general deregulation of work in the UK over the last few decades, and we will explore those processes as they bear upon the experience of sexual harassment in Section 4.4. Nonetheless, there are also more specific features of the hospitality industry that may make it even more difficult for workers to secure their employment rights, such as:

20. Here the TUC is defining 'insecure work' as people on zero hours contracts, 'other insecure work, temporary work' (including agency, casual and seasonal work, but not fixed-term contracts) and 'low paid self-employment' (TUC, 2017a: 8).

- Very low levels of unionisation – at 3-4% of the workforce (Ioannou and Dukes, 2021: 257) – that prevents workers from having a voice in relation to their working conditions.
- The abolition of a wages board in 1993 which had previously provided some regulatory oversight on pay, holidays and breaks (Ioannou and Dukes, 2021: 256).
- High levels of staff turnover that means workers may be less willing to put up a fight to make improvements in their workplace (Ioannou and Dukes, 2021: 265).

METHODOLOGY

"...a subsample of hospitality workers who were interviewed as part of a wider study of low paid and precarious work in the City of Sheffield between 2018-2021"

This report draws on a subsample of hospitality workers who were interviewed as part of a wider study of low paid and precarious work in the City of Sheffield between 2018-2021 (cf. Thomas et al, 2020). The purpose of that research project was to explore working conditions in a variety of employment sectors in a city which has often been listed as the UK's 'low pay capital' (Thomas et al, 2020: 3) and which has a higher prevalence of various forms of precarious work than the national average (Ibid: 20-26). In exploring working conditions, we were particularly interested in what can be described as the 'harms of work' (Scott, 2018). That is to say, a variety of harmful working experiences that range from unpaid wages (including being paid incorrectly, not receiving holiday and sick pay) to income insecurity, and from poor health and safety to bullying, discrimination and harassment. Our intention was to understand how the experience of such working conditions related to low pay and contractual insecurity, as well as workers' attitudes to and engagement (if any) with trade unions.

Sexual harassment and unwanted sexual attention were not a specific focus of this research project, though it was mentioned by a significant number of the workers, and trade union officials and other stakeholders we interviewed. In total 11 workers shared their direct experiences of sexual harassment and unwanted sexual attention, representing over a third of the hospitality workers we interviewed. Some of whom also reported on incidents they had witnessed, or that colleagues had discussed. We also draw on interviews with union organisers undertaking campaigning work with hospitality workers, particularly the field organisers for the Sheffield Needs A Pay Rise and Leeds Get Organised campaigns (discussed further below).

The hospitality workers were interviewed either in 2018/2019 or 2020/2021. Participants were selected on the basis of their sector and workplace and opportunistically because they were known to one of the authors and to a variety of gatekeepers (including local community groups), or from the authors' contacts within the local labour movement.

In most instances interviewees reported on their current job, but in some cases, workers held more than one current job, or reported on previous jobs. Interviews during the first round were largely conducted face-to-face, but during the second round (due to Covid restrictions) by secure videoconferencing. This study was also partially funded by a small grant from the Department of Psychology, Sociology and Politics at Sheffield Hallam University. The research was granted ethical approval by Sheffield Hallam University. Participation was invited on the basis of informed consent, and all worker participants have been given pseudonyms to protect their anonymity. The organisers for Sheffield Needs A Pay Rise and Leeds Get Organised chose not to be anonymous.

Where the issue of sexual harassment and unwanted sexual attention was discussed, it was brought up by the research participant, rather than being a pre-determined question asked in the interview. The conversations emerged from a general discussion of 'problems experienced in the workplace', which was the line of questioning followed in this research. A question which had specifically focused on sexual harassment could potentially have produced much more detailed evidence on the matter, and in the conclusion to this report we will discuss the need for just such a research project to be undertaken. We are conscious that the majority of interviews were conducted by a male interviewer. We recognise this may have inhibited how comfortable participants would have felt to share experiences of sexual harassment in the interview, particularly when there were also age and status differentials between interviewer and interviewee. Therefore, we

feel there was value in the more general discussion, around problems experienced in work, in allowing participants to raise the issue organically and in such a way that felt comfortable for them (cf. Matulewicz, 2015; 2016; Blackstone et al, 2014; ROCU&FT, 2014: 6). We recognise that potentially more interviewees may have raised issues of sexual harassment had it been a direct question, or if the interviewer had been a woman. In the conclusion, we will reflect on how to develop and extend this research.

Any time sexual harassment was raised by a participant, the interviewer was careful to respect the participant's privacy and support their well-being. They were reminded that they only needed to share what they wanted to, and that the discussion could stop if there was anything they did not want to talk about. In several instances, participants did intimate that they had experienced sexual harassment, but chose not to elaborate. In addition, participants were offered information on support services that are available to help (in this instance) workers cope with their experiences and challenge unjust treatment (i.e. information on trade unions and regulatory agencies).

Terminology

2.3

It is widely evidenced that sexual harassment is difficult to define (WESC, 2018; GEO, 2021a) and the stigma around it and downplaying of its significance, can mean many individuals might not – for a variety of reasons – use the language of sexual harassment to describe unwanted sexual attention and behaviour. Not all of the participants in the research who shared stories of unwanted sexual advances categorised their experiences as sexual harassment, but often used a vaguer language of 'problems' in the workplace (Pollert and Charlwood, 2009). In this study we will use the terms 'sexual harassment' or 'sexual harassment and unwanted sexual attention' (Reuter et al, 2020) interchangeably to describe any of the behaviours we would consider falling under

the legal definitions outlined in Section 1.1. However, when reporting on the workers' experiences in subsequent chapters, we will use their words to describe the incidents that happened to them.

Participants

2.4

11 worker participants shared experiences of sexual harassment and unwanted sexual attention in their interviews. 10 of these currently worked in hospitality (see Table 1 for the hospitality sample demographics), and 1 of these currently worked in retail (see Table 2 for the retail sample demographics). In Table 3, we set out the participants whose stories we draw upon in this report. All of the participants who shared experiences of sexual harassment and unwanted sexual attention were women ranging in age from 20-31 and indeed all but one were 25 and under. Two were Black British, two were of migrant, minoritised ethnic backgrounds, and the remainder White British. One was LGBT.

In this report we also draw on our interviews with union organisers who had experience of supporting people who had experienced sexual harassment. These participants are set out in Table 4.

Tables 1-4 can be found on the next page.

Table 1: Hospitality sample demographics

interview round	9 in round 1 (2018-19), 21 in round 2 (2020-21)
gender	10 males, 20 females
age	28 (mean), 24.5 (median), 22, 28 (bi-modal), 18-64 (range)
ethnicity	23 White British, 6 Minoritised Ethnicity, 1 unknown
wage rate	22 at or near Nat. Min Wage, 4 £1-2 above NMW, 4 unknown
contract type	13 Zero Hours Contract, 6 Variable Hours Contract, 1 Part-Time, 5 Full-Time, 2 Self-Employed, 2 No Contract, 1 unknown

Table 2: Retail sample demographics

interview round	3 in round 1 (2018-19), 1 in round 2 (2020-21)
gender	1 male, 3 females
age	23 (mean), 23.5 (median), 24 (mode), 21-24 (range)
ethnicity	4 White British
wage rate	All around £1 above relevant NMW rate
contract type	1 Zero Hours Contract, 2 Variable Hours Contract, 1 Part-Time

Table 3: Interview participants

Isabella	Hospitality
Olivia	Hospitality
Hannah	Hospitality
Jane	Hospitality
Jennifer	Hospitality
Awira	Hospitality
Aamaya	Hospitality
Priya	Hospitality
Ruby	Hospitality
Alice	Hospitality (Alice had also previously worked in retail)
Charlotte	Retail

Table 4: Union organiser participants

Jesse Palmer	Sheffield Needs A Pay Rise Organiser
Rohan Kon	Sheffield Needs A Pay Rise Organiser
Laura Dickinson	Leeds Get Organised Organiser

In the next section, we will report on the stories of sexual harassment and unwanted sexual attention that the workers we interviewed shared with us.

Experiences of Sexual Harassment and Unwanted Sexual Attention

"I was like, 'I don't want to know.' And everyone was like, 'None of us want to know' and then, I think he did it in purpose, he'd get into this routine and he used to do this all the time, jokingly ask for sexual favours"

"One time he brought his laptop to work... and he left it on the bar when he knew only girls were working and he left porn on his laptop, open "

"He would start making bookings, but doing it wrong and then putting my name under it"

"Every time I told the manager, he didn't believe me."

In this section we will present the data from our interviews with workers and hear their stories of sexual harassment and unwanted sexual attention. Harassment was experienced in different ways by the women we spoke to with the type of incident, the perpetrator, and the period of time it occurred over varying. The perpetrator was either a person with a direct line of authority over them at work, a colleague or a third-party such as a customer. Nearly all the interviewees had experienced sexual harassment and unwanted sexual attention more than once. This included either a sustained period of harassment from the same perpetrator, several incidences from different perpetrators within the same job, or sexual harassment experienced in more than one job. In several cases, they were aware of or witnessed, fellow colleagues being harassed by the same person who was harassing them. For many of the women there was no satisfactory resolution, complaints were not taken seriously and in some cases were met punitively. Often, leaving their job was their only option for ending the harassment.

Throughout, we draw attention to the power dynamics that left these workers vulnerable to sexual harassment, and begin to unpick the arrangements within low-paid and precarious forms of work that enabled their harassment. This will be discussed further in Section 4. The workers were all young women and in all but one case were harassed by a man, in many cases who was older than them and in a position of authority. Even where the women were harassed by a colleague or customer, rather than a supervisor or line manager, they were often subject to poor treatment from management when they tried to report the incident. We heard examples of hours being docked in response to making a complaint about harassment. There were almost no stories of supportive responses from management.

Each worker will be introduced, and their experiences will be

shared in their words. We have categorised these according to who was the perpetrator of the harassment. Where the women have discussed it, we will share their experiences of reporting and challenging the harassment at work, which will also be explored further in Section 5. Some of the interviewees chose to go into more depth than others, and as such some stories are longer or more detailed than others. We have sought to include each participant's voice as much as possible in this section, in recognition that they are the best narrator of their own account.

Harassment from a Supervisor or Manager

3.1

Several of the women we spoke to had been sexually harassed or received unwanted sexual attention from a supervisor, manager or person with a direct line of authority over them at work. In all cases the perpetrator was older than them, with there being an additional power dynamic of an older person harassing a younger woman. A common theme across these stories was the profound impact the harassment had on these women, who were subject not only to sexualised harassment, but the further abuse of power by the perpetrators who used their position of authority to harass them and control their working lives. In this section we will hear from Olivia (22), Jennifer (24), Alice (31), Isabella (20), Priya (21) and Ruby (18) telling their stories from the hospitality and retail sectors.

Olivia

Our first story comes from Olivia who worked in a popular chain restaurant. Olivia was 22 at the time of the interview, and had just been made unemployed from a subsequent hospitality job she had worked at for a few weeks, because of the Covid pandemic. She mostly reported on the job she had done for a couple of years previous to that, alongside her studies at university. This was a chain restaurant in the city centre where she was employed on a zero hours contract and on the national minimum wage. She

noted a number of poor employment practices, such as the use of trial shifts to meet staffing shortages, as well as issues with health and safety and food preparation.

While working at this restaurant Olivia was harassed by an assistant manager. At the time, she was 19 and he was in his 30s. She told us:

There used to be two assistant managers. One of them asked me to go and help this girl to do a job. I went, "Yes, sure, I'll go over." It wasn't busy. So I went over. Then, the assistant manager I didn't like came over and said to me, "You're not this assistant manager's bitch. You're my bitch," in front of customers. He was double my age. I'd just turned 19 at the time. Then, he walked away. I was like, "I'm pretty sure that's, basically, sexual harassment." I felt so uncomfortable.

Olivia went and told a supervisor who in turn told her to report it to a manager. At the restaurant Olivia worked in staff were managed by two supervisors, above which were the two assistant managers, and then by a store manager who divided his time between two sites. She told us the manager did not take it seriously and only gave the assistant manager a "smack on the wrist" which resulted in Olivia facing further poor treatment from him. Olivia then witnessed this member of staff harass another colleague:

He did it again. He didn't do it to me. He did it to another staff member, but in front of me. A staff member was taking a customer's order and he wolf-whistled at her while she was taking the order. I said, "Did you really just do that?" and he went, "No." I went, "I just saw you do it." Even the woman he did it to was, like, "How dare you."

This assistant manager persistently harassed staff which went unchallenged from management. Together with her colleague, she

put in a formal complaint with the chain owner, but he 'swept it under the carpet'. Olivia was aware of three other women being harassed, all within the space of two years. One woman was subject to inappropriate comments and was inappropriately touched by the assistant manager. Despite this incident being caught on camera, no action was taken. Olivia told us that as a result this member of staff left, while the assistant manager continued to work there.

Following her complaints to management, Olivia told us she was subjected to further harassment and bullying from the assistant manager. He would make errors and blame them on her.

As the receptionists, we did bookings and we dealt with deliveries and stuff like that. He would start making bookings, but doing it wrong and then putting my name under it. I caught him multiple times, but because we didn't have a camera there... Every time I told the manager, he didn't believe me.

She told us that this behaviour started after she complained about him and initially died down, but then escalated again after her and her colleague complained about his behaviour again. She told of us numerous incidences where he would belittle and bully her, and he would try to pin mistakes or problems at work on her.

Olivia said her complaints to the manager and the chain owner were largely brushed under the carpet, and following her initial complaint she had her hours docked by the manager (not the perpetrator but his line manager). In the end, Olivia left the job while the assistant manager faced no consequences for his actions. Management repeatedly protected the assistant manager and Olivia told us the manager and assistant manager had a close relationship. Olivia's story highlighted her vulnerability as a low paid worker. The perpetrator and management used their authority and control over her work to retaliate following her complaints. Her hours were cut, and the perpetrator further

bullied her by interfering with her work.

Jennifer

Our second story comes from Jennifer. Jennifer was 24 at the time of the interview and had just started an administrative job in the public sector after completing her degree studies. She started work after completing her GCSEs and worked for several years in the hospitality sector. The first couple of years she provided subcontracted catering services at a major sports venue and it is in this role she shared her experiences of sexual harassment. She worked very long hours in this job – once working a 24-hour shift where she brought in a sleeping bag and slept on the floor – for very low pay (initially the 16-year-old youth rate of the national minimum wage). When she was 18, she moved to events hospitality at a council owned venue, where she found generally much better terms and conditions.

Similar to Olivia's story, Jennifer was supervised by an older man, who repeatedly sexually harassed her and other members of staff. At the time she was just 16 whereas he was in his twenties.

There was this one supervisor who everyone felt was really gross, he was about twenty-four, maybe a bit younger, I can't quite tell, I think he had just finished uni, and he'd just...say really sexual things to the girls, I was sixteen and I didn't even know what he was talking about, I'd never heard of something he was talking about and I was just like, 'I don't even know what you are on about' and he was laughing, 'Oh, I'm going to tell you all about it!' And I was like, 'I don't want to know!' And everyone was like, 'None of us want to know' and then, I think he did it in purpose, he'd get into this routine and he used to do this all the time, jokingly ask for sexual favours as a joke, but what's a joke about that?

The supervisor repeatedly harassed the staff despite them asking him to stop. Jennifer described another incident in which he

deliberately left extreme pornography visible for members of staff to come across:

One time he brought his laptop to work, because he was a supervisor and there all the time, and he left it on the bar when he knew only girls were working and he left porn on his laptop, open. It wasn't an accident ... There was no question that we thought it was an accident. I didn't look at it, but I remember the rumour was it was really, really extreme, gross stuff and everyone was just freaked out and I think it was like fake rape and we were all just like 'wow, nobody wanted to see that', nobody wanted to know that's what he was looking at, at work, and left it for a group of girls to find. Underage girls as well, he'd left that [for].

Jennifer told us this incident was reported to a supervisor, a woman, who was also disgusted but she did not know what to do. The company Jennifer worked for was outsourced and there was no clear complaints procedure or Human Resources department to make a complaint to. No action was taken against this supervisor. Jennifer's story highlighted how the outsourcing of her job led to a lack of accountability and clear reporting structures for staff.

Alice

Next we hear from Alice, who had also experienced repeated harassment from an older manager while herself just a teenage girl. Alice was 31 at the time of the interview. She had worked in a wide range of jobs in her life, but mostly in retail stores, hotels, and telesales with some time out after the birth of her child. She recalled being uncomfortable with having to challenge shoplifters when she was only 16 years old. When she was a teenager she worked at a popular sports clothing retailer where she experienced sexual harassment from her manager. Alice told us she was just 16 at the time and the manager was in his forties.

I kind of brushed it off for the first couple of times. And then, you know, after a bit, I was like, “No, I'm not quite happy with this,” you know? And it would just be weird little things, like he'd ask you to follow him to do... He's like, “Oh, can you just follow me? I just want to show you how to do X,Y, Z,” whatever it was and you'd be like, “Yes, sure.” And then he would then want you to walk in front of him so he can look at you, you know, and that kind of thing. Or he'd say something like, “Oh, I think you should-”, because we used to have to buy our uniform from there. And he's like, “Oh, I think you should buy these because I think your bum would look really nice in them.”

Alice was initially unsure of what to do. She eventually made it clear she wanted him to stop and threatened to bring in her dad if he continued. Her dad eventually came in and confronted him.

And it was my dad that made me leave that job because of him. So, yes. A lot of complaints got made against him. And from what I heard, like, a few months later, he did get sacked for being inappropriate towards his staff.

Alice was one of the few examples we heard where this manager's behaviour eventually resulted in his contract being terminated. However, this was after she had left the job. She told us of how her tender age and early position in her working life meant she was unsure of how to address her manager's behaviour. She did not want to lose her first job and she identified the difficulties in challenging harassment when her manager had control of her working hours. This highlights the particular vulnerability of low paid and precarious workers as they are reliant on management to give them regular work.

Isabella

Isabella experienced a pattern of sexual harassment and unwanted sexual attention from an older manager at the age of

just 17, while working in fast-food. Isabella was studying at a local university and is of Black British background. At the time of the interview she was employed on a zero hours contract and paid close to the national minimum wage. She previously worked at another outlet of the same fast-food firm, where she started at the age of 16, alongside 6th form studies. She only lasted at that previous store for one year, however, because the business manager changed and there were issues in terms of how she was treated, as well as conflicts over the rota. She started at the second store when she was 17 and it was here that she was harassed. She told us it started when a manager overheard her telling a colleague that she was planning on breaking up with her then boyfriend.

There was an older manager there, who would listen in on these conversations, and he started to take an interest in me. And he was around 26 at the time. He told me that he was younger than that, he told me that he was 21. And he would start asking me weird questions, about my personal life, about my boyfriend, like really weird sexual questions.

The attention made Isabella feel really uncomfortable. She told us that his behaviour escalated; he would make comments to her, buy her things and began to follow her outside of work. The manager used his position of authority to control her working pattern and to ensure that he could be close to her.

He'd put himself on break at the same time as me, say these things to me. When I turned 18, I started to go out and go on nights out in town. He'd follow, he'd go, and he'd show his face, and just- It was getting really, really bad. And this was going on for a few years.

Isabella was aware that he had harassed other members of staff, she told us he was known in the workplace for targeting 17-year-old girls. When she told him that she was not interested in his advances, he retaliated by spreading rumours about her. She told

her manager several times, but nothing was done about his behaviour.

And I used to tell... It got to a point where I realised this was a bit weird, because he was spreading a lot of horrible stuff around about me, when I told him that I wasn't interested. So, I told my manager about it, and I kept on telling my manager, and he didn't do anything about it.

Isabella told us that the manager made her life at work unbearable. He would take extra shifts when he knew she was working and following a promotion he would schedule her to always be on shift with him.

It got to a point where I didn't want to come to work anymore. Because he used to pick up loads of extra shifts when he knew I was working. And because he was my manager, he had control over where I was going. And over time, they just didn't do anything about it, and he was getting promoted. And they kept him up for promotion, even though he was basically sexually harassing me. And with this promotion, he was given extra responsibilities, like scheduling people. So, he would always put me on shifts with him. He had control over when I could work, when I couldn't work.

Other managers within the outlet were aware that Isabella was being harassed by this manager. Not only did they not protect Isabella, the manager was promoted, giving him more opportunity to harass her and control her working life. Isabella eventually managed to escape the manager when he was promoted to a different store. However, she was later forced to work alongside him again when her own store was closed for a refurbishment. His harassment of her continued.

He basically, before I even started, was saying horrible things about me, to all the girls who worked there. So, it set like a negative environment for me. It was around Christmas as

well, so we had a Christmas party, and he was doing what he used to do at the Christmas party.

Following the Christmas party, Isabella decided to raise the issue again with management.

And because I was a bit older, I realised, “I’m not going to let this go this time, I’m actually going to stand my ground.” So, the next day, after the Christmas party, I went to speak to one of the higher up managers, who I felt a bit more comfortable talking to. So, I spoke to him, and I said, “This keeps on happening. This is what happened at the Christmas party last night. I don’t feel safe, it keeps on happening. He ruined my night, because he just wouldn’t leave me alone.” And they basically said, “Are you sure it’s like that? Maybe he just likes you.” I said, “I’ve already brought this up, when I was 17, and it’s a known fact that he goes for younger people. And how has that not been raised as an issue? He is definitely not being professional.”

Isabella’s complaints to management were repeatedly ignored and her interpretation of the incidences were instead questioned. Isabella was subject to a sustained period of harassment from the perpetrator, who abused his position as manager to harass her and used his control of her work to gain access to her and to retaliate when she challenged him. Similarly, to the other stories we share here from low-paid and precarious workers, senior management protected the perpetrator rather than supported the worker.

Priya

Priya was 21 at the time of the interview and had worked at fast-food franchise for the last 2 years where she was on a zero hours contract and paid the national minimum wage. She is of Black-British heritage. She also had a second job at a nightclub.

Previously she had worked in a pub where she said there were a lot of issues and that rather than firing her, they simply took her off the rota. She had various issues at the fast-food outlet, including them scheduling shifts at times she couldn't work, bullying managers and abusive customers. It was in this job that she also experienced sexual harassment, which more senior managers failed to address. A manager at work would show up at her second job in a local nightclub and try to talk to her.

He comes to my, what do you call it, work which is [a nightclub]. He comes there all the time. [The club] is somewhere for students. It's literally just students in there. It's not really for the older people. It's not like that place. It's not a nightclub for older people. It's just for students really because obviously they do all the student nights and stuff like that. He's always in there as well. He's always like, "Why don't you stay with us? Why don't you have a dance with us?" I'm like, "No. No."

She told us that the manager would make her feel really uncomfortable and that he was not someone you would want to be alone with.

Obviously when I first started there I used to be on shots, so I just used to be like a shot girl with my friend as well. I'd see them a couple of times. They'd come in and try and approach me and stuff. Just from stuff like that, the way he acts and stuff and the way he looks at you, you just know that he's just a creepy person. He's not someone that you want to be alone with or anything like that.

Priya told us that the manager was known for harassing other members of staff.

This girl, she'd ripped her trousers and he was saying, "Bend over," and stuff like that to her, being just really creepy to her.

This member of staff made a complaint about this manager which resulted in her being transferred whereas he was allowed to stay at the same site.

She felt so uncomfortable and everything so she went and took it up with the big franchise manager.

I don't think he really got into trouble about it or anything like that. I can't really remember exactly what he said but it was along the lines of stuff like that. It obviously made her feel really uncomfortable. When she did go and complain about it, she got transferred to a different store, he stayed at our store, that was it.

Similar to Isabella, Priya's experience of sexual harassment spilled out of the workplace in which she had initially met the perpetrator, and began to intrude on other areas of her life. She did not know who to complain to as the perpetrator was a manager. Similar to many of the other worker's stories we share here, there was no clear route to report the harassment and get support.

Ruby

Our final story comes from Ruby. Ruby was 18 at the time of the interview and had been working at a fast-food restaurant for about 8 months. She had actually been offered the job 6 months earlier than that, but her start was delayed by the Covid pandemic. Part of her motivation for starting work is that her mum and step-dad had been furloughed and were struggling to make ends meet. She ultimately wants to work in healthcare. At her fast-food outlet she was unhappy with the lack of training, which exacerbated her anxiety, as well as bullying managers, lack of sick pay, and problems with the rota. She is on a zero hours contract and paid just above the national minimum wage. After befriending a supervisor at work, a sexual rumour about the two

was circulated.

There was a [supervisor] [...], he's a lot older than me, and he was my first friend. He'd tell me what to do. If I was struggling he'd come and help me. We were really good friends, he was really nice to talk to. One day I heard a rumour, and it was a disgusting rumour, about me and this [supervisor]. It was very sexual. All of the managers were chiming in, all of the managers were egging it on like, "Oh Ruby..." It made me not want to come into work, it was awful. It actually made me stop talking. I got called a flirt. All I was, I was reaching out for support at this brand new job that I'd never done before.

Ruby discovered that it was a manager who had started the rumour and who was spreading it at work.

It was female ones. I found out through female ones. It was actually one of the managers, that's now salaried, who was the shift manager, now she's salaried, and she was like, "Oh, I've heard this rumour." I'm like, "Wow, you're a manager and it's making me visibly uncomfortable."

The rumour had a significant impact on Ruby, she felt unable to talk and stopped wanting to go into work. She told us she did not know what to do or how to challenge it.

Harassment from a Colleague

3.2

Three of the women had experienced sexual harassment or unwanted sexual attention from a colleague in their workplace who had no direct line of authority over them. One of the interviewees, Awira (25), had experienced this twice in two different jobs. One experience was an isolated incident of sexual harassment, and the other was a sustained pattern of sexual harassment. Jane (24) and Aamaya (21), who we will also hear from, had also experienced sustained patterns of unwanted sexual

attention from a colleague at work. In each of the cases, the women were not supported by their managers when they reported the incidences, and in two of the stories the women were further victimised following their complaint.

Awira

Awira was 25 at the time of the interview and had just finished a stint working as a takeaway delivery driver. She is of a migrant, minoritised ethnic background and has worked in a wide variety of jobs both in Sheffield and in the city where she went to university. In one of her first jobs she was working for a small local grocery firm where she reports that she was illegally paid below the minimum wage (and where non-native speaking migrants were paid even less). She also worked at a nightclub in the city where she went to university where she experienced sexual harassment from both customers and staff and where they once cut her hours because she missed a shift after being in a road traffic accident. There were many issues with her most recent job delivering takeaway food, including the lack of locks on the staff toilet door, health and safety concerns, underpayment of wages and a colleague who would harass her and make her feel uncomfortable.

In Awira's job at a nightclub, a male colleague had caught a spider and put it down her top. She told us that she was so surprised that she screamed.

During the Christmas period we were doing waitressing, we were waiting tables, because people were booking Christmas dinners and stuff like that. During that time, a male colleague... I know this is going to sound really ridiculous, but a male colleague grabbed a spider. He just saw a spider and he grabbed it and he literally just put it down my top without... Yes, he did that. And I screamed, because I was like, "What are you doing?"

Awira's manager was angry with her for the 'disruption' caused by her screaming and told her off.

The manager heard the scream and came and started having a go at me, saying I had just disturbed some people who were enjoying their Christmas dinner, their work Christmas do. And he didn't even give me the opportunity to explain why I screamed or what actually happened.

Nothing happened to the man who had harassed Awira. This was one of several incidences we heard from the workers we spoke to of management refusing to respond to and address incidences of harassment.

Awira had also experienced sexual harassment in her job at a takeaway. One of the delivery drivers had made her and the other female staff feel uncomfortable.

He would ask me really personal questions, stuff about my life, like he started with, "Hi, how are you? My name is..." and then asked what my name was. And then would say, "How many siblings do you have? Where do you live? Where are you from? What road do you live on?" Just really weird things like, over... And the whole time, I would answer him without really answering him, because I didn't feel comfortable telling a guy I had just met where I live or what my road name was.

On one occasion at work, Awira made a request to the delivery driver that he store the delivery bags differently as food was going cold and customers were complaining. He used this as an opportunity to give Awira his phone number, which he already had prepared on a note for her.

He just went in his pocket, pulled out this piece of paper and said, "Here is my number. Next time someone complains, give me a call." And I was just like, "What?" And it was really

weird, he already had his number and his name on there, written for me, to give to me, before I even told him that this was... if he'd done this afterwards... "Okay, you know what, here's my number, I would take the blame if something were to happen like that." I don't know.

Awira found his behaviour very concerning and tried to report the delivery driver to management.

I went and I complained to one of the main managers, and he just laughed it off and said, "Yes, that guy is a bit weird, he does weird things," and just treated it like it was nothing, didn't even discipline him, didn't even have a word with him, didn't even say anything to anyone else.

Awira's complaints were dismissed and no action was taken against the perpetrator. In both incidences Awira told us about, managers prioritised the work over the safety and well-being of staff.

Aamaya

Another interviewee whose complaint was met with inaction was Aamaya. Aamaya was 21 at the time of the interview. She is of a migrant, minoritised ethnic background and moved to Sheffield to study. At the time of the interview, she was working for a fast-food franchise where she was on a variable hours contract (but with only a minimum of four guaranteed) and was on the relevant youth rate of the national minimum wage. She had a number of concerns related to bullying behaviour from management and issues with health and safety (she worked very late in a busy city centre location and there had recently been a stabbing nearby). She had previously also worked for a door-to-door sales firm with an aggressive targets culture.

Aamaya reported on a job at a desserts' restaurant in her hometown where she had experienced sexual harassment from a

male colleague. She did not tell us about the incident in detail but did share with us that it had prompted her to leave her job. She told us:

There was also an incident where someone was sexually harassing me at work, and I did tell my manager and he did nothing – ‘cos he was friends with him. And that's what lead me to quit my job.

Aamaya told us that she worked in the role for just six months, and that the colleague harassed her for several months while she was there. The perpetrator would harass her in places where he knew there were no cameras.

[...] He was another worker. But erm, he's been there longer than me, and you know, he's friends with the managers and...yeah like...and he knew where to do it where the cameras weren't there so...So my manager like obviously, I told him what happened, I even wrote it down, but, you know he just said, 'I just basically won't look into it.' So, you know, I would have appreciated it if he had like looked into it and said at least, 'I couldn't find anything.' or you know, 'I've spoken to people'. But he didn't bother so I was just like, 'Yeah, I've not been treated fairly as an employee, so I'm just going to leave.'

The manager was friends with the perpetrator and refused to investigate Aamaya's complaint. Like many of the other stories we heard, Aamaya's experience resulted in her leaving the job. Aamaya's story was one of several examples we have reported here of management abusing their authority to protect perpetrators rather than support workers who had been victims of harassment.

Jane

Our final story in this section comes from Jane. Jane was harassed

by a colleague and subsequently subjected to further victimisation and bullying from her line-manager when she made a complaint. Jane was 24 at the time of the interview and worked in catering within the transport industry. Her other previous job was in a call centre, where the long hours, repetitiveness and emotional work had led to depression. Her more recent job in catering was for a subcontractor where there had been a string of different owners in recent years, each of them cutting various benefits from the workers contracts. Jane was employed full-time, but the wage was close to the national minimum wage. Jane had experienced stalking behaviour from a co-worker and when she reported this to her line manager, he attempted to covertly observe her to see if she was doing anything to 'provoke' the stalking.

Jane told us she was just 19 when this colleague began to stalk her. His behaviour escalated over time and became a serious concern to her.

He would coincidentally turn up on my breaks, he'd coincidentally turn up on my days off and be [in the exact same places as me]. He was just everywhere. And before I started realising what he was doing, I used to talk to him just like I was just friendly, I'm always friendly and chatty. But the things I started to say to him, then, he'd remember them really well, and he'd also buy me gifts relating to what I'd said. It got to the point where it was just uncomfortable.

Jane put in a complaint about her colleague. She had to make an official statement to the catering company she worked for. In response, her manager began to check up on her and her behaviour.

There was one day when I [left] in a panic because he was [there]. And I had to go downstairs into the [company] office and give an official statement. But like I said, this manager who wasn't very nice, I swear he was checking on me to see

how I behaved on [shift] and what I was doing. And it was after all this kicked off, and at first I thought he was just watching people from [our site] making sure we were doing our jobs properly cos he hated our [crew].

Initially Jane thought that the manager was observing all staff, but she realised that she was being specifically observed to see if she was 'provoking' the stalking.

I honestly think that he thought that I was being dramatic about it because one day he came out in what we call 'civvies', normal clothes rather than uniform and he actually followed me [around] and was watching me. And I think he was watching how I was interacting with all the other [staff], and basically I think he was seeing if I was trying to be flirtatious with them I guess, because of what was going on with this other [member of staff] who I had an issue with.

Jane later found out that the individual stalking her had harassed other members of staff and was subject to criminal proceedings.

Another [member of staff] has complained about them because they believe that he was taking photos of them, which is why he got arrested and had his phone confiscated, and another member of staff was apparently in the bathroom and this - the [guy] who'd been following people was talking to a fifteen/sixteen year old girl on 'FaceTime' while the [other member of staff] was in the bathroom, doing his business. And he's also sure that he was in the background of that video.

Not only did Jane's manager not support her to challenge this individual, he bullied and harassed her following her complaint. Jane's story again highlights the degree of control that management have over the working lives of low paid and precarious workers, and was one of several examples of reporting harassment leading to further harassment and bullying at work.

Several of the women had experienced third-party harassment in which they were sexual harassed or received unwanted sexual attention from customers in their workplace. In some cases, their work was sexualised to attract and bring in male customers. A common theme in the stories shared was the routine nature of harassment from customers; it would happen often and was difficult for them to challenge.

Awira

Awira, whom we heard from in the previous section, had also experienced harassment and unwanted sexual attention from customers in her job at a nightclub. She told us that this included verbal and physical incidents.

Like I would get assaulted, someone would walk past and just touch me, and just do really inappropriate things or say really inappropriate things to me.

Awira would often report the incidents but told us that they happened so regularly that she did not always feel she could.

I mean, it kind of wasn't [taken seriously by management], because it would happen really regularly. And if every time it happened, I went to the bouncers and said, "Hey, this person went past me and did this," I would be going to them multiple times a night. Especially because, when I first started, I wasn't working behind the bar, I was collecting glasses. So, I was constantly in the crowd, I was constantly going around, and literally it would happen a couple of times, sometimes multiple times, a night, a shift. At times, I would say something, but there would be times when I would just feel like, you know, they've gone now, and I would not feel like I could.

Management did not take the incidents seriously and sometimes the perpetrator was gone before she could do anything. Awira's story highlighted the routine nature of sexual harassment from customers in hospitality work.

Hannah

Another interviewee with similar experiences was Hannah. Hannah was 24 at the time of the interview and had recently lost her employment at a shop due to the impact of the Covid pandemic. She had worked several jobs since she was 18, including working in bars, a call-centre and a sports clothing shop (in the stockroom) where she had worked night-shifts. She had also experienced a period of homelessness. She reported on sexual harassment mostly in relation to two jobs, one was a sporting venue where drunk male customers harassed her, the other at a 'theme bar'.

In Hannah's job at a theme bar, she was expected to wear a very revealing uniform, while her male colleagues were not required to. She told us that it made her feel uncomfortable.

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 ... And the men as well, I'm all for chat-up lines and people trying to flirt, but some of the stuff they were coming out with, it was just too crude. I'm guessing they thought I would accept that type of behaviour and language because of how I was dressed. And that's just... No, it was just a no-go.

Hannah told us that management insisted that you had to wear the outfit or leave the job. Hannah would challenge customers but sometimes a supervisor would have to step in:

Most of the time, I would say something myself, I'm like, "No." But there were some times where guys just wouldn't

leave you alone, like they'd sort of... So, I'd be cleaning the bar or whatever, and they'd be trying to chat to me and, "Can I...?" and I'm like, "I'm seriously not interested." And sometimes it could get too much. My supervisor stepped in at one point, actually, she was like, "No, leave them alone now."

Hannah told us that she left the job after a couple of months as it was just too much. She had had similar experiences in the sports venue where she worked. She told us of an incident in which a drunk customer had grabbed her.

Again, I was serving him a drink and he passed me the money. I'd gone to take the money out of his hand and he actually grabbed my hand. And I was like, "Can you let go please?" and he was just staring at me. And my supervisor, she was really good, she came in and she was like, "Get off her, do not touch her again."

In both roles, Hannah said that supervisors did intervene when customers harassed staff which was among the more positive experiences that we heard. However, it was management that mandated that she had to wear the revealing costume at the theme bar, and consequently were exposing staff to harassment from customers.

Jennifer

Jennifer, who we heard from earlier, had also experienced unwanted sexual attention from customers when she worked in subcontracted catering services at a sports venue.

It was just commonplace and....and especially at the football matches, especially when there would be sometimes groups of older men, with a bit of money as well – they liked to flash it around. Don't really want to go into the politics of money but they weren't rich, rich, but they thought they had a bit

and they liked to flash it about a bit and they liked to complain about the food and that sort of thing. And yes, they always make advances at the girls that are serving them, all the time. I remember this one guy once having to tell him like, "I'm under age, you are disgusting." And then sometimes you'd see them out and about, it was just gross.

Jennifer was aware that customers who were hiring the private boxes would try and touch the girls who were hired to work in them.

In the boxes, it never happened to me but I know girls who, the men who were hiring up the boxes would try and touch the girls in the boxes because it's private. So they'd try it on there.

She told us that there was a reluctance from management to challenge their behaviour because they were bringing in so much custom. Jennifer's story is another example of how sexual harassment is built into the business model of low paid and precarious hospitality work.

Alice

Alice, who was 31 at the time of interview, works in a hotel where she experienced an incident of threatening and sexualised behaviour from a customer. We also heard from Alice in a previous section, where she told us of her experience of being harassed by a manager in retail when she was a teenager. Alice told us that shifts at the hotel are undertaken alone, and that when on shift she is there on her own without any colleagues. She has had several experiences of intimidating behaviour from customers, one of which was of a sexualised nature.

I had guy who'd come to check in with us and he seemed relatively normal. He was fine. You know, nothing struck me as odd with him. And he'd been up and down stairs a few

times coming for, you know, he'd got issues with this and that and the other, and there were no issues whatsoever, he was just doing it to be a bit weird. He'd gone out and then he'd come back. He'd already been gone out for 15 minutes. So obviously he couldn't have drunk a great deal within 15 minutes. And he went back up to his room, came back down and he was absolutely stark naked asking me to go up to his room to help him with the electrics as he couldn't get them working. I refused to do it, I told him no. Like, I'm not going to do that. And he just kept coming up and down and then he was wandering around the hotel naked.

She told us that there are safety measures and protocols in place to support workers if anything happens but that these were not adequate.

So, what do you do? You have to get, you know, police involved. So I used [security service], they said that they had alerted the police. I rang the police myself as well, and it took them about probably two hours for them to turn up. I had to lock myself in our office because this man would not leave the reception area.

Alice explained that she rang the off-site security service but all that they do is ring the police. She waited for two hours for the police to arrive and had to hide in the office from this man. This incident was just one of several threatening incidences that she had experienced. The hotel that she worked for prioritised keeping down staffing costs over putting workers on shift together in order to improve their safety.

Charlotte

Our final story in this section comes from Charlotte who works in retail. Charlotte was 21 at the time of the interview, a student in Sheffield and is LGBT. She reported some aspects of her part-time retail job as positive (her pay was somewhat above the national

minimum) but had apparently been profiled as not sufficiently feminine enough to work in the womenswear section and had been placed in a different section and had experienced some sexual harassment from customers and homophobic remarks from colleagues. Charlotte told us that there was a customer who would often come in and ask personal questions to members of staff.

And we have the same conversation every week where he comes in and he says “are you working all weekend?” “Yes, I am, ...” And he says, “You got a boyfriend?” “I haven't.” And he says, “Why not?” And I say, “I don't want one.” And he says, “Why not?” “I just don't.” “Aw, you'll find one.” I say, “Aw, I don't want one.” And he.... asks me every week and he does that to all the female members of staff, it's not just me, he makes weird comments to all of them. But you get that with members of staff as well.

After one experience where Charlotte had been spoken to by this customer, a colleague came over to check if she was okay. What initially seemed like a positive interaction became uncomfortable when she disclosed that she is gay.

I think she's in her fifties, and we've always got along so well, she's lovely – well I thought she was. And we were chatting and I said to her, “Oh yeah, I see him every week and he always asks me if I've got a boyfriend and I always say no and I don't really elaborate beyond that ...” And she says, “Yeah, what do you mean?” And I was like, “Well...you know... Look at me!” And I tried to make a joke about how “like– can't you tell?” And she didn't really understand what I was implying so I said, “Well, no, I don't have a boyfriend because I have a girlfriend.” And she was like, “Oh! Right. I would never have guessed that.”

Following this, Charlotte's colleague began to make a series of prejudiced and transphobic remarks, leaving Charlotte

incredulous that this was her response to being told that she was gay. Charlotte told us that she'd specifically avoided finding a job in a workplace where there would be lots of young men, because of concerns around toxic masculinity or 'lad culture' and had not expected to encounter the problems she had experienced from a slightly older and predominantly female workforce. Nevertheless, these incidents had made her unwilling to discuss her personal life at work due to the possibility of attracting further unwelcome negative responses from colleagues.

Summary

3.4

In this section we have reported the workers' experiences of sexual harassment and unwanted sexual attention. The stories we have heard highlight how workplace sexual harassment is characterised by unequal power relationships within the workplace. In some cases, workers were harassed by someone in a position of seniority to them, such as a supervisor or manager who used their position to gain access to workers to harass them. In other cases, workers were harassed by colleagues or customers, emboldened by the lack of oversight and care for the safety and well-being of workers at work. Even if the perpetrator themselves was not in a senior position to the worker, the stories we heard indicate how management and employers were culpable in their harassment. We have heard from workers who were harassed by customers, in workplaces where the business model encouraged the sexualisation of work to encourage custom, which put these staff at increased risk. Another abuse of power that was common in the stories we've reported here, regardless of who perpetrated the harassment, was employers ignoring complaints of sexual harassment and unwanted sexual attention, or worse penalising the worker for complaining and/or protecting the perpetrator. Business and relationships with the perpetrator were prioritised over the worker's well-being and safety.

For workers in low-paid and precarious work, there are

particularly strong disparities in power between themselves and employers. The stories we've heard here highlight how an employer's strong degree of control over working schedules, number of working hours and day-to-day working activities, facilitated the harassment of workers and restricted their ability to challenge it. For many of the workers, their only means to prevent the harassment was to leave their job. We have begun here to highlight the ways in which the organisation of low paid and precarious work puts workers at risk of harassment, and in Section 4., which we now turn to, we explore how this is linked to four key mechanisms.

Understanding The Causes

"Workers learn that managers view their bodies "as being profitable", and thus ascertain that their sexual attractiveness is connected to their employment"

"..they'll come in and say, "We need Isabella on front counter because she attracts the customers."

"I was serving him a drink and he passed me the money. I'd gone to take the money out of his hand, and he actually grabbed my hand. And I was like, "Can you let go please?" and he was just staring at me."

"..workers may be incentivised to tolerate such behaviour through their reliance on customer reviews and tips."

In this section, we will discuss the causes and mechanisms within low paid and precarious hospitality work which increase the risk to workers of experiencing sexual harassment and unwanted sexual attention. While sexual harassment is a problem within all workplaces, the precarity of low-paid work makes these workers particularly vulnerable to harassment and limits their options for challenging it and seeking redress.

We will look at four key factors: the sexualisation of service work, precarious contracts, 'recruited acquiescence' linked to worker demographics and local labour market conditions, and wider labour market deregulation. Throughout each, we will draw on more of the interviews we conducted with workers.

The Sexualisation of Service Work

4.1

Some aspects of the organisation of hospitality work in Britain today that create the conditions that allow workplace sexual harassment to go unchecked, such as labour market deregulation and precarious contracts, are also common to varying degrees in other industrial sectors. One part of hospitality work which is relatively (though not wholly) unique to the sector is the frequent sexualisation of this kind of work. This refers to the ways in which predominantly women workers are objectified (Adkins, 1995: 133; Unite, 2021: 12) for the entertainment and pleasure of predominantly male customers. As one study of this phenomenon in the hospitality sector in the United States noted:

Customers pay for a sexualized vision of “good service”, owners demand it, and co-workers observe and internalize a system that places the worker in a subservient and vulnerable service role. (ROCU&FW, 2014: 8)

In the last section, we heard from workers Awira (25), Hannah

(24) and Jennifer (24) and their experiences of unwanted sexual attention and harassment from customers in their jobs in a nightclub, a bar and in hospitality at a sporting venue. All three spoke of the routine nature of harassment from male customers while at work.

4.1.1

Recruitment and Deployment

The sexualisation of hospitality work begins in the recruitment criteria used in the hiring process. In Adkins' (1995: 109-119) study of a hotel in the northwest of England, the personnel standards only specified 'attractiveness' as a recruitment criterion for roles that tended to be occupied by women, such as receptionists, waitresses and domestics. Similar results were found by Matulewicz (2015: 411) in her study of sexual harassment in Canadian restaurants 20 years later, and she notes that in Canada 80% of 'front of house' staff – hosts, bartenders and food and beverage servers - are female²¹. Her participants explained that their restaurants didn't hire male servers, but also that they heard managers having explicit conversations where they discussed hiring women on the basis of their attractiveness, and where they rated their presumed level of attractiveness. As Matulewicz explains: 'Workers learn that managers view their bodies "as being profitable", and thus ascertain that their sexual attractiveness is connected to their employment' (2015: 412; see also ROCU&FT, 2014: 22).

Clearly, the extent to which female sex appeal is used to attract male customers varies from one hospitality business to another. At one extreme is what consultants in the United States have dubbed 'breastaurants', with perhaps the most well-known example being the chain Hooters (Matulewicz, 2016: 136-7). But

21. A similar pattern pertains to the UK where 51% of bar staff, 57% of kitchen and catering assistants, 64% of customer service, 71% of waiters and waitresses and 88% of receptionists are female (available at <https://careersmart.org.uk/occupations/equality/which-jobs-do-men-and-women-do-occupational-breakdown-gender> - accessed 09/02/2024).

the use of female sex appeal is clearly much more pervasive than this, ranging from the fairground researched by Adkins (1995: 105) to airline stewardesses (Hochschild, 1983), hotel receptionists (McDowell, 2009: 208), as well as waitresses and bar staff in a variety of different venues (Unite, 2021: 12).

In our own research, Jesse Palmer (33) the Sheffield Needs A Pay Rise organiser, told us of an experience in his hometown of being invited to an interview to work behind the bar at one of the largest pub chains in the country, but only because the manager had believed Jesse to be a girl's name. When he realised his mistake, he instead offered Jesse a job in the kitchen:

He was kinda of the old pub landlord mindset, that if you had young women behind the bar, [...] the women would bring in the punters, erm, and the men could go work in the kitchen.

While the manager justified those hiring practices based on the presumed desires of the customers, Jesse later became aware of acts of both verbal and physical sexual harassment towards female staff.

Jennifer (24), whom we heard from in the last section, reported similar practices at the sports venue she used to work at where women would 'always be put on bars'. As she was too young to serve alcohol, she would instead be put on the cloakroom:

I guess because at the time, sixteen, seventeen, probably wore a bit of make-up and they were like "she looks nice, we'll put her on there" and guys would obviously all do barrels and the heavy lifting.

Isabella (20), who's experiences of harassment from her manager we heard in the previous section, explained how in her fast-food restaurant 'females get trained on front counter, more than kitchen. It took me three years to get trained into kitchen'. When

asked why this might be the case she explained:

It's got a weird culture, when it comes to gender. And it doesn't help when the franchisees are just equally as creepy as the managers. So, they'll come in and say, "We need Isabella on front counter because she attracts the customers." They say weird stuff like that. So, they put all the men in the back and put all the females on front counter.

We can see therefore that the sexualisation of young women, in particular, is pervasive throughout the hospitality industry²², beginning with the recruitment process.

4.1.2

Uniforms and Presentation

This process of sexualisation continues with respect to uniforms and expectations around appearance. Workers interviews by Brunner and Dever (2014: 466) noted the requirement for female bar workers to wear tight clothes. Matulewicz's female restaurant workers talked about being asked '[...] to present themselves in a particular "sexy" or "provocative" way by wearing short skirts and high-heeled shoes, showing cleavage, and wearing make-up to work' (2016: 138). Adkins' female fairground workers were extensively regulated in terms of their appearance, cleanliness, correct hairstyling and use of make-up (Adkins, 1995: 115-120). Workers in a bar at the fairground even reported a manager forcibly pulling women workers' dresses off the shoulder, which he claimed was stipulated by the company's uniform policy.

In one study of sexual harassment amongst hospitality workers in the United States, 85% of respondents reported that their restaurant had a uniform policy and 30% said that men and women were required to wear different uniforms. In terms of the impacts of uniform policies, three times as many women as men

22. Attractiveness as a requirement for employment has also been found in working settings other than hospitality – in temporary clerical work (Rogers and Henson, 1997: 221) and in retail (Good and Cooper, 2016: 451), for example.

(40% vs 13%) reported that they felt uncomfortable in their uniforms, and workers in restaurants where men and women had to wear different uniforms were twice as likely to report sexual harassment (25% vs 12%) (ROCU&FT, 2014: 25).

Expectations around presentation then shape experiences of sexual harassment, with 20% of female workers reported being told to 'to alter your appearance beyond the restaurant's dress code, i.e. "be more sexy" by wearing tighter clothing or wearing make-up', in comparison to just 3% of male workers (ROCU&FW, 2014: 19). Such attitudes are replicated by other groups within the workplace, with 13% of female workers being told to "be more sexy" by a colleague, compared to 4% of male workers (ROCU&FW, 2014: 17) and 15% of female workers being told the same thing by a customer, compared to just 1% of male workers.

The most obvious example of these kinds of issues in our own interviews was reported by Hannah (24) who we heard from in Section 3.3. Female workers were expected to wear a very revealing outfit and Hannah was consistently subjected to unwanted sexual attention from male customers. Hannah left the job after only a few months and explained there was no option not to wear the uniform.

There was nothing [workers] could do, because it was like you've got to wear that outfit or you've got to go, it's one or the other.

Hannah is very clear that the overt sexualisation of women workers through the mandated uniform, set the tone in terms of the treatment she could expect from male customers. Male staff by contrast were only required to wear shirts or polo-shirts and smart trousers (in contrast to the crop top and mini skirt worn by female staff). While Hannah did note that managers and supervisors would intervene when it got to the point where a male customer 'just wouldn't leave you alone', she clearly had to tolerate a significant amount of sexual harassment not simply as

routine, but as part of her employer's business model.

Obviously you had to wear that outfit to get people to come in and buy more drinks and want to flirt and talk.

Hannah also explained that the behaviour of the staff was policed by the supervisors, so while the uniform was used to bring in customers, Hannah and her colleagues were told off if they talked to customers for too long.

You weren't actually allowed to flirt or talk. Well, you could talk, but not... You know like paying too much attention on one customer? You weren't actually allowed to do that.

Customer Satisfaction

4.1.3

The final issue around the sexualisation of hospitality work is the discourse around customer satisfaction - the 'customer is king' (Good and Cooper, 2016: 452) - which means that workers are expected to perform friendliness, deference (McDowell, 2009: 196) or even subservience (Kensbock et al, 2015: 45) towards customers.

Hannah gave the example of a sports venue she used to work in (before the bar/club where she had to wear the revealing uniform) and how the fact that she 'liked serving people' and being 'happy' and 'chatty' could be '[...] taken the wrong way, being too nice'.

[...] there was a group of guys [...] they were quite dominant. And me being me [...] Because I'm not thinking much of it, I'm laughing [...] but obviously me laughing clearly made them think that I was enjoying it. But I was just laughing because- I'm just laughing. [...] I was serving him a drink and he passed me the money. I'd gone to take the money out of his hand, and he actually grabbed my hand. And I was like, "Can you let go please?" and he was just staring at me.

The need to achieve customer satisfaction is compounded by the fact that there are often significant status disparities between low-paid and precariously employed hospitality workers and the customers they serve (Good and Cooper, 2016: 452-3). This may mean workers feel as if they should tolerate a certain degree of sexual harassment or even be told by managers that they must expect it and be prepared to put up with this. Indeed, the ROCU&FT survey of hospitality workers in the United States noted (2014: 21) that more than twice as many female workers as male workers (17% vs 7%) were explicitly told to flirt with customers.

In the last section, we heard from Jennifer (24) who worked in events hospitality and told us of the routine nature of male customers trying to flirt with the young female staff ('They thought they had a bit [of money] and they liked to flash it about a bit [...]. And yes, they always make advances at the girls that are serving them, all the time'). Moreover, workers may be incentivised to tolerate such behaviour through their reliance on customer reviews and tips. The latter can be seen as form of quid pro quo sexual harassment, in that workers are encouraged to provide a sexualised performance or to put up with sexualised interactions from customers so as to increase their earnings (Matulewicz, 2015: 410; Blackstone et al, 2014: 332; Unite, 2021: 12; ROCU&FW, 2014: 7). This is particularly significant given the very low earnings in the hospitality sector noted above.

Given the preponderance of fast-food and bar workers in our Sheffield sample, who are less likely to receive tips when compared to restaurant workers, we have relatively little data on this issue. That said, Jennifer (24) did describe her experiences at the sports venue where the reliance of the workers on tips to supplement their income (and most were very young women who would have only received the youth rates of the national minimum wage, including women under the age of 18) could lead to them tolerating a certain level of sexual harassment:

Some of the men would tip the girls really highly and then I don't know what they were expecting but then they'd try and chat to them every week, week in, week out, and just be way overly friendly and really trying it on and there was just no supervisor that [would challenge that] – they don't want to have a go at this customer because they are paying so much.

This also links to the question of 'regulars', who managers might insist that the business is reliant upon and that therefore workers should tolerate behaviours from them that they may not put up with from other customers (Unite, 2021: 7). Laura, the organiser with Leeds Get Organised described reports from bar workers of 'male managers bringing in their friends, and they would be like, really, inappropriate with us, and it would be like "oh, but they're regulars"'. Referring to the quasi-sexualised nature of the work she explained that the role of a 'bar hostess' was to:

Take glasses and serve drinks, but also to have fun with the customers, and like, that's all well and good, but then, y'know, like if they get inappropriate, it's like, it's a very blurred line, do you know what I mean, like, you do feel a bit like a sacrificial lamb.

Such situations can mean that low-level sexual harassment (at least) comes to be seen as part of the job (Brunner and Dever, 2014: 466; EHRC, 2018: 4; Unite, 2021: 7), which perhaps makes it more difficult to even name as 'sexual harassment', and certainly makes it more difficult to challenge. It may be that workers internalise a discourse where they see the primary responsibility of managing 'difficult' interactions with customers as resting with themselves, rather than something to complain about (Good and Cooper, 2016: 450). Disturbingly, it may even be the case that courts will dismiss cases of sexual harassment because the normalisation of sexualised interactions or 'banter' can be used to cast doubt as to whether the behaviour was 'unwanted'

(Matulewicz, 2016)²³.

In Section 5 we will explore workers' unsatisfactory experiences of reporting sexual harassment internally, to their employers, but first we examine the issue of precarious contracts.

Precarious Contracts

4.2

The Rise of Manager Controlled Flexible Scheduling

4.2.1

We have already noted in Section 1.2. that sexual harassment would appear to be a greater risk for workers on precarious contracts, and these findings from the UK replicate survey evidence from Australia (LaMontagne et al, 2009) and Europe (Reuter et al, 2020). We have also noted that a disproportionate number of workers in the hospitality industry are employed on such contracts. In this section we explore these dynamics in greater detail.

Following labour market deregulation from the 1980s onwards (explored further below in Section 4.4.), the UK, in common with many other countries, has witnessed the rise of contracts and work situations that are characterised by 'manager controlled flexible scheduling'. This means that workers' schedules can be adjusted in real time to match changing levels of demand, thus reducing employers' overheads (Wood, 2020a: 1-5). Zero hours contracts are perhaps the most instantly recognisable form of this arrangement, but other varieties include 'minimum' or 'variable hours contracts' (where a typically small number of hours is guaranteed, but workers are dependent on being allocated hours over and above this), as well as agency work and casual worker contracts. Such situations were the norm for our sample of 30

23. While the legal case Matulewicz (2016) references was in Canada, the legal test of assessing whether a behaviour was 'unwelcome' is analogous to the definition of 'unwanted' behaviour in the UK courts. .

hospitality workers, 13 of whom were on zero hours contracts and 6 of whom were on variable hours contracts - just 5 were full-time permanent employees (see Table 1 above).

4.2.2

Flexible Discipline

Beyond some of the more obvious detriments faced by workers on precarious contracts and subject to flexible scheduling – including lower rates of pay (TUC, 2017a: 14), pressure to work when sick (GMB, 2017: 5; Jooshandeh, 2021: 41) and anxiety and depression (Heyes et al, 2018: 429) - Wood describes how such contracts place an inordinate amount of discretionary power in the hands of managers, who instead of simply using official warnings and sacking to discipline workers, can instead:

[...] cause distress to specific workers simply by altering their schedule to unusual times, or times that clashed with childcare, social activities, education or a second job. Alternatively, managers could cut the number of hours workers received and thus drastically reduce their income, or could increase the instability and unpredictability of their schedule. (2020a: 87)

Crucially, for Wood, this represents an incredibly insidious form of workplace power because of the ‘inherent ambiguity’ of discipline exercised through precarious scheduling: managers ‘pleaded innocence’, and the fact that the ‘majority of workers experience some degree of instability in their hours made it even harder for them to distinguish whether such alterations were acts of discipline or not’ (Ibid: 88). Wood describes this kind of use of precarious contracts as ‘flexible discipline’ and argues that it can be accompanied by ‘schedule gifts’ (the granting of enough hours, at the right times) to make workers beholden (even grateful) to particular managers, potentially intensifying the power dynamics found in the workplace. It is our contention that these notions of ‘flexible discipline’ and ‘schedule gifts’ allow us to make sense of

the statistical association between precarious contracts, schedule unpredictability and exposure to sexual harassment and unwanted sexual attention (ComRes, 2017b: 33; GEO, 2021b: 71; Reuter et al, 2020: 8).

4.2.3

Control of Schedules and Retaliation

It is not difficult to see how a manager's control over a worker's schedule could assist them in the commission of acts of sexual harassment. Isabella told us how her harassment at her fast-food outlet by an older manager was enabled by him controlling her working pattern. He would pick up shifts when he knew she was working and, following a promotion where he was given scheduling responsibilities, he would rota her to work at the same time as himself.

While in this example, manager-controlled flexible scheduling was used to facilitate sexual harassment, in other cases it can be used to punish workers for speaking out. This was the experience of Olivia. In the previous section, we reported Olivia's story of both witnessing and experiencing a range of sexually harassing behaviours over the course of three years working for a national chain restaurant. Advised by a supervisor to report the incident to the overall restaurant manager, Olivia reports that the incident was 'swept under the carpet', in the sense that there was no transparent outcome to her complaint. She nonetheless felt that the assistant manager must have been 'told off', because subsequently she reported additional detrimental treatment from that individual.

However, even while speaking to the assistant manager, the overall restaurant manager also punished Olivia by cutting her hours for a period:

Basically, it went from working, maybe, 20, 25 hours to, maybe, five to eight hours a week. That happened for about

three weeks. Then, when I confronted him about it, he was like, “Oh, no, we don't need the staff.” I was like, “Yes, you do need the staff.” It was [...] November. It was busy. I was like, “You need the staff. You're just doing it on purpose”.

Olivia was confident that this was a form of punishment as she had witnessed other members of staff having their hours cut for complaining (whether about their treatment or the tasks they were allocated).

4.2.4

Wider Evidence

Although our interviews only revealed one example of where precarious scheduling has been used to discipline a worker for speaking out on sexual harassment, we had other examples of hours being cut to discipline workers who challenged management prerogative in other ways. There is also clear evidence from the courts that Olivia's experience is not unique. In the employment tribunal case *Southern vs Britannia Hotels Ltd*²⁴, the claimant had initially put up with sexual harassment from her line manager due to her being on a zero hours contract and his control over her access to work ('I didn't want to say anything unless he gave me less shifts' and 'I feel like I have to get on with him so that I get my hours as he and [another person] do the rotas'). In a second employment tribunal case, *Dimond vs MKK Hotels*²⁵, a waitress on a zero-hour contract was sexually propositioned by the (older, male) head chef and raised a complaint with her employer. There was no evidence of any investigation or action against the head chef and the claimant returned to work. Her social worker however helped her to make a claim via ACAS early conciliation, a couple of months before the beginning of the pandemic:

24. [https://uk.practicallaw.thomsonreuters.com/8-609-1127?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/8-609-1127?transitionType=Default&contextData=(sc.Default)&firstPage=true)

25. <https://www.gov.uk/employment-tribunal-decisions/miss-c-dimond-v-mkk-hotels-ltd-1602386-slash-2020>

The claimant was placed on furlough leave from April 2020 due to the Covid 19 pandemic and has not returned to work. The Claimant was removed from the “WhatsApp Group” used for shift allocation and advised that there were no hours for her when the hotel reopened in August although other waitresses returned to work. This situation continues to date [September 2021].

Moreover, research conducted on behalf of Unite the Union has also noted cuts to hours as a common form of retaliation for workers attempting to challenge sexual harassment (Bence, 2018), as well as requests for sexual favours in return for additional hours (Unite, 2021: 6). This mirrors the findings of ROCU&FT survey evidence from the United States (2014: 28) where 34% of respondents facing harassment from their managers feared their shifts would get worse if they reported the incidents.

These same issues have also been repeatedly raised by the Bakers, Food and Allied Workers Union (BFAWU) in relation to McDonalds. They have described cases where better hours have been offered in return for sex (Oppenheim, 2019) and the BFAWU General Secretary, Sarah Woolley, has referred to a ‘a system of zero-hours contracts’ that facilitates sexual harassment:

When crew members must depend on the goodwill of managers to be allocated hours, when low pay is endemic and working women are expected to live pay cheque to pay cheque [...] I’m afraid sexual harassment will continue to be an issue in McDonalds. (Sagir, 2023)

Summarising the issues in the fast-food industry, Laura from Leeds Get Organised stated:

There is no doubt in my mind that if you’ve got a male manager above you that you know can cut your hours at any time or not look favourably on shifts, and he starts sexually

harassing you, you're much less likely to speak out against him, because you know he can penalise you, it's a complete unfair power dynamic, and people, 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.

In our own research we also found examples of these kinds of dynamics in some of the other sectors – beyond hospitality – that we have explored (see Thomas et al, 2020). For example, Alice (31), currently an assistant manager of a chain hotel, talked about her previous experiences of sexual harassment at a high street fashion retailer where her store manager would frequently make inappropriate comments about her body. In explaining why she struggled to challenge these behaviours she made the link to her being on a zero-hours contract: 'which obviously is disempowering in the sense that, you know, the manager can just cut your hours'.

This evidence is suggestive of a much more widespread phenomenon and indicate that precarious contracts facilitate sexual harassment and prevent workers from seeking redress. Nonetheless, much more systematic research will be required to accurately map the prevalence of these issues, a point we return to in the conclusion to this report and suggested next steps.

Recruited Acquiescence

4.3

Recruiting Vulnerable Workers

4.3.1

In this next section we explore the reasons why certain demographics of workers seem to be disproportionately exposed to sexual harassment, and how this relates to labour market

dynamics and businesses' hiring practices. We have already seen in Section 1.2. above that certain groups of workers experience higher levels of sexual harassment, particularly women, young people, ethnic minorities, disabled people and LGBT people. And in Section 1.5. we saw that women, young people and ethnic minorities are more likely to be employed in the hospitality, and that hospitality jobs are characterised by low pay and precarious contracts.

Such characteristics are likely to place hospitality workers towards the more exposed end of a spectrum of vulnerability, facing various forms of discrimination and disadvantage related to their demographic identities (Jeffery et al, 2022; TUC, 2017b; TUC, 2019; Thomas et al, 2020), being on non-standard contracts that afford fewer employment rights (as we discuss below), and being part-time and low paid workers who may fall below the national insurance contributions threshold and therefore be 'excluded from a wide variety of social and employment benefits, such as incapacity benefit , statutory sick pay and maternity pay' (Pollert and Charlwood, 2009: 344-5).

Our argument is that these intersections of demographics and contractual insecurities in the hospitality industry are not accidental, but a product of what Royle (2000) first described as employers' preferences for 'recruited acquiescence'. What this refers to is the intention of businesses to hire workers who are more likely to be compliant due their personal characteristics and labour market position. Workers are unlikely to challenge management control when they have:

'[...] very little or no previous work experience' and therefore have '[...] little else with which to compare their working conditions' or when they '[...] really need these jobs because of their weak labour market position'. (Royle, 1999: 552)

What is also interesting about Royle's research is his argument

that what defines ‘recruited acquiescence’ can vary between different places. In his analysis of the business practices of the McDonald’s Corporation across the European territories in which it operates, he noted that in some countries it meant hiring young workers (Royle, 2010: 255), but in Germany, where legislation governing the employment of young workers is much more restrictive, the tendency was to hire ‘guestworkers’ from Turkey, southern and eastern Europe (Royle, 1999: 456).

From this discussion we can see that there are three interrelated components to recruited acquiescence. Firstly, differing entitlements to employment rights; secondly, inexperience, a lack of knowledge of employment rights, and/or an inability, unwillingness or lack of confidence to assert employment rights (linked to demographics); and weak labour market position (either due to local economic factors and/or discrimination). Our argument is that these same factors that produce a compliant workforce in general, also makes it more difficult for workers to challenge sexual harassment, which makes it worthwhile exploring them in greater depth.

Differing Entitlements

4.3.2

Beginning with differing entitlements, the most salient factor here is clearly the existence of ‘youth rates’ of the national minimum wage (Sergeant, 2010)²⁶, which has made the hiring of workers under the age of 22 more attractive to employers in the hospitality industry²⁷. Most of our sample of 30 hospitality workers had some experience of being on youth rates and four were still on this rate at the time of the interview. Café worker Abigail (23), who is drawn from our larger research sample,

26. <https://www.gov.uk/government/news/national-living-wage-extended-to-younger-workers>

27. In this context we welcome the government’s decision to accept the Low Pay Commission’s recommendation to abolish the youth rate for 21 year olds and over from April 2024: <https://www.gov.uk/government/news/largest-ever-cash-increase-to-the-minimum-wage>

referred to a previous sports venue she had worked at where the employer systematically delayed or ‘forgot’ entirely to increase young workers’ hourly pay as their age increased and they (should have) progressed through the successively higher youth rates. In any case lower wages, particularly if young workers are living independently, can mean they are even more financially dependent on their jobs.

Similarly, because some workers only undertook a low number of hours, like fast-food worker Yezda (19), who was balancing earning alongside college, they might be below the entitlement threshold for statutory sick pay, as indeed was the case when she was injured in a workplace accident. Given that ill-health is often a consequence of experiencing and reporting sexual harassment (Kensbock et al, 2015; Engender, 2022), we can see how differential entitlements could impact upon the worker and reduce the likelihood of them reporting their experiences.

Lack of Knowledge and Confidence

4.3.3

The second factor, perhaps the most significant of all, is inexperience, a lack of knowledge of employment rights, and an inability, unwillingness or lack of confidence to enforce those employment rights. In our broader research project, catering worker Kirstin (23) states that when she first began working, she did not know about employment rights.

[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.

This tallies with survey evidence that demonstrates that younger workers have a poorer awareness of their employment rights in comparison to older workers (Meager et al, 2002: 32) and are less likely to see workplace ‘problems’ in the language of ‘infringement of rights’ (Tailby and Pollert, 2011: 511).

In Isabella's (20) case she told us she did have some knowledge of her rights, she just did not have the confidence to assert them:

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.

When Isabella experienced sexual harassment, discussed in Section 3.1., she was not initially sure what to do about it and felt it was upon her to navigate it alone. As she reports:

At the time, I was so young, I thought my work can't do anything, maybe this is just how it is, I just need to deal with it, and try and avoid him as best as I can. Even though he was scheduling me and putting me on the same shift as him, I just tried to ignore him.

Ruby (18), who we also heard from in Section 3.1., also lacked confidence to challenge harassment when a manager started a sexualised rumour about her:

I didn't challenge it because this was when I was still quite new, this was before I started [being a member of] a union. I never spoke up about it, I just wanted people to forget about it and never bring the rumour up ever again. Other people, I think... Yes, some of my friends are definitely the ones to speak up. I am now but back then I didn't have the confidence.

Aamaya (21), who was harassed by a colleague at her job in a dessert bar, told us she did not know what to do:

So I didn't do anything and also to be honest, I was quite young then. I was still in college, so I didn't know that much on

what to do or who to even go to. So... I mean... I... you know, I told... My mum found out about it later, but, I was just like I really didn't know who to go to... like who do I tell? So yeah. I just left it and thought I'd quit.

High Turnover/ Leaving Jobs

Similarly, Alice (31) explained her difficulties in challenging sexual harassment in her retail job in the following terms:

I think it's partly down to not having the confidence. Definitely. Especially if it's one of your first jobs, you want to do everything you can to keep that job. You don't want to do anything to jeopardise that.

Instead, like Aamaya, she chose to leave that job. And this was the case for a large number of interviewees who faced both sexual harassment and different sorts of challenges at work (difficult working relationships, not enough or unsociable hours, complaints regarding health and safety).

This fits with Tailby and Pollert's findings that young people are most likely to quit in response to their unsatisfactory working conditions, as opposed to taking other forms of action (2011: 500; Bence, 2018). Indeed, on the basis of our data we would argue that they are forced to quit. While this may relieve the immediate problem, the sexual harassment goes unchecked and workers may very well experience the same issues in their next workplace – as Rogers and Henson noted in their study of sexual harassment amongst clerical temps (1997: 232). This also links to Brunner and Dever's argument that their sample of hospitality workers in Australia may have been more likely to tolerate sexual harassment (largely from customers) when they viewed their work as a relatively transitory 'job', rather than a career that they were more emotionally invested in: '[...] combating sexual harassment was simply not "worth" it because the work itself was not "worth" it' (Brunner and Dever, 2014: 466-7; cf. Good and Cooper, 2016: 463). It may be precisely because of the perceived

transitoriness and anonymity of such workers that perpetrators believe they can get away with it (Reuter et al, 2020: 14).

Analysis of Demographics

It is also worth noting the age differences between (typically) male managers who were sexually harassing (typically) much younger female members of staff clearly exacerbated the power inequalities between perpetrators and victim-survivors²⁸, with Isabella reporting being harassed by a 26-year-old when she was 17, Jennifer being harassed by a 24-year-old when she was 16, Olivia being 19 when she was harassed by someone 'twice her age', Jesse reporting that a bar manager in his late 30s harassed female workers between the ages of '18 and 22' and Alice being harassed by a 40 year-old when she was 16. There is arguably the need for greater transparency and oversight in industries that overwhelmingly rely on young workers, but where those in authority are much older (particularly where these hierarchies are gendered). This is a point we return to in Section 5. below.

For another worker, Aamaya (21), it was felt that her young age (18, at the time) rendered her powerless in the face of sexual harassment - which the perpetrator was careful to undertake in a part of the restaurant where there was no CCTV (cf. Oppenheim, 2019)²⁹: 'I was still in college, so I didn't know that much on what to do or who to even go to'. But also, that this combined with her ethnicity in making it difficult for her to even tell her family.

I come from [...] a Muslim background, so if I were to take anything further my mum would know about it. [her mother already had concerns about her working late]. [...] like it would kind of feed her worries even more.

This tallies with findings by Fielden et al from their research on

28. We reported on some statistical evidence that corroborates this pattern from the Government Equalities Office survey (2020) in Section 1.2. above.

29. Jennifer also referred to the increased risk of sexual harassment – in her case from customers – in the semi-private areas of the venue in which she worked, while Unite (2021: 14) noted that 45% of hospitality workers have concerns about lone working, linked to sexual harassment.

‘racialised sexual harassment’ that the families of their ethnic minority participants ‘[...] may have prevented them from working in their current position or elsewhere if they had been made aware of the sexual harassment [...], and that this could be an added barrier to reporting (2010: 28).

Local Labour Market Conditions

4.3.4

The final dimension of recruited acquiescence relates to local labour market conditions. Clearly many parts of the UK suffer from slack labour markets, which are a result of low levels of investment and economic growth, with cities like Sheffield still not having recovered from deindustrialisation in the 1970s and 80s. This translates into 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 (Thomas et al, 2020: 20-26). This, coupled with the erosion of welfare benefits and increasing conditionality (Jeffery et al, 2018), clearly influences workers’ bargaining power and their ability to walk away from poor quality jobs.

Moreover, these features of the local labour market are not equally felt. Throughout the last decade young people in Sheffield have consistently made up a greater proportion of Job Seekers Allowance (now Universal Credit) claimants than the national average. The disability unemployment rate in Sheffield has also been above the national average, as has the unemployment rate for women. Women also dominate part-time employment in the city, with a rate of 40% in 2019, over 2.5x that of men, and the gender pay gap is the highest of any of the English Core Cities and narrowing more slowly than the national average. Further, the employment rate of ethnic minorities is 15% lower than that of white groups, confirming findings from a Manchester/Runnymede report that at the 2011 census Sheffield had the second highest White-BAME unemployment gap of any local authority in England and Wales (Thomas et al, 2020: 27-30; Bent, 2021; Sheffield City

Council, 2017; Finney and Lympelopoulou, 2014). All of this is suggestive of a range of discriminatory and exclusionary processes that concentrate various marginalised groups into low-paid and precarious work in the hospitality industry and renders them at greater risk of sexual harassment. Certainly, the survey evidence demonstrates that this is the case at the national level and given Sheffield’s poorer performance on the range of employment and inclusion indicators outlined above, we have every reason to suppose that the situation could be worse here. In the following section we move from this local context to a wider national context of labour market deregulation in recent decades, and the ways in which this structures the experiences of and opportunities for tackling sexual harassment.

4.4

Labour Market De-Regulation

The UK’s highly deregulated labour market is the context within which sexual harassment - and a variety of other workplace harms (Scott, 2018), ranging from loss of pay to poor health and safety - is able to flourish. In this section we explore the various ways in which the labour market has been deregulated, the consequences of such deregulation in terms of the exposure of workers to harm, and finally the ways in which this normalises poor working conditions.

4.4.1

Deregulation and Differentiated Employment Statuses

During the 1960s and 1970s a great deal of legislation was passed that aimed to increase the regulation of working conditions, encompassing contracts, redundancy payments and notice periods (Ferdosi, 2021: 514-9), ensuring equal pay for women (Lawrence, 1994: 3) and safeguarding health and safety. Yet in the drive to make labour markets more ‘flexible’ from around the 1980s onwards, there has been a trend towards de-regulation, weakening protections for workers on fixed-term contracts,

making it more difficult to bring claims of unfair dismissal and reducing redundancy pay (Ferdosi, 2021: 520). There has been a further raft of deregulatory measures since 2010, with the qualifying periods for unfair dismissal increased to 2 years in 2012 (Ferdosi, 2012: 522), consultation periods for collective redundancies shortened (Ferdosi, 2012: 525), and out-of-work benefits reduced and made more difficult to claim (Jeffery et al, 2018), which has the function of keeping people in poor quality jobs.

What this has led to is a proliferation of employment relationships and statuses, with different categories of workers being afforded different levels of rights and protections. Central to this is the threefold distinction between 'employees', 'workers' and the 'self-employed'. While employees have (theoretically) full protection afforded to them by various pieces of employment legislation, 'workers' (often agency staff or those on 'casual contracts') are entitled to the national minimum wage and holiday and sick pay but not redundancy pay or protection against unfair dismissal (LWI, 2017: 9).

The self-employed meanwhile have no right to the minimum wage, nor working hours protection, holiday, sick and maternity pay or a host of other rights. This is important because of the growing phenomenon of 'bogus' or 'dependent' self-employed (Moore and Newsome, 2018: 478-479), where workers regularly undertake work for a given employer at set times and perhaps even have to wear that business' uniform, but seem to be categorised as self-employed primarily to reduce the employer's staff costs.

Moreover, even when an individual is categorised as an employee and technically afforded full access to employment rights, the restriction on eligibility to (for example) unfair dismissal to workers who have clocked up 24-months service with the same employer, effectively means that an individual can be sacked at will, given that length of tenure in the hospitality industry is low

and turnover is high (Kotera et al, 2021: 1077-8)³⁰.

4.4.2

Restrictions on Trade Unions

Beyond these basic legislative failures, the second way in which the UK labour market is deregulated is through the restrictions that are placed on trade unions, the lack of a positive right for unions to access unorganised workplaces, the manner in which union elections and ballots for industrial action are conducted, the quasi-criminalisation of certain forms of picketing, limitations on time off with pay for trade union duties, the outlawing of secondary action, and as of the 2016 Trade Union Act, thresholds for industrial action ballots that are not applied to any other democratic process (IER, 2017). The cumulative impact of these laws is that the UK has the lowest score for workers' rights in western Europe – on a par with Russia (ITUC, 2020: 9).

4.4.3

Lack of Enforcement

The third way in which deregulation has taken place is through the hollowing out of regulatory oversight and enforcement mechanisms. As governments of all stripes have promised to cut so-called 'red-tape', regulatory agencies have seen their resources cut. National and local health and safety inspections and prosecutions have fallen precipitously (Tombs, 2017: 135) and as a consequence, the Health and Safety Executive actually made fewer inspections during the Covid pandemic than in the period running up to it (Jones, 2021: 31), clearly exposing workers to an increased risk of harm. It is also worth noting that while there are good arguments that sexual harassment should fall under the HSE's remit, the regulator currently does not consider this to be the case (Engender, 2022: 25). This is despite the requirement on

30. Although a worker does not have to have been employed for 24 months to bring a sexual harassment case, as this right derives from the Equality Act 2010, not the Employment Rights Act 1996. This does not however protect a worker from the immediate threat of retaliation.

employers to provide a safe working environment under the Health and Safety at Work Act 1974 (we return to this issue below under the discussion on responding to sexual harassment in Section 5.). This is significant for sexual harassment specifically, as research from Europe has shown that workers are more likely to report unwanted sexual attention and sexual harassment when they did not feel well informed (or informed at all) about health and safety risks in their workplace (Reuter et al, 2020: 8). This is demonstrative of the ways in which the ‘harms of work’ (Scott, 2018) tend to cluster together.

While the Equalities and Human Rights Commission does cover sexual harassment under its remit and has shown a preparedness to investigate the issue and take action on particular employers (the efficacy of such actions will be considered below), its budget has been cut to less than 1/3 of the level granted on its creation in 2007. Moreover, there are concerns that in recent years the Government has appointed commissioners who are ‘ambivalent or hostile to understandings of structural discrimination and other aspects of gender equality’ (Engender, 2022: 72).

And in terms of the regulation of pay, Clark (2013) estimated that an average employer could expect being visited by a minimum wage inspector once every 320 years, given the limits on resources. Finally, Ioannou and Dukes (2021: 258) note that amongst the hospitality workers they considered, for ‘[...] most other employment rights, including rights to breaks and holiday pay, enforcement relied solely on the willingness of aggrieved individuals to bring claims before employment tribunals’.

Employment Tribunals

4.4.4

The inadequacies of the tribunals system are the fourth component of the deregulation of UK labour markets. Employment tribunals were created by the Industrial Training Act 1964 (then called ‘industrial tribunals’) but have undergone a

number of significant changes subsequently. Workers may bring claims of breaches under a range of legislation including the Employment Rights Act 1996, the Equality Act 2010, and the Trade Union and Labour Relations (Consolidation) Act 1992.

The first problem related to the tribunals is the existence of ‘time limits’, the duration between an ‘act’ for which a worker is seeking redress and the point at which the case is submitted. This is three months less one day for most breaches of employment law a worker may want to report, including sexual harassment³¹. This obviously ignores the fact that it may be difficult for some workers to initially conceptualise their treatment as sexual harassment (as we discussed above in Section 1.3.) and not reporting harassment is a very common initial reaction, linked to a range of factors including trauma, fears of reprisals and concerns that one’s own conduct may be scrutinised (Rosenthal and Budjanovcanin, 2011: s241; Engender, 2022: 47).

Such fears are clearly merited, with Rosenthal and Budjanovcanin’s finding (2011: s249-250), in their study of sexual harassment judgements by British employment tribunals between 1995 and 2005, that tribunals were more likely to find against a claimant if they initially demonstrated a ‘passive’ response to sexual harassment (defined as avoidance, seeking social support and negotiation) as compared to the more ‘active’ response of directly confronting harassers. This ignores the fact that so-called ‘passive’ responses to sexual harassment are the most common reaction (Lockwood et al, 2011: 90) and this is a result of the obvious power dynamics, with the category of worker most likely to be complained about at tribunal cases of sexual harassment being ‘managers and senior officials’ (Lockwood et al, 2011: 91).

Beyond this Rosenthal and Budjanovcanin (2011: s248) also found that workers in ‘elementary occupations’, which includes kitchen and catering assistants, waiters and waitresses and bar

31. <https://www.acas.org.uk/sexual-harassment/if-youve-been-sexually-harassed-at-work>

staff, were significantly less likely to win their cases than some other groups of workers. They explain this in terms of the lower status of such workers and higher likelihood of being migrants or from a minoritised ethnic group meaning they have less credibility than other groups of workers (Rosenthal and Budjanovcanin, 2011: s250-1). It may also be the case that the sexualisation of service work discussed above reduces the credibility of complaints from such workers, as Matulewicz (2016) argues.

It is also worth underscoring that tribunals are not able to award punitive damages and that awards are low, limited to actual or potential loss of earnings and 'injury to feelings' (compensation for hurt or distress) that are pegged at £1,100 to £56,200, depending on the supposed severity³². In 2019/2020 the median average award for sex discrimination (under which sexual harassment cases would fall) was £14,073, a relatively paltry amount given the costs, risks (including public disclosure) and stresses of bringing a sexual harassment claim, and arguably far too low to provide much of an incentive to employers to prevent sexual harassment (Engender, 2022: 70).

In this context, it is perhaps unsurprising that in 2018 only 18 cases of sexual harassment were heard at employment tribunals (FLEX, 2021: 6). Previous research has indicated that this is as few as 12% of the total claims that are submitted (Rosenthal and Budjanovcanin, 2011: s255, fn. 4), with the remainder being found out of time (or struck out on other technicalities), being settled out of court, or being withdrawn by the claimant. FLEX explains these figures in terms of:

[...] fear of victimisation; legal costs, with no legal aid for representation available as a matter of course for discrimination complaints at Employment Tribunal and employers significantly 'outgunning' employees in terms of resources; and low compensation awards (2021: 6; cf. Ioannou and Dukes, 2021: 259).

32. <https://www.nelsonslaw.co.uk/injury-to-feelings-awards/>

There are concerns that the efficacy of tribunals has also been undermined by legislative shifts, in this case the Deregulation Act 2015, which revoked their power to make wider recommendations that do not affect the claimant but benefit the wider workforce (Engender, 2022: 70). This clearly obviates the capacity of tribunals to challenge particular workplace processes and cultures that may facilitate sexual harassment.

Finally, while these problems with the tribunals system need to be addressed, that system does at least offer some possibility for victim-survivors to seek redress. We therefore view government proposals to reintroduce fees for workers bringing tribunal cases³³ with the upmost concern. Such fees effectively disenfranchised many workers when they were briefly introduced between 2013 and 2017 (before being struck down by the Supreme Court in a case brought by public sector union Unison³⁴). Tribunal fees would clearly disproportionately impact on the kinds of low paid and precarious workers we describe in this report and would be a clear backwards step in the efforts to challenge workplace sexual harassment.

Summary

4.4.5

As a result of all of these forms of de-regulation, or of the absence of regulation, the hospitality industry is characterised by the ubiquity of what Ioannou and Dukes (2021: 256) describe as ‘microviolations or microbreaches’ of employment legislation, which they say are ‘so frequent as to have become standard practice in the sector, akin to industry norms’. In our research (Thomas et al, 2020) we have found this to be the case in Sheffield, with most workers at some point experiencing a failure to pay the correct wages, or holiday pay and sick pay entitlements, being expected to undertake unpaid overtime, facing poor health and safety (including during the Covid pandemic), being exposed

33. <https://www.gov.uk/government/consultations/introducing-fees-in-the-employment-tribunals-and-the-employment-appeal-tribunal>

34. <https://www.unison.org.uk/news/article/2017/07/tribunal-fees-victory/>

to bullying (ranging from name-calling to some instances of violence), discrimination (on the basis of age, gender, ethnicity, disability and sexuality) and harassment, as well as facing high levels of stress, depression and anxiety due to the intensity of the work, systematic understaffing, and pervasive surveillance and performance management.

For the sake of brevity, we will not recapitulate that evidence here, but if workers know that their employers can get away with such poor treatment of staff (whether or not they understand such actions as potential legal breaches), it is hardly surprising that they lack confidence in challenging sexual harassment specifically (cf. Ioannou and Dukes, 2021: 263; Orlando, 2022: 16). As Awira (25), told us when reflecting on working conditions in a nightclub and as a takeaway delivery driver (including sexual harassment in both roles):

I also feel very much like the rules are not very enforced and everything feels like a grey area. So, organisations get away with exploiting people and, because it's such a grey area, you don't always know if you can do anything about it.

She also notes that:

If we were to take [our complaints] down the legal route, it would take years, and it's just not accessible.

In the next section we start to consider how workers respond to sexual harassment, and what measures could be put in place to empower them and to reduce the risk of sexual harassment and unwanted sexual attention.

Responding to Sexual Harassment

"...the TUC (2016) survey noted that four out of every five women who had experienced sexual harassment did not report it."

"No participant mentioned any kind of policy related to sexual harassment and research by Unite suggests that even where such policies exist, they are rarely available/accessible to staff"

"...she ultimately felt that she was 'gaslighted' by the more senior manager of her fast-food outlet, who consistently minimised the severity of the behaviours."

"...employers need to tackle the cultures that underpin pervasive sexual harassment."

In this next section we will look at the range of ways in which workers have and can respond to workplace sexual harassment. Firstly, we examine responses to sexual harassment (including the level of reporting and the barriers to reporting), secondly we look at the outcomes for workers who reported sexual harassment, thirdly we explore further the barriers to pursuing legal remedies through employment tribunals (linking back to the discussion in Section 4.4.4.), and fourthly exploring some of the strategies of campaigning organisations that are attempting to tackle the issue (a point which is further developed in Section 6. when we look at the role of trade unions specifically). We conclude this section of the report by outlining some of the legislative and regulatory shifts we believe are necessary to better protect workers from sexual harassment.

Responses to Sexual Harassment

5.1

Beginning with levels of reporting, the TUC (2016) survey noted that four out of every five women who had experienced sexual harassment did not report it, while the Government Equalities Office Survey put this at 85% of workers not making a formal report, either internally or externally. The most common response for victim-survivors of workplace sexual harassment was instead to verbally address the perpetrator themselves (35%), followed by telling family/friends (20%) or colleagues (18%), with no expectation of them taking any action (GEO, 2020: 9). Reporting levels are also low for certain marginalised groups, with two-thirds of LGBT workers who have experienced workplace sexual harassment surveyed by the TUC (2019: 4) not reporting.

Existing research gives us some sense as to why reporting levels are so low, some of which we have already discussed above. These include fear of losing hours and income (see Section 3.3. above; FLEX, 2021: 12) or even the job itself (Minnotte and Legerski,

2019: 3), that career progression may be impacted (Moreo et al, 2022: 628), embarrassment, honour and shame (Fielden et al, 2010: 28; TUC, 2018: 26-27), concerns of LGBT workers of being outed (TUC, 2019: 4), having to repeatedly retell traumatic events to different people (Engender, 2022: 46), not knowing that workplace sexual harassment could be reported to the employer (TUC, 2018: 26-27), and knowledge of previous reports being mishandled (Minnotte and Legerski, 2019: 3). But perhaps the most pervasive concern was simply of not being believed (Oppenheim, 2019) or employers and managers claiming that the worker was to blame for the behaviour that had occurred (Moreo et al, 2022: 629; Unite, 2021: 9). Minnotte and Legerski (2019: 3) note:

‘These fears are often warranted, especially in workplaces lacking policies and cultural norms that discourage sexual harassment. Research suggests that reporting can be harmful in that it tends to magnify the pernicious effects of the experience of sexual harassment itself.’

These arguments are borne out in the large-scale government survey (GEO, 2020: 81) and in our own research. In terms of the understanding or accessibility of employer policies, only a handful of workers from the wider research project of 70+ interviews mentioned company policies in any respect. One bar worker Ed (22) who was spoken to for purportedly breaching his company’s social media policy in posting sympathetically about a union campaign to organise hospitality workers, and one retail worker, Milly (24) who was bemoaning the lack of a policy/process when she witnessed a customer have a seizure when she was working by herself and her manager subsequently failed to provide any aftercare or even ask her how she was coping with it. No participant mentioned any kind of policy related to sexual harassment and research by Unite suggests that even where such policies exist, they are rarely available/accessible to staff (Bence, 2018; Unite, 2021). While 80% of participants to the GEO survey (2020: 9), across all sectors, ‘thought’ their place of work had a

clear, accessible policy on sexual harassment, actually when we break this down 35% said they knew such a policy existed and 45% 'thought it did (but were uncertain)'.

This is clearly an area that needs addressing as Jennifer (24) argued while discussing the incident where a male manager had left pornography playing on a laptop in a staff area:

If we got a policy booklet that said, "this is how you make a complaint, this is who you would go to", I'm pretty sure a lot of people would have done that. And they were up for it because at this incident, it was purposeful and it was aimed at us so people were pretty angry about it. But that anger just went nowhere because everyone we were talking to – none of the managers would really do anything about it, and they wouldn't point them in the right direction.

A further issue for Jennifer was that at the sports venue she worked at she was actually employed by an agency, or 'labour market intermediary' and she felt this made it even more difficult to secure any form of accountability. We explore this further in the following subsection.

Outcomes for Workers

5.2

The evidence that we have with hospitality workers in Sheffield would seem to bear out some of the wider fears that workers have in relation to reporting. As we saw in Section 3.1., Olivia (22) lost hours when she reported an incident of sexual harassment and ultimately felt forced to quit after later supporting another colleague to make a report. The initial response from Olivia's manager was also to minimise the behaviours "Oh, no, it's fine. You're just being sensitive" and then to ask her if she was lying, going on to say: "If you're lying, you'll get in trouble". Following Olivia's initial complaint, she was subject to further harassment and bullying from the perpetrator, in addition to having her hours

cut by management.

Priya (21), who worked in fast-food, felt that there was nobody she could report an incident of sexual harassment to because the perpetrator was the shift manager himself. In Section 3.1., we discussed how she recalled an incident where a young female member of staff had ripped her trousers and was asked to 'bend over' by the shift manager. Explaining the sense of powerlessness, she said:

Especially because he's a manager. If you're on shift with him and he says that to you, who are you supposed to tell? You've got no one to tell because he's the manager on shift. [...] If you're alone and stuff, obviously this girl was only 16 so she was vulnerable in that situation.

Isabella (20), who as we saw experienced stalking by an older manager, tried to collectivise the issue by reporting incidents and encouraging colleagues at her fast-food outlet who had also experienced sexual harassment do the same. However, she ultimately felt that she was 'gaslighted' by the more senior manager of her fast-food outlet, who consistently minimised the severity of the behaviours:

There were a few events [...] so she knew what he was like, what was going on. And she just ignored it. But that's not the first time that's happened. I had a lot of friends, like I said, who were around my age, when I first started, and we'd have a group chat. And they'd say, "This manager said this to me," "This manager tried to kiss me in the [staff] room, and I didn't want to." It was like a constant thing. And we would report it, talk to the business manager. She would say that she would launch an investigation, but then you'd get gaslighted in the investigation, and made to feel like that didn't happen. And then it would just get dropped.

We earlier reported on Jane (24), who worked in a catering role in

transportation, whose manager not only did not believe her complaint against a co-worker, but actually investigated Jane for making the complaint, which extended to attempted covert observations of her. Jane's case is also interesting in terms of the definitional issues around workplace sexual harassment because in her own understanding she said she would not describe the behaviours as '[...] sexual harassment but he was turning into a stalker'. Although Jane had displayed a lot of courage in making an official statement, she describes a hostile reception from her line manager, who as noted above would then turn up in the area in which she was working, not wearing his uniform: 'I swear he was checking on me to see how I behaved [...] and what I was doing'. She had initially sent a message to her colleagues to warn them that this manager was checking up on all of the staff, but when nobody else reported having seen him she felt certain that she was being singled out.

For Jennifer (24), it was unclear who to complain to when her supervisor repeatedly sexually harassed members of staff and left out a laptop with pornography playing for the young women to see. She worked for an outsourced company within the venue:

Who would you go to? I've worked for a few companies like that; their HR is just so far removed on purpose. I don't know if you... but I think they outsource them and they are not even real HR departments?

Awira (25) also experienced behaviour from a colleague that made her feel really uncomfortable, with him constantly staring at her, asking questions about her personal life and attempting to give her his number. She tried explaining to her manager how uncomfortable he made her feel but her concerns were dismissed:

He would just stand in the corner of somewhere and just look at me, and it just made me really uncomfortable. I tried explaining that to the manager and he just said, "He's a bit weird, I don't know why." That was it, that was the only... And

then he said, “I don’t know why [a colleague] has brought him into this shop, but we have no other drivers”.

As a result of this and other issues (including poor health and safety and failure to pay wages owed) Awira ultimately left this workplace.

From the more systematic evidence that is available, such responses do not seem to be uncommon. The Government Equalities Office survey noted that for 41% of those who faced sexual harassment in the workplace, there were no consequences for their perpetrator, dropping to 19% for those who formally reported workplace sexual harassment (2020: 83). Only small proportions who complained formally reported the perpetrator facing formal disciplinary actions - 10% informal warnings, 5% formal warnings, 6% fired or asked to leave (2020: 84). The situation for victim-survivors was very different, with 40% of those who took some sort of action reporting that their job changed in some way as a result of them speaking out, rising to 50% for those who formally reported the incidents. As a result, 17% of all victim-survivors chose to look for a new job (GEO, 2020: 9).

Barriers to Pursuing Legal Remedies

5.3

We have already discussed many of the deficiencies of the tribunal system in Section 4.4.4. above. Nonetheless it is worth reiterating that a system that was initially conceptualised as being composed of ‘[...] relatively informal, inexpensive and user-friendly venues for the enforcement of individual employment rights’ (Rosenthal and Budjanovcanin, 2011: s244), has become increasingly formalised, legalistic and inaccessible to ordinary workers. Even if you submit your claim within the highly restrictive and arbitrary time limits (Ferreira and Bychawski, 2022) and are able to bear the financial and emotional costs (Ioannou and Dukes, 2021: 259) – including the ability to afford

professional legal representation, the absence of which will limit your chances of success (Rosenthal and Budjanovcanin, 2011: s244) – you may still face being ruled against if you did not respond in the most confrontational way to the experience of harassment (Rosenthal and Budjanovcanin, 2011: s249-250), despite a more muted reaction being the most common one.

We also noted in 4.4.4. the inability of tribunals to award punitive damages and that the low level of awards relative to the costs, risks and stresses of bringing a sexual harassment claim may discourage workers from bringing cases, while also being too low to provide much of an incentive to employers to prevent sexual harassment.

Necessary Shifts in Legislation, Regulation and Business Culture

5.4

First and foremost, as should be clear from our discussion of the key mechanisms that facilitate sexual harassment in Section 4., comprehensive labour market re-regulation of the kind outlined in the Institute of Employment Rights' Manifesto for Labour Law (IER, 2016) is required to tackle this epidemic. This would include day one access to employment rights for all workers, so that none are prevented from (for example) bringing claims of unfair dismissal. A single worker status would also ensure that no workers are disadvantaged through a lack of eligibility to statutory protections and rights. Labour market re-regulation would also require employers to provide stronger contractual guarantees around minimum numbers of hours and scheduling predictability in order to narrow the scope for the arbitrary exercise of 'flexible discipline' (Wood, 2020a), whether in response to the reporting of sexual harassment or in the assertion of any other basic employment right. In making this call, we also align ourselves with such bodies as the Living Wage Foundation in their campaign for 'living hours' (Richardson, 2022).

While the current government did pass the Workers (Predictable

Terms and Conditions) Act 2023, which offers workers a statutory entitlement to request more predictable terms and conditions of work and which takes effect in September 2024, this legislation does not go far enough. This is because while it entitles workers to make a request, it does not mandate employers to grant that request, and a range of 'get out' clauses are provided (from 'cost-burden' to 'insufficiency of work' to 'ability to recruit'), all of which are arguably subjective or difficult to define in absolute terms. Moreover, eligibility will be subject to a minimum service requirement (mooted to be 26 weeks)³⁵. There is also no sense of how the new legislation will be monitored, beyond workers bringing individual tribunal claims. This is far cry from the banning of zero-hour contracts in New Zealand³⁶.

Re-regulation must also mean a more favourable environment for trade unions, and we support the Royal Society of Arts in their call to improve the right of access by trade union officials to workers and their workplaces (Lockley and Wallace-Stephens, 2020: 8).

Secondly, it is clear from the evidence presented in Section 5.1. that many businesses lack clear and accessible workplace policies on the prevention of sexual harassment and this needs to change. Sexual harassment policies should be standalone (not wrapped up with other forms of discrimination, harassment and bullying), should outline the range of behaviours that encompass sexual harassment, and should emphasise that sexual harassment is very often a form of gender-based discrimination (Engender, 2022: 36) that is born from and helps to reinforce sexism and misogyny. This message should be communicated to all workers during induction (and reinforced thereafter). Employers should be very clear as to their zero-tolerance approach to all forms of sexual harassment and mandate equality and diversity training for all employees, with specific training for those in management positions (Middlemiss, 2021: 333).

35. <https://www.warnergoodman.co.uk/site/blog/news/what-is-in-the-workers-predictable-terms-and-conditions-act-2023>

36. <https://www.industriall-union.org/unions-defeat-zero-hour-contracts-in-new-zealand>

Thirdly, in Section 5.2. we saw that workers generally described unsatisfactory outcomes after reporting sexual harassment, with the significance of the harassment being minimised, workers' accounts and perceptions being dismissed, or even the worker bringing the complaint being investigated. Engender have made a range of recommendations to improve the experiences of reporting for victim-survivors, which we also endorse. These include employers providing a method of anonymous reporting for sexual harassment and multiple routes to reporting, including options for third-party or external reporting (2022: 46-47). This is particularly important given the power individual managers may wield over workers in hospitality – for example, in determining a workers' schedule and total number of hours. Interestingly, the Equality and Human Rights Commission have produced a 'Preventing Sexual Harassment Toolkit'³⁷ that also asks employers to consider the need to ensure that 'people who have control over staff hours and incentives don't abuse this power'. Nevertheless, while this approach has been endorsed by UK Hospitality – the trade association for the hospitality industry – there is little sense of how it could be applied or any research on the extent to which it is being applied.

Engender further foreground the need to protect women's privacy and right to anonymity, the secure storage of data, the avoidance of time constraints in relation to reporting, the need for investigators to be 'gender competent and informed by an understanding of sexual and sexist harassment as rooted in power and structural inequality', the need to signpost victim-survivors to support services and to bring sexual harassment allegations into the reporting system (Engender, 2022: 48). They also describe the rise of new technologies such as Calisto Vault³⁸, which has been widely adopted by universities in the United States. This platform enables users to input a time-stamped record of an incident of sexual harassment that is then stored confidentially until when (or if) they decide to report. The platform also alerts the user if

37. <https://www.ukhospitality.org.uk/page/PreventingSexualHarassmentChecklist>

38. <https://www.projectcalisto.org/>

someone else makes a complaint about the same perpetrator, providing an option to report at this point (Engender, 2022: 49).

Fourthly, beyond simply reporting incidents of sexual harassment, there is also a need for employers to implement best practice in the way investigations and potential disciplinary action is carried out. For example, the EHRC notes that victim-survivors may prefer to speak to a female investigator (EHRC, 2020: 69), while Engender note the clear merits to an independent, external investigatory process, in part due to concerns around a lack of confidentiality in relation to internal processes. Engender state that public funding could be provided for this process, to help mitigate costs for smaller employers (Engender, 2022: 59). In terms of taking action, Engender note (2022: 56) that mediation, while promoted by bodies such as Advisory, Conciliation and Arbitration Service (ACAS), fails to take account of the power imbalances between the parties and is 'often deeply inappropriate in cases of sexual harassment'. We endorse their argument (2022: 63) that many instances of sexual harassment should be categorised as gross misconduct and that ACAS should provide guidance in relation to this.

Fifthly, employers need to tackle the cultures that underpin pervasive sexual harassment. Engender (2022: 64) propose the undertaking of organisational sexual harassment reviews, which they liken to equal pay reviews, but where the focus would be on understanding the prevalence of sexual harassment and focusing on the changes that are needed and integrating a prevention perspective in employer responses. They offer the example of the Scottish Equally Safe at Work accreditation programme as an example of good practice in this area³⁹. In terms of the hospitality sector specifically, cultural change must entail challenging the sexualisation of female workers, linked to expectations around uniforms, appearance and conduct. ROCU&FT (2014: 32) for example, argue that no worker should be required to wear

39. <https://www.equallysafeatwork.scot/>

uniforms that are sexually suggestive, or that pose any kind of risk in terms of health and safety.

Turning to the necessary reform of the tribunals system, in Sections 4.4.4. and 5.3. we outlined the problems with the existing system in terms of accessibility, costs, legal support, culture and attitudes, and the level of awards. Indeed, the deficiencies of the tribunal system is one of the reasons why in 2018 The Equality and Human Rights Commission concluded that ‘existing obligations and guidance for employers’ are inadequate for protecting workers from sexual harassment. At the same time, they made a series of recommendations aimed at changing workplace cultures, instituting greater transparency around the recording of incidents of sexual harassment, and the policies needed to prevent them. They also advocated for the introduction of new laws to protect victim-survivors, specifically a new mandatory duty requiring employers to take reasonable steps to protect workers from harassment and victimisation in the workplace (2018: 13).

The same document calls for the time limits for harassment cases to be extended from three months to six months, whether this be from the date of the act of harassment or the date of the exhaustion of any internal complaints’ procedure (2018: 18). While we endorse Engender’s contention (2022: 68) that this should actually be extended to at least 12 months, given the time it takes victim-survivors to come to terms with events, the clause around the exhaustion of internal complaints is welcome, given that a protracted internal process can often automatically time-out any potential tribunal claim. We also support Engender’s recommendations on the need for ACAS to review its policies and training programmes in relation to sexual harassment cases (2022: 77), as well as the need to increase awards and introduce punitive damages and improve the performance of judges through mandatory training (2022: 71). As noted above in 4.4.3., we also endorse Engender’s argument that sexual harassment can and should be regulated on the basis of health and safety legislation,

not just through the Equalities Act as is presently the case.

Finally, it is worth noting that the 2018 EHRC report was followed by one from the House of Commons Women and Equalities Committee which also called for: a new statutory duty for employers to prevent sexual harassment (including by third parties), for regulatory agencies to play a more active role in setting out the actions they will take to tackle this problem, reducing barriers to bringing tribunal cases (including extending time limits), and better regulation of the use of non-disclosure agreements (NDAs), which can be used to prevent workers from speaking out (WESC, 2018; cf. Oppenheim, 2019). We support all of these measures, however, by 2021, following a consultation, the government was yet to commit to anything beyond legislating for a new duty for employers to prevent sexual harassment and consulting further on other matters, such as the extension of time limits (GEO, 2021). The government did subsequently pass the Worker Protection Act, which came into force in November 2023, meaning that from November 2024 employers will have a duty to take 'reasonable steps' to prevent sexual harassment of employees. However, the Bill has been criticised for being watered down from its initial drafting, including the employer obligation to protect workers from third-party sexual harassment, such as from customers (Clyde and Co, 2023), which in our view is a fundamental omission. There also still remain questions over how a mandatory duty will be enforced (FLEX, 2021).

So while we believe the changes outlined in this section could help to mitigate the likelihood of sexual harassment occurring, reduce the barriers to reporting, and improve outcomes for victim-survivors, political will seems lacking, many of the more radical proposals are not seriously being considered, and even more moderate shifts are moving at a snail's pace. At the same time, we remain sceptical of the ability to achieve transformation predicated at the level of policy, processes and education alone, given the enormous power disparities between workers and their employers. To challenge the latter, the recommendations outlined

in this section must be combined with a fundamental rebalancing of power relationships at work, which can only be achieved through political campaigning and even more so through trade unions. We consider the former – briefly - in Section 5.5.

5.5

Strategies of Campaigning Organisations

Other than relying on government to legislate against the epidemic of sexual harassment in British workplaces, there is the possibility of trying to shift attitudes and behaviour through various forms of campaigning. One example would be the Know the Line campaign, which was established in 2014 by Australian Human Rights Commission (AHRC), the Australian Council of Trade Unions and the Australian Chamber of Commerce and Industry. The impetus for the formation of the campaign was a 2012 survey by the AHRC that reported that 33% of Australian women reported being sexually harassed at work in their lifetime. The campaign itself is primarily educational, exhorting workers to ‘know the line’ between innocuous workplace interactions and sexual harassment, to speak out when they see behaviours that cross that line, and to support colleagues who may be suffering victimisation (Bahadur, 2015). Nonetheless, this campaign has been criticised for failing to build in a consideration of customer-perpetrated harassment, which is currently neglected (Good and Cooper, 2016: 465).

More recently, a group in Sheffield in the UK has attempted to replicate the Australian campaign⁴⁰, though broadening out the message to encompass sexual harassment in public spaces more generally. This campaign has produced some excellent resources, and also signposts people to other sources of information, including trade unions. In 2021 the group specifically decided to try and tackle sexual harassment in the hospitality sector, calling on businesses to sign up to the following pledges:

40. <https://knowtheline.org/>

- Providing a great environment for all our customers and staff.
- Protecting everyone with zero tolerance of sexual harassment.
- Promoting these values and responding seriously to any complaints about inappropriate behaviour⁴¹.

Nevertheless, while such efforts to raise awareness of the problem are extremely valuable, this pledge scheme is targeted at employers, and does not aim to increase the bargaining power of workers and tackle the structural facilitators of sexual harassment that we have outlined in this report (through, for example, ending zero hours contracts and granting trade unions access to workplaces). While an undoubtedly important campaign, it needs to be complemented by strategies that seek to directly empower workers and in the following section we therefore turn to the role of trade unions in tackling workplace sexual harassment.

41. <https://www.sheffcol.ac.uk/news/silver-plate-restaurant-backs-know-the-line-campaign>

The Role of Trade Unions

"...it has been important historically to create women's only spaces within the trade union movement."

"...the biggest barrier to trade unions tackling sexual harassment in hospitality specifically is the simple fact that the sector is so completely un-unionised"

"...even in unionised industries, concerns have been raised that unions may systematically tend towards supporting perpetrators of harassment, rather than victim-survivors."

"the question of the demographic representativeness of union officials was raised by a couple of participants."

Before we explore current union campaigns aimed at tackling workplace sexual harassment – specifically focusing in on the hospitality industry – we first briefly examine the history of trade unions and their progress in tackling gender inequalities within their own structures, as this specifically bears upon their credibility as mechanisms for (particularly) women workers seeking redress.

Gender and Trade Unions

6.1

While trade unions have always existed to advance workers' interests and to secure better pay and working conditions, trade unions have not always had the most progressive of records as regards gender equality, with major UK unions excluding women from membership as late as the 1940s (Lawrence, 1994: 2-3; cf. Avendaño, 2018: 251 on the American experience). Progress over the intervening period has been made, with female participation as union representatives, conference delegates, national executive committee members and general secretaries all broadly increasing and becoming more proportional to the wider membership over the period between the 1980s and 2010s (Healey and Kirton, 2000; Kirton, 2015). These changes have been the result of women's own efforts in challenging the status quo, combined with unions (slowly) waking up to the increasing significance of women in the labour force (Kirton, 2015: 484).

Nevertheless, the fact that women remain underrepresented amongst paid union officials and senior workplace representatives (Healey and Kirton, 2000: 357; Kirton, 2021: 594) is concerning, given that such individuals will tend to have more control over a union's agenda, policies and resources. Indeed, Healey and Kirton (2000: 344), drawing on a long history of political experience, have pointed to the ways in which the monopolisation of resources by a particular group can be used to

cement that group's power and stave off any challenges by outsiders over time. This leads them to coin the term 'gendered oligarchies' to describe the ways in which particular groups of men have historically excluded women and their concerns from the trade union movement.

In practical terms women's exclusion from trade unions has been enacted through a variety of means. Some of these spring from gendered inequalities more generally, with women having less time to dedicate to union activism after the 'double shift' of paid employment and a disproportionate share of domestic and caring work (Kirton, 2015: 487). Others are to do with the more direct exclusion of women trade unionists through a stereotypically masculine culture (Kirton, 2015: 502), which can extend from a refusal to accept that issues affecting women workers are a valid component to a union bargaining agenda (Kirton, 2021: 606) to the use of obnoxious body language to undermine and intimidate women speakers (Healey and Kirton, 2000: 356).

For these reasons it has been important historically to create women's only spaces within the trade union movement and reserved seats on national bodies, to allow women the ability to organise and to ensure their voices are heard (Healey and Kirton, 2000: 348-352). More recently however Kirton has noted tensions between two approaches to gender equality, which she terms as 'women's issues' and 'gender mainstreaming'. The 'women's issues' approach '[...] calls for bargaining around specific measures (e.g. flexible work arrangements; sexual harassment policies) to address women's distinct gendered experiences in the labour market' (2021: 596). This recognises the unique interests of women as workers but also represents a danger in terms of the 'siphoning off' of women's issues into separate spaces, perhaps marginal from the main agendas of trade unions.

The second approach, 'gender mainstreaming', arguably attempts to build a consensus through demonstrating the various ways in which gender issues affect all trade unionists equally. The

problem with this approach is that it can obscure women's distinct experiences, and Kirton gives the examples of the way in which the issue of sexual harassment has been subsumed under more general bullying and harassment policies by many unions (2021: 607). This serves to render the issue 'gender neutral' while ignoring the fact that sexual harassment is overwhelmingly perpetrated by men against women.

Of course, the biggest barrier to trade unions tackling sexual harassment in hospitality specifically is the simple fact that the sector is so completely un-unionised (Ioannou and Dukes, 2021: 257). Moreover, workers in this sector (and others) are considered to be 'difficult-to-organise' or 'costly-to-organise' (Tailby and Pollert, 2011: 500) due to the prevalence of smaller and more fragmented worksites, internal divisions between departments, higher staff turnover, insecure contracts, and the lack of skill specificity that would contribute to a stronger bargaining position (Moore et al, 2007; Wills, 2005; Tailby and Pollert, 2011; Wood, 2020a; 2020b). Despite these issues, models of 'community unionism' (Holgate, 2015; Hardy, 2021: 197-202) offer the potential to overcome the challenges by bringing additional resources into the movement and leveraging community support (Etherington et al, 2023). This is a point we return to below.

Yet even in unionised industries, concerns have been raised that unions may systematically tend towards supporting perpetrators of harassment, rather than victim-survivors. In making this argument in relation to unions in the United States, Avendaño notes that many unions fail to proactively support victim-survivors of sexual harassment, instead pointing them towards the employer's grievance and disciplinary procedures. And that when the employer seeks to then discipline the perpetrator, the union ends up contesting this process in the mistaken belief that it is the union's role to protect members from any and all disciplinary action. Such a situation can force '[...] the victim and the employer to align in opposition to the union and the harasser'

(Avendaño, 2018: 250-1). To avoid such a state of affairs, unions need to recognise the fact that they are not obligated to defend every aggrieved member, but in order to make such a decision the union would have to conduct its own independent investigation as to whether an act of sexual harassment took place. This could in turn create barriers to the reporting of sexual harassment and seeking union support, so this issue would require further research and consideration.

Finally, no review of trade unions and gender inequality could be complete without passing comment on the recent independent reports into the culture of three key unions in the UK, which arguably fit Healey and Kirton's (2000) model of 'gendered oligarchies' and have led to the unions involved being characterised as having an 'inappropriate sexual culture', a 'toxic culture' and being 'institutionally sexist'. The issues that these three reports (Monaghan, 2020; Carr, 2022; Kennedy, 2023) have uncovered range from a lack of representation of women in key roles (and their segregation in junior roles), a culture of meetings in places where alcohol is served, power hoarding and endemic bullying, exclusion of women and ethnic minorities, and serious sexual harassment including 'inappropriate and sexual touching, sexual assault, coercive and manipulative behaviour, violent and disrespectful language, humiliation and denigration of members of staff, reps and members of the Executive Committee' (Kennedy, 2023: 4; cf. Avendaño, 2018: 256 for parallel examples from the US trade union movement).

These revelations are a stain on the entire trade union movement and have led to the argument that the movement is now facing its own #MeToo moment (Wearmouth, 2023). While it is not our belief that trade unions are irredeemably sexist or misogynistic organisations, these recent reports have been a timely reminder that unions are not immune to the prejudices of the societies they inhabit, of how much harder unions need to work to be taken seriously as defenders of (in particular) women's rights, and the duty of all trade unionists have to take a stand against such

behaviours.

Turning to our own research, the question of the demographic representativeness of union officials was raised by a couple of participants. For example, Jennifer (24), who had experienced sexual harassment from both customers and staff while working in hospitality explained why she thought the predominance of male organisers in the trade union movement was a problem:

Yes, I think the type of people who would go in to recruit them, 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. I'd just be like “don't talk to me” and there's a lot of girls like that. It's fine now I'm older but when you've just come out of school and you are really young, you just don't want to. So maybe younger people, more women, definitely.

This point was echoed by the Laura, from the Leeds Get Organised project, which is seeking to unionise workers in the hospitality industry, who explained why women workers might struggle to open up to male organisers:

[...] if they had to give details of, like, an intimate, like, a situation, I think they would [find it difficult], I've found like, [...], if you work in an environment where men aren't safe [to be around], you might feel more confident [speaking to a woman], even though like that's probably not fair on the male organisers, they are just professional and want to do their job at the end of the day, and I'm sure would be very empathetic, and would be absolutely understanding, it's just something that is a dynamic I'm afraid.

We also found some evidence from conversations with union

officials to support Avendaño's (2018) contention that trade unions may in some instances be providing support to (generally) male harassers, with one official in particular (representing workers in the service sector more generally) seemingly believing he had a 'legal obligation' to represent an individual who had pushed a female co-worker up against a wall and attempted to kiss her: '[...] I've got to make sure the company follows the right, correct procedures because I can't pick and choose when I want to stand up for these rules'. One of the authors is aware from their wider union activism that this would not necessarily be an uncommon response across the movement. Avendaño's posited solution of unions conducting their own investigations into sexual harassment may be seen as a difficult path to take, and could create additional barriers to reporting, but the alternative may be that the union loses legitimacy in being seen to be on the side of perpetrators. We would therefore reiterate the need for further research and debate on this point.

Trade Unions Campaigning Against Sexual Harassment

6.2

Two unions that have arguably led on contesting sexual harassment in the hospitality industry are the Bakers Food and Allied Workers Union (BFAWU) and Unite. First and foremost, BFAWU have pioneered the drive to unionise the hospitality sector in the UK, mobilising community activists to speak to fast-food workers from 2015 onwards and then directly organising workers. These efforts led to the historic first ever strikes in the history of McDonalds in the UK, at stores in Cambridge and Crayford in September 2017, followed by workers at further sites taking action in May 2018, October 2018 and then again in November 2019 (Thomas et al, 2020: 43). The October 2018 strikes also included action at two Wetherspoons pubs, another historic first for BFAWU, and were coordinated with action by Unite workers at TGI Fridays and Industrial Workers of the World (IWW) couriers at UberEats (Cant and Woodcock, 2020). The actions that BFAWU members have taken led to major victories,

such as a pay-rise for all directly employed McDonalds staff in January 2018 (Barrie, 2018).

But beyond the unionisation campaign, the Bakers Union and their General Secretary, Sarah Woolley, have strongly challenged the issue of sexual harassment specifically, as we saw in Section 4.2.4., and this has included organising groups of workers to speak out, coordinating days of action with hospitality workers in other countries, keeping the issue in the public eye through media engagement (Oppenheim, 2019; Sagir, 2023) and even submitting a dossier of evidence to the Equality and Human Rights Commission. The latter has led to McDonalds in the UK signing a legally binding agreement with the equalities watchdog, committing the business to taking action. Yet what detail is available (EHRC, 2023) suggests that the deal primarily covers monitoring, training, culture and communication, which, while important, will have little impact on the structural factors we have identified in this report (linked to precarity, workforce demographics and employment deregulation). Indeed, as of November 2023 the stories of sexual harassment at McDonalds were continuing to dominate headlines (BBC, 2023). Nevertheless, the Bakers Union has been fundamental in raising the profile of this issue through pro-active campaigning.

Unite the Union, for their part, have also been active in campaigns around hospitality for a number of years, running campaigns for fair tips at Pizza Express (Gayle, 2015), taking strike action at TGI Fridays, campaigning for better pay and working conditions at the Edinburgh Festival (Unite, 2019), and working alongside the Scottish TUC's Better Than Zero⁴² campaign to combat zero hours contracts. On the specific question of sexual harassment, Unite has commissioned two surveys that we have drawn upon in this report (Bence, 2018; Unite, 2021) and raised the profile of the problem amongst the wider public.

Unite have also lobbied local government to better protect

42. <https://www.betterthanzero.org.uk/>

hospitality workers. One very practical example of this is their campaign – Get Me Home Safely⁴³ - to get licenced venues to provide transport for workers whose shifts may end late into the night, as a condition of being granted a licence or having one renewed. The lack of safe travel options - given continued erosion of public transport and the costs of taxis - can be a major problem for workers. Within our own research Aamaya (21) said she tended to walk home when she finished her shift at a fast-food outlet at 2-3am because it meant ‘saving money’, even though it meant putting up with ‘you know guys just pull up in their car and catcall and whatever’.

In this campaign Unite have clocked up an impressive range of victories, with East Dunbartonshire Council (for example) adopting a requirement that any venue applying for a new or 1am licence must ensure workers have access to safe transport home (Unite, 2021: 15). A similar provision to provide safe and free transport for workers finishing after 11pm was adopted by Glasgow City Council in December 2022, following a campaign by hospitality worker Caitlin Lee (BBC, 2022). Similar policies have been adopted by councils in Edinburgh, North Ayrshire, Falkirk and Dundee in Scotland, and Newcastle (Glover, 2022) and Brighton in England. As with BFAWU, Unite in hospitality have tended to advocate an ‘organising model’, whereby the union seeks to empower workers to win their own improvements, rather than a traditional servicing model where professionalised union staff advocate on behalf of workers.

This is crucial, because it is not the intention of this research to portray those who have suffered sexual harassment as passive victims, or as Bence put it ‘[...] having no agency of their own, just waiting for a white knight solution to save them’ (2018). We take seriously her point that too often coverage of workplace (and other forms of) sexual harassment has often focused on ‘the awfulness of [women’s] experiences’ and ‘about how sad and terrible it all is, but not about what they as women workers can do

43. <https://www.unitetheunion.org/campaigns/get-me-home-safely-campaign/>

about it'. Rather we see our participants as both survivors and challengers of sexual harassment and the sexist cultures on which it thrives, though we also recognise that they may feel they were victim to sexual harassment, our argument is that all workers have the agency to effect changes to their working conditions, as long as they are provided with the right tools and support. The campaigns by Unite in Scotland and elsewhere are a testament to this fact.

An organising perspective also guides the work of Leeds Get Organised (introduced above), and its sister project, Sheffield Needs A Pay Rise, both of which are attempts to overcome the challenges of organising in the hospitality sector through 'community unionism' (Holgate, 2015). What this means for these projects are the local Trades Union Councils crowdfunding the wages of new union organisers (together with the Bakers Union) who are focused on the hospitality industry, as well as leveraging activist and community networks to support union recruitment, organising and campaigning against bad employers. Given that the two organisers – in Leeds and Sheffield – have been primarily engaged with young workers in the hospitality sector, sexual harassment has been high up the agenda.

The former organiser for Sheffield Needs A Pay Rise, Rohan, explained how what may seem like small wins on issues of decency and respect (rather than pay) could be instrumental in building support for the union. For example, she described how workers at one fast-food outlet had been supported in undertaking a 'march on the boss' to confront the employer with a set of demands, which included getting 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). SNAP's intervention was also fundamental in empowering Isabella (20) to speak out publicly about the problem of sexual harassment in hospitality:

I was still in a bit of denial about the sexual harassment

thing, I thought it was normal still, a little bit. Because I think you do.

When you've gone through that, you start to think, "Maybe I was being a bit over-dramatic." But Rohan [the Sheffield Needs A Pay Rise organiser] reassured me that I wasn't.

Laura from Leeds Get Organised, meanwhile, has campaigned around the issue of 'night taxis' on a similar basis to Unite's Get Me Home Safely campaign. Explaining that 'a lot of women experience harassment on the way home', she noted that many of the workers she was talking to could be finishing as late as 4am in the morning and noted the incongruity of bar managers 'getting taxis for customers that have got too drunk, but just letting [workers walk] home'. Many of these workers are 19 or 20 years old and vulnerable to violence or harassment:

I've had stories of men being mugged, but women being harassed on the way home from work, an even just like degrading things, like so one woman refused to serve a guy because he was too drunk, and he waited for her, and he followed her home and was throwing food at her, just like walking behind her throwing his chips at her. It's just humiliating and degrading. I'm not sure that would constitute sexual harassment, but it's definitely harassment.

The field organiser was optimistic about the ability to build a broad-based community campaign around the issue of night taxis:

[...] I think if you were like the average joe, saw on the news that young women workers who are paid £10 an hour are going on strike because they are being forced to walk home at 4am, I think most people, 90% of people would be like fair enough [...] it's like young women, their paid the lowest out of anybody, I think they would have a lot of public support.

She also noted that this was an issue around which it was possible to build worker solidarity, given that male workers also face risks

in terms of violence and muggings, but also due a lot of men having 'basic empathy', noting that '[...] in a lot of instances it is the men that come forward when I'm discussing their conditions and then they'll flag up "oh, there's also this situation with this young lass, and I don't think it's nice", actually sometimes men can and do whistle-blow to the union, and be like "approach that how you want, but that is going on"'. Nevertheless, while solidarity from male workers was often forthcoming, the field organiser did report utilising women's only meetings when exploring issues of sexual harassment:

[...] we had an all-women's meeting and I think it just worked a lot better with me being a female organiser, and they told me like about a lot of very graphic details about how they'd been assaulted by customers, but the customers were like the managers favourites, and he wouldn't ban them because they were like obviously like his pals, and they were organising to implement a safe space policy, which would be like any form of harassment, customer gets banned, and they were going to go through like the organising route, like putting in a collective grievance and petitioning for industrial action to implement that.

In terms of campaigning, it may be that the trade union movement in the UK can learn from strategies in the hospitality industry in the United States, for example, UNITE HERE's Hands Off Pants On campaign in support of their hotel worker members who experience high rates of harassment from customers and managers (Avendaño, 2018: 253). The goal of such campaigns is for unions to negotiate language around how sexual harassment should be dealt with into any collective agreements Avendaño, 2018: 257).

Ultimately it is only unions that have the power to both educate workers as to their rights and to take action against employers in defence of those rights. Olivia (22), who as we saw was victimised for reporting sexual harassment, was very clear that she wished

she 'knew more about things like unions that could protect me because you hear about discrimination and sexual harassment in workplaces, but you just never think it's going to happen to you. I was so shocked when it happened to me'. Whereas Isabella clearly experienced empowerment in being supported by the union to speak out against sexual harassment in her workplace, Olivia reported that her inability to challenge such behaviours reinforced a feeling of disempowerment, that she:

[...] didn't really have great expectations of work anyway. They have definitely got lower since having to experience sexual harassment and stuff like that. I think you grow as a person with bad experiences, which is awful, but it tends to happen that way.

This tallies with research from the United States that has underscored how the normalisation of sexual harassment in hospitality can lead workers to expect sexual harassment in other environments (ROCU&FT, 2014: 3). This is particularly important given that the hospitality industry provides so many young people with their first introduction to working life (ROCU&FT, 2014: 29). If we are to ever end sexual harassment in the workplace and beyond then we need to refuse to accept the continual lowering of expectations, and to raise them instead.

While organising efforts by BFAWU, Unite, Sheffield Needs A Pay Rise and Leeds Get Organised are relatively new developments and in some instances yet to achieve a critical mass, they do provide some indication of the kinds of strategies and tactics that can be deployed to challenge sexual harassment, empower women workers, and not simply narrate 'the awfulness of [women's] experiences'. Our research demonstrates that such initiatives can make a real contribution to the empowerment of workers in challenging sexual harassment and – we hope – will further debates around these issues. Certainly, in our view, more needs to be done within the trade union movement to generalise the kinds of initiatives and campaigns we have discussed, as well

as to continue the work of challenging sexism within the movement (where it still exists) and fully including all genders.

Moreover, further research into union campaigning on sexual harassment is required, given the scale of the problem and its relevance to the wider question of union renewal in this country. Such research would explore the attitudes of young workers in particular to trade unions (as well as intersections with ethnicity, gender, sexuality and disability status), the real and perceived barriers to accessing appropriate support from trade unions, as well as further contribute to a now burgeoning literature on union renewal (Holgate, 2015; 2021; James and Karmowksa, 2016; Cant and Woodcock, 2020; Royle and Rueckert, 2020; Hardy, 2021; Etherington et al, 2023).

In the following and final section, we summarise some of the key arguments of this report, outline the relevance of our research to other employment sectors, and set out what further research we view as necessary for a better understanding of workplace sexual harassment.

Conclusions and Next Steps

"More active strategies to confront sexual harassment should be the natural domain of trade unions, which we explored in Section 6."

"...despite the comparative wealth of survey data we reviewed in Section 1.2., certain questions remain, and further quantitative research would be desirable."

"...there seems to be no robust survey data in the UK that focuses on specific mechanisms that facilitate sexual harassment, such as the degree of dependency on customer tips, the nature of uniform policies and whether staff are explicitly told that they must 'flirt' with guests"

In this research we have explored the problem of sexual harassment in the low paid and precarious hospitality sector. We began in Section 1. by introducing the problem of workplace sexual harassment, defining sexual harassment in legal terms and then exploring its prevalence and how this varies by demographics, economic sectors and contractual types, drawing on the most comprehensive survey evidence available. We then explored low pay and precarious work in the hospitality sector in greater detail. What our review found is that workplace sexual harassment is an all-too-common experience in the UK, affecting at least a 1/3 of workers on an annual basis. It disproportionately affects women, young people, ethnic minorities, disabled people and LGBT people. Sexual harassment is particularly high in traditionally male and female dominated industries and highest in hospitality. For contractual status, all forms of precarious work (from zero-hour contracts to internships) expose workers to a greater risk of sexual harassment. We also noted that it is precisely those workers who are most at risk who constitute a highly disproportionate share of the overall hospitality workforce, and introduced some of the key impacts of sexual harassment.

Following a discussion of the methodology we have employed in this research in Section 2., in Section 3. we presented the stories of 11 women who have experienced sexual harassment and unwanted sexual attention, broken down by whether the harassment was perpetrated by managers, colleagues and customers. This helped to underscore the impact of such harassment on our participants lives, and the barriers they encountered in attempting to mitigate or challenge such behaviours. This section intended to give voice to women's lived experiences, and also explored the overlaps between their experiences of sexual harassment, their wider working conditions, and various intersectional inequalities related to gender, age, ethnicity and organisational hierarchies.

In Section 4. we then proceeded to outline four aspects of the organisation of hospitality work that we believe help to facilitate the high levels of sexual harassment that are found in this sector.

Firstly, the sexualisation of service work, and the way in which young women (in particular) are sexualised for the sake of business profit. This begins with recruitment and selection processes, continues through the imposition of uniforms and the regulation of appearance, and is underpinned by a discourse of customer satisfaction that can incentivise workers to enter into sexualised interactions and make it more difficult for them to challenge – or even to name – problematic behaviours.

Secondly, we explored the relationship between sexual harassment and precarious contracts. The link has already been proved beyond reasonable doubt by existing survey evidence, but here we started to explore the mechanism. We combined admittedly fairly limited but suggestive data from our own research with findings from employment tribunals and other sources, to see how control over scheduling could be used in the commission of acts of sexual harassment, and how the cutting of hours could be used to retaliate against workers bringing claims of sexual harassment, thereby disempowering them.

Thirdly, we looked at how the workforce demographics of the hospitality industry might also militate against workers challenging sexual harassment, given the preponderance of young workers, lacking in knowledge of their employment rights and/or having the confidence to challenge employers. These issues can be compounded in localities like Sheffield that are characterised by slack labour markets.

Fourthly, we looked at labour market de-regulation and how variegated employment statuses and a lack of day one employment rights obviously expose workers to greater risk. Combined with the restrictions on trade unions in the UK and increasingly toothless and under resourced enforcement

agencies, it is not difficult to see why labour rights are rated so poorly in the UK. In this section we also looked at employment tribunals, the problem of arbitrary time limits, the ways in which tribunals have developed to exclude ordinary workers bringing their own claims, and disturbing evidence to suggest that judges look unfavourably against claimants who do not initially respond to sexual harassment in the most assertive of ways.

In Section 5. we looked at responding to sexual harassment, the low levels of reporting, and the barriers workers face in seeking redress, up to and including quitting or losing their job. Here we saw that a lack of clear company policies on sexual harassment, of clear reporting processes and robust and independent investigations, lead to poor outcomes for workers. A number of policy actors have made solid recommendations for improving policies, processes and enforcement, but in the absence of political will, workers must look to collective strategies to bring about change. We also noted that campaigning organisations may have a role to play in challenging workplace sexual harassment, but that these needed to go beyond simply identifying problematic behaviours and to confront the structural factors that disproportionately expose workers in hospitality.

More active strategies to confront sexual harassment should be the natural domain of trade unions, which we explored in Section 6. Nevertheless, unions have sometimes had a mixed history (to say the least) on campaigning for gender equality and we outlined some of this (recent) history and some of the strategic and practical challenges involved in attempting to combat sexual harassment through union action. More positively, we explored the campaigns by BFAWU, Unite, Leeds Get Organised and Sheffield Needs A Pay Rise who have all organised young workers on precisely this issue.

While this research has attempted to focus in on the hospitality industry more specifically, our findings clearly have broader relevance. Looking back to Figure 2 we can see that sexual harassment is prevalent right across the economy, and especially so in technology and telecoms, services, transport and logistics, construction and retail. For many of these sectors the general deregulatory trends identified in Section 4.4. will be the same, while sexualisation may be an issue that ranges from office interns (Rogers and Henson, 1997: 221) to retail assistants (Good and Cooper, 2016: 451). Certainly, hospitality is not the only sector that aspires to 'recruited acquiescence', i.e. hiring workers who will be compliant and not challenge managerial prerogative. If low pay is a marker of vulnerability (Pollert and Charlwood, 2009) then those sectors where low pay is prevalent and consequent levels of poverty among workers is high - including 'admin and support services', 'residential care', 'wholesale and retail trade', 'arts and entertainment', 'other service activities' (Sissons et al, 2018) - are also likely to feature acquiescent workers who are at greater risk of sexual harassment.

A similar list of industries are characterised by low levels of unionisation - 14% in 'arts, entertainment and recreation', 12.1% in 'wholesale and retail trade' and 8.6% in 'administrative and support service activities' (BEIS, 2022). Yet for some of the reasons we explore in Section 6., even industries where union densities are relatively high - 35-50% in 'transport and storage', 'public administration', 'education' and 'human health and social work' - may have problems with sexual harassment due to a failure of the extant unions to adequately address the issue. As we saw in Figure 2, women workers report sexual harassment rarely.

And when it comes to precarious contracts, their use certainly extends beyond hospitality, with Koumenta and Williams (2019) identifying the five industries where zero-hour contracts are most

prevalent (after ‘hospitality’) as ‘residential care’, ‘education’, ‘human health activities’, ‘social work without accommodation’ and ‘retail’. Amongst these the presence of the education sector is noteworthy. While higher education in particular often has an erroneous reputation for homogenously high pay and good working conditions, the reality is that it is amongst the most casualised industries in the UK (Mukherjee, 2021), where women spend longer than men on precarious contracts, where the precariously employed may face significantly increased risks of bullying, discrimination and harassment (O’Keefe, and Courtois, 2019: 469), and with precarity being identified as a barrier to challenging sexually harassing behaviour (McCarry and Jones, 2021).

Further Research

7.3

In this section we want to outline what we would see as valuable avenues for future research. Firstly, despite the comparative wealth of survey data we reviewed in Section 1.2., certain questions remain, and further quantitative research would be desirable. For example, the second BBC survey (ComRes, 2017b: 33) differentiated between self-employment, ‘freelancing’, zero-hours contract, ‘work in the gig economy’ and a ‘standard employment contract’, and the GEO survey (2020: 71) differentiated between permanent employees, interns, apprentices/trainees, self-employment and ‘employment on a temporary basis’. While some of these distinctions are useful, some are clearly highly subjective, and both surveys failed to independently capture the experiences of those on fixed-term contracts (who research from Australia suggests may be particularly at risk - LaMontagne et al, 2009: 177), those employed via an agency/labour market intermediary or those on ‘minimum hours’ or ‘variable hours contracts’ (where workers have a fixed minimum number of hours but are typically highly dependent on ‘flexing up’ to a much higher number of hours). This latter point is particularly important given the links that have

been uncovered in European survey data between 'schedule unpredictability' and sexual harassment. In addition, the sample sizes for the different regions in the two BBC surveys (ComRes, 2017a: 2; ComRes, 2017b: 24) were limited, preventing a fuller understanding of geographic variations in the prevalence of sexual harassment and the extent to which this might correlate with wider gendered inequalities and slack labour markets (which reduce workers' bargaining power). None of the surveys enquired into rates of pay either, and while industrial sectors, job roles and social grades may be useful proxies for low pay, it would be preferable to measure this directly.

Perhaps the biggest issue with survey data however pertains to the very language of 'sexual harassment' (or its synonyms). In our methodology section and elsewhere we have noted that workers may be unlikely to perceive their experiences as sexual harassment (cf. Matulewicz, 2015), and indeed we argued that a strength of our qualitative approach was rather to ask about 'problems' or 'issues' experienced in the workplace (see also Reuter et al, 2020: 14). Nonetheless, as Pollert and Charlwood (2009: 346) explain, even the language of 'problems' can be too high a threshold for workers to conceptualise their experiences, 'especially at the lower end of the labour market, where habituation to experiences such as work intensification, insecurity, low pay and coercion lowers expectations of working life' and therefore their Unrepresented Worker Survey used a range of 'softer terms' such as 'difficulty', 'concern' or 'worry', as well as prompts to tease out potential grievances. Such a range of approaches need to be deployed in future surveys both to produce more accurate estimates of the prevalence of sexual harassment and better understandings of the factors that are associated with different kinds of conceptualisations.

Moreover, this research has revealed a range of mechanisms that allow us to understand the prevalence of sexual harassment, from the sexualisation of service work to precarious contracts, from a lack of knowledge of employment rights to a lack of confidence in

their enforcement. Many of these explanations have arisen from qualitative data and need to be substantiated through survey evidence. In particular the prevalence of sexual harassment that is facilitated through the control of the rota, the ability to cut workers' hours in retaliation to reporting and the lack of access to sick pay needs to be assessed. It is also worth noting that unlike the survey by Restaurant Opportunities Centers United and Forward Together (2014) in the United States, there seems to be no robust survey data in the UK that focuses on specific mechanisms that facilitate sexual harassment, such as the degree of dependency on customer tips, the nature of uniform policies and whether staff are explicitly told that they must 'flirt' with guests.

Secondly, and perhaps most obviously, the research on which this report was based was not initially conceived as being focused on workplace sexual harassment. A more focused qualitative project is therefore vital. This would allow workers to be interviewed by a researcher of their chosen gender and could explore to a much greater extent workers' knowledge of and access to employers' policies regarding sexual harassment, the culture of workplaces as regards sexism and misogyny, and barriers to reporting. More specifically, while this research has uncovered some indicative evidence around the sexualisation of service work, there is a comparative dearth of information on the links between tipping and customer perpetrated sexual harassment (given the relative scarcity of full-service restaurant workers in our sample).

This research has also clearly shown that specific groups of workers experience higher levels of sexual harassment, particularly women, young people, ethnic minorities, disabled people, and LGBT people. We need to hear more from these groups through qualitative methods. There is a particular absence of the voices of disabled people, trans and non-binary people, people with different sexualities, and people of colour in the literature, and we need to understand better how experiences of sexual harassment intersect with other forms of inequality and

harassment.

Thirdly, while in Sections 4.4.4. and 5.3. we addressed some of the problems with the attempt to seek legal remedy through the tribunals system, it is concerning that there has seemingly only been one rigorous set of studies into how sexual harassment cases are dealt with at tribunal (Lockwood et al, 2011; Rosenthal and Budjanovcanin, 2011: s248), and this was based on a dataset that only extended up until 2005. There is also concern that those in elementary occupations – including hospitality workers – were significantly less likely to win their cases (Rosenthal and Budjanovcanin, 2011: s248) and this could well be due to such claimants lacking credibility precisely as a result of the pervasive sexualisation of service work (Matulewicz, 2016). All of these issues need to be addressed as part of the research agenda going forward.

Recommendations

...For employers, for unions, for legislative/regulatory reform, for employment tribunals, educational institutions and for future research.

Recommendations for Employers

1. Employers should be very clear as to their zero-tolerance approach to all forms of sexual harassment and provide specific training for those in management positions (Middlemiss, 2021: 333).
2. Workers were generally unaware of policies around sexual harassment. Policies need to be accessible to all staff, explored in detail during induction and through regular refresher training (Bence, 2018; Unite, 2021).
3. Sexual harassment policies should be standalone, should clearly outline the range of behaviours that encompass sexual harassment, and should emphasise that sexual harassment is a form of gender-based discrimination (Engender, 2022: 36) linked to sexism and misogyny.
4. Because sexual harassment is underpinned by sexist cultures, employers should consider undertaking organisational sexual harassment reviews, which Engender (2022: 64) liken to equal pay reviews, but where the focus would be on understanding the prevalence of sexual harassment and focusing on the changes that are needed to more effectively tackle it.
5. Given that line managers frequently protected harassers, employers must provide a method of anonymous reporting for sexual harassment and multiple routes to reporting, including options for third-party or external reporting (Engender, 2022: 46-47).
6. Investigations of sexual harassment must be genuinely independent, with the option of a female investigator (EHRC, 2020: 69), and employers need to show how they are protecting victim-survivors from retaliation (through - for example - manager's control over their hours and schedule).

7. Employers have a particular duty of care when they rely on largely young workforces and need clear policies around the effective safeguarding of young workers.

8. In terms of the hospitality sector specifically, cultural change must entail challenging the unwanted sexualisation of workers, linked to expectations around uniforms, appearance and conduct.

9. There are lessons in this report for other industries that may feature the widespread use of precarious contracts, low-pay, significant age and status differentials between workers and their supervisors, and sexualised service interactions (Rogers and Henson, 1997: 221; Good and Cooper, 2016: 451).

Recommendations for Unions

1. Recent revelations of sexual harassment within the UK trade union movement (Monaghan, 2020; Carr, 2022; Kennedy, 2023) are deplorable; the trade union movement needs to work much harder to challenge sexism and misogyny in its own ranks.

2. Unions need to better represent the workers they seek to organise, which means continuing to increase the proportion of women and other minoritised groups in official and lay negotiator roles.

3. Unions need to be sensitive of the ways in which they can end up representing harassers against victim-survivors (Avendaño, 2018: 250-1). While it may be difficult for unions to undertake their own independent investigations to prevent this from happening, ways of addressing this challenge need to be explored.

4. Although hospitality workers may be 'costly-to-organise' (Tailby and Pollert, 2011: 500), new forms of 'community unionism' (Holgate, 2015) - like Sheffield Needs A Pay Rise's partnership with the Bakers' Union - demonstrates how additional resources can be brought into the movement (Hardy, 2021: 197-202;

Etherington et al, 2023) and should be supported and further developed.

5. Unite's Get Me Home Safely campaign to mandate safe transport arrangements for late shift workers as a condition of local licencing needs to be taken on by the wider movement.

6. Unions need to recognise that questions of decency and respect, alongside more traditional concerns around pay, can be effective issues to organise around.

Recommendations for Legislative/Regulatory Reform

1. The failure to include 3rd party sexual harassment in the Worker Protection Act 2023 was a missed opportunity, and we argue that legislation is required to ensure employers take greater steps to protect their workers from customers, suppliers and contractors.

2. Equally, the watering down of the language in the WPA 2023, from requiring employers to take 'all reasonable steps' to prevent sexual harassment to 'take reasonable steps', significantly weakens the obligations on employers to protect workers and future legislation should take a stronger line.

3. Precarious contracts are clearly implicated in workers experiences of and inability to challenge workplace sexual harassment. The Workers (Predictable Terms and Conditions) Act 2023 does not go far enough in tackling these issues and future legislation should look to provide a positive right to greater schedule predictability, not simply offer the worker the possibility to make a request.

4. The 2-year qualifying period for tribunal claims, effectively excludes many hospitality workers from asserting a wider range of employment rights (given low average tenures) and we advocate for day 1 employment rights (IER, 2016).

5. Trade unions face restrictive legislation; we support the RSA (Lockley and Wallace-Stephens, 2020: 8) in their call for a positive right for unions to access workplaces.

6. Entitlement thresholds for (for example) sick pay, could dissuade workers from taking time off due to the psychological and physical impacts of sexual harassment. We argue for entitlement to sick pay regardless of the number of hours worked.

7. We argue that sexual harassment is a key component of workplace health and safety and the Health and Safety Executive needs to take on the issue as part of its remit (Engender, 2022: 25) and be properly resourced to do so. Equally, the cuts to the funding for the Equality and Human Rights Commission (Engender, 2022: 72) need to end, and it needs to be properly resourced to challenge workplace sexual harassment.

Recommendations for Employment Tribunals

1. 'Time limits' for employment tribunals fail to account that it can take time to understand one's experiences as sexual harassment, process the trauma and overcome (often well-founded) fears of scrutiny and reprisals. We endorse Engender's proposal (2022: 68) of an extension to at least 12 months.

2. Rosenthal and Budjanovcanin (2011) and Lockwood et al's (2011) findings of seeming biases in the employment tribunal system's handling of sexual harassment cases are hugely concerning. We support a review of the adequacy of the system, and new training for judges (Engender 2022: 71).

3. Employment tribunal awards need to be high enough to act as a deterrence and the ability of the tribunals to make recommendations to benefit the wider workforce (removed by the Deregulation Act 2015), must be restored.

Recommendations for Educational Institutions

1. While the teaching of 'employability' agenda has become a significant component of secondary and tertiary education in the UK over the last decade, there is scant evidence that this extends to the teaching of employment rights. Given that we have identified a lack of knowledge of employment rights as a factor impacting upon younger workers' ability to tackle sexual harassment, this needs to be addressed.

Recommendations for Future Research

1. While the Government Equalities Office (2020) produced one of the most robust surveys of workplace sexual harassment ever conducted in the UK, it found a much lower differential between men and women than any other study and the reasons for this need to be explored.

2. The measurement of 'precarious work' in UK surveys of sexual harassment has been inconsistent and has failed to measure the independent effect of 'schedule unpredictability' (Reuter et al, 2020: 5). This needs to be addressed in future research.

3. There is lack of quantitative research in the UK – unlike the USA (ROCU&FT, 2014) - that explores the effect of uniform policies and tips on sexual harassment. Future surveys also need to explore the relationship between pay levels and sexual harassment.

4. The very language of sexual harassment can be problematic (cf. Matulewicz, 2015), and future surveys need to explore creative approaches to eliciting experiences (Pollert and Charlwood, 2009).

5. Given that this research was not initially conceptualised as exploring sexual harassment, more focused follow up work is required.

6. In particular, there is limited qualitative research on the question of 'racialised sexual harassment' (Fielden et al, 2010), and given that the GEO survey reveals that trans workers experience the highest levels of sexual harassment, and LGB+ people, disabled people and young people all face high levels, further in-depth research on these groups is needed.

7. It is concerning that there has only been one rigorous set of studies into how sexual harassment cases are dealt with at tribunal (Lockwood et al, 2011; Rosenthal and Budjanovcanin, 2011: s248), and the empirical data in that study is 20 years old. Current research in this area is urgently needed.

8. Finally, research is needed to explore the attitudes of young workers in particular to trade unions (as well as intersections with ethnicity, gender, sexuality and disability status), with a particular focus on sexual harassment and the real and perceived barriers to accessing appropriate forms of support.

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