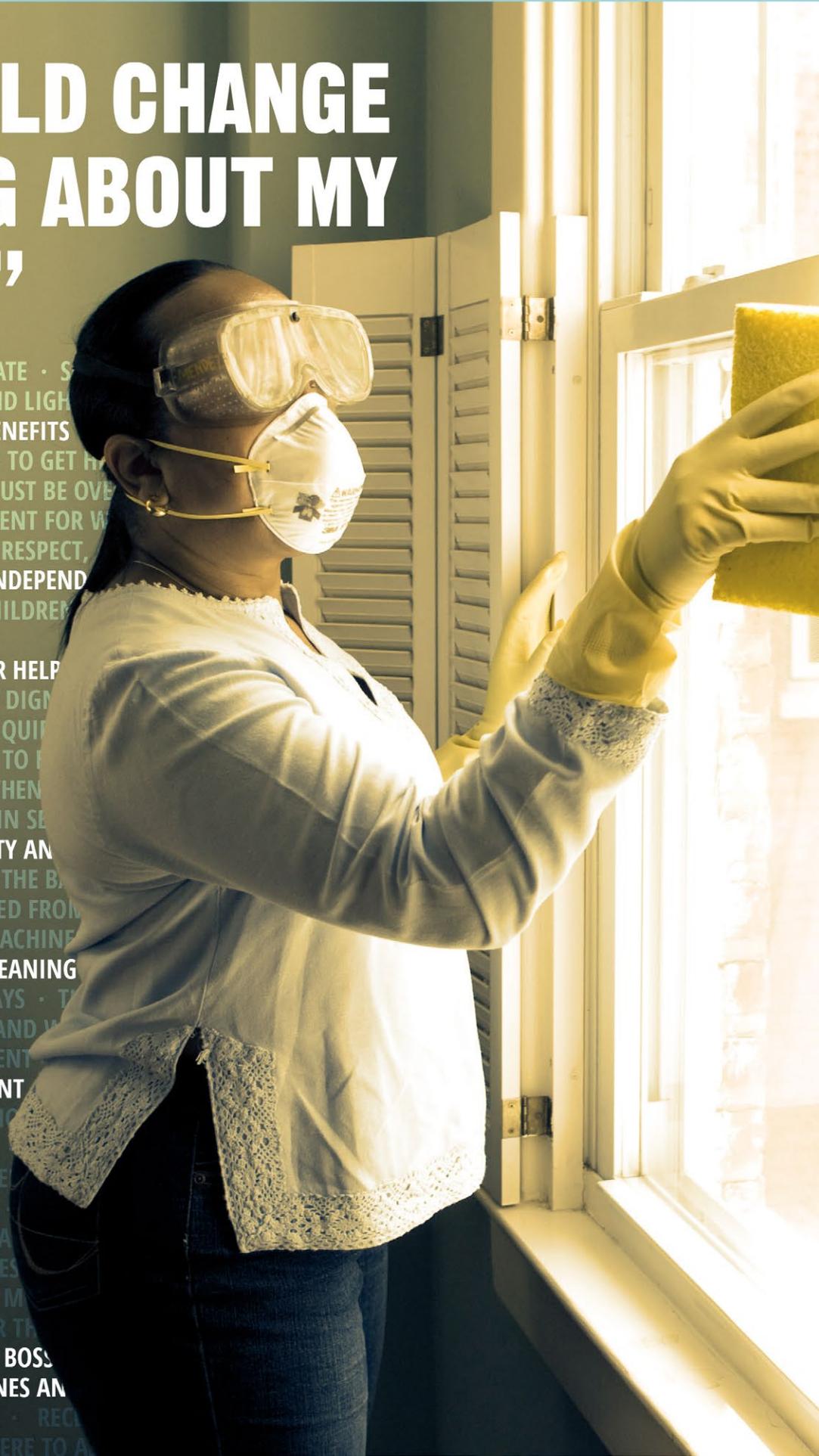


“IF I COULD CHANGE ANYTHING ABOUT MY WORK...”

THE SYSTEM · THE PAY · THE RATE · SUPERVISOR AND MANAGER MUST BE OVERSEEN
WORKLOAD · FAIR PAYMENT AND LIGHTER EQUIPMENT
HAVE A CONTRACT AND LEGAL BENEFITS
COMPLAINTS LINE FOR WORKERS TO GET HELP
SUPERVISORS AND MANAGERS MUST BE OVERSEEN
THE COMPANY · EQUAL TREATMENT FOR WOMEN AND MEN IN PAYMENT ESPECIALLY · RESPECT
BE AN EMPLOYEE AND NOT AN INDEPENDENT CONTRACTOR
HOURS FOR THOSE WHO HAVE CHILDREN
HUMANE TREATMENT · BETTER
HAVING SOMEWHERE TO ASK FOR HELP
STABILITY · MORE RESPECT AND DIGNITY
WORKER · BETTER PROTECTIVE EQUIPMENT
DAYS · TO HAVE A CONTRACT · TO
NOT THEY WOULD BE FLEXIBLE WHEN
MORE HELP AND INFORMATION IN SE
TO WORK WITH GREATER SECURITY AND
RIGHT TO SICK PAY THAT COVERS THE BASIC
LEAST · THE TREATMENT RECEIVED FROM
THEY TREAT US AS IF WE WERE MACHINES
THE SALARY IS DEGRADING IN CLEANING
PAID HOLIDAYS, TO PAID SICK DAYS · THE
PAY · THE RATE · SUPERVISOR AND
PAYMENT AND LIGHTER EQUIPMENT
· BETTER PROTECTIVE EQUIPMENT
AND LEGAL BENEFITS · THERE SHO
LINE FOR WORKERS TO GET HELP
AND MANAGERS MUST BE OVERSEEN
TO HAVE THE RIGHT TO SICK PAY
BASIC EXPENSES AT LEAST · EQUAL
WOMEN AND MEN IN PAYMENT ES
RECEIVE HUMANE TREATMENT · MORE
EQUALITY · FLEXIBLE HOURS FOR TH
TREATMENT RECEIVED FROM THE BOSS
TREAT US AS IF WE WERE MACHINES AND
WE ARE PEOPLE, HUMAN BEINGS · RECE
TREATMENT · HAVING SOMEWHERE TO ASK



"If I could change anything about my work..." Participatory Research with Cleaners in the UK

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Image by The Public Health Image Library from the Centers for Disease Control and Prevention (CDC)

The quotes on the cover are from research participants responding to the question: 'If you could change anything about your work, what would you change?'

The unattributed quotes within the report are from research participants responding to the question: 'If you could tell the UK Government what they should do to help workers, what would you tell them to do?'

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Focus on Labour Exploitation (FLEX) is a research and policy organisation working towards an end to labour exploitation. FLEX seeks to achieve this vision through the prevention of labour abuses, protection of the rights of those affected or at risk of exploitation and by promoting best practice responses to labour exploitation through research and evidence-based advocacy.

Produced with the support of



FOCUS ON LABOUR EXPLOITATION

FLEX WORKING PAPER 1

**“IF I COULD CHANGE
ANYTHING ABOUT
MY WORK...”
PARTICIPATORY
RESEARCH WITH
CLEANERS IN THE UK**

JANUARY 2021

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EXECUTIVE SUMMARY

“

Cleaning is a high-risk sector for labour abuse and exploitation, with workers experiencing frequent issues with pay, inability to take time off when ill, and dangerous working conditions.”

“

By involving workers from some of the most at-risk groups, this report brings the voices of people with lived experience to the forefront and includes their perspectives in the policymaking process.”

“

61% of research participants experienced issues with pay, such as not being paid for all hours worked.”

This working paper, based on participatory research carried out with cleaners in the UK, highlights key workplace issues in the cleaning sector, and the risk and resilience factors that impact cleaners' vulnerability to labour abuse and exploitation. It finds that cleaning is a high-risk sector for labour abuse and exploitation, with workers experiencing frequent issues with pay, inability to take time off when ill, and dangerous working conditions, including high levels of sexual harassment – a key form of gender-based violence. It also identifies systemic and structural issues that create risk of labour exploitation, including the fissured nature of the sector, the low presence of union representation, barriers affecting marginalised workers, and the impact of limited labour market enforcement, among others.

This paper provides an important addition to the existing literature on working conditions in the UK cleaning sector through its unique methodology, which involves workers in every stage of the research process, from design to data collection and analysis. This feminist participatory action research approach has enabled workers to shape the research findings and recommendations, including workers who are at high-risk of exploitation but less frequently represented in policy research, such as undocumented migrants, people who do not speak English and/or work long and unsociable hours. By involving workers from some of the most at-risk groups, this report brings the voices of people with lived experience to the forefront and includes their perspectives in the policymaking process.

This work is part of an ongoing three-year research project which seeks to address the knowledge gap concerning experiences and drivers of labour abuse and exploitation in understudied low-paid sectors of the economy. More specifically, the study looks into the working conditions of women and young migrant workers with European Economic Area passports in three low paid and often precarious sectors – cleaning, hospitality and app-based courier and logistics work in the gig economy.

KEY FINDINGS

The findings are structured into two main sections: key problems experienced by cleaners at work and key drivers of risk and resilience. The first section includes the following findings:

ISSUES WITH PAY

61% of research participants experienced issues with pay, such as not being paid for all hours worked (31%), not being paid at all (15%), not being paid on time (14%), not being paid holiday pay (12%), being paid a lower rate than initially promised (10%) and being paid less than the minimum wage (6%). In total, 60% of participants experienced financial difficulties: 21% had not been able to pay their rent or bills on time, 21% had to rely on loans or other financial help from their family or friends to get by, 15% had to rely on benefits, 11% had to go into their overdraft, 9% had to rely on credit card debt and 8% had to use payday loan companies. More proactive and targeted state enforcement of labour standards, including national minimum wage, is urgently needed.

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The ability of cleaners to take time off when ill is a crucial public health issue, especially in the current context where cleaners are on the frontline in the fight against coronavirus.”

“

Sexual harassment in the workplace was a frequent issue in cleaning, made worse by the power imbalance created by low pay and insecure working arrangements.”

“

We found outsourcing to be a key driver of risk for workers, with pressure from client companies to cut costs leading to unrealistic cleaning contracts.”

ABILITY TO TAKE TIME OFF WHEN ILL

One fifth of participants (21%) felt they were never able to take time off ill. This is due to lack of access to sick pay, the inadequacy of existing sick pay entitlements and fear of losing work for calling in sick. Overall, 47% of participants did not qualify for Statutory Sick Pay, with the Lower Earnings Limit of £120 per week presenting a considerable barrier especially for those working splintered hours for multiple employers. Our research also found cases of workers being denied Statutory Sick Pay despite qualifying for it. The ability of cleaners to take time off when ill is a crucial public health issue, especially in the current context where cleaners are on the frontline in the fight against coronavirus. To ensure people are not forced to continue working when ill, sick pay entitlements must be extended and increased.

DANGEROUS WORKING CONDITIONS

Health and safety hazards and dangerous working conditions are a predominant issue in the sector, with 60% of respondents having experienced dangerous working conditions, including 38% who experienced being asked to work without proper equipment (e.g. old/broken tools, faulty machines, etc.), and 34% who had to work without the necessary personal protective gear (e.g. gloves, safety shoes, goggles, dust mask). In total, 86% of our research participants experiencing health issues related to their work, such as back, neck or joint pain (64%); skin problems (53%), slips or trips (27%), and burns or scalding from chemicals (15%) and from heat (9%).

SEXUAL HARASSMENT

Sexual harassment in the workplace was a frequent issue in cleaning, made worse by the power imbalance created by low pay and insecure working arrangements, outsourcing and manager discretion in assigning shifts. Perpetrators included managers, supervisors, co-workers and ‘third parties’ such as employees and customers of client companies. More needs to be done to address sexual harassment in the workplace, both by state bodies such as the Equalities and Human Rights Commission and the Health and Safety Executive, and by employers and client companies purchasing cleaning services.

With regards to key drivers of risk and resilience, we found these to be:

OUTSOURCING

We found outsourcing to be a key driver of risk for workers, with pressure from client companies to cut costs leading to unrealistic cleaning contracts and downward pressure on wages and conditions. Workers recounted how efforts by cleaning companies to cut costs were leading to dangerous conditions, including cutting down on essential personal protective equipment, and continuous intensification of their work. In addition, outsourcing makes it more difficult for workplaces to unionise and for workers to report abuses at work.

LABOUR MARKET ENFORCEMENT

FLEX has repeatedly highlighted the need for more proactive labour inspections, especially in high-risk sectors like cleaning, to effectively prevent and identify labour abuse and exploitation. The absence of effective enforcement of labour rights was apparent with participants having never witnessed a labour inspection in cleaning, and with the majority of workers

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Much of the insecurity faced by workers can be linked to their employment status, with those classed as ‘workers’ having fewer rights and protections compared to ‘employees’.”

“

Understanding workers’ experiences of discrimination in the cleaning sector is important, as it can inform our understandings of risk.”

“

Where there was trade union participation, we found it to be an invaluable source of resilience for workers.”

being unaware of the existence of UK labour market enforcement agencies. This is highly troubling, given the systemic underpayment of workers and the dangerous working conditions recounted by workers.

EMPLOYMENT STATUS

Much of the insecurity faced by workers can be linked to their employment status, with those classed as ‘workers’ having fewer rights and protections compared to ‘employees’, and those classed as self-employed (whether falsely or legitimately) having close to no employment protections. The insecurity associated with specific employment statuses, such as having no protection against unfair dismissal and the ability of employers to simply cut the hours of those on casual contracts, discourages workers from pushing back against or reporting exploitative practices.

DISCRIMINATION

Research participants described experiencing discrimination – such as being profiled to do specific tasks, like back-of-house work – based on protected characteristics like race, ethnicity and nationality. Understanding workers’ experiences of discrimination in the cleaning sector is important, as it can inform our understandings of risk. Those groups who experience high levels of discrimination are likely to have fewer employment options and be restricted to low-paying, low-status jobs at the ‘bottom end’ of the labour market, making them more likely to experience – and less able to push back against – abusive or exploitative practices.

IMMIGRATION POLICY

The most serious cases of abuse identified through our research were experienced by workers who were or had at the time been undocumented. Undocumented workers are less likely to report abuse and exploitation because of fear of being reported to immigration enforcement. To effectively tackle labour abuse and exploitation, including offences under the UK Modern Slavery Act 2015, migrant workers must feel secure in reporting exploitation and seeking help from the police and other authorities, including labour inspectorates.

LANGUAGE BARRIERS AND KNOWLEDGE OF RIGHTS

A key driver of risk of abuse and exploitation is the lack of knowledge of rights at work and language barriers. Workers reported not knowing how to access help and support and, in some cases, not being sure of what rights they were entitled to. Workers whose first language is not English reported being unable to access support or report abuse because of language barriers and having issues understanding their terms of employment.

TRADE UNION MEMBERSHIP

Lastly, we found unionisation levels to be very low in the sector, at least partially as a result of fragmentation caused by outsourcing. However, where there was trade union participation, we found it to be an invaluable source of resilience for workers, with research participants able to fight for better pay and terms and conditions through union support and campaigning.

“

**IT'S A PUBLIC HEALTH
JOB. I'M FREEING UP
THE NHS FROM A LOT
OF SICK PEOPLE; IF
I DO MY JOB RIGHT,
I'M KEEPING THINGS
SAFE. WE NEED TO
CREATE AWARENESS
OF THE IMPORTANCE
OF OUR JOB**

”

Focus Group participant,
Spanish-speaking cleaners,
2 February 2020

INTRODUCTION

“

Labour exploitation is part of a spectrum that ranges from decent work through to progressively serious labour law violations culminating in extreme exploitation.”

“

Exploitation, and therefore trafficking, begins with the enabling of a breeding ground for the disregard of fundamental labour rights.”

This working paper, focused on contract cleaning, is the first publication of an ongoing three-year research project which seeks to address the knowledge gap concerning experiences and drivers of labour abuse and exploitation in understudied low-paid sectors of the economy. More specifically, the study looks into the working conditions of women and young migrant workers with EEA passports in three low paid and often precarious sectors – cleaning, hospitality and app-based courier and logistics work in the gig economy. By examining sectors where work is largely outsourced, either to companies or individuals classed as self-employed, this study also contributes to addressing evidence gaps related to the risk of labour exploitation in domestic service supply chains.

Our work builds on the understanding that labour exploitation is part of a spectrum that ranges from decent work through to progressively serious labour law violations culminating in extreme exploitation, including the offences that fall under the Modern Slavery Act 2015. Labour abuses that may seem less impactful when considered in isolation can accumulate over time to create increased dependency and heightened vulnerability for workers. Research also shows that continual violations of labour standards contributes over time to a more general undermining of the conditions of decent work, enabling more extreme forms of violations, including forced labour, to flourish (Skrivankova, 2010). As the United Nations Special Rapporteur on Trafficking in Persons, Maria Grazia Giammarinaro, has summarised: “Exploitation, and therefore trafficking, begins with the enabling of a breeding ground for the disregard of fundamental labour rights” (Furieux, 2019). Therefore, rather than attempting to isolate the most severe cases from their wider context, addressing and preventing labour exploitation requires a better understanding of workers’ experiences across the spectrum.

Moreover, this project recognises the fact that workers facing risk of labour exploitation have gained important insight about the issue and its contributing factors through direct experience. They are experts in their own right and, as such, their knowledge can help identify and shape better policy solutions. Despite their expertise by experience and despite being the ones most affected by such policy decisions, workers at risk are rarely involved by policymakers in developing solutions to labour exploitation. With the aim of directly engaging marginalised workers in a meaningful way, FLEX has developed its own Peer Researcher Model, a feminist participatory action research approach through which workers inform all phases of the project (see methodology section below).

The findings our research have uncovered, and the recommendations in the text, come from this research approach, which has enabled workers to shape the research findings and recommendations, including workers who are less frequently represented in policy research, such as undocumented migrant workers and those who do not speak English. Rich primary data highlighting workers’ own words are used to illustrate the issues, backed by figures from our survey and from previous literature. The paper is also set apart by its focus on the structural factors that drive labour abuse and create vulnerability to exploitation.

“

**IT'S
IMPORTANT TO
LET THE ONES
EXPERIENCING
THE ISSUES
VOICE THEM**

”

Focus Group participant,
Spanish-speaking cleaners,
2 February 2020

METHODOLOGY

“

FLEX's Peer Researcher Model seeks to work 'with' rather than 'on' the community being researched.”

“

Research should enable the empowerment of those most affected by an issue to generate knowledge that can bring about social change.”

This research is based on primary data collected between July 2019 and June 2020, using FLEX's **Peer Researcher Model** – a feminist participatory action research (FPAR) approach developed to investigate drivers of labour exploitation and to develop better informed policy. Like other participatory approaches (Lewin, 1946; GAATW, 2019), FLEX's Peer Researcher Model seeks to work 'with' rather than 'on' the community being researched. It is directed by the two core principles of FPAR: that research should enable the empowerment of those most affected by an issue to generate knowledge that can bring about social change and that, for this reason, it should be community-led.

Through this model, we have worked with a network of paid **peer researchers** – workers from the sector being researched – at every stage, from research design to data collection, analysis and advocacy. Peer researchers were consulted on the design of data collection tools (interview templates, focus group design and survey questions) and received training on research methods, ethics, safeguarding and signposting, as well as ongoing support.

Qualitative data was collected through twelve peer-to-peer semi-structured interviews, three worker-led focus groups and one community researcher-led focus group¹, as well as ten worker and six stakeholder interviews (with companies, sector associations, civil society organisations and trade unions) carried out by FLEX staff. Findings from the interviews have been triangulated through a desk-based review of existing literature and quantitative data from a comprehensive survey completed by 99 workers. Overall, this working paper is based on the responses of 134 workers. These are interim results as we continue to collect data.

Peer researchers, all of whom were migrants based in London, carried out interviews and focus groups in their first language with people recruited mainly through their personal and work networks, using a snowball sampling technique. This enabled us to hear from workers who are traditionally less likely to participate in research, including people who do not speak English, are undocumented, or are working long and unsociable hours. The survey used to triangulate our findings also ran in five languages (English, Polish, Portuguese, Romanian and Spanish) to enable the participation of non-English speakers. We chose to focus on Latin American and East European languages, as they enabled us to reach some of the key nationalities represented in the cleaning sector (GLAA, 2019; De la Silva *et al.*, 2019). The survey has so far reached 21 nationality groups and migrants account for 93% of respondents.

As with any methodology, the possibility of having this level of reach and engagement with minoritized groups comes with some limitations, such as peer researchers mainly reaching participants who spoke the same language. It is also likely that those workers who have experienced problems at work are more willing to engage in research. This research, therefore, does not attempt to provide a fully representative picture of the experience of workers in the sector as a whole, but to throw light over the nature of the problems that workers are experiencing, as well as the drivers of risk and resilience to such problems.

¹ Community researchers have access to the community and speak the language of research participants; however, unlike peer researchers, they are not workers from the sectors being researched. For more information see FLEX. 2018. [Researching Labour Exploitation: Guide to Research with Hard-to-reach Migrant Workers in the UK](#).

CLEANING SECTOR OVERVIEW

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The size and ongoing growth of the cleaning industry is largely explained by a sharp shift in recent years from managing cleaning ‘in-house’ to outsourcing.”

“

Outsourcing is often misused as a cost-cutting strategy and a way to shift employers’ responsibilities onto those further down the supply chain.”

“

At 81%, the overwhelming majority of cleaners in elementary cleaning occupations are women. Ethnic minorities are also overrepresented.”

The cleaning sector covers a wide range of activities from window and façade cleaning to industrial cleaning and waste management. This working paper is focused on the experiences of workers in elementary roles in general building cleaning, i.e. the provision of routine, non-specialised cleaning of buildings such as offices, shops, banks, hospitals, and other public and commercial spaces.² General building cleaning employs more than 342,000 workers across approximately 8,000 enterprises and generates an annual revenue of around £5.6 billion (ONS, 2018a). The sector is dominated mainly by large firms and multinational corporations (Grimshaw et al., 2014). The size and ongoing growth of the cleaning industry is largely explained by a sharp shift in recent years from managing cleaning ‘in-house’ to outsourcing (BCC, 2019). Whereas there are, of course, legitimate uses of outsourcing (e.g. specialised services, one-off or temporary increases in demand, etc.), outsourcing is often misused as a cost-cutting strategy and a way to shift employers’ responsibilities onto those further down the supply chain. In line with this, outsourcing has been proven to have a generally negative impact on pay and employment conditions (Grimshaw et al., 2014; The Smith Institute, 2014; TUC and NEF, 2014).

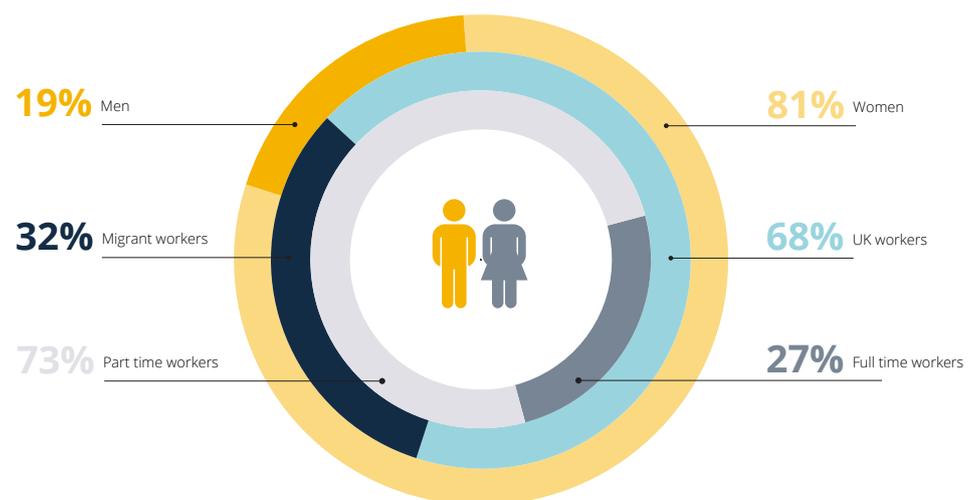
Through outsourcing, client companies are able to leverage their purchasing power to benefit from lower prices. Cleaning companies must compete for contracts based on cost, often squeezing workers’ pay and benefits or intensifying the work to maintain profit margins. Low-paid workers, especially those employed on precarious contracts in sectors with low union density and collective bargaining coverage (union density in cleaning is between 0 and 9% according to the European Foundation for the Improvement of Living and Working Conditions, 2012), are often unable to push back against the erosion of their terms and conditions. Those who are able to will move onto other sectors that offer better pay and working conditions, leaving behind a workforce made up mainly of minoritised groups, including women, migrants and ethnic minorities, whose options are more limited (Weekes-Bernard, 2019). These factors, further compounded by insufficient enforcement of labour standards by poorly resourced labour inspectorates, create an environment where labour abuse and exploitation can thrive (Kik et al., 2019, Martí López-Andreu et al., 2019; FLEX, 2017; The Smith Institute, 2014; TUC and NEF, 2014).

At 81%, the overwhelming majority of cleaners in elementary cleaning occupations are women.³ Ethnic minorities are also overrepresented: in England, the ethnic minority workforce is 15% of the total cleaning workforce (42% in London) compared to 12% in the UK workforce as a whole (ONS, 2020a; ONS, 2020b). Migrant workers account for a third of the cleaning workforce at 32% (53% in London) compared to 17% across the whole economy (ONS, 2018b). The majority of cleaners (73%) work part-time (BCC, 2019).

² General Building Cleaning (SIC Code 8121) includes general (non-specialized) cleaning of all types of buildings, such as offices, houses or apartments, factories, shops, institutions; and general (non-specialized) cleaning of other business and professional premises and multiunit residential buildings. These activities cover mostly interior cleaning although they may include the cleaning of associated exterior areas such as windows or passageways.

³ Percentage refers to cleaning operatives and domestic workers in elementary cleaning occupation. For supervisors the percentage of women is 76%. Source: Office for National Statistics. 2018. *Labour Force Survey Apr-June 2018*

GRAPH 1. CLEANING WORKFORCE ACROSS GENERAL BUILDING CLEANING (SIC 8121) IN THE UK



“

Existing reports present a concerning picture of widespread unlawful practices, precarious working conditions and lack of access to redress affecting a large proportion of workers.”

Cleaning remains an under-researched sector when it comes to understanding labour exploitation. However limited, existing literature highlights low pay, with cleaning offering one of the lowest median pay levels of all sectors and poor working conditions, including split shifts during unsociable hours and limited protective equipment (ONS, 2019; Grimshaw *et al.*, 2014). Labour abuses include underpayment of worked hours and dangerous working conditions, such as unsafe use of chemicals (De la Silva *et al.*, 2019; EHRC, 2014; CoVE, 2008). A study focusing on Latin American women in cleaning, catering and domestic work seeking employment rights support found that one in five were paid below the National Minimum Wage, almost a third were not allowed to take sick leave, and 16% had endured a total of 13 different types of sexual harassment (De la Silva *et al.*, 2019). The study also identified seven potential victims of trafficking for labour exploitation. A 2014 Equality and Human Rights Commission (EHRC) study exploring the disproportionate impact of discriminatory practices and the impact of wider poor employment practices on women, ethnic minority and migrant workers also identified the need for more responsible procurement practices.

Existing reports present a concerning picture of widespread unlawful practices, precarious working conditions and lack of access to redress affecting a large proportion of workers. These issues remain largely overlooked and unaddressed. Our research contributes to building the body of evidence on labour abuse in the cleaning sector and focuses on the main structural and systemic issues creating risk of labour exploitation, including the fissured nature of the sector, the low presence of union representation, circumstantial barriers affecting marginalised workers, and the impact of limited labour market enforcement, among others. By involving workers from some of the most at-risk groups, this report brings the voices of people with lived experience to the forefront and includes their perspectives in the policymaking process.

“

SOME COMPANIES WILL PAY YOU LESS THAN THE MINIMUM WAGE, BUT AS A WORKER YOU ACCEPT THAT MONEY AND IT'S FINE BECAUSE YOU'RE READY TO WORK FOR THAT MONEY – EVEN THOUGH [WHAT THEY ARE PAYING] IS ILLEGAL. [...] I STILL HAVE FRIENDS WHO SAY THEIR EMPLOYER DOESN'T PAY THEM THE MINIMUM WAGE.

”

Interview, Colombian
cleaning manager,
7 June 2019

“

The factors that increase risk of exploitation are often experienced by workers who have the fewest resilience factors and are therefore more likely to experience higher levels of harm, creating a compounding effect.”

“

For workers whose primary concern is maintaining their source of income at all cost, fear of losing work can act as a major deterrent to reporting abuse.”

“

People’s experiences of and vulnerability to labour exploitation vary greatly depending on personal, situational and circumstantial factors.”

FINDINGS

In addition to a broad range of labour rights violations and examples of poor working conditions, our research presents a number of vulnerability factors that increase workers’ risk of experiencing such violations, as well as corresponding resilience factors that can protect workers against abuse and enable them to push back when violations occur. The factors that increase risk of exploitation are often experienced by workers who have the fewest resilience factors and are therefore more likely to experience higher levels of harm, creating a compounding effect. For example, workers in low paying occupations are more likely to experience underpayment (Low Pay Commission, 2018); these same workers are less likely to have savings and be resilient to losses of income. For workers whose primary concern is maintaining their source of income at all cost, fear of losing work can act as a major deterrent to reporting abuse (FLEX and LEAG, 2016). As a result, many workers will accept abusive conditions to continue a subsistence standard of living, which puts them at risk of labour exploitation.

The impact of abusive practices, therefore, should not be assessed without taking into account the circumstances and vulnerabilities faced by the individuals affected, including the impact of social inequalities, their access to social protections and the strength of their networks, among other things.⁴ People’s experiences of and vulnerability to labour exploitation vary greatly depending on personal, situational and circumstantial factors (see Box 1 below).

BOX 1. FACTORS AFFECTING VULNERABILITY TO EXPLOITATION⁵

Personal – Personal vulnerability stems from a person’s individual characteristics, such as their age, gender or physical or mental disability.

Situational – Situational vulnerability relates to how a person is positioned compared to their surroundings, such as being subject to immigration restrictions, undocumented in a foreign country or socially or linguistically isolated.

Circumstantial – Circumstantial vulnerability relates to a fact or event experienced by someone, such as unemployment, economic destitution or the loss of identity documents.

It is important to note that personal, situational and circumstantial vulnerabilities are not inherent; they are shaped and created by the environment or context that people live and work in and can be exacerbated or mitigated by business models and government policies. For instance, a person’s gender is more likely to make them vulnerable to labour abuse in a context where there are high levels of gender inequality. Similarly, a sudden loss of income through sickness or unemployment will have a bigger impact on a person’s vulnerability in a context where social safety nets are inadequate or inaccessible.

The following subsections will cover the key workplace issues experienced by cleaners who took part in this research before moving on to an analysis of resilience and risk factors impacting on a person’s vulnerability to labour abuse and exploitation.

⁴ See Crane et al.; 2019, FLEX, 2017 and FLEX and LEAG, 2016.

⁵ Definitions based on the United Nations Office on Drugs and Crime guidance note on ‘abuse of a position of vulnerability’ as a means of trafficking in persons (UNODC, 2012).

1. KEY ISSUES EXPERIENCED AT WORK

1.1 ISSUES WITH PAY: UNDER-PAYMENT, NON-PAYMENT, LATE PAYMENT AND DEDUCTIONS

Sometimes they didn't pay me for the overtime I'd done, or things like that. One month they didn't pay me [at all] and then I had to talk to them about it. I spoke with my supervisor directly, because I never saw the manager.

Interview, Spanish-Peruvian cleaner, 15 October 2019

“

Issues with pay are by far the most salient problem present in our sample, affecting 61% survey respondents.”

Issues with pay are by far the most salient problem present in our sample, affecting 61% survey respondents. This includes underpayment of worked hours, which affected 49% of the total sample, not being paid for all hours worked, illegal deductions and not being paid holiday or sick pay. Late payments also affected a significant proportion of workers (14%) and these delays could be long: one research participant had been underpaid in February and did not receive her full wages until June.⁶

TABLE 1. WHILE WORKING IN CLEANING, HAVE YOU EVER EXPERIENCED ANY OF THE FOLLOWING BECAUSE OF YOUR WORK?*

Issue	N.	Percentage
Not being paid for all hours worked	31	31%
Not being paid at all	15	15%
Not being paid on time	14	14%
Having to pay for uniforms and/or work equipment (e.g. cleaning products used)	13	13%
Not being paid holiday pay	12	12%
Being paid at a lower rate than initially promised	10	10%
Unclear deductions from pay	8	8%
Being paid less than minimum wage	6	6%
Having to pay a recruitment or job-finding fee	5	5%
Having to pay the employer a deposit (e.g. in case something breaks)	5	5%
Total number of respondents who experienced one or more issues with their pay	60	61%

*Total number of respondents: 99. Note, several respondents experienced more than one issue

If one of our colleagues was off sick and their shift was usually two hours, and we had to do the work in their place, they wouldn't pay us the full two hours, they'd only pay us for one hour.

Interview, Peruvian-Spanish Cleaner, 31 October 2019

Other issues with pay included facing deductions for uniforms and equipment, having to pay a deposit to the employer, facing unclear deductions, and deductions linked to customer satisfaction:

When working in this residential gym and co-working complex, the cleaning staff were in charge of ordering stock. Sometimes the stock wouldn't arrive on time and if the customers complained regarding the cleanliness of something, they would get a refund, which would come out of cleaners' wages. Workers would be blamed, rather than the company.

Focus group participant, Romanian-speaking cleaners, 1 February 2020

It is also concerning that some research participants (5%) had paid recruitment or job-finding fees, as such fees are illegal in the UK under the Employment Agencies Act 1973 and the Conduct of Employment Agencies and Employment Businesses Regulations 2003. Recruitment and job-finding fees have been linked to labour abuse and exploitation, including trafficking for labour exploitation and other modern slavery offences, as workers often have to take out loans to pay them, leading in some cases to debt bondage (Independent Anti-Slavery Commissioner, 2018; UNODC, 2015).

“

The repeated deductions of small amounts across thousands of workers is often not a mistake, but a tactic by companies to increase their profits.”

Our findings on pay expand on issues also identified in previous research. The EHRC, for instance, found in 2014 that under-payment or non-payment of wages was a “striking feature” of their evidence (EHRC, 2014). Similarly, the Latin American Women’s Rights Service (LAWRS) found that unlawful deduction of wages was the most common type of abuse experienced by their service users working in cleaning (De la Silva et al, 2019). A report by Clark and Herman for Unpaid Britain (2017) demonstrated how the repeated deductions of small amounts across thousands of workers is often not a mistake, but a tactic by companies to increase their profits.

It can’t be that every year there is always the same issue with the payment of wages. It’s always the same problem with the new cleaners. I don’t care who is responsible for doing the payments; I am here to clean, and you are there to pay me. What needs to happen is for [the manager] to contact whoever is responsible to fix this issue. They made an ‘emergency payment’, which I never asked for – an advance, which gets 30% of tax deduction. They mess up with my taxes and I can’t do anything

Focus Group participant, Spanish-speaking cleaners, 2 February 2020

Sometimes we did overtime, and we always had problems with getting paid our full hours, because they never paid us the right amount. Like if we had done 15 hours in a month, they’d only pay us ten hours or 12 hours or something like that. It was always short.

Interview, Peruvian-Spanish Cleaner, 31 October 2019

Sometimes they’d ask me to stay beyond when I had to finish, asking if I can stay another four hours because someone was absent. I’d manually note everything down but in general the employer wasn’t exactly ‘calculating hours properly by the pound’ and sometimes there were discrepancies.

Focus group participant, Romanian-speaking cleaners, 15 February 2020

With limited resources available for the enforcement of labour standards including the minimum wage in the UK (FLEX, 2017), combined with a lack of knowledge among workers on where to seek help (see section 2.6 below), employers are able to get away with pay violations too easily. Workers who raised pay issues with their employers found that they could take months to fix or might not be fixed at all.

[My employers] should have paid me for holidays, for Christmas and a pro-rata of my salary, but they didn’t pay me. They told me I should go home and the following day the money would be in my account, but it wasn’t. I tried calling them, but they refused to pick up.

Interview, Angolan Cleaner, 25 July 2019

“

Workers who raised pay issues with their employers found that they could take months to fix or might not be fixed at all.”

“ Minimum wage violations are often linked to unrealistic workloads or deductions rather than below minimum wage hourly rates.”

I always had to remind her that I had to be paid. It took days before I received it. I had to keep chasing and it's super exhausting. When you work all week, you depend on that money.

Focus group participant, Portuguese-speaking cleaners, 19 January 2020

Considering the number of survey respondents paid at or just above the national minimum wage who reported not being paid for all hours worked (31%), our data indicates a high prevalence of illegal underpayment, an issue that is often unrecognised by workers who are not familiar with the UK employment laws. As the below quote from a cleaning manager demonstrates, minimum wage violations are often linked to unrealistic workloads or deductions rather than below minimum wage hourly rates:

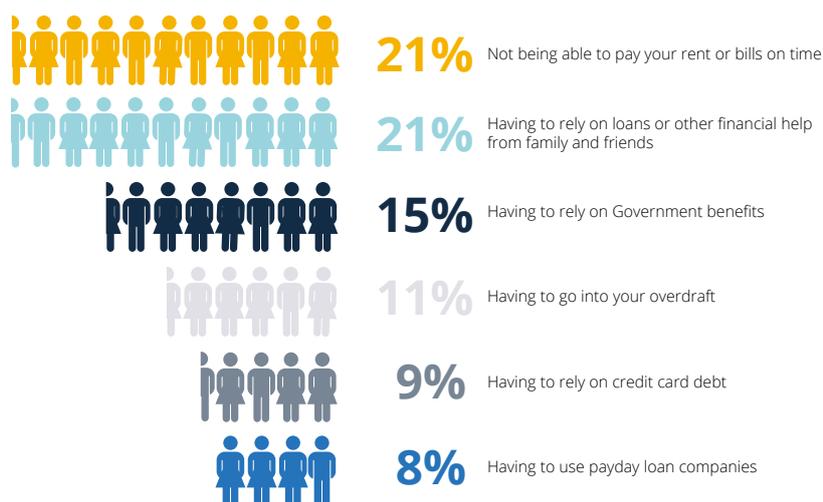
They don't say it's not the minimum wage, but they say, "we're going to give you that job and it will be £80 per week". [...] So, you have to do a specific job for £80 a week, but actually, to do that job, it takes more time. All the hours you've worked, once you divide them by £80, it's going to be less than minimum wage.

Interview, Colombian cleaning manager, 7 June 2019

“ For workers on low wages, delays and sudden losses of income can lead to serious financial problems, such as debt and difficulties in paying bills and rent on time.”

For workers on low wages, delays and sudden losses of income can lead to serious financial problems, such as debt and difficulties in paying bills and rent on time. A significant proportion of respondents from our sample (60%) had experienced financial difficulties: 21% had not been able to pay their rent or bills on time, 21% had to rely on loans or other financial help from their family or friends to get by, 15% had to rely on government benefits, 11% had to go into their overdraft, 9% had to rely on credit card debt and 8% had to use payday loan companies. Note, some respondents had experienced more than one type of financial difficulty.

GRAPH 2. WHILE WORKING IN CLEANING, HAVE YOU EVER EXPERIENCED ANY OF THE FOLLOWING BECAUSE OF YOUR WORK?*



*Total number of respondents: 99. Note, several respondents experienced more than one issue

1.2 ABILITY TO TAKE TIME OFF WHEN ILL: INSUFFICIENT AND INACCESSIBLE SICK PAY

As a worker, I felt like as long as I was well, the company could count on me, but then, when I fell ill, it was like they said I wasn't useful to them anymore and they just dropped me.

Interview, Peruvian-Spanish Cleaner, 31 October 2019

“

Workers' ability to take time off while sick is severely impacted by low pay and the fact that occupational sick pay or any payment of sick leave above the statutory minimum is rare in the sector.”

Being unable to take time off when ill was a serious issue for participants. In response to the question 'Do you feel like you can take time off work when you are sick', approximately one fifth of survey respondents (21%) answered 'never'. Workers' ability to take time off while sick is severely impacted by low pay and the fact that occupational sick pay or any payment of sick leave above the statutory minimum is rare in the sector. Data from the Department for Work and Pensions and the Department of Health and Social Care (2019) shows that only 37% of employees in elementary occupations like cleaning have access to sick pay that is above the statutory minimum. This percentage will be lower for those working part-time and on temporary contracts, both of which are common in cleaning, compared to those working full-time and/or on permanent contracts (*ibid.*).

From our sample, 16% respondents said they were entitled to Statutory Sick Pay (SSP), which is paid after the fourth consecutive day of illness. For the majority of the workers this means not being paid at all for the first three days (known as 'waiting days')⁷:

They say, "each company is autonomous; we can choose to pay or not pay for sick leave".

Focus Group participant, Spanish-speaking cleaners, 2 February 2020

SSP is also very low (currently £95.85 per week) and not sufficient to cover workers' basic expenses, such as rent, bills and food (CIPD, 2020). In fact, it is the second lowest sick pay in Europe and has been described by the Council of Europe (2018) as "manifestly inadequate" and "not in conformity" with the European Social Charter.

If I could change anything about my work, it would be the contribution to social security, to have the right to sick pay that covers the basic expenses at least.

Survey response, Colombian cleaner

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SSP is also very low (currently £95.85 per week) and not sufficient to cover workers' basic expenses, such as rent, bills and food. In fact, it is the second lowest sick pay in Europe ”

TABLE 2. IF YOU DO TAKE TIME OFF WORK BECAUSE YOU ARE SICK, DO YOU GET PAID?*

Sick pay	N.	Percentage
No sick pay	47	47%
Occupational sick pay (paid in addition to/instead of Statutory Sick Pay)	16	16%
Statutory Sick Pay	16	16%
Don't know/not sure	14	14%
Depends on the job (if more than one job)	3	3%
Having to pay for the shift to be covered	3	3%

*Total number of respondents: 99.

⁷ An exception has been introduced in response to the Covid-19 crisis enabling those who cannot work because of coronavirus to get SSP for every day they are off work. See <https://www.gov.uk/statutory-sick-pay>.

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Almost half (47%) of our sample said they had no access to any kind of sick pay, including SSP.”

In addition, almost half (47%) of our sample said they had no access to any kind of sick pay, including SSP.⁸ This is likely due to workers in the cleaning sector not qualifying for SSP due to being self-employed⁹ or not meeting the lower earnings limit (LEL) of £120 per week, which dictates that anyone earning less than this amount from a single employer is not entitled to SSP (UK Government, 2020). The LEL is particularly problematic in the cleaning sector, where work is often splintered. As we found in our research, many cleaners work a few hours a week for several different employers, meaning they do not earn enough from a single employer to qualify for SSP. Cleaners may also combine self-employment, which does not count towards the LEL, with part-time employment in commercial cleaning, as was the case for this interviewee:

When I was working in a house, I fell and fractured my wrist. Because of that I wasn't able to work [...]. I couldn't work for the companies or in the houses. [...] My manager, the early morning one, told me that because I only did two-hour shifts, the company wasn't responsible for paying me [statutory sick pay].

Interview, Peruvian-Spanish Cleaner, 31 October 2019

Overall, there are nearly seven million workers in the UK with no access to SSP (TUC, 2020). Two million are disqualified because of the LEL, the majority (70%) of them are women and a significant proportion (34%) are on zero-hour contracts (*ibid.*).

“

Even when workers are legally entitled to SSP they might be unable to access it due to employers' negligence or refusal to provide SSP.”

Finally, even when workers are legally entitled to SSP they might be unable to access it due to employers' negligence or refusal to provide SSP. This was the case for some of our research participants whose employers refused to pay Statutory Sick Pay:

I was sick for three months. They never paid me. Nothing. I had to phone HMRC and they [...] told me they aren't responsible for paying me, that my employer was, because I had a sick note. But they didn't.

Interview, Angolan Cleaner, 25 July 2019

Two months into working at the company, I had to clean an Airbnb in Piccadilly. When I was entering the station, on the last step, I fell and twisted my ankle. I spent 15 days at home, with no earnings. I paid the price really. Despite the fact I was working [at the time of the accident], carrying work things, [...] I received no support from the company.

Interview, Brazilian Cleaning Supervisor, 30 September 2019

“

A fifth of survey respondents (20%) said they had been afraid of losing work or having their hours reduced if they called in sick.”

A further deterrent to taking time off when ill uncovered by our research is fear of losing work: a fifth of survey respondents (20%) said they had been afraid of losing work or having their hours reduced if they called in sick. This was echoed by a cleaning manager interviewed for this research, who had regularly seen people being dismissed for missing work, including when sick:

[I]t was too easy to say to a person who didn't come to work, “Well, don't come back”. I saw that from my manager many times. “I heard you missed a day, so I'm sorry, but you're not responsible – we need

⁸ Of these, 13 were self-employed and therefore have no right to sick pay and four worked less than 10 hours a week (most likely not meeting the lower earnings limit). Others may work for several different employees and therefore not meet the lower earnings limit. We are not able to say how many respondents are simply being denied sick pay.

⁹ The UK is one of only four countries not to extend sick pay protections to the self-employed (Council of Europe, 2018).

to get rid of you". They don't even ask, "Are you ok? Are you sick? What happened?". They don't give you a chance to explain, to see what is going on with you.

Interview, Colombian cleaning manager, 7 June 2019

“

The pressure on people to work despite being ill has intensified since the start of the coronavirus pandemic, with reports showing that workers in low-paid jobs have had to continue working despite having Covid-19 symptoms .”

In this context, it is unsurprising that many workers find that they are unable to afford taking time off and continue working despite being ill or injured. This situation can have important implications for workers' and the public's health. The pressure on people to work despite being ill has intensified since the start of the coronavirus pandemic, with reports showing that workers in low-paid jobs have had to continue working despite having Covid-19 symptoms (Busby, 2020). As the country grapples with Coronavirus, and cleaners are at the frontline of containing the spread of the virus, the UK needs to ensure people are not forced to work when they are ill.

The government should ensure people are able to take time off when ill for instance by increasing SSP and making it available from the first day of illness not only for those who are unable to work due to coronavirus (as is currently the case), but for all types of illnesses. It should also ensure that everyone is able to access sick pay, for instance by removing the barrier created by the LEL and creating a sick-pay scheme for the self-employed. Companies and employers also have a role to play: employers should provide their workers with occupational sick pay above the statutory minimum to ensure their staff can afford time off when ill and, where workers are outsourced, client companies could use their purchasing power to promote better sick pay for their outsourced workers.

“

Our research found health and safety at work to be a significant concern in cleaning, with 86% survey respondents having experienced health issues related to their work.”

1.3 DANGEROUS WORKING CONDITIONS: PHYSICAL AND MENTAL HEALTH IN THE WORKPLACE

It was bad – one of my colleagues lost a finger. She was cleaning a window; the window fell on her hand and she lost her finger. He [the employer] rents really old houses to run as Airbnbs so the conditions are quite poor. She was cleaning, the window's safety lock broke and cut off her finger. They took her to a hospital and paid for it but didn't pay her any restitution for what had happened to her.

Interview, Brazilian Cleaner, 18 June 2019

Our research found health and safety at work to be a significant concern in cleaning, with 86% survey respondents having experienced health issues related to their work.

TABLE 3. WHILE WORKING IN CLEANING, HAVE YOU EVER EXPERIENCED ANY OF THE FOLLOWING AT WORK OR BECAUSE OF WORK?*

Physical health issues	N.	%
Back, neck or joint pain	63	64%
Cuts and bruises	42	42%
Rashes, dermatitis or other skin problems	29	29%
Slips or trips	27	27%
Burns or scalding (from chemicals)	15	15%
Burns or scalding (from heat)	9	9%
Broken or fractured bones	6	6%
Mental health issues		
Feeling burnt out	48	48%
Anxiety	33	33%
Insomnia (not being able to sleep)	20	20%
Depression	19	19%
Panic attacks	11	11%

*Total number of respondents: 99. Note, several respondents experienced more than one issue

These problems affected workers' physical and mental health. Workers were especially impacted by having to perform heavy, physical work under time pressure, as well as dealing with skin irritation, allergies and other risks from the use of strong chemicals:

[One cleaner] almost lost her [vision] because of the cleaning products. A lot are developing fibromyalgia from the body posture needed to do the job. [...] The cleaning products are very strong chemicals. There is no eye protection, no gloves, many develop allergies. These products are in touch with their skin, so imagine! [...] The Hoover cables, people falling down staircases – broken legs, broken arms so they can't work, but don't meet the eligibility criteria for sick pay.

Interview, frontline community organisation, 29 August 2020

My husband had issues with chemicals when he worked as a cleaner on the tube. He used this cleaning product, a good chemical cleaning agent used for deep cleaning. It was taken off the market a few years ago due to safety issues. My husband used to use it when deep cleaning the tube walls and ceilings – the chemical would drip onto his shoulders, because he had to do it using a stick.

Focus group participant, Romanian-speaking cleaners, 15 February 2020

I showed a supervisor that I had skin irritation and 'wounds' from using a specific type of bleach, the supervisor retorted by making a general statement about Romanians being 'stupid' [...] I even showed a doctor's note saying I was allergic to the type of bleach contained within this product, but they just ignored it.

Focus group participant, Romanian-speaking cleaners, 15 February 2020

“

A lack of suitable personal protective equipment (PPE) can be seen as a key factor contributing to health risks, with 34% survey respondents being asked to work without the necessary PPE.”

A lack of suitable personal protective equipment (PPE) can be seen as a key factor contributing to health risks, with 34% survey respondents being asked to work without the necessary PPE:

When I worked in the train station, the cleaning firm that had won the bid to be the cleaning contractor for the station constantly tried to keep costs down. I had to wear [the same] disposable gloves multiple times and clean up things like vomit and urine.

Focus group participant, Romanian-speaking cleaners, 15 February 2020

None of the places I have worked have offered us masks. Not even in the office. We don't use chemicals in the office anymore. It is banned. Before, when I used to use it in the Airbnbs, we used a lot of GIP, deep clean cream, for everything. We didn't use masks. Not even when using strong products.

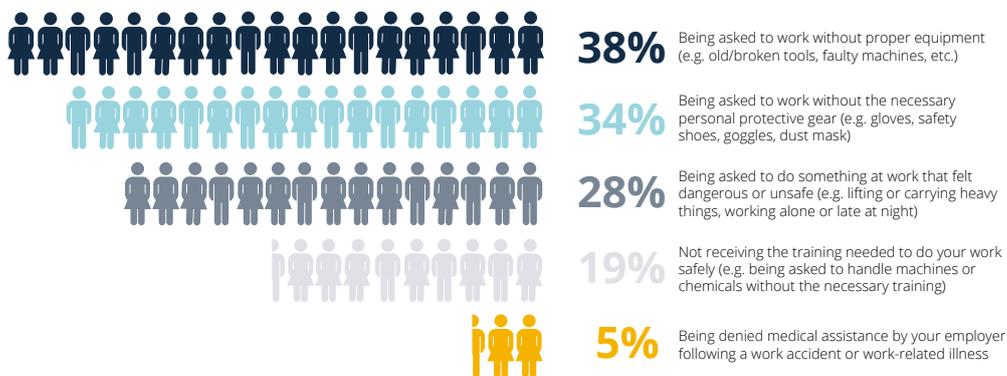
Interview, Brazilian cleaner, 30 September 2019

“

The pandemic has highlighted the seriousness of lack of proper PPE for workers, but it is clear from our research that this issue is not new or unique to the current situation.”

Towards the end of our research in the cleaning sector, we saw cleaners becoming part of the frontline defence against the COVID-19 pandemic. The pandemic has highlighted the seriousness of lack of proper PPE for workers, but it is clear from our research that this issue is not new or unique to the current situation. Overall, 60% of survey respondents reported having experienced dangerous working conditions. From the high level of incidences, it is clear that more needs to be done by the state to uphold health and safety standards and prevent both mental and physical work-related health issues from arising.

GRAPH 3. WHILE WORKING IN CLEANING, HAVE YOU EVER EXPERIENCED ANY OF THE FOLLOWING?*



*Total number of respondents: 99. Note, several respondents experienced more than one issue

“

Sexual harassment is a key workplace health and safety issue and one highlighted by peer researchers.”

1.4 WORK-RELATED VIOLENCE: SEXUAL HARASSMENT IN THE WORKPLACE

You may get a colleague who maybe touches your arm, but when it happens in the toilet, there is another connotation to it.

Focus group participant, Romanian-speaking cleaners, 15 February 2020

Sexual harassment is a key workplace health and safety issue and one highlighted by peer researchers, who had either experienced sexual harassment themselves and/or seen it happen to others, as something the research should focus on. We therefore included questions on sexual harassment in the interview template and in the survey, and organised two thematic focus groups on the topic. Of our survey respondents, a significant propor-

“If I could change anything about my work...” Participatory Research with Cleaners in the UK

tion (33%, 28 women and 5 men) had experienced sexual harassment while working in cleaning.

TABLE 4. WHILE WORKING IN CLEANING, HAVE YOU EVER EXPERIENCED ANY OF THE FOLLOWING?*

Issue ¹⁰	N.	%
Sexualised comments about your physical appearance	15	15%
Pressure for dates	12	12%
Unwelcome sexual advances	9	9%
Groping and unwanted touching	9	9%
The spreading of rumours about your sexual life	6	6%
Stalking	6	6%
Unwanted discussions of sexual relations, fantasies or stories	5	5%
Unwanted sexually explicit photos, emails or text messages	4	4%
Kissing sounds	4	4%
Men exposing themselves or performing sexual acts on themselves	3	3%
Attempted sexual assault	3	3%

*Total number of respondents: 99. Note, several respondents experienced more than one issue

“

Cases documented by our research include inappropriate comments about physical appearance, unwanted touching and sexual advances, exposing of genitalia, and intrusive questions about a person’s sexuality.”

Several participants related how they, their friends or their colleagues, had experienced sexual harassment. Cases documented by our research include inappropriate comments about physical appearance, unwanted touching and sexual advances, exposing of genitalia, and intrusive questions about a person’s sexuality.

They asked me if I had a boyfriend [...] they asked me all the time. I told them that I didn’t, and they started to call me ‘lesbian’. Just because I didn’t have a boyfriend.

Interview, Peruvian cleaner, 14 October 2019

One focus group participant who cleans offices above a train station described how she had gone into an office to collect the rubbish and found the man working there completely naked. Another time he was in his underwear, ironing his shirt. He did not seem affected by her presence and did not apologise for his behaviour. Disturbed by the situation, she sometimes refuses to collect the rubbish from that office. Her employer has accepted this but has not taken any action to address the harassment.

Overall, we found little evidence of employers taking effective actions to address situations of sexual harassment. Instead, workers’ concerns and experiences of sexual harassment were often brushed off:

My friend used to work in cleaning in a commercial building and she would receive compliments all the time on her outfit, lipstick, etc. She also got slapped on her bottom and touched in the breast area. She reported this to one of the owners of the business who said, “it’s not our fault if you’re sexy and elegant” – this despite the fact that she was required to wear make-up at work. She did not feel as if it would ever be resolved after she witnessed this attitude, and so she left the job. It felt as if she could not ‘fight against him’.

Focus group participant, Romanian-speaking cleaners, 15 February 2020

¹⁰ The survey question on sexual harassment is based on the different types of harassment identified by LAWRS through their case work. See: De la Silva *et al.*, 2019.

The supervisor told the woman who complained, “don’t worry, he [the perpetrator] said you’re not his type,” and that was how the matter was ‘resolved’.

Interview, frontline community organisation, 29 August 2020

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Half of the women who made a complaint to their employer were relocated to a different workplace, with no consequences for the abuser.”

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Research participants raised that there is a general lack of awareness around what constitutes sexual harassment, which means that the issue does not get addressed.”

Poor responses from employers to situations of sexual harassment are also highlighted in previous research about the sector. De la Silva *et al.* (2019) found that when women working in cleaning and housekeeping reported cases of sexual harassment to their employers, the most frequent response was not to activate any formal procedure or investigation. Of the 326 women whose cases were analysed, 16% had experienced sexual harassment and abuse in the workplace. Half of the women who made a complaint to their employer were relocated to a different workplace, with no consequences for the abuser (*Ibid.*).

The tendency to downplay the seriousness of these actions and resolve complaints by removing the victim from the situation without considering the implications for them nor addressing the harasser’s behaviour, reflects how naturalised and accepted sexual harassment is. Research participants raised that there is a general lack of awareness around what constitutes sexual harassment, which means that the issue does not get addressed. At-work training on sexual harassment, including how to report it, is needed:

Empower women to recognise the signs. They always use “she doesn’t understand” in their defence, as if you’ve created a scandal out of your own ignorance. The winking, the text messages, the stalking on Instagram... they could teach that at work.

Focus group participant, Sexual harassment in cleaning and hospitality, 19 June 2020

As illustrated by an interview respondent, sexual harassment only thrives in workplaces where there is a culture of tolerance for misogyny:

Well, in [Company A], the managers were a little bit more [hesitates], ‘taking advantage of you being a woman’. [...] I think this is a bit disrespectful. They should be more serious. For example, in [Company B] there is respect. I think they are more severe, and they don’t touch on personal issues or make comments that imply something different.

Interview, Colombian cleaner, 7 October 2019

This culture of tolerance towards abusive behaviour acted as a deterrent for reporting harassment for many workers. In addition to this, others expressed fearing losing their jobs or facing other forms of retaliation:

If we say something, our job could be at risk. [...] I don’t know how, but we all ended up knowing about everything. So, if at some point you report it [the harassment], obviously people will know who did it, and things will be worse for you.

Interview, Colombian cleaner, 7 October 2019

When the harasser is a supervisor or manager, rejecting their sexual advances can have significant implications for the workers:

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Experiences of sexual harassment in this sector are further complicated by the fact that the majority of workers are outsourced.”

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Participants also highlighted the impact of business power dynamics on their ability to speak up.”

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It was the intervention of an employee from the client company who saw an outsourced cleaner in distress that helped put an end to the harassment.”

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The client brought the issue up with the cleaning company, who failed to address the problem and lost their contract as a result.”

One day he tried to touch me, and I stopped him, and from that day everything started going wrong. He started changing my rota; he would post one rota on Monday and then change it in the middle of the week, so I missed shifts.

Interview, Colombian cleaning manager, 7 June 2019

In this case, the harassment escalated to a point where he decided to quit his job, seek legal advice and file a constructive dismissal claim at an employment tribunal. However, most respondents felt unable to report either because they were unaware of their legal options, because they lacked access to legal support or felt that they had insufficient evidence to show what has been happening.

Experiences of sexual harassment in this sector are further complicated by the fact that the majority of workers are outsourced and, while the harasser can be a colleague from the same outsourced company, they can also be an employee of the client company, an employee of another outsourced company working on the same premises, or a customer of the client company. In such cases, it is often unclear for employees and employers alike where the responsibility for addressing and preventing harassment lies. Even when directly employing the worker affected, outsourced companies (and agencies) may claim to have limited control over the working environment or the premises of the client company.

In addition to this, participants also highlighted the impact of business power dynamics on their ability to speak up. During a focus group on sexual harassment, one of the participants who worked in cleaning expressed being worried about her employer caring more about the company's relationship with their client than about addressing the harassment:

It makes a lot of difference. When the client is the harasser, you start thinking, “they [the cleaning company] don't want to lose their contract”. It's the battle of my word against them.

Focus group, sexual harassment in cleaning and hospitality, 19 June 2020.

Two other cases also illustrate how the client company's position can help resolve situations of harassment. In both of cases it was the intervention of an employee from the client company who saw an outsourced cleaner in distress that helped put an end to the harassment. In one case, the cleaner had been groped by her supervisor who would often stand and watch her as she cleaned the toilets, and in the other an employee of the client company would display naked pictures of himself on his computer screen and wait from a distance to see the cleaner's reaction when she saw them. In the first case, the client brought the issue up with the cleaning company, who failed to address the problem and lost their contract as a result. In the second case, the client company employee was fired.

Workers who took part in our focus groups called for both client companies and cleaning companies to have clear policies on reporting and addressing sexual harassment in the workplace. These should include procedures for dealing with harassment of outsourced workers by client company or third company employees. Client companies could also ensure that they only outsource services to companies that have effective policies in place.

When it comes to seeking redress through the legal system, the picture is also complex. The Equality and Human Rights Commission (EHRC), under the Equality Act 2010, is the main body responsible for regulating employers' actions to tackle sexual harassment in the workplace. However, its

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UK labour market enforcement bodies do not see tackling sexual harassment and gender-based violence in the workplace as part of their remit.”

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The only avenue currently available for workers experiencing workplace sexual harassment is to try to address it informally or to bring a civil claim to an employment tribunal.”

“

Women, who are more likely than men to experience sexual harassment, are generally less likely to make complaints.”

“

The danger of losing employment or being given less work as a result of complaining may be too significant a risk for many.”

enforcement powers are limited and used mainly to clarify the law, highlight priority issues or challenge policies or practices causing significant disadvantage across industries or sectors. EHRC does not have the power to act to prevent or prosecute workplace harassment cases, nor can it issue fines (O'Neill, 2019). There is a free Equality Advisory and Support Service that can provide workers with information on the rights, but it cannot provide legal advice.

The EHRC's limited powers at the workplace level creates an enforcement gap, especially as other UK labour market enforcement bodies do not see tackling sexual harassment and gender-based violence in the workplace as part of their remit. This includes the Health and Safety Executive (HSE), which has as an explicit remit to tackle work-related violence. The HSE defines work-related violence as “any incident in which a person is abused, threatened or assaulted in circumstances relating to their work” (HSE, n.d.), yet they “[do] not agree that this include[s] responsibility for sexual harassment – the most common form of violence against women” (Women and Equalities Committee, 2019). As a result, the only avenue currently available for workers experiencing workplace sexual harassment is to try to address it informally or to bring a civil claim to an employment tribunal. There is currently a ‘three-month minus one day’ time limitation on discrimination cases, including sexual harassment, meaning anyone wanting to make an employment tribunal claim must do so within that time – a fact that acts as a barrier for many (EHRC, 2018: 18). Severe cases (e.g. threats, assault) may also be reported to the police.

Unfortunately, research shows that those workers who are most vulnerable to labour abuses, including sexual harassment at work, are also the least likely to bring a case to an employment tribunal. Evidence from the Low Pay Commission (2017) suggests that women, who are more likely than men to experience sexual harassment, are generally less likely to make complaints. People working in elementary occupations like cleaning also have a below-average application rate to employment tribunals (Resolution Foundation, 2019). The danger of losing employment or being given less work as a result of complaining may be too significant a risk for many. For workers who are migrants, language barriers and a lack of knowledge about reporting mechanisms present further barriers to reporting (FLEX and LAWRS, 2019). Overall, it is often very difficult for workers to find information about what qualifies as sexual harassment, what their legal options are and how to access support.

Considering the difficulties workers in cleaning are likely to face in bringing claims to employment tribunals, it is clear that the gap in state enforcement on this issue needs to be addressed. This could for example take the shape of increasing the EHRC's powers to actively enforce the Equalities Act 2010 at the workplace level or extending the HSE's remit on tackling work-related violence to include sexual harassment in the workplace. Extending the HSE's remit could potentially be done under the public sector equalities duty, which obliges public agencies to “have due regards to the aims of the general equality duty in their functions” (Women and Equalities Committee, 2019). As FLEX and LAWRS (2019) have previously highlighted, a key aspect of the general equality duty for labour market enforcement bodies should be to have an awareness of and sensitivity to discrimination and harassment integrated across all enforcement functions and strategies. Awareness of the distinct forms of workplace abuse that disproportionately affect women or ethnic minority workers (e.g. racism, sexual harassment, pregnancy discrimination) and the ways in which gender and other protected characteristics interact with experiences of other workplace abuses

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Considering the difficulties workers in cleaning are likely to face in bringing claims to employment tribunals, it is clear that the gap in state enforcement on this issue needs to be addressed.”

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Competition for contracts creates a downward pressure on wages and working conditions, and often leads to intensification of work.”

“

Client companies’ ability to use their purchasing power to push down the costs of cleaning services means they have a significant influence over the terms and conditions of workers further down the supply chain.”

(e.g. women and ethnic minorities being concentrated in higher risk, lower paid and more precarious sectors or feeling less able to leave abusive situations due to higher rates of poverty or disproportionate care responsibilities) should be an integral part of the lens through which risks are prioritised and labour inspection targets set.

2. KEY DRIVERS OF RISK AND RESILIENCE

As mentioned above, our research identified personal, circumstantial and situational vulnerability factors that increase workers’ risk of experiencing abuse and violations of their rights as well as their resilience to experiencing labour exploitation. Drivers of risk and resilience are important to understand and address the structural drivers of labour exploitation.

2.1 THE MISUSE OF OUTSOURCING: DOWNWARD PRESSURE ON WAGES AND CONDITIONS

Because the client company wanted to keep costs down, [the cleaning company] didn’t allow us to change bin bags but asked us to manually remove rubbish from bins so they could reuse the same bag. Even though I wore gloves there were syringes in there, which alarmed me.

Focus group participant, Romanian-speaking cleaners, 15 February 2020

As was discussed in our overview of the cleaning sector, cleaning services are regularly outsourced rather than managed in-house. Competition for contracts creates a downward pressure on wages and working conditions, and often leads to intensification of work. As one cleaning manager interviewed by FLEX summarised:

There is a lot of war [competition] between companies. The cheapest contract, that’s the winner. This is another issue, because when you sell a contract and it’s [...] under the budget, you need to squeeze your team. And that means you need to do more for less.

Interview, Colombian cleaning manager, 7 June 2019

The facilities’ manager has a set budget, he’s got the board of directors he reports to, they’re trying to crunch the pennies all the time, so it’s always seen as a soft target to crunch the cleaning budget down.

Interview, cleaning industry trade body, 19 December 2020

Client companies’ ability to use their purchasing power to push down the costs of cleaning services means they have a significant influence over the terms and conditions of workers further down the supply chain. This dynamic was highlighted by several interviewees, from workers to industry trade bodies:

[...] the problem is that the industry is bound by their clients, so if the client doesn’t want to... So if I go there and say, “I can clean your house and pay London Living Wage”, the client would go, “but I don’t want you to pay London Living Wage, I want you to pay minimum wage”, so you’ve got very little control over there.

Interview, cleaning industry trade body, 19 December 2020

When you [the cleaning contractor] get a contract, you have a probationary period; say three to six months’ probation. After that, you renew the contract. They [the client] squeeze you too much, but at the end of the probation you say, “well we’ve done the job, but we think we need more staff”. And if the client accepts, you bring in more

people; but if the client doesn't accept, you have to keep doing the same job with the same number of staff.

Interview, Colombian cleaning manager, 7 June 2019

How they explained it to me was that it was because of the client, because if the client pays them more, they pay us more. But, because [company name redacted] is in Stratford, they don't pay the company that much, so my salary is lower.

Interview, Peruvian-Spanish cleaner, 31 October 2019

Yet, despite the influence they have, client companies have no legal liability for wages or working conditions of workers who are not their direct employees. They are therefore able to turn a blind eye to how cleaners and other outsourced staff are treated:

Often [the client] has no idea. They never have anything to do with us. They pay the cleaning company and then get out of the picture. They don't know how we are treated. They have no idea about how we manage our work. They should take more responsibility over the conditions of the workers. They can't pretend to be deaf, mute, blind to what happens to workers that are not their own; "As long as it's clean, I don't care if he is alive or dead". Where I work, there are inspections, they [the client company] do look at training and other things, but for their own workers. Nobody pays attention to us, the cleaners.

Focus Group participant, Spanish-speaking cleaners, 2 February 2020

The downward pressure created by outsourcing on the wages and conditions of already low-paid and vulnerable workers, combined with insufficient and under-resourced state enforcement of labour standards (see section below), creates a high-risk environment for labour abuse and exploitation. Cleaners participating in this research clearly described how the pressure to save costs and deliver cheaper and cheaper cleaning services had led to the intensification of their work, unpaid overtime and health and safety violations leading to dangerous working conditions. One worker described how in order to keep costs down they had to wear disposable gloves multiple times, while another described having to empty bins by hand, sometimes picking up dangerous refuse such as needles, because the company wanted to save on bin bags.

Sometimes the client says, "No, I'd rather a company does the same job for less". It's a game, it's really a game. I used to work for one company, and I was doing a job for two hours. Every day – two hours, two hours, two hours. When the new company arrived, [they] cut the wages and we had to do the work in one and a half hours. Probably they sold the contract for the same money that the other company had, but in order to have some profit they needed to cut the cleaners' time.

Interview, Colombian cleaning manager, 7 June 2019

They give [you] two and a half hours to clean a giant office. You get a deep cleaning service – one person only – to do a service that takes all day to do, but you have to do it in a few hours. [...] When someone is absent, we cover her work, and we don't get paid more for her time. In terms of whose pocket that money goes to, I don't know. Everything here is outsourced, they don't worry about their cleaning staff.

Focus group participant, Portuguese-speaking cleaners, 19 January 2020

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Despite the influence they have, client companies have no legal liability for wages or working conditions of workers who are not their direct employees.”

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The downward pressure created by outsourcing on the wages and conditions of already low-paid and vulnerable workers, combined with insufficient and under-resourced state enforcement of labour standards creates a high-risk environment for labour abuse and exploitation.”

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Outsourcing also affects workers' ability to push back against the erosion of their terms and conditions by making it harder for trade unions to organise workers and bargain collectively.”

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More needs to be done to ensure outsourcing is not misused as a tool for reducing costs and liability over working conditions.”

Unfortunately, outsourcing also affects workers' ability to push back against the erosion of their terms and conditions by making it harder for trade unions to organise workers and bargain collectively. Instead of dealing with one large employer with direct control and responsibility for workers' pay and conditions, unions must now negotiate with multiple smaller employers who are under pressure from their client companies to deliver services at the lowest possible cost (Huws and Podro, 2012). For example, the cleaning, security and catering staff working in one building may all have different employers and different employment terms, making collective action more difficult. The workers that trade unions are trying to organise are also increasingly precariously employed, discouraging workers from organising for fear of losing work (Bornstein, 2019). In cleaning, this is further complicated by the fact that cleaners often work short, unsociable shifts for multiple different employers and/or at multiple sites for the same employer, meaning they need to fight on multiple fronts to make significant gains.

You just work part-time here because they offer you two hours, and you need to make your money to survive. So you need two hours from here and probably that company gives you two more hours in the morning over there [at a different location] but you need to fill the gaps with some other jobs.

Interview, Colombian cleaning manager, 7 June 2019

Other documented impacts of outsourcing on workers include workers being unsure of who their employer is, which acts as a barrier for raising or reporting grievances. The Labour Exploitation Advisory Group (2016), a group of frontline organisations coordinated by FLEX, have previously highlighted several such cases. Outsourcing has also been shown to lower the quality of cleaning services (Elkomy *et al.*, 2019), with concerning public health implications especially in the context of the global coronavirus pandemic. Additionally, there seems to be a link between outsourcing and discrimination, where outsourced staff are more likely to be from a black and minority ethnic (BME) and migrant background while the in-house staff is more likely to be white and British (UVW, 2020).

More needs to be done to ensure outsourcing is not misused as a tool for reducing costs and liability over working conditions. There are a number of policies that the government could introduce to better regulate outsourcing, including joint and several liability, licensing of contractors and labour providers in high-risk sectors like cleaning, and limiting the number of layers in supply chains and the percentage of the workforce that can be indirectly employed.

2.2 CONSPICUOUSLY ABSENT: THE NEED FOR MORE PRO-ACTIVE LABOUR MARKET ENFORCEMENT

It never happened to me in these seven years; I never saw a labour inspector at work.

Focus Group, Spanish-speaking cleaners, 2 February 2020

The government is the one that's allowed this to happen – things are unregulated.

Focus Group, Romanian-speaking cleaners, 15 February 2020

When asked what could be done to improve working conditions in cleaning, many of our focus group and survey respondents called for the establishment of a state regulatory body to oversee and enforce employment rights.

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Due to the limited funding available, labour inspections tend to be reactive rather than proactive, relying on worker complaints or other intelligence to trigger investigations.”

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Evidence-based resourcing for labour inspectorates is needed to ensure they can carry out effective and proactive enforcement of labour standards.”

The fact that several such bodies already exist in the UK shows that workers are neither aware of nor receiving sufficient support from them.

We should know whether there is a government body that we can go to.

Focus Group, Spanish-speaking cleaners, 2 February 2020

The UK has one of the poorest resourced labour inspectorates in Europe, falling well below the International Labour Organisation (ILO) recommended target of one inspector for every 10,000 workers (FLEX, 2017). Due to the limited funding available, labour inspections tend to be reactive rather than proactive, relying on worker complaints or other intelligence to trigger investigations. Having inspections contingent on complaints is a significant limitation considering the most at-risk workers are the least likely to report non-compliance (Metcalf, 2019). Furthermore, UK labour inspectorates only enforce a limited set of standards, like the minimum wage. Individuals are expected to enforce their own rights when it comes to the majority of other workplace issues, including non-payment of holiday pay, equal treatment rights for agency workers, sexual harassment, discrimination, unfair dismissal and violations of working time regulations. They can do this either informally, by seeking advice and raising their concerns with their employer, or formally through the Advisory, Conciliation and Arbitration Service (Acas) or ultimately by taking their employer to an employment tribunal. However, only a small minority of people experiencing problems at work pursue their case to an employment tribunal and groups more likely to experience exploitation are the least likely to do so (Citizens Advice Bureau, 2019; Resolution Foundation, 2019).

FLEX (2015) has repeatedly highlighted the disconnect between a weak labour inspection and enforcement system and UK commitments to end modern slavery and combat trafficking for labour exploitation in particular. Evidence-based resourcing for labour inspectorates is needed to ensure they can carry out effective and proactive enforcement of labour standards. Workers involved in this research also called for more proactive enforcement:

There should be more inspections to secure that we have good working conditions, paid holidays and entitlement to sick leave.

Interview, Brazilian cleaner, 13 October 2019

Every month, check supermarkets, offices, restaurants to see how they treat cleaning employees. We are treated like animals.

Survey response, Brazilian cleaner

This country is the world of policies. Policies everywhere, but there is no implementation and no enforcement, no monitoring of the actual results. Not only from the companies, but also reaching the workers.

Focus group participant, Sexual harassment in hospitality and cleaning, 19 June 2020

None of our research participants had seen or come across a state labour inspection. The inspections they had experienced were by client companies or their own employers, but these were to inspect the quality of their work rather than to make sure workers' rights were being respected:

They come to see if I have signed the book and if I'm using the right cloth. But they don't look at whether my sick leave is being paid, if I'm treated properly, if I have a contract.

Focus Group, Spanish-speaking cleaners, 2 February 2020

My company just started doing an audit. They should do an inspection that covers the contract. Regulate the contracts; make them renewable, they should be kept up to date.

Focus Group, Spanish-speaking cleaners, 2 February 2020

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Licensing provides a clear mechanism by which to monitor labour providers and through that, to ensure a level playing field both for workers and for businesses.”

In addition to evidence-based resourcing of labour inspectorates, another tool that could help enforce labour standards in the cleaning sector, especially for outsourced workers, is the introduction of a licensing system for cleaning service providers. The Gangmasters and Labour Abuse Authority's (GLAA) licensing system for labour providers in agriculture, horticulture and shellfish gathering, which requires employers to only use licensed labour providers, has been continuously cited as an example of best practice, for example by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA). GRETA (2012) has recommended that licensing should be extended to “sectors such as hospitality (including catering companies and hotels) and construction”, with resources increased to meet such new functions. FLEX has long advocated for the extension of licensing to labour provision in other sectors. Licensing provides a clear mechanism by which to monitor labour providers and through that, to ensure a level playing field both for workers and for businesses, as it prevents competitors undercutting compliant companies by behaving unscrupulously. Licensing of cleaning service providers has been implemented for example in Norway (see Box 2 below).

BOX 2. LICENSING OF CLEANING COMPANIES IN NORWAY

The Norwegian Labour Inspection Authority operates a licensing system for the cleaning industry. All companies offering cleaning services must be licensed. A list of licensed cleaning companies divided by region is available on the Inspectorate's website. It is illegal to purchase cleaning services from providers that are not included in the register or that have the status 'not approved'. Companies offering cleaning services must apply for authorisation online and meet the following criteria:

1. The company must be registered with an authorised occupational health service (these are licensed by the Inspectorate and a list is available);
2. Have an appointed safety representative and a working environment committee;
3. Written employment contracts must be in place for all workers;
4. Minimum wage requirements must be met; and
5. An insurance scheme must be in place.

Documentary evidence is required for each criterion and is evaluated by the Inspectorate. Cleaning service providers can be licensed without inspection, but should the company be inspected at a later stage and breaches found, the license may be withdrawn. The Labour Inspection Authority has noted that the health and safety procedures of several licensed companies are found to be insufficient upon inspection, leaving some to question the impact of the system of licensing without inspection on occupational health and safety.

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Much of the insecurity faced by workers can be linked to their employment status.”

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For those whose wages are already low, the insecurity associated with being a worker or falsely self-employed means they are more likely to face poverty and be forced to accept exploitative employment in order to survive.”

“

The income insecurity created by zero-hours contracts can have serious knock-on effects for workers, making it difficult to know if they will earn enough in the next week or month to make ends meet.”

2.3 EMPLOYMENT STATUS: CREATING INSTABILITY AND INSECURITY

‘Zero-hours’ – the name itself tells you... My word, that is exploitation. Young people, people who don’t speak English, and the ones recently arrived, just joining the queue last. So, you are left walking on thin ice, total instability, you don’t know if you’ll be able to pay your rent. They look for migrants, people without power.”

Focus group, Spanish-speaking cleaners, 02 February 2020

Much of the insecurity faced by workers can be linked to their employment status (Fair Work Coalition, 2010). Those who are classed as ‘workers’ (i.e. agency, temporary and zero-hours workers) as opposed to ‘employees’ have much fewer protections: they can legally have their employment terminated at a moment’s notice, have no guaranteed hours and are ineligible for certain rights, including maternity leave, protection against unfair dismissal, time off for emergencies and statutory redundancy pay. ‘Workers’ are also at higher risk of experiencing violations of the few rights they do have, such as health and safety provisions, as the fear of losing their income prevents workers from complaining about bad treatment. People classed as ‘self-employed’, whether legitimately or falsely, have even fewer rights: they can be paid less than the minimum wage and have no access to paid holiday or sick pay. Employers sometimes classify people as self-employed when they are actually employees or workers, as a way of removing access to employment rights (Citizen Advice Bureau, 2015; UCATT, 2012). For those whose wages are already low, the insecurity associated with being a worker or falsely self-employed means they are more likely to face poverty and be forced to accept exploitative employment in order to survive. This is especially true for those who do not have access to benefits or other state support, for instance migrant workers with a ‘no recourse to public funds’ condition on their visa.

In our research, we found that people working in cleaning often experience an added layer of insecurity being employed on zero-hour contracts. While acknowledging that zero-hour contracts can provide welcome flexibility for some workers, most of the cleaners involved in this research found them to be insecure and exploitative. The income insecurity created by zero-hours contracts can have serious knock-on effects for workers, making it difficult to know if they will earn enough in the next week or month to make ends meet.

Zero-hour contracts are the worst. If you don’t have hours this month, you don’t eat.

Focus Group participant, Spanish-speaking cleaners, 2 February 2020

Those on zero-hour contracts also experience a higher degree of manager discretion in assigning working shifts. This adds to the often already skewed employer-worker power dynamic and can discourage workers from reporting or standing up to poor treatment at work for fear of being fired or simply not being allocated shifts on the following week’s rota.

Everyone has zero-hours. [...] It’s terribly frustrating. It means that you are in the margins, on the side of all the rights, they can do whatever they want to you.

Focus Group participant, Spanish-speaking cleaners, 2 February 2020

When you employ someone, you offer him the job and say, "it'll be ten hours, Monday to Friday", but if they complain, they lose the hours. [...] you say, "if you are not happy, let me know and I will find someone else to do the job".

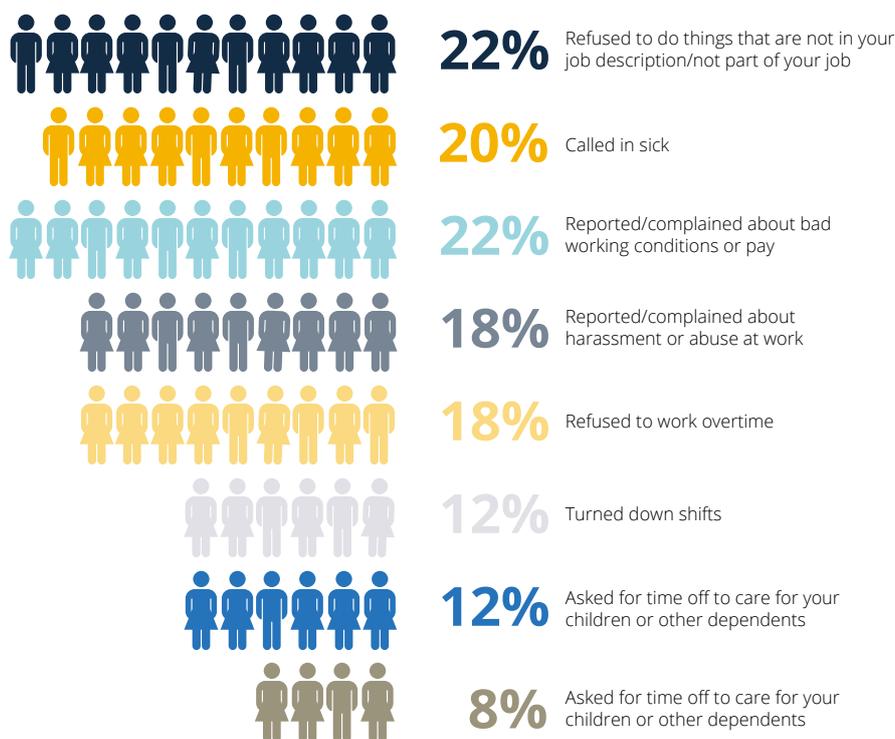
Interview, Colombian supervisor, 7 June 2019

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Workers should have the same statutory employment rights as employees, including protection against unfair dismissal.”

Our research showed workers fearing retaliation in the form of losing work or having their hours reduced if they refused to do tasks that were not part of their job (37%), called in sick (23%), reported bad working conditions or pay (21%), or harassment and abuse (21%). Considering the level of vulnerability to labour abuse and exploitation associated with being classed as a 'worker', or being falsely classed as self-employed, it is clear that the law on employment status needs to be modernised. Workers should have the same statutory employment rights as employees, including protection against unfair dismissal, and there needs to be clarity on who counts as genuinely self-employed.

GRAPH 4. WHILE WORKING IN CLEANING, HAVE YOU EVER BEEN AFRAID OF LOSING WORK/HAVING YOUR HOURS REDUCED IF YOU DID ANY OF THE FOLLOWING?*



*Total number of respondents: 99. Note, several respondents experienced more than one issue

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Those groups who experience high levels of discrimination are likely to have fewer employment options and are therefore more likely to be restricted to “low-paying, low-status jobs at the ‘bottom end’ of the labour market.”

2.4 DISCRIMINATION: A FOCUS ON RACE, ETHNICITY AND NATIONALITY

There is a lot of racism in the UK. If you don't have a 'tough character', you can't make it.

Focus group participant, Romanian-speaking cleaners, 15 February 2020

Understanding workers' experiences of discrimination in the cleaning sector is important, as it can increase our understanding of which groups of workers may be at higher risk of labour abuse and exploitation. Those groups who experience high levels of discrimination are likely to have fewer employment options and are therefore more likely to be restricted to “low-paying, low-status jobs at the ‘bottom end’ of the labour market” (Wills

et al., 2009: 267). Having fewer employment options also makes workers less able to push back against or report abusive or exploitative practices.

Research on discrimination in recruitment in three large cities (London, New York and Toronto) found that employers adopt national and racialised stereotypes to determine who to hire, with foreign-born whites being the preferred group and Africans, Pakistanis and Bangladeshis experiencing the highest levels of discrimination in all three cities (Model, 2002: 132 in Wills *et al.*, 2009: 259). Further research conducted in London using a cleaning company as a case study found that this “cross-national hierarchy of discrimination” was at least partially shaped by government policy (Wills *et al.*, 2009). Generally, those workers with less access to state-provided alternatives (i.e. benefits and other social protections) were seen as “more disciplined” and “better than the ‘native’ labour supply”, and (mostly white) EEA nationals were preferred over black and other ethnic minority groups as their right to work was unambiguous due to EU free movement rights. Undocumented migrants (more likely to be ethnic minorities) were the most likely to be forced into “marginalised and exploitative employment” as they had little choice but to work, no recourse to public funds and were subject to increasingly hostile policies (*Ibid.*: 268).

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Almost half (49%) of our survey respondents reported being treated differently at work because of a protected characteristic.”

Almost half (49%) of our survey respondents reported being treated differently at work because of a protected characteristic¹¹, including experiencing abuse and bullying linked to their nationality, race, sex and age. For example, one interviewee told us she felt she was profiled into certain types of jobs, such as only being given back-of-house work, because of her race:

[They said,] “Let’s put the ‘morenita’ [black woman] to clean the toilets, the pretty one to clean the front and reception”.

Focus group participant, Spanish-speaking cleaners, 02 February 2020

Others spoke about being stereotyped based on their nationality:

My supervisor told the agency I was working for that Romanian women were ‘mean’ and wouldn’t properly communicate with me.

Focus group participant, Romanian-speaking cleaners, 15 February 2020

This treatment, though not new, can be linked to a steep rise in anti-migrant sentiment in the UK in the years leading up to Brexit. Anti-migrant sentiment in the UK has been historically linked to racism and predominantly directed towards people of colour, especially black migrants (de Norhona, 2019; Goodfellow, 2019). This has extended in recent decades to include new groups of migrants, such as Eastern and Southern European nationals perceived as ‘economically dangerous’ and as putting a strain on public services and welfare (Rzepnikowska, 2019).

Labour market enforcement agencies should recognise the role that discrimination on the basis of nationality, race and ethnicity play in increasing migrant and ethnic minority workers’ risk of exploitation and ensure this awareness is present in their enforcement strategies. Companies should also have policies in place to prevent, report and address discrimination in the workplace.

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Labour market enforcement agencies should recognise the role that discrimination on the basis of nationality, race and ethnicity play in increasing migrant and ethnic minority workers’ risk of exploitation.”

¹¹ Under the Equal Rights Act 2010 it is against the law to discriminate against someone because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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The Illegal Working Offence, which creates these punishments, hands traffickers and unscrupulous employers an unparalleled tool for exploiting workers: the threat of reporting them to immigration authorities.”

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The most serious cases of abuse identified through interviews and focus groups, including one case of trafficking for labour exploitation, were experienced by workers who were or had at the time been undocumented.”

2.5 CREATING EXTREME VULNERABILITY: IMMIGRATION STATUS AND POLICY

If we are illegal [sic] here, we have no right to complain or report.

Interview, Brazilian cleaner, 18 June 2019

One of the factors identified by our research that most clearly increased workers' risk of experiencing labour abuse and exploitation was being undocumented. This mirrors previous research, which has shown undocumented workers to be among the most vulnerable to exploitation, especially in countries that criminalise, and severely punish, undocumented work (FRA, 2015). In the UK, people caught working without authorisation can be subject to an unlimited fine, a six-month prison sentence and the confiscation of their earnings, in addition to being deported. The Illegal Working Offence, which creates these punishments, hands traffickers and unscrupulous employers an unparalleled tool for exploiting workers: the threat of reporting them to immigration authorities. Research participants who were or had been undocumented spoke about their vulnerability in terms of being highly dependent on others and having no choice but to accept and stay in exploitative work:

If you don't have a permit where else are you going to work? It wasn't exactly slavery, but people weren't treated correctly there.

Interview, Brazilian cleaner, 18 June 2019

Once I had documents, I could choose the job that I wanted to do. Before, without documents, you are depending on someone else. If you receive your money in someone else's account, you depend on that person to give you your money back.

Interview, Colombian cleaning manager, 7 June 2019

We still couldn't find a better job or a better way to work due to not having the documents yet. We are still being paid little. If we had documents, we could be earning a bit more.

Interview, Brazilian cleaner, 13 October 2019

The most serious cases of abuse identified through interviews and focus groups, including one case of trafficking for labour exploitation, were experienced by workers who were or had at the time been undocumented. These workers' experiences, summarised in the case studies below, were all in the residential rather than commercial cleaning sector.

CASE STUDY 1. CLEANING ROTAS – A WELL-OILED MACHINE OF EXPLOITATION

Research participants described what they called 'cleaning rotas' – a system where an individual holds a number of cleaning contracts for private houses or apartments and informally hires others through social media, WhatsApp groups and word-of-mouth to do the work. Those hired are often vulnerable in some way, either because they have just arrived in the UK, are undocumented, or do not speak English. Research participants described this as an intentional part of the business model:

They post vacancies on pages on Facebook saying, "We need cleaners, 30 hours per week, pay £8 per hour". People who are here legally don't apply for these kinds of jobs; they go to work in a shop, or in a better workplace. So they [the employers] know that those who are

applying don't have the right to work here. They prefer people that are here illegally [sic].

Interview, Brazilian cleaner, 17 November 2019

We interviewed six cleaners, mostly Brazilians, who were working or had worked in the rota system. They reported having no contract and being paid cash in hand, often significantly below the minimum wage. They described the work as physically exhausting, with a strict schedule that did not include enough time to clean each house. Those participants who were undocumented explained how their employers intentionally abused the vulnerability caused by their lack of immigration status to exploit, abuse and threaten them:

She said, "either you clean, or I'll call the police on you". A girl I met, she was 19 years old, the woman called the police and she was deported. At work, the woman hit the girl in the face, humiliated her [...]. [The girl] worked with [this woman] for three months, [earning] £20-30 a week, to be humiliated. One day she arrived at the house to work and the police were waiting for her inside.

Focus group participant, Brazilian cleaners in rotas, 19 January 2019

CASE STUDY 2. CLEANING HOLIDAY RENTAL APARTMENTS

Clara¹² came to the UK from Brazil on a tourist visa. After working in a cleaning rota for a while, she found a job as a cleaner in an Airbnb in London through a friend. Her employer was also Brazilian and owned multiple buildings around the city that he and his wife would rent out. Clara was offered a salary of £1000 a month – £800 for the first few months – and accommodation in one of the buildings. She slowly started to see that her job involved many more tasks than had originally been agreed. On top of cleaning the 27 rooms in the building, she had to check guests in and out, make sure there was clean laundry and deal with guests' complaints. The employer gave customers her personal phone number meaning she would receive calls at every hour of the day, working 24 hours a day, seven days a week. In the time she worked cleaning the Airbnbs, Clara suffered from severe exhaustion, constant abuse from discontent guests and once had to escape through a window and spend the night outside after a guest called the police. She stayed at the Airbnb, despite the abusive conditions, as much as she could because she needed the income and knew that, being undocumented, she had few alternatives. As many other migrants coming to the UK, she relied on community networks to find employment and mostly worked for employers who spoke Portuguese, meaning that she had very limiting options in terms of support and advice she could access. Her irregular immigration status meant Clara could not report the labour abuses she experienced, nor other safety concerns she had about her workplace, without risk of arrest:

I didn't have emotional and psychological strength to work there anymore... I was working 24 hours a day. [...] One day the ceiling fell on [guests staying at the property] – the bathroom sank in and almost killed one of the guests. I had to go there to support them – I was almost beaten up that day. The owner told me it was my fault that the leakage wasn't fixed before this happened. But I had told them many times before that it needed to be fixed and they told me I was making a big deal out of it.

Interview, Brazilian cleaner, 18 June 2019

¹² Not her real name.

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Workers’ fear of authorities like the police is highly problematic, as it hinders these officials’ ability to identify, tackle and prevent labour abuse and exploitation, including modern slavery offences.”

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Fear of immigration authorities is a major barrier to reporting abuses for undocumented and documented migrant workers, the latter being unaware of, or insecure in, their migration status.”

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English proficiency, awareness of rights at work and knowing where to get help are major factors contributing to a person’s risk or resilience to labour abuse and exploitation.”

Fear of the police and other authorities tasked with enforcing laws and regulations was another recurrent theme:

It was risky – being surrounded by so many undocumented people. The police could stop you. Everything, our work, had to be hidden because of that. We were always in fear of the police.

Interview, Brazilian cleaner, 30 September 2019

You’re always hiding, you’re always scared. When you see the police you think, “oh, they’ll come for me”. You get paranoid.

Interview, Colombian cleaning manager, 7 June 2019

Workers’ fear of authorities like the police is highly problematic, as it hinders these officials’ ability to identify, tackle and prevent labour abuse and exploitation, including modern slavery offences. As the EU Agency for Fundamental Rights (FRA, 2019) has noted, “victims of severe labour exploitation who are in an irregular situation of residence are discouraged by their status from reporting to any public authority”. The FRA’s report (2019) also provides fear of having to leave the country as the main reason people did not report exploitation. This means, in practice, that victims of labour exploitation are not identified and supported because they cannot come forward and that their exploiters are not identified and pursued to justice. This is supported by research from FLEX and LEAG (2016), which found that fear of immigration authorities is a major barrier to reporting abuses for undocumented and documented migrant workers, the latter being unaware of, or insecure in, their migration status.

To effectively tackle labour abuse and exploitation, including offences under the UK Modern Slavery Act 2015, migrant workers must feel secure in reporting exploitation and seeking help from the police and other authorities, including labour inspectorates. This could be achieved by repealing the Illegal Working Offence or, at a minimum, introducing secure reporting channels that enable workers to seek help without fear of immigration enforcement (LEAG, 2020).

2.6 KNOWLEDGE IS POWER: LANGUAGE SKILLS, EMPLOYMENT RIGHTS AND WHERE TO GET HELP

My friend knew her rights and calculated she’d been underpaid by half an hour each day, which eventually added up to £9,000.

Focus group participant, Romanian-speaking cleaners, 15 February 2020

“[B]ecause we don’t know our rights, we just go by faith [...], but it doesn’t turn out well.”

Focus group participant, Romanian-speaking cleaners, 15 February 2020

Our research found that English proficiency, awareness of rights at work and knowing where to get help are major factors contributing to a person’s risk or resilience to labour abuse and exploitation. Being able to speak the local language will affect a person’s ability to communicate with their colleagues and employer, understand their terms and conditions of employment and report abuses or seek help:

When you turn up in a country, you don’t speak the language very well and you don’t know how to handle things. You end up becoming dependent on that person who knows how to speak the language.

So, you end up putting yourself through things that, if you spoke the language or were in another position, you wouldn't need to do.

Interview, Brazilian cleaner, 30 September 2019

The supervisor – the one I signed the contract with – translated it for me. But of course [...] if we're talking about what I really understood myself, I didn't understand a word of it, because it was in English. I only got what she translated.

Interview, Peruvian cleaner, 31 October 2019

“Workers interviewed reported difficulties in reporting problems at work, such as minimum wage violations, and in getting support, especially when English was not their first language.”

Workers interviewed reported difficulties in reporting problems at work, such as minimum wage violations, and in getting support, especially when English was not their first language. These qualitative findings were supported by our survey results, with 24% respondents saying a language barrier had been prevented them from seeking help with a work-related issue. Other key barriers to workers seeking help or support with a work-related issue identified by our survey were 1) not knowing where to get help (32%), 2) fear of losing their job (20%); 3) thinking no one could help (16%) or not seeing the benefit in seeking help (13%); and 4) finding it easier to leave/change jobs (15%).

TABLE 5. HAVE ANY OF THE FOLLOWING EVER STOPPED YOU FROM SEEKING HELP OR SUPPORT WITH A WORK-RELATED ISSUE?*

Reason for not accessing help/support	N.	Percentage
Didn't know where to get help	32	32%
Language barrier	24	24%
Fear of losing job	20	20%
Didn't think anyone could help	16	16%
Easier to leave/change jobs	15	15%
Did not see benefit in seeking help	13	13%
Fear related to immigration status	6	6%

*Total number of respondents: 99. Note, several respondents experienced more than one issue

More needs to be done to ensure workers who face language barriers are able to get help and can report labour abuses, and that workers know their rights and where to turn to for support. Interview and focus group participants requested more accessible ways of getting reliable information from the government and other organisations – as well more accessible ways of reaching them. This could be achieved in several ways. FLEX has previously called for the introduction of a centralised helpline for reporting labour abuses and accessing support in languages other than English. The Acas helpline, the GLAA helpline and others do provide interpretation support, but a caller must first be able to navigate the system in English. Additionally, the government could fund frontline community organisation to provide support and advice to migrant workers in relevant languages. We also encourage labour inspectorates to work more closely with frontline community organisations, trusted by the communities they support, to provide information and support and identify cases of labour abuse and exploitation.

I was quite new at the time, so I didn't know that there were people who are helping people, that there is a Citizens Advice Bureau and you can pop in. I didn't have the experience and that was quite difficult. Because you see that Citizens Advice Bureau as part of the government, so you don't want them to have any reference of you.

Interview, Colombian cleaning manager, 7 June 2019

2.7 ORGANISING FOR CHANGE: TRADE UNION MEMBERSHIP AND SUPPORT

[T]he union gave us a lot of support. We were going to go on strike to improve our conditions; our main demand was to get paid £10.55 an hour [...], the Living Wage. And we were able to get six weeks' sick pay. Ah, the cellars, too! We got our money back for [cleaning] the cellars, because they were only paying us for half an hour, and now we get paid the full hour.

Interview, Venezuelan Cleaner, 29 October 2019

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One of the most significant resilience factors identified by our research was trade union membership or affiliation.”

One of the most significant resilience factors identified by our research was trade union membership or affiliation. Workers who had organised and joined a trade union to push back against unfavourable changes to their terms and conditions, or to fight for better pay, described several benefits to doing so:

1. A stronger, unified voice

I don't feel alone anymore, I feel like someone's got my back. I have an organisation behind me. It's a very particular thing – if one person complains to the company alone, the company doesn't give you the time of day, because that's how it is, they don't give you the time of day. But when you go with a group, and everyone is together and strong, the company thinks twice before telling you no.

Interview, Peruvian Cleaner, 31 October 2019

2. Protection against unfair dismissal¹³

It was like a shield for us, because if they [the union] were with us, the company couldn't fire us. So, it made us feel better and protected us.

Interview, Peruvian Cleaner, 14 October 2019

3. Access to information about rights, support and advice:

Some of the people from the union came to talk to us and told us about our rights and that sort of thing. That's why I went to them, and they supported me and told me that we – that I – had the right to sick pay.

Interview, Peruvian Cleaner, 31 October 2019

4. Companies being more likely to abide by their legal obligations:

The company, I think because they realised that we had joined a union, they started to pay me, which is fair, right? Giving me the money that I deserved each month.

Interview, Peruvian Cleaner, 31 October 2019

“

**WITHOUT
CLEANING,
THE COUNTRY
WOULD BE IN
CHAOS**

”

Survey response,
Portuguese cleaner

“

The cleaning workforce is an invisible yet essential security net on which we, as a society, rely on.”

“

This working paper has highlighted a number of key workplace issues and labour standards violations experienced by workers, including endemic issues with pay, lack of access to basic social protections like sick pay, dangerous working conditions and sexual harassment in the workplace.”

“

There are a number of steps that can and need to be taken to address the issues cleaners are facing and to effectively prevent and tackle labour abuse and exploitation in the sector.”

CONCLUSIONS

The cleaning workforce is an invisible yet essential security net on which we, as a society, rely on. Throughout the coronavirus pandemic, cleaners have made sure that hospitals can operate smoothly and, once lockdown measures ease, it is their work that will allow people to return to offices, children to go back to school and everyone to enjoy shops, bars and restaurants once again. Yet, as the limited number of studies available on this sector show, labour abuse is widespread and endemic to the sector.

This working paper has highlighted a number of key workplace issues and labour standards violations experienced by workers, including endemic issues with pay, lack of access to basic social protections like sick pay, dangerous working conditions and sexual harassment in the workplace. The issues covered by this working paper are not an exhaustive list of the problems faced by workers but have been raised by our peer researchers and research participants as vital issues in need of addressing. This paper also underlines the structural factors that create and drive risks and resilience to exploitation, such as outsourcing, discrimination, insufficient enforcement of labour standards, employment status, immigration status, language barriers, lack of knowledge of employment rights and where to get help, and trade union membership and support.

There are a number of steps that can and need to be taken to address the issues cleaners are facing and to effectively prevent and tackle labour abuse and exploitation in the sector. Many of these steps need to be taken by the government, such as proactively enforcing labour standards, especially those related to pay, sexual harassment and other health and safety matters; ensuring access to adequate sick pay; mitigating the vulnerabilities created by immigration policies and employment status; and introducing regulations to limit the negative impacts of outsourcing on workers. Employers, including client companies whose cleaners are outsourced, also have a role to play. For example, the most effective responses to workplace sexual harassment documented by this research came from client companies using their position of power in the supply chain to intervene in cases of harassment experienced by outsourced workers. Similar steps could be taken to push for better wages, sick pay policies and the recognition of trade unions, or by bringing workers back in-house. Cleaning companies wanting to address the downward pressure that competing for cleaning contracts creates could advocate for the introduction of new regulation to level the playing field, such as joint and several liability legislation.

While it is clear that much needs to be done – and urgently – to improve the situation of workers in cleaning, it is also crucial that the solutions taken forward are informed by those most affected by them i.e. cleaners themselves. Workers have a wealth of knowledge and intelligence about the factors contributing to and driving labour exploitation in the cleaning sector, and we hope that by bringing this knowledge to the attention of policy makers we will start to see meaningful change on the ground.

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FOCUS ON LABOUR EXPLOITATION

FOCUS ON LABOUR EXPLOITATION (FLEX)

The Foundry, 17 Oval Way,
London SE11 5RR

 @FocusOnLabour

info@labourexploitation.org

www.labourexploitation.org