Exploring Migrant Employees' 'Rights-Talk' in the British Hospitality Sector

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Abstract

How do migrant employees understand and articulate human rights in the British hospitality sector? This article contributes to the discussion on the translation of human rights responsibility in business by introducing 'rights-talk' as an analytical lens to explore and theorize about employees' situated understanding and uses of human rights as a language and a moral evaluative frame. The analysis highlights the importance of (in)equality in employees' everyday experience of rights, and points to several disincentives for them to engage with and in rights-talk including social and organizational disrespect, managerial disregard for employees' claims, and their largely connotative use of human rights language. These insights advance theorizing and open research avenues on the significance of human rights in organizations from a bottom-up perspective, while the inquiry's micro-level focus enriches business and human rights' methodological toolbox. The findings are also significant for business human rights responsibility in contexts of heightened anti-immigration discourse and policies.

Keywords: British hospitality sector, migrant employees, qualitative inquiry, rights-talk

I. INTRODUCTION

Since the turn of the millennium, the language of human rights has become increasingly common in business policies, codes of conduct, risk assessments and due diligence practice.[1] This adoption follows the development of global policies engaging companies to respect human rights and the pressure of international civil society campaigns for corporate accountability. Surprisingly, however, little scholarly attention has yet been paid to the translation of human rights in business practice in the growing field of business and human rights (BHR). Therefore, we know relatively little about how organizational actors, managers and employees, meant to implement or benefit from these policies and mechanisms, become aware of, assimilate the language of and

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[1] Michael Addo and Jena Martin, 'The Evolving Business and Society Landscape: Can Human Rights Make a Difference?' in Jena Martin and Karen E Bravo (eds.), *The Business and Human Rights Landscape* (Cambridge: Cambridge University Press, 2015) 348–83.

fulfil human rights responsibility in everyday practice.[2] Several scholars in law, business ethics, and management and organization studies have therefore called for more empirical research to understand corporate and management strategies and motivation to implement human rights standards and processes in practice,[3] while others have highlighted the need for research at the micro-level that specifically addresses this gap. This call reflects a necessary refocus away from the implication of human rights for business responsibility to investigate the translation and practice of human rights in everyday business practice.

In response, a stream of empirical research has emerged that explores how companies and senior management engage with human rights.[4] While quantitative studies based on analyses of corporate documents remain prevalent,[5] a handful of qualitative inquiries have started to uncover the complexities involved in defining and communicating about human rights and justifying corporate actions that are not captured in theory-driven or quantitative research in BHR.[6] These studies, however, rely on corporate policy analysis and/or accounts of senior representatives or individuals employed to manage ethics strategies in companies. This focus on corporate knowledge and practice at the organizational level has thus far overlooked the perspectives and the agency of actors, especially employees, who are involved in day-to-day business operations and should benefit from human rights policies.[7] Hence, little is known about how employees come to define and act on their or others' problems in rights-terms – a question that should have galvanized research around issues of translation of human rights language and tools, particularly access to remedy in organizations.

This article addresses this significant oversight in BHR scholarship by advancing current understanding of the way employees understand and articulate human rights.

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[2] Judith Schrempf-Stirling and Harry van Buren, 'Bringing Human Rights Together with Management Studies: Themes, Opportunities, and Challenges' (2017) 46 *Academy of Management Proceedings*.

[3] Ibid; Denis G Arnold, 'Corporations and Human Rights Obligations' (2016) 1:2 *Business and Human Rights Journal* 255–75; Louise Obara, '"What Does This Mean?": How UK Companies Make Sense of Human Rights' (2017) 2:2 *Business and Human Rights Journal* 249; Juliane Reinecke, Denis G Arnold and Guido Palazzo, 'Qualitative Methods in Business Ethics, Corporate Responsibility and Sustainability Research' (2016) 26:3 *Business Ethics Quarterly* xiii–xxii.

[4] Obara, note 3; Louise Obara and Ken Peattie, 'Bridging the Great Divide? Making Sense of the Human Rights-CSR Relationship in UK Multinational Companies' (2018) 53 *Journal of World Business* 781–93; Robert McCorquodale, Lise Smit, Stuart Neely and Robin Brooks, 'Human Rights Due Diligence in Law and Practice: Good Practices and Challenges for Business Enterprises' (2017) 2:2 *Business and Human Rights Journal* 195; Sep Arkani and Robin Theobald, 'Corporate Involvement in Human Rights: Is It Any of Their Business?' (2005) 14:3 *Business Ethics: A European Review* 195; Adam McBeth and Sarah Joseph, 'Same Words, Different Language: Corporate Perceptions of Human Rights Responsibilities' (2005) 11:2 *Australian Journal of Human Rights* 95–27; John Morisson and David Vermijs, The 'State of Play' of Human Rights Due Diligence: Anticipating the Next Five Years (London: Institute for Human Rights and Business, 2011) 36.

[5] Andrew Wilson and Chris Gribben, *Business Responses to Human Rights* (Ashridge: Ashridge Centre for Business and Society, 2000); Michael Wright and Amy Lehr, 'Business Recognition of Human Rights: Global Patterns, Regional and Sectoral Variations', Corporate Social Responsibility Initiative Working Papers 31/2006, https://www.hks.harvard.edu/sites/default/files/centers/mrcbg/programs/cri/files/workingpaper_31_wright_lehr.pdf (accessed 29 May 2019); John G Ruggie, *Human Rights Policies of Chinese Companies: Results From a Survey* (2007); John G Ruggie, *Corporations and Human Rights: A Survey of the Scope and Patterns of Alleged Corporate-Related Human Rights Abuse*, https://www.business-humanrights.org/en/pdf-corporations-and-human-rights-a-survey-of-the-scope-and-patterns-of-alleged-corporate-related-human-rights-abuse (accessed 23 May 2008); Corporate Human Rights Benchmark, *Key Findings* (London: CHRB, 2017); Menno T Kamminga, 'Company Responses to Human Rights Reports: An Empirical Analysis' (2015) 1:1 *Business and Human Rights Journal* 95–10; Ralph Hamann, Paresha Sinha, Farai Kapfudzaruwa and Christoph Schild, 'Business and Human Rights in South Africa: An Analysis of Antecedents of Human Rights Due Diligence' (2009) 87:2 *Journal of Business Ethics* 454; Lutz Preuss and Donna Brown, 'Business Policies on Human Rights: An Analysis of Their Content and Prevalence Among FTSE 100 Firms' (2012) 109:3 *Journal of Business Ethics* 290.

[6] Obara, note 3; Obara and Peattie; McCorquodale et al; Arkani and Theobald; McBeth and Joseph; Morisson and Vermijs, note 4.

[7] Obara, note 3, 249.

I introduce rights-talk[8] as a conceptual lens for the translation of BHR and draw on a qualitative exploratory inquiry into how migrant employees in the British hospitality sector engage with human rights as a moral frame and a language to interpret and talk about their experience.[9] Several reasons underpin this specific, contextual focus. Global BHR standards recognize the vulnerability of migrant workers and require that both states and companies give them particular attention, because they are often 'excluded from the same level of legal protection of their human rights that applies to the wider population.'[10] Deepening current understanding of how such socio-legal inequality has an impact on the protection of migrant workers' rights, their ability to claim their rights and the resulting responsibility of business is especially critical in contexts of increasing anti-immigration discourse and policies, in Western advanced economies.[11] The British hospitality sector employs a large diverse workforce, including large numbers of migrant workers often assembled and segmented along social hierarchies of gender, race and class that reproduce sites of inequality in the workplace.[12] Organizational practices in the sector are also known for their neo-liberal characteristics including high flexibility but reduced job security; increase in humiliation and meaningless work; and lower pay and benefits.[13] Yet, despite increasing scrutiny on its adverse impacts, including risks of sexual harassment and modern slavery,[14] the industry remains understudied in BHR.[15] By focusing on migrant workers in this sector, the inquiry outlines how their lived-experience of persisting legal, social and labour inequality creates vulnerabilities[16] that can be framed in rights-talk and how this matters for the human rights responsibilities of companies and management.

The rights-talk framework outlined below, and the inductive methodology allow me to theorize about this labour segment's knowledge and agency, and the significance of social and organizational contexts on their engagement with human rights. Specifically, the

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[8]   Patricia H Werhane and Tara J Radin, *Employment and Employees Rights* (Oxford: Blackwell Publishing 2007) 7–31; Sally E Merry, 'Rights-Talk and the Experience of Law: Implementing Women's Human Rights to Protection from Violence' (2003) 25:2 *Human Rights Quarterly* 343–81.

[9]   Samentha Goethals, *From Business and Human Rights to Human Rights in Business: Framing Human Rights and Business Responsibility in the British Hospitality Sector* (2016) Doctoral Thesis, Oxford Brookes University. The empirical data were collected as part of this doctoral research exploring how employees, operation managers and senior managers in British hospitality businesses frame human rights. The multi-level data are the focus of another forthcoming article.

[10]   Human Rights Council, 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework', A/HRC/17/31 (21 March 2011) 29.

[11]   Rebecca Grumbrell-McCormick and Richard Hyman, 'What About the Workers? The Implications of Brexit for British and European Labour' (2017) 21:3 *Competition & Change* 169–84.

[12]   Hania Janta, Adele Ladkin, Lorraine Brown and Peter Lugosid, 'Employment Experiences of Polish Migrant Workers in the UK Hospitality Sector' (2011) 32 *Tourism Management* 1006–19; Eleonore Kofman, Sue Lukes, Alessio D'Angelo and Nicola Montagna, *The Equality Implications of Being a Migrant in Britain* (Equalities and Human Rights Commission, 2009), 78, reports that 22 per cent of the workforce in the hospitality sector is from a migrant background.

[13]   Anke Winchenbach, Paul Hanna and Graham Miller, 'Rethinking Decent Work: the Value of Dignity in Tourism Employment (2019) *Journal of Sustainable Tourism*; Thomas Baum, 'Human Resources in Tourism: Still Waiting for Change?—A 2015 Reprise' (2015) 50 *Tourism Management* 204–12.

[14]   Alexandros Paraskevas and Maureen Brookes, 'Human Trafficking in Hotels: an 'Invisible' Threat for a Vulnerable Industry' (2018) 30:3 *International Journal of Contemporary Hospitality Management* 1996–14.

[15]   Two studies in BHR have focused on the sector, i.e., the one underpinning this article: Goethals, note 9, and IHRB and Tourism Concern, *Frameworks for Change the Tourism Industry and Human Rights* (London: Friends House, 2012).

[16]   Shauna Olney and Ryszard Cholewinski, 'Migrant Workers and the Rights to Non-Discrimination and Equality' in Catherine Costello and Mark Freedland (eds.), *Migrants at Work: Immigration and Vulnerability in Labour Law* (Oxford: Oxford University Press, 2014) 260.

thematic analysis highlights the importance of (in)equality in migrant employees' everyday experience of what they come to problematize as rights issues including indignity, lack of care and lack of voice. It also foregrounds several disincentives for them to engage with rights-talk such as social and organizational disrespect, managerial disregard for employees' claims, and the latter's largely connotative use of human rights language. These insights advance theorizing on the translation of human rights in organizations from a bottom-up perspective, while the inquiry's micro-level focus enriches BHR's methodological toolkit. They provide a basis for further research into the complex dynamics and processes that will confront organizational actors as human rights is translated in organizations and becomes a moral frame and language to evaluate responsibility and access remedy.

The article proceeds as follows. Section II situates the inquiry in relation to emerging empirical research on the translation of BHR policies and mechanisms and introduces rights-talk as the conceptual lens underpinning the thematic analysis. Section III describes the research design, its significance and limitations. Section IV presents the research findings discussed in Section V in light of rights-talk theory. Section VI concludes by acknowledging the study's contributions and limits and outlining avenues for further research.

II. TRANSLATING HUMAN RIGHTS IN BUSINESS

A. Empirical Research

BHR scholarship encompasses a rich multi-disciplinary body of legal, business ethics and governance studies focused on debating and developing theory about the normative, accountability, and governance scope and impacts of global standards and mechanisms of corporate responsibility for human rights.[17] However, there is still limited empirical research that supports the field's theoretical and normative claims about how respecting human rights *should* or *ought to* be done in business practice.[18] Furthermore, while the challenges of translating human rights language and tools in business have been theoretically deconstructed,[19] empirical research on its *actual* processes and the perspectives of organizational actors (not solely companies and external stakeholders) is only emerging.[20] Spanning over a decade of policy-making, this new body of research has revealed the complexity of these processes and the nuanced meanings of BHR responsibility in practice. These studies are primarily quantitative and examine: what companies know and do about human rights; how they justify implementing relevant programmes and mechanisms; and how human rights

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[17]   Among many others: Wesley Cragg (ed.), *Business and Human Rights* (Cheltenham: Elgar, 2012); Radu Mares (ed.), *The UN Guiding Principles on Business and Human Rights – Foundation and Implementation* (Leiden: Brill, 2012); Surya Deva and David Bilchitz (eds.), *Human Rights Obligations of Business: Beyond the Corporate Responsibility to Respect* (Cambridge: Cambridge University Press, 2013); Jena Martin and Karen E Bravo (eds.), *The Business and Human Rights Landscape* (Cambridge: Cambridge University Press, 2015) 145–74; Aurora Voisculescu and Helen Yancopoulos (eds.), *The Business of Human Rights – An Evolving Agenda for Corporate Responsibility* (London: Zed Books, 2011); Cesar Rodriguez Garavito (ed.), *Business and Human Rights – Beyond the End of the Beginning* (Cambridge: Cambridge University Press, 2017).

[18]   George G Brenkert, 'Business Ethics and Human Rights: An Overview' (2016) 1:2 *Business and Human Rights Journal* 277–06; Obara, note 3.

[19]   Addo and Martin, note 1.

[20]   Schrempf-Stirling and van Buren, note 2.

responsibility is translated, implemented, and measured in business. They show that companies are increasingly engaging with human rights in discourse and practice by elaborating and implementing tools (e.g., measuring and benchmarking corporate human rights impact and responsibility),[21] frameworks (e.g., legal compliance, business *vs* moral case to respect human rights)[22] and mechanisms (e.g., Corporate Social Responsibility (CSR), Human Rights Due Diligence (HRDD) and impact assessments)[23] that can support them in defining and delivering their responsibility. Focused on multi-national companies and analyses of public corporate reporting and policies on human rights,[24] they provide useful overviews of corporate awareness of human rights in different business sectors (e.g., extractive and renewable energy, garment, food and beverage, agriculture, information technology, finance, pharmaceuticals, transport and engineering), which of these sectors are more involved in human rights abuses and in addressing issues, and which areas of human rights concern them most.[25] Because of their reliance on what companies report they are doing and the outcomes of these processes, these studies struggle to explain how companies and, especially, organizational actors become aware, make sense of, and engage with policies and mechanisms to address human rights impacts.[26]

The handful of qualitative and mixed methods studies that address this shortcoming investigate the processes companies follow as whole entities.[27] Their findings derive from surveys and interviews with senior managers responsible for CSR, ethics and human rights strategies that complement corporate policy analyses. These studies reveal challenges in the implementation of human rights in business practice and culture seldom considered in normative prescriptions of what companies should do,[28] and not captured in quantitative studies.[29] For instance, complex organizational and operational structures (e.g., globalized production systems; constraints upon ethical decision-making; and demands upon and cross-pressures within management) hamper processes to operationalize human rights standards such as HRDD,[30] while questions about the value added, lack of resources and costs of doing human rights, external problems of governance and local culture, and misunderstandings about the language and mechanisms of human rights over-ride the purpose of human rights programmes in favour of risk management in international organizations.[31] All these issues largely

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[21]   Damiano de Felice, 'Business and Human Rights Indicators to Measure the Corporate Responsibility to Respect: Challenges and Opportunities' (2015) 37:2 *Human Rights Quarterly* 511–55.

[22]   Björn Fasterling, 'Human Rights Due Diligence as Risk Management: Social Risk versus Human Rights Risk' (2017) 2:2 *Business and Human Rights Journal* 225–47.

[23]   McCorquodale et al, note 4; Kendyl Salcito and Mark Wielga, 'What Does Human Rights Due Diligence for Business Relationships Really Look Like on the Ground' (2018) 3:1 *Business and Human Rights Journal* 113–21.

[24]   Arkani and Theobald; McBeth and Joseph; Morisson and Vermijs, note 4; Wilson and Gribben; Wright and Lehr; Ruggie (2007 and 2008); Corporate Human Rights Benchmark; Kamminga; Hamann et al; Preuss and Brown, note 5.

[25]   The hospitality and tourism sectors do not feature in those studies focused on sectors where human rights abuses are the most documented.

[26]   Obara, note 3.

[27]   Ibid; Obara and Peattie; McCorquodale et al; Arkani and Theobald; McBeth and Joseph; Morisson and Vermijs, note 4.

[28]   John G Ruggie, *Just Business: Multinational Corporations and Human Rights* (New York: Norton & Company, 2013) 21–2.

[29]   Wright and Lehr; Preuss and Brown; Wilson and Gribben; Hamann et al; Ruggie (2007 and 2008); Kamminga, note 5.

[30]   Addo and Martin, note 1; Arkani and Theobald, note 4, 203.

[31]   Morisson and Vermijs, note 4.

concern organizational structures and managerial approaches, while behavioural and everyday issues of organizational culture and individual knowledge of human rights at the micro-level remain under-studied.

Studies interested in issues of translation of human rights language and processes in business have only partially addressed this gap.[32] They highlight the diverse and nuanced meanings of human rights in companies and for their stakeholders and expose a messiness that challenges the linear top-down processes of policy implementation and acculturation outlined and recommended in the United Nations Guiding Principles on Business and Human Rights (UNGPs).[33] Scholars have therefore suggested that these different meanings and interests be considered to comprehensively translate human rights responsibility in business operations and to create a common language and tools that encompass the expectations and needs of businesses, civil society critiques, and affected people.[34] This question of translation of human rights and related corporate obligations, however, has been framed as one that predominantly concerns corporations and their external stakeholders including human rights lawyers, non-governmental organizations (NGOs) and academics.[35] This framing reflects the ongoing dissensus that belies the so-called 'broad-based consensus' underpinning the UNGPs,[36] but it overlooks the complexity of BHR translation in organizations.

Translating human rights in companies entails a problem of organizational sensemaking and presents a particular challenge for management. Recent qualitative research shows that even where companies have advanced human rights policies the terms 'human rights' are often substituted for terms such as 'labour standards' or 'social issues',[37] creating a possible problem of conflation between specific legal compliance issues, corporate ethics and risk management strategies and tools intersecting with human rights. This is most remarkable where companies have implemented some form of HRDD mechanisms but do not use a human rights lens in their impact or risk assessment processes.[38] Therefore, as McCorquodale et al comment, these processes are unlikely to cover all human rights and identify adverse impacts that are more extensive than those existing under labour and health and safety procedures. CSR has also been found to provide a useful sensemaking basis for management to implement BHR, showing that despite their distinct managerial and legal foundations in practice the two approaches may come to overlap.[39] The internal translation and communication of BHR, however, are subject to managerial perceptions of workers' receptivity and needs for human rights. Driven by the view that something shifts and issues are amplified when the human rights

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[32] Obara, note 3; Obara and Peattie; McCorquodale et al; McBeth and Joseph, note 4; Addo and Martin, note 1.

[33] Human Rights Council, note 10, 29; Tara Melish, 'Putting "Human Rights" Back into the UN Guiding Principles on Business and Human Rights: Shifting Frames and Embedding Participation Rights' in Cesar Rodriguez-Garavito (ed.), *Business and Human Rights Beyond the End of the Beginning* (Cambridge, Cambridge University Press, 2017) 62–75.

[34] Obara, note 3; McBeth and Joseph, note 4.

[35] McBeth and Joseph, ibid, 95.

[36] Ruggie, note 28.

[37] Obara, note 3; Obara and Peattie; McCorquodale et al; McBeth and Joseph, note 4.

[38] McCorquodale et al, note 4, 207.

[39] Obara and Peattie, note 4.

phrasing is used internally, some companies aim to translate human rights for internal staff and integrate them in operational and commercial procedures rather than confining them to a formal strategic function (e.g., either legal, Human Resources or CSR).[40] In others, managers conceive human rights as 'too abstract, controversial and political'.[41] In these cases, the deployment of human rights language organization-wide and in communication with employees is not seen as a relevant managerial strategy because it could confuse and annoy employees as well as hinder sought-after behaviours believed to enhance human rights commitment in practice.[42] How managers form these perceptions of what employees know and should know about human rights, however, does not seem to be based on engagement with employees. These nuanced managerial perspectives call for further research on the significance of human rights for organizational change and organizational actors.

   This handful of qualitative and mixed methods studies offer valuable insights into issues of organizational structure, managerial decisions and strategies, and sensemaking of human rights that affect their translation in everyday organizational practice. Nevertheless, they overlook a critical layer of human rights practice in organizations, namely employees' understanding and articulation of human rights. Employees are traditionally core 'targets' of corporate human rights policies, as evidenced in reviews of human rights policy statements in different sectors including the hotel industry.[43] Indeed, employees are 'rights-holders' and thus 'beneficiaries' of these policies and human rights protection.[44] Furthermore, despite the constraints and opportunities present in organizational contexts, in their aggregate numbers, employees can play significant roles in enacting ethics strategies defined by organizations and their leaders in day-to-day operations.[45] Yet, the attitude of management identified by Obara and Obara and Peattie,[46] as well as the leader-driven approach recommended in the UNGPs[47] to operationalize human rights, might contribute to keeping employees unaware while hindering the upward translation of their human rights concerns. In response, this article contributes the perspectives of migrant employees.

B. Introducing 'Rights-Talk' in BHR

I introduce to concept of 'rights-talk' as a useful conceptual lens to explore and enhance theorization of questions of translation of human rights in business. Rights-Talk has

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[40] McCorquodale et al, note 4, 207.

[41] Obara, note 3, 19; this finding was echoed in four interviews with hotel managers and CSR directors conducted as part of the broader investigation from which the employee focus of this article is extracted, Goethals, note 9.

[42] Obara, note 3.

[43] Preuss and Brown, note 5; Goethals, note 9, found that the other three core commitments included in the nine hotel groups' human rights policy statements include: Ethics; Protection of the rights of children; Elimination of human trafficking. The surveyed hotel groups included: Accor, Hilton, Hyatt, InterContinental, Marriott, NH, Rezidor, NH, Starwood and Wyndham.

[44] Melish, note 33; Anna-Maria Marshall, 'Idle Rights: Employees' Rights Consciousness and the Construction of Sexual Harassment Policies' (2005) 39:1 *Law & Society Review* 83–24.

[45] Kathy Lund Dean, Jeri Mullins Beggs and Timothy P Keane, 'Mid-Level Managers, Organizational Context, and (Un)ethical Encounters' (2010) 97:1 *Journal of Business Ethics* 51–69; Ami N Seivwright and Kerrie L Unsworth, 'Making Sense of Corporate Social Responsibility and Work' (2016) 24:7 *Organizational Psychology* 443.

[46] Obara, note 3; Obara and Peattie, note 4.

[47] Human Rights Council, note 10, 16.

principally been used in legal anthropology and socio-legal studies to investigate the vernacularization of human rights in local contexts where human rights are 'foreign ideas'.[48] Rights-Talk invites investigation into 'how people speak about those norms [human rights], or aspire to expand or interpret them in new ways',[49] which may differ from the expert legalistic expression that guides the formal top-down operationalization of corporate human rights responsibility.[50] Rights-Talk theory explains that although rooted in Western philosophy, human rights are socially constructed and have historically acquired political functions by supporting diverse non-Western struggles.[51] Crucially for the purpose of this article, it recognizes human rights' connotative articulations, which are closer to people's everyday experience than their denotative expression.[52] Here, I combine two conceptualizations of rights-talk derived from its use in legal anthropology and in business ethics.[53]

Werhane and Radin's seminal study on employees' and employment rights is the main and only business ethics work that uses rights-talk.[54] They conceptualize rights-talk as a recent 'evaluative frame' derived from basic 'moral rights' or 'human rights'. Their conceptualization derives from a theory of equal rights and enables a broader understanding of employees' rights and evaluation of business and management responsibility through a lens that emphasizes the equality of human beings to consideration, protection and claims regardless of their occupational status or other social and legal categories (i.e., gender, class, migrant) in which they are positioned. These basic rights are: the right to equal consideration and treatment; the right to life, survival and subsistence; freedom through autonomy and non-coercion; safety for self-preservation; free speech and association for self-protection; equal opportunity and procedural due process; and privacy. As a moral frame, rights-talk can serve to evaluate experiences, moral intuitions and judgements of what we can claim for ourselves and for others to address deplorable situations and relationships and improve human behaviour.[55] It has connotative power to evaluate whether a situation or relationship is right as just and fair based on whether a situation or relationship respects human dignity and moral worth.[56] Werhane and Radin apply rights-talk to their normative argument to promote freedom, respect and productivity in the workplace in the United States, arguing that it could change prevailing mindsets in employment relationships by countervailing the economic and managerial language and the legal and constitutional structures that undercut employees' rights and agency. It remains unclear, however, how employees engage with this moral frame to interpret,

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[48]   Merry, note 8; Marshall, note 44; Mark Goodale and Sally E Merry (eds.), *The Practice of Human Rights – Tracking Law between the Global and the Local* (Cambridge: Cambridge University Press, 2007).

[49]   Richard A Wilson, 'Tyrannosaurus Lex: The Anthropology of Human Rights and Transnational Law' in Goodale and Merry, note 48, 350.

[50]   Ibid.

[51]   Werhane and Radin, note 8.

[52]   Mark Goodale, 'The Power of Right(S): Tracking Empires of Law and New Modes of Social Resistance in Bolivia (and Elsewhere)' in Goodale and Merry, note 48, 146; Sally E Merry, *Human Rights and Gender Violence* (Chicago: University of Chicago Press, 2006) 180.

[53]   Werhane and Radin, note 8, 30.

[54]   Werhane and Radin, note 8.

[55]   Ibid, 7.

[56]   Goodale, note 52, 160.

evaluate and challenge their situation. Yet, as we will see in Section IV below, this equality lens resonates deeply with the participants' experience.

Research into the vernacularization or translation of human rights in legal anthropology and socio-legal studies provides relevant empirical insights into the use of rights-talk. In these fields, it is conceptualized differently, as a language underpinned by a discourse of political persuasion and legal legitimization that can lead to the development of individual (legal) rights-consciousness or subjectivity.[57] This conceptualization invites investigation into how, why and when individuals and groups articulate rights-talk. Extant scholarship has primarily focused on the role of intermediaries (e.g., NGOs and activists) in translating this global normative discourse in locals where it is unfamiliar, for instance, to empower the struggles of indigenous people against state and business violations,[58] or those of battered women against their husbands and family in non-Western settings.[59] It shows that rights-talk may be used to amplify and legitimize what might seem mundane and trivial claims and challenge entrenched and normalized unequal power relations, injustice and violence. It also highlights that contextual socio-legal and cultural circumstances as well as questions of identity and recognition can either encourage or hinder the awareness, will and ability of rights-holders to identify themselves as rights subjects, conceive their struggles in rights-terms, and pursue their grievances and remedy through the law. How rights-talk is used as an interpretative frame and language in organizations, however, has received very limited attention, although Marshall finds that organizational dynamics, managerial attitude and remedial mechanisms influence whether and how women employees come to frame and act upon their experience of sexual harassment in rights-terms.[60] These insights are pertinent to questions of translation of BHR; they call our attention not only to the way employees use rights-talk but also to various external and organizational factors (structure) that can shape their awareness and ability to engage in it (agency).

Drawing on the above conceptualizations, I understand rights-talk as encompassing both the formal processes and informal local knowledge and use through which human rights are translated up and down in organizations. Here, I focus on its significance both as a moral frame through which employees might interpret and evaluate their situation, and a language through which they might articulate their concerns. What connects these perspectives and serves my theorization of employees' understanding and articulation of human rights is their emphasis on the moral and political dimensions of rights-talk, which have been perplexingly neglected in BHR. As a moral frame and language, rights-talk can shape an agentic rights-consciousness through which people come to see themselves as rights-bearing subjects who make and pursue their grievances as rights-claims. However, as described above[61] and reflected in the accounts of participants in this study, various social, legal, cultural, political and organizational factors, as well as subjective experience, can influence the ability of individuals to understand and articulate their

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[57]   Merry, note 8.
[58]   Goodale, note 52.
[59]   Merry, note 8.
[60]   Marshall, note 44.
[61]   Merry, note 8; Marshall, note 44; Goodale and Merry, note 48.

concerns and expectations in rights-terms. Ultimately, these contextual and subjective factors can shape the emergence of and individual action on rights-consciousness with implications for questions of translation, management and access to remedy in BHR.

By exploring migrant employees' engagement with rights-talk as both a moral frame and a language, I aim to contribute to discussions about organizational translation of BHR. The study offers rich insights into the concepts of human rights that define their situation and how rights-talk might help them articulate their concerns and expectations in relation to business responsibility. Furthermore, by foregrounding the voices of organizational actors marginalized in policy-making and scholarly discussions,[62] this article makes a unique contribution to a field where little is known empirically about human rights in organizational life.[63]

III. RESEARCH APPROACH

A. Research Design

To advance this emerging field of practice and theory, I used an interpretive exploratory qualitative methodology. This approach is especially relevant where there is a lack of plausible theory 'to contribute to knowledge about how a particular organizational phenomenon occurs, as well as what and how those phenomena mean'[64] and are experienced. The interpretive paradigm underpins my expansive conceptualization of rights-talk,[65] and acknowledges the situated and constructed nature of human understanding and knowledge.[66] Organizational actors, including employees, are thus seen as agents constructing the meaning of both social norms and their organization's ethical policies and practices in the day-to-day activity of their companies.[67] This perspective enabled me to explore and deepen current understanding of the less formal, connotative and situated ways employees of migrant background in low-level occupations in the British hospitality industry interpret, talk about and relate those norms to their experience.

B. Data Collection

I conducted 12 in-depth interviews with a purposeful selection[68] of employees of migrant background working in low-level occupations in hospitality businesses in London and

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[62]   Lisbeth Segerlund, 'Business, Human Rights and Marginalised Groups: Consultations as a Form of Democratic Participation in the Work of the UN?', paper presented at the '7th Pan-European International Relations Conference', organized by the European Consortium for Political Research and SGIR in Stockholm, Sweden, on 9-11 September 2010.

[63]   Kathleen M Eisenhardt and Melissa E Graebner, 'Theory Building from Cases: Opportunity and Challenges' (2007) 50:1 *Academy of Management Journal* 25; Mira Crouch and Heather McKenzie, 'The Logic of Small Samples in Interview-based Qualitative Research' (2006) 45:4 *Social Science Information* 483.

[64]   Ibid; Karen Golden-Bilde and Karen Locke, *Composing Qualitative Research* (London: Sage Publications, 2007) 5; Donald E Polkinghorne, 'Language and Meaning: Data Collection in Qualitative Research' (2005) 52:2 *Journal of Counselling Psychology* 140.

[65]   Brenkert, note 18, 179.

[66]   Peregrine Schwartz-Shea, 'Judging Quality: Evaluative Criteria and Epistemic Communities' in Dvora Yanow and Peregrine Schwartz-Shea (eds.), *Interpretation and Method: Empirical Research Methods and the Interpretive Turn*, (London: M.E. Sharpe, 2006) 89–14.

[67]   Barbara Czarniawska, *Narrating the Organization: Dramas of Institutional Identity* (University of Chicago Press, 1997).

[68]   Polkinghorne, note 64, 139; consistent with interpretive qualitative research, the qualitative term 'selection' is preferred to quantitative 'sampling'.

Oxford. These participants were selected because their individual experience could provide 'information-rich cases' for a study of employees' engagement with and in rights-talk in a sector that significantly relies on migrant labour.[69] The interviews were complemented by nine informal conversations conducted during observations in advice clinics, English classes, and social events run by the hospitality and migrant workers' branches of a national trade union (for profiles of the 21 participants, see Tables 1a and 1b).[70] Regular observations[71] at these events throughout 2013 enabled me to immerse myself in the participants' social context,[72] and gain 'tacit knowledge'[73] of their situations. They also enhanced the diversity of perspectives and breadth of coverage of the interviews,[74] thus contributing to the study's multi-vocality, richness and credibility.[75] Furthermore, I was able to build rapport with the participants through continuing, fruitful relationships.[76] Nevertheless, despite the time spent building rapport, only few people were willing and able to be interviewed for this study.[77] The difficulties encountered to gain access reflect the demands placed on and flexibility required of low-level hospitality workers. Several interviews were rescheduled at short notice or cancelled altogether because the participants lacked time, had work and family commitments, or were simply too tired to socialize, attend their classes or clinics. Fear of jeopardizing already precarious jobs, and thereby lack of trust in me and the purpose of my research also dissuaded potential interviewees.

The interviews lasted on average 90 minutes (contributing over 18 hours of recording) and covered such topics as: personal background, coming to/arriving in the UK, experience at work, human rights perception/expectation/experience, and ethical policies at work. This approach enabled a more relaxed style of interviewing with more openness and less interference on my behalf to encourage participants to expand on their accounts. I also employed a set of cards with human rights related terms to encourage participants to reflect on formal concepts and known issues in BHR.[78]

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[69]   Ibid, 140.

[70]   For concerns about hierarchical interference and issues of anonymity, I did not canvass work-floor employees directly in hospitality businesses.

[71]   I conducted observations twice a month for six months at the union hospitality branch clinics or English classes.

[72]   Crouch and McKenzie, note 63.

[73]   Sarah J Tracy, 'Qualitative Quality: Eight "Big-Tent" Criteria for Excellent Qualitative Research' (2010) 16 *Qualitative Inquiry* 844.

[74]   Matt Alvesson and Karen L Ashcraft, 'Interviews' in G Symon and C Cassell (eds.), *Qualitative Organizational Research: Core Methods and Current Challenges* (London: Sage, 2012) 239–57.

[75]   Tracy, note 73.

[76]   Crouch and McKenzie, note 63.

[77]   Polkinghorne, note 64, 140, underscores the importance of people's willingness to describe their experience to a researcher; Tracy, note 73, observes the significance of transparency as an evaluative criterion in qualitative research.

[78]   I used the concepts identified as commonly relevant in business by Ruggie, note 28, 21–2, including: Equal pay for equal work; Equality at work; Freedom to join a trade union or association and participate in collective bargaining; Respect and dignity; Just and favourable remuneration; Non-discrimination; Family life; Freedom from slavery, forced labour and child labour; Safe and healthy work environment; Privacy; Leisure and rest, and reasonable working hours; Physical and mental health; Access to medical services; Social security; Life, liberty and security of the person; Peaceful assembly; Adequate and decent standard of living (including food, clothing, housing, for health and well-being); Freedom from torture or cruel, inhuman, or degrading treatment; Freedom to hold opinions, freedom of information and expression; Freedom of thought conscience and religion; Equal recognition, treatment and protection under the law.

Table 1a. Interviewed participants

Pseudonym (group)	Origin, status and time in the UK	Age range	Job	Unique traits and positionality
Gracia (G2)	Colombian, Spanish Passport 4 years	45–50	Outsourced Cleaner with experience in hotels	Trained auxiliary nurse, spoke little English, worked as a cleaner in London, felt psychologically hurt by working conditions in agency, had family in London, outspoken.
Oscar (G2)	Colombian, Spanish Passport 6 months	50–55	Outsourced Cleaner with experience in hotels	Professional engineer, recently arrived in UK and spoke little English, worked as a cleaner, outspoken about poor working conditions, lack of respect and indignity at work, sent money home for daughters' education.
Cesar (G2)	Bolivian, Spanish Passport 4 years	45–50	Outsourced Cleaner with experience in hotels	Reserved, wanted to learn about human rights in the UK, confirmed perspectives of Gracia and Oscar, but had better experience and working conditions himself.
Maria	Colombian, Spanish Passport 2 years	55–60	Outsourced Cleaner with experience in hotels	Former schoolteacher, preferred to speak informally, outspoken about poor working conditions and psychological harm to workers, lack of respect and lack of care from employers and government.
Chigozie (G1)	Nigerian, British citizen +20 years	55–60	Chambermaid	Mother and grandmother, brought up her children by working as a chambermaid, active unionist, refused new contract which she found discriminated against her age, gender and deteriorating health, outspoken, lost her job as a result.
Cintia (G1)	Portuguese, British citizen +20 years	60–65	Chambermaid	Shy, contributed little but to confirm her colleagues' experience, active unionist, like Chigozie and Alma refused new contract without health benefits and bonus which led to her losing the job.
Alma (G1)	Colombian, British citizen +20 years	50–55	Housekeeping Supervisor	Like Chigozie and Cintia attached to long-term place of work, active unionist, distressed about unemployment after she refused new contract, mother of two, divorced, outspoken, lost her job as a result.
Kaja	Czech 6 years	30–35	Waitress (as she studied for MA and PhD)	Responded to call for interview from Los Alamos where she was recruited to do research after her PHD, outspoken about the lack of equality she experienced while working and studying in the UK, only participant who spoke about human rights in relation to the law.

Table 1a. (Continued)

Pseudonym (group)	Origin, status and time in the UK	Age range	Job	Unique traits and positionality
Mario	Italian +10 years	45–50	Stock-keeper	Quiet activist and union member, challenged employer regarding redundancy and kept his job, cynical about policies such as CSR and human rights, nervous during the interview.
Adi (G3)	Indonesian, spouse visa 2 years	35–40	Waitress	Accompanied her husband (Dian) for his PhD in the UK, looked after son, worked to make some money but not out of necessity, concerned by feeling of discrimination against people from Asia and Muslim countries and less caring employers.
Bircan	Turkish, student visa +3 years	20–25	Night Auditor/Receptionist (BSc hospitality student)	Student of hospitality with career ambitions and enthusiasm for the sector, concerned about disrespect from other staff and discrimination against certain nationalities in the UK, learned about more equal relationships at work during placement in London.
Nilan	British citizen	30–35	Night Auditor	Recently fired because of conduct and disagreement with other staff, angered by company not following its own Golden Rule in the way they treated him. Fighting case through union.

Table 1b. [79]Participants in informal conversations during observations

Pseudonym	Origin, status and time in the UK	Age range	Job/ Type of hotel	Reason to join Union
Ahmad	Lebanon British citizenship 20 years	45-50	Concierge 4* hotel Int. Chain	Advice Work overload
Mohammed	Lebanon British citizenship 20 years	45-50	Room Services 4* hotel Int. Chain	Advice Unfair dismissal
Abdu	Lebanon British citizenship 20 years	45-50	Concierge 4* hotel Int. chain	Advice Problem with management
Gloria	Ghana Italian citizen 10 years	45-50	Housekeeper	Advice Occupational health claim
Alia	Morocco British citizenship 20 years	50-55	Accountant 4* hotel Int. Chain	Advice Mother needing flexible work Discrimination
Jo	Portuguese 30 years	55-60	Head Chef 4* hotel Int. Chain	Advice Unfair dismissal
Mariella	Spanish 2 months	30-35	Housekeeper 3* hotel British Chain	English classes
Diego	Spanish 6 months	30-35	Front desk officer/receptionist 3* hotel British Chain	English classes
Inez	1 month	25-30	Housekeeper 3* hotel British Chain	English Classes

C. Data Analysis

Consistent with qualitative interpretivist methodology, I followed Braun and Clarke's six-stage thematic analysis to explore how employees use rights-talk as an evaluative frame and a language to understand and articulate their experience. My analytical approach was theory-driven and language-focused; I proceeded recursively and iteratively through these stages which I describe in a linear way below: (1) data familiarisation, (2) codes generation, (3) themes identification, (4) themes review, (5) themes definition and naming, and (6) theorization and report production.[80]

In the immersive and code generating stages (1–2), I paid particular attention to the participants' uses of human rights-related terms and notions in their accounts, e.g., workers' rights, dignity, respect, discrimination, equality and democracy, which signify rights-talk.[81] Then, I identified and tagged segments of text that responded to the research question and gave context to the way participants framed their concerns as human rights issues, for instance: positive or negative relationships with management; not having a contract or adequate equipment; feeling of inequality or indignity; experience of bullying related to being an immigrant, a cleaner, a woman, or a unionist; provision of food to employees as

[79]   Goethals, note 9, 65; I used pseudonyms to protect the participants' identity.

[80]   Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) 3:2 *Qualitative Research in Psychology* 15.

[81]   Werhane and Radin; Merry, note 8; Marshall, note 44.

Table 2. Thematic analysis stage 3, coding extracts

	Codes			Experience and positionality themes
Participant	Human rights concepts	Experience	Positionality	
Oscar	Dignity	– not having adequate equipment – feeling invisible	– being a migrant worker – being an outsourced cleaner	Experience: – discrimination – invisibility Positionality – migrant – low-level occupation
Kaja	Equality	– being treated worse or differently than British or Western European employees – feeling treated differently because of gender	– being a migrant worker – being a woman	Experience: – discrimination – equality Positionality: – migrant – woman

example of value or equality; health concerns; blaming the employer or government; fear of expressing issues; not being heard.

This coding laid the ground for the thematic stages of analysis. Themes are 'recurrent and distinctive features of participants' accounts characterizing their particular experiences'[82] in relation to human rights. Using a table with all the codes, I selected those that resonated with rights-talk, including those: with a distinct human rights-terms used by the participants; associated with an account of experience clarifying participants' understanding of human rights; and providing a broader context to their experiences of human rights based on their positionality.[83] This approach helped me to contextualize the participants' understanding and articulation of rights-talk. Table 2 below illustrates how I identified equality, discrimination and invisibility as experience themes; and migration, occupation and gender as positionality themes in the accounts of two participants.

I then created a thematic map to identify the main themes and sub-themes that linked the participants' situated understanding to their use of rights-talk. The sub-themes capture the participants' positionality and their experience about a situation, while the main themes conceptualize the problems they represent in rights-talk. Building on Table 2 on the main theme of discrimination, Fig. 1 presents the initial thematic map around discrimination. I identified two other main themes in the analysis: lack of care and participation for which I produced similar thematic maps.

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[82]   Nigel King and Christine Horrocks, *Interviews in Qualitative Research* (London: Sage, 2010) 150.

[83]   Floya Anthias, 'Where Do I Belong? Narrating Collective Identity and Translocational Positionality' (2002) 2:4 *Race and Class* 501, defines positionality as 'a placement within a set of relations and practices that implicate identification, "performativity" and action' in relation to 'the intersubjective, organizational and representational conditions for their existence'.
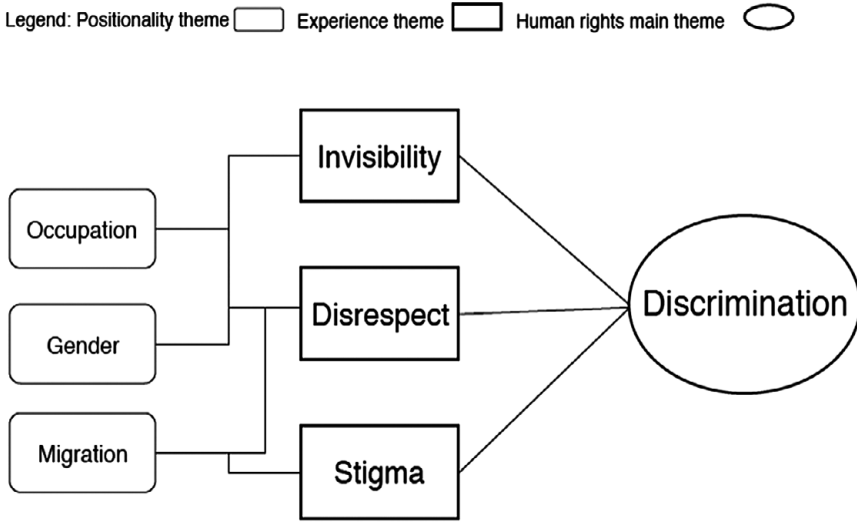
Legend: Positionality theme ▭ Experience theme ▭ Human rights main theme ⬭

Figure 1. Discrimination thematic map

Legend: experience theme ▭ Human rights theme ◯ Overarching theme ⬡
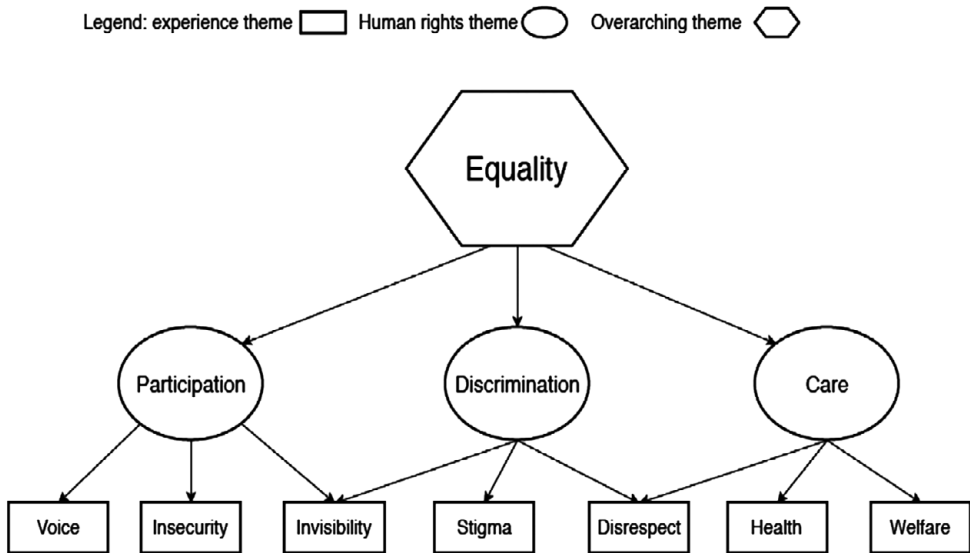

Figure 2. Equality final thematic map

Through the process of refining and reviewing individual themes, I identified equality as the over-arching theme which underlies the main themes of discrimination, care and participation, and the sub-themes of invisibility, disrespect and stigma; insecurity and voice; and health and welfare (see Fig. 2). The over-arching theme, main themes and sub-themes form a thematic map of the participants' concerns and aspirations at work

and in society which emerged as they reflected on and, at times, expressly used rights-talk during the interviews.

Based on this map, I drafted a detailed analysis for each theme focusing on what the participants' particular experiences said about the main thematic issues (i.e., their perception and experiences of discrimination, care and participation) and the over-arching theme (i.e., equality). I used the positionality themes (e.g., migration, gender, occupation, age) to explain the participants' understanding and articulation of rights-talk based on their situated experience.

D. Evaluation and Limitations

As an interpretive qualitative research, this study should be evaluated for its richness, multi-vocality, credibility and reflexivity among other criteria.[84] The small purposeful selection of participants, the methods of interview and observation and the thematic analysis aimed to fulfil these qualities by collecting and reporting on a series of intense, full, multiple, situated, sincere and saturated descriptions[85] of employees' understanding and articulation of rights-talk. Nevertheless, the data presented below can only offer a partial, situated and time-specific account of this phenomenon. Besides the small purposeful selection of participants, the data were collected when the norm of corporate human rights responsibility was only starting to register on the ethical compliance radar of big hospitality businesses and was not (yet) widespread in organizational communication or culture in the industry.[86]

Other limitations regarding the credibility of the study concern potential interview instrumentation by the participants, and interpretation bias in my analysis.[87] I attended to these limitations by reflecting on the participants' positionality and my own, and through resonance between the participants' experience and reported rights issues in the hospitality industry.[88] The participants' membership in the hospitality and migrant workers' branches of a union suggests that in principle they would be aware of employees' rights thanks to information received at advice clinics or in English classes. Furthermore, although I explained that I was not associated with the union, the participants might have seen me as an advocate and might have sought to emphasize the severity of their concerns assuming that the study would expose their grievances. Thus, throughout the analysis and writing process I checked in with myself to understand how their framing of their situation could affect my interpretation of their accounts. This led me to consider the issue of instrumentation as a finding itself. I theorized it as a possible politicized articulation of rights-talk by employees in a way that problematizes otherwise normalized labour issues. Relatedly, the problem of interpretation bias is offset by the study's expansive conceptualization of rights-talk. Bearing in mind the risk of making everything and

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[84]   Tracy, note 73; Crouch and McKenzie, note 63.

[85]   Polkinghorne, note 64.

[86]   Goethals, note 9, 107.

[87]   Ronald J Chenail, 'Interviewing the Investigator: Strategies for Addressing Instrumentation and Researcher Bias Concerns in Qualitative Research' (2011) 16:1 *The Qualitative Report* 255–62.

[88]   Tracy, note 73.

anything a rights issue,[89] this conceptualization enables the recognition of employees' connotative articulation of rights-talk. Furthermore, the participants' shared-experience and the connections they construct between their situation and rights-talk resonate with pervasive and well-documented employees' rights issues in the hospitality industry.[90] This resonance enhances the plausibility and vicariousness of their experience and strengthens the credibility of the findings presented in the next section.

IV. Findings – Migrant Employees Talking Rights

The focus of the interviews and informal conversations encouraged the participants to reflect on their situation and experience in relation to human rights. As presented below, rights-talk provided both a moral frame and at times a language through which the participants evaluated and described their experiences of inequality in the workplace and in British society, including intersecting issues of discrimination (section A); lack of care (section B), and participation (section C).

A. Discrimination – Disrespect, Stigma and Invisibility

Participants recently arrived in the UK variously associated their concern about equality to their feeling of being discriminated against and what they experienced as disrespect (i.e., lack of recognition as moral persons),[91] stigma and indignity in British society and at work. In the group interview, Gracia, Oscar and Cesar stressed their insecure and vulnerable position as foreign workers and agency cleaners outsourced by a variety of hospitality businesses. In 2013, they had been in the country between six months and two years; like several Latin Americans I met at the union English classes, they had left Spain due to the financial crisis, spoke little English, and relied on ethnic networks to settle and find work.[92] Throughout the interview, they framed and compared their experience of disrespect, mistreatment by their own compatriots, and invisibility in rights-talk, thereby emphasizing what they saw as common exploitative practices. Having learned about their statutory rights at the union-run English classes, Oscar and Cesar decried the absence of contract, uniform and equipment and the lack of respect for workers as human beings that they felt underpinned such practices:

> Oscar: *They don't give you contracts, so you're not sure what the terms are, what your work is.* […] *They don't give you uniforms, only a shirt! What uniform is this! Nothing else; no trousers, no jacket* […] *Workers should be seen and treated as persons, not animals. Dignity! Dignity must be respected. But it doesn't exist.*

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[89]   Brenkert, note 18.

[90]   Kofman et al, note 12; Winchenbach et al, note 13.

[91]   Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Cambridge: Polity Press, 1996); Lydia Morris, *Human Rights and Social Theory* (Basingstoke: Palgrave Macmillan, 2013).

[92]   Cathy McIlwaine, *Living in Latin American London: How Latin American Migrants Survive in the City* (London: Queen Mary University, 2007).

Like their colleagues I met during observations, they reflected on their current situation expecting that in the UK their human rights would be respected, and they would have a better life. Their dismay, however, intersected with their experience of deskilling, losing social status and encountering economic precarity upon migrating to a country where the language and culture are different. Gracia deplored the emotional impact of this trajectory:

> *In this country sincerely, sincerely, people who do domestic work live very poorly. They earn poor wages. They live poorly. And in these jobs there is no respect, no human rights, nothing for the worker! We are very badly treated here; not physically, but psychologically! For the worker in this sort of work, they don't look at you.*

Rights-Talks served them to evaluate these experiences of disrespect and invisibility. It highlights how their social class and migrant status intersect as sites of moral inequality and vulnerability.[93] As observed by social theorists rights, combined with poor working conditions, disrespect in social and organizational contexts can lead to a sense of invisibility that can profoundly affect workers' dignity, self-esteem, autonomy and wellbeing with implications for their ability to claim rights.[94]

Considering their situation through rights-talk led Adi and Kaja, two waitresses (the former in a hotel restaurant and the latter in high-end cocktail bars) to problematize the subtle ways disrespect occurred in interactions at work and with authorities. They related their sense of unequal treatment and lack of respect within British society and in the workplace to attitudes and perceived stigma against their foreign and migrant origins. Adi decried that human rights are about:

> […] *getting respect. But because of the colour of the skin, where you come from, your education, you are not equal. That's the problem… Because there are some people* [who] *think that when they look at Asian people, they feel like 'You're what stupid or something? We are above you, we are smarter than you'* […] *You know, sometimes you get that look from some people… you get the vibe… even in the immigration office when you are applying for your visa; that's happened too! I understand that it is because of the political situation and everything… but they still have no right to treat people like that, you know?*

She described the prejudice about intelligence, education, nationality and religion which she had sometimes sensed towards Asians and, specifically, Indonesians in the UK. Seen through the lens of human rights, small gestures – 'that look' or 'the vibe' – communicated attitudes of superiority, social distrust, and unequal treatment, which she castigated as hurtful, unfair and borderline unlawful in official settings.

Rights-Talk enabled Kaja to question the different treatments afforded to people of different nationalities and gender she observed in the workplace. She described recurrent,

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93   Morris, note 91; Linda McDowell Adina Batnitzky and Sarah Dyer, 'Division, Segmentation, and Interpellation: The Embodied Labors of Migrant Workers in a Greater London Hotel' (2007) 83:1 *Economic Geography* 1–25.

94   Morris; Honneth, note 91; Andrew Sayer, 'Dignity at Work: Broadening the Agenda' (2007) 14:4 *Organization* 573.

small, subjectively and emotively harmful discriminatory or bullying personal interactions at work that occurred to her as systemically overlooked:

> *The funny part is that it's not necessarily provable, in the strictest respect. It's a lot because obviously all these employers and these sectors have to comply with British laws and Britain has signed the international human rights treaties, and it's officially in their constitution too. However, what necessarily happens on the forefront or how the middle management will deal with employees may not exactly be clear. There are always these great points: how do you treat someone equally? You know, is it really equal? Can you prove this? Is your salary published? I felt like equality was definitely the biggest problem here! And, that's why the concept of human rights was like 'Okay, I know, what they are doing, they're violating!' They're violating in slight and very fuzzy ways, but it's almost cultural rather than legal!*

Kaja's experience of inequality led her to query the place and meaning of human rights in British society. To her, the differences between the law and the attitudes of managers towards their employees was a deeper problem. She distinguished between shady practices at work by managers and the legal commitments and obligations of the UK and, relatedly, businesses. Her view suggests that the more severe, reported and visible abuses were underscored by other frequent yet smaller and tacitly neglected issues, but that these micro-discriminations were not covered by equality and anti-discrimination laws and norms. They were permitted because of ingrained and tolerated social attitudes towards certain groups.

In the above accounts, rights-talk enables the participants to problematize everyday experiences of discrimination against migrants, people working in low-level occupations and women in light of broader forms of social and labour inequality. Framing these basic issues in rights-terms maybe a way to amplify and make them more visible as persisting issues in the hospitality sector and in British society, which as we see in the next section leads employees to raise issues of lack of care by their employers.

B. Care – Employees' Welfare and Health

A recurrent issue among the hotel employees seeking advice and support at the union clinics concerned issues of physical and mental ill-health due to pressure at work. Resonating with the findings of McIlwaine and Evans et al,[95] lack of care for the health and welfare of workers occurred as another main theme and manifestation of disrespect and unequal treatment in the hospitality sector. Echoing Gracia's concerns, Maria, a Colombian student in her fifties working for an agency outsourcing cleaners to hospitality businesses, described:

> […] *what is very important is we don't think about mental health. This is crucial, very important. We are asked to clean to very high standards, very high quality. But we get*

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[95] McIlwaine, note 92, 27; Yara Evans Jane Wills, Kavita Datta, Jo Herbert, Cathy McIlwaine and Jon May, 'Subcontracting by Stealth in London's Hotels: Impacts and Implications for Labour Organising' (2007) 10 *Just Labour: A Canadian Journal of Work and Society* 10.

none of this quality back. It's always faster, faster, and we have to give this quality. But it's harming us in the head; you end up losing it. The pressure is so high. Then you can't be a good person, do the job well, be a good parent, and work like that. The mental health is getting worse. The system is wrong and the government don't care, businesses don't care, it's all for their pocket. In the meantime, people go bad, become criminals; they can't care for others, for their family. Mental health is so important, but the government don't care, they don't do anything. There is a lot of suffering and pain because of that. Hour after hour, day after day, month after month, in this system, at this pace, your mental health deteriorates, becomes worse. It's a problem for society.

Like Kaja above, Maria seems to represent the problem as systemic in British society and in certain jobs, linking the pressure of poor working conditions with workers' mental wellbeing, and showing how mental health issues could adversely impact society. Within the broader evaluative frame of rights-talk, she situated the careless attitude of employers against the recklessness of the profit-driven economic and labour system, and the negligence of the British government towards mental health in allowing such relentless working conditions. Her account advanced a moral principle of care and the related expectation that both the government and businesses were responsible for the wellbeing of individual workers and by extension society.

This expectation of business responsibility for the health of their workers resonated with the accounts of Chigozie, Cintia and Alma. The three colleagues suffered from acute and incapacitating back pain, common among housekeepers,[96] and were fighting a case of unfair and discriminatory redundancy against their former employer with their union. A few months before we met in April 2013, the company had introduced a new contract without occupational health benefits and annual bonuses as a non-negotiable 'take it or quit' option and all three had decided to take redundancy. They explained,

Chigozie: *The new contract is basically nothing!*

Alma: *It's nothing, it's nothing! There is no bonus* […] *and what £10 a week for sick pay* […] *No more sick pay, no more bonus, and at the end of the day I'm sick and we don't have any more bonus now, we lost it!* […] *I've been off since January yeah! Because my back went!* […] *How can I live if I get sick? Especially in housekeeping; you have to do so much!*

Chigozie: *Now everything is gone, what do they want to do?* […] *And it's all these years! It's many years wasted! All the years wasted, our resources, our energy, to just come to this stage like this?! It's so regrettable!*

Cintia: *Health is everything!*

Alma: *To finish us, that's very disgraceful!*

Their understanding and articulation of rights-talk were imbued by their struggle and the discourse of the union branch campaigning for the interests and rights of workers. They saw the new contract as discriminatory and resented it as a personal injury because

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[96]   Sarah Oxenbridge and Maja Moensted, *Working Conditions and the Health and Safety of Room Attendants in Luxury Hotels* (2011) Workplace Research Centre, University of Sydney.

they were left with little protection in case of illness. Furthermore, they also saw the new contract as a lack of recognition for their years of service and commitment:

> Chigozie: *For my age, for my 15 years, give us something reasonable! Don't just throw us away after enjoying us! Woo us!* […] *No, once you are sick you are sick! £10 a week!* […] *They wanted to push it onto the Government when I got the pain I'm going through!*

> Alma: *Why do they* [the Government] *have to pay?*

> Chigozie: *Why should the Government pay now? Why* [are the company] *pushing it to the Government? I've been working for you even when you were renovating. It was dusty and I was suffering! Going through that! Making sure that, at the end, at my retirement, I'm going to have something and enjoy it! But now see what I'm getting, now I've got all the pains, you push me to the Government! How? All my years I've been working in this country, I've never received benefits!*

Besides the sense that their company had abandoned them, their concerns about recognition and respect as ageing but hardworking women with limited chances to find new employment shaped their articulation of their situation and of their company's responsibility. Their accounts suggest that the organization did not care for them as individuals and did not give value to their work and years of service for the profits of the hotel. They blamed the company for their ill-health and for putting them in the precarious and undignified position of depending on benefits when they had successfully raised families thanks to their hard work as room-attendants. Their perspective was also informed by their shared-concern to be seen as scroungers due to the toxic discourse against welfare-seekers and immigrants that pervades British media and political discourse.[97] To them, their employer had left them physically, financially and socially vulnerable, and, as discussed below, had used this new contract to isolate trade unionists and outspoken members of staff.

In these accounts, engaging with rights-talk enabled the participants to go beyond a focus on labour relationships. They framed the lack of care they experienced at work as a responsibility of their employer in relation to the broader discourse of austerity and the welfare responsibilities (or negligence) of the British government. Furthermore, they point to the intersections between gender, body and class as other sites of employees' struggle and corporate responsibility.

C. Participation – Voice and Insecurity

During our interview, Chigozie, Alma and Cintia picked the card 'freedom from discrimination' in the set and reflected on their redundancy:

> Chigozie: *'Freedom from discrimination'* […] *This is discrimination so mostly what they did with our issue. They discriminate against us because one, we are women, and two, because they look at our ages…*

Although the change of contract affected the whole of the housekeeping department, they felt especially targeted because of their age, ill-health and gender since the team was

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[97] Bridget Anderson, *Us and Them?: The Dangerous Politics of Immigration Control* (Oxford: Oxford University Press, 2013).

mostly women. Moreover, to them, the company was fostering a culture that undercut the rights of its employees to raise concerns, negotiate and oppose organizational decisions which undermined their working conditions and welfare:

> Chigozie: *There was one time they wanted to increase the number of rooms. Even with what we have it's so difficult, so we stood and said 'No! We are not going to increase!'* […] *After that meeting, the former HR and the other new one* [asked] *'Why are you always against the company?' I said 'God' I was shocked! I said 'It's not about the company! This is about us!' I said 'You are the one talking about the company and we are the life-line, the housekeeping! We make most of the money in there! And you are not even looking after us! We are always in pain with the job we are already doing! Every tool we are working with is so heavy! Then you are increasing the number of rooms from 11 to 14 rooms!' They wanted to put 14 rooms! What did they think? And you say it's a five-star hotel? You want the best? You are supposed to be reducing for us to give you good output! Then how can we do it?*

> Alma: *We know our names are given to new staff, because we've been watched… they call me as well,* [asking] *why I hate the company so much?*

Their own defiant conduct and their union activism were a response to an increase in an already hard and heavy workload, and other injustices they had felt as staff retained by the new company but never really integrated. As they depicted it, the management framed their opposition as a personal hatred and grudge against the company. The company refused to consider their wellbeing, blaming them instead, and thereby denying their own affective commitment to the hotel and obfuscating the broader context in which the decision to increase the workload was made. They were singled out from among their colleagues as those creating problems for the company. Other hotel employees interviewed during observations repeatedly talked about such strategies, the pressure on union members and the resulting low and declining unionization of the sector. At the time of research, the union hospitality branch was struggling to recruit members while most employees came to seek advice for individual problems and were reluctant to participate in collective action.[98]

Mario, a long-serving hotel stock-keeper, also fighting a protracted case through the union, emphasized a silencing culture where employees denouncing mistreatment would be framed as 'troublemakers'. He felt that while employees had the right to complain and could do so through an anonymous ethics hotline in his hotel, this right was only nominal and unequally realized. For instance, he stressed the silencing effect of outsourcing on agency housekeeping and cleaning staff:

> *Sometimes speaking with* [outsourced personnel] *I notice that they are not very happy. They are unhappy about their job because when there is the need for them to complain about something, there is always the threat of getting rid of them, so… The usual answer when they might complain about something is 'you can always go if you don't like the job' because they are loads of people ready to take over. So they are under threat, and they do whatever they are asked to do, like working extra hours without being paid! So this is the situation, yes!*

This explanation resonates with the findings of Evans et al,[99] and illustrates how outsourcing stratifies the rights status of employees between outsourced and in-house employees and has a silencing effect. The issue of voice and insecurity intersects with the main theme of equality and is echoed in Oscar's experience of working for an agency:

> *Generally, workers don't complain because they are afraid. Any critique or word from workers leads to dismissal, not bad work. It's very easy to replace the personnel in a group of people from the same country, but it makes it difficult for the worker to find another job.*

Mario, however, describes how this stratification and erosion of rights also extended to his own situation as an in-house employee. He felt his rights were only nominal because his management had repeatedly challenged his claims to improve his working conditions until he had sought the support of the union and threatened a court case. This resulted in his cynicism towards the role human rights could play to change his workplace:

> *It's utopic and I'm very sceptical about this! But I would like – the only thing apart from wages, minimum wages, London minimum wages, stuff like this – I really would like to be able to say honestly what I think and what are my problems! When a problem arises, being able to put it forward and solve it straight away – but this is not possible! And this is something that I'm facing every day, every hour of my working-day, but it's something that is not possible to deal with! Because there is no person that is in a position to independently assess the problem! You are in a dictatorship, not a democracy!*

Mario engaged in rights-talk in political terms as he contrasted 'democracy' and 'dictatorship' to amplify a silencing organizational culture in his hotel. In his experience, negotiation was hampered because his managers seemed unable to independently and critically examine and support claims of injustices resulting from business interests and labour practices in the pursuit of profit. Encouraged to consider organizational change from a rights-talk perspective, Mario eventually described his 'utopic' vision of a democratic organization wherein the culture would allow employees to speak freely and have their problems at work heard and directly addressed by their employers without them being considered wrongdoers.

V. DISCUSSION

Rights-Talk enables the exploration of connotative, informal, everyday expressions of human rights that are critical to understand the meaningfulness of these norms in locals where they may be foreign, including in business organizations. The analysis explored the local knowledge of human rights of migrant employees in the British hospitality sector

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[99]   Evans et al, note 95.

and revealed how rights-talk enables them to amplify experiences of discrimination, lack of care and participation. The analysis thus illustrates how fundamental notions and specific terms of human rights might provide employees with a language and a moral frame to evaluate experiences of inequality and emphasize deplorable though normalized situations and relationships in the workplace. This section discusses the findings and their implications for BHR translation in light of rights-talk theory to explain (a) employees' restricted use of rights-talk as a language to amplify basic inequality issues in organizational contexts, which contrasts with (b) rights-talk's significance as a moral equality frame through which they interpret and evaluate their situations against broader inequality discourses and practices in the workplace, society and law, all structures that (c) influence the development of their rights-subjectivity to revendicate their concerns.

A. A Language to Amplify Inequality Issues

The first contribution of the analysis highlights that the participants were seldom confident to speak in rights-talk; they gestured towards aspects of human rights without calling on specific rights – unless they picked a card in the set that spoke to their experience. This suggests that work-floor employees tend to be unacquainted with and unaware of formal human rights rules and regulations and relevant policies in their company, where available. Moreover, they would probably not think of their situation in terms of legal rights, even though their concerns (i.e., discrimination, health, negotiating with their employers about work-related issues) and the concepts they use could invoke specific rights, grievances and legal procedures.[100] This finding resonates with the perspectives of companies and managers discussed by Obara and McCorquodale et al[101] that the language of human rights risks alienating workers who might not understand it because of its technicality and ambiguity. This perspective suggests that for management this might incur problems regarding the downward translation of human rights. However, the lack of formal knowledge of human rights among migrant employees also indicates an obvious limit in their ability to call on rights-talk's denotative power to see their rights-claims translated-up, legitimized and remedied under specific rules.[102] In practice, this means that employees need rights education and the support of expert intermediaries and advocates, such as union representatives or lawyers particularly in sectors, such as the hospitality industry, where unionization is low and migrant workers are poorly represented.[103]

B. A Moral Frame to Evaluate Working Conditions

Nevertheless, while the denotative power of rights-talk through its legalistic expression may elude employees, their political dimension, which the managers in Obara's study observed as yet another obstacle to their communication in organizations, was not lost on

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[100]   Morris, note 91; Marshall, note 44.
[101]   Obara, note 3; McCorquodale et al, note 4.
[102]   Goodale, note 52.
[103]   Baum, note 13.

the participants. Indeed, rights-talk theory points to the emancipatory power of human rights thus far unheeded in BHR scholarship. The second theoretical contribution of this article is to have refined the conceptualization of rights-talk as both a language and a moral frame to capture this emancipatory dimension in the connotative way employees engaged with rights-talk and evaluated their experiences as migrant employees in low-level occupations. As explained by Merry, in her investigation of the translation of human rights in cases of gender violence, rights-talk can help individuals challenge existing assumptions about power and relationships.[104] Through this frame, individuals may come to perceive and define as harms and possible rights-claims what may otherwise be considered a normal situation in the context in which they live. This moral emancipatory aspect of rights-talk is reflected in the way participants invoked human rights notions including inequality, dignity, respect, discrimination, and democracy to expose the adverse impacts of pervasive inequality in individual decisions, actions, and responsibilities in their work and social relationships. In that sense, rights-talk can equip employees with a different way to think about power and inequality in society but also in organizational contexts, as seen in the analysis. For instance, they point to the stigmatization of and acts of discrimination against their low-level occupations, their migrant status and ethnicity, their womanhood and ageing bodies, or their belonging to a union. In so doing, they call attention to persisting basic rights issues that are meant to be addressed by equality laws and policies but appear to be unfulfilled in the hospitality sector in the UK. Engaging with rights-talk thus led them to reflect more broadly on their work issues by placing them in the broader context and discourses of inequality in British society. Their accounts of discrimination, lack of care and participation might appear as unsurprising and benign in employment contexts, especially when these contrast with the severe forms of harm, such as modern slavery, which have been identified as salient and are the focus of human rights risks-management in the hospitality sector.[105] Still, their framing of their being or feeling unrecognized, mistreated and not heard as equal to other workers or to British nationals in rights-terms highlights the potential role that translating human rights in business might play in probing tenacious humiliating working conditions in the hospitality sector and tolerated in British society.[106] In practice, this implies that human rights impact assessments should be sensitive to more basic issues that might already be addressed by internal policies and law (e.g., Equality Act UK 2010) but are obfuscated by established labour practices and relationships.[107]

More than their legal denotative meaning, the moral and political dimensions of rights-talk underlying employees' accounts could provide a useful reflexive lens in organizations in contexts where legal standards are limited or undercut rights protections;[108] for instance, as a moral foundation of human rights equality accentuates concerns about injustice in persisting structural and relational power inequalities in social and organizational processes and interpersonal dynamics. Creating spaces where

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[104] Merry, note 52, 180.
[105] Paraskevas and Brookes, note 14.
[106] Winchenbach et al, note 13.
[107] Goethals, note 9, 107–23.
[108] Werhane and Radin, note 8, 9.

employees' rights-talk and local knowledge are recognized and translated-up could serve to problematize organizational practices, contractual arrangements, individual conduct, and the company's culture, so that all organizational actors are treated in just and fair ways as equal, with respect, dignity and care, regardless of the minimum required under legal compliance.[109] Thereby, employees, or their representatives, and regular managers should be involved in translating human rights in ways that relate to their experience and knowledge, and not what is believed to matter or not for them in their jobs. This means that besides legal compliance and assessments to identify and determined salient risks, the language of human rights should not be avoided in day-to-day communication in ways that effectively keep employees unaware.[110]

C. Emerging Rights-Consciousness?

As suggested in some of the accounts presented above, rights-talk can provide a powerful language through which employees reinforce and 'dramatize' their moral claims and desire for autonomy, dignity, equality and integrity as individuals.[111] The third contribution of the analysis, however, indicates several disincentives that can inhibit the development of and individual action upon such consciousness among employees of migrant background. Their emphasis on issues of inequality and lack of participation highlight how lack of recognition and power dynamics, reproduced regardless of equality, inclusion and anti-discrimination policies at work and in society, weaken their ability to articulate their claims in rights-terms and ultimately develop a rights-consciousness. For instance, the subtle acts of discrimination and prejudices and subjective invisibility which some participants experienced in their social and labour relationships meant to them that they could not enjoy the protection of their rights, because they themselves and the poor treatment they met at work went unnoticed. Social theory of human rights explains how the dialectical dynamic between social status, access to rights and misrecognition in society and the workplace renders equality in rights merely notional.[112] This means that the protection that different categories of workers and migrants enjoy in society and at work may be undercut by the restriction of civic, employment, and other social rights through immigration law and policies. These restrictions can also undermine their capacity to articulate their concerns and be heard, because some categories of workers and migrants may be positioned, and relatedly come to position themselves, as individuals lacking civic virtue and moral status, and thus less deserving of the rights they can claim in society and in the workplace.[113] This insight is especially critical in times of anti-immigration discourse, and demands further investigation into the implications of this discourse on legal protection and the responsibility of business to respect migrant workers in the UK and elsewhere.

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[109]   This argument is also supported by Winchenbach et al, note 13, in their recent study on the value of dignity in tourism employment.

[110]   Obara, note 3, 24.

[111]   Mark Goodale, 'Ethical Theory as Social Practice' (2006) 108:1 *American Anthropologist* 24; Sayer, note 94.

[112]   Morris; Honneth, note 91.

[113]   Ibid.

Other factors identified that might inhibit rights-talk and consciousness include feelings of insecurity to lose already precarious jobs, and the lack of social dialogue and worker involvement in ethics processes and decision-making in the highly-segmented, labour-consuming and under-unionized hospitality sector.[114] Corroborating Marshall's findings,[115] the participants inter-subjectively derived a sense of what is socially and organizationally tolerated as just and fair treatment from their everyday experiences and interactions at work. This is well illustrated in their accounts about their lack of voice and ability to democratically and honestly engage their managers or employers regarding workplace concerns. Their reaction was partly aggravated by the dismissive attitude of management towards their claims and their opposition to change in workload and lesser contractual terms.

It is therefore unclear whether the ways in which migrant employees engage with and in rights-talk underwrites an active rights-consciousness that would enable them to challenge their employers in rights-terms. Legal anthropologists have observed that the depth of rights-consciousness among individuals whose rights are abused is often limited unless they benefit from expert support and trust that rights procedures and remedial mechanisms are independent.[116] However, while this raises the critical question about the relevance of human rights in business, the findings also invite further research into the external (i.e., socio-legal, politico-economic), internal (i.e., managerial and organizational culture), and behavioural factors enabling or inhibiting rights-consciousness among employees and their implications for access to remedy.

VI. CONCLUSION

This article contributes to the discussion on the translation of BHR by exploring how migrant employees in the British hotel sector understand and articulate human rights. It also introduces rights-talk and insights from legal-anthropology and socio-legal research to advance theorization of human rights translation from the bottom-up in organizations. This methodological contribution revealed that rights-talk resonates with the experience of migrant workers not as a denotative language to articulate rights-claims but as a moral frame to talk about, evaluate and amplify what they perceive as unequal, adverse situations and relationships that may be normalized in the workplace and in British society. This moral frame also underlies their expectations of respect, responsibility and protection by their employers and the government. These findings led me to theorize the political and emancipatory appeal of rights-talk for employees, as well as potential disincentives to the development of rights-consciousness including such contextual factors as migrant status, social recognition, organizational culture and managerial attitude. I suggested that these elements matter for the meaningful

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[114]   McDowell et al, note 93, 2.
[115]   Marshall, note 44.
[116]   Goodale, note 52; Marshall, note 44.

translation of BHR in which employees should be involved and have implication for their willingness and ability to seek access to remedy through organizational processes.

These theoretical insights open avenues for further research now that corporate human rights responsibility policies and remedial mechanisms are more established. For instance, this study's bottom-up and micro-level focus and conceptualization of rights-talk could be expanded to advance understanding of the way human rights are translated up and down in organizations. At a time when anti-immigration discourse and policies are on the rise and erode the rights protection of migrant workers, research could investigate how migrant employees and employers organize around human rights to prevent exploitation; or again how knowledge of human rights among (migrant) employees might create more politicized workplaces as rights-talk is used to challenge trivialized exploitative practices. Situated bottom-up investigations, such as this one, are necessary to expand burgeoning knowledge about the significance of corporate human rights responsibility for those organizational actors who stands to benefit from it the most. While not generalizable to all employees and sectors, it is hoped that the findings encourage further research into employees' rights-talk and help the translation of human rights into a 'language that is meaningful, well-known and grounded in the everyday experiences of stakeholders'.[117] Such managerial tasks under the current framework could be supported by surveys of organizational actors' knowledge of human rights in different occupations, sectors and countries.

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[117]   Obara, note 3, 19.